



GOVERNMENT OF ODISHA

ODISHA CIVIL SERVICES (PENSION) RULES

1992

SECOND EDITION
(updated upto 31.12.2015)

FINANCE DEPARTMENT

P R E F A C E

The pension rules were last codified in a single volume entitled: “Orissa Pension Rules, 1977” which came into force with effect from 28.04.1977. Subsequently, the Government in Finance Department brought out one hand book entitled “The Orissa Civil Services (Pension) Rules, 1992” keeping all the modification and amendment made during the period from 1977-1992 in dispensation of pension and pensionary benefits to the State Government pensioners and family pensioners with effect from 1st April, 1992.

In 2015, the Government felt it necessary to incorporate all up-to-date instructions in shape of Notification / Resolutions / Office Memorandums / Circulars promulgated from time to time in the intervening period from 2nd April, 1992 i.e. the very inception of “The Orissa Civil Services (Pension) Rules, 1992” till 31st December, 2015 in shape of a compendium in order to make it more user friendly and hope that this effort to bring out the compendium will be of practical help to all users as a handy reference manual on pensionary matter.

A work of this nature would not have been possible without the motivation and special effort of the staff engaged in bringing out this Manual. I would, like to commend in particular the services of Sri Hemanta Kumar Panda (Rtd), Additional Secretary, Sri Bivas Kanungo, Joint Secretary, Sri Saroj Kumar Mohanty, Deputy Secretary, Sri Satyananda Panda, Desk Officer, Sri Prabhat Kumar Panda, Section Officer and Sri Manoranjan Routray, Section Officer who have done the work of compilation under the able guidance and supervision of Sri Aswini Kumar Mishra, OSD-cum-Special Secretary.

Whereas every effort has been made to publish the rules error free. Error and omissions if any, may kindly be brought to the notice of Finance Department for necessary correction. In case of any contradiction between this book and the Gazette Notification, the provisions in the Gazette Notification will prevail.

T. K. Pandey
Principal Secretary to Government
Finance Department

BHUBANESWAR

Date:

TABLE OF CONTENTS
BRIEF DESCRIPTION OF RULES

RULES		PAGE
CHAPTER - I		
1	Short title and commencement	.. 1
2	Definition	.. 1
3	Application	.. 3
4	Protection of privilege	.. 5
CHAPTER - II		
5	Regulation of claims to pension or family pension	.. 6
6	Pension subject to future good conduct	.. 6
7	Right of Government to withhold or withdraw pension	.. 7
8	Claim to pension	.. 8
9	Limitations on number of pension	.. 8
CHAPTER - III		
10	Commencement of qualifying service	.. 9
11	Conditions of qualifying service	.. 9
12	-do-	9
13	-do-	9
14	Counting of service on contract	.. 9
15	Counting of service paid from household allowances of the Governor	.. 10
16	Counting of ex-State service	.. 10
17	Counting of ex-District Board Service	.. 11
18	Conditions subject to which service qualifies	.. 11
19	Counting of service on probation	.. 12
20	Counting of service as apprentice	.. 12
21	Counting of service in Survey and Settlement Organisation	.. 12
22	Service paid from the Consolidated Fund qualifies for pension	.. 12
23	Counting of periods spent on leave	.. 12
24	Counting of periods spent on training	.. 13
25	Counting of period of suspension	.. 13
26	Counting of past service on re-instatement	.. 13
27	Deputation on foreign service	.. 13
28	Counting of service while on deputation out of India	.. 14
29	Time spent on voyage	.. 14
30	Counting of military service	.. 14
31	Counting of war service	.. 15
32	Addition to qualifying service in exceptional circumstances	.. 15
33	Forfeiture of service on dismissal or removal	.. 16
34	Forfeiture of service on resignation	.. 16
35	Effect of interruption in service	.. 17
36	Condonation of interruption in service	.. 17

CHAPTER - IV
Conditions for Grant of Pension

37	Class of Pension	..	19
38	Compensation Pension	..	19
39	Invalid Pension	..	19
40	Superannuation Pension	..	20
41	Retiring Pension	..	21
42	Voluntary Retirement on completion of 20 years' Qualifying Service	..	22
43	Pension on Absorption in or under a Corporation and Public Undertakings	..	23
44	Pension Absorption in or under Autonomous Bodies	..	23
45	Grant of Pension in case of compulsory retirement	..	26
46	Compassionate Allowance	..	26

CHAPTER - V
Determination of amount of Pension

47	Amount of Pension	..	28
48	Emoluments for calculation of pension	..	30

CHAPTER - VI
Gratuity Payable on Death or Retirement

49	Death/Retirement Gratuity	..	32
50	Persons to whom gratuity is payable	..	34
51	Debarring a Person from Receiving Gratuity	..	35
52	Gratuity in case of Death/Retirement in the absence of Family Members or Nomination	..	35
53	Nomination	..	35
54	Gratuity payable to the Family of the deceased Government servant on contributory Provident Fund Scheme-	..	37
55	Manner or payment of minor's share in death/retirement gratuity to the guardian	..	37

CHAPTER - VII

56	Family Pension	..	39
----	----------------	----	----

CHAPTER - VIII
Procedure for Grant of Pension

57	Preparation of list of Government Servants due for retirement	..	51
58	Preparation of pension papers	..	51
59	Stages for processing of pension papers	..	51
60	Making good omission in the Service Book	..	52
61	Completion of Pension Papers	..	53
62	Forwarding of Pension Papers to the Appointing Authority / Accounts Officer	..	53
63	Intimation to Accounts Officer regarding any event having bearing on pension	..	53
64	Authorisation of pension and Gratuity by the Accounts Officer	..	54

65	Provisional Pension	..	54
66	Grant of provisional pension where departmental or judicial proceeding is pending	..	56
67	Government Servants on Deputation	..	56
68	Recovery and Adjustment of Government dues	..	56
69	Adjustment and recovery of dues pertaining to Government Accommodation-Intimation for issue of No Demand Certificate	..	57
70	Adjustment and recovery of dues other than dues pertaining to Government accommodation	..	58
70	Recovery of over payment	..	60
(A)			
71	Revision of Pension after Authorisation	..	60

CHAPTER - IX

Sanction of Family Pension and Death Gratuity in respect of Government Servants while in Service

72	Obtaining the claims for Family Pension and Death Gratuity	..	61
73	Completion of Form L (vide Finance Department Notification No.24142/F., dtd.04.09.2015)	..	62
74	Determination of the Amount of Family Pension and Gratuity Where Service Records are Incomplete	..	62
75	Forwarding of papers to the Accounts Officer	..	63
76	Sanction, Drawal and Disbursement of Provisional Family Pension and Gratuity	..	64
77	Authorisation of final family pension and balance of the Gratuity by the Accounts Officer	..	65
78	Adjustment of Government dues	..	66
79	Payment of Family Pension and Death Gratuity when a Government servant dies while on deputation	..	69

CHAPTER - X

Sanction of Family pension and residuary Gratuity in respect of Deceased Pensioners

80	Sanction of family pension and residuary gratuity on the death of a pensioner	..	70
81	Authorisation of Payment by Accounts Officer	..	72

CHAPTER - XI

Payment of Pension

82	Date from which pension becomes payable	..	73
83	Currency in which Pension is payable	..	73
84	Manner of payment of Pension	..	73
85	Application of Treasury Rules	..	74

CHAPTER - XII
Re-employment of Pensioners

86	Re-employment of Pensioners	..	75
87	Definition	..	75
88	Fixation of pay in revised scale of pay	..	75
89	Fixation of pay of re-employed pensioners	..	76
90	Drawal of Increment	..	77
91	Persons retiring on invalid or compensation pension	..	77
92	Promotion/Transfer	..	77
93	Provisional pay on re-employment	..	77
94	Allowances	..	78
95	Contributory Provident Fund	..	78
96	Leave and leave salary	..	78
97	Service gratuity / death or retirement gratuity	..	78
98	Counting of pre-retirement civil service in the case of re-employed Government servants	..	78
99	Commercial employment after retirement	..	79
100	Employment after Retirement Under A Government outside India	..	82

CHAPTER - XIII
Extra Ordinary pension

101	Applicability	..	83
102	Terms Defined for Extraordinary Pension	..	83
103	Disablement due to Government service	..	84
104	Power of Government to sanction Extraordinary pension	..	85
105	Power of Government to sanction Extraordinary pension	..	85
106	Effect on any pension	..	85
107	No award shall be made in respect of	..	85
108	Percentage of disability	..	85
109	Disability pension	..	85
110	Extraordinary Family Pension	..	87
111	Grant of Extraordinary Family Pension when no Widow or Child exist	..	88
112	Period of Tenability of Extraordinary Family Pension	..	88
113	Procedure for Grant of Extraordinary Pension-	..	89

CHAPTER XIV
Miscellaneous

114	Power to Relax	..	90
115	Interpretation	..	90
116	Repeal and Saving	..	90
117	Removal of Doubts	..	91

FORMS

DESCRIPTION OF FORMS	FORM NAME	PAGES
Information on list of employees due to retire in the succeeding calendar year	- OCS (Pension) A	92
Medical Certificate Form for Invalid Pension	- OCS (Pension) B	93
Nomination for payment of Arrears of Commutation value / Death-cum-Retirement Gratuity and life time arrears of pension	- OCS (Pension) C	94-95
Information on Details of family	- OCS (Pension) D	96
Application by the Retiring Government Servant for sanction of Pension, Gratuity and Commuted Value of Pension.	- OCS (Pension) E	97-99
Sanction of pensionary benefits by Head of Office	- OCS (Pension) F	100-103
Forwarding of pension papers of the retiring Government servant to the Office of the A.G., Odisha.	- OCS (Pension) G	104-105
Information to the member/members of the family of the deceased Government servant for grant of family pension and death gratuity.	- OCS (Pension) H	106-107
Application for grant of death gratuity on the death of a Government servant	- OCS (Pension) J	108-109
Application for the grant of family pension on the death of a Government Servant / Pensioner.	- OCS (Pension) K	110-111
Assessment and Sanction of family pension / death gratuity in case of death while in service.	- OCS (Pension) L	112-115
Forwarding the family pension / death gratuity papers of a deceased Government Servant / Pensioner to the Accountant General / Controller of Accounts.	- OCS (Pension) M	116-117
Sanction of provisional pension, provisional family pension, provisional commuted value of pension and provisional gratuity.	- OCS (Pension) N	118-119
Form of bond of indemnity for payment of minor (s) share of death/retirement gratuity up to Rs.50,000 to the person without production of guardianship certificate.	- OCS (Pension) P	120-122
Indemnity Bond for payment of family pension / death gratuity in case of disappearance of the Government Servant while in service / disappearance of pensioner.	- OCS (Pension) Q	123-125
Sanction of family pension to the child or children of a retired Government servant who dies after retirement but does not leave behind a widow or widowers.	- OCS (Pension) R	126-127
Sanction of family pension to the child or children on the death or re-marriage of a widow / widower who was in receipt of family pension.	- OCS (Pension) S	128-129
Grant of residuary gratuity on the death of a pensioner.	- OCS (Pension) T	130
Application for permission to Gazetted Government Servants of	- OCS (Pension) U	131

the State Government to accept Commercial Employment within a period of two years from the date of retirement.

Application for disability pension.	-	OCS (Pension) V	132
Application for Extraordinary Family Pension	-	OCS(Pension) W	133-134
Form to be used by the Medical Board when reporting injuries / diseases / death.	-	OCS (Pension) X	135-136
Report on Accidental and Self-Inflicted Injuries	-	OCS (Pension) Y	137-138
Report on cases (other than those due to injuries which have ended fatally or are proposed for invaliding.	-	OCS (Pension) Z	139-140

SCHEDULE

DESCRIPTION		SL No
List of Injuries deemed to result in permanent total/ partial disablement	I	141-142
List and classification of diseases which can be contracted by service	I-A	143-144



**EXTRAORDINARY
PUBLISHED BY AUTHORITY**

No.367 CUTTACK, FRIDAY, MARCH 13, 1992 / FALGUNA 23, 1913

**FINANCE DEPARTMENT
NOTIFICATION**

The 9th March 1992

S. R. O. No. 292/92-In exercise of the powers conferred by the proviso to article 309 of the Constitution of India, the Governor of Odisha hereby makes the following rules to regulate the grant of pension, gratuity and other retirement benefits to the persons on retirement from service in connection with the affairs of the State of Odisha, namely:-

CHAPTER - I

PRELIMINARY

1. Short title and Commencement-

- (1) These rules may be called the Orissa Civil Services (Pension) Rules, 1992
- (2) They shall come into force on such date as the State Government may by notification appoint.

2. Definitions-

(1) In these rules, unless the context otherwise, requires :

(a) "Accountant-General" means the Head of the Office of the Audit and Accounts subordinate to the Comptroller and Auditor-General of India, who keeps the accounts of the State and exercise audit functions relating to those accounts on behalf of the Comptroller and Auditor General, India and includes an Audit Officer and Accounts Officer;

(b) "Child" means a Child of the Government Servant who-

- (i) in the case of a son, until he starts earning his livelihood or attains the age of twenty five years, whichever is earlier, and
- (ii) in the case of a daughter, until she gets married or starts earning her livelihood or attains the age of twenty-five years, whichever is earlier, and
- (iii) in case of unmarried / widowed / divorced / disabled widowed / disabled divorced daughter even after attaining the age of twenty five years, until she gets married / re-married or starts earning her livelihood as provided in rule 56 or till her death whichever is earlier. (Vide Finance Department Notification No.32745/F., dtd.23.07.2011 SRO No 660/2011)

(c) "Consolidated Fund" means the Consolidated Fund of India or the Consolidated Fund of a State or the Consolidated Fund of a Union Territory, as the case may be ;

(d) "Day" means a calendar day, beginning at the zero hour of the midnight and ending at the zero hour of the next midnight, but an absence from headquarters which does not exceed twenty-four hours shall be reckoned for all purposes as one day, at whatever hours the absence begins or ends,

(e) "Emoluments" means the basic pay as defined in rule 33 (a) (i) of the Orissa Service Code and under the Orissa Revised Scale of Pay Rules, issued time to time by the Government including the grade pay wherever applicable, which the Government servant has received actually or fixed notionally immediately before retirement or on the date of death and includes (Vide Finance Department Notification No.24142/F., dtd.04.09.2015)

- (a) personal pay, and additional pay granted under rule 37 (a) and rule 96 respectively of the Odisha Service Code, and
- (b) any other recurring emoluments which may-be specially classed as pay by the Government under rule 33 (a) (iii) of the Odisha Service Code;

Explanation-In calculating "emoluments", the amount received actually or fixed notionally before retirement on the basis of time-scale of pay shall be taken into account irrespective of the fact whether the employee has received the emoluments for a total period of 30 days or for a portion thereof;

- (f) "Family Pension" means the family pension admissible under rule 56;
- (g) "Foreign Service" means the service in which a Government servant receives his pay with sanction of Government from any source other than the Consolidated Fund;
- (h) "Form" means a form appended to these rules;
- (i) "Governor" means the Governor of Odisha;
- (j) "Government" means the State Government of Odisha;
- (k) "Gratuity" includes:-
 - (i) 'Service Gratuity' payable under clause (i) of sub-rule (5) of rule 47;
 - (ii) 'Death Gratuity' payable under sub-rule(2) of rule 49;
 - (iii) 'Retirement Gratuity' payable under sub-rule(1) of rule 49;
 - (iv) 'Residuary Gratuity' payable under sub-rulers(3) of rule 49;
- (l) "Head of the Department" means an authority specified in Appendix 3 of the Odisha Service Code and includes such other authority whom the Governor may, by order, declare as Head of a Department;
- (m) "Head of Office" means a Gazetted Officer including an authority or person whom the competent authority may, by order, specify as Head of Office;
- (n) "Minor" means a person who has not completed the age of eighteen years;
- (o) "Month" means a month reckoned according to the British calendar;

Explanation (1)-In calculating a period expressed in terms of months and days, complete calendar months irrespective of the number of days in each, should first be calculated and the odd number of days calculated subsequently;

Explanation (2)-In calculating a period of 3 months and 20 days from 25th January, 3 months should be taken as ending on 24th April and 20 days on 14th May. In the same way the period from 30th January to 2nd March should be reckoned as 1 month and 2 days, because one month from 30th January (or from the 31st January or 1st February) ends on the last day of February;

(p) "Pension" includes gratuity except where the term pension is used in contradiction to gratuity;

(q) "Pension Sanctioning Authority" means the appointing authority competent to make appointment, to the post held by the retiring Government servant;

Provided that where the appointing authority is the Government or the Principal Secretary, Commissioner-cum-Secretary, or Secretary to Government or Heads of Departments listed in Appendix 3 in the Odisha Service Code, may delegate the power of authority to sanction pension to any Subordinate Officers not below the rank of Group –A, working under his / her direct control. **(Vide Finance Department Notification No.46557/F., dtd.09.11.2010)**

Provided further that in case of sanction of provisional pension of a retired Government servant as provided under rule 65 and 66 of these rules, the "Pension Sanctioning Authority" means the Head of Office under whom the retiring Government Servant worked last even if such Head of Office is not the Appointing Authority of the said Government Servant. **(Vide Finance Department Notification No.30293/F., dtd.08.07.2010)**

(r) "Qualifying Service" means the service rendered by a Government servant which shall be taken into account for the purpose of pension and gratuity admissible under these rules;

(s) "Retirement" means discharge of an Officer on pension and/or gratuity as admissible under these rules;

(t) "Retirement benefits" includes pension or service gratuity and death gratuity, retirement gratuity where admissible;

(u) "Schedule" means the schedule appended to these rules;

(v) "State" means the State of Odisha;

(w) "Treasury" includes a Special Treasury and a Sub-Treasury

(2) Words and expressions used in these rules but not defined, unless the context otherwise requires shall have the same meanings as respectively assigned to them in the Odisha Service Code.

3. Application-

(1) Save as otherwise provided in these rules, these rules shall apply to Government servants, appointed to posts and services in connection with the affairs of the State which are borne on pensionable establishment, but shall not apply to-

- (a) Persons in casual and daily rated employment;
- (b) Persons paid from contingencies;
- (c) Persons entitled to the benefit of Contributory Provident Fund;
- (d) Members of the All India Services;
- (e) Persons employed on contract except when the contract provides otherwise;
- (f) Persons whose terms and conditions of service are regulated by or under the provisions of the Constitution or any other law for the time being in force.

(2) A Government servant who is transferred permanently to a service or post to which these rules apply from a service or post to which these rules do not apply shall become subject to these rules:

Provided that it shall be open to him, within six months of the date of issue of the order of his permanent transfer, or if he is on leave on the said date, then, within six months of his return from leave, whichever is later, to opt to be governed by the pension rules to which he was subject immediately before the date of his transfer. The option shall be exercised in writing and communicated to the authority making such order of transfer.

(3) The option, once exercised, shall be final

(4) Notwithstanding anything contained in these rules, all persons appointed under the Government of Odisha with effect from 1st day of January, 2005 shall not be eligible for pension as defined under sub rule (1) of rule 3 of the said rules but shall be covered by the defined contribution pension scheme as specified below: **(Vide Finance Department Notification No.44451/F., dtd.17.09.2005 and Finance Department Circular No-Pen-40/2005-16950(255)/F., dated 02.04.2007).**

(i) The monthly contribution would be 10% of the salary and Dearness Allowance to be paid by the employee and the Government would also provide a matching contribution. The contribution so made would be deposited in a non withdrawable pension tier-I account. Such funds will be invested by pension fund managers as approved by Pension fund Regulatory and Development Authority (PFRDA) under different categories of scheme which would be a mix of debt and equity. The fund managers would give out easily understood information about the performance of different investment schemes so that the individual Government employee would be able to make informed choices about which scheme to choose.

(ii) In addition to the above provision, each individual may also have a voluntary tier-II withdrawable account at his option. This option is provided as General Provident Fund will be withdrawn for employees recruited to the State Government Service with effect from 1st January, 2005. Government will make no contribution into this account. In tier –II system, the individual may subscribe 10% of his salary and these assets would be managed through exactly the above procedure. However, the employee would be free to withdraw part or all of second tier of his money at any time. This withdrawable account does not constitute pension investment and would attract no special tax treatment.

(iii) At the time of retirement, Government servant will receive the lump sum amount of 60% deposited in pension tier-I account as pension wealth and it is mandatory to the Government servant to invest remaining 40% of his pension wealth to purchase as annuity from an Insurance Regulatory and Development Authority regulated life insurance company. The annuity shall provide for pension for the life time of the employee and his dependent parents and his spouse at the time of retirement. The individual would receive lump sum of the remaining pension wealth, which he would be free to utilise in any manner. Individuals would have the flexibility to leave the pension system prior to age of 58 years or 60 years as the case may be. In such case the mandatory annuitisation would be 80% of the pension wealth.

Provided that above provision shall not apply to the persons who are appointed under job contract and work charged establishments prior to 01.01.2005 and brought over to the regular establishment on or after 01.01.2005. **(Vide Finance Department Notification No.24142/F., dtd.04.09.2015)**

4. Protection of Privilege-

Nothing in these rules shall operate to deprive any Government servant of any right or privilege to which he is entitled;

- (a) by or under any law for the time being in force; or
- (b) by terms of any agreement subsisting between such person and the Governor at the commencement of these rules; or
- (c) to confer on him any right or privilege in respect of any matter for which specific provision is made by the terms of any agreement between such person and the Governor.

CHAPTER - II

GENERAL CONDITION

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.

(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.

6. Pension Subject to Future Good Conduct-

(1) Future good conduct shall be an implied condition of every grant of pension and its continuance under these rules.

(2) 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 amount of minimum limit.

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

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

(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 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 (2) is the Government, the Odisha Public Service Commission shall be consulted before the order is passed.

(6) An appeal against an order under sub-rule (2), passed by any authority other than the Governor shall lie to the Governor and the Governor shall, in consultation with the Odisha Public Service Commission, pass such orders on the appeal as he deems fit.

Explanation-In this rule-

(a) the expression 'serious crime' includes a crime involving an offence under the Official Secret Act, 1923 (19 of 1923),

(b) the expression 'grave misconduct' includes the communication or disclosure of any secret official code or pass-word of any sketch, plan, model, articles, notes document or information such as is mentioned in Section 5 of the Official Secret Act, 1923 (19 of 1923) (which was obtained while holding office under the Government) so as to prejudicially affect the interests of the General Public or the security of the State.

7. Right of Government to Withhold or Withdraw Pension-

(1) The Government reserve to themselves the right of withholding a pension or gratuity, or both either in full or in part, or withdrawing a pension in full or in part. whether permanently or for specified period and of ordering recovery from a pension or gratuity of the whole or part of any pecuniary loss caused to the Government, if in any departmental or judicial proceedings, the pensioner is found guilty of grave misconduct or negligence in duty during the period of his service including service rendered on re-employment after retirement:

Provided that the Odisha Public Service Commission shall be consulted before any final orders are passed:

Provided further that when a part of pension is withheld / withdrawn, the amount of such pension shall not be reduced below the amount of minimum limit.

(2) (a) Such departmental proceedings 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 a 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 when the departmental proceedings are instituted by an authority, subordinate to Government that authority shall submit a report recording its findings to the Government.

(b) such departmental proceedings as referred to in sub-rule (1) 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 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;

(c) [deleted] Vide Finance Department Notification No.33464/F., dtd.04.08.2006

(d) In the case of Government servant who has retired on attaining the age of superannuation or otherwise and against whom any departmental or judicial proceedings are instituted or where departmental proceeding are instituted or where departmental proceedings are continued under clauses (a) and (b), a provisional pension as provided in rule 66 shall be sanctioned.

(e) 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.

Explanation-For the purpose of this rule,-

- (a) Departmental proceedings shall be deemed to be instituted on the date on which the statement of charges are issued to the Government servant or pensioner, or if the Government servant has been placed under suspension from the date of his suspension; and
- (b) judicial proceedings shall be deemed to be instituted,-
 - (i) in the case of criminal proceedings, on the date on which the complaint or report of a Police Officer, of which the Magistrate takes cognizance, is made; and
 - (ii) in the case of civil proceedings, on the date of presentation of the plaint in the Court.

8. Claim to Pension-

In the following cases no claim to pension is admitted, namely-

- (a) When a pensioner's whole time is not retained for public service but he is merely paid for work done for the State, such as Advocate-General, Government Pleaders and Law Officers appointed to conduct cases in Courts;
- (b) When a public servant holds some other pensionable post, he earns no pension in respect of the second post;
- (c) When a Government servant serves under an agreement which contains no stipulation regarding pension, unless the Government specifically authorise him to count such service towards pension; and
- (d) (i) When a person is appointed for a limited time only, or for a specified duty on the completion of which he is to be discharged; and
(ii) When a person is employed temporarily on monthly wages without specified limit of time or duty.

9. Limitations on number of pension-

(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 30, 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.

CHAPTER - III

10. Commencement of qualifying service-

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:

Provided that except for compensation gratuity, a Government servant's service does not qualify for pension till he has completed eighteen years of age:

Provided further that nothing contained in this rule shall apply to the persons who were in service on the 8th September, 1962 and in whose case a lower age-limit had been prescribed.

Conditions of qualifying service-

11. Subject to the provisions hereinafter contained, the service of a Government servant shall qualify for pension if it conforms to the following three conditions, namely:-

- (1) The service must be under Government,
- (2) The employment must be in a pensionable establishment/post, and
- (3) The service must be paid by Government.

12. Notwithstanding anything contained in the provisions of clauses (1) and (2) of rule 11 Government may, in the case of service paid from the Consolidated Fund of the State:-

- (a) declare that any class of service shall qualify for pension; and
- (b) in individual cases, and subject to such conditions as they think fit to be imposed in each case allow service rendered by a Government servant to count for pension.

13. The service of a Government servant does not qualify for pension unless he is appointed and his duties and pay are regulated by the Government or under orders of Government.

14. Counting of service on contract-

(1) A person who is initially engaged by the Government on a contract basis for a specified period and is subsequently appointed to the same or another post in a temporary or 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 paid or have become payable.

(2) The option under sub-rule (1) shall be communicated to the Appointing Authority under intimation to the Accounts officer within a period of three months from the date of issue of the order of transfer to pensionable service or if the Government servant is on leave on that day, within three months of his return from leave.

(3) If no communication is received by the Appointing Authority 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 service paid from household allowances of the Governor-

Service on an establishment paid from the household allowances of the Governor does not qualify for pension.

Explanation-If an Officer has served partly on the household establishment of the Governor, in a capacity which would have given him claim to pension if the service had been paid from the Consolidated Fund of the State, he is entitled from the Consolidated Fund of the State the share of any pension to which he would have been entitled if his whole service had been paid from the Consolidated Fund of the State, proportionate to the length of the service which has been so paid.

16. Counting of ex-State service-

(1) Service rendered to an ex-State, which was merged in the State of Odisha and continued under the Government of Odisha after the date of merger of the ex-State, qualifies for pension, subject to the following conditions, namely:-

- (i) If an ex-State employee was serving in a State which had a pension or gratuity system the period of service which is definitely established as qualifying for pension or gratuity according to the rules of that merged State will only be taken into account:

Provided that where such an employee governed under a gratuity system has received any amount of gratuity in respect of any spell of service rendered to an ex-State, such spell of service shall not count for pension unless he has refunded the said amount with interest at the rate of three percent annum calculated from the date of its receipt.

- (ii) If an employee who was under a Contributory Provident Fund system in an ex-State and who, after merger of the State, has come over to the pension system either by exercise of options or otherwise the service rendered by him under such system counts for pension:

Provided that the period of service during which such employee did not subscribe to the Contributory Provident Fund under the rules of the ex-State applicable to him shall not count for pension;

Provided further that where such employee has withdrawn his accumulations along with the contribution from the ex-State from the said fund in respect of any spell of service, such spell of service shall not count for pension unless he has refunded to the State Government the said contribution with simple interest at the rate of three per cent per annum calculated from the date of its withdrawal.

NOTE-The period of service during which the employee did not subscribe to the Contributory Provident Fund under the rules of the ex-State, whether he was eligible or ineligible to subscribe, shall not count for pension.

- (iii) If a person who was dismissed from service by any State Government or the Government of India had been employed in the service of any ex-State, the service rendered by him in such ex-State shall not count for pension, unless otherwise ordered by Government.

Explanation-For the purpose of this rule “ex-State” means an Indian State merged with the State of Odisha on or after the 1st day of January 1948.

(2) If a person who was in permanent pensionable service of any ex-State at the time of merger but continued as a contingency paid or work-charged employee after merger the period of post-merger shall count for pension under sub-rule (1).

17. Counting of ex-District Board service

Service rendered by employees of ex-District Boards/ex-Local Boards, irrespective of the fact whether they came over to Government service prior to the date of abolition or were absorbed in Government service prior to the date of abolition or were absorbed in Government service due to abolition of the District Boards/Local Boards, qualifies for pension subject to the following conditions, namely:-

- (i) The period of the service during which the employee did not subscribe to the Contributory Provident Fund, even though under the rules of the ex-District Board/ex-Local Board he was eligible or ineligible to subscribe, shall not count for pension.
- (ii) Where the employee has withdrawn his accumulation in Contributory Provident Fund along with the employer’s share of contribution in respect of any spell of service, such spell of service shall not count for pension unless he has refunded to the State Government the employer’s contribution received by him.

18. Conditions subject to which service qualifies-

(1) Service does not qualify for pension unless it is rendered in a pensionable establishment /post.

(2) The entire continuous temporary or officiating service under Government without interruption in the same post or any other post, shall count for the purpose of pension in respect of all categories of Government servants except in the following cases, namely:-

- (i) Period of service in a non-pensionable establishment;
- (ii) Period of service in the work-charged establishment;
- (iii) Period of service paid from contingencies;
- (iv) Where the employee concerned resigns and is not again appointed to service under Government or is removed/dismissed from public service;
- (v) A probationer who is discharged from service for failure to pass the prescribed test or examination;
- (vi) Re-employed pensioner, Government servants engaged on contract and Government servants not in whole time employment of Government;
- (vii) Service paid from Local Fund or Trust Fund;
- (viii) Service in an office paid by fees whether levied by law or under authority of the Government or by Commission; and
- (ix) Service paid out of the grant in accordance with Law or Custom.

(3) Notwithstanding anything contained in clauses (i) and (ii) of sub-rule (2) a person who is initially appointed by the Government in a work-charged establishment for a period of five years or more and is subsequently appointed to the same or another post in a temporary or

substantive capacity in a pensionable establishment without interruption of duty, the period of service so rendered in work-charged establishment shall qualify for pension under this rule.

(4) Notwithstanding anything contained in sub-rule (1) Government, may, by general or special order, prescribe any class of service or post which were previously born under work-charged establishment or paid from contingencies to be pensionable.

(5) Notwithstanding anything contained in sub-rules (1) and (2) in case of a Government servant belonging to Government of India or other State Government on his permanent transfer to the State Government the continuous service rendered by him under pensionable establishment of Government of India or any other State Government, as the case may be, shall count as qualifying service for pension.

(6) Notwithstanding anything contained in clause (i) & (iii) of sub-rule (2), a person who is initially appointed in a job contract establishment and is subsequently brought over to the post created under regular / pensionable establishment, so much of his job contract service period shall be added to the period of his qualifying service in regular establishment and would render him eligible for pensionary benefits. **(Vide Finance Department Notification No.45865/F., dt.01.09.2001)**

19. Counting of service on Probation-

Service on probation against a post if followed by regular appointment in the same or another post shall qualify for pension.

20. Counting of service as apprentice-

Service as an apprentice shall qualify for pension, if such service is followed by regular appointment to Government service.

21. Counting of service in Survey & Settlement Organisation-

Except in pensionable establishments, service in survey and settlement organisation shall not count unless it is followed without interruption by qualifying service.

22. Service paid from the Consolidated Fund-

Service paid from the Consolidated Fund qualifies for pension. The fact that arrangements are made by Government for recovery of the whole or part of the cost of an establishment or office does not affect the operation of this principle provided that the establishment or officer is appointed controlled and paid by the Government.

23. Counting of periods spent on leave-

(1) All leave during service of a Government servant for which leave salary is payable and all extraordinary leave granted-

- (i) On medical certificate, or
- (ii) Due to his inability to join or rejoin duty on account of Civil Commotion, or
- (iii) For prosecuting higher scientific or technical studies, shall count as qualifying service.

(2) Period of unauthorised leave of absence or joining time for which no joining time pay and allowances are admissible do not count for pension.

NOTE-The period of extraordinary leave taken on all other grounds which does not count as qualifying service shall be mentioned in the Service Book/Record.

24. Counting of periods spent on training-

The Government may, by order, decide whether the time spent by a Government servant under training (including a person under training immediately before appointment under Government) shall count as qualifying service.

25. Counting of period of suspension-

Time spent by a Government servant under suspension pending inquiry shall count as qualifying service where on conclusion of such inquiry, he has been fully exonerated or the suspension is held to be wholly unjustified. In other cases, the competent authority shall declare as to what extent the period of suspension will count as qualifying service. Specific entry in this regard will be made in the Service Book/Record in absence of which the entire period of suspension shall count as qualifying service.

26. Counting of past Service on Reinstatement-

(1) A Government servant who is dismissed, removed or compulsorily retired from service, but is re-instated 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 as due and admissible.

27. Deputation on foreign Service-

(1) All duties rendered under foreign service shall count as qualifying service.

NOTE-Realisation of foreign service contributions shall be the responsibility of the organisation and deputation sanctioning authority.

(2) A Government servant deputed on foreign service to the United Nations Organisation or similar International Organisation / Institution /Agency/Embassy outside India, may at his option-

- (a) pay the pension contributions in respect of his foreign service and count such service as qualifying for pension under these rules,
- (b) avail of the retirement benefits admissible under the rules of the aforesaid organisation and not count such service as qualifying for pension under those rules,
- (c) where a Government servant opts under 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;
- (d) pension contribution, if any, paid by the Government servant, shall be refunded to him.

