

Amendment to CCS (Pension) Rules, 1972 – Notification regarding

No. 38/80/2008-P&PW (A) (Part II)
Government of India
Ministry of Personnel, Public Grievances and Pensions
Department of Pension and Pensioners Welfare

3rd Floor, Lok Nayak Bhavan
Khan Market, New Delhi-110003
Dated: 8th June 2011

To
The Manager,
Govt. of India Press,
Mayapuri, Ring Road,
New Delhi 110064

Subject: **Amendment to CCS (Pension) Rules, 1972 — Notification regarding.**

Sir,

I am to forward herewith a copy of Notification in duplicate (English & Hindi version) on the above subject and to request that the same may be published in the Gazette of India, Part II, Section 3, sub-section (ii).

2. It is further requested that 100 spare copies of the Printed version of the Notification may kindly be sent to this Department.

End: As above.

Yours faithfully,
sd/-
(Tripti P. Ghosh)
Director

[(To BE PUBLISHED IN THE GAZETTE OF INDIA, PART II, SECTION 3, SUB -
SECTION (I)]

Government of India
Ministry of Personnel, Public Grievances and Pensions
Department of Pension and Pensioners' Welfare

NOTIFICATION

New Delhi, dated the 8th June 2011

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

(1) These rules may be called the Central Civil Services (Pension) Amendment Rules, 2011.

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

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

(1) in rule 8, in sub-rule (1), in the proviso, for the words "rupees three hundred and seventy five", the words "rupees three thousand five hundred" shall be substituted;

(2) in rule 9, in sub-rule (1), in the second proviso for the words "rupees three hundred and seventy-five", the words "rupees three thousand five hundred" shall be substituted;

(3) in rule 38, in sub-rule (2), in clause (a), for the words "two thousand and two hundred rupees", the words "twenty one thousand rupees" shall be substituted;

(4) in rule 40, in sub-rule (3), for the words "rupees three hundred and seventy-five per mensem", the words "rupees three thousand five hundred per mensem" shall be substituted;

(5) in rule 41, in sub-rule (2), for the words "rupees three hundred and seventy-five per mensem", the words "rupees three thousand five hundred per mensem" shall be substituted;

(6) in rule 49,-

(a) after sub - rule (1), the following shall be inserted, namely:-

"(1A) The dearness allowance admissible on the date of retirement shall also be treated as emoluments for the purpose of sub-rule(1)."

(b) for sub-rule (2), the following shall be substituted, namely;-

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

(2A) In addition to pension admissible in accordance with sub-rule (2), after completion of eighty years of age or above, additional pension shall be payable to the retired Government servant in the following manner:-

Age of pensioner	Additional pension
From 80 years to less than 85 years	20% of basic pension.
From 85 years to less than 90 years	30% of basic pension.
From 90 years to less than 95 years	40% of basic pension.
From 95 years to less than 100 years	50% of basic pension.
100 years or more	100% of basic pension,"

(c) in sub-rule (4), the words, brackets and letters "clause (a) or clause (b) of shall be omitted;

(7) in rule 50, -

(a) in sub-rule (1), in the first proviso, for the words "two lakh and fifty thousand rupees", the words "ten lakh rupees" shall be substituted;

(b) in sub-rule (5), after the proviso, the following proviso shall be inserted, namely;--
"Provided further that the dearness allowance admissible on the date of retirement or death, as the case may be, shall also be treated asemoluments for the purpose of this rule,";

(8) in rule 51, in sub-rule (1), in clause (b),-

(a) in sub-clause (i), for the words, brackets and letters "clauses (i),(ii),(iii) and (iv)", the words brackets and letters "clauses (i),(ii),(iii),(iv) and (v)" shall be substituted;

(b) in sub-clause (ii), for the words, brackets and letters "clauses (v),(vi),(vii),(viii),(ix),(x) and (xi)", the words brackets and letters "clauses (vi),(vii),(viii),(ix),(x) and (xi)" shall be substituted;

