



वैज्ञानिक तथा औद्योगिक अनुसंधान परिषद्
COUNCIL OF SCIENTIFIC & INDUSTRIAL RESEARCH
अनुसंधान भवन, 2, रफी मार्ग, नई दिल्ली-110 001
Anusandhan Bhawan, 2, Rafi Marg, New Delhi- 110 001



सा०/No. : 5-1(49)/2008-PD

दिनांक/Dated: 12.12.2024

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

विषय/ Sub : Re-Circulation of earlier OMs/clarifications issued during October 2022 after Notification of Central Civil Services (Pension) Rules, 2021 - reg.

महोदय/Sir / महोदया/Madam,

मुझे, उपरोक्त विषय पर भारत सरकार, कार्मिक, लोक शिकायत और पेंशन मंत्रालय, पेंशन और पेंशनभोगी कल्याण विभाग के दिनांक 18.10.2024 के कार्यालय ज्ञापन सं 38/10(04)/2024-P&PW(A) (e 10124) को आपकी जानकारी, मार्गदर्शन और अनुपालन के लिए अग्रेषित करने का निदेश हुआ है।

उपरोक्त कार्यालय ज्ञापन में उल्लिखित कार्यालय ज्ञापनों/अधिसूचना को पुनः परिचालित करने के साथ-साथ सीएसआईआर में पृष्ठांकन के साथ सूचीबद्ध किया गया है जो संलग्न है।

I am directed to forward herewith the Government of India, Ministry of Personnel, PG and Pensions, Department of Pension & Pensioners' Welfare Office Memorandum No. 38/10(04)/2024-P&PW(A) (e 10124) dated 18.10.2024 on the above mentioned subject for your kind information, guidance and compliance.

The Office Memoranda/Notification enlisted in the aforesaid OM for re-circulation vis-à-vis their endorsement in CSIR is listed and enclosed as Annexure.

भवदीय/Yours faithfully,

अवर सचिव (नीति प्रभाग) / Under Secretary (PD)

संलग्न/Encl. : यथोपरि/As above

प्रतिलिपि/Copy to:

- 1) सी.एस.आई.आर. वेबसाइट/ CSIR Website
- 2) कार्यालय प्रति/Office copy.

क्रम संख्या/ Sr.No.	का. जा. / अधिसूचना संख्या./ OM / Notification No.	विषय/ Subject	टिप्पणियां/ Remarks
1.	38/01(05)/2022-P&PW(A) dated 10.10.2022	Provisions regarding applicability of Central Civil Services (Pension) Rules, 2021.	Endorsed vide CSIR letter No. 5-1(49)/2008-PD dated 14.03.2023.
2.	38/01(05)/2022- P&PW(A) dated 10.10.2022	Provisions regarding treatment of the day of retirement/resignation/death under the Central Civil Services (Pension) Rules, 2021.	Endorsed vide CSIR letter No. 5-1(49)/2008-PD dated 14.03.2023.
3.	38/01(05)/2022- P&PW(A) dated 10.10.2022	Provision regarding limitations on number of pensions and gratuities admissible to a government servant under the Central Civil Services (Pension) Rules, 2021.	Endorsed vide CSIR letter No. 5-1(49)/2008-PD dated 14.03.2023.
4.	38/01(05)/2022- P&PW(A) dated 10.10.2022	Provision regarding withholding or withdrawal of pension/family pension on being convicted of a serious crime or on being found guilty of grave misconduct, under the Central Civil Services (Pension) Rules, 2021.	Endorsed vide CSIR letter No. 5-1(49)/2008-PD dated 14.03.2023.
5.	38/41/2019-P&PW(A) dated 07.10.2022	Amendment of Rule 8 CCS Pension Rules, 2021 delegation of powers of president to with hold pension and gratuity to Secretary and C&AG.	Endorsed vide CSIR letter No. 5-1(49)/2008-PD dated 01.11.2022
6.	38/01(05)/2022- P&PW(A) dated 10.10.2022	Provision regarding sanction of provisional pension and withholding of gratuity during pendency of department/ judicial proceedings under the Central Civil Services (Pension) Rules, 2021.	Endorsed vide CSIR letter No. 5-1(49)/2008-PD dated 14.03.2023.