28. Counting of service while on deputation out of India-

When a Government servant is deputed out of India on duty, the whole period of his absence from India counts for pension. When a Government servant on leave out of India is employed or is detained after the termination of his leave on duty, the period of such employment or detention shall also count for pension.

29. Time spent on voyage-

Time spent on the voyage to India by a Government servant who is compulsorily recalled to duty, before expiry of leave out of India, shall count for pension.

30. Counting of Military Service-

(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 on such re-employment, opt either-

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

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

(i) the pension already drawn after re-employment,

(ii) the value received for the commutation of a part of military pension, and the amount of retirement gratuity including service gratuity or bonus, if any, and counting 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 of re-employment shall not be required to be refunded;

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

(iii) the commuted part of pension, if any, which was taken into account for fixation of pay shall be set off against the amount of 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 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.

(2) (a) The authority issuing the order of 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 in writing under that sub-rule within six months of the date of joining in the service/post bringing to his notice the provisions of clause (b) of sub-rule (1).

(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 pension and bonus 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.

(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 a Government servant, who, having opted under clause (b) of sub rule (1) to refund the pension and bonus or gratuity, dies before the entire amount is refunded, the un-refunded amount of pension and/or gratuity, bonus shall be adjusted against the 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 condonation of interruption in service, if any, in the military service and between the military and civil services.

31. Counting of war service-

A Government servant who, prior to his appointment in a civil service or post had satisfactorily rendered as whole time, enlisted or commissioned war service in the Armed Forces of India or in similar forces of a Common Wealth Country from the 3rd September 1939 to the 1st April 1946, which did not earn a service pension under the military or naval or air force 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.

- (a) in the case of a service or post in respect of which a minimum age is fixed for recruitment, no war service rendered below that age shall count as qualifying service, and in the case of services or post for which no minimum age is fixed, no portion of such service rendered before attaining the age of eighteen years shall be allowed to count for qualifying service;
- (b) no contribution towards or share of pension earned as a result of counting war service rendered in a force of a Common Wealth Country shall be claimed for the Government of that country;
- (c) no refund of bonus or gratuity paid in respect of his war service shall be demanded from the Government servant concerned. If however, the Government servant has been granted any retirement gratuity for service covering both the post-war and war period, such gratuity shall be refundable.

32. Addition to qualifying service in exceptional circumstances-

(1) The State Government may add to the service of a District Judge, recruited directly to the Superior Judicial Service to which candidates of more than thirty two years of age are recruited in accordance with the provisions of rule 9 of the OSJS and OJS Rules, 2007, for qualifying superannuation pension only, 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-two years or a period of five years whichever is least. **(substituted vide Finance Department Notification No.24142/F., dtd.04.09.2015 to be effective from 1.12.2008)**

(a) Deleted (vide Finance Department Notification No- No.24142/F., dtd.04.09.2015)

(b) Deleted (vide Finance Department Notification No- No.24142/F., dtd.04.09.2015)

Provided that this concession shall not be admissible to a District Judge unless his actual qualifying service at the time he quits Government service is not less than ten years;

Proviso **(Deleted vide Finance Department Notification No- No.24142/F., dtd.04.09.2015)**

Provided further that notwithstanding such substitution, the provisions before such substitutions shall deemed to be applied to the Judicial Officers other than such District Judges till 21.09.2010.

(2) A Government servant 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, may opt to forgo his right to pension where upon he shall be eligible to subscribe to Contributory Provident Fund.

(3) The option referred to in sub-rule (2) once exercised, shall be final. If no option is received within the stipulated period mentioned in sub- rule (2), the Government servant shall be deemed to have elected to continue under this rule.

(4) The Administrative Department shall after consultation with the Finance Department and Odisha Public Service Commission, decide at the time of recruitment, as to whether a person fulfils the conditions specified in sub-rule (1).

NOTE: The concession envisages under sub-rule (1) shall not be admissible to those who are eligible for counting their past service for superannuation pension unless they opt before the date of their retirement. Option once exercised shall be final, for the weightage of service forgoing the counting of the past service.

33. Forfeiture of service on dismissal or removal-

Dismissal or removal of a Government servant from a service or post unless otherwise provided in these rules, shall entail forfeiture of his past service.

34. Forfeiture of service on resignation-

(1) Resignation from a service or a post, unless it is allowed to be withdrawn in the public interest by the appointing authority, entails forfeiture of past service.

(2) 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 State Government where service qualifies.

“Provided that the employees, who have joined pensionable establishment under subsequent appointment in any other post in pensionable establishment under the State Government on or after 01.01.2005 by dint of technical resignation / proper permission from the authority shall continue to be governed under the provisions of this rule. **(Vide Finance Department Notification No.24142/F., dtd.04.09.2015)**

Provided further that the employees covered under the Contributed Provident Fund etc. scheme prior to 01.01.2005, shall, however, not to be entitled to this benefit w.e.f. dtd.01.01.2005.

(3) Interruption in service in a case falling under sub-rule (2) due to the two

appointments being at different stations, not exceeding the joining time as 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 him.

(4) The appointing authority may permit a person to withdraw his resignation in the public interest where the officer wishes to withdraw it and that the resignation was tendered by the Government servant for some compelling reasons which did not involve in reflection on his integrity, efficiency or conduct and the request for withdrawal of the resignation has been made as a result of material change in the circumstances which originally compelled him to tender the resignation.

(5) Request for withdrawal of resignation shall not be accepted by the appointing authority where a Government servant resigns his service or post with a view to taking up another appointment in or under a private commercial company or in a Corporation wholly or substantially owned or controlled by the Government.

35. Effect of interruption in service-

(1) An interruption in the service of a Government servant entails forfeiture of his past service, except in the following cases:-

- (a) Authorised leave of absence;
- (b) Unauthorised absence in continuation of authorised leave of absence;
- (c) Suspension, where it is followed by reinstatement, whether in the same or a different post or where the Government servant dies or is permitted to retire or retired on attaining the age of compulsory retirement while under suspension;
- (d) Transfer to non-qualifying service in an establishment under the control of the Government if such transfer has been ordered by a competent authority in the public interest;
- (e) Joining time while on transfer from one post to another.

(2) Notwithstanding anything contained in sub-rule (1), the appointing authority may by order, regularise retrospectively the periods of absence without leave application by sanctioning extraordinary leave.

36. Condonation of interruption in service-

- (a) Upon such conditions as it may think fit in each case to impose, the authority competent to fill the appointment held by a Government servant at the time condonation is applied for, may condone all interruptions in his service.
- (b) 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 under Government shall be treated as automatically condoned and the pre-interruption service treated as qualifying service. The period of interruption itself shall not count as qualifying service.
- (c) Nothing in clause (a) and (b) shall apply to interruption caused by resignation, dismissal or removal from service.

Explanation (1)- Counting of military service towards pension carries with it condonation of break, but the period of break itself does not count for pension.

Explanation (2)- In the case of ex-State employees absorbed under Government after the merger of the ex-State in Odisha, the entire period of ex-State service rendered prior to the date of merger although interrupted by breaks due to resignation or otherwise shall count for pension subject to the conditions prescribed in rule 16 but the period of interruption will not count.

CHAPTER IV

CONDITIONS FOR GRANT OF PENSION

37. Class of Pension-

Pension for service rendered under Government are classified into the following categories, namely:-

- (a) Compensation Pension;
- (b) Invalid Pension;
- (c) Superannuation Pension ; and
- (d) Retiring Pension.

38. Compensation Pension-

(1) If a Government servant is selected for discharge owing to the abolition of his 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 be 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.

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

(b) Where the notice under clause (a) is not given and the Government servant is not provided with any other employment on the date on which his services are dispensed with, the authority competent to dispense with his service shall 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 falls short of three months and he is appointed before the expiry of the said period for which he has received pay and allowances he shall refund the pay and allowances so received for the period covered by his employment.

(4) If a Government servant who is entitled to compensation pension accepts instead another appointment under the Government and 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 had he not accepted the appointment.

39. Invalid Pension-

- (1) Invalid pension may be granted if a Government servant retires from the service on account of bodily or mental infirmity which permanently incapacitates him for the service.
- (2) A Government servant applying for an invalid pension shall submit a medical certificate of incapacity from the following medical authority, namely:-

- (a) Medical Board, in the case of all Gazetted and specially declared Gazetted Government servants, and
- (b) A Chief District Medical Officer or Medical Officer of equivalent status in case of other Government servants.

NOTE 1- No medical certificate of incapacity for service may be granted unless the applicant produces a letter to show that the Head of his Office or Department is aware of the intention of the applicant to appear before the medical authority. The medical authority shall be supplied with the data relating to the date of birth of the applicant as recorded in his service book by the Head of Office or Department in which the applicant is employed.

NOTE 2- A lady doctor shall be included as a member of the Medical Board when a woman candidate is to be examined.

NOTE 3- The form of the Medical Certificate to be granted by medical authority under sub-rule(2) shall be as in **Form-B. (Notification No 24142/F., dated 04.09.2015)**

NOTE 4- Where the medical authority referred to in sub-rule (2) has declared a Government servant fit for further service of less laborious character than that which he had been doing, he should, provided he is willing to be so employed, be employed on lower post and if there be no means of employing him even on a lower post, he may be admitted to invalid pension.

NOTE 5- A Government servant who has submitted a medical certificate of incapacity for further service shall, if he is on duty be invalidated 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 granted leave, on the expiry of such leave. If he is on leave at the time of submission of medical certificate, he shall be invalidated from service on the expiry of that leave or extension of leave, if any, granted to him.

NOTE-6- Acceptance of notice from a Government Servant for retirement and issue of retirement order on invalidation ground are not same as grant of leave by the competent authority prescribed to do so under Note to rule-18(2)(b) of Appendix-13 of Odisha Service Code. The appointing authority being the same in terms of the pension sanctioning authority as per rule-2(q) of the Odisha Civil Services (Pension) Rules, 1992, is competent to accept notice from a Government Servant for retirement on invalidation without requiring prior permission of any higher authority. **(Vide Finance Department Notification No.24142/F., dtd.04.09.2015) (Finance Department O.M. NO.-26987-Pen-43-95/F., dated 5th July, 1995)**

40. Superannuation Pension –

- (1) A superannuation pension shall be granted to a Government servant who is retired on his attaining the age of compulsory retirement.
- (2) The provisions relating to the date of compulsory retirement as contained in the Odisha Service Code shall apply to all Government servants other than Class IV.
- (3) The date of compulsory retirement of a Class-IV Government servant is the date on which he attains sixty years of age.

(4) The Government servant shall retire from service with effect from the afternoon of the last day of the month in which his/her date of retirement falls as per the date of birth recorded in the Service Book.

Provided that the date of birth of an employee where falls on the 1st day of the month, shall retire on the last day of the previous month.

(5) Retirement on attaining the age of superannuation is automatic of the date on which he attains the age of compulsory retirement and in the absence of any specific orders to the contrary by the competent authority, a Government servant shall be deemed to have retired on the due date.

41. Retiring Pension-

- (1) At any time after attaining the age of fifty years or completion of thirty years of qualifying service as the case may be, a Government servant-
 - (a) may retire from service, or
 - (b) may be required by the appointing authority to retire in the public interest, and in the case of such retirement the Government servant shall be entitled to a retiring pension:

Provided that-

- (a) a Government servant shall give a notice in writing to the appointing authority at least three months before the date on which he wishes to retire; and
- (b) the appointing authority where decides to take recourse to this sub-rule he shall also give a notice in writing to a Government servant at least three months before the date on which he is required to retire in the public interest or three month's pay and allowances in lieu of such notice:

Provided further that where the Government servant giving notice under clause (a) of the preceding proviso is under suspension, it shall be open to the appointing authority to withhold permission to such Government servant to retire under this rule.

(2) (a) A Government servant referred to in clause (a) of the first proviso to sub-rule (1) may make a request in writing to the appointing authority to accept notice of less than three months giving reasons therefor.

(b) On receipt of a request under clause (a) the appointing authority may consider such request for the curtailment of the period of notice of three months on merits and if he is satisfied that the curtailment of the period of notice will not cause any administrative inconvenience, the appointing authority may relax the requirement of notice of three months on the condition that the Government servant shall not apply for commutation of part of his pension before the expiry of the period of notice of three months.

(3) For the purpose 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.

(4) (i) The qualifying service as on the date of intended retirement of the Government servant retiring under clause (a) of sub-rule (1) shall be increased by the period not exceeding five years, subject to the condition that the total qualifying service rendered by the Government servant does not in any case exceed thirty-three years and it does not take him beyond the date of superannuation.

(ii) The weightage of five years shall not be admissible in cases of those Government servants who are pre-maturely retired by the Government in the public interest under clause (b) of sub-rule (1).

(5) The pension and retirement gratuity of the Government servant retiring under clause (a) of sub-rule (I), shall be based on the emoluments as specified under rule 48 and the increase not exceeding five years in his qualifying service shall not entitle him to any notional fixation of pay for the purposes of calculating pension and gratuity.

(6) The provisions in this rule are in addition to those prescribed in rule 71 of the Odisha Service Code.

42. Voluntary Retirement on completion of 20 years Qualifying Service-

(1) At any time after a Government servant has completed twenty years qualifying service, he may, by giving notice of not less than three months in writing to the appointing authority, retire from service.

(2) The notice of voluntary retirement given under sub-rule (1) shall require acceptance by the appointing authority.

NOTE-Such acceptance may be generally given in all cases except those (a) in which disciplinary proceedings are pending or contemplated against the Government servant concerned for the imposition of a major penalty and the disciplinary authority, having regard to the circumstances of the case, is of the view that the imposition of the penalty of removal or dismissal from service would be warranted in the case or (b) in which prosecution is contemplated or have launched in a Court of Law against the Government servant concerned. If it is proposed to accept the notice of voluntary retirement in such cases, approval of the Government should be obtained:

Provided that where the appointing authority does not refuse to grant the permission for retirement before the expiry of the period specified in the said notice, the retirement shall become effective from the date that of expiry of the said period.

(3) (a) A Government servant desirous of retiring under sub-rule (1) may make a request in writing to the appointing authority to accept notice of voluntary retirement of less than three months giving reason therefor.

(b) On receipt of a request under clause (a), the appointing authority subject to the provision of sub-rule (2), may consider such request for the curtailment of the period of notice of three months on merits and if he is satisfied that the curtailment of the period of notice will not cause any administrative inconvenience, the appointing authority may relax the requirement of notice of three months on the condition that the Government servant shall not apply for commutation of a part of his pension before the expiry of the period of notice of three months.

(4) This rule shall not apply to a Government servant who retires from Government service for being absorbed permanently in an autonomous body or a public sector undertaking to which he is on deputation at the time of seeking voluntary retirement.

Explanation-For the purpose of the rule the expression “appointing authority” shall mean the authority which is competent to make appointment to the service or post from which Government servant seeks voluntary retirement.

(5) The qualifying service as on the date of intended retirement of the Government servant retiring under this rule, with or without permission shall be increased by the period not exceeding five years, subject to the condition that the total qualifying service rendered by the Government servant does not in any case exceed twenty five years and it does not take him beyond the date of superannuation with effect from 01.12.2008. **(Vide Finance Department Notification No.24142/F., dtd.04.09.2015)**

(6) The pension and retirement gratuity of the Government servant retiring under this rule shall be based on the emoluments as specified under rule 48 and the increase not exceeding five years in his qualifying service not entitle him to any notional fixation of pay for the purposes of calculating pension and gratuity.

43. Pension on Absorption in or under a Corporation and Public Undertakings-

(1) A Government servant who has been permitted to be absorbed in a service or post in or under a Corporation or Public Undertaking wholly or substantially owned or controlled by the Government or an undertaking jointly controlled by the Government and Central Government or by the Government or any other State Governments to be in the public interest, be deemed to have retired from service from the date of such absorption i.e. the date on which he actually joins that Corporation or Public Undertakings or Joint Sector Undertakings and shall be eligible to receive monthly pension and retirement gratuity under the usual Government arrangements. **(substituted vide Finance Department Notification No.45865/F., dtd.01.09.2001)**

(2) [deleted] (Vide Finance Department Notification No-45865/F., dated 01.09.2001)

(3) Where a Government servant wishes to commute a portion of the pension, such commutation shall be regulated in accordance with the Government rules then in force **(substituted vide Finance Department Notification No.45865/F., dtd.01.09.2001)**

(4) [deleted] Vide Finance Department Notification No-45865/F., dated 01.09.2001)

(5) the total gratuity admissible in respect of the service rendered under the Government and that under the public sector undertaking shall not exceed the amount that would have been admissible had the Government servant continued in Government service and retired on the same pay which he drew on retirement from the public undertaking.

(6) Any further liberalisation of pension rules decided upon by Government after the permanent absorption of a Government servant in a public undertaking shall not be extended to him except where such liberalisation is sanctioned retrospectively with effect from a date prior to the date of such absorption,

44. Pension Absorption in or under Autonomous Bodies –

(1) (i) Where a Government servant borne on pensionable establishment is allowed to be absorbed in an autonomous body, where pension scheme is in operation, the service rendered by him/her under the Government shall be allowed to be counted towards pension under the autonomous body irrespective of whether the employee was temporary or permanent under Government.

Provided that the employees of State Government who were appointed in their services prior to dtd.01.01.2005 and who were governed under the old non-contributory pension rules or scheme as the case may be, of State Government, on their permanent absorption or further appointment to the services under the State Autonomous Bodies or Central Autonomous Bodies on or after dtd. 01.01.2005 shall continue to be covered under the provisions of these rules subject to fulfilment of other terms and conditions as laid down therein w.e.f. dtd.01.01.2005. **(Vide Finance Department Notification No.24142/F., dtd.04.09.2015)**

- (ii) The Government/Autonomous body will discharge its pensionary liability by paying in lump sum as a one-time payment, the pro rata pension/gratuity for the service up to the date of absorption in the autonomous body/Government, as the case may be, lump sum amount of the *pro rata* pension will be determined with reference to commutation table in force at the time of the absorption of such employee concerned.
- (iii) A Government servant with contributory Provident Fund benefits on permanent absorption in an autonomous body will have the option either to receive Contributory Provident Fund benefits which have accrued to him from the Government and start his service afresh in that body or choose to count service rendered in Government as qualifying service for pension in the autonomous body by foregoing Government's share in Contributory Provident Fund contributions with interest which will be paid to the concerned autonomous body by the concerned Government Department. The option shall be exercised within one year from the date of such absorption. If no option is exercised within the stipulated period, employee shall be deemed to have opted to receive Contributory Provident Fund benefit. The option once exercised shall be final.

(2) (i) A Government servant borne on pensionable establishment, on absorption under an autonomous body where pension scheme is not in operation, shall be deemed to have retired from Government service from the date of such absorption and be allowed by the Government, in respect of his previous pensionable service rendered under Government, a retirement benefit equal to an amount that Government would have contributed excluding interest had he been on Contributory Provident Fund terms under Government together with simple interest thereon at two percent per annum for the period of his pensionable service and this may be credited to his Contributory Provident Fund account with the said body as an opening balance on the date of permanent absorption and the Government's liability of his pensionable service under them treated as extinguished by this payment:

Provided that this concession may be allowed by Government only if such permanent absorption is in the public interest.

Provided further that the Government shall have no liability for the payment of family pension in such case.

- (ii) In the case of absorption of a Government employee with Contributory Provident Fund benefits in such an autonomous organisation, the amount of his subscription and the Government's contribution if any, together with interest thereon shall be transferred to his new Provident Fund Account with the consent of that body.

(3) An employee of an autonomous body on permanent absorption under the State Government will have the option either to receive Contributory Provident Fund benefits which have accrued to him from the autonomous body and start his service afresh in Government or choose to count service rendered under that body as qualifying service for pension in Government by foregoing employer's share of Contributory Provident Fund contributions with interest thereon which will be paid to the concerned Government Department by the autonomous body. The option shall be exercised within one year from the date of absorption. If no option is exercised within the stipulated period, the concerned employee shall be deemed to have opted to receive Contributory Provident Fund benefits in respect of his/her service under the autonomous body. The option once exercised shall be final.

Provided that the employees of State Government or Autonomous Bodies or Central Autonomous bodies who were appointed in their services prior to dtd.01.01.2005 and governed under the old non-contributory pension rules or scheme of Autonomous Bodies, on their permanent absorption or further appointment to the services under the State Government on or after dtd.01.01.2005 shall continue to be covered under the provisions of these rules subject to fulfillment of other terms and conditions as laid down therein w.e.f. dtd.01.01.2005. **(Vide Finance Department Notification No.24142/F., dtd.04.09.2015)**

Explanation-"State Autonomous Body" means body which is financed wholly or substantially from Cess or State Government Grants. "Substantially" means that more than 50 per cent of the expenditure of the autonomous body is met through Cess or State Government Grants. Autonomous body includes a State Statutory body or a University but does not include a public undertaking.

(4) (i) The employees of a State autonomous body or State Government as the case may be, who have already been sanctioned or have received *pro rata* retirement benefits or other terminal benefits for their past service will have the option either-

(a) to retain such benefits and in that event their past service will not qualify for pension under the autonomous body or the State Government, as the case may be; or

(b) to have the past service counted as qualifying service for pension under the new organisation in which Case the *pro rata* retirement benefits, if already received by them, will have to be deposited along with interest thereon from the date of receipt of these benefits till the date of deposit with the autonomous body or with the State Government, as the case may be. The right to count previous service as qualifying service shall not accrue until the whole amount has been refunded. In other cases, where *pro rata* retirement benefits have already been sanctioned but not paid, the concerned authorities shall cancel the sanction as soon as the individual concerned opts for counting of his previous service for pension and inform the individual-in writing, about accepting his option and cancellation of the sanction.

The option shall be exercised within a period of one year from the date of absorption. If no option is exercised by such employees within the prescribed time limit, they will be deemed to have opted for retention of the benefits already received by them. The option once exercised shall be final.

(ii) Where no terminal benefits for the previous service have been received by the employees, the previous service in such cases will be counted as qualifying service for pension only if the previous, employer accepts pension liability for the service in accordance with the principles laid down in this rule. In no case pension contribution /liability shall be accepted from the employee concerned.

(5) Lump-sum payments to concerned authorities in terms of sub-rule (4) shall be made within one year of the date of absorption of the employee.

(6) These orders will be applicable .only where the transfer of the employee from one organisation to another was/is with consent of the organisation under which he was/is serving earlier, including cases where the individual had secured employment directly on his own volition provided he had applied through proper channel/with proper permission of the administrative authority concerned.

(7) Where an employee borne on pensionable establishment is allowed to be absorbed in an Autonomous Body or in the Government establishment with pension scheme in operation or vice versa having rendered less than five years of qualifying service with the parent authority, the pro-rata charges for retirement Gratuity or Pension is to be calculated proportionately basing on the length of service rendered irrespective of the fact that he is not entitled to any terminal benefits on the date of his permanent absorption in the Autonomous Body or Government or vice-versa w.e.f. dtd.18.04.1996. **(Vide Finance Department Notification No.24142/F., dtd.04.09.2015)**

(8) Where an employee of an Autonomous Body with CPF benefits is absorbed permanently in the State Government, the Autonomous Body shall pay to the Government the employers contribution together with interest for the period of service rendered by him or her in the said body irrespective of the fact whether the employee is actually entitled or not to receive such benefits at the time of his or her absorption w.e.f. dtd.18.04.1996. **(Vide Finance Department Notification No.24142/F., dtd.04.09.2015)**

(9) The employee of the State Government moving to Central Autonomous Body and employees of the State Autonomous Bodies to the Central Government and their Autonomous Bodies and vice-versa shall be governed as per sub-rule (7) of rule 44 or sub-rule (8) of rule 44 whichever is applicable w.e.f. dtd.18.04.1996. **(Vide Finance Department Notification No.24142/F., dtd.04.09.2015)**

45. Grant of Pension in case of compulsory retirement-

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

(2) Whenever in the case of a Government servant, the Governor passes an order awarding a pension less than the full compensation pension admissible under these rules, the Odisha Public Service Commission shall be consulted before such order is passed.

Explanation-For the purpose of this sub-rule, the expression "Pension" shall include 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 amount of minimum pension admissible.

46. 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-third of pension or gratuity or both which would have been admissible to him if he had retired on compensation pension.

(2) A compassionate allowance sanctioned under the proviso to sub-rule (I) shall not be less than the amount of minimum pension admissible.

(3) On receipt of the order of the competent authority removing an officer from service for misconduct, insolvency, or inefficiency the Head of Office, if he proposes to grant compassionate allowance shall fill in the application form for pension and send the same to the Accountant-General for necessary action after due concurrence of Finance Department. The Head of Office shall not wait for receiving the application from the Officer.

CHAPTER V
DETERMINATION OF AMOUNT OF PENSION

47. Amount of Pension-

(1) The amount of pension that may be granted shall be determined by the length of completed six monthly periods of service rendered by the retired Government servant.

(2) (a) In the case of a Government servant retiring in accordance with the provisions of these rules after completing qualifying service of twenty five years shall be entitled for pension at the rate of 50% of the last emoluments drawn by him on the date of his retirement w.e.f. dtd.01.12.2008.

Provided that in case of Judicial Officers of the State retiring in accordance with the provisions of these rules after completing qualifying service of twenty years will be entitled for pension at the rate of 50% of the last emoluments drawn by him on the date of his retirement w.e.f. dtd.01.01.2006.

Explanation -The pay notionally fixed in any case in favour of an employee after his retirement shall be taken into consideration for the purpose of retirement benefit.

NOTE 1-Provided that while determining pension in voluntary retirement cases, full pension is to be allowed for maximum twenty five years of qualifying service instead of thirty three years w.e.f. dtd.01.12.2008. Where the total qualifying service reckons to less than twenty five years the amount of pension shall be proportionate to the amount of pension admissible under clause (a) of this rule. **(substituted vide Finance Department Notification No.24142/F., dtd.04.09.2015)**

(b) In case of a Government Servant retiring before completion of twenty five years of qualifying service, but after completion of ten years of service, the amount of pension shall be proportionate to the amount of pension admissible under clause(a) of sub-rule (2) and in no case the amount of pension shall be less than the minimum amount of pension of Rs.3500/- or as shall be fixed by Government from time to time and maximum up to 50% of the highest Pay and Grade Pay admissible to the Government employee w.e.f. dtd.01.12.2008.

Provided that in case of Judicial Officers of the State retiring before completion of twenty years of qualifying service, but after completion of ten years of service, the amount of pension shall be proportionate to the amount of pension admissible under clause(a) of sub-rule (2) and in no case the amount of pension shall be less than the minimum amount of pension of Rs.3500/- or as shall be fixed by the Government from time to time and maximum up to 50% of the highest pay admissible to the State Judicial Officer w.e.f. dtd. 01.01.2006. **(substituted vide Finance Department Notification No.24142/F., dtd.04.09.2015)**

(c) **Notwithstanding anything contained in clause (a) and clause (b), the amount of invalid pension shall not be less than the amount of family pension admissible under clause (c) of sub-rule (2) of rule 56.**

(3) In calculating the length of qualifying service, a fraction of a year equal to three months and above but less than six months shall be treated as a completed one-half year and the period of nine months and above shall be reckoned as two-half years.

(4) (a) The amount of pension finally determined under clause (a) or clause (b) of sub-rule (2) shall be expressed in whole rupees and where pension contains a fraction of a rupee, it shall be rounded to the next higher rupee.

(b) Where the pension paid for a part of the month due to the death of the pensioner or

pension paid for a part of the month to a Government servant for any reason if worked out in fraction of a rupee the said pension may be rounded off to next higher rupee.

(c) In addition to the pension calculated above, the quantum of pension payable to the old pensioners shall be increased w.e.f. dtd.01.12.2008 in case of State Government employees and w.e.f dtd.01.01.2006 in case of State Judicial Officers after completion of eighty years of age or above in the following manner :-

<u>Age of pensioner</u>	<u>Additional quantum of pension</u>
From 80 years (on completion) to less than 85 years	- 20% of the basic pension.
From 85 years (on completion) to less than 90 years	- 30% of the basic pension.
From 90 years (on completion) to less than 95 years	- 40% of the basic pension.
From 95 years (on completion) to less than 100 years	- 50% of the basic pension.
100 years (on completion) or more	- 100% of the basic pension.

(Substituted vide Finance Department Notification No.24142/F., dtd.04.09.2015)

(d) The Pension sanctioning Authorities shall indicate the date of Birth and the age of the pensioner in the pension sanction form as prescribed under these rules to facilitate payment of additional pension by the pension disbursing authority as soon as it becomes due. **(substituted vide Finance Department Notification No.24142/F., dtd.04.09.2015)**

(e) The amount of additional pension shall be shown distinctly in the pension payment order indicating the Basic Pension + Additional Pension and date of commencement of the additional amount. **(substituted vide Finance Department Notification No.24142/F., dtd.04.09.2015)**

(f) For calculation of additional pension the age of the pensioner shall be reckoned from the first day of the month even if the date of birth of the pensioner falls in the middle of the month. (i.e., in case the pensioner completes 80 years of age on dtd.27.03.2014 his/her age shall be reckoned as 80 years w.e.f. dtd. 01.03.2014. **(substituted vide Finance Department Notification No.24142/F., dtd.04.09.2015)**

(g) In case of pensioners or family pensioners who are in receipt of more than one pension or family pension the minimum ceiling limit shall apply to the total of all pensions taken together and where the consolidated pension or family pension taken together is less than the minimum pension as is fixed by the Government, the same shall be stepped up to the level of the minimum pension. If the consolidated pension is inclusive of commuted value of pension, the commuted portion shall be deducted for making payment of monthly pension". **(substituted vide Finance Department Notification No.24142/F., dtd.04.09.2015)**

(5) (i) In the case of a Government Servant retiring in accordance with the provisions of these rules before completion of the minimum qualifying service of ten years shall not be entitled for pension, but he shall be entitled to service gratuity to be paid at a uniform rate of half month's emoluments for every completed six monthly period of service." **(substituted vide Finance Department Notification No.24142/F., dtd.04.09.2015)**

(ii) The amount of service gratuity as finally calculated shall be rounded off to the next higher rupee.

48. Emoluments for calculation of pension-

Emoluments for calculation of pension shall be the emoluments as defined in clause (e) of sub-rule (1) of rule 2 which the Government servant has actually received or fixed notionally immediately before his retirement with effect from 01.01.2013.” **(substituted vide Finance Department Notification No.24142/F., dtd.04.09.2015)**

Explanation- Stagnation increment shall be treated as emoluments for calculation of retirement benefits.

NOTE I- If during the last month of service, a Government servant had been absent from duty on leave for which leave salary is payable or having been suspended had been re-instated, 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;

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 emolument 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.

Provided that the emoluments last drawn by a Government Servant while officiating in higher post, shall not be reckoned for the purpose of pension and pensionary benefits on his/her superannuation and he/she is entitled to get pensionary benefits basing on the presumptive pay of the lower post so determined, had he/she not officiated in the higher post. **(vide F.D. Notification No.59599/F., dt.09.12.2009)**

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.

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

NOTE 5- Emoluments drawn by a Government servant while on foreign service shall not be reckoned for the purpose of pension, but the emoluments which he would have drawn under the Government had he not been on foreign service shall alone be treated as "emoluments".

NOTE 6- Monetary allowances attached to Kings' Police Medal, Indian Police Medal, Fire Service Medal, shall not form the part of the emolument of the recipient for the purpose of this rule.

NOTE 7- Notwithstanding anything contained in these rules, no allowance shall be treated as emolument for the purpose of this rule:

Provided that any increase in pay other than cases referred to in Note, (2) and (4) which is not actually drawn shall not form part of his emolument.

NOTE 8- Government servants retiring while on leave with allowances shall be granted pension on the basis of revised pay which he or she would have drawn had he/she not proceeded

on leave. But the retirement gratuity will be calculated on the basis of pay which he/she was drawing immediately before retirement w.e.f. dtd.25.11.1994. **(inserted vide Finance Department Notification No.24142/F., dtd.04.09.2015 & Finance Department O.M. No-40200-Pen-26/94/F., dated 25th November, 1994)**

NOTE 9- Where the Government servant retired while on leave without allowances the pension and gratuity will be calculated on the basis of pay or leave salary which the Government servant has drawn last immediately before proceeding on leave w.e.f. dtd.25.11.1994. **(inserted vide Finance Department Notification No.24142/F., dtd.04.09.2015)**

CHAPTER VI

GRATUITY PAYABLE ON DEATH OR RETIREMENT

49. Death/Retirement Gratuity-

(1) In the case of a Government servant, who has completed five years of qualifying service, on retirement from service shall be paid a Retirement Gratuity equal to one-fourth of his last emolument for each completed six monthly period of qualifying service subject to a maximum of 16½ times of the emoluments:

- (i) Provided that the amount of retirement gratuity so payable shall be in no case, exceed Two Lakh and Fifty Thousand Rupees for the Government Servants retiring on or before dtd.31.12.2005 and Seven Lakh Fifty Thousand Rupees for Government servants retiring on or after dtd.01.01.2006.

(substituted vide Finance Department Notification No.24142/F., dtd.04.09.2015)

- (ii) Provided further that the maximum limit of retirement gratuity in respect of the Officers belonging to State Judicial Service and retiring on or after dtd.01.01.2006 shall be Rs.10.00 lakhs.

(substituted vide Finance Department Notification No.24142/F., dtd.04.09.2015)

- (iii) Provided also that while calculating gratuity in cases of voluntary retirement, the total qualifying service after addition of weightage of five years shall not exceed thirty three years and it should not take the employee beyond the date of superannuation.

(substituted vide Finance Department Notification No.24142/F., dtd.04.09.2015)

(2) In the event of death, while in service, the Death Gratuity, shall be admissible at the following rates:-

<u>Length of Service</u>	<u>Rate of Gratuity</u>
(i) Less than one year	.. 2 times of emoluments
(ii) One year or more but less than 5 years	.. 6 times of emoluments
(iii) 5 years more but less than 20 years	.. 12 times of emoluments
(iv) 20 years or more	.. Half of emoluments for every completed six monthly period of qualifying service subject to a maximum of 33 times emoluments provided that the amount of Death Gratuity shall in no case, exceed Seven Lakh Fifty Thousand Rupees” for the Government servants retiring on or after dtd.01.01.2006 and “Ten Lakh Rupees” for Judicial Officers retiring on or after dtd.01.01.2006.”

