



महाराष्ट्र शासन राजपत्र

असाधारण भाग एक-मध्य उप-विभाग

वर्ष ५, अंक ३६

मंगळवार, नोव्हेंबर १९, २०१३/कार्तिक २८, शके १९३५

[पृष्ठे २२, किंमत : रुपये १२.००]

असाधारण क्रमांक ६१

प्राधिकृत प्रकाशन

सामान्य प्रशासन विभाग

मादाम कामा मार्ग, हुतात्मा राजगुरु चौक, मंत्रालय, मुंबई ४०० ०३२, दिनांक १४ नोव्हेंबर २०१३.

अधिसूचना

महाराष्ट्र शासकीय कर्मचाऱ्यांच्या बदल्यांचे विनियमन व शासकीय कर्तव्ये पार पाडताना होणाऱ्या विलंबास प्रतिबंध अधिनियम, २००५.

क्र. पीओडी-१००७/प्र.क्र.९/१८ (र. व का.).— महाराष्ट्र शासकीय कर्मचाऱ्यांच्या बदल्यांचे विनियमन व शासकीय कर्तव्ये पार पाडताना होणाऱ्या विलंबास प्रतिबंध अधिनियम, २००५ (२००६ चा महा. २१) याचे कलम १४, पोट कलम (१) द्वारे प्रदान करण्यात आलेल्या अधिकारांचा व त्याबाबतीत त्यास समर्थ करणाऱ्या इतर सर्व अधिकारांचा वापर करून आणि याबाबतीत करण्यात आलेले सर्व विद्यमान नियम, आदेश किंवा संलेख यांचे अधिक्रमण करून, महाराष्ट्र शासन पुढील नियम करीत असून, उक्त अधिनियमाचे कलम १४, पोट कलम (१) अन्वये आवश्यक असल्याप्रमाणे ते पूर्वप्रसिद्ध केलेले आहेत :—

१. संक्षिप्त नाव.—(एक) या नियमांना शासकीय कर्तव्ये पार पाडताना होणाऱ्या विलंबास प्रतिबंध नियम, २०१३ असे म्हणावे.
२. व्याख्या.— या नियमांत संदर्भानुसार दुसरा अर्थ अपेक्षित नसेल तर,—
 - (क) “ अधिनियम ” याचा अर्थ महाराष्ट्र शासकीय कर्मचाऱ्यांच्या बदल्यांचे विनियमन व शासकीय कर्तव्ये पार पाडताना होणाऱ्या विलंबास प्रतिबंध अधिनियम, २००५ (२००६ चा महा. २१) असा आहे ;
 - (ख) “ प्रशासकीय लेखापरीक्षा ” याचा अर्थ, कोणत्याही कार्यालयातील किंवा विभागातील एखादी फाईल किंवा प्रकरण यांवरील अंतिम निर्णय हा यथोचित रीतीने सोपविण्यात आलेल्या अधिकारांच्या आधारे, म्हणजेच तीन स्तरावर सादर करून घेण्यात आला आहे किंवा कसे आणि तसेच याबाबतीतील निर्णय घेताना व आवश्यक ती कार्यवाही करताना अधिनियमाच्या कलम (१०) पोट कलम (१) अन्वये विहित करण्यात आलेल्या कालमर्यादेचे अनुपालन करण्यात आले आहे किंवा कसे याची पडताळणी करण्यासाठी शासनाने निर्धारित केलेली यंत्रणा असा आहे;
 - (ग) “ प्रतिक्षाधीन प्रकरण ” याचा अर्थ, ज्या प्रकरणी विवक्षित कालावधी उलटल्यानंतर पुढील कार्यवाही करण्यात येणार असेल असे प्रकरण, असा आहे ;
 - (घ) “ प्रकरण ” याचा अर्थ, प्राप्त झालेली फाईल किंवा इतर संबंधित कागदपत्रे, संदर्भ, पत्रव्यवहार, टिप्पण्या इत्यादी व त्यांचा एकत्रित संच, असा आहे ;

(ड) “पत्रव्यवहार” याचा अर्थ, निर्णय घेण्याच्या प्रक्रियेतील आवक व जावक संदर्भ, असा असून, त्यात लेखी पत्र, तार, आंतर विभागीय टिप्पण्या, फॅक्स संदेश, ई-मेल, शासनाने वेळोवेळी काढलेले आदेश, परिपत्रके, शासन निर्णय यांचा समावेश होतो ;

(च) “सुप्त प्रकरण” याचा अर्थ, ज्या प्रकरणी घ्यावयाचा निर्णय हा, राज्य शासनाखेरीज इतरांच्या अधिकारात येतो असे प्रकरण असा असून यात विविध शासकीय अहवाल, नियतकार्तिके, विचरणपत्रे, इत्यादी यांचे संकलन करण्यासाठी विविध प्राधिकरणांकडून आधारभूत माहिती किंवा आकडेवारी गोळा करावी लागणाऱ्या प्रकरणांसह ज्या प्रकरणी अंतिम आदेश देण्यात आला असेल, परंतु अंतिम आदेशांच्या अटींचे अनुपालन होत आहे हे पाहण्यासाठी प्रतिक्षा करावयाची आवश्यकता असलेल्या प्रकरणांचा अंतर्भाव होतो. मात्र, यात अर्धनियमाच्या कलम ११ खालील प्रकरणांचा समावेश होत नाही;

(छ) “फाईल” याचा अर्थ, विशिष्ट स्वतंत्र क्रमांक देण्यात आलेल्या एखाद्या विनिर्दिष्ट विषयाशी संबंधित असलेल्या कागदपत्रांचा संच, असा असून त्यात खाली नमूद केलेल्या एका किंवा अधिक भागांचा समावेश होतो :—

(एक) पत्रव्यवहार,

(दोन) टिप्पण्या,

(तीन) पत्रव्यवहारांचे परिशिष्ट,

(चार) टिप्पण्यांचे परिशिष्ट;

(ज) “अंतिमतः निकालात काढणे” याचा अर्थ, प्राप्त झालेल्या संदर्भावर करण्यात आलेली कार्यवाही किंवा विचार विनिमय केल्यानंतर फायलीतील पत्रव्यवहारावरून करण्यात आलेली कार्यवाही, आणि असा संदर्भ किंवा पत्रव्यवहार यांवर घेण्यात आलेला अंतिम निर्णय, आणि असा निर्देश किंवा पत्रव्यवहार यांवर आणखी कोणतीही कार्यवाही प्रलंबित नाही, असा आहे;

(झ) “नमुना” याचा अर्थ, या नियमांना जोडलेला नमुना, असा आहे ;

(ञ) “तात्काळ व तातडीचा संदर्भ” याचा अर्थ, अर्धनियमाच्या कलम १० च्या पोटकलम (१) मध्ये नमूद केलेल्या वेळेत अपेक्षित कार्यवाही पूर्ण करण्याच्या उद्देशाने, तात्काळ किंवा तातडीच्या विषयाचे गांभीर्य लक्षात घेऊन, सक्षम प्राधिकार्याने चिन्हांकित केलेली तार, टेलिफॅक्स संदेश, फॅक्स संदेश, पत्र, ई-मेल इत्यादींसह प्राप्त झालेले टपाल, असा आहे;

(ट) “प्रभारी मंत्री” याचा अर्थ, महाराष्ट्र शासनाच्या कार्यनियमावलीनुसार ज्याच्याकडे संबंधित विषय किंवा कामकाज नेमून देण्यात आले असेल असा प्रभारी मंत्री, असा आहे;

(ठ) “प्रभारी शाखा अधिकारी किंवा कार्यासन अधिकारी” याचा अर्थ, ज्याला कार्यासनातील संबंधित विषय किंवा काम निकालात किंवा अंतिमतः निकालात काढण्यासाठी नामनिर्देशित करण्यात आले असेल असा तालुका किंवा उप विभागीय कार्यालय किंवा जिल्हा किंवा विभागीय किंवा विभाग स्तरावर कार्यरत असलेला अधिकारी, असा आहे;

(ड) “सादर करण्याचा स्तर” याचा अर्थ, कार्यालय किंवा विभागामध्ये हाताळण्यात येणाऱ्या विविध विषयांचे स्वरूप, स्तर आणि महत्त्व विचारात घेतल्यानंतर, अंतिम निर्णय घेण्याचे अधिकार ज्याच्याकडे सोपवण्यात आले असतील त्या अधिकार्याकडे अंतिम निर्णय घेण्याच्या दृष्टीने ते विषय सादर करण्यासाठी जबाबदार असलेल्या शासकीय कर्मचाऱ्यांचे एकूण तीन स्तर, असा आहे;

(ढ) “टिप्पणी” याचा अर्थ, अगोदरच्या कागदपत्रांचा गोष्टचारा, विचाराधीन असलेल्या बाबींचे किंवा प्रश्नांचे वागण, विश्लेषण, कोणतेही प्रकरण तातडीने निकालात काढण्याच्या संबंधात दिलेल्या सूचना आणि अंतिम आदेश, यासारखे एखाद्या फाईलवर नोंदवण्यात आलेले शेरे, असा आहे.

(त) नस्ती, प्रकरण, पत्रव्यवहार, टिप्पणी, मसुदा, संदर्भ, अभिप्राय, प्रस्ताव, फॉर्मस, पत्रे, टपाल असे शब्द जेथे जेथे आढळून येतील तेथे तेथे त्यामध्ये त्याचा उल्लेख इलेक्ट्रॉनिक स्वरूपातील ई-नस्ती, ई-प्रकरण, ई-पत्रव्यवहार, ई-टिप्पणी, ई-मसुदा, ई-संदर्भ, ई-अभिप्राय, ई-प्रस्ताव, ई-फॉर्मस, ई-मेल इत्यादी असा समावेश होईल. तसेच सेवा(सेवा किंवा सुविधा) हा शब्द जेव्हा वापरण्यात येईल तेव्हा त्यामध्ये सेवा किंवा सुविधा इलेक्ट्रॉनिक माध्यमाद्वारे संबंधितास पूर्वाग्याचा समावेश होईल.

(दोन) या नियमात वापरलेले परंतु व्याख्या न करण्यात आलेले शब्द आणि शब्दप्रयोग यांना अर्धनियमात अनुक्रमे जे अर्थ नेमून दिलेले असतील तेच अर्थ असतील.

३. नागरिकांची सनद तयार करणे.— (१) मंत्रालयातील प्रत्येक प्रशासकीय विभागाचे प्रमुख आणि त्यांच्या प्रशासकीय नियंत्रणाखालील म्हणजे विभागीय स्तर, जिल्हा स्तर, तालुका स्तर, उप विभागीय स्तर किंवा यथास्थिति स्थानिक स्तरावरील सर्व कार्यालयांचे प्रमुख त्यांच्या संबंधित कार्यालयांकरिता नागरिकांची स्वतंत्र सनद तयार करतील. ही नागरिकांची सनद, त्यांच्या संबंधित मुख्यालयातील

नागरिकांच्या सनदेशी सुसंगत असेल. ही नागरिकांची सनद, शासनाने वेळोवेळी काढलेल्या परिपत्रकांमध्ये किंवा पत्रांमध्ये अंतर्भूत असलेल्या सूचनांच्या आधारे तयार करण्यात येईल व प्रसिद्ध करण्यात येईल आणि संबंधित कार्यालयातील दर्शनी जागी लावण्यात येईल. तसेच सदर माहिती इलेक्ट्रॉनिक स्वरूपात शासनाच्या किंवा विभागाच्या संकेतस्थळावर किंवा पोर्टलवर प्रदर्शित करावी.

(२) पोट नियम (१) च्या तरतुदीन्वये प्रसिद्ध करण्यात आलेली नागरिकांची सनद ही शासनाचे सुधारित धोरण किंवा योजना किंवा कार्यक्रम किंवा प्रकल्प किंवा नियम किंवा आदेश इत्यादीनुसार आवश्यकता भासल्यास वेळोवेळी तसेच प्रत्येक अनुवर्ती वर्षाच्या २ मे रोजी प्रत्येक कार्यालयाकडून अद्ययावत करण्यात येईल. प्रत्येक कार्यालय, नागरिकांच्या सनदेत हरकती किंवा सूचना असल्यास, त्यावर विचार केल्यानंतर आणि संबंधित अधिकाऱ्यांच्या अडचणीबाबत चर्चा करून व याबाबतीत मिळालेल्या सूचनांवर पूर्णपणे विचारविनियम केल्यानंतर तिला अंतिम रूप देण्यात येईल व ती प्रसिद्ध करण्यात येईल. तसेच सदर माहिती इलेक्ट्रॉनिक स्वरूपात शासनाच्या किंवा विभागाच्या संकेतस्थळावर किंवा पोर्टलवर प्रदर्शित करावी.

(३) कार्यालयाकडून किंवा विभागाकडून देण्यात येणाऱ्या सुविधा किंवा सेवा पुरविण्यासाठीची विहित केलेली कागदपत्रे ही कमीत-कमी असतील. त्या प्रयोजनार्थ, प्रत्येक कार्यालयाचा किंवा विभागाचा प्रमुख तारगणवतार आढावा घेईल. कार्यालय किंवा विभाग यांच्याकडून देण्यात येणाऱ्या सुविधा किंवा सेवा उपलब्ध करून देण्यासाठी आवश्यक असलेल्या नमुना क हा संबंधित कार्यालयाकडून किंवा विभागाकडून विनाशुल्क सहजरीत्या उपलब्ध करून देण्यात येईल. पॅन्चक कागदपत्राची सूची ही प्रत्येक कार्यालय किंवा विभागाच्या प्रमुखाकडून नमुना-ख मध्ये विनिर्दिष्ट करण्यात येईल. तसेच सदर माहिती इलेक्ट्रॉनिक स्वरूपात शासनाच्या किंवा विभागाच्या संकेतस्थळावर, पोर्टलवर प्रदर्शित करावी.

(४) कोणत्याही नागरिकाकडून नमुना-क मध्ये प्राप्त झालेला अर्ज त्या अर्जाच्या पूर्ततेसंबंधात नमुना-ग मध्ये दिलेल्या तपासणी सूचीनुसार तात्काळ तपासण्यात येईल, आणि तपासल्यानंतर तो जर अपूर्ण असल्याचे आढळून आले तर, अर्जदारास तिथल्या तिथे त्यामधील त्रुटीबाबत माहिती देण्यात येईल, जेणेकरून अर्जदार नमुना भरण्यासाठीच्या औपचारिकता पूर्ण करू शकेल.

(५) नागरिकांचा अर्ज परिपूर्ण असल्यास, त्याला नमुना-घ मध्ये त्याची पंचपावती देण्यात येईल, त्यात त्या कार्यालयाच्या किंवा विभागाच्या नागरिकांच्या सनदेमध्ये अशी सेवा किंवा सुविधा पुरविण्यासाठी जो कालावधी नमूद करण्यात आला आहे, तो कालावधी स्पष्टपणे नमूद करण्यात येईल आणि कार्यालय याची सुनिश्चिती करील की, नागरिकाला संबंधित कार्यालयात वारंवार यावे लागणार नाही.

(६) नागरिकांच्या सनदेत सेवा किंवा सुविधा पुरविण्यासंदर्भातील संबंधित अधिनियम आणि नियमातील कालमर्यादा विचारात घेऊन कमीत कमी कालावधी विहित करण्यात येईल. सेवा किंवा सुविधा पुरविण्यास कसूरी करणाऱ्या विरुद्ध तक्रार दाखल झाल्यास अथवा अशी कसूरी संबंधित कार्यालय प्रमुख किंवा विभाग प्रमुख यांच्या निर्देशनास आल्यास किंवा आणल्यास संबंधित कार्यालय प्रमुख किंवा विभाग प्रमुख त्याच्याविरुद्ध प्रार्थामक चौकशी कार्यालयीन कामकाजाच्या पंधरा दिवसात पूर्ण करील. संबंधित शासकीय कर्मचाऱ्याने नित्याने किंवा जाणूनबुजून व हेतुपुरस्सर विलंब लावला असेल किंवा दुर्लक्ष केले असेल असे आढळून आल्यास जबाबदारी निश्चित करून विभागीय चौकशीची शिफारस संबंधित सक्षम अधिकार्याकडे पाठविण्यात येईल, व संबंधित अधिकारी किंवा कर्मचाऱ्याविरुद्ध नियमानुसार शिस्तभंग विषयक कार्यवाही संबंधीचे आदेश सक्षम अधिकारी निर्गमित करील.

(७) कार्यालयांमध्ये माहिती तंत्रज्ञानाचा जास्तीत जास्त वापर करण्यात येईल आणि नागरिकांना सुविधा किंवा सेवा देतेवेळी ई-गव्हर्नन्ससाठी सर्वोच्च प्राधान्य देण्यात येईल. मंत्रालयातील प्रत्येक प्रशासकीय विभागाने त्यांच्या अधिनस्त आयुक्त / विभाग प्रमुख / कार्यालय प्रमुख यांच्याशी विचार विनिमय करून विभागाच्या अंतर्गत इलेक्ट्रॉनिक माध्यमाद्वारे सेवा किंवा सुविधा पुरविण्याकरिता कालबद्ध कार्यक्रम राबवावा. नागरिकांना इलेक्ट्रॉनिक माध्यमातून उपलब्ध करून द्यावयाच्या सेवा किंवा सुविधा सहा महिन्यात निश्चित कराव्यात. त्यानुसार अनुज्ञापत्रा, दाखले, मंजुरी किंवा रकमेचे प्रदान अशा प्रकारच्या सेवा तसेच त्याकरिताचे अर्ज ऑन लाईन उपलब्ध करून द्यावेत. याबाबतची माहिती विभागाच्या किंवा कार्यालयाच्या संकेतस्थळावर उपलब्ध करून द्यावी. ज्या नागरिकांना ऑन लाईन सेवेचा लाभ घेता येत नाही, त्यांना सध्याच्या प्रचलित पद्धतीनुसार सेवा किंवा सुविधा उपलब्ध करून देण्याचीही सोय करण्यात यावी.

४. अंतिम निर्णय घेण्यासाठी दुय्यम अधिकार्यांकडे सोपवण्यात आलेल्या अधिकारांची यादी प्रसिद्ध करणे.— मंत्रालयीन स्तरावरील संबंधित प्रशासकीय विभागाचे प्रभारी सचिव, विभागीय स्तरावरील विभागप्रमुख किंवा, यथास्थिती जिल्हा स्तरावरील अधिकारी आणि दुय्यम अधिकारी, त्यांच्या पर्यवेक्षणाखाली विविध स्तरांवर काम करणारे किंवा अंतिम निर्णय घेण्यासाठी ज्यांच्याकडे विषयनिहाय किंवा फाईलनिहाय अधिकार सोपवण्यात आले आहेत असे अधिकारी, यांच्या अधिकारांची सूची तयार करण्यात येईल व प्रसिद्ध करण्यात येईल आणि अर्धवर्षातून एकदा १ याच्या पोट फलम (१) मध्ये तरतूद केल्याप्रमाणे ती संबंधित कार्यालयांमध्ये दर्शनी जागी लावण्यात येईल. अधिकारांची उक्त सूची ही प्रत्येक अनुवर्ती वर्षाच्या २ मे रोजी अद्ययावत करण्यात येईल आणि प्रसिद्ध करण्यात येईल. तसेच सदर माहिती इलेक्ट्रॉनिक स्वरूपात शासनाच्या किंवा विभागाच्या संकेतस्थळावर किंवा पोर्टलवर प्रदर्शित करावी.

५. ज्यांच्या विरुद्ध विभागीय चौकशी सुरू आहे अशा शासकीय अधिकाऱ्यांकडे अधिकार सोपवण्यास प्रतिबंध.— नियम ४ मध्ये काहीही अंतर्भूत असले तरी,—

(१) संबंधित शिस्तभंगविषयक नियमानुसार कोणत्याही कर्मचाऱ्याच्या किंवा अधिकाऱ्याच्या विरोधात गंभीर स्वरूपाच्या दोषारोपाबाबत कोणतीही विभागीय चौकशी सुरू असेल तर त्यास किंवा जर कोणत्याही अधिकाऱ्यास, कोणत्याही फौजदारी खटल्यास किंवा अन्वेषणास सामोरे जावे लागत असेल तर अशा कर्मचाऱ्याकडे किंवा अधिकाऱ्याकडे, कोणत्याही अंमलबजावणीच्या स्वरूपातील कामाबाबतचा किंवा संवेदनशील कामाबाबतचा किंवा विषयाबाबतचा अंतिम निर्णय घेण्यासाठी, अधिकार प्रदान करण्यात येणार नाहीत.

(२) शासकीय पैशाचा दुरुपयोग किंवा वित्तीय अनियमितता अथवा अपहार किंवा भ्रष्टाचार यांबाबतचे आरोप असणाऱ्या कोणत्याही अधिकाऱ्यावर, दोषारोपत्र बजावण्यात आले असेल किंवा अशा अधिकाऱ्याविरुद्ध दोषारोपत्र बजावण्याचा निर्णय विभागीय चौकशी अधिकाऱ्याच्या स्तरावर घेण्यात आला असेल किंवा अशा अधिकाऱ्यास अशा कोणत्याही आरोपाबद्दल निर्दोषीपणे करण्यात आले असेल तर या परिस्थितीत अशा अधिकाऱ्याची सेवेत पुनःस्थापना झाल्यावरसुद्धा अशी चौकशी किंवा अन्वेषण पूर्ण होण्याचा निर्णय लागोपर्यंत आणि त्याला दिलेल्या शिक्षेची अंमलबजावणी होईपर्यंत किंवा अशा अधिकाऱ्याविरुद्धचे असे आरोप किंवा आभिकथन वामधून त्याची पूर्णपणे निर्दोष सुटका होईपर्यंत, त्याच्याकडे अंमलबजावणी करण्याच्या किंवा संवेदनशील विषयांवर अंतिम निर्णय घेण्याचा अधिकार प्रदान करण्यात येणार नाही :

परंतु, शासन, प्रकरणातील गुणावगुणांची तपासणी करून व त्याबाबतची कारणे नोंदवून पोट नियम (१) व (२) मध्ये नमूद केलेल्या अशा शासकीय कर्मचाऱ्याकडे अंमलबजावणी करण्याच्या व संवेदनशील विषयाबाबत अंतिम निर्णय घेण्यासाठी कोणताही अधिकार सोपवण्याचा विचार करील.

६. अंतिम निर्णय घेण्यासाठी अधिकारांचा स्तर निर्धारित करणे.— (१) अधिनियमाच्या कलम ९ च्या तरतुदींना अधीन राहून, अंतिम निर्णय घेण्याबाबतचे अधिकार सोपवण्यासाठीचा स्तर प्रशासकीय विभागांच्या संबंधित प्रभारी मंत्र्यांच्या मान्यतेने, मंत्रालयीन स्तरावरील संबंधित प्रशासकीय विभागाच्या सचिवाने याबाबतीत वेळोवेळी काढलेले शासन निर्णय व आदेश विचारात घेऊन कार्यालय प्रमुखाकडून किंवा यथास्थिति विभागप्रमुखाकडून निर्धारित करण्यात येईल :

परंतु, अंतिम निर्णय घेण्याच्या प्रयोजनार्थ असा सादर करण्याचा स्तर हा तीन पेक्षा अधिक अधिकाऱ्यांकडे असणार नाही.

(२) अधिकाऱ्याला प्रत्येक प्रकारच्या प्राधिकाराचे किंवा अधिकाराचे वाटप केलेली विषयनिहाय सूची ठेवण्यात येईल.

(३) जर अंतिम निर्णय घेण्याचे अधिकार प्रदान करण्यात आलेला विशिष्ट सक्षम अधिकारी उपस्थित नसेल किंवा रजेवर असले आणि अशा सक्षम प्राधिकार्याचे काम तात्पुरत्या कालावधीत सुद्धा स्थगित ठेवता येणे शक्य नसेल तर, प्रशासकीय सोय व निकड लक्षात घेऊन अशा सक्षम प्राधिकार्याचे काम त्या आस्थापनेवरील इतर अधिकाऱ्यांमध्ये वाटून देण्यात येईल :

परंतु, मंत्रिमंडळ टिप्पणी आणि धोरणात्मक निर्णयांचा समावेश असणाऱ्या बाबी यांसारख्या अत्यंत महत्त्वाच्या बाबीसाठी तीनपेक्षा अधिक टप्पे ठेवता येतील :

परंतु आणखी असे की, प्रादेशिक कार्यालयांना स्पष्टीकरण किंवा निर्देश देण्याची आवश्यकता असेल अशा विद्यमान धोरणाच्या किंवा आदेशाच्या फायली सचिवाच्या दर्जापेक्षा उच्च दर्जा असणाऱ्या स्तरावर सादर करण्यात येणार नाहीत :

परंतु, असेही की, स्मरणपत्रे वरिष्ठ स्तरापर्यंत सादर करण्यात येणार नाहीत.

(४) गुंतवणुका व पायाभूत सुविधा असलेले प्रकल्प यांच्या प्रस्तावांचा समावेश असणाऱ्या फायली, मंत्रिमंडळासमोर सादर होणाऱ्या धोरणात्मक विषयांच्या सल्लागार विभागाकडे प्राप्त झालेल्या फायली/प्रस्ताव कनिष्ठ अधिकाऱ्यांकडे किंवा कार्यासनात पाठविण्यात येणार नाहीत. अशा प्रकरणांमध्ये आभिप्राय किंवा टिप्पण्या उप सचिव किंवा किमान अवर सचिव स्तरावरच नोंदविण्यात येतील. अपवादात्मक परिस्थितीत जर अवर सचिव उपलब्ध नसतील तर, अशा फायली कक्ष अधिकाऱ्यांमार्फत सादर करण्यात येतील.

७. अधिकाऱ्यांच्या स्तरांची सूची अद्ययावत करणे.— (१) मंत्रालय स्तरावरील संबंधित प्रशासकीय विभाग, विभागीय स्तरावरील किंवा यथास्थिति जिल्हा स्तरावरील विभाग प्रमुख किंवा इतर कोणत्याही कार्यालयाचा प्रमुख दुय्यम अधिकाऱ्यांकडे सोपविलेल्या अधिकारांची सूची सादर नियम प्रसिद्ध झाल्यापासून तीन महिन्यात तयार करील आणि त्यानंतर अशी प्रसिद्ध केलेली सूची प्रत्येक अनुवर्ती वर्षाच्या २ मे रोजी अद्ययावत करण्यात येईल. तसेच सादर माहिती इलेक्ट्रॉनिक स्वरूपात शासनाच्या किंवा विभागाच्या संकेतस्थळावर किंवा पोर्टलवर प्रदर्शित करावी.

(२) मंत्रालय स्तरावरील संबंधित प्रशासकीय विभाग प्रमुख हा प्रत्येक अधिकारी त्याच्याकडे सोपविलेल्या अधिकारांचा योग्यरीतीने व निःपक्षपातीपणे वापर करीत आहे आणि त्यांच्या कार्यक्षमते येणाऱ्या बाबींवर योग्य ते निर्णय घेण्यात आले आहेत, याची सुनिश्चिती करण्यासाठी प्रत्येक वर्षाच्या जानेवारी व जुलै या महिन्यात कार्यालयांच्या किंवा विभागांच्या कार्याचा यादृच्छिक आढावा घेईल.

८. ई-मेलसना पॉच देण्याबाबत.— प्राप्त होणाऱ्या ई-मेलसना संबंधितांनी ई-मेल प्राप्त झाल्याची पॉच द्यावी. तसेच प्राप्त होणारा ई-मेल त्या कार्यालयाशी किंवा विभागाशी किंवा कार्यासनाशी संबंधित नसल्यास तो संबंधित कार्यालय किंवा विभाग किंवा कार्यासनाकडे पाठवावा व तसे अर्जदारास ई-मेलने कळवावे.

९. प्रत्येक अधिकाऱ्याची जबाबदारी.— प्रकरणे वेळेवर सादर करण्याची वा अर्धनियमामध्ये विहित केलेल्या कालमर्यादेत त्या प्रकरणांचा अंतिमतः निकालात काढण्याची प्राथमिक जबाबदारी ही मंत्रालयातील प्रत्येक अधिकाऱ्याची आणि विभागीय किंवा जिल्हा किंवा तालुका स्तरावर कार्यालयाच्या प्रभारी अधिकाऱ्याची राहिल.

१०. कक्ष किंवा कार्यासन किंवा शाखा यांच्या कामाच्या प्रगतीवर नियंत्रण ठेवण्यासाठी करावयाची उपाययोजना.— प्रभारी शाखा किंवा कक्ष किंवा कार्यासन अधिकारी हा, त्याच्या शाखेत किंवा कक्षात किंवा कार्यासनात पार पाडण्यात येणाऱ्या कामकाजाच्या प्रगतीवर लक्ष ठेवील आणि पुढील बाबींची खात्री करून घेईल,—

(क) कोणताही संदर्भ किंवा फायली किंवा प्रकरणे दुर्लक्षित राहिलेली नाहीत आणि कार्यवाही अभावी प्रलंबित राहिलेली नाहीत ;

(ख) गुंतागुंतीच्या व महत्त्वाच्या संदर्भांवर स्वतः कार्यवाही केली आहे ;

(ग) त्याला सादर केलेल्या टिप्पण्यांची व मसुद्यांची छाननी केली आहे आणि टिप्पण्यांमध्ये व मसुद्यांमध्ये अचूकपणा आणण्याच्या उद्देशाने, त्या टिप्पण्या व मसुदे सक्षम अधिकाऱ्याला सादर करण्यापूर्वी जेथे आवश्यक असेल तेथे आपले अभिप्राय किंवा सूचना नोंदविलेल्या आहेत ;

(घ) स्वतः पुढाकार घेऊन आणि जबाबदारीने शक्य तितकी जास्त प्रकरणे निकालात काढली आहे ;

(ड) यथोचित आणि सुयोग्य उपाययोजनांचा अवलंब केला आहे, जेणेकरून संदर्भ किंवा प्रकरणे निकालात काढील ;

(च) शाखेच्या किंवा कक्षाच्या दैनंदिन कामकाजाची माहिती करून घेतली आहे ;

(छ) शाखेच्या किंवा कक्षाच्या किंवा कार्यासनाच्या कामाच्या प्रगतीवर काटेकोर लक्ष ठेवण्याच्या दृष्टीने दर महिन्याच्या शेवटी शाखेतील किंवा कक्षातील किंवा कार्यासनातील प्रलंबित फायलींचा सर्वास्तर विश्लेषणात्मक आढावा घेतला आहे आणि तसेच, प्रलंबित फायलीं निकालात काढण्यासाठी योग्य मार्गदर्शन आणि सुयोग्य सुधारात्मक उपाययोजना केली आहे ;

(ज) शाखा किंवा कक्ष किंवा कार्यासन यांचा अभिलेख पुढीलप्रमाणे ठेवण्यात येईल—

(एक) आलेले टपाल ;

(दोन) कार्यवाहीअधीन प्रकरणे ;

(तीन) प्रलंबित प्रकरणे ;

(चार) सुप्त प्रकरणे ;

(पाच) स्थायी आदेशांचो प्रकरणे किंवा संकलन; आणि

(सहा) अंतिमरीत्या निकालात काढलेली प्रकरणे (अ, ब, क, ड वर्गवारानुसार) ;

नियमांच्या अंमलबजावणीबाबत कार्यासनाच्या किंवा शाखेच्या किंवा कक्षाच्या प्रभारी अधिकाऱ्याने दक्ष रहावे.

११. आंतर विभागीय संदर्भांच्या बाबतीतील विलंब टाळण्यासाठी निर्बंध.— मंत्रालयीन विभागांमध्ये अनौपचारिक संदर्भ किंवा प्रकरणे यांच्या बाबतीतील विलंब टाळण्यासाठी पुढीलप्रमाणे कार्यवाही करण्यात येईल,—

(क) वित्त विभाग आणि विधी व न्याय विभाग यांच्या व्यतिरिक्त, इतर विभागांकडे अभिप्रायार्थ किंवा विचारविनिमयार्थ पाठवणे आवश्यक असलेली सर्व प्रकरणे किंवा संदर्भ संबंधित सह सचिव/उप सचिव/ अवर सचिव यांना थेट चिन्हांकित करण्यात येतील आणि त्यांचे अभिप्राय मार्गवण्यात येतील. या प्रयोजनासाठी प्रत्येक विभाग, विभागाचे संबंधित सह सचिव, उप सचिव आणि अवर सचिव यांच्या नावांची यादी आणि त्यांच्याशी संबंधित विषयांची यादी तयार करील. अशा प्रकारची यादी प्रत्येक विभागास उपलब्ध करून देण्यात येईल. अशी यादी शासनाच्या संकेतस्थळावर देखील उपलब्ध करून देण्यात येईल. उक्त यादीमध्ये जर काही बदल झाले तर तिच्यामध्ये वेळोवेळी आवश्यक ती सुधारणा करण्यात येईल तसेच ती यादी संबंधित कक्षामध्ये दर्शनी जागी लावण्यात येईल. तसेच सदर माहिती इलेक्ट्रॉनिक स्वरूपात शासनाच्या किंवा विभागाच्या संकेतस्थळावर किंवा पोर्टलवर प्रदर्शित करावी.

(ख) जर प्रस्ताव दुसऱ्या विभागाच्या सचिवाच्या स्तरावर मान्य करण्यात आला असेल तर, वित्त विभाग किंवा नियोजन विभाग किंवा सामान्य प्रशासन विभाग यांच्या सह सचिव किंवा उप सचिवाच्या स्तरावर असा प्रस्ताव बारकाईने तपासण्यात येईल आणि सह सचिव किंवा उप सचिवाच्या स्तरावर तो अमान्य करण्यास कोणतीही हरकत असणार नाही :

परंतु, अशा प्रयोजनसाठी त्या विभागाच्या सचिवाने तसा आदेश काढणे आवश्यक आहे ;

(ग) त्या विभागाचा सचिव जर, वित्त विभाग किंवा नियोजन विभाग किंवा सामान्य प्रशासन विभाग यांच्या सह सचिव किंवा उप सचिवाने दिलेल्या मतांशी सहमत नसेल तर, अशी फाईल पुन्हा वित्त विभाग किंवा नियोजन विभाग किंवा यथास्थिति सामान्य प्रशासन विभाग यांच्याकडे सचिव स्तरावर आढावा घेण्यासाठी निर्दिष्ट करण्यात येईल ;

(घ) जर वरील खंड (ग) अनुसार प्रस्ताव दुसऱ्या विभागाने सचिव स्तरावरून पुढे पाठविला असेल आणि वित्त विभाग किंवा नियोजन विभाग किंवा सामान्य प्रशासन विभाग यांना असा प्रस्ताव अमान्य करावयाचा असेल तर, अमान्य करण्याबाबतची अशी कार्यवाही वित्त विभाग किंवा नियोजन विभाग किंवा, यथास्थिति सामान्य प्रशासन विभाग यांच्या सचिव स्तरावरून करण्यात येईल ;

(ड) अन्य विभागाचा अभिप्राय नोंदविण्यात आल्यानंतर ते प्रकरण मूळ विभागाला प्राप्त झाले आणि या विभागांमध्ये मताभिन्नता असल्याचे आढळून आले तर, या प्रकरणी आणखी लेखी टिप्पणी लिहिण्याऐवजी दोन्ही विभागांचे सचिव किंवा ज्यांना अधिकार प्रदान करण्यात आले आहेत असे अधिकारी वादग्रस्त प्रश्नावर वैयक्तिक चर्चा करून घरघर संमतीने अशी प्रकरणे निकालात काढतील ;

(च) जर मूळ विभागाला एखादी फाईल एकापेक्षा अधिक विभागांना चिन्हांकित करावयाची असेल तर, मूळ विभागाने ती फाईल ज्या क्रमाने चिन्हांकित केली असेल त्याच क्रमाने ती त्या विभागांकडे सादर करण्यात येईल ;

(छ) वरील खंड (च) मध्ये विहित केलेली कार्यपद्धती स्वीकारताना प्रकरण निकालात काढण्यास विलंब होण्याची शक्यता असेल तर, आणि विभागांकडून अपेक्षित असलेले अभिप्राय फुटीदायक असण्याची शक्यता नसेल किंवा ते मूळ विभागाच्या अभिप्रायांशी विसंगत किंवा परस्परविरोधी असतील तर, मूळ विभाग स्वतंत्र प्रस्ताव तयार करील आणि प्रत्येक संबंधित विभागाला स्वतंत्रपणे फाईल अग्रेषित करून त्यावर त्यांचे अभिप्राय किंवा मन मागतील ;

(ज) आपल्या शाखेत किंवा कक्षात प्राप्त झालेले विशिष्ट प्रकरण हे अन्य विभागाशी संबंधित आहे, असे विभागाचे मत असेल तर, अशा परिस्थितीत विभाग ते प्रकरण महाराष्ट्र शासनाच्या कार्यनियमावलीतील नेमक्या कोणत्या नोंदीशी हा विषय संबंधित आहे, ती विनिर्दिष्ट नोंद स्पष्टपणे नमूद करून त्या संबंधित विभागाच्या सचिवांची संमती घेतल्यानंतर हे प्रकरण संबंधित विभागाकडे पाठविले ;

(झ) एखाद्या विभागाला प्राप्त झालेल्या पत्रव्यवहारावर त्याच विभागाने किंवा अन्य कोणत्या विभागाने कार्यवाही करावी, याबाबतची प्रश्न उपस्थित झाला तर, दोन्ही विभागांनी चर्चा करून अशा प्रश्नावर तोडगा काढावा. जर हा प्रश्न एका आठवड्याच्या आत सोडवण्यात आला नाही तर, त्या प्रश्नावर सामान्य प्रशासन विभागातील रचना व कार्यपद्धती शाखेच्या अधिनर्णय घेण्यात येईल आणि एकदा का सामान्य प्रशासन विभागाच्या रचना व कार्यपद्धती (र.व.का.) विभागाच्या सचिवांच्या स्तरावर हा अधिनियम देण्यात आला तर मुख्य सचिव किंवा मा. मुख्यमंत्री यांचे कोणतेही अन्य निर्देश नसतील तर, तो अंतिम असेल. जर दुसऱ्या विभागाने विषय हाताळण्यासंबंधातील असा प्रश्न मंत्रालयीन विभागाखेरीज अन्य कोणत्याही कार्यालयात उपस्थित झाला तर, ही बाब दोन कार्यालयीन कामाच्या दिवसांच्या आत विभाग प्रमुखांमार्फत मंत्रालयीन विभागाच्या संबंधित प्रभारी सचिवांकडे निर्दिष्ट करण्यात येईल ;

(ञ) एका विभागाकडून दुसऱ्या विभागाकडे एखादा विषय हस्तांतरित करण्याचा प्रश्न विचाराधीन असला तरी ज्या विभागास पत्रव्यवहार प्राप्त झाला आहे तो विभाग, जोपर्यंत तो विषय अन्य विभागाकडे हस्तांतरित करण्याच्या प्रश्नावर निर्णय घेतला जात नाही तोपर्यंत, त्याच्याशी संबंधित असा विषय हाताळणे चालू ठेविले. अशा प्रकरणांमध्ये विषय हस्तांतरित करण्याबाबतचा स्वतंत्र प्रस्ताव त्या विभागाकडून करण्यात येईल ;

(ट) गुंतवणूक व पायाभूत सोयी प्रकल्पांच्या प्रकरणांचा अन्य विभागांकडे अनौपचारिक संदर्भ तयार करताना, अशी प्रकरणे अन्य सर्वसाधारण प्रकरणांप्रमाणे अग्रेषित करण्यात येणार नाहीत. सचिव स्तरावर किंवा किमान उप सचिव स्तरावर चर्चेद्वारे शंका निरसन करण्यात येईल आणि प्रारंभिक कार्यपद्धतीद्वारे सहमती मिळाल्यानंतर टिप्पणी करण्यात येईल, त्यामुळे, पुन्हापुन्हा टिप्पणी लिहिण्यात व ती सादर करण्यात येऊ नये जाणार नाही. मंत्रालयीन विभागाच्या सचिवांच्या कार्यालयात आणि अन्य कार्यालयांत देखील गुंतवणूक व पायाभूत सोयी प्रकल्पांच्या विषयासंबंधात प्राप्त झालेल्या प्रकरणांची नियंत्रण नोंदवर्दी ही सचिवांच्या रम्य सहयाकाद्वारे किंवा, यथास्थिति, विभाग प्रमुखाद्वारे ठेवण्यात येईल आणि आठवड्याच्या एकतर पहिल्या किंवा शेवटच्या दिवशी विभागाचे सचिव किंवा विभाग प्रमुख, अशा नियंत्रण नोंदवहीच्या आधारे अशी प्रकरणे निकालात काढण्याबाबत किंवा त्यावरील अंमलबजावणीबाबत आढावा घेतील.

१२. **दुय्यम कार्यालयांकडून अभिप्राय किंवा मत मागविण्यासंबंधीची कार्यपद्धती.**— मंत्रालयीन विभागाला किंवा विभाग प्रमुखाला किंवा जिल्हास्तरीय कार्यालयाला दुय्यम कार्यालयांकडून मत मागविणे किंवा त्याचा विचार घेणे आवश्यक वाटत असेल तर, पुढील कार्यपद्धती अनुसरण्यात येईल,—

(क) सर्वसाधारणपणे प्रकरणांची कागदपत्रे शक्यतोवर दुय्यम कार्यालयातील अधिकार्यांकडे, जोपर्यंत खरोखरीच तशी गरज नसेल तोपर्यंत, पाठविण्यात येणार नाही. अशा पत्रव्यवहारासाठी प्रधान्याने ई-मेल संवेचा वापर करण्यात येईल आणि स्मरणपत्रे देखील ई-मेलनेच पाठविणे बंधनकारक असेल;

(ख) जेव्हा प्रकरणांची कागदपत्रे किंवा संपूर्ण प्रकरण एखाद्या दुय्यम कार्यालयाकडे पाठविण्यात येईल तेव्हा, दुय्यम कार्यालयातील अधिकार्यांकडून ज्या विनिर्दिष्ट मुद्द्यांबाबत विचार घेणे किंवा मत मागविणे अपेक्षित आहे ते मुद्दे स्पष्टपणे व प्रवर्गानिहाय नमूद करण्यात येतील ;

(ग) दुय्यम कार्यालयाचा संबंधित अधिकारी, अभिप्राय किंवा विचार मागविण्यासाठी निर्दिष्ट केलेल्या मुद्द्यावर स्पष्ट मत देईल किंवा विचार मांडील. उक्त संबंधित अधिकारी प्रकरणाशी संबंधित अन्य संबद्ध व तदानुर्भोगक मुद्दे देखील विशद करील ;

(घ) ज्याच्याकडून मत मागविण्यात आले आहे तो, दुय्यम कार्यालयाचा अधिकारी त्या विनिर्दिष्ट प्रकरणामध्ये अभिभावी असलेल्या विवाक्षित परिस्थितीत योग्य तो कृति आराखडा देखील सूचवील किंवा मत देईल किंवा विचार व्यक्त करील ;

(ङ) दुय्यम कार्यालय एखाद्या प्रकरणावर केलेल्या शिफारशीच्या पुष्ट्यर्थ संबद्ध कायदे, नियम व शासनाचे प्रशासकीय आदेश इत्यादींचा उल्लेख करील.

(च) दुय्यम किंवा क्षेत्रीय अधिकार्यांकडून माहिती मागविण्यात आली असेल अशा प्रकरणांमध्ये ती माहिती कोणत्या दिनांकापर्यंत अपेक्षित आहे तो विशिष्ट दिनांक मंत्रालयीन विभागाकडून पाठविण्यात येणाऱ्या पत्रात नमूद केला जाईल. दुय्यम किंवा क्षेत्रीय कार्यालयाने आवश्यक ती माहिती सादर करण्यासाठीची विनिर्दिष्ट कालमर्यादा ही, माहितीची व्याप्ती, संबंधित विभाग किंवा जिल्हा स्तरावरील कार्यालय वास त्या कार्यालयाच्या अधिनस्त असलेल्या दुय्यम कार्यालयाकडून माहिती गोळा करण्यासाठी लागणारे कामाचे संभाव्य दिवस आणि ती माहिती प्रत्यक्षात पाठविण्यासाठी लागणारा वेळ या सर्व बाबी विचारात घेऊन निश्चित करण्यात येईल.

१३. **विहित कालावधीत प्रकरणांवर अंतिम निर्णय घेण्यासाठीच्या उपाययोजना.**— अधिनियमातील कलम १० अन्वये प्रकरणांचा निपटारा करण्यासाठी विहित केलेला कालावधी कमाल असून त्या कालावधीच्या आत प्रकरणे निकालात काढण्यात येतील. अशा प्रकरणांसंबंधातील विलंब टाळण्यासाठी पुढीलप्रमाणे उपाययोजना करण्यात येतील :—

(क) शासकीय कर्मचाऱ्यांच्या कामाच्या संबंधात जी मानके ठरविण्यात आली आहेत, त्यानुसारच त्यांना नेमून दिलेल्या कार्यालयीन कामाचा निपटारा होतो किंवा कसे याचा, प्रत्येक कार्यालय प्रमुख किंवा विभाग प्रमुख किंवा यासंदर्भात ज्यास प्राधिकृत करण्यात आले आहे असा कोणताही अन्य अधिकारी दर महिन्याच्या अखेरीस नियतकालिक आढावा घेईल. अशा प्रकारची प्रमाणके विनिर्दिष्ट केली नसल्यास ती प्रत्येक कार्यालयप्रमुखाकडून किंवा विभाग प्रमुखाकडून त्वरित विनिर्दिष्ट करण्यात येतील.

(ख) प्रकरणांवर निर्णय घेण्यासाठी शक्यतोवर मंत्रालयीन विभागांच्या प्रशासकीय नियंत्रणाखालील प्रत्येक कार्यालय किंवा विभाग प्रमुखांकडे अधिकार सोपविण्यात येतील व सोपविलेल्या अधिकारांचा वापर प्रभावीरीतीने होतो किंवा कसे याचा नियतकालिक आढावा घेऊन त्याबाबत आवश्यक त्या उपाययोजना करण्यात येतील.

(ग) अंतिम निर्णय घेण्याच्या दृष्टीने प्रकरणांवर कार्यवाही करण्यासाठी विनिर्दिष्ट केलेल्या कार्यपद्धतीचा आढावा घेऊन आवश्यक असल्यास त्यात सुधारणा करण्यात येईल.

१४. **अधिनियमाच्या कलम ११ मध्ये नमूद केलेल्या बाबींचे किंवा प्रकरणांचे निर्धारण करणे व सूची तयार करणे.**— अधिनियमाच्या कलम १० च्या तरतुदी ज्या बाबींना किंवा प्रकरणांना विवाक्षित परिस्थितीत लागू होणार नाहीत अशा कलम ११ च्या तरतुदींच्या कार्यक्षेत्र येणाऱ्या बाबी किंवा प्रकरणे निश्चित करून त्यांची यादी मंत्रालय स्तरावर संबंधित प्रशासकीय विभाग आणि विभागीय स्तरावरील विभाग प्रमुख किंवा यथास्थिति जिल्हा स्तरावरील जिल्हा कार्यालय प्रमुख तयार करील आणि या यादीचा वर्षातून किमान दोनदा आढावा घेऊन त्यानुसार ही यादी अद्ययावत करील.

नमुना “ क ”

[नियम ३(३) पहा]

कार्यालयाचे नाव व पत्ता : _____
दूरध्वनी क्रमांक : _____
फॅक्स क्रमांक : _____
ई-मेल : _____
दिनांक : _____

विषय : _____

अर्जदाराने खालील माहिती भरावी.

अर्जदाराचे नाव : _____
पत्ता : _____
दूरध्वनी क्रमांक : _____
(असल्यास)
भ्रमणध्वनी क्र. : _____
(असल्यास)
ई-मेल : _____
(असल्यास)

स्वाक्षरी

अर्जदाराचे नाव ()

नमुना “ ख ”

[नियम ३(३) पहा]

कार्यालयाचे नाव व पत्ता : _____
दूरध्वनी क्रमांक : _____
फॅक्स क्रमांक : _____
ई-मेल : _____
दिनांक : _____

विषय : _____

कार्यता विनंती अर्ज.

अर्जासोबत सादर करावयाच्या आवश्यक कागदपत्रांची यादी

१.

२.

३.

४.

५.

नमुना “ ग ”
[नियम ३(४) पहा]

कार्यालयाचे नाव व पत्ता : _____
दूरध्वनी क्रमांक : _____
फॅक्स क्रमांक : _____
ई-मेल : _____
दिनांक : _____

प्राप्त झालेल्या अर्जांच्या तपासणीसाठी तपासणी सूची

१. अर्जदाराने भरलेली माहिती पूर्ण आहे किंवा कसे : होय / नाही *
२. अर्जदाराने नमुना “ ख ” अनुसार आवश्यक कागदपत्रे
अर्जासोबत जोडलेली आहेत किंवा कसे : होय / नाही *
३. जर कागदपत्रे जोडलेली नसतील तर सादर करण्यासाठी
आवश्यक कागदपत्रे : १.
२.
३.
४.
५.
४. अर्जदाराला कळविण्यात आले आहे किंवा कसे : होय / नाही *

परीक्षकाचे नाव :

पदनाम :

कार्यालयाचा शिक्का :

* जे लागू नसेल ते खोड्यावे.

नमुना “ घ ”
[नियम ३(५) पहा]

कार्यालयाचे नाव व पत्ता : _____
दूरध्वनी क्रमांक : _____
फॅक्स क्रमांक : _____
ई-मेल : _____
दिनांक : _____

अर्जदाराला द्यावयाची पोच पावती

प्रति,

अर्जदाराचे नाव
पिनकोडसहीत पत्ता.

विषय : _____

साठीचा आपला दिनांक _____ रोजीचा अर्ज.

महोदय / महोदया,

आपला उपरोल्लेखित अर्ज या कार्यालयास दिनांक _____ रोजी (अर्ज प्राप्त झाल्याचा दिनांक नमूद करावा) प्राप्त झाला आहे. आपल्या अर्जाचा क्रमांक _____ आहे. आपल्या विनंतीसंबंधी केलेल्या कार्यवाहीची पुढील माहिती आपणास _____ दिवसांच्या * आत कळविण्यात येईल. त्यानंतर जर या कार्यालयाकडे कोणतीही चौकशी करावयाची असल्यास ती दूरध्वनीवरून किंवा ई-मेलद्वारे आपला अर्ज क्रमांक व विषय उद्धृत करून करता येईल.

नाव : _____

पदनाम : _____

* नागरिकांची सनद यामधील निर्धारित केलेला कालावधी नमूद करावा.

महाराष्ट्राचे राज्यपाल यांच्या आदेशानुसार व नावाने,

जयन्त कुमार बाँठिया,
शासनाचे मुख्य सचिव.

GENERAL ADMINISTRATION DEPARTMENT
Mantralaya, Madam Cama Road, Hutatma Rajguru Chowk,
Mumbai 400 032, dated the 14th November 2013.

NOTIFICATION

MAHARASHTRA GOVERNMENT SERVANTS REGULATION OF TRANSFERS AND PREVENTION OF DELAY IN DISCHARGE OF OFFICIAL DUTIES ACT, 2005.

No.POD-1007/C.R.9/18(O&M).— In exercise of the power conferred by sub-section (1) of section 14 of the Maharashtra Government Servants Regulation of Transfers and Prevention of Delay in Discharge of Official Duties Act, 2005 (Mah. XXI of 2006) and of all other powers enabling it in this behalf and in supersession of all the existing rules, orders or instruments made in this behalf, the Government of Maharashtra hereby makes the following rules, the same having been previously published as required by sub-section (1) of section 14 of the said Act, namely :—

1. *Short title.*—These rules may be called the Maharashtra Prevention of Delay in Discharge of Official Duties Rules, 2013.

2. *Definitions.*—(1) In these rules, unless the context otherwise requires,—

(a) “Act” means the Maharashtra Government Servants Regulation of Transfers and Prevention of Delay in Discharge of Official Duties Act, 2005 (Mah. XXI of 2006) ;

(b) “Administrative audit” means the mechanism determined by the Government to verify whether final decision on a file or case in any office or Department is taken on the basis of proper delegation of powers, that is, three level submission and also the compliance of the time limit prescribed under sub-section (1) of section 10 of the Act, for taking the decision and necessary action in the matter ;

(c) “Awaited case” means the case in which further action is to be taken after certain period ;

(d) “Case” means file or other related papers, references, correspondence, notings, etc., received and consolidated in a bunch ;

(e) “Correspondence” means the inward and outward references in the process of taking decision, which includes written letters, telegrams, interdepartmental notings, fax messages, e-mail, orders, circulars, resolutions, issued by the Government, from time to time ;

(f) “Dormant Case” means and includes the cases in which decision rests with other than the State Government, the case in which final order has been passed but which are required to be kept in await for watching the observance of terms of final orders, cases involving collection of data or statistic from various authorities for the compilation of various Government reports, periodicals, returns, etc., but shall not include the cases falling under section 11 of the Act ;

(g) “File” means a set of relevant papers of the specific subject having a particular separate number in which one or more parts mentioned below are included :—

(i) correspondence,

(ii) notings,

(iii) appendix of the correspondence,

(iv) appendix of the notings ;

(h) “Final Disposal” means action taken on the reference received or action taken on the correspondence of the file after consideration, and final decision has been taken on such reference or correspondence, and no further action is pending on such reference or correspondence ;

(i) “Form” means the Forms appended to these rules ;

(j) "Immediate and urgent reference" means the *tapal* received including the telegrams, telex message, fax messages, letters, e-mails, etc., which are marked by the competent authority, after taking into consideration the seriousness of the matter, as immediate or urgent, with an intention to complete the expected action within a time mentioned in sub-section (1) of section 10 of the Act ;

(k) "Minister-in-charge" means the Minister-in-charge to whom the concerned subject or work has been allotted according to the Maharashtra Government Rules of Business ;

(l) "Officer incharge of section or branch" means such officer working at the Taluka or Sub-Divisional Office or District or Divisional or Departmental levels, who has been nominated for disposal or final disposal of the concerned subject or work of a section ;

(m) "Level of submission" means the total three levels of Government servants, who are responsible for submitting the matters for taking final decision to the officer, whom, powers having delegated for taking a final decision after taking into consideration the nature, level and importance of various subjects being handled in the office or Department ;

(n) "Notings" means the remarks recorded on the file such as summaries of the earlier papers, description of issues or questions under consideration, analysis, instructions and final orders issued in that regard for quick disposal of any case ;

(o) wherever the words File, Case, Correspondence, Noting, Draft, Reference, Remarks, Proposal, Forms, letters, *Tapal* occur they will include the corresponding electronic versions like e-file, e-case, e-correspondence, e-noting, e-draft, e-reference, e-remarks, e-proposal, e-forms, e-mails etc. and the word Services (Seva or Suvidha) wherever used would also cover the services delivered to the users by electronic means.

(II) Words and expressions used but not defined herein shall have the meanings respectively assigned to them in the Act.

3. *Preparation of Citizens Charter.*—(1) The Head of every administrative Department of Mantralaya and the heads of all offices under their administrative control, that is, the Divisional level, District level, Taluka level, sub-divisional level, or as the case may be, local level, shall prepare separate Citizens Charter for their respective offices. The separate Citizens Charter shall be consistent with the Citizens Charter of its concerned Head Office and such Citizens Charter shall be prepared and published on the basis of instructions contained in Circulars or Letters issued by the Government, from time to time, and shall be displayed at a conspicuous place in the concerned office. It shall also be displayed in electronic form on the website or portal of the Department or Government.

(2) The Citizens Charter published under the provisions of sub-rule (1), shall be updated by each office, from time to time, if necessary; and on the 2nd May of every succeeding year according to the Government revised policy or plan or programme or project or rules or orders, etc. Each office shall finalise and publish Citizens Charter after considering the objections or suggestions, if any, and after thorough discussion on the difficulties of the officers concerned and suggestions received in this behalf. It shall also be displayed in electronic form on the website or portal of the Department or Government.

(3) The prescribed papers for providing the facilities or services rendered by the office or Department shall be kept minimum. For that purpose, the Head of every office or Department shall take a detailed review. The necessary Form "A" for availing the facilities or services rendered by the office or Department shall be made easily available by the concerned office or Department free of charge. The list of the optional papers shall also be specified in Form "B" by the Head of every office or Department. It shall also be displayed in electronic form on the website or portal of the Department or Government.

(4) An application received in Form "A" from any citizen, shall be checked immediately as per the checklist provided in Form "C" regarding its fulfillment and if, after checking, the application is found to be incomplete, then the applicant shall be informed about the shortfalls immediately on the spot so that he can complete the formalities for filling the Form.

(5) If the application of the citizen is complete then he shall be given the receipt of its acknowledgment in Form "D", in which the period mentioned in the Citizens Charter of that office or Department for providing such services or facilities shall be mentioned clearly, and the office shall ensure that the citizen do not have to visit the concerned office time and again.

(6) Minimum period for providing services and facilities shall be specified taking into consideration the time limit mentioned as per concerned Acts and Rules. The concerned Head of Office, Department on noticing or being brought to his notice any dereliction in providing service and facilities will hold and complete the preliminary enquiry within fifteen working days. If it is found that the concerned officer or employee has shown habitual or willful or intentional delay or negligence in discharge of official duty, the recommendation of Departmental Enquiry shall be forwarded to the Competent Authority. The Competent Authority accordingly shall issue order of departmental enquiry as per the relevant Rules.

(7) Maximum use of information technology shall be made in the offices and e-governance shall be given highest preference while rendering facilities or services to citizens. Every administrative Department in Mantralaya in consultation with the Commissioner, or Head of Department and Head of office under them shall undertake time bound programme for providing services and facilities by way of electronic mode. The services and facilities which are to be provided by way of electronic mode to the citizens shall be determined within six months from the date of commencement of these rules. Accordingly, services like licenses, certificates, approvals or cash payment and application therefor shall be provided online. Information in this regard shall be made available on Department's website. The citizen who cannot avail online facilities shall be provided services or facilities by following the prevalent procedure.

4. *Publication of list of powers delegated to subordinate officers for taking final decision.*— The list of powers of the incharge Secretary of the concerned administrative Department at the Mantralaya level, Head of the Department at the Divisional level or, as the case may be, at District level and subordinate officers who are working under their supervision at various levels or the officers who are delegated the subject-wise or file wise powers for taking the final decision, shall be prepared and published and affixed at a conspicuous place in the concerned office, as provided under sub-section (1) of section 9 of the Act. The said list of powers shall be updated and published on the 2nd May of every succeeding year. It shall also be displayed in electronic form on the website or portal of the Department or Government.

5. *Prohibition of delegation of powers to Government officers against whom Departmental inquiry is being conducted.*— Notwithstanding anything contained in rule 4,—

(1) If, any Departmental inquiry under charges of serious nature is being conducted under the concerned disciplinary rules against any employee or officer, or if any officer is required to face any criminal case or investigation, then such employee or officer shall not be empowered to take any final decision on the work of executive nature or sensitive work or subjects.

(2) If, a charge sheet is served on any officer with the charges of misappropriation or financial irregularities or embezzlement of the Government money or corruption, or if the decision to serve the charge sheet against such officer has been taken at the level of Departmental Inquiry Officer, or such officer is suspended from the services for any such allegation, then in that circumstances, even after reinstatement of such officer in the services, he shall not be empowered to take final decision on executive or sensitive subjects, till the decision of such inquiry or investigation is completed and implementation of punishment awarded to him is completed or such officer has been completely exonerated from such charges or allegations:

Provided that, the Government may, after examining the merits and demerits of the case and after recording the reasons, shall consider delegation of any power for finalisation of executive or sensitive subject to such Government employee mentioned in sub-rules (1) and (2).

6. *Determination of level of powers for taking final decision.*— (1) Subject to the provisions of section 9 of the Act, the level for delegation of the powers for taking the final decisions shall be determined by the Head of the office or Department, as the case may be, after considering Government Resolutions and orders, issued from time to time, in this behalf, by the Secretary

in-charge of the concerned administrative Department at the Mantralaya level, with the approval of the concerned Minister-in-charge of the administrative Department :

Provided that, the level of such submissions for the purpose of taking final decision shall not be more than three officers.

(2) Subject-wise list of distribution of authority or powers for every kind of officer shall be maintained.

(3) If a particular competent authority, who has been empowered to take final decision, is not present or has proceeded on leave and the work of such competent authority cannot be held up even for a temporary period, then, taking into the consideration the administrative convenience and exigencies, the work of such competent authority shall be distributed amongst the other officers of that establishment :

Provided that, more than three stages may be kept for very important matters like Cabinet Note and the matters involving policy decisions :

Provided further that, the files of the existing policy or orders, which require the explanations or directives to be given to the Regional Offices, shall not be submitted to the level higher than the Secretary level :

Provided also that, reminders shall not be submitted upto the senior level.

(4) The files involving the proposals of investments and infrastructure projects, files, proposals regarding policy matter to be submitted before Cabinet received by advisory Department shall not be sent to junior officers or to the Desk. In such cases the remarks or notings shall be recorded by the Deputy Secretary or at least at the level of the Under Secretary. In the exceptional circumstances, if Under Secretary is not available, then such files shall be submitted by the Desk Officer.

7. *Updating list of level of officers.*— (1) The concerned administrative Department at the Mantralaya level, Head of the Department at the Divisional level, or as the case may be, at the District level, or Head of any other office, shall prepare the list of powers delegated to the subordinate officers within three months of publication of these Rules and thereafter such published list shall be updated on the day of 2nd May of every succeeding year. It shall also be displayed in electronic form on the website or portal of the Department or Government.

(2) The Head of the concerned administrative Department at the level of Mantralaya shall take a random review of the activities of the offices or Departments in the month of January and July of every year to ensure that the powers delegated to every officers are exercised adequately and judiciously and proper decisions are taken on the matters falling under their purview.

8. *Acknowledgement of e-mails.*— An acknowledgement of e-mails received shall be given by concerned person. If the e-mail received is not concerned with the office or Department or Desk then it shall be forwarded to the concerned office or Department or Desk and accordingly intimated the same to the applicant by e-mail.

9. *Responsibility of every officer.*— Every officer of the Mantralaya and incharge officer of the office of Divisional or District or Taluka level shall be primarily responsible for timely submission or final disposal of the cases within the time limit mentioned in the Act.

10. *Measures to be taken for keeping control on progress of works of Desk or Section or Branch.*— The incharge of Branch or Desk or Section officer shall keep watch on the progress of the work carried in his Branch or Desk or Section and ensure that,—

(a) no references or files or cases remain unattended and pending for want of action ;

(b) himself will deal with the complicated and important references ;

(c) scrutinize the notes and drafts submitted to him and record his opinion or suggestion on the file wherever necessary before submitting it to the competent officer with a view to maintain the accuracy of the notes and drafts ;

(d) dispose of on his own initiative and responsibility as many cases as possible ;

(e) adopt suitable and proper measures so as to dispose of references or cases ;

(f) keep him self informed of the day-to-day business of the Branch or Desk ;

(g) take analytical detailed review of the files pending in the Branch or Desk at the end of every month with a view to keep vigorous watch over the progress of the working of the Branch or Desk or Section and, also provide proper guidance and suitable remedial measures for disposal of the pending files ;

(h) Records of the Branch or Desk or Section shall be kept as follows :—

(i) receipt of post ;

(ii) cases under process;

(iii) awaited cases ;

(iv) dormant cases ;

(v) cases of standing order or compilation ; and

(vi) cases disposed of finally (as per A, B, C, D classification) ;

The officer in-charge of the Branch or Desk or Section shall be vigilant in implementation of rules.

11. *Restrictions for prevention of delay in inter-departmental references.*— The following action shall be taken to avoid delay in un-official references or cases in Mantralaya Departments, namely :—

(a) except the Finance Department and Law and Judiciary Department, all the cases or references required to be sent to other Departments for opinion or consultation, shall be marked to the concerned Joint Secretary or Deputy Secretary or Under Secretary directly, and their opinion shall be obtained. For that purpose, every Department shall prepare a list of the names of the concerned Under Secretary, Deputy Secretary and Joint Secretary of the Department and a list of the subjects dealt with by them. Such list shall be made available to every Department. It shall also be made available on the Government website. If any changes occur in the said list, then necessary corrections shall be carried out from time to time in the said list and shall be displayed at a conspicuous place in the concerned Desk. It shall also be displayed in electronic form on the website or portal of the Department or Government ;

(b) if the proposal is approved at the level of another Department's Secretary, then such proposal shall be examined directly at the level of the Joint Secretary or Deputy Secretary of the Finance Department or Planning Department or General Administration Department and there shall be no objection to convey the disapproval thereof at the level of the Joint Secretary or Deputy Secretary :

Provided that, it is necessary for the Secretary of the Department to issue such order for such purpose ;

(c) if the Secretary of the Department does not agree with the views conveyed by the Joint Secretary or Deputy Secretary of the Finance Department or Planning Department or General Administration Department, then such file shall be referred again to the Finance Department or Planning Department or, as the case may be, the General Administration Department at the Secretary level for review ;

(d) if the proposal has been forwarded as per clause (c) and the same is moved by another Department at Secretary level, and the Finance Department or Planning Department or General Administration Department desires to disapprove such proposal, then such action of disapproval shall be taken at the level of the Secretary of the Finance Department or Planning Department or the General Administration Department, as the case may be ;

(e) after recording the remarks of the other Department, if the case is received in the original Department and if it is found that there is a difference of opinion between these Departments then instead of writing a further note in such case, the Secretaries of both the Departments or the officers, whom the powers are delegated, shall, by holding personal discussions on the controversial issues, dispose of such cases by mutual consent ;

(f) if the original Department desires to mark any file to more than one Department, then the file shall be routed through those Departments as per the order of marking of the original Department ;

(g) while adopting the above procedure prescribed in clause (f), if delay is likely to be caused in disposal of the case and the remarks expected from the Departments are not likely to be supporting or are inconsistent or contradictory to those of the concerned Department, then the originating Department shall prepare separate proposals and obtain the remarks or opinion on it by forwarding an independent file to each concerned Department ;

(h) if the Department is of the opinion that a particular case received in its Branch or Desk pertains to any other Department then in such circumstances the Department shall forward the case to the concerned Department mentioning therein clearly the specific entry of the Maharashtra Government Rules of Business, to which the subject matter relates after obtaining the approval of the Secretary of the concerned Department ;

(i) if a question arises as to whether the correspondence received in a Department should be dealt with by such Department or any other Department, then both the Departments shall, after discussion settle such question. If the question is not settled within a period of a week then ruling of the Organization and Methods Branch (O.&M.) of the General Administration Department shall be obtained on such question and once such ruling is given at the level of the Secretary of the Organization and Methods Branch (O.&M.) of the General Administration Department the ruling shall be final, unless there is any other direction of the Chief Secretary or the Chief Minister. If such kind of question regarding dealing of the subject by another Department arises in any office other than a Mantralaya Department, then the matter shall be referred within two office working days, through the Head of the Department to the concerned Secretary-in-charge of the Mantralaya Department ;

(j) while the question regarding the transfer of a subject from one Department to another is under consideration, the Department, which has received the correspondence, shall continue to handle such subject pertaining to it, until a decision is taken to transfer the subject to another Department. In such cases, a separate proposal of transfer of the subject shall be taken up by that Department ;

(k) while making unofficial references of the cases of Investment and Infrastructures Facility Projects to other Departments, such cases shall not be forwarded like other general cases. The doubts shall be cleared by discussion at the Secretarial level or at least at the level of Joint Secretary or Deputy Secretary, and after getting concurrence by initial procedure the noting shall be prepared, so that time is not wasted in repetition of noting and presentation. In the office of the Secretaries of Mantralaya Department and also in other offices, a Control Register of the cases received on the subject of Investment and Infrastructure Facility Project shall be maintained by the Personal Assistant to the Secretary or Head of the Department, as the case may be, and either on the first day or on the last day of the week the Secretary of the Department or the Head of the Department shall, on the basis of such Control Register, take review of the disposal or implementation of such cases.

12. *Procedure for obtaining remarks or opinion from subordinate offices.*— If it is necessary for the Mantralaya Department or Head of the Department or Office at the District level to obtain the opinion or views from the subordinate offices, then the following procedure shall be followed, namely :—

(a) generally the papers of cases shall not be sent to the officers of the subordinate office unless it really becomes necessary. For such correspondence the e-mail services shall be used on priority basis and it shall also be binding to send reminders by e-mail ;

(b) wherever the papers in a case or the entire case is forwarded to any subordinate office, the specific points on which the views or opinion is expected from the officer of the subordinate office, shall be clearly and categorically mentioned ;

(c) the concerned officer of the subordinate office shall give the clear-cut opinion or views on the point referred for opinion or views. The said concerned officer shall also clarify other relevant and incidental points in relation to the case ;

(d) the officer of the subordinate office, from whom the opinion is sought shall also suggest a suitable line of action or opinion or views in certain situations prevailing in that specific matter ;

(e) the subordinate office shall mention the relevant Acts, rules, administrative orders of the Government, etc., in support of the recommendation made in any case ;

(f) in cases wherein the information is called from subordinate or Regional Officer, the specific date up to which the information is expected shall be mentioned in the letter sent by the Mantralaya Department. The specific time limit for furnishing of the requisite information from subordinate or Regional Office, shall be determined by considering the scope of the information, the possible working days required by the concerned Department or District level office for collection of information from its subordinate offices and the actual days required by that office for dispatching the said information.

13. *Measures for taking final decision within prescribed period.*— The period mentioned in section 10 of the Act for final disposal of cases is maximum and the cases shall be disposed of within that period. For avoiding delay on such cases, the following steps shall be taken, namely :—

(a) the Head of every office or Department or any other officer in whom the authority has been vested shall take a periodical review at the end of every month to ensure that the official work assigned to the Government servant is disposed of as per the norms specified in relation to his work. If such kind of standards are not specified then such standards shall be specified by the Head of every office or Department immediately ;

(b) the powers shall be delegated as far as possible to the Head of every office or Department working under the administrative control of the Mantralaya Departments for taking a decision on cases. Necessary measures shall be adopted after taking of a periodical review to see that the powers delegated are exercised effectively ;

(c) a review of the procedure specified for processing of cases for taking a final decision shall be taken and any modification, if necessary, shall be carried out therein.

14. *Assessment and preparation of list of matters or cases under section 11 of the Act.*— The concerned administrative Department at Mantralaya level, the Divisional Head or as the case may be, the District Head shall determine and prepare the list of the matters or cases coming under the purview of the provisions of section 11 of the Act to which the provisions of section 10 are not applicable in certain circumstances and prepare a list thereof and update it twice in a year after taking the review of such list.

FORM "A"

[See rule 3(3)]

Name and Address of the Office :

Telephone No. :

Fax No. :

E-mail ID :

Date :

Subject : _____

Applicant should fill up following information

Name of Applicant :

Address :

Telephone No. if any :

Mobile No. if any :

E-mail if any :

Signature

Name of Applicant (_____)

FORM "B"

[See rule 3(3)]

Name and Address of the Office :

Telephone No. :

Fax No. :

E-mail ID :

Date :

Subject : — Request application for _____

_____**List of documents required to be submitted with application**

- 1.
- 2.
- 3.
- 4.
- 5.

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FORM "C"

[See rule 3(4)]

Name and Address of the Office :

Telephone No. :

Fax No. :

E-mail ID :

Date :

Check list for examining the application received

1. Whether information filled by the applicant : Yes / No *
is complete
2. Whether required documents as per Form : Yes / No *
"B" are enclosed with the application
3. If no, the documents required to be submitted :
1.
2.
3.
4.
5.
4. Whether applicant has been informed : Yes / No *

Name of the Examiner:

Designation :

Stamp of office

* strike off which is not applicable

FORM "D"

[See rule 3(5)]

Name and Address of the Office :

Telephone No. :

Fax No. :

E-mail ID :

Date :

Receipt to the Applicant

To,
Name of Applicant,
Address with Pin Code

Subject : - Your application dated _____ for _____

Sir/Madam,

Your application mentioned above has been received in this office on _____ (mention the date of receipt). The number of the said application is _____. The further information regarding the action taken on your request will be communicated to you within _____ days * after which enquiry if any can be made with this office on telephone or e-mail by quoting your application number and subject.

Name :

Designation :

* Mention the period stipulated in the Citizens Charter.

By order and in the name of the Governor of Maharashtra,

JAYANT KUMAR BANTHIA,
Chief Secretary to the Government.

**GOVERNMENT OF MAHARASHTRA
FINANCE DEPARTMENT**

MAHARASHTRA CIVIL SERVICES

**(LEAVE)
RULES, 1981**

**FINANCIAL PUBLICATION OF THE
GOVERNMENT OF MAHARASHTRA No. III**

First Edition

P R E F A C E

The First Edition of the Bombay Civil Services Rules, 1959, in Volumes I and II, was printed in 1959 after the reorganization of States in 1956. Various developments have taken place since then i.e., the Reorganisation of the Bilingual Bombay State into the two States of Maharashtra and Gujarat as also changes have been made in the Rules through numerous amendments issued from time to time, during the last several years. As a result, a good deal of difficulty was being experienced in practice in understanding and applying these rules properly. The need to have revised and simplified Service Rules was being acutely felt. Government, therefore, has decided to publish the following self-contained subjectwise sets of Services Rules:-

- (1) Maharashtra Civil Services (General Conditions of Services) Rules.
- (2) Maharashtra Civil Services (Pay) Rules.
- (3) Maharashtra Civil Services (Joining Time, Foreign Service and Payments during Suspension, Dismissal and Removal) Rules.
- (4) Maharashtra Civil Services (Leave) Rules.
- (5) Maharashtra Civil Services (Pension) Rules.
- (6) Maharashtra Civil Services (Honoraria, Fees, Compensatory Local and House Rent Allowances) Rules.
- (7) Maharashtra Civil Services (Occupation of Government Residences) Rules.
- (8) Maharashtra Civil Services (Traveling Allowances) Rules.

These sets of rules seek to codify the provisions of existing rules in the Bombay Civil Services Rules subjectwise and the various orders issued by Government with such rewording as have become necessary to put them in the form of statutory rules.

2. The first four sets of rules {S. Nos. (1) to (4)} have been framed by the Governor of Maharashtra under proviso to article 309 of the Constitution of India. These rules which have been issued under Government Notification, Finance Department, No. MSC-1081/4/MCSR-Cell, dated the 23rd July, 1981, come into force with effect from the 15th August 1981. The remaining sets of rules will be issued later on.

3. To make each set of rules as self-contained as possible, the relevant delegation of powers, Appendices and the relevant forms pertaining to a particular subject, have also been included therein.

4. This set of rules pertains to admissibility of leave to employees of the Maharashtra government. The Marathi version will be published separately.

5. For facility of reference a comparative table has been appended to this set of rules at the end indicating the numbers of these rules and the corresponding provisions of the Bombay Civil Services Rules,1959. The table also indicates the provisions of the Bombay Civil Services Rules,1959, which have been deleted from this set of rules.

6. Omission or inaccuracies, if any, in this set of rules, may please be brought to the notice of the Finance department.

V.PRABHAKAR.

Dated 23rd July 1981.

Special Secretary to

Government, Finance Department.

Finance Department. Mantralalya, Bombay 400 032.

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COMPARATIVE TABLE

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GOVERNMENT OF MAHARASHTRA
FINANCE DEPARTMENT

Mantralaya, Bombay-400 032-BR, dated 23rd July 1981

NOTIFICATION

CONSTITUTION OF INDIA

No. MSC 1081/4/MCSR-Cell.--In exercise of the powers conferred by the proviso to article 309 of the Constitution of India, the Governor of Maharashtra is hereby pleased to make the following Rules, namely:--

CHAPTER I - GENERAL

1. short title and commencement

- (1) These Rules may be called the Maharashtra Civil Services (Leave) Rules, 1981.
- (2) They shall come into force on the 15th day of August 1981.

2. Extent of application

(1) Save as otherwise provided in these rules, these rules shall apply to all Government servants whose conditions of service the Government of Maharashtra are competent to prescribe.

Note 1.--The amount of leave to Government servants of the former States of States of Saurashtra, Kutch, Madhya Pradesh and Hyderabad allocated to the State of Bombay who have opted to be governed by the rules of the former States applicable to them before the 1st November 1956, in accordance with Government Resolution, Finance Department, No. INT-1056-S-8, dated the 7th January 1957, as modified from time to time, shall be governed by those rules.

Note 2.--The option for leave rules exercised by the Government servants of the former States of Saurashtra, Kutch, Madhya Pradesh and Hyderabad allocated to the State of Bombay covers also three types of leave, viz., Special Disability Leave, Maternity Leave and Hospital Leave and also the Pilgrimage Leave in the case of the allocated Government servants from the former State of Hyderabad only, admissible under Article 180-A, Appendix XXI, Volume II of the Hyderabad

Civil Service Rules, but in the case of Study Leave they are all governed by these rules.

Note 3.--Persons transferred to Government service from a Local Fund which is not administered by Government will be treated as joining a first post under Government and their previous service shall not count as service performed under Government. Government may, however, allow previous service in such cases to count as service performed on such terms as it thinks fit.

(2) Unless it be otherwise provided in these rules, a permanent Government servant to whom these rules do not apply.

(a) When transferred temporarily to a service or post to which these rules apply, shall remain subject to the leave rules which were applicable to him before such transfer; and

(b) When appointed substantively to a permanent post to which these rules apply, shall become subject to these rules from the date of such appointment in which case the leave at his credit under the rules previously applicable to him shall be carried forward subject to the maximum limits of accumulation as laid down in rule 50. The leave so carried forward shall first be exhausted before the leave earned under the rules is availed of. The leave salary in respect of the leave carried forward shall be borne by the Government from which the Government servant is transferred.

3. Right to interpret

Government reserve to themselves the right of interpreting these rules.

4. Power of relaxation

Where Government is satisfied that the operation of any of these rules causes or is likely to cause undue hardship in the case of any Government servant or class of Government servants, it may, by an order in writing, exempt any such Government servant or class of Government servants from any provisions of these rules or may direct that such provisions shall apply to such Government servants or class of Government servants with such modifications not affecting the substance thereof as may be specified in such order.

5. Persons for whom special provisions made

Persons in respect of whom special provisions regarding leave have been made shall be governed by such special provisions.

6. Regulation of claim to leave

A Government servant's claim to leave is regulated by the rules in force at the time the leave is applied for and granted.

7. Exercise and delegation of powers under these rules

No powers may be exercised or delegated under these rules except after consultation with the Finance Department. It shall be open to that Department to prescribe, by general or special order, cases in which its consent may be presumed to have been given.

Note.--For powers delegated under these rules see Appendix I.

8. Reasons for concessions to be communicated to Audit Officer

When a competent authority, other than Government, communicates to the Audit Officer an order granting any concessions under these rules to any Government servant in cases in which it is prescribed that the reasons therefore should be recorded, he should at the same time forward to him a copy of his reasons.

CHAPTER II-DEFINITIONS

[The definitions given below are reproduced from Chapter II of the Maharashtra Civil Services (General Conditions of Services) Rules, 1981 and are only those definitions which are relevant for the purpose of the subject-matter contained in this set of rules.]

9. Unless the context otherwise requires, the terms defined in this chapter are used in the various sets of the Maharashtra Civil Services Rules, in the sense here explained :-

(3) **Apprentice** means a person deputed for training in a trade or business with a view to employment in Government service, who is paid at monthly rates by Government during such training but is not employed in or against a substantive vacancy in the cadre of a department.

(4) **Audit Officer** means an Audit Officer, appointed by the Comptroller and Auditor General of India whatever his official designation, in whose circle of audit a public servant is serving, or (in respect to verification of service) has served.

(5) **Cadre** means the strength of a service or a part of a service sanctioned as a separate unit (8) **Compensatory allowance** means an allowance granted to meet personal expenditure necessitated by the special circumstances in which duty is performed. Includes different types of traveling allowances.

(9) **Competent authority**, in relation to the exercise of any power, means Government, or any authority to which the power is delegated by or under these rules.

(12) **Date of first appointment** means the date the Government servant assumes the duties of his assumption of any duty which is treated, as service counting for pension.

(13) **Day** means the period beginning from one midnight and ending with the next midnight.

(18) **First appointment** means the appointment of a person who is not holding any appointment under Government, even though he may have previously held such an appointment.

(19) **Foreign service** means service in which a Government servant receives his pay with the sanction of Government from any source other than the Consolidated Fund of India or of a Union Territory.

(20) A Gazetted Government servant is one who is a member of an All India or State Service or a person appointed in accordance with the terms of a contract or agreement and whose appointment is gazetted by Government. Members of the Subordinate Civil Services, whose appointments are gazetted by Heads of Departments are Non-gazetted Government servants. Notifications investing Government servants with powers under different Acts, in order that the Courts may take judicial cognizance of them, do not constitute the persons invested with such powers as Gazetted Government servants within the meaning of this sub-rule.

Exception.-Officers whose appointments to Class II services or posts are made by the Heads of Departments or Heads of Offices subordinate to them and are not published in the Gazette should be treated as Gazetted Government servants.

(21) Government, unless there is anything repugnant in the subject or context,, as respects anything done or to be done after the commencement of the Constitution, shall mean the Governor of Maharashtra.

(22) Heads of Departments. This term includes the officers mentioned in Appendix II of Maharashtra Civil Services (General Conditioned of Services) Rules, 1981 and any others whom Government may from time to time declare to be Heads of Departments.

(23) Holiday means -

(a) a holiday prescribed or notified by or under section 25 of the Negotiable Instruments Act, 1881; and

(b) in relation to any particular office, a day on which such office is ordered by Government, or by a duly constituted authority, by notification in the Gazetted or otherwise, to be closed for the transaction of Government business without reserve or qualification.

(26) Class IV service means service performed by a Government servant in a post specifically classified as Class IV and such other unclassified Non-gazetted posts the maximum of the scale of which is equal to or less than Rs. 435.

(27) Joining time means the time allowed to a Government servant to join a new post or to travel to or from a station to which he is posted,

(28) **Leave** means permission to remain absent from duty granted by a competent authority under the Maharashtra Civil Services (Leave) Rules, 1981

(29) **Leave-salary** means the monthly amount paid by Government to a Government servant on leave.

(30) **Lien** means the title of a Government servant to hold substantively, either immediately or on the termination of a period or periods of absence, a permanent post, including a tenure post, to which he has been appointed substantively.

(34) **Month** means a calendar month. 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 add number of days calculated subsequently,

Instruction.--Calculations of period expressed in terms of months and days should be made as under:-

(a) To calculate 3 months and 20 days on and from the 25th January, the following method should be adopted:-

	Y. m. d,
25th January to 31st January	0. 0. 7
February to April	0. 3. 0
1st May to 13th May	0. 0. 13

	0. 3. 20

(b) The period commencing on 30th January, and ending with 2nd March should be deemed as 1 month and 4 days, as indicated below:--

	Y. m. d.
30th January to 31st January	0. 0. 2
February	0. 1. 0
1st March to 2nd March	0. 0. 2
	0. 1. 4

(35) **Officiate.** A Government servant officiates in a post when he performs the duties of a post on which another person holds a lien. A competent authority may, if it thinks fit, appoint a Government servant to officiate in a vacant post on which no other Government servant holds a lien.

(36) Pay means the amount drawn monthly by a Government servant as-

(i) the pay (including special dearness pay) which has been sanctioned for a post held by him substantively or in an officiating capacity, or to which he is entitled by reason of his position in a cadre; and

(ii) personal pay, and special pay; and

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

(40) Permanent post means a post carrying a definite rate of pay sanctioned without limit of time.

(41) Personal pay additional pay granted to a Government servant -

(a) To save him from a loss of substantive pay in respect of a permanent post other than a tenure post due to a revision of pay or due to any reduction of such substantive pay otherwise than as a disciplinary measure; or

(b) in exceptional circumstances, on other personal considerations.

(42) Presumptive pay of a post, when used with reference to any particular Government servant, means the pay to which he would be entitled if he held the said post and were performing its duties; but it does not include special pay unless the Government servant performs or discharges the work or responsibility, in consideration of which special pay was sanctioned.

(43) Probationer means a Government servant employed on probation in or against a substantive or temporary vacancy in the cadre of a department.

Note 1.--No person appointed substantively to a permanent post in a cadre is a probationer, unless definite conditions of probation have been attached to his appointment, such as the condition that he must remain on probation pending the passing of certain examination.

Note 2.--A Government servant (other than one who holds substantively a permanent post) appointed on promotion to a temporary post will be for all purposes as a temporary Government servant.

Note 3.--The status of a probationer is to be considered as having the attributes of a substantive status except where the rules prescribe otherwise.

(46) Registered medical practitioner means a medical practitioner registered under the Maharashtra Medical Council Act. LXVI of 1965, or the Maharashtra Medical

Practitioners Act, XXVIII OF 1961, or a practitioner registered under Part A or Part B of the Register maintained under the Maharashtra Homeopathic and Biochemic Practitioners Act, XII of 1960, or any other law corresponding thereto and in force in the State of Maharashtra, or the respective Medical Registration Acts of the several State Governments.

(48) Special pay means an addition, of the nature of pay, to the emoluments of a post or of a Government servant granted in consideration of -

- (a) the specially arduous nature of the duties;
- (b) a specific addition to the work or responsibility.

(51) Substantive pay means the pay other than special pay, personal pay or emoluments classed as pay by Government under sub-rule 36 (iii) to which a Government servant is entitled on account of post to which he has been appointed substantively or by reasons of his substantive position in a cadre.

(53) Temporary post means a post carrying a definite rate of pay sanctioned for a limited time.

Note.--Substantive appointments to temporary posts should be made in a limited number of cases only, as for example, when posts are, to all intents and purposes, quasi-permanent or when they have been sanctioned for a period of not less than, or there is reason to believe that they will not terminate within a period of three years. In all other cases, appointments in temporary posts should be made in an officiating capacity only.

Instruction.--The benefit of substantive appointments to temporary posts contemplated in the above note should not be allowed to be enjoyed by more than one person simultaneously. Therefore, where a Government servant has already been appointed substantively to a temporary post and there is a temporary interruption in his tenure of the post, it would not be proper to appoint another Government servant substantively to the post during such temporary interruption. For this purpose, interruptions which are likely to last for less than 3 years may be treated as temporary. It follows, therefore, that where a Government servant is already appointed substantively to a temporary post, a second Government servant should not be appointed substantively to it unless the previous holder of the post has been transferred from it permanently or unless he has been

transferred temporarily and there is reason to believe that he will remain absent from the post for a period of not less than three years.

(54) Tenure post means a permanent post which an individual Government servant may not hold, for more than a limited period without reappointment.

Note.--The following posts in State and Class I services have been declared by Government to be tenure posts :--

	1	Period	of
	Tenure		(Years)
(1) Under Secretary to Government (when held by persons other than those promoted from the Subordinate Secretariat Service).			3
(2) Deputy Secretary (Criminal Law) in the Law & Judiciary Department.			5
(3) Solicitor (Mofussil Litigation)	..	..	..
	5		
(4) Three posts of Assistant Directors of Social Welfare..	..	..	3

(56) Transfer means the movement of a Government servant from one headquarter station in which he is employed to another such station, either-

- (a) to take up the duties of a new post; or
- (b) in consequence of a change of his headquarters.

(57) Transit time means the actual time required to reach the destination of tour from the headquarters or from one outstation to another outstation by the ordinary mode of travel.

CHAPTER III-GENERAL CONDITIONS

10. Right to leave

(1) Leave is permission granted by a competent authority at its discretion to remain absent from duty.

(2) Leave cannot be claimed as of right.

(3) when the exigencies of public service so require, leave of any kind may be refused or revoked by the authority competent to grant it, but it shall not be open to that authority to alter the kind of leave due and applied for except at the written request of the Government servant.

11. Considerations for sanctioning of leave on application

Where all applications for leave cannot in the interest of public service be granted, an authority competent to grant leave should in deciding which application should be granted take into account the following considerations:-

(a) the Government servant who can for the time being best be spared.

(b) the amount of leave due to the various applicants.

(c) the amount and character of the service rendered by each applicant since he last returned from leave.

(d) the fact that any such applicant was compulsorily re-called from his last leave.

(e) the fact that any such applicant has been refused leave in the public interest.

12. Grant of leave should not unduly deplete cadre

Leave should not be granted to an extent which would deplete the strength of a service or Department available for duty below the essential minimum.

13. Duties of Government servant absent on leave to be discharged by another Government servant ordinarily from same station or district.

As a general rule, the duties of a Government servant absent on leave for a period not exceeding 120 days should be discharged by another Government servant in the same station or district. Only in exceptional cases, where there is no Government servant available on the spot, the transfer of a Government servant from another station or district to officiate in consequence of a Government servant being on leave, not exceeding 120 days can be allowed. In the case of posts held by members of the All India Services, if a

member of that service is not available on the spot, a State Officers should be placed in charge of the vacant post.

14. Commutation of one kind of leave into another

(1) At the request of a Government servant, the authority which granted him leave may commute it retrospectively into leave of a different kind which was due and admissible to him at their time the leave was granted, but the Government servant cannot claim such commutation as a matter of right.

(2) The commutation of one kind of leave into another shall be subject to adjustment of leave salary on the basis of leave finally granted to the Government servant, that is to say, any amount paid to him in excess shall be recovered or any arrears due to him shall be paid.

Note.--Extraordinary leave granted on medical certificate or otherwise may be commuted retrospectively into leave not due subject to the provisions of rule 62.

15. Combination of different kinds of leave

Except as otherwise provided in these rules, any kind of leave under these rules may be granted in combination with or in continuation of any other kind of leave.

Explanation.--Casual leave which is not recognized as leave under these rules shall not be combined with any other kind of leave admissible under these rules.

16. Maximum amount of continuous leave

Unless Government in view of the exceptional circumstances of the case otherwise determines, no Government servant shall be granted leave of any kind for a continuous period exceeding five years.

17 Formal joining of duty at the end of leave with the intention of taking leave again permitted.

Formal joining of duty at the end of leave with the intention of taking leave again permitted. The principle on which the requirements of this rule should be enforced is that no deliberate or intentional evasion of the rule should be permitted; but so long as this condition is satisfied, it is left to the discretion of the authority competent to grant the leave, to grant or refuse it, as may seem proper in each case.

18. Application of rules while on temporary transfer to other Government or on foreign service

(1) Government servants to whom these rules apply shall continue to be governed by these rules while on temporary transfer to the Central Government or any other State Government or while on foreign service within India.

(2) A Government servant in foreign service in India should submit his application for leave for a period not exceeding 120 days to his employer through the Audit Officer concerned. If the period is in excess of 120 days, he should submit the application through his employer to the authority, competent to grant the leave along with the Audit Officer's report thereon.

(3) A Government servant in foreign service in India may be granted by his employer leave for a period not exceeding 120 days, provided that it is certified by the Audit Officer to be admissible. Leave of longer duration may be granted by the authority which sanctions the transfer.

(4) In the case of Government servants on foreign service outside India (including service with U.N. agencies within or outside India) or on temporary transfer to the Armed Forces of the Union, these rules shall apply only to the extent provided in the terms and conditions of foreign service or temporary transfer, as the case may be.

19. Admissibility of leave while in foreign service to be certified by Audit Officer

In the case of a Government servant on foreign service leave should not be sanctioned until the Audit Officer who is responsible for the recovery of the leave and pension contributions has certified the amount of leave and the leave salary admissible.

20. Acceptance of service or employment while on leave

(1) A Government servant (other than a Government servant who has been permitted a limited amount of private practice or who has been permitted to undertake casual literary work or service as an examiner or similar employment) while on leave (including leave preparatory to retirement or leave granted beyond the date of retirement or quitting service) shall not take up any service or employment elsewhere, including the setting up

of a private professional practice as Accountant, Consultant or Legal or Medical Practitioner, without obtaining the previous sanction of-

(a) Government if the proposed service or employment lies elsewhere than in India; or

(b) the authority empowered to appoint him, if the proposed service or employment lies in India.

(2) (a) No Government servant while on leave, other than leave preparatory to retirement or leave granted beyond the date of retirement, shall ordinarily be permitted to take up any other service or employment.

(b) If grant of such permission is considered desirable in any exceptional case, the Government servant may have his services transferred temporarily from his parent office to the office in which he is permitted to take up service or employment or may be required to resign his appointment before taking up any other service or employment.

(3) (a) In case a Government servant who has proceeded on leave preparatory to retirement is required, before the date of compulsory retirement, for employment during such leave in any post under the State Government in or outside India and is agreeable to return to duty, the unexpired portion of the leave from the date of rejoining shall be cancelled.

(b) The leave so cancelled under clause (a) shall be treated as leave refused and subject to the provisions of rule 67 it may be granted from the date of compulsory retirement of the Government servant.

(c) Such recall to duty before expiry of leave shall be treated as optional for the purpose of rule 46.

(d) No leave shall be earned in respect of any period of employment during leave preparatory to retirement.

(e) In case a Government servant is employed in any post under the Government of Maharashtra while he is on leave referred to in rule 67 he may continue to enjoy his leave concurrently with such employment, but his leave salary which may be drawn in addition to pay of the post in which he is employed will be restricted to the amount leave salary admissible in respect of leave on half pay. During such employment he may be granted dearness allowance and compensatory allowance, if any admissible on the basis

of pay. These allowances will neither be admissible on leave salary nor will the leave salary be taken into account in calculating these allowances.

(4) Government servant on leave preparatory to retirement desiring to take up employment under Government will be given the option of retiring forthwith, or of remaining on leave until he has exhausted the leave admissible to him on condition that so long as he is employed under the Government, leave salary will be restricted to the amount of the pension plus pension equivalent of death-cum-retirement-gratuity, admissible to him on retirement. The expression 'employment under Government' includes employment in any office under the Government whether under a State Government or the Central Government.

(5) (a) Where a Government servant is on leave beyond the date of compulsory retirement as provided in rule 67 and is employed during such leave in any post under the State Government or under a local body referred to in clause (a) of sub-rule (3) of rule 66 he may, if he so desires, continue to enjoy his leave concurrently with such employment subject to the maximum limit of 180 days as prescribed in rule 50.

(b) Where a Government servant is on leave preparatory to retirement as provided in rule 66 and is permitted such leave to take up employment under the State Government or under the Central Government or under a private employer or an employment payable from a Local Fund or an employment in any independent profession, trade or business such as setting up of practice as a Consultant, Accountant, Lawyer or Doctor, his leave salary should be restricted to the amount of leave salary admissible in respect of leave on half pay. No dearness allowance shall be admissible on leave salary.

(6) Re-employment of a Government servant, in a post other than in his parent department or office is to be treated as involving a "contracting out" of the Government servant's normal conditions of service and such an employment does not, therefore, attract the protection afforded by rule 27 of Maharashtra Civil Services (General Conditions of Services) Rules, 1981.

21. Carry-forward of leave of temporary Government servant with one year's continuous service if appointed within six days of relinquishment of the first appointment

Whenever a temporary Government servant with at least one year's continuous service is appointed to another permanent or temporary post under Government and the interruption in service between relinquishment of the first appointment and joining the second appointment does not exceed six days, all kinds of leave (earned leave, half pay leave, etc.) at his credit in the old post should be credited to his leave account in the new post. The service rendered by him in the old post and in the new post is not to be treated as continuous and cannot therefore be taken into account for any purpose.

22. Leave at credit to cease on removal or resignation

(1) Except as provided in rule 67 and this rule, any claim to leave to the credit of a Government servant, who is dismissed or removed or who resigns from Government service, ceases from the date of such dismissal or removal or resignation, as the case may be.

(2) Where a Government servant applies for another post under the Government but outside his parent office or department and if such application is forwarded through proper channel and the applicant is required to resign his post before taking up the new one, such resignation shall not be a resignation of public service provided that there is no physical break or if there be any, it does not exceed the joining time admissible under the rule, and shall not result in the lapse of the leave to his credit.

(3) A Government servant, who is dismissed or removed from service but is reinstated on appeal or revision, shall be entitled to count for leave his service prior to dismissal or removal, as the case may be.

(4) A Government servant, who having retired on compensation, or invalid pension or gratuity is re-employed and allowed to count his past service for pension, shall be entitled to count his former service towards leave.

23. Transfer to industrial establishment

If a Government servant governed by these rules is appointed in an industrial establishment wherein his leave terms are governed by the Factories Act, 1948 (63 of 1948), the balance of the leave at his credit on the date of such appointment shall be

allowed to be availed of as terminal leave or may lapse, subject to revival as and when he is transferred back to a service or post to which these rules apply.

CHAPTER IV - GRANT OF AND RETURN FROM LEAVE

24. Application for leave

An application for leave or for extension of leave shall be made in Form 1 in Appendix V to the authority competent to grant leave.

25. Leave account

(1) A leave account in Form 2 in Appendix V shall be maintained by the Audit Office in respect of all Gazetted Government servants except such Governments whose pay and allowances are drawn by the Head of Offices on establishment bills.

(2) In respect of Non-gazetted Government servants and such Gazetted Government servants whose pay and allowances are drawn by means of establishment pay bills, the leave account in Form 2 shall be maintained by the Head of Office.

26. Verification of title to leave

(1) No leave shall be granted to a Government servant until a report regarding its admissibility has been obtained from the authority maintaining the leave account.

(2) The authority competent to sanction leave to a Government servant shall indicate in the orders sanctioning earned leave/half pay leave, the balance of such leave to his credit.

(3) (a) Where there is reason to believe that the obtaining of admissibility report will be unduly delayed, the authority competent to grant leave may calculate, on the basis of available information, the amount of leave admissible to the Government servant and issue provisional sanction of leave for a period not exceeding sixty days.

(b) The grant of leave under this sub-rule shall be subject to verification by the authority maintaining the leave account and modified sanction for the period of leave may be issued where necessary.

(c) In the case of Gazetted Government servants the Audit Officer may, at the request of the authority competent to grant leave, issue a provisional leave-salary slip for a period not exceeding sixty days.

Note.--In the case of leave preparatory to retirement or refused leave, an undertaking for recovery of the leave salary, if any, paid in excess shall be taken from the Government servant.

27. Authority competent to grant leave to Non-gazetted Government servants

Except as provided in rule 43 any leave, other than special disability leave, admissible under these rules may be granted to a Non-gazetted Government servant by the authority whose duty it would be to fill up his post if it were vacant or by any other competent authority.

28. final sanction of leave to Gazetted officer only when admissibility certified by Audit Officer

In case of emergency, a Gazetted Government servant may be allowed to proceed on leave by the authority competent to grant him leave, but leave may not be finally sanctioned to him until a report as to the admissibility of the leave has been obtained from the Audit Officer.

29. Grant of leave to a Gazetted Government servant

Except as provided in rule 43 any leave, other than special disability leave, admissible under these rules may be granted to a Gazetted Government servant by a competent authority on receipt of the report referred to in rule 28.

30. leave and payment of leave salary to a Government servant transferred from one Department/Office to another while on leave.

The grant of leave or extension of leave and payment of leave salary to a Government servant transferred from one Department /Office to another while he is already on leave or in transit from one department to another, shall be regulated as follows:-

(a) in cases where a period of leave has already been sanctioned by a Department/Office and the Government servant concerned is transferred to another Department/Office where he has to join on expiry of the leave, the issue of formal orders sanctioning leave and the payment of leave salary shall devolve on the Department/Office from which he is transferred.

(b) In cases where extension of leave applied for in continuation of the leave already granted to him by the Department/Office from which he is transferred, the issue of formal orders sanctioning extension of leave and the payment of leave salary shall devolve on-

(i) the Department/Office where he is to report for duty, if the transfer or reversion of the Government servant to such Department/Office is to take effect from the date of expiry of the original spell of leave, or

(ii) the Department/Office from which he is transferred, if the transfer or reversion is to take effect from the date of expiry of extension of the leave applied for.

(c) in cases where the leave is applied for by a government servant during the period of transit from one Department/Office to another, the leave should be sanctioned by the Department/Office where he has to report for duty and that Department/Office should also make suitable administrative arrangements incumbent on the sanctioning of leave.

31. Leave not be granted in certain circumstances

Leave shall not be granted to a Government servant whom a competent punishing authority has decided to dismiss, remove or compulsory retire from Government service.

32. Repeated grant of leave on medical certificate within short intervals

When a Government servant applies for repeated grants of leave on Medical certificates within short intervals, the attention of the Medical Board/Government Medical Officer should be drawn to his case with a view to their/his carefully considering the term of absence necessary for his complete recovery.

33. Production of medical certificate does not confer a right to leave which is not admissible

Every certificate of a Medical Board or a Medical Officer recommending the grant of leave to a Government servant must contain a proviso that no recommendation contained in it, shall be deemed to be evidence of a claim to any leave not admissible to the Government servant under the rules to which he is subject.

34. Appearance before Medical Board

There shall be a standing Medical Board, for each Revenue Division except Bombay Division, meeting at Pune, Aurangabad and Nagpur. For Bombay Division, there shall be two standing Medical Boards, meeting at the J.J. Group of Hospitals, Bombay and the St. George's Hospital, Bombay or G.T. Hospital, Bombay.

35. Appearance of a Government servant serving outside the limits of Greater Bombay before a Medical Board

(1) A Government servant serving outside the limits of Greater Bombay shall normally be required to appear before the Medical Board constituted under rule 34 for the Revenue Division in which he is serving, but, when the authority competent to grant leave is satisfied that it will be more convenient, either to Government or the Government servant, that the latter should appear before the Board constituted for another Division or for Bombay, he may request the Vivil Surgeon of the concerned district or the Superintendent of St.George's or J.J.Hospitals, Bombay, respectively to convene a Board.

(2) A Government servant serving in Bombay, or within the limits of the Greater Bombay, shall be required to appear before one of the Boards constituted for Greater Bombay.

36. Medical Board to consist of

The Board referred to in rule 34 for the Revenue Divisions, other than Bombay Division, shall consist of three qualified medical men, of whom one shall be the Civil Surgeon at the Divisional headquarters station, who shall also be the Chairman. The two standing Medical Boards for Bombay division shall be constituted as indicated in paragraph 648 of the Bombay Civil Medical Code, Part I.

37. Arrangement for assembly of Medical Board

1 On receipt of intimation from authority competent to grant leave that a Government servant requires to be examined by the Medical Board, the Civil Surgeon or Superintendent/Dean of St. George's Hospital or Dean of J.J. Hospitals shall arrange for the assembly of the Medical Board.

38. Grant of leave to Gazetted Government servant outside district headquarters on medical certificate of a Registered Medical Practitioner

A Gazetted Government servant serving in places outside district headquarters may be granted leave on medical certificate on the strength of a certificate of a Registered Medical Practitioner countersigned by the Civil Surgeon or the District Medical Officer, who may visit the patient if for any reason he considers this course advisable. This rule will only apply when the Government servant requiring leave is too ill, or unable for other reasons regarded as sufficient by his immediate superior, to come to headquarters to undergo examination by the Civil Surgeon or the District Medical Officer.

39. No medical certificate to be submitted for countersignature without the cognizance of Head of Office

No certificate should be submitted for countersignature without the cognizance of the Head of the Office in which the applicant is serving.

40. Grant of leave on medical grounds to Gazetted Government servants

(i) Where leave of any kind (together with extension of leave, if any) is asked for on medical grounds, the competent authority may, if he considers it necessary to have a medical opinion, follow the following procedure:-

(a) if the leave together with extension of leave (if any) asked for is of 2 months' duration or less, he may be asked to obtain a certificate in Form 3 in Appendix V from his Authorised Medical Attendant; or Medical Officer of equal status.

(b) if the leave together with extension of leave (if any) asked for is for more than two months, or if the certificate obtained under clause(a) above so recommends, he may be asked to appear before a Medical Board.

(2) If according to (1) (b) above, appearance before a Medical Board is required, the authority competent to grant leave, shall request the Civil Surgeon of the district in which the Government servant is serving or in which he falls ill or to which he proceeds for treatment to set up a Medical Board. The Government servant shall present himself before the Medical Board with two copies of the statement of his case.