क्रम संख्या/ Sr.No.	का. जा. / अधिसूचना संख्या./ OM / Notification No.	विषय/ Subject	टिप्पणियां/ Remarks
7.	38/01(05)/2022- P&PW(A) dated 26.10.2022	Power to withhold or withdraw pension/gratuity in cases of grave misconduct or negligence during the period of service under the Central Civil Services (Pension) Rules, 2021.	Endorsed vide CSIR letter No. 5-1(49)/2008-PD dated 14.03.2023.
8.	38/01(05)/2022- P&PW(A) dated 10.10.2022	Grant of invalid Pension under the Central Civil Services (Pension) Rules, 2021 on retirement from Government service on account of any bodily or mental infirmity.	Endorsed vide CSIR letter No. 5-1(49)/2008-PD dated 14.03.2023.
9.	38/01(05)/2022- P&PW(A) dated 10.10.2022	Grant of compulsory retirement pension under the Central Civil Services (Pension) Rules, 2021 to a Government servant who is compulsorily retired from service as a penalty.	Endorsed vide CSIR letter No. 5-1(49)/2008-PD dated 14.03.2023.
10.	38/01(05)/2022- P&PW(A) dated 10.10.2022	Grant of Compassionate allowance under the Central Civil Services (Pension) Rules, 2021 to a Government servant who is dismissed or removed from service.	Endorsed vide CSIR letter No. 5-1(49)/2008-PD dated 14.03.2023.
11.	38/01(05)/2022- P&PW(A) dated 26.10.2022	Amount and conditions for grant of pension under Central Civil Services (Pension) Rules, 2021.	Endorsed vide CSIR letter No. 5-1(49)/2008-PD dated 14.03.2023.
12.	38/01(05)/2022- P&PW(A) dated 26.10.2022	Amount and conditions for grant of additional pension and additional family pension under Central Civil Services (Pension) Rules, 2021.	Endorsed vide CSIR letter No. 5-1(49)/2008-PD dated 14.03.2023.

F. No. 38/10(04)/2024-P&PW(A) (e 10124)

भारतसरकार Government of India

कार्मिक, लोकशिकायतऔर पेंशनमंत्रालय Ministry of Personnel, PG & Pensions
पेंशनऔर पेंशन भोगी कल्याण विभाग Department of Pension & Pensioners' Welfare

3rd Floor, Lok Nayak Bhawan, Khan Market,
New Delhi, Dated the 18th October, 2024

कार्यालय ज्ञापन /OFFICE MEMORANDUM

Subject:- Re-Circulation of earlier OMs/clarifications issued during October 2022 after Notification of Central Civil Services (Pension) Rules, 2021 - reg

The undersigned, in line to ease out Rules and based on past references and clarifications issued by DoPPW in this regarded, is directed to re-circulate the following OMs issued during October 2022 after Notification of CCS(Pension) Rules 2021 for clarifications with respect to Rule 2, Rule 5, Rule 6, Rule 7, Rule 8, Rule 39, Rule 40, Rule 41 and Rule 44 of CCS(Pension) Rules 2021:

Sr. No.	Office Memorandum No and date	Subject
1	38/01(05)/2022-P&PW(A) Dated 10 th October, 2022	Provisions, regarding applicability of CCS (Pension) Rules, 2021-reg.
2	38/01(05)/2022-P&PW(A) Dated 10 th October, 2022	Provisions regarding treatment of the day of retirement/resignation/ death under CCS (Pension) Rules, 2021-reg.
3	38/01(05)/2022-P&PW(A) Dated 10 th October, 2022	Provisions regarding limitations on number of Pension and Gratuities admissible to a government servant under CCS (Pension) Rules, 2021-reg.
4	38/01(05)/2022-P&PW(A) Dated 10 th October, 2022	Provisions regarding withholding or withdrawal of pension/family pension on being convicted of a serious or on being found guilty of grave misconduct under CCS (Pension) Rules, 2021-reg.
5	38/41/2019-P&PW(A) Dated 7 th October, 2022	Amendment of Rule 8 CCS Pension Rules, 2021 delegation of powers of president to with hold pension and gratuity to Secretary and C&AG.
6	38/01(05)/2022-P&PW(A) Dated 10 th October, 2022	Provisions regarding sanction of provisional pension and withholding of gratuity during pendency of department/judicial proceedings under CCS (Pension) Rules, 2021-reg.
7	38/01(05)/2022-	Power to withhold or withdraw pension/gratuity in cases of grave

Contd... p/2

	P&PW(A) Dated 26 th October, 2022	misconduct or negligence during the period of service under the CCS (Pension) Rules, 2021.
8	38/01(05)/2022-P&PW(A) Dated 10 th October, 2022	Grant of invalid pension under CCS (Pension) Rules, 2021 on retirement from government service on account of any bodily or mental infirmity.
9	38/01(05)/2022-P&PW(A) Dated 10 th October, 2022	Grant of compulsory retirement pension under CCS (Pension) Rules, 2021 to a government servant who is compulsorily retired from service as a penalty.
10	38/01(05)/2022-P&PW(A) Dated 10 th October, 2022	Grant of compassionate allowance under the CCS (Pension) Rules, 2021 to a government servant who is dismissed or removed from service.
11	38/01(05)/2022-P&PW(A) Dated 26 th October, 2022	Amount and conditions for grant of pension under Central Civil Services (Pension) Rules, 2021.
12	38/01(05)/2022-P&PW(A) Dated 26 th October, 2022	Amount and conditions for grant of additional pension and additional family pension under CCS(Pension) Rules, 2021.

2. All Ministries/Departments are requested that the above OMs may please be brought to the notice of the all concerned for strict compliance.

