PART – I

THE TAMIL NADU

PENSION RULES, 1978

THE TAMIL NADU PENSION RULES

THIRD EDITION

[*Corrected till 31st May 2010*]

116-5—1

PREFACE TO THE THIRD EDITION

The previous edition of this book stands corrected till 21st August 1986.

2. This edition has been revised incorporating all the amendments issued during the period from 22nd August 1986 to 31st May 2010.

3. Part-I contains "The Tamil Nadu Pension Rules, 1978".

4. Parts II, III and IV contains "The Tamil Nadu Extraordinary Pension Rules", "The Tamil Nadu Retiring and Invalid Gratuities (Non-Pensionable Establishment) Rules, 1941" and "Tamil Nadu Civil Pensions (Commutation) Rules, 1944".

5. Various Gratuity Rules, the All India Service (Death-cum-Retirement Benefits) Rules, 1958, the Pension Act, 1871 and High Court Judges (Conditions of Service) Act, 1954 are also included in the Appendices.

6. Errors or omissions, if any found in this book, may be brought to the notice of the Principal Secretary to Government, Finance (Pension) Department, Government of Tamil Nadu.

Dated 31st May 2010.
Finance Department,
Government of Tamil Nadu.

K.SHANMUGAM
Principal Secretary to Government

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THE TAMIL NADU PENSION RULES, 1978

CHAPTER – I.

PRELIMINARY

1. ***Short title and commencement.***- (1) These rules may be called the Tamil Nadu Pension Rules, 1978.

(2) They shall be deemed to have come into force on the 1st January 1979.

2. ***Application.***– Save as otherwise provided in these rules, these Rules shall apply to all Government Servants appointed to Services and posts in connection with the affairs of the State which are borne on pensionable establishments, whether temporary or permanent, but shall not apply to –

a) Persons in causal and daily rated employment;

b) Persons paid from contingencies;

c) Persons employed on contract expect when the contract provides otherwise;

d) Members of the All-India Services;

e) Persons entitled to the benefit of a Contributory Provident Fund;

f) Persons who are entitled to the benefits under the Factories Act, 1948 and the Employees Provident Fund Act, 1952 excluding those who are governed by Statutory Service Rules and belong to pensionable service.

[1][Provided that these rules shall not apply to Government servants appointed on or after the 1st April 2003, to services and posts in connection with the affairs of the State which are borne on pensionable establishment, whether temporary or permanent.]

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

(1) (a) '*Audit Officer*' means the Accountant – General, Tamil Nadu, for service under the Tamil Nadu Government and the appropriate Audit Officer, for service under any other Government or body:

(b) '*Average Emoluments*' means average emoluments as determined in accordance with rule 31;

(c) '*Child*' means a child of a Government Servant who if a son, is under [3][21years] 25 years of age and if a daughter is unmarried, and is under [2][24 years] [3][30 years] 25 years of age and the expression children shall be construed accordingly;

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[1] *Proviso added to Rule 2 – G.O.Ms.No.259, Finance (Pension) Department, dated 06-08-2003.*

[2] *Definition (c) for the expression "24 years", the expression "30 years" substituted - G.O.Ms.No.282, Finance (Pension) Department, dated 07-04-1995 with effect from 29th January 1987.*

[3] *Definition (c) for each of the expression "21 years" and "30 years", the expression "25 years" substituted - G.O.Ms.No.283, Finance (Pension) Department, dated 07-04-1995 with effect from 1st June 1988.*

[1](cc) '*Dearness Allowance*' means allowances as defined in rule 50-A;

(d) '*Emoluments*' means emoluments as defined in rule 30;

[2](e) '*Family Pension*' means 'Family Pension, 1964' admissible under rule 49 but does not include dearness allowance;

(f) '*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 of India or Consolidated Fund of a State or the Consolidated Fund of a Union territory;

(g) '*Form*' means a Form appended to these rules;

(h) '*Government*' means the Government of Tamil Nadu;

(i) '*Gratuity*' includes-

(i) '*Service gratuity*' payable under sub-rule (1) of rule 43

(ii) '*Death- cum- retirement gratuity*' payable under sub-rule (I) of sub- rule (3) of rule 45; and

(j) '*Head of a Department*' means and include-

(i) Officers who have been declared by the Government to be Heads of Department ;

(ii) Any other authority to which Government may delegate the powers of Head of a Department ;

(k) '*Local Fund administered by Government*' means the fund administered by a body which by law or rule having the force of law, comes under the control of the Government and over whose expenditure the Government retain complete and direct control;

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

[3](m) '*pension*' includes gratuity except when the term pension is used in contradistinction to gratuity but does not include dearness allowance;

(n) '*pension sanctioning authority*' means the authority competent to sanction pension under rule 55;

(o) '*qualifying service*' means permanent or officiating service (including temporary service under emergency provisions) rendered in a post included in a pensionable establishment;

(p) '*retirement benefits*' include pension or service gratuity and death-cum-retirement gratuity, where admissible;

(q) pension is said to be chargeable according to the 'rule of proportions' when the charge is debitable to several accounts in the proportions in which, the aggregated pay drawn by the officer during the whole of his qualifying service has been paid from them;

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[1] *Definition (cc) inserted - G.O.Ms.No.902, Finance (Pension) Department, dated 26-11-1992.*

[2] *Definition (e) substituted for ""family pension" means contributory family pension admissible under rule 49 and includes non-contributory family pension admissible under rule 50;" - G.O.Ms.No.902, Finance (Pension) Department, dated 26-11-1992.*

[3] *Definition (m) substituted for "pension' includes gratuity except when the term pension is used in contradistinction to gratuity;" in G.O.Ms.No.902, Finance (Pension) Department, dated 26-11-1992.*

NOTE- (i) Duty allowance and deputation (duty) allowance should be included in pay for the purpose of this rule.

(ii) If according to the rule of proportions the share of pension chargeable to one account does not exceed one rupee no charge shall be made to this account; and the share shall be borne by the account chargeable with the greatest share.

(r) '*Treasury*' includes a Sub-Treasury

(2) Words and expressions used herein and not defined but defined in the Fundamental Rules have the meanings respectively assigned to them in those rules.

4. ***Government servants transferred from services and posts to which these rules do not apply.***– (1) A Government servant who is transferred permanently to a service or post to which these rules apply from a service of posts to which these rules do not apply shall become subject to these rules;

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

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

(3) The option once exercised shall be final.

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CHAPTER - II

GENERAL CONDITIONS

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

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

[2][Provided that in the case of a Government servant who is retired prematurely or who retires voluntarily under clauses (d) and (e) of Rule 56 of the Fundamental Rules or Rule 42 of these rules, as the case may be, the date of retirement shall be treated as non-duty day.]

(3) The Government reserve to themselves the right of changing these rules regarding pension, from time to time at their discretion and of interpreting their meaning in case of dispute.

6. ***Full pension subject to approved service.***- (1) Except for [3][***] family pension admissible under rule 49, full pension admissible under these rules shall not be sanctioned to a Government servant unless the service rendered by such Government servant has been approved by the pension sanctioning authority as satisfactory.

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

Provided that no order regarding reduction in the amount of pension or gratuity or both shall be made unless the Government servant has been given a reasonable opportunity for making a representation in the matter:

Provided that further in a case where the pension sanctioning authority is subordinate to the Government, no order regarding reduction in the amount of pension shall be made without the approval of the Government:

Provided also that the amount of pension shall not be reduced below the limit specified in sub-rule (5) of rule 43.

NOTE – The reduction in pension under the above rule shall be affected in whole rupees and shall not be expressed on percentage of pension.

(3) For the purposes of sub-rule (2), the expression 'Pension sanctioning authority' shall mean the authority which is competent to make appointments to the service or post from which the Government servant retires.

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[1] *Rule 5(2) substituted - G.O.Ms.No.590, Finance (Pension) Department, dated 09-10-1998 with effect from 1st January 1979.*

[2] *Proviso to Rule 5(2) added - G.O.Ms.No.54, Finance (BG-III) Department, dated 03-02-1982.*

[3] *Rule 6(1) the word "contributory" omitted - G.O.Ms.No.615, Finance (Pension) Department, dated 21-07-1995 with effect from 1st January 1979.*

(4) 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.

[(5) The Tamil Nadu Public Service Commission shall be consulted before orders making a reduction in the amount of pension are passed.] *(till 10th November 1988)*

[1][(5) Before passing an order reducing the amount of pension or gratuity or both under this rule, Tamil Nadu Public Service Commission shall be consulted if the Government Servant does not agree to such reduction. The Tamil Nadu Public Service Commission need not be consulted in cases where the Government Servant agrees to the reduction in the amount of pension or gratuity or both, but a copy of the order passed by the Government in such cases shall be sent to the said Commission.]

(6) Nothing contained in this rule shall apply –

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

(b) where a part of pension has been reduced under rule 39.

(c) to effect any recovery which has the effect of punishment.

7. ***Limitation on number of pensions.***- (1) A Government servant shall not earn two pensions in the same service or post at the same time or by the same continuous service.

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

8. ***Pension subject to future good conduct.***– (1) (a) Future good conduct shall be an implied condition of every grant of pension and its continuance under these rules:

(b) The pension sanctioning authority may by order in writing 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 limit specified in sub-rule (5) of rule 43.

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

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

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[1] *Rule 6(5) substituted - G.O.Ms.No.572, Finance (Pension) Department, dated 16-8-1993 with effect from 11th November 1988.*

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

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

(4) where the authority competent to pass an order under sub-rule (1) is the Government, the Tamil Nadu Public Service Commission shall be consulted before the order is passed.

(5) An appeal against an order passed under sub-rule (1) by any authority other than the Government, shall lie to the Government and the Government shall, in consultation with the Tamil Nadu Public Service Commission pass such orders, on the appeal as they deem fit.

NOTE:- *In this Rule*:-

(a) the expression "serious crime" includes a crime involving an offence under the Official Secrets Act, 1923 (19 of 1923);

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

[1]**8-A.** ***Prohibition of membership of any Communal Organisation, etc.***- (1) No pensioner shall be a member of, or be otherwise associated with any organisation:-

(a) which promotes or attempts to promote on grounds of religion, race, place of birth, residence, language, caste or community or any other ground whatsoever, disharmony or feelings of enmity hatred or ill will between different religious, racial, language or regional groups or castes or communities, or

(b) whose activities are prejudicial to the maintenance of harmony between different religious, racial, language or regional groups or castes or communities and which disturbs or is likely to disturb the public tranquility; or

(c) which organises any exercise, movement, drill or other similar activity intending that the participants in such activity shall use or be trained to use criminal force or violence, or knowing it to be likely that the participants in such activity will use or be trained to use criminal force or violence against any religious, racial, language or regional group or caste or community and such activity for any reason whatsoever causes or is likely to cause fear or alarm or a feeling of insecurity amongst members of such religious, racial, language or regional group or caste or community.

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[1] *Rule 8A. added - G.O.Ms.No.89, Finance (Pension) Department, dated 25-2-2000 with effect from 25-02-2000.*

(2) If any question arises whether any organization falls under sub-rule (1), the decision of the Government thereon shall be final.

(3) If a pensioner violates the sub-rule (1), the pension sanctioning authority may by order in writing withhold or withdraw a pension or part thereof, whether permanently or for a specified period.

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 limit specified in sub-rule (5) of rule 43.

(4) The authority referred to in sub-rule (3) shall, before passing an order thereunder,-

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

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

(5) Where the authority competent to pass an order under sub-rule (3) is the Government, the Tamil Nadu Public Service Commission shall be consulted before the order is passed.

(6) An appeal against an order passed under sub-rule (3) by any authority other than the Government shall lie to the Government and the Government shall, in consultation with the Tamil Nadu Public Service Commission, pass such orders on the appeal as they deem fit.

9. ***Right of Government to withhold or withdraw pension.***- (1) (a) The Government reserve to themselves the right of withholding or withdrawing a pension or part thereof, whether permanently or for a specified period if, in any departmental or judicial proceeding, the pensioner is found guilty of grave mis-conduct or negligence during the period of his service, including service rendered upon re-employment after retirement, and such withholding or withdrawing the pension may be effected irrespective of the fact whether or not any pecuniary loss on account of such grave misconduct or negligence was caused to the Government, to any local body or to any Co-operative Society comprising of Government servants and registered under the Tamil Nadu Co-operative Societies Act, 1961;

[1][Provided that before passing an order under this sub-rule withholding or withdrawing the pension of a pensioner, the Tamil Nadu Public Service Commission shall be consulted if the pensioner does not agree to such withholding or withdrawal of the pension. The Tamil Nadu Public Service Commission need not be consulted in cases where the pensioner agrees to withholding or withdrawal of the pension but a

[1] *First proviso to Rule 9(1)(a) substituted - G.O.Ms.No.572, Finance (Pension) Department, dated 16-08-1993 with effect from 16th August 1993.*

copy of the orders passed by the Government in such cases shall be sent to the said Commission.]

Provided further that where a part of pension is withheld or withdrawn, the amount of such pension shall not be reduced below the limit specified in sub-rule (5) of rule 43.

(b) In case there is any pecuniary loss caused to the Government, to any local body or to any co-operative societies comprising of Government servants and registered under the Tamil Nadu Co-operative Societies. Act. 1961, and if in any, departmental or judicial proceedings, the pensioner is found guilty of grave misconduct or negligence during the period of his service including service rendered upon re-employment after retirement, the Government shall also have the right of ordering recovery from the Pension [1][or Death-cum-Retirement Gratuity] of the whole or part of the pecuniary loss caused by such grave misconduct or negligence:

Provided that the Tamil Nadu Public Service Commission shall be consulted before any final orders under this clause are passed.

Explanation:- '*Judicial Proceeding*' shall include proceeding before any Tribunal constituted by an Act of Parliament or the State Legislature or by a Rule.

(2) (a) The department proceeding referred to in sub-rule(1) 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 proceedings under this rule and shall be continued and concluded by the authority by which they were commenced in the same manner as if the Government servant had continued in service:

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

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

(i) shall not be instituted save with the sanction of the 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.

[2](3) [***]

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[1] *Rule 9(1)(b) the expression "or Death-cum-Retirement Gratuity" inserted - G.O.Ms.No.1258, Finance (Pension) Department, dated 29-11-1990*

[2] *Rule 9(3) omitted - G.O.Ms.No.344, Finance (Pension) Department, dated 22-4-1994.*

(4) In the case of a Government servant who has retired on attaining the age of superannuation or otherwise and against whom any departmental proceedings are continued under sub-rule (2), [1][or any enquiry is being conducted by the Director of Vigilance and Anti Corruption], a provisional pension as provided in rule 60 or rule 69 as the case may be, shall be sanctioned.

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

(6) For the purpose of this rule:-

[2][(a) departmental proceedings shall be deemed to include the enquiry pending before the Tribunal for disciplinary proceedings.]

(b) departmental proceedings 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

(c) judicial proceedings shall be deemed to be instituted-

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

(ii) in the case of civil proceedings, on the date on which client is presented in the court.

NOTE.-(1) As soon as proceeding of the nature referred to in the above rule are instituted, the authority which institutes such proceedings should without delay, intimate the fact to the Accountant-General concerned.

NOTE.-(2) If an officer against, whom an enquiry is held is unable to satisfactorily account for possession by himself or by any other person on his behalf, e.g., dependants, or pecuniary resources or property disproportionate to his known sources of income, a charge of corruption should be presumed to have been proved against him and the case will come within the purview of this rule. The position is that the term "grave misconduct" used in this rule is wide enough to include corrupt practices. In cases where the charge of corruption is proved only after pension has been sanctioned, and it is not therefore possible to invoke the provisions of rule 6, action to withhold or withdraw pension may be taken under this rule. In this connection [3][the provision of rule 9 (2) is] to be noted carefully. In accordance with these provisions the property or pecuniary resources in respect of

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[1] *Rule 9 (4) the expression "or any enquiry is being conducted by the Director of Vigilance and Anti Corruption" inserted - G.O.Ms.No.308, Finance (Pension) Department, dated 02-05-1988 with effect from 1st October 1999.*

[2] *Rule 6(a) added and clauses (a) & (b) renumbered as (b) and (c)"- G.O.Ms.No.174, Finance (Pension) Department, dated 16-02-1990 with effect from 1st January 1979.*

[3] *Rule 9(6)(c)(ii) Note (2) for the expression "the provisions of rules 9(2) and 9(3) are", the expression "the provisions of rules 9(2) is" substituted - G.O.Ms.No.344, Finance (Pension) Department, dated 22-04-1994.*

which the [1][departmental proceedings] are instituted under rule 9 should have been acquired by the person concerned or any other person on his behalf any time within the period of four years before the institution of such proceedings if not instituted while the officer was on duty either before retirement or during re-employment.

10. ***Commercial and private employment after retirement.***- (1) If a pensioner to whom this rule applies wishes to accept any employment, whether commercial or private, before the expiry of two years from the date of his retirement or any employment under a Government outside India at any time, he should obtain the previous sanction of the Government to such acceptance.

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

(3) If any pensioner takes up any commercial/private employment at any time before the expiry of two years from the date of his retirement without the prior permission of the Government or commits a breach of any condition subject to which permission to take up any commercial/private employment has been granted to him under this rule, it shall be competent for the Government to declare by order in writing and for reasons to be recorded therein that he and also be entitled to the whole or such part of the pension and for such period as may be specified in the order.

(4) The rules shall to all pensioners who immediately before retirement were [2][gazetted] self drawing officers under the rule-making control of the Government or were on leave preparatory to retirement and would have held [2][gazetted] self drawing posts but for proceeding on such leave.

(5) For the purposes of this rule employment under a Government outside India shall includes employment under a local authority or corporation or any other institution or organization which functions under the supervision or control of a Government outside India.

NOTE (1).- No officer on leave preparatory to retirement should be permitted except for very special reasons to accept any employment until such leave expires and he enters on pensions.

NOTE (2).- In the case of a pensioner who is re-employed under the Government the period of two years shall be reckoned from date of termination of his re-employment.

NOTE (3).- In this rule "commercial employment" means a employment in any capacity, including that of an agent, under a company, co-operative society, firm or individual engaged in trading, commercial, industrial, financial or professional business and includes also a directorship of such company and a partnership of such firm and also include employment under a body corporate owned or controlled by Government.

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[1] *Rule 9(6)(c)(ii) Note (2) for the expression "the departmental or judicial proceedings", the expression "the departmental proceedings" substituted - G.O.Ms.No.344, Finance (Pension) Department, dated 22-04-1994.*

[2] *Rule 10(4) for the word "gazetted" occurring in two places, the words "self drawing" substituted - G.O.Ms.No.118, Finance (Pension) Department, dated 14-03-1997.*

Explanation I.-Employment under co-operative society shall include the holding of any office, whether elective or otherwise, such as that of President, Chairman, Manager, Secretary, Treasurer and the like, by whatever name called, in such a society.

Explanation II.- For the purpose of this rule, commercial employment shall also include setting up practice, either independently or as a partner of a firm, as adviser or consultant in matter in respect of which a retired Government servant.

(i) has no professional qualifications and the matter in respect of which the practice is to be set up or is carried on are relatable to his official knowledge or experience; or

(ii) has professional qualification but the matters in respect of which such practice is to be set up are such as are likely to give his clients an unfair advantage by reason of his previous official position, or

(iii) has to undertake work involving liaison or contract with the offices or officers of the Government.

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CHAPTER - III

QUALIFYING SERVICE

11. ***Commencement of qualifying services.*** – (1) Subject to the provisions of these rules, qualifying service of a Government servant shall commence from the date he takes charge of the post to which he is first appointed either substantively or in an officiating or temporary capacity. In the case of a Government servant retiring on or after the first October 1969, [1][***] temporary or officiating service in the pensionable post whether rendered in a regular capacity or not shall count in full as qualifying services even if it is not followed by confirmation.

NOTE.- In the case of the employees of the former Pudukkottai State and persons transferred from the former Travancore-Cochin State consequent on the reorganisation of States, temporary or officiating service rendered in a regular capacity under the former Pudukkottai State or the former Travancore-Cochin State shall count in full for purposes of pension.

Provided that –

(a) in the case of a Government servant, service rendered before attaining the age of eighteen years shall not count, except for compensation gratuity;

(b) in the case of a Government servant whose year and month of birth are known, but not the exact date the 16th of the month should be treated as the date of birth. When the year of birth is known but not the month and date 1st July of the year shall be taken.