(substituted vide Finance Department Notification No.24142/F., dtd.04.09.2015)

There will be no ceiling on reckonable emoluments calculating gratuity:

Provided that the amount of Death Gratuity as finally calculated shall be rounded off to the next higher rupee.

(3) 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 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 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 gratuity equal to the deficiency may be granted to his family in the manner indicated in sub-rule (1) of rule 50.

(4) The emoluments for the purpose of gratuity admissible under this rule shall be reckoned in accordance with rule 48.

(5) (a) Where the sanction of payment of gratuity is delayed for more than a year from the date it is due under sub-rule (1) or (2) as the case may be, and such delay is attributable to administrative lapses, interest at the rate of 7 per cent per annum for the period beyond one year shall be payable on the amount of gratuity:

Provided that where a departmental or Judicial proceedings as the case may be, in respect of pensioner, is continued or initiated under rule 7, the gratuity shall become payable on the date finalisation of such proceedings and the period of one year shall be reckoned from the date.

(b) The payment of interest on delayed sanction of gratuity shall be ordered by the Secretary of the concerned Administrative Department.

(c) Where the Secretary of the Administrative Department as referred to in clause (b) is satisfied that the delay in sanction of gratuity has been caused on account of administrative lapses he shall sanction payment of interest so payable with the concurrence of the Finance Department and approval of the Government.

(d) In every case where the interest is so sanctioned and is paid, the amount of such interest shall be recovered from the Pension Sanctioning Authority or the authority who is responsible for such delay.

(e) No interest shall be Payable under this sub-rule where-

- (i) delay in sanction of gratuity is due to the failure on the part of the pensioner to comply for sanction of gratuity with the requirements provided in these rules.
- (ii) the amount of gratuity already paid to a pensioner is enhanced on account of retrospective revision of pay scale or emoluments or liberalisation of the rules affecting the quantum of gratuity consequent upon Government's decision taken subsequent to the retirement of a Government servant.

(f) The provisions of this sub-rule shall apply to-

- (i) all cases of retirement made or death occurred while in service on or after the date of commencement of these rules ; and
- (ii) cases where gratuity has become payable prior to the date of commencement of these rules but pending on the said date provided the period of one year referred to

in clause (a) shall be reckoned with effect from the date of commencement of these rules.

(6) For the purpose of this rule and rules 50, 52 and 53, "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) sons including step sons and adopted sons,
 - (iv) unmarried daughters including step daughters and adopted daughters,
 - (v) widowed / divorced / disabled widowed / disabled divorced daughters including step daughters and adopted daughters **(Added vide Finance Department Notification No.32745/F., dtd.23.07.2011)**
 - (vi) father
 - (vii) 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,
 - (x) married daughters,
 - (xi) children of a pre-deceased son, and
 - (xii) children born out of void wed lock.

50. Persons to whom gratuity is payable-

(1) (a) The gratuity payable under rule 49 shall be paid to the person or persons on whom the right to receive the gratuity has been conferred in the nomination made under rule 53.

(b) If there is no such nomination or if the nomination made is lost/not traceable, 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 (6) of rule 49 to all such members in equal shares.
- (ii) If there are no such surviving members of the family as indicated in sub-clause (i) above, but there are one or more members as in clauses (v), (vi), (vii), (viii), (ix), (x), (xi) and (xii) of sub-rule (6) of rule 49 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 49, the gratuity shall be disbursed to the family in the manner indicated in sub-rule (1).

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

(4) Where gratuity is granted under rule 49 in favour of a minor member of the family

of the deceased Government servant, it shall be payable to the guardian on behalf of the minor.

51. 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 under rule 50 is charged with the offence of murdering the 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.

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

(a) is convicted of murder or for abetting in the murder of the Government servant, he shall not be paid his share of gratuity which shall be payable to other eligible members of the family, if any, in equal proportion;

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

(3) The provisions of sub-rule (1) and sub-rule (2) shall also apply to the undisbursed gratuity referred to in sub-rule (2) of rule 50.

52. Gratuity in case of Death/Retirement in the absence of Family Members or Nomination-

Where a Government servant dies while in service or after retirement without receiving the amount gratuity and leaves behind him no family, and

(a) has made no nomination, or

(b) the nomination made by him does not subsist, the amount of death/retirement gratuity payable in respect of such Government servant shall be payable to the person in whose favour a succession certificate in respect of gratuity in question has been granted by a competent Court of Law.

NOMINATION FOR DEATH/ RETIREMENT GRATUITY

53. Nomination-

(1) A Government servant shall at any time after his appointment in a pensionable establishment make a nomination in Form-C as appropriate in the circumstances of the case, conferring on one or more persons the right to receive the gratuity payable under rule 49. **(substituted vide Finance Department Notification No.24142/F., dtd.04.09.2015)**

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, or

(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 nominates 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 manner as to cover the entire amount of gratuity.

(3) A Government servant may indicate 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 gratuity, the right conferred on that nominee shall pass to such other persons 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 individuals, 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 Head of Office.

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 on the occurrence of any event by reason of which the nomination becomes invalid in pursuance of clause (ii) of said sub-rule, the Government servant shall send to the Head of Office a notice in writing cancelling the nomination together with a fresh nomination made in accordance with this rule.

(7) (a) Every nomination made (including every notice of cancellation, if any, given) by a Government servant under this rule, shall be sent to the Head of Office.

(b) The Head of Office shall immediately on receipt of such nomination countersign it indicating the date of receipt and keep it under his custody and will send the acknowledgement receipt specified in the nomination to the Government servant immediately;

Provided that the Head of Office may authorize his subordinate Gazetted Officer to countersign nomination forms of non Gazetted Government servant.

(c) Suitable entry regarding receipt of nomination shall be made in the Service Book of the Government servant concerned.

(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 Head of Office.

54. Gratuity payable to the Family of the deceased Government servant on contributory Provident Fund Scheme-

If a Government servant being a subscriber to the Contributory Provident Fund (Odisha) dies while in service a gratuity not exceeding the following amounts may be paid to his family, namely:-

- (i) In case of death after completing five years of service, a gratuity equal to the difference between twelve months' emoluments and the amount of Government's contribution together with interest thereon standing to his credit in the fund;
- (ii) In case of death before completing five years of service, a gratuity equal to the difference between his six months' emoluments and the amount of Government's contribution together with interest thereon standing to his credit in the said fund;
- (iii) In case of death in the first year of service, a gratuity equal to the difference between his two months' emoluments and the amount of Government's contribution together with interest thereon standing to his credit in the said fund.

55. Manner of payment of minor's share in death/retirement gratuity to the guardian-

Payment of the minor (s) share of gratuity is to be made to the natural guardian of the minor (s) and in the absence of a natural guardian, to the person who furnishes a guardianship certificate. Where payment of minor (s)' share of death/retirement gratuity is to be made to the natural/legal guardian, the sanction order issued to the Accountant-General shall contain the name of the natural/legal guardian in order to avoid delay in payment. The payment shall be regulated in the following manner, namely:-

- (1) Where no valid nomination subsists-
 - (a) When a share is payable to minor sons or minor unmarried daughters, it should be paid to the surviving parent except in the case when the surviving parent happens to be a Muslim Lady. Where, however, there is no surviving parent, or the surviving parent is a Muslim Lady, payment will have to be made to the person producing the guardianship certificate.
 - (b) When a share is payable to widowed minor daughter (s), production of a guardian certificate would be necessary.
 - (c) If the wife herself happens to be a minor, the death/retirement gratuity payable to her shall be paid to the person producing the guardianship certificate.
 - (d) When the death/retirement gratuity becomes payable to a minor brother or a minor unmarried sister. the payment should be made to the father or, in his absence to 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 will have to be made to the person producing the guardianship certificate. If any share is payable to a widowed minor sister, the production of guardianship certificate would be necessary.

(2) In ease of subsistence of a valid nomination-

(a) Where the nomination is in respect of one or more of the members of the family, the position stated against sub-rule (1) above would apply;

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

- (i) If the nominee is an illegitimate child, the share shall be payable to the mother and in her absence, to the person who produces a guardianship certificate from a competent Court;
- (ii) Where the share is payable to a married minor girl, the same shall be payable to the husband.

NOTE -A surviving step-mother is not a natural guardian of the minor child, and is not, therefore covered by the term 'Surviving Parent' used in sub-rule (1) (a) above.

(3) Death/retirement gratuity to the extent of rupees ten thousand (or the first rupees ten thousand where the amount payable exceeds rupees ten thousand) in favour of a minor may be made to his/her guardian, in the absence of a natural guardian, without the production of a formal guardianship certificate but subject to the production of an indemnity bond in “**Form-P**” with suitable sureties to the satisfaction of the sanctioning authority. The balance in excess of rupees ten thousand, if any, would become payable on the production of a certificate of guardianship. **(Form – P substituted vide Finance Department Notification No.24142/F., dtd.04.09.2015)**

NOTE-1-The indemnity bond shall be executed in “**Form-P**” and the stamp duty shall be borne by the Government. The bond should be executed on any durable plain paper and signed by the obligor and the surety/sureties of their respective attorneys and accepted by an officer duly authorised under Article 299 (1) of the Constitution of India. **(Form – P substituted vide Finance Department Notification No.24142/F., dtd.04.09.2015)**

NOTE-2-The Guardianship certificate appearing in this rule above shall be issued by the District Collector of the concerned District in which the claimants are residing. The Collector can revoke or alter the certificate so issued either *suo moto* or on application by the rightful aggrieved claimant (s) on being satisfied that grounds exist for such revocation or alteration of the certificate. **(Added vide Finance Department Notification No.24142/F., dtd.04.09.2015)**

CHAPTER VII

56. Family Pension

(1) The provisions of this rule shall apply-

- (i) to a Government servant. entering service in a pensionable establishment on or after the 1st January, 1964;
- (ii) and to a Government servant who was in service or retired or died on or before the 31st December 1963 and come to be governed by the provisions of the Family Pension Scheme under Government contained in Finance Department Resolution No. 25582/F., dated the 22nd August 1964 along with rectifications thereto as in force before commencement of these rules. In all such pre-64 cases the arrear of family pension shall only be admissible with effect from 13th December 1977 or from a subsequent date the families became eligible for family pension whichever is later.

(2) Without prejudice to the provisions contained in Sub-rule (4) where a Government servant dies-

- (a) after completion of one year of continuous service, or
- (b) before completion of one year of continuous service provided the deceased Government servant concerned immediately prior to his appointment to the service or post was examined by the appropriate medical authority and declared fit by that authority for Government service, or
- (c) after retirement from service and was on the date of death in receipt of pension, or compassionate allowance, referred to in Chapter IV other than the pension referred to in rules 43 and 44 the family of the deceased shall be entitled to family pension, the amount of which shall be calculated at a uniform rate of 30% of emoluments in all cases and shall be subject to minimum of ₹3500/- **having no maximum limit** w.e.f. 01.01.2006 or as may be notified by the Government from time to time. **(Added vide Finance Department Notification No.24142/F., dtd.04.09.2015)**

3 (a) The amount of family pension shall be fixed at monthly rates .and 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. **(substituted vide Finance Department Notification No.24142/F., dtd.04.09.2015)**

(b) In addition to the family pension calculated above, the quantum of family pension payable to the old family pensioners shall be increased w.e.f 01.12.2008, but In case of family pension holders of State Judicial Service the effective date will be from dtd. 01.01.2006 after completion of 80 years of age or above in the following manner :-

<u>Age of pensioner</u>	<u>Additional quantum of pension</u>
From 80 years (on completion) to less than 85 years	- 20% of the basic pension.
From 85 years (on completion) to less than 90 years	- 30% of the basic pension.
From 90 years (on completion) to less than 95 years	- 40% of the basic pension.
From 95 years (on completion) to less than 100 years	- 50% of the basic pension.
100 years (on completion) or more	- 100% of the basic pension.

(added vide Finance Department Notification No.24142/F., dtd.04.09.2015)

(c) The Pension sanctioning Authorities shall indicate the date of Birth and the age of family pensioner in the pension sanction Form as prescribed under these rules to facilitate payment of additional family pension by the pension disbursing authority as soon as it becomes due. **(Added vide Finance Department Notification No.24142/F., dtd.04.09.2015)**

(d) The Pension sanctioning authority shall also consider the date of birth recorded in Vote-ID Card, Driving Licence, Ration Card, PAN Card and Adhar Card issued by the competent authority in the absence of recording of date of birth on Pension Payment Order for sanction of family pension. **(Added vide Finance Department Notification No.24142/F., dtd.04.09.2015)**

(e) The amount of additional family pension shall be shown distinctly in the pension payment order indicating the Basic Family Pension plus Additional Family Pension and date of commencement of the additional amount. **(Added vide Finance Department Notification No.24142/F., dtd.04.09.2015)**

(f) For calculation of additional family pension the age of the family pensioner shall be reckoned from the first day of the month even if the date of birth of the family pensioner falls in the middle of the month. (i.e., in case the family pensioner completes 80 years of age on dtd.27.03.2014 his/her age will be reckoned as 80 years w.e.f. dtd.01.03.2014). **(Added vide Finance Department Notification No.24142/F., dtd.04.09.2015)**

(g) In case of family pensioner, who is in receipt of more than one pension or family pension or both the minimum ceiling limit shall apply to the total of all pensions taken together and where the consolidated pension or family pension taken together is less than the minimum pension as is fixed by Government, the same shall be stepped up to the level of the minimum pension. **(Added vide Finance Department Notification No.24142/F., dtd.04.09.2015)**

(4) (a) (i) Where a Government servant, who is not governed by the Workmen's Compensation Act, 1923 (8 of 1923), dies while in service after having rendered not less than seven years of continuous service, the rate of family pension payable to the family shall be equal to 50 per cent of the pay last drawn or twice the family pension admissible under sub-rule (2) whichever is less and the amount so admissible shall be payable from the date following the date of death of the Government servant for a period of ten years without any upper age limit w.e.f. dtd.01.12.2008." **(substituted vide Finance Department Notification No.24142/F., dtd.04.09.2015)**

Provided that the enhanced family pension under this rule shall be applicable w.e.f. dtd.01.01.2006 in case of family pension holders of State judicial Service. **(substituted vide Finance Department Notification No.24142/F., dtd.04.09.2015)**

(ii) In the event of death of a Government servant after retirement, the family pension as determined under sub-clause (i) 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 he survived, whichever is less:

Provided that in no case the amount of family pension determined under sub-clause (ii) of this clause shall exceed the pension authorised on retirement from Government service:

Provided further that while calculating double in family pension under sub-rule (4) the rounding off is to be done at final stage i.e. after doubling the amount of family pension initially calculated under sub-rule (2).

Explanation- For the purpose of this sub-clause, pension authorized on retirement includes the part of the pension which the retired Government servant may have commuted before his death:

Provided further that where a compensation is not payable under the aforesaid Act, the head of Office shall send a certificate to the Accountant-General, Odisha to the effect that the family of the deceased Government servant is not eligible for any compensation under the aforesaid Act and the family shall be paid family pension on the scale and for the period, mentioned in this clause (a).

(b) After the expiry of the period referred to in clause (a) of sub-rule (4) the family, in receipt of family pension under that clause shall be entitled to family pension at the rate admissible under sub-rule (2).

(c) Where an award under the Orissa Civil Service: (Extraordinary Pension) Rules, is admissible, family pension under this rule shall be authorized.

(5) Period for which family pension is payable shall be as follows:-

- (a) in the case of widow or widower, up to the date of death or re-marriage whichever is earlier;
- (b) in the case of a son until he attains the age of twenty-five years or he starts earning of his livelihood whichever is earlier;
- (c) in the case of an unmarried daughter, until she attains the age of twenty-five years or until she gets married or until she starts earning her livelihood, whichever is earliest:

Proviso [deleted] - (vide Notification No-32745/F., dated 23.07.2011).

- (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 children in the order set out in clause (c) of sub-rule (7) hereinafter until the last child attains the age of twenty-five and thereafter the family pension shall be resumed in favour of the son or daughter suffering from disorder or disability of mind or who is physically crippled or disabled and shall be payable to him/her for life;
- (ii) if there are more than one such children suffering from disorder or disability of mind or who are physically crippled or disabled, the family pension shall be paid in the order of their birth and the younger of them will get the family pension only after the elder next above him/her ceases to be eligible;

Provided that where the family pension is payable to such twin children it shall be paid in the manner set out in clause (d) of sub-rule (6) of this rule.

- (iii) the family pension shall be paid to such son or daughter through the guardian as if he or she is a minor;
- (iv) before allowing the family pension for life to any such son or daughter, the sanctioning authority shall satisfy that the disability or disorder handicap is of such a nature so as to prevent him or her from earning his or her livelihood, then the same shall be evidenced by a certificate obtained from a medical officer not below the rank of Chief District Medical Officer setting out, as far as possible, the exact mental or physical condition of the child ;
- (v) the person receiving the family pension as guardian of such son or daughter, shall produce at every three years a certificate from a medical officer not below the rank of a Chief District Medical Officer to the effect that he or she

(the disabled pensioner) continues to suffer from disorder or disability of mind or continues to be physically crippled or disabled.

Explanation- Rule 56(5) (c)- (a) As and when the disability referred to in proviso to sub-rule (5) of this rule manifests itself in a child that makes him/her unable to earn his/her living, concerned Government servant/ Pensioner or his/her nominee should bring this fact to the notice of the Head of Office in writing duly Supported by a Medical Certificate from a Medical Officer, not below the rank of a Chief District Medical Officer, The Head of Office should indicate this fact in Form D if the same has not been mentioned therein earlier. As and when the claim for family pension arises, the legal guardian of the child should make an application supported by a fresh Medical Certificate from a Medical Officer, not below the rank of Chief District Medical Officer, that the child still suffers from the disability.

(b) A daughter shall become ineligible for receiving family pension under this sub-rule from the date she gets married.

(c) The family pension payable to such a son or daughter shall be stopped if he or she starts earning his/her livelihood.

(d) Family pension payable under this sub-rule shall be stopped unless the guardian furnishes a certificate to the Treasury or Bank, as the case may be, every month that (i) he or she has not started earning his/her livelihood, (ii) in case of daughter that she has not yet married.

56 (5) (d) - In the case of an unmarried daughter even after attaining the age of twenty five years till her marriage or death whichever is earlier subject to the condition that the monthly income of such daughter shall not exceed Rupees Four Thousand Four Hundred and Forty per month from employment in Government, semi-Government, Statutory Bodies, Corporation, Private Sector, Self-employment. Salary / income certificate shall be obtained from the employer in case when the incumbent is under the employment in Government, semi-Government, Corporation, Private Sector. In case she is self-employed or is in receipt of income from known sources other than employment, statutory authority issuing the income certificate shall be the competent authority to issue such certificate after causing due inquiry and calling for any records or reference to be satisfied enough to issue such certificate. **(vide Finance Department Notification No.32745/F., dtd.23.07.2011 shall come into force on the date of their publication in the Orissa Gazette i.e. w.e.f. 12.08.2011 also vide F.D. O.M. No-8133/F., dated 20.03.2013)**

N.B.-The above benefit shall be admissible to such daughters beyond the age of twenty five years in order at their date of birth and the younger of them will not be eligible for family pension unless the next above her, has become ineligible for grant of family pension. The family pension to unmarried daughters above the age of twenty five years shall be payable only after the other eligible children below the age of twenty five years cease to be eligible to receive family pension and that there is no other disabled son and disabled unmarried daughter to receive the family pension. **(vide Finance Department Notification No.32745/F., dtd.23.07.2011)**

56 (5) (e) In the case of widowed / divorced / disabled widowed / disabled divorced daughters even after attaining the age of twenty five years till their remarriage or death whichever is earlier subject to the condition that in case of divorced daughters / disabled divorced daughter, the divorce is valid in law and the case of widowed / disabled widowed daughter, the family pension for life from the date of death of her husband and there is no

other eligible unmarried daughter beyond the age of twenty five years and disabled son / disabled unmarried daughter to receive the family pension. The benefit of family pension for life shall be admissible to the widowed / divorced daughter only after cessation of the claim of disabled widowed / disabled divorced daughter. The other conditions governing grant of family pension to the unmarried daughters as specified in clause (d) shall also be applicable in the case of widowed / disabled widowed / disabled divorced daughters for grant of family pension in their favour. **(vide Finance Department Notification No.32745/F., dtd.23.07.2011)**

(i) Provided that if the son or unmarried daughter including widowed / divorced daughter of a Government servant is suffering from any disorder or disabled of mind or is physically crippled / disabled so as to render him or her, unable to earn a living even after attaining the age of twenty five years, the family pension shall be paid to such son or unmarried daughter for life subject to the following conditions, namely-

(ii) If such son or unmarried daughter is one among two or more children of the Government servant / pensioner, the family pension shall be initially payable to the children in the order set out in clause (c) of sub-rule (7) hereinafter until the last child attains the age of twenty five years and thereafter the family pension shall be resumed in favour of the son or unmarried daughter suffering from disorder or disability of mind or who is physically crippled or disabled and shall be payable to him/her for life. The said benefit shall also be admissible in the case of disabled widowed / disabled divorced daughter of a Government servant / pensioner in case there is no other disabled son / disabled unmarried daughter and eligible unmarried daughter. **(vide Finance Department Notification No.32745/F., dtd.23.07.2011)**

(iii) If there are more than one such son or unmarried daughter suffering from disorder or disability of mind or who are physically crippled or disabled, the family pension shall be paid in order of their birth and the younger of them will get the family pension only after the elder next above him / her ceases to be eligible. **(vide Finance Department Notification No.32745/F., dtd.23.07.2011)**

Explanation- The similar principle shall also be adopted in case of disabled widowed / disabled divorced daughter subject to the condition that there is no other disabled son or disabled unmarried daughter of the deceased Government servant / pensioner. **(vide Finance Department Notification No.32745/F.,dated 23.07.2011)**

Note :- On fulfillment of all other conditions stipulated in the above rule the unmarried or widowed or divorced or disabled widowed or disabled divorced daughters of a deceased State Government employee or pensioner will be eligible for family pension w.e.f dated 12.08.2011, irrespective of the date of death of the Government Employee or Pensioner.

56 (5) (f) (i) The family pension shall be paid to such son or daughter through the guardian as if he or she were a minor except in case of the of the physically crippled son or daughter who has attained the age of majority.

(ii) before allowing the family pension for life to any such son or daughter the sanctioning authority shall ensure that the disability or disorder handicap is of such a nature so as to prevent him or her from earning his or her livelihood, basing on the certificate obtained by the claimant from a medical officer not below the rank of Chief District Medical officer setting out, as far as possible, the exact mental or physical condition of the child indicting the extent of disability suffered which is not less than 40%.

(iii) the person receiving the family pension as guardian of such son or daughter shall produce at every three years a certificate from a Medical Officer not below the rank of a

Chief District Medical officer to the effect that he or she (the disabled pensioner) continues to suffer from disorder or disability of mind or continues to be physically crippled or disabled.

(iv) Family pension payable under this sub-rule shall be stopped as and when (i) he or she has started earning his or her livelihood more than rupees four thousand four hundred forty per month (only in case of such daughter) (ii) in case of daughter that she has married. (iii) if the family pensioner is cured of such disability in case of disability in case of disabled and major as the case may be.

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

(ii) On the death of a 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 not cease but shall be payable to the other widows in equal shares, or if there is only one such other widow, in full, to her.

(b) Where the deceased Government servant 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 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.

(c) Where the share or shares of family pension payable under this rule to the eligible child or children or to a widow or widows, as the case may be, ceases or cease to be payable, such share or shares shall not lapse but shall be payable to the other child or children eligible, if any or as the case may be, to the other widow or widows, in equal shares, or, if there is only one widow or child, in full to such widow or child.

(d) Where the family pension is payable to twin children it shall be paid to such children in equal shares;

Provided that when one such child ceases to be eligible, his/her share shall be payable to the other child when both of them cease to be eligible, the family pension shall be payable to the next eligible single child /twin children.

NOTE: After the commencement of the Hindu Marriage Act, 1955, any second marriage contracted by a Hindu Male during the life time of his first wife shall be void and the second wife shall not be entitled to the family pension as a legally wedded wife.

(7) (a) Except as provided in sub rule (6), the family pension shall not be payable to more than one member of the family at the same time.

(b) 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,

(c) Family pension to the children shall be payable in the order of their birth irrespective of sex of the child and the younger of them shall not be eligible for family pension unless the elder next above him/her has ceased or has become ineligible for receiving the family pension:

Provided that where the family pension is payable to twin children, it shall be paid in the manner set out in clause (d) of sub-rule (6) of this rule.

(8) Where a deceased Government servant or pensioner leaves behind him more than one child, the eldest eligible child shall be entitled to the family pension for the period mentioned in clause (b) or clause (c) of sub-rule (5), as the case may be, and after the expiry of that period the next child shall become eligible for the grant of family pension.

(9) Where family pension is granted under this rule to a minor, it shall be payable to the guardian on behalf of the minor on submission of guardianship certificate.

NOTE-The Guardianship certificate appearing in this rule above shall be issued by the District Collector of the concerned District in which the claimants are residing. The Collector can revoke or alter the certificate so issued either *suo moto* or on application by the rightful aggrieved claimant (s) on being satisfied that grounds exist for such revocation or alteration of the certificate. **(vide Finance Department Notification No.24142/F., dtd.04.09.2015)**

9. (A) (a) If the deceased Government servant or pensioner has left behind neither a widow / widower nor an eligible child, the family pension shall be granted for life time to the father or in the absence of father to the mother also to adoptive parents in the case of individuals whose personal law permits adoption. **(vide Finance Department Notification No.45865/F., dtd.01.09.2001 and F.D. O.M. No-36185-Pen-35/97/F., dated 04.09.1997)**

(b) If the father / mother is eligible to draw more than one family pension at the rate mentioned in sub-rule (4), the total amount of family pension shall be limited to twelve thousand per mensem. **(vide Finance Department Notification No.45865/F., dtd.01.09.2001)**

(c) If one of the family pensions ceases to be payable at the rate mentioned in sub-rule(4) and in lieu thereof, the pension at the rate mentioned in sub-rule (2) becomes payable the amount of the total pension shall be limited to rupees twelve thousand per mensem. **(vide Finance Department Notification No.45865/F., dtd.01.09.2001)**

(d) If all the family pensions are payable at the rates mentioned in Sub-rule (2), the amount of the total family pension shall be limited to rupees six thousand only. **(vide Finance Department Notification No.45865/F., dtd.01.09.2001)**

[There is no maximum limit on the above provision as per Notification No.24142/F., dtd.04.09.2015 w.e.f. 01.01.2006]

(10) 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 spouse and in the event of the death of such spouse 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) If the surviving child or children is or are eligible to draw two family pensions at the rate mentioned in sub-rule (4) the amount of both the pensions shall be limited to rupees twelve thousand (₹12000) per mensem. **(vide Finance Department Notification No.45865/F., dtd.01.09.2001)**

(b) If one of the family pensions ceases to be payable at the rate mentioned in sub-rule (4) and 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 twelve thousand rupees per mensem; **(vide Finance Department Notification No.45865/F., dtd.01.09.2001)**

(c) If both the family pensions are payable at the rates mentioned in sub-rule (2), the amount of two pensions shall be limited to six thousand rupees per mensem, **(vide Finance Department Notification No.45865/F., dtd.01.09.2001)**

[There is no maximum limit on the above provision as per Notification No.24142/F., dtd.04.09.2015 w.e.f. 01.01.2006]

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

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

(12) (a) Where a female Government servant or male Government servant dies leaving behind 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.

(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.

(13) (a) If a person, who in the event of death of a Government servant while in service, is eligible to receive family pension under this 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, 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 the 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 death of the Government servant.

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

14. The provision of clause (a) and clause (b) of sub-rule (13) shall also apply for the family pension becoming payable on the death of a Government servant after his retirement.

15. (a) (i) As soon as a Government servant enters Government service, he shall give the details of his family in Form D to the Head of Office. **(vide Finance Department Notification No.24142/F., dtd.04.09.2015)**

(ii) If the Government servant has no family, he shall furnish the details in **Form-D** as soon as he acquires a family. **(vide Finance Department Notification No.24142/F., dtd.04.09.2015)**

(b) The Government servant shall communicate to the Head of Office any subsequent changes in the size of his family, including the fact of marriage of his female child

(c) (i) The Head of Office shall, on receipt of the details in Form D get it pasted on the service book of the Government servant concerned and acknowledge the receipt of the said Form and all further communications received from the Government servant in this behalf.

(ii) The Head of Office on receipt of communication from the Government servant regarding any change in the size of family shall make the entry regarding the changes in Form-D pasted on the Service Book.

16. 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 rules of public Sector Undertaking / Autonomous Bodies/Local Bodies:

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 foregoes family pension from any other source.

17. For the purposes of this rule-

(a) continuous service means, service rendered in a pensionable establishment and does not include-

(i) Period of suspension, if any, which does not count for pension on termination of proceedings and

(ii) Period of service, if any rendered before attaining the age of eighteen years,

(b) "Family" in relation to a Government servant means-

(i) wife in the case of a male Government servant or husband in the case of a female Government servant.

Explanation-(I) The benefit of family pension shall also be admissible to the post retrieval-spouses from the date following the date of death of the pensioner.

(2) Life time arrears, wherever admissible, of family pension in respect of spouses of the deceased post retrieval-spouses would also be payable to their family members, heirs where the spouse eligible for family pension was alive on the date of eligibility and who dies subsequently to that date, for the period from the date eligibility to the date of death.

NOTE-(A) (i) - 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;

(ii) (a) son/unmarried daughter who has not attained the age of twenty-five years including such son and unmarried daughter adopted legally through a registered adoption deed **(vide Finance Department Notification No.32745/F., dtd.23.07.2011 and vide Finance Department Notification No.24142/F., dtd.04.09.2015)**

(b) Unmarried / widowed / divorced / disabled widowed / disabled divorced daughters even the after the attaining the age of twenty five years including such daughters adopted legally. **(vide Finance Department Notification No.32745/F., dtd.23.07.2011)**

NOTE - (B) - Child includes a posthumous child of the Government servant.

(iii) Father / Mother

NOTE: In case of married female Government servant / pensioner in absence of eligible family members, her father-in-law / mother-in-law shall be treated as father / mother respectively for grant of family pension". **(vide Finance Department Notification No.45865/F., dtd.01.09.2001)**

NOTE - (C) "Emoluments" means the emoluments as specified in Rule 48.

(18) Nothing contained in this rule shall apply to-

- (a) a re-employed Government servant who had retired before the 1st January 1964 from-
 - (i) civil service on retiring pension or superannuation pension, or
 - (ii) military service or 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 retired from military service on or after the 1st January 1964 and who on the date of the re-employment in a civil service or civil post had attained the age of superannuation applicable to the post in which he is re-employed;
- (c) a Government servant referred to in rules 43 and 44 who on his absorption in a corporation or company wholly or substantially owned or controlled by the Government any other body incorporated or not, is governed by the provisions of the family pension scheme of the said establishment;
- (d) employees paid from contingencies;
- (e) Work-Charged staff;
- (f) casual labourers; and
- (g) officers employed on contract.

(19) Family pension and death gratuity to the family members of the Government employee who disappears or absconded from the Government service shall be as follows:

(i) When an employee disappears or absconded while in service leaving his family, the family shall be paid at the first instance the amount of arrear salary due if any and leave encashment due. The house rent, if any for the month (s) in respect of which the salary is due shall be recovered from the amount of salary payable to the family.

(ii) After the elapse of a period of one year, other benefits like death gratuity/family pension including arrears shall also be granted to the family provided that the concerned family shall intimate the fact of disappearance of the Government servant to the Head of Office under whom the Government servant served last for the purpose of sanction of the benefits. Where the Head of Office is not the pension sanctioning authority of the disappeared Government servant he will send the papers with

recommendation/comments to the pension sanctioning authority who will sanction the benefits under sub-rule (2) or (4) as the case may be after observing the following formalities, namely:-

(a) An F.I.R. should be lodged with the nearest Police Station under intimation to the concerned Head of Office. The Head of Office should obtain a report from the Police Station through the District Police Officer that the employee has not been traced out after all efforts made by Police.

(b) An Indemnity Bond in **Form-Q** shall be taken from the dependants of the employee that all payments will be adjusted against the payments due to the employee in case he appears on the scene and makes any claim (**vide Finance Department Notification No.24142/F., dtd.04.09.2015**)

(iii) The Head of Office shall assess all Government dues outstanding against the Government servant and effect their recovery in accordance with Rule 68 of these rules and any other instructions in force for effecting recovery of Government dues.

(iv) The family shall apply to the Head of the Office of the Government servant for grant of family pension and death gratuity after one year from the date of disappearance of the Government servant in accordance with the prescribed procedure.

(20) (A) When a retired Government servant disappears leaving his family, the family shall be paid in the first instance, the amount of arrear salary and leave encashment due, if any. The house rent, if any, for the month (s) in respect of which the salary is due shall be recovered from the amount of salary payable to the family.

(B) After the elapse of a period of one year from the date of disappearance, other benefits like family pension, retirement gratuity and arrears of pension, if any, shall also be granted to the family provided that the concerned family shall intimate the fact of disappearance of the retired Government employee to the Head of Office under whom the employee served last for the purpose of sanction of the benefits. Where the Head of Office is not the pension sanctioning authority of the disappeared retired employee he shall send the papers with recommendation/comments to the pension sanctioning authority who shall sanction the benefits after observing the following formalities, namely:-

(a) The family must have lodged a report with the concerned Police-Station and obtained a report to the effect that the retired employee has not been traced after all efforts had been made by the Police.