Encl: as above

Madhu
18.10.24
(Madhu Mankotia)
Under Secretary to the Govt. of India
Tele No.011-24644637

To,

All the Ministries/Departments (As per standard list)

F. No. 38/01(05)/2022-P&PW(A)
Government of India
Ministry of Personnel, PG & Pensions
Department of Pension & Pensioners' Welfare

3rd Floor, Lok Nayak Bhawan
Khan Market, New Delhi-110 003
Dated : 10.10.2022

Office Memorandum

Subject: Provisions regarding applicability of Central Civil Services (Pension) Rules, 2021

The undersigned is directed to say that Department of Pension has notified Central Civil Services (Pension) Rules, 2021 in supersession of the Central Civil Service (Pension) Rules, 1972. In accordance with Rule 2, these Rules are applicable to the Government servants, including civilian Government servants in the Defence Services, appointed substantively to civil services and posts in connection with the affairs of the Union which are borne on pensionable establishments.

2. These Rules are applicable to the Government servants appointed on or before 31st day of December, 2003. However, the Rules are also applicable to Government servants appointed after 31st December, 2003 in following cases:

(1) A Government servant who was put on induction training on or before 31st day of December, 2003 followed by appointment on regular basis after 31st day of December, 2003 if completion of the induction training was an essential condition for appointment on regular basis to the post, the Government servant was eligible for a salary or a stipend during the period of such training and the period of training was eligible for being counted as qualifying service in accordance with the provisions of Central Civil Services (Pension) Rules, 1972.

(2) A Government servant who was initially appointed on or before 31st December, 2003,-

(i) in an establishment or Department of the Central Government whose employees were covered by a pension scheme other than the Central Civil Services (Pension) Rules, 1972; or

(ii) in a State Government or an autonomous body under the Central Government or State Government having a non-contributory pension scheme similar to the Central Civil Services (Pension) Rules, 1972,

and was subsequently appointed after 31st December, 2003 in an establishment of a Central Government to which these rules apply, subject to the condition that the said Government servant fulfils all other conditions for counting of service rendered in such establishment of the Central Government or State Government or autonomous body, in accordance with these rules or any general or special order issued in this regard.

(3) A Government servant appointed after 31st December, 2003 to a civil service or post in connection with the affairs of the Union, if he fulfils the conditions for coverage under these rules in accordance with any special or general order issued by the Government in this regard.

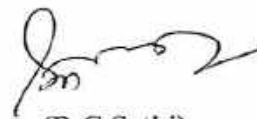
(4) Persons who were regularly appointed in Government service after 31st December, 2003 but were conferred temporary status on or before 31st December, 2003 in accordance with the "Casual Labourers (Grant of Temporary Status and Regularisation) Scheme of Government of India, 1993" notified by Ministry of Personnel, Public Grievances and Pensions (Department of Personnel and Training) and such temporary status is followed without interruption by regular appointment in Government service. Further, as per the provisions of rule 15, fifty percent of the service rendered in 'temporary status' capacity by a

Government servant, who was conferred temporary status on or before 31st December, 2003 and was subsequently regularised in Government service, in accordance with the "Casual Labourers (Grant of Temporary Status and Regularisation) Scheme of Government of India, 1993), shall count as qualifying service for the purpose of these rules.

(5) Where in the event of death or discharge from service on the ground of invalidation in the case of a Government servant who, having been appointed to civil services and posts in connection with the affairs of the Union after 31st day of December, 2003, is covered by the Central Civil Services (Implementation of National Pension System) Rules, 2021, the benefits of Invalid Pension under rule 39 and Family Pension under rule 50 shall be payable to the Government servant or his family, as the case may be, if the Government servant had exercised an option to this effect under rule 10 of the Central Civil Services (Implementation of National Pension System) Rules, 2021 or in whose case the default option is for availing benefits under these rules or the Central Civil Services (Pension) Rules, 1972.

3. The cases of Government servants appointed in temporary capacity to civil services and posts in connection with the affairs of the Union on or before 31st day of December, 2003, who retired or were retired before having been appointed in a substantive capacity, the benefits under these rules shall be payable to the Government servant to the extent provided in the Central Civil Services (Temporary Service) Rules, 1965.

4. All Ministries/Departments are requested that the above provisions regarding applicability of the Central Civil Services (Pension) Rules, 2021 may be given wide publicity to all Government servants and more particularly to the personnel dealing with the pensionary benefits in the Ministry/Department and attached/subordinate offices there under, for strict implementation.



(R.C Sethi)

Deputy Secretary to Government of India

Tel: 24635979

To,

All Ministries/Departments/Organisations (As per standard list)

F. No. 38/01(05)/2022-P&PW(A)
Government of India
Ministry of Personnel, PG & Pensions
Department of Pension & Pensioners' Welfare

3rd Floor, Lok Nayak Bhawan
Khan Market, New Delhi-110 003
Dated: 10.10.2022

Office Memorandum

Subject: Provisions regarding treatment of the day of retirement/resignation/death under the Central Civil Services (Pension) Rules, 2021

The undersigned is directed to say that Department of Pension has notified Central Civil Services (Pension) Rules, 2021 in supersession of the Central Civil Service (Pension) Rules, 1972. In accordance with Rule 5 of the Central Civil Services (Pension) Rules, 2021, any claim to pension or family pension shall be regulated by the provisions of those 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.

