



सां/No. : 5-1(428)/2017-PD

दिनांक/Dated: 08.03.2019

प्रेषक / From :

संयुक्त सचिव (प्रशासन)
Joint Secretary (Admn.)

सेवा में / To :

सी.एस.आई.आर. की सभी राष्ट्रीय प्रयोगशालाओं/संस्थानों/मुख्यालय/एककों के निदेशक/प्रधान
The Directors/Heads of all CSIR National Labs./Instts./Hqrs./Units

महोदय/Sir / महोदया/Madam,

मुझे भारत सरकार द्वारा जारी किए गए निम्नलिखित कार्यालय ज्ञापनों को आपकी जानकारी, मार्गदर्शन और अनुपालन के लिए अग्रेषित करने का निदेश हुआ है:

I am directed to forward herewith the following Office Memoranda issued by the Government of India for your information, guidance and compliance:

क्रम सं. Sl. No.	कार्यालय ज्ञापन सं/ . Office Memorandum No.	विषय/ Subject
1.	भारत सरकार, कर्मिक, लोक शिकायत और पेंशन मंत्रालय, पेंशन और पेंशनभोगी कल्याण विभाग के दिनांक 24.01.2019 के कार्यालय ज्ञापन सं० 1/3/2016-P&PW(F) Gol, MoP, PG&P, Department of Pension & Pensioners' Welfare OM No. 1/3/2016-P&PW(F) dated 24.01.2019	Clarificatory OM for payment of two family pensions on death attributable of Govt. service of a re-employed pensioner – regarding.
2.	भारत सरकार, कर्मिक, लोक शिकायत और पेंशन मंत्रालय, पेंशन और पेंशनभोगी कल्याण विभाग कार्यालय ज्ञापन सं० 21/01/2016-P&PW(F) के दिनांक 12.02.2019 Gol, MoP, PG&P, Department of Pension & Pensioners' Welfare OM No. 21/01/2016-P&PW(F) dated 12.02.2019	Grant of Invalid Pension under Rule 38 of the Central Civil Services (Pension) Rules, 1972 – Clarification regarding.

भवदीय/Yours faithfully

(संतोष कुमार/ Santosh Kumar)

अनु. अधि. (नीति प्रभाग)/ SO(PD)

संलग्न/Encl. : यथोपरि/As above

प्रतिलिपि/Copy to:

1) आई.टी. प्रभाग प्रमुख वेबसाइट और पॉलिसी रिपॉजिटरी पर इस परिपत्र को उपलब्ध कराने के अनुरोध के साथ/
Head, IT Division with the request to make this circular letter available on the website & Policy Repository.

2) कार्यालय प्रति/Office copy.

Phone: EPABX-23710138, 23710144, 23710158, 23710468, 23710805, 23711251, 23714238, 23714249, 23714769, 23715303

Fax: 91-11-23714788, Gram: CONSEARCH, NEW DELHI, E-mail: jsa@csir.res.in

No. 1/3/2016-P&PW(F)
Government of India
Department of Pension and Pensioners' Welfare
(Desk-F)

3rd Floor, Lok Nayak Bhavan,
Khan Market, New Delhi,
Dated the 24th January, 2019

OFFICE MEMORANDUM

Subject: Clarificatory OM for payment of two family pensions on death attributable to Govt. service of a re-employed pensioner – regarding

The undersigned is directed to say that references have been received in this Department seeking clarification as to whether a second family pension is admissible under CCS(EOP)Rules when a military/civil pensioner is re-employed in civil service dies and his death is attributable to Government service.

2. Vide this Department's Notification No. G.S.R. 938(E) dated 27.12.2012, sub-rule 13A and 13B of Rule 54, prohibiting two family pension, have been deleted. Subsequently, vide OM No. 1/33/2012-P&PW(E) dated 16.1.2013, two family pensions have been allowed in the event of death of a re-employed pensioner, in service or after retirement. The financial benefits for the past cases however is with effect from 24th September 2012. Thus under CCS(Pension) Rules, two family pensions are admissible with effect from 24th September 2012.

3. The matter has been examined in the context of the provisions of CCS(Extra-ordinary Pension)Rules. It is clarified that the provisions of two family pensions, one in respect of military/civil service and the other for civil service after re-employment, as available in terms of CCS(Pension) Rules, is also applicable under CCS(EOP)Rules. In other words, on death of a pensioner who was re-employed in civil service, where death is attributable to government service, family pension under CCS(EOP)Rules in respect of service in re-employment would be admissible in addition to ordinary family pension in respect of the previous military/civil service.