(b) An Indemnity Bond in **Form-Q** shall be taken from the dependants who will receive the said benefits of the retired employee that all payments will be adjusted against the payments due to the retired employee in case he reappears and makes any claim. (**vide Finance Department Notification No.24142/F., dtd.04.09.2015**)

(c) The Head of Office shall assess all Government dues outstanding against the retired employee and effect recovery of the same in accordance with rule 68 of these rules, and any other instructions/orders in force.

(d) The family shall apply to the concerned Head of the office of the retired employee for grant of family pension, retirement gratuity, if any, and arrears of pension if any, after one year from the date of disappearance of the retired employee in accordance with the prescribed procedure.

NOTE-I- In both the cases covered under sub-rules (19) and (20) *ibid*, the date of disappearance of the employee or pensioner shall be reckoned from the date of lodging of the First Information Report but the family pension shall be sanctioned after lapse of one year from the date lodging of First Information Report (F.I.R) but the benefit of family pension shall accrue retrospectively from the date on which the FIR is lodged or after expiry of leave of the employee who has disappeared whichever is later. The emoluments for the purpose are as specified in rule 48. **(Substituted vide Finance Department Notification No.24142/F., dtd.04.09.2015)**

2. In the case of missing pensioner, the family pension at the rates indicated in the Pension Payment Order shall be payable as authorised by the Accounts Officer. Where the Pension Payment Order does not contain this information, the pension sanctioning authority shall take necessary action to sanction the family pension as due at Note-1 above.

3. Death gratuity shall also be payable to the families but not exceeding the amount which would have been payable as retirement gratuity if the person had retired. The difference between retirement gratuity and death gratuity shall be subsequently payable either after the death is conclusively established or on the expiry of seven years from the date of missing.

4. The benefits covered under sub-rules (19) and (20) shall only be admissible in genuine cases of disappearance under normal circumstances and not the cases in which officials disappear after committing frauds, etc. In latter type of cases the family pension can be sanctioned only to the Government employee/Pensioner being acquitted by the court of law or after the conclusion of the disciplinary proceedings etc., as the case may be.

5. Cases of disappearance which occurred prior to the 30th November, 1987 and prior to the 14th March, 1990 shall be regulated under the Finance Department O.M.No.-56895/F., dt.30.11.1987 and No.6424/F., dt.14.03.1990 only where FIR has been lodged with the nearest police station.” **(Inserted vide Finance Department Notification No.24142/F., dtd.04.09.2015)**

CHAPTER VIII

PROCEDURE FOR GRANT OF PENSION

57. Preparation of list of Government Servants due for retirement –

(1) Every Head of Office shall have a list prepared every year i.e. on the 1st day of July each year of all Government servants working under him who are due to retire within the next 18 to 24 months. **(Substituted vide Finance Department Notification No.24142/F., dtd.04.09.2015)**

(2) A copy of every such list shall be supplied to the Accountant-General, Odisha, Appointing Authority, Administrative Department concerned, Director of Treasuries and Inspection, Odisha, and the Estate Officer or the competent authority, as the case may be (if the Government servant concerned is an allottee of Government accommodation), not later than the 31st of July each year in Form A. **(substituted vide Finance Department Notification No.24142/F., dtd.04.09.2015)**

“Provided that to avoid overstayal in service beyond the date of retirement, the Codal Provision and Rules above are to be scrupulously followed to ensure proper maintenance of Service Book. The Officers functioning as Drawing and Disbursing Officers, the Head Clerks (Head Ministerial Officers) working under him and the Clerks/Assistants entrusted with the responsibility of maintenance of the Service Book of the concerned employee shall be jointly and severally held responsible for overstayal of the concerned employee. The money received by such employee during the period of overstayal shall be recovered from the salary and retirement benefits of the persons responsible in equal proportions. **(added vide Finance Department Notification No.24142/F., dtd.04.09.2015)**

(3) In the case of a Government servant retiring for reasons other than by way of superannuation, the Head of Office shall promptly inform the authorities stated in sub-rule (2) as soon as the fact of such retirement becomes known to him.

58. Preparation of pension papers-

(1) Every Head of Office shall undertake the work of preparation of pension papers in **Form F** two years before the date on which a Government servant is due to retire on superannuation. Where retiring Government servant is himself the Head of Office/Head of Department, the preparation of pension papers shall be undertaken by the Head of Department/Administrative Department, as the case may be. **(Form amended vide Finance Department Notification No.24142/F., dtd.04.09.2015)**

(2) The Head of Office shall be responsible for obtaining the particulars from the Government servant at least one year before the date of retirement in **Form E** and complete the processing of pension papers as early as possible and in no case not later than eight months in advance of the date of retirement of the employee. **(Form amended vide Finance Department Notification No.24142/F., dtd.04.09.2015)**

(3) Where the Head of Office is not the appointing authority, pension papers shall be transmitted to the appointing authority one year before the date of retirement of the Government servant and the Head of Office shall take the action well in advance keeping this time limit in view.

59. Stages for processing of pension papers-

(1) The Head of Office shall go through the service book and the service roll, if any, of the Government servant and satisfy himself as to whether the certificates of verification for the entire service period are recorded therein.

(2) In respect of the unverified portion or portions of service he shall arrange to verify the portion or portions of such service, as the case may be, with reference to pay bills, acquaintance rolls or other relevant records and record necessary certificates in the service book or service roll, as the case may be.

(3) If the service for any period is not capable of being verified in the manner specified in sub-rule (1) and sub-rule (2), that period of service if rendered by the Government servant in another office or Department, reference shall be made to that office/Department in which the Government servant is shown to have served during that period for the purpose of verification.

(4) If any portion of service rendered by a Government servant is not capable of being verified in the manner specified in sub-rule (1) or sub-rule (2) or sub-rule (3) the Government servant shall be asked to file a written statement on plain paper stating that he had in fact rendered that period of service and shall, at the foot of the statement, make and subscribe to a declaration as to the truth of that statement, and shall in support of such declaration produce documentary evidence and furnish all information which is in his power to produce or furnish.

(5) The authority competent to sanction pension to that Government servant shall, after taking into consideration the facts in the written statement and the evidence produced and the information furnished by that Government servant in support of the said period of service, admit that portion of service as having been rendered for the purpose of calculating the pension of that Government servant.

(6) The Head of Office shall prepare the pension papers on the basis of the qualifying service determined by him in accordance with the provisions indicated above and send the pension papers to the Accountant General, Odisha through the Pension Sanctioning Authority for authorisation of Pension Payment Order/Gratuity Payment Order four months in advance of the date of retirement.” **(Added vide Finance Department Notification No.24142/F., dtd.04.09.2015)**

60. Making good omission in the Service Book

(1) The Head of office while scrutinizing the certificates of verification of service, shall also verify if there are any other omissions, imperfections or deficiencies which have a direct bearing on the determination of emoluments and the service qualifying for pension.

(2) Every effort shall be made to complete the verification of service, as in rule 59 and to make good omissions, imperfections or deficiencies referred to in sub-rule (1) above. Any omissions, imperfections or deficiencies including the portion of service shown as unverified in the Service Book which it has not been possible to verify in accordance with the procedure laid down in rule 59 shall be treated as qualifying service for the purpose of pension unless there is specific entry in the Service Book / Record to the contrary.

(3) For the purpose of calculation of 'emoluments' the Head of Office shall verify from the Service Book the correctness of emoluments drawn for or to be drawn for last twelve months preceding the date of retirement.

61.Completion of Pension Papers-

The Head of Office shall complete part-1 of **Form-F** not later than 6 months of the date of retirement of the Government servant. **(Form amended vide Finance Department Notification No.24142/F., dtd.04.09.2015)**

62. Forwarding of Pension Papers to the Appointing Authority / Accounts Officer-

(1) After completing Part-I portion of **Form-F** in triplicate, the Head of Office shall forward the same along with **Form-E** to the Appointing Authority (where the Head of Office is not the appointing authority) with the service book or services roll of the government Servant duly completed up to date and any other documents relied upon for the verification of the service. **(Substituted vide Finance Department Notification No.24142/F., dtd.04.09.2015)**

Provided that where the Original Service Book is completely damaged or destroyed or lost, duplicate copy of Service Book in an up to date form available with the Government Servant shall be relied upon for the verification of service without insisting upon the original service book. **(vide Finance Department Notification No.24142/F., dtd.04.09.2015)**

(2) (i) The Appointing Authority shall sanction the pension in Part-II of **Form-F** and intimate the same to the Accountant-General, Odisha in **Form-G** not later than two months before the date of retirement of Government servant. **(Substituted vide Finance Department Notification No.24142/F., dtd.04.09.2015)**

(ii) It shall be the sole responsibility of the pension sanctioning authority to forward the pension family Pension papers to the Accountant-General in time prescribed under clause (i) of this sub-rule and sub-rule (2) of rule 75 failing which he shall be liable for disciplinary action.

(3) (i) [**Omitted**] **(vide Finance Department Notification No.24142/F., dtd.04.09.2015)**

(ii) The Accounts Officers, while issuing the pensionary authorisation, countersign the Part-III of the **Form-F** as a certified by the appointing authority, retain one copy (out of the three received by him from the appointing authority) and forward one copy as countersigned by him to the pensioner, along with the intimation of having sent the pension payment order to the Treasury. The other certified copy of the Part-III of the **Form-F** as countersigned by the Accounts Officer shall be returned to the appointing authority concerned who shall keep the same in a guard file with a proper index for future reference. **(Substituted vide Finance Department Notification No.24142/F., dtd.04.09.2015)**

63. Intimation to Accounts Officer regarding any event having bearing on pension-

(1) If after the pension papers have been forwarded to the Accounts Officer within the period specified in sub-rule (2) of rule 62 any event occurs which has a bearing on the amount of pension admissible, the fact thereof shall immediately be reported to the Accounts Officer by the Appointing Authority,

(2) The Appointing Authority after ascertaining and assessing the Government dues as in rule 68 shall furnish the particulars thereof to the Accounts Officer at least two months before the date of retirement of a Government servant so that the dues are recovered out of the gratuity before its payment is authorised.

(3) If, after the particulars of Government dues have been intimated to the Accounts Officer under sub-rule (2) any additional Government dues come to the notice of the Appointing Authority, such fact shall be promptly reported to the Accounts Officer.

64. Authorisation of pension and Gratuity by the Accounts Officer-

(1) On receipt of pension papers referred to in rule 62 the Accounts Officer shall undertake the requisite checks, record the account encasement in Part-III of **Form F** and assess the amount of pension and gratuity and issue the pension payment order not later than one month in advance of the date of retirement of the Government servant if the pension is payable in his unit of Account Circle. **(Form amended vide Finance Department Notification No.24142/F., dtd.04.09.2015)**

(2) If the pension is payable in other than his unit of Account Circle the Accounts Officer shall send the pension payment order along with a copy of **Form-F** and the accounts encasement to the Accounts Officer of that unit of Account Circle for arranging the payment. **(Form amended vide Finance Department Notification No.24142/F., dtd.04.09.2015)**

65. Provisional Pension-

(1) In cases where, it may not be possible for the Appointing Authority to forward the pension papers referred to in rule 62 to the Accountant-General, Odisha within the period prescribed therein after following due procedure, or where the pension papers have been forwarded to the Accountant-General Odisha within the prescribed period but the Accountant-General has either not issued the pension payment order in time or has returned the pension papers to the Pension Sanctioning Authority soliciting further information before issue of pension payment order and order for the payment of gratuity the Pension Sanctioning Authority in such a case if is of the opinion that the Government servant is likely to retire before sanction of his pension and gratuity or both and such pension and gratuity cannot be finally assessed and settled in accordance with the provisions of these rules prior to the date of retirement, he shall without delay, take steps to determine the qualifying years of service and emoluments qualifying for pension after the most careful summary investigations that may be made. For this purpose, he shall-

- (i) rely upon such information as may be available in the official records, and
- (ii) ask the retiring Government servant to furnish a written statement on plain paper stating the total length of qualifying service including details of emoluments last drawn but excluding the breaks/other non-qualifying periods of service.

(2) The Government servant while furnishing the statement as in clause (ii) of sub-rule (1) shall at the foot of the statement makes and subscribe to a declaration as to the truth of the statement.

(3) The Pension Sanctioning Authority shall thereafter determine the qualifying years of service and the emoluments qualifying for pension in accordance with the information available in the official records and the information obtained from the retiring Government servant under sub-rule (1). He shall, then determine the amount of provisional pension and the amount of provisional gratuity.

Provided that in case of overstayed in service beyond the date of superannuation, the pension sanctioning authority shall determine and sanction the provisional pension and provisional gratuity of the retired employee as due basing on the qualifying service (excluding the period of overstayed) and emoluments upto the date of superannuation and steps should be taken immediately as per provisions of law for appropriate decisions on the period of overstayed. **(Inserted vide Finance Department Notification No.24142/F., dtd.04.09.2015)**

(4) After the amount of pension and gratuity have been determined under sub-rule (3), the Pension Sanctioning Authority shall take further action as follows:-

(a) He shall issue a sanction order in **Form-N** endorsing a copy thereof to the Accounts Officer/Head of Office/Government Servant/Treasury Officer authorising:- **(Form amended vide Finance Department Notification No.24142/F., dtd.04.09.2015)**

- (i) 100 per cent of pension as determined under sub-rule (3) as provisional pension till final pension is authorised by the Accountant-General, Orissa; and
- (ii) 100 per cent of the gratuity as provisional gratuity as determined under sub-rule (3) withholding ten per cent of such gratuity or one thousand rupees, whichever is less.

(b) He shall also indicate in the sanction letter the amount recoverable from the gratuity under sub-rule (2) of rule 63. After issue of the sanction order the Head of Office shall draw-

- (i) the amount of provisional pension; and
- (ii) the amount of provisional gratuity after deducting there from the amount mentioned in sub-clause (ii) of clause (a) and the dues, if any, mentioned in rule 68 in the same manner as pay and allowances of the establishment are drawn by him.

(5) The amount of provisional pension and gratuity payable under sub-rule (4) shall, if necessary be revised on the completion of the detailed scrutiny of the records.

(6) (a) As soon as the amount of final pension and the amount of final gratuity are determined by the appointing authority, he shall intimate the same to the Accountant-General, Odisha. While submitting final pension papers to the Accountant-General, Odisha the pension sanctioning authority shall send a detailed information showing sanction and drawal particulars of Provisional Pension, Commuted Value of Pension and Provisional Gratuity. Where no such sanction has been made the fact of non-sanction or non-drawal shall also be intimated to the Accountant General. On receipt of the report the Accountant General, Odisha shall -

- (i) issue the pension payment order and direct the Treasury Officer to draw and disburse the difference between the final amount of pension and the amount of provisional pension paid under sub-clause (ii) of clause (b) of sub-rule (4),
- (ii) Direct the Treasury Officer to draw and disburse the difference between the final amount of gratuity and the amount of provisional gratuity paid under sub-clause (ii) of clause (b) of sub-rule (4) after adjusting the Government dues, if any, which may have come to the notice after payment of provisional gratuity.

(b) If the amount of provisional pension disbursed to a Government servant under sub-rule (4) is on its final assessment, found to be in excess of the final pension assessed by the Accounts Officer, it shall be open to the Accounts Officer to adjust the excess amount of pension out of gratuity withheld under sub-clause (ii) of clause (a) of sub-rule (4) or direct the disbursing officer to recover the excess amount of pension in instalments by making short payment of the pension payable in future.

(c) (i) If the amount of provisional gratuity disbursed by the Head of Office under sub-rule (4) is larger than the amount finally assessed the excess so paid, shall be adjusted against commuted value of pension or by making short payment in pension in suitable installments.

(ii) The Appointing Authority shall ensure that chances of disbursing amount of gratuity in excess or the amount finally assessed are minimized.

(7) If the provisional pension or gratuity or both sanctioned under sub-rule (4) is desired to be received by the pensioner through money-order or bank draft, the same shall be remitted to him through money order or bank draft at his cost;

Provided that in the case of any amount of pension, not exceeding the amount specified in Note 3 of subsidiary rule 310 of the Odisha Treasury Code, Vol. I plus the amount of temporary increase on pension that amount shall at the request of the pensioner in writing be remitted to him by money order at the cost of the Government.

66. Grant of provisional pension where departmental or judicial proceeding is pending-

- (1) Where departmental or judicial proceedings are pending in respect of a Government servant on the date of his retirement, referred to in, he shall be paid a provisional pension not exceeding 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.
- (2) No gratuity shall be paid to the Government servant until the conclusion of the departmental or judicial proceedings and issue of final orders thereon:-

Provided that where departmental proceedings have been instituted under rule 16 of the Odisha Civil Services (Classification, Control and Appeal) Rules, 1962 for imposing any of the penalties specified in clause (i), (ii) and (iii-A) of rule 13 of the said rules, the payment of gratuity shall be authorized to be paid to the Government servant.

- (3) The provisional pension shall be authorized during the period commencing from 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.
- (4) The authority competent to sanction pension shall be the authority competent to sanction provisional pension.
- (5) Payment of provisional pension made under sub-rule (1) 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.

67. Government Servants on Deputation-

- (1) In the case of Government servant who retires while on deputation to the Central/ other State Government no recovery of proportionate pension will be made from Central / another State Government under whom he had served. His period of deputation shall be counted towards qualifying service for the purpose of pension.
- (2) In the case of Government servant who retires from service while on foreign service, action to authorize pension and gratuity in accordance with provisions of these rules shall be taken up by the Head of Office by whom he has been sent on deputation on foreign service.

68. Recovery and Adjustment of Government dues-

(1) It shall be the duty of the Head of Office to ascertain and assess Government dues for retirement.

(2) The Government dues as ascertained and assessed by the Head of Office which remain outstanding till the date of retirement of the Government servant, shall be adjusted against the amount of the retirement gratuity becoming payable.

(3) The expression 'Government dues' includes-

- (a) dues pertaining to Government accommodation including arrears of licence fee if any;
- (b) dues other than those pertaining to Government accommodation, namely, balance of house building or conveyance or any other advance, overpayment of pay and allowances or leave salary and arrears of income tax deductible at the source under the Income Tax Act, 1961 (43 of 1961).

NOTE:-(a) For the purpose of issue of No Demand Certificate the pension sanctioning authority will enquire from the Offices in which the retiring Government employee worked during the last one year of his/her service. **(vide Finance Department Notification No.32750/F., dtd.23.07.2011)**

(b) For the purpose of No Demand Certificate the report of Drawing and Disbursing Officer for settlement of discrepancies on adjustment of any loans/advances and the interest thereon shall be acceptable by the Accounts Officer, where details of such adjustment are neither available nor posted on the ledger maintained in his office.

(c) Pension Sanctioning Authorities should take prompt action to procure and submit the requisite "No Demand Certificate". After proper assessment and adjustment of recoverable Government dues as per the provision referred to in Para (1) above and submit the same to the Accounts Officer, within a period of one month from the date of retirement of the concerned Government servant, failing which it shall be deemed that no Government dues are outstanding against the retired Government servant and in that event, authorisation of final Pension Payment Order or Gratuity Payment Order by the Accounts Officer shall be automatic without further reference to the Pension Sanctioning Authorities. Cases where it is noticed on subsequent occasion that Government dues still remain un assessed and unadjusted, the concerned erring officer, as the case may be, would be held responsible in future to make good the loss caused under Government Account. **(added vide Finance Department Notification No.24142/F., dtd.04.09.2015).**

69. Adjustment and recovery of dues pertaining to Government Accommodation-Intimation for issue of "No Demand Certificate"-

(1) The Head of Office shall write to the authority incharge of Government accommodation at least two years before the anticipated date of retirement of the Government servant who is in occupation of a Government accommodation (hereinafter referred to as allottee) for the issue of a "No Demand Certificate" in respect of the period preceding to eight months of retirement of the allottee.

(2) The authority incharge of Government accommodation on receipt of intimation from the Head of Office shall scrutinize its records and inform the Head of Office eight months before the date of retirement of the allottee, if any licence fee was recoverable from him in respect of the period prior to eight months of his retirement. If no intimation in regard to recovery of outstanding licence fee is received by the Head of Office by the stipulated date, it shall be presumed that no licence fee was recoverable from the allottee in respect of the period preceding to eight months of his retirement.

(3) The Head of Office shall ensure that licence fee for the next eight months, that is up to the date of retirement of the allottee is recovered every month from the pay and allowances of the allottee.

(4) Where the authority incharge of Government accommodation intimates the amount of licence fee recoverable in respect of the period mentioned in sub-rule (2) the Head of Office shall ensure that outstanding licence fee is recovered in instalments from the current pay and allowances of the allottee and where the entire amount is not recovered from the pay and allowances, the balance shall be recovered out of the gratuity before its payment is authorised.

(5) The authority in charge of Government accommodation shall also inform the Head of Office the amount of licence fee for the retention of Government accommodation for the permissible period of four months beyond the date of retirement of the allottee. The Head of Office shall adjust the amount gratuity together with un-recovered licence fee if any mentioned in sub-rule (4).

(6) If in any particular case, it is not possible for the-authority in charge of Government accommodation to determine the outstanding licence fee, then the said authority shall inform the Head of Office that ten per cent of the gratuity may be withheld pending receipt of further information **(substituted vide Finance Department Notification No.24142/F., dtd.04.09.2015)**

(7) The recovery of licence fee for the occupation of the Government accommodation beyond the permissible period of four months after the date of retirement of allottee shall be the responsibility of the authorities in charge of Government accommodation or the authority competent to allot quarters.

NOTE-For the purpose of this rule, the licence fee shall also include any other charges payable by the allottee for any damage or loss caused by him to the Government accommodation or its fittings.

(8) If no report about the quantum of arrear licence fee is received from the authority in-charge of Government accommodation within a period of 2 months from the date of retirement and 3 months from the date of death of concerned Government employee, it shall be deemed that no arrear licence fee is outstanding against the retired or deceased employees and in that event the amount of gratuity so withheld shall be released by Accountant General, Odisha on receipt of intimation from Head of Office or Pension Sanctioning Authority where the latter is the Head of Office. **(inserted vide Finance Department Notification No.24142/F., dtd.04.09.2015)**

70. Adjustment and recovery of dues other than dues pertaining to Government accommodation-

(1) For the dues other than the dues pertaining to occupation of Government accommodation as referred to in clause (b) of sub-rule (3) of rule 68 the Head of Office shall take steps to assess the dues two years before the date on which a Government servant is due to retire on superannuation

(2) The assessment of Government dues referred to in sub-rule (1) shall be completed by the Head of Office eight months prior to the date of the retirement of the Government servant.

NOTE : - Where the Government dues outstanding against the pensioner could not be

finalised due to the reasons attributable to the retired Government servant, the Pension Sanctioning Authority shall issue three reminders in registered covered at an interval of fifteen days between each reminder to the pensioner and thereafter finalise the Government dues unilaterally and intimate to the Accountant-General for authorizing the retirement gratuity after recovery of the outstanding Government dues.

(3) The dues as assessed under sub-rule (2) including those dues which come to notice subsequently and which remain outstanding till the date of retirement of the Government servant shall be adjusted against the amount of death or retirement gratuity becoming payable to the Government servant on his retirement.

Explanation-

Explanation (1) The Co-operative Societies are not Government organisations and any dues to them cannot be treated as dues to Government. No recovery of such dues can be made from the death/retirement gratuity.

Explanation (2) The term "Government dues" covers only the dues payable to the Government and does not include the dues while on deputation. In other words, the sum due from the officer to an autonomous organization is not Government dues and so cannot be recovered out of death or retirement gratuity payable by the Government to the officer, except where the Government servant has given his consent in writing to such a recovery being made from his gratuity, which has become payable to him

Explanation (3) Missing of Government journals and books etc. are Government dues. In any particular case if the Government servant is charged with the loss of Government journals and books, etc. and it is not possible get back the said journals or books, the pension sanctioning authority may order to deduct cost of such books and journals out of the death or retirement gratuity payable to the person concerned.

70- (4) Where the audit report or para as the case may be indicates drawal of cash advances which remains to be repaid, money drawn but not utilized or balance after utilization is not deposited and cash embezzlement by interpolation of figures etc., the recovery should be made from Gratuity of the Government employee concerned after giving him or her an opportunity of being heard by the Head of Office. **(inserted vide Finance Department Notification No.24142/F., dtd.04.09.2015)**

(5) Where the loss of Government money either by misappropriation or otherwise as pointed out by the audit is of a nature where no direct responsibility can be fixed without resorting to a fact finding enquiry, in such cases Departmental proceedings should be instituted under the Odisha Civil Services (CC&A) Rules, 1962/ The Odisha Civil Services (Pension) Rules, 1992 on the basis of the audit para/report. Head of Office should furnish their views on the report along with the action taken for recovery of Government dues within two months from the date of receipt of the same and forward it to Government for appropriate orders. On receipt of the same, the Administrative Department should take a view within a month. **(inserted vide Finance Department Notification No.24142/F., dtd.04.09.2015)**

(6) If the dues assessed as payable by the Government servant is more than the Gratuity amount, then the balance recoverable amount is to be realised from the Temporary Increase or Dearness Relief on pension/family pension. For effecting recovery from Temporary Increase or Dearness Relief, the Pension Sanctioning Authority/Accountant General shall, by order in writing, direct the Treasury Officer to adjust it by short payment of Temporary increase or Dearness Relief and credit the recovered amount by transfer credit to the proper

Head of Account of recovery, to be intimated by the Pension Sanctioning Authority. Whenever recovery from Temporary Increase or Dearness Relief is not feasible for whatever reasons the Pension Sanctioning Authority/Head of Office will take appropriate action under law for recovery of the dues. **(inserted vide Finance Department Notification No.24142/F., dtd.04.09.2015).**

70. A. Recovery of over payment-

Any over payment to a retired Government employee or his/her family on account of final payment of General Provident Fund, Gratuity, Pension and Temporary Increase detected before or after retirement, not being legally due to such retired employee or his/her family, shall be deemed to be Government dues and shall be recovered from his / her gratuity and / or Temporary Increase on pension. **(vide F.D. Notification No. GPF-13/98-44844/F., dtd.26.10.1998]**

NOTE.1- When excess payment is made in the General Provident Fund Account of a subscriber, such excess amount over and above the amount standing at the credit of the subscriber is charged on the consolidated fund of the State and as such, such over payment is to be treated as Government dues. Similarly excess payment of Pension, Gratuity or Temporary Increase over what is due to a retired Government servant or his / her family, is a payment by Government not due to him / her and therefore, shall be treated as Government dues. **[vide F.D. Notification No. GPF-13/98-44844/F., dtd.26.10.1998]**

NOTE.2- Government servant shall furnish the declaration in duplicate required in Orissa Civil Service (Pension) **Form-E** to the Head of Office before his / her retirement. One copy of such declaration shall be retained by the Pension Sanctioning Authority and another copy be sent along with pension paper to the Accountant General Odisha.

[vide F.D. Notification No. GPF-13/98-44844/F., dtd.26.10.1998]

71. Revision of Pension after Authorisation-

(1) Subject to the provisions of rules 6 and 7 pension once authorised after final assessment shall not be revised to the disadvantage of the Government servant, unless such revision becomes necessary on account of detection of a clerical error subsequently in the pension payment order :

Provided that no revision of pension to the disadvantage of the pensioner shall be ordered by the appointing authority without the concurrence of the Finance Department if the clerical error is detected after a period of two years from the date of authorisation of pension.

(2) In case of revision made to the disadvantage of the pensioner under sub-rule (1), the retired Government servant concerned shall be served with a notice by the appointing authority requiring him to refund the excess payment of pension within a period of two months from the date of receipt of notice by him.

(3) In case the Government servant fails to comply with the notice, the appointing authority shall, by order in writing, direct that such excess payment shall be adjusted in instalments by short payments of pensions in future, in one or more instalments, as the appointing authority may direct.

CHAPTER IX

SANCTION OF FAMILY PENSION AND DEATH GRATUITY IN RESPECT OF GOVERNMENT SERVANTS DYING WHILE IN SERVICE

72.Obtaining the claims for Family Pension and Death Gratuity-

(1) Where the Head of Office has received an intimation about the death of a Government servant while in service, he shall ascertain whether any death gratuity or family pension or both is or are payable in respect of the deceased Government servant.

(2) (a) Where the family of the deceased Government servant is eligible for death gratuity under rule 49 the Head of Office shall ascertain,-

(i) If the deceased Government servant had nominated any person or persons to receive the gratuity ; and

(ii) If the deceased Government servant had not made any nomination or the nomination though made either does not subsist or found to be invalid, the person or persons to whom the gratuity may be payable.

(b) The Head of office shall, then address the person concerned in **Form-H** for making a claim in **Form-J**. While submitting the claim in **Form-K** proof of date of Birth of the claimant or claimants as the case may be, is to be attached. **(substituted vide Finance Department Notification No.24142/F., dtd.04.09.2015)**

(3) Where the family of the deceased Government servant is eligible under rule 56 for the pension;-

(a)The Head of Office shall address the widow or widower in **Form-H** for making a claim in **Form K**. **(Form amended vide Finance Department Notification No.24142/F., dtd.04.09.2015)**

(b) Where the deceased Government servant is survived only by a child or children, the guardian of such child or children may submit a claim in "**Form-K**" to the Head of Office. While submitting the claim in "**Form-K**" proof of date of Birth of the claimant or claimants as the case may be, is to be attached.

Provided that the guardian shall not be required to submit a claim in the said form on behalf of a child, if the child has attained the age of eighteen years and such child may himself or herself submit a claim in the said form. (Substituted vide Finance Department Notification No-24142/F., dated 04.09.2015)

(c) Where the deceased Government servant is survived by unmarried / widowed / divorced daughters who have attained the age of eighteen years, such daughter may herself submit a claim in **Form-K** to the Head of office. But, in the case of disabled widowed / disabled divorced daughters, the guardian of such daughter or daughters may submit a claim in **Form-K** to the head of Office **(vide Finance Department Notification No.32745/F., dtd.23.07.2011 and Notification No.24142/F., dtd.04.09.2015)**

(4) If on the date of death, the Government servant was an allottee of Government accommodation, the Head of Office shall address the authority in charge of Government accommodation for the issue of 'No Demand Certificate' in accordance with the provisions of sub-rule (1) of rule 78.

73. Completion of Form-L (vide Finance Department Notification No.24142/F., dtd.04.09.2015)

(1) (a) The Head of Office while taking action to obtain claim or claims from the family in accordance with the provisions of rule 72 shall simultaneously undertake the completion of **Form-L**. The work be completed within one month from the date on which intimation regarding the date of death of the Government servant has been received. **(Form amended vide Finance Department Notification No.24142/F., dtd.04.09.2015)**

(b) The Head of Office shall go through the service book of the deceased Government servant and satisfy himself as to whether certificates of verification of service for the entire service are recorded therein.

(c) If there are any periods of unverified service, the Head of Office shall accept the unverified portion of service as verified on the basis of the available entries in the service **book**. For this purpose the Head of Office may rely on any other relevant material to which he may have ready access. While accepting the unverified portion of service, the Head of Office shall ensure that service was continuous and was not forfeited on account of dismissal, removal or resignation from service, or for participation in strike.

(2) (a) For the purpose of determination of emoluments for family pension and death gratuity, the Head of Office shall confine the verification of the correctness of emoluments for a maximum period of one year preceding the date of death of the Government servant.

(b) In case the Government servant was on extraordinary leave on the date of death, the correctness of the emoluments for a maximum Period of one year which he drew preceding the date of the commencement of the extraordinary leave shall be verified.

(3) The process of determination of qualifying service and qualifying emoluments shall be completed within one month of the receipt of intimation regarding the date of death of the Government servant and the amount of family pension and death gratuity shall also be calculated accordingly.

74. Determination of the Amount of Family Pension and Gratuity Where Service Records are Incomplete-

If, in any particular case, the service book has not been maintained properly despite the Government's orders on the subject, and it is not possible for the Head of Office to accept the unverified portion of service as verified on the basis of entries in the service book, the Head of Office shall not proceed with the verification of the entire spell of service. The verification of service in such a case shall be confined to the following spells of service, namely:-

(a) (i) If the deceased Government servant on the date of death had rendered more than one year of service but less than seven years of service, the service and emoluments for the last year of service shall be verified and accepted by the Head of Office and

the amount of Family Pension be determined under sub-rule (2) and sub- rule (3) of rule 56.

(ii) If the deceased Government servant on the date of his death had rendered more than seven years of service, service for the last seven years and emoluments for service rendered in the last year shall be verified and accepted by the Head of Office and the amount of Family Pension, and the period of which it is payable shall be determined in accordance with the provisions of sub-rule (4) of rule 56

(iii) If the deceased Government servant at the time of death had rendered more than seven years of service and the service of last seven years is not capable of being verified and accepted by the Head of Office but the service rendered during the last year is capable of being verified and accepted, the Head of Office, pending the verification of service for seven years, shall calculate the amount of family pension in accordance with the provision of sub-rule (2) and sub-rule (3) of rule 56.

(iv) The service for the last seven years shall be verified and accepted within the next two months and the amount of family pension at the enhanced rate and the period for which it is payable shall be determined in accordance with the provisions of sub-rule (4) of rule 56.

(v) Determination of the amount of family pension in accordance with the provisions of sub-clauses (i), (ii) & (iii) shall be done within one month of the receipt of intimation of the date of death of the Government servant.

(b) (i) If the deceased Government servant had on the date of his death rendered one year of qualifying service but less than five years of qualifying service and the spell of last one year service has been verified and accepted by the Head of Office under clause (a), the amount of death gratuity shall be equal to 6 times of his emoluments as indicated in clause (ii) of sub-rule (2) of rule 49. Where the verified and accepted service is less than one year of qualifying service, the amount of death gratuity shall be equal to 2 times of his emoluments as indicated in clause (i) of sub-rule (2) of rule 49.

(ii) If the deceased Government servant had, on the date of his death rendered more than five years of service but less than twenty years of qualifying service and the spell of last five years of service has been verified and accepted by the Head of Office under clause (a), the amount of death gratuity shall be equal to twelve times of his emoluments as indicated in clause (iii) of sub-rule (2) of rule 49.