2 Sub-rule (2) of Rule 5 provides that 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 completed working day and the date of death shall also be treated as a completed working day. However, in a case where the Government servant immediately before his retirement or death was absent from duty on leave or otherwise or was under suspension, the day of retirement or death shall be part of such leave or absence or suspension.

3. All Ministries/Departments are requested that the above provisions in the Central Civil Services (Pension) Rules, 2021 regarding treatment of the day of retirement/resignation/death as working day or otherwise may be brought to the notice of the personnel dealing with the pensionary benefits in the Ministry/Department and attached/subordinate offices there under, for strict implementation.



(R.C Sethi)

Deputy Secretary to Government of India
Tel: 24635979

To,
All Ministries/Departments/Organisations (As per standard list)

F. No. 38/01(05)/2022-P&PW(A)
Government of India
Ministry of Personnel, PG & Pensions
Department of Pension & Pensioners' Welfare

3rd Floor, Lok Nayak Bhawan
Khan Market, New Delhi-110 003
Dated: 10.10.2022

Office Memorandum

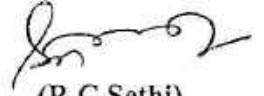
Subject: Provision regarding limitations on number of pensions and gratuities admissible to a Government servant under the Central Civil Services (Pension) Rules, 2021.

The undersigned is directed to say that Department of Pension has notified Central Civil Services (Pension) Rules, 2021 in supersession of the Central Civil Service (Pension) Rules, 1972. In accordance with Rule 6 of the Central Civil Services (Pension) Rules, 2021, a Government servant shall not earn two pensions in the same service or post at the same time or by the same continuous service. Rule 6 further provides that except as provided in rule 19 or rule 20 (i.e. in the case of a civil Government servant who, after retirement on compensation pension or invalid pension, was re-employed before 31st December, 2003 or a military pensioner who was re-employed in civil service before 31st December, 2003,), a re-employed Government servant shall not be entitled to a separate pension or gratuity for the period of his re-employment. Thus a Government servant who, having retired on a superannuation pension or retiring pension or compulsory retirement pension or who is in receipt of a compassionate allowance on having been dismissed or removed from service, is subsequently reemployed, shall not be entitled to a separate pension or gratuity for the period of his re-employment.

2. Rule 6, however, provides that a Government servant who was previously appointed in an autonomous body or a public sector undertaking and was subsequently appointed, with proper permission of that body or undertaking, in the Government service on or before 31st December, 2003, will be eligible for pension and gratuity for the service rendered in the Government in addition to the pension and gratuity, if any, received by him from the autonomous body or the public sector undertaking for the service rendered in that body or undertaking subject to the condition that the total amount of gratuity in respect of the service rendered in the autonomous body or the public sector undertaking and the service rendered under the Government shall not exceed the amount that would have been admissible taking into account the entire service rendered by the Government servant in the autonomous body or the public sector undertaking and the Government and the emoluments on retirement from Government. In such cases, pension, if any, on account of service rendered in an autonomous body or a public sector undertaking shall be paid by the concerned autonomous body or the public sector undertaking itself and there shall be no liability on the part of the Government towards pension for the service rendered by the Government servant in the said autonomous body or the public sector undertaking before joining service under the Government.

3. A Government servant shall be deemed to have been appointed in the Government with proper permission if he had applied for the service or post in the Government with previous permission of the autonomous body or the public sector undertaking and the order of the autonomous body or the public sector undertaking clearly indicates that the employee is resigning to join the post in the Government with proper permission of the autonomous body or the public sector undertaking, as the case may be.

4. All Ministries/Departments are requested that the above provisions in the Central Civil Services (Pension) Rules, 2021 regarding limitations on number of pensions and gratuities admissible to a Government servant may be brought to the notice of the personnel dealing with the pensionary benefits in the Ministry/Department and attached/subordinate offices there under, for strict implementation.



(R.C Sethi)

Deputy Secretary to Government of India

Tel: 24635979

To,

All Ministries/Departments/Organisations (As per standard list)

F. No. 38/01(05)/2022-P&PW(A)
Government of India
Ministry of Personnel, PG & Pensions
Department of Pension & Pensioners' Welfare

3rd Floor, Lok Nayak Bhawan
Khan Market, New Delhi-110 003
Dated: 10.10.2022

Office Memorandum

Subject: Provision regarding withholding or withdrawal of pension/family pension on being convicted of a serious crime or on being found guilty of grave misconduct, under the Central Civil Services (Pension) Rules, 2021

The undersigned is directed to say that Department of Pension has notified Central Civil Services (Pension) Rules, 2021 in supersession of the Central Civil Service (Pension) Rules, 1972. In accordance with Rule 7 of the Central Civil Services (Pension) Rules, 2021, the Appointing Authority may, by order in writing, withhold or withdraw a pension or a 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. As per the Explanation (a) below Rule 7, the expression 'pension' includes family pension and the expression 'pensioner' includes family pensioner. Accordingly, family pension payable to a member of the family may also be withheld or withdrawn if the family pensioner is convicted of a serious crime or is found guilty of grave misconduct.