(c) in the case of a Government servant with no military service who gives on recruitment only his age, but not the year of his birth, the year should be arrived at by deducting from the year of recruitment the given age and then the date of birth should be taken as the 1st July of that year:

Provided further that in the case of a Government servant with previous military service the date of birth is fixed as laid down below -

When a military employee is transferred to a civil department under the Government and assumes a civilian status, the date of birth to be entered in his service book should be the date stated by him at the time of attestation.

When the documents referring to the previous military service of an individual do not give the definite date of birth but only the age stated at the time of attestation, he should be assumed to have completed the stated age on the date of attestation e.g., if ex-soldier was enrolled on 1st January 1910 and if on that date, his age was stated to be 18, his date of birth should be taken as 1st January 1892. This procedure will apply to cases arising on or after 27th June 1938.

Notwithstanding anything contained above, in cases where S.S.L.C or any other school certificate is available, the date of birth, as entered therein should be taken into account.

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[1] *Rule 11, the word "continuous" omitted – G.O.Ms.No.349, Finance (Pension) Department, dated 05-05-1995.*

[1][*Explanation*:- For the purpose of date of birth, the word "attestation" refers only to the initial records kept by the Defence Department at the time of appointment of the individual and not in the discharge from the discharge the Defence Department.]

[2][(2) Half of the service paid from contingencies shall be allowed to count towards qualifying service for pension along with regular service subject to the following conditions:-

(i) Service paid from contingencies shall be in a job involving whole time employment and not part-time for a portion of the day.

(ii) Service paid from contingencies shall be in a type of work or job for which regular posts could have been sanctioned, for example Chowkidar.

(iii) Service shall be for which the payment is made out on monthly or daily rates computed and paid on a monthly basis and which, though not analogous to the regular scale of pay, shall bear some relation in the matter of pay to those being paid for similar jobs being performed by staff in regular establishments.

(iv) Service paid from contingencies shall be continuous and followed by absorption in regular employment without a break.

(v) Subject to the above conditions being fulfilled, the weightage for past service paid from contingencies shall be limited to the period after the 1st January 1961 for which authentic records of service may be available.

(vi) Pension or revised pension admissible as the case shall be paid from the 23rd June, 1988.]

[3][(3) Half of the service rendered by a Government servant under non-pensionable establishment shall be counted for retirement benefits along with regular service under pensionable establishment subject to the following conditions:-

(i) Service under non-pensionable establishment shall be in a job involving whole time employment.

(ii) Service under non-pensionable establishment shall be on time scale of pay and

(iii) Service under non-pensionable establishment shall be continuous and followed by absorption in pensionable establishment without a break.

Provided that in respect of those who retired prior to the 14th February, 1996, the retirement benefit or revised retirement benefit, as the case may be, admissible to them shall be paid from the 14th February, 1996 and there shall be no claim for arrears in any case, for the period up to the 13th February, 1996.]

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[1] *Explanation to Rule 11 added - G.O.Ms.No.736, Finance (Pension) Department, dated 30-8-1994 with effect from 1st January 1979.*

[2] *Rule 11(2) added and Rule 11 renumbered as 11 (1) - G.O.Ms.No.283, Finance (Pension) Department, dated 15-4-1996.*

[3] *Rule 11(3) and Proviso added - G.O.Ms.No.679, Finance (Pension) Department, dated 26-11-1998 with effect from 14th February 1996.*

[1][(4) Half of the service rendered under the State Government in non-provincialised service, consolidated pay, honorarium or daily wages basis on or after 1st January 1961 in respect of Government employees absorbed in regular service before 1st April 2003 shall be counted for retirement benefits along with regular service, subject to the following conditions, namely:-

(i) Service rendered in non-provincialised service, consolidated pay, honorarium or daily wages basis shall be in a job involving whole time employment;

(ii) Service rendered shall be on consolidated pay, honorarium or daily wages basis paid on monthly basis and subsequently absorbed in regular service under the State Government;

(iii) Service rendered in non-provincialised service, consolidated pay, honorarium or daily wages basis shall be followed by absorption in regular service before 1st April 2003 without a break.

Provided that this sub-rule is applicable to all employees who rendered service under the State Government in non-provincialised service, consolidated pay, honorarium or daily wages basis on or after 1st January 1961 and absorbed in regular service before 1st April 2003.

Provided further that wherever there was break in service before their absorption in regular service before 1st April 2003, the same shall be specifically condoned by the orders of the Head of Departments, in which the employees were regularly absorbed and such period of break, shall not count for the purpose of pensionary benefits.]

12. ***Conditions subject to which service qualifies*** :- (1) The service of a Government servant shall not qualify for pension unless his duties and pay are regulated by the Government or under conditions determined by the Government.

(2) For the purposes of sub-rule (1) the expression "service" means service under the Government and paid by the Government from the Consolidated Fund of the State, or a local fund administered by that Government but does not include service in a non-pensionable establishment unless such service is treated as qualifying service by that Government.

(3) Temporary Central Government servants on deputation to the State, on getting absorbed under this Government will be allowed to count the period of continuous temporary service under the Central Government immediately preceding the service under this Government for purpose of pensionary benefits admissible under the rules of this Government. The pensionary liability will be shared between the Central and this Government on the basis of length of qualifying service rendered under each of them. This benefit will not be allowed to those who secure jobs under this Government on their own volition in response to advertisements or circulars including those by the Tamil Nadu Public Service Commission.

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[1] *Rule 11(4) and Proviso added - G.O.Ms.No.41, Finance (Pension) Department, dated 09-02-2010.*

[1][(4) (a) Temporary Central Government Servant who has been appointed under the State Government Service shall be allowed to count their qualifying service rendered under the Central Government Service for the grant of pension by the Government from where he eventually retires in the following two categories, namely:-

(i) Person who having been retrenched from the service of the Central Government, secures employment under the State Government either with or without interruption of service from the date of retrenchment; and

(ii) Person who while holding temporary post under the Central Government applies for the post under the State Government, through proper channel or with proper permission of the administrative authority concerned.

(b) The pensionary liability will be shared between the Central and State Government on the basis of length of qualifying service rendered under the respective Government.]

[2][Provided that when a Government Servant retires on or after the 1st April, 1987, the liability for pension including gratuity will be borne in full by the Central Government or the State Government under which the Government Servant is permanently absorbed at the time of retirement.]

[3][(5) (a) Temporary Local Body employee or State Government servant who has been appointed under the State Government service or under any Local Body, as the case may be, shall be allowed to count his qualifying service rendered under the respective Local Body or the State Government service, as the case may be, for the grant of pension by the State Government or Local Body from where he eventually retires in respect of the following two categories, namely:-

(i) Person who having been retrenched from the service of the Local Body or State Government, secures employment under the State Government or Local Body, as the case may be, either with or without interruption of service from the date of retrenchment; and

(ii) Person who, while holding temporary post under the State Government or Local Body applies for a post under any Local Body or State Government, as the case may be, through proper channel or with proper permission of the administrative authority concerned.

(b) The pensionary liability shall be shared between the respective Local Body and the Government, as the case may be, on the basis of length of qualifying service rendered under each of them.

Provided that when a person retires on or after the 1st April 1987, the liability for pension including gratuity shall be borne in full by the respective Local Body or

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[1] *Rule 12(4) added - G.O.Ms.No.38, Finance (Pension) Department, dated 13-01-1995 with effect from 22nd July 1982.*

[2] *Proviso to Rule 12(4) added - G.O.Ms.No.39, Finance (Pension) Department, dated 13-01-1995 with effect from 1st April 1987.*

[3] *Rule 12(5) and Proviso added - G.O.Ms.No.558, Finance (Pension) Department, dated 10-07-1995 with effect from 22nd July 1982*

the State Government, as the case may be, under which such person has been permanently absorbed at the time of retirement.]

13. ***Counting of service as apprentice.***—Service as an apprentice does not qualify for pension.

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

(a) to retain the Government contribution in the Contributory Provident Fund with interest thereon including any other compensation for that service; or

(b) to agree to refund to the Government the monetary benefits referred to in clause (a) or to forgo the same if they have not been paid to him and count in lieu thereof the service for which the aforesaid monetary benefits may have been payable.

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

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

15. ***Counting of pre-retirement civil service in the case of re-employed Government servants.*** (1) A Government servant who, having retired on compensation, pension or invalid pension or compensation gratuity or invalid gratuity, is re-employed and appointed substantively to a service or post to which these rules apply may exercise option either –

(a) to continue to draw the pension or retain the gratuity sanctioned for his earlier service, in which case his former service shall not count as qualifying service ; or

[1][(b) to cease to draw his pension and refund –

(i) the pension already drawn, and

(ii) the value received for the commutation of part of pension, and

(iii) the amount of death-cum-retirement gratuity including service gratuity, if any and count the previous service as qualifying service:

[1] *Rule 15(1)(b) substituted and Proviso with Explanation added - G.O.Ms.No.246, Finance (BG-III) Department, dated 19-4-1982.*

Provided that –

(i) the pension drawn prior to the date of re-employment shall not be required to be refunded ;

(ii) the element of pension which was ignored for fixation of his pay including the element of pension which was not taken into account for fixation of pay on re-employment shall be refunded by him;

(iii) the element of pension equivalent of gratuity including the element of commuted part of pension, if any, which was taken into account for fixation of his pay shall be set-off against the amount of death-cum-retirement gratuity and the commuted value of pension and the balance, if any, shall be refunded by him.

Explanation:- In this clause, the expression 'which was taken into account' means the amount of pension including the pension equivalent of gratuity by which pay of the Government Servant was reduced on initial re-employment and the expression 'which was not taken into account' shall be construed accordingly.]

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

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

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

NOTE:—The capital value of pension shall be calculated in accordance with the Table prescribed under the Civil Pensions (Commutation) Rules applicable at the time of the second or final retirement.

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

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

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[1] *Rule 15(2)(a) substituted - G.O.Ms.No.275, Finance (BG-III) Department, dated 20-4-1981.*

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

16. ***Counting of military service rendered before civil employment*** – (1) A Government servant who is re-employed in a civil service or post before attaining the age of superannuation and who, before such re-employment, had rendered military service after attaining the age of eighteen years, may opt either –

(a) to continue to draw the military pension or retain gratuity received on discharge from military service, in which case his former military service shall not count as qualifying service; or

(b) to cease to draw his pension and refund –

(i) the pension already drawn, and

(ii) the value received for the commutation of a part of military pension, and

(iii) the amount of death-cum-retirement gratuity including service gratuity, [1][if any along with interest at the rate of six per cent from the date of rejoining by such Government Servant in the Civil Service or post], and count previous military service as qualifying service, in which case the service as allowed to count shall be restricted to a service within or outside the employee's unit or department in India or elsewhere, which is paid from the Consolidated Fund of India or for which pensionary contribution has been received by the Government :

Provided that –

(i) the pension drawn prior to the date or re-employment shall not be required to be refunded;

(ii) the element of pension which was ignored for fixation of his pay including the element of pension which was not taken into account for fixation of pay on re-employment shall be refunded by him;

(iii) the element of pension equivalent of gratuity including the element of commuted pay of pension if any, which was taken into account for fixation of pay shall be set off against the amount of death-*cum*-retirement gratuity and the commuted value of pension and the balance, if any, shall be refunded by him.

Explanation – In this clause, the expression `which was taken into account' means the amount of pension including pension equivalent of gratuity by which the pay of the Government servant was reduced on initial re-employment and the expression "which was not taken into account shall be construed accordingly."

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[1] *Rule 16(1)(b)(iii) for the expression "if any" substituted -G.O.Ms.No.845, Finance (Pension) Department, dated 07-11-1995 with effect from 13th February 1995.*

[(2) (a) The authority issuing the order of substantive appointment to a civil service or post as is referred to in sub-rule (1) shall along with such order require in writing the Government servant to exercise the option under that sub-rule within three months of the date of issue of such order, or if he is on leave on that day, within three months of his return from leave whichever is later and also bring to his notice the provisions of clause (b).] *(till 12th February 1995)*

[1][(2) (a) A Government servant who is re-employed in a civil service or post, as referred to in sub-rule (1), shall be allowed to exercise the option under that sub-rule within a period of one year from the date of joining of such Government servant in the civil service or post.

Provided that a re-employed military personnel in the civil service or post prior to the 13th February 1995 shall also be allowed to exercise option under sub-rule (1) within a period of six months from the date of the 13th February 1995 for counting his military service as qualifying service along with civil service or post subject to the provisions of clause (a) of sub-rule (3).]

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

[(3) (a) A Government servant who opts for clause (b) of sub-rule (1) shall be required to refund the amount of pension or gratuity received in respect of his earlier military service in monthly instalments not exceeding thirty six in number, the first instalment beginning from the month following the month in which he exercised the option.] *(till 12th February 1995)*

[2][(3) (a) A Government servant who opts for clause (b) of sub-rule (1) shall be required to refund the amount of pension or gratuity, if any, received in respect of his earlier military service along with interest at the rate of six per cent from the date of rejoining by such Government servant in the civil service or post in monthly instalments not exceeding thirty six in number, the first instalment beginning from the month following the month in which he exercised the option.]

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

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

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

(1) In future the previous military service of ex-soldiers employed in the Civil Department should be verified by reference to the Defence Accounts Department as the responsibility for the verification of such service devolves on that department

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[1] *Rule 16(2)(a) substituted and Proviso added - G.O.Ms.No.845, Finance (Pension) Department, dated 07-11-19951995 with effect from 13th February 1995.*

[2] *Rule 16(3)(a) substituted - G.O.Ms.No.845, Finance (Pension) Department, dated 07-11-1995 with effect from 13th February 1995.*

instead of either from the information contained in the discharge certificates of ex-soldiers or by reference to the officer-in-charge of the Regimental records of the Regimental district concerned.

(2) Head of Departments and other officers responsible for the record of service of ex-military men subsequently absorbed in civil employments under them should evolve that pay particulars of such men are obtained from the Audit Officers of the Defence Department concerned. i.e., Controller of Defence Accounts, or Field Controller of Defence Accounts as and when they are entertained in civil employment. On no account should references to the military authorizes be postponed till the individuals retire from the civil employment, since the records connected with such matters will be preserved only for a period of 12 years and no reply can be furnished by them for want of pay particulars.

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

(i) Completed years of the said war service shall be allowed to count up to maximum of five years.

(ii) In the case of services/post 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/ posts in which no minimum age is fixed, no portion of war service, rendered before attaining the age of eighteen years shall be allowed to count for pension.

(iii) "War service" rendered in the Armed Forces of India and rendered in similar forces of Commonwealth Country shall be allowed to count alike for pension; no contribution towards or share of a pension earned as a result of this concession being claimed from the foreign Government concerned; and

(iv) No refund of bonus or gratuity paid to the employees in respect of such war service shall be demanded from the employees.

NOTE 1: – The provisions contained in clause (1) shall not apply to 'war service' followed by civil service without break which is allowed to be counted in full towards civil pension in the case of persons who retire or die on or after the 1st July 1960.

NOTE 2:- The condition of completed years of 'war service' laid down in clause (1) Shall not apply in the case of persons who had retired or died or may retire or die on or after the 1st July 1960, and had a break between their "war service" and civil service. In such cases, the "war service" including the fraction of a year (up to and inclusive of five years service) shall be added to the subsequent civil service. The resultant fractions of a year equal to six months and above shall be, treated as a

completed six monthly period, fraction of a six monthly period, if any being omitted.

NOTE 3:- The service rendered by persons during World War II in the Civil Defence Department shall also be treated as "war service".

NOTE 4:-(i) Where the benefit of added years of service under rule 27 is admissible, war / military service rendered after the completion of thirty years of age will be counted towards civil pension.

(ii) For the purpose of rule 27 the length of service should not include the war / military service counted under this rule.

NOTE 5.- The terms 'war reserved' or 'other' vacancies referred to in this rule should be deemed to refer to vacancies arising in the permanent cadre.

NOTE 6.- In respect of cases falling within the scope of this rule the Heads of Departments should record the periods of military service claimed by [1][non-self drawing Government servants] under their control in their service books after verifying the period of military service by reference to the Controller of Defence Accounts concerned and after they are accepted by the Accountant-General. Military Services of [1][Self drawing Government servants] should after verification by the Controller of Defence Accounts be submitted to Government through the Accountant-General for approval.

The service rendered in the Civil Defence Department should be got verified with reference to the entries in the service books of the individuals concerned and the discharge certificate produced by them.

NOTE 7:- In respect of 'war service' candidates appointed permanently to civil posts against vacancies arising after the 31st December 1947, 'war service' rendered during the last war by itself or in conjunction with other military services shall be allowed to count towards civil pension. The concession will also be subject to the following conditions:-

(i) The officer concerned should not have earned a pension under the military rules in respect of the services in question ;

(ii) In the case of services or posts in respect of which minimum age is fixed for recruitment, no military or war services rendered below that age shall be allowed to count for pension;

(iii) 'War services' rendered in the Armed Forces of India and rendered in similar Forces of a Commonwealth Country shall be allowed to count alike for pension and no contribution towards or share of a pension earned as a result of the concession shall be claimed from the foreign Government concerned;

(iv) No refund of bonus or gratuity paid in respect of his, 'war service' shall be demanded from the officer concerned. If, however, the officer has been granted any retirement gratuity for service covering both the war and post-war period, such gratuity shall be refundable. Also, if any portion of the services is allowed to count towards civil pension under rule

[1] *Rule 17 in Note 6, for the words "non-gazetted officers" and "Gazetted officers", the words "non-self drawing Government servants" and "self drawing Government servants" respectively substituted - G.O.Ms.No.118, Finance (Pension) Department, dated 14-03-1997.*

16 of the rules the provision in Note 13 below in regard to refund of gratuity shall *mutatis mutandis* apply ; and

[1][(v) The approved military / war service shall be counted as qualifying service along with civil service without any condonation of the break irrespective of the duration of break between the two period of service. The break of interruption itself shall under no circumstances be reckoned as qualifying service for pension.

Provided that the arrears for the eligible pensioners under this condition shall be payable with effect from the 10th October, 1990.]

In the case of a person who has break in his military/war service, the period of break for this purpose shall be calculated from the date of discharge from the military / war service in the last spell and the previous spell / spells shall also be counted for civil person subject to the fulfillment of the other conditions for counting war / military service,

Explanation 1:- The benefits of the concession in this note are also applicable to persons who were initially recruited against temporary vacancies which arose prior to 1st January 1948 but made permanent subsequently provided all other conditions relating to counting of war service towards civil pension are satisfied in their cases.

Explanation 2:- In a case where the disability pension includes service element, this element shall be surrendered, before the war/military service is allowed to count towards civil pension.

In a case where a Government servant gets disability pension after he becomes eligible for ordinary pension also and that element or ordinary pension is included in the disability pension, he is not eligible to count war/military service towards civil pension in terms of this note.

NOTE 8.- In a case where an officer is entitled in respect of the 'war service' rendered between the 3rd September 1939 and the 1st April 1946 to the concession under rule 17, he may either avail himself of the concession under Note (3) above in respect of the whole of his military service including 'war service' or count the service rendered during the war period for civil pension under this rule as the case may be, and the remaining service rendered before or after the war period to the extent of one half of the service. If however in the later case, the officer concerned has rendered any military service permissible under the military rules and satisfying the conditions laid down in Rule 16 before or after the war period, but did not earn a pension by his 'war service' in conjunction with his military service, in provisions in Note 13 below shall *mutatis mutandis* apply.

NOTE 9:- A Civil employee to whom the provisions of this rule apply, who enlisted for service during World War II and who left the Army on demobilisation at the end of that war, is entitled subject to the conditions in the rule to count such military service for Civil pension

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[1] *Rule 17, Note-7, Item (v) substituted - G.O.Ms.No.845, Finance (Pension) Department, dated 07-11-1995 with effect from 1st January 1979.*

irrespective of whether it was pensionable or not under the Military Rules. Such title is, of course subject to the proviso that a military pension has not as a matter of fact been earned in respect of it in conjunction with other military service rendered before or after the War.