(iii) If the deceased Government servant had rendered more than twenty years of service and the entire service is not capable of being verified and accepted, but the service for the last five years has been verified and accepted under sub-clause (ii), the family of the deceased Government servant shall be allowed, on provisional basis, the death gratuity equal to twelve times of the emoluments last drawn. Final amount of the gratuity shall be determined by the Head of Office on the acceptance and verification of the entire spell of service which shall be done by the Head of Office within a period of six months from the date on which the authority for the payment of provisional gratuity was issued. The balance, if any, becoming payable as a result of determination of the final amount of death gratuity shall then be authorised to the beneficiaries.

75. Forwarding of papers to the Accounts Officer-

(1) On receipt of claim or claims, the Head of Office shall complete the details in

Form- L and send the said Form in original to the Appointing Authority in a closed cover along with the Government servant's service book duly completed up-to-date and any other documents relied upon for the verification of the service claimed. This shall be done not later than one month of the receipt of claim by the Head of Office. **(Form amended vide Finance Department Notification No.24142/F., dtd.04.09.2015)**

(2) The Appointing authority shall accord sanction in Part II of **Form-L** and transmit the same to Accounts Officer not later than fifteen days from the date of its receipt in **Form M**. He shall retain one copy of the aforesaid **Form-L** for his office record. **(Form amended vide Finance Department Notification No.24142/F., dtd.04.09.2015)**

(3) If the payment is desired in another circle of accounting unit, **Form-L** shall be sent in duplicate to the Accounts Officer. **(Form amended vide Finance Department Notification No.24142/F., dtd.04.09.2015)**

(4) The appointing authority shall draw the attention of the Accounts Officer to the details of the following Government dues outstanding against the deceased Government servant, namely:-

(a) Government dues as ascertained and assessed in terms of rule 78 and recoverable out of the gratuity before payment is authorised.

(b) Amount of gratuity to be held over Partly for adjustment of Government dues which have not been assessed so far and partly as a margin for adjustment in the light of the final determination of the gratuity.

(c) The maximum amount of gratuity to be held over for the purpose of clause (b) shall be limited to ten per cent of the amount of gratuity or rupees one thousand, whichever is less.

76. Sanction, Drawal and Disbursement of Provisional Family Pension and Gratuity-

(1) There may be some cases where inspite of observing the procedures laid down in these rules it may not be possible for the Appointing Authority to forward the family pension papers to the Accounts Officer within the prescribed period or where the family pension papers have been forwarded to the Accounts Officer within the prescribed period but the Accounts Officer has either not issued the family pension payment order or may have returned the papers to the Appointing Authority soliciting further information before issue of payment order on family pension or gratuity and if the appointing authority in such a case is of the opinion that non-finalisation of family pension and gratuity will create financial hardship for the family of the deceased Government servant, he shall without delay, take steps to determine the qualifying years of service and emolument qualifying for family pension after the most careful summary investigation that may be made. For this purpose, the following procedure shall be adopted, namely:-

(a) The Appointing Authority shall issue a sanction letter in **Form-N** in favour of claimants or endorsing a copy thereof to the Accounts Officer indicating the amount of provisional family pension and hundred percent of the gratuity as determined; **(Form amended vide Finance Department Notification No.24142/F., dtd.04.09.2015)**

(b) He shall indicate in the sanction letter the amount recoverable out of the gratuity under sub rule (4) of rule 75.

(c) A copy of the sanction letter shall be transmitted to the concerned Head of Office who shall draw-

(i) the amount of the provisional family pension; and

(ii) the amount of hundred per cent of the gratuity after deducting therefrom the dues mentioned in clause (b), if any.

(2) The claim shall be preferred by the Head of Office separately for each beneficiary in **Form 37-B** of the Odisha Treasury Code.

(3) The payment of provisional family pension shall continue till the issue of final Family Pension Payment Order.

(4) The Head of Office shall inform the Accounts Officer as soon as provisional family pension and the gratuity have been paid to the claimant or claimants.

(5) If the claimant or any of the claimants desires the payment of provisional family pension or of gratuity or of both through money-order or bank draft, the same shall be remitted to him or her through money-order or bank draft at his/her own cost:

Provided that in the case of any family pension not exceeding the amount specified in Note 3 of subsidiary Rule 310 of the Odisha Treasury Code, Vol. I plus the amount of temporary increase on family pension that amount shall at the request of the claimant be remitted to him/her by money-order at Government expense.

77. Authorisation of final family pension and balance of the Gratuity by the Accounts Officer-

(1) On receipt of the documents referred to in sub-rule (2) of rule 75 the Accounts Officer shall, within a period of three **months** from the date of receipt of the documents make requisite checks and complete account encasement in Part II of **Form-L** and assess the amount of family pension and gratuity. (**Form amended vide Finance Department Notification No.24142/F., dtd.04.09.2015**)

(2) (a) If the family pension is payable in his circle of accounting unit, the Accounts officer shall prepare pension payment order.

(b) The payment of family pension shall be effective from the date following the date on which the payment of provisional family pension, if any paid, is ceased,

(c) Arrears of family pension, if any, in respect for the period of which provisional family pension was drawn and disbursed by the Head of Office shall also be authorised by the Accounts Officer.

(3) (a) The Accounts Officer shall determine the amount of the balance of the gratuity after adjusting the amount, if any, outstanding against the deceased Government Servant.

(b) The Accounts Officer shall intimate to the Treasury Officer, the amount of the balance of the gratuity determined under clause (a) for drawal and disbursement to the person or persons to whom the provisional gratuity has been paid.

(4) The fact of the issue of the pension payment order shall be promptly reported to the Head of Office by the Accounts Officer and the documents which are no longer required shall also be returned to him.

(5) If the final family pension including the arrears of provisional family pension is payable in another circle of accounting unit, the Accounts Officer shall send the pension payment order together with the copy of Form L duly completed to the Accounts Officer of that unit for arranging payment: **(Form amended vide Finance Department Notification No.24142/F., dtd.04.09.2015)**

Provided that the adjustment of provisional family pension drawn and disbursed by the Head of Office shall be made by the Accounts Officer in whose circle of accounting unit the provisional family pension was paid.

6. If the amount of provisional family pension as disbursed by the Head of Office is found to be in excess of the final family pension assessed by the Accounts Officer it shall be open to the Accounts Officer to direct disbursing officer to adjust the excess amount in instalments by short payments of family pension in future.

7. (a) If the amount of gratuity disbursed by the Head of Office found to be in excess than the amount finally assessed by the Accounts Officer the excess amount shall be adjusted by making short payment in suitable instalments.

(b) The appointing authority shall ensure that chances of disbursing the amount of gratuity in excess of the amount actually admissible are minimised and the official or officials responsible for the excess payment shall be accountable for the above payment.

78. Adjustment of Government dues-

The following shall be taken to be Government dues to be recovered from Gratuity, namely :-

(1) Dues pertaining to Government accommodation-

(i) If on the date of death the Government servant was in occupation of Government accommodation, the Head of Office on receipt of intimation regarding the death of the Government servant shall, within seven days of the receipt of such intimation, write to the authority in charge of Government accommodation for the issue of 'No Demand Certificate' so that authorisation of family pension and death gratuity is not delayed. **While** addressing the authority in charge of Government accommodation for the issue of "No Demand Certificate", the Head of Office shall also supply the following- information in duplicate (one copy forwarded marked to the Rent Section and the second to the Allotment Section) namely:

- (a) Name of the deceased Government servant with designation;
- (b) Particulars of the accommodation (quarters No. type and locality);
- (c) Date of death of Government servant;

- (d) Whether the Government servant was on leave at the time of his death and if so the period and nature of leave;
- (j) whether the Government servant was enjoying rent-free accommodation;
- (k) The period up to which licence fee had been recovered from the pay and allowances of deceased Government servant and the monthly rate of recovery and particulars of the pay bill under which last recovery was made.
 - (ii) If the licence fee had not been recovered up to the date of death and the family intends to retain Government accommodation for the permissible period of four months from the date of death of the Government servant the following additional details to be furnished, namely:
 - (A) period for which licence fee still remains to be recovered;
 - (B) the amount of licence fee in respect of the period specified in sub-clause (A) to be determined on the basis of standard rent bill;
 - (C) the amount of licence fee for retention of Government accommodation by the family of the deceased Government servant for concerned period of four months beyond the date of death of the Government servant to be determined on the basis of standard bill;
 - (D) the amount of licence fee mentioned at sub-clauses (B) and (C) proposed to be recovered from death gratuity;
 - (E) Details of any previous reference from the authority in charge of Government accommodation relating to recovery of licence fee.
 - (iii) The Head of Office shall recover from the death gratuity, the amount of licence fee, as intimated by the authority in charge of Government accommodation under clause (ii).
 - (iv) The recovery of licence fee for the occupation of Government accommodation beyond permissible period of four months shall be the responsibility of the authority in charge of Government accommodation.
 - (v) the authority in charge of Government accommodation shall scrutinize their records with a view to determine if any, licence fee other than the licence fee referred to in clause (ii) was outstanding against deceased Government Servant. If any outstanding amount is found, the amount and the periods to which such outstanding relates shall be communicated to the Head of Office within a period of three months of the receipt of intimation regarding the death of the Government servant under clause (i).
 - (vi) Pending receipt of information under clause (v) the Head of Office shall withhold ten per cent of the death gratuity. **(Substituted vide Finance Department Notification No.24142/F., dtd.04.09.2015)**
 - (vii) If no intimation is received by the Head of Office within the period prescribed under clause (v) regarding recovery of licence fee, it shall be presumed that nothing was recoverable

from the deceased Government servant and the amount of gratuity withheld shall be paid to the persons or person to whom the amount of death gratuity was paid.

(viii) If the Head of Office has received intimation from the authority in charge of Government accommodation under clause (v) regarding licence fee outstanding against the deceased Government servant, the Head of Office shall verify from the acquittance roll if the outstanding amount of licence fee was recovered from the pay and allowances of the deceased Government servant. If as a result of verification, it is found that the amount of licence fee shown as outstanding by the authority in charge of Government accommodation has already been recovered, the Head or Office shall draw the attention of the authority in charge of Government accommodation to the pay bills under which the necessary recovery of the licence fee was made and subject to the provisions of sub-rule (2) take steps to pay the amount of the gratuity withheld under clause (vi) to the person or persons to whom the death gratuity was paid.

(ix) If the outstanding amount of licence fee was not recovered from the pay and allowances of the deceased Government servant, the outstanding amount shall be adjusted against the amount of the gratuity withheld under clause (vi) and the balance, if any, repaid to the person or persons to whom the amount of death gratuity was paid.

(x) If no report about the quantum of arrear licence fee is received from the authority in-charge of Government accommodation within a period of 2 months from the date of retirement and 3 months from the date of death of concerned Government employee, it shall be deemed that no arrear licence fee is outstanding against the retired/deceased employee and in that event the amount of gratuity so withheld shall be released by Accountant General, Odisha on receipt of intimation from Head of Office or the Pension Sanctioning Authority where the latter is the Head of Office. **(Inserted vide Finance Department Notification No.24142/F., dtd.04.09.2015)**

(2) Dues other than those referred to in sub-rule (1)-

The Head of Office shall, within one month of the receipt of intimation regarding death of a Government servant take steps to ascertain if any dues as referred to in rule 68 excluding the dues pertaining to the allotment of Government accommodation were recoverable from the deceased Government servant. Such ascertainable dues shall be recovered from the amount of death gratuity becoming payable to the family, of the deceased Government servant.

(3) If the dues assessed as payable by the Government servant is more than the Gratuity amount, then the balance recoverable amount is to be realised from the Temporary Increase or Dearness Relief on pension/family pension. For effecting recovery from Temporary Increase or Dearness Relief, the Pension Sanctioning Authority/Accountant General shall, by order in writing, direct the Treasury Officer to adjust it by short payment of Temporary Increase or Dearness Relief and credit the recovered amount by transfer credit to the proper Head of Account of recovery, to be intimated by the Pension Sanctioning Authority. Whenever recovery from Temporary Increase or Dearness Relief is not feasible for whatever reasons the Pension Sanctioning Authority/Head of Office will take appropriate action under law for recovery of the dues. **(Inserted vide Finance Department Notification No.24142/F., dtd.04.09.2015)**

79. Payment of Family Pension and Death Gratuity when a Government servant dies while on deputation-

In the case of a Government servant who dies while on deputation to Central Government or to other Governments or while on foreign service to any authority/corporate body action to authorise the payments of family pension and death gratuity in accordance with the provisions of this chapter shall be taken by the Head of Office or the cadre authority which sanctioned the deputation of the deceased Government servant to the Central Government or to other State Governments or to the foreign service.

CHAPTER X

SANCTION OF FAMILY PENSION AND RESIDUARY GRATUITY IN RESPECT OF DECEASED PENSIONERS

80. Sanction of family pension and residuary gratuity on the death of a pensioner-

(1) Where the Appointing Authority has received an intimation regarding the death of a retired Government servant who was in receipt of pension, he shall ascertain whether any family pension or residuary gratuity or both are payable in respect of the deceased pensioner.

Provided that the Appointing Authority may, when he considers it necessary so to do consult the Accounts Officer.

(2) (A) (i) If the deceased pensioner is survived by a widow or widower who is eligible for receipt of family pension under rule 56 the amount of family pension as indicated in the pension payment order shall become payable to the widow or widower, as the case may be, from the day following the date of death of the pensioner.

(ii) On receipt of an application from the widow or widower, the Pension Disbursing Authority from whom the deceased pensioner was drawing his or her pension shall authorise the payment of family pension to the widow or widower, as the case may be.

(B) (i) Where the deceased pensioner is survived by child or children, the guardian of the child or children may submit a claim in **Form-K** to the Appointing Authority for the payment of family pension. (**Form amended vide Finance Department Notification No.24142/F., dtd.04.09.2015**)

Provided that the guardian shall not be required to submit a claim in the said Form on behalf of the son or unmarried daughter if he or she has attained the age of eighteen years and such a person may himself or herself submit a claim in the said Form.

(ii) On receipt of a claim from the guardian, the Appointing Authority shall sanction the family pension in **Form-R**.

(iii) Where the deceased pensioner is survived by unmarried / widowed / divorced daughters who have attained the age of eighteen years, such daughter may herself submit a claim in **Form-K** to the Head of Office. But, in the case of disabled widowed / disabled divorced daughter, the guardian of such daughter may submit a claim in **Form-K** to the Appointing Authority (**vide Finance Department Notification No.32745/F., dtd.23.07.2011**) and (**vide Finance Department Notification No.24142/F., dtd.04.09.2015**)

(C) (i) Where a widow or widower in receipt of family pension, remarries and has at the time remarriage, child or children from the former spouse who is or are eligible for family pension, the remarried individual shall be eligible to draw the family pension on behalf of such child or children if such individual continues to be the guardian of such child or children.

(ii) For the purposes of sub-clause (i) the remarried individual shall apply to the

Appointing Authority on plain paper furnishing the following particulars, namely:-

- (a) a declaration that the applicant continues to be the guardian of such child or children;
- (b) the date of remarriage;

(c) the name and date of birth of the child or children from the former spouse;

(d) the Pension Disbursing Authority from whom the payment of family pension on behalf of such child or children is desired;

(e) full postal address of the applicant.

(iii) If the remarried individual has, for reason, ceased to be the guardian of such child or children, the family pension, shall become payable to the person entitled to act as guardian of such child or children under the law for the time being in force and such person may submit a claim in **Form-K** to the Appointing Authority for the payment of family pension. **(Form amended vide Finance Department Notification No.24142/F., dtd.04.09.2015)**

Provided that the guardian shall not be required to submit a claim in the said Form on behalf of the son or unmarried daughter if he or she has attained the age of eighteen years and such person may himself or herself submit a claim in the said Form.

(iv) On receipt of the claim referred in sub-clause (iii) the appointing authority shall sanction family pension in **Form S**. **(Form amended vide Finance Department Notification No.24142/F., dtd.04.09.2015)**

(D) (i) Where a widow or widower in receipt of family pension dies and leaves behind child or children who is or are eligible for family pension, the guardian may submit a claim in Form-K to the appointing authority for the payment of family pension: **(Form amended vide Finance Department Notification No.24142/F., dtd.04.09.2015)**

Provided that the guardian shall not be required to submit a claim in the said Form on behalf of the son or unmarried daughter if he or she has attained the age of eighteen years and such a person may himself or herself submit claim in the said form

(ii) On receipt of a claim under sub-clause (i) the appointing authority shall sanction family pension in **Form-S**. **(Form amended vide Finance Department Notification No.24142/F., dtd.04.09.2015)**

(E) (i) Where the deceased Government Servant /pensioner is survived only by father/mother, father shall apply for family pension in OCS (Pension) **Form-K** to the Pension Sanctioning Authority for sanction of family pension. **(Amended vide Finance Department Notification No.45865/F., dtd.01.09.2001 and Form amended vide Finance Department Notification No.24142/F., dtd.04.09.2015)**

(ii) If no father is alive or on the death of father, the mother shall apply for family pension in OCS (Pension) **Form-K** to the Pension Sanctioning Authority for sanction of family pension. **(Amended vide Finance Department Notification No.45865/F.,**

dtd.01.09.2001 and Form amended vide Finance Department Notification No.24142/F., dtd.04.09.2015)

(iii) On receipt of the claim from the father/mother as that case may be, the Pension Sanctioning Authority shall accord sanction for payment of family pension in the OCS (Pension) **Form-L** and transmit the same in original to Accountant General (A&E), Odisha for issue of Authority. **(Amended vide Finance Department Notification No.45865/F., dtd.01.09.2001 and Form amended vide Finance Department Notification No.24142/F., dtd.04.09.2015)**

(3) Where on the death of a retired Government servant, a residuary gratuity becomes payable to the family of the deceased under sub-rule (3) of rule 49 the appointing authority shall sanction the payment on receipt of a claim or claims in **Form-T** from the person or persons eligible to receive the residuary gratuity. **(Form amended vide Finance Department Notification No.24142/F., dtd.04.09.2015)**

81. Authorisation of Payment by Accounts Officer-

On receipt of the sanction under rule 80 regarding the payment of family pension or of residuary gratuity or of both, the Accounts Officer shall authorise the payment of the same.

CHAPTER XI

PAYMENT OF PENSION

82. Date from which pension becomes payable-

(1) Except in the case of a Government servant to whom the provision of rules 43 and 44 apply and subject to the provisions of rules 7 and 66, a Pension other than family pension shall become payable from due date on which a Government servant ceases to be borne on the establishment.

(2) Pension including family pension shall be payable for the day on which its recipient dies.

83. Currency in which Pension is payable-

All pensions including gratuities admissible under these rules shall be payable in rupees in India only.

84. Manner of payment of Pension-

(1) A Pension fixed at monthly rates shall be payable monthly on or after the first day of the following month. **(substituted vide Finance Department Notification No.24142/F., dtd.04.09.2015)**

(2) Except as otherwise provided in these rules, a gratuity shall be paid in lump sum. **(substituted vide Finance Department Notification No.24142/F., dtd.04.09.2015)**

(3) Except as otherwise provided in these Rules Temporary Increase or Dearness Relief on pension as sanctioned by Government from time to time shall continue to be admissible to the pensioners drawing Service Pension, Family Pension, Extra-ordinary Family Pension and Disability Pension including provisional pension, provisional Family Pension and Special Family Pension sanctioned by Government in individual cases w.e.f. dtd.09.11.1994. **(Finance Department Notification No.24142/F., dtd.04.09.2015 and Finance Department O.M. No.-38242-Pen-72/93-F., dated 09.11.1994)**

(4) In case of the pensioner enjoying both the State and Central Pension, the percentage of Temporary Increase or Dearness Relief shall be calculated on the quantum of each pension separately and the sum totaling of such calculated amount shall be paid to him or her w.e.f. dtd. 16th March, 1992. **(Finance Department Notification No.24142/F., dtd.04.09.2015 and Finance Department O.M. No.- 38242-Pen-72/93-F., dated 09.11.1994)**

Provided that where a Government servant has been awarded disability pension in addition to the normal invalid pension, the quantum of Temporary Increase or Dearness Relief shall be determined on the sum totalling of both the pensions w.e.f. dtd. 09.11.1994.

(5) Where the pensioner becomes recipient of family pension in respect of his deceased wife or deceased husband either as a Government servant or as a pensioner, the Temporary Increase or Dearness Relief shall be determined and paid on the total amount of pension and

family pension. **(Finance Department Notification No.24142/F., dtd.04.09.2015 and Finance Department O.M. No.- 38242-Pen-72/93-F., dated 09.11.1994**

Provided that Temporary Increase or Dearness Relief shall be paid with reference to the amount of family pension sanctioned at the enhanced rate under Rule-56 (4) (a) of O.C.S. (Pension) Rules, 1992. On expiry of the period for which family pension was sanctioned at the enhanced rate, the Temporary Increase or Dearness Relief shall be recalculated with reference to the amount of family pension admissible on ordinary rate w.e.f. dtd. 09.11.1994.

85. Application of Treasury Rules-

Save as otherwise provided in these rules, Rules of the Odisha Treasury Code shall apply in respect of the following payments, namely :-

- (i) Gratuity;
- (ii) Pension;
- (iii) Pension undrawn for more than a year; and
- (iv) Pension in respect of deceased pensioner.

CHAPTER XII

RE-EMPLOYMENT OF PENSIONERS

86 (1) Save as otherwise provided, the rules in this chapter shall apply for fixation of pay of the pensioners who are re-employed in civil services and posts under the State Government or Local Authority, Industrial or Commercial Undertakings or Corporations owned or controlled by the State Government after retirement from Government service.

(2) These rules shall also apply to persons re-employed in regular work-charged establishments.

(3) Unless otherwise provided, these rules shall also apply to persons re-employed on contract basis.

(4) The rules in this chapter shall not apply to-

- (a) Persons re-employed after resignation, removal or dismissal, provided they have not received any retirement/terminal benefits for the pre-employment service;
- (b) Persons paid from contingencies;
- (c) Persons on casual or daily rated or part time employment;
- (d) Persons appointed as consultants on payment of consolidated fees; and
- (e) Retired Judges of Supreme Court/High Courts appointed on Commission / Committees.

87. Definition-

In this chapter, unless, the context otherwise requires:

(a) "Pension" means the gross monthly pension or Government's contribution to Contributory Provident Fund and/or other retirement benefits if any, payable under the Odisha Civil Services (Pension) Rules, 1992 or the relevant rules of the Government or body under which the re-employed pensioner was serving prior to his retirement, where pension has been commuted partly or fully, pension means the gross pension payable prior to commutation.

(b) "Pre-retirement Pay" means:

- (i) the pay which was taken into account for calculation of pension;
- (ii) in case of an officer who retires while on leave or on deputation, the pay that he would have drawn, in this parent cadre but for going on leave or on deputation, shall be taken as pre-retirement pay provided the competent authority certifies that he would have continued to officiate the post but for his proceeding on leave or on deputation.

88. Except in case of the Government servants in receipt of non-practicing allowance either before or after re-employment, the persons re-employed prior to the date of introduction of the revised scales of pay shall be entitled to the benefit of the revised scales of pay during the period of re-employment.

89. Fixation of pay of re-employed pensioners-

(a) Re-employed pensioners shall be allowed to draw pay only in the prescribed scales of pay attached to the posts in which they are re-employed. No protection of the scales of pay of the posts held by them prior to retirement shall be given.

(b) (i) In all cases where the pension is fully ignored, the initial pay on re-employment shall be fixed at the minimum of the scale of pay of the re-employed post.

(ii) In cases where the entire pension and pensionary benefits are not ignored for pay fixation, the initial pay on re-employment shall be fixed at the same stage as the last pay drawn before retirement. If there is no such stage in the re-employed post, the pay shall be fixed at the stage below that pay. If the maximum of the pay scale in which a pensioner is re-employed is less than the last pay drawn by him before retirement, his initial pay shall be fixed at the maximum of the scale of the re-employed post. Similarly, if the minimum of the scale of pay in which a pensioner is re-employed is more than last pay drawn by him before retirement his initial pay shall be fixed at the minimum of the scale of pay of the re-employed post. In all these cases, the non-ignorable part of the pension shall be reduced from the pay so fixed.

(c) (i) The re-employed pensioner, in addition to pay as fixed under sub-rule (b) above, shall be permitted to draw separately any pension sanctioned to him and to retain any other form of retirement benefits.

(ii) Temporary Increase or Dearness Relief of the re-employed pensioner (including a family pension holder) shall be suspended when he/she is employed/re-employed in the services/posts under the State/Central Government/Company or Local Fund Institutions or Industrial or Commercial Undertakings or Corporations/Boards of State as well as Central Government or under any other Aided Institutions or Nationalised Banks including Reserve Bank of India and State Bank of India or Universities or under any other Society including Co-operative Societies/Co-operative Banks. **(Inserted vide Finance Department Notification No.24142/F., dtd.04.09.2015)**

Provided that Temporary Increase or Dearness Relief on pension shall not be suspended if the pensioner is in receipt of consolidated amount in the form of pay, remuneration, honorarium or fixed allowance during the period of re-employment, provided the consolidated amount shall not include any element of dearness allowance and shall be kept at par with the pre-retirement pay of the pensioner w.e.f dtd.09.11.1994. **(Finance Department Notification No.24142/F., dtd.04.09.2015 and Finance Department O.M. No.- 38242-Pen-72/93-F., dated 09.11.1994)**

(d) In the case of persons retiring before attaining the age of 55 years and who are re-employed, pension/other forms of retirement benefits shall be ignored for initial pay fixation to the extent of ₹4000/- w.e.f 01.01.2006 or as shall be notified by the Government from time to time provided that. **(Substituted vide Finance Department Notification No.24142/F., dtd.04.09.2015)**

(i) in the case of officers drawing pension not exceeding Rs.4000/- p.m. the actual pension. **(Finance Department Notification No.24142/F., dtd.04.09.2015)**

(ii) In other cases - the first ₹4000/- of the pension. **(Finance Department Notification No.24142/F., dtd.04.09.2015)**

The pension for the purpose of this rule means gross pension (pension without deduction of commuted value).” **(Finance Department Notification No.24142/F., dtd.04.09.2015)**

NOTE-The fixation of pay on re-employment shall be made by the Administrative Department in consultation with the Finance Department.

90. Drawal of Increment

Once the initial pay of a re-employed pensioner has been fixed under rule 89, he may be allowed to draw normal increments in the time-scale 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 other forms of retirement benefits is made) provided that the pay and gross pension/other forms of retirement benefit taken together do not at any time exceed ₹76,000/- per month w.e.f. 01.01.2006. **(Amended vide Finance Department Notification No.24142/F., dtd.04.09.2015 and Finance Department O.M. No.- 50072/F., dated 13.10.2009)**

91. Persons retiring on invalid or compensation pension-

Pensioners who are re-employed after obtaining compensation or invalid pension will also get their pay fixed under rule 89 provided they retain their pension, in which cases their former service will not count for future pension. In case the pensioners elect to count their previous service for pension by foregoing their entire pension including retirement gratuity under rule 98, their pay shall be fixed by treating them as if they are not in receipt of any pension.

92. Promotion/Transfer-

In case of regular promotion/transfer of a re-employed pensioner to another post, pay of the re-employed, pensioner shall be fixed under the provisions of the Odisha Service Code with reference to the pay in the previous re-employment post (before adjustment). Adjustment from the pay so fixed, on account of pension/other forms of retirement benefits shall be continued to be made to the same extent as was being made earlier. This shall remain subject to the condition that the pay plus pension/other forms of retirement benefits shall not exceed ₹6,500/- per month at any time.

93. Provisional pay on re-employment-

(1) Where delay is likely to occur in determining the pension and other pensionary benefits, the re-employed pensioners, pending final fixation of pay, shall be paid their pay on provisional basis for a maximum period of six months after taking into account the maximum pension that would be admissible to them on the basis of last pay drawn by them. The concerned Administrative Department shall be responsible for ensuring that the provisional pay fixed is not likely to exceed the correct pay that may become admissible. An undertaking for refunding any amount that might be overpaid as a result of provisional fixation of pay shall be obtained from the re-employed pensioners.

(2) When the pension and other retirement benefits are ultimately sanctioned to the re-employed pensioner by the competent authority, the pay shall be fixed after taking into account the pension/other forms of retirement benefits in accordance with the provisions contained in rule 89 and he shall have no fresh claims for pensionary benefits in respect of the past periods during which he drew the same along with the provisional pay.

94. Allowances-

The drawal of various allowances and other benefits based on pay shall be regulated with reference to the pay that is fixed on re-employment. Pay for these allowances and benefits will be the pay fixed before deducting the non-ignorable part of the pension/other forms of retirement benefits.

95. Contributory Provident Fund-

Re-employed pensioner may be permitted to contribute to the contributory provident fund, provided that where the term of re-employment is initially for a year or less but is later extended so as to exceed one year, the Government's contribution with interest thereon shall be credited only after the completion of one year's re-employment service. The Government contribution with interest thereon shall be payable for the entire period for which the re-employed pensioner is allowed to contribute to the Contributory Provident Fund only if such period exceeds one year.

96. Leave and leave salary-

In case of persons re-employed after retirement, the provisions contained in the Odisha Leave Rules, 1966 as amended from time to time and orders issued thereon shall apply.

97. Service gratuity/death or retirement gratuity-

Re-employed pensioner shall not be eligible for any service gratuity / death or retirement gratuity for the period of re-employment except in the cases covered under rules 30 and 91.

98. 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 to a service or post to which these rules apply may exercise option either.
 - (a) to continue-to draw the pension or to retain the gratuity sanctioned for his earlier service, in which case his former service shall not count as qualifying service, or
 - (b) to cease to draw his pension and refund-
 - (i) the pension already drawn,
 - (ii) the value received for the commutation of a part of pension, and
 - (iii) the amount of retirement gratuity including service gratuity, if any, and count the previous service as qualifying service:

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

Explanation- In this sub-clause, the expression ‘which was taken into account’ means the account of pension including the other forms of retirement benefits 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.

(2) (a) The authority issuing the order of re-employment 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/retirement gratuity, if any, shall not be greater than the difference between the value of the pension and death / retirement gratuity, if any, that would be admissible at the time of Government servant’s final retirement if the two periods of service were combined and the value of the retirement benefits already granted to him for the previous service.

NOTE-The capital value of pension shall be calculated in accordance with the commutation table 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 installments not exceeding thirty six in number, the first installment beginning from the month following the month in which he has exercised the option.

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

(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 un-refunded gratuity shall be adjusted against the death gratuity which may become payable to his family.

99. Commercial employment after retirement-

(1) If a pensioner who, immediately before his retirement was a Gazetted Government servant wishes to accept any commercial employment under any organisation/institution, etc., other than Government before the expiry of two years from the date of his retirement, he shall obtain the previous sanction of the Government to such acceptance by submitting an application in **Form-U: (Form amended vide Finance Department Notification No.24142/F., dtd.04.09.2015)**

Provided that a Government servant who was permitted by Government to take up any commercial employment during his leave preparatory to retirement or during refused leave shall not be required to obtain subsequent permission for such employment after retirement.

(2) Subject to the provisions of sub-rule (3), the Government may, by order in writing, on the application made under sub-rule (1) by a pensioner, grant, subject to such conditions, if any, as it may deem necessary, permit or refuse, for reasons to be recorded in the order, accord permission to such pensioner to take up the commercial employment specified in the application.

(3) In granting or refusing permission under sub-rule (2) to a pensioner for taking up any commercial employment, the Government shall have regard to the following factors, namely :-

- (a) the nature of the employment proposed to be taken up and the antecedents of the employer
- (b) Whether his duties in the employment which he proposes to take up might be such as to bring him into conflict with Government;
- (c) Whether the pensioner while in service had any such dealing with the employer under whom he proposes to seek employment as it might afford a reasonable basis for the suspicion that such pensioner had shown favours to such employer;
- (d) Whether the duties of the commercial employment proposed involve liaison or contact work with Government Departments;
- (e) Whether his commercial duties will be such that his previous official position or knowledge or experience under Government could be used to give the proposed employer an unfair advantage:
- (f) the emoluments offered by the proposed employer; and
- (g) other relevant factor, if any.

4. Where within a period of sixty days of the date of receipt of an application under sub-rule (3) the Government does not refuse to grant the permission applied for or does not communicate the refusal to the applicant, it shall be deemed that Government to have granted the permission applied for:

Provided that in any cases where defective or insufficient information is furnished by the applicant and it becomes necessary for Government to seek further clarification and/or information from him, the period of sixty days shall be counted from the date on which the defects have been removed and/or complete information has been furnished by the applicant.

(5) Where Government grants the permission applied for subject to any conditions or refuses such permission, the applicant may, within thirty days of the receipt of the order of the Government to that effect, make a representation against any such condition or refusal and the Government may make such order thereon as it deems fit:

Provided that no order other than an order cancelling such condition or granting such permission without any conditions shall be made under this sub-rule without giving the pensioner making the representation an opportunity to show cause against the order proposed to be made,

(6) If any pensioner takes up any commercial 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 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 shall not be entitled to the whole or such part of the pension and for such period as may be specified in the order;

Provided that no such order shall be made without giving the pensioner concerned an opportunity of showing cause, against such declaration;

Provided further that in making any order under this sub-rule, the Government shall have regard to the following factors, namely:-

- (i) the financial circumstances of the pensioner concerned;
- (ii) the nature of, and the emoluments from the commercial employment taken up by the pensioner concerned; and
- (iii) other relevant factor, if any.

(7) Every order passed by the Government under this rule shall be communicated to the pensioner concerned.

(8) In this rule-

(A) the expression "Commercial Employment" means—

(i) an 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 partnership of such firm, but does not include employment under a body corporate, wholly or substantially owned or controlled by the State Government or any other State Government or the Central Government.

(ii) setting up practice, either independently or as a partner of a firm, as adviser or consultant in matters in respect of which the pensioner.

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

(b) has professional qualifications 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

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

Explanation-For the purpose of this clause, the expression "employment under a Co-operative Society" includes 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 Society.