(9) in rule 54,-

(a) for sub-rule (2), the following shall be substituted, namely:-

"(2) Subject to the provisions of sub-rule 13-8 and without prejudice to the provisions contained in sub-rule (3), where a Government servant dies

(i) after completion of one year of continuous service; or

(ii) 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

(iii) after retirement from service and was on the date of death in receipt of a pension, or compassionate allowance, referred to in these rules, the family of the deceased shall be entitled to Family Pension (hereinafter in this rule referred to as family pension) under

the Family Pension Scheme for Central Government Employees, 1964, the amount of which shall be determined at a uniform rate of 30% of basic pay subject to a minimum of three thousand and five hundred rupees per mensem and a maximum of twenty-seven thousand rupees per mensem.

EXPLANATION. - The expression one year of continuous service' wherever it occurs in this rule shall be construed to include' less than one year of continuous service' as defined in clause (ii).";

(b) after sub-rule (2A), the following shall be inserted, namely:-

"(2B) In addition to family pension admissible in accordance with sub rules (2), (2A) and (3), after completion of eighty years of age or above, additional family pension shall be payable in the following manner:-

Age of family pensioner	Additional family pension
From 80 years to less than 85 years	20% of basic family pension
From 85 years to less than 90 years	30% of basic family pension.
From 90 years to less than 95 years	40% of basic family pension.
From 95 years to less than 100 years	50% of basic family pension.
100 years or more	100% of basic family pension,"

(c) in sub-rule (3), for clause (a), the following shall be substituted, namely:-

"(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' continuous service, the rate of family pension payable to the family shall be equal to 50 per cent of the pay last drawn 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.

(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 67 years had he survived, whichever is less:

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

Provided further that where the amount of pension authorised on retirement is less than the amount of family pension admissible under sub-rule (2), the amount of family pension determined under this clause shall be limited to the amount of family pension admissible under sub-rule (2).

EXPLANATION :- For the purpose of this sub-clause, pension authorised on retirement includes the part of the pension which the retired Government servant may have commuted before death.";

(d) for sub-rule (4), the following shall be substituted, namely;--

"(4) Where an award under the Central Civil Services (Extraordinary Pension) Rules 1939, is admissible, no family pension under this rule shall be authorised during the currency of award.";

(e) for sub-rule (6), the following shall be substituted, namely:-

"(6) The period for which family pension is payable shall be as follows:-

(i) subject to first proviso, in the case of a widow or widower, up to the date of death or re-marriage, whichever is earlier;

(ii) subject to second proviso, in the case of an unmarried son, until he attains the age of twenty-five years or until he gets married or until he starts earning his livelihood, whichever is the earliest;

(iii) subject to second and third provisos, in the case of an unmarried or widowed or divorced daughter, until she gets married or remarried or until she starts earning her livelihood, whichever is earlier;

(iv) subject to sub-rule (10-A), in the case of parents, who were wholly dependent on the Government servant immediately before the death of the Government servant, for life;

(v) Subject to sub-rule 10(8) and the fourth proviso, in the case of disabled siblings (i.e. brother and sister) who were dependent on the Government Servant immediately before the death of Government servant, for life:

Provided that family pension shall continue to be payable to a childless widow on re-marriage, if her income from all other sources is less than the amount of minimum

family pension under sub-rule (2) of this rule and the dearness relief admissible thereon:

Provided further that if the son or daughter of a Government servant is suffering from any disorder or disability of mind including the mentally retarded or is physically crippled or 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 payable to such son or daughter for life subject to the following conditions, namely :-

(i) if such son or daughter is one among two or more children of the Government servant, the family pension shall be initially payable to the minor children (mentioned in clause (ii) or clause (iii) of this sub-rule) in the order set out in clause (iii) of sub-rule (8) of this rule 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, including the mentally retarded, who is physically crippled or disabled and shall be payable to him or her, for life;

(ii) if there are more than one such children suffering from disorder or disability of mind including the mentally retarded 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 or 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 (7) of this rule;