NOTE 10:- In respect of the 'war service' candidates who retired or died or may retire or die on or after 1st July 1960 continuous war/military service shall count in full towards Civil Pension if such service is followed without interruption by appointment to and eventual confirmation in a pensionable post in Civil Service. This concession will be subject to the following conditions:-

(i) The Officer concerned should not have earned a pension under the military rule in respect of the service in question;

(ii) In the case of services or posts in respect of which a minimum age is fixed for recruitment no military or war service rendered below that age shall be allowed to count for pension;

(iii) 'War Service' rendered in the Armed Forces of India and rendered in similar Force of Commonwealth Country shall be allowed to count alike for pension and no contribution towards, or share of, a pension earned as result of this concession shall be claimed from the foreign Government concerned; and

(iv) No refund of bonus or gratuity paid in respect of his 'war service' shall be demanded from the officer concerned. If, however, the Officer has been granted any retirement gratuity for service covering both the war and post war period, such gratuity shall be refundable.

The provisions in this Rule and that in Notes 7 and 8 of this Rules shall continue to apply in the case of Tamil Nadu Government servants who retired or died before 1st July 1960 and also in the case of those who retired or died or may retire or die on or after that date if there was a break between war/military service and civil service.

The service rendered by persons during World War II in the Civil Defence Department and in the Civil Pioneer Force Civil Labour Unit shall also be treated as 'war service' for the purpose of this Note.

Explanation 1:- The service in the Civil Defence Department shall mean only the service rendered in the Civil Defence Department (including A.R.P. Service) of the Composite Madras State Government, i.e., areas which constituted Madras State as on 30th September 1953. The provisions in this Rule and that in this Note shall not apply to the service rendered in the Civil Defence Department (including A.R.P. Service) of the Central and other State Governments.

Explanation 2:- The whole time service of any of the kinds specified below shall be recognised as war service :-

(a) Service in any kind in a unit or formation for service overseas or in any operational areas;

(b) Service in India under military, munitions or store authorities with a liability to serve overseas or in any operational area:

(c) All other service involving subjects to naval, military or air force law:

(d) A period of training with a military unit or formation involving liability to serve overseas or in any operational areas;

(e) Service in any civil defence organisation specified in this behalf by the Central or the State Government; and

(f) (i) Any service connected with the prosecution of the war which a person is required to undertake by a competent authority under the provisions of any law for the time being in force; and

(ii) Such other service as may here after be declared as war service for the purpose of this definition.

The benefit of counting war service other than that in Civil Defence Organisation as defined above will apply only to those who retire or die on or after 4th March 1966. The benefit of counting of service in Civil Defence Organisation will apply to all persons who had already retired and who are still in service.

NOTE 11:- Continuous military (non-regular / purely temporary) service not rendered in conjunction with war service in the Army, Navy and Air Force will count in full towards Civil pension if such service is followed without interruption by appointment to and eventual confirmation in a pensionable post in civil service. The grant of this concession is subject to the following condition:-

(i) The officer concerned should not have earned a pension under the military rules in respect of the service in question.

(ii) In the case of services or posts in respect of which a minimum age is fixed for recruitment, no military service rendered, below that age shall be allowed to count for pension.

If the Officer has been granted any retirement gratuity in respect of such service, such gratuity shall be refundable.

Explanation.- Interruption between the military (non-regular or purely temporary) service and Civil Service shall be condoned under special orders of Government. In such cases the liability in respect of military service shall be borne by the defence authorities and the Government servant shall be required to refund the service gratuity, if, any received by him in respect of the military service rendered by him, before he is allowed to count that service towards civil pension.

NOTE 12:- The gratuity refundable under this rule should be credited to the authorities who will bear the pensionary liability for the period of service allowed to be counted towards pension. As the pensionary liability or war service devolves on Tamil Nadu Government and that for the military service (other than war Service) on the Defence authorities the retirement gratuity in respect of service covering war period shall be refunded and credited to the Tamil Nadu Government and the retirement gratuity in respect of military services (other than

service covering war period) shall be refunded and credited to Defence authorities.

NOTE 13:- (i) In the case of a civil employee who had rendered satisfactory paid military service during the war period in addition to military service pensionable under the military rules before or after war service but who did earn a pension by his war service in conjunction with his other military service, that portion of the military service which was rendered before or after the war service should be dealt with in accordance with the provisions of rule 16. The war service portion (i.e. the period of service rendered between 3rd September 1939 and 1st April 1946) should, however, be dealt with under Rule 16 or 17 whichever may be more advantageous to the officer concerned. So far as the period from 3rd September 1939 to 1st April 1946 is concerned, the officer should be allowed, an option between the application of the one or other rule, subject to the limitation prescribed in the respective rules. If the war service is counted under rule 16, the whole of it will count, but if under Rule 17 only completed six monthly periods of service up to a maximum of 5 years; and in the later case the residue of war service cannot then be counted under Rule 16. The option should be based on the assumption that Government would give the maximum benefit permissible under Rule 16.

(ii) If the entire military service including war service is dealt with under Rule 16, the whole of the gratuity received in lieu of pension (but not that portion given as a reward for war service) should be refunded by the officer concerned. If, however, the portion which was war service is dealt with under Rule 17 and the rest of the military service before or after war under rule 16 the amount of gratuity which the officer will refund in respect of the latter portion should bear the same proportion to the total amount of gratuity received in lieu of pension as the period dealt with under Rule 16 bear to the total period of military service including the period of war service.

(iii) For the purposes of the above instructions, it is immaterial whether or not there was a break between the war service and the other military service.

18. ***Counting of periods spent on leave.-*** All leave during service for which leave salary is payable and extraordinary leave granted on medical certificate shall count as qualifying service:

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

(i) due to his inability to join or rejoin duty on account of Civil Commotion: or

(ii) for prosecuting higher scientific and [1][technical studies; or]

[2][(iii) for taking up employment abroad, if necessary pension contributions are paid by the Government servant to the Accountant General, Tamil Nadu from time to time with appropriate interest for belated payments, if any.]

19. ***Counting of period spent on training.***- The Government may by order, decide whether the time spent by a Government servant under training immediately before appointment to service under the Government shall count as qualifying service.

NOTES :- For the purpose of this Rule-

(1) The various kinds of training referred to in Annexure I to Fundamental Rules and subsidiary Rules which have been ordered to be treated as on duty.

(2) Any State Forest Service Probationers who have not been appointed permanently to Government Service before attaining the age of 23 will count as service towards pension any period of training or probationary service undergone after he attained that age.

(3) Training of all kinds in the case of subordinate officers of Police Department shall count as service.

20. ***Counting of periods of suspension.***- 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 that authority competent to pass orders under Fundamental Rule 54 expressly declares at the time that it shall count, and then it shall count only to such extent as the competent authority may declare. [3][However, in the case of a Government servant who dies while under suspension before the enquiry is over, the period of suspension shall be treated as duty].

21. ***Forfeiture of service on dismissal or removal.***- Dismissal or removal of Government servant from a service or post entails forfeiture of his past service.

22. ***Counting past service on reinstatement.***- (1) A Government Servant who is dismissed, removed or compulsorily retired from service, but is reinstated on appeal or review, is entitled to count his past service as qualifying service.

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

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[1] *Proviso (ii) to Rule 18 for the expression "technical studies", the expression "technical studies; or" substituted - G.O.Ms.No.556, Finance (Pension) Department, dated 06-12-2000.*

[2] *Proviso (iii) to Rule 18 added - G.O.Ms.No.556, Finance (Pension) Department, dated 06-12-2000.*

[3] *Last sentence to Rule 20 substituted - G.O.Ms.No.65, Finance (BG.II) Department, dated 08-02-1982.*

23. ***Forfeiture of service on resignation.***- (1) Resignation from a service or post entails forfeiture of past service:

Provided that a resignation shall not entail forfeiture of past service if it has been submitted to take up with proper permission, another appointment, whether temporary or permanent, under the Government where service qualifies.

(2) Interruption in service in a case falling under the proviso to sub-rule (1) due to the two appointments being at different stations, not exceeding the joining time permissible under the rules of transfer, shall be covered by grant of leave of any kind due to the Government servant on the date of relief or by formal condonation to the extent to which the period is not covered by leave due to the Government servant.

[1][**24.** ***Effect on interruption in service:***- (1) The interruption in service shall not entail forfeiture of past service except when a person was removed and re-employed. The actual interruptions in service shall not, however, count for pension.

(2) The services rendered in temporary or permanent department or in substantive office shall also count for pension even if any interruptions exist.]

[2][**25.** ***Condonation of interruption in service:***- (1) In the absence of a specific indication to the contrary in the Service Book, an interruption between two spells of Civil Service rendered by a Government servant shall be treated as automatically condoned and the pre-interruption service treated as qualifying service.

(2) Nothing in sub-rule (1) shall apply to interruption caused by resignation, (or) removal from service or for participation in a strike.

(3) The period of interruption referred to in sub-rule (1) shall not count as qualifying service.]

26. In the case of a Government servant who retired or may retire from service on or after the 1st July, 1960 a deficiency in qualifying service shall not be condoned.

27. ***Addition to qualifying service in special circumstances:***- (1) Any person appointed to a service or post and who retires from service on or after the 1st July 1960 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 thirty years or a period of five years, whichever is less, 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 prescribed not merely as desirable but as obligatory qualification; and

(b) for which the age of recruitment prescribed in the service rules applicable to the service or post concerned is above thirty years.

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[1] *Rule 24 substituted - G.O.Ms.No.349, Finance (Pension) Department, dated 05-05-1995 with effect from 1st January 1979.*

[2] *Rule 25 substituted - G.O.Ms.No.530, Finance (Pension) Department, dated 04-06-1994.*

[1][Provided that the age limit prescribed in sub-rule (1) above viz. thirty years shall be lowered to twenty seven years in so far as Judicial Officers who are directly recruited as Magistrates, District Munsifs and District Judges.]

Any person appointed to a post specified in column (2) of the Table below may add to his service qualifying for superannuation pension (but not for any other class of pension) a 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 thirty years or the period specified against that post in column (3) of the said Table, whichever is less:

Provided that this concession shall not be admissible to any such person, if –

(i) his actual qualifying service at the time he quits Government service is less than ten years, or

(ii) he has not acquired the requisite qualification prescribed for recruitment to the service or post but is appointed to the service or post in relaxation of rules:

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, elects to forego his rights to pension whereupon he shall be eligible to subscribe to the Contributory Provident Fund, Tamil Nadu.

[2][Provided further that the age limit prescribed in sub rule (1), namely, thirty years shall be lowered to twenty nine years in so far as directly recruited prosecuting officers are concerned.]

[3][(2) Any person appointed to a service or post on or before 31st December 1951 or after 31st December 1951, the case may be, availing himself of relaxation of age concession as one who participated in the National Movement, may add to his service qualifying or superannuation pension but not to any other class of pension the added years of service as under, namely:-

(i) In respect of appointment made on or before 31st December 1951:

The actual period by which his age at the time of recruitment exceeded thirty years or a period of five years, whichever is less.

(ii) In respect of appointment made after 31st December 1951:

The actual period by which his age at the time of recruitment of his service or the actual period by which his age at the time of recruitment exceeded thirty years or a period of five years, whichever is less.

Explanation:- The provisions in clauses (a) and (b) of sub-rule (1) above shall not apply to those governed by this sub rule.]

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[1] *Proviso to Rule 27(1)-Para(i) added - G.O.Ms.No1006, Finance (Pension) Department, dated 15-12-1994 with effect from 30th March 1983.*

[2] *Third proviso to Rule 27(1) added - G.O.Ms.No190, Finance (Pension) Department, dated 20-4-2004 with effect from 17th August 1999.*

[3] *Rule 27(2) added and Rule 27 renumbered as 27(1) - G.O.Ms.No.472, Finance (BG-III) Department, dated 08-07-1981.*

THE TABLE

[See Rule 27 (1)]

Serial No.	Name of Post		Maximum number of years that may be added to service qualifying for superannuation pension
(1)	(2)		(3)
1.	(a)	District Munsifs	
	(b)	Assistant Public Prosecutors, Grade I and Grade II	
	(c)	Assistant State Prosecutors.	
	(d)	Registrar, High Court, Chennai.	
	(e)	Master, High Court, Chennai.	
	(f)	Deputy Registrar, High Court, Chennai.	
	(g)	Official Referee, High Court, Chennai.	5
	(h)	First Assistant Registrar (Original Side), High Court, Chennai.	
	(i)	Assistant Registrar, (Appellate Side), High Court, Chennai.	
	(j)	Second Assistant Registrar, (Original Side), High Court, Chennai.	
	(k)	Sub-Magistrate	
	(l)	Official Assignee, High Court, Chennai.	
	(m)	Deputy Official Assignee, High Court, Chennai.	
2.	Health Officers		5
3.	Civil Assistant Surgeons		2
4.	(a)	Director of Legal Studies	5
	(b)	Professors, Law College	5
	(c)	Lecturers, Law College (only in case of Direct recruitment)	5
5.	Directly recruited Chief Professors, Presidency College, Chennai.-600 005		5
6.	Prosecutive Officer #		5
7.	[1][Port Officer]		5

NOTE 1. The concession of added years of service qualifying for superannuation pension is admissible to Sub-Magistrates and Additional First Class Magistrate appointed in relaxation of age rule.

NOTE 2. Subject to other conditions of this Rule, an officer may add to his service qualifying for superannuation 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 retirement exceed 30 years or a period of 5 years whichever is less.

28. *Period of deputation to United Nations and other Organisations.*- A Government servant deputed on foreign service, for a period of [2][five years] or more to the 'United Nations Secretariat or other United Nation's Bodies, the International Monetary Fund, the International Bank of Reconstruction and Development, the Asian Development Bank or the Commonwealth Secretariat may at his option.--

[1] *Rule 27(1) Entry 7 "Port Officer" to the Table added - G.O.Ms.No.276, Finance (Pension) Department, dated 20-03-1990 with effect from 6th December 1988.*

[2] *Rule 28 for the words "one year", the word "five years" substituted - G.O.Ms.No.1116, Finance (BG.III) Department, dated 12-12-1980.*

(a) Pay the pension contributions in respect of his foreign service and count such service as qualifying for pension under these rules; or

(b) avail of the retirement benefits admissible under the rules of the aforesaid organisations and not count such service as qualifying for pension under these rules:

Provided that where a Government servant opts for clause (b), retirement benefits shall be payable to him in India in rupees from such date and in such manner as the Government may, by order, specify:

Provided further that pension contributions, if any, paid by the Government servant, shall be refunded to him.

29. ***Verification of qualifying service after 28 years of service or 53 years of age.*** - Where a Government servant completes [1][twenty-eight years of service or fifty-three years of age], the Audit Officer concerned in the case of a [2][self drawing Government servant] or the Head of Office in consultation with the Audit Officer concerned in the case of a [3][non-self drawing Government servant] shall, in accordance with the rules for the time being in force, verify the service rendered by such Government servant, determine the qualifying service and communicate to him the period of qualifying service so determined:

Provided that any such verification shall be subject to final verification of qualifying service which shall be made at the time of retirement of the Government servant.

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[1] *Rule 29 for the words "twenty five years of service", the words "twenty eight years of service or 53 years of age" substituted - G.O.Ms.No.885, Finance (Pension) Department, dated 26-10-1994 with effect from 16th April 1982.*

[2] *Rule 29, for the words "gazetted Government servant" and "non-gazetted Government servant", the words "self drawing Government servant" and "non-self drawing Government servant" respectively substituted - G.O.Ms.No.118, Finance (Pension) Department, dated 14-03-1997.*

CHAPTER - IV

EMOLUMENTS AND AVERAGE EMOLUMENTS

30. ***Emoluments***: - In these rules, unless the context otherwise requires –

(1) Emoluments means and include-

(i) Pay, other than Special Pay or pay granted in view of his personal qualification, which has been sanctioned for a post held by him substantively or in an officiating capacity (including temporary capacity under emergency provisions) or to which he is entitled by reason of his position in a cadre:

(ii) Special Pay, Dearness Pay and Personal Pay; and

(iii) any other remuneration which may be specially classed as emoluments by the Government.

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

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

[1][Provided further that any increase in pay consequent on the revision of pay which is not actually drawn shall form part of his emoluments.]

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

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

[2][NOTE 4:- If a Government servant immediately before his retirement or death while in service was on earned leave, and earned an increment which was not withheld, such increment, though not actually drawn, shall form part of his emoluments.]

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[1] *Second proviso to Rule 30 added - G.O.Ms.No.705, Finance (Pension) Department, dated 15-11-1996.*

[2] *Note 4. to Rule 30 substituted - G.O.Ms.No.458, Finance (Pension) department, dated 03-07-1987.*

NOTE 5:- Pay drawn by a Government servant in a tenure appointment shall be treated as emoluments; provided that the service in tenure appointment does not qualify for the grant of additional pension.

NOTE 6:- The officiating pay drawn by a Government servant in a post under the Government of India including the Defence Department or another State Government shall not be taken into account in the calculation of average emoluments with reference to this rule.

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

Explanation.– Additional allowance drawn under Fundamental Rule 49 (1) will not count for pension.

NOTE 8:- Where a pensioner is re-employed in a Government service elects in terms of clause (a) of sub-rule (1) of rule 15 or clause (a) of sub-rule (19) to retain his pension for earlier service and whose pay on re-employment has been reduced by an amount not exceeding his pension the element of pension by which his pay is reduced shall be treated as emoluments.

[1][***Exception-*** Pay and / or special pay drawn by persons appointed by the Government to posts under the Corporation of Madras, State Housing Board and other State Owned Corporation / Boards carrying higher scales of pay or special pay shall count for pension and death-cum-retirement gratuity, subject to the condition that the difference in the amount of pension and death-cum-retirement gratuity shall be the liability of the Corporation of Madras / State Housing Board and other State owned Corporations/Boards.

Their liability will be the capitalised value of the share of the Corporation of Madras, State Housing Board and other State Owned Corporations / Boards calculated on the basis of the table of Commutation values for pension increased by 10 per cent.]

31. ***Average Emoluments.***- Average emoluments shall be determined with reference to the emoluments drawn by a Government servant during the last 12 months of his service in the cases of retirement during the period from 26th February 1970 to 31st December 1973 and 10 months in the cases of retirement on or after 1st January 1974.

NOTE 1:- If during the last 12 months / 10 months of his service a Government servant had been absent from duty on leave for which leave salary is payable or having been suspended had been reinstated without forfeiture of service, the emoluments which he would have drawn had he not been absent from duty or suspended shall be taken into account for determining the average emoluments:

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

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[1] *Exception below Note 8 substituted - G.O.Ms.No267, Finance (Pension) department, dated 01-04-1997with effect from 01-01-1979*

[1][Provided further that any increase in pay consequent on the revision of pay which is not actually drawn shall form part of his emoluments.]

NOTE 2:- If, during the last 12 months / 10 months of his service, a Government servant had been absent from duty on extra-ordinary leave, or had been under suspension the period whereof does not count as service, the aforesaid period of leave or suspension shall be disregarded in the calculation of the average emoluments and equal period before the 12 months / 10 months period shall be included.

[2][NOTE 3:- In the case of a Government Servant who was on earned leave during the last twelve / ten months of his service and earned an increment which was not withheld, such increment though not actually drawn shall be included in the average emoluments.]

Provided that the increment was earned during the currency of the earned leave not exceeding one hundred and eighty days or during the first one hundred and eighty days of earned leave where such leave was for more than one hundred and eighty days.

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[1] *Second Proviso Note 1 to Rule 31 added - G.O.Ms.No.705, Finance (Pension) Department, dated 15-11-1996.*

[2] *Note 3. to Rule 31 substituted - G.O.Ms.No.374, Finance (BG.III) Department, dated 30-05-1981.*

CHAPTER V

CLASSES OF PENSIONS AND CONDITIONS GOVERNING THEIR GRANT

32. ***Superannuation pension:-*** A Superannuation pension is granted to a Government servant entitled or compelled, by rule, to retire at a particular age.

Explanation .—For purposes of this rule,--

(1) The date of compulsory retirement of a Government servant in superior service is the date on which he attains the age of [1][58 years]. The date of compulsory retirement of a Government servant in Last Grade Service is the date on which he attains the age of 60 years.

(2) The age of retirement of trained teachers in the educational institutions under the management of Government is the date on which he attains the age of 58 years.

(3) The date of retirement in the case of persons who had taken part in the freedom struggle and courted imprisonment and who have been, appointed to the posts of social workers up to the end of December 1965, shall be the date on which they attain the age of 60 years.