(3) The Medical Board may give the Government servant a certificate to the following effect, namely:-

“We do hereby certify that, according to the best of our professional judgment and after careful personal examination of the case, we consider the health of Shri/ Shrimati/ Kumari.....,to be such as to render leave of absence for a period of absolutely necessary for his/her recovery.”

Note.--Where the leave recommended is for more than three months or where the leave for three months or less is extended beyond three months, the Medical Board shall state, at the time of giving this certificate, whether the Government servant should or need not appear before another Medical Board for obtaining the certificate of fitness for return to duty.

(4) Where the Medical Board entertain a doubt, it may, before giving the certificate under sub-rule (3), provide for the keeping of the applicant under professional observation for a period not exceeding fourteen days and give him a certificate to the following effect, namely :-

“Shri/Shrimati/Kumari having applied to us for a medical certificate recommending the grant to him/her of leave, we consider it expedient, before granting or refusing such certificate, to keep Shri/Shrimati/Kumari under professional observation days.”

(5) If the state of health of the applicant is certified by the Civil Surgeon or District Medical Officer to be such as to make it impracticable for the applicant, for a specified period, to present himself/ herself at the place where a Board can be assembled, the authority competent to grant the leave may, in lieu of the certificate prescribed in sub-rule (3), accept a certificate signed by any two Medical Officers, not below the rank of a Civil Surgeon.

(6) Notwithstanding anything contained in sub-rule (5) the authority competent to grant leave may dispense with the procedure laid down in sub-rules (2) and (3) when the applicant is undergoing treatment in a hospital as an indoor patient and the leave is recommended by the Medical Officer-in-charge of the case in the hospital not below the rank of a Civil Surgeon for the period of hospitalization of convalescence.

(7) A Medical Officer shall not recommend the grant of leave in any case in which there appears to be no reasonable prospect that the Government servant concerned will ever be fit to resume his duties and in such case, the opinion that the Government servant is permanently unfit for Government service shall be recorded in the medical certificate.

(8) The grant of a medical certificate under this rule does not in itself confer upon the Government servant concerned any right to leave, the medical certificate shall be forwarded to the authority competent to grant leave and orders of that authority awaited.

Note 1.--In Greater Bombay, certificates from the Police Surgeon, Bombay, and the Superintendents/ Dean of St.George's, J.J. and G.T.Hospitals, and those signed by the Honorary Medical Staff of these institutions and countersigned by the Superintendent/Dean may be accepted for purpose of this rule. The Superintendent/Dean of the above Hospitals are empowered to countersign medical certificate from other Registered Medical practitioners in Greater Bombay or require the applicant to present himself before him for medical examination before countersignature.

Instruction:--In case the leave is for sixty days or less, the last sentences of the medical certificate in form 3 should be modified by scoring out the irrelevant words. In case leave is for more than sixty day, the last sentences of the medical certificate should be completely scored out.

Note 2.--Certificate sign by the medical officer- in-charge, Cama and Alibless Hospitals, Bombay, may be accepted for purposes of this rule far as female Government servants of Gazetted rank in greater Bombay are concerned.

Note3.--Certificate sign by the assistant to the Civil Surgeon, Pune, provided he is as an Officer of class 1st of the Maharashtra Medical and Health Services, may be accepted for purposes of this rule.

41. Grant of leave on medical grounds to Non-gazetted Government Servants

(1) An application for leave on medical grounds made by a Non-gazetted Government servants, shall be accompanied by a medical certificate in form 4 in Appendix V given by an Authorised Medical Attendant or a Registered Medical Practitioner, defining as a clearly as possible the nature and probable duration of the illness.

(2) A Medical Officer shall not recommended the grant of leave in any case in which there appears to be no reasonable prospect that the Government Servant Concerned will ever be fit to resume his duties and in such case, the opinion that the Government

Servant is permanently unfit for Government Services shall be recorded in the Medical Certificate.

(3) The authority competent to grant leave may, at its discretion, secure a second medical opinion by requesting a Government Medical Officer not below the rank of a Civil Surgeon, to have the applicant medically examined on the earliest possible date. NonGazetted female Government servant in a Greater Bombay may be examined by the Medical Officer in-charge Cama and Albless Hospitals, Bombay.

(4) It shall be the duty of the Government Medical Officer referred to in sub-rule (3) to express an opinion both as regards the facts of the illness and as regards the necessity for the amount of leave recommended and for that purpose he may either require the applicant to appear before himself or before a Medical Officer nominated by himself.

(5) The grant of a medical certificate under this rule does not in itself confer upon the Government servant concerned any right to leave; the medical certificate shall be forwarded to the authority competent to grant leave and orders of that authority awaited.

(6) The authority competence to grant leave may, in its discretion, waive the production of a medical certificate in Form 4 in case of an application for a leave for period not exceeding three days at a time. Such leave shall not be treated as commuted leave and shall be debited against leave other than commuted leave.

42. Grant of leave on medical grounds to a class IV Government servant

In support of an application for leave, or for an extension of leave, on medical grounds from a Government servant in class IV service, the authority competent to grant the leave may accept such certificate as it may deem sufficient.

43. Leave to a Government servant who is unlikely to be fit to return to duty

(1) (a) When a medical authority has reported that there is no reasonable prospect that the Government servant will ever be fit to return to duty, leave shall not necessarily be refused to such Government servant.

(b) The leave may be granted, if due, by the authority competent to grant leave on the following conditions:-

(i) if the medical authority is unable to say with certainty that the Government servant will never again be fit for service, leave not exceeding twelve months in all

may be granted and such leave shall not be extended without further reference to a medical authority,

(ii) if a Government servant is declared by a medical authority to be completely and permanently incapacitated for further service, leave or an extension of leave may be granted to him after the report of the medical authority has been received, provided the amount of leave as debited to the leave account together with any period of duty beyond the date of the report of the medical authority does not exceed months.

(2) A Government servant who is declared by a medical authority to be completely and permanently incapacitated for further service shall,-

(a) if he is on duty, be invalided from service from the date of relief of his duties, which should be arranged without delay on receipt of the report of the medical authority; if, however, he is granted leave under sub-rule (1) he shall be invalided from service on the expiry of such leave,

(b) if he is already on leave, be invalided from service on the date of expiry of that leave or extension of leave, if any, granted to him under sub-rule (1).

44. Commencement and termination of leave

Except as provided in rule 45, leave ordinarily begins on the day on which the transfer of charge is effected and ends on the day preceding that on which the charge is resumed.

45. Combination of holidays with leave

(1) When the day, immediately preceding the day on which a Government servant's leave begins or immediately following the day on which his leave expires, is a holiday or one of a series of holidays, the Government servant may be permitted to leave his station at the close of the day before, or return to it on the day following such holiday or series of holidays:

Provided that-

(a) his transfer or assumption of charge does not involve the handing or taking over of securities or of moneys other than a permanent advance,

(b) his early departure does not entail a correspondingly early transfer from another station of a Government servant to perform his duties, and

(c) the delay in his return does not involve a corresponding delay in the transfer to another station of the Government servant who was performing his duties during his

absence or in the discharge from Government service of a person temporarily appointed to it.

(2) On condition that the departing Government servant remains responsible for the moneys in his charge, the Head of Department may, in any particular case, waive the application of clause (a) of the provision to sub-rule (1).

(3) Unless the authority competent to grant leave in any case otherwise directs-

(a) if holidays are prefixed to leave and any consequent rearrangement of pay and allowances take effect from the day after the holidays; and

(b) if holidays are suffixed to leave, the leave is treated as having terminated and any consequent rearrangement of pay and allowances takes effect from the day on which the leave would have ended if holidays had not been suffixed

Note 1.--A compensatory leave granted in lieu of duty performed by a Government servant on Sunday or a holiday for a full day may be treated as a holiday for the above purpose.

Note 2.--A Government servant who has availed of half days casual leave and then proceeds on leave from the next day shall be allowed to prefix half days casual leave to the leave.

46. Recall to duty before expiry of leave

(1) All orders recalling a Government servant to duty before the expiry of his leave shall state whether the return to duty is optional or compulsory.

(2) Where the return to duty is optional the Government servant shall not be entitled to any concession.

(3) Where the return of duty is compulsory, the Government servant shall be entitled-

(a) if the leave from which he is recalled is in India, to be treated as on duty from the date on which he starts for the station to which he is ordered, and to draw-

(i) traveling allowance under rules made in this behalf for the journey;
and

(ii) leave salary, until he joins his post, at the same rate at which he would have drawn it but for recall to duty.

(b) If the leave from which he is recalled is out of India, to count the time spent on the voyage to India as duty for purposes of calculating leave, and to receive--

- 1
- (i) leave salary, during the voyage to India and for the period from the date of landing in India to the date of joining his post, at the same rate at which he would have drawn it but for recall to duty,
 - (ii) a free passage to India,
 - (iii) refund of his passage from India if he has not completed half the period of his leave by the date of leaving for India on recall, or three months, whichever is shorter,
 - (iv) travelling allowance, under the rules for the time being in force, for travel from the place of landing in India to the place of duty.

*Note.--*Orders recalling a Government servant from leave out of India should be Communicated to him officially through the High Commissioner for India. The orders of recall should state clearly whether the return is optional or Compulsory.

47. Return From leave

(1) A Government servant on leave shall not return to duty before the expiry of the period of leave granted to him unless he is permitted to do so by the authority which granted him leave.

(2) Notwithstanding anything contained in sub-rule (1), a Government servant on leave preparatory to retirement shall be precluded from returning to duty, save with the consent of the authority competent to appoint him to the post from which he proceeded on leave preparatory to retirement.

(3) (a) A Government servant who has been granted leave on medical grounds may not return to duty until he has produced a medical certificate of fitness in Form 5 in Appendix V.

(b) If the Government servant is a Gazetted Officer, the certificate under clause (a) shall be obtained from a Medical Board except in the following cases :-

- (i) cases in which the leave is for not more than three months.
- (ii) cases in which the leave is for not more than three months or leave for three months or less is extended beyond three months, and the Medical Board states, at the time of granting the original certificate of the certificate for extension that the

Government servant need not appear before another Medical Board for obtaining the certificate of fitness.

(c) In cases falling under clause (b), the certificate may be obtained from the Authorised Medical Attendant or a Medical Officer of equivalent status.

(d) In the case of a Non-gazetted Government servant, the authority under whom the Government servant is employed on return from leave may, at his discretion, accept a certificate signed by a Registered Medical Practitioner.

(4) (a) A Government servant returning from leave is not entitled, in the absence of specific orders to that effect, to resume as a matter of course the post which he held before going on leave. (b) Such Government servant shall report his return to duty to the authority which granted him leave or to the authority, if any, specified in the order granting him the leave and await orders.

Note 1.--A Government servant who had been suffering from tuberculosis may be allowed to resume duty on the basis of fitness certificate which recommends light work for him.

Note 2.--The competent authority should provide for the expected return of Government servants from leave by seeing that the Government servants to be relieved are at head quarters in due time to give over charge.

48. Absence after expiry of leave

(1) Unless the authority competent to grant leave extends the leave, a Government servant who remains absent after the end of leave is entitled to no leave salary for the period of such absence and that period shall be debited against his leave account as though it were half pay leave, to the extent such leave is due, the period in excess of such leave due treated as extraordinary leave.

(2) Wilful absence from duty after the expiry of leave renders a Government servant liable to disciplinary action.

49. Leave intervening treated as over-stayal

The entire period (excluding Sundays and holidays) intervening between the day on which the leave expires and the day on which the Government servant resumes duty shall be treated as over-stayal.

CHAPTER V--KINDS OF LEAVE DUE AND ADMISSIBLE

50. Earned leave for Government servants serving in Departments other than vacation Department

(1) (a) A Government servant who is serving in a Department other than a vacation Department shall be entitled to earned leave at the rate of one-eleventh of the period spent on duty.

(b) The Government servant will cease to earn such leave under clause (a) when the earned leave due amounts to 180 days.

(c) Where a Government servant not in permanent employ is appointed without interruption of service substantively to a permanent post his leave account shall be credited with the earned leave which would have been admissible if his previous duty had been rendered as a Government servant in permanent employ.

Note.--The provision of this clause shall apply to Government servant whose first year of service or any part thereof in temporary was rendered before 1st October 1974, When rate of earning such leave used to be 1/22nd of period spent on duty.

(d) A period spent in foreign service shall count as duty for purpose of this rule, if contribution towards leave salary is paid on account of such period.

(2) Subject to the provision of rule 10 and sub-rules (1) and (3) of this rule, the maximum earned leave that may be granted at a time shall be 120 days.

(3) Earned leave may be granted to a Government servant in Class I or Class II service for a period exceeding 120 days but not exceeding 180 days, if the entire leave so granted or any portion thereof is spent outside India, Bangladesh, Bhutan, Burma, Srilanka, Nepal and Pakistan:

Provided that where earned leave for a period exceeding 120 days is granted under this sub-rule, the period of such leave spent in India shall not in the aggregate exceed the aforesaid limits.

Exception.--When earned leave admissible under these rules is combined with special types of leave, such as T.B. leave or hospital leave, the whole spell of such leave terminating in superannuating (or invalidation) shall not be treated as leave preparatory to retirement for the application of the limits of earned leave admissible under this rule.

51. Calculation of earned leave

(1) In calculating earned leave referred to in sub-rule(1) of rule 50 the actual number of days of duty performed shall first be counted and then multiplied by 1/11th and the product expressed in days and fraction of day.

(2) In case there is a change in the rate of earning of leave, the fraction in the earned leave shall be rounded off to the nearest day, that is fraction below half shall be ignored and half or more shall be reckoned as one day.

52. Vacation Department

A Vacation Department is, subject to the exceptions and to the extent stated in Appendix II, a department or part of a department to which regular vacations are allowed, during which a government servant serving in the department is permitted to be absent from duty.

53. Government servant holding two appointments

A Government servant holding appointments, of which one is in a Vacation Department and one is not, will not be deemed to serve in a Vacation Department.

54. Earned leave for persons serving in vacation Departments

(1) A Government servant serving in a Vacation Department shall not be entitled to any earned leave in respect of duty performed in any year in which he avails himself of the full vacation.

(2) (a) In respect of any year in which a Government servant avails himself of a portion of the vacation, he shall be entitled to earned leave in such proportion of 30 days, as the number of days of vacation not taken bears to the full vacation.

Provided that no such leave shall be admissible to a Government servant not in permanent employ in respect of the first year of his service.

(b) If, in any year, the Government servant does not avail himself of any vacation, earned leave shall be admissible to him in respect of that year under rule 50.

Explanation.--For the purposes of this rule, the term "year" shall be construed as meaning not calendar year but twelve months actual duty in a Vacation Department.

Note 1.--A Government servant entitled to vacation shall be considered to have availed himself of a vacation or a portion of a vacation unless he has been required by general or special order of a higher authority to forgo such vacation or portion of a vacation ; provided that if he has been prevented by such order from enjoying more than fifteen days of the vacation, he shall be considered to have availed himself of no portion of the vacation.

Note 2.--When a Government servant serving in a Vacation Department proceeds on leave before completing a full year duty, the earned leave admissible to him shall be calculated not with reference to the vacations which fall during the period of actual duty rendered before proceeding on leave but with reference to the vacations that fall during the year commencing from the date on which he completed the pervious year of duty.

(3) Vacation may be taken in combination with or in continuation of any kind of leave under these rules:

Provided that the total duration of vacation and earned leave taken in conjunction, whether the earned leave is taken in combination with or in continuation of other leave or not, shall not exceed the amount of earned leave due and admissible to the Government servant at a time under rule 50:

Provided further that the total duration for vacation, earned leave and commuted leave taken in conjunction shall not exceed 240 days.

55. Government servant in Vacation Department liable to be recalled at his own expense

A Government servant serving in a Vacation , Department, who leaves his place of duty during vacation, is liable to be recalled thereto at his own expense, except when such Government servant had been granted leave with permission to prefix or suffix vacation to his leave.

56. Furnishing of certificate to Audit of non- availment of vacation

It is the duty of the Government servant concerned to furnish a certificate to the Audit Officer, along with a copy of the order of the head of his department , that he has not availed himself of a vacation or portion thereof unless he comes under one or other of the general classes specified below.

Note.-- The following Government servants are required by general order of Government to perform duties throughout the vacations, viz.-

(i) Judicial officers under training;

(ii) Head Clerk, Sheristedar or Nazir of a District Court.

57. Government servant precluded from enjoying a part of vacation etc.

In the case of a Government servant who is precluded from enjoying a part of the vacation by reason of his transfer, the time actually spent in traveling from one station to another and not the full joining time admissible under the rules should be added to the period by which he has been prevented from enjoying a vacation by reason of his transfer.

58. Termination of period of service on transfer from Vacation Department to Non-vacation Department

(1) When a Government servant is transferred from a Vacation Department to a Non-vacation Department, his period of service in the former will be considered to have terminated with effect from the close of the last vacation enjoyed by him.

(2) When a Government servant is transferred from a Non -vacation Department to a Vacation Department his period of service in the latter will be held to have commenced from the date of his joining the vacation Department .

Note.-- In the case of a Government servant transferred to a Non-vacation Department during the period of vacation the words "last vacation enjoyed by him" occurring in sub-rule (1) of this rule should be interpreted as referring to the last vacation fully or partly enjoyed by him.

59. Government servant in Vacation Department not entitled to pay if he resigns without previous intimation

(1) A Government servant serving in a department to which regular vacations are allowed, who holds only an acting appointment is not entitled to pay for the period of vacation , if he resigns the appointment without any previous intimation from the day his office reopens for business after the vacation . Similarly a Government servant serving in a department to which regular vacations are allowed ,who joins his

appointment from extraordinary leave only a day or two previous to the beginning of the vacation , is not entitled to pay for the period of vacation if he goes again on extraordinary leave without returning to duty on the reopening of his office after vacation.

(2) A teacher in a Government Secondary School or an Assistant Lecture in a Government College officiating in, or holding a temporary post created against a post substantively vacant, may be granted pay for the period of a vacation provided his services are dispensed with just before the commencement of the vacation and he has already put in service, of not less than eight months during the academic year concerned.

60. Half pay leave

(1) (a) A Government servant shall be entitled to half pay leave of 20 days in respect of each completed year of service.

(b) The leave due under clause (a) above may be granted on medical certificate or on private affairs :

Provided that in the case of a Government servant not in permanent employ, no half pay leave may be granted unless the authority competent to grant leave has reason to believe that the Government servant will return to duty in its expiry except in the case of a Government servant who has been declared completely and permanently incapacitated for further service by a medical authority.

(2) If a Government servant is on leave on the day on which he completes a year of service, he shall be entitled to half pay leave without having to return to duty. The period of suspension when treated as such i.e., as suspension should be excluded for counting completed years of service for the half pay leave.

61. Commuted leave

(1) Commuted leave not exceeding half the amount of half pay leave due may be granted on medical certificate to a Government servant subject to the following conditions :-

(a) the authority competent to grant leave is satisfied that there is reasonable prospect of the Government servant returning to duty on its expiry;

(b) when commuted leave is granted , twice the amount of such leave shall be debited against the half pay leave due;

(c) the authority competent to grant leave obtains an undertaking from the Government servant that in the event of his resignation or retiring voluntarily from service he shall refund the difference between the leave salary drawn during commuted leave and that admissible during half pay leave.

(2) Commuted leave upto a maximum of 90 days may be allowed during the entire service (without production of medical certificate) where such leave is utilized for an approved course of study whether full time or part time certified to be in the public interest by the leave sanctioning authority and also for the preparation of the final examination.

(3) Where a Government servant who has been granted commuted leave resign from service or at his request is permitted to retire voluntarily without returning to duty, the commuted leave shall be treated as half pay leave and the difference between the leave salary in respect of commuted leave and half pay leave shall be recovered:

Provided that no such recovery shall be made if the retirement is by reason of ill-health incapacitating the Government servant for further service or in the event of his death.

Note.-- Commuted leave may be granted at the request of the Government servant even though earned leave is due to him.

62. Leave not due

(1) Save in the case of leave preparatory to retirement, leave not due may be granted to a Government servant in permanent employ subject to the following condition :-

- (a) the authority competent to grant leave is satisfied that there is reasonable prospect of the Government servant returning to duty on its expiry;
- (b) leave not due shall be limited to the half pay leave he is likely to earn thereafter;
- (c) leave not due during the entire service shall be limited to a maximum of 360 days out of which not more than 90 days at a time and 180 days in all may be otherwise than on medical certificate;
- (d) leave not due shall be debited against the half pay leave the Government servant may earn subsequently;

(e) the authority competent to grant leave obtains an undertaking from the Government servant that in the event of his resigning or retiring voluntarily from service without returning to duty, he shall refund the leave salary paid to him.

(2) (a) Where a Government servant who has been granted leave not due resigns from service or at his request permitted to retire voluntarily without returning to duty, the leave not due shall be cancelled, his resignation or retirement taking effect from the date on which such leave had commenced, and the leave salary shall be recovered.

(b) Where a Government servant who having availed himself of leave not due returns to duty but resigns or retires from service before he has earned such leave, he shall be liable to refund the leave salary to the extent the leave has not been earned subsequently;

Provided that no leave salary shall be recovered under clause (a) or clause (b) if the retirement is by reason of ill-health incapacitating the Government servant for further service or compulsory on attaining the age of 50/55 years or in the event of his death.

63. Extraordinary leave

(1) Extraordinary leave may be granted to a Government servant in special circumstance -

(a) when no other leave is admissible;

(b) when other leave is admissible but the Government servant applies in writing for the grant of extraordinary leave.

(2) Unless Government in view of the exceptional circumstances of the case otherwise determines, no Government servant who is not in permanent employ shall be granted extraordinary leave on any one occasion in excess of the following limits:-

(a) three months;

(b) six months, where the Government servant has completed three years continuous service on the date of expiry of leave of the kind due and admissible under these rules, including three months extraordinary leave under clause (a) and his request for such leave is supported by a medical certificate as required by these rules;

(c) twelve months, in the case of a Government servant who has completed five years' continuous service on the date of expiry of leave due and admissible

under the rules including extraordinary leave under (a) and (b) of sub-rule (2) above, if the extraordinary leave is required on account of illness of the Government servant as certified by a Civil Surgeon or Superintendent of Government Hospital, as the case may be;

(d) twelve months, where the Government servant who has completed one year's continuous service is undergoing treatment for cancer, or for mental illness, in an institution recognised for the treatment of such disease or under a Civil Surgeon or a specialist in such disease;

(e) eighteen months, where the Government servant who has completed one year's continuous service is undergoing treatment for-

1 (i) pulmonary tuberculosis or pleurisy of tubercular origin, in a recognised sanatorium;

Note.- The concession of extraordinary leave upto eighteen months shall be admissible also to a Government servant suffering from pulmonary tuberculosis or pleurisy of tubercular origin who receives treatment at his residence as such by the state Administrative Medical Officer concerned and produces a certificate signed by that specialist to the effect that he is under his treatment and that he has reasonable chances of recovery on the expiry of the leave recommended.

(ii) tuberculosis of any other part of the body by a qualified tuberculosis specialist or a Civil Surgeon, or

(iii) leprosy in a recognised leprosy institution or by a Civil Surgeon or a specialist in leprosy hospital recognised as such by the Director of Health Services;

(f) twenty-four months, where the leave is required for the purpose of prosecuting studies certified to be in the public interest, provided the Government servant concerned has completed three years continuous service on the date of expiry of leave of the kind due and admissible under these rules, including three months extraordinary leave under clause (a) of sub-rule (2) above.

(3) (a) Where a Government servant is granted extraordinary leave in relaxation of the provision contained in clause (f) of sub-rule(2), he shall be required to execute a bond in Form in Appendix V, undertaking to refund to the Government the actual

amount of expenditure incurred by the Government during such leave plus that incurred by any other agency with interest thereon in the event of his returning to duty on the expiry of such leave or quitting the service before a period of three years after return to duty.

(b) The bond shall be supported by sureties from two permanent Government servant having a status comparable to or higher than that of the Government servant.

(4) Government servants belonging to the scheduled castes or the Scheduled Tribes may, for the purpose of attending the Pre-Examination Training Course at the centers notified by the Government from time to time, be granted extraordinary leave by Head of Department in relaxation of the provisions of sub-rule (2).

(5) Two spells of extraordinary leave, if intervened by a spell of vacation or by any other kind of leave, shall be treated as one continuous spell of extraordinary leave for the purposes of sub-rule(2).

(6) The authority competent to grant leave may commute retrospectively periods of absence without leave into extraordinary leave.

64. Leave to a probationer, a person on probation and an apprentice

(1) (a) A probationer shall be entitled to leave under these rules as if he had held his post substantively otherwise than on probation.

(b) If, for any reason, it is proposed to terminate the services of a probationer, any leave which may be granted to him shall not extend-

(i) beyond the date on which the probationary period as already sanctioned or extended expires, or

(ii) beyond any earlier date on which his services are terminated by the orders of an authority competent to appoint him.

(2) A person appointed to a post on probation shall be entitled to leave under these rules.

Note.--The probationers in the Registration Department for Sub-registrar's posts are not eligible for any leave but the period of probation will count as duty if the probationers are subsequently confirmed.

(3) An apprentice shall be entitled to-

(a) leave, on medical ground on leave salary equivalent to half pay for a period not exceeding 30 days in any year of apprenticeship ;

(b) extraordinary leave under rule 63.

Note.--Leave at the credit of a Government servant on the date of his appointment as an apprentice under any Department may be allowed to be carried forward on his appointment to any post on the expiry of the period of apprenticeship.

65. Person re-employed after retirement

(1) In the case of a person re-employed after retirement, the provisions of these rules shall apply as if he had entered Government service for the first time on the date of his re-employment.

(2) Earned leave due and admissible may be granted to a re-employed pensioner prior to cessation of his duties.

66. Leave preparatory to retirement

(1) A Government servant may be permitted by the authority competent to grant leave to take leave preparatory to retirement to the extent of earned leave due, not exceeding 180 days together with half pay leave due, subject to the condition that the total period of leave should not exceed 28 months or such leave does not extend beyond the date of compulsory retirement.

(2) A Government servant, who has given notice of retirement after attaining the age of 50 years in the case of Gazetted or 55 years in the case of Non-gazetted or to whom notice has been given by the appropriate authority after attaining the age of 50/55 years, as the case may be, may be granted leave due and admissible to him not extending beyond the date of compulsory retirement, even though such leave extends beyond the date of expiry of the notice:

Provided that a Government servant, who is retired by the appropriate authority by giving him pay and allowances in lieu of notice, may apply for leave within the period for which such pay and allowances were given, and where he is granted leave, the leave salary shall be allowed only for the period of leave excluding that period for which pay and allowances, in lieu of notice have been allowed.

Note.--The leave granted as leave preparatory to retirement shall not include extraordinary leave.

(3) (a) Where a Government servant who is on foreign service in or under any local authority or a corporation or company wholly or substantially owned or controlled by the Government (referred to as the local body) applies for leave preparatory to retirement, the decision to grant or refuse such leave shall be taken by foreign employer with the concurrence of the lending authority under the State Government.

(b) In case the leave is so refused to the Government servant in public interest, it may be availed of by him to the extent admissible under rule 67 from the date of his quitting service.

(c) In case the lending authority under Government is not agreeable to the refusal of leave preparatory to retirement, it shall be granted to the Government servant and if the foreign employer needs the Services of the officer during that period, the Government servant may be re-employed by that employer concurrently with leave preparatory to retirement and leave salary regulated in accordance with the provisions of sub-rule (5) of rule 70.

(4) Where a Government servant is on foreign service in or under a local body other than the one mentioned in clause (a) of sub-rule (3), leave preparatory to retirement shall be admissible to him only when he quits duty under the foreign employer:

Provided that where the Government servant continues in service under such foreign employer, the Government servant shall not be eligible for grant of refused leave under rule 67.

67. Leave beyond the date of compulsory retirement or quitting of service

(1) Except as provided hereinafter, no leave shall be granted to a Government servant beyond-

- (a) the date of his compulsory retirement, or
- (b) the date of his final cessation of duties, or
- (c) the date of his resignation from service.

(2) Where the service of a Government servant has been extended in the interest of public service beyond the date of his compulsory retirement, he may be earned leave, subject to a maximum of 180 days.

(3) Where the service of a Government servant, not in permanent employ is terminated by notice or by payment of pay and allowances in lieu of notice, or otherwise

in accordance with the terms and conditions of his appointment, he may be granted earned leave to his credit, subject to a maximum of 120 days, even though such leave extends beyond the date on which he ceases to be in service. If the Government servant himself resigns or quits service, he may be granted earned leave to the extent of half of such leave to his credit subject to a maximum of 60 days:

Provided that the leave so granted to such Government servant, other than a Government servant, re-employed after attaining the age of compulsory retirement, does not extend beyond the date on which he attains the age of compulsory retirement.

68. Cash equivalent of leave salary in respect of earned leave at the credit at the time retirement on superannuation

(1) The authority competent to grant leave shall suo-motu sanction to a Government servant who retires on attaining the age of superannuation, the cash equivalent of leave salary in respect of the period of earned leave at his credit on the date of his superannuation, subject to a maximum of 180 days.

(2) The cash equivalent of leave salary payable under sub-rule(1)above, shall also included dearness allowance admissible on the leave salary at the rates in forces on the date of retirement and it shall be paid in one lumpsum, as a one-time settlement.

(3) The compensatory local allowance and house rent allowance shall not be included in calculating the cash equivalent salary under this rule .

(4) From the cash equivalent so worked out, no deduction shall be made on account of pension and pensionary equivalent of other retirement benefits.

(5) A Government servant who retires from service on attaining the age of compulsory retirement while under suspension shall be paid cash equivalent of leave salary under sub-rule (1)above in respect of the period of earned leave at his credit on the date of his superannuation, provided that in the opinion of the authority competent to order reinstatement, the government servant has been fully exonerated and the suspension was wholly unjustified.

Note 1.--A Government servant can also avail of as leave preparatory to retirement a part of earned leave at his credit. In that case, he shall be allowed payment of cash equivalent of leave salary for the balance of the earned leave that remains at his credit on the date of retirement in accordance with sub-rule (1)above.

Note 2.--With a view to enabling the retiring Government servant to receive cash equivalent of leave salary in respect of the unutilized earned leave without delay, the following procedure shall be followed:

- (a) A Government servant nearing the date of retirement on superannuation should inform in writing to the authority competent to sanction him leave, three months in advance of the date of retirement, if he desire to avail of cash equivalent of leave salary in respect of the unutilized earned leave at his credit on the date of his superannuation
- (b)(i)The competent authority should within 15 days of receipt of such an intimation from a Gazetted officer move the audit officer to communicate to him the amount of earned leave to his credit on the date of his superannuation.
(ii)The audit officer should communicate the title to earned leave due and admissible as on the date of superannuation to the competent authority at least a fortnight before the a date of retirement of the Government servant, endorsing a copy to the concerned Gazetted officer.
(iii)While reporting the title to the earned leave at the credit of the retiring Gazetted officer , the Audit officer will indicated the rate of cash equivalent of leave salary in respect of the unutilized earned leave due and admissible of leave salary in respect of the unutilized earned leave due and admissible subject to the condition that the cash equivalent at rates indicated by the Audit is not payable before the date of retirement and that the officer does not avail of any earned leave subsequent to the date of report of the title to leave by the audit office.
- (c) In the case of a Non-gazetted Government servant the competent authority should within 15 days of receipt of intimation from the concerned Government servant, himself arrange to have ascertained the mount of earned leave due and admissible to the credit of the Government servant on the date of superannuation.
- (d)The competent authority should after satisfying himself that earned leave, if any, availed of by the concerned Government servant, Gazetted or Non-

gazetted, after receipt of his written intimation admissible as in (a) above, is actually deducted from the earned leave due and admissible as on the date of superannuation as reported by the Audit/his office, arrange to issue necessary orders sanctioning cash equivalent of leave salary in respect of the unutilized earned leave. This should be done within a week of the date of retirement of the concerned Government servant.

(e) Thereafter, the competent authority should within 15 days after the date of retirement prefer a bill claiming the cash equivalent of leave salary in respect of the unutilized earned leave to the Treasury.

(f) Payment of cash equivalent of leave salary in respect of the unutilised earned leave at the credit of the Government servant retiring on superannuation, should be made irrespective of whether of not 'No Demand Certificate' from the Audit office/department concerned is received.

Note 3.--The cash payment for unutilized earned leave shall be made in the following manner:-

$$\text{Cash payment} = \frac{\text{Pay + Dearness allowance admissible on date of retirement}}{\text{maximum}} \times \frac{\text{No of unutilized days of leave at credit}}{30} \text{ subject to a maximum of 180 days}$$

69. Cash equivalent of leave salary in case of death while in service

In case a Government servant dies while in service, the cash equivalent of the leave salary that the deceased employee should have got had he gone on earned leave that would have been due and admissible to him but for the death on the date immediately following the death and in any case, not exceeding leave salary for 180 days, shall be paid to his family without any reduction on account of pension and pension equivalent of death-cum-retirement gratuity.

Note.--In addition to the cash equivalent of leave salary admissible under this rule, the family of the deceased Government servant shall also be entitled to payment of dearness allowance only.

70. Leave salary

(1) Except as provided in sub-rules(5) and (6), a Government servant who proceeds on earned leave is entitled to leave salary equal to the pay drawn immediately before proceeding on earned leave.

Note.--In respect of any period spent on foreign service out of India, the pay which the Government servant would have drawn if on duty in India but for foreign service out of India shall be substituted for the pay actually drawn while calculating leave salary.

(2) A Government servant on half pay leave or leave not due is entitled to leave salary equal to half the amount specified in sub-rule (1) above

(3) A Government servant on commuted leave is entitled to leave salary equal to the amount admissible under sub-rule (1) above.

(4) A Government servant on extraordinary leave is not entitled to any leave salary.

(5) A Government servant who is permitted during leave preparatory to retirement to take up any other service or employment under an employer other than the State Government, his leave salary while on earned leave shall be restricted to the amount of leave salary admissible during half pay leave.

(6) (a) A Government servant who is granted leave beyond the date of compulsory retirement or quitting of service, as the case may be, as provided under rule 67, shall be entitled during such leave to leave salary as admissible under this rule.

(b) Where such a Government servant is re-employed during such leave he may continue to enjoy his leave concurrently with such employment but his leave salary which may be drawn in addition to pay of the post in which he is employed, shall be restricted to the amount of leave salary admissible while on half pay leave.

(c) A Government servant whose pension is drawn separately during re-employment, and who proceeds on earned leave during the period of re-employment, the leave salary shall be based on the pay drawn by him exclusive of the pension and pension equivalent of other retirement benefits.

(7) In the case of person to whom the Employees' State Insurance Act, 1948 (34 of 1948) applies, leave salary payable during leave, other than earned leave, shall be reduced by the amount of benefits payable under the said Act for the corresponding period.

71. Drawal of leave salary

The leave salary payable under these rules shall be drawn in rupees in India.

72. Advance of leave salary

A Government servant including a Government servant on foreign service, proceeding on leave for a period of not less than 30 days, may be allowed an advance in lieu of leave salary upto a month's pay and allowances admissible on that leave salary subject to deductions on account of Income Tax, Provident Fund, House Rent, Recovery of advances etc.

73. Surrender of earned leave

(1) A Government servant shall be allowed to surrender earned leave at his option to the extent of 30 day in a financial year on availment of not less than 30 days earned leave subject to the following condition:-

(a) the surrender of earned leave shall not be allowed more than once in any financial year.

(b) The application for surrender of earned leave should be made alongwith the application for grant of leave.

(c) The number of days of earned leave surrendered under these rules should be reckoned as surrendered on the date of commencement of actual leave taken and deducted from the leave account of the Government servant on that date,

(d) The total of the earned leave actually availed of and the earned leave surrendered should not exceed the maximum leave admissible to the Government servant at any one time viz. 120 days,

(e) On return from earned leave the Government servant should serve the Government for a period of not less than that of the earned leave surrendered,

(f) In the case of a Government servant who is on the verge of retirement, the period of leave surrendered should not exceed the period of duty between the date of expiry of earned leave actually availed of and the date of compulsory retirement,

(g) The surrender of earned leave should not be allowed in the case of leave preparatory to retirement or refused leave,

(h) The surrender of earned leave shall not be admissible to a Government servant who resigns while on leave,

(i) A Government servant who is permitted to surrender leave should not ordinarily be permitted to rejoin duty before the expiry of the thirty days leave sanctioned to him,

(j) In case of compulsory recall to duty, the government servant should be Allowed to enjoy the balance of his earned leave before expiry of the period of six months from the date on which he proceeded on earned leave or before he again proceeded on earned leave with surrender of earned leave, whichever is earlier. The leave sanctioning authority shall grant leave to such government servant during the prescribed period if he applies for it. If, however, the government servant concerned himself does not ask for being allowed to enjoy the balance of the earned leave shall lapse and the said period would be debited to his leave account as if he had enjoyed it.

(k) The concession shall be admissible to a Government servant who is on foreign service or on deputation to the Government of India or to any other State Government,

(l) If a Government servant during his deputation to Central Government or other State Government or at the end of it, surrenders earned leave at his credit and in consideration thereof becomes entitled to additional remuneration representing cash value of the leave surrendered, the liability for the payment of additional remuneration including other compensatory allowances relatable to the cash value of leave surrendered, will devolve on the Government of Maharashtra,

(m) In the case of Government servant who is on foreign service, a term to the effect that the Government servant shall be entitled to the benefit of surrender of leave and the expenditure towards compensatory allowances including dearness allowance on the leave so surrendered while on foreign service, shall be borne by the foreign employer, should be incorporated in the terms and conditions.

(2) The authorities who are empowered to sanction earned leave shall be competent to accept surrender of earned leave.

1 (3) The leave salary and allowances admissible for the leave surrendered should be at the rate of leave salary and allowances admissible at the commencement of earned

leave and shall include dearness allowance, compensatory local allowance and non-practising allowance but shall not include house rent allowance. For this purpose, a month should be reckoned as 30 days, irrespective of the month in which the leave is availed of.

(4) The amount of leave salary and allowances for the surrendered leave may be paid in advance but not earlier than six days before the commencement of leave and shall not be liable to deductions on account of any advances etc. The leave sectioning authority should insert a clause in the sanctioning order itself to the effect that in case the leave had to be cancelled by the competent authority before the date from which the Government servant was to proceed on leave, the amount of leave salary and allowances for the surrendered leave will have to be refunded forthwith to Government by the Government servant in one installment or adjusted in full in the first monthly pay/leave salary bill of the Government servant.

(5)(a) In order to guard against omission to post a debit in the leave account in respect of the leave surrendered in the case of non-gazetted Government servants and Gazetted officers referred to in sub-rule (2) of rule 25 details of the surrendered leave should be noted in their service books and in their leave accounts when the leave salary is drawn. A certificate to the effect that the necessary entries have been made in the service book and the leave account, should be furnished by the disbursing officer in the bill in which the leave salary for the surrendered leave is drawn

(b) In respect of Gazetted officers others than those referred to in sub-rule (2) of rule 25, the Audit officer who certifies the admissibility of earned leave, should debit in the leave account of the Gazetted officer concerned, the amount of earned leave surrendered on receipt of orders accepting the surrender of leave from the competent authority.

**CHAPTER VI--SPECIAL KINDS OF LEAVE
OTHER THAN STUDY LEAVE.**

74. Maternity leave

(1) A competent authority may, subject to the provision of this rule, grant to a female Government servant in permanent employ, who does not have three or more living children on the date of the application, maternity leave for a period of ninety days from the date of its commencement. During such period she shall be paid leave salary equal to the pay drawn immediately before proceeding on leave. Such leave shall not be debited to the leave account.

(2) A female Government servant not in permanent employ who has put in at least one year of continuous service shall also, subject to the provisions of this rule, be eligible for maternity leave referred to in sub-rule (1), subject to the condition that the leave salary admissible during the period of maternity leave shall be regulated as follows, that is to say: -

(a) In the case of a female Government servant who has put in two or more years' continuous service, the leave salary admissible shall be as provided in sub-rule (1) of rule 70 of these rules; and

(b) In the case of a female Government servant who has put in continuous service for a period exceeding one year, but less than two years, the leave salary admissible shall be as provided in sub-rule (2) of rule 70 of these rules.

(3) The application for maternity leave should invariably be supported by medical opinion as to the probable date of confinement, and an undertaking to the effect that the Government servant shall report the date of confinement supported by a medical certificate. In case of a Class IV Government servant in which insistence on a regular medical certificate is likely to cause hardship, the authority competent to grant leave may accept such certificate as it may deem sufficient.

(4) A female Government servant may be allowed leave of the kind due, including commuted leave if she so desires, in continuation of the maternity leave, up to a maximum of 60 days without production of a medical certificate.

(5) Leave under this rule shall be admissible in a case of miscarriage or abortion, including abortion induced under the Medical Termination of Pregnancy Act, 1971, subject to the following conditions:-

- (a) The leave does not exceed six weeks, and
- (b) The application for the leave is supported by a medical certificate.

(6) Heads of Department may subject to the provisions of this rule, grant to a female Government servant borneon the work charged establishment or remunerated by piece rates or daily wages who does not have three or more living children on the date of application, maternity leave for 90 days from the date of its commencement, subject to the provisions of sub-rules (3) and (5) above, subject to the following further conditions:

-

(a) She must have put in continuous service for at least 33 months (inclusive of any period of authorized leave) previous to the date of requiring the maternity leave and must furnish a guarantee with at least one security that she will return to duty for a period of at least 6 months after the expiry of the leave if her services are required

(b) The leave salary admissible shall be equal to the emolument drawn for the month immediately before proceeding on leave.

75. Special disability leave for injury intentionally inflicted

(1) The authority competent to grant leave may grant special disability leave to a Government servant (whether permanent or temporary) who is disabled by injury intentionally inflicted or caused or in consequence of his official position.

(2) Such leave shall not be granted unless the disability manifested itself within three months of the occurrence to which it is attributed and the person disabled acted with the promptitude in bringing it to notice:

Provided that the authority competent to grant leave may, if it is satisfied as to the cause of the disability manifested itself more than three months after the occurrence of its cause.

(3) the period of leave granted shall be such as is certified by an Authorized Medical Attendant and shall in no case exceed 24 months.

(4) Special disability leave may be combined with leave of any other kind.

(5) Special disability leave may be granted more than once if the disability is aggravated or reproduced in similar circumstances at a later date, but not more than 24 months of such leave shall be granted in consequence of any one disability.

(6) Special disability leave shall be counted as service qualifying for pension and shall not, except the leave granted under the proviso to clause (b) of sub-rule (7) be debited against the leave account.

(7) Leave salary during such leave shall-

(a) For the first 120 days of any period of such leave, including a period of such leave granted under sub-rule (5), be equal to leave salary while on earned leave, and (b) For the remaining period of nay such leave, be equal to leave salary during half pay leave:

Provided that a Government servant may, at his option, be allowed leave salary as in sub-rule (a) for a period not exceeding another 120 days, and in that event the period of such leave shall be debited to his half-pay leave account.

Note.--Leave salary in respect of special disability leave granted to a Government servant who has rendered service under more than one Government may be apportioned between the Governments in accordance with the normal rules.

(8) (a) In the case of person to whom the Workmen's Compensation Act, 1923 (8 of 1923) applies, the amount of leave salary payable under this rule shall be reduced by the amount of compensation payable under clause (d) of sub-section (1) of section 4 of the said Act.

(b) In the case of person to whom the Employees' State Insurance Act, 1948 (34 of 1948 applies, the amount of leave salary payable under this rule shall be reduced by the amount of benefit payable under the said act for the corresponding period.

(9) (a) The provisions of this rule shall apply-

(i) to a civil Government servant disabled in consequence of service with a military force, if he is discharged as unfit for further military service, but is not completely and permanently incapacitated for the further civil service, and

(ii) to a civil servant not so discharged who suffers a disability which is certified by a medical board to be directly attributable to his service with military force.

(b) In either case, any period of leave granted to such a person under military rules in respect of that disability shall be reckoned as leave granted under this rule for the purpose of calculating the period admissible.

76. Special disability leave for accidental injury

(1) The Provisions of rule 75 shall apply also to a Government servant, whether permanent or temporary, who is disabled by injury accidentally incurred in, or in consequence of, the due performance of his official duties or in consequence of his official position, or by illness incurred in the performance of any particular duty which has the effect of increasing his liability to illness or injury beyond the ordinary risk attaching to the civil post which he holds.

(2) The grant of special disability leave in such case shall be subject to the further conditions:-

(a) that the disability, if due to disease, must be certified by an Authorised Medical Attendant to be directly due to the performance of the particular duty;

(b) that, if the Government servant has concentrated such disability during service otherwise than with a military force, it must be, in the opinion of the authority competent to sanction leave exceptional in character; and

(c) that the period of absence recommended by an Authorised Medical Attendant may be covered in part, by leave under this rule and in part by any other kind of leave, and that the amount of special disability leave granted on leave salary equal to that admissible on earned leave shall not exceed 120 days.

77. Hospital leave

(1) The authority competent to grant leave may grant hospital leave to -

(a) Class IV Government servants, and

(b) such class III Government servants whose duties involve the handling of dangerous machinery, explosive materials, poisonous drugs and the like, or the performance of hazardous tasks

while under medical treatment in a hospital or otherwise, for illness or injury, if such illness or injury is directly due to risks incurred in the course of their official duties

Exception.--The hospital leave may also be granted on account of ill health to Government servants specified below whose duties expose them to special risk of

accident or illness even though the illness or injury may not be directly due to risk incurred in the course of their official duties. :--

(i) Police officers, including trainees of a rank not higher than that of Head Constable;

(ii) Government servants of the Prohibition and Excise Department other than Clerical establishment;

(iii) Forest Subordinates, other than clerks in receipt of pay not exceeding Rs.225.

(2) Hospital leave shall be granted on the Production of medical certificate from an Authorised Medical Attendant.

(3) Hospital leave may be granted on leave salary equal to that admissible during earned leave or half pay leave and for such period as the authority granting it may consider necessary.

(4) Hospital leave shall not be debited against the leave account and may be combined with any other kind of leave which may be admissible, provided the total period of leave, after such combination does not exceed 28 months.

(5) (a) In the case of a person to whom the Workmen's Compensation Act, 1923 (8 of 1923) applies, the amount of leave salary payable under this rule shall be reduced by the amount of compensation payable under clause (d) of sub-section 4 of the said Act.

(b) In the case of a person to whom the Employees' State Insurance Act, 1948 (34 of 1948) applies, the amount of leave salary payable under this rule shall be reduced by the amount of benefit payable under the said Act for the corresponding period.

78. Seamen's sick leave

(1) A Government servant serving as an officer, warrant officer or petty officer on a Government vessel may, while undergoing medical treatment for sickness or injury, either on his vessel or in hospital, be granted leave, by an authority competent to grant leave, on leave salary equal to full pay for a period not exceeding six weeks:

Provided that such leave shall not be granted if a Government medical officer certifies that the Government servant is malingering or that his ill health is due to drunkenness or similar self-indulgence or to his own action in willfully causing or aggravation the disease or injury.

(2) A seaman disabled in the exercise of his duty may be allowed leave on the leave salary equal to full pay for a maximum period not exceeding three months, if the following conditions are fulfilled, namely:-

(a) a Government medical officer must certify the disability;

(b) the disability must not be due to the seaman's own carelessness or inexperience;

(c) the vacancy caused by his absence must not be filled.

(3) Such leave is not debited to the leave account.

(4) (a) In the case of a person to whom the Workmen's Compensation Act, 1923 (8 of 1923) applies, the amount of leave salary payable under this rule shall be reduced by the amount of compensation payable under clause (d) of sub-section (1) of section 4 of the said Act.

(b) In the case of a person to whom the Employees' State Insurance Act, 1948 (34 of 1948) applies, the amount of benefit payable under this rule shall be reduced by the amount of benefit payable under this said Act for corresponding period.

79. T.B./Cancer/Leprosy/Paralysis leave

Rules regarding grant of leave to Government servants suffering from T.B./Cancer/Leprosy/Paralysis have been incorporated in Appendix III.

CHAPTER VII-STUDY LEAVE

80. Conditions for grant of study leave

(1) Subject to the conditions specified in this chapter, study leave may be granted to a Government servant with due regard to the exigencies of public service to enable him to undergo, in or out of India, a special course of study consisting of higher studies or specialised training in a professional or a technical subject having a direct and close connection with the sphere of his duty.

(2) Study leave may also be granted-

(a) for a course of training or study tour in which a Government servant may not attend a regular academic or semi-academic course if the course of training or the study tour is certified to be of definite advantage to Government from the point of view of public interest and is related to sphere of duties of the government servant; and

(b) for the purposes of studies connected with the frame work or back ground of public administration subject to the conditions that-

(i) The particular study or study tour should be approved by the authority competent to grant leave, and

(ii) the Government servant should be required to submit, on his return, a full report on the work done by him while on study leave:

(c) for the studies which may not be closely or directly connected with the work of a Government servant, but which are capable of widening his mind in a manner likely to improve his abilities as a civil servant and to equip him better to collaborate with those employed in other branches of the public service.

(3) (a) It is certified by the authority competent to grant leave that the proposed course of study or training shall be of definite advantage from the point of view of the public interest;

(b) It is for prosecution of studies in subjects other than academic or literary subjects:

Provided that a Medical Officer may be granted study leave for prosecuting a course of a post-graduate study in medical sciences, if the Director of Medical Education and Research certifies to the effect that such study shall be valuable in increasing the efficiency of such Medical Officer in the performance of his duties;

(c) the Department of Economic Affairs of the Ministry of Finance, Government of India agrees to the release of foreign exchange involved in the grant of study leave, if such leave is outside India.

(4) Study leave out of India shall not be granted for the prosecution of studies in subjects for which adequate facilities exist in India or under any of the schemes administered by the Department of Economic Affairs of the Ministry of Finance or by the Ministry of Education, Government of India.

(5) Study leave shall not ordinarily be granted to a Government servant-

(a) who has rendered less than five years' service under the Government;

(b) who is due to retire, or has the option to retire, from the Government service within three years of the date on which he is expected to return to duty after the expiry of the leave;

(6) Study leave shall not be granted to a Government servant with such frequency as to remove him from contact with his regular work or to cause cadre difficulties owing to his absence on leave.

Note.--Applications for study leave shall be considered on merits of each case in consultation with the General Administration Department and Finance Department.

81. Maximum amount of study leave

The maximum amount of study leave, which may be granted to a Government servant, shall be-

(a) ordinary twelve months at any one time, and

(b) during his entire service, twenty-four months in all (inclusive of similar kind of leave for study or training granted under any other rules).

82. Applications for study leave

(1) (a) Every application for study leave shall be submitted through proper channel to the authority competent to grant leave.

(b) The course or courses of study contemplated by the Government servant and any examination which he propose to undergo shall be clearly specified in such application.

(2) Where it is not possible for the Government servant to give full details in his application, or if, after leaving India he is to make any change in the programme which has been approved in India, he shall submit the particulars as soon as possible to the head of the Mission or the authority competent grant leave, as the case may be and shall not, unless prepared to do so at his own risk, commence the course of study or incur any expenses in connection therewith until he receives the approval of the authority competent to grant the study leave for the course.

83. Sanction of study leave

(1) A report regarding the admissibility of the study shall be obtained from the Audit Officer : Provided that the Study leave, if any, already availed of by the Government servant shall be included in the report.

(2) Where a Government servant borne permanently on the cadre of one department or establishment is serving temporarily in another department or establishment, the grant of study leave to him shall be subject to the condition that the concurrence of the department or the establishment to which he is permanently attached is obtained before leave is granted.

(3) Where the study leave is granted for prosecution of studies abroad, the Head of the Mission Concerned shall be informed of the fact by the authority granting the leave.

Note.--The Head of the Mission shall be contacted by the Government servant for issue of any letters of introduction or for other similar facilities that may be required.

(4) (a) Every Government servant in permanent employ who has been granted study leave or extension of such study leave shall be required to execute a bond in Form 7 or Form 8, in Appendix V as the case may be, before the study leave or extension of such study leave granted to him commences.

(b) Every Government servant not in permanent employ who has been granted study leave or extension of such study leave shall be required to execute a bond in Form 9 or Form 10, in Appendix V as the case may be, before the study leave or extension of such study leave granted to him commences.

(c) The authority competent to grant leave shall send to the audit Officer a certificate to the effect that the Government servant referred to in clause (a) or clause (b) has the requisite bond.

(5) (a) On Completion of the course of study, the Government servant shall submit to the authority which granted him the study leave, the certificates of examinations passed or special courses of study undertaken, indicating the date of commencement and termination of the course with the remarks, if any, of the authority in-charge of the course of study.

(b) If the study is undertaken in a country outside India where there is an Indian Mission, the certificates shall be submitted through the head of the Mission concerned.

84. Accounting of study leave and combination with leave of other kinds.

(1) Study leave shall not be debited against the leave account of the Government servant.

(2) Study leave may be combined with other kinds of leave, but in no case shall the grant of this leave in combination with leave, other than extraordinary leave, involve a total absence of more than twenty eight months from the regular duties of the Government servant.

*Explanation.--*The limit of twenty eight months of absence prescribed in this sub-rule includes the period of vacations.

(3) A Government servant granted study leave in combination with any other kind of leave may, if he so desires, undertake or commence a course of study during any other kind of leave and subject to other conditions laid down in rule 87 being satisfied, draw study allowance in respect thereof :

Provided that the period of such leave coinciding with the course of study shall not count as study leave.

85. Regulation of study leave extending beyond course of study

When the course of study falls short of study leave granted to a Government servant, he shall resume duty on the conclusion of the course of study , unless the previous sanction of the authority competent to grant leave has been obtained to treat the period of shortfall as ordinary leave.

86. Leave salary during study leave

(1) During study leave availed outside India, a Government servant shall draw leave salary equal to the pay (without allowances other than dearness allowance) that the

Government servant drew while on duty with Government immediately before proceeding on such leave in addition to the study allowance admissible in accordance with the provisions of rules 87 to 89.

(2)(a) During study leave availed in India, a Government servant shall draw leave salary equal to the pay (without allowances other than dearness allowance) that the Government servant drew while on duty with Government immediately before proceeding on such leave.

(b) Payment of leave salary at full rate under clause (a) shall be subject to furnishing of a certificate by the Government servant to the effect that he is not in receipt of any scholarship, stipend or remuneration in respect of any part-time employment.

(c) The amount, if any, received by a Government servant during the period of study leave as scholarship, stipend or remuneration in respect of any part-time employment shall be adjusted against the leave salary payable under this sub-rule, subject to the condition that the leave salary shall not be reduced to an amount less than that payable as leave salary during half pay leave.

(d) No study allowance shall be paid during study leave for courses of study in India.

87. Conditions for grant of study allowance

(1) A study allowance shall be granted to a Government servant who has been granted study leave for studies outside India for the period spent in prosecuting a definite course of study at a recognised institution or in any definite tour of inspection of any special class of work, as well as for the period covered by any examination at the end of the course of study.

(2) Where a Government servant has been permitted to receive and retain, in addition to his leave salary, any scholarship or stipend that may be awarded to him from a Government or non-Government source, or any other remuneration in respect of any part-time employment--

(a) no study allowance shall be admissible in case the net amount of such scholarship or stipend or remuneration (arrived at by deducting the cost of fees, if any, paid by the Government servant, from the value of the scholarship or stipend or remuneration) exceeds the amount of study allowance otherwise admissible.

(b) in case the net amount of scholarship or stipend or remuneration is less than the study allowance otherwise admissible, the difference between the value of the net scholarship or stipend or any other remuneration in respect of any part-time employment and the study allowance may be granted by the authority competent to grant leave.

(3) Study allowance shall not be granted for any period during which a Government servant interrupts his course of study to suit his own convenience :

Provided that the authority competent to grant leave or the Head of Mission may authorise the grant of study allowance for a period not exceeding 14 days at a time during such interruption if it was due to sickness.

(4) Study allowance shall also be allowed for the entire period of vacation during the course of study subject to the conditions that-

(a) the Government servant attends during vacation any special course of study or practical training under the direction of the Government or the authority competent to grant leave, as the case may be; or

(b) in the absence of any such direction, he produces satisfactory evidence before the Head of the Mission or the authority competent to grant leave, as the case may be, that he has continued his studies during the vacation :

Provided that in respect of vacation falling at the end of the course of study it shall be allowed for a maximum period of 14 days.

(5) The period for which study allowance may be granted shall not exceed 24 months in all.

88. Rates of study allowance

(1) The rates of study allowance shall be as follows :-

Country	Study Allowance per dien
Australia	£ 1.00 (Sterling).
Continent of Europe	£ 1.65 (Sterling).
New Zealand	£ 1.20 (Sterling).
United Kingdom	£ 2.00 (Sterling).
United States of America	£ 2.75 (Sterling).

(2) The rates of study allowances prescribed in sub-rule (1) may be revised by the Government from time to time.

(3) The rates of study allowance to be granted to a Government servant who takes study leave in any country other than those specified in sub-rule (1) shall be such as may be specially determined by Government in each case.

89. Procedure for payment of study allowance

(1) Payment of study allowance shall be subject to the furnishing of a certificate by the Government servant to the effect that he is not in receipt of any scholarship or stipend or any other remuneration in respect of any part-time employment.

(2) Study allowance shall be paid at the end of every month provisionally subject to an undertaking in writing being obtained from the Government servant that he would refund to the Government any overpayment on his failure to satisfy the authority competent to grant leave about the proper utilization of the time spent for which study allowance is claimed.

(3) (a) In the case of a definite course of study at a recognised institution, the study allowance shall be payable by the authority competent to grant leave, if the study leave availed of is in a country where there is no India Mission, and by the Head of the Mission in other cases, on claims submitted by the Government servant from time to time, supported by proper certificates of attendance.

(b) The certificate of attendance required to be submitted in support of the claims for study allowance shall be forwarded at the end of the term if the Government servant is undergoing study in an educational institution, or at intervals not exceeding three months if he is undergoing study at any other institution.

(4) (a) When the programme of study approved does not include, or does not consist entirely of, such a course of study, the Government servant shall submit to the authority competent to grant leave direct or through the Head of the Mission a diary showing how his time has been spent and a report indicating fully the nature of the method and operation which have been studied and including suggestions as to the possibility of adopting such methods or operations to conditions obtaining in India.

(b) The authority competent to grant leave shall decide whether the diary and report show that the time of the Government servant was properly utilized and shall determine accordingly for what period study allowance may be granted.

90. Admissibility of allowance in addition to study allowances

No allowance of any kind other than the dearness allowance and study allowance shall be admissible to a Government servant in respect of the period of study leave granted to him.

91. Traveling allowance during study leave

A Government servant to whom study leave has been granted shall not ordinarily be paid traveling allowance but the Government may in exceptional circumstances sanction the payment of such allowance.

92. Cost of fees for study

A Government servant to whom study leave has been granted shall ordinarily be required to meet the cost of fees paid for the study but in exceptional cases, the Government may sanction the grant of such fees:

Provided that in no case shall the cost of fees be paid to a Government servant who is in receipt of scholarship or stipend from whatever source or who is permitted to receive or retain, in addition to his leave salary, any remuneration in respect of part-time employment.

93. Resignation or retirement after study leave

(1) If a Government servant resigns or retires from service or otherwise quits service without returning to duty after a period of study leave or within a period of three years after such return to duty, he shall be required to refund-

(a) the actual amount of leave salary, study allowance, cost of fees, travelling and other expenses, if any, incurred by the Government, and

(b) the actual amount, if any, of the cost incurred by other agencies, such as foreign Governments, Foundations and Trusts in connection with the course of study, together with interest thereon at rates for the time being in force on Government loans, from the date of demand, before his resignation is accepted or permission to retire is granted or his quitting service otherwise:

Provided that nothing in this rule shall apply--

(i) to a Government servant who, after return to duty from study leave, permitted to retire from service on medical grounds; or

(ii) to a Government servant who, after return to duty from study leave, is deputed to serve in any statutory or autonomous body or institution under the control of the Government and is subsequently permitted to resign from service under the Government with a view to his permanent absorption in the said statutory or autonomous body or institution in the public interest.

(2) (a) The study leave availed of by such Government servant shall be converted into regular leave standing at his credit on the date on which the study leave commenced, any regular leave taken in continuation of study leave being suitably adjusted for the purpose and the balance of the period of study leave, if any, which cannot be so converted, treated as extraordinary leave.

(b) In addition to the amount to be refunded by the Government servant under sub-rule (1), he shall be required to refund any, excess of leave salary actually drawn over the leave salary admissible on conversion of the study leave.

(3) Notwithstanding anything contained in this rule, the Government may, if it is necessary or expedient to do so, either in public interest or having regard to the peculiar circumstances of the case or class of cases, by order, waive or reduce the amount required to be refunded under sub-rule (1) by the Government servant concerned or class of Government servants.

CHAPTER VIII--MISCELLANEOUS

94. Temporary and officiating service taken into account for leave purposes

Temporary and officiating service, rendered under the Central Government or any state Government, will, if followed by confirmation under the Government of Maharashtra without interruption of duty, be taken into account for the purpose of the leave account provided that under the rules laid down by the other Government such service would have counted had the Government servant in question continued in the service of that Government without a break of service till confirmation and provided that the other Government treats in a similar manner temporary and officiating service rendered under the Government of Maharashtra.

95. Grant of leave to Government servants remunerated partly by fixed pay and partly by honoraria

(1) A Government servant who is remunerated partly by fixed pay and partly by honoraria may be granted such leave as the authority who appoints him may think fit to grant, provided that the authority is able to make satisfactory arrangements for the performance of the absentee's duties and that no extra expense is caused to Government. In such cases the Government servant may be permitted to draw leave salary equal to pay or part of the pay of his post, but the whole of the honoraria shall be paid to the person who officiates in the post.

(2) Rules regulating the grant of leave to Government servants in non-continuous and part time service are contained in Appendix IV.

96. Leave to boring Mechanics, Mukadams and Trained Coolies

Boring mechanics; mukadams and trained coolies, employed in the Agricultural Department for boring work, may be granted:-

(1) Leave up to one-eleventh of the period spent on duty, subject to a maximum of 60 days at a time, on monthly leave allowance equal to the earnings proceeding on leave; and

(2) Leave on medical certificate on half the above allowance for a further one-eleventh of the period spent on duty, provided that not less than five years' duty has been done by them.

CHAPTER IX-REPEAL AND SAVING

97. Repeal and Saving

The corresponding rules in the Bombay Civil Services Rules, 1959, as in force in force in the State of Maharashtra immediately before the commencement of these rules are hereby repealed in so far as they provide for any of the matters contained in these rules:

Provided that anything done or any action taken under the rules so repealed shall be deemed to have been done or taken under the corresponding provisions of these rules.

APPENDIX II
(See rule 52)
List of Government servants serving in Vacation/Non-vacation
Department

The following classes of Government servants serve in Vacation Department when the conditions of rule 52 are fulfilled:-

1. (a) Under the Directorate of Education -

(i) All Heads of Government Educational Institutions belonging to Class I, II and III.

(ii) Professors, Readers, Associate Professors, Research Assistants, Lecturers, Assistant Lecturers, Demonstrators, Tutors in Class I, II and III as the case may be, in Government Arts, Science, Commerce and Law Colleges.

(iii) Professors, Lectures, Co-ordinators, Assistant Lectures etc. in Class I,II and III as the case may be, in Government Training Colleges.

(iv) Physical Instructor in Government Colleges and Secondary Schools.

(v) Laboratory Assistants, Laboratory Attendants in Government Colleges and Secondary Schools.

(vi) Lecturers or other teachers in Government Primary, Middle and Secondary Schools and in Primary Training Institutions and other special Institutions.

(vii) All other staff in Government Institutions excepting those mentioned as belonging to Non-vacation Department.

Note.--The following classes of Government servants should be treated as belonging to a Non-vacation Department:-

(i) Farm Superintendents in Multipurpose High Schools and Agriculture Teacher Supervisors in Agriculture High Schools or the incumbents of similar posts in Agriculture High Schools who are required to do super -vision of Agriculture farms and Field Assistants, Field Attendants who are required to do farm work,

(ii) Clerks and other ministerial servants in all Educational Institutions including Colleges,

(iii) Librarians, Assistant Librarians in all Educational Institutions including Colleges,

(iv) Registrars of Government Colleges,

(v) Such Class IV servants as are attached to the Offices of the Educational Institutions,

(vi) The following Class IV servants paid from contingencies in Educational Institutions:-

(1) Library Hamals, (2) Laboratory Hamals, (3) Malis, (4) Watchmen, (5) Sweepers, (6) Kamathis or Hamals, (7) Pagis, (8) Farases.

(b) (i) All the posts borne on the Maharashtra Education Service, Class I, II and III under the Director of Technical Education requiring teaching instructions of its incumbents.

Note 1.--The Principals and Heads of Institutions under the Director of Technical Education belonging to the Maharashtra Educational Service, Class I, II, III should be treated as belonging to Non-vacation Department irrespective of the fact that the incumbents of these posts are also required to do some teaching work.

Note 2.--All the Maharashtra Educational Service, Class I, II, III posts the incumbents of which are not required to do teaching instruction work, should be treated as belonging to Non-vacation Department.

(ii) All the members of the Class IV service attached to workshops/laboratories should be treated as belonging to Vacation Department.

Note.--The Class IV servants belonging to the Office of an institution and/or to the institution as a whole should be treated as belonging to Non-vacation Department.

(c) The following posts at Shasakiya Vidya Niketan, Pusegaon, Aurangabad, Dhulia and Amaravati:-

(i) Principal, Maharashtra Education Service, Class I (Administration Branch).

(ii) Warden, Maharashtra Education Service, Class II (Administration Branch).

(iii) Rector, Maharashtra Education Service, Class II (Administration Branch).

(iv) Teacher, Maharashtra Education Service, Class II (Administration Branch).

(v) Assistant Teacher, Maharashtra Education Service, Class III (Administration Branch)

(vi) Part-time Teacher, Maharashtra Education Service, Class III (Administration Branch).

(vii) Cook, Maharashtra Education Service, Class IV.

(viii) Assistant Cook, Maharashtra Education Service, Class IV.

(ix) Kitchen Servant, Maharashtra Education Service, Class IV, Metron, Kamathi, Sweeper, Watchman and Electrician-cum-Water-pump Operator.

(d) The following posts in Class III and Class III and Class IV services in the Institute of Science, Bombay, Nagpur, Aurangabad:-

1 Class III

- | | |
|-------------------------------|--------------------------------------|
| (i) Demonstrator (full time) | (xi) Harbarium Assistant |
| (ii) Demonstrator (part-time) | (xii) Museum Assistants |
| (iii) Research Assistant | (xiii) Record Keeper |
| (iv) Foreman | (xiv) Artist-cum-Photographer |
| (v) Senior Mechanic | (xv) Photo Artist |
| (vi) Junior Mechanic | (xvi) Senior Technician |
| (vii) Carpenters | (xvii) Technical Assistants. |
| (viii) Glass Blower | (xviii) Senior Technical Assistants. |
| (ix) Laboratory Assistants | (x) Field Collectors |
| (xix) Laboratory Mechanic. | |

Class IV

- | | |
|--------------------------------|---------------------------|
| (i) Animal Attendant | (iv) Mazdoors in workshop |
| (ii) Animal Keeper | (v) Laboratory Hamal. |
| (iii) Mazdoors in Laboratories | |

Note.--The following posts in Class IV services (i.e. the entire staff of Office, Library and Stores and Administrative Assistants of all Departments and Malies of the Botany Department) in the Institute of Science, Bombay, are treated as belonging to Non-vacation Department :-

Class III

- | | |
|---------------------------------|---------------------------|
| (i) Librarian | (vii) Assistant Librarian |
| (ii) Stores Officer | (viii) Store-keeper |
| (iii) Higher Grade Stenographer | (ix) Steno-typist |

- (iv) Personal Assitant to the Director
- (v) Senior Clerks
- (vi) Administrative Assistants

- (x) Junior Clerks
- (xi) Driver.

Class IV

- (i) Naik
- (ii) Peons (Office & Library)
- (iii) Liftman
- iv) Mali (Botany)
- v) Mazdoors in Stores

- (vi) Watchman (Stores)
- (vii) Sweepers (Stores)
- (viii) Pump Operator
- ix) Mazdoors in Library.

2. Under the Directorate of Medical Education and Research-

- (a) Full-time teaching staff working at Government Medical Colleges,

(Except-

- (i) Officer holding the post of Principal of the College,
- (ii) Professor of Pathology,
- (iii) Lecturer in Pathology,
- (iv) Lecturer in Bacteriology,
- (v) Senior-most Junior Lecturer in Pathology and
- (vi) Senior-most Junior Lecturer in Bacteriology at B. J. Medical College at Pune;)

and full-time teaching staff of the Grant Medical College, Bombay;

(Except-

- (i) Professor of Pathology, Grant Medical College and pathologist , J. J. Group of Hospitals, Bombay,
- (ii) Lecturer in Pathology,
- (iii) Lecturer in Bacteriology and
- (iv) one Junior Lecturer in Pathology.)

Note.--The following full-time teaching staff appointed at Government Dental College and hospital ,Bombay, on or after 6th November1950, should be treated as belonging to a Non-vacation Department:-

- (i) Professor of Dentistry and Dental Surgeon;
- (ii) Lecturer in Dentistry;
- (iii) Full-time Demonstrator and Dentistry.

(b) The staff appointed before 6th November 1950, will be governed by the provisions of Rule 52.

3. Under the Directorate of Ayurveda-

(a) The following posts at Government Ayurvedic College, Nanded:-

- (i) Lecturer in Anatomy, Bacteriology and Hygiene.
- (ii) Lecturer in Dravyaguna and Rasashastra.
- (iii) Junior Lecturer in Rog-Nidan.
- (iv) Lecturer in Physics, Chemistry and Biology.
- (v) Demonstrator in Anatomy.
- (vi) Demonstrator in Physiology.
- (vii) Demonstrator in Pathology.
- (viii) Demonstrator in Dravyaguna and Rasashastra.
- (ix) Demonstrator in Physics, Chemistry and Biology.

Note.--The following posts at the Government Ayurvedic College, Nanded, should be treated as belonging to Non-vacation Department :-

- (i) Principal-cum-Superintendent.
- (ii) Professor in Physiology, Biochemistry and Pathology.
- (iii) Lecturer in Clinical Medicine, Pharmacology and Meteria Medica.
- (iv) Professor, Sharir and Shalya Shalakya.
- (v) Professor, Doshadhatu Mala Vidnyan and Rog Nidan.
- (vi) Professor, Dravyaguna and Rasashastra (Pharmacist).
- (vii) Professor in Kayachikitsa.
- (viii) Professor in Kumar Bharitya.

(b) The following posts at the Ramvilas Anandilal Podar Medical College (Ayurvedic), Bombay :-

- (i) The Lecturers in Anatomy, Physiology and Dravyaguna and the in charge of the Museum and Botanical Garden ;
- (ii) Tutor in Anatomy and Lecturer in Sharir Rachana;
- (iii) Demonstrator in Physiology and Biochemistry ;
- (iv) Demonstrator in Anatomy.

4. Under Judicial Department-

All Judicial Officers and their office establishments including Class IV Government servants except District and Sessions Judges, Assistant Judges holding appellate powers, Joint and Additional Sessions Judges and Principal Judge of the City Civil and Sessions Court, Bombay.

*Note 1.--*The Judges and staff of the Labour Courts should be treated as belonging to a Non-vacation Department.

*Note 2.--*The posts of Adjudicators (Industrial Tribunals) should be treated as belonging to a Non-vacation Department.

*Note 3.--*The Civil Judge-cum Magistrates should be treated as belonging to a Vacation Department.

*Note 4.--*The posts of Chief Metropolitan Magistrate, Additional Chief Metropolitan Magistrate should be treated as belonging to a Non-vacation Department.

5. Under the Police Department-

Those members of the staff attached to the Police Training College at Nashik, who are allowed regular vacations.

*Note.--*The Assistant Superintendents of Police, Deputy Superintendents of Police and Language Master at Police Training College, Nashik do not serve in a vacation Department. But the Inspectors and Sub-Inspectors undergoing training at the College serve in a vacation Department.

6. Under the Directorate of Fisheries--

The staff attached to Government Fisheries Schools (except Class IV staff).

7. Under the Maharashtra Institute of Labour Studies, Bombay-

The Director and all other teaching posts in the Maharashtra Institute of Labour Studies, Bombay

APPENDIX III

(See rule 79)

Rules regarding grant of concessions to Government servants suffering from tuberculosis/Cancer/Leprosy or Paralysis

Rule 1--Scope

(1) These rules are applicable to all Government servants on regular establishment as well as to the persons employed on work-charged establishment, except staff paid on daily wages and part-time employees.

(2) Temporary Government servant who has put in more than a year's continuous service shall be eligible to the concessions under these rules other than monetary concessions and concessions T. B. leave on full pay. The monetary concessions and The T. B leave on full pay will be admissible only to those temporary Government servants who have put in not less than three year's continuous service. Temporary Government servants with less than a year's service are not entitled to any of these concessions.

Note.--Continuous service of one year or three year means services of specified duration under the Government of Maharashtra till the commencement of leave for treatment of T.B.

(3) Government servants suffering from T.B while they are under suspension are also eligible to these concessions.

(4) These concessions are not available to Government servants suffering from ordinary pleurisy.

Rule 2--Suspectation and examination of the disease.

In respect of Government servants serving in Bombay city and who are suspected of tuberculosis should be sent for examination and opinion to the J.J Group of Hospital or the G.T. Hospital, Bombay. In respect of Government servants, serving in the mofussil, should be referred to the nearest District Head quarters Hospital. No charge should be made for such examination. The civil surgeon, if he considers it necessary, will refer the case to the nearest Government Hospital where proper facilities, including X-Ray, are available, for a through examination. No charge will be made for X-Ray, skiagrams, examination and laboratory investigations.

Rule 3--Confirmation of the disease and grant of leave.

(1) If, after careful consideration, the case is found to be an active one, the Government servants concerned should be granted such leave as is recommended in his case by the Authorised Medical Attendant until he was exhausted all the leave due to him under the maharashtra civil services (Leave) Rules, 1981. When the end of this leave under sub-rule (3) is approaching he should be brought before a Medical Board for report whether there is any likelihood of his return to duty.

If the Board reports that he would be fit to resume duty after further treatment he should be granted extraordinary leave for the period recommended by the Board, provided that the total period of continuous absence from duty does not exceed three years. If the Board reports that there is no likelihood of his returning to duty, he should be invalided.

(2) In the case of a Government servant, who has more than six month's leave due to him, the examination by the medical Board referred to above should be arranged six months, such extraordinary leave as is necessary to complete that period may be given pending examination of the patient by the Medical Board.

(3) A Government servant irrespective of the pay drawn, after the expiry of all leave due and admissible to him on full pay be granted T.B leave should be regulated under normal rules. The total T.B. leave should not exceed one year. After the expiry of this leave, leave on half pay, if due, should be granted in case it is found that a further period of leave is necessary for his recovery. After the expiry of leave on half pay, the Government servant should be placed before the Medical Board for his examination as to his physical fitness for further service and should be granted extraordinary leave recommended by the Medical Board subject to the condition that all leave granted under these rules does not be exceed three years. The T.B. leave on full pay should not be debited to the leave account of Government servant.

(4) At Places where there are no Medical Boards, the Civil surgeon may with the sanction of the Director of Health Services convene a Medical Board to examine Government servants suffering from Tuberculosis with the help of the medical officers of the Institution where the patient is receiving treatment. The charges for the medical examination of a Government servant suffering from T.B. by a regular or a specially convened Medical Board, should be borne by Government, if the Medical Board is convened at a place it is convened at a place other than the one where it is ordinarily

convened, on the request made by the Government servant on ground of health etc., the extra expenditure involved to Government in this respect e.g. expenditure on traveling allowance of a Medical Officer attending the meeting of the Medical Board, etc., shall be borne by the Government Servant concerned.

(5) In order to afford continuity of service to temporary Government servants, gazetted or non-gazetted, who contract Tuberculosis and undergo treatment in a recognised institution established for the treatment of the disease, and to enable them to return their original posts after treatment, they may, in addition to and /or half pay leave which may be admissible to them, be granted in relaxation of rule 63(2) of Maharashtra Civil Services (leave) Rules, 1981, extraordinary leave upto a maximum period of twelve months on any one occasion, subject to the following conditions :--

(a) The post from which the Government servant proceed on leave is likely to last till his return to duty.

(b) the extraordinary leave shall be granted subject to the production of a certificate from the Medical Board, specifying the period for which the leave is recommended; and

(c) The Medical Board, in recommending the leave shall bear in mind the provisions of rule 40(7) of Maharashtra civil services (leave) Rules, 1981.

(6) The concession of extraordinary leave up to twelve months shall also be admissible to a temporary Government servant who for want of accommodation in any of the institutions recognised for the purpose of the concession located at or near the place of his duty, receives treatment at his residence, provided that--

(a) the treatment is under a duly qualified Registered Medical Practitioner ;
and

(b) he submits a certificate signed by that medical practitioner to the effect that he is under his treatment and that he has reasonable chances of his recovery on the expiry of the leave recommended.

(7) Before the expiry of the maximum limit of extraordinary leave admissible under the rules, the Government servant concerned should be examined by the Medical Board to see whether he is fit to resume duty or should be invalidated. If the Government servant is found to have greatly improved, but to be still in need of some more fit to resume

duties, further leave may be granted subject to the limit of 3 months provided it is certified that he is likely to resume duty by the end of that period.

(8) The Heads of department or offices, as the case may be, should, while placing the Government servant suffering from T. B. before a Medical Board, invariably inform the Medical Board of the period of extraordinary leave already enjoyed by the Government servant concerned in pursuance of the T. B. concessions, and the balance of leave admissible, so as to enable the Medical Board to certify whether the Government servant is likely to be fit before the expiry of the full leave.

(9) (a) The extraordinary leave availed of by permanent Government servant on account of illness due to tuberculosis should be counted towards increments subject to the condition that only such extraordinary leave falling during the period of three years commencing from the date of absence from duty will count for increments under rules 39 of the Maharashtra Civil Service (pay) Rules, 1981.

(b) the extraordinary leave availed of by the temporary Government servant to the extent admissible under the T. B. Concession rules should also be counted for increment if supported by the medical certificate of the competent authority.

Note.--Rules 3(2) and 3(3) be read together. These rules are inconsistent with each other and as such each rule should not be read as an independent rule and interpreted.

Rule 4--Authority competent to grant leave and monetary concessions

The Regional Officer of the Department under whom the Government servant is serving or where there is no Regional Officer, the Head of the Department should be the authority to sanction these concessions for the first time.

Rule 5--Treatment while on leave

(1) While on leave, the government servant should be required to undergo treatment in a Government Medical Institution, or if he so prefers, place himself for treatment under a competent private medical practitioner or in any of the approved non-Government Tuberculosis Sanatoria or Institutions mentioned below: -

- (a) The Bel-air Sanatorium, Delkeith, Panchgani.
- (b) Hillside Sanatorium, Vengurla.
- (c) Wanless Tuberculosis Sanatorium, Wanlesswadi.
- (d) The Nashik Tuberculosis Sanatorium, Wanlesswadi, Mhasrul, Nashik.

- (e) The Group of tuberculosis Hospitals, Sewree, Bombay.
- (f) The N. M. Wadia Charitable Hospital, Solapur.
- (g) The Talegaon General Hospital and Convalescent Home, Talegaon (Dabhade), District Pune.
- (h) The Shashikala Tuberculosis Sanatorium, Jaysingpur, District Kolhapur.
- (i) The Swastik T. B. Sanatorium, Wai, District satara.
- (j) The Evangeline Booth Hospital, Ahmednagar, District Ahmednagar.
- (k) K. E. M. Hospital, Bombay.
- (l) Dr. Bandorwalla Leprosy Hospital, Kondhawa, Pune.

(2) The Medical Officers should have discretion to decide whether a patient should be asked to stay in a hospital or a sanatorium, or whether he should take treatment while staying outside such institutions under such conditions as may be considered necessary.

(3) Reasonable facilities should also be provided as far as possible, for admission of a Government servant to the existing institutions (i.e. Government Hospital or approved non-Government Hospital or Sanatorium, provided he is deemed fit by the Civil Surgeon of the District concerned or the Superintendent, J.J. Group of Hospitals or G.T. Hospital, Bombay, for institutional treatment.

Rule 6--Medical examination for physical fitness before resuming duties and grant of concessions.

(1) The Government servant who was suffering from T.B. should be sent to Medical Board for his examination and the certificate regarding his physical fitness should be obtained from the Medical Board before he is allowed to resume his duties under the following conditions:-

(a) that he remains under suitable medical supervision and treatment of a qualified medical practitioner approved by the Government Medical Officer concerned who should maintain a special register of such cases so that the patient may be followed up regularly from time to time in his own interest as well as that of public health;

(b) that the Government servant suspected of Tuberculosis or suffering from "arrested" Tuberculosis shall undergo periodical re-examination by the proper Government Medical Officer and if necessary, by a competent authority in

Tuberculosis approved by Government. The re-examination should be done by the Government Medical Officer free of charge.

(2) (a) For journeys to Government Medical Institutions and back in connection with the medical examination and for treatment, Government servant will be eligible to travelling allowance as on tour as admissible, under the relevant Travelling Allowance Rules, and for the purpose of payment of such travelling allowance his residence shall be treated as his headquarters. Similar travelling allowance will also be granted, if Government servant goes to approved non- Government Tuberculosis Sanatoria or Institutions for treatment.

(b) The attendant, if any, accompanying the patient (Government servant) should be granted actual single fare of the appropriate class in which the patient travels or a lower class by which the attendant actually travels.

(3) In the event of a Government servant suffering from Tuberculosis being declared fit for duty, the department concerned should, wherever possible, give him light duty for another year or so, and also allow him some period for rest daily or occasionally as advised by the Medical Attendant of the Government servant.

Rule 7--Limits of monetary concessions

(1) Government will assist in the payment of the cost of special diet, special medicines and sanatorium charges in case of Government servants with pay not exceeding Rs.760 per mensem, when they are admitted as paying patients (and not against free beds reserved by Government) to private approved sanatoria or hospitals up to the following monetary limits:--

(a) Rs.25 per mensem for sanatorium charges (which includes charges for ordinary accommodation, ordinary diet and ordinary medicines) or at the rate actually paid by the patients, whichever is less;

(b) An allowance of Rs.50 per mensem during the period of high prices towards the cost of special diet, if any, prescribed by the Medical Superintendent of the Sanatorium; and

(c) A Government servant should be allowed reimbursement of medical expenses incurred by him on account of special medicines (excluding those included in the list of inadmissible medicines) under the Maharashtra State

Services (Medical Attendance) Rules, 1961. Government servant should also be allowed reimbursement of expenditure incurred by him on account of P.P.sputum examination, blood test, injections and operations etc.at the private approved sanatoria or hospitals.

(2) A Government servant who can not be accommodated either in a Government Hospital where proper facilities for the treatment of T.B. exist or in a reserved bed in one of the private T.B. Sanatoria where Government has reserved beds for the free treatment of Government servants and who is allowed to take treatment in a non-Government sanatorium or Hospital or under a private medical practitioner, shall be entitled to the following concessions:-

(a) In case of a Government servant whose pay does not exceed Rs.760 p.m. the expenses on Hospital or Sanatorium charges, special diet and special medicines subject to the limits mentioned in sub-rule (1).

(b) In case of a Government servant whose pay exceeds Rs.760 p.m. only charges on medicines included in the latest National Health Formulary of the United Kingdom but not exceeding the limit mentioned in sub-rule (1) (c) above.

(c) A Government servant undergoing treatment under private medical practitioner or as out-patient at Government Hospital or recognized private institution should be granted the concessions subject to the following conditions:-

(i) The Medical Officer, i.e. the Civil Surgeon or the Superintendent of Government Hospital should certify that the Government servant can take treatment of such medical practitioner under such conditions as he considers necessary.

(ii) The Medical Officer who has examined the Government servant should, as far as possible, try to secure him admission in a Government hospital and at the same time furnish him with a list of approved sanatoria or institutions, so that the patient may also on his own seek admission to one of them.

(iii) The necessary vouchers for the special medicines purchased by the patient for himself should be produced and countersigned by the Medical

Practitioner or the authorities of the Institutions concerned, as the case may be.

(3) The allowance for special diet at the rate of Rs.50 p.m. or equal to the actual expenditure incurred, whichever is less, should be granted subject to the condition that declaration as stated below is given by the patient and is countersigned by the Medical Attendant:-

I hereby declare that, I Shri/Smt./Kum..... was under the treatment of Dr.for tuberculosis, and under his advice, I have taken special diet, such as for which I have incurred an expenditure of Rs.....for the period from to

(4) A Government servant taking treatment as indoor patient in Government Institution should be granted monetary concessions towards items on which he has incurred expenditure, subject to the maximum laid down in sub-rule (1) provided he produces necessary vouchers and certificates in support of his claim.

Note.--The requirement in regard to production of vouchers for special diet shall be waived provided a declaration is given by the Government servant concerned that he has taken special diet of the value of Rs.50 per month.

(5) A Government servant who was suffering from Tuberculosis and who has been declared fit to resume duties should be granted the following monetary concessions:-

(a) Rs. 30 per month for extra diet. This is available for period of one year with effect from the date of the Government servant resuming duty, subject to the conditions that the extra diet, medicines and tonics are recommended by the Civil Surgeon or the authorities of the hospital in which he was taking treatment and subject to the production of necessary vouchers in support of his claims.

(b) The Heads of the Departments while granting the concessions, should insist on the certificate of the Civil Surgeon or the authorities of the hospital in which the Government servant was taking treatment recommending extra diet, medicines and tonics. On the production of vouchers for medicines and tonics, a

declaration given by the Government servant concerned that he has taken extra diet of Rs.15 per month in place of vouchers for extra diet, should suffice.

(6) The expenditure on account of monetary concessions extended under these rules should be debited to the appropriate budget head to which the cost on account of the general administration of the department concerned is debited under the object of expenditure "Salaries".

Rule 8--Authority competent to grant the concessions second or third time

(1) A Government servant suffering from T.B. and declared fit to resume duty on expiry of leave, should report for periodical check-up at the nearest Civil Hospital where there is X-Ray facility or at the recognized sanatorium where free beds are reserved for Government servants. His periodical check-up should be done till the specialist examining the patient considers that such check-up is necessary in his case and not indefinitely. The expenditure on account of the travelling allowance of such Government servant should be borne by Government.

(2) A Government servant having once availed of T.B. concessions and having been certified to be fit for duty after treatment, may be granted these concessions if he contacts T.B. again.

(3) The Heads of Departments under whom the Government servant is serving shall be the authority to sanction these concessions for the second time. The vouchers required to be produced under rule 7 (4) should be submitted to the Head of the Department in order to enable him to authorize the concession. It is not necessary to Government .

(4) If the concessions are to be sanctioned for the 3rd time after producing the necessary certificate from the Authorized Medical Attendant that the Government servant has scrupulously followed T.B. concessions for the 3rd time, such cases should be referred to Government.

(5) The T.B. concessions should not be granted to a Government servant for the 4th time and that the Government servant asking for the concession for the 4th time should be placed before the Medical Board for invalidation.

Rule 9--Re-employment of ex-T.B. patients in Government service

(1) The ex-T.B. patient who was once in Government service but was discharged on account of his affliction with T.B. will be eligible for re-employment provided he has been declared non-infective and medically fit for Government service by a T.B. specialist or a medical authority authorized in this behalf by Government.

Note.--The authority to declare ex-T.B. patients as non-infective and medically fit for Government service should be a Medical Board. The Civil Surgeon/ District Medical Officers in-charge of the Civil Hospitals, Superintendents of Medical Institutions in Bombay and Superintendents of Government T.B. Sanatoria including Superintendent, Hospital for the Diseases of chest, Camp Aaundh, Pune, are authorized to convene a Medical Board for the examination of the ex-T.B. patients and for issue of fitness certificates to them.

(2) Such a Government servant will be eligible for re-appointment to the posts preciously held by him if vacancies exist or to equivalent posts in his own Department, the usual condition of age limit not being enforced in his case.

(3) Such a Government servant will be eligible for re-appointment by the Department concerned without the intervention of the selection Board or the Employment Exchange as the case may be, whenever there are suitable vacancies.

(4) If such a Government servant cannot be re-employed in the Department concerned for want of vacancies, employment assistance to him will be rendered by the Selection Board or the Employment Exchanges as the case may be. For this purpose as also for purposes of age relaxation he will be treated as transferred Government employee.

(5) On his re-employment in the same post from which he was discharged; the actual precious service rendered by him should be treated as qualifying service for purposes of pension and seniority and for purposes of pay and he should be placed in the same position in which he was at the time of his discharge from service. The break in service between the date on which he was discharged from service and the date of his re-employment would itself, however, be regarded as continuous. The seniority of such a person re-employed in other post will be fixed in consultation with General Administration Department and his pay fixed in consultation with the Finance Department.

(6) On re-employment he will not be required to undergo a fresh medical examination if he has been medically examined on his first appointment. He will, however, have to undergo the usual medical examination before confirmation, if otherwise necessary.

(7) In a case in which he is re-employed in a post direct appointment to which can be made only in consultation with the Maharashtra Public Service Commission, the Commission will be consulted as usual. For this purpose his available record will be referred to the Commission. The commission, if they also consider necessary, may interview him and his actual appointment will be made only after the Commission has certified him to be suitable for appointment to the post in question.

Rule 10--Re-employment of Government servant who retires on invalid pension on account of affliction with T.B.

(1) Whenever a Government servant who retires on invalid pension being incapacitated for further service on account of the affliction with T.B. is re-employed being cured of the disease-

(a) his pay on re-employment will be regulated according to relevant provisions of the Pension rules.

(b) he will not be required to undergo a fresh medical examination under rule 15 (1) of Maharashtra Civil Services (General Conditions of Services) Rules, 1981; and

(c) the leave standing to his credit will be carried forward as provided in rule 22 (4) of the Maharashtra Civil Services (Leave) Rules, 1981.

(2) The concessions mentioned in rule 9 and sub-rule (1) above are applicable to Government servants who were in service but were discharged on account of their affliction with T.B. Pleurisy, as distinguished from ordinary pleurisy. They are also applicable *mutatis mutandis* to those who were in service but were discharged on account of their affliction with leprosy.

Rule 11--Extension of T.B. concessions to Government servants suffering from Cancer, Leprosy or Paralysis.

Government servant who has put in not less than 3 years continuous service and suffering from leprosy/cancer or paralysis should be granted the concessions regarding T.B. leave on full pay admissible under sub-rule (3) of rule 3 of these rules and the monetary concessions admissible under rule 7. They should also be granted the special diet allowance of Rs. 50 p.m. or equal to actual expenditure incurred, whichever is less, even if they are not required to be on leave as per the rules in force from time to time. The Special diet allowance should be for a period of one year or till the Authorized Medical Attendant recommends, whichever is earlier. They should also be granted travelling allowance for their journeys to Government Medical Institutions and back in connection with the medical examination and for treatment as per the provision of these rules.

Rules 12--Grant of concession dependant only on restricting family size.

These concessions will not be available to those Government servants who do not restrict their family size to 3 living children, if they have less than 3 children or to their present size if they have more than 3 living children as on 15th August 1968 :

Provided that such Government servants who become disentitled to these concessions on account of the contravention of the directions issued in this rule, they should become re-entitled if the Government servant or the spouse being, in the reproductive group, thereafter undergoes sterilization and produces and certificate to that effect by competent Medical Authorities in charge of the Hospital or Dispensary where the sterilization operation has been performed. The Head of office should furnish the following certificate while sanctioning the concessions to the Government servant.

CERTIFICATE

Name of the Department

Certified that Shri/Smt. after
contravention of the orders issued in rule 12 has produced a medical certificate that
he/she/his wife/her husband has undergone the sterilization operation as required in the
proviso to rule 12. He/ She is eligible for the concession admissible under the rules
regarding T.B. concessions to Government servant.

Head of Office

Seal of Office

Rule 13--Cessation of concessions on retirement

The concessions available under these rules shall, in any case, cease when the
Government servant retires from Government service.

APPENDIX IV

(See rule 95)

Rules regulating the grant of leave to Government servants in non-continuous and part-time service

Leave Rules applicable to the Advocate General .

1. The Advocate General appointed in accordance with the provisions of article 165 of the Constitution of India, may be granted leave as follows :--

- (a) leave on full pay during the vacation of the High Court.
- (b) leave on half pay for a period not exceeding 30 days for each completed year of service;
- (c) on medical certificate, leave on half pay subject to a maximum of *12 months* during the whole service;
- (d) extraordinary leave on the conditions prescribed in rule 63.

Note.--When maximum period of *twelve months* is exhausted, further on medical certificate not exceeding *six months* in all may be granted in exceptional cases on the recommendation of a Medical Board.

2. Leave on half pay admissible under clause (b) or (c) of rule 1, is subject to maximum of Rs.750 p.m.

3. Leave under any one of the clause of rule 1 may be combined with leave under any other clause.

Leave rules applicable to Government servants in non-continuous and part-time service

4. No leave, except on half pay, shall be granted to the following :--

- (i) Part-time lecturers in regional languages;
- (ii) Part-time Professors and lecturers in the Medical Department who are remunerated wholly by pay.
- (iii) Part-time staff employed in the several offices under the Commissioner of Labour, Bombay.
- (iv) Part-time Professors, Assistant Professors, Lecturers and teachers.

5. Half pay leave admissible under rule 4 shall be allowed at the rate of 15 days for each years of duty.

Note 1.--The term "each year of duty" in this rule means a year comprising of 365 days of actual duty which may spread over a number of months.

Note 2.--Part-time Demonstrators in Government Medical Colleges in pre-clinical subjects of Physiology, Anatomy and also in the Department of Pharma-cology and Preventive and Social Medicine and Pathology are not entitled to half pay leave.

6. Maximum amount of half pay leave to be granted at any one time under rule 4 shall b limited to ninety days on condition that such leave has been earned.

7. Officers serving in the Vacation "Department will be allowed to prefix or affix half pay leave to a vacation but not both. They will be allowed full pay during vacation, which will be counted as duty, provided that no extra expenditure is thereby caused to Government,'

Note.--In case where a Government servant has been allowed prefix half pay leave to a vacation but is unable to resume duties for the circumstances beyond his control, the competent authority, on the merits of the case, and at its discretion, condone such an irregularity, as a special case.

8. Half pay leave will also be granted to officers mentioned in clauses (ii) of rule 4 taken elsewhere in India, Sir Lanka, Nepal, Burma or Aden for purpose of study on the conditions that they will undertake to continue to serve Government on return from half pay leave for period upto a maximum of give years if so desire by them and that in the event of default they shall re-imbrues to Government all amounts received by them during the period of half pay leave.

9. The half pay leave shall, in no case, extend beyond the tenure of the appointment.

10. Half pay leave cannot be claimed as of right.

Leave rules applicable to Government servants

Remunerated by honoraria

11. Except as provided for in rule 74 (6) a Government servant remunerated by honoraria, may be granted leave on the terms laid down in rules 4 to 10 above, provided

that he makes satisfactory arrangements for the performance of his duties, that no extra expense is caused to Government and that during leave of the kind contemplated in rule 95, the whole of honoraria is paid to the person who officiates in his post.

Exception.--This rule does not apply to Honorary Professors and Honorary Lecturers in the Medical Department.

APPENDIX V

Forms

FORM 1

(See rule 24)

Application for leave or for extension of leave

1. Name of applicant ..
2. Post held ..
3. Department, Office and Section ..
4. Pay ..
5. House rent and other compensatory allowances drawn in the present post.
6. Nature and period of leave applied for and date from which required.
7. Sundays and holidays, if any, proposed to be prefixed/suffixed to leave.
8. Grounds on which leave is applied for.
9. Date of return from last leave, and the nature and period of that leave.
10. I propose/do not propose to surrender earned leave for days during the financial year 19 --19 .
11. Address during leave period ..
12. *In the event of my resignation or voluntary retirement from service, I undertake to refund:--
 - (i) the difference between the leave salary drawn during ‘commuted leave’ and that admissible during half pay leave, which would not have been admissible had sub-rule (1) of rule 61 not been applied.
 - (ii) the leave salary drawn during ‘leave not due’ which would not have been admissible had sub-rule (1) of rule 62 not been applied.

13. * I certify that I do not have three or more living children on the date of this application.

Applicant
Signature of
(with
date)

(* Score out whatever be not applicable)

14. Remarks and /or recommendation of the Controlling Officer.

(with date)
Designation.
Signature

CERTIFICATE REGARDING ADMISSIBILITY OF LEAVE

(By Audit Officer in case of Gazetted Officer)

15. Certified that earned leave days /half pay leave.....
days/commuted leave days is to his credit on the ..
.....19.....,under ruleof the
Maharashtra Civil Services (Leave) Rules,1981.

(with date)
Designation.
Signature

16 . * Orders of the authority competent to grant leave.

(with date)
Designation.
Signature

-
- * If the applicant is drawing any compensatory allowance, it should also be indicated in the orders whether on the expiry of leave, the Government servant is likely to return to the same post or to another post carrying similar allowance.

FORM 3
(See rule 40)

**Medical certificate for Gazetted Officers recommended leave or extension of leave
or commutation of leave**

Statement of the case of
..... Name (to be
filled in by the applicant in the presence of the Civil Surgeon or Authorised Medical
Attendant.

Appointment held.....

Age
.....

Total Service

Previous periods of leave of absence on medical certificate.....

Habits.....

Disease.....

I, Civil Surgeon / Medical
Officer of after careful personal
examination of the case hereby certify that Shri/Smt./Kumari.....
..... is in a band state of health and I
solemnly and sincerely declare that according to the best of my judgement a period of
absence from duty is essentially necessary for the recovery of his/her health and
recommend that he/she may be granted leave for.....with effect
from.....

*In my opinion it is/it is not necessary for the officer to appear before a Medical
Board.

Dated Authorised Medical Attendant.

1Note 1.--Where the period of leave initially recommended, or the period of leave
initially recommended together with any extension thereof subsequently
recommended, does not exceed two months, the Medical Officer should
invariably certify whether in his opinion it is or it is not necessary for the
Government servant to appear before a Medical Board.

Note 2.--This form should be adhered to as closely as possible and should be filled in after the signature of the Government servant has been taken. The certifying officer is not at liberty to certify that the Government servant requires a change from or to a particular locality or that he is not fit to proceed to a particular locality. Such certificates should only be given at the explicit desire of the administrative authority concerned to whom it is open to decide, when an application on such grounds has been made to him, whether the applicant should go before a Medical Board to decide the question of his /her fitness for service.

Note 3.--No recommendation contained in this certificate shall be evidence of a claim to any leave not admissible to the Government servant.

* This sentence should either be modified by scoring out the irrelevant words or altogether scored out according as the period of leave recommended is upto two months or exceeds that period.

Note 3.--Should a second medical opinion be required, the authority competent to grant leave should arrange for the second medical examination to be made at the earliest possible date by a medical officer not below the rank of a Civil Surgeon who shall express an opinion both as regards the facts of the illness and as regards the necessity for the amount of leave recommended and this purpose he may either require the Government servant appear before himself or before a medical officer nominated by himself.

Note 4.--No recommendation contained in this certificate shall be evidence of a claim to any leave not admissible to the Government servant.

FORM 5
(See rule 47)

Medical certificate of fitness to return to duty

Signature of Government servant

We the members of medical Board

I Civil Surgeon/

Authorised Medical Attendant, of

Resident Medical Practitioner,

do hereby certify that we/I have carefully examined Shri/Shrimati/Kumariwhose signature is given above, and find that he/she has recovered from his/her illness and is now fit to resume duties in Government service. We/I also certify that before arriving at this decision, we/I examined the original medical certificate (s) and statement (s) of the case (or certified copies there of) on which leave was granted or extended and have taken these into consideration in arriving at our/my decision.

Members of the Medical Board

(1)

(2)

(3).....

Date

Civil Surgeon/

Authorised Medical Attendant

Registered Medical Practitioner

Note: --The original medical certificate (s) and statements (s) of the case on which the leave was originally granted or extended shall be produced before the authority

required to issue the above certificate. For this purpose, the original certificates (s) and statement (s) of the case should be prepared in duplicate, one copy being retained by the Government servant concerned.

FORM 6

[See rule 63]

**Bond for temporary Government servants granted extraordinary leave in relaxation
or rule 63 (3) (a) for study leave in India or abroad**

KNOW ALL MEN BY THESE PRESENTS THAT WE

.....
resident of in the District of
Department/Office of (hereinafter called
"theObligor") and Shri/Shrimati/Kumari
Son/daughter of of and Shri/Shrimati/Kumari
..... Son/daughter of
of

.....(hereinafter called the sureties) do hereby jointly and severally bind
ourselves and our respective heirs,executors and administrators, to pay to the Governor of
Maharashtra, his successors and assigns (hereinafter called the "Government") on
demand the sum of Rs.(Rupees)
together with interest thereon from the date of demand at Government rates for the time
being in force on Government loans or, if the payment is made in a country other than
India the equivalent of the said amount in the currency of that county converted at the
official rate of exchange between that country and India AND TOGETHER with all costs
between attorney and client and all charges and expenses
that shall or may have been incurred by the Government.

WHEREAS the Government has, at the request of the above bounden
Shri/Shrimati/Kumari, employed as a
....., granted him/her
regular leave, followed by extraordinary leave without pay and allowances, for a period
of
.....months.....
..... days with effect from in order
to enable him/her to study at

AND WHEREAS the Government has appointed/will have to appoint a substitute to perform the duties of during the period of absence of Shri/Shrimati/Kumari On extraordinary leave;

AND WHEREAS for the better protection of the Government the obligor has agreed to execute this bond with two sureties with such condition as hereunder written;

AND WHEREAS the said sureties have agreed to execute this bond as sureties on behalf of the bounden

NOW THE CONDITION OF THE ABOVE WRITTEN OBLIGATION IS THAT in the event of the above bounden, Shri/Shrimati/Kumari.....failing to rejoin on the expiry of the period of extraordinary leave, the post originally held by him/her and serve the Government after rejoining for such period not exceeding a period of years as the Government may require or refusing to serve the Government in any other capacity as may be required by the Government *on a salary to which he/she would be entitled under the rules*, the said Shri/Shrimati/Kumari or his/her heirs, executors, and administrators shall forthwith pay to the Government on demand the said sum of Rs. together with interest thereon from the date of demand at Government rates for the time being in force on Government loans.

AND upon the obligor Shri/Shrimati/Kumariand, or Shri/Shrimati/Kumari and or Shri/Shrimati/Kumari these sureties aforesaid making such payment the above written obligation shall be void and of no effect, otherwise it shall be and remain in force and virtue.

PROVIDED always that the liability of the sureties hereunder shall not be impaired or discharged by reason of time being granted or by any forbearance, act or omission of the Government or any person authorized by them (whether with without the consent or knowledge of the sureties) nor shall it be necessary for the Government to sue the obligor before suing the sureties Shri/Shrimati/Kumari Or any of them for amounts due hereunder.

The bond shall in all respects be governed by the laws of India for the time being in force and the rights and liabilities hereunder shall where necessary be accordingly determined by the appropriate courts in India.