2. All Ministries/Departments are requested that the above provisions in the Central Civil Services (Pension) Rules, 2021 regarding withholding or withdrawal of pension/family pension on being convicted of a serious crime or on being found guilty of grave misconduct may be brought to the notice of the personnel dealing with the pensionary benefits in the Ministry/Department and attached/subordinate offices there under, for strict implementation.



(R.C Sethi)

Deputy Secretary to Government of India
Tel: 24635979

To,
All Ministries/Departments/Organisations (As per standard list)

MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS**(Department of Pension and Pensioners' Welfare)****NOTIFICATION**

New Delhi, the 7th October, 2022

G.S.R. 770(E).—In exercise of the powers conferred by the proviso to article 309 and 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, 2021, namely:—

1. Short title and commencement.— (1) These rules may be called the Central Civil Services (Pension) Amendment Rules, 2022.

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

2. In the Central Civil Services (Pension) Rules, 2021 (hereinafter referred to of the said rules), in rule 8,—

(i) for sub-rule (1), the following sub-rule shall be substituted, namely:—

“(1) (a) The President, in the case of a pensioner who retired from a post for which the President is the appointing authority;

(b) the Secretary of the Administrative Ministry or Department, in the case of a pensioner who retired from a post for which an authority subordinate to the President is the appointing authority; and

(c) the Comptroller and Auditor-General of India, in the case of a pensioner who retired from the Indian Audit and Accounts Department, from a post for which an authority subordinate to the President is the appointing authority.

may, by order in writing, withhold a pension or gratuity, or both, either in full or in part, or withdraw a pension in full or in part, whether permanently or for a specified period, and order recovery from a pension or gratuity of the whole or part of any pecuniary loss caused to the Government, if, in any departmental proceedings or judicial proceedings, the pensioner is found guilty of grave misconduct or negligence during the period of service, including service rendered upon re-employment after retirement :

Provided that the Union Public Service Commission shall be consulted before any final orders is passed by the President under this sub-rule;

Provided further that where a part of pension is withheld or withdrawn, the amount of such pension shall not be reduced below the amount of minimum pension under rule 44.”;

(ii) in sub-rule (2),—

a. in clause (a), for the proviso, the following proviso shall be substituted, namely:—

“Provided that where the departmental proceedings are instituted by an authority subordinate to the authority competent to pass order under sub-rule (1), that authority shall submit a report recording its findings to the said competent authority.”;

b. in clause (c), for the word “President” occurring at both the places, the words, brackets and figure “authority competent to pass order under sub-rule (1)” shall be substituted;

(iii) in sub-rule (4), in clause (d), for the word, brackets and figure “sub-rule (9)”, the words “Explanation to this rule” shall be substituted;

(iv) in sub-rule (6), for the word “President”, the words, brackets and figure “authority competent to pass order under sub-rule (1)” shall be substituted;

(v) after sub-rule (6), the following sub-rule shall be inserted, namely:—

“(6A) (a) No appeal shall lie against any order made by the President under this rule.

(b) An appeal against an order under sub-rule (1), passed by an authority other than the President, shall lie to the President and the President shall, in consultation with the Union Public Service Commission, pass such orders on the appeal as he deems fit.”

3. In rule 20 of the said rules, in Explanation-1, in clause (ii), for the words “was not required to be refunded”, the words “was to be refunded” shall be substituted.
4. In rule 46 of the said rules, in sub-rule (5), in clause (a), the words “proviso to” shall be omitted.
5. In rule 50 of the said rules, in sub-rule (9), in clause (h), in sub-clause (iii),-
 - (i) for the word, brackets and letter “clause (e)”, the word, brackets and letter “clause (h)” shall be substituted;
 - (ii) in the proviso, for the word, brackets and letter “clause (d)”, the word, brackets and letter “clause (g)” shall be substituted.
6. In rule 76 of the said rules, for the brackets, figure and words “(5) The fact of the issue”, the brackets, figure and words “(5A) The fact of the issue” shall be substituted.

[F. No. 38/41/2019-P&PW(A)]

SANJIV NARAIN MATHUR, Jt. Secy.

Note : The principal rules were published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i) *vide* number G.S.R. 868(E), dated the 20th December, 2021.

F. No. 38/01(05)/2022-P&PW(A)
Government of India
Ministry of Personnel, PG & Pensions
Department of Pension & Pensioners' Welfare

3rd Floor, Lok Nayak Bhawan
Khan Market, New Delhi-110 003
Dated: 10.10.2022

Office Memorandum

Subject: Provision regarding sanction of provisional pension and withholding of gratuity during pendency of departmental/judicial proceedings under the Central Civil Services (Pension) Rules, 2021.