NOTE:- A Government servant under suspension, on a charge of misconduct, shall not be required or permitted to retire but shall be retained in service until the enquiry into the charge is concluded and final order is passed by a competent authority.

33. ***Retiring pension:-*** A retiring pension shall be granted to a Government servant who retires, or is retired, in advance of the age of compulsory retirement, in accordance with the provisions of rule 42.

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

The *pro-rata* pension, gratuity, etc., admissible in respect of the service rendered under the Government [2][will be calculated at the time of transfer, but payable only on retirement of the Government servant form the State owned Corporations / Boards].

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[1] *Rule 32 Explanation (1) for the expression "55 years", the expression "58 years" substituted – G.O.Ms.No.718, Finance (Pension) Department, dated 24-08-1994 with effect from 25th April 1979.*

[2] *Rule 34 for the words "would be disbursable either from the earliest date from which the Government servant could have retired voluntarily under the rules applicable to him or from the date of absorption in the undertaking / corporation whichever is later" substituted - G.O.Ms.No.826, Finance (BG.III) Department, dated 29-07-1985*

[Provided that the Government shall have no liability for the payment of family pension in such a case.] *(till 20th March 1989)*

[1][Provided that the Government shall have no liability for the payment of family pension in such a case except in the case of families of those Government employees who were or are on deputation to the State Public Sector Undertakings or Boards and who were or are permanently absorbed there, in the event of their death during their employment in the State Public Sector Undertaking or Board subject to fulfillment of :the following conditions, namely:-

i) The families of such deceased employees of the State Public Sector Undertaking or Board shall not receive any other family pension including Employees Family Pension and Life Insurance Scheme

ii) If a pension scheme is under in implementation in the State Public Sector Undertaking or Board, the Government will place the required funds at the disposal of the State Public Sector Undertaking or Board on a pro-rata basis to enable them to grant the family pension to the families of such deceased employees.

iii) If there is no pension scheme in the State Public Sector Undertaking or Board, the Government will bear the liability for the payment of family pension to the families of such deceased employees of the State Public Sector Undertaking or Board only in respect of the services put in by the deceased employee under the Government.]

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

35. ***Payment of lump sum amount to persons on absorption in or under a corporation, company or body***:- (1) Where a Government servant referred to in rule 34 elects the alternative of receiving the death-cum-retirement gratuity and a lump sum amount in lieu of pension, he shall, in addition to the death-cum-retirement gratuity be granted on an application made in this behalf a lump sum amount not exceeding the commuted value of his pension as may be admissible to him in accordance with the provisions of the Civil Pension Commutation Tables obtaining on the date from which the *pro-rata* pension and gratuity, etc., would be disbursable.

(2) Notwithstanding anything contained in sub-rule (1), where any lump sum amount in addition to the death-cum-retirement gratuity had been paid at any time to any Government servant referred to in rule 34 who had elected the alternative of receiving the death-cum-retirement gratuity, and a lump sum amount in lieu of pension, such payment shall be deemed to have been made in accordance with this rule, if the requirements of this rule have been satisfied.

36. ***Invalid pension***:- (1) A Government servant who is declared by the appropriate medical authority to be permanently incapacitated for further service in accordance with the instructions on the subject, may be granted invalid pension.

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[1] *First proviso substituted - G.O.Ms.No.298, Finance (Pension) Department, dated 31-7-2001 with effect from 21st March 1989*

Explanation. – For the purpose of this rule –

(a) If the officer submitting the application for invalidation is in India, then the examining medical authority shall be –

(i) A Medical Board in the case of all [1][self drawing Government servants] and those [1][non-self drawing Government servants] whose pay as defined in rule 9 (21) of the Fundamental Rules exceeds [2][Rs.2500/-] and above.

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

(b) If the officer 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. A lady doctor shall be included as a member of the Medical Board wherever a women candidate is to be examined.

If any doubt arises regarding the validity of a certificate (as in Form 23) by the Medical Board arranged by the India Mission abroad, the Audit Officer must not of his own motion reject the certificate as invalid but must submit the matter for the decision of Government.

[3][***]Government may delegate its power under this rule to Heads of Departments.

(c) Except in the case of the officer on leave elsewhere than in India, no medical certificate of incapacity for service may be granted unless the applicant produced a letter to show that the head of his 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 applicant's age. Where the applicant has a service book, the age there recorded should be reported.

NOTE 1:- Honorary Surgeons and Physicians may issue certificates (as in Form 24) invaliding for further service to Government servants who are patients in their wards on receipt of a requisition from the heads of offices or departments to which the Government servant belong. Such invaliding certificates issued in Madras City should be countersigned

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[1] *Rule 36(1)(a)(i), for the words "gazetted Government servant" and "non-gazetted Government servant", the words "self drawing Government servants" and "non-self drawing Government servants" respectively substituted - G.O.Ms.No.118, Finance (Pension) Department, dated 14-03-1997.*

[2] *Rule 36(1)(a)(i) for the expression "Rs.750/-", the expression "Rs.2500/-" substituted - G.O.Ms.No.995, Finance (Pension) Department, dated 11-09-1990.*

[3] *Rule 36(1)(a)(ii)(b) the word "NOTE" omitted – G.O.Ms.No.524, Finance (BG.III) Department, dated 30-07-1981.*

by the Director of Medical Education. The countersignature of the Director of Medical Education in the invalid certificate of an officer serving in the mofussil is not necessary.

NOTE 2:- In cases where the disease from which an applicant is suffering is curable by an operation, but this, he refuses to undergo and is therefore invalided. In these cases, no pension or gratuity is admissible. Each case of invalidation on account of a curable disease should be decided on merits. The Accountant General should forward such cases for the orders of Government.

NOTE. 3:- Government may dispense with a medical certificate of incapacity for further service in a case of gratuity and sanction the application.

NOTE 4:- An officer discharged on other grounds has no claims under this Rule even though he can produce medical evidence of incapacity for service.

NOTE 5:- The system of taking finger prints by Medical Officers on the medical certificates in the case of invalid pension and commutation of pension should remain in force.

NOTE 6:- An Officer who has submitted a medical certificate of incapacity for further service shall, if he is on duty be invalided from service from the date of relief of his duties, which should be arranged without delay on receipt of the medical certificate, or if he is on leave, on the expiry of such leave. If he is on leave at the time of submission of the medical certificate, he shall be invalided from service on the expiry of that leave or extension of leave, if any granted to him under S.R. 24 under Rule 74 (a) contained in Annexure II, Part I of the Fundamental Rules.

NOTE 7:- All [1][non-self drawing Government servants] as to whose fitness for further service there may be doubt, should unless they happen to be absent in other districts, on long leave, be sent for examination before the District Medical Officer of the district in which they are serving, where a Government servant's jurisdiction falls within more than one Revenue district as may be departmentally convenient. If, in special cases, he may be required to appear before the District Medical Officer of such district as may be departmentally convenient. If, in special cases, this procedure has necessarily to be departed from, the reasons therefore should be recorded in writing and communicated to the commissioned Medical Officer, who is asked to examine the applicant.

NOTE 8:- Invaliding medical certificates under this rule should be given by Medical Officer registered under Medical Registration Act 1914, and if any doubt arises in a particular case, it should be referred to the Director of Medical Education for decision or counter signature.

NOTE 9:- The Director, Central Leprosy, Teaching and Research Institute, Taramani is deemed to be a Civil Surgeon for the purpose of granting invalidating certificates to Government servants under his treatment for leprosy. The Medical certificate in these cases should also be countersigned by the Director of Medical Education.

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[1] *Rule 36(1)(c) in Note 7, for the words "non-gazetted Government servants", the words "non-self drawing Government servants" substituted - G.O.Ms.No.118, Finance (Pension) Department, dated 14-03-1997.*

NOTE 10:- All cases in which it is certified that the incapacity for service is due to irregular or intemperate habits, should be submitted to Government for orders through the proper channel, together with the opinion of the Director of Medical Education.

NOTE 11:- In the case of [1][non-self-drawing mofussil police officers] residing in Chennai during their period of leave, the certificate of unfitness for further service should be granted by the police Surgeon.

(2) Where the medical authority referred to in sub-rule (1) has declared Government servant fit for further service of less laborious character than that which he has been doing, he may, if possible, be employed on lower pay and if there be no means of employing him even on a lower pay he may be admitted to pension.

(3) (a) If the incapacity is directly due to the irregular or intemperate habits of a Government servant, no pension may be granted.

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

37. ***Medical Opinion***:- A sufficient statement of the medical case, and of the treatment adopted, should, if possible, be appended. If the examining Medical Officer, although unable to discover any specific disease in the Government servant considers him incapacitated for further service by general debility while still under the age of fifty-five years, he should give detailed reasons for his opinion, and if possible, a second medical opinion should always in such a case be obtained. In a case of this kind, special explanation will be expected from the head of the office or department of the grounds on which it is proposed to invalid the officer. A simple certificate that inefficiency is due to old age or natural decay from advancing years, is not sufficient in the case of Government servant whose recorded age is less than fifty-five years, but a Medical Officer is at liberty when certifying that the Government servant is incapacitated for further service by general debility, to state his reasons for believing the age to the understated.

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

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

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

NOTE:- (1) A reduction in the number of men paid for piece work and treated as having held a substantive office should be considered as an abolition of their appointments and the savings may, in such cases, be calculated on the average earnings of the last six months as laid down in rule 31.

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[1] *Rule 36(1)(c) in Note 11, for the words "non-gazetted mofussil police officers", the words "non-self drawing mofussil police officers" substituted - G.O.Ms.No.118, Finance (Pension) Department, dated 14-03-1997*

(2) An officer in foreign service should be held to have lost his lien from the date on which his post in Government service was abolished and no contribution could be received after that date. He should be regarded as having retired from Government service from that date and he should thereafter be permitted to draw the pension to which he is entitled in addition to the pay which he receives at the time from his foreign employer.

(3) When an officer is transferred from pensionable Government service to a non-pensionable establishment he cannot be granted any pension or gratuity admissible to him for the qualifying portion of his service until he actually retires from the public service, that is from the non-pensionable establishment to which he belongs.

(4) If an officer is transferred to a non-qualifying appointment in the interest of the public service and under orders of competent authority, he is entitled to a compensation pension if discharged on abolition of that non-qualifying appointment.

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

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

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

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

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

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

NOTE.- [****][1]

(2) Whenever in the case of a Government servant the Government passes an order (whether original, appellate or in exercise of power of review) awarding a

[1] *Note to Rule 39(1) deleted - G.O.Ms.No.524, Finance (Pension) Department, dated 30-07-1981.*

pension less than the full compensation pension admissible under these rules, the Tamil Nadu Public Service Commission shall be consulted before such order is passed.

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

(3) A pension granted or awarded under sub-rule (1) or as the case may be under sub-rule (2) shall not be less than the limit specified in sub-rule (5) of rule 43.

40. ***Compassionate allowance.*** (1) A Government servant who is dismissed or removed from service shall forfeit his pension and gratuity:

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

[1][Provided further that no allowance shall be granted to an officer under the rule-making control of the Government of India, other than those who are governed by the All India Services (Death-cum-Retirement Benefits) Rules, 1958, without further sanction.

Provided also that no compassionate allowance shall be granted in cases of Government servants dismissed or removed from service under the second proviso (c) to clause (2) of Article 311 of the Constitution of India, for overt, anti-national activities such as sabotage, espionage and like.

(2) A compassionate allowance sanctioned under the proviso the sub-rule (1) shall not be less than the limit specified in sub-rule (5) of [2][rule 43].]

41. ***Unfitness for further advancement:-*** When a Government servant belonging to one of the following services, who is proved to be unfit for further advancement , is removed from service by the Government of India on the recommendation of the Government, he may, with the sanction of the Government of India, be granted a pension not usually exceeding and not necessarily so great as, that which would have been admissible to the Government servant if he had been invalided on medical certificate. In making their recommendation in such cases, the State Government will be guided by the circumstances of each case and are not debarred from proposing, if the circumstances justify it, a pension lower or (in exceptional cases) higher in amount than that which would be admissible to the Government servant if he was invalided on medical certificate:-

(a) The Indian Civil Service.
(b) The Indian Police.

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[1] *Rule 40 - first and third proviso added and proviso to Rule 40 inserted as second proviso - G.O.Ms.No.191, Finance (Pension) department, dated 15-03-1995 with effect from 1st January 1979*

[2] *Rule 49(2) for the expression "rule 49", the expression "rule 43" substituted - G.O.Ms.No.191, Finance (Pension) department, dated 15-03-1995 with effect from 1st January 1979*

CHAPTER - VI

REGULATION OF AMOUNTS OF PENSION

42. ***Regulation of Amounts of Pension***:- (1) A Government servant, who, under Fundamental Rule 56 (d), retires voluntarily or is required by the appointing authority to retire in the public interest shall be entitled to a retiring pension.

[1][(2) (a) A Government servant including a Government servant in the Tamil Nadu Basic Service retiring voluntarily after 20 years service or 50 years of age under sub-rule (3) of rule 56 of the Fundamental Rules shall be entitled to a retiring pension which shall be calculated after giving weightage upto 5 years in addition to the qualifying service rendered by him subject to the condition that the total qualifying service rendered by such Government servant, including the weightage does not, in any case, exceed thirty years of qualifying service and it does not take him beyond the date of superannuation, as the case may be. The weightage shall be calculated in accordance with Fundamental Rules 56 (3) (d) (i) as specified in the Table below:-

THE TABLE

Weightage with reference to Qualifying Service		**Weightage with reference to Age**	
(1)		**(2)**	
Qualifying Service	***Weightage***	***Age***	***Weightage***
For all Government Servants		**For all Government Servants other than Government Servants in the Tamil Nadu Basic Service**	
25 years and below	5 years of weightage	53 years and below	5 years of weightage
26 years	4 years of weightage	54 years	4 years of weightage
27 years	3 years of weightage	55 years	3 years of weightage
28 years	2 years of weightage	56 years	2 years of weightage
29 years	1 year of weightage	57 years	1 year of weightage
		For Government Servants in the Tamil Nadu Basic Service	
		55 years and below	5 years of weightage
		56 years	4 years of weightage
		57 years	3 years of weightage
		58 years	2 years of weightage
		59 years	1 year of weightage

(b) The weightage given shall be in addition to the qualifying service, the purpose of pension and gratuity only and it shall not entitle a Government servant retiring voluntarily to any notional fixation of pay for purpose of calculating pension and gratuity. The pension shall be determined based on the 50% of the average emoluments drawn during the last ten months of service rendered or 50% of pay last drawn plus dearness pay, if any, admissible from time to time, by the Government servant, whichever is higher.]

[1] *Rule 42(2) substituted - G.O.Ms.No.3, Finance (Pension) Department, dated 05-01-2000.*

[1][(3) For purposes of this rule, the expression "appointing authority" shall mean the authority which is competent to make appointments to the service or post from which the Government servant retires.]

43. ***Amount of Pension***:- [2][(1) In the case of a Government servant retiring in accordance with the provisions of these rules before completing qualifying service of ten years, the amount of service gratuity shall be calculated at the uniform rate of half-month's emoluments for every completed six monthly period of service.]

(2) In the case of a Government servant, retiring in accordance with the provisions of these rules after completing qualifying service of not less than 10 years, the amount to pension shall be the appropriate amount as set out below namely:-

[3]**[(B) PENSION**

Completed six monthly periods of qualifying service	Scale of Pension
(1)	(2)
20	15.00 / 80ths average emoluments.
21	15.50 / 80ths average emoluments.
22	16.00 / 80ths average emoluments.
23	16.50 / 80ths average emoluments.
24	17.00 / 80ths average emoluments.
25	17 .50 / 80ths average emoluments.
26	18.00 / 80ths average emoluments.
27	18 .50 / 80ths average emoluments.
28	19.00 /80ths average emoluments.
29	19.50 / 80ths average emoluments.
30	20.00 / 80ths average emoluments.
31	20.50 / 80ths average emoluments.
32	21.00 / 80ths average emoluments.
33	21.50 / 80ths average emoluments.
34	22.00 / 80ths average emoluments.
35	22.50 / 80ths average emoluments.
36	23.00 / 80ths average emoluments.
37	23.50 / 80ths average emoluments.
38	24.00 / 80ths average emoluments.
39	24.50 / 80ths average emoluments.
40	25.00 / 80ths average emoluments.
41	25.50 / 80ths average emoluments.
42	26.00 / 80ths average emoluments.

[1] *Rule 42(3) added - G.O.Ms.No.1115, Finance (BG.III) Department, dated 12-12-1980.*

[2] *Rule 43(1) substituted - G.O.Ms.No.448, Finance (Pension) department, dated 07-06-1995.*

[3] *Rule 43(2) Table "(B) Pension" substituted - G.O.Ms.No.596, Finance (Pension) department, dated 25-11-1997 with effect from 1-1-1979.*

Completed six monthly periods of qualifying service	Scale of Pension
43	26.50 / 80ths average emoluments.
44	27.00 / 80ths average emoluments.
45	27.50 / 80ths average emoluments.
46	28.00 / 80ths average emoluments.
47	28.50 / 80ths average emoluments.
48	29.00 / 80ths average emoluments.
49	29.50 / 80ths average emoluments.
50	30.00 / 80ths average emoluments.
51	30.30 / 80ths average emoluments.
52	30.60 / 80ths average emoluments.
53	30.90 / 80ths average emoluments.
54	31.20 / 80ths average emoluments.
55	31.50 / 80ths average emoluments.
56	31.80 / 80ths average emoluments.
57	32.10 / 80ths average emoluments.
58	32.40 / 80ths average emoluments.
59	32.70 / 80ths average emoluments.
60 and above	33.00 / 80ths average emoluments.]

NOTE:- In this case of officers who retired on or before 1st October 1970 pension shall be the appropriate amount as set out below:--

Completed six monthly periods of qualifying service	Scale of gratuity or pension		Maximum Pension (in rupees per annum)
(1)	(2)		(3)
20	10 / 80ths Average emoluments		2,700
21	10 ½ / 80ths	Do	2,835
22	11 / 80ths	Do	2,970
23	11 ½ / 80ths	Do	3,105
24	12 / 80ths	Do	3,240
25	12 ½ / 80ths	Do	3,375
26	13 / 80ths	Do	3,510
27	13 ½ / 80ths	Do	3,645
28	14 /80ths	Do	3,780
29	14 ½ / 80ths	Do	3,915
30	15 / 80ths	Do	4,050
31	15 ½ / 80ths	Do	4,185
32	16 / 80ths	Do	4,320
33	16 ½ / 80ths	Do	4,455
34	17 / 80ths	Do	4,590
35	17 ½ / 80ths	Do	4,725
36	18 / 80ths	Do	4,860
37	18 ½ / 80ths	Do	4,995
38	19 / 80ths	Do	5,130
39	19 ½ / 80ths	Do	5,265

Completed six monthly periods of qualifying service	Scale of gratuity or pension		Maximum Pension (in rupees per annum)
(1)	(2)		(3)
40	20 / 80ths	Do	5,400
41	20 ½ / 80ths	Do	5,535
42	21 / 80ths	Do	5,670
43	21 ½ / 80ths	Do	5,805
44	22 / 80ths	Do	5,940
45	22 ½ / 80ths	Do	6,075
46	23 / 80ths	Do	6,210
47	23 ½ / 80ths	Do	6,345
48	24 / 80ths	Do	6,480
49	24 ½ / 80ths	Do	6,615
50	25 / 80ths	Do	6,750
51	25 ½ / 80ths	Do	6,885
52	26 / 80ths	Do	7,020
53	26 ½ / 80ths	Do	7,155
54	27 / 80ths	Do	7,290
55	27 ½ / 80ths	Do	7,425
56	28 / 80ths	Do	7,560
57	28 ½ / 80ths	Do	7,695
58	29 / 80ths	Do	7,830
59	29 ½ / 80ths	Do	7,965
60	30 / 80ths	Do	8,100

[1][(2A) In respect of persons who retire on or after 31st October 1979, the amount of pension shall be the appropriate amount as set out below: -

(a) In the case of a Government servant retiring in accordance with the provisions of these rules, after completing qualifying service of not less than thirty three years the amount of pension shall be determined as follows, namely:-

Average emoluments (1)		Amount of monthly pension (2)
Upto first Rs.1,000	:	50 per cent of average emoluments
Next Rs.500	:	45 per cent of average emoluments
Balance	:	40 per cent of average emoluments subject to a maximum of Rs.1,500 per mensem. [2][Provided that, with effect on and from the 1st October 1984, there shall be no maximum pension.]