The Government of Maharashtra have agreed to bear the stamp duty payable on this bond. Signed and dated this Day of

One thousand nine hundred and

Singed and delivered by the obligor
above-named .Shri/Shrimati/Kumari

..... In the presence of

Witness 1
 2

Signed and delivered by the surety
above-named. Shri/Shrimati/Kumari

..... In the presence of

Witness 1
 2

Signed and delivered by the surety
Above-named. Shri/Shrimati/Kumari

..... In the presence of

Witness 1
 2

Accepted

for and on behalf of the

Government of Maharashtra

FORM 7
[See rule 83]
**Bond to be executed by a Government servant in permanent
employ when processing on study leave.**

KNOW ALL MEN BY THESE PRESENTS THAT I,.....
..... resident of In district of
..... At present employed as in the Department/Office of
..... do hereby bind myself and my heirs, executors and
administrators to pay to the Governor of Maharashtra (hereinafter called the Government)
on demand the sum of RS.....(Rupees.....only.) together
with interest thereon from the date of demand at Government rates for the time being in
force on Government loans pr, if payment is made in a country other than India, the
equivalent of the said amount in the currency of that country converted at the official rate
of exchange between that country and India, AND TOGETHER with all costs between
attorney and client and all charges and expenses that shall or may have been incurred by
the Government.

Whereas I,.....am granted study leave
by Government;

AND WHEREAS for the better protection of the Government, I have agreed to
execute this bond with such condition as hereunder is written;

NOW THE CONDITION OF THE ABOVE WRITTEN OBLIGATION IS
THAT in the event of my failing to resume duty or resigning or retiring from service or
otherwise quitting service without returning to duty after the expiry or termination of the
period of study leave or at any time within a period of three years after my return to duty,
I shall forthwith pay to the Government or as may be directed by the Government on
demand the said sum of Rs.Rupees.....
only) together with interest thereon from the date of demand at Government rates for the
time being in force on Government loans.

AND upon my making such payment the above written obligations shall be void
and of no effect, otherwise it shall be and remain in full force and virtue. The laws of
India shall in all respects govern the bond for the time being in force and the rights and

liabilities hereunder shall where necessary be accordingly determined by the appropriate courts in India

The government of Maharashtra have agreed to bear the stamp duty payable on this bond.

Signed and dated thisday of.....
..... One thousand nine hundred andSigned
and delivered by

.....

In the presence of

Witness (1).....

(2).....

Accepted.
for and on behalf of the
Government of Maharashtra.

FORM 8
(See rule 83)

**Bond to be executed by a Government servant in permanent employ
when granted extension of study leave.**

KNOW ALL MEN BY THESE PRESENTS THAT I,
..... resident.....in the District
of at present employed as
..... In the Department /Office of
..... do hereby bind myself and my
heirs, executors and administrators to the Governor of Maharashtra (hereinafter called
“the Government”) on demand the sum of
Rs.....(Rupees.....onl
y) together with interest thereon from the date of demand at Government rates for the
time being in force on Government loans or, if payment is made in a country other than
India , the equivalent of the said amount in the currency of that country converted at the
official rate of exchange between that country and India AND TOGETHER with all costs
between attorney and client and all charges and expenses that shall or may have been
incurred by the Government.

WHEREAS I,
granted study leave by Government for the period from.....
.....to.....in consideration of which I
executed a bond
dated.....forRs.....(Rupees.....
only) in favour of the Governor of Maharashtra.

AND WHEREAS the extension of study leave has been granted to me at my
request until.....

AND WHEREAS for the better protection of the Government I have agreed to
execute this bond with such condition as hereunder is written.

NOW THE CONDITION OF THE ABOVE WRITTEN OBLIGATION IS
THAT in the event of my failing to resume duty, resigning or retiring or otherwise
quitting service without returning to duty after the expiry or termination of the period of

study leave so extended or any time within a period of three years after my return to duty, I shall forthwith pay of the Government or as may be directed by the Government on demand the said sum of Rs.(Rupees.....0 nly) together with interest thereon from the date demand at Government rates for the time being in force on Government loans.

AND upon my making such payment the above written obligation shall be void and of no effect, otherwise it shall be and remain in full force and virtue.

The Bond shall in all respect be governed by the laws of India for the time being in force and the right and liabilities hereunder shall, where necessary, be accordingly determined by the appropriate courts in India.

The Government of Maharashtra have agreed to bear the stamp duty payable on this bond. Singed and dated this Day of one thousand nine hundred and

Signed and delivered by

..... in the presence of

Witnesses (1)

(2)

Accepted

For and on behalf of

Governor of

the

Maharashtra.

FROM 9

(See rule 83)

**Bond to be executed by a Government servant not in permanent
employ, when proceeding on study leave**

KNOW ALL MEN BY THESE PRESENTS THAT WE
.....resident of in the District
of at present employed as
..... in the Department./Office of
..... (hereinafter called “the
obligor”)andShri/Shrimati/Kumari.....
.....son/daughter ofof
and Shri/Shrimati/Kumari Son/daughter of
..... of (hereinafter
called the sureties) do hereby jointly and severally bind ourselves and our respective
heirs, executors and administrators to pay to the Governor of Maharashtra (hereinafter
called “the Government”) on demand the sum of
Rs.....(Rupees Only) together
with interest thereon from the date of demand at Government rates for the time being in
force on Government loans or, if payment is made in country other than India, the
equivalent of the said amount in the currency of that country converted at the official rate
of exchange between that country and India AND TOGETHER with all costs between
attorney and client and all charges and expenses that shall or may have been incurred by
the Government.

WHEREAS the obligor is granted study leave by the Government;

AND WHEREAS for the better protection of the Government the obligor has
agreed to execute this bond with such condition as hereunder is written ;

AND WHEREAS the said sureties have agreed to execute this bond as sureties on
behalf of the above bounden

NOW THE CONDITION OF THE ABOVE WRITTEN OBLIGATION IS THAT in
the event of the obligor Shri/Shrimati/Kumari
.....failing to resume duty or resigning from service or otherwise quitting

service without returning to duty after the expiry or termination of the period of study leave or at any time, within a period of three years after his return to duty, the obligor and the sureties shall forthwith pay to the Government or as may be directed by the Government on demand the said sum of Rs..... (RupeesOnly) together with interest thereon from the date of demand at Government rates for the time being in force on Government loans. And upon the obligor Shri/Shrimati/Kumari.....and or Shri/Shrimati /Kumari.....and, or Shri/Shrimati/Kumari..... the sureties aforesaid making such payment the above written obligation shall be void and of no effect, otherwise it shall be and remain in full force and virtue :

PROVIDED ALWAYS that the liability of the sureties hereunder shall not be impaired or discharged by reason of time being granted or by any forbearance, act or omission of the Government or any person, authorized by them (whether with or without the consent or knowledge of the sureties) nor shall it be necessary for the Government to sue the obligor before suing the sureties Shri/Shrimati/Kumari and Shri/Shrimati/Kumarior any of them for amounts due hereunder.

The bond shall in all respects be governed by the laws of India for the time being in force and the rights and liabilities hereunder shall where necessary be accordingly determined by the appropriate courts in India.

The Government of Maharashtra have agreed to bear the Stampduty payable on this bond. Signed and dated this day of one thousand nine hundred and

Signed and delivered by the obligor above-
Named Shri/Shrimati/Kumari

In the presence of

Witnesses (1)

(2)

Signed and delivered by the surety above-

named Shri/Shrimati/Kumari
in the presence of

Witnesses (1)

(2)

Signed and delivered by the surety above-
named Shri/Shrimati/Kumari
in the presence of

Witnesses (1)

(2)

Accepted

for and on behalf of

Governor of

the

Maharashtra.

FORM 10

(See rule 83)

**Bond to be executed by a Government servant not in permanent
employ, when proceeding on study leave**

KNOW ALL MEN BY THESE PRESENTS THAT WE
resident ofin the District of
..... at present employed as in the
Department/Office of(hereinafter called “the
obligor”) and Shri/Shrimati/Kumari
.....Son/daughterof.....
...ofand
Shri/Shrimati/Kumari..... son/daughter of
..... of (hereinafter called “
the sureties”) do hereby jointly and severally bind ourselves and our respective heirs,
executors and administrators to pay to the Governor of Maharashtra (hereinafter called
“the Government”)on demand the sum of Rs. (Rupees
..... Only) together with interest thereon from the date of
demand at Government loans or, if payment is made in a country other than India, the
equivalent of the said amount in the currency of that country converted at the official rate
of exchange between that country and India AND TOGETHER with all costs between
attorney and client and all charges and expenses that shall or may have been incurred by
the Government.

WHEREAS the obligor is granted study leave by the Government

AND WHEREAS for the better protection of the Government the obligor has
agreed to execute this bond with such condition as hereunder is written;

AND WHEREAS the said sureties have agreed to execute this bond as sureties on
behalf of the above bounden

NOW THE CONDITION OF THE ABOVE WRITTEN OBLIGATION IS
THAT in the event of the obligor Shri/Shrimati/Kumari
Failing to resume duty or resigning from service or otherwise quitting service without
returning to duty after the expiry or termination of the period of study leave or at the

Government or as may be directed by the Government on demand the said sum of Rs..... (Rupees Only) together with interest thereon from the date of demand at Government rates for the time being in force on Government loans.And upon the obligor Shri/Shrimati/Kumari And or Shri/Shrimati/Kumari and, or Shri/Shrimati/Kumari the sureties aforesaid making such payment the above written obligation shall be void and of no effect, otherwise it shall be and remain in full force and virtue :

PROVIDED ALWAYS that the liability of the sureties hereunder shall not be impaired or discharged by reason of time being granted or by any forbearance, act or omission of the Government or any person, authorized by them (whether with or without the consent or knowledge of the sureties) nor shall it be necessary for the Government to sue the obligor before suing the sureties Shri/Shrimati/Kumari and Shri/Shrimati/Kumari or any of them for amounts due hereunder. The bond shall in all respects be governed by the laws of India for the time being in force and the rights and liabilities hereunder shall where necessary be accordingly determined by the appropriate courts in India.The Government of Maharashtra have agreed to bear the Stamp duty payable on this bond.

Signed and dated this day of One thousand nine hundred and

Signed and delivered by the obligor above-named Shri/Shrimati/Kumari in the presence of

Witnesses (1)

(2)

Signed and delivered by the surety above named Shri/Shrimati/Kumari in the presence of

Witnesses (1)

(2)

Signed and delivered by the surety above

named Shri/Shrimati/Kumari

in the presence of

Witnesses (1)

(2)

the
Maharashtra.

Maharashtra,
V.PRABHAKAR,

Accepted
for and on behalf of
Governor of

By order and in the name of the Governor of

Special Secretary to Government,

COMPARATIVE TABLE

Note.--This comparative table has been prepared solely for the purpose of facilitating reference.

Rule Number from Maharashtra Civil Services (Leave) Rules, 1981 1	Corresponding Rule Numbers from Bombay Civil Services Rules, 1959 and Revised Leave Rules, 1935 (RLR) 2	Remarks 3	Rule Number from Maharashtra Civil Services (Leave) Rules, 1981 1	Corresponding Rule Numbers from Bombay Civil Services Rules, 1959 and Revised Leave Rules 1935 (RLR) 2	Remarks 3
Chapter I-General			14(2)	..	New
			Note	..	New
1 (1) & (2)	1		15	RLR-5	
2 (1)	613 & RLR-2		Explanation		New
Note 1	Proviso to Rule 613		16	33	
Note 2	Note 2 below 613		17	628	
Note 3	148		18(1)	..	
2(2)	617 AND 765-A (b)		18(2)	658	
	3		18(3)	626	
4	3A		18(4)	..	
5	Exception 1 below RLR-2		19	680	
6	5		20	638	
7	6		21	Note 3 below RLR-12	
Note	Note		22(1)	..	
8	8		22(2)	250(c)	
Chapter II - Definitions			22(3)	618(b)	
9	9		22(4)	618(a)	
Chapter III- General Conditions			23	..	New
10 (1), (2) &	619 and Note		Chapter IV- Grant of and		

(3)			return from leave	
11	681		24	651
12	620		25	650
13	627		26	679
14(1)	Note 1 below RLR-12		27	623
28	624		41 (4)	674(c)
29	625		41 (5)	673
30		New	41(6)	
31	683 and 683 (A)		42	677
32	622		43	682
33	660		44	629
34	663		45(1)	630
35	664		45(2)	Note below 630
36	665		45(3)	631
37	666		Note 1	
38	672		Note 2	
39	675		46	639
40(1)	661 and 671		Note	Note
40(2)	662		47 (1)	644(1)
40(3)	668		47 (2)	644(2)
Note	Note		47 (3)	641(1)
40(4)	669		47 (4)	704
40(5)	670(1)		Note 1	
40(6)	670 (2)		Note 2	
40(7)	659		48	645
40(8)	673		49	646
Note	1 Note 1 below Rule 671		Chapter V--Kinds of leave due and admissible	
Instruction	Instruction below Rule 671		50 (1) (2) (3)	RLR-8 (1) (2) (3) &Exception
Note 2	Note 2 below 671		Note	New
Note 3	Note 3 below 671		50 (1) (d)	615
41(1)	674(a)		51	Instruction below RLR-8
41(2)	659		52	737 and 738
41 (3)	674 (b) and Note below		53	739

54	RLR-9		68
55	742		69
56	743		70
Note	Note		71
57	744		72
58	745		73
Note	Note		Chapter V--Special kinds of leave other than study leave
59	746		74
60	RLR- 4 (viii), 10 (a) and 11		75
61(1)	RLR-10 (c)		76
61(2)	RLR-10 (c)(i)		77 (1) & (2)
61(3)	Note 5 below RLR-10		77 (3)
Note		<i>New</i>	77 (4)
62(1)	RLR-10 (d), Note 1		77 (5)
62(2)	RLR-10 (e)(i) and (ii) and Note 2 & 4		78
63	} and Notes thereunder RLR-13 and 752		79
64(1)			
		809	Chapter VII-- Study leave
64(2)	} Notes 1, 2 & 3 below		80 to 93
			751 & Note and Appendix L

809		
<i>Note</i> 64(3)	810	
<i>Note</i>	<i>Note 2 below</i> 810	Chapter VIII--Miscellaneous
65	<i>Note 2 below</i> RLR-11 & 782-A	94 784
66	RLR 6 & 753	95 804
67	753 and RLR-6	96 805
		Chapter XI--Repeal and Saving
		97 864

The following Rules/Notes/Instructions from the Bombay Civil Services Rules, 1959 stand deleted :--

Rule No	Rule No
<i>Note 1 below 613</i>	684
614	685
616	686
621	687
622-A	688
<i>Note 1 below 625 and instruction below 629 and Exception below 630 (a).</i>	689
632	690
633	691
636 (a)	693
} and Notes	
636 (a)	
637	994 to 703
<i>Note 1 below</i>	705 to 736
639	
642	<i>Note 1 to 8 and Explanation below 747</i>
643	<i>Note 1 below 748</i>
<i>Note 1 below</i>	750
645	
647	752 (c) and <i>Notes 1 and 3 below 752</i>
648	
649	<i>Notes 1 to 14 of 753 (b)</i>

655	757 with <i>notes</i>
656	758,759 and 760 alongwith <i>notes</i>
667	761 (2), (3) and <i>Notes below it</i>
Notes 2, 3 & 4 below 674	763
Notes 1 & 2 below 682 (b)	764 and 765
	765 (A) (a) and <i>Notes below it</i>
	766
	768
	769 and <i>Note</i>

99

Rule No.	Rule No.
769 (A) and <i>Note</i>	806
<i>Notes below 773</i>	807
781	808
782	<i>Note 1 below 809</i>
783	<i>Note 1 below 810</i>
785	822
786	826-A & <i>note</i>
789	830

The following rules from the Revised Leave Rules, 1935 have also been deleted :--

RLR No.	RLR No.
1	Explanation below RLR 6
<i>Exception 2 below rule 2</i>	Explanation below RLR 8
2-A	<i>Note 2 below RLR 9</i>
2-C	<i>Note 2</i> and 5 below RLR 13, 4
3	Annexure below RLR 15
4[except 4 (viii) and <i>Note 1, Note 2</i>]	

III

The following Rules/Notes/Instructions/Exception etc. from Bombay Civil Services Rules 1959, stand transferred to other sets of rules, as shown below :--

657 --Transferred to Maharashtra Civil Services (Joining Time, Foreign Service and Payments during Suspension, Dismissal and Removal) Rules, 1981.

10. ¹THE ALL INDIA SERVICES (CONDUCT) RULES, 1968

In exercise of the powers conferred by sub-section (1) of section 3 of the All India Services Act, 1951 (61 of 1951), the Central Government after consultation with the Governments of the State concerned, hereby makes the following rules, namely:—

1. Short title and commencement. —

- 1(1) These rules may be called the All India Services (Conduct) Rules, 1968.
- 1(2) They shall come into force on the date of their publication in the Official Gazette.

2. Definitions—In these rules, unless the context otherwise requires—

2.(a) “Government” means—

- (i) in the case of a member of the Service serving in connection with the affairs of the Union, the Central Government; or
- (ii) in the case of a member of the Service serving under a Foreign Government or outside India (whether on duty or on leave), the Central Government; or
- (iii) in the case of a member of the Service serving in connection with the affairs of a State, the Government of that State;

Explanation—A member of the Service whose services are placed at the disposal of a company, corporation or other organisation or a local authority by the Central Government or the Government or the Government of a State shall for the purpose of these rules, be deemed to be a member of the Service serving in connection with the affairs of the Union or in connection with the affairs of that State, as the case may be, notwithstanding that his salary is drawn from the sources other than the Consolidated Fund of India or the Consolidated Fund of that State;

2.(b) ‘member of family’, in relation to a member of the service, includes—

- (i) the wife or husband as the case may be of such member, whether residing with (such member)² or not, but does not include a wife or husband separated from the member of the Service by a decree or order of competent court;
- (ii) the son or daughter or the step-son or step-daughter of such member and wholly dependent ¹(on such member) but does not include a child or step-child who is no longer in any way dependent (on such member) or of whose custody the member of the Service has been deprived by or under any law; and
- (iii) any other person related, whether by blood or marriage, to such member or to his or her wife or husband, as the case may be, and wholly dependent on such member.

¹Published vide Notification No.8/91/62—AIS(III) dated 18.12.1968 (GSR No.3 dt. 04.01.1969)

² Substituted vide DP&AR Notification No.11017/23/77—AIS(II) dated 19.04.78 (GSR No.583 dt. 06.05.1978)

2.(c) “**member of the Service**” means a member of an All India Service as defined in section 2 of the All India Services Act, 1951 (61 of 1951)

³(cc)**Non—Governmental Organisation (NGO)** means any organization other than an Organisation owned or controlled by the Central Government, a State Government or an International Organisation or agency;

Explanation:— International Organisation in this rule will include a multilateral body at the International level in which India is a member.

⁴(d) “Private undertaking” includes a company, firm or association or body of individuals.

3. **General.**— 3(1) Every member of the Service shall at all times maintain absolute integrity and devotion to duty and shall do nothing which is unbecoming of a member of the Service.

3(2) Every member of the Service shall take all possible steps to ensure integrity of, and devotion to duty by, all Government servants for the time being under his control and authority.

⁵(2A) Every member of the service shall in the discharge of his duties act in a courteous manner and shall not adopt dilatory tactics in his dealings with the public or otherwise.

3(3) ⁶(i) No member of the Service shall, in the performance of his official duties, or in the exercise of powers conferred on him, act otherwise than in his own best judgment to be true and correct except when he is acting under the direction of his official superior.

(ii) The direction of the official superior shall ordinarily be in writing. Where the issue of oral direction becomes unavoidable, the official superior shall confirm it in writing immediately thereafter.

(iii) A member of the Service who has received oral direction from his official superior shall seek confirmation of the same in writing, as early as possible and in such case, it shall be the duty of the official superior to confirm the direction in writing.

⁷*Explanation I.*— A member of the Service who habitually fails to perform a task assigned to him within the time set for the purpose and with the quality of performance expected of him shall be deemed to be lacking in devotion to duty within the meaning of the sub-rule (1);

Explanation II:— Nothing in clause (i) of sub-rule (3) shall be construed as empowering a Government servant to evade his responsibilities by seeking instructions from or approval of, a superior officer or authority when such instructions are not necessary under the scheme of distribution of powers and responsibilities.

³ Inserted vide Notification No. 11017/18/96—AIS(III), dated 16.11.1998 (GSR No.228 dt.28.11.1998)

⁴ Inserted Vide DP&T Notification No. 11017/27/93—AIS(III) dated 13.01.1995(GSR No.52 dt. 04.02.1995)

⁵ Substituted vide DP&AR Notification No. 11017/27/93-AIS(III) dated 13.01.1995 (GSR No. 52 dt. 04.02.1995)

⁶ Inserted vide DP&AR Notification No. 11017/2/79—AIS(III) dated 24.08.1979 (GSR No. 1122 dt. 08.09.1979)

⁷ Substituted vide DP&AR Notification No. 11017/39/86—AIS(III) dated 01.01.1987 (GSR No. 34 dt. 17.01.1987)

⁸(iv) **Prohibition regarding employment of children below 14 years of age:**— No member of the Service shall employ to work any child below the age of 14 years.

4. Employment of near relatives in companies or firms.— 4.(1) No member of the Service shall use his position or influence directly or indirectly to secure employment for any member of his family with any private undertaking or ⁹Non- Government Organisation.

4(2)(a) No member of the Service shall, except with the previous sanction of the Government, permit (a member of his family) to accept employment with any private undertaking or ¹⁰NGO having official dealings with the Government.

Provided that where the acceptance of such employment cannot await the sanction of the Government or is otherwise considered urgent, the matter shall be reported to the Government, and the employment may be accepted provisionally subject to the sanction of the Government.

4(2)(b) A member of the Service shall, as soon as he becomes aware of the fact of acceptance by a member of his family of an employment with any private undertaking or ¹¹NGO report to the Government the fact of such acceptance and also whether he has or has had any official dealings with that private undertaking or ¹²NGO

Provided that no such report shall be necessary if the member of the Service has already obtained sanction of, or sent a report to, the Government under clause (a).

4(3)(a) No member of the Service shall in the discharge of his official duties, deal with any matter relating to, or award any contract in favour of a private undertaking NGO or any other person, if any members of his family is employed in that private undertaking or NGO under that person or if he or any member of his family is interested in such private undertaking or NGO or other person in any other manner.

4(3)(b) In any case referred to in clause (a), the member of the Service shall refer the matter to his official superior and the case shall thereafter be disposed of according to the instructions of the official superior.

5. Taking part in politics and elections.— 5(1) No member of the Service shall be a member of, or be otherwise associated with, any political party or any organization which takes part in politics, nor shall he take part in, or subscribe in aid of, or assist in any other manner, any political movement or political activity.

5(2) It shall be the duty of every member of the Service to endeavour to prevent any member of his family from taking part in or subscribing in aid of or assisting in any other manner, any movement of, activity which is, or

⁸ Inserted vide DOP&T Notification No. 11017/25/99—AIS(III) dated 01.02.2000 (GSR No. 51 dt. 12.02.2000)

⁹ Inserted vide Notification No. 11017/18/96—AIS(III) dated 16.11.9198 (GSR No.228 dated 28.11.1998)

¹⁰ Inserted vide Notification No. 11017/18/96—AIS(III) dated 16.11.1998 (GSR No. 228 dated 28.11.1998)

¹¹ Inserted vide Not. No. 11017/18/96—AIS(III) dated 16.11.1998 (GSR No.228 dated 28.11.1998)

¹² Inserted vide Not. No. 11017/18/96—AIS(III) dated 16.11.1998 (GSR No.228 dated 28.11.1998)

tends directly or indirectly to be subversive of the Government as by law established, and where a member of the Service is unable to prevent member of his family from taking part in or subscribing in aid of, or assisting in any other manner, any such movement of activity, he shall make a report to that effect to the Government.

- 5(3) If any question arises whether any movement or activity falls within the scope of this rule, the question shall be referred to the Government for its decision.
- 5(4) No member of the Service shall canvass or otherwise interfere with, or use his influence in connection with, or take part in, an election to any legislature or local authority:—

Provided that —

- (i) a member of the Service qualified to vote at any such election may exercise his right to vote but where he does so he shall give no indication of the manner in which he proposes to vote or has voted, and
- (ii) a member of the Service shall not be deemed to have contravened the provisions of this sub-rule by reason only that he has assisted in the conduct of an election in the due performance of a duty imposed on him by or under any law for the time being in force.

Explanation— The display by member of the Service, on his person, vehicle or residence of any electoral symbol shall amount to using his influence in connection with an election, within the meaning of this sub-rule.

¹³**6. Connection with press or radio**—Previous sanction of the Government shall not be required when the member of the service, in the bonafide discharge of his duties or otherwise, publishes a book or contributes to or participates in a public media.

Provided that he shall observe the provisions of rules and at all times make it clear that the views expressed, are of his own and not those of the Government.

7. Criticism of Government.—No member of the Service shall, in any radio broadcast ¹⁴or communication over any public media or in any document published anonymously, pseudonymously or in his own name or in the name of any other person or in any communication to the press or in any public utterance, make any statement of fact or opinion,—

- i. Which has the effect of an adverse criticism of any current or recent policy or action of the Central Government or a State Government; or
- ii. which is capable of embarrassing the relations between the Central Government and any State Government; or
- iii. which is capable of embarrassing the relations between the Central Government and the Government of any Foreign State:

¹³ Substituted vide Notification No.11017/27/93—AIS(III) dated 13.01.1995 (GSR No. 52 dt. 04.02.1995)

¹⁴ Inserted vide Notification No. 11017/27/93—AIS(III) dated 13.01.1995 (GSR No. 52 dt. 04.02.1995)

Provided that nothing in this rule shall apply to any statement made or views expressed by a member of the Service in his official capacity and in the due performance of the duties assigned to him.

(GOI Instructions: D.P. & A.R. letter No. 11017/9/75—AIS(III), dated the 2nd March, 1976, reproduced under Miscellaneous Executive Instructions at the end of these Rules)

8. Evidence before committees, etc.—

- 8(1) Save as provided in sub-rule (3), no member of the Service shall except with the previous sanction of the Government, give evidence in connection with any inquiry conducted by any person, committee or other authority.
- 8(2) Where any sanction has been accorded under sub-rule (1) no member of the Service giving such evidence shall criticize the policy or any action of the Central Government or of a State Government.
- 8(3) Nothing in this rule shall apply to—
 - 8(3) (a) evidence given at any inquiry before an authority appointed by the Government, or by Parliament or by a State Legislature; or
 - 8(3) (b) evidence given in any judicial inquiry; or
 - 8(3) (c) evidence given at departmental inquiry ordered by any authority subordinate to the Government.
- 8(4) No member of the Service giving any evidence referred to in sub-rule (3) shall give publicity to such evidence.

9. Unauthorised communication of information.— No member of the Service shall except in accordance with any general or special order of the Government or in the performance in good faith of duties assigned to him, communicate directly or indirectly any official document or part thereof or information to any Government servant or any other person to whom he is not authorised to communicate such document or information.

Explanation.—Quotation by a member of the Service (in his representations to the Head of Office or Head of Department or President) of, or from, any letter circular or office memorandum or from the notes on any file to which he is not authorised to have access, or which he is not authorised to keep in his personal custody or for personal purposes, shall amount to authorised communication of information within the meaning of this rule.

10. Subscriptions.—No member of the Service shall, except with the previous sanction of the Government or of such authority as may be empowered by it in his behalf ask for, or accept, contributions to or otherwise associate himself with the raising of any fund or other collections in cash or in kind in pursuance of any object whatsoever.

¹⁵**11. Gifts**

- 11(1) A member of the service may accept gifts from his near relatives or from his personal friends having no official dealings with them, on occasions such as wedding, anniversaries, funerals and religious functions when the

¹⁵ Inserted vide Notification No. 11017/27/93—AIS(III) dated 13.01.1995 (GSR No. 52 dt. 04.02.1995)

making of gifts is in conformity with the prevailing religious and social practice, but he shall make a report to the Government if the value of such gift exceeds Rs.5,000/— .

Explanation—For the purposes of this rule “gift” includes free transport, free boarding, free lodging or any other service or pecuniary advantage when provided by a person other than a near relative or personal friend having no official dealings with the member of the Service but does not include a casual meal, casual lift or other social hospitality.

11(2) Save as otherwise provided in sub-rule (1), no member of the service shall accept any gift without the sanction of the Government if the value of gift exceeds Rs.1,000/—.

11(3) Member of the Service shall avoid accepting lavish hospitality or frequent hospitality from persons having official dealings with them or from industrial or commercial firms or other organisations.

11—A. Giving or taking of dowry.— No member of the Service shall—

- (i) give or take or abet the giving or taking of dowry; or
- (ii) demand, directly or indirectly, from the parents or guardian of a bride or bridegroom, as the case may be, any dowry.

Explanation.— For the purpose of the rule, “dowry” has the same meaning as in the Dowry Prohibition Act, 1961 (28 of 1961).

12. Public demonstrations in honour of Government Servants.—

12(1) No member of the Service shall except with the previous sanction of the Government, receive any complimentary or valedictory address or accept any testimonial or attend any meeting or entertainment held in his honour or in the honour of any other Government Servant.:

Provided that nothing in this rule shall apply to—

- (i) a farewell entertainment of a substantially private and informal character held in honour of a member of the Service or any other Government servant on the occasion of his retirement or transfer or of any person who has recently quit service of Government; or
- (ii) the acceptance of simple and inexpensive entertainments arranged by public bodies or institutions.

12(2) No member of the Service shall exercise pressure of any sort on any Government servant to induce him to subscribe towards any farewell entertainment even if it is of a substantially private and informal character.

13. Private trade or employment.—¹⁶13(1) Subject to the provisions of sub-rule (2), no member of the Service shall except, with the previous sanction of the Government,—

- (a) engage directly or indirectly in any trade or business, or
- (b) negotiated for or undertake, any other employment, or

¹⁶ Substituted vide DP&T Notification No.11017/39/86—AIS(III), dated 01.01.1987 (GSR No. 34 dt. 17.01.1987) & 25.01.1989

- (c) hold an elective office, or canvass for a candidate or candidates for an elective office, in any body, whether incorporated or not, or
- (d) canvass in support of any business of insurance agency, commission agency etc. owned or managed by any member of his family, or
- (e) take part, except in the discharge of his official duties, in the registration, promotion or management of any bank or other company registered or required to be registered under the Companies Act, 1956 (1 of 1956), or any other law for the time being in force, or of any co-operative society for commercial purposes.
- ¹⁷(f) Participate in, or associate himself in any manner, in the making of:—
 - (i) a sponsored media (including radio, television programme, or
 - (ii) a media programme commissioned by Government media, but produced by an outside agency, or
 - (iii) a privately produced radio or television or other media programme including a video magazine.

Provided that no previous permission shall be necessary in the case a member of the service participates in a programme produced by the Doordarshan on a subject dealt with by him in his official capacity.

- ¹⁸(g) Involve or engage himself in the registration, promotion, management of other kinds of activities of any non-Governmental organization if the same is aided by the Central Government, State Government or an international organization or agency;

13 (2) A member of the Service may, without the previous sanction of the Government,—

- (a) undertake honorary work of a social or charitable nature, or
- (b) undertake occasional work of a literary, artistic or scientific character, or
- (c) participate in sports activities as an amateur, or
- (d) take part in the registration, promotion or management (not involving the holding of an elective office) of a literary, scientific or charitable society, or of a club, or similar organisation, the aims or objectives of which relate to promotion of sports, cultural, or recreation activities, registered under the Societies Registration Act, 1860 (21 of 1860), or any other law for the time being in force; or
- (e) take part in the registration, promotion or management (not involving the holding of an elective office) of a co-operative society substantially for the benefit of the members of the Service or government servants

¹⁷ Inserted vide Notification No. 11017/27/93—AIS(III) dated 13.01.1995 (GSR No. 52 dt. 04.02.1995)

¹⁸ Inserted vide Notification No. 11017/1/86—AIS(III) dated 16.11.1998 (GSR No. 229 dt. 28.11.1998)

registered under the Co-operative Societies Act, 1912 (2 of 1912), or any other law for the time being in force in any State :

Provided that,—

- (i) he shall discontinue taking part in such activities if so directed by the Government; and
 - (ii) in a case falling under clause (d), or clause (e) of this sub-rule, his official duties shall not suffer thereby and he shall, within a period of one month of his taking part in such activity, report to the Government giving details of the nature of his participation.
- ¹⁹13(3) Every member of the Service shall, if any member of his family is engaged in a trade or business, or owns or manages an insurance agency or commission agency, report that fact to the Government.
- 13(4) No member of the Service shall accept any fee for any work done for any public body or for any private person without the sanction of the Government.

Explanation:—Fee means a recurring or non-recurring payment made, whether directly or indirectly to a member of the Service from a source other than the Consolidated Fund of India or the Consolidated Fund of a State, but does not include :—

- (a) unearned income such as income from property, dividends and interest on securities; and
 - (b) Income from literary, cultural, artistic, scientific, or technological efforts and income from participation in sports activities as an amateur.
- ²⁰13(5) Contesting election to sports bodies etc.:— Subject to the provisions of sub-rule (2) of rule 13, no member of the service shall, except with the previous sanction of the Central Government:—
- (i) hold an elective office in any sports association/ federation/ body, by whatever name known at State/ National level for a term of more than 4 years or for one term, whichever is less: provided that this restriction will not apply to functionaries like the District Magistrate, Superintendent of Police etc. when they hold posts in ex-officio capacity at Divisional/ District/ Sub-divisional/ Taluk levels;
 - (ii) Canvass either for his own candidature or for any other person for holding elective office in such sports bodies is mentioned in clause (i) above.
 - (iii) While canvassing for contesting elections either on his own behalf or any other person, indulge in conduct and becoming a member of the service.
 - (iv) Shall proceed on travel abroad in connection with the work or other activities of any sports bodies described in clause (i) above without prior cadre clearance from the Central Government

¹⁹ Substituted vide DP&T Notification No. 11017/39/86—AIS(III) dated 01.01.1987 (GSR No. 34 dt. 17.01.1987) & 25.01.1998

²⁰ Inserted vide Notification No. 11017/9/92—AIS(III) dated 27.09.1995 (G.S.R. No. 452 dt. 14.10.1995)

²¹**13—A Use of Government accommodation:—** No member of the service shall sub-let, lease or otherwise allow occupation by any other person, of Government accommodation which has been allotted to him.

14. Investment, lending and borrowing.—

²²14 (1) No member of the Service shall speculate in any stock, share or other investments but this provision will not apply to occasional investment made through Stock-brokers or other persons duly authorised on licence under the relevant law.

Explanation.— Frequent purchase or sale or both of shares, securities or other investments shall be deemed to be speculation within the meaning of this sub-rule.

14 (2) No member of the service shall make or permit any member of his family or any person acting on his behalf to make, any investment which is likely to embarrass or influence him in the discharge of his official duties. For this purpose, any purchase of shares from out of the quotas reserved for Directors or their friends and associates, shall be deemed to be an investment which is likely to embarrass the Government Servant.

14 (3) If any question arises whether any transaction is of the nature referred to in sub-rule (1) or sub-rule (2), it shall be referred to the Government for its decision.

14 (4) (i) No member of the Service shall save in the ordinary course of business with a bank or a public limited company, himself or through any member of his family or any person acting on his behalf.

(a) lend or borrow or deposit money as a principle or agent, to, or from, or with, any person or firm or private limited company within the local limits of his authority or with whom he is likely to have official dealings or otherwise place himself under pecuniary obligation to such person or firm; or

(b) lend money to any person at interest or in manner whereby return in money or kind is charged or paid;

Provided that a member of the Service may give to, or accept from a relative or a personal friend a purely temporary loan of small amount free of interest or operate a credit account with a bonafide tradesman or make an advance of pay to his private employee :

Provided further that nothing in this sub-rule shall apply in respect of any transaction, entered into by a member of the Service with the previous sanction of the Government.

14(4)(ii) When a member of the Service is appointed or transferred to a post of such nature as would involve him in the breach of any of the provisions of sub-rule (2) or sub-rule (4), he shall, forthwith report the circumstances to the Government and shall thereafter act in accordance with such order as may be made by the Government.

²¹ Inserted vide Notification No. 11017/27/93—AIS(III) dated 13.1.95

²² Inserted vide Notification No. 11017/27/93—AIS(III) dated 13.1.95

15. Insolvency and habitual indebtedness.—

- 15 (1) A member of the Service shall so manage his private affairs as to avoid habitual indebtedness or insolvency.
- 15 (2) A member of the Service against whom any legal proceedings is instituted for recovery of any debt due from or for adjudging him as an insolvent, shall forthwith report the full acts of such legal proceedings to the Government.
- 15 (3) The burden of proving that indebtedness or insolvency is the result of circumstances which, with the exercise of ordinary diligence, the member of the Service could not have foreseen or over which he had no control, and has not proceeded from extravagant or dissipated habits, shall be upon him.

16. Movable, immovable and valuable property.—

- 16 (1) Every person shall, where such person is a member of the Service at the commencement of these rules, before such date after such commencement as may be specified by the Government in this behalf, or where such person becomes a member of the Service after such commencement, on his first appointment to the Service, submit a return of his assets and liabilities in such form as may be prescribed by the Government giving the full particulars regarding :—
- (a) the immovable property owned by him, or inherited or acquired by him or held by him on lease or mortgage, either in his own name or in the name of any member of his family or in the name of any other person;
 - (b) shares, debentures, postal Cumulative Time Deposits and cash including bank deposits inherited by him or similarly owned, acquired or held by him;
 - (c) other movable property inherited by him or similarly owned, acquired or held by him; and
 - (d) debts and other liabilities incurred by him directly or indirectly

NOTE I. In all returns, the values of items of movable property worth less than²³ Rs.15,000 in value may be added and shown as a lump sum. The value of articles of daily use such as clothes, utensils, crockery and books need not be included in such return

NOTE II. Where a member of an All India Service is appointed as a member of another All India Service, he shall not be required to submit a fresh return under this sub-rule.

- ²⁴16(2) Every member of the Service shall submit an annual return in such form as may be prescribed by the Government in this regard, giving full particulars regarding the immovable property inherited by him or owned or acquired by him or held by him on lease or mortgage, either in his own name or in the name of any member of his family or in the name of any other person.

²³ Substituted vide Notification No.11017/27/93—AIS(III) dated 13.01.1995 (GSR No. 52 dt. 04.02.1995)

²⁴ Substituted vide Notification No.11017/45/76—AIS(III) dated 11.01.1978 (GSR No.151 dt. 28.01.1978)

16(3) No member of the Service shall, except with the previous knowledge of the Government,—

- (a) acquire any immovable property by lease, mortgage, purchase, gift or otherwise, either in his own name or in the name of any member of his family; or
- (b) dispose of by lease, mortgage, sale gift or otherwise any immovable property owned by him or held by him either in his own name or in the name of any member of his family:

²⁵Provided that the previous sanction of the Government shall be obtained if any such transaction is with a person having official dealings with the member of the Service.

16 (4) Every member of the Service shall intimate the Government in respect of each transaction, whose value exceeds ²⁶Rs.15,000/— within a month of the completion of such transaction.

²⁷Provided that the previous sanction of the Government shall be obtained if any such transaction is with a person having official dealings with the member of the Service.

16 (5) The Government or any authority empowered by it in this behalf may, at any time, by general or special order, require a member of the Service to furnish within a period specified in the order, a full and complete statement of such movable or immovable property held or acquired by him or on his behalf or by any member of his family as may be specified in the order and such statement shall if so required by the Government or by the authority so empowered, include details of the means by which, or the source from which such property was acquired.

²⁸*Explanation I.*— For the purpose of this rule, the expression movable property includes inter alia the following property, namely :—

- (a) jewellery, insurance policies the annual premia of which exceeds a fifteen thousand rupees or one sixth of the total annual emoluments received by the member of the Service from the Government, whichever is less, shares, securities and debentures;
- (b) loans advanced by or to such member of the Service, whether secured or not;
- (c) motor cars, motor cycles, horses, or any other means of conveyance; and
- (d) refrigerators, radiograms and television sets.

Explanation II.— For the purpose of this rule, 'lease' means, except where it is obtained from, or granted to, a foreign national or foreign mission or a foreign organisation controlled by, or associated with, foreign missions, or a person having official dealings with the member of the Service, a lease of immovable property from year to year or for any term exceeding one year or receiving a yearly rent.

²⁵ Substituted vide DP&T Notification No. 11017/85/84—AIS(III) dated 15.10.1985 (GSR No. 1009 dt. 02.11.1985)

²⁶ The figure Rs.15,000/—in the rule is inserted vide Notification No.11017/27/93—AIS(III) dated 13.01.1995 (GSR No. 52 dt. 04.02.1995)

²⁷ Substituted vide DP&T Notification No. 11017/85/84—AIS(III) dated 15.10.1985 (GSR No. 1009 dt. 02.11.1985)

²⁸ Explanation renumbered as Explanation, words "and radiograms" Substituted by words "radiograms and televisions sets" and Explanation II inserted vide DP&T Not.No.5/23/72 AIS(III) dt.27.07.1774 (GSR No.834 dt. 10.08.1974)

16A. Transaction in immovable property outside India:—Notwithstanding anything contained in sub-rule (3) of rule 16, no member of the Services shall except with the previous sanction of the Government,—

- 16A (a) acquire by lease, mortgage, purchase, gift or otherwise, either in his own name or in the name of any member of his family, any immovable property situated outside India; or
- 16A (b) dispose of by mortgage, sale, gift or otherwise, or grant any lease in respect of, any immovable property situated outside India which was acquired or is held by him either in his own name or in the name of any member of his family; or
- 16A (c) enter into any transaction with any foreigner, foreign Government, foreign organisation or concern,—
 - (i) for the acquisition, by lease, mortgage, purchase, gift or otherwise, either in his own name or in the name of any member of his family, or any immovable property.
 - (ii) for the disposal of, by mortgage, sale, gift or otherwise, or the grant of any lease in respect of any, immovable property which was acquired or is held by him either in his own name or in the name of any member of his family

17. Vindication of acts and character of members of the Service:—No member of the Service shall, except with the previous sanction of the Government have recourse to any court or to the press for the vindication of official act which has been the subject matter of adverse criticism or attack of a defamatory character.

²⁹Provided that if no such sanction is conveyed to by the Government within 12 weeks from the date of receipt of the request, the member of the service shall be free to assume that the sanction sought for has been granted to him.

Explanation.—Nothing in this rule shall be deemed to prohibit a member of the Service from vindicating his private character or any act done by him in his private capacity. Provided that he shall submit a report to the Government regarding such action.

³⁰**17A. Observance of cultural norms:**— Every member of the service in his personal capacity or otherwise shall —

- (i) observe strictly, the existing policies regarding age of marriage, preservation of the Environment, Wild Life and Cultural heritage:
- (ii) observe the existing policies regarding crime against women and
- (iii) observe the two children family norms.

18. Canvassing.— No member of the Service shall bring or attempt to bring any political or other influence to bear upon any superior authority to further interests in respect of matters pertaining to his service under the Government

³¹**19. Restriction regarding marriage.**—

- 19 (1) No member of the Service shall enter into, or contract a marriage with a person having a spouse living; and

²⁹ Inserted vide Notification No.11017/27/93—AIS(III) dated 13.01.1995 (GSR No. 52 dt. 04.02.1995)

³⁰ Inserted vide Notification No. 11017/27/93—AIS(III) dated 13.01.1995 (GSR No. 52 dt. 04.02.1995)

³¹ Substituted/Added vide DP&AR Notification No. 9/32/70—AIS(III) dated 10.03.1971 (GSR No. 419 dt. 27.03.1971)

19 (2) no member of the Service having a spouse living, shall enter into, or contract, a marriage with any person:

Provided that the Government may permit a member of the Service to enter into or contract, any such marriage as is referred to in clause (1) or clause (2) if it is satisfied that—

- (a) Such marriage is permissible under the personal law applicable to such member of the Service and the other party to the marriage and
- (b) there are other grounds for so doing.

19 (3) A member of the Service who has married or marries a person other than of Indian Nationality shall forthwith intimate the fact to the Government.

20. Consumption of intoxicating drinks and drugs.—A member of the Service shall—

20(a) strictly abide by any law relating in intoxicating drinks or drugs in force in any area in which he may happen to be for the time being;

³²20(b) not be under the influence of any intoxicating drink or drug during the course of his duty and shall also take due care that the performance of his duties at any time is not affected in any way by the influence of such drink or drug;

³³20.(bb) not consume any intoxicating drink or drug in a public place;

20(c) not appear in a public place in a state of intoxication;

20(d) not use such drinks or drugs to excess.

³⁴*Explanation.*— For the purpose of this rule, 'public place' means any place or premises (including a conveyance) to which the public have or are permitted to have, access whether on payment or otherwise.

21. Interpretation.— If any doubt arises as to the interpretation of these rules, the Central Government shall decide the same.

22. Delegation of powers.— The Government may, by general or special order, direct that any power exercisable by it under these rules (except the power under rule 21 or the power under this rule) shall, subject to such conditions, if any, as may be specified in the order, be exercisable also by such officer or authority as may be specified in the order.

23. Ceaser and saving.— The All India Services (Conduct) Rules, 1954 (hereinafter referred to as the said rules), shall cease to be in force:

Provided that the ceaser shall not affect—

- (a) the previous operation of, or anything duly done or suffered under, the said rule; or
- (b) any right, privilege, obligation, liability acquired, accrued or incurred under the said rules; or
- (c) any penalty or punishment incurred under the said rules; or

³² Substituted vide MHA Notification No. 9/2/70—AIS(III) dated 23.05.1970 (GSR No. 876 dt. 10.08.1974)

³³ Inserted vide DP&AR Notification No.5/23/72—AIS(III) dated 27.07.1974 (GSR No. 834 dt. 10.08.1974)

³⁴ Inserted vide DP&AR Notification No.5/23/72—AIS(III) dated 27.07.1974 (GSR No. 834 dt. 10.08.1974)

- (d) any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability penalty or punishment as aforesaid; and any such investigation, legal proceeding or remedy may be instituted, continued or enforced and any such penalty or punishment may be imposed as if the said rules had not ceased to be in force.

[No. 8/91/62—AIS(III), dated 18-12-1968. (GSR No. 3, dt. 4-1-69)].

MISCELLANEOUS EXECUTIVE INSTRUCTIONS

I. FORMS USED TO PROVIDE INFORMATION/RETURNS UNDER VARIOUS RULES

FORM I

[See Government of India's Instructions (1) and (2) below rule 16.]

Statement of Immovable property on appointment for the year.....

1. Name of Officer (in full) and Service

to which the officer belongs.

2. Present post held

3. Cadre of the state on which borne.....

4. Present Pay:

Inapplicable clause to be struck out.

Name of districts, sub-Division, Taluk and village in which property is situated	Name and details of Property	Present Value	If not in own name, state in whose name held and his/her relationship to the members of the Service	How acquired whether by purchase, lease, mortgage, inheritance, gift or otherwise with date of acquisition and name with details of person/ persons from whom acquired.	Annual income from property	Remarks
	1. Housing and other buildings 2. Lands					

Signature

Date

Note.— This declaration form is required to be filled in and submitted by every member of the IAS/I.P.S. under rule 16(5) of the All India Services (Conduct) Rules, 1968 on first appointment to the Service, and thereafter at the interval of every twelve months, giving particulars of all immovable property owned, acquired or inherited by him or held by him on lease or mortgage, either in his own or in the name of any member of his family or in the name of any other person.

FORM—II

[See Government of India's Instruction 27 below Rule 16.]

Form for giving prior intimation of seeking previous sanction under Rule 16(3) of the AIS (Conduct) Rules, 1968 for transactions in respect of immovable property.

1. Name and designation :

2. Scale of pay and present pay :
3. Purpose of application—
sanctions for transaction/prior
intimation of transaction: :
4. Whether property is being acquired or disposed of :
5. Probable date of acquisition/disposal of property :
6. Mode of acquisition/disposal :
7. (a) Full details about location, viz, municipal
No., Street/Village, Taluk, District and
State in which situated :
- (b) Description of the property, in the case
of cultivable land, dry or irrigated land :
- (c) Whether freehold or lease hold :
- (d) Whether the applicant's interest in the
property is in full or part. (In case of
partial interest, the extent of such interest
must be indicated) :
- (e) In case the transaction is not exclusively
in the name of the Government servant,
particulars of ownership and share of
each member :
8. Sale/purchase price of the property,
(Market value in the case of gifts) :
9. In case of acquisition, source or sources from
which financed/proposed to be financed:— :
- (a) personal savings :
- (b) other source giving details.
10. In the case of disposal of property, was
requisite sanction/intimation obtained/given for
its acquisition (A copy of the sanction/
acknowledgement to be attached) :
- 11.(a) Name and address of the party with whom
transaction is proposed to be made. :
- (b) Is the party related to the applicant?
If so, state the relationship. :
- (c) Did the applicant have any dealings with
the party in his official capacity at any time,
or is the applicant likely to have any dealings
with him in the near future? :
- (d) How was the transaction arranged?
(Whether through any statutory body
or a private agency through advertisement
or through friends and relatives.

- Full particulars to be given) :
12. In the case of acquisition by gifts, whether sanction is also required under Rule 11 of the AIS (Conduct) Rules, 1968. :
13. Any other relevant fact, which the applicant may like to mention. :

Declaration

I,.....hereby declare that the particulars given above are true. I request that I may be given permission to acquire/dispose of property as described above form/ to the party whose name is mentioned in item 11 above.

OR

I,.....hereby intimate the proposed acquisition/disposal of property by me as detailed above. I declare that the particulars given above are true.

Station :	Signature:
Date :	Designations:

- Note: 1. In the above form, different portions may be used according to requirement.
2. Where previous sanction is asked for, the application should be submitted at least 30days before the proposed date of the transaction.

FORM—III

[See Government of India's Instruction 27 below Rule 16.]

Form for giving intimation or seeking previous sanction under Rule 16(4) of AIS (Conduct) Rules, 1968 for transaction in respect of movable property.

1. Name of the Government servant :
2. Scale of pay and present pay :
3. Purpose of application-sanction for transaction/ intimation of transaction :
4. Whether property is being acquired or disposed of :
5. (a) Probable date of acquisition/disposal of property:
(b) If property is already acquired/disposal of, Actual date of transaction. :
6. (a) Description of the property e.g. Car/Scooter/ Motorcycle/Refrigerator/Radio/ Radiogram/ jewellery/loans/insurance policies etc.) :
(b) Make, model (and also registration number, in case of vehicles), where necessary :
7. Mode of acquisition/disposal(purchase, sale, gift, mortgage, lease or otherwise). :
8. Scale/purchase price of the property (market value in the case of gifts) :

9. In case of acquisition, source or sources from which financed/proposed to be financed :
 (a) personal savings :
 (b) other source giving details. :
10. In the case of disposal of property, was requisite sanction/intimation obtained/given for its acquisition, a copy of the sanction / acknowledgement to be attached :
- 11.a. Name and address of the party with whom transaction is proposed to be made. :
 b. Is the party related to the applicant? If so, state the relationship. :
 c. Did the applicant have any dealings with the party in his official capacity at any time, or is the applicant likely to have any dealings with him in the near future? :
 d. Nature of official dealing with the party. ;
 e. How was the transaction arranged? (Whether through any statutory body or a private agency through advertisement or through friends and relatives Full particulars to be given). :
12. In the case of acquisition by gifts, whether sanction is also required under Rule 11 of the AIS (Conduct) Rules,1968. :
13. Any other relevant fact, which the applicant may like to mention. :

Declaration

I,.....hereby declare that the particulars given above are true. I request that I may be given permission to acquire/dispose of property as described the above form/ to the party whose name is mentioned in item 11 above.

OR

I,.....hereby intimate the proposed acquisition/disposal of property by me as detailed above. I declare that the particulars given above are true.

Station :

Signature:

Date :

Designations:

- Note:1. In the above form, different portions may be used according to requirement.
2. Where previous sanction is asked for, the application should be submitted at least 30days before the proposed date of the transaction.

(DP&T Letter No. 11017/14/95—AIS(III)dated 16.5.1995.)

FORM—IV

[See Govt. of India's decision No. 4 below rule 16].

Form of report/application for permission of the Govt. for the building of or addition to, a house.

Sir,

This is to report to you that I propose to build a house/make an addition to my house.

This is to request that permission may be granted to me for the building of a house/making addition to my house.

The estimated cost of the land and materials for the construction/extension of the house is given below:—

LAND :

- (1) Location (Survey numbers, village, district, State).
- (2) Area.
- (3) Cost.

BUILDING MATERIALS ETC:

- (1) Bricks (Rate/quantity/cost).
- (2) Cement (Rate/quantity/cost).
- (3) Iron and Steel (Rate/quantity/cost)
- (4) Timber (Rate/quantity/cost).
- (5) Sanitary Fittings (cost).
- (6) Electrical Fittings (Cost).
- (7) Any other special fittings (Cost).
- (8) Labour Charges.
- (9) Other charges, if any.

TOTAL COST OF LAND AND BUILDING:

2. The construction will be supervised by myself/The construction will be done by..... I do not have any official dealings with the contractor, nor did I have any official dealings with him in the past.

I have/had official dealings with the contractor and the nature of my dealings with him is/was as under:

3. The cost of proposed construction will be met as under:—

Amount

- (i) Own Savings
- (ii) Loans/Advances with full details.
- (iii) Other sources with full details.

Yours faithfully

FORM—V

[See Govt. of India's decision No.4 below rule 16.]

Form of report to the Government after completion of the building of a house/addition of the house.

Sir,

In my letter No dated I had reported that I proposed to build a house or make addition to my house/Permission was granted to me in Order No..... dated the..... for the building of house or making addition to my house. The construction of the house or the addition to the house has since been completed and I enclosed a Valuation Report duly certified by

2. The cost of construction indicated in the enclosed valuation report was financed as under:—

Amount

- (i) Own Savings.
- (ii) Loans/Advances with full details.

Yours
faithfully,
()

Dated:

(Note— Variation, if any, between the figures given above and the figures given in Form II may be explained suitably).

Valuation Report

I/We hereby certify that I/We have valued House constructed by Shri/Shrimati and I/We give below the value at which we estimate the cost of the house under the following headings:—

Cost

- | Rs. | N.P. |
|--------------------------------|------|
| 1. Bricks. | |
| 2. Cement. | |
| 3. Iron and Steel | |
| 4 Timber. | |
| 5. Sanitary fittings. | |
| 6. Electrical fittings. | |
| 7. All other special fittings. | |
| 8. Labour charges. | |

9. All other charges.

Total cost of the building:

(Signature of the valuation authority)

Date:

II. INSTRUCTIONS REGARDING CONTACT OF MEMBERS OF THE ALL INDIA SERVICES WITH FOREIGN NATIONAL/MISSIONS

1. *Utmost discretion should be exercised in contacts with foreign nationals:* - Officers should exercise the utmost discretion in their contact with foreign correspondents, members of foreign missions/organisations and other foreign nationals in India. They should also avoid any conversation likely to reveal, even inadvertently, information on matters of secret nature. They should scrupulously avoid over-patronisation and indiscriminate and frequent acceptance of hospitality, particularly of an informal nature, from foreign nationals or Indian nationals employed by foreign missions. Such excessive hospitality could place the recipient under obligation to the host and may thus impair the impartial and judicious exercise of his functions in the eyes of others.

2. *Private Correspondence with foreign missions etc. should be avoided:* - Private correspondence with foreign Embassies/ Missions/High Commissions should be avoided. Similarly, no private or personal correspondence on matters of an official nature should be entered into directly with members of foreign missions in India.

3. *Rules should be kept in mind in exchange of gifts with foreign nationals/Missions:* - In the matter of exchange of gifts with foreign national/ members of a foreign mission or acceptance of foreign articles from them the relevant provisions of the A.I.S. (Conduct) Rules, 1968, should be borne in mind and prior permission taken wherever necessary under the rules. It is to be noted that it would be illegal to bring foreign exchange into this country save as provided for in the foreign Exchange Regulations.

4. *Prior permission is required for attendance at National Day Receptions by foreign Missions:-* Officers shall attend National Day Receptions by foreign Missions only after obtaining the prior permission of the Government.

5. *Invitations/Hospitality may be accepted only when these are from an officer of equivalent higher diplomatic status; prior permission for Under Secretaries/Deputy Secretaries:-*

(i) Officers should normally accept invitations for formal or informal entertainment offered by foreign diplomats only when the invitations is from an officer of a corresponding or higher diplomatic status.

(ii) Officers of the Ranks of Under Secretary and Deputy Secretary and comparable ranks should not accept any invitations except with the prior and specific approval of the Secretary concerned.

6. *Official and social calls should not be initiated and kept limited to appropriate official level:* - Officers shall not initiate action for paying official/social calls on Heads of Missions/Consulates of other countries or members of the staff.

2. Officers should particularly ensure that the contacts with representatives of other countries limited to their appropriate officials level.

7. Report of conversations at social functions:- All officers who accept or are permitted to accept invitations to social functions from foreign diplomats/representatives of foreign mission should report to their senior officers any conversation with diplomats/representative of foreign missions, on matter of interest and importance to Government, on such occasions.

8. Return of hospitality accepted from foreign Mission/Consulates by local officers is limited and not a quid pro quo basis:- It is well recognised everywhere that diplomats are specially paid to enable them to entertain local officials and that the local officer's capacity to return their hospitality is limited. There need not, therefore, be anything like a quid pro quo basis maintained in the matter entertainment between diplomats and local officers.

9. Supply of information to members of Missions/Consulates and nationals of other countries should not be made by the officer on his own: The Supply of information to foreign Mission/Consulates or their members or foreign nationals is the responsibility of the Central Government. Any officer, on his own, should not do this directly or by implication. The contacts by junior officers with Personnel Assistants and Secretaries in foreign diplomats or foreign national abroad with the permission should on any account maintain contacts with junior diplomats personnel in foreign Missions/Consulates except with the express approval of the Government.

10. Officers should not stay with foreign diplomats/national as guests in India and should not invite diplomats to stay with them:-

(a) Officers should not stay as guest with foreign diplomats or foreign nationals in India. They could, however, stay with foreign diplomats or foreign national abroad with the permission of the Government.

(b) Officers should not invite foreign diplomats to stay with them as their guests in India.

11. Permission should be obtained before seeking employment of wives/dependants of officers in foreign mission: - An officer whose wife or dependant intends to take up employment under a foreign mission in India or with any foreign organisation (including a commercial concern) should apply to Government for permission.

12. Lifts in aircraft belonging to foreign Embassies in India or foreign Governments abroad should normally not be accepted: - No officer should accept, or permit his wife or dependants to accept passage money or free air transport from a foreign Mission/Government organisation. Exceptional cases where humanitarian or compassionate grounds are involved should be referred to Government for grant of permission.

2. Relaxation of this rule is permissible only in cases which are covered by specific agreements or memoranda of understanding entered into by the Government of India with foreign Governments or organisations and which might still be in force. In regard to invitations to visits abroad, which may be accepted only after consultation with the Ministry of External Affairs, the convention in respect of senior officers is that while local hospitality offered by foreign Governments may be accepted from the host such hospitality is not accepted from non-Government societies ,organisations, private parties etc.

3. There would, however, be no objection to the acceptance of the cost of passage in the case of officers who are invited by foreign Governments and organisations to participate

in conferences, seminars, etc. if the invitation is extended to a particular officer by name with a view to benefit from the expertise of the officer invited. In other cases, in which participation in conferences etc. is considered desirable in the interests of the officer concerned or the Department sponsoring his deputation, the cost of passage should continue to be met by the sponsoring Department.

4. Within the foreign country, an officer could accept a free flight in connection with his official duties only. When an officer and his family are in a foreign country as State guests, it would be permissible for them to accept free flights from foreign Governments.

13. Previous knowledge of the Government is required for Disposal of immovable property by lease to foreign nationals: - Under rule 16(3) of the AIS (Conduct) Rules, 1968, no officer shall, except with the previous knowledge of the Government acquire or dispose of any immovable property by lease, mortgage, purchase, sale, gift otherwise, either in his own name or in the name of any member of his family, provided that the previous sanction of the competent authority shall be obtained by the officer, if any such transaction is with a person having official dealings with the officer or otherwise than through a regular or a reputed dealer the term 'lease' occurring in this rule covers letting out accommodation on rent, either by written or oral agreement whether for a short period or for a long one. It is clarified that prior permission should be taken or prior intimation given, as the case may be, in regard to all transactions in immovable properties, including lease as explained above with foreign nationals/ member of foreign Missions/ organisations controlled by or associated with foreign Mission.

14. Prior permission of the Government is required for joining of foreign language classes: - Officers who are desirous of joining foreign language classes conducted by foreign Missions and Embassies in India or organizations controlled by, or associated with foreign Missions or Indo—foreign cultural organisation should seek prior permission from the Government.

III. ASSOCIATION WITH INDO-FOREIGN CULTURAL ORGANISATIONS

1. Officer should not associate with Indo-foreign cultural organisations without the permission of the Government: - Officers should not be members of, or actively participate in the activities of Indo—foreign cultural organisation without the permission of the Government.

[M.H.A. letter No. 9/31/69—AIS(III), dated 14-1-1970 read with M.H.A. O.M. No. 25/34(S)/67—Estt.(A), dated 22-5-1969].

2. State Governments should obtain prior approval of the Central Government for granting permission to AIS officers for association with Indo-foreign cultural organisations: - In accordance with item 15 of extracts from Ministry of Home Affairs Office Memorandum No. 25/34(S)/67—EStt. (A), dated the 22nd May, 1969 officers should not be members of, or actively participate in the activities of Indo-foreign cultural organisation without the permission of the Government. In view of the fact that Foreign Affairs is the subject matter of the Central Government, a question arose whether permission as envisaged in the said Office Memorandum should be granted by the Central Government or the State Government.

2 It has been decided after careful consideration of the matter that so far as members of All India Services working in connection with the affairs of the State are concerned, permission should not be granted by the State Government without the prior approval of

the Central Government. It is accordingly requested that individual cases of IAS/IPS/IFS Officers be referred to the Department of Personnel and Administrative Reforms, Ministry of Home Affairs and the Ministry of Environment & Forests respectively for approval of the Central Government.

[DP & AR letter No. 5/21/72—AIS(III), dated 4-12-1972]

3. Association of moS with Indo-Foreign cultural organization would normally be avoided: - It has been decided that, while Indo-Foreign cultural organization, may in suitable cases, be looked upon with favour and assisted, the association of member of the Service with such organizations, would be avoided.

[DP & AR letter No. 11017/9/75—AIS(III), dated 2-3-1976]

4. A moS should obtain prior permission of the government before he becomes a member of a book club run by a foreign agency and accept books as gift: - It has been decided that a member of the Service should obtain prior permission of the government before he becomes a member of a book club run by a foreign agency if the membership of the book club entitles such a member of the service to receive books as gift. A member of the service while holding a post has been given permission, to become a member of such book club, should consequent upon his transfer or appointment to any other post, intimate the Government about his membership of the book club concerned and thereafter act in accordance with such order as may be made by the Government. For receiving books by way of gifts the question of acceptance of such gifts would be governed by rule 11 of the All India Service (Conduct) Rules, 1968.

[D.P. & A.R. No. 5/17/72—AIS(III), dated 23-4-1973 and dt. 16-9-74.]

5. A moS should obtain prior permission of the Government before he becomes a member of a foreign centre with multifaceted activities which includes Library or book club facility: - It was clarified in the Department of Personnel and A.R. letter No. 5/17/72—AIS(III), dated the 23rd April, 1973 that a Member of All India Services should obtain prior permission of the Government before he becomes a Member of a book club run by a foreign agency. It was further clarified in the Department of Personnel and A.R. letter No. 5/17/72—AIS(III), dated the 6th September, 1974 that prior permission for accepting membership of a book club or Library run by a foreign agency would be necessary only if the membership entitles such a member of the service to receive books as gifts.

2. A question has now been raised whether a member of an All India Service should obtain permission from Government for accepting membership of a foreign centre, which extends book club facility in addition to providing cultural and other activities. It is clarified that a member of an All India Service should obtain prior permission of the Government before he becomes a member of a foreign centre with multifaceted activities which includes Library or book club facility.

IV. PROCEDURE TO BE FOLLOWED IN ACCEPTING OFFERS OF SCHOLARSHIPS/ FELLOWSHIPS AND OTHER KINDS OF GRANTS FROM FOREIGN/ INTERNATIONAL INSTITUTIONS.

- (i) Offers from correspondence with foreign Governments/institutions for visits abroad/grant of scholarships/fellowships or grants.—

The State Governments or the members of the All India Services individually should not negotiate directly with foreign Governments/institutions/agencies

and international organisations including Indo-Foreign Cultural Organisations for the grant of Scholarships/fellowships/grants to the members of the All India Services or offers to visit abroad. When such offers of fellowships etc., or offers to visit abroad are received by the State Governments not meant for a particular member of the Service directly from the foreign Governments or organizations the State Government should forward the communication together with the names of the members of All India Services, whom the State Government would like to sponsor for the scholarships, fellowships, etc., to the Ministry/Department of the Government of India who are concerned with the particular Service. (At the same time the State Government should acknowledge receipt of the offers from the foreign Government of organisation concerned and inform them that all future correspondence in the matter should be addressed by them to the Government of India, Ministry of External Affairs). In other words, such invitations are not to be processed by the State Government or accepted by the members of the All India Services without the approval of the Ministry of External Affairs through the (i) Department of Personnel and Administrative Reforms in the case of the members of the Indian Administrative Service, (ii) the Ministry of Home Affairs in the case of the members of the Indian Police Service and (iii) the Ministry of Environment & Forests in the case of the members of the Indian Forest Service.

If however, such offers of fellowship, etc. or offers to visit abroad are addressed to a member of the Service direct or addressed to the State Government intended for a particular member of the Service by the foreign Government, foreign organisation etc., the State Government should straightaway reject the offer made by the foreign Government or foreign organisations, without approaching the Central Government seeking the concurrence for permitting the members of the service concerned to accept the offer. The question of selection of a member of the Service for fellowship or travel a grant should be left to the Government to decide and not the foreign Governments, foreign organisations etc. The intention behind this restriction is to discourage the possibility of foreign Governments, foreign organisations etc. exercising patronage by means of travel grants etc., and conversely the possibility of members of the Service compromising their positions in some way as a result of these facilities. The names of the members of the All India Services whom the State Government would like to recommend for such fellowships, training courses or travel grants in response to such offers should be sent to the concerned Ministry/Department referred to above who would process the case in consultation with the other Ministries of the Government of India.

- (ii) Open advertisements by Central Ministries for foreign fellowships.— Applications of members of the All India Services response touch advertisements may be forwarded by the State Governments to the concerned Ministries direct.
- (iii) Open advertisements by foreign agencies for foreign fellowships.— Applications of the members of the All India Services in response to such advertisements should be routed through (i) the Department of Personnel and Administrative Reforms in the case of the members of the Indian Administrative Service, (ii) the Ministry of Home Affairs in the case of the Members of the Indian Police Service, and (iii) the Ministry of Environment and Forest in the case of the members of the Indian Forest Service.

- (iv) Officers who wish to go abroad for higher studies at their own cost.—Members of the All India Services who wish to go abroad for higher studies at their own cost may be permitted to seek admission in foreign educational institutions for higher studies in subjects which are advantageous for, or directly relevant to, the discharge of the duties usual to the service to which they belong, provided they do not apply for financial assistance in the form of fellowships, scholarships, travel grants etc. from the educational institutions. If they want to make any request for financial assistance they should route their requests through (i) the Department of Personnel and Administrative Reforms in the case of the members of the Indian Administrative Service, (ii) the Ministry of Home Affairs in the case of the Indian Police Service and (iii) the Ministry of Environment & Forests in the case of the member of the Indian Forest Service.

2. Whenever a member of an All India Service goes abroad for a fellowship, training course etc., a copy of the orders issued by the State Governments may be endorsed to the (i) Secretary to the Government of India, Department of Personnel and Administrative Reforms and the Establishment officer to the Government of India, in the case of a member of the Indian Administrative Service, (ii) Secretary to Government of India, Ministry of Home Affairs in the case of a member of the Indian Police Service, and (iii) Secretary to Government of India, Ministry of Environment & Forests in the case of members of the Indian Forest Service.

3. The present procedure has been reviewed in the light of the Government's policy to encourage higher studies in specialized areas by officers in order to gain greater knowledge and exposure to the international environment and also to special areas of learning. In view of the fact that the present system is far too stringent and causes difficulties and delays in the processing of applications because by which officer might miss the opportunity of getting admission etc. The procedure has been simplified as under:-

- (i) A member of the service applying for higher studies to a reputed foreign university/training institution would require no prior permission of the Government but would be required to keep Government informed of his intention to apply to such universities and also indicate the subjects of study he proposes to pursue.
- (ii) In case the member of the service is applying for financial assistance to the concerned university which is of standard nature and is available on open merit based criteria, namely, university fellowships, teaching assistantship research assistantship or tuition waiver, Government may only be kept informed.
- (iii) In case the member of the service proposes to receive financial assistance from any other foreign source which is not of the type mentioned in (ii) above, prior permission of the Government would have to be taken.
- (iv) The question of taking leave or study leave is a separate issue and would have to be dealt with after the officer obtains admission and applies for the leave.

4. The Government may, however, at any time disallow the officer from pursuing his application for admission of financial assistance in cases where Govt. is of the view that

a member of the service has utilized his official influence to obtain the same or if the Government feels that such course of action is not in the interest of the Government.

[Letter No. 11017/18/91-AIS(III)dated 1.7.91.]

5. The above instructions are issued in super session of Ministry of Home Affairs letter No. 6/14/69—AIS(III), dated 21-7-1970 and letter of the same number dated the 6th July, 1971 of the (Deptt of Personnel).

[Deptt. of Personnel and A.R. letter No. 9/26/71—AIS(III), dated 25-7-1973].

V. PARTICIPATION IN CONFERENCES/SEMINARS ETC.

1. **State Governments can permit a member of the Service working under them to attend programmes organised by the various foreign cultural centres in India which are properly scrutinised by MEA:** — A question has been raised as to the procedure to be followed and the authority competent to give permission to members of All India Services for participating in conferences/seminars organised by United States information Service/British Council similar “Cultural” Organisation of foreign mission etc. in India.

2. This Department have examined this matter carefully. The programmes organised by the various foreign cultural centres in India such as the United States information Service and British Council etc. are properly scrutinised by the Ministries of External Affairs, Home Affairs and Education and Social Welfare. In view of this, the State Government can permit a member of the Service working under them to attend such conferences or seminars without a reference to this Department. While giving the permission to a member of the Service to participate in any such seminar or conference, he should be asked to keep in mind the provisions contained in the All India Services (Conduct) Rules, 1968, particularly rule 7 thereof.

3. As regards members of the Service who are working under the Central Government, the Ministry or Department in which the officer is working can give such permission without obtaining the concurrence of this Department.

[D.P. & A.R. letter No. 11017/9/75—AIS(III) dt. 2.3.1976].

2. **Clearance of MHA under FCRA Act, 1976 is required to visit abroad to participate international seminars:** - In the case of visits abroad by Government servants to participate in international seminars etc., it is necessary, among other things to obtain the clearance of the Ministry of Home Affairs, Government of India under the provisions of the Foreign Contribution (Regulation) Act, 1976. For this purpose, a format has been prescribed in which the particulars of the officers sponsored for the visit abroad are required to be furnished to the Ministry of Home Affairs. A copy of the format, form FC-2, is annexed.

2. While forwarding proposals for participation of Members of the All India Services in international seminars etc. in foreign countries, the particulars in form FC-2, should invariably be sent along with the proposal.

[G.I. DP&AR letter No. 11017/66/81—AIS(III), dated 23rd January, 1982].

ANNEXURE to DP & AR Letter No. 11017/66/81—AIS(III), dated 23rd January, 1982].

FORM FC—2

[See rule 3 (b)].

Application for seeking prior permission of the Central Government to accept foreign hospitality.

[Section 9 read with sections 10(a) and 11(l) of the Foreign Contribution (Regulation) Act, 1976].

1. Name in full (in block letters)
2. Date of Birth
3. Name of father.
4. Present address.
5. Permanent address.
6. Passport Particulars (if already in possession of)
7. Status.

Member of a Legislature.

Office bearer of a political party.

Employee of a Company/Corporations

Any person or class of person specified in Section 9.

8. Names of countries/places to be visited with duration of stay.
9. The countries and places where foreign hospitality is to be accepted.
10. Duration and purpose of visit to the country (ies)/ place(s) mentioned in column 9.
11. Particulars of host(s):—
 - (a) If an individual, his personnel particulars including name, present address, permanent address, nationality, profession.
 - (b) If an Organisation/ Institution/ Association/ Trust/ Foundation Trade Union, etc. full particulars thereof including:—
 - i. Full Name and complete Address.
 - ii. Address of head Officer-Principal officer.
 - iii. Aims and objects.
 - iv. Particulars of important office bearers.
12. Full particulars as in serial II (a) & (b) of the foreign source in case the actual source extending the hospitality is located in the country other than actually proposed to be visited.
13. Nature and duration of hospitality proposed to be accepted (give specific details).

14. Nature of connection/dealings with the host and/or foreign source extending the hospitality.
15. Approximate expenditure to be incurred on hospitality.
16. Any other information of significance, which the applicant may like to furnish.

DECLARATION

I hereby declare that the above particulars furnished by me are true and correct.

Place:

Date:

Signature of the Applicant.

3. Conditions for acceptance of invitations from Foreign Bodies/International organizations to attend studies/seminars etc.: - In some cases Central Government officers are receiving invitations from foreign governments/foreign/organizations/international organizations etc., for delivering lectures or presenting 'papers' at Conference/Seminars/Workshops etc. For this purpose, these foreign organizations/bodies are meeting expense on airfare, boarding and lodging but also giving remuneration or honorarium to these officers. In large number of such cases, the Screening Committee of Secretaries has been taking a view that these officers should take leave as they are going abroad in their personal capacity. However, since there are no guidelines in this regard, the matter has been considered and it has now been decided that in cases where: —

- (a) the invitation is received by the Government of India and the Government of India selects an officer to attend such a workshop/ to present papers/ to deliver lectures etc.; the officer may be treated as on official deputation;
- (b) in cases where the invitation is received by the officer directly in his personal capacity, the officer should be treated as on a personal visit and he may be asked to proceed on leave.

2. In this connection, it becomes imperative to reiterate the guidelines mentioned in Cabinet Secretariat's O.M. No. 21/1/7/94—Cab, dated 30th March, 1995, that generally no Government of India officer will accept free passage or hospitality, the approval of the Screening Committee of Secretaries or PM should be ensured to be taken before accepting invitation in this connection.

3. As regard accepting remuneration honorarium, the orders given in SR—II and SR—12(FR—SR—Part—I) and Government of India orders printed below them should be strictly followed.

4. Proposals be regulated accordingly.

[OM No. 19036/1/2000-E-IV dated 21st March, 2000 of Ministry of Finance, Department of Expenditure]

VI. EMIGRATION OF MEMBERS OF ALL INDIA SERVICE TO OTHER COUNTRIES

1. ***No member of the service should apply for or seek emigration to any other country so long as he is in Government service:*** - A question has been raised as to whether a member of the service can correspond with foreign missions in regard to emigration and whether they can be granted 'no-objection-certificate' for seek such emigration to foreign countries. The matter has been considered carefully and decided that no member of the service should apply for or seek emigration to any other country so long as he is in Government service. Issuing a no-objection-certificate to any member of the service, who wishes to migrate to a foreign country does not arise.

[Letter No.11017/70/93—AIS(III) dated 30.12.93.]

VII. APPLYING FOR JOBS AGAINST ADVERTISEMENTS:

1. ***Cadre clearance is not required for applying jobs in response to advertisements, however, prior permission is required after selection under respective Cadre rules:*** - A question has been raised as to whether the members of the All India Services can be permitted to apply for posts advertised in the Press by the Government, Public Sector Undertakings etc. The Govt. of India are of the view that applications should be forwarded only in case where Government servants in lower services with inadequate prospects seek further advancement. In the Indian conditions, the All India Services offer the best available prospects for regular advancement and a fair share of deputation posts in the Public Sector Undertakings etc. Therefore, the members of the All India Services should not be permitted to apply for any post advertised in the Press. Members of the Indian Police Service and in the Indian Forest Service may, however, be permitted to apply for the combined competitive examination for appointment to the Indian Administrative Service and Central Civil Services Class I.

[D.P. & A.R. letter No. 5/21/72—AIS(III), dated 4-12-1972.]

2. The aforesaid instruction has, affected the prospects for regular advancement in career of the members of the Service; therefore it has been decided that in response to advertisements issued in the press by UPSC etc. the applications of the members of the All India Services may be forwarded for consideration for the said posts. If the Recruitment Rules for the post so advertised provide for 'transfer on deputations' also as one of the methods of recruitment in the event of the selection, the officer may be allowed to proceed on deputation if it is administratively feasible for the State Government to spare the officer. In case the Recruitment Rules for the post do not have any provision for 'transfer on deputations' the member of the service may be requested to give an undertaking at the time of making a request for forwarding the application to the effect that, in the event of selection, he/she is willing to seek retirement or resignation, as the case may be.

3. The deputation of the members of the All India Services to a post which has 'transfer on deputations' as one of the methods of recruitments, will be subject to the conditions laid down in rule 6 of respective Cadre Rules of IAS, IPS and IFS, which requires all deputations to be made with the concurrence/approval of the Central Government.

[DP&T letter Nos. 11017/9/91—AIS(III) dated 7.2.91 and 11017/9/91—AIS(III) dated 19.7.94]

VIII. JOIN CORRESPONDENCE/EVENING COURSES

1. **Permission to join correspondence/evening courses may be given if it is not detrimental to official duties and can be withdrawn at any time:** - References are being received in the Department from various Ministries/Departments of the Government of India regarding requests of members of all India Services for Government's permission for joining correspondence courses, evening classes, language classes etc.

2. The Ministry/Department may examine case on merits and grant necessary permission subject to the following conditions:—

- (i) The permission does not ipso facto confer any right on the member of the service for his continued posting at a particular station for the duration of the course.
- (ii) Pursuit of studies by the member of the service should be without detriment to the efficient discharge of his official duties.
- (iii) The grant of permission will not entitle the member of the service to leave office by any particular time every day. On occasions requiring his presence in office beyond the office hours, he will stay in office till the time required.
- (iv) The Government will accept no responsibility for his failure to complete the percentage of compulsory attendance prescribed for the course if any, of this account.
- (v) The permission will not entitle the member of the service to claim leave either for preparation or for the duration of examination. Leave, if any, required for this purpose will be sanctioned subject to title of any exigencies of work.
- (vi) The Government reserves the right to withdraw the permission at any time without assigning any reason.

[DP & AR O.M. No. 11017/44/77—AIS(III), dt. 29-12-77.]

IX. LEGAL ASSISTANCE TO ALL INDIA SERVICE OFFICERS IN CONNECTION WITH LITIGATION ACTION TAKEN BY THEM IN THE CASE OF THEIR OFFICIAL DUTIES

1. **Government can provide assistance to a moS in public interest, with litigation action taken by them in the cases of their official duties:** - I am directed to refer this Department's letter No. 45/5/53—Estt. (A) dated 8.1.59 on the above subject and to say that an increasing tendency has been observed among certain sections to lodge legal complaints against members of the All India Services in their personal name for official acts done by these officials in the case of their official duties.

2. While State Governments and the Central Government vide DP&AR letter No. 45/5/53—Estt(A) dated 8.1.59 do have provisions to undertake the defence of such government servants in case it is in the public interest, whereupon all arrangements are made by the Government, there is often a tendency for the State Governments to ask the officer to undertake the defence on his own and consider reimbursement of the legal expenses only in case such officer is successful in the legal proceedings. In other cases, the State Governments may agree to provide legal expenses but subject to the condition that in case is lost, the officer has to bear the entire cost of litigation. The practice of

asking officers to defend themselves in such legal proceedings in bound to cause harassment for such officers in addition to expense, the reimbursement of which by the State Government and the extent thereof being uncertain.

3. In the performance of the official acts, the officer usually is only implementing the decision of the Government and it is not unjust to expect that the Government would undertake the defence of all government servants who have been impleaded in such legal action. For this purpose, there appears no need to make a distinction as to whether the complaint has been filed against the officers in their official designation or in their individual name.

4. While the State Governments are themselves the best judge of the public interest in respect of acts done by officers working for them the above may please be kept in mind while examining the case in which officers are subjected to harassment through such legal action.

[Letter No.11017/17/93—AIS(II) dated 15/9/93]

X. ACCEPTANCE OF 'FREE COMPANION TICKET' BY GOVERNMENT SERVANTS AND MEMBERS OF THEIR FAMILIAR UNDER THE 'COMPANION FREE SCHEME' INTRODUCED FROM TIME TO TIME BY VARIOUS AIRLINES.

1. Government servants may be permitted to accept the Free Companion Tickets if benefits are restricted to travel by the national carriers: - The undersigned is directed to refer to this Department's O.M. No. 11013/13/93—Estt.(A) dated 9.12.93 and dated to say that in the light of the representations received from various quarters, and the fact that such a scheme is part of normal sales promotion and is not confined to Government servants alone, the Government have reviewed these instructions. It has been decided to withdraw these instructions with immediate effect. Accordingly, the Government servants may be permitted to accept the Free Companion Tickets or variations thereof, provided that such benefits are restricted to travel by the national carriers (Indian Airlines and Air India.)

[O.M. No. 11013/2/97—Estt. (A) of Government of India, Ministry of Personnel, Public Grievances & Pensions (Department of Personnel & Training) dated the 5th March, 1997]

2. No objection to Government servants accepting the free tickets earned by them under Flying Returns scheme of Air India/Indian Airlines: - The undersigned is directed to refer to this Department's O.M if even number dated 5th March, 97 on the subject mentioned above wherein it was provided that Government servants may be permitted to accept the Free Companion Tickets or variations thereof provided that such benefits are restricted to travel by the national carriers (Indian Airlines and Air India). References have been received seeking clarification whether Government servant may be permitted to accept the 'Free Tickets' earned under the 'Flying Returns' Schemes of Air India/Indian Airlines. It is clarified that since the O.M. dated 5.3.97 permits acceptance of Free Companion Tickets or variations thereof, there would be no objection to Government servants accepting the free tickets earned by them under Flying Returns scheme of Air India/Indian Airlines.

[O.M. No—11013/2/97—Estt.(A) of Government of India, Ministry of Personnel, Public Grievances and Pensions(Department of Personnel & Training) dated the 5th March, 1997) dated the 15th September, 1998.]

3. No objection to Government servants availing of the benefit of “Frequent Flier Programme” of Flying Return Programmers” of other Airlines: - The undersigned is directed to refer to this Department’s O.M. of even number dated the 19th August, 1997 on the above subject wherein it has been clarified that there would be no objection to Government servants accepting the free tickets earned by them under “Flying Return Scheme” of Air India/Indian Airlines. References have been received seeking permissions to avail such “Frequent Flier/Flying Return Programmers” of other Airlines including foreign airlines.

3.2 The matter has been considered in this Department and it has been decided that there would be no objection to Government servants availing of the benefit of such “Frequent Flier Programme” of Flying Return Programmers” of other Airlines also. In so far as the “Free Companion Scheme” is concerned, the availing of this facility should remain confined to National Carriers only.

[O.M. No. 11013/2/97—Estt.(A) of Government of India, Ministry of Personnel, Public Grievances and Pensions (Department of Personnel & Training) dated the 15th Sept., 1998.]

XI. BRINGING POLITICAL OR OUTSIDE INFLUENCE TO FURTHER SERVICE INTERESTS

Action should be taken against Government servants approaching Members of Parliament or State Legislature for sponsoring individual cases: - Rule 20 of the CCS (CONDUCT) Rules, 1964 provides that no Government servant shall bring or attempt to bring any political or other outside influence to bear upon any superior authority to further his/her interest in respect of matters pertaining to his/her service under the Government. The Government of India has, from time to time, emphasized that Government servants should not approach Members of Parliament or State Legislatures or other political/outside authorities to sponsor their cases in respect of service matters. As per the existing instructions, vide O.M. No. 11013/7/85—Estt.(A) dated 22.5.95, the following action should be taken against Government servants approaching Members of Parliament or State Legislature for sponsoring individual cases:

- I. A Government employee violating the aforesaid provisions of the Conduct Rules for the first time should be advised by the appropriate disciplinary authority, to desist from approaching Members of Parliaments/Members of State Legislature to further his/her interest in respect of matters pertaining to his/her service conditions. A copy of this advice need not, however, be placed in the CR dossier of the employee concerned.
 - II. If a Government employee is found guilty of violating the aforesaid provisions of the Conduct Rules a second time despite the issue of advice on the earlier occasion, a written warning should be issued to him/her by the appropriate disciplinary authority and a copy thereof should be placed in his/her CR dossier.
 - III. If a Government employee is found guilty of violating the aforesaid provisions of the Conduct Rules despite the issue of warning to him/her disciplinary action should be initiated against him/her by the appropriate disciplinary authority under the provisions of CCS(CCA) Rules, 1965.
2. In spite of those instructions, cases of individual Government servants continue to be sponsored by public representatives/outside authorities. After careful consideration of all

aspects of the matter it has been decided that the following procedure may be adopted for dealing with communications from public representatives/outside relating to the service matters of Government employees:

- (a) Communications received from public representatives regarding problems of groups/categories of Government functionaries must be entertained and dealt with on a time-bound basis. In all such cases, after due examination, appropriate replies would continue to be issued at the level of the Minister concerned.
- (b) All communications from public representatives relating to the grievances of the retired personnel should receive the same consideration and be dealt with in the same way as outlined in (a) above.
- (c) In cases in which a public representative sponsors the cause of an individual Government servant (e.g. recruitment, appointment to a specific position, complaints against supersession, expunction of adverse remarks, allotment of Government accommodation, etc.) a formal reply should continue to be sent from the Minister acknowledging the receipt of the communication stating that the contents of the letter have been noted and where necessary, suggesting that the person whose case has been recommended, may be advised to represent his case through proper official channels. All such communications addressed to the Minister shall be replied to at, his/her level. In all such cases the formal reply given by the Minister shall be deemed to dispose off the communication unless there are further directions from the Minister in the matter.

3. All Ministries/Departments/Offices etc. are requested to bring the above instructions to the notice of all concerned under their control and take action against the Government servants who violate the provisions of the Conduct Rules as prescribed in para 1.

[Copy of DP&T O.M. No. 11013/12/94—Estt.(A) dt. 12.1.95]

XII. OBSERVANCE OF THE PROVISIONS MANUAL OF OFFICE PROCEDURE REGARDING ACTION ON ORAL INSTRUCTION

1. I am directed to forward herewith a copy of this Department's Office Memorandum No. 11013/4/88—Estt. (A) dated 19th April, 1988 on the above subject and to say that the instructions (herein apply mutatis mutandis in respect of All India Service Officers.

2. It is requested that the instructions may be brought to the notice of the members of the All India Services serving in the State. The State Governments may also consider issuing suitable instructions in the light of regulations relating to Officer Procedure in the States corresponding to the instructions in the Manual and Office Procedure enclosed with this letter.

[D.P. & A.R. letter No. 11017/21/80—AIS (III) dt. 5-5-89, addressed to All State Governments and copy endorsed to all Ministries/ Departments to the Government of India, etc.]

Copy of DP & Trg. O.M. No. 11013/4/88—Estt.(A) dt. 19-4-88 addressed to all Ministries/Departments etc, to Govt. of India.

1. The undersigned is directed to invite attention to the provisions of Rule 3 of the CCS (Conduct) Rules, 1964 and paras 25 to 25-C of Central Secretariat Manual of Office

Procedure (extracts enclosed for ready reference) which define the scope and role of oral instructions in the transaction of Government business and also lay down the detailed procedure to be followed whenever it becomes necessary to give oral directions by a higher officer to a subordinate or when a member of the Personal Staff of the Minister communicates an oral order on behalf of the Minister. Instances have come to notice where the above provisions have not been followed.

2. The purpose for keeping a proper written record of policy decisions taken by the various Government functionaries, when action in this regard is to be initiated on the basis of oral instructions given by senior officers, is to ensure proper accountability of the decisions taken on important matters and have a record of the considerations leading to the decisions. It is, therefore, reiterated that the procedure prescribed in the Manual of Office procedure and the provisions of the Conduct Rules referred to above should be scrupulously followed at all levels in order to avoid ambiguity or doubts and to specify responsibility when important decisions are taken. It is clarified that these provisions apply equally to matters, which may be considered sensitive or secret. In such cases of sensitive nature, adequate care should however be taken to accord proper security classification to the relevant papers and to ensure their safe custody as envisaged in the Manual of Departmental Security Instructions.

3. Ministry of Agriculture etc. may please bring the above position to the notice of all administrative authorities under their control.

Extract from Manual of Office Procedure.

CHAPTER V

25. Oral Discussions—

- (1) All points emerging from discussions between two or more officers of the same department and the conclusions reached will be recorded on the relevant file by the officer authorising action.
- (2) All discussions/instructions/decisions which the officer recording them considers to be important enough for the purpose, should be got confirmed by all those who have participated in or are responsible for them. This is particularly desirable in cases where the policy of the Government is not clear or where some important departure from the prescribed policy is involved or where two or more levels differ on significant issues or the decision itself, though agreed upon by all concerned, is an important one.

25A. Oral instructions by higher officers—

- (1) Where an officer is giving direction for taking action in any case in respect of matters on which he or his subordinate has powers to decide, he shall ordinarily do so in writing. If, however the circumstances of the case are such that there is no time for giving the instructions in writing, he should follow it up by a writing confirmation at his earliest.
- (2) An officer shall, in the performance of his official duties, or in the exercise of powers conferred on him, act in his best judgement except when he is acting under instructions of an official superior. In the latter case, he shall obtain the directions in writing wherever practicable before carrying out the instructions, and where it is not possible to do so, he shall obtain

written confirmation of the directions as soon thereafter as possible. If the officer giving the instructions is not his immediate superior but one higher to him in the hierarchy, he shall bring such instructions to the notice of his immediate superior at the earliest.

25B. Oral orders on behalf of or from Minister—

- (1) Whenever a member of the personal staff of a Minister communicates to any officer an oral order on behalf of the Minister, it shall be confirmed by him in writing immediately thereafter.
- (2) If any officer receives oral instructions from the Minister or from his personal staff and the orders are in accordance with the norms, rules, regulations or procedures they should be brought to the notice of the secretary or the head of the department where the officer concerned is working in or under a non-secretariat organisation.
- (3) If any officer receives oral instructions from the Minister or from his personal staff and the orders are not in accordance with the norms, rules, regulations or procedures, he should seek further clear orders from the secretary (or the head of the department in case he is working in or under a non-secretariat organisation) about the line of action to be taken, stating clearly that the oral instructions are not in accordance with the rules, regulations, norms or procedures.

25C. Confirmation of oral instructions

- (1) If an officer seeks confirmation of an oral instruction given by his superior, the latter should confirm it in writing whenever such confirmation is sought.
- (2) Receipt of communications from junior officer seeking confirmation of oral instructions should be acknowledged by the senior officers or their personal staff, or the personal staff of the Minister, as the case may be.

XIII. BAN ON PARTICIPATION OF CERTAIN ORGANISATIONS

1. *Ban on participation in certain organisations like R.S.S., Jamat-e-Islami, Anand Marg and CPM(L) etc that have been banned by rule 33 of the Defence and Internal Security of India Rules, 1971:* - I am directed to say that certain organisations like the R.S.S., Jamat-e-Islami, Anand Marg and CPM(L) have been banned under the provisions of rule 33 of the Defence and Internal Security of India Rules, 1971 vide Ministry of Home Affairs Gazette Notifications dated 3rd and 4th July, 1975 (copies enclosed for ready reference). This rule, inter alia provides that no person shall :—

- (a) manage or assist in managing any organisation to which the rule applies;
- (b) promote or assist in promoting a meeting of any members of such organisation, or attend any such meeting in any capacity;
- (c) publish any notice or advertisement relating to any such meeting; and
- (d) invite persons to support such an organisation or otherwise in any way assist the operations of such organisation.

Any person who contravenes any of the provisions of the above rule, shall be punishable with imprisonment for a term which may extend to seven years, or with fine or with both.

2. Sub-rule (1) of rule 5 of the All India Services (Conduct) Rules, 1968, provides that no members of the service shall be a member of, or be otherwise associate with any political party or any organisations which takes part in politics nor shall he take part in, or subscribe in aid, or assist in any other manner, any political movement or political activity. Members of the service who are found to have connections with these banned organisations are liable to be dealt with suitably in departmental proceedings. In appropriate cases action could also be considered against them under proviso (c) of clause 2 of article 311 of the Constitution.

3. I am to request that these instructions may be brought to the notice of all members of the All India Services working under the State Government.

[O.M. No. 11017/50/75—AIS(III), Dated 6th March, 1976 addressed to All State Governments and the Ministries/Depts. of the Government of India, etc.]

Rule 33 of the Defence and Internal Security of India Rules, 1971 (vide M.H.A. Gazette Notification Dated 3rd and 4th July, 1975).

S.O. 304(E).— Whereas the Central Government is satisfied with respect to the organisations specified in the schedule below that they are organisations which are and whose members and the persons in control whereof are, indulging in activities prejudicial to the internal security, the public safety and the Maintenance of public order:

Now, therefore, in exercise of the powers conferred by sub-rule (1) of rule 33 of the Defence and Internal Security of India Rules, 1971, the Central Government hereby directs that the said rule shall apply to the organisations specified in the schedule below.

The Schedule

1. Anand Marg.
2. Proutist Forum of India.
3. Proutist Block of India.
4. Vishya Sanskranti Seva also known as Volunteer Social Service.
5. Sewa Dharm Mission.
6. Education, Relief and Welfare Section.
7. Pragatisheel Bhojpuri Samaj.
8. Angika Samaj.
9. Baghelkhand Samaj.
10. Universal Proutist Labour Federation.
11. Universal Proutist Students Federation.
12. Renaissance Universal Club.
13. Renaissance Artists and Writers Association.
14. Anand Marg Universal Relief Team.

[No. II/16013/5/75—S & P(D.II)]

S.O.305(E).— Whereas the Central Government is satisfied with respect of the organisations specified in the schedule below that they are organisations which are and whose members and the persons in control whereof are, indulging in activities prejudicial to the internal security, the public safety and the maintenance of public order:

Now, therefore, in exercise of the powers conferred by sub-rule (1) of rule 33 of the Defence and Internal Security of India Rules, 1971, the Central Government hereby directs that the said rule shall apply to the organisations specified in the schedule below.

The Schedule

1. Communist Party (Marxist-Leninist) (Charu Mazumdar Group-Pro-Lin Piao Faction).
2. Communist Party (Marxist-Leninist) (Charu Mazumdar Group-anti-Lin-Piao Faction).
3. United Communist Party (Marxist-Leninist) (S.N. Singh—Chandra pulla Reddy Group).
4. The Andhra Pradesh Communist Committee (Revolutionaries) (T. Negi Reddy Group).
5. Communist Party (Marxist-Leninist) (Suniti Ghosh-Sharma Faction).
6. Eastern India Zonal Consolidation Committee of the Communist Party (Marxist-Leninist).
7. The Maoist Communist Centre.
8. The Mukti Yadha Group.
9. Unity Centre of Communist Revolutionaries of India (Marxist-Leninist).
10. Centre of Indian Communists.

[No. II/16013/5/75—S & P (D.II)]

S.O.306 [E]—Whereas the Central Government is satisfied with respect to the organisations known as Rashtriya Sawyam Sevak Sangh that it is an organisations which is and whose members and the persons in control whereof, are indulging in activities prejudicial to the internal security, the public safety and the Maintenance of public order:

Now, therefore, in exercise of the powers conferred by sub-rule (1) of rule 33 of the Defence and Internal Security of India Rules, 1971, the Central Government hereby directs that the said rule shall apply to the Rashtriya Sawyam Sevak Sangh aforesaid.

[No. II/16013/5/75—S & P (D.II)]

MINISTRY OF HOME AFFAIRS Notification No. 234 dt. 4.7.1975:—

S.O. 307(E).— Whereas the Central Government is satisfied with respect to the organisations specified in the schedule below that they are organisations which are and whose members and the persons in control whereof are, indulging in activities prejudicial to the internal security, the public safety and the Maintenance of public order:

Now, therefore, in exercise of the powers conferred by sub-rule (1) of rule 33 of the Defence and Internal Security of India Rules, 1971, the Central Government hereby directs that the said rule shall apply to the Jammat-e-Islami-e-Jammu and Kashmir aforesaid.

[No. II/60/5/75—S&P(D—II)]

S.O.307(E).— Whereas the Central Government is satisfied with respect of the organisations specified in the schedule below that they are organisations which are and whose members and the persons in control whereof are, indulging in activities prejudicial to the internal security, the public safety and the maintenance of public order:

Now, therefore, in exercise of the powers conferred by sub-rule (1) of rule 33 of the Defence and Internal Security of India Rules, 1971, the Central Government hereby directs that the said rule shall apply to the Jammāt-e-Islāmī-e-Jammu and Kashmir aforesaid.

[No. II/60/5/75—S&P(D—II)]

2. Action will be taken against the Government Servant found participating in banned organisations under normal service rules: - The undersigned is directed to refer to this Department's Office Memorandum No. 18011/1/S/75—Estt.(B) dated the 28th November, 1975 on the subject mentioned above and to say that consequent upon the lifting of the ban on organizations may be treated as deleted. Hereafter, action may be taken against Central Government employees if they come to notice for participation in the activities of the political organizations, under the normal service rules, such as rule 5 of the Central Civil Service (Conduct) Rules 1964, or corresponding rules governing the service conditions of other categories of the employees.

The Ministry of Finance etc. are requested to bring the contents of this Office Memorandum to the notice of all concerned including those working in their attached and subordinate offices.

[OM No. 34013/4/(S)/77—Estt. (B) of Government of India Ministry of Home Affairs Departments of Personnel and Administrative Reforms dated the 23rd April, 1977]

3. Ban on association with Anand Marg or any of its organisations: - It has been decided that the instructions contained in Department of Personnel & A.R. letter No. 15014/6(S)/80—Estt.(B), dated the 31st December, and 5th Aug. 81C regarding association of Govt. servants with the activities of Anand Marg will apply to members of All India Service also.

2. According to Rule 5 of the All India Services (Conduct) Rules 1968, no member of an All India service shall be a member of, or be otherwise associated with any political party or any other organisation which takes part in politics, nor shall take part in, or subscribe in aid of, or assist in any other manner, any political movement or political activity. Membership of or association of a member of an All India Service with the Activities of the Anand Marg movement would attract the provisions of the above rule and any member of the Service who contravenes the provisions of the above rules would be liable to disciplinary action.

[G.I. M.H.A. D.P.&A.R letter no.11017/68/81-AIS(III) dated 34d March, 1982]

G.I., M.H.A. D.P. & A.R. letter No.15014/6/(S)/80—Estt.(B), dated 31st December, 1980 to the Chief Secretaries of all State Governments on association of Government servants with the activities of Anand Marg.

I am directed to say that the Government of India consider that a Government servant's membership of or association with the activities of movement known as Anand Marg would attract the provisions of sub-rule(1) of Rule 5 of the Central Civil Services (Conduct) Rules, 1964 which lays down that no Government servant shall be a member of, or be otherwise associated with any political party of any organization which takes

part in politics nor shall be take part in, subscribe in aid of, or assist in any other manner, any political movement or activity. Instructions have been issued to Ministries etc. at the Centre that a Government Servant who contravenes the provisions of the above rule and takes part in the activities etc. of Anand Marg or any of its organizations (see list in Annexure) would be liable to disciplinary action.

2. I am to request that if there is no objection the State Government may also consider the question of issuing similar instructions in the case of the State Government servants.

1. VSS (Volunteer Social Service).
2. Amra Bengali.
3. The Progressive Fenderation of India.
4. The . Proutist Forum of India.
5. Angika Samaj.
6. Pragatisheel Bhojpuri Samaj.
7. Nagpuri Samaj
8. Maithill Samaj
9. Pragatisheel Bhojpuri Samaj.
10. Braj Samaj.
11. Awadhi Samaj.
12. Bundeli Samaj
13. Garhwali Samaj
14. Kumaoni Samaj
15. Pragatisheel Haryana Samaj
16. Asia Punjabi
17. Proutist League.

Copy of MHA DP&AR OM No. 15014/6/(5)/80—Estt.(B) dated 5-8-1981.

SUBJECT :Association of Government servants with the activities of Anand Marg.

The undersigned is directed to invite the attention of the Ministry of Finance etc. to this Department's O.M. No. 15014/6/(S)/80—Estt.(B), dated the 31st December, 1980 on the above subject and to say that in the Annexure to the said O.M., the Organisations as per list enclosed may be added.

I. The Ministry of Finance, etc. are requested to bring the above to the notice of all Government employees working in or under them.

LIST OF FRONT ORGNISATIONS OF ANAND MARG

18. Education, Relief and Welfare Section.
19. **Sewa Dharm Mission**
20. **Anand Marg Universal Relief Team.**
21. **Women's Welfare Department.**
22. **Girl Volunteers.**
23. **Spiritual Sports & Adventures Club.**
24. Proutist Bloc of India.
25. **Proutist Universal**
26. Universal Proutist Labour Federation
27. Universal Proutist Youth Federation
28. Universal Proutist Student Federation

29. Universal Proutist Intellectual Federation
30. Universal Proutist Farmer's Federation
31. Renaissance Artists' & Writers' Association.
32. Renaissance Universal
33. Ek Manav Samaj
34. Bhojpuri Samaj
35. Chhatisgarh Samaj
36. Malwi Samaj
37. Vidarbha Samaj
38. Telangana Samaj
39. Circal Samaj
40. Utkal Samaj
41. Kosal Samaj
42. Navya Malayalam Samaj
43. Konkani Samaj
44. Kannad Samaj
45. Tulu Samaj
46. Dogri Samaj
47. Haryanavi Samaj
48. Pahari Samaj
49. Haroti Samaj
50. Sahvadri Samaj
51. Gurjar Samaj
52. Coorgi Samaj
53. Tamil Samaj
54. Rayalaseema Samaj
55. Assam Unnayan Samaj
56. Mewari Samaj
57. Marwari Samaj
58. Kathiawari Samaj

XIV. OBSERVANCE OF PROPER PROCEDURE IN OFFICIAL DEALINGS BETWEEN THE ADMINISTRATION AND MEMBERS OF PARLIAMENT AND STATE LEGISLATURES

1. Procedure for corresponding with Members of the Parliament/State Legislature:

- With regard to the correspondence with the Members of Parliament, a copy of the guidelines(O.M. No. 25/19/64—Estt.(A) dated 8.11.1974) on the subject issued by the Government of India is enclosed for necessary action. A separate O.M. No. 11013/2/2000—Estt.(A) dated the 23rd May, 2000 giving the details about official dealings between the Administration and Members of Parliament and Members of State Legislatures is also enclosed. Extracts of the relevant portion of the Central Secretariat Manual of Office Procedure are also enclosed herewith for guidance.

2. As regards the availability of the members of the All India Services on telephones, it is indicated that even though the members of the Service may not always be available on telephone because of the exigencies of work, they are supposed to make suitable arrangements for getting recorded during their absence the message received from the

Members of Parliaments and the messages received from the Members of State Legislatures and getting back to them as soon as they are in a position to do and also for talking suitable actions on the basis of the message received from the Hon'ble Members. Suitable arrangements must be made so that the members of the Parliament are not put to inconvenience and any indifferent attitude in this respect should be strongly dealt with under AIS(D&A) Rules, 1969.

3. It is requested that copies of these instruction /guidelines may kindly be circulated among all the members of the Service for strict compliance.

[letter No. 28011/3/2000—AIS (III) dated 11.7.2000]

Copy of O.M. No.11013 /2/2000—Estt. (A) of Government of India Ministry of Personnel, Public Grievances & Pensions (Department of Personnel and Training) dated the 23rd May, 2000.