Contd./-

Sh. N. N.
8/1
14/2/19

4. Where, however, on death of a re-employed civil Government servant, the family is eligible for Special/extra-ordinary family pension under the EOP rules in respect of the first spell of service, family pension for the second spell of service would be admissible under the CCS(Pension) Rules, 1972 only.
5. The extra-ordinary family pension shall be granted only in one service. In no case, both the family pension shall be granted under EOP Rules.
6. The financial benefits in the past cases will accrue with effect from 24th September, 2012, as in the case of family pension under CCS (Pension) Rules.
7. Formal amendment in Central Civil Service (Extraordinary Pension) Rules will be made in due course.
8. This issues with the approval of Department of Expenditure, vide their ID No.1(5)/EV/2012 dated 3/4/2017 and 15/01/2019.


(Sujasha Choudhury)
Director
Tel: 24635979

To

All Ministry/Department of the Government of India as per standard distribution list.

Copy to: President's Secretariat, Vice President's Secretariat, Prime Minister's Office, Cabinet Secretariat, Supreme Court of India, C&AG, UPSC, etc. as per standard endorsement list.

No. 21 /01/2016-P&PW(F)
Government of India
Ministry of Personnel, Public Grievances & Pensions
(Department of Pension & Pensioners' Welfare)

New Delhi, the 12th February, 2019

OFFICE MEMORANDUM

Sub :- Grant of Invalid Pension under Rule 38 of the Central Civil Services (Pension) Rules, 1972 – Clarification regarding

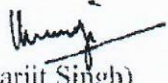
The undersigned is directed to say that Rule 38 and Rule 49 of the Central Civil Services (Pension) Rules, 1972 have been amended vide Notification No. 21/1/2016-P&PW(F) dated 4th January, 2019 (copy enclosed). The proviso to the amended Rule 38 of the CCS(Pension) Rules provides that a Government servant, who retires from service on account of any bodily or mental infirmity which permanently incapacitates him for the service before completing qualifying service of ten years, may also be granted invalid pension in accordance with sub-rule (2) of rule 49, subject to the conditions that the Government servant:

- (a) was examined by the appropriate medical authority either before his appointment or after his appointment to the service or post and was declared fit by that authority for Government service, and
- (b) fulfils all other conditions mentioned in this rule for grant of invalid pension.

2. In this connection, it is clarified that the condition of qualifying service of ten years for grant of pension under Rule 49(2) of the CCS (Pension) Rules, 1972 shall not be applicable in the case of a Government servant retiring on Invalid Pension on account of any bodily or mental infirmity, under Rule 38. Accordingly, Invalid Pension at the rate of 50% of emoluments or average emoluments, whichever is more beneficial, subject to a minimum of nine thousand rupees per mensem and maximum of one lakh twenty five thousand rupees per mensem, shall be payable to a Government servant who retires under Rule 38 of CCS (Pension) Rules, 1972 even before completing a qualifying service of ten years.

3. All Ministries/Departments are requested that the above clarification may be brought to the notice of Heads of Department, Attached and Subordinate Offices, Controllers of Accounts, Pay & Accounts Offices, etc. under them.

4. Hindi version will follow.


(Harjit Singh)
Director

To

All Ministries/Departments of the Government of India

Copy to : Technical Director, NIC, Department of Pension & PW with the request that the above OM may be uploaded on the website of the Department.



भारत का राजपत्र The Gazette of India

असाधारण

EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (i)

PART II—Section 3—Sub-section (i)

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं. 12]

नई दिल्ली, सोमवार, जनवरी 7, 2019/पौष 17, 1940

No. 12]

NEW DELHI, MONDAY, JANUARY 7, 2019/PAUSHA 17, 1940

कार्मिक, लोक शिकायत और पेंशन मंत्रालय

(पेंशन और पेंशनर कल्याण विभाग)

अधिसूचना

नई दिल्ली, 4 जनवरी, 2019

सा.का.नि. 12(अ)—राष्ट्रपति, संविधान के अनुच्छेद 148 के खंड (5) के साथ पठित अनुच्छेद 309 के परन्तुक द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए और भारतीय संपरीक्षा और लेखा विभाग में कार्यरत व्यक्तियों के संबंध में भारत के नियंत्रक-महालेखा परीक्षक से परामर्श करने के पश्चात्, केन्द्रीय सिविल सेवा (पेंशन) नियम, 1972 का और संशोधन करने के लिए निम्नलिखित नियम बनाते हैं, अर्थात् :-