[1] *Rule 43(2-A) added - G.O.Ms.No.38, Finance (Pension) Department, dated 27-01-1982 with effect from 1st October 1979.*

[2] *Rule 43(2-A)(a) proviso to the Table added - G.O.Ms.No.124, Finance (Pension) Department, dated 21-02-1995 with effect from 1st October1984.*

[1][Provided that in the case of a Government servant who retires on or after the 14th December 1987, pension shall be calculated at the rate of 50 per cent of average emoluments.]

[2][Provided further that in the case of Government servant who retires on or after the 1st July, 1996, pension shall be calculated at the rate of fifty per cent of average emoluments drawn during the last ten months of service rendered or fifty per cent of pay last drawn by the Government servant, whichever is higher.]

[3][Provided further that in the case of Government servant who retires on or after the 1st July, 1996, after completing qualifying service of not less than thirty years, pension shall be calculated at the rate of fifty per cent of average emoluments drawn during the last ten months of service rendered or fifty per cent of pay last drawn by the Government servant whichever is higher and the maximum qualifying service to become eligible for full pension shall be thirty years.]

(b) In the case of a Government servant retiring in accordance with the provisions of these rules, before completing qualifying service of [thirty three years] thirty years but after completing qualifying service of ten years, the amount of pension shall be [proportionate to the amount of pension admissible under clause (a) and in no case the amount of pension shall be] less than rupees [4][one hundred] [5][one hundred and twenty five] [6][two hundred and thirty five] [7][two hundred and forty five] [8][three hundred and seventy five] [9][one thousand two hundred and seventy five] three thousand and fifty per mensem.

[10][Provided that in case of a Government servant who retires on or after 1st July, 1996, before completing qualifying service of thirty years, but after completing qualifying service of ten years, the amount of pension shall be proportionate to the amount of pension admissible under the second proviso to clause (a).]

(c) Notwithstanding anything contained in clauses (a) and (b), the amount of invalid pension shall not be less than the amount of family pension admissible under sub-rule (2) of rule 49.

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[1] *Rule 43(2-A)(a) First Proviso added - G.O.Ms.No.448, Finance (Pension) department, dated 07-06-1995 with effect from 14th December 1984.*

[2] *Rule 43(2-A)(a) Second Proviso added - G.O.Ms.No145, Finance (Pension) Department, dated 27-03-1997 with effect from 1-7-1996*

[3] *Rule 43(2-A)(a) Second Proviso substituted - G.O.Ms.No.356, Finance (Pension) Department, dated 18-09-2001 with effect from. 1-7-1996*

[4] *Rule 43(2-A)(b) for the words "one hundred", the words "one hundred and twenty five" substituted - G.O.Ms.No.688, Finance (Pension) Department, dated 24-08-1995 with effect from 1st April 1982*

[5] *Rule 43(2-A)(b) for the words "one hundred and twenty five", the words "two hundred and thirty five" substituted - G.O.Ms.No.689, Finance (Pension) Department, dated 24-08-1995 with effect from 1st October 1984*

[6] *Rule 43(2-A)(b) for the words "two hundred and thirty five", the words "two hundred and forty five" substituted - G.O.Ms.No.690, Finance (Pension) Department, dated 24-08-1995 with effect from 1st October 1988*

[7] *Rule 43(2-A)(b) for the words "two hundred and forty five", the words "three hundred and seventy five" substituted - G.O.Ms.No.693, Finance (Pension) Department, dated 24-08-1995 with effect from 1st June 1988*

[8] *Rule 43(2-A)(b) for the words "three hundred and seventy five", the words "one thousand two hundred and seventy five" substituted - G.O.Ms.No.317, Finance (Pension) Department, dated 23-07-2006 with effect from 1st January 1996.*

[9] *Rule 43(2-A)(b) for the words "one thousand two hundred and seventy five", the words "three thousand and fifty" substituted - G.O.Ms.No.320, Finance (Pension) Department, dated 23-07-2006 with effect from 1st January 2006.*

[10] *Proviso to Rule 43(2-A)(b) added - G.O.Ms.No.356, Finance (Pension) Department, dated 16-09-2001 with effect from 1-7-1996*

(d) A Government servant who entered service prior to 1st October 1979 may opt for pension as per the provision in clause (a) above and for the Death-cum-Retirement Gratuity as per the provision in clause (c) of sub-rule (1) of rule 45. The option should cover both pension and Death-cum-Retirement Gratuity and not any one. The option shall be exercised one year before the date of retirement and if once exercised shall be final.

[1][(3) In calculating the length of qualifying service, fraction of a year equal to [2][three] months and above shall be treated a completed one half year and reckoned as qualifying service.

(4) The amount of pension finally determined under this rule shall be expressed in whole rupees and where the pension contain a fraction of a rupee, it shall be rounded off to the next higher rupee.

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

NOTE.—Illustrative examples are given below:-

(a) Where two Governments are involved –

		Rs. P.	
(Paying Government)	A	11.40	(0.40 to be ignored)
	B	24.60	(to be rounded off to 25)
		36.00	

(b) where, three or more Governments are involved –

		Rs. P.	
(Paying Government)	A	11.10	11.10 (0.10 to be ignored)
	B	12.80	(to be rounded off to 13)
	C	25.75	(to be rounded off to 26)
	D	40.35	(0.35 to be ignored)
		90.00	

A few illustrations are cited below :-

ILLUSTRATION

(i) A pension of Rs.238.55 to be divided among three Governments in the ratio of 5:4:1.

The share works out to --*

Rs.119.275 (2) Rs.95.420 (3) 23.855 By rounding—

		Rs. P.
(1) would be		119.00
(2) would be		95.00
(3) would be		24.00
	Total	238.00

[1] *Rule 43(3) and 43(4) including proviso substituted - G.O.Ms.No.38, Finance (BG-III) Department, dated 27-01-1982 with effect from 1st October 1979.*

[2] *Rule 43(3) for the word "six", the word "three" substituted - G.O.Ms.No..762, Finance (Pension) Department, Dated 05-09-1994 with effect from 1st January 1986.*

(ii) A pension of Rs.336.35 to be divided among four Government in the ratio of 6:4:2:1.

(1) Rs.155.24 (2) Rs.103.49, (3) Rs.51.75, (4) 25.87

The share works out to –

By rounding –

		Rs. P.
(1) would be		155.00
(2) would be		103.00
(3) would be		52.00
(4) would be		26.00
	Total	336.00

(iii) A pension of Rs.198.45 is to be divided among three Governments in the ratio of 7:5:1

(1) Rs.106.86, (2) 76,33. (3) Rs. 15.27

By rounding --

		Rs. P.
(1) would be		107.00
(2) would be		76.00
(3) would be		15.00
	Total	198.00

(iv) If a pension of Rs.560.55 is to be allocated among four Governments as follow:-

By rounding –

A.	Rs.259.625
B	Rs.170.275
C	Rs. 64.320
D	Rs. 75.330

* The share by rounding would be ---

C. would be	Rs.	64.00
D. would be	Rs.	75.00
B. would be	Rs.	170.00
A would be	Rs.	251.00
Total	Rs.	560.00

(5) Where the amount of pension after due calculations, inclusive of ad hoc increment sanctioned from time to time is less than the minimum pension, the difference shall be made good by the grant of further increase in pension.

NOTE: (i) For purposes of this rule, an officer cannot count the following allowances:-

(1) Local allowance and deputation (local) allowances

(2) House Rent Allowance or estimated value of free quarters

(3) Tour and other allowances; and

(4) Compensation for dearness of provisions.

NOTE: (ii) In the case of pensioner who is already in receipt of temporary increase sanctioned by the Government the minimum pension increase ordered will not be admissible.

NOTE: (iii) In the case of pensioner who is already in receipt of temporary increase sanctioned by the Defence Department, the pension increase order will not be admissible.

44. ***Regulation of pay in case of re-employed Government pensioner.-*** (1) The authority Competent to fix the pay and allowances of the Post in which a pensioner is re-employed shall determine whether the pension shall be held wholly or partly in abeyance. If pension is drawn wholly or in part, such authority shall take the amount of such pension into account in fixing the pay to be allowed to him.

Explanation:- Where the employment is in a service paid from local fund, the authority determining whether the pension shall be wholly or partly held in abeyance shall be either:-

(i) the authority administering the local fund, if so empowered by the Government by special or general orders in this behalf; or

(ii) in any other case, the Government or such other authority as the Government may prescribe.

NOTE:- Rules relating to the re-employment of superannuation of retiring pensioners do not apply to post in hereditary village officers.

(2) No retired personnel should be re-employed without specific orders of Government.

(3) Sub-rule (2) shall not apply to the re-employment in posts borne on the contingent establishment but it will apply to re-employment in posts borne on the work charged establishment. The principles governing the fixation of pay laid down in sub-rule (4) will, however, apply to re-employment in posts borne on contingent establishment as well as work charged establishment. In cases where the post of re-employment carries a fixed pay, that fixed pay will be taken as "the maximum of the post" referred to in sub-rule (4). In the cases of re-employment in posts paid from contingencies and of unskilled labourers where the pension exceeds the pay (proper) of the post, the re-employed person may, at the discretion of the appointing authority, be permitted to receive in addition to the pay of the post, a portion of their pension not exceeding half. They may also be allowed dearness allowance calculated on the total of the pension drawn and the pay on re-employment and other allowances attached to the post but not the temporary, increase in pension, which will be held in abeyance during the period of the re-employment .

(4) (i) The general principle governing the fixation of pay of a re-employed pensioner in the same or similar post is to allow him to draw his pension in full and in addition such pay as will bring his total emoluments up to the rate of pay drawn by him on the date of his retirement.

(ii) In the cases of re-employment in a higher post where the minimum pay of the post is more than the pay last drawn the pensioner may be allowed to minimum pay of the post, less pension and pension equivalent of other retirement benefits.

(iii) In the case, however, of a pensioner re-employed in a lower post, his pay plus pension during re-employment should be limited to the pay drawn by him at the time of retirement or to the maximum of the post in which he is re-employed whichever is less.

(iv) A re-employed pensioner may in addition, be allowed to draw the special pay attached to the post in which he is re-employed.

(v) Technical personnel who are re-employed in the Survey Department may be allowed the basic initial pay of the posts to which they are appointed in addition to their pension.

[1][(vi) Normal increments shall be sanctioned to the Government pensioners who are re-employed in the time scale of pay of the post to which he is appointed as if the pay had been fixed at the minimum or the higher stage, as the case may be (i.e. before an adjustment on account of pension and pension equivalent of other retirement benefits is made) subject to the condition that the pay and gross pension or pension equivalent of other retirement benefits taken together do not at any time exceed Rs.26,000/- per month.]

(5) In the case of persons who retire on gratuity under the Tamil Nadu Retiring and Invalid Gratuities (Non-Pensionable Establishment) Rules, 1941, the gratuity rules relating to Public Works, Work Shops, the Transport Department, etc., and are re-employed in posts the basic pay of which does not exceed Rs.80 per mensem, no deduction need be made from the pay on re-employment on account of the gratuity admissible to them. They will be allowed during re-employment the pay normally admissible to them without taking into consideration the fact of their having received a gratuity for their service prior to re-employment. The gratuity will be recovered if the subsequent service along with the previous services is to be reckoned for gratuity. The pension equivalent of the gratuity will, however, be taken into account in the case of others, i.e. in the case of those who retire on gratuity under the Tamil Nadu Retiring and Invalid Gratuities (Non-pensionable Establishment) Rules, 1941, the gratuity rules relating to public works, workshops, the Transport Department, etc and are re-employed in posts the basic pay of which exceeds Rs.80 per mensem, their pay on re-employment will be such as together with the pension equivalent of the gratuity (calculated by adopting the table of commuted value of civil pensions) will not exceed the pay last drawn by them while in services of the maximum of the post of re-employment, whichever is less. The term "Basic" pay used above should, in the case of posts carrying time scales of pay be taken as the actual as the pay allowed to the re-employed Government servant (before deduction of the pension equivalent).

(6) When a Government servant governed by the Contributory Provident Fund is re-employed in the same or a similar post, his pay will be so fixed that such pay together with the pension equivalent of the Government contribution and interest thereon credited to his provident fund shall not exceed the pay last drawn by him before retirement the pension equivalent being calculated by adopting the table of commuted value of civil pensions. In the case of pensioners, who are borne on the Contributory Provident Fund cum Pension System, the pay on re-employment will be reduced not only by the pension admissible to them but also by the pension equivalent of the Government contribution and interest thereon credited to their provident fund in lieu of half the regular pension.

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[1] *Rule 44(4)(vi) added - G.O.Ms.No.604, Finance (Pension) Department, dated 03-12-2003.*

(7) In the case of those retired from the service of the Corporation of Madras and re-employed under Government in the Medical and Public Health Departments, the pay on re-employment will be such as together with their pension, pension equivalent of the gratuity pension equivalent of the contributions with interest therein credited to their provident fund will not exceed the pay last drawn by them or the maximum of the post of re-employment whichever is less. Those who retired from the service of other local funds will on re-employment under Government in the Medical and Public Health Departments be allowed the minimum of the scale of post of re-employment according to their qualification in addition to any retirement benefit admissible to them from the local fund.

The Universities of the Tamil Nadu State are not "Local Funds" within the meaning of the rules.

A retired Government servant appointed as the Vice-Chancellor of a University in the Tamil Nadu State may continue to draw his full pension in addition to his salary as Vice-Chancellor.

45. ***Death-cum-Retirement Gratuity.***- (1) (a) A Government servant, who has completed five years' qualifying service and has become eligible for service gratuity or pension under rule 43, shall, on his retirement be granted death-cum-retirement gratuity as in the table below for each completed six monthly period of qualifying service, subject to a maximum of fifteen times, the emoluments: --

[1][THE TABLE

Scale of Death-cum-Retirement Gratuity

Completed six monthly periods of qualifying service	*Amount of gratuity*
(1)	(2)
10	3.00 months emoluments
11	3.30 months emoluments
12	3.60 months emoluments
13	3.90 months emoluments
14	4.20 months emoluments
15	4.50 months emoluments
16	4.80 months emoluments
17	5.10 months emoluments
18	5.40 months emoluments
19	5.70 months emoluments
20	6.00 months emoluments
21	6.30 months emoluments
22	6.60 months emoluments
23	6.90 months emoluments
24	7.20 months emoluments
25	7.50 months emoluments
26	7.80 months emoluments
27	8.10 months emoluments
28	8.40 months emoluments
29	8.70 months emoluments
30	9.00 months emoluments
31	9.30 months emoluments

[1] *Table to 45(1)(a) substituted - G.O.Ms.No.595, Finance (Pension) Department, dated 25-11-1997*

Completed six monthly periods of qualifying service	*Amount of gratuity*
(1)	(2)
32	9.60 months emoluments
33	9.90 months emoluments
34	10.20 months emoluments
35	10.50 months emoluments
36	10.80 months emoluments
37	11.10 months emoluments
38	11.40 months emoluments
39	11.70 months emoluments
40	12.00 months emoluments
41	12.30 months emoluments
42	12.60 months emoluments
43	12.90 months emoluments
44	13.20 months emoluments
45	13.50 months emoluments
46	13.80 months emoluments
47	14.10 months emoluments
48	14.40 months emoluments
49	14.70 months emoluments
50	15.00 months emoluments
51	15.15 months emoluments
52	15.30 months emoluments
53	15.45 months emoluments
54	15.60 months emoluments
55	15.75 months emoluments
56	15.90 months emoluments
57	16.05 months emoluments
58	16.20 months emoluments
59	16.35 months emoluments
60 and above	16.50 months emoluments

Provided that in the case of retirement of a Government servant after completion of a qualifying service of thirty years, the maximum Death-cum-Retirement Gratuity shall be payable not exceeding rupees thirty thousand.]

[1][(b) If a Government servant dies while in service, Death Gratuity shall be paid as specified in the table below and in accordance with the provisions of sub-rule (1) of the rule 46 -

	Length of service (1)	**Rate of Gratuity** (2)
(i)	Less than one year	Two times of monthly emoluments
(ii)	More than one year and above but less than five years	Six times of monthly emoluments

[1] *Rule 45(1)(b) including proviso thereto substituted - G.O.Ms.No.448, Finance (Pension) department, dated 07-06-1995 with effect from 14th December 1987.*

	Length of service (1)	Rate of Gratuity (2)
(iii)	More than five years and above but less than twenty years	Twelve times of monthly emoluments
(iv)	More than twenty years and above	Half of monthly emoluments for every completed six monthly services subject to a maximum of thirty three times of monthly emoluments, the amount of which shall, in no case, exceed Rupees one lakh]

(c) In the case of retirement or death of a Government servant after the 1st October 1979 and after completing five years qualifying service, the amount of death-cum-retirement gratuity shall be one-fourth of his emoluments for each completed six months period of qualifying service subject to a maximum of sixteen and a half times the emoluments.

Provided that in no case the amount of death-cum-retirement gratuity payable exceed rupees thirty thousand.

Provided further that in respect of cases arising on or after the 31st May 1982, the maximum limit of Death-cum-Retirement Gratuity shall not exceed rupees thirty six thousand.

[1][Provided also that in respect of cases arising on or after the 1st October, 1984, the maximum limit of Death-cum-Retirement Gratuity shall not exceed rupees fifty thousand.

Provided also that in respect of cases arising on or after the 14th December, 1987, the maximum limit of Death-cum-Retirement Gratuity shall not exceed rupees one lakh.]

[2][Provided also that in respect of cases arising on or after the 1st April, 1995, the maximum limit of Death-cum-Retirement Gratuity shall not exceed Rupees two lakhs and fifty thousand.]

[3][Provided also that in respect of cases arising on or after the 1st January, 1996, the maximum limit of Death-cum-Retirement Gratuity shall not exceed rupees three lakhs and fifty thousand.]

[4][Provided also that in respect of cases arising on or after the 1st January, 2006, the maximum limit of Death-cum-Retirement Gratuity shall not exceed rupees ten lakh.]

(2) If a Government servant who has become eligible for a service gratuity or pension dies within five years from the date of his retirement from service including

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[1] *Third and Fourth Provisos to Rule 45(1)(c) added - G.O.Ms.No.124, Finance (Pension) Department, dated 21-02-1995*

[2] *Fifth Proviso to Rule 45(1)(c) added - G.O.Ms.No.138, Finance (Pension) Department, dated 25-03-1997.*

[3] *Sixth Proviso to Rule 45(1)(c) added - G.O.Ms.No.316, Finance (Pension) Department, dated 23-07-2009*

[4] *Sixth Proviso to Rule 45(1)(c) added - G.O.Ms.No.319, Finance (Pension) Department, dated 23-07-2009*

compulsory retirement as a penalty and the sums actually received by him at the time of his death on account of such gratuity or pension including ad hoc increase if any, together with the death-cum-retirement gratuity admissible under sub-rule (1) and the commuted value of any portion of pension commuted by him are less than the amount equal to 12 times of his emoluments, a residuary cum-retirement gratuity equal to the deficiency may be granted to his family in the manner indicated in sub-rule 46.

[(3) (a) If a Government servant dies in the first year of qualifying service, a death gratuity equal to two times of his emoluments at the time of his death shall be paid to his family in the manner indicated in sub-rule (1) of rule 46.

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

(3) [1][***]

(4) The emoluments for the purpose of gratuity admissible under this rule shall be reckoned in accordance with rule 30.

Provided that if the emoluments of a Government servant have been reduced during the last ten months of his service other wise than as penalty, average emoluments as referred to in rule 31 shall be treated as emoluments.

(5) For the purposes of this rule and rule 46, 47 and 48 'family' in relation to a Government servant means.

(i) Wife or wives, including judicially separated wife or wives in the case of a male Government servant.

(ii) husband, including judicially separated husband in the case of a female Government servant.

(iii) [2][sons including step sons, adopted sons and sons born through illegitimate wife.

(iv) unmarried daughters including step daughter, adopted daughters and unmarried daughters born through illegitimate wife.

(v) widowed daughters including step daughters, adopted daughters and widowed daughter born through illegitimate wife.]