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

(iv) before allowing the family pension for life to any such son or daughter, the appointing authority shall satisfy that the handicap is of such a nature so as to prevent him or her from earning his or her livelihood and the same shall be evidenced by a certificate obtained from a Medical Board comprising of a Medical Superintendent or a Principal or a Director or Head of the Institution or his nominee as Chairman and two other members, out of which at least one shall be a Specialist in the particular area of mental or physical disability including mental retardation 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 or such son or daughter not receiving the family pension through a guardian shall produce a certificate, from a Medical Board comprising of a Medical Superintendent or a Principal or a Director or Head of the Institution or his nominee as Chairman and two other members, out of which at least one shall be a Specialist in the particular area of mental or physical disability including mental retardation, once, if the disability is permanent and if the disability is temporary, once in every five years to the effect that he or she continues to suffer from disorder or disability of mind or continues to be physically crippled or disabled;

(vi) in the case of a mentally retarded son or daughter, the family pension shall be payable to a person nominated by the Government servant or the pensioner, as the case may be, and in case no such nomination has been furnished to the Head of Office by such Government servant or pensioner during his lifetime, to the person nominated by the spouse of such Government servant or family pensioner, as the case may be, later on and the Guardianship Certificate issued under section 14 of the National Trust Act, 1999 (No.44 of 1999), by a local level Committee, shall also be accepted for nomination or appointment of guardian for grant of family pension in respect of person(s) suffering from Autism, Cerebral Palsy, Mental Retardation and Multiple Disabilities as indicated in the said Act:

Provided also that the grant or continuance of family pension to an unmarried or widowed or divorced daughter beyond the age of twenty-five years or until she gets married or re-married or until she starts earning her livelihood, whichever is the earliest, shall be subject to the following conditions, namely:-

(i) the family pension shall be initially payable to the minor children (mentioned in clause

(ii) or clause (iii) of this sub-rule) in the order set out in clause (iii) of sub-rule (8) of this rule until the last minor child attains the age of twenty-five years; and (ii) there is no disabled child eligible to receive family pension in accordance with the second proviso of this sub-rule:

Provided also that such disabled siblings shall be eligible for family pension for life in the same manner and following the same disability criteria, as laid down in this rule in the case of son or daughter of the Government employees or pensioners suffering from any disorder or disability of mind (including mentally retarded) or physically crippled or disabled, so as to render him or her unable to earn a living even after attaining the age of twenty-five years.

EXPLANATION 1 .- An unmarried son or an unmarried or widowed or divorced daughter shall become ineligible for family pension under this sub-rule from the date he or she gets married or remarried.

EXPLANATION 2 .- The family pension payable to such a son or a daughter or parents or siblings shall be stopped if he or she or they start earning his or her or their livelihood.

EXPLANATION 3.- It shall be the duty of son or daughter or siblings or the guardian to furnish a certificate to the Treasury or Bank, as the case may be, once in a year that, (i) he or she has not started earning his or her livelihood, and (ii) he or she has not yet married or remarried and a similar certificate shall be furnished by a childless widow after her re-marriage or parents to the Treasury or Bank, as the case may be, once in a year that she or he or they have not started earning her or his or their livelihood.

EXPLANATION 4 .- For the purpose of this sub-rule, a member of the family shall be deemed to be earning his or her livelihood if his or her income from other sources is equal to or more than the minimum family pension under sub-rule (2) of this rule and the dearness relief admissible thereon.

EXPLANATION 5 .- Parent shall be deemed to be dependent on the Government servant if their combined income is less than the minimum family pension under sub-rule (2) of this rule and the dearness relief admissible thereon.

EXPLANATION 6.- Disabled sibling shall be deemed to be dependent on the Government servant if their income is less than the minimum family pension admissible under sub-rule (2) of this rule and dearness relief thereon.

EXPLANATION 7 .- Family pension payable to a childless widow shall be stopped if, after re-marriage, her income from all other sources becomes equal to or exceeds the amount of minimum family pension under sub-rule (2) of this rule and the dearness relief admissible thereon";

(f) after sub-rule (10), the following shall be inserted, namely:-

"(10-A)(a) Family pension to the parents shall be payable if the parents were wholly dependent on the Government servant immediately before his or her death and the deceased Government servant is not survived by a widow or an eligible child.