The undersigned is directed to say that Department of Pension has notified Central Civil Services (Pension) Rules, 2021 in supersession of the Central Civil Service (Pension) Rules, 1972. In accordance with Rule 8 of the Central Civil Services (Pension) Rules, 2021, the following are the provisions regarding sanction of provisional pension in cases where departmental or judicial proceedings are pending:

- (i) In the case of a retired Government servant against whom any departmental or judicial proceedings are instituted or where departmental proceedings instituted under rule 14 of the Central Civil Services (Classification, Control and Appeal) Rules, 1965 are continued after retirement, a provisional pension shall be sanctioned.
- (ii) The Accounts Officer shall authorise the provisional pension equal to the maximum pension which would have been admissible on the basis of qualifying service up to the date of retirement of the Government servant, or if he was under suspension on the date of retirement, up to the date immediately preceding the date on which he was placed under suspension.
- (iii) The provisional pension shall be authorised during the period commencing from the date following the date of retirement up to and including the date on which, after the conclusion of departmental or judicial proceedings, final orders are passed by the competent authority.
- (iv) No gratuity shall be paid to the Government servant until the conclusion of the departmental or judicial proceedings and issue of final orders thereon.
- (v) The provisions regarding provisional pension or withholding of gratuity shall not be applicable where allegations of misconduct are under investigation against a Government servant or where departmental or judicial proceedings are contemplated against a Government servant but have not actually been instituted or deemed to have been instituted till the date of retirement of the Government servant. The pension and gratuity in such cases shall be authorised to be paid to the Government servant on his retirement in accordance with rule 63. However, the provisions brought out in para 3 above shall apply to any departmental proceedings instituted after retirement of the Government servant.
- (vi) Payment of provisional pension shall be adjusted against final retirement benefits sanctioned to such Government servant upon conclusion of such proceedings but no recovery shall be made where the pension finally sanctioned is less than the provisional pension or the pension is reduced or withheld either permanently or for a specified period.

2. All Ministries/Departments are requested that the above provisions regarding sanction of provisional pension and withholding of gratuity during pendency of departmental/judicial proceedings may be brought to the notice of the personnel dealing with the pensionary benefits in the Ministry/Department and attached/subordinate offices there under, for strict implementation.



(R.C Sethi)

Deputy Secretary to Government of India

Tel: 24635979

To,

All Ministries/Departments/Organisations (As per standard list)

F. No. 38/01(05)/2022-P&PW(A)
Government of India
Ministry of Personnel, PG & Pensions
Department of Pension & Pensioners' Welfare

3rd Floor, Lok Nayak Bhawan
Khan Market, New Delhi-110 003
Dated: 26.10.2022

Office Memorandum

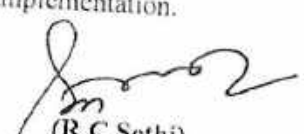
Subject: Power to withhold or withdraw pension/gratuity in cases of grave misconduct or negligence during the period of service under the Central Civil Services (Pension) Rules, 2021.

The undersigned is directed to say that Rule 8 of the CCS (Pension) Rules, 2021 has been amended vide Notification No. GSR 770(E) dated 07.10.2022. As per earlier Rule 8 of the CCS (Pension) Rules, 2021, the President had the power, in all cases, to withhold/withdraw a pension/gratuity, if in any departmental or judicial proceedings, the pensioner was found guilty of grave misconduct or negligence during the period of service, including service rendered upon re-employment after retirement.

2. As per the amended Rule 8, approval of President shall be required only for ordering withholding/withdrawing pension or gratuity in the case of a pensioner who retired from a post for which President is the appointing authority and, in other cases, Secretary of the Administrative Ministry or Department shall be competent to order withholding/withdrawing pension or gratuity. If the pensioner is found guilty of grave misconduct or negligence during the period of service in any departmental or judicial proceedings. Similarly, the Comptroller and Auditor-General of India shall be competent to order withholding/withdrawing pension or gratuity in the case of a pensioner who retired from the Indian Audit and Accounts Department, for which an authority subordinate to the President is the appointing authority. Consultation with UPSC will also not be necessary in cases where the President is not the appointing authority.

3. A provision for appeal against an order of an authority other than the President has also been made in the amended Rule 8(6A). Provisions for revision/review of the orders by the President have also been made in Rule 8(7) & Rule 8(8), respectively.

4. All Ministries/Departments are requested that the above amended provisions regarding power to withhold or withdraw pension/gratuity in case where the pensioner is found guilty of grave misconduct or negligence during the period of service may be brought to the notice of the personnel dealing with the pensionary benefits, for strict implementation.


(R.C. Sethi)
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All Ministries/Departments/Organisations (As per standard list)

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Government of India
Ministry of Personnel, PG & Pensions
Department of Pension & Pensioners' Welfare

3rd Floor, Lok Nayak Bhawan
Khan Market, New Delhi-110 003
Dated: 10.10.2022

Office Memorandum

Subject: Grant of Invalid Pension under the Central Civil Services (Pension) Rules, 2021 on retirement from Government service on account of any bodily or mental infirmity.