1. संक्षिप्त नाम और प्रारंभ:-

- (1) इन नियमों का संक्षिप्त नाम केन्द्रीय सिविल सेवा (पेंशन) संशोधन नियम, 2018 है।
(2) ये राजपत्र में उनके प्रकाशन की तारीख से प्रवृत्त होंगे।

2. केन्द्रीय सिविल सेवा (पेंशन) नियम, 1972 में,-

(i) नियम 38 के उपनियम (1) और उपनियम (2) के स्थान पर क्रमशः निम्नलिखित उपनियम रखे जाएंगे, अर्थात् :-

"(1) दिव्यांगता अर्जित करने वाले किसी सरकारी सेवक के मामले में जहां दिव्यांगजन अधिकार अधिनियम, 2016 (2016 का 49) की धारा 20 के उपबंध लागू होते हैं, उक्त धारा के उपबंधों द्वारा शासित होगा:

परंतु ऐसा कर्मचारी दिव्यांगजन अधिकार नियम, 2017 के अधीन यथाविहित सक्षम प्राधिकारी से प्राप्त दिव्यांगता प्रमाणपत्र प्रस्तुत करेगा।

(2) उस मामले में जहां दिव्यांगजन अधिकार अधिनियम, 2016 (2016 का 49) की धारा 20 के उपबंध लागू नहीं होते हैं, वहां यदि सरकारी सेवक किसी शारीरिक या मानसिक अशक्तता के कारण, जो उसे सेवा से स्थायी रूप से असमर्थ कर देती है, सेवानिवृत्त हो जाता है तो उसे नियम 49 के अनुसार अशक्त पेंशन दी जा सकेगी:

परंतु यदि कोई सरकारी सेवक किसी शारीरिक या मानसिक दुर्बलता के कारण, जो उसे अपनी दस वर्ष अर्हक सेवा पूर्ण करने से पहले सेवा से स्थायी रूप से असमर्थ कर देती है, उसे भी निम्नलिखित शर्तों के अधीन रहते हुए नियम 49 के उपनियम (2) के अनुसार अशक्त पेंशन दी जा सकेगी-

- (क) समुचित चिकित्सा प्राधिकारी द्वारा या तो सरकारी सेवा में उसकी नियुक्ति से पूर्व अथवा उसकी नियुक्ति के पश्चात् उसकी परीक्षा की गई और उसे सरकारी सेवा के लिए ऐसे चिकित्सा प्राधिकारी द्वारा योग्य घोषित किया गया हो; और
- (ख) अशक्त पेंशन दिए जाने के लिए इस नियम में वर्णित अन्य सभी शर्तों को पूर्ण करता हो।”

(ii) नियम 49 के उपनियम (2) के स्थान पर निम्नलिखित उपनियम रखा जाएगा, अर्थात्:-

“(2) नियम 38 के उपनियम (2) के परंतुक के अधीन रहते हुए, दस वर्ष में अन्यून अर्हक सेवा पूर्ण करने के पश्चात् इन नियमों के उपबंधों के अनुसार सेवानिवृत्त होने वाले सरकारी सेवक के मामले में, न्यूनतम नौ हजार रुपये प्रतिमास तथा अधिकतम एक लाख पच्चीस हजार रुपये प्रतिमास के अधीन रहते हुए, पेंशन की रकम परिलब्धियों या औसत परिलब्धियों के पचास प्रतिशत पर संगणित की जाएगी, जो भी उसके लिए अधिक लाभदायक हो।”

[फा.सं.21/1/2016-पीएंडपीडब्ल्यू(एफ)]

संजीव नारायण माथुर, संयुक्त सचिव

टिप्पण: मूल नियम भारत के राजपत्र भाग 2, खंड 3, उपखंड (i) में संख्यांक का.आ. 934, तारीख 1 अप्रैल, 1972 द्वारा प्रकाशित किए गए थे और इन नियमों का चतुर्थ संस्करण जुलाई, 1988 तक संशोधित करके वर्ष 1988 में प्रकाशित किया गया था। उक्त नियमों का पश्चात्पूर्व संशोधन निम्नलिखित अधिसूचनाओं द्वारा किया गया, अर्थात्:-