1. The undersigned is directed to say that the broad guidelines to govern the official dealings between the Administration and Members of Parliament and State Legislature were issued vide Personnel & A..R. O.M. No. 25/19/64—Estt.(A) dated 8th November, 1974. Although these guidelines were reiterated from time-to-time vide Department of Personnel & Training O.Ms. dated 21.12.92 and 29.10.96 yet there are instances where the laid down procedure and protocol has not been observed properly. The Parliamentary Committee during the course of meeting on demands for grants of Ministry of Home Affairs raised a point that there is a need to issue fresh instructions in the matter, as the earlier instructions are not available in most of operative officers. The Committee also observed that letters are not replied in some cases by the person who has been addressed by Members of Parliament/Members of Legislative Assembly.

2. As the members of Parliament and State Legislatures occupy, in our democratic set up, a very important place as accredited representative of people, they have important functions to perform under the Constitution and they find it necessary to seek information from the Ministries/Departments of the Govt. of India or the State Governments, or make suggestions for their consideration or ask for interviews with the officers in connection with their Parliamentary and allied duties. In this connection, certain well recognized principles and conventions to govern the relations between Members of Parliament and of State Legislatures and Government servants have already been established. The existing instructions emphasise that it should be endeavour of every officer to help Members of Parliament and State Legislature to the extent possible in the discharge of their functions under the Constitution. The basis principles to be borne in mind by the Govt. servants while interacting with the Members of Parliament and State Legislatures are that: —

- (i) The Government servants should show courtesy and consideration to Members of Parliament and State Legislatures may have to say, they should always act according to their own best judgement.
- (ii) That while they should consider carefully of listen patiently to what the Members of Parliament and State Legislatures may have to say, they should always act according to their own best judgement.
- (iii) Any deviation from an appointment made with a Member must be promptly explained to him to avoid any possible inconvenience. Fresh appointment should be fixed in consultation with him.

- (iv) An officer should be meticulously correct and courteous and rise to receive and see off a Member visiting him.
- (v) Members of Parliament/State Legislatures of the area to be invariably invited to public function organised by a Govt. office. Proper and comfortable seating arrangements at public functions to be made for Member who appear above officers of the rank of Secretaries to Government of India in Warrant of Precedence.
- (vi) Letters from Members of Parliament and Members of State Legislatures must be promptly acknowledged, and a reply sent at an appropriate level expeditiously. Relevant provisions of the Manual of Office Procedure should be observed in this regard.
- (vii) Information or statistics relating to matter of local importance must be furnished to M.Ps, and M.L.As when asked for. If request is to be refused, instructions from higher authority should be taken.
- (viii) A Government servant should not approach MPs/MLAs for sponsoring his individual case; and
- (ix) References from Committees of Parliament must be attended to promptly. A senior officer at the level of Joint Secretary or equivalent should be charged with the responsibility for ensuring this.
- (x) The Officers should not ignore telephonic messages left for them by the Members of Parliament/State Legislatures in their absence and should try to contact at the earliest the concerned Member of Parliament/State Legislature.

3. All Ministries/Departments are requested to ensure that the above basic principles and instructions are followed by all concerned in letter and spirit. It may also be impressed on all concerned that violation of the laid down guidelines will be viewed seriously.

Paras 57, 60 & 122 of Central Secretariat Manual of Office Procedure (Eleventh Edition, 1998)

57. Correspondence with Member of Parliament

- (1) Communications received from Members of Parliament should be attended to promptly.
- (2) Where a communication is addressed to a Minister, it should, as far as practicable, be replied to by the Minister himself. In other cases, a reply should normally be issued over the signature of an officer of the rank of Secretary only.
- (3) Where, however, a communication is addressed to the head of an attached or subordinate office, Public Sector Undertaking) financial institutions (including nationalized banks) Division/Branch In charge in a Ministry/ Department/ Organisation, it should be replied to by the addressee himself. In routine matters not involving question of policy, he may send an appropriate reply on his own. In matters involving questions of policy the officer should have prior consultation with higher authorities before sending a reply. It should, however, be ensured that minimum level at which such replies are sent to Members of Parliament is that of Under Secretary and that also in letter form only.

- (4) Normally Information sought by a Member should be supplied if it is such a nature that it would have been denied to him even if asked for on the floor of the Houses of Parliament.
- (5) As far as possible, in corresponding with Members of Parliament, pre-printed or cyclostyled copies should be avoided.
- (6) In case reference from an Ex-Member of Parliament (or MP who has not been re-elected) is addressed to a Minister or Secretary, reply to such reference may be sent by the concerned Divisional Head after obtaining approval of the Secretary of the Ministry/Department. In case the reference is addressed to a lower level officer reply to such reference could be sent by the officer on his own in non-policy cases and after obtaining approval of the higher authorities in policy cases. However, the minimum level at which reply could be sent should be that of an Under Secretary and that too in letter form only.

60. Prompt response to letters received

- (1) Each communication received from Members of Parliament, a member of the public, a recognized association or a public body will be replied to within 15 days.
- (2) Where (i) delay is anticipated in sending a final reply, or (ii) information has to be obtained from another Ministry or another office, an interim reply will be sent within a fortnight indicating the possible date by which a final reply can be given.
- (3) If any such communication is wrongly addressed to a department, it will be transferred promptly (within three days) to the appropriate department under intimation to the party concerned.
- (4) Where the request of a Member of the Public cannot be acceded to for any reason, reasons for not acceding to such a request should be given.
- (5) As far as possible, requests from members of public should be looked at from the user's point of view of what may be administratively convenient.

122. Watch on disposal of communication received from Members of Parliament.

The personal section of each Joint Secretary/Director (if the director submits cases direct to secretary/additional secretary) will maintain a separate register of communications received from Members of Parliament in the form given in Appendix 45. The serial number at which a letter is entered in this register will be prominently marked on that letter together with its date of registration e.g., '25/JS/P/MP' 20.3.96

- a. To keep a special watch on speedy disposal of communication received from Members of Parliament, each section will;
 - i. maintain a register as in form at Appendix 46; and
 - ii. Make out prominently those communications finally disposed of by rounding off the serial numbers of the register in red ink.
- b. If for any reason an M.P.'s letter is received by a section without being registered in the personal section of the Joint Secretary/Director, immediate steps will be taken to get it registered there.

- c. On the 1st and 15th day of each month, each section will submit the register along with the report in the form at Appendix 47 to the Under Secretary/Deputy Secretary. Particulars of communications pending for more than a fortnight will be given in the form at Appendix 48. The report, with the remarks of Under Secretary/Deputy Secretary, will be submitted to the Director/Joint Secretary and register will be returned to the section.
- d. The personal section of the Joint Secretary/Director will check whether all the communications entered in its register figure in the reports sent by the sections. If any discrepancy is found, it should be reconciled. Thereafter, the report will be submitted to the Joint Secretary/Director for scrutiny and for such other action, as he may consider appropriate.
- e. Ministries may through departmental instructions include additional columns in the forms at Appendix 45, 46,47 and 48 to suit local needs.

2. Instructions to all Ministries/Departments of Government of India with copy to all State Governments and LBSNAA regarding guidelines to deal with the Members of the Parliament/State Legislatures: - The undersigned is directed to refer to this Department O.M. No. 11013/2/92—Estt.(A) dated 21.12.92 on the subject mentioned above wherein broad guidelines to govern dealings between the Administration and Members of Parliament and State Legislatures have been reiterated .

The instructions emphasise that it should be the endeavour of every officer to help Members of Parliament and State Legislatures to the extent possible in the discharge of their functions under the Constitution. It has also been laid down that the two basic principals to be borne in mind by the Government servants while interacting with the Members of Parliament and State Legislatures are that (i) the Govt. servants should show courtesy and consideration to Members of Parliament and State Legislatures; and (ii) that while they should consider carefully or listen patiently to what the Members of Parliament and of the State Legislatures may have to say, they should always act according to their own best judgement.

2. The Lok Sabha Secretariat has brought to the notice of this Department that of late complaints have been received from Hon'ble Members about non-observance by some of the authorities of instructions/guidelines regarding courtesy to be extended to people's representatives in relation to public functions. The Hon'ble Speaker has directed that it is has to be ensured that Members of Parliament are invariably apprised of the function being held/organized in their respective parliamentary constituencies.

3. In this connection, attention of Ministries/Departments is invited to para 5 of the instructions contained in the O.M. dated 21.12.92 wherein it has been prescribed that Ministries/Departments should issue instructions to ensure that in a public function organised by any of its offices in any part of the country, the Members of Parliament /State Legislatures of the area are invariably invited and entry passes wherever necessary, are sent to them in advance to avoid any inconvenience to them in this regard. It has also been prescribed in these instructions that proper and comfortable seating arrangements at public functions should be made for Members of Parliament who appear above the officers of the rank of Secretary of Government of India in Warrant of Precedence.

4. Ministries/Departments are requested to ensure that these instructions are followed by all concerned in letter and spirit. It may also be impressed on all concerned that violation of these instructions will be viewed seriously.

[O.M. No. 11013/9/96—Estt. (A) 29th October, 1996]

Copy of O.M. No 11013/2/92—Estt.(A) of Government of India, Ministry of Personnel, P.G. & Pensions (Department of Personnel & training) dated the 21-12-92.

1. The undersigned is directed to refer to Department of Personnel & A.R. O.M. No No. 25/19/64—Estts.(A) dated the 8th Nov., 1974 wherein broad guidelines were laid down to govern official dealings between the Administration and the Members of Parliament and State Legislatures. These guidelines were re-circulated on 23.6.1988 and again on 23.4.91 with the request to bring these instructions to be notice of all concerned for strict compliance.

2. It has been noted that of late there have been cases where due and proper courtesy was not shown to MPs/MLAs, there by inviting adverse comments. There is, therefore, need for ensuring that proper courtesy is always shown to the members of Parliament/State Legislatures. Therefore, it is once again reiterated that Ministries/Departments should ensure that the guidelines contained in the O.M. dated 8th November, 1974 are observed strictly at all levels.

3. It has further been noted that references from Committee of Parliament were not being attended to promptly. It has, therefore, been decided that all such references should be attended to promptly and should not be passed on routinely down the line. Ministries/Departments should immediately identify senior officer at the level of Joint-Secretary or equivalent who should be charged with the responsibility of ensuring that the references are attend to promptly.

4. As regards treatment of letters received from members of Parliament/State Legislature, attention is invited to the para 7 contained in the instruction issued by the Government of India in 1974.

5. It has also been decided that Ministries/Departments should issue instructions to ensure that in a public function organized by any of its officers in any part of the country, the members of Parliament /States Legislatures of the area are invariably invited and entry passes wherever necessary, are sent to them in advance to avoid any inconvenience to them in this regard.

6. Ministries/Departments may also ensure that while addressing communications to the members of Parliaments, proper protocol conforming to their position in the Warrant of precedence (Copy enclosed) should be observed. In all official correspondence, where the name of an MP is to appear along with others, the name should be listed according to the position assigned to the MPs in the Warrant of Procedure. Care should also be taken to address each of them as member of Parliament (or MP) and not as Member of Parliament of Rajya Sabha. If it is desired to be more specific about the House to which they belong they may be addressed as Member of Parliament of MP(Lok Sabha)/(Rajya Sabha).

7. With a view to ensuring that these instructions are scrupulously followed by all concerned, it is necessary that these instructions are made available to all the Offices preferably in local languages.

8. It may please be ensured that these instructions are followed by all concerned in letter and spirit. It may also be emphasized on all concerned that a serious note will be taken of any violation of these instructions.

Copy of O.M. No. 25/19/64—Estt(A) of Government of India/Cabinet Secretariat/Department of Personnel & Administrative Reforms dated the 8th November, 1974.

1. The undersigned is directed to state that Members of Parliament and State Legislature occupy in our democratic set-up a very important place as accredited representatives of the people. They have important functions to perform under the Constitution and they may occasionally find it necessary to seek information from the Ministries/Departments of the Government of India or the State Governments, or make suggestions for their consideration or ask for interview with Officers in connection with their parliamentary and allied public duties. In this connection, certain well-recognized principle and conventions to govern the relations between Members of Parliament and of State Legislatures and Government Servants have already been established. These principles and conventions were communicated in Ministry of Home Affairs (new Department of Personnel and Administrative Reforms) Office Memorandum No. 25/29/56—Estts (A) dated the 28th August, 1957 and) Office Memorandum No. 25/6/68—Estts (A) dated the 27th March, 1968. copies enclosed as Enclosure—I and II respectively. However, on a review of the position it has been considered necessary to reiterate, and to spell out in some detail, the principles and practices that should govern the relations between Members of Parliament and State Legislature and Government servants. The instructions in this regard are contained in the subsequent paragraphs. The Ministry of Finance etc. are requested to bring the contains of this Office Memorandum to the notice of all concerned for guidance and strict compliance.

2. The two basic principles to be borne in mind are (i) that Government servants should show courtesy and consideration of Members of Parliament and of the State Legislatures and (ii) that while they should consider carefully or listen patiently to what the Member of Parliament and of State Legislatures may have to say, they should always act according to their own best judgment.

3. It should be the endeavour of every Officer to help the Members of Parliament and of State Legislatures to the extent possible in the discharge of their important functions under the Constitution. In cases, however, where an officer is unable to accede to the request or suggestion of a Member, the reasons for his inability to do so should be courteously explained to the member.

4. It is realize that many officers have very heavy public duties and responsibilities and if they are to function effectively they should be permitted to plan out their day's work with some care and adhere to the plan. An officer should feel free to set apart some hour when he can refuse to meet visitors without being considered guilty of discourtesy, lack of consideration and the like. He should, however, set apart some time every day when anybody can see him and, within these hours and also during other office hours in which he is to meet visitors, he must give priority to Members of Parliament and of State Legislatures except when a visitors has come by previous appointment and a Member of Parliament of a State Legislature his come without an appointment. In such a case he should see the Member of Parliament or of a State Legislature immediately after he has met the visitor who had come by previous appointment. Any deviation from an appointment made with a Member of Parliament or of a State Legislature or indeed with any Member concerned so that the least possible inconvenience is caused to him and a fresh appointment should be fixed in consultation with him.

5. When a Member of Parliament or of a State Legislature comes to see him, an officer should rise in his seat to receive the Member and to see him off. Small gestures have symbolic value and officers should, therefore, be meticulously correct and courteous in their dealing with Members of Parliament and of State Legislatures.

6. Similarly, seating arrangement at public functions should be ensured that there is no room for any misunderstanding on this score. The position of Members of Parliament has been clearly brought out in the warrant of precedence approved by the President. M.Ps. appear at Article 30 above officers of the rank of full Central or equivalent, Secretaries to the Government of India, etc. The instructions appended to the Warrant of precedence also lay down that when Members of Parliament are invited en bloc to major State functions, the enclosure reserved for them should be next to the Governors, Chief Justice, Speaker of the Lok Sabha, Ambassadors, etc. A further provision in the instructions is that the Members of State Legislatures who, owing to their presence in Delhi happen to be invited to State functions, should be assigned rank just after Member of Parliament. To convenience to Members of Parliament and of seats meant for them should be kept reserved till end of the function and should not be occupied by other persons, even though they may be vacant. The seats provided for them should be at least as comfortable and as prominently placed as those for officials.

7. Letters received from Members of Parliament and of State Legislatures should be acknowledged promptly. All such letters should receive careful consideration and should be responded to at an appropriate level and expeditiously. The officers should furnish to Members of Parliament and of State Legislatures when asked for, such information or statistics relating to matters of local importance as are readily available and are not confidential. In doubtful cases instructions should be taken from a higher authority before refusing request.

8. While the official dealings of Government servants with Members of Parliament and of State Legislature have to be regulated as stated in the previous paragraphs, it is necessary to invite the attention of Government servants to what is expected of them in their individual capacity in respect of their own grievances in the matter of conditions of service. Under the relevant Conduct Rules governing them, Government servants are prohibited from bringing or attempting to bring any, political or other influence to bear upon any superior authority to further their interests in respect of matters pertaining to their service under the Government. Therefore, a Government servants is not expected to approach a Member of Parliament or of a State Legislature for sponsoring his individual case.

Copy Ministry of Home Affairs(now Department of Personnel & Administrative Reforms), Office Memorandum No. 25/29/56—Estt. (A) dated the 28th August, 1957.—(Enclosure—1)

1. It has been brought to the notice of the Government by certain Members of Parliament that instances have occurred in which Members of Legislatures have not been accorded by Government officers the consideration and regard which their position in the public life of the country requires. Government of India have no doubt that, lapses, if any, in this respect cannot be intentional, and that there is no desire to be discourteous or rude. Nevertheless, Government of India would like to remind all officers that due courtesy and regard to the representatives of the people are desirable in the larger interests of the country. The Members of Parliament have important functions to perform under the Constitution and it should be the endeavour of every officer to help them to the extent possible in the discharge of their functions. In cases, however, when officers

are unable to accede to the request or suggestions of Members of Parliament, the reasons for the office's inability to do so should be courteously explained to them. For purposes of interview, Members of Parliament should be given preference over other visitors, and in the very rare cases where an officer is unable to see a Member of Parliament at a time about which he had no previous notice, the position should be politely explained to the Member and another appointment fixed in consultation with him. The same courtesy and regard should be shown to Members of Legislatures attending public functions where, in particular, seats befitting their position should be reserved for them.

2. Ministry of Finance etc. are requested to bring these instructions to the notice of all concerned.

Copy of O.M. No. 25/6/68—Estt(A) dated 27.3.1968.(Enclosure—II)

1. As the Ministry of Finance etc. are aware, instructions were issued on 28.8.57(Vide copy enclosed) emphasizing the need for observance of proper courtesies by officers of the Govt. in their dealings with Members of Parliament. In continuation of these instructions, it is further emphasized that where any meeting convened by Govt. is to be attended by Members of Parliament, special care should be taken to see that notice is given to them in good time regarding the date, time venue etc. of the meeting, and it should be ensured that there is no slip in any matter of detail, however minor it may be.

2. Ministry of Finance etc. are requested to bring the above instructions to the notice of all concerned.

PRESIDENT'S SECRETARIAT

No. 33—Pres/79 dated the 26th July, 1979.

- a. In suppression of all previous notifications issued on the subject, the following Table, with respect to the rank and precedence of the persons named therein which has been approved by the President, is published for general information:
1. President
 2. Vice President
 3. Prime Minister
 4. Governors of States within their respective States
 5. Former Presidents
 - 5(A) Deputy Prime Minister
 6. Chief Justice of India.
Speaker of the Lok Sabha
 - (7) Cabinet Ministers of the Union.
Chief Ministers of States within their respective States
Deputy Chairman, Planning Commission
Former Prime Ministers.

Leaders of Opposition in the Rajya Sabha and the Lok Sabha.

- 7(A) Holders of the Bharat Ratna Decoration
- 8 Ambassadors Extraordinary and Plenipotentiary and High Commissioners of Commonwealth countries accredited to India.
Chief Ministers of States outside their respective States/Governor of States outside their respective States.
- 9 Judges of Supreme Court
- 9-A. Chief Election Commissioner
Comptroller & Auditor General of India.
- 10 Deputy Chairman, Rajya Sabha
Deputy Chief Ministers of States
Deputy Speaker, Lok Sabha
Members of the Planning Commission
Ministers of State of the Union and other Minister in the Ministry of Defence for defence matters.
11. Attorney General of India.
Cabinet Secretary
Lieutenant Governors within their respective Union Territories.
12. Chiefs of Staff holding the rank of full General or Equivalent rank
13. Envoys Extraordinary and Ministers Plenipotentiary accredited to India.
14. Chairman and Speakers of State Legislatures within their respective States
Chief Justice of High Courts within their respective jurisdictions.
15. Cabinet Ministers in States within their respective States.
Chief Ministers of Union Territories and
Chief Executive Councillor, Delhi, within their respective Union Territories, Deputy Ministers of the Union
16. Officiating Chief of Staff holding the rank of Lieutenant General or equivalent rank.
17. Chairman, Central Administrative Tribunal
Chairman, Minorities Commission
Chairman, Scheduled Castes and Scheduled Tribes Commission
Chairman, Union Public Service Commission
Chief Justices of High Courts outside their respective jurisdictions.
Puisne Judges of High Courts within their respective jurisdictions.
18. Cabinet Ministers in States outside their respective States.

Chairman, and Speakers of State Legislatures outside their respective States.

Chairman, Monopolies and Restrictive Trade Practices Commission.

Deputy Chairman and Deputy Speaker of State legislature within their respective States.

Ministers of States in States within their respective States

Ministers of Union Territories and Executive Councillors, Delhi, within their respective Union Territories.

Speakers of Legislative Assemblies in Union Territories and Chairman of Delhi Metropolitan Council within their respective Union Territories.

19. Chief Commissioner of Union Territories not having Councils of Ministers, within their respective States.

Deputy Ministers in States within their respective States.

Deputy Speaker of Legislative Assemblies in Union Territories and Deputy Chairman, of Metropolitan Council, Delhi, within their respective Union Territories.

20. Deputy Chairman and Deputy Speaker of States Legislatures, outside their States.

Ministers of State in, States outside their States

Puisne Judge of High Courts outside their respective jurisdictions.

21. Member of Parliament

22. Deputy Ministers in their States outside their respective States.

23. Army Commanders/Vice Chief of the Army Staff or equivalent in other Services.

Chief Secretaries to State Governments within their respective States.

Commissioner for Linguistic Minorities.

Commissioner for Scheduled Castes and Scheduled Tribes.

Members, Minorities Commission.

Member, Scheduled Castes and Scheduled Tribes Commission.

Member, Scheduled Castes and Scheduled Tribes Commission

Officers of the rank of full General or equivalent rank

Secretaries to the Government of India (including officers holding this office ex-officio)

Secretary, Minorities Commission

Secretary, Scheduled Castes and Scheduled Tribes Commission

Secretary, to the President

Secretary to the Prime Minister

Secretary, Rajya Sabha, Lok Sabha

Solicitor General

Vice-Chairman, Central Administrative Tribunal

24. Officers of the rank of Lieutenant General or equivalent rank.

25. Additional Secretaries to the Government of India.

Additional Solicitor General

Advocate General's of States.

Chairman, Tariff Commission

Charges Affairs and Acting High Commissioners a pied and ad interim.

Chief Ministers of Union Territories and Chief Executive Councillor, Delhi, outside their respective Union Territories.

Chief Secretaries of States Governments outside their respective States.

Deputy Comptroller and Auditor General

Deputy Speaker of Legislative Assemblies in Union Territories and Deputy Chairman, Delhi Metropolitan Council, outside their respective Union Territories.

Director, Central Bureau of Investigation

Director, General, Central Reserve Police.

Director, Intelligence Bureau.

Lieutenant Governors outside their respective Union Territories.

Members, Central Administrative Tribunal.

Members, Monopolies and Restrictive Trade Practices Commission

Members, Union Public Service Commission

Ministers of Union Public Territories and Executive Councillor, Delhi, outside their respective Union Territories.

Principal Staff officers of the Armed Forces of the rank of Major General or equivalent rank

Speaker of Legislative Assemblies in Union Territories and Chairman of Delhi Metropolitan Council, outside their respective Union Territories.

26. Joint Secretaries to the Government of India and Officers of equivalent rank.

Officers of the rank of Major-General or equivalent rank.

NOTE 1—The order in this Table of Precedence is meant for State and Ceremonial occasions and has no application in the day-to-day business of Government.

NOTE 2—Persons in the Table of Precedence will take rank in order of the number of the articles. The entries in the same article are arranged alphabetically. Those included in the same article will take precedence inter se according to date of entry into that article. However, where the dignitaries of different States and Union Territories included in the same article are

present at function outside their States or Union Territories and there in difficulty in ascertaining their dates of entry, they may be assigned precedence inter se in the alphabetical order of the name of States and Union Territories concerned after those whose precedence is determined according to date of entry into that article.

NOTE 3— In Article 7, the former Prime Ministers will take precedence over the Cabinet Ministers of the Union and the Leaders of Opposition in the Rajya Sabha and the Lok Sabha. The Chief Ministers of States within their respective States will take precedence over the Cabinet Ministers of the Union of official functions held in the respective States.

NOTE 4 — In Article 8—

(a) Ambassadors Extraordinary and Plenipotentiary and High Commissioners of Commonwealth countries accredited to India will en bloc rank above Governors of State outside their respective States.

(b) Governors of States outside respective States will en bloc rank above chief Ministers of States outside their respective States.

NOTE 5— The Ministry of External Affairs may assign appropriate ranks to foreign dignitaries and Indian Ambassadors, High Commissioners and Ministers Plenipotentiary during their visit to India.

NOTE 6— Notwithstanding the procedure laid down in Note 2, the rank inter se and precedence of the persons in Article 10 shall be assigned in the following order: —

1. Deputy Chairman, Rajya Sabha.
2. Deputy Speaker, Lok Sabha
3. Ministers of State of Union and any other Minister in the Ministry of Defence for defence matters,
4. Deputy Chief Ministers of States.
5. Members of the Planning Commission However, the Deputy Chief Ministers of States outside their respective States will always rank below all other dignitaries figuring in this article.

NOTE 7— The Chairman of State Legislative Councils will rank above the Speakers of Legislative Assemblies in case where they were elected on the same date.

NOTE 8— When Members of Parliaments are invited en block to major State functions, the enclosures reserved for them should be next to the Chief Justice, Speaker of the Lok Sabha, Ambassadors etc.

NOTE 9— Speakers of Legislative Assemblies in Union Territories and Chairman of the Delhi Metropolitan Council, Delhi, will take precedence over Ministers and Executive Councillors, included in the same article.

NOTE 10. In Article 23—

- (a) Secretaries in the Ministry of External Affairs other than the Foreign Secretary between themselves, will take precedence in the order of their seniority in Grade I of the Indian Foreign Service and both of them will take precedence after the Foreign Secretary;
- (b) Member of the Minorities Commission and the Scheduled Castes and Scheduled Tribes Commission will always take precedence over the Secretaries of these Commissions;
- (c) In official functions held at Delhi/New Delhi, Army Commanders/Vice Chief of the Army Staff or equivalent in other Services will always rank after Secretaries to the Government of India.

NOTE 11— In Article 25—

- (a) Additional Secretaries in the Ministry of External Affairs among themselves will take Precedence in the order of their seniority in Grade II of the Indian Foreign Service;
- (b) Additional Solicitor General will take precedence above the Advocate Generals of States;
- (c) Lieutenant Governors will take precedence over the Chief Ministers and Chief Executive Councillor, Delhi, and the latter will take precedence over Speakers of Legislative Assemblies and Chairman , Metropolitan Council, Delhi;
- (d) Deputy Speaker of Legislative Assemblies of Union Territories and Deputy Chairman of Delhi Metropolitan Council will take precedence after Ministers of Union Territories and Executive Councillors, Delhi.

NOTE 12—For the purpose of Article 26, the posts equivalent to the posts of Joint Secretaries to the Government of India will be determined by the Ministry of Home Affairs.

GOVERNMENT OF INDIA'S DECISIONS

GOVERNMENT OF INDIA'S DECISIONS UNDER RULE 3

1. *Participation in proselytising activities may be treated as good and sufficient reason for taking disciplinary action against a moS:* - A question was raised whether members of the Service were prohibited from taking part in proselytising activities under these Rules. The Government of India have decided that although, under the Constitution of India, servants of the States are entitled in their private lives to profess, practice or propagate any religion freely, they should so conduct themselves in public as to leave no room for an impression that they are likely in their official dealings to favour persons belonging to any particular religion. Such an impression is bound to arise in respect of a member, who participates in bringing about or organizing conversions from one religion to another and such conduct would be even more reprehensible if, in the process, he makes use, directly or indirectly, of his official position or influence.

2. Although a specific provision in this regard is not made in these Rules, participation in proselytising activities may be treated as good and sufficient reason for taking disciplinary action against a member under the All India Service (Discipline and Appeal) Rules, 1955.

3. The provisions contained in the proceeding paragraph may be kept in view by the State Governments, while examining the conduct of members of the Service in this regard.

[G.I., M.H.A. letter No.(IS)503/58-AIS(III), dated 30th May, 1958, read with O.M. No. 25/50/57-Esst.(A), dated 15th January, 1958-M.H.A. F.No.16/39/58-AIS(III)].

GOVERNMENT OF INDIA'S DECISIONS UNDER RULE 5

1. ***Permission should not be given to a moS to publish articles in the journals, souvenirs etc., of political parties:*** - A doubt has been raised whether members of the All India Services can be permitted to publish articles in the journals, souvenirs etc., of political parties.

2. The matter has been examined in this Department and it has been decided, that in all such cases, permission should not be given.

[DP&T letter No. 11017/30/93 AIS (III), dated 21/06/93]

GOVERNMENT OF INDIA'S DECISIONS UNDER RULE 10

1. ***A moS may be permitted to participate in Flag Day Collection:*** - According to Rule 10 of the All India Services (Conduct) Rules, 1968, no member of the service shall except with the previous sanction of the Government or such authority as may be empowered by it in this behalf ask for or accept contributions to or otherwise associate himself with the raising of any funds or other collections in cash or any kind or in pursuance of any object whatever. For the purpose of this rule, Government in the case of the member of the service serving in connection with the affairs of the Union is the Central Government and in the case of a member of the service serving in connection with the affairs of State the Government of that State.

2. A question was raised whether members of All India Services may be permitted to associate themselves with the raising of funds in connection with the Armed Force Flag Day. So far as the Central Government servants are concerned, Government of India has decided to relax the provision of the Rule 12 of the CCS (conduct) Rules and to allow Central Government servants to participate in such collections on voluntary basis, keeping in view the object underlying the Flag Day Collection, vide Ministry of Home Affairs' Memo. No. 25/33/55—Estt., dated 31st October, 1955.

3. It was decided to extend the provisions of the Ministry of Home Affairs Memorandum cited above to the members of the All India Services serving under the Central Government.

4. The State Governments were requested to consider adopting the same policy in respect of the members of All India Services working under them.

[DP & AR letter No. 11017/80/82—AIS(III), dated 16-11-82.]

GOVERNMENT OF INDIA'S DECISIONS UNDER RULE 11

1. **The criteria to decide acceptance of gift by a moS or his members of the family is whether it is inspired by his official position:** - The main criteria to be followed in deciding whether a member of the Service or a member of his family, should be permitted to retain a gift would be whether it has been inspired by his official position and also whether it is likely to embarrass or influence him, either immediately or prospectively in the discharge of his official duties.

[G.I. M.H.A. letter No. 7/15/56—AIS (II), dated 10th April, 1956].

2. **No officer should be given permission to accept gifts of more than trifling value, at the time of transfer:** - Instances have come to the notice of the Government in which senior officers and others were presented, on the occasion of their retirement or transfer expensive gifts for the purchase of which the members of staff contributed. Though farewell entertainment of substantially private and informal character may be held in the honour of officers on the eve of their retirement or transfer, yet it is hardly healthy or desirable to allow the practice of accepting gifts from the staff. It has, therefore, been decided that in future no officer should be given permission to accept gifts of more than trifling value, at the time of transfer.

2. There is, however, no objection to the officer's accepting gifts at the time of his retirement from members of the staff subject however to prior permission of Government wherever such permission is necessary.

3. The State Government may, if there be no objection follow these instructions while dealing with the similar cases of officers serving in connection with the affairs of the State.

[G.I. M.H.A. letter No. 8/51/62—AIS(III), dated 30th November 1962]

3. **Procedure for disposal of presents received by a moS by visiting foreign dignitaries:** - The Government of India have decided that presents made to members of the Service by visiting foreign 'dignitaries' as distinguished from 'foreigners' shall be disposed of in the following manner:—

- (i) Presents, which are of a symbolic and not of any practical value, like swords ceremonial robes etc., may be retained by the recipients;
- (ii) Presents of trivial value, which for this purpose shall be *Rs. 3000/ may be retained by the recipients; and
- (iii) Presents not covered by the above two categories shall be deposited at the Government Toshakhanna (in the Ministry of External Affairs), from where the recipients may be given the option to purchase them at prices fixed by the authorities in charge.

[G.I. M.H.A/ letter No. 25/49/55—Estt., dated 31st March, 1956, read with Dep't. of Personnel and A.R. letter No. 5/28/73—AIS—(III), dated 10-1-1974 and No. 11017/55/76—AIS (III), dated 8-12-1976]

4. **Presents received by a moS from foreign firms will also be covered under the procedure above:** - A question has been raised whether the instructions contained in letter No. 5/28/73—AIS (III), dated 10-1-1974 could be applied in the case of gifts received by members of the service from foreign firms.

2. This question has been carefully considered in this department. According to the normal policy no permission is granted, save in exceptional circumstances, for

acceptance of gifts made to members of the services by firms, whether foreign or indigenous, with whom the members of the service concerned has had or has or is likely to have official dealings, either directly or indirectly by virtue of his official position. Permission should also not be normally granted for the acceptance of gifts by members of the All India Services from firms, which are contracting firms with the Government even if the contract is entered into by Ministry of Department other than one in or under which the member of the service concerned is serving. The question of grant of permission for acceptance of gifts from a foreign firm would, therefore, normally arise only in those cases where the foreign firms concerned is neither a firm contracting with the Government where it is proposed to grant permission for acceptance of the gifts made by a foreign firm the procedure laid down in this department letter of even number dated 10-1-1974 referred to above should be followed.

[D.P. & A.R. letter No. 5/28/73—AIS (III), dated 22-10-1975].

5. Procedure for contacts with business firms: - I am directed to invite attention to sub-rule (4) of Rule 11 of AIS (Conduct) Rules, 1968 and to forward herewith a copy of this Department's office Memorandum No. 11013/1/88—Estt. (A) dated the 10th May, 88 on the subject mentioned above. I am further directed to say that the instructions stipulated therein shall apply mutatis mutandis to members of the All India Services also.

2. It is requested that the above instructions may be brought to the notice of the members of the All India Services serving in the State/Central Government of the Compliance

[Letter No. 11017/25/88—AIS(III) dated 12-7-1988]

Copy of O.M. No. 11013/1/88—Estt.(A) dated 10.5.88 of Government of India, Ministry of Personnel, P.G. & Pensions, Department of Personnel & Training

1. The undersigned is directed to invite attention to Note (II) below Rule 13(I) of the Central Civil Services (Conduct) Rules, 1964 which lays down that a Government servant shall avoid accepting lavish hospitality or frequent hospitality from any commercial firms, organizations etc. Rule 4(3) of the CCS (Conduct) Rules, 1964 inter-alia envisages that no Government servant shall in the discharge of his official duties deal with any matter concerning any company of firm of any other person if he or any member of his family is interested in such matter in any manner. These instruction have been issued to ensure that Government servants are extremely careful and discreet while coming in contact which businessmen and business firms so as to avoid situations, which might cause embarrassment to the Government or to the Government servants concerned, while dealing with matters relating to those business firms/businesses in their official capacity.

2. It may sometimes so happen that a Government servant is required to maintain contact with outsiders to gain information, in the public interest, about the violation of rules, regulations etc. In such cases the Government servant concerned has to exercise adequate care and discretion in making use of such outside contacts so that neither the Government nor the Government servant personally becomes obliged or committed to the said contact in any manner.

3. The aforesaid instructions are brought to the notice of all Ministries/ Departments for strict compliance by Government servants of all categories.

GOVERNMENT OF INDIA'S DECISIONS UNDER RULE 12

1. **The members of the Services should refrain from declaring building etc. open and should take prior permission if necessary:** - A question was raised whether it would be in consonance with the spirit of this rule for members of the Service to accept invitations to declare buildings, etc. open, or to lay the foundation-stones of new buildings, or to allow bridges, road, buildings, parks or public institutions such as hospitals, schools or colleges be named after them. The Government of India have decided that it would not only be against the spirit of this rule, for members of the Service to act in the manner set forth above, but it would be inappropriate and inconsistent with the rule of detached impartiality legitimately expected of them and that it would generally have an unwholesome effect.

2. While it is possible that there may be occasion when members may have to participate in such functions, which have a cultural or sociological significance especially in remote areas, they should, as far as possible refrain from associating themselves with such functions. In cases, where they are in doubt, they would be well advised to take the prior permission of their superior officers.

3. The State Government may issue similar orders in respect of members of the Service serving under them.

[M.H.A. letter No. 6/79/57—AIS(II), dated 28th October, 1957 read with O.M. No. 25/24/57—Estt.(A) dated 16-9-1957].

2. **The members of the Services should not accept awards conferred by private organisations:** - This Department has been receiving references from various Ministries/Departments recommending grant of Awards from organisations of National/International repute and also from Private Bodies, to members of All India Services.

2. In this connection, I am directed to invite the attention of all Ministries/Departments to the clarification issued in this Department's letter No.11017/48/93-AIS(III) dated 20th October, 1993 and to say that it is not appropriate for members of All India Services to accept awards from Private Bodies.

{DOPT Letter No.11017/71-93-AIS(III) dated 9th August, 1994}

Copy of the DOPT Letter No.11017/48/93-AIS(III) dated 20th October, 1993 regarding acceptance of awards conferred by private organisations.

1. As per rule 12(1) of the All India Services (Conduct) Rules, 1968, a member of the Service is required to take the previous sanction of Government, which may be subject to such conditions and provisions as may be specified therein, before receiving any complimentary or valedictory address or testimonial or attending any meeting or entertainment held in his honour. While there is no specific rule regarding the acceptance of awards conferred on officers by private organisations, however, the policy of the Government has been that if a government servant has done any outstanding work, there are various methods open to Government themselves to recognise his merits and service and it would not be appropriate for him to accept such an award from a private body. In some isolated cases, however, the acceptance of awards was not objected to where the body giving the award was highly respected and the award did not include any monetary component.

2. It is relevant to point out that the activities of the Government extend over wide ranging fields, some of which are well publicised and some are not; this could lead to an unintended preference in recognition for persons engaged in the former category which

is not desirable. Some of the bodies which institute awards may also be involved in activities which may prove embarrassing for Government. Moreover, it has been accepted that a civil servant should not strive to seek publicity or public recognition since his job is to act in a fair manner within the framework of the policy laid down by the political executive; seeking awards instituted by private bodies can affect such functioning. Finally, the achievement which may be attributed to a public servant or member of the Service is almost always a result of coordinated efforts and thinking by a number of individuals and not the achievement of one person alone. Therefore, it is felt that, in general, awards sought to be given by private bodies and institutes to members of the Services do not need to be encouraged. In case there are exceptional circumstances like rewarding the merit of an officer for work done outside the purview of his functions in government or where Government otherwise thinks that an individual deserves a particular award, it is left to the discretion of the competent authority to decide such issues in a reasonable and judicious manner.

3. The main criteria which may be followed in granting permission to individual officers to accept awards from private organisations is that such awards should not have a monetary component. The competent authority must also take their decisions on a case-to-case basis since instructions cannot precisely encompass the multitude of possibilities that can crop up in such matters.

GOVERNMENT OF INDIA'S DECISIONS UNDER RULE 13

1. *Income from literary, cultural or artistic efforts, which are not aided by the knowledge acquired by the member in the course of his service, is not 'fee' for the purpose of SR 12 and can be retained by the officer in full:* - A question arose, whether a member of the service could accept royalty of the publication of a book of literary, artistic, or scientific character and also whether such royalties were to be treated as 'Fee' under supplementary Rule 12. It has been decided that the income from literary, cultural or artistic efforts, which are not aided by the knowledge acquired by the member in the course of his service, is not 'fee' for the purpose of SR 12 and can be retained by the officer in full. In other cases, SR 12 will apply and 1/3rd of the amount above Rs. 250 will have to be credited to the Consolidate Fund of India/State.

[G.I. M.H.A. letter No. 16/12/59—AIS(III), dated 15th June, 1959].

2. *There is nothing in this rule prohibiting a member of the Service from becoming a member of any Co-operative Society.*

[G.I. M.H.A. letter No. 8/50/61—AIS(III), dated 29th November, 1961]

3. *Members of the Services are not permitted to act as a sleeping partner:* - Instances have come to the notice of the Government of India, when members of the service sought permission to continue, as a sleeping partner to keep their interests alive in the joint family concern or otherwise. As a rule the Government are averse to the continued association of an all India Service Officer with a commercial firm in his own State of Allotment.

[G.I. M.H.A. letter No. 8/6/63—AIS (III), dated the 15th May, 1963].

4. *Members of the Services may be discouraged to hold Elective posts in University Senate:* - Seeking election to a University Senate is neither in the scheme of social nor literary work. In fact the work of the University Senate itself cannot be regarded as of social, or literary character. In a large number of Universities, elections to

the Senate are hotly contested by nominees of the major political parties and the senate bodies are considered another forum for political activity.

2. In view of the considerations mentioned above it has been decided that elective post of the nature referred to above should not be held by the members of the All India Services and that they may be discouraged from seeking such election.

[M.H.A. letter No. 8/88/65—AIS(III), dated 8-12-1965].

5. Power of the Central Government to grant previous sanction under rule 13(1) has not been delegated to the Central Ministries/Departments: - Rule 13(1) of All India Services (Conduct) Rules, 1968 as amended by this Department's Notification No. 5/23/72—AIS (III), dated, the 27th July, 1974 provides that no member of the service shall except with the previous sanction of the Government, engage directly or indirectly in any trade or business or negotiate for or undertake any employment. The powers of the Central Government under this rule are exercisable by the Department of Personnel and Administrative Reforms, as these powers have not been delegated to the administrative Ministries/Departments. The Ministry of Finance etc. are therefore, requested to ensure that proposals for grant of permission under this rule to the members of the All India Services working in, or under, them are invariably referred to this Department for prior concurrence.

[Department of Personnel and A.R. O.M. No. 11017/3/75—AIS (III), dated 9-4-1975].

6. State Governments are not competent to nominate or appoint any member of the AIS on Central deputation to any executive or semi-executive positions under the State Government without the specific approval of the Central Government: - Instances have come to notice where members of All India Services while on Central deputation have been nominated/appointed to specific executive semi-executive positions under the State Governments. Not only does this practise create avoidable embarrassment, it is also contrary to the rules. According to sub-rule (1) rule 13 of the AIS(Conduct) Rules read with clause (a) of rule 12 *ibid* no member of the Service serving in connection with the affairs of the Union, or serving under a foreign Government or outside India whether on duty or on leave, shall, except with the previous sanction of the Central Government undertake any employment under a State Government. In view of these provisions State Government are not competent to nominate or appoint any member of the AIS on Central deputation to any executive or semi-executive positions under the State Government without the specific approval of the Central Government. The concurrence of the Central Government cannot be presumed. The basic assumption is that the entire time of a Government servant, particularly a senior one, should be available to the Central or State Government depending on where he is working. Moreover, it is necessary that while an officer is serving in the Government of India, he is not subject to any kind of control by a State Government.

2. If an officer in a State Government is holding certain positions in the State, it is not necessary that he should continue to do so, even when he comes on deputation to the Centre. For one thing, he will be able to devote the same time which he may have done while he was in the State and this may be against the interest of the institution(s) with which he was associated. For another, such step may tend to cause demoralization amongst officers in the State as it implies that there is no one competent enough to take over the responsibility.

3. For the above reasons, it has been decided that, as a matter of principle, members of the All India Services who are serving at the Centre will not be permitted to occupy

executive or semi-executive position under a State Government or Public sector organisation etc. controlled by the State Government except, where they are nominated by the Central Government to represent the interests of that Government.

[DPAR letter No. 11017/10/78—AIS (III), dated 20-7-1978].

7. Details of the trade or business, the family members of the moS is engaged in, should invariably be furnished: - Under sub-rule (3) or rule 13 or the All India Service (Conduct) Rules, 1968, every member of the Service shall, if any member of his family is engaged in a trade or business, or owns or manages an insurance agency or commission agency, report that fact to the Government. It is, however, noticed that in a number of cases in the past, members of the All India Services did not furnish details relating to the trade/business started by their family members while making their reports to the Government under the aforesaid sub-rule with the result that Government had no information in this regard. Hereafter whenever a report is made by a member of the All India Services (Conduct) Rules, 1968, elementary details like nature of and name under which trade/business is being done, its location, whether with or without partners, amount invested and the source of the amount invested etc. should invariably be furnished.

[G.I., M.H.A., DP&AR letter No. 11017/15/79—AIS(III), dated the 30th July, 1979]

8. A moS should not stand guarantee/surety for loans taken by their relatives for business purposes: - A question was raised whether an All India Service Officer can stand surety/guarantee to a loan being taken by his wife for business purposes.

2. It has been clarified that members of the All India Service should not stand guarantee/surety for loans taken by their relatives for business purposes as in this way indirect interest in business and financial commitments are created attracting the provisions of Rules 13 and 15 of the All India Services (Conduct) Rules, 1968.

[G.I.DP&AR letter No. 11017/46/82—AIS(III), dated 4th September, 1982]

9. A moS can enrol with bar association with a condition that he should not engage in legal profession while in government service: - A question has arisen whether a member of an All India Services could enrol himself with bar association. It has been decided that a member an All India Services can be permitted to enrol himself as an advocate, on condition that he should not engage himself in the legal profession either independently or otherwise for so long as he continues in Government Services.

[DP&T No. 11017/55/92 AIS(III), dated 22/12/92]

10. Secretaries of the Government of India should not associate themselves with Boards of Public Sector Undertakings: - Instances have come to the notice of the Government in which the Secretaries of the Government of India have associated themselves with the Public Sector Undertakings, as members of their Board of Directors.

2. The matter has been carefully considered in this Department and with the approved of Prime Minister, Secretaries to Government need not be appointed to the Boards of Public Sector Undertakings or in such companies with which Public Sector Undertakings are intimately involved.

[DP&T Letter No. 11017/11/93—AIS(III) dated 12.7.93]

11. A moS should obtain prior permission of the Government before negotiating for consultancies and other appointments: - Under Rule 13(1) (b) of the AIS(Conduct) Rules 1968 the members of All India Services are required to obtain prior

permission of the Government before they negotiate for, or undertake, any other employment.

2. It has come to the notice of the Government of India that some members of AIS have taken up consultancies and other appointments without obtaining the prior permission of the Government. The matter has, been viewed seriously and it is again reiterated that members of All India Services should not negotiate for, or undertake, any other employment without the previous sanction of the Government.

3. It is requested that this may be brought to the notice of all the members of the All India Service, and that all the State Governments should maintain strict control in this matter.

[Letter no. 11017/52/93—AIS(III) dated 2.12.94]

GOVERNMENT OF INDIA'S DECISIONS UNDER RULE 6 AND RULE 13(4)

1. ***There is no objection to radio broadcasts or contributions to newspapers, periodicals, etc. on matter relating to sports being made by members of the Service without prior sanction of the Government.***

[G.I. M.H.A. letter No. 7/23/56—AIS II, dated 27th April, 1956]

2. ***State Governments can permit a moS to submit thesis for Ph.D. etc. if there are not likely to interfere his due discharge of duties:*** - A question arose, whether members of the Service can be permitted to submit thesis for Ph.D. etc., the Govt. of India advised that the State Governments themselves could decide each individual case on merits. If the State Government are satisfied that the proposed course of studies is not likely to Interfere with the efficient discharge of officer's duties, they may, at their discretion, permit the officer.

[G.I. M.H.A. F. No. 8/76/62—AIS(III) dated]

3. ***Sanction of the Government is not necessary for publication of books/articles of literary, artistic or scientific character:*** - Sanction of the Government is not necessary for publication of a book or article by a member of the service if the 'work' is of literary, artistic or scientific character and is not aided by his official duties but the officer should take care that in publishing the book he does not contravene provisions of rule 6 or any other provisions of the All India Services (Conduct) Rules, 1968.

2. Provisions of S.R. 12 are also not attracted in such cases.

[G.I. M.H.A. F. No. 8/35/62—AIS(III)]

5. ***Prior sanction of the Government is necessary under rule 13(4) for accepting remuneration for publication of books/articles of purely literary, artistic or scientific character, though permission is not required for their publication under rule 6:*** - According to rule 6 of the All India Services (Conduct) Rules, 1968, a member of an All India service is not required to obtain the previous sanction of the Government for publishing a book or for contributing an article to a newspaper, periodical etc. If the subject matter of the book or contribution is of a purely literary, artistic or scientific character and, in the case of a book, it is published through a publisher. A question has been raised as to whether in such cases a member of an All India Service should obtain the sanction of the Government for accepting remuneration for such publication.

2. Sub-rule (4) of rule 13 *ibid* provides that no member of an al India Service shall accept any fee for any work done for any public body on for any private person without the sanction of the Government. This provision is independent of the provision contained in rule 6. As such even though a member of an All India Service is not required to obtain

the sanction of the Government for publishing a book etc. on a purely literary artistic or scientific subject he has to obtain the sanction of the Government for accepting any remuneration, for the work from a source other than the Consolidated Fund of India or the Consolidated Fund of a State. Similarly, in cases where a member of an All India Services, is required to obtain the sanction of the Government, under rule 6, for the publication of the book etc. the sanction under rule 6, does not automatically imply sanction of the Government under sub-rule (4) of rule 13, and, in cases where the provisions of the sub-rule are attracted, specific sanction there under is necessary.

3. The question whether any portion of the fee, received for the work, should be credited to the Government, is to be decided in accordance with Supplementary Rule 12, as far as the members of and All India Service serving in connection with the affairs of the Union are concerned. In the case of a member of an I.A.S. serving in connection with the affairs of a State, this matter may be regulated by the rules, regulations and orders, applicable to the members of the State Civil Service Class I of that State.

(Department of Personnel and A.R. No. 5/4/73—AIS(III), dated 27-4-73).

5. Greater care/discretion should be taken about the provisions of the Official Secrets Act, 1923, while giving permission to serving/retired officers to publish books/articles: - It has been brought to the notice of the Government that some retired officers have published books/articles, which revealed sensitive information on certain operation pertaining to the security of the State/having a bearing on the sovereignty and integrity of India. It has also been noted that such disclosures are not only likely to embarrass the Govt. and the officers concerned, whose names has been revealed, but they are also likely to perilously affect cordial and friendly relations with foreign States. Administrative Ministries/ Departments/Authorities should very carefully and critically review such instances and ensure that necessary follow-up action as envisaged in the Official Secrets Act, 1923/relevant Pension Rules governing the conditions of pension of retired Govt. servants, are taken in time, as and when necessary. Even more important would be the need to exercise greater care/discretion at the time of according permission to serving the case may be, for publication of material which would attract the provisions of the Official Secrets Act, 1923.

(DP&T letter No. 11017/48/92—AIS(III) dated 4.2.1993)

GOVERNMENT OF INDIA'S DECISIONS UNDER RULE 10 AND RULE 13

1. No objection if individual members of the trainee took part in the variety of performance organised by the public organising committee, but collection of contribution is not allowed: - In connection with the Tagore Centenary Celebrations, sanction of the Government of India was sought by members undergoing training at the Central Police Training College to collect funds in aid of the Viswa Pharaoh University and to stage a variety performance. While the sanction to collect contributions was not given it was indicated that there would be no objection if individual members of the trainees took part in the variety performance, organised by the public organising committee.

(G.I. M.H.A. letter No. 8/22/61—AIS(III), dated 4th May, 1961).

2. A moS should not be allowed to collect any contributions/donations in connection with the celebrations of the Anniversaries of Independence etc.: - A question has been raised as to whether District Magistrates/ Deputy Commissioners/District Collectors can be authorised to raise voluntary contributions in

connection with the celebrations of the 25th Anniversary of Independence. The Central Government have considered the matter carefully and are of the view that association of Government servants with such collections is bound to evoke public criticism. It has therefore, been decided that members of the All India Services should not be allowed to collect any contributions/donations in connection with the celebrations of the 25th Anniversary of Independence.

[D.P. & A.R. Letter No. 5/13/72—AIS (III), dated 9-8-1972]

3. *Members of the Services may not be allowed to be a member of the societies/bodies which collect funds/accept contributions:* - A member of an All India Service, who is permitted under rule 13(3) of the All India Services (Conduct) Rules, 1968 to associate himself with Societies which have a specific objective like building schools/hospitals or celebrating centenaries etc. of eminent public men/institutions etc. cannot, under rule 10 *ibid* accept contribution to the society or otherwise associate himself with the raising of any fund or other collections in cash or in kind for that society without the previous sanction of the State Government if he is serving in connection with the affairs of the State and with the previous sanction of the concerned Ministry/Department if he is serving in connection with the affairs of the Centre. If a member of the Service is working in connection with the affairs of the State Government, it is for that Government to decide, while permitting him under rule 13(3), whether any previous Sanction under rule 10 is to be given to him in his capacity as Chairman/Office Bearer of the body to collect funds or to associate himself with collection of funds by that body. If the State Government are of the view that such previous sanction should not be given for any reason and, if the body concerned is likely to raise funds for any specific purpose, then State Government will be well advised not to permit the member of the service to associate himself with that Society under rule 13(3). If, however, State Government are of the view that previous sanction under rule 10 be given then there is no bar to the member of the Service to collect funds or associate himself with the collection of funds by that society as the requirements of rule 10 will stand fulfilled as far as he is concerned.

2. However, it should be remembered that association of AIS officers who hold responsible positions with fund collection for societies/bodies is bound to evoke public criticism. It would, therefore, be appropriate that members of the Service in Districts are not permitted under rule 13 to associate themselves with such bodies whose specific objectives can be fulfilled only by collection of funds. In fact, Government of India Decision No.2 below rule 10 of the Rules *ibid* stipulates that members of All India Services should not be allowed to collect any contribution/donations in connection with the celebrations of the 25th anniversary of Independence.

3. The State Governments are advised that, in view of the circumstances explained in para 1 above, it would be but proper not to permit members of the All India Services to be associated with such societies/bodies lest the credibility of the officers in the eyes of the public should be eroded.

[D.P.A.R. letter No. 11017/44/81—AIS(III), dated the 29th October, 1981]

GOVERNMENT OF INDIA'S DECISIONS UNDER RULE 14

1. *It has been decided that taking of loans from reputable firms or banks does not require previous sanction of the Government under this rule.*

[M.H.A. O.M. 8/79/62—AIS(III), dated 24th October, 1962].

2. **'Small amount' under sub-rule 4 depends on case to case basis:** - A question having arisen and it was decided that the definition of small amount used in proviso to sub-rule (4) depends on the circumstances of each individual cases and no hard and fast criteria can be laid down e.g., what constitute a small loan for an officer drawing Rs. 2,250 may not be shall amount for another officer drawing Rs. 500.

[M.H.A. No. 8/69/73—AIS (III), dated 30-12-1963].

3. **If a moS, holding shares of a particular company, subsequently appointed to a post which requires to deal with the affairs of that company, he may not be permitted to such post or he may be asked to dispose of his shares of that company:** - Instances have come to notice of this Department where members of the All India Services had purchased shares from Company, etc., with which they were not having any official dealings but later on they were appointed/transferred to a post, which required them to deal with the company etc., of which he had purchased the shares earlier. The question whether they may be allowed to retain such shares has been considered and it has been held that it would be necessary to abide by the provisions of Rule 14(4)(ii) of the All India Service (Conduct) Rules, 1968 in letter and in spirit. Accordingly, in such cases, either the work concerning the company in question may be withdrawn from the concerned officer or he may be asked to dispose of his shares, irrespective of the fact that the holdings of the officer or any member of his family in the company concerned may be nominal.

2. It is requested that the above decision may be uniformly applied in all such cases.

[D.P. & A.R letter No. 11017/2/77—AIS(III), dated 22nd April, 1977].

4. **Procedure for treatment of fixed deposits with companies and banks:** - Questions have been raised, from time to time in regard to the treatment to be accorded to fixed deposits with companies and banks. Doubts have been raised particularly on the point whether in regard to such deposits, the provisions of Rule 14(4) of the AIS (Conduct) Rules, 1968, will be attracted. The matter has been examined and the position is clarified as under :

- (1) Fixed deposits with public limited companies, whether in the private sector or the public sector, will be covered by the saving clause in Rule 14(4) of the AIS (Conduct) Rules, 1968, as public limited companies receive deposits from the public on authorisation given by the Central Government under the companies (Acceptance of deposits from the public) Rules, 1975. However, where the amount of deposit with a public limited company exceeds the monetary limits laid down in Rule 16(4) of the AIS (conduct) Rules, 1968, then a report to the prescribed authority in regard to the deposit will be necessary under that rule.
- (2) Deposits with private limited companies and firms are in the nature of loans to those companies and firms and they should be regulated with reference to the provision or Rule 14(4) of the AIS (Conduct) Rules, 1968.
- (3) Fixed deposits with banks are, as already provided in Rule 14(4) of the AIS (Conduct) Rules, 1968, exempt from the operation of this rule. However, in regard to fixed deposits with banks also, a report should be made to the prescribed authority under Rule 16(4) of the AIS (Conduct) Rules, 1968, if the monetary limits laid down therein are exceeded. The clarification contained in Prar 4 of the Department letter No. 5/8/73—AISIII, dated 1-7-74 will stand modified to this extent.

- (4) Day-to-day Savings Bank transactions, either with a bank or with a post-office would not, however, come within the purview of Rule 16(4) of the AIS (Conduct) Rules, 1968.

[DP & AR letter No. F. 11017/24/81—AIS(III), dated 22-6-82]

5. A moS should not purchase nor should he permit any member of his family to purchase shares from out of the quota reserved for friends and associates of Directors of Companies: - A question has raised whether a member of All India Services can purchase share of companies from out of a quota reserved for the friends and associates of the Directors of Companies. The provisions of rule 14(2) of the AIS Conduct Rules 1968, makes it clear beyond doubt that a member of All India Services should be circumspect in the matter of making investments and there is room for the inference that purchase of shares in a company from out of the quota reserved for friends and associates of Directors is likely to embarrass him in the discharge of his official duties at some time or other. In the circumstances, and keeping in view of the provisions of rule 14(2) of the AIS Conduct Rule, 1968 member of AIS should not purchase nor should he permit any member of his family to purchase shares from out of the quota reserved for friends and associates of Directors of Companies.

(DP&T No. 11017/52/92 AIS(III), dated 27/1/1993)

GOVERNMENT OF INDIA'S DECISIONS UNDER RULE 16

1. Declaration of immovable property to be made in Form-I in duplicate, one to the concerned State Government and the other to the Establishment Officer of the Government of India: - The members of the Service serving in connection with the affairs of the Union or serving under a Foreign Government or outside India shall submit the declaration under sub-rule 1 & 2 in Form 1. The declaration shall be submitted in duplicate, one copy being forwarded to the State Government, on whose cadre the member is borne, and the other to Establishment Officer to the Government of India. As far as the members of the Service serving in connection with the affairs of the State are concerned, the State Governments may adopt the same form, subject to such changes, if any, as they may consider necessary in the light of local conditions. In their case also, the declaration shall be submitted in duplicate, one copy being forwarded to the Government of India in the Ministry of Home Affairs.

2. The returns shall be submitted in separate sealed covers subscribed as follows:—

“Statement of immovable property furnished under rule 16 (1) of the All India Services (Conduct) Rules, 1954, on the first appointment for the year.

Name (In block letters)
(Service, Cadre) and
Designation of Officer,”

3. The returns in respect of members serving in connection with the affairs of the Union etc., will be kept in separate folders. When the return relating to a particular year is received from such a member it would be added to the relevant letter and retained in safe custody, after it is scrutinised by the Deputy Secretary (Vigilance). The State

Governments may also adopt the same course in respect of returns of members serving under them.

[G.I., M.H.A. letter and O.M. No. 8/2/54—AIS (II), dated 8th November, 1955, and O.M. No. 18/2/55—AIS (III), dated 23rd May, 1956 read with letter No. 12(2)—E.O. III/69, dated 13th November, 1959].

2. The return of immovable property shall be submitted by the moS within one month on his first appointment to the Service and subsequently in the month of January every year: - The return of immovable property shall be submitted by the members of the Service on their first appointment to the Service within a month of such appointment and subsequently in the month of January every year. The initial return shall show the position as on the date of their appointment and subsequent returns as on the 1st January of the year in which they are submitted.

[G.I., M.H.A. No. 8/9/60—AIS (III), dated 16th February, 1960.]

3. The moS should report the share in a joint family property and require to obtain prior permission of the Government for the disposal, if necessary: - Under this rule, a member of the Service who has share in a joint family property is required to report it. He is also required to obtain Government's permission for the disposal of his share in the joint family property, when such permission is necessary under sub-rule (4).

[G.I., M.H.A. U.O. No. 6/34/57—AIS (II), dated 7th May, 1957.]

4. The moS should seek prior permission before starting construction/extension of a house and should report details after construction: - The Govt. of India have decided that the purchase of any movable property exceeding Rs.15,000 in value by a member of the Service for the construction or extension of a house shall be reported to the prescribed authority in the following manner:

- (i) before starting the construction/extension, he shall report or seek permission, as the case may be, in form IV, and
- (ii) after completing the construction/extension, he shall report in Form V.

2. The details in Forms IV and V shall be furnished wherever it is possible to do so. Where however it is not possible to furnish details, the members shall mention the covered area, on which the building is proposed to be erected, and the estimated cost of the building.

The decision should be construed to have been issued under Rule 16.

[G.I. M.H.A. letter No. 6/5/57—AIS (III), dated 12th September, 1957, read with letter No. 11017/25/75—AIS (II), dated 9th September, 1975 and letter No. 11017/40/75—AIS (III), dated 11th November, 1975.]

5. If construction of a house is being done by a contractor, the moS should indicate whether he has any official dealing with him or not: - It should inter alia also be mentioned in the prescribed form I whether the construction etc. would be done by any contractor. If the construction is to be done by a contractor he should also indicate whether he had or has any official dealings with the contractor.

[M.H.A. letter No. 8/55/63—AIS (III), dated 1st February, 1964.]

6. Interest in joint family property, which is non-existent if governed by Dayabhai School, need not be reported: - In the case of a member of the Service governed by the Dayabhai School, he has no right in the ancestral property, so long as father is alive.

His interest in the joint family property, which is non-existent, is not therefore, to be included in the return prescribed in sub-rule (3).

[letter no.6/37/57-AIS-II dated 18.11.1957]

7. Transaction of movable property by the wife or by a member of the family of a moS from his/her won funds, need not be reported, however, transaction of immovable property in this regard need to be reported separately: - A question was raised whether a transaction involving purchase of movable property exceeding Rs.2000/- in value by the wife or by an other member of the family of an All India service Officer, entirely from his/her funds, is required to be reported to the Government and whether such property should be included in the property return which the State Government may call for under sub rule (5).

2. It has been decided that such transaction in movable property need not be reported to the Government. As regards similar transactions in immovable property by the family members of an All India Services officers, while they are not required to be reported as and when they are entered into, they have to be included, as separate items in the returns of immovable property prescribed in sub-rule (2) .

3. As regards return which the State Government may prescribed under sub-rule (5), it is not, circumscribed by the provision of sub-rule(2). Thus, though there is no mention of the members of their families in the return prescribed by them under sub-rule (5).

[G.I. M.H.A. letter No. 16/33/59—AIS—(III), dated 9th September, 1959]

8. Fixed deposits in banks from the savings of the salary of the moS need not be reported, but all purchases of Postal or National Saving Certificate exceeding Rs.2,000 in value need to be reported: - The Government of India have decided that, while fixed deposits in a bank or deposit in a saving bank account made by a member of the Service from out of his salary or accumulated savings would not come within the scope of sub-rule (2), it would be necessary for the member to report to the Government all purchases of Postal or National Saving Certificate exceeding Rs.2,000 in value, from such accumulated savings or deposits in banks or post offices, as the Postal or National Saving Certificates come in the same category as insurance policies, shares, securities and debentures mentioned in Explanation I of rule 16(5).

[G.I., M.H.A. letter No. 16/59/59—AIS (III), dated 12th January, 1960.]

9. Provisions of this rule apply to transactions, even though they are with persons outside the jurisdiction of a member of the Service or outside the State, on whose cadre he is borne: - Provisions of this rule apply to transactions, even though they are with persons outside the jurisdiction of a member of the Service or outside the State, on whose cadre he is borne. In such cases, the procedure to be followed before grant of sanction approval to the purchase or sale of immovable property by the member is, that the State Government may ascertain from the local authorities, in the case of property situated within the State, whether the price to be paid or the sale price is reasonable in the case of sale or purchase of immovable property situated outside the State the State Government concerned may be addressed in the matter.

[G.I. MHA letter No. 8/4/60—AIS(III) dt. 30th January 1960.]

10. Sanction of the Government is necessary for contribution towards construction of a building on a plot owned by a member of the family: - A doubt was raised whether sanction of the Government was necessary where a member of the Service contributed towards the construction of a building on a plot of land owned by a member of his family.

2. Such a transaction would come within the scope of sub-rule (4) if the contribution in cash or kind exceeds Rs.2,000 in value. The requirement of this sub-rule should, therefore, be complied with by the officer.

[M.H.A. letter No. 8/6/61—AIS (III), dated 16th February, 1961.]

11. Where a member of the Service enters into a transaction in immovable property with the Government no prior sanction is necessary.

[M.H.A. letter No. 8/36/61—AIS (III), dated 25th August, 1961.]

12. Construction/extension of a house financed entirely by a member of the family of the moS need not be reported: - The intention behind the forms prescribed in Government of India's decision (4) above is that the immovable property that would be acquired during the construction/extension should be reported to the Government as required by sub-rule (4). If the construction/ extension is financed entirely by a member of the family of the officer, rule 16 would not be attracted and hence it would not be necessary for him to submit the reports; but where such construction/extension is financed wholly or partly by a member of the Service in his own name or in the name of any member of his family, reports will have to be submitted.

[M.H.A. letter No. 8/19/62—AIS (III), dated 15th March, 1962.]

13. The Government of India have decided that a 'Co-operative Society' can be termed as a regular/reputed dealer for purposes of rules 16(3) and 16(4) of the All India Services (Conduct) Rules, 1968.

[M.H.A. letter No. 8/69/62—AIS (III), dated 4th September, 1962.]

14. Sub-rules (3) and (4) extend to gifts made by a member of the Service to his wife relative dependents etc. When a gift is made by a member of the Service to his relative or dependents the question of approaching a dealer or an agent would not arise. The proviso to sub-rules (3), (4) of rule 16 have therefore, no application where the nature of transaction is such as to exclude the possibility of the engagement of a dealer or agent. In view of this, a member of the Service need not obtain the prior permission of the Government for making gifts to his wife or relatives or any one else. It would suffice if he makes a report to the Government under rule 16(3) or 16(4) as the case may be for information.

[Deptt. of Personnel and A.R. letter No. 9/15/71—AIS (III), dated 26th August, 1971.]

15. Properties acquired by the members of the family of the moS from out of their own funds need not be included in the property return of the moS: - Sub-rules (3) and (4) of rule 16 of the All India Services (Conduct) Rules, 1968, apply only to properties acquired etc. by the members of the Service either in their own names or in the names of the members of their families. In other words, the properties either acquired by the members of the families of the officers from out of their own funds or inherited by them would not attract the provisions of the rules. As such, the movable/ immovable properties owned, etc. by the members of the families of the officers, which are either inherited by them or acquired by them from out of their own funds, are not required to be included in the property returns envisaged in sub-rule (2) of rule 16 *ibid*

(Letter No 5/4/74—AIS (III), dated 21st February, 1974.)

16. No prior permission is needed for acquiring any movable/immovable property by inheritance, but reported to the Government (if value exceeds Rs.2000/- in case of movable property) ; - A question has arisen as to whether a member of All India Services should report to, or seek permission of, Government under sub-rule (3) and (4) of the rule 16 of the All India Services (Conduct) Rules, 1968 for acquiring immovable

and movable properties by inheritance. The following clarification is issued for the guidance of the State Government:—

16.2 Sub-rule 3 of rule 18 provided that no member of the Service shall, except with the previous knowledge of the Government: -

- (a) acquire any immovable property by lease, mortgage, purchase, gift or otherwise, either in his own name or in the name of the member of this family; or
- (b) dispose by lease, mortgage, sale, gift or otherwise any immovable property owned by him or held by him either in his own name or in the name of any member of his family.

The proviso below this sub-rule envisages that previous sanction of the Government shall be obtained by a member of the Service for entering into any such transaction if it is with a person having official dealings with him or otherwise than through a regular reported dealer.

3. The word 'or otherwise' occurring in the sub-rule could cover property acquired by a member of the Service by inheritance also. When a member of the Service inherits any immovable property, the question of approaching a dealer or agent would not arise and the proviso below this sub-rule will have no application in such types of transaction. A member of the Service need not, therefore, obtain prior permission of the Government for acquiring any immovable property by inheritance. He should, however, submit a report to the Government giving full details of the property so acquired.

3.1 Acquiring movable properties (including cash) by member of the Service by inheritance, would amount to transaction in movable property, for the purpose of sub-rule (4) of rule 16 *ibid*. In this type of transaction also, since the proviso below this sub-rule would have no application as member of the Service need not obtain prior sanction of the Government for acquiring any movable property (including cash) by inheritance. He should, however, report to the Government the details of the movable property (including cash) inherited by him if the value of such property exceeds rupees two thousand.

[D.P. & A.R. letter No. 5/19/74—AIS (III), dated 3rd July, 1974.]

17. A member need not report to seek permission from the Government for depositing money in and receiving final payment from the Cumulative Time Deposit Account whether operated with a bank or a post office even if the amount in question exceeds Rs.2,000 and also deposits/withdrawals of amounts exceeding Rs.15,000/- from his back account: - A question has been raised whether investment in Unit Trust of India, Treasury Savings Deposits, National Savings Certificates, Post Office Time Deposits etc. is a transaction in movable property for the purpose of sub-rule (4) of rule 16. It is clarified that sale or purchase of Units of Unit Trust of India, Treasury Savings Deposits, National Saving Certificates is a transaction in movable property if the value of any such transaction exceeds Rs.15,000 member of the service has to report to the Government about such transaction as provided for in sub-rule (4). Prior permission of the Government is not necessary for entering into such type of transactions. It has also been decided that a member of the Service need not report to seek permission from the Government for depositing money in and receiving final payment from the Cumulative Time Deposit Account whether operated with a bank or a post office even if the amount in question exceeds Rs.2,000.

2. Similarly, a member of the Service is not required to report to the Government about the deposits and withdrawals of amounts exceeding Rs.15,000 to and from his account in a bank.

[Deptt. of Personnel and A.R letter No. 5/32/74—AIS(III), dated 22nd November, 1974 and No. 11017/12/75—AIS(III), dated 14th July, 1975.]

18. Procedure for prior permission for joining chit fund, taking life insurance policies, making fixed deposits in banks: - A question has arisen whether:—

- (a) a member of an All India Service should obtain permission of the Government for joining chit fund;
- (b) a member of an All India Service should report to the Government or seek prior permission of the Government for taking life insurance policies; and
- (c) a member of the Service should obtain permission of the Government for making fixed deposits in banks.

The correct position is explained in the following paragraphs:

2. The subscriptions which a member of an All India Service gives to a chit fund would be a transaction in movable property within the meaning of sub-rule (4) of rule 16 of the All India Services (Conduct) Rules, 1968. If the annual subscription to the chit fund exceeds Rs. 2,000 a member of the Service has to report to the Government under the aforesaid rule previous sanction of the Government would be necessary only if the member of the service concerned has official dealings with the chit fund and if it is not a registered chit fund company. The amount that a member of the service may receive from the chit fund can be classified into two categories.

- (i) receiving the amount of the sum total of the contribution payable by all subscribers for any one instalment less the discount or commission payable to the Chit Fund company by bid before the expiry of the period upto which the subscription is to be made, and
- (ii) receiving the amount at the time of maturity.

2.1 As regard (i) above, since the amount received, by a subscriber from the chit fund by bid would be more than the amount subscribed by him and the difference will have to be made good by him by future subscriptions upto the total period of the chit fund, the amount received in such case would amount to loan received from the chit fund company. Since the chit fund company is not a banking company and the provisions of the Banking Regulations Act 1949 are not therefore, applicable to such companies, a member of the Service has to obtain permission of the Government under proviso to sub-rule (4) of rule 16 of the All India Services (Conduct) Rules, 1968 for receiving the money from the chit fund companies in such cases. As regards (ii) if the amount received from the chit fund exceeds Rs.2,000 a member of the Service has to report to the Government under sub-rule (4) of the rule 16 *ibid* because the amount received by him would not be exclusively the amount subscribed by him but would also include the commission payable by the chit fund company.

3. As regards (b), a member of the Service need not obtain prior permission of the Government for taking a life insurance policy. He will have, however, to submit a report to the Government as laid down below:

- (i) A member of the Service should submit a report to the Government while taking an insurance policy if the annual premium of it exceeds Rs.15,000/-. However, if the annual premium first determined is less than Rs.15,000/- but on conversion, it exceeds Rs.15,000/- a report to the Government is necessary at the stage. When he receives the sum assured as survival benefit/on maturity of the policy he need not submit any report to the Government.

- (ii) A member of the Service need not report to the Government while taking an insurance policy annual premium of which is less than Rs.2,000/-. He should however, submit a report to the Government as the time of receiving the sum assured as survival benefit/on maturity of the policy.

4. As regards (c) while fixed deposits in a bank or deposits in a Savings Bank account made by a member of the service from out of his salary or accumulated savings would not come within the scope of sub-rule (2), it would be necessary for the member of the service to report to the Government all purchase of Postal or National Savings Certificates exceeding Rs. 2,000 in value, from such accumulated Savings.

(M.H.A., letter No. 16/59/59—AIS(III), dt. 13-1-1960 read with DP. & AR. letter No. 5/8/73—AIS(III), dated 1-7-1974).

19. No prior sanction of Government is necessary in transaction of immovable property with the State Housing Boards for purchasing flats etc., but the Government should be informed in advance: - In cases of transactions in immovable property with the State Housing Boards in regard to purchase of residential flats etc. no prior sanction of the Government is necessary. However, the officers have to inform the Government in advance. Attention is also invited to Government of India decision 14 below rule 16 of the A.I.S. (Conduct) Rules, 1968 (reproduced at p. 104 of AIS Manual Part I corrected upto 1-8-1984).

(G.R. DP & AR O.M. No. D2456/83— AIS(III), dt. 3-12-1983.)

20. Rental value of property exceeding Rs.10,000/- for a year to be shown in the annual property returns and rental value exceeding Rs.15,000/- need to be reported to the Government: - A question has been raised whether the house/flat let out a member of All India Services, the rental value of which does not exceed 10,000/- p.m., is required to be reported to the Govt. It has been decided that the property return is filled on annual basis, therefore, if the rental value of property exceed Rs.10,000/- for a year, it is to be shown in the annual property returns. The rental value of the property exceeding Rs.15,000 it to be reported to the Govt.

(DP&T No. 11017/37/92 AIS(III), dated 2/9/92),)

21. Powers of the Central Government in respect of IPS officers working in the Central Police Organisation in ranks upto D.I.G. shall be exercised by the heads of the organisations concerned under delegated powers: - In exercise powers vested under rule 22 of the All India Services (Conduct) Rules, 1968, it has been ordered that the powers of the Central Govt. under sub-rule (4) of rule 16 of the All India Services (Conduct) Rules, 1968 in respect of I.P.S. officers working in the Central Police Organisation in ranks upto D.I.G. shall be exercised by the heads of the organisations concerned. Copies of sanctions issued in this regard will, however, be endorsed to the Ministry of Home Affairs (I.P.S. Section).

[Order No. 11017/22/78—AIS(III), dated 5-7-79.]

22. transaction entered into by the officer on behalf of a Trust need to be reported to the Government if the moS or his wife is a Trustee: - A question has been raised whether transactions made by a Trust are to be reported to the Govt. if the Trustee is a member of the All India Services or his wife is a Trustee—

2. It has been decided that any transaction entered into by the officer on behalf of the Trust will be dealt with under the All India Services (Conduct) Rules, 1968 as if the transaction(s) were entered into in his personal capacity. In other words, the provisions of the All India Services (Conduct) Rules, 1968 attract also the transactions entered into by the member of the Service on behalf of the Trust.

[Deptt. of Personnel & Trg. letter No. 11017/95/84—AIS(III), dated March, 1985]

23. ***The moS, while reporting to the Govt. or seeking the permission of a transaction, has to indicate whether he has had any official dealings with the person with whom he has entered into or proposes to enter into the transactions in movable or immovable property:*** - As per the existing provisions of Rules 16(3) of the AIS (Conduct) Rules 1968, a member of the service is not allowed either in his own name or in the name of any member of his family to acquire or dispose of any immovable property without the previous knowledge of the Government. It is also provided that previous sanction of the Govt. shall be obtained if any such transaction is with a person having official dealings with the person.

2. Attention is invited to this department's letter No. 5/18/73—AIS(III) dated the 20th July 1973 wherein it has been clarified that a member of the service has to obtain the previous sanction of Govt. in the following types of transactions:

- (i) transactions with persons having official dealings with the member of the services;
- (ii) transactions with persons having no official dealings with the member of the service.

3. When a member of the service reports to the Govt. or seeks the permission of a transaction, he has to indicate whether he has had any official dealings with the person with whom he has entered into or proposes to enter into the transactions in movable or immovable property. It is therefore for the Government to decide whether the transaction is in accordance with the provisions of the transactions thereon especially in regard to Rule 3(1) *ibid*, and to grant or refuse permission accordingly.

[letter No. 11017/95/84—AIS(III), dt. 4.5.1993]

24. ***State Governments should ensure that every moS should furnish their annual property returns in respect of every calendar year, by the 31st January of the next year.*** - In accordance with the provisions of Rules 16(2) of the AIS (Conduct) Rules, 1968, every member of the service is required to submit an annual return giving full particulars regarding the immovable property inherited by him or owned or acquired by him or held by him on lease or mortgage, either in his own name or in person. It has been prescribed in Government of India's instruction Nos. 1 & 2 below Rule 16 *ibid* that the return of immovable property in form I shall be submitted by the members of the service on their first appointment to the service within a month of his appointment and subsequently in the month of January every year. The need for obtaining these returns regularly and making careful scrutiny of the same has also been reiterated from time to time.

2. It has however, been noticed that in many cases these returns are not being submitted on time. All State Governments etc. are therefore requested to ensure that the returns of immovable property are submitted by all members of the service under their control, in respect of every calendar year, by the 31st January of the next year. It may also be impressed upon them that failure on the part of the members of the Service to comply with the requirements of the aforesaid rules constitutes good and sufficient reason for institution of disciplinary proceedings against them.

[letter No. 11017/74/93—AIS(III) dated 4.1.94]

25. ***All moS should scrupulously follow the provisions of this rule while submitting the property returns lapses of which would attract action under AIS(D&A) Rules, 1969:*** - I am directed to refer to the provisions contained in sub-rule(1) and (2) of Rule 16 of the All India Services(Conduct) Rules, 1968 Rules in regard to submission of

immovable/movable and valuable property returns to be filed by the members of the All India Services and to state a review of the application of the said provisions has revealed certain short-falls, namely:

- a. While filling the annual immovable property returns, in some cases, officers had not initially furnished information of acquisition of property in the years when they were due but the return subsequently filed contained information of acquisition/disposal that had not been initially given.
- b. There have been cases where the returns have not been filled by officers in respect of the years when no property was acquired/disposed.
- c. There have been cases where property returns have not been filed even though the transactions have been taken place.
- d. Cases where property transactions have been duly reported to the administrative authorities and the relevant information recorded or the necessary permission obtained and the sources of funding such property fully explained but the annual property returns were not filled.
- e. Case where the intimation or permission required were not given to or asked for from the administrative authorities concerned and where the intimation has been given but full details of the sources of acquisition or the income from disposal have not been fully explained and the annual immovable property statements were not submitted.

2. After careful consideration of all the aspects involved in dealing with the above kinds of cases on receipt of complaints of allegations, the Government of India are of the considered view that the State Governments/Union Territories Administration should scrupulously follow the provisions contained in the All India Services(Conduct) Rules and orders issued thereunder in order to avoid instances of such cases, by bringing relevant portions thereof to the notice of the members of the All India Services.

3. Disciplinary action should invariably be taken against the officers concerned under the A.I.S.(D&A) Rules, 1969 in case of lapse. However, in the case of minor lapses such as those indicated in para (ii) and (iv), where the authorities are of the view that the lapses are minor and of technical in nature, a lenient view can be taken depending upon the circumstances of the case.

[letter No. 11017/33/92—AIS(III) dated 7.7.92]

26. Prior sanction/report is required by a moS whenever entering into transaction under sub-rule 3 and 4 in prescribed forms: - I am directed to say that the procedure for obtaining prior sanction or making a report about the transactions of property by a member of the Service under Rule 16(3) and 16(4) of AIS(Conduct) Rules in a prescribed forms has already been circulated to all State Governments vide this department's letter no.11017/46/86-AIS(III) dated 20.1.1987 (copy enclosed)

2. It has come to the notice of the Government that some state Governments have not followed the procedure prescribed in the above said circular. It is however, reiterated that whenever a member of Service enter into transaction under sub rule 3 and 4 or Rule 16 of the AIS(Conduct) Rules, 1968, he/she may obtain prior sanction or make a report, as the case may be, in prescribed forms, copies of which are attached.

[Letter no.11017/14/95-AIS(III) dated 16.05.1995]

Copy of letter No.11017/46/86-AIS(III) dated 20.1.1987 regarding calling of a statement of movable or immovable property at any time

1. I am directed to say that a question has been raised whether in addition to the return of assets and liabilities to be submitted at the time of initial appointment and the annual return of immovable property, the members of the Service can be asked to furnish, at any time, the details of movable or immovable property held by them or on their behalf. Attention in this regard is invited to sub-rule (5) of Rule 16 of the AIS(Conduct) Rules, 1968, which provides that the Government or any authority empowered by it in this behalf, may at any time, by general or special order, require a member of the Service to furnish a full and complete statement of such movable or immovable property held or acquired by him on his behalf or by any member of his family. The member of the Service can also be asked to indicate the means by which, or the source from which such property was acquired. The State Governments are requested to bring the above provisions to the notice of all administrative authorities with the advice that they may make use of these provisions, as and when considered necessary.

2. The question of streamlining the procedure for obtaining prior sanction or making a report about the transactions of property by the members of the Service under sub-rules (3) and (4) of Rule 16, has also been considered and it has been decided that all requests for obtaining prior sanction and making intimation about transaction in immovable and movable property may be made in the enclosed standard Forms I and II respectively. These forms contain the basic information required by the prescribed authority in all cases for considering a request for grant of permission or taking note of an intimation given by the Government servant. The prescribed authority concerned, if it so desires, may seek any additional information/clarification about the transaction entered into by the members of the Service, depending upon the fact and circumstances of the case.

3. The application for obtaining sanction or making prior intimation regarding construction of house or additions to the house will continue to be made in the form already prescribed.

4. The State Governments are requested to circulate these forms among all the authorities under their control, who are required to deal with the requests for grant of permission and receive intimation about transactions of property.

[Forms are given as Form-II and Form-III under heading of Forms]

GOVERNMENT OF INDIA'S DECISIONS UNDER RULE 19

1. A *moS* who marries to a person other than Indian Nationality should intimate the facts to the Government and this aspect will be kept in view while deciding his posting: - I am directed to say that a member of the All India Service who has married or marries a person other than of Indian Nationality shall forthwith intimate the fact to the Govt. under Rule 19(3) of the AIS(Conduct) Rules, 1968.

2. The Central Govt. had issued certain instructions on the subject vide O.M. No. 25/34(S)/67—Estt.(A) dated the 16th March, 1970. A copy thereof is sent herewith for the information of the State Govts. in dealing with such cases.

[DOP&T letter No. 11017/31/90—AIS(III) dated 16.10.90]

Copy of MHA, DOP&T OM No. 24/34(S)/67—Estt(A) dt. 16.3.70 regarding Government servants marrying foreigners—Action to be taken

The undersigned is directed to say that the question of Government servants marrying foreigners has been considered. So far as officers of the Indian Foreign Service are concerned, they are governed by the Indian Foreign Service (Conduct & Discipline) Rules, 1961, and orders on the subject issued by the Ministry of External Affairs. So as far as the Government servants working in or under other Ministries/Departments are concerned, it is considered that some security risk is likely to be involved when a Government servant has, as his wife a foreigner, especially if the foreigner belongs to a country with which India's relations are not quite happy and accordingly, this aspect has to be kept in mind while ordering the posting or transfer of the officer concerned. It has been decided that a provision should be made in the Conduct Rules to the effect that a Government servants who has married/marries a foreign national should inform the Government of such marriage and that the fact of such marriage should be kept on record in the character roll or personal file of the officer, so that this aspect is kept in view while deciding the posting of the officer. Amendment of the Conduct Rules will be issued separately. An officer having a foreigner as wife should not be appointed to a post, which is considered "sensitive". The above decision would also apply mutatis mutandis to the husbands of female Government servants.

GOVERNMENT OF INDIA'S DECISIONS UNDER RULE 20

1. *Every moS should scrupulously follow the rules relating consumption of intoxicating drinks and violation of this rule is a good and sufficient reason for taking disciplinary action against him and imposing any of the penalties specified in rule 6 of the All India Services (Discipline and Appeal) Rules, 1969: - Rule 20 of the All India Services (Conduct) Rule, 1968 provides that:—*

- (i) the members of the All India Services shall strictly abide by any law relating to intoxicating drinks or drugs in force in any area in which he may happen to be for the time being;
- (ii) he shall not be under the influence of any drink or drug during the course of his duty and shall also take due care that the performance of his duties at any time is not affected in any way by the influence of such drinks or drugs;
- (iii) he shall not consume any intoxicating drink or drug in a public place;
- (iv) he shall not appear in a public place in a state of intoxication; and
- (v) he shall not use any intoxicating drink or drug to excess.

The rule further defines public place as any place or premises (including a conveyance) to which the public have, or are permitted to have, access whether on payment or otherwise.

2. The above provisions of the All India Services (Conduct) Rules, 1968, are of special importance in the context of the latest endeavour to reduce the consumption of alcoholic beverages and drug. While it is expected that every member of an a All India Services will scrupulously adhere to the provisions of the All India Services (Conduct) Rules, 1968, mentioned above, it is also expected of the disciplinary authorities to keep a strict watch on the conduct of members of the All India Services in regard to matter covered by the aforesaid Rule. Violation of any of the provisions of rule 20 of the All India Services (Conduct) Rules, 1968, will constitute a good and sufficient reason for taking disciplinary action against a member of the All India Service. While any of the penalties specified in rule 6 of the All India Services (Discipline and Appeal) Rules, 1969 can be

imposed on a member of an All India Service for good and sufficient reason after following the prescribed procedure the disciplinary authorities should take a very serious view of any violation of rule 20 of the All India Services (Conduct) Rules, 1968 and should not hesitate to impose the severest punishment on such members of the All India Service who are proved guilty of violating the said Rule.

[DP & AR letter No. 11017/1/76—AIS(III), dated the 5th February, 1976]

2. Definition of public places and special provisions for foreign Missions/visitors/tourists etc: - Following points have been raised with reference to rule 20.

- (i) Whether the definition of Public place would include a club meant exclusively for members where it is permissible for the members to invite non-members as guests, and
- (ii) whether a hotel would be a public place or not for the purpose of the said rule.

2. The position in regard to the above two points is clarified as under:

- (i) The club of the nature mentioned above would be a public place not only for the non-member guests but also for members who may be the members of the All India Services.
- (ii) Drinking in the logging room in a hotel will not attract the provisions of rule 22 but drinking at the bar or restaurant where the public is permitted would attract the aforesaid rule.

3. In their letter No. 20—10/75—SD, dated 21-2-1976 to all Chief Secretaries copy of which was also forwarded to all Ministries and Departments the Department of Social Welfare had advised the State Governments to make certain special provisions in the interests of Foreign Missions, foreign visitors, Tourists and others, in the context of the programme for reducing consumption of alcoholic beverages. The special provisions are as follow :—

- (a) here need be no restriction on serving of liquor in the precincts of foreign embassies, foreign embassies may also be allowed to serve liquor in halls/lounges of hotels and clubs provided which halls/lounges are exclusively reserved or taken on by them to entertain a select number of invitees.
- (b) The exemption referred to in (a) above may also be extended to parties hosted by others in honour of foreigners, subject to the condition that the number of invites does not exceed 100, and these hosting such parties obtain permits from the Deputy Commissioner/District Magistrate concerned.
- (c) & (d) Clubs may be permitted to provide for service of drinks in their bar rooms only; beer, however, may be permitted to be served anywhere within the precincts of such clubs.
- (e) Alcoholic beverages may be permitted to be served in official parties hosted by the Government of India/State Governments on “closed lounges” in hotels, clubs etc., where important foreign visitors are required to be entertained.

4. A question has been raised whether consumption of intoxicating drinks by the members of All India Services in the place and under the circumstances mentioned in the preceding paragraph would amount to violation of Rule 20 of the All India Services (Conduct) Rules, 1968. The position is clarified below, Seriatim:—

- (a) In terms of the clarifications given in para 2 above a member of the All India Services cannot take drinks in the clubs or in the Halls/Lounges. However, where officers are required to attend official entertainments arranged by foreign Missions in Halls/Lounges of Hotel and Clubs, in the discharge of their official duties, taking drinks at such official entertainments will not attract rule 20 of the All India Services (Conduct) Rules, 1968, provided the places where the entertainments arranged are exclusively reserved or taken on hire by the Foreign Mission to entertain a select number of invitees.
- (b) The clarification at (a) above would apply to the circumstance also, subject to the condition that the parties are hosted by Government or any organisation controlled by Government, like autonomous bodies, public sector undertakings, etc.
- (c) & (d) Members of the All India Services will not be exempt from the operation of rule 20 of the All India Services (Conduct) Rules, 1968 in the places and circumstances, referred to.
- (e) The provisions of Rule 20 of the All India Services (Conduct) Rules, 1968 would not apply to the members of the All India Services invited to such parties in their official capacity.

[DP & AR letter No. 11017/66/76—AIS(III), dated 18th January, 1977]

3. Members of the All India service should refrain from consuming intoxicating drinks even at official parties arranged by Foreign Mission whether in the Mission premises or in halls-lounges exclusively reserved: - In the context of the present policy of the Government aimed at progressive introduction of prohibition in the country the position regarding consumption of intoxicating drinks by Government servants has been reviewed. In partial modification of paragraph 4(a), (b) and (c) of this Department's letter dated the 18th January, 1977, referred to in the above paragraph it has been decided that members of the All India service should refrain from consuming intoxicating drinks even at official parties arranged by Foreign Mission whether in the Mission premises or in halls-lounges exclusively reserved. The same position would obtain in respect of consumption of intoxicating drinks at parties arranged by Government or semi-Government Organisations where foreigners are entertained or at similar parties hosted by others.

[DP & AR letter No. 11017/62/77—AIS(III), dated 9-1-1978]

4. Members of the All India Services should strictly comply with the provisions contained in rule 20 relating to the consumption of intoxicating drinks and drugs: - The Home Minister in his D.O. letter No. 11013/3/84—Estt.(A), dated 30th March, 1984 to the Chief Ministers of the States has emphasised the need for the Government servants, serving both under the Central Government and under the State Governments, to observe scrupulously and abide by any law relating to intoxicating drinks or drugs.

2. The members of the All India Services should strictly comply with the provisions contained in rule 20 of the All India Services (Conduct) Rules, 1968 relating to the consumption of intoxicating drinks and drugs. Besides, there are also detailed executive instructions about the role of disciplinary authorities in enforcing compliance by the members of the All India Services, with the rules and orders on the subject.

[D.O. letter No. 11017/23/84—AIS(III), dated the 31st May, 1984 from Secretary, MHA, Deptt. of Personnel & AR to the Chief Secretaries of All India Services].

GOVERNMENT OF INDIA'S DECISIONS UNDER RULE 22

1. Delegation of certain powers of the Central Government under these Rules to the Ministries/Departments of the Government of India: - Power of the Central Government under rules 4, 6, 8, 11, 12, 14,15, 16(3), 16(4) and 16(5) of the All India Services (Conduct) Rules, 1968 have been delegated to each Ministry/Department in respect of members of the Service working in or under them.

2. It has been decided in partial modification of the instructions contained in the said O.M. No. 9/4/69—AIS(III), dated 23.1.1969 that reports submitted for information under Rule 16(4) of the All India Services(Conduct) Rules, 1968 may be submitted, in the cases of officers of the level of Joint-Secretary to the Additional Secretary/Secretary and in the cases of officers of the level of Additional Secretary to the Secretary in the Administrative Ministry concerned; in the cases of officers of the level of Secretary, may be submitted to the Minister, in-Charge of the Ministry/Department.

[DP & Trg. O.M. No. 11017/18/85—AIS(III), dated 17-6-85.]

2. Delegation of powers of the Central Government under rule 5(2) and rule 15(2) to the Ministries/Departments of the Government of India: - In continuation of the Ministry of Home Affairs O.M. No.9/4/69—AIS(III), dated the 23rd January, 1969, it has been decided to delegate to Ministries/Departments, the powers of the Central Government under sub-rule (2) of Rule 5 and sub-rule (2) of Rule 15 of the All India Services (Conduct) Rules, 1968, in regard to All India Services Officers working in or under them.

2. If on submission of a report under sub-rule (2) of Rule 5 or sub-rule (2) of Rule 15 of the All India Services (Conduct) Rules, 1968, it is proposed to take any action in relation to such reports, the matter maybe referred to this Department in the case of Indian Administrative Service officers, to the Ministry of Environment & Forests in the case of Indian Forest Service officers and the Ministry of Home Affairs in the case of Indian Police Service officers.

[DP & AR letter No. 11017/63/77—AIS(III), dated 22-3-78.]

Copy of the letter No. 11017/07/2008-AIS-III dated 01/07/2008 addressed to the Chief Secretaries of all States/Union Territories

Subject: - Acceptance of part-time employment by the members of the All India Services.

It has come to the notice of this Department that there is some doubt about allowing members of the All India Services to accept part-time employment in other Government, quasi-Government or an autonomous body not controlled by the Government or a private body. Such employment, even though it is outside office hours, is contrary to the principle embodied in rule 13(1) of the All India Services (Conduct) Rules, 1968, which stipulates that no member of the Service shall except, with the previous sanction of the Government, engage directly or indirectly in any trade or business, or negotiate for or undertake, any other employment.

2. Allowing a member of the Service to take part-time employment before/after office hours in other organisations may result in some deterioration in his efficiency because if he does part-time work in addition to his full working hours in his office, he may not get sufficient time for rest and recreation and will, therefore, be unable to give undivided attention to his work even during office hours. Moreover, such part-time work by members of All India Services leads generally to depriving unemployed people of work, which they would otherwise have got.

3. Having regard to all these considerations, it has been decided that while the competent authority may permit a member of the Service to undertake work of a casual or occasional character, a whole time member of the Service should not ordinarily be allowed to accept any part-time employment whether under Government or elsewhere, even though such employment may be after office hours.

4. These instructions may please be brought to the notice of all the members of the All India Services.

Copy of the D.O. letter No. No.11017/04/2010-AIS-III dated 03/03/2010 from Cabinet Secretary addressed to the all Secretaries of the Government of India and Chief Secretaries of all States/Union Territories

Observance of ethics by Civil servants-Letter of Cabinet Secretary to Secretaries of all Ministries/Departments of the Government of India.

Of late there have been some disturbing incidents which call for serious introspection by civil servants. It is important that we ponder over the manner in which we discharge our duties and fulfil our responsibilities and what we need to do to refurbish our image.

2. Civil servants are appointed on the basis of a fair and open competition. We must respond in full measure to the faith that citizens have reposed in us and meet their hopes and aspirations of good governance. Integrity, honesty, objectivity, impartiality, transparency, accountability and devotion to duty are the core values which civil servants should cherish and which should form an integral part of our decisions and actions.

3. The issue of corruption needs to be addressed fairly and squarely. The Government's policy of zero tolerance for corruption must be implemented fully and effectively. Preventive vigilance should be strengthened. Transparency must be introduced in decision making and in all our systems. Stringent action must be taken against officers found guilty. Disciplinary proceedings must be expedited.

4. We need to stand by and uphold our core values. Senior officers must set an example and mentor their colleagues. The Civil Services must work wholeheartedly to provide good governance.

5. Please share these sentiments with all officers. Let us resolve to serve the nation and the citizens in a committed manner.



YASHWANTRAO CHAVAN ACADEMY OF DEVELOPMENT ADMINISTRATION
PUNE - 411 007
Service Rules

- 1.01 These rules may be called “YASHWANTRAO CHAVAN ACADEMY OF DEVELOPMENT ADMINISTRATION, SERVICE RULES 1992”. (Revised March 2010)
- 1.02 These amended rules shall come into operation on the 5th day of March 2010.
- 1.03 These rules shall apply to the employees of YASHADA subject to the following:-
- The persons who are appointed under specific contract conditioned will be strictly governed by the contract conditions and not by these Rules.
 - The persons, who are in the employment of Government of India or Government of Maharashtra or State Public Sector Undertaking or any other teaching institution, and whose services have been temporarily loaned to YASHADA. will be governed by the rules of the service to which they originally belong but they will have an option to be **governed by the provisions relating to Medical reimbursement, Leave Travel Concession, TA/DA, Mobile allowance, Newspaper allowance and Peon allowance, in these rules .**

2.01 DEFINITIONS

In these rules the following words and expressions used shall have the meaning as shown against each of them.

- YASHADA means **Y**ashwantrao Chavan Academy of Development Administration.
- Registrar** means person holding the charge of **Registrar** of YASHADA for the time being.
- Basic pay means pay in the pay band plus grade pay as admissible.**
- The definition of senior level post be revised after considering the definition of group A to D of State Govt. Employees is redefined by the state Govt. Considering the sixth pay commissions recommendations.**
- The definition of middle level post be revised after considering the definition of group A to D of State Govt. Employees is redefined by the state Govt. Considering the sixth pay commissions recommendations.**



- (f) **The definition of lower middle level post be revised after considering the definition of group A to D of State Govt. Employees is redefined by the state Govt. Considering the sixth pay commissions recommendations.**
- (g) **The definition of lower level post be revised after considering the definition of group A to D of State Govt. Employees is redefined by the state Govt. Considering the sixth pay commissions recommendations.**
- (h) Committee means the Executive Committee of YASHADA.
- (i) Director **General** means the Director **General** of YASHADA
- (j) Employee means a person appointed to a post in YASHADA.
- (k) Family means and includes the employee, his spouse, his dependent children and his dependent parents, **unmarried** brothers, **unmarried/divorcee/deserted** sisters if they are residing with the employee and if their individual income from all sources does not exceed **Rs 5000/-** per month
- (l) Government means the Government of Maharashtra.
- (m) Non-teaching Posts means posts, whose duties do not include teaching. They shall include the **Registrar, Deputy Registrar, Accounts Officer, Estate Manager** and all the staff members not specifically treated as teaching employees.
- (n) **Scheduled Caste/ Scheduled Tribe/ DTNT/ VJNT/ Other Backward Classes/ Special Backward Class** mean the Classes declared as such by the Government.
- (o) **Pay means basic pay (including grade pay) personal pay, special pay and any other emoluments which may be specially classed as pay.**
- (p) Resignation means voluntarily leaving the service **with prior approval of Director General** by an employee before attaining the age of **superannuation** or before completion of the term of his probation, as the case may be
- (q) Retirement means termination of employment of an employee on his attaining the age of retirement



- (r) Teaching Institution means an institution engaged in teaching/ training/ **Research** which is recognized by the Central Government or any State Government or by any Statutory **Authority** in India.
- (s) Teaching Posts means posts the duties of which are closely connected with teaching/ **training/research**. They shall include the posts of Director **General**, Professor/s, **Director/s**, **Additional Director/s**, Associate Professor/s, **Assistant Professors**, **Research Officers** and any other posts declared as teaching posts by the Director General.
- (t) Time Scale of pay is the scale of pay which starts with a minimum, rises by annual increments and rests at the maximum.
- (u) Terms not defined in these rules shall have the same meaning as is given to them in the Maharashtra Civil Services Rules.

3.01 Age of retirement

The age of retirement for employee in the service of YASHADA shall be 58 years. An employee shall retire from service on the afternoon of the last day of the month in which he/she attains the age of 58 years **and as amended from time to time in relevant rules on the lines of State Government employees.**

4.01 Effect of appointment

The appointment shall be effective from the date of joining only if the person concerned takes over the charge of the post before noon. In other cases it will be effective from the next calendar day even if it is a holiday.

5.01 Physical fitness

Every person, who is to be appointed to any post in YASHADA shall be required to undergo a medical check up and produce certificate of physical fitness before taking up appointment . If for some reason he is allowed to join without such a medical check up, he shall not be continued in the employment of YASHADA beyond a period of three months unless in the meanwhile he has been medically examined and found fit, for appointment in YASHADA. **The rules and procedures for medical examination of candidate as to their physical fitness provided in appendix III to Maharashtra Civil Services (General conditions of services) Rules 1981 will be applicable**



5.02 The fees, if any, charged by the medical authority for the medical check up of the candidate shall be borne by the candidate himself.

6.01 Probation

A Person appointed to the post in YASHADA **by way of direct recruitment or internal selection** shall be on probation for a period of two years.

6.02 A person appointed on probation shall draw his 1st increment on the next day after completion of continuous service of 12 months. A person appointed on probation shall draw his 2nd increment after satisfactory completion of probation period or extended period of probation.

6.03 The probation period shall be automatically extended, by the number of days equal to the days of leave enjoyed during the period of probation except the casual leave.

6.04 The services of a probationer can be terminated by the Director **General** without assigning any reason, during the probation period, if he feels it necessary in the interest of YASHADA to do so. If, however, the Director **General** feels it necessary to extend the probation period, **the probation period can be extended for upto 2 years including the period automatically extended under Rule 6.03.**

6.05 If the probationer was a confirmed employee of YASHADA before his appointment on probation, the Director **General** may, if the performance of the employee during the period of probation is not satisfactory, revert him to the lower post from which he was so appointed/ promoted.

6.06 When a confirmed employee of YASHADA is appointed to a higher post in YASHADA, and placed on probation in the said higher post, the vacancy caused by such appointment shall not be filled in on **permanent basis** until the employee concerned is confirmed in the higher post.

7.01 Confirmation

A person appointed on probation will be confirmed by issue of an order by Director General, once the probationer completes his probation satisfactorily. A person appointed on probation will be deemed to be confirmed after lapse of period of six months from completion of two years probation period, unless his probation period is extended.



8.01 Resignation

- a) No confirmed employee **shall** resign his employment in YASHADA without giving a written notice of at least three months to the Director **General**.
- b) The Director **General** shall have powers to accept a shorter notice on the condition that the **pay and allowances** for the period by which the notice falls short of three months shall be recovered from the employee concerned.
- c) An employee on probation may resign his appointment during the period of probation by payment of compensation of one month's **pay and allowances** to YASHADA.

8.02 Termination

- (a) Director **General** may, by issue of a written notice of not less than three months, terminate the services of the junior most **confirmed** employee in the cadre in the event of abolition of the post in that cadre.
- b) Where it is not possible to give such a notice of three months the **pay and allowances** of the employee for the period by which such a notice falls short of a period of three months shall be paid to the employee by YASHADA in lieu of such notice.

8.03 Abolition of Post

- (a) In the event of abolition of a post in a cadre, the Director **General** shall, as far as possible, try to accommodate the junior most employee in that cadre (**whose services would be required to be terminated**) in any equivalent post **in any other cadre, without affecting his basic pay.**
- (b) If no such equivalent post is available and the employee is willing to accept any other lower post in any cadre that may be available, the Director **General** shall have powers to appoint him to such lower post without affecting his basic pay.
- (c) If the basic pay of the employee is higher than the maximum of the time scale of such lower post, his pay may be fixed at the maximum pay attached to the lower post.
- (d) **An employee accommodated on the equivalent post or lower post in any other cadre will be the junior most in that cadre for the purpose of seniority. However, when an employee accommodated in the lower cadre (from which he was promoted) will be allowed to retain his original seniority in the lower cadre.**
- e) **If an employee cannot be accommodated in the manner mentioned in (a) and (b) above his services shall stand terminated.**

8.05 **This clause may be shifted in rule 8.01 (c) under the heading “Resignation” and deleted here.**



9.01 Service Record

The record of service of the employees of YASHADA shall be kept in the form of Service Book prescribed for the Government employees. The Service Books shall be kept in duplicate, one copy remaining in the custody of the employee of YASHADA.