(vi) father, including adoptive parents in the case of individuals whose personal law permits adoption.

(vii) mother [3][and step 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.

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[1] *Rule 45 Sub rule 3 Omitted - G.O.Ms.No.448, Finance (Pension) Department, dated 07-06-1995 with effect from 14th December 1987.*

[2] *Rule 45(5)(iii) to (v) substituted - G.O.Ms.No.602, Finance (Pension) Department, dated 13-09-1996 with effect from 1st January 1979.*

[3] *Rule 45(5)(vii) the words "and step mother" inserted - G.O.Ms.No.132, Finance (Pension) Department, dated 23-02-1995 with effect from 28th December 1983.*

(x) married daughters, and

(xi) Children of pre-deceased son.

[1][45-A. ***Interest on delayed payment of Gratuity***:- (1) Interest at the rate of eight per cent per annum shall be payable on the death-cum-retirement gratuity paid beyond (a) period of two months from the date of retirement of a Government servant [2][***].

[3][Provided that on and from the 12th June 1987, the rate of such interest shall be as follows:-

(a) seven per cent per annum beyond a period of three months and up to one years; and

(b) ten per cent per annum beyond a period of one year;

[4][Provided further that on and from 20th February 1995, the rate of such interest shall be twelve percent per annum (compounded annually).

Provided also that on and from 1st April 2004, the rate of such interest shall be at the rate of interest payable, on General Provident Fund during the year of retirement of the Government servant (compounded annually).]

Provided further that no such interest shall be payable:-

(a) where the institution of departmental or judicial proceeding against the retiring Government servant concerned is pending; and

(b) for the fraction of a month.]

[5][(1-A) The period beyond which such interest is payable, shall be as follows:-

(i) in the case of a Government servant retired otherwise on superannuation and where the death-cum-retirement gratuity is withheld on account of disciplinary proceeding pending against him:-

(a) three months from the date of retirement where the Government servant is exonerated of all charges and where the death-cum-retirement gratuity is paid on the conclusion of disciplinary proceedings.

(b) three months from the date of death where the disciplinary proceedings are dropped on account of death of a Government servant.

(c) three months from the date of issue of orders by the competent authority allowing payment of death-cum-retirement gratuity where the Government servant is not

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[1] *Rule 45-A inserted - G.O.Ms.No.506, Finance (Pension) Department, dated 27-06-1995.*

[2] *Rule 45-A(1) the words "in any Head of Office" omitted - G.O.Ms.No.509, Finance (Pension) Department, dated 27-06-1995 with effect from 1st December 1988.*

[3] *Proviso to 45-A substituted - G.O.Ms.No.507, Finance (Pension) Department, dated 27-6-1995.*

[4] *Proviso to 45-A inserted - G.O.Ms.No.487, Finance (Pension) Department, dated 07-10-2009.*

[5] *Rule 45-A (1-A) inserted - G.O.Ms.No.510, Finance (Pension) Department, dated 27-6-1995 with effect from 10th May 1991.*

fully exonerated on the conclusion of disciplinary proceedings and where the competent authority desires to allow payment of death-cum-retirement gratuity.

(ii) six months from the date of retirement of a Government servant otherwise than on superannuation under Fundamental Rule 56(2) or 56(3) or rules 33, 36, 38, 39 and 42 of the Tamil Nadu Pension Rules, 1978.

(iii) six months from the date of death of a Government servant while in service and where the delay is not caused on account of more than one claimant.

(iv) three months from the date of issue of orders revising the emoluments where the amount of death-cum-retirement gratuity already paid is enhanced on account of revision of emoluments and

(v) six months from the date of absorption in the case of permanent absorption in the Public Sector Undertakings or Autonomous Bodies otherwise than on en mass transfer on conversion of Government department or a part thereof into Public Sector Undertakings or Autonomous Bodies.]

[1][(2) The Government shall be the authority competent to sanction such interest.]

46. ***Persons to whom gratuity is payable.*** – (1) (a) The gratuity payable under rule 45 shall be paid to the person or persons on whom the right to receive the gratuity is conferred by means of a nomination under rule 48:

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

(i) if there are one or more surviving members of the family as in clauses (i), (ii), (iii) and (iv) of sub rule (5) of rule 45 to all such members in equal shares.

(ii) If there are no such surviving members of the family as in sub clause (I) above, but there are one or more members as in clauses (v), (vi), (vii), (viii), (ix), (x) and (xi) of sub rule (5) of rule 45, to all such members in equal shares.

(2) If a Government servant dies after retirement, without receiving the gratuity admissible under sub-rule (1) of rule 45, the gratuity shall be disbursed to the family in the manner indicated in sub-rule (1)

[2][(2-A) If a Government servant dies while in service or after retirement without receiving the gratuity, the share of gratuity of a family member who dies after the death of the Government servant or becomes disqualified but before receiving the payment of his share of gratuity, shall be disbursed to the family in the manner indicated in sub-rule (1) and sub-rule (3) of the rule 48.]

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[1] *Rule 45-A(2) added and 45-A renumbered as 45-A(1) - G.O.Ms.No.508, Finance (Pension) department, dated 27-6-1995 with effect from 15th June 1987.*

[2] *Rule 46(2-A) inserted - G.O.Ms.No.647, Finance (Pension) Department, dated 1-8-1995 with effect from 1st January 1979.*

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

(4) Where gratuity is granted under rule 45 to a minor member of the family of the deceased Government Servant it shall payable to the guardian on behalf of the minor.

NOTE.- (i) Where a non-valid nomination subsists-

(a) when a share is payable to minor sons or minor unmarried daughters it shall be paid to the surviving parent except in the case when the surviving parent happens to be Muslim Lady. Where, however, there is no surviving parent or the surviving parent is a Muslim lady; payment shall be made to the persons producing the guardianship certificate.

(b) When a share is payable to widowed minor daughter(s), production of a guardianship certificate will be necessary

(c) If in a rare case the wife herself 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) and (iv), of sub-rule (5) of rule 45, the death-cum-gratuity becomes payable to a minor brother or a minor unmarried sister, the payment shall 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, shall be made to the persons producing the guardianship certificate. If any share is payable to a widowed minor sister, the production of guardianship certificate will be necessary.

NOTE: (ii) Where a valid nomination subsists.

(a) Where the nomination is in respect of one or more of the members of the family, the position stated under item (I) above will apply.

(b) Where there is no family, the nomination in favour of an illegitimate child, a married daughter or a married sister will also be valid. The position will, therefore, be as follows:-

(i) [1][***]

[1] *Rule 46(4) Note (ii)(b)"(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 will be necessary." omitted - G.O.Ms.No.602, Finance (Pension) Department, dated 13-09-1996 with effect from 1st January 1979.*

(ii) If the share is payable to a married minor girl, the share will be payable to the husband. In case where payment of the minor(s) share of death-cum-retirement gratuity is to be made to the natural / legal guardian, in order to issue the necessary payment authority in his / her favour, the Accountant General, Tamil Nadu must know this fact as well as the name of the natural legal guardian. If the above information is not given in the sanction order, the Accountant General will have to make enquiries on this.

NOTE (iii): Notwithstanding anything contained in the above notes payment of death-cum-retirement gratuity to the extent of [1][Rs.10,000] (for the first [2][Rs.10,000] where the amount payable exceeds, [2][Rs.10,000]) in favour of a minor may be made to his / her guardian, in the absence of a natural guardian, without the production of a guardianship certificate but subject to production of an indemnity bond with suitable sureties to the satisfaction of the sanctioning authority. The balance in excess of [2][Rs.10,000], if any, would become payable on the production of a certificate of guardianship.

It is essential, however, that there should be adequate prima facie grounds for making payment as stated above to the persons claiming it. Such ground can exist only if he is shown by sworn declaration to be a *de facto* guardian and his *bona fides* have been ascertained. Even if a guardian has not yet been appointed by the Court, if the minor and his property are in the custody of some person, such person, is in law a *de facto* guardian. The authorities making the payment should, therefore, require the person who comes forward to claim payment on behalf of the minor, to satisfy them by an affidavit that he is in-charge of the property of the minor and is looking after it or that if the minor has no property other than the gratuity the minor is in his custody and care. The affidavit so to be produced is in addition to the indemnity bond with suitable sureties.

The Indemnity Bond shall be executed in Form 25. The stamp duty payable on the Indemnity bond has been remitted by the Government. The Bond should be executed on durable plain paper. It should be signed by the obligor and the surety / sureties or their respective Attorney appointed by Power of attorney. The Indemnity bond should be accepted by the Head of the Department on behalf of the Governor of Tamil Nadu. The obligor as well as the sureties should have attained majority so that the bond may have legal effect or force;

[2][**46-A.** ***Debarring a person from receiving gratuity-*** (1) If a person, who in the event of death of a Government servant while in service is eligible to receive gratuity in terms of rule 46, is charged with offence of murdering that Government servant or for abetting in the Commission of such an offence, his claim to receive his share of gratuity shall remain suspended till the conclusion of the criminal proceedings instituted against him.

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[1] *Rule 46(4) Note (iii) for the expressions "Rs.5000", the expressions"Rs.10,000" in four places substituted - G.O.Ms.No.197, Finance (Pension) Department, dated 16-3-1995 with effect from 07-10-1989.*

[2] *Rule 46-A inserted - G.O.Ms.No.496, Finance (BG-III) Department, dated 29-07-1981.*

(2) If on the conclusion of the criminal proceeding referred to in sub-rule (1) the person concerned-

(a) is convicted for the murder or abetting in the murder of the Government Servant, he shall be debarred from receiving his share of gratuity which shall be payable to other eligible members of the family, if any;

(b) is acquitted of the charge of murdering or abetting in the murder of the Government servant, his share of gratuity shall be payable to him.

(3) The provisions of sub-rule (1) and (2) shall also apply to the undisbursed gratuity referred to in sub-rule (2) of rule 46.]

47. ***Lapse of death cum-retirement gratuity.***– Where a Government servant dies while in service or after retirement without receiving the amount of gratuity, and

(a) leaves behind no family; or

(b) has made no nomination; or

(c) the nomination made by him does not subsist, the amount of death cum retirement gratuity payable to him under rule 45 shall lapse to the Government.

[1][Provided that the amount of death gratuity or retirement gratuity shall be payable to the person in whose favour a Succession Certificate in respect of the gratuity in question has been granted by a Court of Law.]

48. ***Nomination.***- (1) A Government servant shall make a nomination in Form 1 or Form 2, as may be as appropriate in the circumstances of the case conferring on one or more persons the right to receive the Death-cum-Retirement Gratuity payable under rule 45:

Provided that, if at the time of making the nomination-

(i) the Government servant has a family, the nomination shall not be in favour of any person or persons other than the members of his family [2][***].

(ii) the Government servant has no family the nomination may be made in favour of a person or persons, or a body of individuals, whether incorporated or not.

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

(3) A Government servant may provide in the nomination. --

(i) that in respect of any specified nominee who predeceases the Government servant, or who dies after the death of the Government servant but before receiving the payment of

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[1] *Proviso to Rule 47 added - G.O.Ms.No.147, Finance (Pension) Department, dated 12-02-1990 with effect from 12th February 1990.*

[2] *Proviso (i) to Rule 48(1), the words "and such nomination shall be in the order laid down in sub-rule (5) of rule 45" omitted - "G.O.Ms.No.173, Finance (Pension) Department, dated 03-04-1997.*

gratuity, the right conferred on that nominee shall pass to such other person as may be specified in the nomination:

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

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

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

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

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

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

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

(7) [1][(a) Every nomination made (including every notice of cancellation, if any, given) by a self-drawing Government servant under this rule shall be sent –

(i) in case the Government servant is a permanent self-drawing Government servant other than a self-drawing Government servant referred to in sub-rule (1) of rule 54 to the Audit Officer concerned and

(ii) in any other case, including that of a self-drawing Government servant referred to in sub-rule (1) of rule 54 to the Head of Office.]

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

(c) (i) The Head of Office may authorise his subordinate [1][self-drawing Government servants] to countersign the nomination forms of [non-self drawing Government servants].

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[1] *Rule 48(7)(a) substituted - G.O.Ms.No.118, Finance (Pension) Department, dated 14-03-1997.*

(ii) Suitable entry regarding receipt of nomination shall be made in the service book of the [non-self drawing Government servants].

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

49. [2]*[***] **Family pension.**-(1) The provision of this rule shall apply to a Government servant entering service in a pensionable establishment whether temporary or permanent on or after the 1st April 1964, or who was in service on the 31st March 1964 and came to be governed by the Tamil Nadu Government Servants' Family Pension Rules, 1964, except the following, namely:-

(i) Government servants who retired before the 1st April 1964, but are re-employed on that date or thereafter.

(ii) Government servants who are employed in Government Industrial Undertakings to whom the Factories Act, 1948 (Central Act LXIII of 1948) or the Employees' Provident Funds Act, 1952 (Central Act XIX of 1952) are applicable excluding those who are governed by statutory service rules and belong to pensionable service.

(iii) Government servants who belong to non-pensionable service, namely persons paid from contingencies. work charged staff, casual labour contract officers.

(2) [3][***] Without prejudice to the provisions contained in sub-rule (3) 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 [4][***] family pension (hereinafter in this rule referred to as family pension), the amount of which shall be determined as follows:-

1	Below Rs.200	30 per cent of pay	Minimum of Rs.50
2	Rs. 200 and above but below Rs.800	15 per cent of pay	Minimum of Rs.60
3	Rs. 800 and above	12 per cent of pay	Maximum of Rs.300 and minimum of Rs.150

[1] *Rule 48(7)(c) for the words "gazetted officers" and "non-gazetted Government servants", occurring in two places, the words "self drawing Government servants" and "non-self drawing Government servants" respectively substituted - G.O.Ms.No.118, Finance (Pension) Department, dated 14-03-1997.*

[2] *Rule 49 in the marginal heading, the word "contributory" omitted - G.O.Ms.No.615, Finance (Pension) Department, dated 21-07-1995 with effect from 1st January 1979.*

[3] *Rule 49(2), the expression "Subject to the provisions of sub-rule (5) and" omitted - "G.O.Ms.No.447, Finance (Pension) Department, dated 07-06-1995 with effect from 21st August 1986.*

[4] *Rule 49(2)(b) the word "contributory" omitted - G.O.Ms.No.615, Finance (Pension) Department, dated 21-07-1995 with effect from 1st January 1979.*

[1][Provided that family pension shall be payable to the family of a Government servant who dies before the completion of one year continuous service, if he was declared fit for Government service by the appropriate medical authority prescribed under the relevant rules immediately prior to his appointment.]

NOTES: (i) The rules do not prohibit the grant of family pension to the family of a Government servant who commits suicide.

(ii) No family pension under these rules shall be payable to the family of a Government servant who dies after retirement unless at the time of his death he was in receipt of or eligible to be paid any of the following classes of pension, namely:- Compensation, Invalid, Retiring or Superannuation Pensions.

(iii) The Government servant who have been compulsorily retired on or after 1st April 1964 and who are in receipt of pension are entitled to Family Pension under these rules.

(iv) Notwithstanding the pendency of any disciplinary proceedings against the deceased Government servant concerned, family pension shall subject to the provisions in sub-rule (4), be payable to the family of the deceased Government servant.

[2][(2-A) The family pension payable to a family of a Government servant or a retired government servant who died on or after the 1st April 1979, shall be regulated as under, provided he has completed continuous qualifying service for a period of not less than one year:-

(i) The amount of monthly family pension shall be calculated at the uniform rate of 30 per cent of pay drawn, subject to a minimum of [Rs.100] [3][Rs,125] [4][Rs.235] [5][Rs.245] [6][Rs.375] [7][Rs.1275] [8][Rs.3050] per mensem and maximum of [Rs.500] [9][Rs.800] [10][Rs.1000] [5][Rs.1250] [6][Rs.6570] [7][Rs.23100] per mensem;

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[1] *Proviso to Rule 49(2)(b) added - "G.O.Ms.No.447, Finance (Pension) Department, dated 07-06-1995 with effect from 29th August 1989.*

[2] *Rule 49(2-A) inserted - G.O.Ms.No.768, Finance (BG-III) Department, dated 21-08-1986.*

[3] *Rule 49(2-A)(i), for the expression "Rs.100", the expression "Rs.125" substituted - G.O.Ms.No.688, Finance (Pension) Department, dated 24-08-1995 with effect from 1st April 1982.*

[4] *Rule 49(2-A)(i), for the expression "Rs.125", the expression "Rs.235" substituted - G.O.Ms.No.689, Finance (Pension) Department, dated 24-08-1995 with effect from 1st October 1984.*

[5] *Rule 49(2-A)(i), for the expression "Rs.235", the expression "Rs.245" substituted - G.O.Ms.No.690, Finance (Pension) Department, dated 24-08-1995 with effect from 1st April 1988.*

[6] *Rule 49(2-A)(i) for the expression "Rs.245 and Rs.1000", the expression "Rs.375 and Rs.1250" respectively substituted - G.O.Ms.No.693, Finance (Pension) Department, dated 24-08-1995 with effect from 1st June 1988.*

[7] *Rule 49(2-A)(i) for the expression "Rs.375 and Rs.1250", the expression "Rs.1275 and Rs.6570" respectively substituted - G.O.Ms.No.317, Finance (Pension) Department, dated 23-07-2009 with effect from 1st January 1996.*

[8] *Rule 49(2-A)(i) for the expression "Rs.1275 and Rs.6570", the expression "Rs.3050 and Rs.23100" respectively substituted - G.O.Ms.No.320, Finance (Pension) Department, dated 23-07-2009 with effect from 1st January 2006.*

[9] *Rule 49(2-A)(i), for the expression "Rs.500", the expression "Rs.800" substituted - G.O.Ms.No.691, Finance (Pension) Department, dated 24-08-1995 with effect from 1st October 1984.*

[10] *Rule 49(2-A)(i), for the expression "Rs.800", the expression "Rs.1000" substituted - G..O.Ms.No.692, Finance (Pension) Department, dated 24-08-1995 with effect from 14th December 1984.*

(ii) In the case of death after retirement, the quantum of family pension as calculated above shall not exceed the uncommuted value of superannuation pension. A flat rate of family pension of [Rs.100 per mensem with effect from 1st April 1979 or the date following the date of death whichever is later] [1][Rs.125] [2][Rs.235] [3][Rs.245] [4][Rs.375] [5][Rs.1275] [6][Rs.3050] per mensem shall be sanctioned to the eligible member of the family of the Government servant who died while in service or after retirement and who were hitherto not eligible for family pension.]

[7][(3)(a) In the event of death of a Government servant while in service after having rendered not less than seven years continuous service, the rate of family pension payable shall be equal to 50 per cent of the pay last drawn [8][***] or [Rs.500] [9][Rs.800] [10][Rs.1000] [11][Rs.1250] [12][Rs.6570] [13][Rs.23100], whichever is less, and the amount so admissible shall be payable from the date following the date of death of Government Servant for a period of seven years or for a period up to the date on which the deceased Government servant would have attained the age of 65 years had he survived, whichever is less.]

NOTES.-1. In the case of widows or widowers governed by the extraordinary pension Rules, Madras, the child allowance, if any, shall be paid in addition.