1. का.आ. 254, तारीख 4 फरवरी, 1989 ;
2. का.आ. 970, तारीख 6 मई, 1989 ;
3. का.आ. 2467, तारीख 7 अक्तूबर, 1989 ;
4. का.आ. 899, तारीख 14 अप्रैल, 1990 ;
5. का.आ. 1454, तारीख 26 मई, 1990 ;
6. का.आ. 2329, तारीख 8 सितंबर, 1990 ;
7. का.आ. 3269, तारीख 8 दिसंबर, 1990 ;
8. का.आ. 3270, तारीख 8 दिसंबर, 1990 ;
9. का.आ. 3273, तारीख 8 दिसंबर, 1990 ;
10. का.आ. 409, तारीख 9 फरवरी, 1991 ;
11. का.आ. 464, तारीख 16 फरवरी, 1991 ;
12. का.आ. 2287, तारीख 7 सितंबर, 1991 ;
13. का.आ. 2740, तारीख 2 नवंबर, 1991 ;
14. सा.का.नि. 677, तारीख 7 दिसंबर, 1991 ;
15. सा.का.नि. 39, तारीख 1 फरवरी, 1992 ;
16. सा.का.नि. 55, तारीख 15 फरवरी, 1992 ;
17. सा.का.नि. 570, तारीख 19 दिसंबर, 1992 ;
18. का.आ. 258, तारीख 13 फरवरी, 1993 ;
19. का.आ. 1673, तारीख 7 अगस्त, 1993 ;
20. सा.का.नि. 449, तारीख 11 सितंबर, 1993 ;
21. का.आ. 1984, तारीख 25 सितंबर, 1993 ;
22. सा.का.नि. 389(अ), तारीख 18 अप्रैल, 1994 ;

23. का.आ. 1775, तारीख 19 जुलाई, 1997 ;
24. का.आ. 259, तारीख 30 जनवरी, 1999 ;
25. का.आ. 904, तारीख 30 सितंबर, 2000 ;
26. का.आ. 717(अ), तारीख 27 जुलाई, 2001 ;
27. सा.का.नि. 75(अ), तारीख 1 फरवरी, 2001 ;
28. का.आ. 4000, तारीख 28 दिसंबर, 2002 ;
29. का.आ. 860(अ), तारीख 28 जुलाई, 2003 ;
30. का.आ. 1483(अ), तारीख 30 दिसंबर, 2003 ;
31. का.आ. 1487(अ), तारीख 14 अक्तूबर, 2005 ;
32. सा.का.नि. 723(अ), तारीख 23 नवंबर, 2006 ;
33. का.आ. 1821(अ), तारीख 25 अक्तूबर, 2007 ;
34. सा.का.नि. 258(अ), तारीख 31 मार्च, 2008 ;
35. का.आ. 1028(अ), तारीख 25 अप्रैल, 2008 ;
36. का.आ. 829(अ), तारीख 12 अप्रैल, 2010 ;
37. सा.का.नि. 176, तारीख 11 जून, 2011 ;
38. सा.का.नि. 928(अ), तारीख 26 दिसंबर, 2012 ;
39. सा.का.नि. 938(अ), तारीख 27 सितंबर, 2012 ;
40. सा.का.नि. 103(अ), तारीख 21 फरवरी, 2014 ;
41. सा.का.नि. 138(अ), तारीख 3 मार्च, 2014 ;
42. सा.का.नि. 233(अ), तारीख 28 मार्च, 2014 ;
43. सा.का.नि. 628(अ), तारीख 1 सितंबर, 2014 ;
44. सा.का.नि. 232(अ), तारीख 30 मार्च, 2015 ; और
45. सा.का.नि. 962(अ), तारीख 30 सितंबर, 2016 ।

MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS

(Department of Pension and Pensioners' Welfare)

NOTIFICATION

New Delhi, the 4th January, 2019

G.S.R. 12 (E).—In exercise of the powers conferred by the proviso to article 309 read with clause (5) of article 148 of the Constitution and after consultation with the Comptroller and Auditor-General of India in relation to persons serving in the Indian Audit and Accounts Department, the President hereby makes the following rules further to amend the Central Civil Services (Pension) Rules, 1972, namely:-

1. Short Title and Commencement:-

(1) These rules may be called the Central Civil Services (Pension) Amendment Rules, 2018.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. In the Central Civil Services (Pension) Rules, 1972 -

(i) in rule 38, for sub-rule (1) and sub-rule (2), the following sub-rules shall respectively be substituted, namely : -

“(1) The case of a Government servant acquiring a disability, where the provisions of section 20 of the Rights of Persons with Disabilities Act, 2016 (49 of 2016) are applicable, shall be governed by the provisions of the said section:

Provided that such employee shall produce a disability certificate from the competent authority as prescribed under the Rights of Persons with Disabilities Rules, 2017.