(B) the expression "date of retirement", in relation to a Government servant re-employed after retirement without any break, either in the same or in another Gazetted post under the State Government or in any other equivalent post under the Government of India or any other State Government means the date on which such Government servant finally ceases to be so re-employed in Government service.

100. Employment after Retirement Under a Government outside India-

If a pensioner wishes to accept any employment under any Government outside India, he shall obtain the previous permission of the State Government for such acceptance and no pension shall be payable to a pensioner who accepts such an employment without proper permission in respect of any period for which he is so employed or for such longer period as the Government may direct:

Provided that a Government Servant who was permitted by the State Government to take up a particular form of employment under any Government outside India during his leave preparatory to retirement, shall not be required to obtain subsequent permission for his continuance in such employment after retirement.

Explanation-For the purposes of these rules, the expression "Employment under any Government outside India" includes employment under a local authority or corporation or any other institution or organisation which functions under the supervision or control of a foreign Government outside India, or an employment under an international organisation in which the Government of India is not a member.

CHAPTER XIII

EXTRAORDINARY PENSION

101. Applicability-

The rules in this chapter shall apply to all persons other than those to whom the Workmen's compensation Act, 1923 (VIII of 1923), applies whether their appointment is permanent or temporary, on the scale of pay or fixed pay or piece-work rates who are under the rule making control of the State Government, and

Who entered or enter service under the State Government on or after the 1st April 1936.

or

Who having entered such service before 1st April 1936, did not hold a lien or a suspended lien on permanent post on that date.

NOTE : No award shall be made under these rules in respect of a Civilian Officer who is deputed on foreign service under U. N. bodies on or after 1st January 1958 and who is allowed to join the U.N. Joint Staff Pension Fund as an 'Associate Member'.

102. Terms Defined for Extraordinary Pension-

For the purposes of these rules, unless there is anything repugnant in the subject or context,-

(a) "Accident" means-

- (i) a sudden and unavoidable mishap; or
- (ii) a mishap due to an act of devotion to duty in an emergency arising otherwise than by violence out of and in the course of service.

(b) "Date of Injury" means

- (i) in the case of accident or violence, the actual date on which the injury is caused or such date, not being later than the date of the report of the Medical Board, as the State Government may fix; and
- (ii) in the case of disease, the date on which the Medical Board reports or such earlier date as may be fixed by the State Government with due regard to the opinion of the Medical Board;

(c) "Injury" means

an injury as is mentioned in Schedule-I Permanent Total Disablement shall be deemed to result from every injury specified in Part-I of Schedule-I or from any combination of injuries specified in Part-II of that schedule where the aggregate percentage of loss of earning capacity (Percentage of disability) amounts to cent percent or more. Every injury specified in Part-II of Schedule-I shall be made to result in Permanent Partial Disablement;

(d) "Disease" means a disease as is mentioned in Schedule 1-A.

(e) "Emoluments" means the emoluments specified in rule 48:

Provided that in the case of a person remunerated by piece-work rates, emoluments means the earnings of the last six months with the date of his death or injury;

(f) "Violence" means-the act of person who inflicts an injury on a Government servant-

- (i) by assaulting or resisting him in the discharge of his duties, or in order to deter or prevent him from performing his duties, or
- (ii) because of anything done or attempted to be done by such Government servant or by any other public servant in the lawful discharge of his duty as such, or
- (iii) because of his official position.

103. Disablement due to Government service-

(1) (a) Disablement shall be accepted as due to Government service provided that it is certified that the wound, injury or disease which-

- (i) is attributable to Government service, or
- (ii) existed before or arose during Government service and has been and remains aggravated thereby.

(b) Death shall be accepted as due to Government service provided it is certified that it was due to or hastened by-

- (i) a wound, injury or disease which was attributable to Government service, or
- (ii) the aggravation by Government service of a wound, injury or disease which existed before or arose during Government service.

(2) There shall be a casual connection between-

- (a) disablement and Government service, and
- (b) death and Government service, for attributability or aggravation to be conceded

Explanation :-It will be seen from the Forms X,Y and Z that these forms of medical certificates have been so designed that they would indicate whether the entitlement criteria laid down in rule 103 have been satisfied or not and therefore, normally, no other separate certificates in that behalf may be necessary. It is essential for Government to be satisfied that the death / disability, in fact, attributable to or aggravated by the Government service which alone makes an Extraordinary Pension award admissible and for that purpose, it is essential for the authority to satisfy himself in that behalf and certify the nexus and casual connection between disablement and Government service or between death and Government service as the case may be , in any particular case, as laid down in rule 103 on the basis of the medical and other documents regarding the case. If a Government servant has died in such circumstances and that a medical report could not be secured, even then, the nexus and the casual connection between death and Government service has to be established before conceding acceptance of death due to Government service.

(3) Notwithstanding anything contained in these rules, the degree of default or contributory negligence on the part of a Government servant may be taken into consideration

in making an award under these rules in favour of such Government servant, but, shall not be taken into account where such award is made in favour of the family of such Government servant.

Power of Government to sanction Extraordinary pension-

104. No award shall be made under this chapter except with the sanction of the Government.

105. All awards shall be made in rupees in India unless the payee resides permanently, and desires payment to be made in a country in which the rupee is not legal tender. In the latter case the amount of the award shall be paid at the exchange rate.

106. Effect on any pension-

Except as otherwise provided in this chapter an award made under this chapter shall not affect any other pension or gratuity for which the Government servant concerned or his family may be eligible under any other rules for the time being in force, and the pension granted under this chapter shall not be taken into account in fixing the pay of pensioner in his continued employment or re-employment in Government service.

107. No award shall be made in respect of-

- (i) An injury sustained more than five years before the date of application, or
 - (ii) death which occurred more than seven years
- (a) after the injury due to violence or accident was sustained or
 - (b) after the Government servant was medically reported as unfit for duty on account of the disease of which he died.

108. Percentage of disability-

(1) The percentage of disability due to an injury or injuries shall be such as specified in **Schedule-I** or failing that, as certified by the Medical Authority.

(2) The percentage of disability due to a disease or diseases specified in **Schedule I-A**, shall be as certified by the Medical Authority.

109. Disability pension-

- (1) when disablement of a Government servant is conceded as due to Government service in terms of rule 103 he shall be awarded a disability pension in accordance with the percentage of disability suffered by him as certified by the Medical Authority concerned.
- (2) (a). Disability pension for 100% disability shall be allowed at the following rates if the Government servant is boarded out of Government service” on account of his disability :-

Basic pay per month	Rate of disability pension per month for 100% disability
(1)	(2)
(i) Not exceeding ₹1200/-	- 30 percent subject to a minimum of ₹300/-
(ii) Exceeding ₹1200/- but not exceeding ₹2400/-	- 20 percent subject to a minimum of ₹360/-
(iii) Exceeding ₹2400/-	- 15 percent subject to a minimum of ₹480 and a maximum of ₹715/-

In case of death of State Government employees having the pay scales as prescribed by Government of India, the maximum limit in the amount of disability pension shall be ₹1250/- per month.

(b) For lower percentage of disability the monthly disability pension shall be proportionately lower as at present provided that where permanent disability is not less than 60%, the total pension (i.e. pension or service gratuity admissible under the ordinary Pension Rules plus disability pension under extraordinary Pension Rules) shall not be less than 60% of basic Pay subject to a minimum of ₹600/- and maximum of ₹1430/-.

NOTE-The minimum and maximum given above are applicable only for arriving at the monthly disability pension for cent percent disability and are not applicable in respect of percentage of disability lower than 100%. For example, if the disability is only 80%, the disability pension shall be 80/100 of the pension specified in column (2), above of clause (a).

(c) If the employee held pensionable post and is invalided / boarded out of service as a result of disability attributable to service, after rendering ten years of service he shall be given, apart from the normal invalid pension, the amount of disability pension as is admissible under these Rules, subject to the condition that the sum total of the invalid pension plus the disability pension shall not be less than the widow's (family) pension under the rules in this chapter.

(d) If the employee eligible for disability pension under the rules in this chapter is invalided/boarded out from service before putting in ten years service, he does not get any invalid pension but gets only service gratuity. Apart from such gratuity, he shall be given such amount of disability pension as is admissible under the rules in this chapter subject to the condition that the sum total of the pension equivalent of such gratuity plus the disability pension as is admissible shall not be less than the widow's (family) pension under the rules in this chapter

(3) If the Government servant is retained in service in spite of such disablement, he shall be paid a compensation in lump sum (in lieu of the disability pension) on the basis of the disability pension admissible to him in accordance with the provisions of sub-rule (2), by arriving at the capitalized value of such disability pension with reference to the Commutation Table, in force from time to time.

110. Extraordinary Family Pension-

When death of a Government servant is conceded as due to Government service in terms of rule 103, his widow and children shall be awarded pensionary benefits at the following rates irrespective of the fact whether the deceased Government servant had completed 7 years of service or not, namely :-

	Basic pay of the Government servant on the date of death	Monthly Extraordinary Family Pension
(A) Where the deceased Government servant was not holding a pensionable post-		
(i) If the widow is childless ...	(i) Not exceeding ₹1200/-	30% subject to a minimum of ₹300/-
	(ii) Exceeding ₹1200/- but not exceeding ₹2400/-	20% subject to a minimum of ₹360/-
	(iii) Exceeding ₹2400/-	15% subject to a minimum of ₹480/- and a maximum of ₹715/-
(B) Where the deceased Government servant was holding a pensionable post :		
(i) If the widow is childless	(i) Not exceeding ₹1200/-	.. 50% of pay
	(ii) Exceeding ₹1200/- but not exceeding ₹2400/-	.. 40% of pay subject to a minimum of ₹600/-
	(iii) Exceeding ₹2400/-	.. 30% of pay subject to a minimum of ₹960/- and maximum of ₹1430/-
(ii) If the widow has child / children	In all cases	.. 60% of basic pay subject to a minimum of ₹600/- and maximum of ₹1430/-

NOTE :-If a Government servant dies leaving behind two or more widows, the pension admissible under the rules in this chapter, to the widow shall be divided equally among all the widows.

111. Grant of Extraordinary Family Pension when no Widow or Child exist-

(1) If the deceased Government servant has left neither a widow nor a child, an award may be made to his father and his mother individually, or jointly and in the absence of the father and the mother to minor brothers and sisters, individually or collectively, if they were largely dependent on the Government servant for support and are in pecuniary need:

Provided that the total amount of the awards shall not exceed one half of the pension that would have been admissible to the widow under rule 110.

(2) Any award made under sub-rule (1) will in the event of an improvement in the pecuniary circumstances of the pensioner, be subject to review in such manner as the Government may by order prescribe.

NOTE-If any of the widows, children, father, mother, minor brothers or sisters is denied any share in the property of the Government servant under a will or deed made by him, such person shall be ineligible to receive any award under sub-rule (1) and the benefit will pass on to the next person eligible.

112. Period of Tenability of Extraordinary Family Pension-

(1) A family pension will take effect from the day following the death of the Government servant or from such other date as the Government may decide.

(2) A family pension will ordinarily be payable-

(i) in the case of a widow or mother until death or re-marriage, whichever occurs earlier;

(ii) in the case of a son or brother, until he attains the age of twenty-five years or he starts earning of his livelihood whichever is earlier ;

(iii) in the case of an unmarried daughter or sister, until she attains the age of twenty-five years or until she gets married or until she starts earning her livelihood whichever is earliest;

(iv) in the case of a father for life.

NOTE-(1) The family pension of a widow will cease, on re-marriage ; but when such re-marriage is annulled by divorce, desertion or death of the second husband, her pension may be restored upon proof that she is in necessitous circumstances and otherwise deserving.

(2) Notwithstanding anything contained in clause (i) of sub-rule (2) of rule 112 a widow of an employee who re-marries her deceased husband's brother and continues to live a communal life with, or contribute to the support of the other dependants of the deceased shall not be disqualified for the grant of extraordinary pension, otherwise admissible to her under the rules of this chapter.

113. Procedure for Grant of Extraordinary Pension-

(1) All awards made under the rules in this chapter are subject to the procedure meant for sanction of ordinary pensions for the time being in force, subject to the condition that such procedural rules are not inconsistent with the rules in this chapter.

(2) When a claim for any disability pension or family pension arises, the Head of the Office or the Head of the Department in which the injured or the deceased Government servant was employed will forward the claim through the usual channel to the Government with the following documents :-

- (i) A full statement of circumstances in which the injury was received, the disease was contracted or the death occurred shall be recorded by the competent authority in Form – ‘Y’ and ‘Z’ (Added vide Finance Department Notification No-24142/F., dated 04.09.2015)
- (ii) The application for disability pension in **Form-V** or as the case may be, the application for family pension in **Form-W** ; (**Finance Department Notification No.24142/F., dtd.04.09.2015**)
- (iii) In case of an injured Government servant or one who has contracted a disease, a medical report to be made in **Form-X**.

(3) Where the Government are satisfied on the evidence placed before them by a Government servant in respect of whom a medical report for the purpose of grant of disability or other extraordinary pension has been received by them, or the possibility of an error of judgment in, the decision of the Medical Board which examined him, the Government may direct a second Medical Board consisting of members other than those who constituted the first Medical Board to examine the officer and submit a report to the Government in the matter and thereafter the pension shall be granted to the Officer in accordance with the decision of the second Medical Board.

CHAPTER XIV

MISCELLANEOUS

114. Power to Relax-

Where the Governor is satisfied that the operation of any of the provisions of these rules causes undue hardship in any particular case, he may, by order, for reasons to be recorded in writing, dispense with or relax the requirements of the said provision to such extent and subject to such conditions as he may consider necessary for dealing with the case in a just and equitable manner.

Provided that no such order of relaxation shall be made except with the prior consultation of the Finance Department.

115. Interpretation-

Where any doubt arises as to the interpretation of these rules, it shall be referred to the Government in the Finance Department for decision.

116. Repeal and Saving-

(1) On the commencement of these rules, the Orissa Pension Rules, 1977, and orders including Office Memorandum issued thereunder and in force immediately before such commencement shall cease to operate.

(2) Notwithstanding such cessation-

(a) (i) every nomination for the payment of death/retirement gratuity including every form regarding the details of family of a Government servant for the purpose of family pension, which a Government servant had made or given under the so repealed rules; and

(ii) executive instructions issued in the form of Office Memorandum or Resolutions indicating the general procedure meant for expeditious disposal of pension cases which are not inconsistent with these rules,

shall be deemed to have been made given or issued, (as) the case may be, under the corresponding provisions of these rules;

(b) any nomination for the payment of death / retirement gratuity any form regarding the details of family of a Government servant for the purpose of family pension or any formal application for the sanction of pension, required to be made or given by a Government servant under the old rules but not made or given before the commencement of these rules, shall be made or given after such commencement in accordance with the provisions of these rules;

(c) any case which pertains to the sanction of pension to a Government servant who had retired before the commencement of these rules and is pending before such commencement shall be disposed of in accordance with the provisions of the old rules as if these rules had not been made;

(d) any case which pertains to the sanction of death/retirement gratuity and family pension to the family of a deceased Government servant or of a deceased pensioner and is pending before the commencement of these rules shall be disposed of in accordance with the provisions of the old rules as if these rules had not been made;

(e) subject to the provisions of clauses (c) and (d) anything done or any action taken under the provisions of these rules so ceased shall be deemed to have been done or taken under the corresponding provisions of these rules.

117. Removal of Doubts-

If any doubt or difficulty arises in giving effect to the provisions of these rules, the State Government in the Finance Department may, as occasion may require, by order, do anything not inconsistent with the provisions of these rules, which appears to them necessary for the purpose of removing the doubts or difficulty.

Provided that no such order shall be issued under this rule after expiration of a period of five years from the date of commencement of these rules.

O.C.S (PENSION) FORM-A

(see Rule 57 (2))

(Information on list of employees due to retire in the succeeding calendar year)

List of Government servants employed in the Office/Department _____ who are due to retire by the end of 31st December of the succeeding calendar year.

Sl. No	Name of the Government Servant	Designation	Date of Birth (dd/mm/yyyy)	Date of super-annuation (dd/mm/yyyy)	GPF Account Number	Whether action for processing of pension paper initiated in advance as per Rule. (Yes/No)
(1)	(2)	(3)	(4)	(5)	(6)	(7)

(The List is to be sent by 31st of July each year by the Head of Office to the Accountant General, Odisha, Bhubaneswar, Appointing Authority/Administrative Department concerned/ Director of Treasuries & Inspection, Odisha, Bhubaneswar/ Estate Officer (if the Government Servant is allotted a Government Accommodation).

Signature of the Head of Office

O.C.S (PENSION) FORM-B
[See Note (3) below Sub-rule (2) of Rule 39]

(MEDICAL CERTIFICATE FORM FOR INVALID PENSION)

(1) Certified that I/We have carefully examined Shri/Smt. _____ Son/Daughter of Shri _____ working in the Office/Department _____. His/ Her Date of Birth as per the Service Book is _____. His/ Her age
(dd/mm/yyyy)

by appearance is about _____ years. I/We consider Shri/Smt. _____ to be completely and permanently incapacitated for further service of any kind in the Department/Office in which he/she is working as a consequence of _____ (State the cause or the disease), which is noticed after thorough examination.

(2) Certified that I am/We are of the opinion that Sri/Smt. _____ is fit for further service of a less laborious character than that is performed by him/her presently and may after resting for _____ months be fit for further service of less laborious character than that is being performed now.

Medical Authority with Seal and Signature

Place:-

Date:-

N.B.:- If the incapacity does not appear to be complete and permanent the certificate should be modified accordingly and certificate should be issued by striking out which one is not applicable.

O.C.S (PENSION) Form-C

(See Rule-53 (i) of OCS (Pension) Rules, 1992)
(See Rule-8 of OCS (Commutation of Pension) Rules-1992)

NOMINATION FOR PAYMENT OF ARREARS OF COMMUTATION VALUE / DEATH-CUM-RETIREMENT GRATUITY AND LIFE TIME ARREARS OF PENSION.

In the event of my death, I, ----- hereby nominate the person/persons mentioned below, who is/are members of my family/not a part of my family and confer on him/her/them the right to receive the arrears arising out of commutation value of pension and gratuity sanctioned but remaining unpaid, and also, life time arrears of pension or other arrears payable to me, the payment of which have been authorised by the State Government but remain unpaid and confer on him/her/them the right to receive the arrears to the extent specified below against each.

Original nominee(s)				Alternate nominee(s)	
Names and address of nominee/nominees.	Relation-ship with the Govt. Servant.	Date of Birth of the Nominee (dd/mm/yyyy)	Percentage of share of arrears.	Name, address, relationship and date of birth of the person or persons, if any, to whom the right conferred as the nominee, shall pass in the event of the nominee predeceasing the Govt. Servant or the nominee dying after the death of the Govt. servant but before receiving payment of share of arrears.	Percentage of share of arrears.
1	2	3	4	6	7

Note- *1.Any Retiring Government Servant desirous of assigning different nominees for different type of claims may fill in separate forms of nomination and submit it to pension sanctioning authority/Head of Office.*

2. All columns should be filled in so as to cover the whole amount of the arrears with reference to the percentage.

3. This nomination supersedes previous nomination if any furnished by me.

4. The Government servant shall draw lines across the blank space below the last entry to prevent the insertion of any name after he has signed.

5. Strike out which is not applicable.

Dated this.....day of month, 20.....at.....

Two witnesses to signature:

1.

2.

Signature of the Government Servant.

**Signature of the Head of Office
accepting the nomination**

O.C.S (PENSION) Form-D
[See Rule 56 (15)]

(Information on Details of Family)

1. Name of the Government Servant:-
2. Designation:-
3. Date of Birth as per Service Book:-
4. Date of Appointment :-
5. Details of the members of my family*as on _____
(dd/mm/yyyy)

Sl.No.	Name of the members of family*	Date of Birth(dd/mm/yyyy)	Relationship with the Government Servant	Remarks if any
1.				
2.				
3.				
4.				
5.				

I hereby undertake to keep the above particulars up-to-date by notifying to the Head of office any addition or alterations in the family.

Signature of the Government Servant

Place :-

Date:-

* Family for this purpose means family as defined in clause (b) of sub-rule (17) of Rule 56 of the Odisha Civil Services (Pension) Rules, 1992.

** Wife and Husband shall include respectively Judicially separated wife and husband.

O.C.S.(PENSION) FORM-E

PART-I (Reference Rule- 58(2) of OCS (Pension) Rules, 1992 and rule 5,6,11,12,13,14 and 15 of OCS (Commutation of Pension) Rules, 1992 (Application by the Retiring Government Servant for sanction of Pension, Gratuity and Commuted Value of Pension)		
1.	Name of the Government Servant (In Block Letters)	
2.	Father/Spouse Name	Father :-
		Husband/Wife :-
3.	Date of birth (by Christian Era) (In words as recorded in the Service Book)	
4.	Date of Joining in Government Service	
5.	Date of Retirement	
6.	Post last served and the name of the Office	
7.	Type of Pension applicable (Super-annuation / Invalid Pension/Compensation Pension/Pension on Voluntary Retirement/Pension on Compulsory Retirement)	
8.	Previous Pension / Family Pension received, if any, from other source / Military / Civil. Please indicate the details PPO / FPPO No.- Amount of Pension & date from which received.	
9.	Permanent Address:-	
10.	Address for Correspondence (where the Pensioner intends to reside after retirement) Phone no. Mobile no. E mail id	
11.	(A) Retiring Government Servants choice of the Banks where the pensionary benefits are to be credited.	Name of the Bank Branch..... A/c no..... IFSC Code..... MICR Code.....

	(B)Bank Account Details (when Operated Single / Jointly with the spouse by the Pensioner).	Name of the Bank Branch..... A/c no..... IFSC Code..... MICR Code..... BSR Code.....
12.	Permanent Account Number (PAN) if any (for Income Tax Purpose)	
13.	Percentage (%) of Pension sought to be commuted. (Maximum 40% of Pension)	
14.	Details of the family (Family for this purpose means family as defined in clause (b)(i)(iii) of sub-rule (17) of Rule 56 of the Orissa Civil Services (Pension) Rules, 1992.) Spouse/Son/Sons including adopted sons/Un-married Daughter/Daughters including adopted Daughters/Parents/Parents-in-laws in case of Women Government Employee). NOTE:- Wife and husband shall include respectively judicially separated wife and husband. Any other Information-	Spouse- DoB <u>Son/Sons / Daughter/Daughters</u> <u>DoB</u> <u>Marital Status</u> 1. 2. 3. <u>Parent /Parents in Law(in case of women Government Servants)</u> <u>DoB/Age</u>
15.	Whether Nomination furnished in Form-C. (Attach Form-C).	Nomination form is to be attached.
16.	Whether application for final withdrawal of GPF has been filed; (i) if yes give the date (ii) if no give the reasons.	(i) (ii)
17.	Personal Identification proof to be attached duly attested by Head of Office/Authorised Officer.	(a) Photograph (Single or Joint) to be enclosed. (b) Descriptive Rolls. (c) Specimen Signature/Thumb Impression.
18.	Information on Drawal of Long Term Advances during the Service Period (Give details with TV No.)	
	(A) House Building Advance	
	(B) Special House Building Advance	
	(C) Motor Car Advance	
	(D) Motor Cycle Advance.	
19.	Name of Treasury / Special Treasury/ Sub Treasury where the pensioner intends to draw his/her first pension.	

**Signature of the Retiring / Retired Government Servant
Designation before Retirement.**

DECLARATION OF THE RETIRING GOVERNMENT SERVANT (See Rule-70A).

I,, do hereby give my free and full consent that if any over payment made to me is detected while in service or after my retirement in respect of my General Provident Fund Account or on account of Gratuity, Pension and Temporary Increase on Pension etc., the same shall be recovered from my Temporary Increase on Pension or Gratuity payable to me or to my family at any time.

**Full Signature of the Retiring Govt.
Servant with address.**

PART-II

ACKNOWLEDGEMENT

Received from

Sri/Smt./Miss.....

(name and designation of the retiring Government Servant)

application in Form-E for sanction of Pension / Gratuity and Commutation Value of Pension with Medical Certificate / without Medical Certificate along with nomination in Form-C (strike out which is not applicable).

** (on receipt of the application by the Head of Office the Acknowledgement should be detached from the Form and to be handed over to the applicant as a proof of receipt of application).*

Place:

Date.....

Signature of Head of Office/Authorised Authority

O.C.S.(PENSION) FORM-F (To be Filled in by the Head of Office for sanction of Pensionary benefits) See Rule 58(1), 61, 62(1), 62(2)(i) & 64(1) and (2) PART-I		
1.	Verification of information details given by the retiring Government Servants in OCS (Pension) Form-E	Verified the information given in OCS (Pension) Form E.
2.	Name of the Government Servant (In BLOCK LETTERS)	
3.	Total Period of Gross Service	
4.	Total Period of Non-Qualifying Service	
	(i) Extra Ordinary Leave not Qualifying the Pension	
	(ii) Period of Suspension not treated as qualifying service.	
	(iii) Any other period of service not qualifying for pension	
5.	Total Period of Net Qualifying Service (Gross Period of Service – Period of Non-Qualifying Service)	
6.	Any other Service Rendered to be added to the Qualifying Service (to be specified by the PSA with reference to the Service Book Entry)	
7.	Total Period of Qualifying Service for determination of pension.	
8.	Scale of Pay with Grade Pay, if any, at the time of Retirement.	
9.	Emoluments last drawn (Pay, Grade Pay or Personal Pay, if any, drawn as defined in Rule-2(e)(a)(b) of the OCS Pension Rules, 1992 read with Rule-48.	
10.	Amount of Pension Payable per month.	
11.	Amount of Gratuity payable (Total Emoluments x No. of Half Yearly Qualifying Service) divided by 4, subjected to maximum limit.	
12.	Commutated Value of Pension (Subjected to maximum limit of 40% of Pension)	
13.	Reduced Pension Receivable after Commutation	
14.	Amount of Family Pension Payable	
	(i) Before attaining 65 years -	
	(ii) After attaining 65 years -	
15.	Outstanding Government dues for recovery. (a) Outstanding Advances :- i) House Building Advance /Special House Building Advance with Interest:- ii) Motor Car Advance with Interest:- iii) Motor Cycle Advance with Interest.	
	(b) Outstanding fees for Occupation of Government Quarter. Overpayment of pay and allowances including Leave Salary	

	(c) Any other assessed dues payable to Government (Please indicate details)	
16.	Total Outstanding Government Dues Recoverable.	
17.	Amount of Gratuity to be withheld for un-assessed dues	
18.	Net Gratuity Payable (Excluding recovery amount and the withheld amount)	
19.	Total amount of Pension to be Commuted (Subject to maximum of 40% of Pension)	
20.	Age on next Birth Day.	
21.	Total Amount of Commuted Value of Pension Payable in lieu of Commutation (Calculation to be made as per formula)	
22.	Details of sanction of Provisional Pension if any with date and amount .	
23.	Whether application for final withdrawal of GPF has been sent to A.G., Odisha; (i) if yes give the letter No. &date (ii) if no give reasons.	(i) (ii)
24.	Place of payment (Name of Treasury/Special Treasury/ Sub Treasury	

**Signature of the Head of Office
with DESIGNATION**

PART-II

(For use by Pension Sanctioning Authority)

Sanction is hereby accorded in favour of Shri/Smt./Kumari.....
(Name with designation)

in the Dept./Office for payment of pensionary benefits as admissible under rules.

1.

Pension	Commutation of Pension	Reduced Pension after Commutation	Total Commutation value of Pension	Total Retirement Gratuity	Family Pension in the event of death of the Pensioner.		Name of the eligible family pensioner
					Before 65 years	After 65 years	

2. Information on sanction of Provisional Pension/Gratuity and Commutation Value of Pension.

Provisional Pensionary Benefits Sanctioned	Provisional Pension	Provisional Commutation Value of Pension	Provisional Retirement Gratuity
Amount			
Sanction Order No.			
Date of Sanction			
Designation of the Sanctioning Authority			

The amount of outstanding Government dues and the amount to be withheld as suggested in Part-I of this form shall be taken into account before authorizing pensionary benefits to the Retired Government Servants by the Accountant General, Odisha.

Signature of the Pension Sanctioning Authority and Designation.

PART-III

(See Pension Rule-64) and Rule-14 of OCS (Commutation of Pension) Rules-1992	
(ACCOUNT ENFORCEMENT BY THE PRINCIPAL ACCOUNTANT-GENERAL, ODISHA)	
1. Name of Government Servant	:
2. Class of Pension	:
3. Gross Service Admitted	:
4. Admitted non-qualifying service	:
5. Admitted qualifying service	:
6. Addition to qualifying service	:
7. Admitted amount of pension/ service Gratuity	:
8. Admitted amount of retirement gratuity	:
9. Admitted amount of family pension	:
i) Before attaining 65 years	:
ii) After attaining 65 years	:
10. Amount of outstanding Government dues recovered from gratuity.	:
11. Amount withheld from gratuity pending assessment of Government dues.	:
12. Commuted value of Pension allowed to surrender	:
13. Net Pension Payable after Commutation.	:
14. Net Commuted Value of Pension Payable.:	:
15. Date of commencement of Pension.	:
16. Date of Commencement of Reduced Pension after Commutation:	:
17. Head of account to which pensionary benefits are debitable.	:

ACCOUNTS OFFICER

O.C.S.(PENSION) FORM-G
(See Rule-62(2))

(Forwarding of Pension Papers of the retiring Government Servant to the
Office of the A.G., Odisha)

GOVERNEMENT OF ODISHA

_____ Department

To

The Accountant General (A&E), Odisha
Bhubaneswar.

Sub:- Forwarding of Pension Papers.

Sir,

I am directed to forward herewith the pension papers of Sri/Smt./Kumari _____ and Designation _____ working in this Department/Office for necessary authorization for drawl of pension/commuted value of pension/Gratuity as per the suggestion given in O.C.S. (Pension) Form-F and outstanding Government dues are to be recovered from the retirement Gratuity and pending assessment of any other outstanding Government dues amount as suggested may be withheld till final decision in this regard.

The fact of authorization of pensionary benefits has to be intimated to this Office/Department.

Yours faithfully,

Signature of the Pension Sanctioning
Authority with Designation.

Details of Enclosures :-

1. OCS(Pension) Form-E.
2. OCS(Pension) Form-F.
3. Nomination Form in OCS (Pension) Form C.
4. Specimen Signature, Personal Identification Mark & three copies of Passport Size Joint /single Photograph of the retiring Government Servant duly attested by Pension Sanctioning Authority / Head of Office .
5. Original Service Book.
6. Original medical Certificate (in case of invalid pension).

Memo No. _____ Dt. _____

Copy forwarded to Sri/Smt./Kumari _____
At _____, P.O. _____, Dist _____, Pin _____
for information and necessary action.

**Signature of the Pension Sanctioning
Authority with Designation.**

Memo No. _____ Dt. _____

Copy forwarded to the Head of Office for information and necessary action
with reference to his office letter No. _____ Dated _____.

**Signature of the Pension Sanctioning
Authority with Designation.**

O.C.S.(PENSION) FORM-H

[See Rule 72(2)(b)&72(3)]

INFORMATION TO THE MEMBER/MEMBERS OF THE FAMILY OF THE DECEASED
GOVERNMENT SERVANT FOR GRANT OF FAMILY PENSION AND DEATH GRATUITY
(WHERE VALID NOMINATION EXISTS/WHERE VALID NOMINATION DOES NOT EXIST).

Name of Office / Department _____

Letter No. _____ Dt. _____

To

Subject –**Payment of Family Pension and Death Gratuity in respect of late
Shri/Smt.**_____ .

Sir/Madam,

(i) I am directed to state that in terms of the nomination made by Late Shri/Smt. _____ (designation) in the Office/Department of _____, death gratuity is payable to his/her nominee(s) a copy of the said nomination is enclosed herewith.

(ii) I am directed to state that no nomination has been made by Late Shri/Smt. _____ (designation) in the Office/Department of _____ / the nomination though made either does not subsist or found to be invalid. The death gratuity is payable to following family members in equal shares as per Rule-49 of the Odisha Civil Service Pension Rules, 1992 as per Legal heir successor CH.

- (a) Wife/Husband including judicially separated wife/husband.
- (b) Sons including step Sons and adopted sons.
- (c) Unmarried daughters including step daughters and adopted daughters.

(iii) (iii) In the event of there being no surviving member of the family as indicated above, the gratuity will be payable to the following members of the family in equal shares: as per Legal heir successor CH.

- (a) Widowed daughters including step daughters and adopted daughters.
- (b) Father including adoptive father in case of individuals whose personal law permits adoption.
- (c) Mother including adoptive mother in case of individuals whose personal law permits adoption.
- (d) Brothers below the age of eighteen years including step brothers and unmarried or widowed sisters including step sisters.
- (e) Married daughters and Children of a pre-deceased son.
- (f) Children born out of void wedlock.

(iv) Family Pension payable to widow/ widower/Children including disabled son/disabled daughter/disabled widowed/disabled divorced daughters/Un-married/widowed/divorced daughters/ Father/ Mother (strike out whichever is not applicable).

(v) It is requested that claim for the grant of gratuity may be submitted in the enclosed OCS (Pension) **Form J** and claim for family pension in OCS (Pension) **Form K** as soon as possible.

Yours faithfully,

Head of Office

N.B. :- Strikeout which is not applicable before sending the letter.

O.C.S. (PENSION) FORM-J

[See rule 72(2)]

APPLICATION FOR GRANT OF DEATH GRATUITY ON THE DEATH OF A GOVERNMENT SERVANT

(To be filled in by the nominee or separately by each claimant and in case the claimant is minor, the Form should be filled in by the guardian on his/her behalf, Where there are more than one minor, the guardian should claim gratuity in one Form on their behalf.)