9.02 (a) All events in the service life of the employee such as his Bio-data, appointments, post occupied, pay-scale, pay drawn and **pay verification done** from time to time, increments, promotions, rewards, punishments, leave enjoyed leading upto the final retirement shall be recorded in the Service Books. Leave account of the employees shall also be kept in their Service Books.

(b) The procedure for writing the events and recording the date of birth in the service book, as prescribed under rule 38 of The Maharashtra Civil Services (General conditions of services) Rules, 1981 will be followed.

(c) At the end of every year the service of the employee should be verified with reference to the records such as muster rolls, pay bills, etc. and a certificate of verification recorded in his Service Book.

9.03 All entries in the Service Book shall be attested by the **Registrar** by full signature., and the signatures of the employees, for having satisfied about the correctness of the entries, shall be obtained in the prescribed **column No. 8 in the original service book.**

9.04 The original Service Book shall be the property of YASHADA and shall be preserved for a period of 5 years beyond the date of resignation/ retirement/ death of the employee concerned **or till the finalization of Pension Case / Departmental Proceedings / Judicial Proceedings.**

10.01 Subscription to funds

Every employee of YASHADA shall be required to subscribe to the Contributory Provident Fund and such other funds as may be established by YASHADA in the interest of the employees, according to the rules applicable to such funds.

11.01 Pay

Every person who is appointed for the first time to a post in YASHADA shall entitled to the minimum pay attached to the **pay band** of the post concerned. The Director **General** shall, however, have power to make appointment with the higher starting pay for the reason that the person concerned has already worked in a similar capacity elsewhere for a sufficiently long period or has acquired special qualifications to warrant higher starting pay.



- 11.02 a) An employee of YASHADA, on his appointment to a higher post with a higher pay band/scale in YASHADA by **internal selection or by promotion** shall be entitled to the pay at the lowest stage in the **pay scale with corresponding grade pay** of the higher post which gives him monetary benefit of not less than **two** increments in the **pay scale** of the lower post occupied by him before such appointment. If there is no such stage in the **pay scale** of the higher post the pay of the employee should be fixed at the stage next above his present pay, treating the excess over the notional pay in the **pay scale** of the lower post, as personal pay till he draws his next regular increment in the pay scale of the higher post.
- b) The initial pay of the employee appointed to higher post carrying the pay scale identical that of lower post, by internal selection or by promotion shall be fixed at the stage of the pay scale, by increasing his pay by two increments.
- 11.03 a) No employee shall be appointed to a post carrying less pay except at his own request. In case of such appointment the initial pay of employee shall be fixed at the same stage in the time scale of the new post and if there is no such stage, at the stage next above his present pay.
- b) Whenever an employee is appointed to a post carrying lower time scale of the pay as a result of abolition of post (as per provision in rule 08.03), the initial pay of such employee shall be fixed at the same stage in the time scale of the new post and if there is no such stage, at the stage next above his present pay.
- c) The pay of an employee reverted to a lower post on termination of his officiating of his higher post shall be fixed at the stage in the time scale of the lower post in which the employee would have drawn his pay but for his appointment to the higher post .
- d) The pay of an employee reverted to a lower post carrying a lower pay scale or identical pay scale by way of punishment, shall be fixed at the stage of the time scale for the lower post (from where he was promoted) at which he would have drawn his pay but for his appointment to the higher post.
- 11.04 The pay of the employee reverting to a lower post after a spell of appointment in the higher post shall be the pay to which he would have been entitled but for his appointment to the higher post concerned.
- 11.05 The pay of Government pensioner reemployed in YASHADA shall be subject to the rules for reemployment of pensioner in the service of Government provided the Director may in his discretion, taking into consideration the special ability of the person, in **teaching / research/ disaster management / information technology/ engineering or any such field**, reemploy him on special terms and conditions till he attains the age of **65**.



11.06 The revision in pay and allowances payable to the employees **will be done on the lines of state government employees including the formula adopted by the State Government for this purpose.**

12.01 Increments

A confirmed employee shall be entitled to an increment on **1st July of every** year after completion of 1 year's reckonable service in YASHADA each year except in the following cases :-

- a) Where the increment is withheld by the Director **General**.
- b) Where the employee has already reached the maximum pay attached to the time scale.

Note :- 1) The following period shall count as reckonable service for the purpose of annual increments.

- i) **All leave, except extra ordinary leave.**
- ii) **Extra ordinary leave on medical grounds**
- iii) **Deputation within or outside India.**
- iv) **Period spent on training.**

12.02 When the employee has reached maximum of the pay scale/ band attached to his post, after one year he shall be granted one increment in the present pay scale/band and his pay shall be fixed at the stage in the next pay scale/ band and if there is no such stage his pay should be fixed at the next stage, till he reaches the maximum of the pay scale/band PB-4, after which the benefit of increment will not be admissible.

12.03 (a) Advance Increments (Performance based):-

The Director **General** shall be competent to sanction advance increment to employees for the outstanding work on the lines of the scheme of granting advance increments to the state govt. employees, modified from time to time.

13.01 Additional Charge & Appointment

An employee who is asked to hold charge of another **sanctioned** post not directly subordinate to him, in addition to his own duties for a period of not less than 15 days, shall be entitled to charge allowance to the extent of 10% of his basic pay subject to a maximum limit as prescribed by the State Govt. for the State Govt. Employees. **No employee will be asked to hold additional charge of the post for a period of more than six months and in exceptional circumstances upto one year.** No employee of YASHADA shall be entitled to additional charge allowance for more than one post at the same time.



14.01 Suspension

The Director General or any other officer, empowered in this behalf by the Director General may place an employee under suspension

- a) Where a disciplinary proceeding is contemplated or is pending, or
- b) Where a case against him in respect of any criminal offence is under investigation, enquiry or trial.

14.02 Deemed suspension

An employee shall be deemed to have been placed under Suspension by an order of the Director General.

- a) With effect from the date of his detention in police or judicial custody, whether on a criminal charge or otherwise, for a period exceeding 48 hours.
- b) With effect from the date of his conviction, if in the event of his conviction for an offence for which he is sentenced for a term of imprisonment exceeding 48 hours and is not forth with dismissed or removed or compulsorily retired, consequent to such conviction.

Explanation:-

The period of 48 hours referred to in (Clause-b) of this rule shall be computed from the commencement of the imprisonment after the conviction and for this purpose intermittent periods of imprisonment, if any, shall be taken in to account.

14.03

- a) An order of suspension made or deemed to have been made under this rule shall continue to remain in force until it is modified or revoked by the Director General.
- b) Where an employee is suspended or is deemed to have been suspended (whether in connection with any disciplinary proceeding or otherwise), and any other disciplinary proceeding is commenced against him during the continuance of that suspension, the Director General may, for the reasons to be recorded in writing, direct that the employee shall continue to be under suspension until the termination of all or any of such proceedings.

- 14.04 a) During the period of suspension an employee \ shall be entitled to subsistence allowance equal to 50% of his basic pay including dearness pay (if any) of the post from which he was suspended and the Dearness Allowance based on such reduced pay. He will also be entitled for City compensatory allowance and House rent allowance which he was drawing immediately before his suspension, However, he shall not be entitled to any allowance like conveyance allowance, telephone allowance etc. which are provided in lieu of reimbursement of the expenses incurred by employee while performing his duties.
- b) If the suspension of an employee is extended beyond a period of six months for no lapse on the part of the employee, the subsistence allowance shall



- be increased by 50% for the remaining period of suspension. However, if the suspension period is extended beyond six months for the lapse on the part of the employee reasons attributable to the employee the subsistence allowance may be reduced by 50%.
- c) The Income Tax, Profession Tax, rent of YASHADA premise occupied by him, installments of loans and advances, if any, granted to him by YASHADA shall be recovered from the subsistence allowance.
- d) No recoveries on account of subscription to Provident Fund, court attachments and loss caused by the employee to the property of YASHADA shall be made from the subsistence
- 14.05 a) Other deductions and recoveries shall be made from the subsistence allowance only at the option of the employee concerned.
b) No leave of any kind shall be admissible to an employee under Suspension.
- 14.06 The employee under suspension shall not accept any employment during the suspension.
- 14.07 The employee under suspension shall not leave his head quarters without permission from the Director General. He shall abide by the instructions and directions of the Director General in regard to his personal presence in YASHADA, whenever required.
- 14.08 If in the disciplinary proceeding, the employee under suspension is fully exonerated of the charges leveled against him, he shall be reinstated and full pay and allowance for the period of suspension shall be paid to him (less the amount of subsistence allowance and other allowance paid to him) treating the suspension period as duty for all purposes. However, he shall not be entitled to any allowance like conveyance allowance, Telephone allowance etc. which are provided in lieu of reimbursement of the expenses incurred by employee while performing his duties.
- 14.09 If an employee who has been dismissed, removed or compulsorily retired is reinstated as a result of an appeal or order of the Court and no further disciplinary proceeding is held against him, the employee shall be paid full pay and allowances for the period of his absence including the period of suspension, preceding his dismissal, removal or compulsory retirement as the case may be and the entire period of absence including period of suspension shall be treated as a period spent on duty for all purposes subject to the directions of the Court. However, he shall not be entitled to any allowance like conveyance allowance, Telephone allowance etc. which are provided in lieu of reimbursement of the expenses incurred by employee while performing duty.



- 14.10 When as a result of disciplinary proceeding, a major penalty is imposed against an employee, the period of suspension will not be treated as a period spent on duty and he will not be entitled for pay and allowances for the period of his suspension and the period of suspension will be treated as suspension. However, the Director general may order that the period of suspension shall be treated as qualifying service for any specified purpose.
- 14.11 When as a result of disciplinary proceeding a minor penalty is imposed against an employee, the period of suspension will be treated as duty and he will be paid the full amount of pay allowances for the said period less the amount of subsistence allowance paid to him. However, he shall not be entitled to any allowance like conveyance allowance, Telephone allowance etc. which are provided in lieu of reimbursement of the expenses incurred by employee while performing his duties.
- 14.12 No appeal can be filed against the order of suspension passed by the Director General. However, the appeal can be filed to the Director general against the order of suspension passed by any other officer subordinate to him.
- 14.13 The resignation tendered by an employee placed under suspension will not be accepted except in special circumstances.
- 14.14 When an employee under suspension dies before disciplinary or Court proceedings, such proceeding would come to an end and the entire period between the date of suspension and the death will be treated as duty for all the purposes and he would be entitled for full pay and allowances for such period subject to adjustment of amount of subsistence allowance paid to him. However, he shall not be entitled to any allowance like conveyance allowance, Telephone allowance etc. which are provided in lieu of reimbursement of the expenses incurred by employee while performing duty.

15.01 Leave

The employees of YASHADA shall be entitled to the following kinds of leave :-

(a) Earned leave to the extent of not more 30 days in a year. Such leave can be accumulated to the extent of **300** days and shall carry leave salary equal to the rate of pay and allowances drawn immediately before proceeding on leave.

(b) Half pay leave of 20 days per year. Such leave shall at the option of the employee be converted into full pay leave of 10 days per year if the leave is taken for the purpose of **pursuing** studies approved by YASHADA or on medical grounds. Leave salary during half pay leave shall be half the leave salary admissible during earned leave.

(c) Extraordinary leave which can be availed at the option of the employee or when no other kind of leave is due. It shall carry no leave salary.



- d) TB/Cancer /leprosy/paralysis leave will be admissible to the employees suffering from any of these diseases will be admissible in accordance with provision/s in the Maharashtra Civil Services Rules (**Leave**) **1981** in this regard.
- 15.02 Leave (**of any kind**) shall be granted by the Director **General** at his discretion and the employee shall not claim leave as a matter of right.
- 15.03 Any kind of leave can be combined with any other kind of leave. This rule does not apply to casual leave.
- 15.04 No employee shall be absent or on leave of any kind, whether sanctioned or otherwise, continuously for more than a year except when **study leave is granted to him for more than one year's duration.**
- 15.05 No employee, shall accept any other employment during leave.
- 15.06 a) Earned leave of 15 days each shall be credited in advance to the leave account of the employee on 1st January and 1st July every year.
- b) Proportionate credit rounded off to the nearest day based on the completed months of service during the half year shall be given in case of first appointment, retirement, resignation or death of the employee.
- c) Earned Leave sanctioned shall be debited to leave account on the date of commencement of leave.
- d) If an employee enjoys extra ordinary leave or is placed under suspension the credit of earned leave at the commencement of the next half year shall be reduced by 1/10th of such period rounded off to the nearest full day, **subject to maximum of 15 days.**
- e) Where the balance at the end, of any half year is between **286 and 300** days the advance credit of EL for the next half year shall be shown separately and the employee may be allowed to enjoy it during the half year concerned. If the employee fails to enjoy or enjoys it only partially and the result would be to increase the balance of EL at the end of the half year beyond **300** days the balance would be restricted to **300** days.
- 15.07 (a) Half pay leave of 10 days each shall be credited in advance to the leave account of the employee on 1st January and 1st July every year.
- (b) Proportionate credit rounded off to the nearest day based on the completed months of service during the half year shall be given in case of first appointment, retirement, resignation or death of the employee.



- (c) The number of days of half pay leave and twice the number of days of commuted leave sanctioned shall be reduced from the balance of half pay leave on the date of commencement of leave.
- (d) If the employee is placed under suspension or when his unauthorized absence is not regularized by grant of any other kind of leave the credit to be given to the half pay leave account at the commencement of the ensuing half year shall be reduced by 1/18 of such period of suspension or unauthorized absence and rounded off to the nearest day.
- 15.08 An employee proceeding on leave for more than 30 days shall be eligible for grant of advance of leave salary equivalent to net leave salary for one month, i.e. leave salary equal to one month's pay and allowance admissible on that leave salary, reduced by all the normal deductions from the pay of the employee.
- 15.09 a) Female employees of YASHADA shall be eligible to maternity leave as is made admissible to State Govt. employees from time to time.
- b) Leave salary shall be admissible even for maternity leave availed of during probation at the time of first entry into service in YASHADA.
- c) Leave salary at the rate of pay and allowances drawn immediately before proceeding on maternity leave shall be admissible during the maternity leave availed of by a confirmed employee of YASHADA.
- d) Maternity leave shall not be debited to leave account.
- 15.10 Maternity leave subject to a maximum of six weeks shall also be admissible to female employees in case of miscarriage or abortion **including abortion induced under the medical termination act, 1971, however maternity leave will not be admissible in case of abortion violating the provisions of PCNDT act.**
- 15.11 (a) Study leave shall not be granted to an employee
- Who has rendered less than three years service in YASHADA.
 - Who is due to retire within three years of the date on which he is expected to return to duty after expiry of study leave.
- (b) Study leave of not more than 12 months duration **at a time, may** be granted to an employee of YASHADA for **pursuing** any study, which the Director **General** considers beneficial for personal development of the employee **and** also for YASHADA. Such study leave may be granted **on execution of a bond (as prescribed by the Director General)** to serve YASHADA for a period of not less than three years after his return from such study leave.
- (c) **The total period of study leave will not exceed two years in the entire service of an employee.**
- (d) **Study leave shall not be debited to leave account.**



- (e) **In the event of resigning his post before the completion of such period of three years, the leave salary actually paid to him shall be refunded to YASHADA.**
- 15.12 During the study leave the employee shall be entitled to **leave salary equal to the basic pay + dearness allowance (without any other allowances) which he was receiving before proceeding on such leave.**
- 15.13 (a) If an employee of YASHADA is deputed for training in India by YASHADA, he shall be treated as on duty, and shall be eligible to receive the pay and allowances which he was receiving before proceeding on such training. In addition, he shall be entitled to traveling allowance and daily allowance as may be normally admissible to him for the place where the training is imparted, **However whenever lodging and boarding is provided free while on training, the employee shall be entitled to 1/4th of Dearness allowance admissible to the employee.**
- (b) If the training is outside India the employee shall not be deputed without the express sanction of the Government.
- (c) An employee deputed for training abroad by YASHADA shall be entitled to such concessions and benefits, in addition to his pay and allowances in India, as may be decided by the Director **General considering the benefits and allowances provided to him at the place of training.**
- 15.14 An employee who ceases to be in the employment of YASHADA for reason other than dismissal or removal shall be entitled to receive the cash value of unutilized balance of earned leave to his credit (**subject to maximum of 300 days**) on the last day of his service.

16.01 Traveling Allowance

Traveling allowance is an allowance given to an employee to cover the extra expenses which he has to incur on account his being sent out of his headquarters for official work.

- 16.02 The classifications of employees for the purpose of traveling allowance be decided after the state govt. redefines the categories of employees from group A to D.
- 16.03 The entitlement of class of accommodation for purpose of traveling be decided after the state Govt. issues the necessary Govt. Resolution for State Govt. Employee in this regard, considering the sixth pay commissions recommendations.



16.04 An employee **who is allowed by the orders of the Director General**, to use his own motor car or a car hired by him for the purpose of official journey shall be deemed to have traveled by **Rail in a class to which he is entitled for as per rule No. 16.03 and shall be reimbursed the fares of the respective Class for the distance actually traveled.**

16.05 **An employee traveling on duty, shall in addition to the reimbursement of fares of admissible class, be entitled to the following: -**

- (a) Rickshaw/Taxi fares from the place of residence to the railway station/ Air port/ State Transport Bus Depot, on the day of departure from the headquarters and on the date of his return to headquarters for Ist and IInd Grade employees and rickshaw fares for others.
- (b) Rickshaw fares/ Taxi fares from the Railway Station, Air port, Bus Depot to the place of work and back out of headquarters for Ist and IInd Grade, and auto rickshaw fares (taxi fares where auto rickshaws are not permitted like city of Mumbai) for others.
- (c) Local conveyance as per entitlement as shown in clauses (a) and (b) appearing above.
- (d) Reservation / **Cancellation** charges officially charged for booking/ **Canceling** a seat on rail, bus or air including the service charges levied by the reservation agency as approved by the Director **General** .
- (e) Daily allowance at the following rates for the period starting from one hour before the departure of railway train or a state transport bus or two hours before the departure of the aeroplane, as the case may be, and ending with one hour after the arrival of the train or bus at the headquarters or two hours after the arrival of the aeroplane at Pune airport as the case may be.

The rates of daily allowance as prescribed by the state Govt. and revised from time to time, be made applicable for YASHADA employees.

In cases where the Director is satisfied that it was beyond the control of the employee to manage his tour expenses within the limits of the daily allowance admissible to him, he may sanction payment of actual expenses on lodging, supported by vouchers, within the following monetary limits :-

Note:- The monetary limits for reimbursements of expenses over and above the daily allowance admissible to the employee, may be revised once the rates of daily allowance are notified by State Govt. for State Govt. employees .

- (f) Whenever lodging and boarding is provided free while on tour, the employee shall be entitled to 1/4th of the DA admissible to the employee.



16.06 No daily allowance shall be admissible on the day on which employee takes casual leave on tour.

16.07 Where the tour of the employee necessitates halt at a place where special rate of daily allowance is admissible, the daily allowance as may be admissible for the entire duration of tour may be worked out first and the difference between the ordinary rate and the special rate shall be added for the period of actual halt at the place where the special rate of DA is admissible.

16.08 For fractions of less than 24 hours the daily allowance shall be calculated at the following rates :-

- | | |
|--|-------------------------------|
| (a) For 12 hours or more | : Full daily allowance |
| (b) For 6 hours or more daily but less than 12 hours | : 50% of the allowance |
| (c) For less than 6 hours | : 30% of the daily allowance. |

16.09 When an employee or his dependent family member is ill and is required, on the advice of the medical practitioner nominated by YASHADA, to be examined / treated at an institution out of his headquarters, the employee or his dependent family member, as the case may be, may be accompanied by any one of his family members who shall be held eligible for the traveling allowance on the scale and rates admissible to the employee himself.

16.10 Conveyance charges shall be admissible to employees using with the permission of the Director **General** their own conveyance for work of YASHADA within the municipal limits of Pune City

The rates of conveyance charges will be fixed by the Director General from time to time.

When employee performs journey in a public bus he shall be entitled to reimbursement of actual fare paid. Where heavy papers equipment, etc. is to be carried and the vehicle belonging to YASHADA is not available an employee may hire a rickshaw and get reimbursement of actual hire charges paid, on submission of a certificate of having actually paid the charges.

17.01 Other Allowances

The employees of YASHADA shall be eligible for the following allowances / **additional pay** in addition to pay :-

- (a) Dearness Allowance
- (b) House Rent Allowance
- (c) Compensatory Local Allowance
- (d) Cash Allowance for handling cash to the person who works as a cashier.
- (e) **Additional pay for holding additional** charge of post for 15 days or more.
- (f) Washing allowance to Class-IV and other employees provided with uniforms.
- (g) Overtime allowance to the Drivers engaged on wheel duty beyond nine hours a day.



- (h) Overtime allowance to General Attendants engaged on duty beyond nine hours a day.
- 17.02 (a) The rates of Dearness Allowance as announced by the Government from time to time shall be applicable to the employees of YASHADA except persons appointed on contract basis.
- (b) The Dearness Allowance shall also be admissible during all kinds of leave except extraordinary leave and shall be based on the amount of leave salary.
- 17.03 (a) House rent allowance shall be admissible to the employees, who are not provided with residential accommodation by YASHADA, at the rates applicable to the employees of the Government.
- (b) It shall be admissible during all kinds of leave except during extraordinary leave, study leave, at the rate at which the employee was receiving it before proceeding on leave.
- (b) The allowance shall be admissible to both husband and wife if both of them happen to be the employees of YASHADA.
- 17.04 Compensatory local allowance shall be admissible to every employee on the scale prescribed by the Government to its employees and shall be admissible during all kinds of leave except extraordinary leave and study leave. **(To be modified as per 6th pay commission recommendation)**.
- 17.05 The employees who have been provided accommodation by YASHADA shall be required to pay YASHADA every month, by deduction from their salary, the standard rent of the premises fixed by the Director **General** In addition, such employees shall pay to YASHADA the service charges as may be **fixed** by the Director **General**.
- 17.06 a) Cash allowance of **Rs.300/-** per month shall be admissible to a person who is appointed to work as a cashier. (The monetary limit may be revised considering the government guidelines issued from time to time in this regard.)
- (b) Washing allowance of **Rs.100/-** per month shall be admissible to Drivers and Attendants.
- (c) Franking machine operator shall be paid a machine allowance of **Rs.100/-** per month.
- (d) These allowances shall not be paid during leave of any kind except casual leave.



- 17.07 Overtime allowance shall be admissible at the rate of 1.5 times the hourly wage (Basic + DA) of the employee concerned, or a part thereof, to the Drivers, Drivers-cum-Cleaners and General Attendants of YASHADA engaged on duty on any day in Pune for more than 9 hours including the lunch break. The overtime allowance in any calendar month shall not exceed 50% of the basic of the employee concerned. This rule will be applicable on non working days/Holidays also and payment to the concerned employee should be considered separately for the limit of 50% of the basic for the purpose of working day overtime and overtime on holidays.
- 18.01 Leave Travel Concession
- a) The employees of YASHADA shall be eligible to leave travel concession to travel to their home town once in two years.
- b) The concession shall be limited to the rail /bus fares of the admissible class, from Pune to the home town and back.
- c) The concession shall be admissible to the employee, his spouse and his children limited to three in number.
- d) Scheme of Leave Travel concession for visiting any place in the State once in four years is extended for YASHADA employees which is in addition to the scheme of "Hometown Leave Travel Concession" Thus, in a block of four years, any employee may avail the facility of "Hometown Leave Travel Concession" twice in a period of four years (i.e. two blocks of two years each) or a "Hometown Leave Travel Concession" once and a "Leave Travel Concession" as provided in Government Resolution No. RPS/1194/184 Seva-5, dated 28.03.1995
- 18.02 The employee desirous of enjoying the leave travel concession shall be eligible to an advance equal to 75% of the estimated expenses and shall be settled by preferring an adjustment leave travel concession bill within **a period of six months from the date of drawl of advance** In case of failure to abide by the time limit the amount of advance shall be recovered in a lump sum from the next salary of the employee concerned. Interest at 18% per annum shall be recovered from the employee who fails to **undertake the travel** within a month from the date of drawl of advance.
- 18.03 (a) For the purpose of leave travel concession every employee shall communicate his home town to the Director **General**, YASHADA within six months **from the date of appointment**.
- (b) The Director **General** shall accept the declaration of the home town if he is satisfied that the employee has property or close relations at that place and is required to visit the place often on account of such family ties.



c) In case of failure to declare the home town within the prescribed period the place of permanent residence noted in his Service Book shall be treated as his home town for this purpose.

18.04 The home town once declared or determined on account of his failure to make a declaration shall not be changed except once during the service of the employee. The Director **General** shall accept such re-declaration after satisfying himself about the circumstances requiring such re-declaration.

19.01 Reimbursement of Medical Expenditure

An employee of YASHADA shall be eligible for the reimbursement of medical expenses incurred by him for the treatment of himself and his family (including those dependant family members not residing with the employee) on the recommendation of the Medical Officer attached to YASHADA at any of the following institutions in Pune:-

- (a) Sassoon Hospital, Pune
- (b) Ruby Hall Clinic, Pune
- (c) K.E.M. Hospital, Pune
- (d) Any dispensary run by the Municipal Corporation of Pune and Pimpri/Chinchwad
- (e) Sancheti Hospital, Pune
- (f) Jehangir Nursing Home, Pune
- (g) Wadia Hospital, Pune
- (h) Hospitals of Maharashtra Medical Foundation, Pune (**Joshi Hospital Ratna Memorial**)
- (i) Lokmanya Hospital, Chinchwad
- (j) Aditya Birla Hospital
- (k) Deenanath Mangeshkar Hospital
- (l) Niramay Hospital
- (m) Sahyadri Hospital
- (n) **Poona Hospital, Off. L. B. S. Road.**
- (o) **Hardikar Hospitals, Shivajinagar**
- (p) **Sanjeevan**
- (q) **Nisargopchar Kendra Uruli-Kanchan**
- (r) **Nobel Hospital**
- (s) **Ayurved and General Hospital, S No 7 Pradhikaran, Nigdi**

19.02 The Director **General** may, at his discretion, considering the circumstances in each case permit treatment to be taken in any other dispensary / hospital.

19.03 The treatment shall include all investigations and other diagnostic facilities, special or ordinary medicines, vaccines, sera or supply of any other thing required for the treatment, preventive and curative medicines as may be prescribed by the medical institutions named in rule 19.01 above. It shall also include all the normal



facilities provided to indoor patient viz. diet, blood transfusion service, delivery of female patients, dental care (**Except appliances as the part of cosmetic measures**) The Senior and Middle level officers shall be entitled to accommodation in special rooms while other employees are eligible for accommodation in Semi Private Rooms for hospitalization.

19.04 (a) The concession of medical reimbursement shall be available only to those employees whose family does not include more than **two#** living children on the date of commencement of the treatment.

(b) The reimbursement stopped on account of larger size of the family can be recommended on production of proof of the employee or his spouse having undergone a family planning operation but shall not be available in respect of the treatment of the **third#** or subsequent child.

#Note:- 1 This sub rule shall be made applicable after 1 year from the date of commencement of these rules.

2. This Rule shall not be applicable for those employees who were joined YASHADA before the operation of this rules.

19.05 If the employee and his spouse are both employed he should select either himself or his spouse for being considered eligible for reimbursement. In such cases the claim of reimbursement of the employee shall be admitted only on the production of the certificate from the employer of the spouse stating clearly that the spouse is not receiving the reimbursement of expenses or any other allowance in lieu thereof from that employer.

19.06 In case of emergencies wherein it is not possible to shift the patient to the institutions named in the rule 19.01 above, the employee should bring the facts to the notice of the Director **General** as soon as possible after admission of the patient in any other medical or surgical nursing home. The Director **General** shall, decide whether and to what extent the circumstances warranted such emergency admission and deal with the reimbursement claim accordingly.

19.07 (a) An employee shall be eligible for an advance upto **75% of the probable expenditure required for the treatment** of himself or of his family members when he or they are advised to undergo open heart surgery, kidney transplant, Bypass surgery of heart, **or treatment for any other major disease or surgery in an emergent situation .**

(c) The advance shall be adjusted against the medical reimbursement claim and shall be settled within three months of the date of drawl of advance or within a month of the completion of treatment, whichever is earlier.

(c) In case of failure to settle the advance, the amount of advance together with interest @ 18% per annum shall be recovered from the employee in installments



as may be decided by the Director **General**. The recovery of interest may be waived by the Director **General** in deserving cases.

(d) In case of **hospitalization, for any illness** the employee shall be entitled to an advance upto **Rs.25,000/-** adjustable against medical reimbursement permissible to the employee, at the discretion of the Director **General**.

19.08 As an exception to the aforesaid rules, the employees or their family members may, in case of ordinary illnesses, consult the medical practitioner nearest to their residence and get reimbursement of the cost of treatment which shall be limited to **Rs. 6000/-** for a financial year to entire family.

19.09 The employee whose services are loaned to YASHADA by Government, state Public Sector Undertaking or a teaching institution may opt to be governed by these rules during his tenure with YASHADA.

20.01 Casual Leave, Optional Holidays, Compensatory Holidays, etc.

Casual leave is intended to meet special circumstances for which provision cannot be made by exact rules. The total casual leave admissible to the employee of YASHADA shall be 8 days per calendar year.

20.02 Not more than **five** days casual leave can be enjoyed at a time. This limit may be extended to **seven** days by the Director **General** in the most exceptional circumstances.

20.03 When casual leave is enjoyed in conjunction with or interposed between Sunday/ holidays/ optional holidays the Sunday/ holidays/ optional holidays shall be excluded while counting the actual casual leave enjoyed for the purpose of debit to casual leave account, but they shall be counted for the purpose of limits set in rule 20.02 above.

20.04 Employees belonging in group C and D, required to attend to their duties on Sundays or on the days declared as holidays for YASHADA, shall be allowed equal number of compensatory holidays during the same calendar year. **However not more than two compensatory holidays shall be enjoyed in a month.** In respect of attendance during the last week of December, however, the compensatory holidays may be enjoyed during the first fortnight of the month of January. Such holidays can be enjoyed in conjunction with casual leave, Sundays, holidays and any kind of leave due and admissible.

20.05 Casual leave shall not be prefixed or suffixed to regular leave, except for casual leave for one half day in the afternoon taken on grounds of illness, immediately before the commencement of regular leave.



- 20.06 Except for medical reasons the employees shall get the casual leave sanctioned in advance. The Director **General** shall have the power to treat absence without sanction, as leave without pay and allowances.
- 20.07 The Director shall be competent to sanction special casual leave of not more than 15 days duration to employees participating in the Inter State / Inter National sporting events or for undergoing sterilization operation.
- 21.01 Every employee shall at all times maintain absolute integrity, devotion to duty and shall do nothing which will embarrass YASHADA.
- 21.02 Every employee shall follow the written and **oral orders** of his superiors, to be confirmed in writing in due course, wherever necessary.
- 21.03 No employee shall give any information about YASHADA to any outsider **including persons** connected with publication of any newspaper, magazine, website, electronic media or any other publication without specific authority from the Director **General**. **However the employee may give in good faith information relating to performance of duties assigned to him to any outsider subject to the condition that the said fact will be brought to the notice of his immediate superior at the earliest possible.**
- 21.04 No employee, while in the employ of YASHADA, shall accept any remunerative work without prior permission from the Director **General**.
- 21.05 **Prevention of Sexual Harassment of women at work place;**
a) **No YASHADA employee shall indulge in any act of sexual harassment of any women at her work place**

b) **Every YASHADA employee who is incharge of workplace shall take necessary steps to prevent sexual harassment to any working women at such work place.**
Explanation :- for purpose of these rules, sexual harassment includes such unwelcome sexually determined behavior, whether directly or otherwise such as
a) **Physical contact and advances**
b) **A demand or request for sexual favors.**
c) **Sexually colored remarks**
d) **Showing pornography or**
e) **Any other unwelcome physical, verbal or non verbal conduct of a sexual nature.**
- 21.06 **YASHADA employees will also be governed by Maharashtra Civil Services (Conduct) Rules 1979 as amended from time to time. And for that purpose the word “Government” and “Government Employee” appearing in the said rules will be construed as “ Director General” and “ YASHADA Employee”**



22.01 **Disciplinary Action**

The Director General shall be the competent authority to take disciplinary action against any employee and impose any of the penalties provided in the rules.

22.02 The penalties that can be imposed against the employee shall be as under

a) Minor penalties

- 1) Censure
- 2) Fine not exceeding Rs. 1000/-
- 3) Withholding of increment for period not more than three years without effect on future increments.
- 4) Recovery from his pay, the whole or part of pecuniary loss caused by employee to Yashada or to any trainee, guest faculty or any guest of Yashada, by negligence or breach of orders.

b) Major penalties

- 1) Stoppage of increment for any period with effect on future increments.
- 2) Reduction to a lower stage in the time scale of pay for a specified period, with further directions as to whether employee will earn increments of pay during the period of such reduction and whether on the expiry of such period, the reduction will or will not have the effect of postponing the future increments of his pay;
- 3) Reduction to a lower time scale of pay, with corresponding grade pay, grade post which shall ordinarily be a bar to the promotion of an employee in the time scale of pay, grade, post or service from which he was reduced with or without further direction regarding conditions or restoration to the time scale of pay, grade, post or service from which the employee was reduced and his seniority and pay on such restoration to that time scale of pay, grade, post of service. **(This be revised once the State Govt. amends the relevant rule in the MCS (Discipline & Appeal)) Rules 1979.**
- 1) Compulsory retirement
- 2) Removal
- 3) Dismissal

Explanation :- The following shall not amount to penalty within the meaning of this rule.

(i) Withholding of increments of pay of YASHADA employee for his failure to pass any departmental examination of the (Hindi and Marathi language examination) in accordance with the rules or orders governing the service to which he belongs or post which he holds or the terms of his appointment;

(ii) Non-promotion of a YASHADA employee, whether in a substantive or officiating capacity, after consideration of his case, to a service, grade or post for promotion to which he is eligible, on administrative grounds unconnected with his conduct;

(iii) Reversion of a YASHADA employee, officiating in a higher Service grade or post to a lower Service, grade or post, on the ground that he is considered to be



unsuitable for such higher Service, grade or post or on any administrative ground unconnected with his conduct;

(iv) Reversion of a YASHADA employee appointed on probation to any other Service, grade or post, to his permanent Service, grade or post during or at the end of the period of probation in accordance with the terms of his appointment or the rules and orders governing such probation;

(v) Replacement of the service of a YASHADA employee, whose services have been lent to any Other State Government or Government in India or any authority under their control,

(vi) Compulsory retirement of a YASHADA employee in accordance with the provisions relating to his superannuation or retirement

(vii) Termination by the Director General,

- a) of a YASHADA employee appointed on probation, during or at the end of the period of his probation, in accordance with the terms of his appointment or the rules and orders governing such probation; or
- b) of a temporary employee for reasons, unconnected with his conduct; or
- c) of a permanent employee on account of abolition of post, in accordance with the provision in service rules.
- d) of a employee employed under an agreement, in accordance with the terms of such agreement.

(ix) **Where a major penalty of “Reduction to a lower stage in the time scale of pay” mentioned in the item (2) under Major Penalty, in such rule above is imposed on YASHADA employee, the Director General shall expressly state in the order imposing the penalty that the period for which the reduction is to be effective, and that it will be exclusive of any interval spent on leave before the period is complete.**

22.03 While imposing the major and minor penalties mentioned in rule 22.02 the respective procedure prescribed in Maharashtra Civil Services (Discipline and Appeal) 1979 Rules for imposing major and minor penalties shall be followed.

22.04 When an enquiry envisaged is conducted by the inquiring authority appointed by the Director General, a copy of the inquiry report will be supplied to the employee giving him an opportunity to make representation , before the findings are recorded and final orders are passed by the Director General

22.05 When the Director General differs with the findings of the inquiring authority favorable to the employee, a notice will be sent to the employee, communicating to him the tentative findings and providing him an opportunity to make a representation, before final findings are recorded and orders are passed by the Director General.



- 22.06 The employee will have right to file an appeal against the order imposing penalty, passed by the Director General, to the Appeals Committee within a period of one month from the date on which a copy of the order is received by the employee. The appeal will be submitted through the Director General. The composition of the appeals committee will be as under –
- Member nominated by the president of Board of Governors of YASHADA from amongst the Heads of State Govt. Directorates in Pune in terms of provisions in rule 35 (ii) of YASHADA's Memorandum of Association and Rules.
 - The secretary Rural Development Department (In-charge of Training) in terms of provisions in rule 35 (iii) of YASHADA's Memorandum of Association and Rules.
 - Representative of a sister training institution to be nominated by the president in terms of provisions in 35 (iv) of YASHADA's Memorandum of Association and Rules.
- Meeting of the appeals committee will be preferably held on the date when the meeting of the executive committee is held.

22.07 ***Consideration of appeal***

- In case of appeal against an order of suspension, the Director General shall consider whether in the light of the provisions of rule 14.01 of these rules and having regard to the circumstances of the case, the order of suspension is justified or not and confirm or revoke the order, accordingly.
- In the case of an appeal against an order imposing any of the penalties specified in rule 22.02 of these rules or enhancing any penalty imposed under that rule, the appeals committee shall consider
 - whether the procedure laid down in these rules has been followed, and if not, whether such non-compliance has resulted in the violation of any provision of the Constitution of India or in the failure of Justice;
 - whether the findings of the disciplinary authority are warranted by the evidence of the record; and
 - whether the penalty imposed is adequate or severe; and pass order –
 - confirming reducing or setting aside the penalty; or remitting the case to the Director General who had passed the order appealed against with such directions as it may deem fit in the circumstances the case;

22.08 ***Special Procedure in case of conviction in criminal case***

Notwithstanding anything contained in rule 22.03, where any penalty is imposable on a YASHADA employee on the ground of conduct which has led to his conviction, the Director General may consider the circumstances of the case and make such orders there on as he deems fit, provided that the employee may be given an opportunity of making representation on the penalty proposed to be imposed before any order is made.



23.01 Training

The Director **General** shall be competent to depute any employee for a training course conducted in India by any recognized training institution, at the cost of YASHADA on the condition that he is satisfied that the training course will improve the utility of the employee to YASHADA. The training period including the time required for traveling to the training institute and back shall be treated as duty and the employee concerned shall be entitled to traveling allowance on tour as per rule.

- 23.02 The Director **General** may, with the approval of the Government of Maharashtra, **permit any employee to attend a training course/workshop/seminar or to undertake a study tour or to accompany the trainees in the capacity of a coordinator,** out of India on such terms and conditions as the Director **General** may think proper. The entire period of **tour** including the time involved **in to and fro** shall be treated as duty and the employee concerned shall be eligible to traveling allowance. During the period of traveling abroad the employee shall arrange to receive his pay and allowance from YASHADA through **a duly authorized person or a financial institution.**

24.01 Seniority

Seniority of the confirmed employees in the same cadre shall be decided on the basis of continuous service rendered by the employees in that cadre irrespective of the mode of recruitment in the cadre. The period during which an employee was temporarily appointed to a higher post in another cadre shall be deemed to the service rendered in the lower cadre for the purpose of seniority.

25.01 Performance appraisal

a) The performance of every **teaching and non-teaching** employee of YASHADA **for every financial year, shall be reported upon by the reporting officers notified by the Director General from time to time. (Annexure – I)**

- 25.02 The performance reports of the employees written by the respective reporting officers will be reviewed by the respective reviewing officers notified by the Director General from time to time.

- 25.03 **All the employees (except group D and the drivers) will submit self assessment reports to their reporting officer by 15th April of every year. Such self assessment reports shall form part of the confidential record of the concerned employee.** The reporting officer shall take such self assessment reports into account before writing Annual Confidential Reports.



25.04 The outstanding remarks as also the adverse remarks shall be brought to the notice of the employee concerned, as far as possible, within three months of the close of the year. The Director **General** shall have power to expunge the adverse remark given by any reporting / reviewing officer considering the merits of the representation submitted by the employee.

25.05 The forms in which the performance reports and self assessment reports shall be written shall be as prescribed by the Director **General**.

26.01 (a) **Advance for the purchase of conveyance on the scale and conditions mentioned below:**

Sr. No.	Type of conveyance to be purchased	Monetary limit (least of the three / lesser of the two)	Maximum number of equal installments admissible, for recovery of principal and interest
01	New Motorcycle	12 times basic pay or Rs. 45000/- or the on road price of the vehicle.	Sixty (50 for Principal & 10 for Interest)
02	Old Motorcycle (Not more than 5 year old)	6 times basic pay or Rs 22500/- or the purchase price	Thirty (25 for Principal & 05 for Interest)
03	New Scooter	9 times basic pay or Rs 28000 or the cost on road price of the vehicle.	Forty Eight (40 for Principal & 08 for Interest)
04	Old scooter (not more than 5 years old)	5 times basic pay or Rs 14000/- or the purchase price	Forty two (35 for Principal & 07 for Interest)
05	New Moped	5 times basic pay or Rs. 14000/- or on road price of the vehicle.	Forty two (35 for Principal & 07 for Interest)
06	Old Moped (not more than 5 year old)	3 times basic pay or Rs.7000/- or the purchase prices.	Twenty One (17 for Principal & 04for Interest)
07	Bicycle (New)	Rs.2500/- or the cost including sales tax, octroi	Ten (07 for Principal & 03 for Interest)
09	New Car	The Car loan will applicable to all employees irrespective of Basic pay/ or Grade pay and as per State Govt Rules in this regard.	

(b) (i) The advance shall be subject to the condition that the employee shall produce the proof of purchase of the conveyance in his own name within a month from the date of payment of advance failing which the principal together with interest @



- 18 percent per annum shall be recoverable from the employee in installments of not more than 50% of the basic pay of the employee as may be prescribed by the Director **General**.
- (ii) The advance shall carry interest at the rate prescribed by the Director **General on the basis of the rates prescribed by the State Government** for the year in which the advance is paid.
- (iii) Employee shall hypothecate the conveyance purchased to YASHADA for the period beginning from the date of purchase of conveyance to the final repayment of both principal and interest.
- (iv) Interest shall be recovered after the last installment of the principal is repaid.
- (v) The employee may at his option repay the advance earlier by paying two or more installments at the same time.
- (vi) The Director **General** may, in deserving cases, waive the recovery of interest @ 18% referred to in (i) above.
- (vii) The employee shall be eligible for another such advance 3 years after repayment of the earlier advance along with interest thereof.
- (viii) The employees **confirmed in service** shall be eligible for advance for purchase of conveyance except for Bicycle advance.
- 26.02 (a) Advance of traveling allowance on tour equal to the estimated TA claim for the duration of halt outside Pune.
- (b) Advance shall not carry interest normally. If however, the advance is not fully settled by submission of the claim of traveling allowance and/or refund of balance within one month **of the completion of the tour**, it shall be recovered from the pay of the employee together with interest @ 18% per annum **from the deadline fixed for settlement of advance to the recovery of advance**.
- (c) **If the tour for which advance is taken, is cancelled or not undertaken, the advance will be refunded in next three working days, failing which it will be recovered from the pay of the employee together with 18% interest p. a. from the deadline fixed for settlement of advance to the recovery of advance.**
- (d) **No claim for traveling allowance submitted after period of 06 months from completion of tour will be entertained.**
- (e) The Director **General** may at his discretion waive the recovery of interest in deserving cases.

26.03 Advance on account of leave travel concession as per provisions of rule 18.02



- 26.04 Advance of leave salary as per provisions of rule 15.09.
- 26.05 (a) Advance on the **occasions** of important festivals shall be admissible to the confirmed employees. The amount of the advance shall be restricted to **Rs 5000/-** and it shall be repayable in ten equal installments.
- (b) Advance shall not be admissible on more than one occasion during a calendar year as also when the earlier advance is not fully repaid.
- (c) The advance shall not carry any interest.
- (d) The festivals for which the advance shall be admissible shall be as may be prescribed by the Government.
- 26.06 Advance for the treatment of serious diseases as per rule 19.09
- 26.07 (a) Advance upto Rs. **5000/-** for expenses not related to the training courses to be incurred on behalf of YASHADA as may be sanctioned at the discretion of the **Registrar** to the employee who has been instructed to incur such expenses.
- (b) When an advance upto Rs. **10000/-** is required to be paid to any employee for such expenses to be incurred following due procedure, the sanction of the **Deputy Director General / Additional Director General** shall be necessary.
- (c) The advances paid under this rule shall, as far as may be possible be settled by submission of details of expenses together with vouchers and refund of advance on the same day. The settlement shall in no case, be delayed beyond 7 days from the date of payment of advance.
- (d) In case of delay beyond seven days the amount of advance shall carry interest beyond seven days at 18% per annum till the date of refund and/or settlement, as the case may be.
- (e) The Director **General** may, in deserving cases, waive the recovery of interest.
- 26.08 (a) (i) Notwithstanding the provisions of rule 26.07 above an advance for expenses on fuel and repairs to vehicles YASHADA may be paid to the Drivers of the vehicles proceeding on tour with the vehicle.
- (ii) The amount of advance shall be decided and sanctioned by the **Registrar**.
- (iii) If the advance is not settled by the Driver by production of vouchers and/or refund of balance within seven days of the return of the vehicle to Pune, the Driver shall be required to repay the advance in lump sum failing which the amount of advance together with interest at 18% per annum for period beyond seven days shall be recoverable from the pay of the driver immediately due to him.
- (iv) The Director **General** may, in deserving cases, waive the recovery of interest.



(b) (i) In addition to the provision of sub rule (a) the employee dealing with the work of maintenance of vehicles may be granted an imprest advance of Rs. **10000/-**.

(ii) The expenditure incurred from the imprest during a week shall be submitted for reimbursement on the first working day of the ensuing week. The employee to whom the imprest is sanctioned shall be responsible to account for the amount of imprest on any day.

(iii) On the last day of the financial year the balance of interest together with vouchers for expenditure incurred since the beginning of the last week of March shall be submitted for credit to YASHADA Account or adjustment, as the case may be.

(iv) A fresh imprest advance shall be drawn on the first day of every financial year.

(v) Whenever the employee concerned proceeds on leave it shall be his duty to hand over the complete account of the imprest to the person taking charge of his post.

26.09 (a) Advance for the purpose of meeting the expenses of Training Programmes shall be paid to the respective Course Director subject to the limits intimated below.

a)	Director General	Advance beyond	Rs. 100000/-
b)	Additional Director General	Advance upto	Rs. 100000/-
c)	Deputy Director General	Advance upto	Rs 50000/-
d)	Head of Department/ OIC	Advance upto	Rs. 20000/-
e)	Course Director	Advance upto	Rs. 10000/-

(b) The advances shall not normally carry any interest if they are settled by submission of vouchers and/or refund of balance within **15 days** of the conclusion of the Training Programme for which the advance was sanctioned.

(c) In case of delay beyond this period, the Director may in his discretion order recovery of interest @18% per annum from the completion of 10th day of the conclusion of the Training Programme to the actual date of recovery / settlement from the pay of the person drawing the advance besides recovery of the amount of advance from him.

26.10 In case of death of employee while in service, the Director **General** may sanction an ex-gratia amount of Rs. **20000/-** to the legal heir of the employee.

26.11 *House Building Advance*

The confirmed employee of YASHADA will be eligible to get House Building Advance as admissible under the present scheme adopted in the BoG meeting held on 29.11.1997 and as amended from time to time on the lines of House Building Advance scheme applicable to State Government employees.

26.12 *Personal Computer/ Laptop Advance*

i) All confirmed employees of YASHADA will be eligible to get an interest free advance not exceeding Rs 20000/- for purchase of new Personal Computer / Laptop.

ii) The said advance will be subject to the terms and conditions prescribed by the Director General on the lines of conditions prescribed by the State Government for grant of advance for purchase of computer to State Government employees.

26.13 **The Newspaper allowance will be admissible at the following rates.**

i)	Officers in the pay scale of Secretary and above	Rs 800/- p.m
ii)	Officers holding Academic / Administrative post carrying the pay scale, the minimum of which is Rs. 12000/- and above.	Rs 400/- p.m.

26.14 **Peon allowance to YASHADA officers**

(To check with Govt. GR)

26.15 **Reimbursement of Mobile bills (including internet).**

The reimbursement of mobile bills will be admissible to the extent of the limits shown as under.

i)	Director General, Additional Director General/ Deputy Director General	No limit
ii)	Dean, Professor and equivalent, Financial Advisor, Registrar	Rs. 750/- p.m.
iii)	Associate Professor, Assistant Professor and equivalent	Rs 350/- p.m.
iv)	Research Officers, Research Assistant and equivalent	Rs. 250/- p.m.
v)	Drivers and Others specifically permitted by Director General	Rs 200/- p.m.

Note:- i) The equivalence of other posts with the posts mentioned above will be as decided by the Director General.

ii) In deserving cases the expenditure incurred above the limits may be reimbursed with the specific approval of the Director General.



26.16 Reimbursement of Residential Telephone (Landline) bills (including internet).

The facility of Residential Telephone connection will be permitted by the Director General in deserving cases. The reimbursement of bills in respect of such Residential Telephone will be admissible to the extent of the limits shown as under.

i)	Director General, Additional Director General/ Deputy Director General	No limit
ii)	Dean, Professor and equivalent, Financial Advisor, Registrar	Rs. 1000/- p.m.
iii)	Others specifically permitted by the Director General	Rs 750/- p.m.

In deserving cases the expenditure incurred above the limits may be reimbursed with the specific approval of the Director General.

26.17 Transport facilities to YASHADA employees / Officers

1) Free Transport facilities from residence to office and back may be provided to the persons holding following posts.

- i) Director General
- ii) Additional Director General
- iii) Deputy Director General
- iv) Registrar
- v) Financial Advisor

The persons provided with the facility of free transport will not be paid the transportation allowance.

2) The charges for the private and personal use of the YASHADA's vehicle by any employees / officers will be recoverable at the rates fixed by the Government of Maharashtra from time to time.

27.1 In special circumstances when the Director General is satisfied that the operation of any of the rules is likely to cause undue hardship to the employee or his family he shall be competent to relax the provisions of any rule, in a rare case, that too after recording in writing the reasons for such relaxation. All cases of relaxation of rules shall, however, be brought to the notice of the Executive committee of YASHADA

27.2 In case of any doubt or dispute as regards the interpretation of any of the rules, the decision of Director General YASHADA shall be final.

E.P.F. and F.P.S. scheme for YASHADA employee.

Employees of YASHADA shall be governed by the Employees Provident Fund Scheme, 1952 and Employees' Family Pension Scheme, 1971 as amended from time to time.



Annexure -I

Sr No	Name of Post	Reporting Officer	Reviewing Officer
1.	Professor	ADG/DG	DG
2.	Dean (Academic)	ADG/DG	DG
3.	Associate Professor	Professor DDG/ HoD	ADG/DG
4.	Assistant Professor	Associate Prof /Professor DDG/HoD	Professor DG
5.	Research officer	Assistant / Associate Prof/Professor DDG/HoD	Professor DG
6.	Research officer (Publication)	Assistant Prof. Publication	Professor DDG/HoD
7.	Research Assistant	RO/ Asst/ Associate professor	Professor DDG/HoD
8.	Course Associate	RO/ Asst/ Associate professor	Professor DDG/HoD
9.	Course Assistant	RO/ Asst/ Associate professor	Professor DDG/HoD
10.	Course Asso Computer	Research Officer (Computer)	OIC CIT/ Professor/HoD
11.	Programmer Research Officer (Computer)	OIC CIT / Professor	DDG/HoD DG
12.	Sr Librarian	Professor DDG/ HoD	ADG/DG
13.	Librarian	Sr Librarian	Professor DDG/HoD ADG/DG
14.	Assistant Librarian	Sr Librarian	Professor DDG/HoD ADG/DG



Sr No	Name of Post	Reporting Officer	Reviewing Officer
15.	Asstt Pub. Officer	Assistant Prof. Publication	Professor DDG/HoD
16.	Addl. Director (Research)	Director Research / DG	DG
17.	Coordinator (Project Monitoring Unit)	Addl. Director Research	Director Research DG
18.	Coordinator (Training Monitoring Cell)	Associate Professor / Professor DDG/HoD	Professor/DDG/HoD/ADG/DG
19.	Management Representative	Professor DDG/HoD	ADG/DG
20.	C- MIS Coordinator	Associate Professor / Professor DDG/HoD	Professor/DDG/HoD/ADG/DG
	Registrar	DDG/ADG/DG	ADG/DG
21.	Dy Registrar	Registrar	DDG/ADG/DG
22.	Estate Manager	HoD/DDG/ADG	ADG/DG
23.	Public Relation Officer	Registrar	DDG/ADG/DG
24.	Planning Manager (TMC)	HoD/DDG/ADG	ADG/DG
25.	Master Plan Manager	HoD/DDG/ADG	ADG/DG
26.	Hostel Manager (MDC)	Director, MDC	ADG/DG
27.	Campus Manager	Registrar	DDG/ADG/DG
28.	Meeting Secretary	Professor / DDG	DG
29.	Assistant Registrar	Dy. Registrar/ Registrar	Registrar/DDG/ADG/DG
30.	Accounts officer	FA	DDG/ADG/DG
31.	Training Manager	Associate Professor /Professor/ HoD /DDG	Professor/ HoD /DDG/ ADG/DG
32.	Hostel Manager	Registrar	DDG/ADG/DG
33.	Assistant	Accounts Officer /Deputy Registrar	FA/Registrar
34.	Assistant (Estate)	Estate Manager	HoD/ DDG/ADG
35.	Senior Clerk	Accounts Officer /Estate Manager /Deputy Registrar	FA/HoD/Registrar
36.	Typist cum- clerk	Dy. Registrar / Accounts Officer	Registrar/ FA



Sr No	Name of Post	Reporting Officer	Reviewing Officer
37.	Steno (S. G.)	DG	---
38.	Steno (H. G.)	DDG/Professor/ADG	---
39.	Steno (L. G.)	DDG/Professor/ADG	---
40.	Jr Engineer (Elec)	EM	HoD/DDG
41.	Jr Engineer (Civil)	EM	HoD/DDG
42.	Assistant Accountant Officer	AO	FA
43.	Office Superintendent	AO/Dy Registrar	FA/ Registrar
44.	Audio Visual Officer	HoD /Professor	DDG/ADG/DG
45.	Audio Visual Assistant	HoD	DDG/ADG/DG
46.	Wireman	EM	HoD/DDG
47.	Plumber	EM	HoD/DDG
48.	Telephone Operator	Dy Registrar	Registrar
49.	Driver (General pool)	Dy Registrar	Registrar
50.	Driver (assigned)	Concerned Officer	--
51.	Driver Cum Cleaner	Concerned Officer	--
52.	Naik	Dy. Registrar/ Concerned Officer	Registrar/HoD
53.	Roneo Operator	Dy Registrar / Concerned Officer	Registrar/HoD
54.	General Attendant	Dy Registrar/ Concerned Officer	Registrar/HoD
55.	Hostel Warden	Registrar	DDG/ADG/DG
56.	Director MDC	ADG/DG	DG

Note :-

- 1 The reporting officer should be immediate superior or the controlling authority of the incumbent of the post.
- 2 The reviewing officer should be immediate superior or the controlling authority of the reporting officer.
- 3 In case where the incumbent of the post is asked to work under two or more officers, the Director General will notify the reporting officer and the reviewing officer in respect of such post.
In case of any dispute regarding the reporting and reviewing officer in respect of any post, the decision of the Director General shall be final.



अत्यंत महत्वाचे

क्र प्रशा-१/३५११/संकीर्ण

दिनांक :- २३.०८.२०११

विषय :- वर्तणूक नियमांबाबत

संदर्भ :- यशदा सेवा नियम २१.०१ ते २१.०६

प रि प त्र क

यशदातील अधिकारी / कर्मचारी यांना दिनांक ०५.०३.२०१० रोजीपासून सुधारीत सेवानियम लागू करण्यात आले आहेत.

०२ यशदा सुधारीत सेवानियम २१.०६ नुसार यशदातील अधिकारी / कर्मचारी यांना महाराष्ट्र नागरी सेवा नियम १९७९ (वर्तणूक) हे तसेच्या तसे लागू करण्यात आले आहेत. तसेच यशदा सेवा नियमातील २१.०१ ते २१.०५ मध्येही वर्तणूकीबाबतच्या तरतुदी स्पष्ट करण्यात आलेल्या आहेत.

०३ याव्यतिरिक्त यशदातील अधिकारी / कर्मचारी यांना वर्तणूकीसंदर्भातील खालील नियम लागू राहतील. सर्व अधिकारी / कर्मचारी यांनी सदर नियमांचे काटेकोरपणे पालन करावे.

A) Employees shall regularly attend to their duties. They shall report for duty at the time of opening the office and shall not leave YASHADA before closing hours without proper permission. The employees who attend the office after ten minutes of opening time shall be marked late.

B.) All employees (Except class I & II officers) shall sign the muster roll/ late muster roll, as the case may be.

C.) Employees reporting late for duty on three or more occasions during a calender month shall be issued with a warning by the Registrar. In addition to this the casual leave available for such employee shall be reduced by one day for every three days of late



attendance or subsequent part thereof of two days. The employee who receive three warning during a calendar year shall be liable to disciplinary action.

D.) The employees shall attend the office in clean dress. The employees who shall be provided with uniform shall attend in clean uniform.

E.) Employees shall abide by all the laws of the country during the period of their employment in YASHADA. In case of cognizable breach of any law the Director General shall have power to terminate the services of the employee concerned without notice as soon as the employee is convicted of such an offence.

०४ यशदातील सर्व अधिकारी / कर्मचारी यांनी वर नमूद नियमांचे काटेकोरपणे पालन करावे. सदर परिपत्रक या परिपत्रकाच्या दिनांकापासून अंमलात येईल.

(मा महासंचालक, यशदा यांच्या मान्यतेने)

(निबंधक)

यशदा, पुणे

प्रति

- सर्व नियमित अधिकारी / कर्मचारी, यशदा (झिंब्रावर)

प्रत

- लेखाधिकारी, यशदा
- प्रशासन-२
- प्रशासन-२ (निवड नस्ती)



3.01 Age of retirement. (Revised in BoG 41)

The age of retirement for employee in the service of YASHADA (except class IV employees) shall be 58 years. In case of class IV employees, the age of retirement shall be 60 years. An employee shall retire from service on the afternoon of the last day of the month in which he/she attains the age of 58 (in case of class IV employees 60 years) years and as amended from time to time in relevant rules on the lines of State Government employees.



क्र प्रशा-१/१०१२/नि मं ४२/१४

दिनांक :- ०६.११.२०१२

विषय : यशदा सेवा नियम २६.०५ अंतर्गत मिळणाऱ्या उत्सव अग्रीमाच्या रकमेत वाढ करणेबाबत...

संदर्भ : दिनांक १९.१०.२०१२ रोजी झालेल्या नियामक मंडळाच्या ४२ व्या बैठकीच्या इतिवृत्तातील ठराव क्र. ४२ बीओजी:१४

परिपत्रक

यशदा सेवा नियम २६.०५ अंतर्गत उत्सव अग्रीम म्हणून रुपये ५०००/- इतकी रक्कम यशदा अधिकारी / कर्मचारी यांना अनुज्ञेय आहे. वर नमूद केलेल्या संदर्भानुसार या रकमेत वाढ करण्यात आली असून या नियमांतर्गत आता रुपये ७५००/- इतकी रक्कम अनुज्ञेय राहिल.

०२ सदर आदेश २९.१०.२०१२ पासून अंमलात येतील.

(महासंचालक)

यशदा, पुणे

द्र

प्रति,

- सर्व अधिकारी / कर्मचारी (लॅनद्वारे)

प्रत :

- लेखाशाखा (आवश्यक त्या कार्यवाहीसाठी)

- प्रशासन — २ निवड नस्ती

c/csb/07/09/01

Association of State Government servant
with socio-religious bodies
M.C.S (Conduct) Rules, 1979 ..

Government of Maharashtra
General Administration Department,
Govt.Circular no.CDR-1009/C.R.8/09/11,
Mantralaya, Mumbai 400 032.

Date : 7 th July, 2009

Circular :-

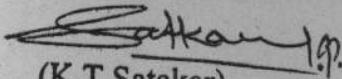
Instances have been brought to the notice of this Department where Government servant seek prior permission for becoming members of socio-religious bodies, the objectives of which are claimed to be aimed at social reforms and religious awakening etc.

2. According to Rule 16 of the Maharashtra Civil Services (conduct) Rules, 1979, no previous sanction of the Government is required for a State Government servant to undertake honorary work of a social or charitable nature but he should discontinue taking part in such activities, if so directed by the Government. Prior permission is essential only if the Government servant seeks to hold an elective office. As regards participation in purely religious activities, the freedom to profess and practice any religion is guaranteed under the Constitution of India itself. Since, however, the Constitution of India is based on the principle of secular state, the Government servants, while they are free to profess and practice any religion in their private lives, should so conduct themselves in public as to leave no room for any impression to arise that they do not subscribe to the secular philosophy of the state.
3. Some of the organizations and movements claiming to aim at social and religious reforms, may have some attributes of sectarian or communal nature. It will, therefore, be desirable on the part of the Government servants to be very cautious in associating themselves with any organization or movement the activities of which are liable to be construed as sectarian or communal in nature. It is not possible to give an exhaustive list of such activities or of the organizations and movements whose aims and objectives may be objectionable. The responsibility for the consequences of the decision to join any organization and participating in its activities will rest with the employee himself. It is, therefore, the duty of the Government employee who wishes to join any organization or association to satisfy himself that its activities and objectives are not of such a nature as are likely to attract action under any of the provisions of the

Conduct Rules. In the circumstances, any plea of ignorance or mis-conception as to the Government's attitude regarding participation in the activities of such organizations would not be tenable.

4. All Departments of the Mantralaya may bring the above to the notice of all concerned.
5. This Circular is made available on Government of Maharashtra website namely www.maharashrta.gov.in and the computer code number thereof is 20090707140321001.

By order and in the name of the Governor of Maharashtra,


(K.T.Satakar)

Under Secretary to Government of Maharashtra.

To

The Secretary to the Governor,
The Principal secretary to the Chief Minister,
The secretary to the Deputy Chief Minister,
The Chief Secretary to Government,
All Additional Chief Secretary / All Principal Secretary /
All Secretary to Government
All other Head of Departments and Heads of Offices under the Several
Departments of Mantralaya,
All Divisional Commissioners,
All District Collectors,
GAD (All sections)
Select file.

राज्य शासनाच्या कर्मचा-यांनी सामाजिक-धार्मिक
संस्थांचे सदस्य होणे.
महाराष्ट्र नागरी सेवा (वर्तणूक) नियम, १९७९....

महाराष्ट्र शासन
सामान्य प्रशासन विभाग,
शासन परिपत्रक क्रमांक : सीडीआर-१००९/प्र.क्र.८/०९/११,
मंत्रालय, मुंबई ४०० ०३२.
दिनांक : ७ जूलै, २००९.

परिपत्रक :-

ज्या सामाजिक- धार्मिक संस्थांच्या उद्दीष्टांमध्ये सामाजिक सुधारणा आणि धार्मिक जागृती करणे इत्यादी उद्देश असल्याचा दावा केला जातो. अशा सामाजिक- धार्मिक संस्थांचे सदस्य बनण्यासाठी शासकीय कर्मचारी पूर्व परवानगी मागतात, अशी उदाहरणे या विभागाच्या निदर्शनास आणून देण्यात आली आहेत.

२. महाराष्ट्र नागरी सेवा (वर्तणूक) नियम, १९७९ च्या नियम १६ नुसार, सामाजिक किंवा धर्मादाय स्वरुपाचे मानसेवी कार्य हाती घेण्यासाठी राज्य शासकीय कर्मचा-याला शासनाच्या पूर्वमंजूरीची आवश्यकता नसते. मात्र, शासनाकडून निदेश देण्यात आल्यास, त्याने असे कार्य बंद केले पाहिजे. शासकीय कर्मचा-याला निवडणूकीने प्राप्त होणारे पद धारण करायचे असेल तेव्हाच फक्त अशा पूर्वपरवानगीची आवश्यकता असते. निव्वळ धार्मिक स्वरुपाच्या कार्यात सहभागी होण्याच्या बाबतीत, भारताच्या संविधानाने कोणत्याही धर्माचा अनुयायी म्हणविण्याचा आणि त्याचे आचरण करण्याचे स्वातंत्र्य असतांना, राष्ट्राचे धर्मनिरपेक्ष तत्वज्ञान त्यांना मान्य नाही याबद्दलच्या समजुतीस कोणतीही जागा राहू नये म्हणून त्यांनी सार्वजनिक जीवनात तसे आचरण ठेवावे.

३. सामाजिक व धार्मिक सुधारणांच्या ध्येयाचा दावा करणा-या काही संघटना आणि चळवळी सांप्रदायिक किंवा जातीय स्वरुपाच्या असू शकतात. म्हणून, ज्या संघटना व चळवळीचे कार्य, सांप्रदायिक किंवा जातीय स्वरुपाचे असल्याचा अर्थ लावला जाण्यास पात्र असेल अशा कोणत्याही संघटनेशी किंवा चळवळीशी संबंध ठेवताना शासकीय कर्मचा-यांनी अत्यंत सावधगिरी बाळगणे इष्ट ठरेल. आक्षेपार्ह ध्येय आणि उद्दिष्टे असलेल्या अशा संघटनांची किंवा त्यांच्या कार्याची एक परिपूर्ण यादी देणे शक्य होणार नाही. कोणत्याही संघटनेत दाखल होण्याच्या आणि त्यांच्या कार्यामध्ये भाग घेण्याच्या निर्णयाच्या परिणामांना स्वतः कर्मचारीच जबाबदार असेल. म्हणून, ज्या संघटनेत किंवा संघात दाखल होण्याची शासकीय कर्मचा-याची इच्छा असेल, त्या संघटनेची कार्ये आणि उद्दिष्टे ही, वर्तणूक नियमांच्या कोणत्याही तरतुदीखालील कारवाईस तयारी पात्र ठरवतील अशा स्वरुपाची नाहीत, याची स्वतः खात्री करणे हे त्या शासकीय कर्मचा-याचे कर्तव्य असेल. अशा परिस्थितीत, अशा संघटनांच्या कार्यातील सहभागासंबंधी शासनाच्या धोरणाबाबतच्या अभिज्ञतेबद्दलची किंवा गैरसमजुतीबद्दलची कोणतीही सबब असमर्थनीय ठरेल.

- 1 AUG 2009

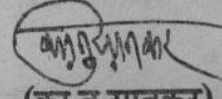
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शाखा
दिनांक १०/८/०९
आस्थापना: A

कृ.मा.प....

४. मंत्रालयातील सर्व विभागांनी, वरील बाब सर्व संबंधितांच्या निदर्शनास आणून द्यावी.
५. हे परिपत्रक महाराष्ट्र शासनाच्या www.maharashtra.gov.in या वेबसाईटवर उपलब्ध करून देण्यात आले असून त्याचा संगणक संकेतांक क्रमांक २००९०७०७१४०३२१००१ असा आहे.

महाराष्ट्राचे राज्यपाल यांच्या आदेशानुसार व नावाने,



(का.तु.सातकर)

अवर सचिव, महाराष्ट्र शासन.

प्रत :

राज्यपालांचे सचिव,
मुख्यमंत्र्यांचे प्रधान सचिव,
उप मुख्यमंत्र्यांचे सचिव,
मुख्य सचिव, महाराष्ट्र शासन,
सर्व अपर मुख्य सचिव/ प्रधान सचिव/ सचिव मंत्रालयीन विभाग
सर्व मंत्रालयीन विभाग,
मंत्रालयीन विभागाच्या नियंत्रणाखालील सर्व विभागप्रमुख,
सर्व विभागीय आयुक्त,
सर्व जिल्हाधिकारी,
सामान्य प्रशासन विभागातील सर्व कार्यासने
निवड नस्ती.

GOVERNMENT SERVANTS CONDUCT RULES-CONSTITUTIONAL PROVISIONS & CASE STUDIES

The Constitution of India provides Fundamental Rights under six groups as follows-

- (a) Right to Equality (Art.14 to 18)
- (b) Right to Freedom (Art.19 to 22)
- (c) Rights against Exploitation (Art.23 to 24)
- (d) Right to Freedom of Religion (Art.25 to28)
- (e) Cultural and educational Rights (Art.29 to30)
- (f) Rights to Constitutional Remedies (Art.32-35)

The Right to Property has been eliminated by the 44th Amendment Act (w.e.f 30-4-79). Right to Education was made a Fundamental Right by the Constitution (86th)Amendment Act,2002.Art.21A incorporated as per the above amendment provides for free and compulsory education to children of the age of Six to Fourteen years.

The rights which are given to the Citizens by way of Fundamental Rights are a guarantee against State action. In case of violation of one's fundamental rights by the State, the aggrieved person can directly approach the High Court or Supreme Court for remedy. In case violation of one's fundamental rights by private individuals the ordinary remedies may be available but not constitutional remedies.

The fundamental rights enshrined in Part III of the Constitution are available against State.Art.12 of the Constitution defines 'State.'

By virtue of the definition in Art.12, the term 'State' includes-

- (i) The Central Govt. and Parliament of India,
- (ii) The State Govt. and Legislature of each State,
- (iii)All local or other authorities within the territory of India
- (iv)All local and other authorities under the control of the Govt. of India

The term State thus includes executive as well as legislative organs of the State. Whenever the action of these bodies violates one's fundamental rights as guaranteed in Part III, he can challenge the violative action before the Supreme Court or High Court.

S.3 (31) of the General Clauses Act defines the term 'Local Authorities'. They include Municipalities, District Boards, Panchayats, Improvement Trusts and Mining Settlement Boards. Courts interpreted the term 'other authorities' in their judgments.

Fundamental Rights

I-Right to Equality

- 1-Equality before Law-Art.14
- 2-Prohibition of discrimination on ground of religion etc.-Art.15
- 3-Equality of opportunity in employment-Art.16
- 4-Abolition of untouchability-Art.17
- 5-Abolition of titles-Art.18

II-Right to Freedom

- 1-Freedom of speech and expression, assembly, association, movement, residence and profession-Art.19
- 2-Protection in respect of conviction for offences-Art.20
- 3-Protection of Life and personal liberty-Art.21
- 4-Right to education-Art.21A
- 5-Protection against arrest and detention in certain cases-Art.22

III-Right against exploitation

- 1-Prohibition of traffic in human beings and forced labour-Art.23
- 2-Prohibition of employment of children in hazardous employment-Art.24

IV-Right to Freedom of Religion

- 1-Freedom of conscience and free profession-Art.25
- 2-Freedom to manage religious affairs-Art.26
- 3-Freedom as to payment of taxes for promotion of any particular religion-Art.27
- 4-Freedom as to attendance at religious instruction in certain educational institutions-Art.28

V-Cultural and Educational Rights

- 1-Protection of language, script or culture of minorities-Art.29
- 2-Right of minorities to establish and administer educational institutions-Art.30

VI-Right to Constitutional remedies

Remedies for enforcement of the fundamental rights conferred by Part III –Writs of Habeus Corpus, Mandamus, Prohibition, Certiorari and Quo warranto-Art.32 and Art.226

Double jeopardy

Immunity from Double prosecution and Punishment

The prohibition against double jeopardy is contained in Clause (2) of Art.20 which runs as follows-

“No person shall be prosecuted and punished for the same offence more than once”

The expression ‘double jeopardy’ is used in the American law, but not in our Constitution. A similar principle is incorporated here. The Supreme Court in Venkataraman V Union of India(1954)SCR1150 laid down that Art.20(2) refers to Judicial punishment and gives immunity to a person from being prosecuted and punished for the same offence more than once. In other words, if a person has been prosecuted and punished in a previous proceeding of an offence, he cannot be prosecuted and punished for the same offence again in subsequent proceedings. If any law provides for such double punishment, such law would be void. The Article however does not give immunity from proceedings other than proceedings before a Court of law or a judicial tribunal. Hence a Govt. Servant who has been punished for an offence in a Court of law may be subjected to **departmental proceedings** for the same offence or conversely (Venkataraman V Union of India).If the accused was neither convicted nor acquitted of the charges against him in the first trial his retrial would not amount to double jeopardy(O.P.Dahiya V Union of India(2003)1 SCC 122).Prosecution and other punishment under two sections of an Act, the offences under the two Sections being distinct from each other,doesnot amount to double jeopardy(State of Rajasthan V Hat Singh AIR 2003 SC 791)

Prerogative writs

The expression ‘Prerogative writ’ is one of English Common law refers to the extraordinary writs granted by the Sovereign, as fountain of justice, on the ground of inadequacy of ordinary legal remedies. In course of time these Writs came to be issued by the High Court of Justice as the agency through which the Sovereign exercised his judicial powers and these prerogative writs were issued as extraordinary remedies in cases where there was either no remedy available under the ordinary law or the remedy available was inadequate. These writs are –Habeus Corpus, Mandamus, Prohibition, Certiorari and Quo warranto.

The power of the High Courts to issue these writs is wider than that of the Supreme Court. Under Art.32 of the Constitution, the Supreme Court has power to issue these writs only for the purpose of enforcement of the Fundamental rights whereas under Art.226 a High Court can issue these writs not only for the purpose of enforcement of fundamental rights but also for the redress of any other injury or illegality owing to contravention of the ordinary law. A person can move High Court or Supreme Court for enforcement of Fundamental rights.

Writ of Habeus Corpus

This is in the nature of an order calling upon the person who has detained another to produce the latter before the Court in order to let the Court know on what ground he has been confined and to set him free if there is no legal justification for the imprisonment. The words 'habeus corpus' literally mean 'to have a body'.

The detenu or a relative or friend of him can file application for this writ.

Writ of Mandamus

This is an order of the Court commanding a person or a public authority to do or to refrain from doing something in the nature of a public duty or a statutory duty. This will be issued when there is a failure to perform a mandatory duty by a public authority.

The party applying for this writ must show that he made a demand and it was refused by the public authority.

Writ of Certiorari

A writ of Certiorari is issued for quashing or nullifying an order made without jurisdiction or in violation of the rules of natural justice by an inferior court or body exercising judicial or quasijudicial function.

Writ of Prohibition

This writ is issued to prevent an inferior Court or tribunal from exceeding its jurisdiction or acting contrary to the rules of natural justice. It is issued to judicial and quasijudicial bodies for preventing them from exercising jurisdiction which is not vested in them or to prevent them from abusing the jurisdiction.

Writ of Quo Warranto

This writ is issued to a person who holds a public office to show the Court under what authority he holds his office. The words 'quo warranto' means 'what is your authority'. Any member of public can challenge the right of a person to hold a public office.

Article 19(2) to (6) of the Constitution provides for reasonable restrictions on the exercise of fundamental rights in the interest of Sovereignty and integrity of the State, public order or morality etc.

In addition to these restrictions, the Govt. has imposed certain restrictions on the action or omission of Govt. Servants. Some actions are restricted, some can be performed with permissions and some others are prohibited. That means there are certain "Dos" and "Don'ts" prescribed for Government Servants. These acts or omissions are grouped under

various rules in Govt. Servants Conduct Rules as General Conduct, Hospitality, Property, Investments, Secrecy, Associations, Literary activities, Personal Misconduct, Relations with –Family, Co-workers, Public, Other authorities, Representatives of People, Ministers, Governor ,Other Govts.,etc., , Govt. Servants Conduct Rules 1960 came into existence in January,1960.This was issued as a statutory notification as per GO(P)No.6/PD dt.5-1-1960 in Kerala Gazette No.2 dt 12-1-1960 invoking the powers conferred to Governor under Art.309 of the Constitution of India. This rule is later revalidated under the Kerala Public Services Act, 1968.This Rule consists of 96 rules.

Application of Rules

These rules apply to all Govt.Servants under the rule making control of Kerala Govt. except to the employees in Subordinate Service in Govt. owned industrial concerns.

The Article 309 of the Constitution of India confers on the State and Central Government the absolute power to frame rules for regulating the conduct of Government employees. In discharging official duties the Government servant have to conform to rule of conduct made by the Government and they should also observe a certain standard of discipline, dignity and decorum within public as well as private life.

Conduct Rules have always invited numerous interpretations from different courts. There is nothing unusual about it, since human nature is so unpredictable.

MISCONDUCT

The term ‘misconduct’ is not defined in any of the conduct rules or other enactments’ Misconduct’ literally means wrong conduct or improper conduct. The expression misconduct is an expression of wide amplitude. Misconduct has been defined in Black’s Law Dictionary ,Sixth Edition at page 999,thus –“a transgression of some established and definite rule of action ,a forbidden act, a dereliction from duty, unlawful behaviour,wilful in character, improper or wrong behaviour.It’s synonyms are misdemanour, misdeed, misbehaviour, delinquency, impropriety, mismanagement, offence, but not negligence or carelessness”.

MISCONDUCT IN OFFICE-DEFINITION

“any unlawful behaviour by a public officer in relation to the duties of his office, willful in character. The term embraces acts which the office holder had no right to perform, acts performed improperly and failure to act in the face of an affirmative duty to act”

Rule 3 of the Kerala Government Servant’s Conduct Rules requires that every Government Servant shall at all times maintain absolute integrity and devotion to duty. Any thing contrary of this rule will be considered as misconduct.

Gujarat High Court held that the Armed Police Constable Dalabhai Bhimabhai Patel who had sexual intercourse with the wife of another constable, with her consent may not be guilty of offence of rape or criminal trespass, but it is certainly a case of misconduct and a departmental enquiry can validly be held against him. [Dalabhai Bhimabhai Patel v Dy. Commr. of Police 1992(1) SLRGuj551]

When a Government Servant fails to give satisfactory account about the property which he has acquired and which is disproportionate to his known sources of income he can be considered to have committed grave misconduct under the provision of the Conduct Rules [Bharat Ram v Union of India AIR1967Pat347]

Committing sexual intercourse with a co-worker while on duty, is an act subversive of discipline.[Prabu Dayal v State of Madhya Pradesh,1988(6)SLR M P 164]

CASE STUDIES

Summaries of some landmark cases related to Conduct Rules are given below

These rules primarily govern the conduct of Govt. Servants. They are framed in 'public interest' and as a matter of 'public policy'. They lay down norms and standards for the conduct of the Govt. Servants in public interest. These aspects afford a key to the understanding of the word 'business' occurring in Rule16 –Manmadan V Krishnappan Unni, 1985 KLT (670)

To seek police reports about the political faith, belief and association and the past political activity of a candidate for public employment is repugnant to the basic rights guaranteed by the Constitution and entirely misplaced in a democratic republic dedicated to the ideals set forth in the Preamble of the Constitution. Termination of Service on a police report that before his appointment the employee had taken part in R.S.S. and JanaSangh activities was held to be illegal-State of M.P.V.Ramashanker(1983) 2 SCC 145.

A citizen who is otherwise found fit for public employment cannot be discriminated or priced out of employment market because of his political convictions or affiliations. Of course, once he enters the Service, he would be bound by and governed by the Rules and the code of conduct obtaining in that Service and cannot act contrary to them.- Kalluri Vassayya V Supdt. Of Post office 1980 (2) SLR433.

The fact that the Rules came into force after a person entered service or the fact that he ceased to be a Govt. Servant on the date when disciplinary proceedings were actually commenced cannot stand in the way of Government enforcing the provisions of the Rules against him.- Narayanan Nair V.St. of Kerala 1962KLT 740

Conduct on the part of a Govt. Servant prior to the promulgation of the Rules cannot be investigated under the new Rules which cannot have retrospective effect.- Gopinathan V.State of Kerala 1963 KLT 508.

It is not necessary that a member of the Service should have committed the alleged act or omission in the course of discharge of his duties as a Servant of the Government in order that it may form the subject matter of disciplinary proceedings. If the act or omission is such as to reflect on the reputation of the officer or his integrity or good faith or devotion to duty, there is no reason why disciplinary proceedings should not be taken against him for that act or omission.- Govinda Menon V Union of India AIR 1967 SC 1274,1967 KLT 336.

Every official lapse, inefficiency or incapacity cannot be dubbed as misconduct so as to warrant disciplinary action.- Kannan V Board of Revenue,1994(1)KLT 271

When the office was shifted the officer invoked the blessings of 'God Ganapathy' through a special worship performed in the office. The contention that such conduct of the officer is a negation of the Secular principles of the Constitution and that he has committed misconduct warranting initiation of disciplinary proceedings is unsustainable. -Peethambaran V Supdt. Of Police 1996(1) KLT 167, ILR 1996(2) Ker.153

Even if the act of delinquency is not specified in the Rules as an act of misconduct, disciplinary action can be taken, if there are good and sufficient reasons.- Secretary to Govt. V Brito (1997)3 Sec 387

The contention that no disciplinary action can be taken in regard to actions taken or purported to be done in the course of judicial or quasijudicial proceedings not sustainable -Union of India V Saxena (1992)3 Sec 124.

When an officer in exercise of judicial or quasijudicial powers acts negligently or recklessly or in order to confer under favour on a person he is not acting as a judge. Disciplinary action can be taken in respect of such action- Union of India V Dhavan (1993)2 SCC 56.

Misconduct committed while discharging quasi judicial function as an Appellate Asst. Commissioner. Disciplinary action can be taken -Jacob John V Secretary to Govt.1996 (2) KLT462

Extreme care and caution is needed before initiating disciplinary proceedings against an officer performing judicial or quasijudicial functions regarding any of his actions in the course of such functions-Natarajan V Board of Revenue ,1995(1)KLT 695.

Moral turpitude is an expression which is used in legal as also social parlance to describe conduct which is inherently base, vile, depraved or having any connection showing depravity .The Supreme Court has suggested that provision has to be made that punishment of fine up to Rs.2000/- or so on a summary/ordinary conviction shall not be treated as conviction at all for any purpose and all the more for entry into and retention in Govt. Service -Pawan Kumar V St. of Haryana (1996)4SCC17

Based on the above observation of the Supreme Court the Govt. of Kerala added the following proviso to the Kerala Civil Services(Classification Control & Appeal) Rules,1960 as per GO(P)No.28/2003/P&ARD dt.18-9-2003

“.....Provided further that where a Government Servant is convicted on a criminal charge by a criminal court and sentenced to imprisonment and or with fine;

- (a) he shall be dismissed or removed from service forthwith by invoking the provision contained in item(a) of the second proviso to clause(2)of Article 311 of the Constitution of India irrespective of the fact that an appeal is pending or that the execution of sentence is suspended in respect of the said conviction and
- (b) in case the said conviction is subsequently set aside in appeal or otherwise and the Government Servant is acquitted of the charges, the order of dismissal or removal ceases to have effect and revised orders shall be issued forthwith to reinstate him in service entitling him all the benefits to which he would have been entitled had he been in service.

Provided also that in case where conviction is on a summary trial the sentence for petty offences and the sentence is for a fine upto Rs.2000/-only such conviction shall not be treated as a conviction for the purpose of this rule and for the entry into service or retention in service as the case may be.

Disciplinary action initiated against the petitioner on the ground that while functioning as Deputy Commissioner (Appeals) he allowed an appeal filed by the assessee resulting in loss to Government was held illegal. Officers invested with quasijudicial powers are to discharge their functions without fear of disciplinary action on account of their free exercise of that power-KesavanVState of Kerala 1989 (1) KLT135

The conduct of an officer in submitting a false report in his capacity as an authorized Officer assisting a quasijudicial Tribunal can be subject matter of disciplinary proceedings-George Eapen V State of Kerala -1989 (2)KLT 659

A public Servant is in the position of trustee. Social power vests in him for the purpose of rendering service to the community-GonalBihimappa V State of Karnataka AIR1987 SC 2359

The word misconduct is sufficiently a wide expression and covers any conduct which in any way renders a man unfit for his office or is likely to tamper or embarrass the administration. In this sense grossly improper or unbecoming conduct in public life may also become misconduct-Natarajan V Div.Suptd. of S. Railway 1975KLT 806

It is not necessary that a member of the service should have committed the alleged act or omission in the course of discharging of his duties as servant of a Govt.in order that it may form the subject matter of disciplinary proceedings. If the act or omission is such as to reflect on the reputation of the officer for his integrity or good faith or devotion to duty, there is no reason why disciplinary proceedings should not be taken against him for

that act or omission even though the act or omission relates to an activity in regard to which there is no actual master and servant relationship-GovindaMenon V Union of India AIR 1967SC 1274

An act or omission runs counter to the expected code of conduct would constitute misconduct. Lack of efficiency, failure to attain the highest standard of administrative ability while holding a high post would not themselves constitute misconduct-Union of India V Ahmed AIR 1979SC 1022

An illegal or irregular or improper exercise of judicial discretion, in the absence of malafides, will not amount to misconduct-Bhagavat Swaroop V State of Rajasthan 1978(1) SLR 835

In a complaint about the nonmaintenance of a wife against a Govt. servant, the question of relationship of the alleged wife must be left for the determination of the Courts of law. If there was a decree passed, that decree could have been relied on for further action-Jaladharan V D.T.O.1966 K LJ 673

An Appellate Assistant Commissioner of AIT&STDept.was found guilty on the charge that she did not achieve the quota of 385 appeals fixed for a period in the matter of disposal. The proceedings were challenged contending that matters relating to the discharge of judicial duties cannot form subject matter of a charge of misconduct. The contention was rejected holding that the instructions issued in this case have no bearing on the decision-making process. The charges do not relate to the quality of judicial functioning of the petitioner-Saradamma V Board of Revenue 1988(2) KLT 437

Railway servant publishing a letter in a newspaper which is aimed at focusing the attention of the Railway administration on the need for providing safety measures to prevent recurrence of accidents and the adverse effect of what he thought to be repressive measures against Railway work men. It was held that the petitioner cannot be held guilty of charge under the Railway Services Conduct Rules. His removal from service was held invalid-Kunhabdulla V Union of India 1983 KLT 1017

In a representation submitted to the employer the employee invited the attention of the employer to the newspaper reports relating to some alleged irregularities in the handling of Wakf properties and expressed the opinion that the allegations in the newspaper reports required investigation. It was held that this was not a misconduct so as to warrant disciplinary action .No authority is entitled to treat the exercise of the fundamental right of freedom of speech by a citizen as misconduct and deal with its employee for the misconduct of the exercise of fundamental freedom of speech and expression assured by Art.19 (1) of the Constitution of India-Ibrahim V Kerala Wakf Board 1985 KLT 24

The fundamental rights guaranteed in the Constitution cannot be waived by conditions of service, but reasonable restriction can be imposed.Rule80 (a) of TCCConduct Rules restricted the membership of Service Associations to Govt. servants only and

Rule 81 which provided that “no Govt. servant shall be a member of any Service Association which has not been recognized by Govt. or of which the recognition has been withdrawn “were held to be reasonable and valid-C.N.Chellappan Pillai V State of TC 1957KLT 169

The fundamental right guaranteed under Art.19 (1) (c) of Constitution to form unions does not carry with it a right to claim the grant of recognition of the union by the employer –David V St. of Kerala, 1971KLT892

Rule 4A of the Central Civil Service(Conduct) Rules, 1955 in so far as it prohibited any form of demonstration was violative of the Govt. Servants rights under Art.19(1) (a) and (b) of the Constitution and should ,therefore be struck down. The Court further held that the said rule in so far as it prohibited a strike could not be struck down for the reason that there was no fundamental right to resort a strike –OK Ghosh V E X Joseph AIR 1963SC812

There is no fundamental right under Art.19 (1) to strike – Radhey Shyam V pmg Nagpur AIR 1965 SC311

The petitioner was called upon to answer only one charge. That charge framed against the petitioner having found to be not proved, there is no justification in proceeding further in the matter. If the disciplinary authority had a case of any other instance of misconduct, the petitioner should have been proceeded against separately – Vijayan V High Court of Kerala 2003(1) KLT 914.

The Indian Penal Code 1860 **(Law of Crimes)**

A crime is an act or omission which the law punishes. A crime is considered to be a public wrong i.e., a wrong against public at large or wrong against the State. When a person commits a crime the State prosecutes him.

Elements of a crime

“Actus non facit reum nisi mens sit rea”

This maxim means an act does not amount to a crime unless done with a guilty intention. In other words, the act alone does not amount to guilt, it must be accompanied by a guilty mind. The act or omission should be one prohibited by law.

Maintenance of law and order is a Sovereign function of the State. For this purpose certain acts and omissions of human beings are prohibited or restricted by law. The object of criminal law is protection of life, liberty and property of persons in the society. Threat of punishment is used to achieve this. Following punishments are provided in Indian Penal Code.

- 1-Death
- 2-Imprisonment for life
- 3-Imprisonment for a fixed period-it may be rigorous or simple or solitary
- 4-Forfeiture of property
- 5-Fine

Theories of Punishment

The purpose of criminal justice is punishment to the wrong doer.
There are mainly five theories

1-Retributive-Purpose is retribution. The wrong doer should suffer. The principle is “an eye for an eye, a tooth for a tooth”

2-Preventive-Purpose is prevention or disablement. Offender is disabled from repeating the offence.

3-Deterrent-Purpose is to make the offender an example and a warning to other persons who are like minded i.e., to deter the ‘would be criminal’

4-Reformative-object is to reform the criminal morally

5-Expiatory-the object of punishment is expiation.The guilt is expiated when the offender is suffered in person or purse.

Each theory has its own merits and demerits.

* * *



सत्यमेव जयते
महाराष्ट्र शासन

Directorate of Higher Education, Pune, Maharashtra

Administration

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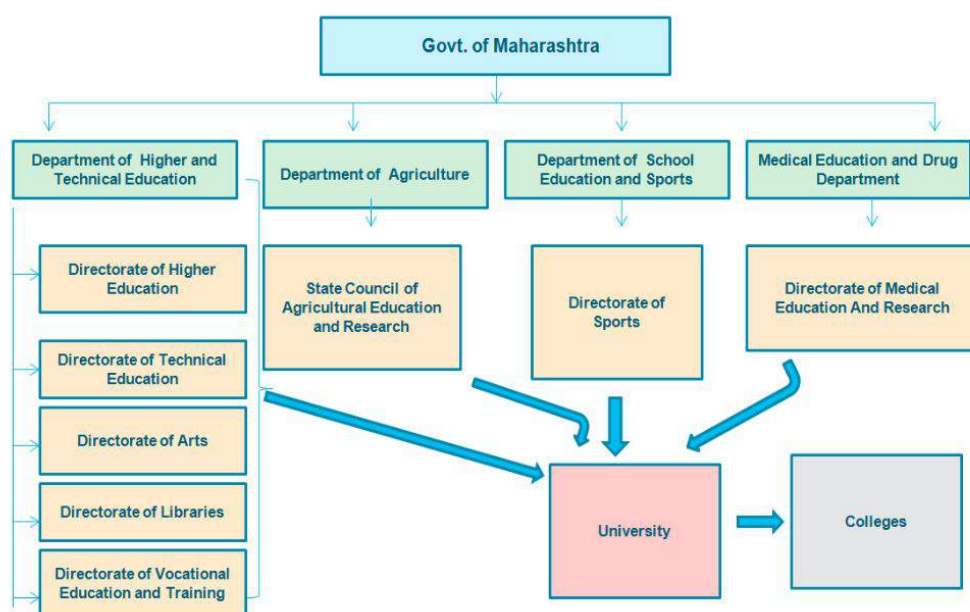
University ACT & Statutes

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About Us.

The Directorate of Higher Education was entrusted with the responsibility of the Management of Non - agricultural Universities and its Degree Colleges pertaining higher education in the faculties of Arts, Science, Commerce, law, Education and Non - AICTE in the State. The picture presented below will show the scenario of higher educational system in Maharashtra.

Higher Education System in Maharashtra



In the year 1969 the State Government had introduced 10+2+3 systems of education and started number of Senior Colleges in the State to impart Higher Education. The number of these colleges increased immensely after formation of Directorate of Higher Education on 31-10- 1984. Consequently, the administrative responsibilities of Director of Higher Education have enormously increased and the centralized management of all the colleges had become very difficult from State level Directorate located at Pune. Thus the need was felt to decentralize the organization which has resulted in the creation of 10 regional offices in the State to oversee the functioning of colleges in the respective regions. The 10 offices of Regional Joint Directors are located at Mumbai, Panvel, Pune, Kolhapur, Solapur, Aurangabad, Nanded, Jalgaon, Amravati and Nagpur.

The functions of Directorate are categorized into following three broad categories: A) Planning and Co-ordination; B) Academic Functions and C) Advisory Functions

A) Planning & Co-ordination:

i) To prepare consolidated plans, policies in the sphere of Higher Education in the State in accordance with the guidelines that may be issued by the University Grants Commission from time to time, and to assist in their implementation, keeping in view the overall priorities and perspectives of Higher Education in the State; ii) To assist the State Govt. in respect of determination and maintenance of standards and suggest remedial action wherever necessary; iii) To evolve perspective plans for development of Higher Education in the State; iv) To forward the development programmes of Universities and Colleges in the State at the State Govt. along with its comments and recommendations; v) To monitor the progress of implementation of such developmental programmes; vi) To promote cooperation and coordination of the educational institutions among themselves and explore the scope for interaction with industry and other related establishments; vii) To formulate the principles as per the guidelines of the Government and to decide upon, approve and sanction new educational institutions by according permission keeping in view the various norms and requirements to be fulfilled; viii) To suggest ways and means of augmenting additional resources for Higher Education in the State;

B) Academic Functions:

i) To encourage and promote innovations in curricular development, restructuring of courses and updating of syllabi in the University and the Colleges. ii) To promote and coordinate the programme of Autonomous Colleges and to monitor its implementation. iii) To devise steps to improve the standards of examinations conducted by the Universities and suggest necessary reforms; iv) To facilitate training of teachers in Colleges and Universities; v) To develop programmes for greater academic cooperation and inter-action between University teachers and College teachers and to facilitate mobility of students and teachers within and outside the State; vi) To conduct entrance examination for admission to institutions of Higher Education and render advice on admissions vii) To conduct sports, games, physical education and cultural activities in the universities and colleges; viii) To encourage extension activities and promote interaction concerned with agencies with regional planning and development. ix) To prepare an overview report on the working of the universities and the colleges in State and to furnish a copy of the report to the state Govt.

C) Advisory Functions

To advise the Government: i) To link research work of educational institutions with that of the research agencies and industry, keeping in view the overall research needs of the State; ii) On the statutes and Ordinances to various Universities in the State (excluding Central Universities) and on the statutes proposed by the Universities in the State. iii) In formulation of the schemes in the State; iv) To make new institutions self sufficient and viable; v) On the policy of 'earning while learning' vi) To perform any other functions necessary for the furtherance of Higher Education in the State.

LIST OF REGIONAL OFFICES UNDER THE PURVIEW OF DIRECTORATE

Sr No	Regional Office	Location
1	Joint Director of Higher Education, Regional Office, Mumbai	Mumbai
2	Joint Director of Higher Education, Regional Office, Panvel	Panvel
3	Joint Director of Higher Education, Regional Office, Pune	Pune
4	Joint Director of Higher Education, Regional Office, Kolhapur	Solapur
5	Joint Director of Higher Education, Regional Office, Solapur	Solapur
6	Joint Director of Higher Education, Regional Office, Aurangabad	Aurangabad
7	Joint Director of Higher Education, Regional Office, Nanded	Nanded
8	Joint Director of Higher Education, Regional Office, Jalgaon	Jalgaon
9	Joint Director of Higher Education, Regional Office, Amravati	Amravati
10	Joint Director of Higher Education, Regional Office, Nagpur	Nagpur

LIST OF NON-AGRICULTURAL UNIVERSITIES UNDER THE PURVIEW OF DIRECTORATE

Sr No	Non-Agricultural Universities	Location
1	Mumbai University, Mumbai	Mumbai
2	S.N.D.T. University, Mumbai	Panvel
3	Savitribai Phule Pune University, Pune	Pune
4	Shivaji University, kolhapur	Solapur
5	Solapur University, Solapu	Solapur
6	Dr. Babasaheb Ambedkar Marathwada University, Aurangabad	Aurangabad
7	Swami Ramanand Teerth Marathwada University, Nanded	Nanded
8	North Maharashtra University, Jalgaon	Jalgaon
9	Sant Gadge Baba Amravati University, Amravati	Amravati
10	Rashtrasant Tukdoji Maharaj Nagpur University, Nagpur	Nagpur

2/28/2020

Directorate of Higher Education

11	Gondwana University, Gadchiroli	Gadchiroli
12	Kavi Kulguru Kalidas Sanskrit University, Ramtek Dist. Nagpur	Ramtek & Nagpur
13	Yashwantrao Chavan Open University, Nashik	Nashik

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Developed by Higher Education Team

GOVERNMENT SERVANTS CONDUCT RULES-CONSTITUTIONAL PROVISIONS & CASE STUDIES

The Constitution of India provides Fundamental Rights under six groups as follows-

- (a) Right to Equality (Art.14 to 18)
- (b) Right to Freedom (Art.19 to 22)
- (c) Rights against Exploitation (Art.23 to 24)
- (d) Right to Freedom of Religion (Art.25 to28)
- (e) Cultural and educational Rights (Art.29 to30)
- (f) Rights to Constitutional Remedies (Art.32-35)

The Right to Property has been eliminated by the 44th Amendment Act (w.e.f 30-4-79). Right to Education was made a Fundamental Right by the Constitution (86th)Amendment Act,2002.Art.21A incorporated as per the above amendment provides for free and compulsory education to children of the age of Six to Fourteen years.

The rights which are given to the Citizens by way of Fundamental Rights are a guarantee against State action. In case of violation of one's fundamental rights by the State, the aggrieved person can directly approach the High Court or Supreme Court for remedy. In case violation of one's fundamental rights by private individuals the ordinary remedies may be available but not constitutional remedies.

The fundamental rights enshrined in Part III of the Constitution are available against State.Art.12 of the Constitution defines 'State.'

By virtue of the definition in Art.12, the term 'State' includes-

- (i) The Central Govt. and Parliament of India,
- (ii) The State Govt. and Legislature of each State,
- (iii)All local or other authorities within the territory of India
- (iv)All local and other authorities under the control of the Govt. of India

The term State thus includes executive as well as legislative organs of the State. Whenever the action of these bodies violates one's fundamental rights as guaranteed in Part III, he can challenge the violative action before the Supreme Court or High Court.

S.3 (31) of the General Clauses Act defines the term 'Local Authorities'. They include Municipalities, District Boards, Panchayats, Improvement Trusts and Mining Settlement Boards. Courts interpreted the term 'other authorities' in their judgments.

Fundamental Rights

I-Right to Equality

- 1-Equality before Law-Art.14
- 2-Prohibition of discrimination on ground of religion etc.-Art.15
- 3-Equality of opportunity in employment-Art.16
- 4-Abolition of untouchability-Art.17
- 5-Abolition of titles-Art.18

II-Right to Freedom

- 1-Freedom of speech and expression, assembly, association, movement, residence and profession-Art.19
- 2-Protection in respect of conviction for offences-Art.20
- 3-Protection of Life and personal liberty-Art.21
- 4-Right to education-Art.21A
- 5-Protection against arrest and detention in certain cases-Art.22

III-Right against exploitation

- 1-Prohibition of traffic in human beings and forced labour-Art.23
- 2-Prohibition of employment of children in hazardous employment-Art.24

IV-Right to Freedom of Religion

- 1-Freedom of conscience and free profession-Art.25
- 2-Freedom to manage religious affairs-Art.26
- 3-Freedom as to payment of taxes for promotion of any particular religion-Art.27
- 4-Freedom as to attendance at religious instruction in certain educational institutions-Art.28

V-Cultural and Educational Rights

- 1-Protection of language, script or culture of minorities-Art.29
- 2-Right of minorities to establish and administer educational institutions-Art.30

VI-Right to Constitutional remedies

Remedies for enforcement of the fundamental rights conferred by Part III –Writs of Habeus Corpus, Mandamus, Prohibition, Certiorari and Quo warranto-Art.32 and Art.226

Double jeopardy

Immunity from Double prosecution and Punishment

The prohibition against double jeopardy is contained in Clause (2) of Art.20 which runs as follows-

“No person shall be prosecuted and punished for the same offence more than once”

The expression ‘double jeopardy’ is used in the American law, but not in our Constitution. A similar principle is incorporated here. The Supreme Court in Venkataraman V Union of India(1954)SCR1150 laid down that Art.20(2) refers to Judicial punishment and gives immunity to a person from being prosecuted and punished for the same offence more than once. In other words, if a person has been prosecuted and punished in a previous proceeding of an offence, he cannot be prosecuted and punished for the same offence again in subsequent proceedings. If any law provides for such double punishment, such law would be void. The Article however does not give immunity from proceedings other than proceedings before a Court of law or a judicial tribunal. Hence a Govt. Servant who has been punished for an offence in a Court of law may be subjected to **departmental proceedings** for the same offence or conversely (Venkataraman V Union of India).If the accused was neither convicted nor acquitted of the charges against him in the first trial his retrial would not amount to double jeopardy(O.P.Dahiya V Union of India(2003)1 SCC 122).Prosecution and other punishment under two sections of an Act, the offences under the two Sections being distinct from each other,doesnot amount to double jeopardy(State of Rajasthan V Hat Singh AIR 2003 SC 791)

Prerogative writs

The expression ‘Prerogative writ’ is one of English Common law refers to the extraordinary writs granted by the Sovereign, as fountain of justice, on the ground of inadequacy of ordinary legal remedies. In course of time these Writs came to be issued by the High Court of Justice as the agency through which the Sovereign exercised his judicial powers and these prerogative writs were issued as extraordinary remedies in cases where there was either no remedy available under the ordinary law or the remedy available was inadequate. These writs are –Habeus Corpus, Mandamus, Prohibition, Certiorari and Quo warranto.

The power of the High Courts to issue these writs is wider than that of the Supreme Court. Under Art.32 of the Constitution, the Supreme Court has power to issue these writs only for the purpose of enforcement of the Fundamental rights whereas under Art.226 a High Court can issue these writs not only for the purpose of enforcement of fundamental rights but also for the redress of any other injury or illegality owing to contravention of the ordinary law. A person can move High Court or Supreme Court for enforcement of Fundamental rights.

Writ of Habeus Corpus

his is in the nature of an order calling upon the person who has detained another to produce the latter before the Court in order to let the Court know on what ground he has been confined and to set him free if there is no legal justification for the imprisonment. The words 'habeus corpus' literally mean 'to have a body'.

The detenu or a relative or friend of him can file application for this writ.

Writ of Mandamus

This is an order of the Court commanding a person or a public authority to do or to refrain from doing something in the nature of a public duty or a statutory duty. This will be issued when there is a failure to perform a mandatory duty by a public authority.

The party applying for this writ must show that he made a demand and it was refused by the public authority.

Writ of Certiorari

A writ of Certiorari is issued for quashing or nullifying an order made without jurisdiction or in violation of the rules of natural justice by an inferior court or body exercising judicial or quasijudicial function.

Writ of Prohibition

This writ is issued to prevent an inferior Court or tribunal from exceeding its jurisdiction or acting contrary to the rules of natural justice. It is issued to judicial and quasijudicial bodies for preventing them from exercising jurisdiction which is not vested in them or to prevent them from abusing the jurisdiction.

Writ of Quo Warranto

This writ is issued to a person who holds a public office to show the Court under what authority he holds his office. The words 'quo warranto' means 'what is your authority'. Any member of public can challenge the right of a person to hold a public office.

Article 19(2) to (6) of the Constitution provides for reasonable restrictions on the exercise of fundamental rights in the interest of Sovereignty and integrity of the State, public order or morality etc.