(b) The family pension, wherever admissible to parents, will be payable to the mother of the deceased Government servant failing which to the father of the deceased Government servant.

(10-B) Family pension to the dependent disabled siblings shall be payable if the siblings were wholly dependent upon the Government servant immediately before his or her death and deceased Government servant is not survived by a widow or an eligible child or eligible parents.";

(g) in sub-rule 11, for clauses (a) and (b) the following shall be substituted, namely: -

"(a)(i) if the surviving child or children is or are eligible to draw two family pensions at the rate mentioned in sub-rule (3), the amount of both the family pensions shall be limited to forty-five thousand rupees per mensem ;

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

(b) if both the family pensions are payable at the rates mentioned in sub-rule (2), the amount of two family pensions shall be limited to twenty-seven thousand rupees per mensem.";

(h) in sub-rule (11-8), after clause (b), the following shall be inserted, namely;—.

"(c) Subject to the proviso to or of sub-rule (11-A), after the child or children cease to be eligible for family pension under this rule, such family pension shall become payable to the surviving judicially separated spouse of the deceased Government Servant till his or her death or remarriage, whichever is earlier.";

(i) in sub-rule (12), in clause (b), the word 'female' shall be omitted;

(j) in sub-rule (138), for the second proviso, the following proviso shall be substituted, namely;--

"Provided further that the family pension admissible under these rules shall be allowed in addition to the family pension under the Employees Pension Scheme, 1995 and the Family Pension Scheme, 1971, where ever applicable.";

(k) in sub-rule (14), in clause (b) for sub-clause (ii), the following sub clauses shall be substituted, namely:-

"(ii) unmarried son who has not attained the age of twenty-five year sand unmarried or widowed or divorced daughter, including such son and daughter adopted legally;

(iii) dependent parents;

(iv) dependent disabled siblings (i.e. brother or sister) of a Government servant.";

(l) in sub-rule (15), clause (c) shall be omitted.

[F.No.38/80/08-P&PW]

sd/-
(Tripti P. Ghosh)
Director

Note: The principal rules were published vide number 8.0.934, dated the 1st April, 1972. The Fourth Edition of the rules corrected up to July, 1988 was published in the year of 1988. The said rules were subsequently amended vide notifications given below:-

S.O.254, dated the 4th February, 1989
S.O.970, dated the 6th May, 1989
S.O.2467, dated the Th October, 1989
S.O.899, dated the 14th April, 1990
S.O.1454, dated the 26th May, 1990
S.O.2329, dated the 8th September, 1990
S.O.3269, dated the 8th December, 1990
S.O.3270, dated the 8th December, 1990
S.O.3273, dated the 8th December, 1990
S.O.409, dated the 9th February, 1991
S.O.464, dated the 16th February, 1991
S.O.2287, dated the ih September, 1991
S.O.2740, dated the 2nd November, 1991
GSR 677, dated the 7th December, 1991
GSR 399, dated the 1 st February, 1992
GSR 55, dated the 15th February, 1992
GSR 570, dated the 19th December, 1992
S.O.258, dated the 13th February, 1993
S.O.1673, dated the 7th August, 1993
GSR 449, dated the 11 th September, 1993
S.O.1984, dated the 25th September, 1993
GSR 389(E), dated the 18th April, 1994
S.O.1775, dated the 19th July, 19S7
S.O.259, dated the 30th January, 1'J99
S.O.904(E), dated the 30th September, 2000
S.O.717(E), dated the 27th July, 2001
GSR 75(E), dated the 1st February, 2002
S.O.4000, dated the 28th December, 2002
S.O. 860(E), dated the 28th July, 2003
S.O. 1483 (E), dated the 30th December, 2003
S.O. 1487 (E), dated the 14th October, 2005
GSR 723(E), dated the 23'd November, 2006
S.O. 1821 (E), dated the 25th October, 2007
GSR 258 (E), dated the 31st March, 2008
S.O. 1028 (E), dated the 25th April, 2008 S.O. 829(E), dated the12th April, 2010