The undersigned is directed to say that Department of Pension has notified the Central Civil Services (Pension) Rules, 2021 in supersession of the Central Civil Service (Pension) Rules, 1972. Rule 39 of the Central Civil Services (Pension) Rules, 2021 lays down the detailed procedure for acceptance/processing of application for Invalid Pension on account of any bodily or mental infirmity, which permanently incapacitates the Government servant for the service. Rule 39 inter alia provides that the Head of Department may accept an application for retirement on Invalid Pension submitted by the spouse of the Government servant failing which by a member of the family of the Government servant, if he is satisfied that the Government servant himself is not in a position to submit such application.

2. Rule 39 also provides that a Government servant, who retires from service even before completing qualifying service of ten years, shall also be granted invalid pension and, in his case, the amount of pension shall also be calculated at fifty percent of emoluments or average emoluments, whichever is more beneficial to him in accordance with rule 44 if 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.

3. All Ministries/Departments are requested that the above provisions of Rule 39 of the Central Civil Services (Pension) Rules, 2021 regarding acceptance of application for Invalid Pension submitted by the spouse/family members of the Government servant and grant of Invalid Pension to a Government servant with less than 10 years' qualifying service may be brought to the notice of the personnel dealing with the pensionary benefits in the Ministry/Department and attached/subordinate offices there under, for strict implementation.



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Department of Pension & Pensioners' Welfare

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Khan Market, New Delhi-110 003
Dated: 10.10.2022

Office Memorandum

Subject: Grant of Compulsory retirement pension under the Central Civil Services (Pension) Rules, 2021 to a Government servant who is compulsorily retired from service as a penalty.

The undersigned is directed to say that Department of Pension has notified the Central Civil Services (Pension) Rules, 2021 in supersession of the Central Civil Service (Pension) Rules, 1972. In accordance with Rule 40 of the Central Civil Services (Pension) Rules, 2021, a Government servant compulsorily retired from service as a penalty may be granted, by the authority competent to impose such penalty, pension or retirement gratuity or both at a rate not less than two-thirds and not more than full superannuation pension or gratuity or both admissible to him on the date of his compulsory retirement.

2. Rule 40 also provides that the order regarding the quantum of pension and gratuity to be granted may be issued simultaneous with the order of imposition of penalty of compulsory retirement and where such an order regarding the quantum of pension and gratuity to be granted is not issued simultaneous with the order of imposition of penalty of compulsory retirement, a provisional pension and a provisional gratuity at a rate of two thirds of full superannuation pension and gratuity shall be sanctioned to the Government servant immediately. Thereafter, the order for grant of final pension and gratuity shall be issued in consultation with Union Public Service Commission, where necessary, within three months from the date of issue of the order imposing the penalty of compulsory retirement. The provisional pension shall continue to be paid till the payment of final pension and gratuity.

3. All Ministries/Departments are requested that the above provisions of Rule 40 of the Central Civil Services (Pension) Rules, 2021 regarding quantum of Compulsory Retirement Pension and sanctioning of provisional pension till issue of final order regarding quantum of Compulsory Retirement Pension may be brought to the notice of the personnel dealing with the pensionary benefits in the Ministry/Department and attached/subordinate offices there under, for strict implementation.



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Department of Pension & Pensioners' Welfare

3rd Floor, Lok Nayak Bhawan
Khan Market, New Delhi-110 003
Dated: 10.10.2022

Office Memorandum

Subject: Grant of Compassionate allowance under the Central Civil Services (Pension) Rules, 2021 to a Government servant who is dismissed or removed from service.

The undersigned is directed to say that Department of Pension has notified the Central Civil Services (Pension) Rules, 2021 in supersession of the Central Civil Service (Pension) Rules, 1972. In accordance with Rule 24 of the Central Civil Services (Pension) Rules, 2021, dismissal or removal of a Government servant from a service or post shall entail forfeiture of his past service. Rule 41 further provides that a Government servant who is dismissed or removed from service shall forfeit his pension and gratuity. However, if the case is deserving of special consideration, the authority competent to dismiss or remove him from service may, 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 superannuation pension.

2 Rule 41 also provides that the competent authority shall, either on its own or after taking into consideration the representation of the Government servant, if any, examine whether any compassionate allowance is to be granted and take a decision in this regard within three months from the date of issue of the order imposing the penalty of dismissal or removal from service. The competent authority shall consider,- (a) each case of dismissal and removal from service on its merit to decide whether the case deserves of special consideration for sanction of a compassionate allowance and, if so, the quantum thereof. (b) the actual misconduct which occasioned the penalty of dismissal or removal from service and the kind of service rendered by the Government servant. (c) in exceptional circumstances, factors like family members dependent on the Government servant along with other relevant factors.

3. In cases where an order imposing the penalty of dismissal or removal from service was issued before the date of commencement of the CCS(Pension) Rules, 2021 rules (i.e. 20th December 2021) and the competent authority, at that time, did not examine or decide whether or not any compassionate allowance was to be granted in that case, that authority was required to take a decision in this regard within six months from the date of commencement of those rules and no compassionate allowance shall be sanctioned after the expiry of the aforesaid period of six months, to a Government servant on whom a penalty of dismissal or removal from service was imposed before the date of commencement of these rules.