In addition to these restrictions, the Govt. has imposed certain restrictions on the action or omission of Govt. Servants. Some actions are restricted, some can be performed with permissions and some others are prohibited. That means there are certain "Dos" and "Don'ts" prescribed for Government Servants. These acts or omissions are grouped under

various rules in Govt. Servants Conduct Rules as General Conduct, Hospitality, Property, Investments, Secrecy, Associations, Literary activities, Personal Misconduct, Relations with –Family, Co-workers, Public, Other authorities, Representatives of People, Ministers, Governor ,Other Govts.,etc., , Govt. Servants Conduct Rules 1960 came into existence in January,1960.This was issued as a statutory notification as per GO(P)No.6/PD dt.5-1-1960 in Kerala Gazette No.2 dt 12-1-1960 invoking the powers conferred to Governor under Art.309 of the Constitution of India. This rule is later revalidated under the Kerala Public Services Act, 1968.This Rule consists of 96 rules.

Application of Rules

These rules apply to all Govt.Servants under the rule making control of Kerala Govt. except to the employees in Subordinate Service in Govt. owned industrial concerns.

The Article 309 of the Constitution of India confers on the State and Central Government the absolute power to frame rules for regulating the conduct of Government employees. In discharging official duties the Government servant have to conform to rule of conduct made by the Government and they should also observe a certain standard of discipline, dignity and decorum within public as well as private life.

Conduct Rules have always invited numerous interpretations from different courts. There is nothing unusual about it, since human nature is so unpredictable.

MISCONDUCT

The term ‘misconduct’ is not defined in any of the conduct rules or other enactments’ Misconduct’ literally means wrong conduct or improper conduct. The expression misconduct is an expression of wide amplitude. Misconduct has been defined in Black’s Law Dictionary ,Sixth Edition at page 999,thus –“a transgression of some established and definite rule of action ,a forbidden act, a dereliction from duty, unlawful behaviour,wilful in character, improper or wrong behaviour.It’s synonyms are misdemeanour, misdeed, misbehaviour, delinquency, impropriety, mismanagement, offence, but not negligence or carelessness”.

MISCONDUCT IN OFFICE-DEFINITION

“any unlawful behaviour by a public officer in relation to the duties of his office, willful in character. The term embraces acts which the office holder had no right to perform, acts performed improperly and failure to act in the face of an affirmative duty to act”

Rule 3 of the Kerala Government Servant’s Conduct Rules requires that every Government Servant shall at all times maintain absolute integrity and devotion to duty. Any thing contrary of this rule will be considered as misconduct.

Gujarat High Court held that the Armed Police Constable Dalabhai Bhimabhai Patel who had sexual intercourse with the wife of another constable, with her consent may not be guilty of offence of rape or criminal trespass, but it is certainly a case of misconduct and a departmental enquiry can validly be held against him. [Dalabhai Bhimabhai Patel v Dy. Commr. of Police 1992(1) SLRGuj551]

When a Government Servant fails to give satisfactory account about the property which he has acquired and which is disproportionate to his known sources of income he can be considered to have committed grave misconduct under the provision of the Conduct Rules [Bharat Ram v Union of India AIR1967Pat347]

Committing sexual intercourse with a co-worker while on duty, is an act subversive of discipline.[Prabu Dayal v State of Madhya Pradesh,1988(6)SLR M P 164]

CASE STUDIES

Summaries of some landmark cases related to Conduct Rules are given below

These rules primarily govern the conduct of Govt. Servants. They are framed in 'public interest' and as a matter of 'public policy'. They lay down norms and standards for the conduct of the Govt. Servants in public interest. These aspects afford a key to the understanding of the word 'business' occurring in Rule16 –Manmadan V Krishnappan Unni, 1985 KLT (670)

To seek police reports about the political faith, belief and association and the past political activity of a candidate for public employment is repugnant to the basic rights guaranteed by the Constitution and entirely misplaced in a democratic republic dedicated to the ideals set forth in the Preamble of the Constitution. Termination of Service on a police report that before his appointment the employee had taken part in R.S.S. and JanaSangh activities was held to be illegal-State of M.P.V.Ramashanker(1983) 2 SCC 145.

A citizen who is otherwise found fit for public employment cannot be discriminated or priced out of employment market because of his political convictions or affiliations. Of course, once he enters the Service, he would be bound by and governed by the Rules and the code of conduct obtaining in that Service and cannot act contrary to them.- Kalluri Vassayya V Supdt. Of Post office 1980 (2) SLR433.

The fact that the Rules came into force after a person entered service or the fact that he ceased to be a Govt. Servant on the date when disciplinary proceedings were actually commenced cannot stand in the way of Government enforcing the provisions of the Rules against him.- Narayanan Nair V.St. of Kerala 1962KLT 740

Conduct on the part of a Govt. Servant prior to the promulgation of the Rules cannot be investigated under the new Rules which cannot have retrospective effect.- Gopinathan V.State of Kerala 1963 KLT 508.

It is not necessary that a member of the Service should have committed the alleged act or omission in the course of discharge of his duties as a Servant of the Government in order that it may form the subject matter of disciplinary proceedings. If the act or omission is such as to reflect on the reputation of the officer or his integrity or good faith or devotion to duty, there is no reason why disciplinary proceedings should not be taken against him for that act or omission.- Govinda Menon V Union of India AIR 1967 SC 1274,1967 KLT 336.

Every official lapse, inefficiency or incapacity cannot be dubbed as misconduct so as to warrant disciplinary action.- Kannan V Board of Revenue,1994(1)KLT 271

When the office was shifted the officer invoked the blessings of 'God Ganapathy' through a special worship performed in the office. The contention that such conduct of the officer is a negation of the Secular principles of the Constitution and that he has committed misconduct warranting initiation of disciplinary proceedings is unsustainable.-Peethambaran V Supdt. Of Police 1996(1) KLT 167, ILR 1996(2) Ker.153

Even if the act of delinquency is not specified in the Rules as an act of misconduct, disciplinary action can be taken, if there are good and sufficient reasons.- Secretary to Govt. V Brito (1997)3 Sec 387

The contention that no disciplinary action can be taken in regard to actions taken or purported to be done in the course of judicial or quasijudicial proceedings not sustainable -Union of India V Saxena (1992)3 Sec 124.

When an officer in exercise of judicial or quasijudicial powers acts negligently or recklessly or in order to confer under favour on a person he is not acting as a judge. Disciplinary action can be taken in respect of such action- Union of India V Dhavan (1993)2 SCC 56.

Misconduct committed while discharging quasi judicial function as an Appellate Asst. Commissioner. Disciplinary action can be taken -Jacob John V Secretary to Govt.1996 (2) KLT462

Extreme care and caution is needed before initiating disciplinary proceedings against an officer performing judicial or quasijudicial functions regarding any of his actions in the course of such functions-Natarajan V Board of Revenue ,1995(1)KLT 695.

Moral turpitude is an expression which is used in legal as also social parlance to describe conduct which is inherently base, vile, depraved or having any connection showing depravity .The Supreme Court has suggested that provision has to be made that punishment of fine up to Rs.2000/- or so on a summary/ordinary conviction shall not be treated as conviction at all for any purpose and all the more for entry into and retention in Govt. Service -Pawan Kumar V St. of Haryana (1996)4SCC17

Based on the above observation of the Supreme Court the Govt. of Kerala added the following proviso to the Kerala Civil Services(Classification Control & Appeal) Rules,1960 as per GO(P)No.28/2003/P&ARD dt.18-9-2003

“.....Provided further that where a Government Servant is convicted on a criminal charge by a criminal court and sentenced to imprisonment and or with fine;

- (a) he shall be dismissed or removed from service forthwith by invoking the provision contained in item(a) of the second proviso to clause(2)of Article 311 of the Constitution of India irrespective of the fact that an appeal is pending or that the execution of sentence is suspended in respect of the said conviction and
- (b) in case the said conviction is subsequently set aside in appeal or otherwise and the Government Servant is acquitted of the charges, the order of dismissal or removal ceases to have effect and revised orders shall be issued forthwith to reinstate him in service entitling him all the benefits to which he would have been entitled had he been in service.

Provided also that in case where conviction is on a summary trial the sentence for petty offences and the sentence is for a fine upto Rs.2000/-only such conviction shall not be treated as a conviction for the purpose of this rule and for the entry into service or retention in service as the case may be.

Disciplinary action initiated against the petitioner on the ground that while functioning as Deputy Commissioner (Appeals) he allowed an appeal filed by the assessee resulting in loss to Government was held illegal. Officers invested with quasijudicial powers are to discharge their functions without fear of disciplinary action on account of their free exercise of that power-KesavanVState of Kerala 1989 (1) KLT135

The conduct of an officer in submitting a false report in his capacity as an authorized Officer assisting a quasijudicial Tribunal can be subject matter of disciplinary proceedings-George Eapen V State of Kerala -1989 (2)KLT 659

A public Servant is in the position of trustee. Social power vests in him for the purpose of rendering service to the community-GonalBihimappa V State of Karnataka AIR1987 SC 2359

The word misconduct is sufficiently a wide expression and covers any conduct which in any way renders a man unfit for his office or is likely to tamper or embarass the administration. In this sense grossly improper or unbecoming conduct in public life may also become misconduct-Natarajan V Div.Supt. of S. Railway 1975KLT 806

It is not necessary that a member of the service should have committed the alleged act or omission in the course of discharging of his duties as servant of a Govt.in order that it may form the subject matter of disciplinary proceedings. If the act or omission is such as to reflect on the reputation of the officer for his integrity or good faith or devotion to duty, there is no reason why disciplinary proceedings should not be taken against him for

that act or omission even though the act or omission relates to an activity in regard to which there is no actual master and servant relationship-Govinda Menon V Union of India AIR 1967SC 1274

An act or omission runs counter to the expected code of conduct would constitute misconduct. Lack of efficiency, failure to attain the highest standard of administrative ability while holding a high post would not themselves constitute misconduct-Union of India V Ahmed AIR 1979SC 1022

An illegal or irregular or improper exercise of judicial discretion, in the absence of malafides, will not amount to misconduct-Bhagavat Swaroop V State of Rajasthan 1978(1) SLR 835

In a complaint about the nonmaintenance of a wife against a Govt. servant, the question of relationship of the alleged wife must be left for the determination of the Courts of law. If there was a decree passed, that decree could have been relied on for further action-Jaladharan V D.T.O.1966 K LJ 673

An Appellate Assistant Commissioner of AIT&ST Dept. was found guilty on the charge that she did not achieve the quota of 385 appeals fixed for a period in the matter of disposal. The proceedings were challenged contending that matters relating to the discharge of judicial duties cannot form subject matter of a charge of misconduct. The contention was rejected holding that the instructions issued in this case have no bearing on the decision-making process. The charges do not relate to the quality of judicial functioning of the petitioner-Saradamma V Board of Revenue 1988(2) KLT 437

Railway servant publishing a letter in a newspaper which is aimed at focusing the attention of the Railway administration on the need for providing safety measures to prevent recurrence of accidents and the adverse effect of what he thought to be repressive measures against Railway work men. It was held that the petitioner cannot be held guilty of charge under the Railway Services Conduct Rules. His removal from service was held invalid-Kunhabdulla V Union of India 1983 KLT 1017

In a representation submitted to the employer the employee invited the attention of the employer to the newspaper reports relating to some alleged irregularities in the handling of Wakf properties and expressed the opinion that the allegations in the newspaper reports required investigation. It was held that this was not a misconduct so as to warrant disciplinary action. No authority is entitled to treat the exercise of the fundamental right of freedom of speech by a citizen as misconduct and deal with its employee for the misconduct of the exercise of fundamental freedom of speech and expression assured by Art.19 (1) of the Constitution of India-Ibrahim V Kerala Wakf Board 1985 KLT 24

The fundamental rights guaranteed in the Constitution cannot be waived by conditions of service, but reasonable restriction can be imposed. Rule 80 (a) of TC Conduct Rules restricted the membership of Service Associations to Govt. servants only and

Rule 81 which provided that “no Govt. servant shall be a member of any Service Association which has not been recognized by Govt. or of which the recognition has been withdrawn “were held to be reasonable and valid-C.N.Chellappan Pillai V State of TC 1957KLT 169

The fundamental right guaranteed under Art.19 (1) (c) of Constitution to form unions does not carry with it a right to claim the grant of recognition of the union by the employer –David V St. of Kerala, 1971KLT892

Rule 4A of the Central Civil Service(Conduct) Rules, 1955 in so far as it prohibited any form of demonstration was violative of the Govt. Servants rights under Art.19(1) (a) and (b) of the Constitution and should ,therefore be struck down. The Court further held that the said rule in so far as it prohibited a strike could not be struck down for the reason that there was no fundamental right to resort a strike –OK Ghosh V E X Joseph AIR 1963SC812

There is no fundamental right under Art.19 (1) to strike – Radhey Shyam V pmg Nagpur AIR 1965 SC311

The petitioner was called upon to answer only one charge. That charge framed against the petitioner having found to be not proved, there is no justification in proceeding further in the matter. If the disciplinary authority had a case of any other instance of misconduct, the petitioner should have been proceeded against separately – Vijayan V High Court of Kerala 2003(1) KLT 914.

The Indian Penal Code 1860 **(Law of Crimes)**

A crime is an act or omission which the law punishes. A crime is considered to be a public wrong i.e., a wrong against public at large or wrong against the State. When a person commits a crime the State prosecutes him.

Elements of a crime

“Actus non facit reum nisi meus sit rea”

This maxim means an act does not amount to a crime unless done with a guilty intention. In other words, the act alone does not amount to guilt, it must be accompanied by a guilty mind. The act or omission should be one prohibited by law.

Maintenance of law and order is a Sovereign function of the State. For this purpose certain acts and omissions of human beings are prohibited or restricted by law. The object of criminal law is protection of life, liberty and property of persons in the society. Threat of punishment is used to achieve this. Following punishments are provided in Indian Penal Code.

- 1-Death
- 2-Imprisonment for life
- 3-Imprisonment for a fixed period-it may be rigorous or simple or solitary
- 4-Forfeiture of property
- 5-Fine

Theories of Punishment

The purpose of criminal justice is punishment to the wrong doer.
There are mainly five theories

1-Retributive-Purpose is retribution. The wrong doer should suffer. The principle is “an eye for an eye, a tooth for a tooth”

2-Preventive-Purpose is prevention or disablement. Offender is disabled from repeating the offence.

3-Deterrent-Purpose is to make the offender an example and a warning to other persons who are like minded i.e., to deter the ‘would be criminal’

4-Reformative-object is to reform the criminal morally

5-Explanatory-the object of punishment is explanation. The guilt is explained when the offender is suffered in person or purse.

Each theory has its own merits and demerits.

* * *



सत्यमेव जयते
महाराष्ट्र शासन

Directorate of Higher Education, Pune, Maharashtra

Administration

- **Minister Desk** ([ministerdesk.php](#))
- **Director Desk** ([Directors_Desk.php](#))
- **Organization & Setup** ([Home/DHE Staffing Marathi.pdf](#))
- **Regional Directorate** ([RegionalDirectorate.php](#))
- **Rights to Information** ([RI.php](#))
- **Citizen Charter** ([CitizenCharter.php](#))
- **Government Resolution** ([GR.php](#))
- **Grievance Redressal** **NEW** (<https://goo.gl/forms/gJtIPP8gU06mgX2h1>)

Institutions

- **Universities** ([universities.php](#))
- **Colleges** ([collage.php](#))
- **Pre-IAS Training Centers** ([preias.php](#))

Schemes @ DHE

- **RUSA** (<http://mhrd.gov.in/rusa>)

E - Governance @ DHE

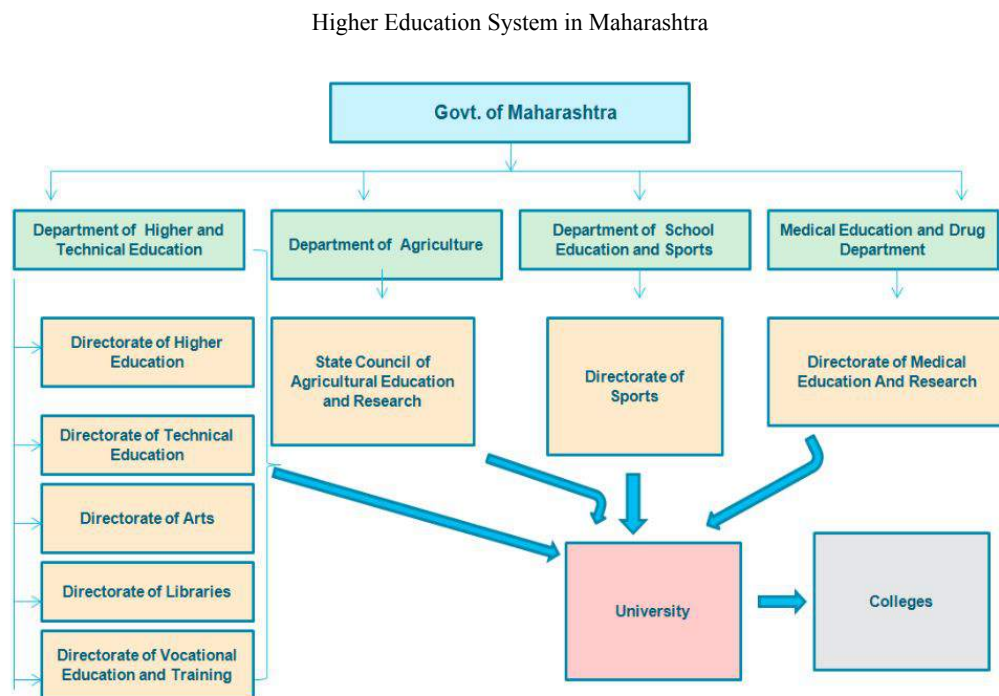
- **Know Your College** (<http://www.knowyourcollege-gov.in/>)
- **DHE-MIS** (<https://dhemis.maharashtra.gov.in/>)
- **AISHE** (<http://www.aishe.gov.in/aishe/home>)
- **RJD Websites** ([websites.php](#))

University ACT & Statutes

- **MPUA 2016** ([ACT.php](#))
- **Statutes** ([Statutes.php](#))
- **Orders & Notifications** ([Orders.php](#))

About Us.

The Directorate of Higher Education was entrusted with the responsibility of the Management of Non - agricultural Universities and its Degree Colleges pertaining higher education in the faculties of Arts, Science, Commerce, law, Education and Non - AICTE in the State. The picture presented below will show the scenario of higher educational system in Maharashtra.



In the year 1969 the State Government had introduced 10+2+3 systems of education and started number of Senior Colleges in the State to impart Higher Education. The number of these colleges increased immensely after formation of Directorate of Higher Education on 31-10- 1984. Consequently, the administrative responsibilities of Director of Higher Education have enormously increased and the centralized management of all the colleges had become very difficult from State level Directorate located at Pune. Thus the need was felt to decentralize the organization which has resulted in the creation of 10 regional offices in the State to oversee the functioning of colleges in the respective regions. The 10 offices of Regional Joint Directors are located at Mumbai, Panvel, Pune, Kolhapur, Solapur, Aurangabad, Nanded, Jalgaon, Amravati and Nagpur.

The functions of Directorate are categorized into following three broad categories: A) Planning and Co-ordination; B) Academic Functions and C) Advisory Functions

A) Planning & Co-ordination:

i) To prepare consolidated plans, policies in the sphere of Higher Education in the State in accordance with the guidelines that may be issued by the University Grants Commission from time to time, and to assist in their implementation, keeping in view the overall priorities and perspectives of Higher Education in the State; ii) To assist the State Govt. in respect of determination and maintenance of standards and suggest remedial action wherever necessary; iii) To evolve perspective plans for development of Higher Education in the State; iv) To forward the development programmes of Universities and Colleges in the State at the State Govt. along with its comments and recommendations; v) To monitor the progress of implementation of such developmental programmes; vi) To promote cooperation and coordination of the educational institutions among themselves and explore the scope for interaction with industry and other related establishments; vii) To formulate the principles as per the guidelines of the Government and to decide upon, approve and sanction new educational institutions by according permission keeping in view the various norms and requirements to be fulfilled; viii) To suggest ways and means of augmenting additional resources for Higher Education in the State;

B) Academic Functions:

i) To encourage and promote innovations in curricular development, restructuring of courses and updating of syllabi in the University and the Colleges. ii) To promote and coordinate the programme of Autonomous Colleges and to monitor its implementation. iii) To devise steps to improve the standards of examinations conducted by the Universities and suggest necessary reforms; iv) To facilitate training of teachers in Colleges and Universities; v) To develop programmes for greater academic cooperation and inter-action between University teachers and College teachers and to facilitate mobility of students and teachers within and outside the State; vi) To conduct entrance examination for admission to institutions of Higher Education and render advice on admissions vii) To conduct sports, games, physical education and cultural activities in the universities and colleges; viii) To encourage extension activities and promote interaction concerned with agencies with regional planning and development. ix) To prepare an overview report on the working of the universities and the colleges in State and to furnish a copy of the report to the state Govt.

C) Advisory Functions

To advise the Government: i) To link research work of educational institutions with that of the research agencies and industry, keeping in view the overall research needs of the State; ii) On the statutes and Ordinances to various Universities in the State (excluding Central Universities) and on the statutes proposed by the Universities in the State. iii) In formulation of the schemes in the State; iv) To make new institutions self sufficient and viable; v) On the policy of 'earning while learning' vi) To perform any other functions necessary for the furtherance of Higher Education in the State.

LIST OF REGIONAL OFFICES UNDER THE PURVIEW OF DIRECTORATE

Sr No	Regional Office	Location
1	Joint Director of Higher Education, Regional Office, Mumbai	Mumbai
2	Joint Director of Higher Education, Regional Office, Panvel	Panvel
3	Joint Director of Higher Education, Regional Office, Pune	Pune
4	Joint Director of Higher Education, Regional Office, Kolhapur	Solapur
5	Joint Director of Higher Education, Regional Office, Solapur	Solapur
6	Joint Director of Higher Education, Regional Office, Aurangabad	Aurangabad
7	Joint Director of Higher Education, Regional Office, Nanded	Nanded
8	Joint Director of Higher Education, Regional Office, Jalgaon	Jalgaon
9	Joint Director of Higher Education, Regional Office, Amravati	Amravati
10	Joint Director of Higher Education, Regional Office, Nagpur	Nagpur

LIST OF NON-AGRICULTURAL UNIVERSITIES UNDER THE PURVIEW OF DIRECTORATE

Sr No	Non-Agricultural Universities	Location
1	Mumbai University, Mumbai	Mumbai
2	S.N.D.T. University, Mumbai	Panvel
3	Savitribai Phule Pune University, Pune	Pune
4	Shivaji University, kolhapur	Solapur
5	Solapur University, Solapu	Solapur
6	Dr. Babasaheb Ambedkar Marathwada University, Aurangabad	Aurangabad
7	Swami Ramanand Teerth Marathwada University, Nanded	Nanded
8	North Maharashtra University, Jalgaon	Jalgaon
9	Sant Gadge Baba Amravati University, Amravati	Amravati
10	Rashtrasant Tukdoji Maharaj Nagpur University, Nagpur	Nagpur

11	Gondwana University, Gadchiroli	Gadchiroli
12	Kavi Kulguru Kalidas Sanskrit University, Ramtek Dist. Nagpur	Ramtek & Nagpur
13	Yashwantrao Chavan Open University, Nashik	Nashik

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(<https://www.google.co.in/maps/place/Directorate+of+Higher+Education/@18.524915,73.87254,206m/data=!3m1!1e3!4m2!3m1!1s0x3bc2c05be658609b:0x69b5c726512hl=mr>)

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MAHARASHTRA CIVIL SERVICES

**Joining Time, Foreign Service and
Payments during Suspension
Dismissal and Removal**

RULES, 1981

(From financial publication of Government of Maharashtra No.III)

CHAPTER V -
SUSPENSION, DISMISSAL AND REMOVAL

66. Pay and allowances cease from the date of dismissal or removal

The pay and allowances of Government servant, who is dismissed or removed from service, cease from the date of such dismissal or removal.

67. Grant of leave not permissible during suspension

Leave may not be granted to a Government servant under suspension.

68. Subsistence allowance and compensatory allowance during suspension

1. A Government servant under suspension or deemed to have been placed under suspension by an order of the appointing authority shall be entitled to the following payments, namely:-

a. A subsistence allowance at an amount equal to the leave salary which the Government servant would have drawn if he had been on leave on half pay and, in addition dearness allowance based on such leave salary:

Provided that where the period of suspension exceeds six months, the authority which made or is deemed to have made the order of suspension shall be competent to vary the amount of subsistence allowance for any period subsequent to the period of first six months as follows:-

- i. It may be increased by a suitable amount, not exceeding fifty per cent of the subsistence allowance admissible during the period of first six months, if in the opinion of the said authority, the period of suspension has been prolonged for reasons, to be recorded in writing, not directly attributable to the Government servant ;
 - ii. It may be reduced by a suitable amount, not exceeding fifty per cent of the subsistence allowance admissible during the period of the first six months, if, in the opinion of the said authority, the period of suspension has been prolonged due to reasons, to be recorded in writing, directly attributable to the Government servant;
 - iii. The rate of dearness allowance will be based on the increased or, as the case may be, the decreased amount of subsistence allowance admissible under sub-clause (i) and (ii)
- a. Other compensatory allowance, if any, of which the Government servant was in receipt of suspension to such extent and subject to such conditions as the authority suspending the Government servant may direct.

Provided that the Government servant shall not be entitled to the compensatory allowance unless the said authority is satisfied that the Government servant continues to meet the expenditure for which they are granted.

1. When a Government servant is convicted by competent Court and sentenced to imprisonment, the subsistence allowance shall be reduced to a nominal amount of rupee one per month with effect from the date of such conviction and he shall continue to draw the same till the date of his removal or dismissal or re-instatement by the competent authority. If, however,, he was acquitted by the Appellate Court in the meanwhile, in which case, he will draw the subsistence allowance at the normal rate from the date of acquitted by the Appellate Court.

66. Recovery of Government dues from subsistence allowances and furnishing of non-employment certificate while under suspension.

1. Notwithstanding anything contained in sub-rule (1) of rule 68, the authority suspending the Government servant may withhold the payment of dearness allowance and /or compensatory allowances to the Government servant under suspension and appropriate the same towards the payment of any amount which may be due to Government.
2. The following provisions apply to the recovery of dues from the subsistence allowance proper:-

a. **Compulsory deduction** :- The following deductions should be enforced from the subsistence allowance:

- i. *Income tax and Profession Tax,*
- ii. Licence fee and allied charges i.e. electricity, water, furniture.
- iii. Repayment of loans and advances taken from Government at such rates as the Head of the Department deems it right to fix;

a. **Optional deductions**:- The following deductions shall not be made except with the Government servant's written consent:-

- i. Premia due on Postal Life Assurance Policies;
- ii. Amounts due to Co-operative Stores and Co-operative Credit Societies
- iii. Refund of advances taken from General Provident Fund;

a. **Other deductions**:-The deductions of the following nature shall not be made from the subsistence allowance:-

- i. Subscription to General Provident Fund;
- ii. Amounts due on Court attachments;
- iii. Recovery of loss caused to Government for which a Government servant is responsible.

1. There is no bar to effecting the recovery of overpayments from the subsistence allowance, but the competent authority will exercise discretion to decide whether the recovery should be held wholly in abeyance during the period of suspension or it should be effected at full or reduced rate

ordinarily not exceeding one-third of the amount of the subsistence allowance only i.e. excluding dearness allowance and other compensatory allowances.

2. No payment under rule 68 (1) shall be made unless the Government servant furnishes a certificate to the following effect before payment is made every month:-

" I certify that I did not accept any private employment or engage myself in trade or business during the period in question."

If the authority has any reasons to doubt this certificate; it may ask the Police Authorities to verify the certificate and if the Government servant is found to have given a false certificate, that should be construed as an act of misconduct and made an additional charge against him.

In case of Gazetted Officer under suspension, they should furnish the certificate themselves to the Treasury Officers/Audit Officer, who should see that the certificate is furnished before the claim for payment is admitted. In case of doubt regarding the certificate, the case should be referred to the Head of Department, who will ask the Police Authorities to verify the same.

5. Icenmen occupying rent-free quarters in Police lines or living in quarters the rent of which is paid by Government may be permitted to occupy them during the period of suspension just as they did while on duty.
 6. The compensatory local allowance and house rent allowance sanctioned at the discretion of the suspending authority under rule 68(1)(b), can be drawn only if the Government under suspension certificate that he or his family or both resided for the period for which the allowance is claimed at the station where he was on duty at the time of suspension.
 7. Government servants other than those referred to in sub-rule (5) occupying rent-free quarters prior to being placed under suspension, may at the discretion of the suspending authority, be allowed to occupy them to such extent and subject to such conditions as the authority suspending the Government servant may direct.
70. Regularization of pay and allowances and the period of absence from duty where dismissal, removal or compulsory retirement is set aside as a result of appeal or review and such Government servant is re-instated.
1. When a Government servant who has been dismissed, removed or compulsorilly retired is re-instated as a result of appeal or review or would have been so re-instated but for his retirement on superannuation while under suspension or not, the authority competent to order re-instatement shall consider and make a specific order-
 - a. regarding the pay and allowances to be paid to the Government servant for the period of his absence from duty including the period of suspension preceding his dismissal, removal or compulsory retirement, as the case may be; and
 - b. Whether or not the said period shall be treated as a period spends on duty.

1. Where the authority competent to order re-instatement is of opinion that the Government servant who had been dismissed, removed or compulsorily retired has been fully exonerated, the Government servant shall, subject to the provisions of sub-rule (6), be paid the full pay and allowances to which he would have been entitled, had he not been dismissed, removed or compulsorily retired or suspended prior to such dismissal, removal or compulsory retirement, as the case may be:

Provided that where such authority is of opinion that the termination of the proceedings instituted against the Government servant had been delayed due to reasons directly attributable to the Government servant, it may, after giving him an opportunity to make his representation within sixty days from the date on which the communication in this regard is served on him and after considering the representation, if any, submitted by him, direct for reasons to be recorded in writing, that the Government servant shall, subject to the provisions of sub-rule (7), be paid for the period of such delay, only such amount (not being the whole) of such pay and allowances as it may determine.

2. In a case falling under sub-rule(2), the period of absence from duty including the period of suspension preceding dismissal, removal or compulsory retirement, as the case may be, shall be treated as a period spent on duty for all purposes.
3. In a cases other than those covered by sub-rule (2), (including cases where the order of dismissal, removal or compulsory retirement from service is set aside by the appellate or reviewing authority solely on the ground of non-compliance with the requirements of clause (2) of article 311 of the Constitution and no further inquiry is proposed to be held) the Government servant shall, subject to the provisions of sub-rules (6) and (7) ,be paid such proportion of the full pay and allowances to which he would have been entitled., had he not been dismissed, removed or compulsorily retired or suspended prior to such dismissal, removal or compulsory retirement,. As the case may be, as the competent authority may determine after giving notice to the Government servant of the quantum proposed and after considering the representation, if any, submitted by him in that connection within such period which in no case shall exceed sixty days from the date on which the notice has been served, as may be specified in the notice. Provided that payment under this sub-rule to a Government servant (other than Government who is governed by the provisions of the Payment of Wages Act, 1936 (4 of 1936) shall be restricted to a period of three years immediately preceding the date on which orders for reinstatement of such Government servant are passed by the appellate authority or reviewing authority, or immediately preceding the date of retirement on superannuation of such Government servant, as the case may be.
4. In a case falling under sub-rule (4), the period of absence from duty including the period of suspension preceding his dismissal, removal or compulsory retirement, as the case may be, shall not be treated as a period spent on duty, unless the competent authority specifically directs that it shall be so treated for any specified purpose;

Provided that if the Government servant so desires such authority may direct that the period of absence from duty including the period of suspension preceding his dismissal, removal or compulsory retirement, as the case may be, shall be converted into leave of any kind due and admissible to the Government servant.

Note:- The order of competent authority under the preceding proviso shall be

absolute and no higher sanction shall be necessary for the grant of -

- a. extraordinary leave in excess of three months in the case of a temporary Government servant; and
 - b. leave of any kind in excess of five years in the case of a permanent Government servant.
1. The payment of allowance under sub-rule (2) or sub-rule (4) shall be subject to all other conditions under which such allowances are admissible.
 2. The amount determined under the proviso to sub-rule (2) or under sub-rule (4) shall not be less than the subsistence allowance and other allowances admissible under rule 68.
 3. Any payment made under this rule to a Government servant on his reinstatement shall be subject to adjustment of the amount, if any, earned by him through an employment during the period between the date of removal, dismissal or compulsory retirement. Where the pay and allowances admissible under this rule are equal to or less than the amounts earned during the employment elsewhere, nothing shall be paid to the Government servant.

70. Regularisation of pay and allowances and the period of absence from duty where dismissal, removal or compulsory retirement is set aside by a Court of law and such Government servant is reinstated.

1. Where the dismissal, removal or compulsory retirement of a Government servant is set aside by a Court of law and such Government is reinstated without holding any further inquiry, the period of absence from duty shall be regularised and the Government servant shall be paid pay and allowances in accordance with the provisions of sub-rule (2) or (3) subject to the directions if any, of the Court.
2. (a) Where the dismissal, removal or compulsory retirement of a Government servant is set aside by the Court solely on the ground of non-compliance with the requirements of clause (2) of article 311 of the Constitution, and where he is not exonerated on merits, the Government servant shall, subject to the provisions of sub-rule (7) of rule 70 be paid such amount (not being the whole) of the pay and allowances to which he would have been entitled had he been dismissed, removed or compulsorily retired or suspended prior to such dismissal, removal or compulsory retirement, as the case may be, as the competent authority may determine after giving notice to the Government servant of the quantum proposed and after considering the representation, if any, submitted by him, in that connection within such period which in no case shall exceed sixty days from the date on which the notice has been served, as may be specified in the notice:

Provided that any payment under this sub-rule to a Government servant (other than a Government servant who is governed by the provisions of the Payment of Wages Act 1936 (4 of 1936) shall be restricted to a period of three years immediately preceding the date on which judgement of the Court was passed or the date of retirement on superannuation of such Government servant as the case may be.

b) period intervening the date of dismissal, removal or compulsory retirement including the period of suspension preceding such dismissal, removal or compulsory retirement, as the case may be, and the date of judgement of the Court shall be regularized in accordance with the provisions contained in sub-rule(5) of rule-70.

3. If the dismissal, removal or compulsory retirement of a Govern servant is set aside by the Court on the merits of the case, the period intervening between the date of dismissal, removal or compulsory retirement including the period of suspension preceding such dismissal, removal or compulsory retirement, as the case may be of re-instatement shall be treated as duty for all purposes and be paid the full pay and allowances for the period, to which he would have been entitled, had he not been dismissed, removed or compulsorily retired or suspended prior to such dismissal, removal or compulsory retirement, as the case may be.
4. The payment of allowances under sub-rule(2) or sub-rule(3) shall be subject to all other conditions under which such allowances are admissible.
5. Any payment made under this rule to a Government servant on his re-instatement shall be subject to adjustment of the amount, if any, earned by him through an employment during the period between the date of dismissal, removal or compulsory retirement and date of reinstatement. Where the pay and allowances admissible under this rule are equal to or less than those earned during the employment elsewhere, nothing shall be paid to the Government servant.

70. Re-instatement of a Government servant after suspension and specific order of the competent authority regarding pay and allowances etc. and treatment of period as spent on duty.

1. When a Government servant who has been suspended is reinstated or would have so reinstated but for his retirement on superannuation while under suspension, the authority competent to order re-instatement shall consider and make a specific order:-
 - a. regarding the pay and allowances to be paid to the Government servant for the period of suspension ending with re-instatement or the date of his retirement on superannuation, as the case may be; and
 - b. whether or not the said period shall be treated as a period spent on duty.
1. Notwithstanding anything contained in rule 68, where a Government servant under suspension dies before the disciplinary or Court proceedings instituted against him are concluded, the period between the date of suspension and the date of death shall be treated as duty for all purposes and his family shall be paid the full pay and allowances for that period to which he would have been entitled had he not suspended, subject to adjustment in respect of subsistence allowance already paid.
2. Where the authority competent to order re-instatement is of the opinion that the suspension was wholly unjustified, the Government servant shall, subject to the provisions of sub-rule (8), be paid the full pay and allowances to which he would have been entitled, had he not been suspended,;

Provided that where such authority is of the opinion that the termination of the proceedings instituted against the Government servant had been delayed due to reasons directly attributable to

the Government servant, it may, after giving him an opportunity to make his representation within sixty days from the date on which the communication in this regard is served on him and after considering the representation, if any, submitted by him, direct, for reasons to be recorded in writing, that the Government servant shall be paid of such delay only such amount (not being the whole) of such pay and allowances as it may determine.

3. In a case falling under sub-rule (3) the period of suspension shall be treated as a period spent on duty for all purposes.
4. In cases other than those falling under sub-rules (2) and (3) the Government servant shall, subject to the provisions of sub-rules (8) and (9), be paid such amount (not being the whole) of the pay and allowances to which he would have been entitled had he not been suspended, as the competent authority may determine, after giving notice to the Government servant of the quantum proposed and after considering the representation, if any submitted by him in that connection within such period which in no case shall exceed, as may be specified in the notice.
5. Where suspension is revoked pending finalisation of the disciplinary or court proceedings, any order passed under sub-rule (1) before the conclusion of the proceedings against the Government servant, shall be reviewed on its own motion after the conclusion of the proceedings by the authority mentioned in sub-rule (1) who shall make an order according to the provisions of sub-rule (3) or sub-rule (5), as the case be.
6. In a case falling under sub-rule (5) the period of suspension shall not be treated as a period spent on duty, unless the competent authority specifically directs that it shall be so treated for any specified purpose.

Provided that if the Government servant so desires, such authority may order that the period of suspension shall be converted into leave of any kind due and admissible to the Government servant.

Note.- The order of the competent authority under preceding proviso shall be absolute and no higher sanction shall be necessary for the grant of-

- a. extraordinary leave in excess of three months in the case of temporary Government servant: and
 - b. leave of any kind in excess of five years in the case of permanent Government servant.
1. The payment of allowances under sub-rule (2), sub-rule (3) or sub-rule (5) shall be subject to all other conditions under which such allowances are admissible.
 2. The amount determined under the proviso to sub-rule (3) or under sub-rule (5) shall not be less than the subsistence allowance and other allowances admissible under rule 68.

70. No extra cost to be incurred by the grant of pay and allowances under rule 70 to 72 without the permission of Government

No extra cost may be incurred by the grant of pay and allowances under rules 70,71 except sub-rule (3), and 72 except sub-rule (2) without the permission of Government. In cases however, where the cost does not exceed Rs. 2,000 and where the period during suspension, removal or dismissal from service, does not exceed two years, the excess expenditure may be admitted on

the sanction of the authority mentioned in rules 70,71 except sub-rule (3) and 72 except sub-rule (2).

Note 1.- It is necessary under this rule to obtain the approval of Government to the payment of-

- a. any amount exceeding Rs.2000, or
- b. any amount not exceeding Rs.2000, if the period in respect of which it is paid, exceeds two years.

Note 2 :- Departmental enquiries in disciplinary matters are generally not completed expeditiously and that at times drag on for a considerably long time. Such enquiries should be held and completed as quickly as possible and that in any case the period should not exceed three months from the date a decision has been taken to hold a departmental enquiry. If for any reasons the enquiry is likely to take longer time, the Enquiry Officer, unless he is himself the Head of Department should submit a report to the Head of his Department giving reasons for the delay and the latter should obtain the sanction of Government for allowing the Enquiry Officer an extension of time to complete his enquiry if he is satisfied that there is a case for such extension. In case the Enquiry Officer is himself the Head of Department, he should report the reasons for delay, if any, to Government and obtain an extension of time for completing enquiry.

Note 3. - It is necessary to obtain the approval of Government to the payment of pay and allowances in cases where reinstatement is ordered by setting aside the order of dismissal/removal on the ground that it was passed by an authority subordinate to the appointing authority or was so passed without giving reasonable opportunity to show cause in respect of such order. In all such cases a report explaining why the proper procedure was not observed should invariably be sent to Government to enable it to decide whether the loss caused to Government should be recovered from the official(s) concerned in proportion to his/her/their responsibility.

Instruction:- This rule is not applicable to those cases in which the period of absence from duty, either by way of suspension or by way of the period spent out of service, is treated as leave due and admissible.

74. Adjustment of subsistence allowance against final payment

The amount of subsistence allowance, if any, already drawn is to be deducted from the pay and allowances or proportion of them which may be granted under 70, 71, or 72 as the case may be.

75. Filling in vacant posts substantively due to reduction, removal or dismissal, after one year.

Posts vacated by Government servants, removed or dismissed from service, may be filled substantively only after the expiry of the period of one year from the date of such reduction,

removal, or dismissal, as the case may be, subject to the condition that the arrangements thus made will be reversed if such Government servants are re-instated on appeal.

76. Grant of pay and allowances on reinstatement does not cancel officiating arrangements.

The grant of pay and allowances or a proportion of them under rules 70, 71 or 72 does not cancel any acting arrangements which may have been in force during the period of a Government servant's suspension, removal, dismissal or reduction.

Note:- Cases where Governments are re-instated when the order of dismissal/removal is set aside for the reason that it was passed by an authority not competent to pass such an order or was so passed without giving a reasonable opportunity to show cause in respect of such order, will be covered by this rule.

No.6/3/2013-Estt (Pay-I)
Ministry of Personnel, Public Grievances and Pensions
Department of Personnel & Training

North Block, New Delhi
Dated the 6th February, 2014

OFFICE MEMORANDUM

Subject: Regulation of pay on imposition of a penalty under CCS (CCA) Rules, 1965.

The undersigned is directed to say that the following penalties prescribed in the Rule 11 of CCS (CCA) Rules, 1965, have a bearing on the pay of the officer:

11. Penalties

Minor Penalties -

(iii) a) reduction to a lower stage in the time-scale of pay by one stage for a period not exceeding three years, without cumulative effect and not adversely affecting his pension.

(iv) withholding of increments of pay;

Major Penalties -

(v) save as provided for in clause (iii) (a), reduction to a lower stage in the time-scale of pay for a specified period, with further directions as to whether or not the Government servant will earn increments of pay during the period of such reduction and whether on the expiry of such period, the reduction will or will not have the effect of postponing the future increments of his pay

(vi) reduction to lower time-scale of pay, grade, post or Service for a period to be specified in the order of penalty, which shall be a bar to the promotion of the Government servant during such specified period to the time-scale of pay, grade, post or Service from which he was reduced, with direction as to whether or not, on promotion on the expiry of the said specified period -

(a) the period of reduction to time-scale of pay, grade, post or service shall operate to postpone future increments of his pay, and if so, to what extent; and

(b) the Government servant shall regain his original seniority in the higher time scale of pay, grade, post or service;

2. Consequent upon implementation of the recommendations of 6th CPC under the CCS (RP) Rules, 2008 pay scale of a post/grade for below HAG level means the Pay Band and Grade Pay specified for that post. Under the CCS (RP) Rules, 2008 a Pay Band may cover

Government servants in more than one Grade Pay or posts in the hierarchy. As per Rule 9 of the CCS (Revised Pay) Rules, 2008, the rate of increment in the revised pay structure is 3% of the sum of the pay in the Pay Band and Grade Pay applicable, which is to be rounded off to the next multiple of 10. Further, as per Rule 10 of the CCS (Revised Pay) Rules, 2008, there is now a uniform date of increment, that is, 1st July of the year.

3. The mode of implementation of these penalties has been clarified to individual Ministries/Departments wherever references have been received. It is now proposed to issue detailed guidelines on the issue. The regulation of pay on imposition of these penalties is in the subsequent paras:

A. Reduction to a lower stage of pay by one stage {Rule 11(iii a)}

On imposition of a penalty under this Rule, the pay would be fixed at the next lower stage in the Pay Band. In other words, in case of reduction by one stage, the revised pay would be the pay drawn in the Pay Band at the stage before the last increment. Grade Pay attached to the post would remain unchanged. The pay will be fixed by reversing the mode of allowing increments given in Rule 9 of the CCS (RP) Rules, 2008. The formula would be:-

$$\text{Reduced Pay In Pay Band} = \{(\text{Pay in Pay Band} + \text{Grade Pay}) \times 100/103\} \text{ less (Grade Pay)} \\ \text{(rounded off to next 10)}$$

Pay would be Pay in Pay Band as above + Grade Pay

B. Withholding of increment {Rule 11(iv)}

As the uniform date of increment now is 1st July, on imposition of a penalty of withholding of increment, the increment(s) due on the 1st of July falling after the date of imposition of the penalty would be withheld. In case where penalty of withholding of more than one increment is imposed, increments due on 1st of July in the subsequent years would similarly be withheld. The increment would be restored at the end of the period for which the penalty is imposed.

This also applies to cases where the penalty is imposed for part of a year. For instance, if the penalty of withholding of one increment for six months is imposed on a Government servant in April 2013, then the increment falling due on 1.7.2013 will be withheld for a period of six months, that is, till 31.12.2013. The increment would be released w.e.f. 1.1.2014. In this case the next increment falling due on 1.7.2014 will also be allowed.

C. Reduction to a lower stage in the time-scale of pay for a specified period {Rule 11(v)}

The process of imposition of penalty of reduction by one stage under Rule 11(iii a) explained above shall be repeated for every additional stage of reduction by taking the pay arrived at notionally as pay for the second reduction, and so on. Grade Pay shall remain unchanged.

NOTE 1: It is not permissible to impose a penalty under this rule if the pay after imposition of the penalty would fall below the minimum of the Pay Band attached to the post.

NOTE 2: A Pay Band may cover Government servants in different Grade Pays or holding posts at several levels in the hierarchy. It needs to be kept in mind that reduction to lower pay scale or grade is a distinct penalty, under Rule 11(vi). Therefore, while imposing a penalty of reduction to a lower stage in the time-scale of pay under Rule 11(v) of the CCS (CCA) Rules, 1965, Disciplinary Authorities should weigh all factors before deciding upon the quantum of penalty, i.e., the number of stages by which the pay is to be reduced.

D. Reduction to lower time-scale of pay under Rule 11(vi)

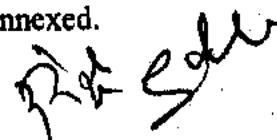
As a result of imposition of a penalty of reduction to lower time-scale of pay, the pay of the Government servant would be reduced to the stage of pay he /she would have drawn had he/she continued in the lower post for the period of penalty. The mode of fixation of pay in this case is similar to reversing the mode of fixation of pay on promotion. Therefore, both pay in Pay Band and Grade Pay would be reduced.

However, Disciplinary Authority has the power, in terms of FR 28, to indicate the pay which the Government servant on whom a penalty of reduction in rank has been imposed, would draw. The Government servant will be entitled to the Grade Pay of the post to which he has been reduced. Thus, the power of the Disciplinary Authority under FR 28 is limited to indicating the pay in the Pay Band applicable to the lower rank/post.

In some cases imposition of a penalty under Rule 11(vi) may also involve a change in Pay Band. For instance a Government servant holding a post in PB-2 with Grade pay of Rs.4200/- may be reduced to a post in PB-1 with Grade Pay of Rs.2800/-

It may also be noted that a Government servant cannot be reduced in rank to a post not held earlier by him in the cadre. For example, an LDC who qualifies as Assistant as a Direct Recruit and is later promoted as Section Officer cannot be reduced to the rank of LDC but only to that of an Assistant.

4. Some illustrations on pay fixation in above types of cases are annexed.



(Mukesh Chaturvedi)

Deputy Secretary to the Government of India

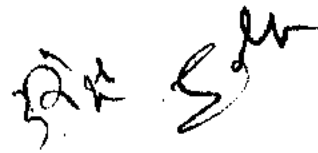
Tele: 23093176

To

All Ministries/ Departments (as per standard list)

Copy also forwarded to:

1. Secretary General / Registrar General, Supreme Court of India.
2. Secretary General of Lok Sabha Sectt. / Rajya Sabha Sectt.
3. Secretaries in Cabinet Sectt. / Central Vigilance Commission / President's Sectt. / Vice-President's Sectt./ Prime Minister's Office / Planning Commission.
4. Controller General of Accounts/Controller of Accounts, Ministry of Finance.
5. Governors of all States/Lt. Governors of all Union Territories.
6. Secretary, National Council of JCM (Staff Side), 13-C, Feroz Shah Road, New Delhi.
7. All Members of Staff Side of the National Council of JCM/ Departmental Council.
8. All Officers / Divisions / Sections of Deptt. of Personal & Training / Deptt. of Administrative Reforms & Public Grievances / Department of Pensions & Pensioners Welfare/ PESB
9. Joint Secretary (Pers.), D/o Expenditure, Ministry of Finance.
10. Additional Secretary (Home), Ministry of Home Affairs.
- ✓ 11. Director NIC, DoPT- for uploading on the web site of the Department under Establishment "Pay Rules" as well as "CCS (CCA Rules)".
12. *25 Spare copies.



(Mukesh Chaturvedi)
Deputy Secretary to the Government of India
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ILLUSTRATIONS

Reduction to a lower stage in Pay Band

Example : 1

	Pay in Pay Band (Rs)	Grade Pay (Rs)	Total (Rs)
On the date of penalty	20460	4800	25260
Reduction	Pay in Pay Band (Rs)	Grade Pay (Rs)	Total (Rs)
By 1 stage	19730	4800	24530
By 2 stages	19020	4800	23820
By 3 stages	18330	4800	23130
By 4 stages	17660	4800	22460
By 5 stages	17010	4800	21810

NOTE: There may be some difference when the process is reversed i.e. when increment is allowed. This is because of rounding off of pay in Pay Band to next 10.

Example: 2

Reduction	Pay in Pay Band (Rs)	Grade Pay (Rs)	Total (Rs)
On the date of penalty	10140	4200	14340
Reduction	Pay in Pay Band (Rs)	Grade Pay (Rs)	Total (Rs)
By 1 stage	9730	4200	13930
By 2 stages	9330	4200	13530
By 3 stages	8940**	4200**	13140**
By 4 stages			
By 5 stages			

** In the above illustration, a penalty of reduction by more than two stages would take the pay in the Pay Band below the minimum of the Pay Band, such a penalty would therefore not be implementable in view of Note 2 under para 3C .

Case 1: Reduction to a lower stage

The penalty of reduction to a lower stage in the time-scale of pay by one stage for a period of one year, without cumulative effect and not adversely affecting his pension is imposed on a Government servant w.e.f. 13.03.2013. The Government servant was drawing Rs. 15440 + GP Rs.4200 in Pay Band 2 (Rs.9300-34800)

A. Pay when penalty imposed = Rs.15440+ 4200 =19640

B. Reduced Pay} = {(15440+4200) x 100/103 less (4200) rounded off to next 10 in Pay Band}
= 19067 -4200 = 14867 rounded off to Rs 14870

C. Reduced Pay w.e.f.13-3-2013 = Rs.14870 +GP Rs.4200 =19070

Increment (notional) 1-7-2013 =15440 + (19640 x 3%)^{@@} +4200

=15440+590^{@@}+4200

Pay after increment = 16030+4200=20230

^{@@} rounded off to next 10

D. Pay w.e.f. 13-3-2014 = Rs 16030+ 4200= Rs.20230

E. Pay w.e.f. 1-7-2014 = Rs 16640+4200 = Rs 20840

Case 2: Reduction to a lower stage

The penalty of reduction to a lower stage in the time-scale of pay by two stages for a period of one year is imposed on a Government servant w.e.f. 13-03-2013. It is further directed that the Government servant would earn increment during the period and the reduction will not have the effect of postponing future increments of pay.

The Government servant was drawing Rs. 15440 + GP Rs.4200 in Pay Band 2 (Rs.9300-34800)

(same as in Case 1 but reduction by 2 stages)

A. Pay when penalty imposed = Rs.15440+ 4200 =19640

B. Reduced Pay in Pay Band

Step -1 First stage reduction

$$\begin{aligned} &= \{ (15440+4200) \times 100/103 \text{ less } (4200) \text{ rounded off to next } 10 \\ &= 19067 - 4200 = 14867 \text{ rounded off to Rs } 14870 \end{aligned}$$

$$\text{Pay} = 14870 + 4200 = 19070$$

Step-2 Second stage reduction

$$\begin{aligned} &= \{ (14870+4200) \times 100/103 \text{ less } (4200) \text{ rounded off to next } 10 \\ &= 18514 - 4200 = 14314 \text{ rounded off to Rs } 14320 \end{aligned}$$

C. Reduced Pay w.e.f.13-3-2013 = Rs.14320 +GP Rs.4200 =18520

Increment (notional) 1-7-2013	=15440 + (19640 x 3%) ^{@@} +4200
	=15440+590 ^{@@} +4200
Pay after increment	= 16030+4200=20230
^{@@} rounded off to next 10	

D. Pay w.e.f. 13-3-2014 = Rs 16030+ 4200= Rs.20230

E. Pay w.e.f. 1-7-2014 = Rs 16640+4200 = Rs 20840

Case 2-A: Reduction to a lower stage

The penalty of reduction to a lower stage in the time-scale of pay by two stages for a period of one year is imposed on a Government servant w.e.f. 13.03.2013. It is further directed that the Government servant would not earn increment during the period and the reduction will not have the effect of postponing future increments of pay.

The Government servant was drawing Rs. 15440 + GP Rs.4200 in Pay Band 2 (Rs.9300-34800)

(same as in Case 2 but no increments during penalty period)

A. Pay when penalty imposed = Rs.15440+ 4200 =19640

B. Reduced Pay in Pay Band

Step -1 First stage reduction

$$= \{ (15440+4200) \times 100/103 \text{ less } (4200) \text{ rounded off to next } 10 \\ = 19067 - 4200 = 14867 \text{ rounded off to Rs } 14870$$

$$\text{Pay} = 14870 + 4200 = 19070$$

Step-2 Second stage reduction

$$= \{ (14870+4200) \times 100/103 \text{ less } (4200) \text{ rounded off to next } 10 \\ = 18514 - 4200 = 14314 \text{ rounded off to Rs } 14320$$

C. Reduced Pay w.e.f.13-3-2013 = Rs.14320 +GP Rs.4200 =18520

NO INCREMENTS DURING THE
PERIOD OF PENALTY

D. Pay w.e.f. 13-3-2014 = Rs 15440+4200 = 19640

E. Pay w.e.f. 1-7-2014 = Rs 16030+4200 = 20230

(Note: The Government servant has drawn Rs.15440 for six months including broken periods)

Case 3: Reduction to a lower stage

The penalty of reduction to a lower stage in the time-scale of pay by one stage for a period of two years, without cumulative effect and not adversely affecting his pension is imposed on a Government servant w.e.f. 13.03.2013. The Government servant was drawing Rs. 15440 + GP Rs.4200 in Pay Band 2 (Rs.9300-34800)

A. Pay when penalty imposed = Rs.15440+ 4200 =19640

B. Reduced Pay} = { (15440+4200) x 100/103 less (4200) rounded off to next 10
in Pay Band }
= 19067 -4200 = 14867 rounded off to Rs 14870

C. Reduced Pay w.e.f.13-3-2013 = Rs.14870 +GP Rs.4200 =19070

Increment (notional) 1-7-2013 =15440 + (19640 x 3%)^{@@} +4200

=15440+590 +4200

Pay after increment = 16030+4200=20230

^{@@} Increment (notional) 1-7-2014 = 16030+ (20230 x 3%)^{@@} +4200

= 16640+ 4200 =20840

^{@@} rounded off to next 10

D. Pay w.e.f. 13-3-2015 = Rs 16640+4200 = Rs 20840

E. Pay w.e.f. 1-7-2015 = Rs 17270+4200 = Rs 21470

Case 4: Withholding of increment

The penalty of Withholding of one increment for a period of six months, without cumulative effect and not adversely affecting his pension is imposed on an Government servant on 13-03-2013. The Government servant was drawing Rs. 15440 + GP Rs.4200 in Pay Band 2 (Rs.9300-34800)

A. Pay when penalty imposed = Rs.15440+ 4200 =19640

Increment (due) 1-7-2013 =15440 + (19640 x 3%)^{@@} +4200

=15440+590 +4200

Pay after increment = 16030+4200=20230

^{@@} rounded off to next 10

This increment is to be withheld for six months i.e. from 1-7-2013 to 31-12-2013

B. Pay w.e.f. 1.7.2013 to 31-12-2013 = Rs.15440+ 4200 =19640

C. Pay w.e.f. 1.1.2014 = Rs 16030 + 4200 = 20230

D. Pay w.e.f. 1.7.2014 = Rs 16640+ 4200 = 20840

Case 5: Reduction to lower grade

The penalty of reduction to the post carrying Grade pay of Rs 4200 for a period of two years is imposed on Government servant in Grade Pay Rs.4600 w.e.f. 13.03.2013, with further directions that the reduction shall not postpone his future increments and on the expiry of the period he shall regain his original seniority in the higher grade.

On 13.03.2013 the Government servant was drawing Rs. 17540 + GP Rs.4600 in Pay Band 2 (Rs.9300-34800). The Government servant had been promoted to the post in Grade Pay Rs.4600 on 1-8-2009. At that time his pay was Rs.15070 + GP 4200 in Pay Band 2.

In this case the pay in GP 4200 would need to be fixed w.e.f. 13.03.2013 to 12.03.2015 as if he had continued in GP 4200. Pay would be regulated as under:

Date	Pay in GP 4200	Pay in GP 4600
1-8-2009	15070+4200= 19270**	15650+4600= 20250
1-7-2010	15650+4200= 19850**	16260+4600= 20860
1-7-2011	16250+4200= 20450**	16890+4600= 21490
1-7-2012	16870+4200= 21070**	17540+4600= 22140
13-3-2013	16870+4200= 21070	
1-7-2013	17510+4200= 21710	
1-7-2014	18170+4200= 22370	
13-3-2015		18210+4600=22810@@
1-7-2015		18900+4600=23500

NOTE:

1. ** Notional pay in GP 4200 from 1-8-2009 to 12-03-2013
2. @@ One increment would be allowed on the Pre Penalty pay as the Government servant would have drawn that pay for more than six months as on 1-7-2013
3. In case the higher and lower grades are in different Pay Bands then also the same method would be followed.
4. Under FR-28, the authority which orders the transfer of a government servant as a penalty from a higher to a lower grade or post may allow him to draw any pay, not exceeding the maximum of the lower grade or post which it may think proper. Provided the pay allowed to be drawn by a government servant shall not exceed the pay which he would have drawn by the operation of FR 22 read with clause (b) or (c) as the case may be of FR 26. This illustration is where no such orders have been passed. Where the disciplinary authority has specified the pay to be drawn in the lower post pay will be drawn as per those direct.

**THE MAHARASHTRA CIVIL SERVICES
(Discipline and Appeal)
Rules, 1979**

As modified up to 31-05-2012

Important Note

The Maharashtra Civil Services (Discipline & Appeal) Rules) 1979 came into force on 12th July 1979. Thereafter number of amendments has been made to these rules from time to time. The State Government regularly publishes Marathi booklet containing the amended rules. However no such booklet in English is published regularly. The last Marathi book published by the State government contains the rules modified up to 31-07-2008.

Thereafter a few important amendments have been made to these rules. All the amendments made so far have been considered while uploading the rules on this blog. All the amendments made so far are also available on the blog.

The enclosed rules are therefore as modified on 31-05-2012. It will be ensured that the amendments made hereafter in future are incorporated in the uploaded version.

Hope this uploaded version will prove to be useful to all concerned including State Government employees.

S.D.JOSHI,IAS (R)
Ex-ViceChairman, M.A.T.

THE MAHARASHTRA CIVIL SERVICES
(Discipline and Appeal)
Rules, 1979
(As Amended upto 31.05.2012)

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ANNEXURE

THE MAHARASHTRA CIVIL SERVICES
(Discipline and Appeal)
Rules, 1979

No. MDA-1078-RMC. - In exercise of the powers conferred by the proviso to article 309 of the Constitution of India, the Governor of Maharashtra is hereby pleased to make the following rules, namely:-

PART I – GENERAL

1. Short title and commencement

These rules may be called the Maharashtra Civil Services (Discipline and Appeal) Rules, 1979.

They shall come into force on the 12th day of July 1979.

2. Interpretation

In these rules, unless the context otherwise requires-

a) **"Appointing authority"** in relation to a Government servant means-

- (i) The authority competent to make appointments to the Service of which the Government servant is for the time being a member or to the grade of the Service in which the Government servant is for the time being included, or
- (ii) the authority competent to make appointments to the post which the Government servant for the time being holds, or
- (iii) the authority which appointed the Government servant to such Service, grade or post, as the case may be, or
- (iv) where a Government Servant having been a permanent member of any other Service or having substantively held any other permanent post, has been in continuous employment of the Government, the authority which appointed him to

that Service or to any grade in that Service or to that post, whichever authority is the highest authority;

- b) **"Commission"** means the Maharashtra Public Service Commission;
- c) **"Disciplinary authority"** means the authority competent under these rules to impose on a Government servant any of the penalties specified in rule 5;
- d) **"Head of Department"** shall have the meaning assigned to it in clause (23) of rule 9 of the Bombay Civil Services, Rules 1958;
- e) **"Head of Office"** means the authority declared to be such under clause (X-a) of rule 2 of the Bombay Financial Rules 1959;
- f) **"Government"** means the Government of Maharashtra;
- g) **"Government servant"** means a person who-
 - i. is appointed to any Civil Service or post in connection with the affairs of the State, and include such Government servant whose services are temporarily placed at the disposal of any other Government in India, or a company, or corporation owned or controlled by Government, or a local authority or other authority, notwithstanding that his salary is drawn from sources other than the Consolidated Fund of the State;
 - ii. is a member of a Service of or holds a civil post under, any other Government in India and whose services are temporarily placed at the disposal of Government or
 - iii. is in the service of a local or other authority and whose services are temporarily placed at the disposal of Government;
- h) **"Legal Practitioner"** means an advocate, vakil or attorney of any High Court, mukhta or revenue agent;
- i) * **"Major penalty"** means any of the penalties specified in item (vii) to (ix) (both inclusive) of sub-rule (1) of rule 5;

- j) **** "Minor penalty"** means any of the penalties specified in item (i) to (vi) (both inclusive) of sub-rule (1) of rule 5;
- k) **"Regional Head of Department"** means any of the officers specified in the Appendix to these rules.
- l) **"Service"** means a Civil Service of the State;
- m) **"State"** means the State of Maharashtra.

*** Clause (i) substituted by notification no. CDR-1005/C.R.24/05/11 dated 29/12/2006.**

**** Clause (j) substituted by notification no. CDR-1005/C.R.24/05/11 dated 29/12/2006.**

3. Application

- (1) Except as otherwise provided by or under 'these rules, these rules shall apply to every Government servant not being,
 - (a) any member of an All India Service,
 - (b) person in casual employment of Government,
 - (c) an Inspector of Police or a member of the subordinate ranks as defined in clause (16) of section 2 of the Bombay Police Act, 1951,
 - (d) any person for whom special provision is made in respect of matters covered by these rules, by or under. any law for the time being in force or under any agreement entered into by or with previous approval of the Governor before or after the commencement of these rules, in regard to matters covered by such special provisions,
- (2) Notwithstanding anything contained in Sub-rule (1), the Governor .may, by order exclude any class of Government Servants from the operation of all or any of these rules.
- (3) If any doubt arises
 - (a) whether these rules or any of them apply to any person or

- (b) whether any person to whom these rules apply belongs to a particular service, the matter shall be referred to the Governor who shall decide the same.

PART II - SUSPENSION

4. Suspension

- (1) The appointing authority or any authority to which the appointing authority is subordinate or the disciplinary authority or any other authority empowered in the behalf by the Governor by general or special order may place a Government servant under suspension-
 - (a) where a disciplinary proceeding against him is contemplated or is pending, or
 - (b) where in the opinion of the authority aforesaid, he has engaged himself in activities prejudicial to the interest of the security of the State, or
 - (c) where a case against him in respect of any criminal offence is under investigation, inquiry or trial:

Provided that, where the order of suspension is made by an authority lower than the appointing authority, such authority shall forthwith report to the appointing authority, the circumstances in which the order was made.

- (2) A Government servant shall be deemed to have been placed under suspension by an order of appointing authority-
 - (a) with effect from the date of his detention, if he is detained in police or judicial custody, whether on a criminal charge or otherwise, for a period exceeding forty-eight hours;
 - (b) With effect from the date of his conviction, if, in the event of a conviction for an offence, he is sentenced to a term of imprisonment exceeding forty-eight hours and is not forthwith dismissed or removed or compulsorily retired consequent to such conviction.

Explanation -

The period of forty eight hours referred to in clause (b) of this sub-rule shall be computed from the commencement of the imprisonment after the conviction and for this purpose, intermittent periods of imprisonment, if any, shall be taken into account.

(3) Where a penalty of dismissal, removal or compulsory retirement from Service imposed upon a Government servant under suspension is set aside in appeal or on review under these rules and the case is remitted for further inquiry or action or with any other directions, the order of his suspension shall be deemed to have continued in force on and from the date of the original order of dismissal, removal or compulsory retirement and shall remain in force until further orders.

(4) Where a penalty of dismissal, removal or compulsory retirement from service imposed upon a Government servant is set aside or declared or rendered void in consequence of, or by, a decision of a court of law, and the disciplinary authority, on a consideration of the circumstances of the case, decides to hold a further inquiry against him on the allegation on which the penalty of dismissal, removal or compulsory retirement was originally imposed, the Government servant shall be deemed to have been placed under suspension by the appointing authority from the date of the original order of dismissal, removal or compulsory retirement and shall continue to remain under suspension until further orders.

* [Provided that no such further inquiry shall be ordered unless it is intended to meet a situation where the Court has passed an order purely on technical grounds without going into the merits of the case.]

*** Proviso inserted by Notification No. CDR-1188/I582/CR-38-88/XI, dated 12.10.1990.**

(5) (a) An order of suspension made or deemed to have been made under this rule shall continue to remain in force until it is modified or revoked by the authority competent to do so.

(b) Where a Government servant is suspended or is deemed to have been suspended (Whether in connection with any disciplinary proceeding or other -wise), and any other disciplinary proceeding is commenced against him during the continuance of that suspension, the authority competent to place him under suspension may, for reasons to be recorded by it in writing, direct that the Government servant shall continue to be under suspension until the termination of all or any of such proceedings.

(c) An order of suspension made or deemed to have been made under this rule may at any time be modified or revoked by the authority, which made or is deemed to have made the order or by any authority to which that authority is subordinate.

* Provided that, where a criminal offence is registered against a Government Servant, the recommendation of the Suspension Review Committee constituted by the Government, in this behalf, shall be obtained by the authority which has made or is deemed to have made the suspension order or by any authority to which that authority is subordinate, before revoking or modifying the order of suspension of such Government."

*** This proviso was inserted by GAD Notification No. CDR-1011/C.R.-109/11, dated 11th October, 2011.**

PART III - PENALTIES AND DISCIPLINARY AUTHORITIES

5. Penalties

+ [(l) Without prejudice to the provisions of any law [or the time being in force, the following penalties may, for good and sufficient reasons and as hereinafter, provided, be imposed on a Government servant, namely -

Minor Penalties -

- (i) Censure;
- (ii) Withholding of his promotion;
- (iii) Recovery from his pay of the whole or part of any pecuniary loss caused by him to Government, by negligence or breach of orders;
- (iv) Withholding of increments of pay;

- (v) Reduction to a lower stage in the time-scale of pay for a specified period, with further directions as to whether or not the Government servant will earn increments of pay during the period of such reduction and whether on the expiry of such period, the reduction will or will not have the effect of postponing the future increments of his pay;
- (vi) ** reduction to lower time scale of pay, grade, post or service for a period to be specified in the order of penalty, which shall be a bar to the promotion of the Government servant during such specified period to the time scale of pay, grade, post or service from which he was reduce with direction as to whether or not, on promotion on the expiry of the said specified period, -
 - a) the period of reduction to time scale of pay, grade, post or service shall operate to future increments of his pay, and if so, to what extent; and
 - b) the Government Servant shall regain his original seniority in the higher time scale of pay, grade, post or service;

**** This Sub Clause (vi) is substituted in place of earlier sub clause (vi) vide GAD Notification No. CDR-1010/CR 20/10/11, dated 1st September, 2010.**

Major Penalties -

- (vii) compulsory retirement;
- (viii) removal from Service which shall not be a disqualification for future employment under Government;
- (ix) dismissal from Service which shall ordinarily be a disqualification for future employment under Government:

++ [Provided that, in every case in which the charge of acceptance from any person of any gratification, other than legal remuneration, as a motive or reward for doing or forbearing to do any official act is established, the penalty mentioned in clause (viii) or (ix) shall be imposed;

Provided further that, in any exceptional case and for special reasons recorded in writing any other penalty may be imposed].

Explanation -

The following shall not amount a penalty within the meaning of this rule, namely -

- (i) Withholding of increments of pay of Government servant for his failure to pass any departmental examination or the * [Hindi and Marathi language examination] in accordance with the rules or orders governing the service to which he belongs or post which he holds or the terms of his appointment;
- (ii) stoppage of a Government servant at the efficiency bar in the time-scale of pay on the ground of his unfitness to cross the bar;
- (iii) non-promotion of a Government servant, whether in a substantive or officiating capacity, after consideration of his case, to a Service, grade or post for promotion to which he is eligible, on administrative grounds unconnected with his conduct;
- (iv) reversion of a Government servant officiating in a higher Service grade or post to a lower Service, grade or post, on the ground that he is considered to be unsuitable for such higher Service, grade or post or on any administrative ground unconnected with his conduct;
- (v) reversion of a Government servant appointed on probation to any other Service, grade or post, to his permanent Service, grade or post during or at the end of the period of probation in accordance with the terms of his appointment or the rules and orders governing such probation;
- (vi) replacement of the services of a Government servant, whose services had been borrowed from any Government in India or any authority under its control, at the disposal of such Government, or authority;
- (vii) compulsory retirement of a Government servant in accordance with the provisions relating to his superannuation or retirement;
- (viii) termination of the services –
 - (a) of a Government servant appointed on probation, during or at the end of the period of his probation, in accordance with the terms of his appointment or the rules and orders governing such probation; or
 - (b) of a temporary Government servant unconnected with his conduct; or
 - (c) of a Government servant employed under an agreement, in accordance with the terms of such agreement.

(2) Where a penalty mentioned in item (v) or (vi) in sub-rule (1) is imposed on a Government servant, the authority imposing the penalty shall expressly state in the order

imposing the penalty that the period for which the reduction is to be effective will be exclusive of any interval spent on leave before the period is completed.

+ Sub-rule (1) Substituted by Notification No. 1097/CR No. 32/97/XJ dated 5-2-1998.

++ Both the provisos shown in the brackets below the Major Penalty of dismissal were added vide notification number CDR 1188/1582/CR.38-88/XI dated 12- 10- 1990

*** The words in the bracket in explanation (I) below sub- rule (1) were inserted vide notification number CDR.1187/246/5/XI dated 04- 02- 1987**

6. Disciplinary authorities

- (1) The Governor may impose any of the penalties specified in rule 5 on any Government servant.
- (2) Without prejudice to the provisions of sub-rule (1), Appointing Authorities may impose any on the penalties specified in rule 5 upon members of Class III and Class IV Services serving under them, whom they have power to appoint:

Provided that the Heads of Offices shall exercise the powers of imposing minor penalties on the Class III and Class IV Government servants under their respective administrative control:

Provided further that Heads of Departments and Regional Head of Departments shall exercise the powers of imposing minor penalties only in relation to Government servants of State Service (Class II) under their respective control:

* [[Provided also that, the Heads of Departments shall exercise the powers of imposing minor penalties only in relation to Government servants of State service (Class-I) under their respective administrative control who draw pay in a scale, the minimum of which does not exceed +(Rs. 10650)].

[[(3) Without prejudice to the provisions of sub-rule (1), the Commissioners of Divisions shall, in the course of implementation of the Employment Guarantee Scheme under the Maharashtra Employment Guarantee Act, 1977(Mah. XX of 1978), exercise the

powers of imposing minor penalties only in relation to Government servants of State Service, Class I, drawing pay in a scale the minimum of which is +[Rs. 10650) or less and of State Services, Class II, and shall also exercise .the powers of imposing any of the penalties specified in rule 5 in relation to members of Class III and Class IV Services serving in the said Scheme.]]

*** The Proviso inserted by Notification No. CDR.1185/2777/3/XI, dated 17.4.1986.**

Sub-rule (3) inserted by Notification No. CDR 1187/1351/27- XI dated 18/6/1987.

+ Letters and figures "Rs. 3000/- "substituted by Notification number CDR-1189/ 1258/ 20/ XI dated 18- 10- 1989, in third Proviso below sub- rule (2) and in sub- rule (3) were further substituted by the letters and figures Rs. 10650/- by Notification No. CDR-1001/773/C.R.13/01/XI, dated 29.10.2004.

7. Authority to institute proceedings

(1) The Governor or any other authority empowered by him by general or special order may-

(a) institute disciplinary proceedings against any Government servant;

(b) direct a disciplinary authority to institute disciplinary proceedings against any Government servant on whom that disciplinary authority is competent to impose under these rules any of the penalties specified in rule 5.

+ (c) [direct the transfer of any pending enquiry from any enquiring authority, appointed by the disciplinary authority under sub-rule (2) of rule 8, to any other enquiring authority if he is satisfied that it .is necessary for timely completion of enquiry].

(2) A disciplinary authority competent under these rules to impose any of the penalties specified in rule 5 may institute disciplinary proceeding against any Government servant on whom the disciplinary authority is competent to impose any of the penalties specified in rule 5.

+ Inserted by Notification No. CDR 1097/ CR-I0/ 97/XI dated 6.2.1998.

PART IV -PROCEDURE FOR IMPOSING PENALTIES

8. Procedure for imposing major penalties

- (1) No order imposing any of the major penalties shall be made except after an inquiry held, as far as may be, in the manner provided in this rule and rule 9, or where such inquiry is held under the Public Servants (Inquiries) Act 1850 (37 of 1850), in the manner provided in that Act.
- (2) Whenever the disciplinary authority is of the opinion that there are grounds for inquiring into the truth of any imputation of misconduct or misbehaviour against a Government servant it may itself inquire into, or appoint under this rule or under the provisions of the Public Servants (Inquiries) Act, 1850, as the case may be, an authority to inquire into the truth thereof.

****** Provided that, where there is a complaint of sexual harassment within the meaning of Rule 22 A of Maharashtra Civil Service (Conduct) Rules, 1979, the Complaints Committee established in each Department or Office for inquiring into such complaints, shall be deemed to be the inquiring authority appointed by the disciplinary authority for the purpose of these rules and the Complaints Committee shall hold, if separate procedure has not been prescribed for the Complaints Committee for holding the enquiry into the complaints of sexual harassments, the enquiry as far as practicable in accordance with the procedure laid down in these rules.

Explanation-

Where a disciplinary authority itself holds an inquiry under this rule, any reference to an inquiring authority in this rule shall, unless the context otherwise requires, be construed as reference to the disciplinary authority.

- (3) Where it is proposed to hold an inquiry against a Government servant under this rule, the disciplinary authority shall draw up or cause to be drawn up-

- (i) the substance of the imputations of misconduct or misbehaviour into definite and distinct articles of charge;
- (ii) a statement of the imputation of misconduct or misbehaviour in support of each article of charge, which shall contain-
 - (a) a statement of all relevant facts including any admission or confession made by the Government servant; and
 - (b) a list of documents by which, and a list of witnesses by whom, the articles of charges are proposed to be sustained.
- (4) The disciplinary authority shall deliver or cause to be delivered to the Government servant, a copy of articles of charge the statement of the imputations of misconduct or misbehaviour, and a list of documents and of the witnesses by which each article of charge is proposed to be sustained, and shall by a written notice require the Government servant to submit to it within such time as may be specified in the notice, a written statement of his defence and to state whether he desires to be heard in person.
- (5) (a) On receipt of the written statement of defence the disciplinary authority may itself inquire into such of the articles of charge as are not admitted, or, if it considers it necessary as to do, appoint, under sub-rule (2) an inquiring authority for the purpose, and where all the articles of charge have been admitted by the Government servant in his written statement of defence, the disciplinary authority shall record its findings on each charge after taking such evidence as it may think fit and shall act in the manner laid down in rule 9 of these rules.
 - (b) If no written statement of defence is submitted by the Government servant, the disciplinary authority may itself inquire into the articles of charge or may, if it considers it necessary to do so appoint under sub-rule (2) of these rules an inquiring authority for the purpose.
 - (c) Where the disciplinary authority appoints an inquiring authority it may, by an order, appoint a Government servant or a legal practitioner, to be known as the "Presenting

Officer" to present the case in support of the articles of charge before the inquiring authority.

- (6) The disciplinary authority shall where it is not the inquiring authority, forward to the inquiring authority-
- (i) a copy of each of the articles of charge and the statement of the imputations of misconduct or misbehaviour;
 - (ii) a copy of the written statement of defence, if any, submitted by the Government servants;
 - (iii) copies of statements of witnesses if any, referred to in sub-rule (3) of this rule;
 - (iv) evidence proving the delivery of the documents referred to in sub-rule (3) to the Government servant; and
 - (v) a copy of the order appointing the presenting Officer.
- (7) *** The Government servant shall appear in person before the inquiring authority on such day and at such time within ten working days from the date of receipt by the inquiring authority of the articles of charge and the statement of the imputations of misconduct or misbehaviour, as the inquiring authority may, by a notice in writing, specify in this behalf, or within such further time, not exceeding ten days, as the inquiring authority may allow.
- (8) ++ a) The Government Servant may take the assistance of any other Government Servant posted in any office either at his head quarters or at the place where the enquiry is held, to present the case on his behalf, but may not engaged a legal practitioner for the purpose, unless the Presenting Officer appointed by the disciplinary authority is a legal practitioner, or, the disciplinary authority, having regard to the circumstances of the case, so permits.
- Provided that the Government Servant may take the assistance of any other Government servant posted at any other station, if the inquiring authority having regard to the circumstances of the case, and for reasons to be recorded in writing, so permits.

Note- The Government servant shall not take the assistance of any other Government servant who has three pending disciplinary cases on hand in which he has to give assistance.

b) the Government servant may also take the assistance of a retired Government servant to present the case on his behalf, subject to such conditions as may be specified by the Governor from time to time, by general or special order in this behalf.

(9) If the Government servant who has not admitted any of the articles of charge in his written statement of defence, or has not submitted any written statement of defence, appears before the inquiring authority, such authority shall ask him whether he is guilty or has any defence to make and if he pleads guilty to any of the articles of charge, the inquiring authority shall record the plea, sign the record and obtain signature of the Government servant thereon.

(10) The inquiring authority shall return a finding of guilt in respect of those articles of charge to which the Government servant pleads guilty.

(11) The inquiring authority shall, if the Government servant fails to appear within the specified time or refuses or admits to plead, require the Presenting Officer to produce the evidence by which he proposes to prove article of charge and shall adjourn the case to a later date not exceeding thirty days, after recording an order that the Government servant may, for the purpose of preparing his defence,

(i) inspect within five days of the order or within such further time not exceeding five days as the inquiring authority may allow, the documents specified in the list referred to in sub-rule (3) of this rule.

(ii) submit a list of witnesses to be examined on his behalf.

(iii) give a notice within ten days of the order or within such further time not exceeding ten days as the inquiring authority may allow, for the discovery or production of any documents which are in the possession of Government but not mentioned in the list referred to in sub-rule (3) of this rule, indicating the relevance of such documents.

- (12) Where the Government servant applies orally or in writing for the supply of copies of the statements of witnesses mentioned in the list referred to in sub-rule (3) of this rule, the inquiring authority shall furnish him with such copies as early as possible, and in any case not later than three days before the commencement of the examination of the witnesses on behalf of the disciplinary authority.
- (13) Where the inquiring authority receives a notice from the Government servant for the discovery or production of documents, the inquiring authority shall forward the same or copies thereof to the authority in whose custody or possession the documents are kept, with a requisition for the production of the documents by such date as may be specified in such requisition.

Provided that, the inquiring authority may, for reasons to be recorded by it in writing, refuse to requisition such of the documents as are, in its opinion, not relevant to the case.

- (14) On receipt of the requisition referred to in sub-rule (13), every authority having the custody or possession of the requisitioned documents shall produce the same before the inquiring authority:

Provided that, if the authority having the custody or possession of the requisitioned documents is satisfied for reasons to be recorded by it in writing that the production of all or any of such documents would be against the public interest or security of the State, it shall inform the inquiring authority and the inquiring authority shall, on being so informed, communicate the information to the Government servant and withdraw the requisition made by it for the production of discovery of such documents.

- (15) The inquiry shall be commenced on the date fixed in that behalf by the inquiring authority and shall be continued thereafter on such date or dates as may be fixed time to time by that authority.
- (16) On the date fixed for the inquiry, the oral and documentary evidence by which the articles of charge are proposed to be proved shall be produced by or on behalf of, the disciplinary authority. The witnesses shall be examined by or on behalf of the Presenting Officer and may be cross-examined by or on behalf of the Government

servant. The Presenting Officer shall be entitled to re-examine, the witnesses an any points on which they have been cross-examined, but not on any new matter, without the leave of the inquiring authority. The inquiring authority may also put such questions to the witnesses as it thinks fit.

- (17) If it shall appear necessary before the close of the case on behalf of the disciplinary authority, the inquiring authority may, in its discretion, allow the Presenting Officer to produce evidence not included in the list given to the Government servant or may itself call for new evidence or recall and re-examine any witness and in such case the Government servant shall be entitled to have, if he demands it. a copy of the list of further evidence proposed to be produced and an adjournment of the inquiry for three clear days before the production of such new evidence, exclusive of the day of adjournment and the day to which the inquiry is adjourned. The inquiring authority shall give the Government servant an opportunity of inspecting such documents before they are taken on the record. The inquiring authority may also allow the Government servant to produce new evidence, if it is of the opinion that the production of such evidence is necessary in the interests of justice:

Provided that no new evidence shall be permitted or called for or any witness shall be recalled to fill up any gap in the evidence unless there is an inherent lacuna or defect in the evidence which has been produced originally.

- (18) When the case for the disciplinary authority is closed, the Government servant shall be required to state his defence, orally or in writing, as he may prefer. If the defence is made orally, it shall be recorded and the Government servant shall be required to sign the record. In either case a copy of the statement of defence shall be given to the Presenting Officer appointed, if any.
- (19) The Evidence on behalf of the Government servant shall then be produced. The Government servant may examine himself in his own behalf if he so prefers. The witnesses produced by the Government servant shall then be examined and shall be liable to cross- examination, re-examination and examination by the inquiring authority according to the provisions applicable to the witnesses for the disciplinary authority.

- (20) The inquiring authority may, after the Government servant closes his case and shall, if the Government servant has not examined himself, generally question him on the circumstances appearing against him in the evidence for the purpose of enabling the Government servant to explain any circumstances appearing in the evidence against him.
- (21) The inquiring authority may, after the completion of the production of evidence, hear the Presenting Officer, appointed, if any, and the Government servant, or permit them to file the written briefs of their respective case, if they so desire.
- (22) If the Government servant to whom a copy of the articles of charge has been delivered, does not submit a written statement of defence on or before the date specified for the purpose or does not appear in person before the inquiring authority or otherwise fails or refuses to comply with the provisions of this rule, the inquiring may hold the inquiry ex-parte.
- (23) (a) Where a disciplinary authority competent to impose any of the minor penalties but not competent to impose any of the major penalties has itself inquired into or caused to be inquired into any of the articles of charge and that authority, having regard to its own findings or having regard to its decision on any of the findings of any inquiring authority appointed by it, is of the opinion that any of the major penalties should be imposed on the Government servant, that authority shall forward the records of the inquiry to such disciplinary authority as is competent to impose such major penalty.
- (b) The disciplinary authority to which the records are so forwarded may act on the evidence on the record or may, if it is of the opinion that further examination of any of the witnesses is necessary in the interests of justice, recall the witness and examine, cross-examine and re-examine the witness, and may impose on the Government servant such penalty as it may deem fit in accordance with these rules.
- Provided that if any witnesses are recalled, they may be cross-examined by or on behalf of the Government servant.

(24) Whenever any inquiring authority, after having heard and recorded the whole or any part of the evidence in an inquiry ceases to exercise jurisdiction therein, and is succeeded by another inquiring authority which has, and which exercises, such jurisdiction, the inquiring authority so succeeding may act on the evidence so recorded by its predecessor, or partly recorded by its predecessor and partly recorded by itself:

Provided that, if the succeeding inquiring authority is of the opinion that further examination of any of the witnesses whose evidence has already been recorded is necessary in the interests of justice, it may recall, examine cross-examine and re-examine any such witnesses as hereinbefore provided.

Provided that, if any witnesses are recalled, they may be cross-examined by or on behalf of the Government servant.

(25) After conclusion of the inquiry, a report shall be prepared by the inquiring authority, such report shall contain-

- (a) the articles of the charge and the statement of the imputations of misconduct or misbehaviour;
- (b) the defence of the Government servant in respect of each article of charge;
- (c) an assessment of the evidence in respect of each article of charge;
- (d) the findings on each article of charge and the reasons therefor;

+ [(e) Recommendation regarding the quantum of punishment]

(26) Where, in the opinion of the inquiring authority, the proceedings of the inquiry establish any article of charge, different from the original article of the charge and it may record its finding on such article of charge:

Provided that, the findings on such article of charge shall not be recorded unless the Government servant has admitted the facts on which such article of charge is based or has had a reasonable opportunity of defending himself against such article of charge.

(27) The inquiring authority, where it is not itself the disciplinary authority, shall, forward to the disciplinary authority the records of inquiry which shall include-

- (a) the report prepared by it under sub-rule (25);
- (b) the written statement of defence, if any, submitted by the Government servant;
- (c) the oral and documentary evidence produced in the course of the inquiry;
- (d) written briefs, if any, filed by the Presenting Officer or the Government servant or both during the course of the inquiry; and
- (e) the orders, if any, made by the disciplinary authority and the inquiring authority in regard to the inquiry.

*** The words in the bracket shown in sub- rule 8 inserted by Notification No. CDR. 1096/CR-83/96-11 dated 10-6-1998.**

+ Clause (e) of Sub-rule (25) deleted by Notification No. CDR 1096/ CR-58-96/XI dated 1-12-1997.

**** This proviso was inserted by a GAD Notification No. CDR-1008/C.R.45/08/11, dated 1st April, 2010 published in Government Gazette for the period from April 15 to 21 April, 2010.**

***** This sub Rule (7) was substituted in place of earlier sub rule (7) vide GAD Notification No. CDR-1008/CR-45/08/11, dated 1st April, 2010 published in Maharashtra Government Gazette (Part 4 A) for the period from April 15 to 21 April, 2010.**

++ This Sub Rule (8) was substituted in place of earlier sub rule (8) vide GAD Notification No. CDR-1008/CR-45/08/11, dated 1st April, 2010 published in Maharashtra Government Gazette (Part 4 A) for the period from April 15 to 21 April, 2010.

9. Action on the inquiry report

(1) The disciplinary authority, if it is not itself the inquiring authority may, for reasons to be recorded by it in writing, remit the case to the inquiring authority for further inquiry and report, and the inquiring authority shall thereupon proceed to hold the further inquiry according to the provisions of rule 8 of these rules as far as may be.

** (2) The disciplinary authority shall forward or cost to be forwarded a copy of the report of the enquiry, if any, held by the disciplinary authority or where the disciplinary authority is not the inquiring authority, a copy of the report of the inquiring authority together with its own tentative reasons for disagreement, if any, with the findings of inquiring authority or any article of charge to the Government servant who shall be required to submit, if he so desires, his written representation or submission to the disciplinary authority within 15 days, irrespective of whether the report is favorable or not to the said Government servant.

***(2) A – The disciplinary authority shall consider the representation, if any, submitted by the Government servant and record its findings before proceeding further in the matter as specified in Sub Rules (3) and (4).

(3) If the disciplinary authority having regard to its findings on all or any of the articles of charge is of the opinion that any of the minor penalties should be imposed on the Government servant, it shall, notwithstanding anything contained in rule 10 of these rules on the basis of the evidence adduced during the inquiry held under rule 8 determine what penalty, if any should be imposed on the, Government servant and make an order imposing such penalty:

Provided that, in every case where it is necessary to consult the Commission, the record of the inquiry shall be forwarded by the disciplinary authority to the Commission for its advice, and such advice shall be taken into consideration before making any order imposing any penalty on the Government servant.

+ [(4) If the disciplinary authority, having regard to its findings on all or any of the articles of charge and on the basis of the evidence adduced during the inquiry, is of the opinion that any of the penalties specified in {clauses *(vii) to (ix) of sub-rule (1) of rule 5}, should, be imposed on the Government servant, it shall make an

order imposing such penalty and it shall not be necessary' to give. the Government servant any opportunity of making representation on the penalty proposed to be imposed

Provided that, in every case where it is necessary to consult the Commission, the record of the inquiry shall be forwarded by the Disciplinary authority to the Commission for its advice, and such advice shall be taken into consideration before making an order imposing any such penalty on the Government servant.]

+ Substituted for earlier Sub-rule (4) by Notification No. CDR. 1184/1380/27/XI dated 15.11.1985.

**** This sub Rule (2) has been substituted in place of earlier sub Rule (2) vide GAD Notification No. CDR-1009/C.R. 56/09/11, dated 10th June, 2010 published in Maharashtra Govt. Gazette for the period July 1-7, 2010.**

***** This Sub Rule (2 A) has been inserted vide GAD Notification No. CDR-1009/C.R. 56/09/11, dated 10th June, 2010 published in Maharashtra Govt. Gazette for the period July 1-7, 2010**

*** The words and figures in the bracket have been substituted vide GAD Notification No. CDR-1009/C.R. 56/09/11, dated 10th June, 2010 published in Maharashtra Govt. Gazette for the period July 1-7, 2010**

10.Procedure for imposing minor Penalties

(1) Save as provided in sub-rule (3) of rule 9, no order imposing on a Government servant any of the minor penalties shall be made except after

(a) informing the Government servant in writing of the proposal to take action against him and of the imputations of misconduct or misbehaviour on which it is proposed to be taken, and giving him a reasonable opportunity of making such representation as he may wish to make against the proposal;

(b) holding an inquiry in the manner laid down in rule 8, in every case in which the disciplinary authority is of the opinion that such inquiry is necessary;

(c) taking into consideration the representation, if any, submitted by the Government servant under clause (a) of this rule and the record of inquiry, if any, held under clause (b) of this rule;

- (d) recording a finding on each imputation of misconduct or misbehaviour; and
 - (e) consulting the Commission where such consultation is necessary.
- (2) Notwithstanding anything contained in clause (b) of sub-rule (1), if in a case it is proposed, after considering the representation if any, made by the Government servant under clause (a) of that sub-rule, to withhold increments of pay and such withholding of increments is likely to affect adversely the amount of pension payable to the Government's servant or to withhold increment of pay for a period exceeding three years or to withhold increments of pay with cumulative effect for any period + [or to impose any of the penalties specified in clauses (v) and (vi) of sub-rule (1) of the rule (5)], an inquiry shall be held in the manner laid down in sub-rule (3) to (27) of rule 8, before making any order of imposing on the Government servant any such penalty.
- (3) The record of the proceeding in such cases shall include-
- (i) a copy of the intimation to the Government servant of the proposal to take action against him;
 - (ii) a copy of the statement or imputations of misconduct or misbehaviour delivered to him;
 - (iii) his representations, if any;
 - (iv) the evidence produced during the inquiry;
 - (v) the advice of the Commission, if any;
 - (vi) the findings on each imputation of misconduct or misbehaviour; and
 - (vii) the orders on the case together with the reasons therefor.

+ The words shown in the bracket in sub-rule (2) inserted vide notification no. CDA-1005/C.R.24/05/11 dated 29/12/2006.

11. + Communication of orders

+ Orders made by the disciplinary authority shall be communicated to the Government servant, who shall also be supplied with a copy of its finding on each article of charge, or whether the disciplinary authority is not the inquiring authority, a statement of the finding of the disciplinary authority together with brief reasons for its disagreement, if any, with the findings of the inquiring authority and also a copy of the advice, if any, given by the Commission, and where the disciplinary authority, has not accepted the advice of the Commission, a brief statement of the reasons for such non-acceptance.

+ This Sub Rule has been substituted for earlier Sub Rule (11) vide GAD Notification No. CDR-1009/C.R. 56/09/11, dated 10th June, 2010 published in Maharashtra Govt. Gazette for the period July 1-7, 2010

12. Common proceedings

- (1) Where two or more Government servants are concerned in any, case, the Governor or any other authority competent to impose the penalty of dismissal from service on all such Government servants may make an order directing that disciplinary action against all of them may be taken in a common proceeding.

- (2) Where the authorities competent to impose the penalty of dismissal on such Government servants are different, an order for taking disciplinary action in a common proceeding may be made by the highest of such authorities with the consent of the others.

- (3) Every order for taking disciplinary action in a common proceeding shall specify-
 - (i) the authority which may function as the disciplinary authority for the purpose of such common proceeding;
 - (ii) the penalties specified in rule 5 which such disciplinary authority shall be competent to impose; and
 - (iii) whether the procedure laid down in rule 8 and rule 9 or rule 10 shall be followed in the proceeding.

13. Special procedure in certain cases

Notwithstanding anything contained in rules 8 to rule 12 of these rules.

- (i) where any penalty is imposed on a Government servant on the ground of conduct which has led to his conviction on a criminal charge; or

- (ii) where the disciplinary authority is satisfied for reasons to be recorded by it in writing that it is not reasonably practicable to hold an inquiry in the manner provided in these rules, or

(iii) where the Governor is satisfied that in the interest of the security of the State, it is not expedient to hold any inquiry in the manner provided in these rules, or the disciplinary authority may consider the circumstances of the case and make such orders thereon as it deems fit.

* [Provided that the Government Servant may be given an opportunity of making representation on the penalty proposed to be imposed before any order is made in a case under clause (i)

Provided further that the Commission shall be consulted. Where such consultation is necessary before any orders are made in any case under this rule].

** (iv) Disciplinary proceeding comes to an end immediately on the death of the delinquent Government servant. No disciplinary proceedings under these rules, can therefore, be continued after the death of the concerned Government servant.

*** Both Provisos below clause (iii) were inserted in place of earlier provisos by Notification No. CDR.1188/1582/CR. 38.88/XI, dated 12.10.1990.**

**** Sub-rule (iv) is added vide notification no. CDR 1199/C.R.13/99/11 dated 23/2/2000.**

14. Provisions regarding Officers lent to any Government in India, Local authority, etc.

(1) Where the Services of a Government servant are lent by one department of Government to another department of Government or to any other Government in India or to an authority subordinate thereto or to a local or other authority (including any Company or corporation owned or controlled by Government) (hereinafter in this rule referred to as "the borrowing authority") the borrowing authority shall have the powers of the appointing authority for the purpose of placing such Government servant under suspension and of the disciplinary authority for the purpose of conducting a disciplinary proceeding against him:

Provided that, the borrowing authority shall forthwith inform the authority which lent the services of the Government servant (hereinafter in this rule referred to as " the lending authority") of the circumstances leading to the order of suspension of such

Government servant or the commencement of the disciplinary proceeding, as the case may be.

(2) In the light of the findings in the disciplinary proceeding conducted against the Government servant, -

(i) if the borrowing authority is of the opinion that any of the minor penalties should be imposed on the Government servant it may after consultation with the lending authority, make such orders on the case as it deems necessary:

Provided that, in the event of a difference of opinion between the borrowing authority and the lending authority, the services of the Government servant shall be replaced at the disposal of the lending authority;

(ii) if the borrowing authority is of the opinion that any of the major penalties should be imposed on the Government servant, it shall replace his services at the disposal of the lending authority and transmit to it, the proceedings of the inquiry; and thereupon the lending authority may, if it is the disciplinary authority, pass such orders therein as it may deem necessary or if it is not the disciplinary authority, submit the case to the disciplinary authority which shall pass such orders on the case as it may deem necessary

Provided that, before passing any order, the disciplinary authority shall comply with the provisions of sub-rules (3) and (4) of rule 9 of these rules.

(3) The orders under clause (ii) of sub-rule (2) of this rule may be passed by the disciplinary authority either on the basis of the record of the inquiry transmitted to it by the borrowing authority or after holding such further inquiry as it may deem necessary, as far as may be in accordance with the provisions of rule 8 of these rules.

15. Provision regarding Officers borrowed from any Government in India, local authority etc

(1) Where an order of suspension is made or a disciplinary proceeding is conducted against a Government servant whose services have been borrowed by one department of Government from another department of Government or from any Government in India or from any authority, subordinate thereto or from a local or other authority, (including a company or corporation owned or controlled by Government) the authority lending his services (hereinafter in this rule referred to as "the lending authority") shall forthwith be informed of the circumstances leading to

the order of the suspension of the Government servant or of the commencement of the disciplinary proceeding, as the case may be.

(2) In the light of the findings in the disciplinary proceeding conducted against the Government servant-

(i) if the disciplinary authority is of the opinion that any of the minor penalties should be imposed on him, it may, subject to the provisions of sub-rule (3) of rule 9 of these rules after consultation with the lending authority, pass such orders on the case as it may deem necessary.

Provided that, in the event of a difference of opinion between the borrowing authority and the lending authority, the services of the Government servant shall be replaced at the disposal of the lending authority;

(ii) if the disciplinary authority is of the opinion that any of the major penalties should be imposed on the Government servant, it shall replace the services of such Government servant at the disposal of the lending authority and transmit to it the proceedings of the inquiry for such action as it may deem necessary.

PART V – APPEALS

16. Orders against which no appeal lies

Notwithstanding anything contained in this part, no appeal shall lie(s) against-

- (i) any order made by the Governor;
- (ii) any order of an interlocutory nature or of the nature of a step- in-aid or the final disposal of a disciplinary proceeding, other than an order of suspension;
- (iii) any other order passed by an inquiring authority in the course of an inquiry under rule 8 of these rules.

17. Orders against which appeal lies

Subject to the provisions of rule 16, a Government servant may prefer an appeal against all or any of the following orders, namely :-

- (i) an order of suspension made or deemed to have been made under rule 4 of these rules;
- (ii) an order imposing any of the penalties specified in rule 5 of these rules, whether made by the disciplinary authority or by any appellate or reviewing authority;
- (iii) an order enhancing any penalty, imposed under rule 5 of these rules;

- (iv) an order which-
 - a) denies or varies to his disadvantages his pay allowances, pension or other conditions of. service as regulated by rules or by agreement; or
 - (b) denies promotion to which he is otherwise eligible according to the recruitment rule and which is due to him according to his seniority;
 - (c) interprets to his disadvantage the provisions of any such rule or agreement;

- (v) an order
 - (a) stopping him at the efficiency bar in the time scale of pay on the ground of his unfitness to cross the bar;
 - (b) reverting him while officiating in a higher Service, "grade or post to a lower Service, grade 'or post, otherwise 'than as a penalty;
 - (c) reducing or withholding the pension or denying the maximum pension admissible to him under the rules governing pension;
 - (d) determining the subsistence and the other allowances to be paid to him for the period of suspension or for the period during which he is deemed to be under suspension or for any portion thereof;
 - (e) determining his pay and allowances
 - (i) for the period of suspension, or
 - (ii) for the period from the date of his dismissal, removal, or compulsory retirement from service, or from the date of his reduction to a lower Service, grade, post, time-scale or stage in a time-scale of pay, to the date of his reinstatement or restoration to his Service, grade or post, or
 - (f) determining whether or not the period from the date of his suspension or from the date of his dismissal, removal, compulsory retirement or reduction to a lower Service, grade, post, time- scale of pay or stage in a time-scale of pay to the date of his re-instatement or restoration to his Service, grade or post shall be treated as a period spent on duty for any purpose.

Explanation- In this rule,

- (i) the expression "Government Servant" includes a person who has ceased to be in Government service.
- (ii) the expression "Pension includes additional pension, gratuity and any other retirement benefits.

18. Appellate authorities

(1) Subject to the provisions of any law for the time being in force,

* (i) a member of class I or class II services (Group A or Group B service, including a person who belonged to any of these classes immediately before he ceased to be in service), may appeal to

a) Government against the orders passed by the authorities subordinate to Government, imposing penalties on him or

b) The Governor, against the orders passed by the Government or any authority not subordinate to Government imposing penalties on him.

(ii) a member of class III or Class IV Service (including a person who belonged to any of those classes immediately before he ceased to be in Service), may appeal to the immediate superior of the Officer imposing a penalty upon him under rule 5 of these rules; [~~**and no further appeal shall be admissible to him.~~]

+ [Provided that - - - - -]

(2) Notwithstanding anything contained in sub-rule (1) of this rule-

(i) an appeal against an order in a common proceeding held under rule 12 of these rules shall lie to the authority to which the authority functioning as the disciplinary authority for the purpose of that proceeding is immediately subordinate:

+ + [Provided that where such authority is subordinate to the Governor in respect of a Government servant for whom Governor is the appellate authority in terms of clause (i) of sub-rule (1), the appeal shall lie to the Governor.]

(ii) where the person who made the order appealed against becomes, by virtue of his subsequent appointment or otherwise the appellate authority in respect of such order, an appeal against such order shall lie to the authority to which such person

is immediately subordinate.

*** The clause (i) in sub- rule (1) substituted vide notification NO. CDR.1199/CR-16/99/XI/dated 18- 04- 2001**

**** Bracketed words in clause (ii) of sub- rule (1) inserted by Notification No. CDR.1188/1582/CR-38-88/XI, dated 12-10-1990**

+ Proviso deleted by Notification No. CDR, 1188/1582/CR-38-88/XI, dated 12-10-1990.

+ + Proviso inserted by Notification, No. CDR. 1188/1582/CR-38-88/XI, dated 12.10.1990.

19.Period of limitation for appeals

No appeal preferred under this Part shall be entertained unless such appeal is preferred within a period of forty-five days from the date on which a copy of the order appealed against is delivered to the appellant:

Provided that, the appellate authority may entertain the appeal after the expiry of the said period, if it is satisfied that the appellant had sufficient cause for not preferring the appeal in time.

20. Mode, form and contents of appeal

(1) Every person preferring an appeal shall do so separately and in his own name and shall address it to the authority to which the appeal lies.

(2) The appeal shall be complete in itself-and shall contain all material statements and arguments on which the appellant relies, but shall not contain any disrespectful or improper language.

21.Submission of appeals

(1) Every appeal shall be submitted to the authority which made the order appealed against:

Provided that:

- (a) where such authority is not the Head of the Office in which the appellant may be serving, or
- (b) where the appellant has ceased to be in service and such authority was not the Head of the Office in which the appellant was serving immediately before he ceased to be in Service or
- (c) where such authority is not subordinate to any Head of Office referred to in clause (a) or (b) the appeal shall be submitted to the Head of Office referred to in clause (a) or (b) of this sub- rule accordingly, as the appellant is or is not in service;

22. Transmission of appeals

- (1) The authority which made the order appealed against shall, on receipt of copy of the appeal, without any avoidable delay, and without waiting for any direction from the appellate authority, transmit to the appellate authority every appeal together with its comments thereon and the relevant records.