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[1] *Rule 49(2-A)(ii), for the expression "Rs.100 per mensem with effect from 1st April 1979 or the date following the date of death whichever is later", the expression "Rs.125 per mensem" substituted - G.O.Ms.No.688, Finance (Pension) Department, dated 24-08-1995 with effect from 1st April 1982*

[2] *Rule 49(2-A)(ii), for the expression "Rs.125", the expression "Rs.235" substituted - G.O.Ms.No.689, Finance (Pension) Department, dated 24-08-1995 with effect from 1st October 1984.*

[3] *Rule 49(2-A)(ii), for the expression "Rs.235", the expression "Rs.245" substituted - G.O.Ms.No.690, Finance (Pension) Department, dated 24-08-1995 with effect from 1st April 1988.*

[4] *Rule 49(2-A)(ii) for the expression "Rs.245", the expression "Rs.375" substituted - G.O.Ms.No.693, Finance (Pension) Department, dated 24-08-1995with effect from 1st June 1988.*

[5] *Rule 49(2-A)(ii) for the expression "Rs.375", the expression "Rs.1275" substituted - G.O.Ms.No.317, Finance (Pension) Department, dated 23-07-2006 with effect from 1st January 1996.*

[6] *Rule 49(2-A)(ii) for the expression "Rs.1275", the expression "Rs.3050" substituted - G.O.Ms.No.320, Finance (Pension) Department, dated 23-07-2006 with effect from 1st January 2006.*

[7] *Rule 49(3)(a) substituted - G.O.Ms.No.768, Finance (BG-III) Department, dated 21-08-1986.*

[8] *Rule 49(3)(a) the expression "or twice the family pension admissible under sub-rule (2) or (2-A) as the case may be" omitted - G.O.Ms.No.184, Finance (Pension) Department, dated 14-03-1995 with effect from 1st April 1979.*

[9] *Rule 49(3)(a), for the expression "Rs.500", the expression "Rs.800" substituted - G.O.Ms.No.691, Finance (Pension) Department, dated 24-08-1995 with effect from 1st October 1984.*

[10] *Rule 49(3)(a) for the expression "Rs.800", the expression "Rs.1000" substituted - G.O.Ms.No.692, Finance (Pension) Department, dated 24-08-1995 with effect from 14th December 1987.*

[11] *Rule 49(3)(a) for the expression "Rs.1000", the expression "Rs.1250" substituted - G.O.Ms.No.693, Finance (Pension) Department, dated 24-08-1995 with effect from 1st June 1988.*

[12] *Rule 49(3)(a) for the expression "Rs.1250", the expression "Rs.6570" substituted - G.O.Ms.No.317, Finance (Pension) Department, dated 23-07-2006 with effect from 1st January 1996.*

[13] *Rule 49(3)(a) for the expression "Rs.6570", the expression "Rs.23100" substituted - G.O.Ms.No.320, Finance (Pension) Department, dated 23-07-2006 with effect from 1st January 2006.*

2. The expression, 'the date on which Government servant would have reached the age of superannuation' shall be the case of an officer who is required to retire or who himself chooses to retire under rule 48 of the rules or who after being served with the notice or tendering the notice as the case may be dies while in service or during leave preparatory to retirement before retiring pension mean the date of superannuation in the normal course and not the intended date of retirement on a retiring pension.

3. [1][***]

4. In the case of a Government servant deputed to the Corporation of Madras or Tamil Nadu Housing Board and who retired or dies while under that institution, the pay including special pay drawn by him at the time of retirement or death, as the case may be, shall be taken into account in calculating the family pension.

(3) (b) After the expiry of the period referred to in clause (a) the family in receipt of family pension under that clause, shall be entitled to family pension at the rate admissible under sub-rule (2).

[2][(3) (c) In the event of death of a Government servant after retirement, the family pension as determined under clause (a) shall be payable for a period of seven years or for a period up to the date on which the retired deceased Government servant would have attained the age of 65 years had be survived, whichever earlier.]

[3][(3-A) The amount of family pension finally determined under this rule shall be expressed in whole rupees and where the family pension contains a fraction of a rupee, it shall be rounded off to the next higher rupee.

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

[4][(4) Where an award under the Extraordinary Pension Rules is admissible, no family pension under this rule shall be authorised.]

(5) [5][***].

(6) 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 remarriage, whichever is earlier ;

(ii) in the case of a son, until he attains the age of [6][twenty one years] [7][twenty-five years]; and

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[1] *Rule 49(3)(a), Notes Item-3 omitted - G.O.Ms.No.184, Finance (BG-III) Department, dated 14-03-1995 with effect from 1st April 1979.*

[2] *Rule 49(3)(c) added - G.O.Ms.No.768, Finance (BG-III) Department, dated 21-08-1986.*

[3] *Rule 49(3-A) and Proviso inserted - G.O.Ms.No.443, Finance (Pension) Department, dated 06-06-1995 with effect from 1st January 1979.*

[4] *Rule 49(4) substituted - G.O.Ms.No.768, Finance (BG-III) Department, dated 21-08-1986.*

[5] *Rule 49(5) omitted - G.O.Ms.No.768, Finance (BG-III) Department, dated 21-08-1986.*

[6] *Rule 49(6(ii)) for the expression "eighteen", the words "twenty one" substituted - G.O.Ms.No.768, Finance (BG-III) Department, dated 21-08-1986.*

[7] *Rule 49(6)(ii) for the words "twenty-one years", the words "twenty five years" substituted - G.O.Ms.No.283, Finance (Pension) Department, dated 07-04-1995 with effect from 1st June 1988*

(iii) in the case of an unmarried daughter, until she attains the age of [1][twenty-four years] [2][thirty years] [3][twenty five years] or until she gets married whichever is earlier:

[4][Provided that if the son or daughter of a Government servant including the son or daughter, born after retirement from the marriage solemnized before or after retirement of a Government servant, is suffering from any disorder or disability of mind [5][including mentally retarded] or is physically crippled or disabled, whether such handicap manifests before or after retirement or death while in service of a Government servant, so as to render him or her unable to earn a living] even after attaining the age of [18 years] [6][21 years] [7][25 years] in the case of the son and [8][24 years] [9][30 years] [10][25 years] in the case of the daughter, the family pension shall be payable to such son or daughter for life subject to the following conditions, namely:-

(i) if such son or daughter is one among two or more children of the Government servant, the family pension shall be initially payable to the minor children in the order set out in clause (iii) of sub-rule (8) until the last minor child attains [the age of 21 or [24] [10][30], as the case may be,] [11][the age of 25] and thereafter the family pension shall be resumed in favour of the son or daughter suffering from disorder or disability of mind [including mentally retarded] or who is physically crippled or disabled and shall be payable to him / her for life.

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[1] *Rule 49(6(iii) for the expression "twenty one", the words "twenty four" substituted - G.O.Ms.No.768, Finance (BG-III) Department, dated 21-08-1986.*

[2] *Rule 49(6)(iii), for the words "twenty-four years", the words "thirty years" substituted - G.O.Ms.No.282, Finance (Pension) Department, dated 07-04-1995 with effect from 29-01-1987.*

[3] *Rule 49(6)(iii), for the words "thirty years", the words "twenty five years" substituted - G.O.Ms.No.283, Finance (Pension) Department, dated 07-04-1995 with effect from 1st June 1988.*

[4] *Rule 49(6) Proviso, for words "Provided that if the son or daughter of a Government servant is suffering from any disorder or disability of mind [including mentally retarded] or is physically crippled or disabled so as to render him or her unable to earn a living" substituted - G.O.Ms.No.591, Finance (Pension) Department, dated 19-07-1995 with effect from 1st January 1979.*

[5] *Rule 49(6) in the Proviso, after the words "disability of mind" wherever they occur, the words "including mentally retarded" shall be inserted – G.O.Ms.No.185, Finance (Pension) dated 28-04-2000.*

[6] *Rule 49(6) for the figures '18' occurring at two places, the words "twenty one" substituted - G.O.Ms.No.768, Finance (BG-III) Department, dated 21-08-1986.*

[7] *Rule 49(6) Proviso, for each of the expression "21 years" and "30 years", the expression "25 years" substituted - G.O.Ms.No.283, Finance (Pension) Department, dated 07-04-1995 with effect from 1st June 1988.*

[8] *Rule 49(6) for the figures '21' occurring at two places, the words "twenty four" substituted - G.O.Ms.No.768, Finance (BG-III) Department, dated 21-08-1986.*

[9] *Rule 49(6) Proviso, for the expression "24 years", the expression "30 years" substituted - G.O.Ms.No.282, Finance (Pension) Department, dated 07-04-1995 with effect from 29-01-1987.*

[10] *Rule 49(6)(iii) Proviso (i), for the figure "24", the figure "30" substituted - G.O.Ms.No.282, Finance (Pension) Department, dated 07-04-1995 with effect from 29-01-1987.*

[11] *Rule 49(6)(iii) Proviso (i), for the expression "the age of 21 or 30, as the case may be", the expression "the age of 25" substituted - G.O.Ms.No.283, Finance (Pension) Department, dated 07-04-1995 with effect from 1st June 1988.*

[(ii) if there are more than one such son or daughter suffering from disorder or disability of mind [including mentally retarded] or who are physically crippled or disabled, the family pension shall be paid in the following order, namely:-

(a) firstly to the son, and if there are more than one son, the younger of them will get the family pension only after the lifetime of the elder;

(b) Secondly, to the daughter and if there are more than one daughter, the younger of them will get the family pension only after the lifetime of the elder; *(till 17th March 1991)*

[1][(ii) if there are more than one such son or daughter suffering from disorder or disability of mind [2][including mentally retarded] or who are physically crippled or disabled, the family pension shall be paid -

(a) in the order of their birth, irrespective of the sex of the child and the immediate younger of him or her will be eligible for family pension only after the elder above him or her becomes ineligible for family pension;

(b) in cases of twin children to such twin children in equal shares. In the event of any of such children ceasing to be eligible for family pension his or her share of family pension will become payable to the other such child and when both such children become ineligible for family pension, the family pension will become payable to the next eligible child or twin children, as the case may be;]

[(iii) the family pension shall be paid to such son or daughter through the guardian as if he or she were a minor]; *[till 2nd August 1989]*

[3][(iii) in the case of minor, the family pension shall be paid to such son or daughter through the guardian];

(iv) before allowing the family pension for life to any such son or daughter, the sanctioning authority shall satisfy that the handicap is of such a nature as to prevent him or her from earning his or her livelihood and the same shall be evidenced by a certificate obtained from a medical officer not below the rank of a Civil Surgeon setting out, as far as possible, the exact mental or physical condition of the child.

[4][(v) the person receiving the family pension as guardian of such son or daughter shall produce every three years a certificate from a medical officer not below the rank of a Civil Surgeon

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[1] *Rule 49(6)(iii) Proviso (ii) - substituted - G.O.Ms.No.291, Finance (Pension) Department, dated 10-04-1995 with effect from 18th March 1991.*

[2] *Rule 49(6) in the Proviso, after the words "disability of mind" wherever they occur, the words "including mentally retarded" inserted – G.O.Ms.No.185, Finance (Pension) Department, dated 28th April 2000.*

[3] *Rule 49(6) Proviso (iii) substituted - G.O.Ms.No.284, Finance (Pension) Department, dated 07-04-1995 with effect from 3rd August 1989.*

[4] *Rule 49(6) after item (v) items (vi), (vii) and (viii) added – G.O.Ms.No.783, Finance (Pension) Department, dated 16-09-1994 with effect from 20-12-1990.*

to the effect that he or she continues to suffer from disorder or disability of mind [1][including mentally retarded] or continues to be physically crippled or disabled.

(vi) such daughter shall not be eligible for family pension from the date on which she gets married.

(vii) the family pension payable to such son or daughter shall be stopped if he or she starts earning his (or) her livelihood.

(viii) it shall be the duty of the guardian of such son or daughter to furnish every month to the Treasury or Bank, as the case may be, a certificate to the effect that he or she has not started earning his or her livelihood; and in the case of such daughter that she has not yet married.]

[2][(ix) in the case of mentally retarded son or daughter, the family pension shall be payable to a person nominated by the Government servant or the pensioner, as the case may be, and in case no such nomination has been furnished to the Head of Office by such Government servant or pensioner during his life time, to the person nominated by the spouse of such Government servant or family pensioner, as the case may be, later on.]

Explanation.- [3][***][4]

(7) (a) (i) Where family pension is payable to more widows than one, the family pension shall be paid to widows in equal shares.

(ii) On the death of 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.] *(till 14th October 1991)*

[5][Provided that if the widow is not survived by any child, her share of family pension shall be payable to the other widows in equal shares, or if there is only one such widow, in full to her.]

(b) Where the deceased Government 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.

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[1] *Rule 49(6) in the Proviso, after the words "disability of mind" wherever they occur, the words "including mentally retarded" inserted – G.O.Ms.No.185, Finance (Pension) Department, dated 28th April 2000.*

[2] *Rule 49(6)(ix) added – G.O.Ms.No.185, Finance (Pension) Department, dated 28th April 2000.*

[3] *Explanation to Rule 49(6) "Only the disability which manifests itself before the retirement or death of Government servant while in service shall be taken into account for the purpose of grant of family pension under this sub-rule." added - G.O.Ms.No.768, Finance (BG-III) Department, dated 21-08-1986.*

[4] *Explanation to Rule 49(6) omitted - G.O.Ms.No.591, Finance (Pension) Department, dated 19-07-1995 with effect from 1st January 1979.*

[5] *Proviso to Rule 49(7)(a)(ii) substituted - G.O.Ms.No.196, Finance (Pension) Department, dated 16-03-1995 with effect from 15th October 1991.*

[1][Provided that on the share or shares of family pension payable to child or children or to a widow or widows ceasing to be payable, such share or shares shall be payable to the other widow or widows and or to the other child or children otherwise eligible, in equal shares, or if there is only one widow, or child, in full, to such widow or child.]

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

[2][Provided that on the share or shares of family pension payable to such a child or children or to a widow or widows ceasing to be payable such share or shares shall be payable to the other widow or widows and or to other child or children otherwise eligible, in equal shares, or if there is only one widow or child, in full, to such widow or child.]

[3][**Explanation.**- For the purpose of this rule, the second wife shall be eligible for the benefits of family pension only if the second marriage-

(i) solemnised as per the customary law prevailed among the community before the date of commencement of the Hindu Marriage Act, 1955 (Central Act 25 of 1955); or

(ii) solemnised under the Mohammadan Law in which bigamy is permissible.]

[4][(7-A) Where family pension is payable to more than one person, each share containing a fraction of a rupee, it shall be rounded off to the next higher rupee (Except in cases where family pension, if all the shares are put together exceed the maximum limit of family pension admissible).

Provided that if a family pension (exceptional and rare) where the share of family pension as so rounded off under this sub-rule when added, causes an excess over the maximum limit, such case shall be referred to the Government.]

(8) (i) Except as provided in sub-rule(7), the family pension shall not be payable to more than one member of the family at the same time.

[5][**Explanation.**—For the purpose of this rule the twin children born at a single birth shall be treated as of the same age and made eligible for family pension in equal shares".]

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[1] *Proviso to Rule 49(7)(b) added - G.O.Ms.No.196, Finance (Pension) Department, dated 16-03-1995 with effect from 15th October 1991.*

[2] *Proviso to Rule 49(7)(c) added - G.O.Ms.No.196, Finance (Pension) Department, dated 16-03-1995 with effect from 15th October 1991.*

[3] *Explanation to Rule 49(7)(c) added - G.O.Ms.No.906, Finance (Pension) Department, dated 06-12-1995 with effect from 2nd June 1992.*

[4] *Rule 49(7-A) and Proviso inserted - G.O.Ms.No.444, Finance (Pension) Department, dated 06-06-1995 with effect from 19th June 1992.*

[5] *Explanation to Rule 49(8)(i) inserted – G.O.Ms.No.133, Finance (BG.III) Department, dated 09-03-1981.*

(ii) 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.

[(iii) If sons and unmarried daughters are alive, unmarried daughters shall not be eligible for family pension unless the son attain the age of [1][twenty one years] [2][twenty five years] and thereby become ineligible for grant of family pension.] *[till 17th March 1991]*

[3][(iii) (a) If sons and unmarried daughters are alive, the eligible male or female children will be entitled for family pension in the order of their birth, irrespective of the sex of the child, and the immediate younger of him or her will be eligible for family pension only after the elder above him or her become ineligible for family pension.

(b) In the case of twin children, family pension is payable to such twin children in equal shares in the event of anyone of such children ceasing to be eligible for family pension, his or her share of family pension will become payable to the other such child and when both such children become ineligible for family pension, the family pension will become payable to the next eligible child or twin children, as the case may be.]

[(9) Where a 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 sub-rule (6), as the case may be, and after the expiry of that period the next child shall become eligible for the grant of family pension.] *(till 17th March 1991)*

(9) [4][***]

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

(11) In case both wife and husband are Government servants and are governed by the provisions 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) (i) If the surviving child or children is or are eligible to draw two family pensions at the rate mentioned in sub-rule(3), the amount of both the pensions shall be limited to [six hundred] [5][one thousand]

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[1] *Rule 49(8)(iii) for the words "eighteen years", the words "twenty one years" substituted - G.O.Ms.No.768, Finance (BG-III) Department, dated 21-08-1986.*

[2] *Rule 49(8)(iii), for the words "twenty one years", the words "twenty five years" substituted - G.O.Ms.No.283, Finance (Pension) Department, dated 07-04-1995 with effect from 1st June 1988.*

[3] *Rule 49(8)(iii) substituted – G.O Ms.No.291, Finance (Pension) Department, dated 10-04-1995 with effect from 18th March 1991.*

[4] *Rule 49(9) omitted – G.O.Ms.No.291, Finance (Pension) Department, dated 10-04-1995 with effect from 18th March 1991.*

[5] *Rule 49(11)(a) for the words "six hundred" occurring in two places, the words "one thousand" substituted - G.O.Ms.No.768, Finance (BG-III) Department, dated 21-08-1986.*

[1][one thousand and six hundred] [2][two thousand] [3][two thousand and five hundred rupees] per mensem.

(ii) if one of the family pensions ceases to be payable at the rate mentioned in sub-rule (3) and in lieu thereof the pension at the rate mentioned in sub-rule (2) becomes payable, the amount of both the pensions shall also be limited to [six hundred] [one thousand] [one thousand and six hundred] [two thousand] [two thousand and five hundred] per mensem;

(b) if both the family pensions are payable at the rates mentioned in sub-rule (2), the amount of two pensions shall be limited to [three hundred] [4][five hundred] [5][eight hundred] [6][one thousand] [7][one thousand two hundred and fifty rupees] per mensem.

(11-A) Where female Government Servant or male Government servant dies leaving behind a judicially separated husband or widow and there is no child or children, the family pension in respect of the deceased shall be payable to the person surviving:

Provided that wherein a case the judicial separation is granted on the ground of adultery and the death of the Government servant take place during the period of such judicial separation, the family pension shall not be payable to the person surviving if such person surviving was held guilty of committing adultery.

(11-B) (a) Where a female Government servant or male Government servant dies leaving behind a judicially separated husband or widow with a child or children, the family pension payable in respect of the deceased shall be payable to the surviving person provided he or she is the guardian of such child or children.

(b) Where the surviving person has ceased to be the guardian of such child or children, such family pension shall be payable to the person who is the actual guardian of such child or children.

(11-C) (a) If the person who in the event of death of a Government servant while in service or after retirement is eligible to receive family pension under this

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[1] *Rule 49(11)(a), for the words "one thousand" occurring in two places, the words "one thousand and six hundred" substituted - G.O.Ms.No.691, Finance (Pension) Department, dated 24-08-1995 with effect from 1st October 1984.*

[2] *Rule 49(11)(a), for the words "one thousand and six hundred" occurring in two places, the words "two thousand" substituted - G.O.Ms.No.692, Finance (Pension) Department, dated 24-08-1995 with effect from 14th December 1987.*

[3] *Rule 49(11)(a), for the words "two thousand" occurring in two places, the words "two thousand and five hundred" substituted - G.O.Ms.No.301, Finance (Pension) Department, dated 26-03-1996 with effect from 1st June 1988.*

[4] *Rule 49(11)(i)(b) for the words "three hundred", the words "five hundred" substituted - G.O.Ms.No.768, Finance (BG-III) Department, dated 21-08-1986.*

[5] *Rule 49(11)(b), for the words "five hundred", the words "eight hundred" substituted - G.O.Ms.No.691, Finance (Pension) Department, dated 24-08-1995 with effect from 1st October 1984.*

[6] *Rule 49(11)(b), for the words "eight hundred", the words "one thousand" substituted - G.O.Ms.No.692, Finance (Pension) Department, dated 24-08-1995 with effect from 14th December 1987.*

[7] *Rule 49(11)(b), for the words "one thousand", the words "one thousand two hundred and fifty" substituted - G.O.Ms.No.301, Finance (Pension) Department, dated 26-04-1996 with effect from 1st June 1988.*

rule, is charged with the offence of murdering the Government servant or for abetting in the commission of such an offence, the claim of such a person including other eligible member or members of the family to receive the family pension shall remain suspended till the conclusion of the criminal proceedings instituted against him.

(b) If on the conclusion of the criminal proceedings referred to in clause (a) the person concerned.

(i) is convicted for murder or abetting in the murder of the Government servant, such a person shall be debarred from receiving the family pension which shall be payable to other eligible member of the family from the date of the death of the Government servant.