1.	Name of the deceased Government Servant in respect of whom gratuity is claimed.					
2.	Date of death of Government Servant					
3.	Office / Department in which the deceased served last.					
4.	Names of the claimants with relationship with the deceased Government Servant	<i>Give details below</i>				
	Name of the Claimant/Nominee/ Name of the Guardian (in case the claimants are minors)	Date of Birth of Claimant/Nominee/ Date of Birth of Guardian (in case of minor) *	Relationship with deceased Government Servant	Name of the minor(s)	Relationship with the Guardian [(in case of minor(s))]	Full Postal Address for correspondence
	(1)	(2)	(3)	(4)	(5)	(6)
* The date of Birth furnished in the format above is to be supported by proof of the date of birth as recorded on the certificate (s) furnished by the School/College/Municipal/Local Panchayat Authorities/Register of Birth & Death.						
5.	Documents to be submitted by the Applicant:-					
(i)	Two Specimen Signature of the Claimant/Nominee/Guardian duly attested by Head of Office (Left Hand Thumb impression and finger impression if the applicant is not literate).					
(ii)	Two Passport Size Photographs duly attested by Head of Office.					
(iii)	Attested copy of Proof of Date of Birth issued by competent authority like Birth Certificate, Certificate issued by School / College / Municipal / Local Panchayat Authority.					

Contd....

6.	Name of the Treasury / Sub-treasury /Special Treasury at which payment is desired		
7.	Name of the Bank where Gratuity amount is to be credited.		Name of the Bank _____ Branch _____ A/c No. _____ IFSC Code _____ MICR Code _____

**Signature of the Claimant
or Thumb Impression (in case
Claimant is illiterate)**

Received the Application form for sanction of Gratuity from
Shri/Smt. _____ on dt. _____.

Signature of the Head of the Office
Where G.S. last served.

O.C.S. (PENSION) FORM-K

[See rule 72(3) and 80 (2)]

(Application for the grant of Family Pension on the death of a Government
Servant/pensioner)

1.	Name of the Deceased Government Servant/Pensioner.			
2.	Date of death of the Government. Servant/Pensioner (enclose attested copy of death certificate)			
3.	Name and Address of the Applicant for family pension.			
	(a)Widow / Widower/ Father/ Mother.			
	(b)Guardian, if the deceased person is survived by minor Child or Children including disabled son/disabled daughter/disabled widowed/disabled divorced daughters (enclose the attested copy of Legal Guardian Certificate issued by the Collector & D.M.			
	(c) Un-married/widowed/divorced daughters even after attaining the age of Twenty Five years.(enclose substantive documents)			
4.	Name and age of surviving widow/widower/ Father/Mother/Guardian and children of the deceased Government servant / pensioner.	<i>Give details below</i>		
(a)	Name	Relationship With the deceased person.	Date of birth by Christian era. *	Age on date of death of Government servant/pensioner
	(1)	(2)	(3)	(4)
* The date of Birth furnished in the format above is to be supported by proof of the date of birth as recorded on the certificate (s) furnished by the School/College/Municipal/Local Panchayat Authorities/Register of birth & death.				
5.	P.P.O. No. of the deceased pensioner			
6.	If the applicant is guardian/legal guardian i) <u> Date of birth of minor </u> ii) Relationship of minor with the deceased Government Servant / pensioner			
7.	Name of the Bank where pensionary benefits are to be credited.	Name of the Bank_____		
		Branch_____		
		A/c No._____		
		IFSC Code_____		
		MICR Code_____		

8.	Documents to be submitted	
(i)	Two specimen signatures of the applicant, duly attested by the Head of Office (To be furnished in two separate sheets).	
(ii)	Two copies of passport size photograph of the applicant, duly attested by Head of Office.	
(iii)	If Illiterate , Two slips each bearing left hand thumb and finger impression of the applicant, duly attested Head of Office.	
(iv)	Descriptive Roll of the applicant, duly attested by Gazetted Officer/Head of Office indicating (a) height and (b) personal identification marks, if any. (To be furnished in duplicate).	
(v)	Proof of Age :- Attested copy of proof of Date of Birth issued by competent authority like Birth Certificate, Certificate issued by School / College / Municipal / Local Panchayat Authority.	
9.	Name of Treasury or Sub-Treasury or Special Treasury at which payment is desired.	
10.	Whether pension/family pension is admissible/received from any other source (military or any other State Government or Central Government and / or a public sector undertaking / autonomous body/local fund under the State or Central Government. (If Yes give Details)	

Signature of the Applicant.

Received the Application form for sanction of family pension from Shri/Smt. _____
on dt. _____.

Signature of the Head of the
Office with seal.

O.C.S. (PENSION)FORM-L

[See rule 73(1) and 75, 77]

Form for assessing and sanctioning family pension / death gratuity in case of death while in service.

(To be sent in duplicate if payment is desired in a different unit of accounting circle)

PART – I

1.	Name of the deceased Government Servant	
2.	Father's name (and also husband's name in case of female Government Servant)	
3.	Date of birth (by Christian era) .	
4.	Date of death (by Christian era) .	
5.	Permanent address .	
6.	Name of the Establishment last served	
7.	Amount and nature of any pensionary benefits received for previous services if any (both Civil & Military) .	
	(i) Amount of pension.	
	(ii) Amount of retirement gratuity.	
	(iii) Amount of family pension.	
8.	Date of beginning of service.	
9.	Length of gross service (sl.4 – sl.8) .	
10.	Total Periods of non-qualifying service.	
	(i) Interruption in service condoned.	
	(ii) Extraordinary leave not qualifying for pension.	
	(iii) Period of suspension not treated as qualifying service.	
	(iv) Any other service not treated as qualifying service	
11.	Total qualifying service (sl.10 – sl.11)	
12.	Emoluments last drawn in terms of rule 48.	
13.	Proposed amount of family pension (Rs.)	
	(i) At enhanced rate (Rs.)	From To
	(ii) At ordinary rate (Rs.)	From
14.	Proposed amount of death gratuity (Rs.)	
15.	Outstanding Government dues for recovery from death gratuity.	
	(i) Licence fee for Government accommodation	
	(ii) Balance of House Building/Special Housing Building / Conveyance or other long term Advance.	
	(iii) Over payment of pay and allowances including leave salary with Head of Account.	
	(iv) Any other assessed dues recoverable and the nature thereof and head of account to which to be credited.	

16.	Amount to be held over from gratuity pending assessment of any other Government dues.																		
17.	Amount of provisional pensionary benefits sanctioned.(if any)																		
(i)	Amount of family pension.																		
(ii)	Amount of death gratuity.																		
(iii)	Amount of outstanding Government dues to be recovered from provisional gratuity.																		
18.	Person/Guardian to whom family pension is payable.																		
(i)	Name																		
(ii)	Relationship with the deceased Government Servant.																		
(iii)	Full postal address																		
19.	Persons to whom death gratuity is payable when valid nomination exists/does not subsists.																		
	<table border="1"> <thead> <tr> <th>Name (s)</th> <th>Relationship With the deceased</th> <th>Amount of share payable</th> <th>Full postal Address</th> </tr> </thead> <tbody> <tr> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td></td> <td></td> <td></td> <td></td> </tr> </tbody> </table>	Name (s)	Relationship With the deceased	Amount of share payable	Full postal Address														
Name (s)	Relationship With the deceased	Amount of share payable	Full postal Address																
20.	Name of Treasury/special Treasury/sub-treasury where payment is to be made.																		
21.	Name of the Bank where pensionary benefits are to be credited.	Name of the Bank _____ Branch _____ A/c No. _____ IFSC Code _____ MICR Code _____																	
22.	Head of account to which family pension/death gratuity are debitable .																		

**Signature with designation of
the Head of Office**

PART-II

(For use by Pension Sanctioning Authority)

Sanction is hereby accorded in favour of Shri/Smt./Kumari.....

for payment of following pensionary benefits as admissible under rules consequent on the death of
Shri/Smt./Kumari.....
(Name with Designation)

in the Department /Office_____.

1.A.

Family Pension		Name of the Family Pensioner
at the enhanced rate up to		
at the normal rate w.e.f.		

1.B.

Retirement Gratuity	Name (s) of the claimants	Percentage of share

2. Information on sanction of Provisional Pension/Gratuity.

Provisional Pensionary Benefits Sanctioned	Provisional Pension	Provisional Gratuity
Amount		
Sanction Order No.		
Date of Sanction		
Designation of the Sanctioning Authority		

The amount of outstanding Government dues to be recovered and the amount to be withheld as suggested in Part-I of this form shall be taken into account before authorizing pensionary benefits to the Pensioner by the Accountant General, Odisha.

Signature of the Pension Sanctioning Authority and designation.

PART-III

(ACCOUNT ENFORCEMENT BY THE PRINCIPAL ACCOUNTANT GENERAL, ODISHA)

1.	Name of deceased employee	
2.	Date of death	
3.	Gross service admitted	
4.	Admitted non-qualifying service.	
5.	Admitted qualifying service	
6.	Date of commencement of family pension	
7.	Admitted amount of family pension	
	(a) At enhanced rate	From To
	(b) At normal rate	From
8.	Admitted amount of death gratuity	
9.	Amount of outstanding Government dues recovered from gratuity.	
10.	Amount of provisional family pension/death gratuity to be adjusted.	
11.	Amount withheld from death gratuity pending assessment of Government dues.	
12.	Head of account to which pensionary benefits are to be debited.	

ACCOUNTS OFFICER

O.C.S.(PENSION) FORM-M

[See rule 75 (2)]

Form for forwarding the family pension/death gratuity papers of a deceased Government Servant/Pensioner to the Accountant General/ Controller of Accounts.

GOVERNMENT OF ODISHA

Letter No. _____ Dt. _____

Department / Office _____

To

The Accountant-General, Odisha/
The Controller of Accounts, Odisha,
Bhubaneswar.

Sub:- forwarding of family pension / death gratuity papers.

Sir,

I am directed to forward herewith the family pension / death gratuity papers of
Shri/Smt./Kumari _____
(Name with designation)

In the Department/Office _____ as per the details given
below for further necessary action.

LIST OF ENCLOSURES

1.	Application for family pension in O.C.S (Pension) Form K	
2.	Application (s) for death gratuity in O.C.S. (Pension) Form J [Application in OCS (Pension) Form J for each of the claimants separately 1 copy each to be furnished.	
3.	Form for assessing and sanctioning family Pension in OCS (Pension) Form L . (To be sent in duplicate where pension is desired in different circles of accounting unit).	
4.	Attested copy of the death certificate.	
5.	Attested copy of legal heir certificate where no valid nomination subsists.	
6.	Attested copy of nomination in OCS (Pension) Form C .	
7.	Guardianship certificate where payment of death gratuity exceeds Rs.50,000 (if the claim is by the guardian) or indemnity bond whichever is applicable.	
8.	Slip containing specimen signatures for each of the claimants duly attested(in duplicate)	
9.	Slip containing height, personal marks of identifications for each of the claimants duly attested. (in duplicate)	
10.	Passport size photograph of the applicant in	

	OCS (Pension) Form K(in duplicate)	
11.	Original /Duplicate Service Book.	

2. Following outstanding government dues are to be recovered from the death gratuity and to be adjusted:-

(i) Licence fee for Government Accommodation _____.

(ii) Balance of House Building / Special Housing Building / Conveyance and Other Advances _____.

(iii) Over payment of Pay and Allowance including Leave Salary _____.

(iv) Any other assessed Government Dues _____.

3. Pending assessment of any of the above outstanding Government dues, if any, necessary amount as required under rule 78(1)(vi) shall be withheld from death gratuity.

4. The payment of provisional family pension/death gratuity shall be adjusted from the final payment. Sanction of provisional family pension and gratuity order enclosed.

5. The fact of authorisation of Pensionary benefits is to be intimated to this Department / Office.

Yours faithfully,

Signature with designation of
Pension Sanctioning Authority

Memo No. _____ **Dt.** _____

Copy forwarded to Shri/Smt. _____ for information with reference to the application in Form-H and Form-J and Head of Office with reference to the letter No. _____ dt. _____ for information and necessary action.

**Signature and Designation of
Pension Sanctioning Authority**

O.C.S. (PENSION) FORM-N

[See rule 65 (4),76 (1) and 9 & 15 of
OCS Commutation of Pension Rules]

FORM FOR SANCTIONING PROVISIONAL PENSION, PROVISIONAL FAMILY PENSION,
PROVISIONAL COMMUTED VALUE OF PENSION AND PROVISIONAL GRATUITY

Space for
Photograph*

Sanction is hereby accorded for payment of provisional Pension, provisional Family Pension, Provisional Commuted Value of Pension and Provisional Gratuity as indicated below if favour of Shri/Smt. _____ pending issue of final P.P.O. and G.P.O. by the Accountant General, Odisha.

1.	Name of the Pensioner/Family Pensioner	
2.	Father's/Husband's name	
3.	Office / Department in which the Pensioner/deceased Govt. servant served last	
4.	Permanent Address	
5.	(a) Amount of Provisional Pension/Family Pension	
	(b) Date from which Provisional Pension/Family Pension is payable	
6.(a)	Amount of retirement/death gratuity	
(b)	Amount of gratuity to be deducted towards the outstanding Govt. dues as per details below :-	
	(i) Licence fee for Govt. accommodation	
	(ii) Balance of house building/Special House Building conveyance & other advance with interest, if any.	
	(iii) Over payment of pay & allowance Including leave salary	
	(iv) Any other assessed Government dues	
(c)	Amount of gratuity to be held over for Adjustment of un-assessed Government Dues.	
(d)	Amount of gratuity payable to the pensioner	
(e)	Amount of gratuity, if any payable to the members of family of the deceased Government servant as per details below :-	
	(i)	
	(ii)	
	(iii)	
(f)	Amount of Provisional Commuted Value of Pension.	
	(i) Amount of provisional pension commuted	
	(ii) commuted value of provisional pension	
	(iii) The amount of provisional pension payable for month after commutation.	

Signature and seal of the
Pension Sanctioning Authority

Memo No. _____ **Dt.** _____

Copy forwarded to _____ (Head of Offices)/Treasury/sub-Treasury/Special Treasury officer _____ / Accountant General, Odisha, Bhubaneswar/Beneficiary concerned Shri/Smt. _____, for information and necessary action.

Signature and seal of the Pension
Sanctioning Authority/ Head of Office

* Joint photograph in case of Provisional Pension and single photograph of the claimant for Provisional Family Pension.

** Score the items not necessary.

INDEMNITY BOND
O.C.S. (PENSION)FORM-P
[see rule 55 (3)]

Form of bond of Indemnity for payment of minor(s) share of death/retirement gratuity up to Rs.50,000 (rupees fifty thousand) to the person without production of guardianship certificate.

KNOW ALL MEN by these presents that we (a) _____
(b) _____ the widow/son/brother, etc. of (c) _____ deceased,
resident of _____ (hereinafter called "the Obligor") and
(d) _____ son/wife/daughter of _____ resident of
_____ and (e) _____ son/wife/daughter of
_____ resident of _____ the sureties for and on behalf of
the Obligor (hereinafter called "the Sureties") are held firmly bound to the Governor of
Odisha (hereinafter called "the Government" in the sum of Rs. _____
(Rupees _____ only) well and truly to be paid to the Government on
demand and without a demur for which payment we bind ourselves and our respective
heirs, executors, administrators, legal representatives, successors and assigns by these
presents.

Signed this _____ day of _____ Two thousand and
_____ and

WHEREAS (c) _____ at the time of his death in the employment of the
Government/Pensioner receiving salary at the rate of Rs. _____
(Rupees _____ only) per month / pension at the rate of
Rs. _____ per month from the Government.

AND WHEREAS the said (c) _____
died on the _____ day of _____ 20 _____ and there
was due to him at the time of his death the sum of Rs. _____ (Rupees _____
only) for and towards share of his minor son (s) /daughter (s) the death/retirement gratuity.

AND WHEREAS the "Obligor" claims to be entitled to the said sum as de facto
guardian of the minor son (s) /daughter (s) of the said (c) _____ but has not
obtained till the date of these presents the certificate of guardianship from any competent
Court of law in respect of the said minor (s).

AND WHEREAS the "Obligor" has satisfied (d) &(e) _____ that he/she
is entitled to the aforesaid sum and that it would cause undue delay and hardship if the
"Obligor" be required to produce the certificate of guardianship from the competent Court
of law before payment to him of the said sum of Rs. _____.

And WHEREAS the Government has no objection to the payment of the said sum of the "Obligor" but under Government Rules and Orders, it is necessary for the "Obligor" to first execute a bond with one surety/two sureties to indemnify the Government against all claims to the amount so due as aforesaid to the said (c) _____ before the said sum can be paid to the "Obligor".

AND WHEREAS the "Obligor" and at his/her request the surety/sureties have agreed to execute the bond in the terms and manner hereinafter contained.

NOW THE CONDITION OF THIS BOND is such that if after payment has been made to the "Obligor", the "Obligor" and/or the surety/sureties shall in the event of a claim being made by any other person against the Government with respect to the aforesaid sum of Rs. _____ refund to the Government the said sum of Rs. _____ and shall otherwise indemnify and keep the Government harmless and indemnified against and from all liabilities in respect of the aforesaid sum and all costs incurred in consequence of the claim thereto. Then the above written bond or obligation shall be void and of no effect but otherwise it shall remain in full force, effect and virtue.

AND THESE PRESENTS ALSO WITNESS that the liability of the sureties hereunder shall not be impaired or discharged by reason of time being granted by or any forbearance act or omission of the Government whether with or without the knowledge or consent of the surety/sureties in respect of or in relation to the obligations or conditions to be performed or discharged by the "Obligor" or by any other method or thing what so ever which under the law relating to the sureties, shall but for this provision have the effect of so relating the surety/sureties from such liability nor shall it be necessary for the Government to sue the "Obligor" before suing the surety/sureties or either of them for the amount due here under, and the Government agrees to bear the stamp duty, if any, chargeable on these presents.

IN WITNESS WHEREOF the "Obligor" and the surety/sureties hereto have set and subscribed the respective hands hereunto on the day, month and year above written,

Signed by the above named 'Obligor' in the presence of

1. _____

2. _____

Signed by the above named Surety/Sureties

1. _____

2. _____

Accepted for and on behalf of the Governor of Odisha by

Names and designations of the Officer directed or authorised, in pursuance of Article 229 (1) of the Constitution, to accept the bond for and on behalf of the Governor in the presence of

(Name and designation of witness)

NOTE I. (a) Full name of the claimant referred to as the 'Obligor'

(b) State relationship of the Obligor to the deceased.

(c) Name of the deceased Government Officer.

(d) Full name or names of the sureties with name or names of the father(s)/husband(s) and place of residence.

(e) Designation of the Officer responsible for payment.

NOTE II. The Obligor as well as the sureties should have attained majority so that the bond may have legal effect or force.

INDEMNITY BOND
O.C.S. (PENSION)FORM-Q
[see rule 56 (19)(ii)(b)& 56 (20)(B)(b)]

(Form of Indemnity Bond for payment of family pension/Death gratuity in case of disappearance of the Government Servant while in service/disappearance of Pensioner).

KNOW ALL MEN by these presents that we (a) _____ (b) _____ the wife/son/brother/nominee etc. of (c) _____ who was holding the post of _____ in the Department/Office of _____/who was in receipt of pension from _____ is reported to have been missing since _____ (hereinafter referred to as 'missing Government Servant /missing pensioner) resident of _____ (hereinafter called "the Obligor") and (d) Shri _____ son/wife/daughter of Shri _____ resident of _____ and (e) Shri _____ son/wife/daughter of _____ resident of _____ the sureties for and on behalf of the "Obligor (hereinafter called "the sureties") are held firmly bound to the Government of Odisha(hereinafter called "the Government") in the sum of Rs. _____ (in words) _____ equivalent of the amount on account of payment of salary, leave encashment, G.P.F., Pension, Retirement/Death Gratuity and each and every sum being the monthly family pension will and truly to be paid to the Government on demand and without a demur together with simple interest at the rate _____ per cent p.a. from the date of payment thereof until repayment for which payment we bind ourselves and our respective heirs, executors, administrators, legal representatives, successors and assigns by these presents.

Signed this _____ day of _____ TwoThousand _____.

AND WHEREAS (c) _____ was at the time of his disappearance is in the employment of the Government and receiving pay at the rate of Rs. _____ (in words) _____ only per month from the Government/is in receipt of pension at the rate of Rs. _____ (in words) _____ per month.

AND WHEREAS the said (c) _____ disappeared on the _____ day of _____ 20____ and there was dues payable to him at the time of his disappearance the sum equivalent of (i) Salary Due (ii) Leave Encashment (iii)G.P.F. (iv) Pension and (v) Retirement /Death Gratuity.

AND WHEREAS the Obligor is entitled to family pension of Rs. _____ (Rupees _____ only) plus admissible temporary increase thereon.

AND WHEREAS the Obligor has represented that he/she is entitled to the aforesaid sum and approached the Government for making payment thereof to avoid undue delay and hardship.

AND WHEREAS the Government has agreed to make payment of the said sum of Rs. _____ (in words) and monthly family pension @ Rs. _____ (in words) _____ only and temporary increase thereon to the Obligor upon the Obligor and the Sureties entering into a Bond for the above mentioned sum to indemnify the Government against all claims to the amount so due to the aforesaid missing Government servant/Pensioner.

AND WHEREAS the Obligor and at his/her request the Surety/Sureties have agreed to execute the bond in the terms and manner hereinafter contained.

NOW THE CONDITION OF THIS BOND is such that if after payment has been made to the Obligor, the Obligor and or the Surety/Sureties shall in the event of a claim being made, by any other person or the missing employee/pensioner on appearance, against the Government with respect to the aforesaid sum of Rs._____ (in words) _____ and the sum paid by the Government as monthly pension,temporary increase and other dues as aforesaid then refund is to be made to the Government for each and every sum paid along with simple interest @ _____ % per annum and shall, otherwise, indemnify and keep the Government harmless and indemnified against and from all liabilities in respect of the aforesaid sums and all costs incurred in consequence of the claim thereto. THEN the above written Bond or obligation shall be void and of no effect but otherwise it shall remain in full force, effect and virtue.

AND THESE PRESENTS ALSO WITNESS that the liability of the Surety/Sureties hereunder shall not be impaired or discharged by reason of time being granted by or any forbearance act or omission of the Government whether with or without the knowledge or consent of the surety/sureties in respect of or in relation to the obligations or conditions to be performed or discharged by the Obligor or by any other method or thing what so ever which under the law relating to sureties would but this provision shall have no effect of so releasing the Surety/Sureties from such liability nor shall it be necessary for the Government to sue the Obligor before suing the Surety/Sureties or either of them for the amount due hereunder, and the Government agrees to bear the stamp duty, If any, chargeable on these presents.

IN WITNESS WHEREOF the Obligor and the Surety/Sureties hereto have set and subscribed their respective hands hereunto on the day, month and year above written.

Signed by the above named 'Obligor' in the presence of

1. _____

2. _____

Signed by the above named 'Surety/Sureties'

1. _____

2. _____

Accepted for and on behalf of the Governor of Odisha _____
by (Name and Designation of the Officer directed or authorised, or in pursuance of Article 299(1) of the Constitution, to accept the Bond for and on behalf of the Governor) in the presence of _____

(Name and designation of witness)

Contd.....

Note I. (a) full name of the claimant referred to as the 'Obligor'.

(b) State relationship of the "Obligor" to the missing Government Servant/Pensioner.

(C) Name of the 'missing Government Servant'/Pensioner.

(d) Full name or names of the sureties with names or names of the father (s) / husband (s) and place of residence.

Note II. The Obligor as well as the sureties should have attained majority so that the bond may have legal effect or force.

Note III. The rate of simple interest will be as prescribed; by the Government from time to time.

Note IV. Strikeout the portion which is not applicable to the case either as a Government Servant or as Pensioner.

O.C.S. (PENSION)FORM-R

[see rule 80 (2)]

Form for Sanction of Family Pension to the child or children of a retired Government Servant who dies after retirement but does not leave behind a widow or widower.

GOVERNMENT OF ODISHA

Department of _____ Office of _____

Letter No. _____ Dt. _____

To

The Accountant General,
Odisha, Bhubaneswar.

Subject – Grant of Family Pension to the child/children/Guardian (in case of minor(s)).

Sir,

I am directed to say that Shri/Shrimati _____ formerly
(Designation) _____ working in this Department/Office was authorised
pension of Rs. _____ with effect from _____ on his/her
retirement from service.

2. Intimation has been received in this Department/Office that
Shri/Smt. _____ died on _____ and that at the time of
death left no widow/widower but was survived by the following children.

Sl.no.	Name (*)	Son/ Daughter	Date of birth in Christian Era	Name of the Guardian (In case on minor(s))
(1)				
(2)				
(3)				

3. In term of rules 56 of the Odisha Civil Services (Pension) rules, 1992 the amount of family pension has become payable to the children in the order mentioned above. The family pension will be payable on behalf of the minor to Shri/Smt. _____ who is the guardian.
4. Sanction for the grant of Family Pension of Rs. _____ per month to the children mentioned above is hereby accorded. The Family Pension will take effect from _____ and subject to the provision of sub-rule(5) of Rule 56 of the Odisha Civil Services (Pension) rules, 1992 will be tenable till _____ .
5. The family Pension is debitable to the Head _____ .
6. List of documents enclosed are :-
- (i) Permanent address of the Child/Children/Guardian .
 - (ii) Specimen signature or ** left hand thumb and finger impressions of the claimant or guardian duly attested by Head of Office/Gazetted Officer.
 - (iii) Two attested copies of passport size photograph of the Child/Children/Guardian.

(iv) Descriptive roll of the Child/Children/Guardian, duly attested.

7. Name of the Treasury where payment is to be made (Treasury/Sub-Treasury/Special Treasury):-

8. Name of the Bank where payment is to be made:-

Branch.....

A/c no.....

IFSC Code.....MICR Code.....

9. The receipt of this letter may kindly be acknowledged and this Department/Office be informed that instructions for the payment of family pension to the Child/Children/Guardian have been issued to the disbursing authority concerned.

Pension Sanctioning Authority

* The names of children should be mentioned in the order of eligibility mentioned in Rule 56 (7) (c) of the Orissa civil Services (Pension) Rules, 1992.

** To be furnished in the case of the guardian, who is not literate enough to sign his or her name.

O.C.S.(PENSION)FORM-S

[see rule 80 (2)]

Form for sanctioning Family Pension to the child or children on the death or re-marriage of a widow/widower who was in receipt of Family Pension.

GOVERNMENT OF ODISHA

Department of _____ Office of _____

Letter No. _____ Dt. _____

To

The Accountant General, Odisha, Bhubaneswar.

Subject – Grant of Family Pension to the child/children.

Sir,

I am directed to say that Shri/Smt. _____ widow/widower of late Shri/Smt. _____ was authorised previously for payment of Family Pension of Rs. _____ with effect from _____ through FPPO No. _____ issued by the Principal A.G. (A&E), Odisha _____. The family pension was tenable till the death or re-marriage of the widow/widower.

2. Intimation has been received in this Department/Office that Shri/Smt. _____ the Family Pension holder died/re-married on _____. At the time of death/re-marriage Shri/shrimati _____ had following children.

Sl. No.	Name (*)	Son/ Daughter	Date of birth in Christian era	Name of the Guardian (in case of Minor(s))
(1)				
(2)				
(3)				

3. In term of rules 56(7)(c) of the Odisha Civil Services (Pension) Rules, 1992 the amount of family pension has become payable to the children in the order mentioned above. The family pension will be payable on behalf of the minor to Shri/Shrimati _____ who is the guardian.
4. Sanction for the grant of Family Pension of Rs. _____ per month to the Child/Children, mentioned above is hereby accorded. The Family Pension will take effect from _____ and subject to the provision of sub-rule(5) of Rule 56 of the Odisha Civil Services (Pension) Rules, 1992 will be tenable till _____.
5. The family Pension is debitable to the Head _____.
6. List of documents enclosed are :-
1. Permanent address of the Child/Children/Guardian.
 2. Specimen signature or ** left hand thumb and finger impressions of the claimant or guardian duly attested by Head of Office/Gazetted Officer.
 3. Two attested copies of passport size photograph of the Child/Children/Guardian.
 4. Descriptive roll of the Child/Children/Guardian, duly attested.
 5. Death Certificate / Marriage Certificate attested copy.
 6. Legal Guardian CH in case of claimant is minor.

Contd.....

7. Name of the Treasury where payment is to be made (Treasury/Sub-Treasury/Special Treasury):-
8. Name of the Bank where payment is to be made:- _____
Branch.....
A/c no.....
IFSC Code..... MICR Code.....
9. The receipt of this letter may kindly be acknowledged and this Department/Office be informed that instructions for the payment of family pension to the Child/Children/Guardian have been issued to the disbursing authority concerned.

Yours faithfully,
Pension Sanctioning Authority

* The names of children should be mentioned in the order of eligibility mentioned in Rule 56 (7) (c) of the Orissa civil Services (Pension) Rules, 1992.

** To be furnished in the case of the guardian, who is not literate enough to sign his or her name.

O.C.S. (PENSION)FORM-T

[see rule 80 (3)]

Claim Application Form for grant of residuary * gratuity on the death of a Pensioner,
(to be filled in separately by each applicant)

1.	Name of the applicant	
2.	Date of birth of the applicant.	
3.	(i) Name of the guardian in case the applicant is minor.	
	(ii) Date of birth of guardian.	
4.	Full address of the applicant.	
5.	Name of the deceased pensioner.	
6.	Office/Department in which the deceased pensioner served last.	
7.	Date of death of the pensioner.	
8.	Date of retirement of the deceased pensioner.	
9.	Amount of monthly pension @ (including ad hoc increases, if any) sanctioned to the deceased pensioner.	
10.	Amount of retirement gratuity received by the deceased pensioner.	
11.	The amount of pension @ (including ad hoc increase, if any) drawn by the deceased till the date of death.	
12.	If the deceased had commuted a portion of pension before his death the commuted value of the pension.	
13.	Total of items, 10, 11 and 12.	
14.	Amount of death gratuity equal to 12 times of the emoluments.	
15.	The amount of residuary gratuity claimed i.e., (totals of item 14 – totals of item 13).	
16.	Relationship of the applicant with the deceased pensioner.	
17.	Name of the Treasury or sub-Treasury or Special Treasury at which payment is desired.	
18.	Signature or Thumb impression of the applicant (to be furnished in a separate sheet duly attested)**	
19.	Name of the Bank where payment is to be made:-	Branch..... A/c no..... IFSC Code..... MICR Code.....

Signature of the Applicant/Guardian (in case of minor(s))

* When a Government servant had retired before earning pension, the amount of service gratuity should be indicated.

** Attestation should be done by two Gazetted Government servants or by two or more persons of respectability in the own village or paragana in which the applicant resides.

O.C.S. (PENSION)FORM-U

[see rule 99 (1)]

Form of application for permission to Gazetted Government Servants of the State Government to accept Commercial Employment within a period of two years from the date of retirement.

1.	Name of the Officer (IN BLOCK Letter).	
2.	Date of retirement	
3.	Particulars of the Department/Office in which last served.	Name of Department/Office:- Post Hold :- Duration :-
4.	Post held at the time of retirement and period for which held.	From:- To :-
5.	Pay scales of the post and pay drawn by the Officer at the time retirement.	Scale of Pay:- Pay:-
6.	Pensionary benefits (Received/Receivable)	Pension :- Commutation Value of Pension:- Gratuity:-
7.	Details regarding commercial employment proposed to be taken up	
	(a) Name of the firm/company/co-operative etc.	
	(b) Products being manufactured by the firm/type of business carries out by the firm etc.	
	(c) Whether the Officer had during his official career' any dealings with the firm etc.	
	(d) Duration and nature of the Official dealings with the firm.	
	(e) Name of the job/post offered.	
	(f) Whether post was advertised, if not, how offer was made (attach newspaper cutting of the advertisement, and a copy of the offer of appointment, if any).	
	(g) Description of the duties of the job/post	
	(h) Remuneration offered for post/job (i) If proposing to set up a practice, indicate :- (a) Professional qualification/in the field of practice. (b) Nature of proposed practice.	
8.	Any information which the applicant desires to furnish in support of his request.	
9.	Declarations :-	I hereby declare that – (i) the employment which I propose to take up will not bring me in to conflict with Government. (ii) My commercial duties will not be such that my previous official position or knowledge or experience under Government could be used to give my proposed employer an unfair advantage; (iv) My commercial duties will not involve liaison or contact with the Government Departments.

Dated:

Signature of the applicant
Address:-

O.C.S. (PENSION)FORM-V

[see rule 113 (2) (ii)]

FORM OF APPLICATION FOR DISABILITY PENSION

1.	Name of the Applicant.	
2.	Father's Name	
3.	Full Residential Address	Village:- Post Office:- District:- State:-
4.	Present or last employment, including full particulars and address of the establishment.	
5.	Date of applicant's birth by Christian era (as per record in the Service Book).	
6.	Date of entry in to service (as per record in the Service Book).	
7.	Full particulars of service and length of service including interruption (both qualifying and none qualifying).	
8.	Percentage of Disability sustained due to Injury/Disease (as certified by the Medical authorities) and circumstances which resulted in that disability.	
9.	Date of injury/disease (as certified by the Medical Authorities).	
10.	Pay at the time of injury sustained, disease contacted.	
11.	Pension claimed.	
12.	Name of the Treasury/Sub-Treasury/Special Treasury where pension is to be paid.	
13.	Name of the Bank where payment is to be made:-	Branch..... A/c no..... IFSC Code..... MICR Code.....
14.	Personal Identification Marks	
15.	Height	
16.	Thumb and finger impression	Thumb :- Fore-finger :- Middle finger :- Ring-finger :- Little finger :-

Date of Application:-

Signature of the Applicant

Place:

Received the Application Form for sanction of Disability Pension from Shri/Smt. _____
on Dt. _____ .

Signature of Head of office/Authorised Officer

O.C.S. (PENSION)FORM-W

[see rule 113 (2) (ii)]

FORM OF APPLICATION FOR EXTRAORDINARY FAMILY PENSION.

Application for Extraordinary Pension for the family of Late Shri/Smt. _____
killed or dies of Injury/Disease claimed as being attributable to Government Service.