23. Consideration of appeal

- (1) In the case of appeal against an order of suspension, the appellate authority shall consider whether in the light of the provisions of rule 4 of these rules and having regard to the circumstances of the case, the order of suspension is justified or not and confirm or revoke the order, accordingly.
- (2) In the case of an appeal against an order imposing any of the penalties specified in rule 5 of these rules or enhancing any penalty imposed under that rule, the appellate authority shall consider-
 - (a) whether the procedure laid down in these rules has been followed, and if not, whether such non-compliance has resulted in the violation of any provisions of the Constitution of India or in the failure of justice;
 - (b) whether the findings of the disciplinary authority are warranted by the evidence of the record; and
 - (c) whether the penalty or the enhanced penalty imposed is adequate, inadequate, or severe; and pass orders-
 - (i) confirming, enhancing, reducing, or setting aside the penalty; or
 - (ii) remitting the case to the authority which had passed the order appealed against, with such directions as it may deem fit in the circumstances the case:

Provided that-

(i) the appellate authority shall not impose any enhanced penalty which neither such authority nor the authority which made the order appealed against is competent in the case to impose;

(ii) the Commission shall be consulted in all cases where such consultation is necessary;

*(iii) [if the enhanced penalty which the appellate authority proposes to impose is one of the major penalties and an inquiry under rule 8 has not already been held in the case, the appellate authority shall, subject to the provisions of rule 13, itself hold such inquiry or direct that such inquiry be held in accordance with the provisions of rule 8, and thereafter, on a consideration of the proceedings of such inquiry, make such orders as it may deem fit;]

(iv) If the enhanced penalty which the appellate authority proposes to impose is one of the major penalties and an inquiry under rule 8 of these rules has already been held in the case, the appellate authority shall * * [give to the Government servant a notice stating the enhanced penalty proposed to be imposed on him and calling upon him to submit within 15 days of receipt of notice or such further time not exceeding 15 days, as may be allowed, such representation as he may wish to make on the enhanced penalty] make such orders as it may deem fit; and

+ (V) [no order imposing an enhance penalty shall be made in any other case unless the appellate has been served with a notice stating the enhance penalty proposed to be imposed on him and calling upon him to submit within 15 days of receipt of the notice or such further time not exceeding 15 days, as may be allowed, such representation as he may wish to make on the proposed enhanced penalty].

(3) In an appeal against any other order specified in rule 17 of these rules, the appellate authority shall consider all the circumstances of the case and make such orders as it may deem just and equitable.

*** This proviso (iii) is substituted for earlier proviso (iii) by Notification No. CDR. 1188/1582/ CR-38-88/XI, dated 12.10.1990.**

**** The words in the bracket in clause (iv) of sub- rule (2) deleted by notification CDR.1188/1582/CR-38-88/XI,dated 12.10.1990.**

+ The entire clause (v) deleted by Notification No. CDR.1188/1582/CR-38-88/XI,dated 12.10.1990.

24.Implementation of orders in appeal

The authority, which made the order appealed against, shall give effect to the orders passed by the appellate authority.

PART VI - * [REVISION AND REVIEW]

25.*[Revision]

(1) Notwithstanding anything contained in these rules, the Governor or any authority subordinate to him to which an appeal against an order imposing any of the penalties specified in rule 5 of these rules lies may, at any time, either on his or its own motion or otherwise call for the records of an inquiry and *[revise] any order made under these rules or under the rules repealed by rule 29 of these rules from which an appeal lies but against which no appeal has been preferred or orders against which no appeal lies, after consultation with the Commission where such consultation is necessary, and may -

- (a) confirm, modify or set aside the order; or
- (b) confirm, reduce, enhance or set aside the penalty imposed by the order, or impose any penalty where no penalty has been imposed; or
- (c) remit, the case to the authority which made the order or to any other authority directing such authority to make such further inquiry as it may consider proper in the circumstances of the case; or
- (d) pass such other orders as it may deem fit

*** The heading of Part IV "REVIEW" substituted by the heading "REVISION AND REVIEW", in the marginal note the words "Review" is substituted by the word "Revision" and in sub-rule (1) the words "review" substituted by**

the words "revise" by the Notification No. CDR. 1184/1380/27/XI, dated 15.11.1985.

Provided that, no order imposing or enhancing any penalty shall be made by any ** [revising authority], unless the Government servant concerned has been given a reasonable opportunity of making a representation against the penalty proposed, and where it is proposed to impose any of the major penalties or to enhance the penalty imposed by order sought ** [to be revised] to any of the major penalties, no such penalty shall be imposed except after an inquiry in the manner laid down in rule 8 of these rules + [and after giving a reasonable opportunity to the Government servant concerned of showing cause against the penalty proposed on the evidence adduced during the inquiry and trial] except after consultation with the Commission where such consultation is necessary:

Provided further that, no ** [power of revision] shall be exercised by the authority to which an appeal against an order imposing any of the penalties specified in rule 5 of these rules, lies unless --- -

- (i) the authority which made the order in appeal, or
- (ii) the authority to which an appeal would lie, where no appeal has been preferred is subordinate to it.

(2) No proceeding for [revision] shall be commenced until after

- (i) the expiry of the period of limitation for an appeal,
- (ii) the disposal of the appeal, where any such appeal has been preferred.

(3) An application for ** [revision] shall be dealt with in the same manner as if it were an appeal under these rules, except that the period of limitation for its consideration shall be six months commencing from the date on which a copy of the order under * [revision] is delivered to the applicant -

**** The words "reviewing authority" substituted by the words "revising authority", the words "to be reviewed" substituted by the words" to be revised", the words "power of review" substituted by the words" power of revision" And the word "review" substituted by the words "revision" by Notification No. COR. 1184/1380/27/XI, dated 15.11.1985.**

+ The words shown in the bracket deleted by Notification No. CDR. 1188/1582/CR-38-88.,/XI, dated 12-10-1990.

• **25A. Review**

The Governor may, at any time, either on his own motion or otherwise, review any order passed under these rules, when any new material or evidence which could not be produced or was not available at the time of the order under review and which has the effect of changing the nature of the case, has come or has been brought, to his notice:

Provided that, no order imposing or enhancing any penalty shall be made by the Governor unless the Government servant concerned has been given a reasonable opportunity of making a representation against the penalty proposed, or where it is proposed to impose any of the major penalties specified in rule 5 or to enhance the minor penalty imposed by the order sought to be reviewed to any of the major penalties and if an inquiry under rule 8 has not already been held in the case, no such penalty shall be imposed except after an inquiry in the manner laid down in rule 8, subject to the provision of rule 13, and except after consultation with the Commission where such consultation is necessary.

*** This rule is inserted by Notification NO. CDR 1184/I380/27/XI, dated 15.11.1985.**

PART VII - MISCELLANEOUS

26. Service of orders, notices, etc

Every order, notice and other process made or issued under these rules shall be served in person on the Government servant concerned or communicated to him by registered post.

27. Power to relax limit and to condone delay

Save as otherwise expressly provided in these rules, the authority competent under these rules to make any order may, for good and sufficient reasons or is sufficient cause is shown, extend the time specified in these rules for any thing required to be done under these rules or condone any delay.

28. Supply of copy of Commission's advice

Whenever the Commission is consulted as provided in these rules, a copy of the advice by the Commission and where such advice has not been accepted, also a brief statement of the reasons for such non- acceptance, shall be furnished to the Government servant concerned along with a copy of the order passed in the case by authority making the order.

29.Repeal and saving

(1) On the commencement of these rules, the following rules, that is to say -

(i) the Bombay Civil Services Conduct, Discipline and Appeal Rules in so far as they relate to matters provided by these rules;

(ii) the rules made under rule 54 of the Civil Services (Classification Control and Appeal) Rules as applicable to non-gazetted servants of the Government of Maharashtra who were allocated to that Government from the pre-Reorganisation State of Madhya Pradesh,

(iii) the Civil Services (Classification, Control and Appeal) Rules as applicable to gazetted servants other than those to whom the Hyderabad Civil Services (Classification, Control and Appeal) Rules are applicable;

(iv) the Hyderabad Civil Services (Classification, Control and Appeal) Rules applicable to the servants of the Government of Maharashtra who were allocated to that Government from the pre- Reorganisation State of Hyderabad; and any rules corresponding to the rules referred to in clauses (i), (ii). (iii) and (iv) and in force immediately before the commencement of these rules and applicable to Government servants to whom these rules apply are hereby repealed :-

Provided that -

(a) such repeal shall not affect the previous operation of any notifications or orders made, or anything done, or any action taken under the rules so repealed;

(b) any proceedings under the rule so repealed which were pending at the commencement of these rules shall be continued and disposed of as far as may be, in accordance with the provisions of these rules, as if such proceedings were proceedings under these rules.

- (2) Nothing in these rules shall be construed as depriving any person to whom these rules apply of any right of appeal which had accrued to him under the rules, notifications or orders in force before the commencement of these rules.
- (3) An appeal pending at the commencement of these rules against an order made before such commencement shall be considered and orders thereon shall be made, in accordance with these rules, as if such orders were made under these rules.
- (4) As from the commencement of these rules any appeal or application for review against any order made before such commencement shall be preferred or made under these rules, as if such orders were made under these rules:
Provided that. nothing in these rules shall be construed as reducing any period of limitation for any appeal or review provided by any rule in force before the commencement of these rules.

30. Removal of doubt

Where a doubt arises as to whether any authority is subordinate to, or higher than, any other authority or as to the interpretation of any of the provisions of these rules, the matter shall be referred to Government whose decision thereon shall be final.

Annexure : List of Authorities recognised as Regional Heads vide Government Resolution, Finance Department, No. PAY-1058/231800/S-2, dated 10th December 1958 as modified from time to time. (Marathi).

ANNEXURE
{Rule 2 (K)}

Schedule showing authorities recognised as Regional Heads vide Government Resolution, Finance Department, No. PAY-1058/231800/S-2, dated 10th December 1958 as modified from time to time.

I - Home Department

1. The Deputy Inspector General of Police, Anti-Corruption and Prohibition Intelligence and Director, Anti-Corruption Bureau, Bombay
2. The Commissioner of Police, Pune
3. The Commissioner of Police, Nagpur
4. The Deputy Inspector General of Police, Intelligence, Bombay
5. The Deputy Inspector General of Police (Crime and Railways), Pune
6. The Deputy Inspector General of Police, Bombay Range, Nashik
7. The Deputy Inspector General of Police, Aurangabad Range, Aurangabad
8. The Deputy Inspector General of Police, Pune Range, Kolhapur
9. The Deputy Inspector General of Police, Nagpur Range, Amravati
10. The Deputy Inspector General of Police, Armed Forces, Bombay
11. The Deputy Inspector General of Police, Training and Special Units, Bombay
12. The Regional Transport Officer, Bombay Region, Bombay
13. The Regional Transport Officer, Thane Region, Thane
14. The Regional Transport Officer, Pune Region, Pune
15. The Regional Transport Officer, Aurangabad Region, Aurangabad
16. The Regional Transport Officer, Nagpur Region, Nagpur
17. The Deputy Commissioner of Prohibition and Excise (Administration), Bombay
18. The Deputy Inspector General of Prisons and Deputy Director of Correctional Services, Eastern Region, Nagpur
19. The Deputy Inspector General of Prisons and Deputy Director of Correctional Services, Western Region, Pune
20. The Deputy Inspector General of Prisons and Deputy Director of Correctional Services, Central Region, Aurangabad

II- Revenue and Forests Department

1. The Deputy Director of Land Records, Nagpur
2. The Deputy Director of Land Records, Pune
3. The Deputy Director of Land Records, Bombay
4. The Deputy Director of Land Records, Aurangabad
5. The Conservator of Forests, Nashik Circle
6. The Conservator of Forests, Pune Circle
7. The Conservator of Forests, Nagpur Circle
8. The Conservator of Forests, Amravati Circle
9. The Conservator of Forests, Thane Circle
10. The Conservator of Forests, Kolhapur Circle
11. The Conservator of Forests, Chandrapur Circle
12. The Conservator of Forests, Aurangabad Circle
13. The Chief Wild Life Warden, Pune
14. The Conservator of Forests, Working Plants, Pune
15. The Conservator of Forests, Evaluation, Pune
16. The Conservator of Forests, Tendue Leaves Circle, Nagpur

III - Agriculture and Co-operation Department

1. The Superintending Agricultural Officer, Nagpur
2. The Superintending Agricultural Officer, Bombay
3. The Superintending Agricultural Officer, Pune
4. The Superintending Agricultural Officer, Aurangabad
5. The Superintending Agricultural Officer, Konkan Region, Thane
6. The Superintending Agricultural Officer, Kolhapur
7. The Superintending Agricultural Officer, Amravati
8. The Regional Deputy Director of Animal Husbandry, Nagpur
9. The Regional Deputy Director of Animal Husbandry, Bombay
10. The Regional Deputy Director of Animal Husbandry, Pune
11. The Regional Deputy Director of Animal Husbandry, Aurangabad
12. The Regional Dairy Development Officer, Pune
13. The Regional Dairy Development Officer, Nagpur
14. The Regional Dairy Development Officer, Konkan Bhavan, Konkan

15. The Deputy Director of Cottage Industries and Deputy Registrar for Industrial Cooperatives, Bombay
16. The Deputy Director of Cottage Industries and Deputy Registrar for Industrial Cooperatives, Pune
17. The Deputy Director of Cottage Industries and Deputy Registrar for Industrial Cooperatives, Nagpur
18. The Deputy Director of Cottage Industries and Deputy Registrar for Industrial Cooperatives, Aurangabad
19. The Deputy Registrar of Co-operative Societies, Nagpur
20. The Deputy Registrar of Co-operative Societies, Amravati
21. The Deputy Registrar of Co-operative Societies, Aurangabad
22. The Deputy Registrar of Co-operative Societies, Pune
23. The Deputy Registrar of Co-operative Societies, Nashik
24. The Deputy Registrar of Co-operative Societies, Bombay
25. The Deputy Registrar of Co-operative Societies, (Sugar)

IV - Education and Youth Services Department

1. The Deputy Director of Education, Greater Bombay
2. The Deputy Director of Education, Pune
3. The Deputy Director of Education, Nagpur
4. The Deputy Director of Education, Aurangabad
5. The Deputy Director of Education, Nashik
6. The Deputy Director of Education, Amravati
7. The Deputy Director of Education, Kolhapur
8. The Deputy Director of Technical Education, Greater Bombay
9. The Deputy Director of Technical Education, Pune
10. The Deputy Director of Technical Education, Nagpur
11. The Deputy Director of Technical Education, Aurangabad

V- Urban Development and Public Health Department

1. The Deputy Director of Health Services, Bombay Circle, Bombay
2. The Deputy Director of Health Services, Nashik Circle, Nashik
3. The Deputy Director of Health Services, Pune Circle, Pune

4. The Deputy Director of Health Services, Kolhapur Circle, Kolhapur
5. The Deputy Director of Health Services, Nagpur Circle, Nagpur
6. The Deputy Director of Health Services, Akola Circle, Akola
7. The Deputy Director of Health Services, Aurangabad Circle, Aurangabad
8. Assistant Director of Ayurved, Nagpur
9. Assistant Director of Ayurved, Pune
10. Joint Commissioner, Food & Drugs Administration, Bombay Circle, Bombay
11. Joint Commissioner, Food & Drugs Administration, Bombay Division, Bombay
12. Joint Commissioner, Food & Drugs Administration, Nagpur Division, Nagpur
13. Joint Commissioner, Food & Drugs Administration, Pune Division, Pune
14. Joint Commissioner, Food & Drugs Administration, Aurangabad Division, Aurangabad
15. Administrative Medical Officer, Employees State Insurance Scheme, Bombay
16. Administrative Medical Officer, Employees State Insurance Scheme, Pune
17. Administrative Medical Officer, Employees State Insurance Scheme, Nagpur
18. Deputy Director of Town Planning, Bombay Division, Bombay
19. Deputy Director of Town Planning, Pune Division, Pune
20. Deputy Director of Town Planning, Nagpur Division, Nagpur
21. Deputy Director of Town Planning, Aurangabad Division, Aurangabad

VI - Finance Department

1. Chief Auditor, Local Fund Accounts, Bombau
2. The Deputy Director of Accounts & Treasuries, Pune
3. The Deputy Director of Accounts & Treasuries, Nagpur

VII - Industries, Energy & Labour Department

1. The Joint Director of Industries, Bombay Region
2. The Joint Director of Industries, Bombay Metropolitan Region
3. The Joint Director of Industries, Pune
4. The Joint Director of Industries, Aurangabad
5. The Joint Director of Industries, Nagpur
6. The Deputy Commissioner of Labour, Nagpur
7. The Deputy Commissioner of Labour, Pune

VIII- Social Welfare, Cultural Affairs, Sports and Tourism Department

1. The Divisional Social Welfare Officer, Bombay
2. The Divisional Social Welfare Officer, Ngapur
3. The Divisional Social Welfare Officer, Pune
4. The Divisional Social Welfare Officer, Aurangabad

IX - Rural Development Department

1. Joint Director, Groundwater Surveys and Development Agency, Pune

**GOVERNMENT OF MAHARASHTRA
FINANCE DEPARTMENT**

**MAHARASHTRA CIVIL SERVICES
(PENSION)
RULES,1982**

**FINANCIAL PUBLICATION OF THE
GOVERNMENT OF MAHARASHTRA NO.III**
(Revised up to 31st July,1992)

SECOND EDITION

1995

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PREFACE

The First Edition of the Bombay Civil Services Rules, 1959, in Volumes I & II was printed in 1959 after the reorganization of States in 1956. Various developments have taken place since then i.e. the Reorganization of the Bilingual Bombay State into the two States of Maharashtra and Gujarat as also changes have been made in the rules through numerous amendments issued from time to time, during the last several years. As a result, a good deal of difficulty was being experienced in practice in understanding and applying these rules properly. The need to have revised and simplified Service Rules was being acutely felt. Government, therefore, has decided to publish the following self-contained subject wise sets of Service Rules:-

- (1) Maharashtra Civil Services (General Conditions of Services) Rules.
- (2) Maharashtra Civil Services (Pay) Rules.
- (3) Maharashtra Civil Services (Joining Time, Foreign Service and Payments during Suspension, Dismissal and Removal) Rules.
- (4) Maharashtra Civil Services (Leave) Rules.
- (5) Maharashtra Civil Services (Pension) Rules.
- (6) Maharashtra Civil Services (Honoraria, Fee, Compensatory Local and House Rent Allowances) Rules.
- (7) Maharashtra Civil Services (Occupation of Government Residences) Rules.
- (8) Maharashtra Civil Services (Traveling Allowances) Rules.

These sets of rules seek to codify the provisions of existing rules in the Bombay Civil Services Rules subjectwise and the various orders issued by Government with such rewording as have become necessary to put them in the form of statutory rules.

2. The first four sets of rules {S. Nos. (1) to (4)} issued under Government Notification, Finance Department, No. MSC.1081/1/2/3 and 4/ MCSR-Cell, dated the 23rd July 1981. This is the fifth set of rules framed by the Governor of Maharashtra under the proviso to Article 309 of the Constitution of India, which have been issued under Government Notification, Finance Department, No. MSC. 1082/2/5 SER-6, date the 12th August 1982, come into force with effect from 15th August 1982. The remaining sets of rules will be issued later on.

3. Government has published separately the rules called the Maharashtra Civil Services (Commutation of Pension) Rules, 1981 under Government Notification, Finance Department No. COP-1081/CR-1411/SER-4, dated the 10th December 1981 and have come into force with effect from 1st December 1981.

4. To make each set of rules as self-contained as possible, the relevant delegation of powers. Appendices and the relevant Forms pertaining to a particular subject have also been included therein.

5. This set of rules pertains to Pension matter of employees of the Maharashtra Government. The Marathi version will be published separately.

6. For facility of reference a comparative table has been appended to this set of rules at the end indicating the numbers of these rules, and the corresponding provisions of the Bombay Civil Services, Rules, 1959. The table also indicates the provisions of the Bombay Civil Services Rules; 1959 which have been deleted from this set of rules.

7. Omissions or inaccuracies, if any, in this set of rules, may please be brought to the notice of the Finance Department.

Dated 12th August 1982
Finance Department,
Mantralaya, Bombay 400032

V. PRABHAKAR,
Special Secretary to Government,
Finance Department.

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**GOVERNMENT OF MAHARASHTRA
FINANCE DEPARTMENT**

Mantralaya, Bombay

12th August 1982

NOTIFICATION

CONSTITUTION OF INDIA

No. MSC. 10825/SER-6- In exercise of the powers conferred by the proviso to Article 309 of the constitution of India, the Governor of Maharashtra is hereby pleased to make the following Rules, namely:-

CHAPTER I-GENERAL

1. Short title and commencement

(1) These Rules may be called the Maharashtra Civil Services (Pension) Rules, 1982.

(2) They shall come into force on the 15th day of August 1982.

2. Extent of application

Except where it is otherwise expressed or implied, these rules apply to all members of services and holders of posts whose conditions of service the Government of Maharashtra are competent to prescribe.

They shall also apply to-

- (a) any person for whose appointment and conditions of employment special provision is made by or under any law for the time being in force.
- (b) any person in respect of whose service, pay and allowances and pension or any of them special provision has been made by an agreement made with him, in respect of any matter not covered by the provisions of such law or agreement, and
- (c) Government servants paid from Local Funds administered by Government, except relating to the Foreign Service.

Note 1:- As regards the amount of leave and pension, Government servants of the former States of Saurashtra, Kutch, Madhya Pradesh and Hyderabad, allocated to the State of Bombay, who have opted to be governed by the rules of the former States applicable to them before the 1st day of November 1956, in accordance with Government Resolution. Finance Department No. INT 1056-S-8, dated the 7th January 1957, as modified from time to time, will be governed by those rules. Option once exercised is final.

Note 2- Persons transferred to Government service from a Local Fund which is not administered by Government will be treated as joining a fresh post under Government and their previous service shall not count as service performed under Government. Government may, however, allow previous service in such cases to count as service performed on such terms as it thinks fit.

3. Right to interpret

Government reserve to themselves the right of interpreting these rules.

4. Power of relaxation

Where Government is satisfied that the operation of any of these rules causes or is likely to cause undue hardship in the case of any Government servant of class or Government servants, it may, by an order in writing, exempt any such Government servant or class of Government servants from any provisions of these rules or may direct that such provision shall apply to such Government servants or class of Government servants with such modifications not affecting the substance thereof as may be specified in such order.

5. Validity of terms of contract

The terms of a specific contract enforceable at law necessarily override the provisions of these rules.

6. Regulation of claims to pension or Family Pension

(I) 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 discharged or dies as the case may be:

Provided that, if during his service, changes disadvantageous to him are introduced in the rules, to which he became subject on entry into the service of Government, his pension shall not be less than that which would have been admissible but for the introduction of such changes.

(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 working day.

Provided that in the case of a Government servant who is retired prematurely or who retires voluntarily under sub-rule (4) or (5) of rule 10 [or sub-rule (I) of rule 65 or rule 66] as the case may be, the date of retirement shall be treated as a non-working day.

[**6A-** Manner of payment of arrears of pension or family pension or dearness relief- Notwithstanding anything contained in these rules the arrears of pension or family pension and dearness relief payable thereon on account of revision of pension or family pension to which any pensioner or family pensioner may be entitled in respect of any period under these rules shall be paid either in cash or by crediting the entire amount in the National Savings Scrips, or partly in Cash and partly by Crediting in the National Savings Scrips, as the Government may from time to time, by order determine in this behalf.]

7. Exercise and delegation of powers under these rules

No powers may be exercised or delegated under these rules except after consultation with the Finance Department. It shall be open to that Department to prescribe, by general or special order, cases in which its consent may be presumed to have been given.

Note-For powers delegated under these rules see Appendix I

8. Reasons for concessions to be communicated to Audit Officer

When a competent authority, other than Government, communicates to the Audit Officer an order granting any concessions under these rules to any Government servant in cases in which it is prescribed that the reasons therefore should be recorded, he should at the same time forward to him a copy of his reasons.

CHAPTER II-DEFINITIONS

[The definitions given below are reproduced from Chapter II of the Maharashtra Civil Services (General Conditions of Services) Rules, 1981 and are only those definitions which are relevant for the purpose of the subject matter contained in this set of rules.

9. Unless the context otherwise requires, the terms defined in this Chapter are used in the various sets of the Maharashtra Civil Services Rules, in the sense here explained:-

(2) **Allotment** means grant of a license to a Government servant to occupy a house owned, leased or requisitioned by Government or a portion thereof for his use as residence.

(3) **Apprentice** means a person deputed for training in a trade or business with a view to employment in Government service, who is paid at monthly rates by Government during such training but is not employed in or against a substantive vacancy in the cadre of a department.

(4) **Audit Officer** means an Audit Officer, appointed by the Comptroller and Auditor General of India whatever his official designation, in whose circle of audit a public servant is serving, or (in respect to verification of service) has served.

(9) **Competent authority**, in relation to the exercise of any power, means Government, or any authority to which the power is delegated by or under these rules.

(10) **Consolidated Fund of India or the State**- All revenues received by the Government of India, all loans raised by that Government by the issue of treasury bills, loans or ways and means advances and all moneys received by that Government in repayment of loans shall form one consolidated fund to be entitled “ the Consolidated Fund of India”. Similarly all revenues received by the Government of a State, all loans raised by that Government by the issue of treasury bills, loans or ways and means advances and all moneys received by that Government in repayment of loans shall form one consolidated fund to be entitled “the Consolidated Fund of the State”.

(12) **Date of first appointment** means the date the Government servant assumes the duties of his first post in Government service, or, if this be earlier, the date of his assumption of any duty which is treated, as service counting for pension.

(13) **Day** means the period beginning from one midnight and ending with the next midnight.

(14) **Duty**- Duty includes-

- (a) service as a probationer;
- (b) joining time;
- (c) a course of the instructions or training authorized by or under the orders of Government;

- (d) a course of instruction or training authorized by
- (i) Director of Social Welfare in the case of the members of the staff of the Social Welfare Officer deputed to undergo a course of training in making estimates and plan drawing before their confirmation.
 - (ii) Director of Education in the case of teachers of the educational staff who undergo a course of training or instructions at training colleges or schools, and
 - (iii) Director of Agriculture in respect of staff who undergo a course in agriculture or any other training preparatory to appearing for the Sub-service Department Examination.

Note1- The time reasonably required for the journeys between the place of training and the station from which a Government servant proceeds in order to undergo training is part of the period of training.

Note2- The period spent by candidates at the Central Police Training College, Nasik, for training and the interval between the satisfactory completion of the course and their assumption of duty should be regarded as duty for the purpose of this rule.

In the case of Military Officers and other ranks, who join the Police Force as Sub-Inspectors and whose period of probation is treated as Vocational Training under section 40 of Army Vocational Training (India), 1933, their services in the Police shall count from the dates they formally leave the Army, since until that date, the time spent on Vocational on training is included in the period of their military service and they are borne on the military establishment.

Note 3- The period spent by candidates (other than candidates not already in Government service admitted on or after the 22nd April 1962) in the Prohibition and Excise Department for training and interval between the completion of the course and their assumption of duty, should be regarded as duty for the purpose of this rule.

Note-4 The period spent by the Sales Tax Inspectors in the Sales Tax Department for the training and the interval between the completion of training and their assumption of duty as Sales Tax Inspector in the regular time scale of pay should be regarded as duty for the purpose of this rule.

Note 5-When one or more holidays follow the period of training, the training period may deemed to have been extended to cover such holidays.

(e) the period occupied-

- (i) in appearing for language examination prescribed by Government at which a Government servant has been granted permission to appear;
- (ii) in attending an obligatory departmental examination;
- (iii) in attending an examination which a Government servant must pass to become eligible for a higher post in any branch of the public service.

including the time reasonably necessary for going to and from the place of examination.

This concession should not be allowed more than twice for each obligatory examination.

Note 1- If an examination is taken immediately before leave, the leave shall be held to have commenced from the date following that of the completion of the examination. In cases where an examination is taken in interruption of leave or immediately after leave, the time occupied in appearing for the examination, shall be treated not as duty but as leave.

Note 2- The period occupied in appearing for the Maharashtra Accounts Clerks' Examination including the time reasonably necessary for going to and from the place of examination voluntary basis should be treated as duty. This concession should not be allowed more than twice.

(f) the period for which a Government servant is required to wait compulsorily until receipt of his posting orders in the cases mentioned below:-

- (i) whose orders of transfer are held in abeyance, cancelled or modified while in transit, or
- (ii) who, on return from leave or deputation or on abolition of the post held by him, has to await receipt of posting orders, or
- (iii) who, on arrival at the headquarters of the post to which he is posted is not in a position to take charge of the post from the Government servant to be relieved.

The period availed of to resume duties after the receipt of posting orders shall not exceed the joining time admissible under the rules and shall be treated as continuation of the period of compulsory waiting.

(g) the period intervening between the date on which a Government servant is engaged temporarily for special or other duty and the date on which he takes over charge, provided the period does not exceed the joining time that would be permissible to a Government servant entitled to joining time;

(h) the period spent by Government servant on training mentioned below:-

(i) training in accordance with the Regulations of the Army in India Reserve of Officers.

Note- In the case of civil officers granted Commissions in the Army in India Reserve of Officers the period of training will not include the time spent in journey to and from the station at which the training is carried out. The time spent by these officers in journeying to and from the place of training should be treated as duty and acting arrangements may be made during that time.

(ii) training in the Indian Navel Fleet Reserve and on the journey to and from the place of training,

(iii) annual training courses of instruction or military service in accordance with the Regulations for the Territorial Army, 1948.

(iv) on Home Guard training or Home Guard duties with the permission of the Head of his office,

(v) in training or in the camp in accordance with the rules of the National Cadet Corps and also such period of the vacations as are spent by National Cadet Corps Officers (Senior Division) who are Government servants holding officiating charge of units during the absence of regular Commanding Officer,

(vi) training and active service in the Army and Air Force Reserves and the India Fleet Reserve/Air defence Reserve and/on journey to and from the place of training, in

case leave in respect of their civil appointment is not availed of during training and transit period.

(vii) training at a Boy Scout's Camp

Note-No traveling or halting allowance is admissible in respect of this duty.

(i) additional leave on full pay not exceeding three weeks granted to a Government servant undergoing anti-rabic treatment, admissible under Appendix 15 of Bombay Financial Rules, 1959;

(j) the period spent by a Government servant in connection with work on the various University bodies in the Maharashtra State-

- (a) as representatives of Government or ex-officio,
- (b) by virtue of his official position such as Principal of a College, and
- (c) for attending the meeting of a Board of Studies,

(18) **First appointment** means the appointment of a person who is not holding any appointment under Government, even though he may have previously held such an appointment.

(19) **Foreign service** means service in which a Government servant receives his pay with the sanction of Government from any source other than the Consolidated Fund of India or of a State, or of a Union Territory.

(20) **A Gazetted Government** servant is one who is a member of an All India or State Service or a person appointed in accordance with the terms of a contract or agreement and whose appointment is gazetted by Government. Members of the Subordinate Civil Services, whose appointments are gazetted by Heads of Departments, are Non-gazetted Government servants. Notifications investing Government servants with powers under different Acts, in order that the Courts may take judicial cognizance of them, do not constitute the persons invested with such powers as Gazetted Government servants within the meaning of this sub-rule.

Exception- Officers whose appointments to Class II services or posts are made by the Heads of Departments or Heads of Officers subordinate to them and are not published in the Gazette should be treated as Gazetted Government servants.

(21) **Government**, unless there is anything repugnant in the subject or context, as respect anything done or to be done after the commencement of the Constitution, shall mean the Governor of Maharashtra.

(22) **Heads of Departments-** (i) This term includes the officers mentioned in Appendix II in Maharashtra Civil Services (General Conditions of Services) Rules, 1981 and any others whom Government may from time to time declare to be Heads of Departments.

(ii) **Head of Office** means a Gazetted Officer declared as such by Government and includes such other authority or person whom the competent authority may, by order, specify as Head of Office.

(26) **Class IV service** means performed by a Government servant in a post specifically classified as Class IV and such other unclassified Non-gazetted posts the maximum of the scale of which is equal to or less than Rs.435.

(28) **Leave** means permission to remain absent from duty granted by a competent authority under the Maharashtra Civil Services (Leave) Rules, 1981

(29) **Leave salary** means the monthly amount paid by Government to a Government servant on leave.

(30) **Lien** means the title of a Government servant to hold substantively, either immediately or on the termination of a period or periods of absence, a permanent post, including a tenure post, to which he has been appointed substantively.

(32) **Local Fund** means-

- (a) revenues administered by bodies, which by law or rule having the force of law come under the control of Government whether in regard to proceedings generally or to specified matter, such as the sanctioning of the budgets, sanction to the creation or filling up of particular posts, or the enactment of leave, pension, or similar rules; and
- (b) the revenues of any body which may be specially notified by Government as such.

(34) **Month** means a calendar month. 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.

Instruction-Calculations of period expressed in terms of months and days should be made as under:-

- (a) To calculate 3 months and 20 days on and from the 25th January, the following method should be adopted:-

	y	m	d
25 th January to 31 st January	0	0	7
February to April	0	3	0
1 st May to 13 th May	0	0	13
	0	3	20

- (b) The period commencing on 30th January, and ending with 2nd March should be deemed as 1month and 4days, as indicated below:-

	y	m	d
30 th January to 31 st January	0	0	2
February	0	1	0
1 st March to 2 nd March	0	0	2
	0	1	4

(35) **Officiate-** A Government servant officiates in a post when he performs the duties of a post of which another person holds a lien. A competent authority, may if thinks fit, appoint a Government servant to officiate in vacant post on which no other Government servant holds a lien.

(36) **Pay** means the amount drawn monthly by a Government servant as-

(i) the pay (including special dearness pay) which has been sanctioned for a post held by him substantively or in an officiating capacity, or to which he is entitled by reason of his position in a cadre; and

(ii) personal pay, and special pay; and

(iii) any other emoluments which may be specially classed as pay by Government

(37) **Pension** includes a gratuity.

(38) **Pensionable Pay** means the average pay earned by a Government servant during the last ten month's service.

Note1.- The officiating pay/special pay deputation (duty) allowance drawn from the Consolidated Fund of India by State Government employees on deputation to the Government of India shall be taken into account for calculating pensionable pay.

Note2- The drawn by a Government servant while on foreign service shall not count for pension. In such a case the pay which the Government servant would have drawn under the Government had he not been sent on foreign service, will alone be taken into account while calculating pensionable pay.

(39) **Pensionable Service** means service which qualifies the Government servant performing it to receive a pension from the Consolidated Fund.

(40) **Permanent post** means a post carrying a definite rate of pay sanctioned without limit of time.

(41) **Personal pay** means additional pay granted to a Government servant-

(a) to save him from a loss of substantive pay in respect of a permanent post other than a tenure post due to a revision of pay or due to any reduction of such substantive pay otherwise than as a disciplinary measure; or

(b) in exceptional circumstances on other personal considerations.

(42) **Presumptive pay** of a post, when used with reference to any particular Government servant, the pay to which he would be entitled if he held the said post and were performing its duties, but it does not include special pay unless the Government servant performs or discharge the work or responsibility, in consideration of which special pay was sanctioned.

(43) **Probationer** means a Government servant employed on probation in or against a substantive or temporary vacancy in the cadre of a department.

Note1- No person appointed substantively to a permanent post in a cadre is a probationer, unless definite conditions of probation have been attached to his appointment, such as the condition that he must remain on probation pending the passing of certain examination.

Note2- A Government servant (other than one who holds substantively a permanent post) appointed on promotion to a temporary post will be treated for all purpose as a temporary Government servant.

Note 3- The status of a probationer is to be considered as having the attributes of a substantive status except where the rules prescribe otherwise.

(48) **Special pay** means an addition, of the nature of pay, to the emoluments of a post or of a Government servant granted in consideration of-

- (a) the specially arduous nature of the duties;
- (b) a specific addition to the work or responsibility.

(50) **Subsistence allowance** means a monthly grant made to a Government servant who is not in receipt of pay or leave-salary.

(51) **Substantive pay** means the pay other than special pay, personal pay or emoluments classed as pay by Government under sub-rule (36) (iii) to which a Government servant is entitled on account of a post to which he has been appointed substantively or by reasons of his substantive position in a cadre.

(52) **Superior service** means any kind of service which is not class IV.

(53) **Temporary post** means a post carrying a definite rate of pay sanctioned for a limited time.

Note-Substantive appointment to temporary posts should be made in a limited number of cases only, as for example, when posts are, to all intents and purposes, quasi-permanent or when they have been sanctioned for a period of not less than, or there is reason to believe that they will not terminate within a period of three years. In all other cases, appointments in temporary posts should be made in an officiating capacity only.

Instruction- The benefit of substantive appointments to temporary posts contemplated in the above note should not be allowed to be enjoyed by more than one person simultaneously. Therefore where Government servant has already been appointed substantively to a temporary post and there is a temporary interruption in his tenure of the post, it would not be proper to appoint another Government servant substantively to the post during such temporary interruption. For this purpose, interruptions which are likely to last for less than 3 years may be treated as temporary. It follows, therefore, that where a Government servant is already appointed substantively to a temporary post, a second Government servant should not be appointed substantively to it unless the previous holder of the post has been transferred from it permanently or unless he has been transferred temporarily and there is reason to believe that he will remain absent from the post for a period of not less than three years.

(54) **Tenure post** means a permanent post which an individual Government servant may not hold, for more than a limited period without reappointment.

Note-The following posts in State and Class services have been declared by Government to be tenure post:-

	Period of tenure (Years)
(1) Under Secretary to Government(when held by persons other than those promoted from the Subordinate Secretariat Service)	3
(2)Deputy Secretary (Criminal Law) in the Law and Judiciary Department	5
(3) Solicitor (Mofussil Litigation)	5
(4) Three posts of Assistant Directors of Social Welfare	3

CHAPTER III-RETIREMENT

10. Age of retirement

(1) Except as provided in this rule, every Government servant, other than a Class IV servant, shall retire from service on the afternoon of the last day of the month in which he attains the age of 58 years. He may be retained in service beyond 58 years only with the previous sanction of Government on public grounds which must be recorded in writing.

(2) Subject to the provisions of sub-rule (4), a Government servant in Class IV service shall retire from service on the afternoon of the last day of the month in which he attains the age of 60 years. He may not be retained in service after that age except with the previous sanction of Government.

(3) The following rules are applicable to particular services:

- (a) Holders of the posts of the Chief Judge of the Court of Small Causes, Bombay and the Administrator General and Official Trustee, Bombay, whether they are recruited directly or are promoted from subordinate posts, should ordinarily be retained in service till the age of 60 years, if they continue to be efficient upto that age, otherwise they may be required to retire at the age of 55 years or any time thereafter.
- (b) The Principal Judge, Bombay City Civil and Sessions Court, Bombay, the Chief Metropolitan Magistrate, Bombay, the Coroner of Bombay and the Additional Coroner of Bombay, should be required to retire on attaining the age of 60 years.
- (c) A Judge of the City Civil and Sessions Court (being a Judge appointed direct from Bar) should be required to retire on his completion of the requisite years of qualifying service or duty necessary to entitle him to get the benefit of rule 53 or on his attaining the age of 60 years, whichever is earlier, provided that such a Judge should not be required to retire before he attains the age of 55 years.

(4) Notwithstanding anything contained in sub-rules (1) and (2) of this rule, the appropriate authority, if it is of the opinion that it is in the public interest so to do, by giving [notice of three months] in writing in Form 30 or in Form 31, as the case may be, or three months' pay and allowances in lieu of such notice, has the absolute right to retire-

(a) any Gazetted Government servant under the rule making control of the State Government:-

- (i) if he had entered Government service under any Government in India, before attaining the age of thirty-five years, after he has attained the age of fifty years, and
 - (ii) in any other case, after he has attained the age of fifty-five years;
[Provided that a Government servant who holds a Class III post in a substantive capacity but is holding a Class I or Class II post in an officiating capacity, shall, in case it is decided to retire him from service while holding a Class I or Class II post, in the public interest, be allowed on his request in writing to the appropriate authority to continue in service in Class III post which he holds in a substantive capacity.]
 - (c) any Government servant who holds a post in Class III service of the State, either pensionable or non-pensionable, after he has attained the age of fifty-five year;
 - (d) any Government servant who holds a post in Class IV service of the State and who is recruited in Government service on or after the 21st September 1970, after he has attained the age of fifty-five years.
- (5) Notwithstanding anything contained in sub-rules (1) and (2) of this rule, any Government servant may, by giving [notice of three months] in writing to appropriate authority, retire.
- (a) in the case of a Government servant-
 - (i) referred to in sub-rule (4) (a) (i), after he has attained the age of fifty years.
 - (ii) Referred to in sub-rule (4)(a)(ii) after he has attained the age of fifty-five years;
 - (iii) (b) in the case of a Government servant referred to in sub-rule (4) (b) and (c), after he has attained the age of fifty-five years.

[Provided that where the Government servant giving notice under sub-rule (5) is under suspension or is deemed to be under suspension, it shall be open to the appropriate authority to withdraw permission, if already granted or, as the case may be, to withhold permission to such Government servant to retire voluntarily under this rule.]

- (6) (a) A Government servant referred to in sub-rule (5) may make a request in writing to the appropriated authority to accept notice of voluntary retirement of less than three months giving reasons therefore;
- (c) on receipt of a request under clause (a), the appropriate authority may consider such request for the curtailment of the period of notice of three months on merits and if it is satisfied that the curtailment of the period of notice will not cause any administrative inconvenience, the appropriate authority, with the concurrence of the Finance Department, 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.]

(7) A Government servant, who has elected to retire under sub-rule (5) and has given the necessary notice to that effect to the appropriate authority, shall be precluded from withdrawing his notice except with the specific approval of such authority:

[Provided that the request for withdrawal shall be made before the intended date of his retirement.]

Explanation-For the purposes of sub-rules (4) and (5)-

(1) “appropriate authority” means the authority which has the power to make substantive appointment to the post or service from which the Government servant retires, or wants to retire;

1. inserted by Notification No. PEN-1088/1167/SER-4,dated 5.5.1990

2. inserted by Notification No. PEN-1088/1167/SER-4,dated 5.5.1990

(2) The three months’ notice referred to in these sub-rules may be given either before or after the Government servant attains the age of fifty, or fifty-five years provided that the retirement takes place after he has attained the age of fifty or fifty-five years, as the case may be:

(3) in computing the notice period of three months’ referred to in these sub-rules the date of service of notice and the date of its expiry shall be excluded.

Note1- A Government servant whose date of birth is the 1st of a month shall retire from service on the afternoon of the last day of the preceding month on attaining the age of 58 years, or 60 years, as the case may be.

Note2-For the purposes of sub-clauses (a) and (b) of sub-rule (4), the age of entry into Government service or recruitment in Government service shall be the age at which a Government servant was appointed to a full time post and not to a part time or honorary post.

11. Retirement according to the character of the post held in an officiating capacity and not the post held in a substantive capacity

When a Government servant holding a permanent post substantively, is officiating in another post, [sub-rules (1) and (2) of rule 10] should be applied according to the character of the post in which he is officiating and not according to the character of the permanent post held substantively by him. Thus the date of compulsory retirement of the substantive holder of a post in Class IV service, who is officiating in a post not included in that service, is the date on which he attains the age of 58 years. If such a person would like to be governed by sub-rule (2) of rule 10, he must revert to a post in Class IV service before he attains the age of 58 years. If such a person would like to be governed by sub-rule (2) of rule 10, he must revert to a post in Class IV service before he attains the age of 58 years.

12. Extension in service beyond the age of compulsory retirement

Notwithstanding anything contained in sub-rule (3) of rule 10 Government may grant an extension of service to any Government servant beyond the age of retirement, on public grounds, which must be recorded in writing.

Note-Normally except in very exceptional circumstances, extension should not be granted beyond the age of 60 years.

1st[Substituted by G.N.F.D. No. MCS-1085/CR-54/SER-6, dated 18-7-1985]

13. Grant of refused leave not to be treated as an extension in service

The grant of leave under rule 67 of the Maharashtra Civil Services (Leave) Rules, 1981 extending beyond the date on which a Government servant must compulsorily retire, or beyond the date up to which a Government servant has been permitted to remain in service, shall not be treated as sanctioning an extension of service, for the purposes of pensionary or Contributory Provident Fund benefits or the retention of a lien. The Government servant shall retire and become eligible for all pensionary benefits as due to him on the date of retirement, or such other later date, if any extension of service is granted, from the date of expiry of such leave.

Note-See note 9 below rule 60.

14. Application of rule 10 to re-employed Government servants

Rule 10 is also applicable to re-employed personnel who have retired before reaching the age of Superannuation and the rules in Chapter VII are subject to conditions laid down in rule 10. Rule 158 from the nature of its concession and conditions, puts the re-employment of a person in receipt of a Superannuation and or retiring pension in a special class outside rule 10 and subject to the conditions stated in the rule itself which must be observed with every renewal of sanction.

15. Review of cases before Superannuation or expiry of extension of service.

The case of each Government servant should be taken up for examination when he is approaching the age of Superannuation and before the expiry of each extension of service. Extensions may not be granted for any period exceeding one year at one time, the first extension being given generally up to the end of the financial year. In cases in which it is proposed to grant extension of service, reports should be made to Government at least two months before the necessity for sanction or fresh sanction arises.

16. Claim for compensation for retirement is not to be entertained

No claim for compensation from a Government servant who is required to retire under the provisions of rule 10 will be entertained.

17. When extension is refused, Government servant is continued till relieved by his successor

When a Government servant has been refused an extension of service, he may, in the absence of specific orders to the contrary be allowed to continue in service until he is relieved by his successor.

Note- In cases, however, where an extension of service has been applied for and granted and no further extension is asked for and sanctioned, the Government servant must be held to cease to be in the service of Government and to be entitled to no pay from the date of the expiration of the period for which the extension was granted. It is for the officer under whom the Government servant, to whom the extension has been given, is serving, to take timely measures to ensure, as far as in him lies, that another Government servant shall be available to take over charge from the time-expired Government servant on the date on which the extension given terminates.

18. Promotion not to be given when a Government servant is on extension of service

Without the previous sanction of Government, no promotion whether officiating or substantive, and whether in a permanent or in a temporary establishment, should be given to a Government servant who is under extension. This does not debar such a Government servant from earning an increment, if the pay of the appointment held by him is on a time-scale.

19. Removal or compulsory retirement from service for misconduct, insolvency or inefficiency

A competent authority may remove any Government servant subject to these rules from Government service, or may require him to retire from it, on the ground of misconduct, insolvency or inefficiency:

Provided that before any such order is issued, the procedure referred to in rules 8 to 15 of the Maharashtra Civil Services (Discipline and Appeal) Rules, 1979, shall be followed.

Note1. In the case of Police Officers Subordinate ranks, a competent authority in the Police Department can exercise his discretion under this rule after observing the procedure laid down in Chapter XIII of the Bombay Police Manual, 1959, Volume I and Section 26 of the Bombay Police Act, 1951.

Note 2- Except where it is expressly stated otherwise removal includes the case of a Government servant who has been asked to retire under this rule.

CHAPTER IV-GENERAL CONDITIONS

20. Government servants transferred from services and posts to which these rules do not apply

(1) A Government servant who is transferred permanently to a service or post to which these rules apply from a service 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 that day, then within six months of his return from leave, whichever is later, to elect to be governed by the pension rules to which he was subject immediately before the date of his transfer.

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

(3) The option once exercised shall be final.

21. Limitations on number of pensions

(1) A Government servant shall not earn two pensions in the same service or post at the same time or for the same continuous service.

(2) 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.

22. Admissibility of Wound and Extraordinary Family Pension

The rules from 85 to 98 and provisions in Appendix IV which govern the grant of Wound or Injury Pension and Extraordinary Family Pension on account of injuries or death, apply to all persons employed in a civil capacity in the service of Government whether permanently, temporarily, or even casually, and whether remunerated by fixed pay or at piece-work rates.

23. Sanction of pension in special circumstances

In any case in which a pension is not admissible under any specific provision of these rules, Government may sanction the grant of a pension, which shall not, save in the most exceptional circumstances, exceed the monthly minimum pension as fixed by Government from time to time, or of a gratuity not exceeding the equivalent, calculated in accordance with the table prescribed under rule 8 of Maharashtra Civil Services (Commutation of Pension) Rules, [1984] of the value of such a pension, if the grant is not inconsistent with the general spirit of the rules.

Note- Pension sanctioned under this rule need not be given any special name. It may be styled “ Invalid” , “Retiring”, “ Superannuation”, or Extraordinary”, in accordance with the circumstances of each case.

24. Pension not exchangeable but gratuity may be exchanged for annuity

(1) A Government servant eligible for a pension is not entitled to exchange it for a gratuity.

(2) If a Government servant is eligible under these rules for a gratuity only, Government may at its discretion, if the expectation of life of the Government servant is reported by competent medical authority to be equal to the average, convert the gratuity into an annuity. The amount of the annuity shall be calculated with reference to the table of present values prescribed by Government under rules 8 of the Maharashtra Civil Services (Commutation of Pension), Rules, [1984].

25. Inadmissibility of pension while in service of Local Fund

A Government servant transferred to foreign service under a Local Fund shall not be permitted, while he remains in the service of the Fund, to receive a pension on voluntary retirement from Government service. For the purpose of this rule, retirement shall be considered to be voluntary if the Government servant is not required to retire but retires on Retiring Pension before he is compelled to retire under rule 10.

26. Pension subject to good conduct

(1) Future good conduct shall be an implied condition of every grant of pension. Government 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 where a part of pension is withheld or withdrawn, the amount of remaining pension shall not be reduced below the minimum pension as fixed by Government.

(2) 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.

(3) In a case not falling under sub-rule (2), if Government considers that the pensioner is *prima facie* guilty of grave misconduct, it shall, before passing an order under sub-rule (1), follow the procedure as laid down in rules 8 and 9 of the Maharashtra Civil Services (Discipline and Appeal) Rules, 1979 for imposing a major penalty.

(4) The Maharashtra Public Service Commission shall be consulted before an order under sub-rule (1) is passed in respect of officers holding posts within their purview.

Explanation- In this rule-

(a) the expression 'serious crime' includes a crime involving an offence under the Official Secrets Act, 1923 (act XIX of 1923);

(b) the expression 'grave misconduct' includes the communication or disclosure of any secret official code or pass-word or any sketch, plan, model, article, note, document or information, such as is mentioned in section 5 of the Official Secrets Act, 1923 (Act XIX 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.

27. Right of Government to withhold or withdraw pension

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

Provided that the Maharashtra Public Service Commission shall be consulted before any final orders are passed in respect of officers holding posts within their purview:

Provided further that where a part of pension is withheld or withdrawn, the amount of remaining pension shall not be reduced below the minimum fixed by Government.

(2) (a) The 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 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.

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

- (i) shall not be instituted save with the sanction of the Government,
- (ii) shall not be in respect of any event which took place more than four years before such institution, and
- (iii) shall be conducted by such authority and at such place as the Government may direct and in accordance with the procedure applicable to the departmental proceedings in which an order of dismissal from service could be made in relation to the Government servant during his service.

(3) No judicial proceedings, if not instituted while the Government servant was in service, whether before his retirement or during his re-employment, shall be instituted in respect of a cause of action which arose or in respect of an event which took place, more than four years before such institution.

(4) In the case of a 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 proceedings are continued under sub-rule (2), a provisional pension as provided in rule 130 shall be sanctioned.

(5) Where Government decides not to withhold or withdraw pension but orders recovery of pecuniary loss from pension, the recovery shall not, subject to the provision of sub-rule (I) of this rule, ordinarily be made at a rate exceeding one-third of the pension admissible on the date of retirement of a Government servant.

(6) For the purpose of this rule-

- (a) departmental proceedings shall be deemed to be instituted on the date on which the statement of charges is issued to the Government servant or pensioner, or if the Government servant has been placed under suspension from an earlier date, on such date: and
- (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 in made, and
 - (ii) in the case of civil proceedings, on the date of presenting the plaint in the Court.

28. Grant of pension to Government servants who have served partly under Central Government and partly under Maharashtra Government

When a Government servant has rendered a total period of qualifying service which is sufficient to qualify for a pension under these rules but a portion of such service has been rendered under the Central Government, his pension shall consist of the total of the following:-

(a) the amount of pension which would have been payable in accordance with provisions of the rules in Section IV of Appendix 3B to the Account Code, Volume I, by the Central Government in respect of the period served under them, had the entire period of service been rendered whilst subject to the rules of the Central Government, and

(b) the amount of pension which would have been payable in accordance with the provisions of the rules in Section IV of Appendix 3B to the Account Code, Volume I, by the Government of Maharashtra in respect of the period served under them, had the entire period of qualifying service been performed whilst subject to these rules:

Provided that the total amount of pension admissible shall in no case exceed the maximum limits prescribed in these rules:

Provided further that the amount of pension of a Government servant subject to these rules whose services are merely lent for a time to the Government of India or who is transferred temporarily to an establishment which is administered by the Government of Maharashtra as agents of the Government of India shall, in respect of his whole service, be calculated in accordance with these rules.

Note- When a Government servant is eligible to retire either under the rules of the Central Government or under these rules and when the amount of pension admissible under both the sets of rules is identical, the provisions of the above rule need not be enforced and the Government servant may be given the pension admissible as if the entire service has been rendered under the Government of Maharashtra. The incidence of pension in such cases should be worked out in accordance with the rules in Section IV of Appendix 3 B to the Account Code, Volume I.

29. Sharing of pension between Consolidated Fund and Local Fund

When part of the pensionable service of a Government servant qualifies for pension from the Consolidated Fund and part from a Local Fund, the amount of his pension shall be chargeable to Government and the Local Fund in proportion of the length of service. If the share of pension chargeable to one account does not exceed one rupee, no charge shall be made to that account and the share shall be borne by the account chargeable with the greatest share.

Note-Service for which pension contribution has been recovered or for which the recovery of pension contribution has been waived should be regarded as service paid by Government for purpose of this rule.

CHAPTER V-QUALIFYING SERVICE

30. 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 at the time of retirement he shall hold substantively a permanent post in Government service or holds a suspended lien or certificate of permanency:

[Provided further that, in cases where a temporary Government servant retires, on Superannuation or on being declared permanently incapacitated for further Government service by the appropriate medical authority after having rendered temporary service of not less than ten years, or voluntarily after completion of twenty years of qualifying service, shall be eligible for grant of Superannuation, Invalid or, as the case may be, Retiring Pension; Retirement Gratuity; and Family Pension at the same scales as admissible to a permanent Government servant.]

Exception- The rules regarding grant of terminal benefits to temporary Government servants [except those mentioned in the second proviso] who retire without being confirmed in any post in Government service are embodied in Appendix II.

Note1.- If a Government servant is holding a temporary post when the permanent post on which he holds a lien is abolished in the circumstances described in the rule 81, or if, at or very shortly after the abolition of the permanent post, he is appointed to a newly created temporary post, his service in the temporary post is pensionable service.

Note 2.- In the case of the employees of former India States who have been absorbed in Government service previous pensionable service rendered by them under the same State should it immediately followed by Government service be taken into account for purposes of pension on his final retirement from Government service. Pensionable service rendered under different States should be taken into account for purposes of pension provided that the employees were transferred or sent on deputation from one State to another under a written agreement between the Governments of the States concerned.

[The term "immediately" appearing in Note 2 above includes a break in service if it does not exceed six months, between the date on which the service was terminated and the date of his re-employment in service).

The question whether the previous service in Indian States is pensionable or not should be determined in accordance with these rules as if those rules were applicable to that service.

31. Conditions subject to which service qualifies

(1) The service of a Government servant shall not qualify unless his duties and pay are regulated by the Government or under conditions determined by the Government.

(2) For the purposes of sub rule (1) the expression "service" means service under Government and paid by Government from the Consolidated Fund of State or a Local

Fund administered by Government but does not include service in a non-pensionable establishment unless such service is treated as qualifying service by Government.

(3) In the case of a Government servant belonging to the Central Government, who is permanently transferred to a service or post to which these rules apply, the continuous service rendered under the Central Government in an officiating or temporary capacity, if any, followed without interruption by substantive appointment, or the continuous service rendered under that Government in an officiating or temporary capacity, as the case may be, shall qualify:

Provided that nothing contained in this sub-rule shall apply to any such Government servant who is appointed other wise than by deputation to a service or post to which these rules apply.

32. Age after which service counts for pension

Service rendered by a Government servant before attaining the age of 18 years shall not count for pension:

Provided that in the case of Government servant in Class IV service or post who held a lien or a suspended lien on a permanent pensionable post prior to the 1st April 1950, service rendered before attaining the age of 16 years shall not count for pension.

33. Service rendered under Government followed without interruption by confirmation counts in full as service qualifying for pension

A Government servant who holds a permanent post substantively or holds a lien or a suspended lien or a certificate or permanency on the date of his retirement, the entire temporary or officiating service rendered under Government followed without interruption by confirmation in the same or another post, shall count in full as service qualifying for pension except the service rendered against one of the posts mentioned in rule 57.

Note- The benefit of above rule should also be extended to Government servants who have rendered service in temporary post in the former Civil Supplies Department including those re-employed after the break, provided they agree to refund the terminal gratuity, if any, received by them on their retrenchment from the former Civil Supplies Department (In order to avoid hardship, the gratuity may be refunded in monthly installments not exceeding twenty). Competent authorities are authorized to condone where necessary, breaks not exceeding 3 years. In cases where break exists, the terminal gratuity referred to above should be refunded within three months from the date of the order of the competent authority condoning the break and the right to count the service under the above rule does not accrue until the gratuity is wholly refunded. The condonation should be postponed until the Ex-Civil Supplies Department personnel actually pass the examination, if any, required for confirmation and are actually confirmed. The benefit of condonation of break should be allowed only in those cases in which breaks have occurred on account of discharge from service for want of post and not on any other ground e.g. voluntary resignation etc. and in computing the period of break the terminal leave availed of by the persons concerned, should also be taken into account. The leave salary is not, however, refundable.

34. Incidence of pension in respect of service under Local Fund

Service paid from a Local Fund which is administered by Government is pensionable service, but the cost of a pension earned by it will be met by the Local Fund.

35. Counting of all leave for pension

All leave including extra-ordinary leave during the period of continuous service shall count as qualifying service for pension.

36. Counting of service on probation

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

37. Counting of service as an apprentice

Service as an apprentice shall not qualify for pension.

Exception: The service rendered as an Apprentice in (a Government press) shall count towards pension.

38. Counting of service on contract

(1) A person who is initially engaged by Government on a contract for a specified period and is subsequently appointed to the same or another post in a substantive capacity in a pensionable establishment without interruption of duty, may opt either:-

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

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

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

(3) If no communication is received by the 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.

39. Counting of pre-retirement civil service in the case of re-employed Government servants

(1) A Government servant who having retired on Compensation Pension or Invalid Pension or compensation gratuity or invalid gratuity, is re-employed and appointed substantively to a service or post to which these rules apply, may exercise option either-

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

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

- (i) the pension already drawn, and
- (ii) the value received for the commutation of part of pension,
- (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 pension equivalent of gratuity including the element of commuted part of pension, if any, which was taken into account for fixation of his pay shall be set-off against the amount of [retirement gratuity] and commuted value of pension and the balance, if any, shall be refunded by him.

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

(2) (a) The authority issuing the order of substantive appointment to a service or post as is referred to in sub-rule (i), shall along with such order require in writing the Government servant to exercise the option under the 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) below.

(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)

- (4) 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 [retirement gratuity] if, any, shall not be greater than the difference between the value of the pension and [retirement gratuity] if any, that would be admissible at the time of the Government servant's final retirement if the two periods of service were

combined and the value of retirement benefits already granted to him for the previous service.

Note:- The capital value of pension shall be calculated in accordance with the Table prescribed by Government under rule 8 of the Maharashtra Civil Services (Commutation of Pension) Rules, [1984] applicable at the time of the second or final retirement.

4(a) A Government servant who opts for clause (b) of sub-rule (I) 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 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 unrefunded gratuity shall be adjusted against the [death gratuity] which may become payable to his family.

(6) In the case of Government servants who are paid at piece-work rate and whose service is treated as pensionable, the pay of the appointment which was abolished or from which he was invalided should be taken at the average earnings of the last six months or employment.

40. Counting of approved war service towards civil pension

‘Approved war service’ rendered during the 2nd World War by itself or in conjunction with other Military service in respect of war service candidates appointed permanently to civil posts against vacancies arising on or after the 1st April 1947, may also be allowed to count in full towards civil pension subject to the following conditions:-

(a) the Government servant concerned should not have earned a pension under the Military rules in respect of the service in question:

(b) in the case of services or posts in respect of which a minimum age is fixed for recruitment, Military or war service rendered below that age shall not be counted for pension;

(c) war service rendered in the Armed Forces of India or in similar Forces of a Commonwealth Country shall be counted alike for pension, and no contribution towards, or share, of a pension earned as a result of this concession shall be claimed from the foreign Government concerned:

(d) refund of bonus or gratuity paid in respect of the war service shall not be demanded from the Government servant concerned. If, however, the Government servant has been granted any retirement gratuity for service covering both the war and post-war period, such gratuity shall be refundable;

(E) the break between the military/war service and the civil service shall be treated as automatically condoned provided the period of the break does not exceed one year.

Bread exceeding one year but not exceeding three years, may also be condoned, in exceptional cases, under special orders of Government.

Note- Approved war service or military service should be got verified in the Form 24 prescribed in the Appendix V from the Military authorities concerned.

41. Other cases in which Military service counts as service for pension

In any case not covered by rule 40, a competent authority may by general or special order direct that the Military service performed by any Government servant, after attaining age of 18 years, who before entering civil employ was in Military employ but did not earn a pension in Military employ, shall be treated as service qualifying for pension. In issuing such an order the competent authority shall specify the method by which the amount of service shall be calculated and may impose any condition, which it may think fit:

Provided-

(1) that the Military service must have been pensionable under military rules;

(2) that the Military service must have been paid from Consolidated Fund of India or of State or pensionary contribution for that service must have been received by Consolidated Fund of India or of State; and

(3) that, if the service is treated as service qualifying for civil pension any bonus or gratuity received in lieu of pension on or since discharge from Military service must be refunded in not more than 36 monthly instalments from such date as the competent authority may direct.

Note 1.- An order under the rule should be communicated to the Controller of Defence Accounts concerned who will be requested to calculate the exact amount to be recovered and communicate it to the Accountant General, Maharashtra, who will make the recoveries in as many instalments as may be directed in the order.

Note 2.- Leave taken in Military service which was not counting under those rules before the Government servant became subject to the civil service rules shall not be treated as service for purposes of this rule.

Note 3.- It is permissible to allow Military service interposed between two periods of civil service to count for civil pension, provided that the conditions laid down in this rule are otherwise fulfilled.

Note 4.- See Note below rule 40

Note 5.- Temporary Military service rendered by a Government servant with an interruption between the Military and Civil service shall be condoned provided the conditions prescribed in Sub-rule (1) of rule 48 are fulfilled. In such cases the pensionary liability in respect of Military service shall be borne by the Defence authorities and the Government servant will be required to refund the service gratuity, if any, received by him in respect of Military service rendered by him, before he is allowed to count that service towards civil pension.

42. Counting of periods spent on training

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

43. Counting of periods of suspension

Time passed by a Government servant under suspension pending inquiry into conduct 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 period of suspension shall not count unless the authority competent to pass orders under the rule governing such cases expressly declares at the time that it shall count to such extent as the competent authority may declare.

Note-In the absence of specific indication to the contrary in the service record, the period of suspension shall be taken as counting towards the qualifying service.

44. Counting of past service on reinstatement

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

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

45. Forfeiture of service on dismissal or removal

Dismissal or removal of a Government servant from a service or post entails forfeiture of his past service.

46. Forfeiture of service on resignation

(1) Resignation from a service or a post 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 Government where service qualifies.

(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 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 consider the request of a person who had earlier resigned his post under Government, to take him back in service in the public interest on the following conditions, namely:-

(a) that the resignation was tendered by the Government servant for some compelling reasons which did not involve any reflection on his integrity, efficiency or conduct and the request for withdrawal of the resignation has been made as a result of a material change in the circumstances which originally compelled him to tender the resignation;

(b) that during the period intervening between the date on which the resignation became effective and the date from which the request for withdrawal was made, the conduct of the person concerned was in no way improper;

© that the period of absence from duty between the date on which the resignation became effective and the date on which the person is allowed to resume duty as a result of permission to withdraw the resignation is not more than ninety day;

(d) that the post, which was vacated by the Government servant on the acceptance of his resignation or any other comparable post, available.

(5) Request for taking him back in service shall not be accepted by the appointing authority where a Government servant resigns his service or post with a view to taking up an appointment in or under a private commercial company or in or under a corporation or company wholly or substantially owned or controlled by the Government or in or under a body controlled or financed by the Government.

(6) When an order is passed by the appointing authority allowing a person to be taken him back in service and to resume duty the order shall be deemed to include the condonation of interruption in service but the period of interruption shall not count as qualifying service.

47. 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) authorized leave of absence;

(b) unauthorized absence in continuation of authorized leave of absence so long as the post held by the absentee is not filled substantively;

© suspension, where it is immediately followed by reinstatement, whether in the same or a different post, or where the Government servant dies or is permitted to retire or is retired on attaining the age of Superannuation 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 (i), the appointing authority may, by order, commute [retrospective] the periods of absence without leave as extraordinary leave.

48. Condonation of interruption in service

(1) The appointing authority may, by order, condone interruptions in the service of a Government servant;

Provided that-

(a) the interruptions have been caused by reasons beyond the control of the Government servant;

(b) the total service pensionary benefit in respect of which will be lost, is not less than five years duration, excluding one or two interruption, if any; and

© the interruption including two or more interruptions if any, does not exceed one year.

(2) the period of interruption condoned under sub-rule (1) shall not count as qualifying service.

(3) In the absence of a specific indication to the contrary in the service record, 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.

(4) Nothing in sub-rule (3) shall apply to interruption caused by resignation, dismissal or removal from service or for participation in a strike.

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

49. Service on establishment paid by piece-work treated as pensionable

The service of a Government servant employed on a fixed establishment which is paid by piece-work may be treated as qualifying service:

(i) if he is employed not casually but as a member of a fixed establishment; and

(ii) if during the last 20 months of his actual employment he has been attached to one office uninterruptedly for 6 months or it has not been through his own choice or misconduct that he has not been so attached.

50. Period of voyage to India on compulsory recall to duty

If a Government servant in pensionable service is compulsorily recalled to duty before the expiry of leave taken out of India, the period spent on the voyage to India shall be treated as duty for pension.

51. Period of non-employment on non-continuous post

If a Government servant is serving in an establishment the duties of which are not continuous but are limited to certain fixed periods in each year, the period during which the establishment is not employed shall be treated as service qualifying for pension:

Provided that it shall not be so treated unless the Government servant is on actual duty-

(a) on the date on which the establishment is discharged prior to such period on completion of its work, and

(b) on the date on which he is re-employed after the expiry of such period.

Note-This rule does not apply to service in a Vacation Department.

52. Non-pensionable service counting for pension

Government may, by general or special order, permit service other than pensionable service, for performing which a Government servant is paid from State revenues or from a Local Fund, to be treated as service qualifying for pension. In issuing such an order Government shall specify the method by which the amount of qualifying service shall be calculated and may impose any condition which it thinks fit.

Note I. Temporary service on city and pot-hissa survey is allowed to count for pension but only the net pay after deducting the traveling allowance should be taken into account for purpose of pension. So also the temporary service rendered on the following establishments of the Land Records Department should be allowed to be counted for pension after confirmation of the incumbents in the posts converted into permanent ones by Government Resolution, Revenue and Forests Department No. EST-1065/58023-V, dated 19th July 1968-

- (i) Khoti Survey Establishment;
- (ii) Establishment for Inam village survey;
- (iii) Establishment for merged State Area Survey, and
- (iv) Establishment for consolidation of Holding Schemes.

Note2- Service rendered for the period during which Government servants subscribed to the Contributory Provident Fund shall count in full towards the pension in cases of Government servants who are permanently transferred to pensionable service under Government on or after 22nd June 1963. Such Government servants will be required to exercise the option as provided in rule 28 of the Maharashtra Contributory Provident Fund Rules, and refund to Government the amount of contribution paid by Government together with interest thereon standing to their credit.

This benefit of counting full Contributory Provident Fund service will also be admissible to Government servants, who had already opted for pension rules but who retired on or after 22nd June 1963.

The provisions of this Note are, however, not applicable to employees of the Ex-princely States who were absorbed in Government service after the merger of such States.

Note 3.- In the case of Peons who have rendered service as Attendants prior to conversion of the posts of Attendants into those of Peons, one-half of the previous continuous service rendered by them as Attendants shall count for pension in respect of those who retire on or after 30th June, 1982.

53. Addition to qualifying service for Superannuation pension

Government servants who are directly recruited from the Bar and whose pensionable service has been rendered in one or the other of the posts or service mentioned in any of the following clauses and whose qualifying service for Superannuation pension is not less than ten years, may add to their service qualifying for Superannuation pension, the years of service in the following manner, namely:-

- (a)(i) Civil Judge, Junior Division and Judicial Magistrate, First Class;
 - (ii) Judge, Labour Court;
 - (iii) Junior Draftsman, Law and Judiciary Department;
- the number of years by which their completed years of age on appointment exceeded twenty-five years, subject to a maximum of five years;
- (b) (i) Administrator General and Official Trustee;
 - (ii) Principal Judge of the Bombay City Civil Court;
 - (iii) Judge of the Bombay City Civil Court;
 - (iv) District Judge (including the person initially appointed as Assistant Judge or Additional District Judge, as the case may be, for eventual appointment as District Judge);
 - (v) Metropolitan Magistrate;
 - (vi) Judge, Small Causes Court;
 - (vii) President of Industrial Court;
 - (viii) Member of Industrial Court;
 - (ix) Adjudicator of Industrial Tribunal;
 - (x) Member of Industrial Tribunal;
 - (xi) Deputy Charity Commissioner (in the Charity organization);
 - (xii) Assistant Charity Commissioner (in the Charity organization);
 - (xiii) Draftsman-cum-Joint Secretary, Law and Judiciary Department;
 - (xiv) Deputy Draftsman-cum Deputy Secretary, Law and Judiciary Department;
 - (xv) Assistant Draftsman-cum-Under Secretary, Law and Judiciary Department,
 - (xvi) Legal Advisor-cum-Joint Secretary, Law and Judiciary Department;
 - (xvii) Deputy Legal Advisor-cum-Deputy Secretary, Law and Judiciary Department;
 - (xviii) Assistant Legal Advisor-cum-Under Secretary, Law and Judiciary Department;
 - (xix) Deputy Secretary (legal Side), Law and Judiciary Department;
 - (xx) Under Secretary (Legal Side), Law and Judiciary Department;
 - (xxi) Commissioner for Workmen's Compensation;
 - (xxii) Additional Commissioner for Workmen's Compensation;

the number of years on a sliding scale as indicated below:-

Completed years of age on the date of initial appointment to the post mentioned above

36years	6years
37years	7years
38 years	8 years
39 years	9 years
40 years and above	10 years (maximum)

Provided that, where a person recruited to any of the posts mentioned in clause (b) is, on his initial appointment, of less than 36 completed years of age he shall be eligible for the same concession as mentioned in clause (a).

Explanation I. In computing the number of completed years of age, fraction of a year equal to six months or less shall be ignored and that of more than six months shall be treated as one full years.

Explanation2.- In the case of a holder of any of the posts mentioned in clause (a) or (b), his subsequent appointment, promotion, deputation or transfer to any of the other such posts shall not deprive him of the concession admissible to him under this rule.]

54. Condonation of deficiency and addition in service

Government may, for special reasons to be recorded in writing-

(1) condone a deficiency, which may not ordinarily exceed one year, in the period of service qualifying for pension performed by a Government servant in order to qualify him to receive a Retiring Pension or to receive a pension as distinct from a gratuity; or

(2) make an addition, which may not ordinarily exceed one year, to the period of service qualifying for pension, performed by a retiring Government servant which under the provisions of these rules may be counted for pension

Note- The power under sub-rule (1) shall be exercised only in respect of low paid Government servants retiring on Invalid or Compensation pension.

55. Period of deputation to United Nations and other Organisations

A Government servant deputed on foreign service, for a period of five years or more, to the United Nations Secretariat or other United Nations Bodies, The International Monetary Fund, The International Bank of Reconstruction and Development, or The Asian Development Bank or the Commonwealth Secretariat 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; or

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

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

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

56. Service cost recovered from third party

The fact that the whole or part of the pay of a Government servant in pensionable service is recovered by Government from a third party does not operate to render his service other than pensionable if the Government servant is appointed, controlled and paid by Government.

57. Non-pensionable service

As exceptions to rule 30, the following are not in pensionable service:-

(a) Government servants who are paid for work done for Government but whose whole time is not retained for the public service,

(b) Government servants who are not in receipt of pay but are remunerated by Honoraria,

©Government servants who are paid from contingencies,

(d) Government servants holding posts which have been declared by the authority which created them to be non-pensionable.

(e) Holders of all tenure posts in the Medical Department, whether private practice is allowed to them or not, when they do not have an active or suspended lien on any other permanent posts under Government.

Note1.- In case of employees paid from contingencies who are subsequently brought on a regular pensionable establishment by conversion of their posts, one-half of their previous continuous service shall be allowed to count for pension.

Note2- In the case of persons who were holding the posts of Attendants prior to 1st April 1966, one-half of their previous continuous service as Attendants, shall be allowed to count for pension.

58. Power of Government to declare any service as non-pensionable

Government may declare that service in any post or establishment created after the date these rules come into force or the service of future incumbents of existing post created by it shall not be qualifying service for pension.

59. Verification of qualifying service after twenty-five years service or five years before retirement

(1) Where a Government servant completes (a) twenty years service-if he is a Gazetted Officer and (b), twenty-five years service if he is Non-gazetted servant, the Audit Officer in the case of a Gazetted Officer or the Head of Office in consultation with the Audit Officer in the case of a Non-gazetted Government servant, shall, in accordance with the rules for the time being in force, verify the service rendered by such a Government servant, determine the qualifying service and communicate to him in Form 22 the period of qualifying service so determined or on his being left with five years service before the date of retirement, whichever is earlier.

(2) Notwithstanding anything contained in sub-rule (1) where a Government servant is transferred to another department from a temporary department or on account of the closure of the department he had been previously serving or because the post he held had been declared surplus, the verification of his service may be done whenever such even occurs.

(3) The verification done under sub-rules (1) and (2) shall be treated as final and shall not be reopened except when necessitated by a subsequent change in the rules and orders governing the conditions under which the service qualifies for pension.

CHAPTER VI- PENSIONABLE PAY

60. Pensionable pay

(1) The “Pensionable pay” means the average pay earned by a Government servant during the last ten months service.

(2) In case of a Government servant who was in service on 1st March 1976 and retires on or after that date and where the provisions of sub-rule (1) operate disadvantageously to him, his pensionable pay shall be based on the average pay earned during the last 36 months of service.

[(3) For the purpose of sub-rules (1) and (2) above, “pay” means the pay as defined in rule 9 (36)(i)]

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

Provided that any increase in pay (other than the increment referred to in note 4) which is not actually drawn shall not form part of this Pay.

Note 2- If, during the last ten months of his service, a Government servant had been absent from duty on extra-ordinary leave, or had been under suspension, the period whereof does not count as service, the aforesaid period of leave for suspension shall be disregarded In the calculation of the pensionable pay and equal period before the ten months shall be included.

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

Note 4- If a Government servant immediately before his retirement or death while in service was on leave other than extra-ordinary leave and earned an increment which was not withheld during the first six months of the period of leave, such increment, though not actually drawn, shall form part of his pensionable pay.

Note 5- 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 officiating pay drawn in such higher appointment shall be given only if it is certified that the Government servant would have continued to hold the higher appointment but for his proceeding on leave.

Note 6.- Pay drawn by a Government servant in a tenure appointment shall be treated as pay for calculation of pensionable pay.

Note 7- Pay drawn by a Government servant while on deputation to the Government of India shall be treated as pay for calculation of pensionable pay.

Note 8- The pay drawn by a Government servant while on foreign service shall not count for pension. In such a case the pay which the Government servant would have drawn under the Government had not been sent on foreign service, will alone be taken into account while calculating pensionable pay.

Note9- In the case of a Government servant who is granted refused leave immediately after Superannuation or after the period of extension of service, if any, the period spent on such leave should be ignored while calculating the pensionable pay i.e. the last ten months/thirty-six months preceding the date on which “refused” leave begins to run shall be the period for calculating pensionable pay. In the case of a Government servant who was already in pensionable service on or before 18th June 1952, the period of refused leave shall not be ignored if it happens to be advantageous to him.

Note 10.- Where a pensioner who is re-employed in Government service, elects in terms of clause (a) of sub-rule (1) of rule 39 to retain his pension for earlier service and whose pay on re-employment has been reduced by an amount not exceeding his pension, the element of pension by which his pay is reduced shall be treated as pay for calculation of pensionable pay.

Note 11.- In case in which a piece-work employee is remunerated at different times during the last ten months of his service by fixed pay and piece rates, the average earning for the last 20 months should be taken for calculation of his pensionable pay. If during the last 20 months, he is appointed to officiate in a vacancy the allowances drawn by him for the period calculated at fixed pay are to taken into account in the calculation of his/her average pay. Only the piecework earnings received during the currency of the last 20 months of his service should be taken into account and divided by the number of months during which he was actually remunerated at piece-work rates only. If a piece-work employee retires on a date other than the first day of the month and broken periods of a month have consequently to be taken into account calculating pension, average pay should be calculated on the earnings of the last 20 months ending on the last day of the month immediately preceding that in which he retires from the service, the month referred to above being taken to be not necessarily the calendar month but the month for which the accounts of piece-worker’s earning are made out, namely, from a date in calendar month to the corresponding date of the next calendar month. In cases where leave with or without allowances of suspension occurs during the last 20 months of service, the period of leave or suspension shall be neglected, and the earnings of an equal period of duty rendered immediately before the last 20 months shall be taken into account.

61. Portion of Dearness Allowance treated as Dearness Pay for gratuity and pension

(1) In respect of Government servant who retired on 30th September 1977 or will retire thereafter the amount of dearness allowance treated as dearness pay by issue of specific order by Government from time to time shall count as ‘pay’ for the purposes of pension and gratuity. For this purpose, before taking the average of the pay earned during the last ten months of service, the pay for each month as reckoned for the purposes of determining pensionable pay under rule 60 shall be increased by an amount equal to the dearness pay appropriate to the pay for that month.

(2) The amount of dearness pay shall not be taken into account for calculation of Family Pension admissible under rule 116.

CHAPTER VII-CLASSES OF PENSIONS AND CONDITIONS GOVERNING THEIR GRANT

62. Different classes of pensions

The following different classes of pension may be granted to Government servants or their families:-

(1) **Superannuation Pension**, which is a pension granted a Government servant who retires from Government service at an age at which he is by rule entitled or required to retire.

(2) **Retiring Pension**, which is a pension granted to a Government servant who retires voluntarily on completion of 20/30 years qualifying service or who is required by the appointing authority to retire in the public interest, but before attaining the age of Superannuation.

(3) **Invalid Pension**, which is a pension granted to a Government servant who retires from Government service, before reaching the age of Superannuation, on account of mental or bodily infirmity.

(4) **Compensation Pension**, which is a pension granted to a Government servant who is discharged from Government service otherwise than on medical certificate and for no fault of his own, before earning a Retiring or Superannuation Pension.

(5) **Wound or Injury Pension**, which is a pension granted to a Government servant wounded or injured while in Government service.

(6) **Compassionate Pension**, which is a pension granted to a Government servant who is removed or required to retire from, Government service for misconduct, insolvency, or inefficiency.

(7) **Family Pension** means Family Pension, 1964 admissible under rule 116 and includes Family Pension, 1950 admissible under rule 117 to the family of deceased Government servant.

(8) **Extraordinary Family Pension**, which is a pension granted to the family of deceased Government servant under rules in Appendix IV.

(1) SUPERANNUATION PENSION

63. Superannuation Pension

A Government servant who retires on his attaining age of Superannuation fixed by the relevant sub-rule of rule 10 shall be granted a Superannuation Pension.

(2) RETIRING PENSION

64. Retiring Pension

(1) A Retiring Pension shall be granted to a Government servant who retires, or is retired, in advance of the age of Superannuation in accordance with the provisions of rule 10 or rules 65 to 67 of these rules.

(2) A Government servant who is made to retire or who retires under the provisions of [sub-clause (ii) of clause (a) and clause (b) of sub-rules (4) so far as it relates to a class III Government servant, and clause (b) of sub-rule (5) of rule 10] shall draw a Retiring Pension subject to the proviso that in the case of those Government servants who were in service on 11th February 1963, (i.e. the date on which the age of Superannuation was raised from 55 to 58 years), the amount of pension shall not be less than what he would have been entitled to “as Superannuation Pension” on reaching the age of 55 years, but for the raising of the age of Superannuation to 58 years, the pay drawn and the service rendered after reaching the age of 55 years, being omitted from the calculations for both the qualifying service and pensionable pay i.e. restoring strictly the status quo ante.

65. Retirement on completion of 30 years qualifying service.

(1) At any time after a Government servant has completed thirty year’s qualifying service, he may retire from service, or he may be required by the appointing authority to retire in the public interest:

Provided that-

(a) a Government servant shall give a notice in writing to the appointing authority[] three months before the date on which he wishes to retire; or

(b) the appointing authority shall give a notice in writing [in Form 32] to a Government servant[] three months before the date on which he is required to retire in the public interest, on three months pay and allowances in lieu of such notice;

[Provided further that where the Government servant who gives 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:

Provided also that where a Government servant giving notice under clause (a) of the first proviso to this rule is placed under suspension after he has given notice of retirement as above, it shall be open to the appointing authority to withdraw permission, if already granted or, as the case may be, to withhold permission to such Government servant to retire voluntarily under this rule.]

[2(a) A Government servant referred to in clause (a) of the proviso to 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 reasons therefore;

(b) on receipt of a request under clause (a), the appointing authority may consider such request for the curtailment of the period on notice of three months on merits and if it is satisfied that the curtailment of the period of notice will not cause any administrative inconvenience, the appointing authority, with the concurrence of the Finance Department, 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.]

(3) A Government servant, who has elected to retire under this rule and has given the necessary intimation to that effect to the appointing authority, shall be precluded from withdrawing his election subsequently except with the specific approval of such authority:

Provided that the request for withdrawal shall be before the intended date of his retirement.

66. 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 [] 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:

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 of expiry of the said period

(3) []

Provided that the total qualifying service after allowing the increase under this sub-rule , shall not exceed the qualifying service which the Government servant would have had, if he had retired voluntarily at the lowest age limit for voluntary retirement prescribed under sub-rule (5) of rule 10.

(4)(a) [A Government servant referred to in sub-rule (I) may make a] request in writing the appointing authority to accept notice of voluntary retirement of less than three months giving reasons therefore;

(b) On receipt of a request under clause (a), the appointing authority subject to the provisions of sub-rule (2), may consider such request for the curtailment of the period of notice of three months on merits and if it is satisfied that the curtailment of the period of notice will not cause any administrative inconvenience, the appointing authority, with the concurrence of the Finance Department, 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.

(5) A Government servant, who has elected to retire under this rule and has given the necessary notice to that effect to the appointing authority, shall be precluded from withdrawing his notice except with the specific approval of such authority:

Provided that the request for withdrawal shall be made before the intended date of his retirement.

(6) The pension and [retirement gratuity] of the Government servant retiring under this rule shall be based on the pay as defined under rules 60 and 61 and the increase not exceeding five years in his qualifying service shall not entitle him to any notional fixation of pay for purposes of calculating pension and gratuity.

(7) This rule shall not apply to a Government servant who-

(a) retires when he is declared surplus

(b) 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 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 seeks voluntary retirement.

[66A- Addition to qualifying service on voluntary retirement-

(1) The qualifying service as on the date of intended retirement of a Government servant retiring under sub-rule (5) of rule 10, clause (a) of the proviso to sub-rule (1) of rule 65 or, as the case may be, sub-rule (I) of rule 66 shall be increased by a 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.

(2) The weightage of five years under sub-rule (1) shall not be admissible in cases of those Government servants who are prematurely retired by the Government in the public interest under sub-rule (4) of rule 10 or, as the case may be, clause (b) of the proviso to sub-rule (1) of rule 65].

67. Pension on absorption in or under a Corporation, Autonomous Body or a Local Authority

A permanent Government servant who while on deputation is permitted to be absorbed in a service or post in or under a Corporation or Company wholly or substantially owned or controlled by the Government or an Autonomous Body or a Local Authority shall, if such absorption is declared by the Government to be in the public interest, be deemed to have retired from service from the date of such absorption and shall be eligible to receive retirement benefits which he may have elected or deemed to have elected from the date from which the pro-rata pension, gratuity, etc, would be disburseable as under :-

(a) The *pro-rata* pension and [retirement gratuity] shall be based on the length of his qualifying service under Government till the date of absorption. The pension will be calculated on the basis of pensionable pay for ten months preceding the date of absorption and the [retirement gratuity] on the basis of the pay immediately before absorption.

(b) In cases where a Government servant at the time of absorption has less than 10 years service and is not entitled to pension; he will only be eligible for proportionate service gratuity in lieu of pension and to [retirement gratuity] on the basis of the pay immediately before absorption.

© The amount of pension/gratuity and the [retirement gratuity] would be concurrently worked out and will be intimated to the Government servant as well as to the concerned organization as and when the Government servant is absorbed.

(d) The pro-rata pension, gratuity, etc., admissible in respect of the service rendered under Government would be disbursable either from the earliest date from which the Government servant could have been retired voluntarily under the rules applicable to him or from the date of absorption in the concerned organization, whichever is later.

(d) Every Government servant will exercise an option, within six months of his absorption for either of the alternatives indicated below:-

(i) receiving the monthly pension and [retirement gratuity] already worked out, under (a) above.

(ii) receiving the [retirement gratuity] and a lump sum amount in lieu of pension worked out with reference to commutation tables obtaining on the date from which the pro-rata pension, gratuity, etc., would be disbursable.

Where no option is exercised within the prescribed period, the Government servant will automatically be governed by alternative (ii) above. Option once exercised shall be final. The option shall be exercised in writing and communicated by the Government servant concerned to the concerned Undertaking, Department and Audit.

(f) Where a Government servant elects alternative (e) (ii), he shall, in addition to the [retirement gratuity] be granted-

- (i) on an application made in this behalf, a lump sum amount not exceeding the commuted value of one-third of his pension as may be admissible to him in accordance with the provisions of Chapter III of the Maharashtra Civil Services (Commutation of Pension) Rules, [1984] and
- (ii) terminal benefits equal to the commuted value of the balance amount of pension left after commuting one-third of pension referred to in clause (i) in accordance with provisions of Chapter IV of the Maharashtra Civil Services (Commutation of Pension) Rules, [1984] subject to the condition that the Government servant surrenders his right of drawing two-third of his pension.

(g) Notwithstanding anything contained in (f) above, where any lump sum amount in addition to the [retirement gratuity] had been paid at any time between the period commencing on 28th April 1981 and ending with the commencement of these rules, to any Government servant who had elected the alternative of receiving the [retirement gratuity] and a lump sum amount in lieu of pension, such payment shall be deemed to have been made in accordance with this clause if the requirements of this rule have been satisfied.

(h) The total gratuity admissible in respect of service rendered under the Government and that under the concerned organization should 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 concerned organization.

(i) (i) The benefit of Family Pension, 1964 will be admissible only to the families of those who were/are actually in receipt of pension from the State Government, after their absorption in the organization referred to in this rule. This benefit will not be admissible to the families of those who got only the service gratuity. Family Pensions will, however, also be admissible to the families of those Government servants absorbed in the organizations referred to in this rule, who draw the lump sum amount in lieu of monthly pension on their absorption on the date of its becoming due and thus do not draw any monthly pension on the date of death. Similarly, Family Pension will also be payable to the families of those whose monthly pension or lump sum amount has not become payable and is disbursable from the earliest date of voluntary retirement but the person dies before that date without receiving these benefits.

(ii) Family Pension will be admissible from only one source either from the State Government or the organization referred to in this rule in case such organization has a similar scheme for payment of Family Pension. The beneficiary may be given option to choose either of the two schemes.

(iii) Grant of Family Pension, 1964, will be subject to other conditions specified in rule 116;

(j) Any further liberalization of pension rules decided upon by Government after the permanent absorption of a Government servant in a concerned organization would not be extended to him.

(k) In cases where the Government servant has opted to receive pension as at (e) (i) above but wishes to commute a portion of the pension, such commutation will be regulated in accordance with the Government rules in force at the time of his absorption/voluntary retirement.

(3) INVALID PENSION

68. Conditions for grant of Invalid Pension

An Invalid Pension shall be granted to a Government servant, who is permitted to retire from Government service before reaching the age of Superannuation, on production of a medical certificate in the form prescribed in rule 72 to the effect that he is by mental or bodily infirmity incapacitated for Government service or for the particular branch of Government service to which he belongs.

69. Non-admissibility of Invalid Pension when discharged on grounds other than infirmity

A Government servant discharged from Government service on grounds other than grounds of infirmity is not eligible for an Invalid Pension, although he may be able to produce medical evidence of incapacity for Government service.

70. Non-admissibility of Invalid Pension if incapacity is due to irregular or intemperate habits

An Invalid Pension shall not be granted to a Government servant whose incapacity is directly due to irregular or intemperate habits. If incapacity has not been directly caused by such habits but has been accelerated or aggravated by them, the authority granting the pension shall decide the reduction in the amount of the pension which shall be made on this account.

71. Submission of medical certificate for Invalid Pension

An application for an Invalid Pension from a Government servant who is less than 60 years of age if he is in Class IV service of 58 years of age in other cases should be supported by the requisite medical certificate, but, if omission has been made in this respect the Head of Office may accept a certificate bearing a later date.

72. Form of medical certificate of unfitness for further service

(1) A medical certificate of unfitness for further service produced by a Government servant shall be accompanied, if possible by a succinct statement of the medical case and of the treatment adopted and, except as provided in sub-rule (2) of this rule, shall be in the following form:-

“Certified that I/We have carefully examined Shri/Smt/Kum-----of the -----
Department----- service. His/Her age is by his/her own statement-----
years and by appearance about-----years. I/We consider Shri/Smt./Kum -----
---to be completely a permanently incapacitated for further service of any kind in the
department to which he/she belongs in consequence of ----- His/Her incapacity
appears to me/us to have been-

(a) directly caused, or

(b) accelerated or aggravated though not directly caused, or
© neither directly caused, nor accelerate not aggravated by irregular or intemperate habits.”

(2) If the incapacity does not appear to be complete and permanent, the certificate shall be modified accordingly, and given in the following form, if justified by the facts of the case :-

“I am/We are of opinion that Shri/Smt/Kumari-----is fit after resting-----
-- months be fit for service of a less laborious character than that which he/she has been performing.”

(3) The object of the certificate prescribed in sub-rule (1) to the effect that the Government servant is completely and permanently incapacitated for further service in the department to which he belongs or of the alternative certificate (of partial incapacity), in the foregoing sub-rules ins that a Government servant should, if possible, be employed even on lower pay, so that the expense of pensioning him may be avoided. If there be no means of employing him even on lower pay, then he may be admitted to Invalid Pension; but should be considered whether in view of his capacity for partially earning a living, it is necessary to grant him the full pension admissible under the rule.

(4) If the certifying medical authority although unable to discover any specific disease in the applicant, considers him to be incapacitated for further service by general debility while still under the age of fifty-eight/sixty years, it shall give detailed reasons for its opinion, and in that case a second medical opinion shall, if possible, be obtained.

(5) A simple certificate that inefficiency is due to old age or to natural decay from advancing years, shall not be sufficient in the case of an applicant whose recorded age is less than fifty-eight/sixty years’ but a medical authority may, when certifying that an applicant is incapacitated for further service by general debility, state its reasons for believing the age to be understated.

73. Authorities empowered to sign the medical certificate of incapacity for further service

A medical certificate of incapacity for further service shall, if granted in India, be signed by a Medical Board, constituted under rules 34, 35 and 36 of the Maharashtra Civil Services (Leave) Rules, 1981:

Provided that in the following circumstances the certificate of Medical Officer-in-charge of a Civil Station or the Superintendents of J.J. Group of Hospitals, St. Georges Hospital and G.T. Hospital, Greater Bombay, as the case may be, shall suffice-

(a) in the case of those Non-gazetted Government servants whose pay, as defined in rule [9(36)(i)] does not exceed Rs. [2,200] per mensem’

(b) when in the opinion of a Medical Officer-in-charge of a Civil Station or the Superintendents of J.J. Group of Hospitals, St. Georges Hospital and G.T. Hospital, Greater Bombay, as the case may be, which shall be recorded in writing with reasons therefore, and shall be countersigned by the Director of Health Services, the applicant cannot without grave risk of serious injury to his health, present himself before a Medical Board.

Note I-The following officers exercise the powers of a Medical Officer-in-charge of a Civil Station or of the Superintendents of J.J. Group of Hospitals, St. Georges Hospitals and G.T. Hospital, Greater Bombay:-

- | | |
|--|--|
| (1) Police Surgeon | In respect of the members of the City and Railway Police in Bombay |
| (2) Superintendent of a Mental Hospital | In respect of Government servants who are suffering from mental disease. |
| (3) M.M. &HS. (Class I and Class II) | In respect of Non-gazetted Government servants serving in the Jail Department. |
| (4) The Superintendent, Hospital for the diseases of the chest, Camp Aundh, Pune | In respect of the members of the staff in the Hospital |
| (5) The Medical Officers-in-charge of Government Hospitals. | |

74. Decision to be communicated to the Government servant retired on Invalid Pension and giving him an opportunity to appeal to be Medical Appeal Board

(I) If a competent authority comes to the conclusion on the report of a Medical Officer or any of the Standing Medical Boards that a Government servant should be retired on Invalid Pension, it shall inform the Government servant that he has been declared to be completely and permanently incapacitated for further service and that it is proposed to invalidate him. Except where it is clear that the Government servant himself desires to be invalidated, or where it is obvious from the nature of the disability that no useful purpose will be served by an appeal, if he so desires, he may, within one month, submit to the said authority a request to be examined by a Medical Appeal Board, supported by-

(a) prima facie evidence that good ground for an appeal exists, and

(b) accompanied by a treasury receipt for Rs. 48

The Government servant shall be informed that the appeal cannot be claimed as of right but that, if an application as above be made, it will be considered. The Government servant concerned should also be informed of the arrangements regarding the cost of the Appeal Board set forth in rule 75 below, but he should not be informed of the reasons, which led the Medical Officer or the Standing Medical Board to recommend his invalidation.

(2) Appeals presented within the prescribed period should be forwarded to Government in the Department concerned, and if the Department after consultation with the Director of Health Services and the Urban Development and Public Health Department holds that a sufficiently strong case for review has not been made out, the application for hearing the appeal should be rejected. If, however, the Department after such consultation, holds that a prima facie case for review by an Appeal Board has been made out, the appeal shall be referred to an Appeal Board.

75. Ad-hoc Board to hear appeals

(1) In the case of Government servants in the Class III or Class IV services when the appeal is from a decision of a Civil Surgeon or the Superintendents J. J. Group of Hospitals, St. Georges Hospital and G.T. Hospital, Greater Bombay, as the case may be the Government servant concerned shall be placed before a Standing Medical Board constituted under rule 34 of the Maharashtra Civil Services (Leave) Rules, 1981. The Civil Surgeon from whose decision the appeal is made shall not be the President or a member of the Board.

(2) In the case of the State Service Officers a special Ad-hoc Board shall be constituted which shall hear an appeal from a decision of any of the Standing Medical Boards at each Revenue Division.

Instruction- No Medical Officer who first recommended the Government servant's invalidation or who sat either as Chairman or as member of the Standing Medical Board shall be a member of the Medical Board or of the Ad-hoc Board, as the case may be, to which the appeal is referred. The Director of Health Services shall not be a member of the Ad-hoc Board and Government in the urban Development and Public Health Department will decide in each case who should constitute the Board

Note- The entire expenditure in assembling an Appeal Board will be borne by the Medical Department. The sum of Rs. 48 forwarded by the applicant with his request for the setting up of an Appeal Board will be forfeited if the request is rejected. In the event of an Appeal Board being set up each of the honorary Medical Officers will be paid 25 per cent of the fee of Rs. 48- The balance of the fee will be refunded to the applicant if he is declared fit and credited to Government if declared unfit.

76. Constitution of Medical Board for Invalid Pension for Government servant while on leave out of India

When a Government servant on leave out of India applies for Invalid Pension his medical examination shall be arranged through the Indian Missions abroad. The examination should be done by a Medical Board consisting of a Physician, a Surgeon and an Ophthalmologist, each of them having the status of a consultant. The services of doctors approved for the officers and staff of the Mission concerned shall be utilized for this purpose provided they fulfill above conditions. A lady doctor shall be included as a member of the Medical Board whenever a woman candidate is to be examined.

77. Medical certificate of incapacity not to be issued without the knowledge of the Head of Office.

Serious illness of a Government servant may be an excuse for placing him under treatment but not for giving him a certificate of a permanent incapacity for further service without the knowledge of the Head of the Office and without having received authority from the Department/Office to which the Government servant belongs-

78. Conditions subject to which medical certificate of incapacity accepted on refusal of Government servant to undergo an operation

A medical certificate of incapacity for further service in consequence of rupture or some such disease, for which the examining Medical Officer recommends an operation, but the Government servant does not submit to an operation, should not be accepted without question. In such cases the medical report should state the finding on the following issues:-

(a) Is the Government servant at present incapacitated for service?

(b) Does the expert medical testimony indicate that an operation would offer a reasonable probability of removing his incapacity?

(c) Does the Government servant refuse to undergo the operation?

(d) In the ordinary acceptance of the term, would the operation be dangerous?

Note- It is not entirely equitable to deprive men, whose ignorance leads them to reject the relief they might derive from an operation of the whole pension which they have already earned, but the amount of pension to be granted should be varied in accordance with the medical report. Men of this class will thus be offered a further inducement to submit to an operation and should not be retired until they have had an opportunity of considering the alternatives, which confront them.

79. Authorization from Head of Office for examining the Government servant for incapacity

A medical certificate of incapacity for further service shall not be granted in India unless the applicant produces a letter showing that the Head of his Office or Department is aware of his intention to appear before the medical authority. That authority shall be supplied by the Head of the Office or Department with a statement of the applicant's age as it appears from his service book or from other official records.

80. Cessation of duty on production of a medical certificate of incapacity

A Government servant who has submitted under rule 71 a medical certificate of incapacity for further service shall if he is on duty, be invalided from service from the

date of relief from his duties, which should be arranged without delay on receipt of the medical certificate, or, if he is granted leave under rule 43 of Maharashtra Civil Services (Leave) Rules, 1981 on the expiry of such leave. If he is on leave at the time of submission of the medical certificate, he shall be invalidated from service on the expiry of that leave or extension of leave, if any, granted to him under the rule 43 of Maharashtra Civil Services (Leave) Rules, 1981

Note- The period allowed for arranging the relief of a Government servant on duty who is incapacitated for further service of any kind should not exceed seven days from the date of the medical certificate. A departure from this rule should not be made without every special reason. Which must be reported to Government for approval. Without special orders from Government, service rendered after the period of seven days from the date of such medical certificate, will not count for pension.

(4) COMPENSATION PENSION

81. Conditions for grant of Compensation Pension

If a Government servant is selected for discharge owing to the abolition of his permanent post or owing to a change in the nature of the duties of that 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 any Compensation Pension or gratuity to which he may be entitled for the service he has already rendered, or
- (b) of accepting another appointment or transfer to another establishment even on a lower pay, if offered, and continuing to count his previous service for pension

Note- When a Government servant holding a post the pay of which has been fixed with reference to the cost of living in a particular locality is transferred with his post to another locality on a rate of pay appropriate to the cost of living in the later locality, he should, for the purpose of this rule, be deemed to be selected for discharge and appointed to another post the conditions of which are equal to those of his own.

Instruction- Before a pension is granted to a Government servant under this rule, it should be carefully considered whether he cannot be provided for in another post the conditions of which are deemed to be equal to those of his own, and if it is found impossible to do so the reasons therefore should be recorded in writing.

82. Drawal of Compensation Pension in foreign service

A Government servant in foreign service shall be held to have lost his lien in Government service from the date on which the post held by him in Government service is abolished, and no contributions shall be received after that date. He shall be regarded as having retired from Government service from that date, and he shall thereafter be permitted to draw the Compensation Pension to which he is entitled in addition to the pay which he receives at the time from his foreign employer.

83. Additional gratuity in addition to Compensation Pension when notice of discharge is not given

(1) If in any case three month's notice of his intended discharge has not been given to a Government servant discharged from Government service in the circumstances described in rule 81, he may be granted in addition to the Compensation Pension or gratuity admissible under the rules, an additional gratuity not exceeding his emoluments for the period by which the notice given to him falls short of three months. In this rule, emoluments mean the pay or leave salary, or both, which the Government servant would have received during the period in question, had notice not been given to him.

(2) If an additional gratuity is granted to a Government servant under sub-rule (1) of this rule, his Compensation Pension shall not become payable until the expiry of the period covered by the gratuity.

84. Final pension not to be less than the Compensation Pension

If a Government servant, who is entitled to Compensation Pension, but ceases to draw any part of pension and counts his previous service for pension, accepts in its place another post in Government service and subsequently becomes entitled to receive a pension of any class, the amount of such pension shall not be less than that of the Compensation Pension which he could have claimed if he had not accepted the post.

(5) WOUND OR INJURY PENSION

85. Procedure for Wound or Injury Pension

(1) When an application for Wound or Injury Pension is received, the Head of the Department or Office, in which the applicant is employed shall hold a formal inquiry taking evidence as to the circumstances in which the wound or injury was received.

(2) He shall then submit the application in Form 25 through his official superior to the authority competent to sanction it together with a statement of circumstances of the case and his one recommendation.

(3) The Head of Department/Office, shall then arrange for the examination of the applicant by a Medical Board or a competent authority mentioned in rule 73 and shall refer the case to such Board or authority with a full statement of the points on which a report from the Medical Board is desired.

(4) On receipt of the report of the Medical Board the authority competent to sanction pension shall, if it considers that pension should be granted, forward the application to the Audit Officer.

86. Conditions for grant of production of medical certificate for Wound or Injury Pension

A Wound of Injury Pension may be granted on the production of a medical certificate in Form 26 or on the production of a certificate from a competent authority mentioned in rule 73, that the wound or injury is so severe as to justify the grant of pension even though the Government servant concerned may not be permanently incapacitated for further service as a result of wound or injury.

87. Temporary grant of Wound or Injury Pension and its subsequent extension

A Wound or Injury Pension shall be granted not necessarily for the lifetime of the pensioner but for such period as Government may direct. If granted temporarily in the first instance, it may subsequently be extended for such further period as may be considered necessary depending upon the continuance of the disability and its severity.

88. Wound or Injury Pension depends on the continuance of disability

A Wound or Injury Pension, sanctioned under rule 97 would, except when it is sanctioned for life, be dependent on the continuance of the disability. The payment shall be subject to the production of a medical certificate, once in three years, from the Civil Surgeon, or a Medical Board in accordance with the provisions of rule 86,. Where the disability has disappeared or become less, Government may pass such orders regarding its continuance as are deemed fit.

89. Conditions for grant of Wound or Injury Pension

Government may sanction the grant of a Wound or Injury Pension to a Government servant who is wounded or injured under any of the following conditions:-
Government may sanction the grant of a Wound or Injury Pension to a Government servant who is wounded or injured under any of the following conditions:-

(a) while serving in a civil capacity in circumstances justifying his presence with a military force, if his presence with the force can reasonably be held to be wholly or in part due to the fact that he is at the time Government servant in civil employ.

(b) while serving in a military capacity with a military force, either because he has been called out on actual military service as a member of the Territorial Army or in other circumstances justifying his presence with the force.

© while performing any particular duty which has the effect of increasing his liability to injury beyond the ordinary risk of the post which he holds.

Note 1. The performance by a Medical Officer of an operation of a venereal or septicaemic patient, or the attendance by a nurse or a medical subordinate upon such a patient, or the employment of a Magistrate or Police Officer in the suppression of a riot or disturbance, is duly involving extraordinary bodily risk for the purpose of this rule.

Note 2- Government do not recognize a claim on account of an injury resulting from an ordinary accident met with by a Government servant on duty.