(ii) is acquitted of the charge of murder or abetting in the murder of the Government servant, the family pension shall be payable to such person from the date of the death of the Government servant".

[1][(11-D) Where the family pension is payable to a son or daughter born after retirement, on or after the 1st January 1979, such family pension shall be payable with effect on and from the 1st January 1989.]

[2][(12)(a)(i) As soon as a Government servant has completed one year's service, he shall give the details of his family in Form 3 to the Audit Officer, if he is a self-drawing Government servant and to the Head of Office, if he is a non-self drawing Government servant.

Provided that a Government servant holding a lien or suspended lien on a non-self drawing service or post and holding a self-drawing service or post in a temporary or officiating capacity shall furnish the details of his family in Form 3 to the Head of Office.]

(ii) (a) If the Government servant has no family, he shall furnish the details in Form 3 as soon as he acquires a family.

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

(c) The Audit Officer shall on receipt of the said Form 3, keep it in safe custody and acknowledge receipt of the said Form 3, all further communications received from the Government servant in this behalf.

(d) The Head of Office shall, on receipt of the said Form 3, paste it in the service book of the Government servant concerned and acknowledge receipt of the said Form 3 and all further communications received from the Government servant in this behalf.

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[1] *Rule 49(11-D) inserted - G.O.Ms.No.582, Finance (Pension) Department, dated 17-07-1995 with effect from 1st January 1979.*

[2] *Rule 49(12)(a)(i) substituted and Proviso added - G.O.Ms.No.118, Finance (Pension) Department, dated 14-03-1997.*

(e)The Audit Office or the Head of Office, as the case may be, on receipt of communication from the Government servant regarding any change in the size of family shall incorporate such a change in Form 3.

(13) For the purposes of this rule,-

(a) "continuous service" means service rendered in a temporary or permanent capacity in a pensionable establishment and does not include.-

(i) period of suspension, if any; [and]

(ii) period of service, if any rendered before attaining the age of eighteen years; and

[1][(iii) period of extraordinary leave without medical certificate.]

(b) family, in relation to a Government servant mean –

[2][(i) (a) wife in the case of a male Government servant or husband in the case of a female Government servants;

(b) a judicially separated wife or husband, such separation not being granted on the ground of adultery and the person surviving was not held guilty of committing adultery.]

[3][(ii) son who has not attained the age of [twenty one years] [4][twenty five years] and unmarried daughter who has not attained the age of [twenty four years] [5][thirty years] [twenty five years] [6][including such son or daughter legally adopted and also such son or unmarried daughter born through illegitimate wife] [7][***] [8][and such son or daughter born after retirement, on or after the 1st January 1979].]

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[1] *Rule 49(13)(a)(i) the word "and" omitted, Rule 49(13)(a)(ii) the word "and" added and Rule 49(13)(a)(iii) added - G.O.Ms.No.878, Finance (Pension) Department, dated 25-10-1994 with effect from 1st January 1979..*

[2] *Rule 49(13)(b)(i) and (i-a) substituted as (i)(a) and (i)(b) - G.O.Ms.No.583, Finance (Pension) Department, dated 17-07-1995 with effect from 1st January 1979.*

[3] *Rule 49(13)(b)(ii) substituted - G.O.Ms.No.768, Finance (BG-III) Department, dated 21-08-1986.*

[4] *Rule 49(13)(b)(ii), for each of the words "twenty-one years" and 'thirty years", the words "twenty five years" substituted - G.O.Ms.No.283, Finance (Pension) Department, dated 07-04-1995 with effect from 1st June 1988.*

[5] *Rule 49(13)(b)(ii), for the words "twenty-four years", the words "thirty years" substituted - G.O.Ms.No.282, Finance (Pension) Department, dated 07-04-1995 with effect from 29-01-1987.*

[6] *Rule 49(13)(b)(ii), for the words "including such son and daughter adopted legally", the words "including such son or daughter legally adopted and also such son or unmarried daughter born through illegitimate wife" substituted - G.O.Ms.No.602, Finance (Pension) Department, dated 13-09-1996 with effect from 1st January 1979.*

[7] *Rule 49(13)(b)(ii) the words "before retirement" omitted – G.O.Ms.No.506, Finance (Pension) Department, dated 23-06-1994.*

[8] *Rule 49(13)(b)(ii), for the words "but shall not include son or daughter born after retirement", the words "and such son or daughter born after retirement, on or after the 1st January 1979" substituted - G.O.Ms.No.582, Finance (Pension) Department, dated 17-07-1995 with effect from 1st January 1979.*

[1][(iii) father and mother [including step mother] in the case of unmarried Government servants.]

[2][(iii) [3][legally adopted son and daughter, father], failing which the mother, in the case of unmarried Government servant subject to the condition that such person declares to be dependent on the deceased Government servant.]

(c) "pay" means the emoluments as specified in rule 30.

Provided that in a case in which average emoluments as referred to in rule 31 are treated as emoluments for the purpose of Death-cum-Retirement Gratuity referred to in rule 45, such average emoluments shall be treated as pay:

[4][Provided further that if the emoluments of the deceased Government servant have been reduced during the last ten months of his service other than as penalty, the average emoluments as referred to in rule 31 shall be treated as pay.]

NOTE.1 One half of deputation (Duty) allowance while on deputation to other Government shall also be taken into account as pay for the purpose of this rule.

[5][NOTE.2 Pay drawn by a Government servant appointed under rule 10 (a) (i) or rule 39 (a) (i) of the General Rules for the Tamil Nadu State and Subordinate Services shall not be reckoned as pay for the purpose of this rule.]

[6][(13-A) A military pensioner, who on retirement from military service, on retiring pension, service pension, or invalid pension is governed for the grant of ordinary family pension under military rules and is re-employed in a civil service or civil post before attaining the age of superannuation, shall for the purpose of eligibility for the family pension under this rule or the family pension already authorized under military rules be governed as follows:–

(a) if he dies, while holding a civil post, his family shall be allowed family pension under this rule, or the family pension authorized at the time of retirement or discharge from the military service, whichever is more advantageous to the family;

(b) if he has an appointment to a civil service or post, opted to retain military pension for the past military service and –

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[1] *Rule 49(13)(b)(iii) the words "including step mother" inserted - G.O.Ms.No.132, Finance (Pension) Department, dated 23-02-1995 with effect from 28-12-1983.*

[2] *Rule 49(13)(b)(iii) substituted - G.O.Ms.No.581, Finance (Pension) Department, dated 06-09-1996 with effect from 1st January 1979.*

[3] *Rule 49(13)(b)(iii) for the word "Father", the words "legally adopted son and daughter, father" substituted - G.O.Ms.No.337, Finance (Pension) Department, dated 07-09-2001 with effect from 1st January 1979.*

[4] *Second Proviso to Rule 49(13)(c) added - G.O.Ms.No.768, Finance (BG-III) Department, dated 21-08-1986.*

[5] *Note-2 Under Rule 49(13)(c) omitted - G.O.Ms.No.752, Finance (Pension) Department, dated 02-09-1994 with effect from 1st January 1979.*

[6] *Rule 49(13-A) inserted - G.O.Ms.No.22, Finance (Pension) Department, dated 06-01-1996.*

(i) retires from the civil re-employment without earning any pension therefor, his family shall be entitled for family pension as authorized at the time of his retirement or discharge from the military service;

(ii) retires from the civil re-employment after becoming eligible for pension therefor, he shall exercise an option at the time of applying for pension for the civil service either to be governed by family pension under this rule or to avail of family pension benefits, as authorized at the time of his retirement or discharge from the military service and such option once exercised shall be final.

(c) if on appointment to a civil service or post, he has opted to surrender military pension and count the military service for civil pension, his family shall be entitled to family pension under this rule.]

[1][(13-B) Family pension admissible under this rule shall not be granted to a person who is already in receipt of family pension or is eligible therefor under any other pension rules:

Provided that a person, who is otherwise eligible for family pension under this rule, may opt to receive family pension under this rule if he forgoes family pension admissible from any other rules.]

(14) Nothing contained in this rule shall apply to –

(a) a re-employed Government servant who had retired before the 1st April 1964, from –

(i) Civil Service on retiring pension or superannuation pension or

(ii) Military service on retiring pension, service pension or invalid pension and who on the date of re-employment had attained the age of superannuation applicable to the post in which he is re-employed.

(b) a military pensioner who has retired from military service on or after the 1st April 1964 or retires from such service after the commencement of these rules on retiring pension, service pension or invalid pension and is re-employed in a civil service or post before attaining the age of superannuation.

(c) A Government servant who, on absorption in a service or post in or under a corporation or company wholly or substantially owned or controlled by the Government or any other body, incorporated or not, is sanctioned pension under rule 34.

[2][**49-A.** ***Benefits to the family of a disappearing Government servants.***- When a Government servant disappears leaving his family, the family of such Government servant shall be entitled immediately for the payment of dues of salary,

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[1] *Rule 49(13-B) and Proviso inserted - G.O.Ms.No.23, Finance (Pension) Department, dated 06-01-1996.*

[2] *Rule 49-A inserted - G.O.Ms.No.540, Finance (Pension) Department, dated 05-07-1995 with effect from 4th June 1987.*

leave encashment, General Provident Fund and Special Family Pension-cum-Gratuity and after lapse of a period of [1][two years] of such disappearance, for the payment of dues of Death-cum-Retirement Gratuity and Family Pension in accordance with the nomination made by such Government servant, subject to the following conditions, namely:-

(i) a complaint must have been lodged with the police station concerned and a report obtained that the Government servant has not been traced despite all efforts made by the police; and

(ii) an Indemnity Bond must have been executed by the nominee or dependents of the such Government servant to the effect that all payments shall be adjusted against the payment due to the such Government servant in case he appears later and makes any claim.]

[2][**Explanation**: The date of disappearance of the Government servant shall be reckoned from the date on which the complaint is lodged with the police.]

[3][**49-B.** ***Family pension in certain cases not to be governed by the Family Pension Rules, 1964.***- Where a Government servant who is not governed by the Tamil Nadu Government Servants' Family Pension Rules, 1964 dies,-

(a) after completion of not less than one year continuous service; or

(b) after retirement from service, the family of the deceased Government servant shall be entitled to a family pension at a flat rate of Rs.100/- per mensem.

(2) Any member of the family of the deceased Government servant, who is in receipt of a family pension under any rules in force prior to the 1st April 1964, may exercise his option to receive family pension under the said rules or under sub-rule (1).

(3) Every member of the family of the deceased Government servant, who opts to continue to be governed by the old rules, shall be paid a family pension determined by taking together the family pension and dearness allowance thereon paid to him immediately before the 1st April 1979.

(4) The conditions of eligibility for family pension specified in rule 49 shall apply *mutatis mutandis* in respect of the family pension under sub-rule (1).]

50. ***Non-contributory family pension.***- (1) The provisions of this rule shall apply to the Government servant who was in service on the 31st March 1964 and has specifically opted for the scheme of family pension (hereinafter referred to in this rule

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[1] *Rule 49-A, for the words "one year", the words "two years" substituted - G.O.Ms.No.541, Finance (Pension) Department, dated 05-07-1995 with effect from 22nd January 1991.*

[2] *Explanation to Rule 49-A added - G.O.Ms.No.448, Finance (Pension) Department, dated 12-10-1999 with effect from 9th April 1991.*

[3] *Rule 49-B inserted - G.O.Ms.No.744, Finance (Pension) Department, dated 22-09-1995 with effect from 1st April 1979.*

as non-contributory family pension) admissible under the Liberalised Pension Rules 1960.

(2) A non-contributory family pension shall be granted for a period not exceeding ten years to the family of a Government servant who dies while in service after completion of not less than twenty years qualifying service.

Provided that the Government may, in exceptional circumstances, grant such pension to the family of a Government servant who dies while in service after completion of not less than ten years qualifying service;

NOTE.— A case shall be considered as "Exceptional" if the amount receivable by the family by way of Insurance, Provident Fund and Death-cum-Retirement Gratuity of the deceased Government servant together does not exceed 48 times the monthly pay of the officer at the time of his death.

Provided further that the period of payment shall in no case, extend beyond a period of five years from the date on which the Government servant would have retired in the normal course on superannuation pension.

Explanation.- Where a Government servant dies while on extension of service the date up to which extension of service had been granted to him before his death shall be construed as the date on which the Government servant would have retired on superannuation pension.

(3) (a) The amount of non-contributory family pension payable under sub-rule (2) shall be one-half of the superannuation pension which would have been admissible to the Government servant had he retired on the date following the date of his death.

(b) The amount of non-contributory family pension payable under sub-rule (3) shall be of one-half of the pension sanctioned to the Government servant at the time of his retirement and if the pensioner had, before his death, commuted a part of his pension, the commuted part of the pension shall be deducted from the amount of non-contributory family pension:

Provided that the amount of non-contributory family pension payable under clause (a) or clause (b) shall be subject to a maximum of one hundred and fifty rupees per month and a minimum of fifty rupees per month;

Provided further that where the amount of non-contributory family pension is less than fifty rupees per month the difference shall be made good by the grant of further increase in the amount of non-contributory family pension.

(4) No non-contributory family pension shall be payable under this rule-

(a) to a person mentioned in clause (b) of sub-rule (5) without production of reasonable proof that such person was dependant 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 family in the event of her re-marriage and

(d) to a brother of a Government servant, on his attaining the age of eighteen years; and

(e) a person who is not a member of a Government servant's family.

(5) (a) Except as may be provided by nomination under sub-rule (6), the non-contributory family pension sanctioned under this rule shall be payable-

(i) to the widow and if there are more widows than one, to the eldest surviving widow if the deceased was a male Government servant, or to the husband, if the deceased was a female Government servant.

NOTE.- The expression "eldest surviving widow" shall be construed with reference to the seniority according to the date of the marriage of the surviving widows and not with reference to their age;

(ii) failing a widow or husband, as the case may be, to the eldest surviving son,

(iii) failing (i) and (ii) above, to the eldest surviving unmarried daughter.

(iv) Failing the above, to be eldest surviving widowed daughter.

(b) if there are no surviving members of the family as in clause (a), the non-contributory 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 eighteen years;

(iv) failing (i), (ii) and (iii) above, to the eldest surviving unmarried sister ;

(v) failing the above, to the eldest surviving widowed sister.

(6) (a) A Government servant, shall, on his confirmation in a service or post, make a nomination in Form 4 indicating the order in which a non-contributory family pension should be paid to the members of the family and, to the extent it is invalid, the non-contributory family pension shall be payable in accordance with such nomination.

Provided that the persons concerned satisfy the requirements of sub-rule (4) on the date from which such non-contributory pension may fall due.

(b) In case the person concerned does not satisfy the requirements of sub-rule (4), the non-contributory family pension shall be granted to the person next lower in the order shown in the nomination.

(c) The provisions of sub-rules(5),(7) and (8) of the rule 48 shall apply in respect of nominations made under this sub-rule.

(7) (a) A non-contributory family pension granted under this rule shall not be payable to more than one member of a Government servant's family at the same time.

(b) If the non-contributory family pension granted under this rule ceases to be payable on account of death or marriage of the recipient or other causes, it shall be re-granted to the person next lower in the order mentioned in sub-rule (5) or to the person next lower in the order shown in the nomination made under sub-rule (6) as the case may be, who satisfied the other provisions of this rule.

(8) A non-contributory family pension sanctioned under this rule shall be tenable in addition to any extraordinary pension or gratuity or compensation that may be granted to the members of Government servant family.

(9) Where non-contributory family pension is granted under this rule to a minor member of the family of the deceased Government servant, it shall be payable to the guardian on behalf of the minor.

(10) For the purpose of this rule, the expression 'family' in relation to a Government servant means, the family as defined in clauses (I) to (VIII) of sub-rule 6 of 45.

(11) Nothing contained in this rule shall apply to a Government servant who, on absorption in a service or post in or under a corporation or company wholly or substantially owned or controlled by the Government, or any other body, incorporated or not, is sanctioned pension under rule 34.

[1][**50-A.** ***Dearness Allowance on Pension and Family Pension.***- (i) Allowance against price rise may be granted to the pensioners and family pensioners in the form of dearness allowance at such rates and subject to such conditions as the Government may specify, from time to time.

[(ii) If a pensioner is re-employed under the Central Government or a State Government or a Government Undertaking or a Corporation or an Autonomous Body or a Local Fund, he shall not be eligible to draw dearness allowance on pension during the period of such re-employment.

(iii) Dearness allowance is also not admissible during the pensioners stay abroad.

(iv) The State Government employees who got permanently absorbed and who elects for lump sum amount in lieu of pension in terms of rule 35, shall not be eligible for dearness allowance.] *(till 22nd February 1998)*

[2][(ii) If a pensioner is re-employed under the Central Government or a State Government or a Government Undertaking or a Corporation or an Autonomous Body or a Local Fund in India or abroad, he shall not be eligible to draw dearness allowance on pension during the period of such re-employment.

[3][Provided that in the case of re-employment in a post on fixed pay or time scale of pay, where dearness allowance is allowed, dearness allowance on pension shall be suspended and in all other cases of re-employment where no dearness

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[1] *Rule 50-A inserted - G.O.Ms.No.902, Finance (Pension) Department, dated 26-11-1992.*

[2] *For Rule 50-A(ii), (iii) and (iv), the Rule 50-A(ii) and (iii) substituted - G.O.Ms.No.496, Finance (Pension) Department, dated 15-09-1998 with effect from 23rd February 1998.*

[3] *Rule 50-A(ii) Proviso added - G.O.Ms.No.326, Finance (Pension) Department, dated 30-08-2001 with effect from 30th August 2001.*

allowance is allowed, in addition to remuneration, dearness allowance on pension shall be allowed subject to the limit of emoluments drawn at the time of retirement.]

(iii) The State Government employees who get permanently absorbed and who elects for lump sum amount in lieu of pension in terms of rule 35, shall not be eligible for dearness allowance.]

[1][(iv) In the case of pensioners / family pensioners who are in receipt of more than one pension, the dearness allowance where admissible shall be calculated on the total of all pensions taken together.]

[2][Provided that dearness allowance on provisional pension, as provided in rules, 60, 66 or 69, shall be granted to the Government servant who is permitted to retire on attaining the age of superannuation or otherwise without prejudice to the disciplinary proceeding pending against him under sub-rule (2) of rule 9.]

[3][**50-B.** ***Medical Allowance for pensioner and family pensioner***.- Pensioner including family pensioner shall be paid medical allowance of [Rs.15/-] [4][Rs.30/-] [5][Rs.50/-] [6][Rs.100/-] per mensem along with monthly pension or monthly family pension as the case may be in lieu of medical reimbursement scheme.

Explanation: For the purpose of this section the term "pensioner" includes pensioner under the All India Services (Death-cum-Retirement Benefits) Rules, 1958 who has opted for the State medical reimbursement.]

[7][Provided that the family pensioner whose spouse died before attaining superannuation and who desires to avail medical allowance in lieu of medical reimbursement scheme till the normal date of retirement of the deceased Government servant shall give option thereof within two months from the date of receipt of family pension.]

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[1] *Rule 50-A(iv) added - G.O.Ms.No.74, Finance (Pension) Department, dated 01-03-1999.*

[2] *Proviso to Rule 50-A added - G.O.Ms.No.689, Finance (Pension) Department, dated 05-11-1996 with effect from 23rd December 1992.*

[3] *Rule 50-B and Explanation inserted - G.O.Ms.No.877, Finance (Pension) Department, dated 25-10-1994 with effect from 1st September 1986.*

[4] *Rule 50-B for the expression "Rs.15/-" the expression "Rs.30/-" substituted - G.O.Ms.No.446, Finance (Pension) Department, dated 06-06-1995 with effect from 1st April 1994.*

[5] *Rule 50-B for the expression "Rs.30/-" the expression "Rs.50/-" substituted - G.O.Ms.No.130, Finance (Pension) Department, dated 20-03-1997 with effect from 1st December 1995.*

[6] *Rule 50-B for the expression "Rs.50/-" the expression "Rs.100/-" substituted - G.O.Ms.No.488, Finance (Pension) Department, dated 07-10-2009 with effect from 1st June 2009.*

[7] *Rule 50-B Proviso added - G.O.Ms.No.445, Finance (Pension) Department, dated 06-06-1995 with effect from 1st June 1989.*