1.	Name of the deceased Government Servant.	
2.	Full Residential Address of the deceased Government Servant.	Village:- Post Office:- District:- State:-
3.	Particulars of post held at the time of death.	
4.	Name and Address of the Office/ Establishment where served.	
5.	Length of service (as per Service Book).	
6.	Pay at the time of death.	
7.	Date of birth (as recorded in the Service Book)	
8.	Age at the time of death (copy of death certificate to attached).	
9.	Nature of Injury/Disease causing death.	
10.	Name of the Claimant.	
11.	Claimant's nature of relationship with the deceased Government Servant.	
12.	Full Residential Address of the Claimant.	Village:- Post Office:- District:- State:-
13.	Date of Birth and Age (proof is to be attached).	
14.	Height.	
15.	Identification Marks.	
16.	Present Occupation of the claimant if any.	
17.	Amount of Pension claimed	
18.	Date from which benefit (s) claimed.	
19.	Name of the Treasury/Sub-Treasury/ Spl. Treasury where pension is to be paid.	
20.	Name of the Bank where payment is to be made:-	Branch..... A/c no..... IFSC Code..... MICR Code.....

Contd.....

21.	Name and ages of surviving Children/ Widow/widower/ Father/Mother of the deceased Government Servant.	Name	Relation	Date of birth by Christian era

Place
Date

Signature of the Claimant

Received the Application Form for sanction of Extra Ordinary Family Pension from Shri/Smt. _____ on Dt. _____ .

Place
Date

Signature of the Head of Office
Seal

Note 1 - Please strike out the word or words which are not applicable.

Note 2 - If the deceased has left no son, widow, daughter, father or mother surviving him, the word "none" or "dead" should be entered opposite to such relations.

Note-3 - The term 'child' indicates a posthumous child of the Government Servant and is covered by the term 'surviving kindred'.

O.C.S. (PENSION)FORM-X

[see rule 113 (2) (iii)]

(Form to be used by the Medical Board when reporting in Injuries/Diseases/Death)

Instructions to be observed by the Medical Board while preparing the report.

- (1) The Medical Board before recording their opinion should invariably consult the proceedings of the previous Medical Board, if any, as also previous medical/Hospital documents connected with the Government Servant brought before them for examination, or who has died.
- (2) If the injuries/diseases by more than one, they should be numbered separately, giving percentage of disability for each, with full details.
- (3) In answering the question in the prescribed Form the Medical Board will continue itself exclusively to the Medical aspect of the case, and will carefully discriminate between the Government Servant's/claimant's unsupported statements and the documentary evidence available.
- (4) The Medical Board will not express any opinion, either to the Government Servant examined (or any of his relatives or friends, etc.) or in their Reports, as to whether he or his family is entitled to compensation or as to the amount of it, nor will it inform the Government Servant or any other person connected with the Government Servant of about the nature of the Medical Report given by it.
- (5) The Medical Board shall give their Report herein below.
- (6) The report of the Medical Board, on each occasion, shall be supported by all the necessary and full medical and Hospital documents which shall be maintained and preserved for reference, from time to time, as may be necessary, until the same would no longer be required for reference.

PROCEEDINGS OF THE MEDICAL BOARD (CONFIDENTIAL)

Proceedings of the Medical Board assembled by the order of _____ for the purpose of examination and reporting on_____.

- (i) the present state of the Injury/Injuries/Disease/Diseases sustained/contacted by or,
- (ii) death of, Shri/Smt. _____ on the _____ (Please give date, month and year).
- (a) State briefly the circumstances under which, the Injury/Injuries/Disease/Diseases was/were sustained/contacted or death occurred and the date thereof.
- (b) What is the Government Servant's present condition.
- (c) Is the Government servant's :-
 - (i) Present condition, or
 - (ii) death wholly due to Injury/Injuries/Disease/diseases and reason as claimed ?

If so, please explain fully how ?

If not, please state to what other causes the same is/are attributable.

- (d) From which date it appears that the Government servant has been _____ incapacitated on that account :
- (e) Which is the date of injury/disease/death :

The opinion of the Board upon the question below as follows:-

PART A- FIRST EXAMINATION

1. The percentage of disability due to Injury/Injuries/Disease/Diseases is _____ % .

(Please give herein full details/justification about the nature of the Injury/Disease and for percentage of disability certified, supported by full/all medical and hospital documents with reference to Schedule-I and I-A.

2. For what period from the date of Injury/Injuries/Disease/Diseases .

(a) Has the Government Servant been unfit for duty ? _____ from to _____

(b) The Government Servant is likely to remain unfit for duty ? _____ From to _____

3. Other relevant information, if any.

Place:-

Date:-

Presiding Officer of the Medical Board

Member of the Medical Board

Member of the Board.

PART B – SECOND OR SUBSEQUENT EXAMINATIONS

1. If the original degree of disability of the Government Servant has changed, what is the percentage of disability now? (Please give here details of justification in support of your view along with all further medical and Hospital documents in full).

2. For what period from the date of Injury/Injuries/Disease/Diseases.

(a) Has the Government Servant been unfit for duty ? _____

(b) Is the Government Servant likely to remain unfit for duty ? _____

Place:-

Date:-

Presiding Medical Officer

of the Medical Board

Member of the Board.

Member of the Board.

Note:- Please score out the word/words not applicable.

O.C.S. (PENSION)FORM-Y

[Please See Rule 113]

REPORT ON ACCIDENTAL AND SELF-INFLICTED INJURIES

1. Declaration by the injured person I, _____ hereby declare that the injury (Number, rank, name and unit) sustained by me on _____ did/did not occur while I was in the performance of Government duty.

(Medical Officer before whom the declaration is made)

(Signature of the Injured Person)

Station _____ date _____

Station _____ date _____

2. Nature, location and severity of injury :-

Note- Hospital to be notified at once if would is believed to be self-inflicted

(Medical Officer)

3. Short statement of the circumstances of the cases (Signed statements of witness giving a, detailed account of the circumstances of the accident must be attached to this Form. Place or sketch of place of accident and how it occurred in case of lorry, motorcar or cycle accidents)

4. Opinion of the Commandant/Head of Office.

(a) (i) Was the individual in the course of performance of an official task or as task the failure to do which would constitute an offence triable under the disciplinary code applicable to him ? (Indicate the nature of the task, by whom it was ordered and when), or

(ii) Did the accident occur during the journey or transport by a reasonable route under organised arrangements from the individual's quarters to or back from an appointed place of duty? Cite and attach copies of standing instructions or other orders in support, if the journey or transport was officially organised, also a sketch showing the reasonable route from the individual's quarters to the place of duty_____.

Or

(iii) Was the individuals participating in recreation organised or permitted by service authorities? Indicate the nature of the recreation e.g. P.T. Exercise including games. In case of games and sports of parade hours, cite and attach copy of Official orders to indicate that it was organised or permitted by competent authority.

Or

(iv) Was the individual travelling either in a body or singly under organised arrangements? (Cite and attach copy of Official order to indicate that that the arrangements were organised by competent authority).

Or

(v) Was the individual proceeding to his leave station or returning to duty from his leave station? In either case, was the journey at public expense or was performed on concession voucher or at individual's own expense? (Give_____)

(1) the date of commencement and termination of the period of leave ;

(2) the name of the leave station ; and

Contd.....

(3) particulars of the direct route from the place of duty to or from the leave station.

(b) Was the accident due wholly/partially to :

(i) serious negligence _____ and/or

(ii) misconduct of the individual? (Indicate the nature of the serious negligence misconduct and the grounds on which the opinion is based).

(c) Was any one else to blame for the accident? (If so, indicate how and to what extent).

(d) Was the individual under the influence of intoxicating drink or drug at the material time?

(e) Has any Court of Enquiry been held or will be held? If so, indicate the date and the place of the enquiry, and attach the Enquiry Report (in original). **

Station _____

Date _____

Officer Commanding
Head of Office.

5. The injury/disability/death occurred in place/field/operational area and not attributable to Government service.

Station :-

Date:-

*** Head of State/Frontier D.G.

Head of Office

Head of Department.

FOR USE ON FIELD SERVICE ONLY (Items 6-8)

(to be completed in all field service cases where injuries are, or are suspected to be self-inflicted)

(a) Opinion of the Unit Commander-

(b) Disciplinary action taken, or proposed, whether against injured individual or another _____

(Commandant of Unit).

To

The Deputy I.G., State

7. Forwarded with reference to my casualty signal No. _____ Dated _____

Date:-

Commanding D.I.G., State

To

The I.G., Frontier, DECISION of I.G.,

8. The casualty should be reported as _____
Dated _____.

Date:-

General Officer

Commanding I.G., Frontier.

To

The D.G.,

Note:- If the I.G. decide that the casualty is to be reported as self-inflicted, he should indicate how far he concurs with the opinions expressed above.

* Strike out whichever is not applicable.

**In all cases of death, court of Enquiry must be held, so also in respect of disability exceeding 20% .

*** To be completed and signed by O.C. unit if injury is not severe and no court of inquiry is held.

O.C.S. (PENSION)FORM-Z

[Please See Rule 113]

FORM FOR REPORT ON CASES (OTHER THAN THOSE DUE TO INJURIES)
WHICH HAVE ENDED FATALLY OR ARE PROPOSED FOR INVALIDING

PART-A

(To be filled by the M. O.)

Station _____

Date _____

Name _____

Service No. _____

Designation _____

Unit _____

Service _____

Force _____

Other full service particulars and office address, etc. _____

Disability _____

Out-come of the case, i.e., died or to be invalided _____

Medical Officer

PART – B

(to be answered by the officer Commanding Unit)

Circumstances of the case :-

1. Was the individual in your opinion of average physique and stamina when he joined the Unit?
2. (a) Was the individual, as far as you are aware, in his normal health prior to the onset of the illness?
(b) If you are aware of any previous illness from which he suffered (which is not recorded in his medical history) state its nature and duration.....
3. Was the individual employed on sedentary duties/sheltered occupation? If so.
(a) had he to do P.T. and/or Parades ?
(b) was he doing it regularly prior to falling ill or had been exempted there from on account of ill-health, If so, from which date?
4. (a) (i) Mention any circumstances of exposure giving details thereof, and/or _____
(ii) State periods and conditions of service at any particular place, which you consider caused or aggravated the illness _____ .
(b) (i) Give the nature of duties he had to perform in Government service _____
(ii) Was he object to stress and strain by such duties? If so, was it of an exceptional nature? Give details _____ .
(c) Diseases endemic to certain areas or disease due to infection:
(i) If disability or death was due to infection, is there any evidence that the exposure was due to negligence or misconduct on his part?
(ii) Did he live in limit lines or was he permitted to live outside with his family?

Contd...

- (iii) How many out passes was he granted during the previous month and what was the date of the last out pass?
 - (iv) Was the disease endemic to the area he was serving in and during this period or immediately preceding it were there other cases of the same disease in the Unit? If so, give the number of such cases, details of movements of infected persons and state any other circumstances which might have been responsible for the disease.
 - (v) Give the date of last leave and places where the leave was spent, Did illness start during leave? If shortly after return from leave, state date on which the illness commenced
- (d) Veneral Diseases (Further information on the points) mentioned below:-
- (i) when was it contacted.
 - (ii) Period of treatment
 - (iii) Whether after treatment the man returned to full duty?
 - (iv) Whether after return to duty post hospital Surveillance and treatment was continued according to existing regulations
 - (v) After return to duty, was the man subjected to any stress of an exceptional nature? If so, mention the nature of exceptional stress....

5. Do you consider that the death or disability was attributable to or aggravated by service?

Date:-

**Officer Commanding
Head of the Office
Head of the Department**

PART – C

(To be completed by Medical Officer concerned in all death cases)

- (i) How many cases of this disease are treated during six months prior to admission of this individual?
- (ii) How many cases of this disease were received from this Unit? Give details of such patients in chronological order ?
- (iii) Was the infection endemic or was there any outbreak of it in the local garrison?
- (iv) Was there an outbreak of the disease in the neighbouring city or villages?
- (v) What is your view of the source of infection? In all cases state whether you consider the death was attributable to or aggravated by service and give the reasons on which you base your opinion

**Commanding Officer
Hospital**

1. Chief Medical Officer, Presiding Officer of the Medical Board.
2. Medical Officer, Member of the Medical Board.
3. Medical Officer, Member of the Medical Board.

SCHEDULE-I

[See Rule 102 (c)]

Sl. No.	Description of Injury	Percentage of loss of earning capacity
(1)	(2)	(3)

PART-I

List of Injuries deemed to result in Permanent Total Disablement

1.	Loss of both hand or amputation at higher sites	..	100
2.	Loss of hand and foot	..	100
3.	Double amputation through leg or thigh, or amputation through leg or thigh on one side and loss of other foot.	..	100
4.	Loss of sight to such an extent as to render the claimant unable to perform any work for which eye-sight is essential	..	100
5.	Very severe facial disfigurement	..	100
6.	Absolute deafness	..	100

PART-II

List of Injuries deemed to result in Permanent Partial Disablement

Amputation cases-Upper Limbs (either arm)

1.	Amputation through shoulder joint	..	90
2.	Amputation below shoulder with stump less than 8" from tip of acromion	..	80
3.	Amputation from 8" from tip of acromion to less than 4 ^{1/2} " below tip of olecranon.	..	70
4.	Loss of a hand or of the thumb and four fingers of one hand or amputation from 4 ^{1/2} " below tip of olecranon.	..	60
5.	Loss of thumb	..	30
6.	Loss of thumb and its metacarpal bone	..	40
7.	Loss of four fingers of one hand	..	50
8.	Loss of three fingers of one hand	..	30
9.	Loss of two fingers of one hand	..	20
10.	Loss of terminal phalanx of thumb	..	20

Amputation cases-Lower limbs

11.	Amputation of both feet resulting in end-bearing stump	..	90
12.	Amputation through both feet proximal to the metatarso-phalangeal joint	..	80
13.	Loss of all toes of both feet through the metatarso-phalangeal joint	..	40
14.	Loss of all toes of both feet proximal to the proximal inter-phalangeal joint	..	30
15.	Loss of all toes of both feet distal to the proximal inter-phalangeal joint	..	20
16.	Amputation at hip	..	90
17.	Amputation below hip with stump not exceeding 5" in length measured from tip of great trochanter.	..	80
18.	Amputation below with stump exceeding 5" in length measured from tip of great trochanter but not beyond middle thigh.	..	70
19.	Amputation below middle thigh to 3 ^{1/2} " below knee.	..	60
20.	Amputation below knee with stump exceeding 3 ^{1/2} " but not exceeding 5"	..	50

21.	Amputation below knee with stump exceeding 5"	..	40
22.	Amputation of one foot resulting in end-bearing	..	30
23.	Amputation through one foot proximal to the metatarso-phalangeal joint	..	30
24.	Loss of all toes of one foot through the metatarso-phalangeal joint	..	20
25.	Loss of one eye, without complications, the other being normal	..	40
26.	Loss of vision of one eye, without complication or disfigurement of eye ball, the other being normal.	..	30

(A) FINGERS OF RIGHT OR LEFT HAND

Index finger

27	Whole	..	14
28	Two Phalanges	..	11
29	One phalanx	..	9
30	Guillotine amputation of tip without loss of bone	..	5

Middle finger

31	Whole	..	12
32	Two Phalanges	..	9
33	One phalanx	..	7
34	Guillotine amputation of tip without loss of bone	..	4

Ring or little finger

35.	Whole	..	7
36.	Two Phalanges	..	6
37.	One phalanx	..	5
38.	Guillotine amputation of tip without loss of bone	..	2

(B) TOES OF RIGHT OR LEFT FOOT

Great toe

39.	Through metatarso-phalangeal joint	..	14
40.	Part, with some loss of bone.	..	3

Any other toe

41.	Through metatarso-phalangeal joint	..	3
42.	Part, with some loss of bone	..	1

Two toes of one foot excluding great toe

43.	Through metatarso-phalangeal joint	..	5
44.	Part, with some loss of bone	..	2

Three toes of one foot excluding great toe

45.	Through metatarso-phalangeal joint	..	6
46.	Part, with some loss of bone	..	3

Four toes of one foot excluding great toe

47.	Through metatarso-phalangeal joint	..	9
48.	Part, with some loss of bone	..	3

SCHEDULE –I-A

[See Rule 102 (d)]

I. List and Classification of Diseases which can be contracted by Service

(A) Disease affected by climatic conditions

- (i) Pulmonary Tuberculosis
- (ii) Pulmonary Oedema
- (iii) Pulmonary Tuberculosis with pleural effusion
- (iv) Tuberculosis-Non-pulmonary
- (v) Bronchitis
- (vi) Pleurisy, empyema, lung abscess and bronchiectasis
- (vii) Lobar pneumonia
- (viii) Nephritis (acute and chronic)
- (ix) Otitis Media
- (x) Rheumatism-Acute
- (xi) Rheumatism-Chronic
- (xii) Arthritis
- (xiii) Myalgia
- (xiv) Lumbago
- (xv) Frost-bite leading to amputation of limb/limbs.
- (xvi) Heat Stroke

(B) Diseases affected by stress and strain

- (i) psychosis and Psychoneurosis
- (ii) Hyperpiesia
- (iii) Hypertension (B.P.)
- (iv) Pulmonary Tuberculosis
- (v) Pulmonary Tuberculosis with pleural effusion
- (vi) Tuberculosis-Non-Pulmonary
- (vii) Mitral stenosis
- (viii) Pericarditis and adherent pericardium
- (ix) Endo-carditis
- (x) Sub-acute bacterial endo-carditis, including infective endo-carditis
- (xi) Nyocarditis- Acute or chronic
- (xii) Valvular disease

(C) Diseases affected by dietary compulsions

- (i) Infective hepatitis (Jaundice)
- (ii) Diseases of stomach and duodenum
- (iii) worm infestations particularly Guinea worm and round worm infectious
- (iv) Gastritis
- (v) Food poisoning, specially due to tinned food

- (vi) Gastric ulcer
- (vii) Duodenal ulcer
- (viii) Nutritional Disorders.

(D) Disease affected by training, marching, etc.

- (i) Tetanus, erysipelas, septicaemia and anaemia, resulting from injuries
- (ii) Varicose veins
- (iii) Amyloses and acquired deformities resulting for injuries
- (iv) Hernia
- (v) Post-traumatic epilepsy and other mental changes resulting from skull injury
- (vi) Internal derangement of knee joint
- (vii) Burns sustained through petrol fire, kerosene, oil, etc., leading to scars and various deformities and disabilities.
- (viii) Deformities of feet

(E) Environmental Diseases

- (i) Disease contracted in the course of official duty of attending to a venereal or septicaemia patient or conducting a post-mortem examination.
- (ii) Diseases contracted on account of handling poisonous chemicals and radiation equipment

II Diseases and normally affected by service

- (i) Malignant disease: Cancer and Carcinoma
- (ii) Sarcoma (except in cases of sarcoma of bone with a history of injury, due to service, on the site of development of the growth)
- (iii) Epithelioma
- (iv) Rodent ulcer
- (v) Lymphosarcoma
- (vi) Lymphadenoma (Hodgkin's disease)
- (vii) Leukaemia
- (viii) Pernicious anaemia (Addison's anaemia)
- (ix) Ostitis deformans (Paget's disease)
- (x) Gout
- (xi) Acromegaly
- (xii) Cirrhosis of the liver-if alcoholic

EYES

- (xiii) Errors of refraction
- (xiv) Hypermetropia
- (xv) Myopia
- (xvi) Astigmatism
- (xvii) Presbyopia Glaucoma-Acute for chronic, unless there is a history of injury due to service on disease of the eye due to service.

INDEX

SUBJECT	(A)	RULES
<i>Addition to service</i>		
Exceptional circumstances		.. 32
Retirement and 20 years qualifying service		.. 42
Retirement on 30 years service or 50 years of age		.. 41
<i>Adjustment of dues</i>		
Provisional pension from		.. 65 (4)(b), 76(1) (c)
Intimation of dues		.. 83 (2). 75 (d)
Dues of Co-operative Societies		.. Expl. to 70
Other than Government Accommodation		.. 70,78 (2)
Pertaining to Government		.. 69,78
Accommodation		
<i>Appeal</i>		
Against orders of withholding and withdrawing pension		.. 6 (6)
orders to be passed by Governor		.. 6 (6)
<i>Application for Pension</i>		
Form for		.. 58, 72 (3) (a)
To be obtained one year prior to the date of		.. 58 (2)
retirement		
	(C)	
<i>Child</i>		
Definition		.. 2 (1) (b)
<i>Commercial appointment</i>		
Appointment		.. 99 (8)
Competent Authority		.. 99 (3)
Decision to be communicated		.. 99 (2)
Declaration to be furnished		.. 99 (6)
Permission		.. 99 (d), 99 (6)
Form of application		.. 99 (1)
<i>Compassionate Allowance</i>		
In case of dismissal		.. 46
Principle for grant of		.. 46
<i>Compulsory retirement</i>		
Minimum pension		.. 45
Pension for		.. 45
Principles for reduction		.. 45

(D)

Date of death

Treated as working day ..

Date of retirement ..

Last day of month in case of superannuation .. 40 (4)

Death / Retirement gratuity

Authorisation by A.G.	..	77(3) (b),64 (1)
Beneficiaries to	..	50
Debarring a person from	..	51
When service records are incomplete	..	74 (b)
In case of death after retirement but before receiving	..	50 (2)
Family for purpose of	..	49 (6)
When no family Nomination	..	52
Maximum limit	..	49 (2) (iv)
Maximum emoluments for purpose of	..	49 (2)
Payable in lump	..	84 (ii)
Person to whom payable where nomination subsists	..	55 (2)
Payment to guardian on behalf of minor	..	55
Payment without guardianship certificate	..	55 (1)
Quantum payable	..	49 (1) (2)
Recovery of Government dues	..	78
Share of nominee after death	..	50
Share of illegitimate child	..	55 (2) (b)

Departmental / Judicial Proceedings

Institution on retirement or during re-employment	..	7 (2)
Institution while in service and continued on retirement	..	7 (1)
Institution not permissible after retirement of	..	7 (2) (c)
Deemed to be instituted	..	Excl. to 7

(E)

Emoluments

Definition	..	2 (1) (c)
For gratuity	..	49 (4)
For family pension	..	56 (17) (c)
For pension	..	48
On stagnation increment	..	Excl. to 48
On absent from duty or suspension	..	Note 1 to 48
On foreign service	..	Note 5 to 48
On undrawn increment during earned leave	..	Note 4 to 48
Extraordinary leave or suspension	..	Note 3 to 48
Higher appointment during leave	..	Note 2 to 48

Extraordinary leave

Counts as qualifying service .. 23

Extraordinary Pension

Appeal against the findings of Medical Board	..	113 (3)
On disablement or death in Government service	..	103 (1) (b)
Disability pension	..	109
Pensionary benefits to widow and children	..	110
Award only in case covered under both pension rules	..	113 (2)
Family pension on re-marriage of widow	..	Note 2 to 112
How long family pension is tenable	..	112
Lump sum payment of capitalized value of injury pension in case of re-employment	..	109 (3)
Members denied share in property of Government servant ineligible to receive payment..	..	Note to 111
Payment to other members of family if no widow or child	..	111
Payment to widow in equal share	..	Note to 110
Percentage of disability pension on account of cent percent disability	..	109 (2) (a)
Pension not countable on re-employment	..	106
Quantum of disability pension	..	109
Sanction of award	..	104
When death accepted as due to Government service	..	103
When family pension takes effect	..	112 (1)

(F)

Family

Details of	..	56 (15)
For death / retirement gratuity	..	49 (6)
For family pension	..	56 (17) (b)

Family Pension

Age-limit of son and unmarried daughter	..	56 (5)
Admissibility of	..	56 (1)
Authorisation by A.G.	..	77
Condition and rates	..	56 (2)
Determination of –When service records are not complete	..	74 (a)
In case both father and mother are Government servants	..	56 (10)
In case of posthumous child	..	Note to 56 (17) (c)
In case of twin child	..	56 (6) (d)
In case of judicial separation granted on ground of adultery	..	56 (11)
Not applicable	..	56 (8)
Obtaining claim	..	72
Payment of / at enhanced rate	..	56 (4)
Payment to eligible children in succession	..	56 (8)
Payment to judicially separated wife / husband with no child	..	56 (11)
Payment to children in case of judicially separated wife / husband	..	56 (12)
Payment for life time in case of disabled children	..	Prov. To 56 (5)
Payment to minor	..	56 (9)
Payment to more than one widow	..	56 (6)
Period for which payable	..	56 (5)
Procedure for sanction / drawal of provisional	..	76
Regulated by provision of rules in force at the time of death	..	5
Rounding off to higher rupee	..	56 (3)
Entitlement of second wife under Hindu Marriage Act	..	Note to 56 (6) (d)
To whom applicable	..	56 (1)
To whom payable	..	56 (5)
When extraordinary pension awarded	..	56 (4) (c)

When payment ceases	..	56 (5)
When disappeared in service	..	56 (19)
When disappeared after retirement	..	56 (20)
<i>Forfeiture of past service</i>	..	
On dismissal / removal	..	33
On resignation	..	34
Benefit of past service allowed	..	87 (d)
For re-employment pay	..	84 (i)
Fixed at monthly rate	..	6 (1)
Future good conduct implied-condition for grant of	..	9
Limitation in number	..	47 (2) (b)
Minimum admissible	..	8
No claim to	..	9 (2)
No separate-for period of re-employment on superannuation, retiring	..	
On absorption in or under autonomous bodies in case-	..	
(i) Where pension scheme is in operation	..	44 (1)
(ii) Where pension scheme is not in operation	..	44 (2)
Payment at monthly rate on or after the 1 st day of the following month	..	84 (1)
Payment of provisional money order	..	65 (7)
Payment of –While on deputation to other Government	..	67 (1)
Payment of –While on deputation to foreign service	..	67 (2)
Payment of provisional – By head of office till authorization by Accountant .General.	..	65 (4) (a) (f)
Regulated by provisions of rules in force at the time of retirement	..	5 (1)
Rounding off of –to next higher rupee	..	47 (4)
Sanctioning authority	..	3 (1) (q)
<i>Pension Classification</i>		
Compensation pension owing to abolition of permanent post		38
..		
Pension in case of compulsory retirement	..	45
Invalid pension in case of retirement on permanent incapacitation		39
..		
Retiring pension in case of retirement in advance age of retirement either voluntary or under notice.	..	41
Retirement on completion of 20 years service	..	42
Superannuation pension on attaining age of compulsory retirement	..	40
<i>Pension Papers</i>		
Forwarding of-to Accountant General	..	62
Preparation of –in retirement cases	..	58
Preparation of –in death cases	..	73
Stage for processing	..	59
<i>Privilege</i>		
Government servant not to be deprived of-	..	4
<i>Provisional Pension</i>		
Payment of cent per cent-mandatory even departmental / judicial proceedings are counting	..	7 (2) (d), 66
Remains till conclusion of disciplinary proceedings	..	66
Revised procedure for payment	..	65,76

(G)

Government Dues

Definition	..	68 (3)
Recovery permissible as Government dues		69,78

Gratuity

Definition	..	2 (1) (k)
Payment of lump sum		84 (ii)
When becomes payable after conclusion of judicial / departmental proceeding	..	66 (2)
When to be calculated to next higher rupee	..	47 (5) (ii)

Grave misconduct

Explanation to expression	..	Expl. to 6 (6)
Scope to expression	..	Excl. (b) to 6 (6)
Withholding / withdrawing pension if found guilty	..	7

Interest

(I)

Delayed payment of gratuity	..	49 (5)
-----------------------------	----	--------

Interruption in service

Automatic condonation in absence of specific entry in S.B.	..	36 (b)
Automatic condonation not applicable when interruption caused by resignation and removal		36 (c)
Period of interruption not counted as qualifying service	..	36 (b)
Pre-interruption service treated as qualifying service in case of automatic condonation		36 (b)
	..	

Invalid Pension

Amount not to be less than family pension	..	47 (2))c)
Condition governing to grant of	..	39 (1)
From of medical certificate	..	Note 3 to 39
Granted on medical certificate of incapacity from specified medical authority	..	39 (2)
Minimum amount	..	47 (2) (b)
When declared fit further service of less laborious character	..	Note 4 to 39
When woman candidate is to be examined	..	Note 4 to 39
When medical examination shall be taken up	..	Note 2 to 39
When to be retired on	..	Note 1 to 39

(J)

Judicial Proceedings

Not permissible on retirement or during re-employment	..	7 (2) (c)
When deemed to be instituted	..	Expl. (b) to 7 (2) (c)

(L)

Last working day

The day on which Government servant retires, discharged or resigns	..	5 (2)
<i>Lump sum payment</i>		
Gratuity	..	84
(M)		
<i>Medical Examination</i>		
Invalid Pension	..	39 (2)
<i>Minimum Pension</i>		
Applicable in case of compulsory retirement pension	..	45 (3)
In case of invalid pension	..	47 (2) (c)
Shall not be less than	..	47 (2) (b)
(N)		
<i>No demand certificate</i>		
Proceeding for obtaining	..	69 (1),78
<i>Nomination</i>		
Action –by Head of Office	..	53 (7) (b)
Alternate nominee in the event of specific nominee predeceasing Government servant to be specified	..	53 (3) (1)
Can be made by to any person if no family	..	53 (1) (ii)
Cancellation of –by sending not ice	..	53 (5)
Entry to be made in the S.B.	..	53 (7) (c)
Fresh-to be sent along with notice of cancellation	..	Prov. to 53 (5)
Important of –and their safe custody	..	53 (7) (b)
Not to be made to any person other than family members	..	53 (1) (i)
Share payable to each nominee to be specified	..	53 (2)
To be made after appointment	..	53 (1)
To be sent to Head of Office	..	53 (7) (a)
<i>Notice of retirement</i>		
In case of official under suspension, acceptance of notice by appointing authority necessary.	..	2 nd provision to 41 (1) (b).
To be served three months before intended date.	..	1 st provision (a) to 41 (b)
(O)		
<i>Option</i>		
For counting of pre-retirement civil service on re-employment	..	98
For counting of pre-retirement military service on re-employment	..	30 (1)
(P)		
<i>Pension</i>		
Amount of service gratuity in lieu of –before 10 years of service	..	47 (5) (i)
Amount of –on completion of 10 years service	..	47 (2) (b)
Amount of –on completion of 33 years of service	..	47 (2) (a)
Authorisation of –by Accountant General	..	64
Cannot earn two	..	9
Currency in which payable	..	83
Date from which become payable	..	82 (1)

Definition includes gratuity except when used in contradiction .. 2 (1) (p)

(Q)

Qualifying Service

Addition to	..	32,41,42
All continuous service	..	18 (2)
As apprentice	..	20
Commencement of	..	10
Conditions subject to which count as	..	11,13,18
Counting military service as	..	30
Counting was service as	..	31
Department out of India	..	28
Ex-District Board service as	..	17
Ex-State service as	..	16
Household establishment of	..	15
Governor as		
On contract	..	14
On probation	..	19
Past service on reinstatement	..	26
Period of suspension	..	25
Period spent on leave		23 (1)
Period spent on training	..	24
Option to count pre-retirement civil service to be exercised within three months of re-employment	..	98
Settlement service	..	21
Service does not qualify	..	18 (1)
Treatment of extraordinary leave	..	23 (1)
Time spent on voyage	..	29
Was service candidates appointed to civil posts	..	31
War service rendered before civil employment	..	31
Work-charged establishment counts as	..	18 (3)

(R)

Recovery of Government dues

Expression Government dues .. 68 (3)

Re-employment

Applicability	..	86
Commercial appointment after retirement	..	99
Contribution to C.P.F.	..	95
Counting of pre-retirement of civil service	..	98
Drawal of provisional pay	..	93
Drawal of allowance	..	90
Earning of leave	..	96
Eligibility of gratuity	..	97
Fixation of pay	..	89,92

Residuary Gratuity

When payable and quantum .. 80 (3)

Resignation

Entail forfeiture of past service .. 34 (1)

Competent authority for acceptance and withdrawal of	..	34 (4)
Condition for withdrawal	..	34 (5)
No forfeiture of past service of –submitted to take up another appointment with permission	..	34 (2)
Order allowing withdrawal demand to includes condonation of break	..	34 (3)
Procedure to be followed when benefit of past service allowed	..	34 (3)
When withdrawal not permissible	..	34 (5)
<i>Retirement</i>		
No specific order necessary for	..	40 (5)
On the afternoon of the last day of the month in which superannuation falls	..	40 (4)
Retirement benefits		
Definition	..	2 (1) (t)
		(S)
<i>Serious Crime</i>		
Explanation of the expression	..	Expl. (a) to 6 (6)
<i>Service Gratuity</i>		
Before completion of ten years qualifying service	..	47 (5) (i)
<i>Suspension</i>		
Specific entries in Service Book counts as qualifying service	..	22
Period counts for	..	25
		(U)
<i>Unauthorised absence</i>		
Except in continuation of authorized leave interruption entailing for forfeiture of past service	..	35 (1)
		(V)
<i>Verification of service</i>		
Completion of pension papers	..	59
<i>Voluntary retirement</i>		
On completion of 20 years qualifying service	..	42
On completion of 30 years of service or 50 years age	..	41

(W)

Withholding or withdrawal of pension

Action on Court Judgment	..	6 (3)
Public Service Commission to be consulted	..	6 (5),7
On conviction of a serious crime	..	6 (2)
Reduction not to be below minimum pension	..	2 nd Proviso to 7 (1)
Guilty of misconduct proved during service including re-employment	..	7

The Odisha



Gazette

**EXTRAORDINARY
PUBLISHED BY AUTHORITY**

No.393 CUTTACK, WEDNESDAY, MARCH 18, 1992/FALGUNA 28, 913

**FINANCE DEPARTMENT
NOTIFICATION**

The 17th March 1992

S. R. O. No. 322/92-In exercise of the powers conferred by sub-rule (2) of Rule 1 of the Odisha Civil Services (Pension) Rules, 1992, the State Government to hereby appoint the 1st April, 1992 as the date on .

By order of the Governor