4. All Ministries/Departments are requested that the above provisions of Rule 41 of the Central Civil Services (Pension) Rules, 2021 regarding the circumstances in which Compassionate Allowance may be granted, the quantum of Compassionate Allowance and the period within which Compassionate Allowance is to be sanctioned may be brought to the notice of the personnel dealing with the pensionary benefits in the Ministry/Department and attached/subordinate offices there under, for strict implementation.



(R.C Sethi)
Deputy Secretary to Government of India
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3rd Floor, Lok Nayak Bhawan
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Office Memorandum

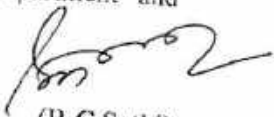
Subject: Amount and conditions for grant of pension under Central Civil Services (Pension) Rules, 2021

The undersigned is directed to say that Department of Pension has notified the Central Civil Services (Pension) Rules, 2021 in supersession of the Central Civil Service (Pension) Rules, 1972. In accordance with sub-rule (1) of Rule 44 of the Central Civil Service (Pension) Rules, 2021, a Government servant, becomes eligible for grant of a pension on retirement under rule 33 (Superannuation Pension), rule 34 (Retiring Pension), rule 35 (Pension on absorption in or under a State Government), rule 36 (Pension on absorption in or under a corporation, company or body), rule 37 (Pension on absorption consequent upon conversion of a Government Department into a Public Sector Undertaking), rule 38 (pension on absorption consequent upon conversion of a Government Department into a Central Autonomous Body) or rule 39 (Invalid Pension), after completing a qualifying service of not less than ten years. The pension in all such cases is calculated at the rate of fifty per cent of emoluments or average emoluments, whichever is more beneficial to him, subject to a minimum of nine thousand rupees per month and maximum of one lakh twenty-five thousand rupees per month.

2. The above rule further provides that a Government servant who retires on Invalid Pension under rule 39 before completing a qualifying service of ten years shall also be eligible for an invalid pension calculated at fifty per cent of emoluments or average emoluments, whichever is more beneficial to him and the condition of completion of minimum qualifying service of ten years shall not be applicable for grant of pension in his case if he/she fulfils the conditions mentioned in sub-rule (9) of rule 39.

3. In calculating the length of qualifying service, fraction of a year equal to three months and above is treated as a completed six monthly period and reckoned as qualifying service. In the case of a Government servant who has rendered a qualifying service of nine years and nine months or more but less than ten years, his qualifying service for the purpose of this rule shall be ten years and he shall be eligible for pension according

4. All Ministries/Departments are requested that the above provisions regarding grant of pension under Central Civil Services (Pension) Rules, 2021 may be brought to the notice of the personnel dealing with the pensionary benefits in the Ministry/Department and attached/subordinate offices thereunder, for strict implementation.


 (R.C Sethi)

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To,
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F. No. 38/01(05)/2022-P&PW(A)
Government of India
Ministry of Personnel, PG & Pensions
Department of Pension & Pensioners' Welfare

3rd Floor, Lok Nayak Bhawan
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Dated: 26.10.2022

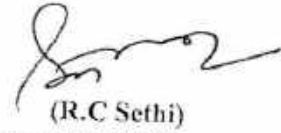
Office Memorandum

Subject: Amount and conditions for grant of additional pension and additional family pension under Central Civil Services (Pension) Rules, 2021

The undersigned is directed to say that Department of Pension has notified the Central Civil Services (Pension) Rules, 2021 in supersession of the Central Civil Service (Pension) Rules, 1972. In accordance with sub-rule (6) of Rule 44 of the Central Civil Service (Pension) Rules, 2021, after completion of eighty years of age or above by a retired Government servant, certain additional pension or additional compassionate allowance is payable to the retired Government servant. Similarly, in accordance with sub-rule (3) of Rule 50 of the Central Civil Service (Pension) Rules, 2021, additional family pension is payable to after completion of eighty years of age or above of a family pensioner.

2. Such additional pension/family pension is payable from first day of the calendar month in which it falls due. For example, a pensioner/family pensioner born on 20th August, 1942 shall be eligible for additional pension/family pension at the rate of twenty percent of the basic pension/family pension with effect from 1st August, 2022. A pensioner/family pensioner born on 1st August, 1942 shall also be eligible for additional pension/family pension at the rate of twenty percent of the basic pension with effect from 1st August, 2022.

3. All Ministries/Departments and Pension Disbursing Authorities/Banks are requested that the above provisions regarding grant of additional pension and family pension under Central Civil Services (Pension) Rules, 2021 may be brought to the notice of the personnel dealing with the pensionary benefits, for strict implementation.



(R.C Sethi)
Deputy Secretary to Government of India
Tel: 24635979

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All Ministries/Departments/Organisations (As per standard list)