(2) If a Government servant, in a case where the provisions of section 20 of the Rights of Persons with Disabilities Act, 2016 (49 of 2016) are not applicable, retires from the service on account of any bodily or mental infirmity which permanently incapacitates him for the service, he may be granted invalid pension in accordance with rule 49:

Provided that a Government servant, who retires from service on account of any bodily or mental infirmity which permanently incapacitates him for the service before completing qualifying service of ten years, may also be granted invalid pension in accordance with sub-rule (2) of rule 49 subject to the conditions that the Government servant-

(a) *has been examined by the appropriate medical authority either before his appointment or after his appointment to the Government service and declared fit by such medical authority for Government service; and*

(b) *fulfils all other conditions mentioned in this rule for grant of invalid pension."*

(ii) in rule 49, for sub-rule (2), the following sub-rule shall be substituted, namely: -

"(2) Subject to the proviso to sub-rule (2) of rule 38, in the case of a Government servant retiring in accordance with the provisions of these rules after completing qualifying service of not less than ten years, the amount of pension shall be calculated at fifty per cent of emoluments or average emoluments, whichever is more beneficial to him, subject to a minimum of nine thousand rupees per mensem and maximum of one lakh twenty five thousand rupees per mensem."

[F.No. 21/I/2016-P&PW (F)]
SANJIV NARAIN MATHUR, Jt. Secy.

Note:— The principal rules were published in the Gazette of India, Part II, Section 3, Sub-section (i) *vide* number S.O.934, dated the 1st April, 1972 and the Fourth Edition of the rules corrected up to July, 1988 was published in the year of 1988. The said rules were subsequently amended *vide* the following notifications, namely:-

1. S.O.254, dated the 4th February, 1989;
2. S.O.970, dated the 6th May, 1989;
3. S.O.2467, dated the 7th October, 1989
4. S.O.899, dated the 14th April, 1990
5. S.O.1454, dated the 26th May, 1990
6. S.O.2329, dated the 8th September, 1990;
7. S.O.3269, dated the 8th December, 1990
8. S.O.3270, dated the 8th December, 1990
9. S.O.3273, dated the 8th December, 1990
10. S.O.409, dated the 9th February, 1991
11. S.O.464, dated the 16th February, 1991
12. S.O.2287, dated the 7th September, 1991;
13. S.O.2740, dated the 2nd November, 1991
14. G.S.R. 677, dated the 7th December, 1991
15. G.S.R. 39, dated the 1st February, 1992
16. G.S.R. 55, dated the 15th February, 1992
17. G.S.R. 570, dated the 19th December, 1992;
18. S.O.258, dated the 13th February, 1993
19. S.O.1673, dated the 7th August, 1993
20. G.S.R. 449, dated the 11th September, 1993
21. S.O.1984, dated the 25th September, 1993
22. G.S.R. 389(E), dated the 18th April, 1994
23. S.O.1775, dated the 19th July, 1997
24. S.O.259, dated the 30th January, 1999
25. S.O.904(E), dated the 30th September, 2000;
26. S.O.717(E), dated the 27th July, 2001
27. G.S.R. 75(E), dated the 1st February, 2002
28. S.O.4000, dated the 28th December, 2002
29. S.O. 860(E), dated the 28th July, 2003
30. S.O. 1483 (E), dated the 30th December, 2003.
31. S.O. 1487 (E), dated the 14th October, 2005
32. G.S.R. 723(E), dated the 23rd November, 2006;
33. S.O. 1821 (E), dated the 25th October, 2007

34. G.S.R. 258 (E), dated the 31st March, 2008
35. S.O. 1028 (E), dated the 25th April, 2008
36. S.O. 829(E), dated the 12th April, 2010
37. G.S.R. 176, dated the 11th June, 2011
38. G.S.R. 928 (E), dated the 26th December, 2012;
39. G.S.R. 938 (E), dated the 27th December, 2012
40. G.S.R. 103 (E), dated the 21st February, 2014
41. G.S.R. 138 (E), dated the 3rd March, 2014
42. G.S.R. 233 (E), dated the 28th March, 2014;
43. G.S.R. 628(E), dated the 1st September, 2014
44. G.S.R. 232(E) dated the 30th March, 2015; and
45. G.S.R. 962(E) dated the 30th September, 2016.