Note3- No award shall be made in respect of Civilian Officer who is deputed on foreign service under the 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.

90. Exceptional cases for grant of Wound or Injury Pension

Government may, in exceptional cases when the conditions of rule 89© are not strictly fulfilled, sanction the grant of a Wound or Injury Pension to a Government servant who-

(a) is injured in or in consequence of the due performance of his official duties or because of his official position, or

(b) sustains serious injury to his health in the execution of the official duties.

91. Admissibility of other pension in addition to Wound or Injury Pension

If a Government servant is permanently incapacitated for Government service by a wound, injury or disability, in respect of which a Wound or Injury Pension or gratuity is granted to him under these rules, he shall be granted on retirement in addition to such pension or gratuity any other pension or gratuity for which he is eligible under the rules.

92. Amount of Wound or Injury Pension

If a Wound or Injury Pensioners granted under rule 89(a) to a Government servant on account of a wound or injury, received while serving in a civil capacity with a military force, its amount shall be regulated as follows:-

(1) if the wound or injury involves the loss of an eye or limb, or of the use of a limb, or other incapacity equivalent in its effects of the loss of limb, the Government servant shall receive a pension at the rate of one-third of his pay subject to a maximum of Rs.150 per mensem and if he be wholly incapacitated from earning a living to a minimum of Rs.20 per mensem, separate pension on this scale may be granted for each eye or limb of which he has lost the use;

(2) if the wound or injury be not of the nature described in sub-rule (1) of this rule, the Government servant shall receive such pension or gratuity not exceeding the equivalent of one-fifth of his pay subject to a maximum of Rs.75 per mensem as Govern on a consideration of all the circumstances, may fix;

Provided that if the Government servant was drawing a pay of Rs.500 per mensem or more, Government may sanction to him a pension, exceeding the maximum limit mentioned above, but limited to half of pay last drawn of Rs.300 whichever is less

93. Amount of Wound or Injury Pension while serving in Military capacity.

(1) If a Wound or Injury Pension is granted under rule 89(b) to a Government servant on account of a wound or injury received while serving in military capacity with a military force, its amount shall be regulated either by the provisions of Articles 740-743 of the Civil Service Regulations or by the military regulations governing his employment in military service according as the Government servant, may, at any time during such service or after it, elect.

(2) If the Government servant elects to be treated according to the provisions of Articles 740-743 of the Civil Service Regulations, his pay for the purpose of those rules shall be taken to be that which he would have drawn had he remained in civil employ.

94. Maximum amount of Wound or Injury Pension

If a Wound or Injury Pension is granted under rule 89© to a Government servant on account of a wound or injury received while performing a duty which has the effect of increasing his liability to injury beyond the ordinary risk of the post which he holds, its amount shall be regulated as prescribed in rule 92.

95. Amount of Wound or Injury Pension not to exceed pension granted under rule 92

If a Wound or Injury Pension is granted under rule 90 to a Government servant who is injured in or in consequence of the due performance of his official duties or because of his official position, its amount shall be fixed by Government in consideration of all the circumstances of the case, provided that it shall not exceed the maximum pension admissible under rule 92 or a gratuity equivalent to such maximum pension.

96. Amount of Wound or Injury Pension not to exceed maximum pension granted under rule 90

If a Wound or Injury Pension is granted under rule 90(b) to a Government servant who sustains serious injury to his health in the execution of his official duties, its amount shall be fixed by Government, subject to a maximum limit of Rs. 50 a month, or, if it be a gratuity, of the equivalent of Rs.50 a month or Rs.2, 000 whichever is greater:

Provided that if a Government servant was drawing a pay of Rs. 250 per mensem, or more, Government may sanction to him a pension or gratuity exceeding the maximum limit mentioned above, but limited to ½ of pay last drawn of Rs.300 whichever is less.

97. Maximum amount of Injury Pension

If a Wound or Injury Pension is granted under rule 89 or 90 to a Government servant who at grave personal risk to himself, including probability of serious personal injury or death, perseveres in the performance of his public duties and actually suffers serious injuries,

its amount shall be equal to seventy-five percent of the substantive pay of the injured Government servant, subject to a maximum of Rs.500 per mensem. Where the pay drawn at the time of injury is not substantive pay, lowest pay (other than leave salary) drawn during the twelve months immediately before the injury, may be deemed as the substantive pay.

98. Exchange of invalid gratuity for Wound or Injury Pension

If the service qualifying for pension of a Government servant who is granted a Wound or Injury Pension or gratuity renders him eligible for an invalid gratuity and not for an Invalid Pension, he may at his option exchange his invalid gratuity for a pension calculated as follows:-

(a) at the rate of $1/66^{\text{th}}$ of his pensionable pay for each six monthly period of qualifying service including any service performed with a military force in either a civil or a military capacity.

(b) in calculating pensionable pay for the purpose of clause (a) of this rule in the case of a Government servant serving in a military capacity with a military force, the pay taken into account shall be the pay which he would have earned had he remained in civil employ.

99. Grant of pension to whom Workmen's Compensation Act, 1923 applies

In the case of a pension to whom the Workmen's Compensation Act, 1923, applies:-

(a) a pension or gratuity shall be paid under the provisions of rules 98 and rules in Appendix IV only if Government consider that the compensation payable under the Act is in the particular case inadequate; and

(b) the amount of pension or gratuity paid to any such person shall not exceed the difference between the amount otherwise admissible under these rules and the amount of compensation payable under the Act.

(6) COMPASSIONATE PENSION

100. Grant of Compassionate Pension

(1) A Government servant who is removed or required to retire from Government service for misconduct or insolvency shall be granted no pension other than a Compassionate Pension.

(2) A Government servant who is removed or required to retire from Government service on the ground of inefficiency, shall, if he be eligible for a Superannuation, or retiring

pension, be granted such pension. If he is not eligible for a Superannuation or retiring pension he shall be granted no pension other than a Compassionate Pension.

101. Grant of Compassionate Pension in deserving cases by Government

When a Government servant is removed or required to retire from Government service for misconduct or insolvency or is removed or required to retire from Government service on grounds of inefficiency before he is eligible for a Retiring or Superannuation Pension, Government may, if the case is considered deserving of special treatment, sanction the grant to him of a Compassionate Pension.

(2) A dismissed Government servant is not eligible for Compassionate Pension

102. Amount of Compassionate Pension to be fixed by Government in each case

The amount of Compassionate Pension granted to a Government servant under rule 101 shall be such as Government may fix in each case:

Provided that:-

(a) When a Government servant is removed from Government service of insolvency, inefficiency or misconduct, it shall not exceed two-thirds of the invalid pension which would have been admissible to him had he retired on a medical certificate; and

(b) When a Government servant is required to retire from service for insolvency, inefficiency or misconduct, it shall be at a rate not less than two-thirds of and not more than full invalid pension admissible to him on the date of his compulsory retirement.

Note-The pension sanctioned under this rule should not be reduced below the minimum pension as fixed by Government

COMPASSIONATE FUND GRATUITIES

103. Rules regulating the grant of Compassionate Gratuities

The rules regulating the grant of Compassionate Gratuities to a family of a Government servant left in indigent circumstances through the premature death of the person upon whom they depended for support are embodied in Appendix III

Instruction-Each application for a grant for the Compassionate Gratuity should be accompanied by the particulars in Section A and Section B of Appendix III.

Instruction:- Each applicant for a grant for the Compassionate Gratuity should be accompanied by the particulars in Section A and Section B of Appendix III.

CHAPTER VIII-REGULATION OF AMOUNTS OF PENSIONS OF PRE-1950 ENTRANTS

104. Scope

The provisions of this Chapter shall apply to a Government servant who on the 31st March 1950 held a lien or a suspended lien on a permanent pensionable post under the Government or a Local Fund administered by the Government and had opted for:

(a) continuing under the rules applicable to him as contained in Chapter XI of the Bombay Civil Services Rules, 1959, Volume I, 1st Edition, but for the introduction of the Revised Pension Rules, 1950 printed in Appendix XIV-C of the Bombay Civil Services Rules, 1959, Volume II, 1st Edition;

(b) drawing pension, under the rules applicable to him but for the introduction of the Revised Pension Rules, 1950 reduced by Pension equivalent of the gratuity admissible under the Revised Pension Rules, 1950 and receiving in lieu of this reduction the death-cum-retirement gratuity and Family Pension, 1950 as provided thereunder.

105. Retirement on completion of 30 years of total service or 25 years of duty

A retiring pension shall be granted to a Government servant who is permitted to retire from pensionable service after completing 25 years of duty and 30 years of total service reckoned from the date of first appointment.

106. Regulation of amounts of pension

The amount of Superannuation, Retiring, Invalid or Compensation Pension shall be regulated as follows viz:-

Completed years of duty (1)	Scale of pension (2)	Maximum pension per annum (3)
25 and above	24/48 of pensionable pay.	Rs.5,000

107. Pensionable pay

The expression “Pensionable Pay” use in col. (2) above is rule 106 means the average pay earned by a Government servant during the last 36 months of service. For the purpose of this definition, pay means and includes-

(a) substantive pay in respect of a permanent post; including pay in respect of a provisionally substantive appointment to permanent post;

(b) personal pay given in the circumstances described in rule 9(4);

© special pay, as defined in rule 9 (48), if it is permanently attached to the post in which duty is performed;

(d) officiating pay drawn by a Government servant who is appointed in an officiating capacity to a permanent post which is substantively vacant or to a permanent post which is temporarily vacant in consequence of the absence of the permanent incumbent on foreign service.

If the Government servant has, during any portion of the last three years of service, been absent on leave, other than extraordinary leave, or on joining time under rule 10 (2) of the Maharashtra Civil Service (Joining Times, Foreign Service and Payments during Suspension, Dismissal, Removal) Rules, 1981, his pay during such leave or joining time shall be taken to be the pay, falling under any of the clauses (a) to (d) above which he would have drawn had he been on duty at any time during the first six months of the period of leave and joining time.

108. Eligibility to [retirement gratuity/death gratuity] and Family Pension

(I) A Government servant who has opted for the provisions contained in rule 104 (b) shall be eligible for the [retirement gratuity/death gratuity]as admissible under rule 111 and Family Pension admissible under rule 116 or 117, as the case may be.

CHAPTER IX- REGULATION OF AMOUNTS OF PENSIONS OF POST-1950 ENTRANTS

109. Scope

Except the provisions contained in rules 104 to 108 of Chapter VIII, the provisions of all other rules contained in various Chapters of these rules, shall apply to a Government servant-

(a) who on the 31st March 1950 held a lien or a suspended lien on a permanent pensionable post under the Government or a Local Fund administered by the Government and did not opt for the provisions relating to pension and gratuity as specified in clause (a) or clause (b) of rule 104:

(b) who entered Government service on or after the 1st April 1950 or having entered Government service before that date did not hold a lien or a suspended lien on a permanent pensionable post before that:

© who on allocation to the Bilingual Bombay State on 1st November 1956 had opted for the Revised Pension Rules, 1950 contained in Appendix XVI-C of Bombay Civil Services Rules, 1959, Volume II in accordance with G.R. F.D. No. INT-1056/S-8, dated the 7th January 1957, as modified from time to time.

110. Amount of pension

(1) In the case of a Government servant retiring on Superannuation, Retiring, Invalid or Compensation Pension before completing qualifying service of ten years, the amount of service gratuity shall be calculated at the rate of half month's pay for every completed six monthly period of qualifying service.

(2) (a) In the case of a Government servant retiring on Superannuation, Retiring, Invalid or Compensation Pension in accordance with the provisions of these rules after completing qualifying service of not less than thirty-three years, the amount of pension shall be calculated at fifty percent of the " Pensionable Pay" subject to a maximum of Rs.4,000 per month]

(b) In the case of a Government servant retiring on Superannuation, Retiring, Invalid or Compensation Pension in accordance with the provisions of these rules before completing qualifying service of thirty-three years but after completing qualifying service of the amount of pension shall be proportionate to the amount of pension admissible under clause (a) and in no case the amount of pension admissible under clause (a) and in no case the amount of pension shall be less than [rupees three hundred and seventy five]per mensem.

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

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

111. [Retirement Gratuity/Death Gratuity]

(I) A Government servant, who has completed five year's qualifying service and has become eligible for service gratuity or pension under rule 110, shall, on his retirement, be granted retirement gratuity equal to one-fourth of his pay for each completed six monthly period of qualifying service, subject to a maximum of 16.5 times of pay.

(2) If a Government servant dies while in service, the death gratuity shall be paid to his family in the manner indicated in sub-rule (I) of rule 112 at the rates given in the Table below, namely:-

Length of qualifying service	Rate of death gratuity
(i) Less than one year	2 times of pay
(ii) One year or more but less than 5 years.	6 times of pay.
(iii) 5 years or more but less than 20 years.	12 times of pay
(iv) 20 years or more	Half of pay for every completed six monthly periods of qualifying service, subject to a maximum of 33 times of pay

Provided that the amount of retirement gratuity or death gratuity payable under this rule shall in no case exceed one lakh rupees:

Provided further that where the amount of retirement or death gratuity as finally calculated contains a fraction of a rupee, it 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 temporary increase in pension and relief in any, together with the [retirement gratuity] admissible under sub-rule (I) and the commuted value of any portion of pension commuted by him, are less than the amount equal to 12 times of his pay, a residuary gratuity equal to the deficiency may be granted to his family in the manner indicated in sub-rule (I) of rule 112.

(4) The pay for the purpose of gratuity admissible under this rule shall be reckoned in accordance with rule 9 (36) (i):

Provided that if the pay of a Government servant has been reduced during the last ten months of his service otherwise than as a penalty pensionable pay as referred to in rule 60 shall be treated as pay

(5) For the purpose of this rule and rules 112,114 and 115 "family", in relation to a Government servant, means-

- (e) wife or wives, including judicially separated wife or wives in the case of a male Government servant,
- (ii) husband, including judicially separated husband in 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 daughter including step daughters and adopted daughter
- (vi) father,
- (vi) 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, and
- (xi) children of a pre-deceased son.

112. Persons to whom gratuity is payable

(I) (a) The gratuity payable under rule 111 shall be paid to the person or persons on whom the right to receive the gratuity is conferred by means of a nomination under rule 115.

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

- (f) if there are one or more surviving members of the family as in clauses (i),(ii),(iii) and (iv) of sub-rule (5) of the 111 to all such members in equal shares;
- (ii) if there are no such surviving members of the family as in sub-clause (i) above, but there are one or more members as in clauses(v), (vi), (vii),(viii), (ix) and (xi) of sub-rule 111 to all such members in equal shares.

(2) If a Government servant dies after retirement without receiving the gratuity admissible under sub-rule (I) of rule 111 the gratuity shall be disbursed to the family in the manner indicated sub-rule (1).

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

(4) Where gratuity is granted under rule 111 to a minor member of the family of the deceased Government servant, it shall be payable to the guardian on behalf of the minor after the guardian executes an indemnity bond in Form 28 and furnishes an affidavit about guardianship

Note- Hindu or a Christian mother shall not be required to execute and indemnity bond or affidavit being natural guardian.

113. Debarring a person from receiving gratuity

(1) If a person who in the event of death of a Government servant while in service is eligible to receive gratuity in terms of rule 112 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 for the murder of abetting in the commission of the murder of the Government servant, he shall be debarred from receiving his share of gratuity which shall be payable to other eligible members of the family, if any,

(b) is acquitted of the charge of murdering or abetting in the commission of the murder of the Government servant, his share of gratuity shall be payable 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 112.

114. Lapse of [retirement gratuity/death gratuity]

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

(a) had made no nomination, or

(b) the nomination made does not subsist,

the amount of [retirement gratuity/death gratuity] payable in respect of such Government servant. [Under rule 111 shall lapse to the Government: provided that the amount of death gratuity/retirement gratuity, shall be payable to the person in whose favour a Succession Certificate in respect of the gratuity in question has been granted by a Court of Law.”]

115. Nominations

(1) A Government servant shall, on his initial confirmation in a service or post, make a nomination in Form 1 or Form 2, as may be appropriate in the circumstances of the case, conferring on one or more persons the right to receive the [retirement gratuity/death gratuity] payable under rule 111.

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 provide in the nomination_

- (i) that in respect of any specified nominee who pre-deceases 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 person as may be specified in the nomination:

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

Provided further that where a Government servant has only one member in his family, and a nomination has been made in his favour it is open to the Government servant to nominate alternate nominee or nominees in favour of any person or a body of 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 that sub-rule, the Government servant shall send to the Head of Office, a notice in writing canceling 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-

- (i) in case the Government servant is a permanent Gazetted Government servant other than a Gazetted Government servant whose pay and allowances are

drawn by the Head of Office on the establishment bill, to the Audit Officer concerned: and

- (ii) in any other case, including that of a Gazetted Government servant referred to in sub-rule (7)(a)(i), to the Head of Office.

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

©(i) The Head of Office may authorize his subordinate Gazetted Officer to countersign the nomination forms of Non-gazetted Government servants.

(ii) Suitable entry regarding receipt of nomination shall be made in the service book of the Non-gazetted Government servant.

(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.

(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 that sub-rule, the Government servant shall send to the Head of Office, a notice in writing canceling 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-

(i) in case the Government servant is a permanent Gazetted Government servant other than a Gazetted Government servant whose pay and allowances are drawn by the Head of Office on the establishment bill, to the Audit Officer concerned : and

(ii) in any other case, including that of a Gazetted Government servant referred to in sub-rule(7) (a) (i), to the Head of Office.

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

(c) (i) The Head of Office may authorise his subordinate Gazetted Officer to countersign the nomination forms of Non-gazetted Government servants.

(ii) Suitable entry regarding receipt of nomination shall be made in the service book of the Non-gazetted Government servant.

(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.

116. Family Pension 1964

(1) The provisions of this rule shall apply-

(a) to a Government servant entering service in a pensionable establishment on or after the 1st January 1964, and

(b) to a Government servant who was in service on the 31st December 1963 and came to be governed by the provisions of the Family Pension Scheme, 1964, contained in the Government Resolution, Finance Department, No.PEN 1464/3/64/X, dated 8th May, 1964.

1 (Note – The provisions of this rule shall also extend, from 1st October 1977, to Government servants on pensionable establishment who retired /died before 31st December 1963 as also to those who were alive on 31st December 1963 but had opted out of the 19 64 scheme)

(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 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, in receipt of pension on the date of death,

the family of the deceased shall be entitled to Family Pension, the amount of which shall be determined in accordance with the table below:-

2(TABLE)

Pay of Government servant	Amount of monthly Family Pension
(i) Not exceeding Rs.1,500	30 per cent of basic pay subject to a minimum of Rs.375.
(ii) Exceeding Rs.1,500 but not Exceeding Rs.3,000	20 percent of basis pay subject to a minimum of Rs.450
(iii) Exceeding Rs.3000	15 per cent of basic pay subject to a minimum of Rs.600 and a maximum of Rs.1,200)

1. Inserted by Notification No.PEN-1088/1167/SER-4,dated 5.5.1990

2. Substituted w.e.f.1.1.1986 by Notification NO.PEN-1088/1167/SER-4,dated 5.5.1990.

Explanation – The expression “continuous one year of service” wherever it occurs in this rule shall be construed to include less than one year of continuous service as defined in clause (b)

(3) The amount of Family Pension shall be fixed at monthly rates and be expressed in whole rupee and where the Family Pension contains a fraction of a rupee, it shall be rounded off to the next higher rupee :

Provided that in no case a Family Pension in excess of the maximum determined under this rule shall be allowed.

(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 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 seven years, or for a period up to the date on which the deceased Government servant would have attained the age of 65 years had he survived, whichever period is less ;

(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 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 sanctioned on retirement includes the part of the pension, which the retired Government servant may have commuted before death.

(b) (i) Where a Government servant, who is 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 percent of the pay last drawn or one and a half times the family pension admissible under sub-rule (2),whichever is less.

(ii) The family pension so determined under sub-clause (i) shall be payable for the period mentioned in clause (a):

Provided that where a compensation is not payable under the aforesaid Act, the Head of Office shall send a certificate to the Audit Officer 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 clause (a)

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

5. The period for which family pension is payable shall be as follows:-

(i) in the case of a widow or widower, up to the date of death or remarriage, whichever is earlier :

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

(iii) in the case of an unmarried daughter, until she attains the age of twenty-four years or until she gets married, whichever is earlier:

Provided that if the son or daughter of a Government servant is suffering from any disorder or disability of mind 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-one years in the case of the son and twenty – four years in the case of the daughter, the family pension shall be payable to such son or daughter for life subject to the following conditions, namely :-

(i) if such son or daughter is one among two or more children of the Government servant, the family pension shall be initially payable to the minor children in the order set out in

clause (iii) of sub-rule (7) of this rule until the last minor child attains the age of twenty-one or twenty-four, as the case may be, 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 ;

1{(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 immediately 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.}

2(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 or disabled son/daughter who has attained the age of majority :}

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

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1. Substituted by Notification No.PEN – 1090/254/ser-4, dated 1-7-1991
 2. Substituted by Notification No.PEN –1089/519/ser-4, dated 14-12-1190

(v) the person receiving the Family Pension as guardian of such son or daughter 1(or such son or daughter not receiving the Family Pension through a guardian.) shall produce every three years a certificate from a Medical Officer not below the rank of a Civil Surgeon to the effect that he or she continues to suffer from disorder or disability of mind or continues to be physically crippled or disabled.

Explanation –

(a) 2()

(b) A daughter shall become ineligible for 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) In such cases it shall be the duty of the guardian 1{or such a son or daughter,} to furnish 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.

(6) (a) (i) Where that Family Pension is payable to more widows than one, the Family Pension shall be paid to the widows in equal shares ;

on the death of a widow, her share of the Family Pension shall become payable to her eligible child :

3(Provided that if the widow is not survived by any child, her share of the family pension shall not lapse 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 to the share of Family Pension which the mother would have received if she had been alive at the time of the death of the Government servant or pensioner.

4{provided that on the share or shares of family pension payable to such a child or children or to a widow or widows ceasing to be payable, such share or shares shall not lapse but shall be payable to the other widow or widows and or to other child or children otherwise eligible, in equal shares, or if there is only one widow or child, in full, to such widow or child).

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1. Substituted by Notification NO.PEN-1089/519/SER-4, dated 14-12-1990
 2. Deleted by Notification No.PEN-1090/254/SER-4,dated 1-7-1991
 3. Substituted by Notification No.PEN-1089/519/SER-4, dated 7-12-1990
 4. Inserted by Notification NO.PEN-1089/519/SER-4, dated 7-12-1991.

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

2(provided that on the share or shares of family pension payable to such a child or children or to a widow or widows ceasing to be payable, such share or shares shall not lapse but shall be payable to be other widow or widows and or/to other child or children otherwise eligible, in equal shares, or if there is only one widow or child, in full, to such widow or child)

3.{(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 revert to the other child and when both of them ceases to be eligible, the family pension shall be payable to the next eligible single child or twin children, as the case may be.}

(7) (i) 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 ;

(ii) If a deceased Government servant or pensioner leaves behind a widow or widower, the Family Pension shall become payable to the widow or widower, failing which to the eligible child :

4({iii}) Family pension to the children shall be payable, in the order of their birth and the younger of them will not be eligible for family pension unless the elder immediately above him/her has become ineligible for the grant of 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.)

1. Inserted w.e.f.15-1-1990 by Notification No.PEN-1089/519/SER-4dated 14-12-1990.
2. Inserted by Notification No.PEN-1091/142/SER-4,dated 7-12-1991.
3. Inserted by Notification No.PEN-1090/254/SER-4, dated 1-7-1991.
4. Substituted by Notification No.PEN-1090/254/SER-4, dated 1-7-1991.

(8) Where a deceased Government servant or pensioner leaves behind more children than one, the eldest eligible child shall be entitled to the family pension for the period mentioned in clause(ii) or clause (iii) of sub-rule (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, after the guardian executes an indemnity bond in Form 29 and furnishes an affidavit about guardianship.

Note- Hindu or a Christian mother shall not be required to execute an indemnity bond or affidavit being a natural guardian.

(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 husband or wife and in the event of death of the husband or wife, the surviving child or children shall be granted the two family pensions in respect to the deceased parents, subject to the limits specified below, namely ;-

(a) (i) if the surviving child or children is or are eligible to draw two family pensions at the rate mentioned in sub-rule (4), the amount of both the pensions shall be limited to 1(two thousand four hundred rupees) per mensem

(ii) 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 both the pensions shall also be limited to 1(two thousand four hundred rupees) per mensem :

(b) If both the family pensions are payable at the rates mentioned in sub-rule (2), the amount of two pensions shall be limited to 1(one thousand two hundred rupees) per mensem.

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

1. Substituted w.e.f.1-1-1986 by Notification No.PEN-1088/1167/SER-4,dated5-5-1990

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 shall not 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 a judicially separated husband or wife 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.

(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, including other eligible member or members of the family to receive the Family Pension, shall remain suspended till the conclusion of the criminal proceedings instituted against him.

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

(i) is convicted for the murder or abetting in the commission of 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 commission of the murder of the Government servant, the Family Pension, shall be payable to such a person from the date of death of the Government servant.

(c) The provision of clause (a) and clause(b) shall also apply for the Family Pension becoming payable on the death of a Government servant after his retirement.

(14) (a) (i) As soon as the Government servant enters Government service, he shall give details of his family in Form 3 to the Audit Officer, if he is a Gazetted Government servant other than a Gazetted Government servant whose pay and allowances are drawn by the Head of Office on the establishment bills or to the Head of Office if he is a Non-gazetted Government servant or a Gazetted Officer whose pay and allowances are drawn by Head of Office on the establishment bills :

Provided that a Government servant holding a lien or a suspended lien on a non-gazetted service or post and holding a gazetted service or post in a temporary or officiating capacity shall furnish the details of his family in Form 3 to Head of Office:

(ii) if the Government servant had no family, he shall furnish the details in Form 3 as soon as he acquires family.

(b) The Government servant shall communicate to the Audit Officer or Head of Office, as the case may be, any subsequent change in the size of his family, including the fact of marriage of his female child.

(c) The Audit Officer shall, on receipt of the said Form 3, keep it in safe custody and acknowledge receipt of the said Form 3 and all further communications received from the Government servant in this behalf.

1 {(d) As and when the disability referred to in the proviso to sub-rule (5) manifests itself in a child which makes him/her unable to earn his/her living, the fact should be brought to the notice of Head of Office/Audit Officer duly supported by a medical certificate from a Medical Officer, not below the rank of a civil Surgeon. This may be indicated in Form 3 by the Head of Office/Audit Officer. 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 Civil Surgeon, that the child still suffers from the disability.}

(e) The Head of Office shall, on receipt of the said Form 3, paste it in the service book of the Government servant concerned and acknowledge receipt of the said Form 3 and all further communications received from the Government servant in this behalf.

1. Substituted by Notification No.PEN-1088/1167/SER-4, dated 5-5-1990.

(f) The Audit Officer or the Head of Office, as the case may be, on receipt of communication from the Government servant regarding any change in the size of family shall incorporate such a change in Form 3.

(15) The temporary increase in pension, and relief sanctioned by Government from time to time shall be payable to the family in receipt of a family pension under this rule.

(16) For the purposes of this rule-

(a) "Continuous service" means service rendered in a temporary or permanent capacity in a pensionable establishment and does not include –

(i) period of suspension, if any, and

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

(iii) "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 1[].

(ii) a judicially separated wife or husband, such separation not being granted on the ground of adultery 1[] and the person surviving was not held guilty of committing adultery ;

(iii) son who has not attained the age of twenty one years and unmarried daughter who has not attained the age of twenty four years, including such son and daughter adopted legally before retirement 1[].

(c) 'Pay' means-

(i) the pay as specified in rule 2 (9(36) (i) , or

(ii) the pension able pay as referred to in rule 60 if the pay of the deceased Government servant has been reduced during the last ten months of his service otherwise than as penalty :

Provided that the element of dearness allowance which has been treated as dearness pay under rule 6) shall not be treated as pay for the purpose of this rule.

1. Deleted vide Notification No.PEN-1090/254/SER-4,dated 1-7-1991.

2. Substituted w.e.f. 1-1-1986 by Notification No.PEN-1088/1167/SER-4,dated 5-5-1990.

(17) 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 on Retiring Pension, service pension of Invalid Pension and who, on the date of re-employment, had attained the age of superannuation applicable to the post in which he is re-employed;

(b) a military pensioner who has retired/retires from military service on or after the 1st January, 1964, or retires from such service on Retiring Pension, service or Invalid Pension and is re-employed in a civil service or post before attaining the age of superannuation :

Provided that for the grant of ordinary Family Pension such Government servant is governed by Army Instruction 2/5/64, as amended from time to time, or corresponding Navy or Air Force Instructions:

(c) a Government servant referred to in rule 67, who on absorption in a corporation or company wholly or substantially owned or controlled by the Government, or any other body, incorporated or not, is governed by the provisions of the family pension scheme of the corporation or company or body, as the case may be.

(18) Notwithstanding anything contained in clause (b) of sub-rule (17), a military pensioner referred to in the aforesaid clause, who dies while holding a civil post in a temporary capacity, in the course of re-employment, his family may be allowed to opt for the Family Pension admissible under this rule or the Family Pension authorised at the time of his retirement or discharge from the military under Army Instruction 2/5/64 or the of corresponding Navy or Air Force Instructions.

117. Family Pension, 1950

(1) The provisions of this rule shall apply to a Government servant who was in service on the 31st December, 1963 and had specifically opted for the scheme of family pension (here in after in this rule referred to as Family Pension, 1950), admissible under the Revised Pension Rules, 1950 in Appendix XIV-C, Bombay Civil Services Rule, 1959, Volume II, 1st Edition, as amended from time to time.

(2) A Family Pension shall be granted for a period not exceeding ten years to the family of a Government servant who dies while in service after completion of not less than twenty years qualifying service :

Provided that the Government may, in exceptional circumstances grant such pension to the family of a Government servant who dies while in service after completion of not less than ten years qualifying services ;

Provided further that the period of payment shall, in no case, extend beyond a period of five years from the date on which the Government servant would have retired in the normal course on Superannuation pension.

Explanation – Where a Government servant dies while on extension of service, the date up to which extension of service had been granted to him before his death shall be construed as the date on which the Government servant would have retired on Superannuation Pension.

(3) A Government servant who, at the time of his retirement, including compulsory retirement as a penalty, had rendered qualifying service of not less than twenty years and dies within five years of the death of his retirement, Family Pension shall be granted to his family for the unexpired portion of five years from the date of his retirement.

(4) (a) The amount of Family Pension payable under sub-rule (2) shall be one-half of the Superannuation Pension which would have been admissible to the Government servant had he retired on the date following the date of his death.

(b) The amount of Family Pension payable under sub-rule (3) shall be one-half of the pension sanctioned to the Government servant at the time of his retirement and if the pensioner had before his death, commuted a part of the pension, the commuted part of his pension shall be deducted from the amount of Family Pension.

Provided that the amount of Family Pension payable under clause (a) or clause (b) shall be subject to a maximum of one hundred and fifty rupees per month and a minimum of fifty rupees per month.

(5) No family pension shall be payable under this rule –

(a) to a person mentioned in clause (b) of sub-rule (6), without production of reasonable proof that such person was dependent on the deceased Government servant for support ;

(b) to an unmarried female member of Government servant's family, in the event of her marriage ;

(c) to a widowed female member of a Government servant's family, in the event of her re-marriage; and

(d) to a brother of a Government servant, on his attaining the age of eighteen years.

(6) (a) Except as may be provided by nomination under sub-rule (7), the Family Pension sanctioned under this rule shall be payable –

(i) to the widow , and if there are more widows than one, to the eldest surviving widow, if the deceased was a male Government servant, or to the husband, if the deceased was a female Government servant ;

Explanation – The expression “ eldest surviving widow “ shall be construed with reference to the seniority according to the date of the marriages of the surviving widows and not with reference to their age ;

(ii) failing a widow or husband, as the case may be, to the eldest surviving son ;

(iii) failing (i) and (ii) above, to the eldest surviving unmarried daughter.

(iv) failing (i) (ii) and (iii) above to the eldest surviving widowed daughter.

(b) If there are no surviving members of the family as in clause (a), the family pension may be granted-

(i) to the father ;

(ii) failing (i) above , to the mother ;

(iii) failing (i) and (ii) above, to the eldest surviving brother below the age of eighteen years ;

(iv) failing (i),(ii) and (iii) above, to the eldest surviving unmarried sister ;

(v) failing the above, to the eldest surviving widowed sister.

(7) (a) A Government servant shall on his confirmation in a service or post, make a nomination in Form 4 indicating the order in which a Family Pension should be paid to the members of his family and , to the extent it is valid, the Family Pension shall be payable in accordance with such nomination ;

Provided that the persons concerned satisfy the requirements of sub-rule (5) on the date from which such pension may fall due,

(b) In case the person concerned does not satisfy the requirements of sub-rule (5), the family pension shall be granted to the person next lower in the order shown in the nomination.

(c) The provisions of sub-rules (5), (7) and (8) of rule 115 shall apply in respect of nominations made under this sub-rule.

(8) (a) A Family Pension granted under this rule shall not be payable to more than one member of a Government servant's family at the same time.

(b) If the Family Pension granted under this rule ceases to be payable on account of death or marriage of the recipient or other causes, it shall be regranted to the person next lower in the order mentioned in sub-rule (6) or to the person next lower in the or order shown in the nomination made under sub-rule (7) as the case may be, who satisfies the other provisions of this rule.

(9) A Family Pension sanctioned under this rule shall be tenable in addition to any Extraordinary Family Pension under rule 4 in Appendix IV or gratuity or compensation that may be granted to the members of a Government servant's family.

(10) Where Family Pension is granted under this rule to a minor member of the family of the deceased Government servant, it shall be payable to the guardian on behalf of the minor.

(11) For the purposes of this rule, the expression 'family' in relation to a Government servant means, the family as defined in clauses (i) to (viii) of sub-rule (5) of rule 111.

CHAPTER X- DETERMINATION AND AUTHORISATION OF THE AMOUNTS OF PENSION AND GRATUITY.

118. Preparation of list of Government servant due for retirement

(1) Every Head of Department shall have a list prepared every six months, that is, on the 1st July each year of all Government servants who are due to retire within the next 24 to 30 months of that date.

(2) A copy of every such list shall be supplied to the Audit Officer concerned not later than the 31st January of the 31st July, as the case may be, of that year.

(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 Audit Officer concerned, as soon as the fact of such retirement becomes known to him.

(4) A copy of the intimation sent by the Head of Office to the Audit Officer under sub-rule (3) shall also be endorsed to the Executive Engineer concerned if the Government servant concerned is an allottee of Government accommodation.

119. Intimation to the Executive Engineer concerned regarding issue of 'No demand certificate'

(1) The Head of Office shall write to the Executive Engineer concerned 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 eight months of the retirement of the allottee.

(2) On receipt of the intimation under sub-rule (1) the Executive Engineer concerned shall take further action as provided in rule 133.

120. Preparation of pension papers

(1) Every Head of Office shall undertake the work of preparation of pension papers in Form 6 in respect of Non- gazetted Government servant as well as Gazetted Government servant, whose pay and allowances are drawn by him on establishment bills, two years before the date on which they are due to retire on superannuation ; or on the date on which they proceed on leave preparatory to retirement, whichever is earlier.

(2) The Audit Officer shall undertake the work of preparation of pension papers in Form 6, two years before the date on which a Gazetted Government servant, other than mentioned in sub-rule (1) above who is due to retire on superannuation or on the date on which he proceeds on leave preparatory to retirement, whichever is earlier.

(3) The time schedule and procedure prescribed in these rules shall be followed by the Audit Officer on whom the responsibility for preparation of pension papers in respect of Gazetted Government servants under sub-rule (2) has been entrusted.

(4) In the case of a Government servant holding a lien or a suspended lien on a Non-gazetted post and holding a Gazetted post in a temporary or officiating capacity at the time of retirement and whose pay and allowances are not drawn by the Head of Office on establishment bills, the Head of Office shall send the service book of the Government servant concerned to the Audit Officer two years in advance of the date of retirement of such Government servant or as soon as possible if such Government servant is promoted to officiate in a Gazetted post only during the last year of his service, after verifying that the certificate of verification relating to non-gazetted service has been recorded and that the service book is complete in all respects.

121. Stages for the completion of pension papers

(1) The Head of Office shall divide the period of preparatory work of two years referred to in rule 120 in the following three stages :-

(a) **First Stage-** Verification of service :- (i) The Head of Office shall go through the service book of the Government servant and satisfy himself as to whether the certificates of verification for the entire service are recorded therein.

(ii) 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, a quittance rolls or other relevant records, and record the necessary certificates in the service book.

(iii) If the service for any period is not capable of being verified in the manner specified in sub-clause (i) and sub-clause (ii), that period of service having been rendered by the Government servant in another Office or Department, a reference shall be made to the Head of Office in which the Government servant is shown to have served during that period for the purpose of verification.

(iv) If any portion of service rendered by a Government servant is not capable of being verified in the manner specified in sub-clause (i) , or sub-clause (ii), or sub-clause (iii), 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 all documentary evidence and furnish all information which is in his power to produce or furnish.

(v) The Head of Office 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.

(b) **Second Stage** – Making good omission in the service book :-

(i) The Head of Office while scrutinizing the certificates of verification of service, shall also identify if there are any other omissions, imperfections or deficiencies which have a direct bearing on the determination of ‘Pensionable Pay’ and the service qualifying for pension.

(ii) Every effort shall be made to complete the verification of service, as in clause (a) and to make good omissions, imperfections or deficiencies referred to in sub-clause (i) of this clause. 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 clause (a) shall be ignored and service qualifying for pension shall be determined on the basis of the entries in the service book.

(iii) Calculation of Pensionable Pay :- For the purpose of calculation of pensionable pay, the Head of Office shall verify from the service book the correctness of the pay drawn or to be drawn during the last ten months of service. In order to ensure that the pay during the last ten months or service has been correctly shown in the service book, the Head of Office may verify the correctness of pay for the period of twenty-four months only, preceding the date of retirement of a Government servant, and not for any period prior to that date.

(C) Third Stage – Obtaining Form 5 by the Head of Office :- Eight months prior to the date of retirement of the Government servant, the Head of Office shall obtain Form 5 from the Government servant, duly completed.

(2) Action under clauses (a), (b) and (c) of sub-rule (1) shall be completed eight month prior to the date of retirement of the Government servant.

122. Completion of pension papers

The Head of Office shall complete Part I 1 (and Part-III) of Form 6 not later than six months before the date of retirement of the Government servant.

123. Forwarding of pension papers to Audit Officer

(1) After complying with the requirement of rules 121 and 122, the Head of Office shall forward to the Audit Officer **Form 5 and Form 6** duly completed with a covering letter in **Form 7** along with service book of the Government servant duly completed, upto-date, and any other documents relied upon for the verification of service.

1. Inserted by Notification No.PEN-1088-1167-SER-4, dated 5-5-1990.

(2) The Head of Office shall retain a copy of each of the Forms referred to in sub-rule (1) for his records.

(3) Where the payment is desired in another audit circle, the Head of Office shall send **Form 6** in duplicate to the Audit Officer.

(4) The papers referred to in sub-rule (1) shall be forwarded to the Audit Officer not later than six months before the date of retirement of Government servant.

{(5) The Head of Office shall also prepare a pension calculation sheet, in triplicate, in the Form prescribed in Part III of Form 6 in Appendix V and after certifying the same he shall forward the same to the Audit Officer along with the pension papers.}

124. Intimation to Audit Officer regarding any event having bearing on pension.

If, after the pension papers have been forwarded to the Audit Officer within the period specified in sub-rule(4) of rule 123, any event occurs which has a bearing on the amount of pension admissible, the fact shall be promptly reported to the Audit Officer by the Head of Office.

125. Intimation of the particulars of Government dues to the Audit Officer.

(1) The Head of Office after ascertaining and assessing the Government dues as in rule 132, shall furnish the particulars thereof to the Audit 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.

(2) If, after the particulars of Government dues have been intimated to the Audit Officer under sub-rule (1), any additional Government dues come to the notice of the Head of Office, such dues shall be promptly reported to Audit Officer.

126. Provisional pension and gratuity.

(1) The various stages of action laid down in rule 121 shall be strictly followed by the Head of Office. There may be an isolated case where, in spite of following the procedure laid down in rule 121, it may not be possible for the Head of Office to forward the pension papers.

1. Inserted w.e.f. 1.1.1986 by Notification No.PEN-1088/1167/SER-4, dated 5-5-1990.

referred to in rule 123 to the Audit Officer within the period prescribed in sub-rule (4) of that rule, or where the pension papers have been forwarded to the Audit Officer within the prescribed period but the Audit Officer may have returned the pension papers to the Head of Office for eliciting further information before issue of pension payment order and order for the payment of gratuity. If the Head of Office in such a case is of the opinion that a Gazetted or Non-gazetted Government servant is likely to retire before his pension and gratuity or both, can be finally assessed and settled in accordance with the provisions of these rules, he shall without delay, take steps to determine the qualifying years of service and the pay 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 file a written-statement on plain paper stating the total length of qualifying service including details of pay drawn during the last ten months of service but excluding the breaks and other non-qualifying period of service.
- (2) The Government servant while furnishing the statements as in clause (ii) of sub-rule(1) shall, at the foot of the statement, make and subscribe to a declaration as to the truth of the statement.
- (3) The Head of Office shall thereafter determine the qualifying years of service and the pay 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, than, determine the amount of provisional pension and the amount of provisional 1(retirement gratuity).
- (4) After the amount of pension and gratuity have been determined under sub-rule (3), the Head of Office shall take further action as follows :-
- (a) He shall issue a sanction letter addressed to the Government servant endorsing a copy thereof to the Audit Officer authorizing -

1. Substituted by Notification No.PEN-1088/1167/SER-4, dated 5-5-1990.

- (i) 100 per cent of pension as determined under sub-rule (3) as provisional pension for a period not a exceeding six months to be reckoned from the date of retirement of the Government servant ; and
 - (ii)100 per cent of the gratuity as provisional gratuity s determined under sub-rule (3) withholding ten per cent of gratuity or one thousand rupees, whichever is less.
- (b) He shall indicate in the sanction letter the amount recoverable from the gratuity under sub-rule (1) of rule 125. After issue of the sanction letter he 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 132.

In the same manner as pay and allowances of the establishment are drawn by him in Form 21.

- (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) The payment of provisional pension shall not continue beyond a period of six months from the date of retirement of the Government servant.- 1(In cases where it is not possible for the Head of Office to get the amount of final pension payable to the Government servant determined from the Audit Officer within a period of six months from the date of his retirement, the said period of six months for payment of provisional pension shall be extended by the Head Office, in consultation with the Audit Officer, by another six months.)

If the amount of final pension and the amount of final gratuity had been determined by the Head of Office in consultation with the Audit Officer before the expiry of the said period of six months, the Audit Officer shall –

- (i) issue the pension payment order, and
- (ii) direct the Head of Office to draw and disburse the difference between the final amount of gratuity and the amount of provisional

1. Inserted by Notification No.PEN-1088/1167/SER-4 dated 5-5-1990.

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 notice after the 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 Audit Officer, it shall be open to the Audit Officer to adjust the excess amount of pension out of gratuity withheld under sub-clause (ii) of clause (a) of sub-rule (4) or recover the excess amount of pension in installments by making short payments of the pension payable in future by an amount not exceeding one third of the pension.

(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 retired Government servant shall not be required to refund the excess amount actually disbursed to him.

(ii) The Head of Office shall ensure that chances of disbursing the amount of gratuity in excess of the amount finally assessed are minimized and the officials responsible for the excess payment shall be accountable for the over payment.

(7) If the final amount of pension and gratuity have not been determined by the Head of Office in consultation with the Audit Officer within a period of six months referred to in clause (a) of sub-rule (6), the Audit Officer shall determine the final amount of pension and gratuity on the basis of available record and issue pension payment order immediately on the expiry of the period of six months.

(8) As soon as the pension payment order has been issued by the Audit Officer under clause (a) of sub-rule (6) or sub-rule (7), the Head of Office shall take steps to refund the amount of withheld gratuity under sub-clause (ii) of clause (a) of sub-rule (4) to the retired Government servant, after adjusting Government dues which may have come to

notice after the payment of provisional gratuity under sub-rule (ii) of clause (b) of sub-rule (4). If the Government servant was an allottee of Government accommodation, the withheld amount should be refunded on receipt of 'No demand certificate' from the Executive Engineer concerned.

127. Authorisation of pension and gratuity by the Audit Officer.

(1) (a) On receipt of pension papers referred to in rule 123, the Audit Officer shall apply the requisite checks, record the account encasement in part II of Form 6 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 the retirement of the government servant if the pension is payable in his Audit circle. 1(He shall also countersign the pension calculation sheet in Part III of **Form 6** as certified by the Head of Office, retain one copy out of the three copies received from the Head of Office and forward the second copy as countersigned by him to the pensioner along with the Pension Payment Order. The third certified copy of the pension calculation sheet as countersigned by him shall be passed on to the concerned treasury officer for record.)

(b) If the pension is payable in another Audit circle, the Audit Officer shall send the pension payment order along with a copy of Form 6 and the accounts encasement to the Audit Officer of the Audit circle for arranging payment.

(2) The amount of gratuity as determined by the Audit Officer under clause (a) or sub-rule (1) shall be intimated to the Head of Office with the remarks that the amount of the gratuity may be drawn and disbursed by the Head of Office to the retired Government servant after adjusting the Government dues, if any, referred to in rule 132.

(3) The amount of gratuity withheld under sub-rule (5) of rule 133 shall be adjusted by the Head of Office against the outstanding licence fee intimated by the Executive Engineer concerned and the balance, if any, refunded to the retired Government servant.

128. Payment of provisional pension and gratuity through money order

If the provisional pension or gratuity or both sanctioned under sub-rule (4) of rule 126, is desired to be paid 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 :

1. Inserted by Notification No.PEN-1088/1167/SER-4, dated 5-5-1990.

Provided that in the case of any pensioner who has been authorised payment of provisional pension not exceeding one hundred and fifty rupees per mensem (inclusive of the amount of relief on pension) that amount shall, at the request of the pensioner, be remitted to him by money order at Government expense.

129. Government servants on deputation.

(1) In the case of Government servant who retires while on deputation to another State Government Department, action to authorise pension and gratuity in accordance with the provisions of this Chapter shall be taken by the Head of Office of the borrowing Department.

(2) In the case of a Government servant who retires from service, while on deputation to a Central Government or while on foreign service, action to authorise pension and gratuity in accordance with the provisions of this Chapter shall be taken by the Head of Office of the cadre authority which sanctioned deputation to the Central Government or to foreign service.

1[129-A. Interest on delayed payment of gratuity-

(1) If the payment of gratuity has been authorised after three months from the date when its payment become due and it is clearly established that the delay in payment was attributable to administrative lapse, interest at the following rate on the amount of gratuity in respect of the period beyond three months shall be paid :-

- (i) beyond 3 months and upto one year 7 % per annum
- (ii) beyond one year 10 % per annum)

2(Provided that no interest shall be payable if the delay in payment of gratuity was attributable to the failure on the part of the Government servant to comply with the procedure laid down in this Chapter :

Provided further that no interest shall be payable in the case in which a provisional gratuity is sanctioned.)

(2) 2 (On an application made by the pensioner the concerned Administrative Department in Mantralaya shall consider the request for payment of interest) and where the Department is satisfied that the delay in the payment of gratuity was caused on account of administrative lapse, that Department shall make a recommendation to the Finance Department for the payment of interest.]

1. Inserted w.e.f. 1.5.1986 by Notification No.PEN-1085/CR-1845/SER-4,dated 23-6-1986.

2. Substituted by Notification No.PEN-1088/1167/SER-4 dated 5-5-1990.

(3) If the recommendation of the Department made under sub-rule (2) is accepted by the Finance Department, the Department concerned shall issue Government sanction for the payment of interest.

(4) In all cases where the payment of interest has been authorised with the concurrence of the Finance Department, the Department concerned shall fix the responsibility and take disciplinary action against the Government servant or servants concerned who are found responsible) 1(for the delay in the payment of gratuity and recover the amount of interest required to be paid from the Government servant, or servants concerned, including the concerned officer, who are found responsible for the delay in the payment of gratuity.)

(5) If as a result of Government's decision taken subsequent to the retirement of a Government servant, the amount of gratuity already paid on his retirement is enhanced on account of –

(a) grant of pay higher than the pay on which gratuity, already paid, was determined.

Or

(b) liberalization in the provisions of these rules from a date prior to the date of retirement of the Government servant concerned, no interest on the arrears of gratuity shall be paid.

2[129-B. Interest on delayed payment of Pension-

(1) If the payment of pension has been authorised after six months from the date when its payment became due and it is clearly established that the delay in payment was attributable to administrative lapse, interest at the rate of 10 per cent per annum in respect of the period beyond six months shall be paid on the amount of pension:

Provided that, no interest shall be payable if the delay in payment of pension was attributable to the failure on the part of the Government servant to comply with the procedure laid down in this Chapter .

Provided further that, no interest shall be payable for the period for which a provisional pension is sanctioned. In case of Government Servant to whom provisional pension is sanctioned an interest as provided shall be paid after a period of six months from the cessation of provisional pension till the final pension is authorised.]

1. Substituted w.e.f.1-5-1986 by Notification No.PEN-1088/1167/SER-4,dated 5-5-1990.

2. Inserted w.e.f. 1-8-1986 by Notification No.PEN-1088/1167/SER-4, dated 5-5-1990.

(2) On an application made by the pensioner the concerned Administrative Department in Mantralaya shall consider the request for payment of interest and where the Department is satisfied that the delay in the payment of pension was caused on account of administrative lapse, that Department shall make a recommendation to the Finance Department for the payment of interest.

(3) If the recommendation of the Department made under sub-rule (2) is accepted by the Finance Department, the Department concerned shall issue Government sanction for the payment of interest.

(4)In all cases where the payment of interest has been authorised with the concurrence of the Finance Department, the Department concerned shall fix the responsibility and take disciplinary action against the Government servant or servants concerned who are found responsible for the delay in the payment of pension and recover the amount of interest required to be paid from the Government servant, or servants concerned, including the concerned officer, who are found responsible for the delay in the payment of pension.

(5) If as a result of Government's decision taken subsequent to the retirement of a Government servant, the amount of pension already paid on his retirement is enhanced on account of –

(a) grant of pay higher than the pay on which pension, already paid, was determined; or

(b) liberalization in the provisions of these rules from a date prior to the date of retirement of the Government servant concerned, no interest on the arrears of pension shall be paid.”}

130. Provisional pension where departmental or judicial proceedings may be pending

(1) (a) In respect of a Gazetted or Non-gazetted Government servant referred to in sub-rule (4) of rule 27 the Head of Office shall authorise the provisional pension equal to the maximum pension which would have been admissible on the basis of qualifying service upto the date of retirement of the Government servant, or if he was under suspension on the date of retirement upto the date immediately preceding the date on which he was placed under suspension.

(b) The provisional pension shall be authorised by the Head of Office for a period of six months during the period commencing from the date of retirement unless the period is extended by the Audit Officer and such provisional pension shall be continued upto and including the date on which, after the conclusion of departmental or judicial proceedings, final orders are passed by the competent authority.

(c) No gratuity shall be paid to the Government servant until the conclusion of the departmental or judicial proceedings and issue of final orders thereon.

(2) 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.

131. Revision of pension after authorization.

(1) Subject to the provisions of rules 26 and 27 , 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 :

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

(2) For the purpose of sub-rule (1), the retired Government servant concerned shall be served with a notice by the Head of Office 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 Head of Office shall, by order in writing, direct that such excess payment, shall be adjusted in installments by short payments of pension in future, in one or more installments, as the Head of Office may direct.

132. Recovery and adjustment of Government dues.

(1) It shall be the duty of the Head of Office to ascertain and assess Government dues, payable by a Government servant due 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 1(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 deduction at source under the Income Tax Act, 1961 (43 of 1961).

133. Adjustment and recovery of dues pertaining to Government accommodation.

(1) The Executive Engineer concerned on receipt of intimation from the Head of Office under sub-rule (1) of rule 119 regarding the issue of 'No demand certificate' shall scrutinize his 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 eight months of his retirement.

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

(3) Where the Executive Engineer concerned intimates the amount of licence fee recoverable in respect of the period mentioned in sub-rule (1), the Head of Office shall ensure that outstanding licence fee is recovered in installments 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.

(4) The Executive Engineer concerned shall also inform the Head of Office the amount of licence fee for the retention of Government accommodation for the permissible period of one month beyond

1. Substituted by Notification No.PEN-1088/1167/SER-4, dated 5-5-1990.

the date of retirement of the allottee. The Head of Office shall adjust the amount of that licence fee from the amount of the gratuity together with the un-recovered licence fee, if any, mentioned in sub-rule (3)

(5) If in any particular case, it is not possible for the Executive Engineer concerned to determine the outstanding licence fee, that Executive Engineer shall inform the Head of Office that ten per cent of the gratuity or one thousand rupees, whichever is less, may be withheld pending receipt of further information.

(6) The recovery of licence fee for the occupation of the Government accommodation beyond the permissible period of one month after the date of retirement of the allottee shall be responsibility of the Executive Engineer concerned.

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 accommodation or its fittings.

134. 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 132, the Head of Office shall take steps to assess the dues two years before the date on the which a Government servant is due to retire on superannuation ; or on the date on which he proceeds on leave preparatory to retirement, whichever is earlier.

(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.

(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 1(retirement gratuity) becoming payable to the Government servant on his retirement.

2[134-A-Recovery and adjustment of excess amount paid –

If in the case of a Government servant, who has retired or has been allowed to retire, it is found that due to any reason whatsoever an excess amount has been paid to him during the period of his service including]

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1. Substituted w.e.f.1-1-1986 by Notification No.PEN-1088/1167/SER-4 dated 5-5-1990
 2. Inserted by Notification No.PEN-1088/1167/SER-4, dated 5-5-1990.

Service rendered upon re-employment after retirement or any amount is found to be payable by the pensioner during such period and which has not been paid by , or recovered from him, then the excess amount so paid or the amount so found payable shall be recovered from the amount of pension sanctioned to him:

Provided that, the Government shall give a reasonable opportunity to the pensioner to show cause as to why the amount due should not be recovered from him :

Provided further that, the amount found due may be recovered from the pensioner in installment so that the amount of pension is not reduced below the minimum fixed by Government.)

135. Date of retirement to be notified.

When a Government servant retires from service-

- (a) a notification in the official Gazette in the case of a Gazetted Government servant, and
- (b) an office order in the case of a Non-gazetted Government servant, shall be issued specifying the date of retirement within a week of such date and a copy of every such notification or office order, as the case may be, shall be forwarded immediately to the Audit Officer :

Provided that where a notification in the official Gazette or an office order, as the case may be, regarding the grant of leave preparatory to retirement to a Government servant is issued, a further notification or office order that the Government servant has actually retired on the expiry of such leave shall not be necessary unless the leave is curtailed and the retirement is for any reason ante-dated or postponed.

CHAPTER XI-DETERMINATION AND AUTHORISATION OF THE AMOUNT OF FAMILY PENSION AND 1(DEATH GRATUITY) IN RESPECT OF GOVERNMENT SERVANTS DYING WHILE IN SERVICE

136. Obtaining of claims for Family Pension and 1(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 1(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 the 1(death gratuity) under rule 111, the Head of Office shall ascertain-
if the deceased Government servant had nominated any person or persons to receive the gratuity ; and

if the deceased Government servant had not made any nomination or the nomination made does not subsist, the person or persons to whom the gratuity may be payable.

(b) The Head of Office shall, then, address the person concerned in **Form 8 or Form 9**, as may be appropriate, for making a claim in **Form 10**.

(3) Where the family of the deceased Government servant is eligible under rule 116 for the Family Pension, 1964-

(a) the Head of Office shall address the widow or widower in Form 11 for making a claim in Form 12 ; and

(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 12 to the Head of Office :

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

1. Substituted by Notification No.PEN-1088/1167/SER-4, dated 5-5-1990.

(4) (a) Where the family of the deceased Government servant is eligible Family Pension, 1950 under rule 117, the Head of Office shall ascertain –

(i) if the deceased Government servant had nominated a member of his family to receive the payment of Family Pension , 1950 : and

(ii) where the deceased Government servant had not made any nomination or the nomination made does not subsist, the person to whom the Family Pension, 1950 may be payable.

(b) The Head of Office, shall, then, address the person concerned in **Form 13 or Form 14**, as may be appropriate, for making a claim in **Form 15**.

(5) If on the date of death, the Government servant was an allottee of Government accommodation, the Head of Office shall address the Executive Engineer concerned for the issue of ‘ No demand certificate’ in accordance with the provisions of sub-rule (1) of rule 142.

137. Completion of Form 16

(1) (a) The Head of Office while taking action to obtain claim or claims from the family in accordance with the provisions of rule 136 shall simultaneously undertake the completion of Form 16. The work shall be completed within one month of the date on which intimation regarding the date of death of the Government servant has been received.

(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 pay for Family Pension and 1(death gratuity) the Head of Office shall confine the verification of the correctness of pay 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 pay 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 pay 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 1(death gratuity) shall also be calculated accordingly.

138. Determination of the amount of Family Pension and gratuity where service records are incomplete.

According to the existing instructions, there should not be any case where service book has not been maintained properly. 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 :-

(a) For the purpose of Family Pension, 1964-

(i) If the deceased Government servant on the date of death had rendered more than one years of service but less than seven years of service, the service and pay for the last year of service shall be verified and accepted by the Head of Office and the amount of Family Pension, 1964 determined under sub-rule (2) and sub-rule (3) of rule 116.

(ii) If the deceased Government servant on the date of his death had rendered more than seven years of service, the service for the last seven years and pay for service rendered in the last year shall be verified and accepted by the Head of Office and the amount of Family Pension, 1964 and the period for which it is payable shall be determined in accordance with the provisions of sub-rule (4) of rule 116.

(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 provisions of sub-rule (2) and sub-rule (3) of rule 116.

(iv) The service for the last seven years shall be verified and accepted within the next two months and the amount of Family Pension, 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 116.

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

(b) For the purpose of 1(death gratuity)

1((i) If the deceased Government servant had on the date of his death rendered more than 5 years of qualifying service but less than 20 years of qualifying service, and the spell of last 5 years has been verified and accepted by the Head of Office under clause (a) the amount of death gratuity shall be equal to 12 times of his pay as indicated in item (iii) of the Table in sub-rule (2) of rule 111. Where the verified and accepted service is less than 5 years, the amount of death gratuity shall be the amount as indicated in item (i) or item (ii) in the Table in sub-rule (2) of rule 111 as may be applicable.)

(ii) If the deceased Government servant had rendered more than 2(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 (i), the family of the deceased Government servant shall be allowed, on provisional basis, the 1(death gratuity) equal to 12 times of the pay. Final amount of the gratuity shall be determined by the Head of Office on the acceptance and verification of the entire spell of service

1.Substitued w.e.f.1-1-1986 by Notification No.PEN-1088/1167/SER-4,dated 5-5-1990

2. Substituted by Notification No.PEN-1088/1167/SER-4, dated 5-5-1990.

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 1(death gratuity) shall then be authorised to the beneficiaries.

(c) For the purpose of Family Pension ,1950-

Since the Family Pension,1950 is related to Superannuation Pension , it shall be necessary to verify the entire spell of service by following the procedure laid down in Chapter VIII of these rules.

139. Forwarding the papers to the Audit Officer.

(1) On receipt of claim or claims, the Head of Office shall complete items 22,23,24,25 and 26 of Form 16 and send the said Form in original to the Audit Officer with a covering letter in Form 17 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.

(2) The Head of Office shall retain one copy of the aforesaid **Form 16** for his office record.

(3) If the payment is desired in another Audit Circle, **Form 16** shall be sent in duplicate to the Audit Officer.

(4) The Head of Office shall draw the attention of the Audit Officer to the details of Government dues outstanding against the deceased Government servant, namely :-

(a) Government dues as ascertained and assessed in term of rule 142 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.

1. Substituted by Notification NO.PEN-1088/1167/SER-4, dated 5-5-1990

(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.

140. Sanction, drawal and disbursement of provisional Family Pension and gratuity.

(1) As soon as the intimation about the death of a Government servant while in service is received by the Head of Office, he shall sanction, draw and disburse provisional Family Pension not exceeding the maximum family pension and hundred per cent of the gratuity as determined in accordance with the provisions of this Chapter, before forwarding the documents referred to in rule 139 to the Audit Officer. For this purpose the Head of Office shall adopt the following procedure, namely :-

(a) he shall issue a sanction letter in favour of claimant or claimants endorsing a copy thereof to the Audit Officer indicating the amount of provisional family pension and hundred per cent of the gratuity as determined ;

(b) he shall indicate in the sanction letter the amount recoverable out of the gratuity under sub-rule (3) of rule 139;

(c) after issue of the sanction letter he shall draw-

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

(ii) the amount of hundred per cent of the gratuity after deducting there from the dues mentioned in clause (b) in the same manner as pay and allowance of the establishment are drawn by him in Form 21.

(2) The Head of Office shall disburse the provisional family pension (including arrears, if any) and the gratuity immediately after the same have been drawn under sub-rule (1).

(3) The payment of provisional family pension shall continue for a period of six months from the date following the date of death of the Government servant unless the period is extended by the Audit Officer under the provision to sub-rule (1) of rule 141.

(4) The Head of Office shall inform the Audit Officer-

(a) as soon as the gratuity has been paid to the claimant or claimants ; and

(b) as soon as the provisional family pension has been paid for a period of six months or for the period extended under proviso to sub-rule (1) of rule 141, as the case may be.

(5) If the claimant or any of the claimants desire 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 own cost :

Provided that in the case of any claimant who is sanctioned a provisional family pension not exceeding one hundred and fifty rupees (inclusive of relief on family pension) per mensem, the amount of pension shall, at the request of the claimant, be remitted to him or her by money – order at Government expense.

141. Authorisation of final pension and balance of the gratuity by the Audit Officer

(1) On receipt of the documents referred to in sub-rule (1) of rule 139, the Audit Officer shall, apply the requisite checks and complete Section I of Part II of Form 16 and assess the amount of Family Pension and gratuity ;

Provided that if the Audit Officer is, for any reason, unable to assess the amount expeditiously, he shall communicate the fact to the Head of Office to continue to disburse the provisional family pension to the claimant for such period as may be specified by the Audit Officer.

(2) (a) If the family pension is payable in his Audit circle, the Audit Officer shall prepare the 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 ceased.

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

(3)(a) The Audit 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 Audit Officer shall intimate to the Head of Office, the amount of the balance of the gratuity determined under clause (a) with the remarks that the amount of the balance of the gratuity may be drawn and disbursed by the Head of Office to the person or persons to whom the provisional gratuity has been paid.

(c) The amount of gratuity withheld under clause (b) of sub-rule (1) of rule 142 shall be adjusted by the Head of Office against the outstanding licence fee mentioned in clause (viii) of sub-rule (1) of rule 142 and the balance, if any, refunded to the person or persons to whom 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 Audit Officer and the documents which are no longer required shall also be returned to him.

(5) 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 Audit Officer, it shall be open to the Audit Officer to adjust the excess amount in instalments by short payments of Family Pension payable in future.

(6) (a) If the amount of gratuity disbursed by the Head of Office proves to be larger than the amount finally assessed by the Audit Officer the beneficiary shall not be required to refund the excess.

(b) The Head of Office shall ensure that chances of disbursing the amount of gratuity in excess of the amount actually admissible are minimized and the official or officials responsible for the excess payment shall be accountable for the over-payment.

142. Adjustment of Government dues

(1) Dues pertaining to Government accommodation :-

(i) If on the date of death, the Government servant was an allottee of Government accommodation, the Head 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 Executive Engineer concerned for the issue of 'No demand certificate' so that

authorization of Family Pension and 1(death gratuity) is not delayed. While addressing the Executive Engineer concerned for the issue of ' No demand certificate', the Head of Office shall also supply the following information in duplicate (one copy marked to the Rent Wing and the second the Allotment Wing):-

- (a) name of the deceased Government servant with designation ;
- (b) particulars of the accommodation (quarter 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 ;
- (e) whether the Government servant was enjoying rent free accommodation ;
- (f) the period upto which licence fee had been recovered from the pay and allowances of the deceased Government servant and the monthly rate of recovery and particulars of the pay bill under which last recovery was made ;
- (g) if the licence fee had not been recovered upto the date of death and the family intends to retain Government accommodation for the permissible period of one month from the date of death of the Government servant, details of –
 - (A) period for which licence fee still remains to be recovered ;
 - (B) the amount of licence fee in respect of the period at (A) to be determined on the basis of the standard rent bill ;
 - (C) the amount of licence fee for the retention of Government accommodation by the family of the deceased Government servant for the concessional period of one month beyond the date of death of the Government servant to be determined on the basis of standard rent bill ;
 - (D) the amount of licence fee mentioned at (B) and (C) proposed to be recovered out of 1(death gratuity).

1. Substituted by Notification No.PEN-1088/1167/SER-4, dated 5-5-1990.

(E) details of any previous reference from the Executive Engineer concerned having bearing on the recovery of licence fee outstanding against the allottee and action taken thereon.

(ii) The Head of Office shall recover form the 1(death gratuity) the amount of licence fee as intimated to the Executive Engineer concerned under clause (i)

(iii) The recovery of licence fee for the occupation of Government accommodation beyond the permissible period of one month shall be the responsibility of the Executive Engineer concerned.

(iv) The Executive Engineer concerned shall scrutinize his records with a view to determine if licence fee other than the licence fee referred to in clause (i) was outstanding against deceased Government servant. If any recovery is found, the amount and the period or periods to which such recovery or recoveries relate 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)

(v) Pending receipt of information under clause (iv), the Head of Office shall withhold ten per cent of the 1(death gratuity) or one thousand rupees whichever is less.

(vi) If no intimation is received by the Head of Office within the period prescribed under clause (iv) 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 person or persons to whom the amount of 1(death gratuity) was paid.

(vii) If the Head of Office has received intimation from the Executive Engineer concerned under clause (iv) regarding licence fee outstanding against the deceased Government servant, the Head of Office shall verify from the acquittance rolls 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 Executive Engineer

1. Substituted by Notification No.PEN-1088/1167/SER-4, dated 5-5-1990.

Concerned, had already been recovered, the Head of Office shall draw the attention of the Executive Engineer concerned to the pay bills under which the necessary recovery of the licence fee was made and subject to the provision of sub-rule (2) take steps to pay the amount of the gratuity withheld under clause (v) to the person or persons to whom the 1(death gratuity) was paid.

(viii) 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 (v) and the balance, if any, repaid to the person or persons to whom the amount of 1(death gratuity) was paid.

(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 132 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 1(death gratuity) becoming payable to the family of the deceased Government servant.

143. Payment of Family Pension and 1(death gratuity) when a Government servant dies while on deputation

(1) In the case of a Government servant who dies while on deputation to another Department/ Office, action to authorise Family Pension and 1(death gratuity) in accordance with the provisions of this Chapter shall be taken by the Head of Office of the borrowing Department.

(2) In the case of a Government servant who dies while on deputation to a Central Government or while on foreign service, action to authorise the payments of Family Pension and 1(death gratuity) in accordance with the provisions of this Chapter shall be taken by the Head of Office of the cadre authority which sanctioned the deputation of the Government servant to the Central Government or to the foreign service.

1. Substituted by Notification No.PEN-1088/1167/SER-4, dated 5-5-1990.

CHAPTER XII-SANCTION OF FAMILY PENSION AND RESIDUARY GRATUITY IN RESPECT OF DECEASED PENSIONERS

144. Sanction of family Pension and residuary gratuity on the death of pensioner.

(1) Where the Head of Office 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 is or are payable in respect of the deceased pensioner:

Provided that the Head of Office, may, when he considers it necessary so to do, consult the Audit Officer.

(2) (a) (i) If the deceased pensioner is survived by a widow or widower who is eligible for the grant of Family Pension, 1964, under rule 116, the amount of Family Pension, 1964, 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 1(a claim the **Form 12**) from the widow or widower, the Treasury Officer from whom the deceased pensioner has drawn his or her pension, shall authorise the payment of Family Pension, 1964 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 12** to the Head of Office for payment of Family Pension,1964 :

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 claim from the guardian, the Head of Office shall sanction the Family Pension, 1964, in **Form 18**.

1. Substituted by Notification No.PEN-1088/1167/SER-4, dated 5-5-1990.

(c) (i) Where a widow or widower in receipt of Family Pension 1964, remarries and has, at the time of remarriage, child or children from the former spouse who is or are eligible for Family Pension, 1964, the remarried individual shall be eligible to draw the Family Pension, 1964, 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 Head of Office 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 Treasury from where payment of Family Pension, 1964, on behalf of such child or children is desired ;

(e) full postal address of the applicant.

(iii) If the remarried individual has, for any reason, ceased to be the guardian of such child or children, the Family Pension, 1964, 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 12** to the Head of Office for the payment of Family Pension, 1964:

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 to in sub-clause (iii) the Head of Office shall sanction Family Pension, 1964, in **Form 19**.

(d) (i) Where a widow or widower in receipt of Family Pension, 1964, dies and leaves behind child or children who is or are eligible for Family Pension, 1964, the guardian

may submit a claim in **Form 12** to the Head of Office for the payment of Family Pension, 1964:

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 from the guardian, the Head of Office shall sanction Family Pension, 1964, in **Form 18**.

(3) (a) In case the deceased pensioner who was governed by the Family Pension, 1950, and his death had taken place within five years of his retirement, the Family Pension, 1950, shall become payable to the eligible of the family of the deceased pensioner as provided in rule 117 for the un expired period of five years from the date of retirement of the deceased.

(b) On receipt of a claim in **Form 15** from such member, the Head of Officer shall sanction the Family Pension, 1950, for the un expired period aforesaid.

(4) 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 111, the Head of Office shall sanction its payment on receipt of a claim or claims in Form 20 from the person or persons eligible to receive the residuary gratuity.

145. Authorisation of payment by Audit Officer.

On receipt of the sanction under rule 139 regarding the payment of Family Pension or of residuary gratuity or of both ; the Audit officer shall authorise the payment of the same.

CHAPTER XIII-PAYMENT OF PENSIONS

146. Date from which pension becomes payable.

(1) Except in the case of a Government servant to whom the provisions of rule 67 apply and subject to the provisions of rules 27 and 130 a pension other than Family Pension shall become payable from the date on which a Government servant ceases to be borne on the establishment.

(2) Pension including Family Pension, 1950 or 1964 shall be payable for the day on which its recipient dies.

147. Procedure for payment of pension to a lunatic.

When any sum is payable in respect of pension or gratuity to any person by Government, and the person to whom the sum is payable is certified by a Magistrate to be a lunatic, the procedure laid down in section 95(1) of (the Indian) Lunacy Act, 1912(Act IV of 1912) shall be followed.

148. Date of commencement of payment of Wound or Injury Pension or Extra-ordinary Family Pension

A Wound or Injury Pension shall be payable from the date of the Wound or Injury and a Extra-ordinary Family Pension from the day following the death of the Government servant, provided –

(i) that, if the grant of the pension is regulated by Army Regulations, it shall take effect from the date therein prescribed ;

(ii) that, if considerable delay has occurred in making application for a Wound or Injury Pension, it shall be payable from the date of report on the case by the Medical Board unless in exceptional circumstances Government otherwise direct ; and

(iii) that, if considerable delay has occurred in making application for a Extra-ordinary Family Pension, it shall be payable from such date as Government may prescribe.

149. Need for medical certificate for payment of Wound or Injury Pension.

In the case of a Wound or Injury Pension sanctioned under rule 97, it shall be the responsibility of the officer disbursing the pension to see that the medical certificate referred to in rule 88 is produced after every three years.

150. Currency in which pension is payable.

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

151. Manner of payment of gratuity and pension

(1) Except as otherwise provided in these rules, a gratuity shall be paid in lump sum.

(2) A pension fixed at monthly rates shall be payable monthly on or after the first day of the following month.

152. Application of Treasury Rules

Save as otherwise provided in these rules, the Treasury Rules of the State Government shall apply in regard to the procedure of payment-

(i) of gratuity.

(ii) of pension.

(iii) of pension undrawn for more than a year, and

(iv) of pension in respect of a deceased pensioner.

CHAPTER XIV-RE-EMPLOYMENT OF PENSIONERS

153. Re-employment ordinarily not to qualify for second pension.

Unless in any case it be otherwise distinctly provided in this Chapter, a Government servant who has received a pension on retirement shall not, if re-employed in Government service, be permitted to count his new service as qualifying for second pension. If the new service is pensionable, it must be combined for the purpose of calculating pension with the service previously rendered and the whole treated as one service.

154. Declaration by the re-employed pensioner about amount of pension and gratuity or bonus

When a person, who was formerly in the civil or military employment of any Government in India, obtains re-employment, whether temporarily or permanently, in Government service or in the service of a Local fund, it shall be incumbent on him to declare to the appointing authority the amount of any gratuity, bonus or pension granted to him in respect of the previous employment. The authority re-appointing him shall specifically state in the order of re-appointment whether any deduction is to be made from pay as required by the rules in this Chapter and shall communicate a copy of the order to the Audit Officer.

Note- The principle of this rule applies in the case of continued employment on retirement from Government service. The amount of the pension to be declared is that sanctioned originally, i.e., it shall be inclusive of any amount that may have been commuted (vide rule 158).

155. Provisions of this Chapter to be brought to the notice of the re-employed pensioner

The attention of every person who is re-employed should be specially called to the provisions of this Chapter by the authority re-employing him, and, whenever he becomes aware of such an appointment, but the failure of such authority to do this will not be admitted as a ground for condoning any breach of the rules contained in this Chapter.

156. Wound or Injury or Disability Pension awarded under Military rules to be continued

Notwithstanding anything contained in the rules in this Chapter a Wound or Injury Pension sanctioned under rules 92 to 99 and a Wound or Injury or Disability Pension or an addition to pension on account of disability awarded under the Military rules shall continue to be drawn by a retired Government servant, civil or Military, during re-employment or continued employment, and shall be subject only to the conditions of its award. The amount of such pension or addition to pension shall not be taken into account when fixing the pay during re-employment or continued employment.

Note:- Where the military pension is consolidated and service and disability elements are not explicitly differentiated, the total pension may be split up in the following manner :-

The service portion of the pension will be represented by the service pension earned or, if no service pension has been earned, by the proportionate service pension calculated with reference to the minimum ordinary pension admissible for the rank and the actual length of service rendered. In calculating this service element, an amount of 50 paise and over shall be taken as a whole rupee, amounts of less than 50 paise being ignored. The disability portion of the pension will be the balance.

157. Fixation of pay of re-employed pensioner

(1) A person, who is in receipt of a Superannuation or Retiring Pension, shall not be re-employed or continue to be employed in service paid from Consolidated Fund of India or of State or from a Local Fund, except on public grounds and in a purely temporary capacity.

(2) The authority who is competent to re-employ a pensioner shall fix the pay on re-employment subject to the following conditions, all of which must be satisfied :-

(a) Pay on re-employment plus pension (including pension equivalent of retirement gratuity or gratuity in lieu of pension) should not exceed the substantive pay drawn before retirement, or the officiating pay, if the Government servant was continuously officiating in that post for at least one year before retirement. In cases, where the substantive / officiating pay drawn before retirement is less than the minimum of the time-scale of the post in which a pensioner is re-employed, pay on re-employment may be the minimum of the time-scale minus pension (including pension equivalent of retirement gratuity or gratuity in lieu of pension).

(b) Pay (i.e., gross pay minus pension) on re-employment should not except with the sanction of Government under rule 40 of Maharashtra Civil Services(pay) Rules, 1981 exceed the minimum of the time-scale of post in which the Government servant is re-employed.

(c) Pay on-re-employment plus pension (including pension equivalent of retirement gratuity or gratuity in lieu of pension) should not exceed the maximum of the time-scale of the post in which the Government servant is re-employed.

(d) Special pay can be drawn in addition to pay on re-employment provided –

(i) the total of pension and pay on re-employment plus special pay is restricted to the substantive pay last drawn or officiating pay, if the Government servant was continuously officiating in that post for at least one year before retirement plus special pay last drawn ; and

(ii) the special pay is attached to the post in which he is re-employed.

(3) (a) In the case of persons retiring before attaining the age of fifty-five years, the competent authority while fixing the pay under sub-rule (2) above, shall ignore :-

(i) In the case of Civil Pensioners holding Class I post at the time of retirement, first Rs.1(500) of pension ;

(ii) In the case of others, the entire pension.

(b) The pension for the purposes of sub-clause (a) , shall include pension equivalent of retirement gratuity or gratuity in lieu of pension.

Note 1.- Cases of Government servants who were subject to Contributory Provident Fund should be referred to Government for fixing the initial pay on re-employment.

Note 2 .-Once the pay on re-employment is fixed, the Government servant shall be entitled to receive the benefits of increments even though the total of pension including pension equivalent of retirement gratuity or gratuity in lieu of pension and pay exceeds the substantive pay drawn before retirement, or officiating pay if the Government servant was continuously officiating in that post for at least one year before retirement, but it should not exceed the maximum of the time-scale of the post in which he is re-employed.

1.Substituted b Notification No.RES-1086/CR-52/SER-7,dated 21-11-1986.

Note 3. – When a Government servant is re-employed and his pension is shared between Maharashtra Government and another Government or Local Body, his pension should not be held in abeyance but should be drawn as separate entity.

Note 4- Where, on re-employment, pension is not held in abeyance, increments accruing after re-employment should be based on the consolidated pay,i.e.,pay on re-employment plus pension (including pension equivalent of retirement gratuity or gratuity in lieu of pension).

Note 5- If the pay-scale of the post in which the Government servant is re-employed is revised and the Government servant's pension has not been held in abeyance, his existing pay for the purpose of rule 15 of Maharashtra Civil Services (pay) Rules, 1981 should be taken to be his consolidated pay i.e.pay on re-employment plus pension (including pension equivalent of the retirement gratuity or gratuity in lieu of pension).

Note 6- The upper limit, viz, substantive/ officiating pay at the time of retirement minus pension laid down in sub-rule (2) (a) above is also applicable to re-employment in a part-time post whether carrying a time-scale or an honorarium.

158. Gross amount of pension to be taken into account while fixing pay

(1) In the case of a pensioner who is re-employed in Government service or in the service of a Local Fund and who commuted a portion of his pension after such employment, the amount of pension which the pensioner is entitled to draw under the rules in this Chapter shall be the amount to which he would have been entitled had there been no commutation, less the amount commuted.

(2) In the case of pensioner a portion of whose pension has been commuted before re-employment the original amount of the pension should be taken in to consideration in

fixing the total receipts during re-employment or continued employment and not merely the un commuted pension.

(3) In the case of a re-employed pensioner whose pension is held wholly in abeyance during such re-employment and who commutes a portion of his pension during this period, his pay during re-employment shall be reduced by the amount of pension commuted with effect from the date on which the commutation becomes absolute. In the case of a pensioner whose pension is held partly in abeyance during such re-employment, and who during this period commutes a portion of his pension in excess of the produced, with effect from the date on which the commutation becomes absolute, by an amount representing the difference between the portion of pension commuted and the portion of pension drawn until the commutation.

159. Application of rule 39 to re-employed pensioner

Rule 39 is applicable only when the Government service previous to re-employment has been under the Government of Maharashtra.

160. Fixation of pay of re-employed pensioner drawing pension from another Government or Zilla Parishad

Except as provided in rules 161 & 162, when a person who is drawing his pension from another Government or from a Zilla Parishad is re-employed in the service of the Government of Maharashtra, the authority competent to fix the pay and allowances of the appointment in which the pensioner is re-employed, shall take the amount of pension into account in fixing the pay to be allowed to him and shall fix the initial pay in such a manner that the sum total of the initial pay plus pension does not exceed his substantive pay at the time of his retirement.

Instruction – See clauses (a) to (d) below sub-rule (2) of rule 157.

161. Non-application of rules to Military Warrant or non-commissioned pensioners on re-employment under Civil Service.

Except where it is otherwise expressly provided, the rules in this Chapter do not apply to Military Officer, Warrant or Non-commissioned Officer or Soldier who is taken into or allowed to continue in civil employ after he has been granted a pension under Military Rules. His pension for service in the Civil Department will not be affected by his Military pension.

162. Fixation of pay of Military pensioner on re-employment in Civil Department.

Where a pensioner formerly in Military service, obtains employment in Civil Department after having been granted a Military pension, and continues to draw his Military pension, the authority competent to fix the pay and allowances of the post in which he is re-employed shall, in fixing his pay and allowances in the post reduce his initial pay in the

post by the amount of pension, including such portion of it as may have been commuted and fix the pay as under :-

(a) (i) In the case of Commissioned Officers- Pay on re-employment plus full military pension (including pension equivalent of retirement gratuity or gratuity in lieu of pension, if any) should not exceed the pay drawn before retirement (i.e. basic pay other than allowances of any kind):

Provided that where the pay so fixed is not a stage in the time scale, it should be fixed at the stage next below that pay plus personal pay equal to the difference, and, in either case he will continue to draw that pay until such time as he would have earned an increment in the time-scale of the new post :

Provided further that where the pay so fixed is less than the minimum of the scale, it may be fixed at the minimum.

(ii) In the case of persons retiring before attaining the age of fifty-five years, the amount of pension as shown below shall be ignored in fixing their pay on re-employment :-

(A) In the case of Commissioned Officers, the first 1(Rs. 500) of pension ;

(B) In the case of personnel below Commissioned Officer's rank, the entire pension.

Note – The pension for the purpose of (a) (ii) above shall include pension equivalent of retirement gratuity or gratuity in lieu of pension, if any.

(b) In the case of Junior Commissioned Officers and below – Pay on re-employment shall be fixed at a stage in the time-scale which is equal to the last pay drawn (i.e.basic pay other than allowances of any kind) ignoring the pensionary benefits.

(c) Once the pay is fixed, he shall be allowed to draw normal increments in the time-scale of the new post.

Note – For the purpose of this rule-

(a) Commissioned Officers shall include –

1. Field Marshal,
2. General,
3. Lt-General,
4. Maj.-General,
5. Brigadier,
6. Colonel,
7. Lt.-Colonel,
8. Major,
9. Captain,
10. Lieutenant,
11. Second Lieutenant.

1. Substituted by Notification No.RES-1086/CR-52/SER-7, dated,21-11-1986.

(b) Junior Commissioned officers and below, shall include -

1. Subedar Major and Risaldar Major,
2. Subedar and Risaldar,
3. Naib Subedar,
4. Havildars,
5. Dafadars,
6. Naiks,
7. Lance, Naiks,
8. Sepoy.

163. Commercial employment after retirement.

(1) If a pensioner who, immediately before his retirement was a member of, or held in an officiating capacity, a post belonging to a State Service, Class I, 1(Maharashtra Civil Services (Executive Branch), Upper Division,) or Maharashtra Sales Tax Service, Superintendents of Police, Deputy Commissioners of Police, Deputy Superintendents of Police, Assistant Commissioners of Police and all other pensioners who occupied posts carrying a maximum pay of Rs.1(4,000) per month, wishes to accept any commercial employment before the expiry of two years from the date of his retirement, he shall obtain the previous sanction of the Government to such acceptance 1(by submitting an application in **Form 23.**)

Provided that a Government servant who was permitted by the Government to take up a particular form of commercial employment during his leave preparatory to retirement shall not be required to obtain subsequent permission for his continuance in such employment after retirement.

(2) Subject to the provisions of sub-rule (3), the Government may, by order in writing, 1(on the application made under sub-rule(1) grant permission, subject to such conditions, if any, as it may deem necessary, or refuse permission for reasons to be recorded in the order, 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 ;

1. Substituted by Notification No.PEN-1088/1167/SER-4, dated 5-5-1990.

(b) whether his duties in the employment which he proposed 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 might afford a reasonable basis for the suspicion that such pensioner had shown favour 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) any other relevant factors.

(4) Where within a period of sixty days of the date of receipt of an application under 1(sub-rule (1)) the Government does not refuse to grant the permission applied for or does not communicate the refusal to the applicant, the Government shall be deemed to have granted the permission applied for :

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

(5) Where the 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 orders thereon as it deems fit :

Provided that no order other than an order canceling 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.

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- 1. Substituted by Notification No.PEN-1088/1167/SER-4,dated 5-5-1990.
 - 2. Inserted by Notification No.PEN-1088/1167/SER-4, dated 5-5-1990.

(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 position of the pensioner concerned ;
- (ii) the nature of, any the emoluments from, the commercial employment taken up by the pensioner concerned ; and
- (iii) any other relevant factors.

(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 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 is 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

(iii) to undertake work involving liaison or contact with the offices or offices of the Government.

Explanation – For the purposes of this clause “ employment under a co-operative society” includes the holding of any office, whether elective or otherwise, such as that the 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 Class I post under the Government or in any other equivalent post under a State Government, means the date on which such Government servant finally ceases to be so re-employed in Government service.

164. Employment after retirement under a Government outside India.

(1) If a pensioner to whom this rule applies wishes to accept any employment under any Government outside India, he shall obtain the previous permission of 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 such longer period as the Government may direct :

Provided that a Government servant who was permitted by the appropriate authority 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.

(2) This rule applies to every pensioner who immediately before retirement was a member of, or held in an officiating capacity a post belonging to, a State Service Class I, Maharashtra Civil Service (Executive Branch), Upper Division or Maharashtra Sales Tax Service and to all other pensioners, who occupied posts carrying a maximum pay exceeding 1(Rs.4,000 per month).

1. Substituted by Notification No.PEN-1088/1167/SER-4, dated 5-5-1990.

Explanation – For the purposes of this rule, the expression “employment under any Government outside India” includes employment under a local authority or corporation or any other institution or organization which functions under the supervision or control of a Government outside India, or an employment under an International Organisation of which the Government of India is not a member.

CHAPTER XV-REPEAL AND SAVING

165. Repeal and saving

(1) On the commencement of these rules, every rule, regulation or order including Government Resolutions (hereinafter referred to in this rule as the old rule) in force immediately before such commencement shall, in so far as it provides for any of the matters contained in these rules, cease to operate.

(2) Notwithstanding such ceaser of operation –

(a) (i) every nomination for the payment of death-cum-retirement gratuity, or of Family Pension, 1950;and

(ii) every from regarding the details of family of a Government servant for the purpose of Family Pension , 1964 ;

Which a Government servant had made or given under the old rule shall be deemed to have been made or given under the corresponding provisions of these rules ;

(b) any nomination for the payment of death-cum-retirement gratuity or of Family Pension, 1950 any from regarding the details of family of a Government servant for the purpose of Family Pension, 1964 required to be made or given by a Government servant under the old rule 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 authorization 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 rule as is these rules had not been made ;

(d) any case which pertains to the authorization of death-cum-retirement gratuity and Family Pension to the family of 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 rule as is these rules had not been made ;

(e) Subject to the provisions of clauses (c) and (d), anything done or any action taken under the old rule shall be deemed to have been done or taken under the corresponding provisions of these rules.

APPENDICES

APPNDIX I

(See rule 7)

AUTHORITIES TO WHOM POWERS UNDER MAHARASHTRA CIVIL SERVICES (PENSION) RULES, 1982 HAVE BEEN DELEGATED BY GOVERNMENT

Serial No.	No. of Rule	Nature of power	Authority to whom the power is delegated	Scope	Remarks
1	2	3	4	5	6
1(1)	163	Power to grant permission for acceptance of commercial employment after retirement	Administrative Department of Mantralaya in consultation with General Administration Department and Finance Department.	Full powers	Subject to the fulfillment of criteria laid down in the rule 163(3)

1. Amended by Notification No.PEN-1088/1167/SER-4, dated 5-5-1990.

APPENDIX II

(See exception to rule 30)

GRANT OF TERMINAL BENEFITS TO TEMPORARY EMPLOYEES

1. These rules may be called the Terminal Benefits Rules.
2. Terminal Gratuity;- A temporary employee 1(excluding an employee referred to in the second proviso to rule 30) who retires on superannuation, or is discharged on account of retrenchment, or is declared invalid for further service, will be eligible for a gratuity at the rate of 1/3rd of month's pay for each completed year of service, provided he had completed not less than 5 years continuous service at the time of retirement/discharge/invalidation.
3. Death Gratuity – The family of a temporary Government servant who dies while in service, will be eligible for a death gratuity on the scale and subject to the conditions specified below :-
 - (a) On death after completion of one year's service but before completion of three years service a gratuity equal to one month's pay.
 - (b) On death after completion of three years' service but before completion of five year's service a gratuity equal to two months pay.
 - (c) On death after completion of five years' service or more a gratuity equal to three months' pay or the amount of the terminal gratuity mentioned in rule 2 above, if it is greater.

Note 1- " Pay" for the purpose of determining the amount of terminal death gratuity will mean only pay as defined in rule 9 (36) and also dearness pay admissible under rule 61 at the time of relinquishing service or death as the case may be. It will not include special pay, personal pay and other emoluments classed as " Pay". In case the person concerned was on leave with or without allowance immediately before retirement/discharge/ invalidation /death, pay for this purpose will be the pay which he drew before proceeding on such leave provided that the benefit of increase in pay not actually drawn due to increment or promotion to a post carrying a higher rate of pay, falling during leave not exceeding 180 days of leave will be taken into account.

Note 2- The gratuity shall be paid to the members of the family in the order of preference in sub-rule (5) below rule 111 in Chapter IX.

1. Inserted w.e.f.1-1-1986 by Notification NO.PEN-1088/1167/SER-4,dated 5-5-1990.

4. No gratuity will be admissible-
 - (a) in cases where the employee concerned resigns his post or is removed/ dismissed from public service ;
 - (b) to a probationer or other Government servant discharged for failure to pass the prescribed test or examination ;
 - (c) to re-employed pensioners-
 - (i) who retired from Civil Services on Retiring or Superannuation Pension, or

(ii) who retired from the Defence Services with Retiring / Service/ Invalid Pension and had reached on the date of re-employment, superannuation age as application on the civil side to the category of posts to which the re-employment is made.

Note 1- The gratuity admissible to re-employed pensioners who are not covered by clause (c) above will, however, be subject to the limitation prescribed in sub-rule (3) of rule 39 the Maharashtra Civil Services(Pension) Rules, 1982.

Note 2- Re-employed pensioners who are permitted to contribute to the Contributory Provided Fund in terms of Government Resolution, General Administration Department, No.PFR-1060-J, dated 20th April 1961, should not be held eligible for any gratuity.

5. Where the amount of Government contribution together with the interest thereon standing to the credit of employees who have been admitted to Contributory Provided Fund or Workmen's Contributory Provident Fund is less than the amount which would have been admissible to them or their families, had they not been admitted to the aforesaid fund, then in such cases, the difference between the gratuity that would have been admissible under these rules had the employees in question not been admitted to the said Funds, and the Government contribution with interest thereon, standing to their credit in the funds mentioned above may be allowed.

6. These rules are not applicable to -

- (a) Government servants, not in whole time employment,
- (b) Government servants engaged on contract,
- (c) Government servants paid out of contingencies,
- (d) Persons employed in work-charged establishment.

APPENDIX III

(See rule 103)

RULES REGULATING THE GRANT OF GRATUITIES FORM THE COMPASSIONATE FUND

SECTION A

1.(a) The Compassionate Fund is intended for the relief of families of Government servants paid monthly from Consolidated Fund of the State, whether their rates of pay are fixed on a daily or a monthly basis, if they are left in indigent circumstances through the premature death of the person upon whom they depended for support :

Provided that no application will be considered which is not submitted to the department of Government concerned within one year of the death of the Government servant, unless the delay in submission is sufficiently explained. (it is most desirable that application should be submitted as promptly as possible after the death of a Government servant.)

(b) The fund is formed by an annual grant which will be fixed by the Government from year to year. The amount will be divided into six bi-monthly instalments. The unexpended balance of each bi-monthly instalment will be carried forward for utilisation during the remaining period of the same financial year but not in the subsequent year.

Exception – Awards from the fund are not admissible to those who are eligible for the benefits of Pension.

Note – In forwarding an application for assistance from the Compassionate Fund, the Head of the Department should submit an independent report on the financial condition of the applicant from the Collector, District Magistrate or Tahsildar of the place where the applicant resides.

2. In all cases of applications for assistance from the Compassionate Fund, the treasury at which payment is desired, in the event of assistance being granted, should be specified and the following particulars in respect of the person to whom the gratuity is to be paid should be furnished :-

- (i) Full name,
- (ii) Marks of identification,
- (iii) Height,
- (iv) Race, Section,
- (v) Residence showing village and taluka
- (vi) Date of birth
- (vii) Signature or left-hand thumb and finger impressions :-
Small finger Ring finger Middle finger Index finger Thumb
() () () () ()

The above particulars should be submitted in duplicate (on separate sheet) and attested by two or more persons of respectability in the town, village or taluka in which the applicant resides.

Note – Where the applicant is a minor, information on the above lines should also be furnished in respect of his/her guardian (appointed by a competent authority).

The conditions which regulate a grant from the fund are :-

- (1) Grants from the Fund are restricted to cases of an exceptional character.
- (2) The deceased Government servant must have been a meritorious public servant. Unusually meritorious service gives special claim for consideration.
- (3) Death due to special devotion to duty establishes strong claim for consideration.
- (4) In more ordinary cases preference should be given to the dependents of Government servants who have completed many years service and have just failed to draw their pension.

- (5) Other things being equal, preference should be given to those who have been on low rates of pay.
- (6) As a general rule, a grant should not be given if the salary of the deceased Government servant exceeds Rs.900 a month.
- (7) Assistance should seldom be given to families of Gazatted. Government servants.
- (8) No application for gratuity from dependents of Class IV Government servants who drew monthly pay of Rs.196 and above and did not subscribe to the Provident Fund will be entertained.

3. The rules for sanctioning grants are:-

- (1) No pension is granted from the Fund but in some cases yearly grants are made for a limited period to defray the expenses of the education of children.
- (2) The maximum gratuity payable in any individual case is Rs.5,000. The precise amount in all cases is fixed according to the number of members in the family and the necessities of the case, the equivalent of a year's pay of the deceased being considered as a suitable maximum in cases in which the circumstances are such as to require liberal treatment, but in most ordinary cases six month's pay is regarded as sufficient.

4.(1) The fund will be administered by a Committee consisting of the Chief Minister, the Finance Minister, and one of the other Ministers, appointed by the Chief Minister, and in case where the Chief Minister is also the Finance Minister, he and two of the other Ministers appointed by him. On receipt of an application in the Finance Department, the facts will be summarized and put up before the Compassionate Fund Committee without comment in six batches every year viz., in April, June, August, October, December and February. The Committee's decision will be communicated by the Finance Department direct to the authority submitting the application, the Department concerned and the Audit Officer.

(2) Should the allotment available for a bi-monthly batch be insufficient to meet cases which the Committee specifies as hard cases they will be eligible for being carried forward to the next batch but not on more than two occasions.

(3) Decision of the Committee on all matters relating to the fund or payment there from will be final.

(4) All awards from the Fund will be purely ex-gratia.

Formula adopted by Compassionate Fund Committee.

The working formula which is adopted for the purpose of recommending to the Committee, figures of gratuity to be paid from Compassionate Fund is as follows:

Gratuity equivalent to one month's pay for every completed year of service for the first six years of service and thereafter half month's pay for every completed year of service subject to a minimum of 2 months' pay and maximum of 12 months' pay. Amounts according to this formula calculated are reduced if necessary on pro-rata basis to fit in with the amount available for distribution.

SECTION B

Form of particulars required to be furnished in each case of recommendation for the grant of gratuities from the Compassionate Fund

Each of the following questions should be answered carefully. Any omission or lack of clearness will cause further correspondence and consequent delay in the submission of cases to the Compassionate Fund Committee :-

- (1) Name and designation of the deceased Government servant.
- (2) (a) Date of death
(b) Date of application made by a member of the family of the deceased Government servant.
(c) In case the application was not submitted to the Department of the Mantralaya concerned within one year of the death of the deceased Government servant, what are the reasons for the delay ?
- (3) Pay at the time of death.
- (4) Remarks of superior officer on deceased Government servant's work.
- (5) Circumstances under which death occurred indicating whether it was due to or accelerated by special devotion to duty and if it was due to plague, cholera or small-pox whether the deceased Government servant was inoculated or vaccinated against it by way of preventive treatment and if so, when?
- (6) Total service, whether pensionable, non-pensionable or work charged ?
- (7) Whether the deceased Government servant was a subscriber to the Contributory Provident Fund ?
- (8) Whether the deceased Government servant was a subscriber to the General Provident Fund ? If so, the amount of his deposits in the Fund should be stated
- (9) Whether the deceased Government servant was insured ? If so, the amount for which he was insured should be stated.
- (10) Whether the deceased Government servant has left any moveable or immoveable property ? If so, state its value and the annual income derived from it.

(11) The following information regarding the dependents of the deceased Government servant :-

Sr.No.	Name	Relationship	Age	Occupation
1	2	3	4	5

- (12) Where there are any relatives who are in a position to give help ?
- (13) What are the dependents means of subsistence, apart from the property left by the deceased ?
- (14) On what ground is the case considered to be of an exceptional character ?
- (15) Amount of gratuity proposed.
- (16) General

SECTION C

To ensure submission of application for compassionate gratuity to the Compassionate Fund Committee within six months from the date of the receipt thereof the following instructions should be strictly observed

(i) For guidance of Heads of Office- As soon as an application for compassionate gratuity is received from a member of the family of a deceased Government servant who is not eligible for the benefits of Pension Rules contained in Maharashtra Civil Services (Pension) Rules, 1982, the Head of Office should forward a copy thereof to the Head of Department and also to the Department of Mantralaya concerned. The Head of Office should simultaneously obtain from the applicant -

- (a) full particulars as required under Section B of this Appendix ;
- (b) the descriptive roll of the applicant as in rule 2 in Section A of this Appendix ; and
- (c) the information regarding the treasury at which payment is desired.

On receipt of these particulars from the applicant, the Head of Office should send a copy of the form of particulars, duly filled in, direct to the Tahsildar of the taluka in which the applicant resides for verification and submission of a report regarding the financial conditions of the applicant within a fortnight. If the Head of Office experiences any difficulty in obtaining the requisite particulars from the applicant, he should ask the Tahsildar concerned to obtain them and forward the same to him along with the report regarding the financial position of the applicant. Special care should be taken to see that the case is not prepared in a perfunctory manner as any omission in the required particulars will result in correspondence and consequential delay in submission of the case to the Compassionate Fund Committee. The entire enquiry should be completed expeditiously and both the particulars and the documents required by Government should be forwarded to the Head of the Department concerned with the least possible delay, and in any case not later than three months from the date of the application. If a Head of Office feels that the case cannot be forwarded by him within the stipulated period, he should report the circumstances in which it will not be possible to adhere to the time – limit to the Department of Mantralaya concerned through the Head of Department and ask for extension of time for a specified period. The Department of Mantralaya should then submit the report to its Secretary for extension of time-limit.

(ii) For guidance of Heads of Department- The main function of Head of Department so far as the disposal of compassionate gratuity cases is concerned, is to ensure that complete particulars and documents as required under the rules are received by him from the Head of Office within the stipulated period of three months from the date of application. As soon as the original application (together with the required particulars and documents) is received in his office, the Head of Department should forward the same to the Finance Department through the Department of Mantralaya concerned along with his recommendation. In no case should be taken for this purpose more than one month from the date of receipt of the original application.

(iii) For guidance of Department of Mantralaya – It is the responsibility of the Department of Mantralaya concerned to see that the respective time-limits prescribed for the Head of Office and the Head of Department are scrupulously observed. Once an advance copy of application from the Head of Office is received, the Administrative Department concerned should watch the progress of the case with a view to ensuring its submission in time. In forwarding the original application to the Finance Department, the Department of Mantralaya should specify whether it supports the recommendation of the Head of Department. The time-limit allowed for the Department of Mantralaya is one month from the date of receipt of the original application from the Head of Department.

APPENDIX IV

(See rules 22,62 (8) and 117(9))

EXTRAORDINARY FAMILY PENSION

1. Enquiry by Head of Department as to the circumstances in which Government servant died.

- (1) When an application for family pension under sub-rule (2) below is received, the Head of the Department or office in which the deceased Government servant was employed shall hold a formal inquiry, taking evidence as to the circumstances in which the Government servant dies, and the relationship and the pecuniary circumstances of the claimants, and also at his discretion require a medical report if it has not been submitted with the application.
- (2) He shall then submit the application in **Form 27** through his official superior to the authority competent to sanction it together with a statement of circumstances of the case and his own recommendation.
- (3) The authority competent to sanction pension shall, if it considers that a pension should be granted, forward the application to the Audit Office.

2. Conditions under which Extraordinary Family Pension is granted.

Government may sanction the grant of a Family Pension to the family of a Government servant who is killed or who dies of injuries received or disease contracted in the circumstances described in rules 89 and 90 if the deceased Government servant had not opted for the Family Pension, 1964.

3. Conditions governing the grant of Family Pension under Army Regulations, India.

When the amount of a family pension granted under these rules is regulated by the rates laid down in Army Regulations, India, the following conditions shall be observed :-

- (a) The conditions of the grant shall be regulated by Army Regulations, except in so far as Government may in any case modify those conditions in order to adopt them to meet the laws or customs applicable to the families concerned.
- (b) The Family Pension of a widow shall cease on remarriage but when such remarriage is annulled by divorce, desertion or death of the second husband, her pension may be restored at the discretion of Government upon proof that she is in necessitous circumstances and otherwise deserving.

4. Fixation of amount of Family Pension and eligibility therefore

- (1) If a Family Pension is granted under rule 2 above to the family of a Government servant who is killed or dies of a wound or injury received while serving in a civil capacity with a military force, its amount shall be one-half of his pay subject to a maximum of Rs.250 per mensem and a minimum of Rs. 60 per mensem:

Provided that if a Government servant was drawing a pay of Rs. 500 per mensem or more, Government may sanction to him a pension, exceeding the maximum limit mentioned above, but limited to ½ of pay last drawn or Rs. 300 whichever is less.

- (2) For the purpose of awarding a Family Pension under this rule, the term “ family” includes only wife, legitimate child, and father or mother, dependent upon the deceased for support.
- (3) The pension is allotted –

- (i) to the eldest surviving son for the support of the family ;
- (ii) failing a son , to the eldest widow for the same purpose ;
- (iii) failing both sons and widows, to the eldest surviving unmarried daughter, for the same purpose;
- (iv) these failing , to the father for the same purpose ;
- (v) failing (i) to (iv) to the mother for the same purpose .

(4) The pension to a male is tenable as follows :-

- (i) if the pensioner is under six years of age, till he is eighteen years old ;
- (ii) if not under six, but under fifty years, for twelve years ;
- (iii) if over fifty years, for life.

(5) The pension to a female is for life or in the case of an unmarried daughter until marriage, but on her suitable marriage, Government may at their discretion grant her for marriage expenses an amount not exceeding five years' pension provided that the pension is not regranted to any other member of the family under sub-rule (2) above.

Note –A pension granted to a female infant shall, in the absence of special orders to the contrary, last until she leaves her own family to cohabit with her husband, or being married, attains the age of 18 years, whichever event happens first.

(6) In awarding a Family Pension under this rule, Government may make such modifications in the mode of allotment or conditions of tenure set forth in sub-rules (3) to (5) as Government may consider desirable, with a view to adopting these to the legal or customary conditions applicable in the case of the family to be benefited, or to providing against the improper application of the pension or its premature cessation. Government may also award the pension to a dependent who does not strictly fall within the definition of ‘ Family’ . The awards granted to dependents, other than widows and children of deceased Government servants, are subject to review, should there be an improvement in the pecuniary circumstances of the beneficiaries.

Instruction – The duty of watching the improvement in the pecuniary circumstances of family pensioners, other than widows and children of deceased Government servants, should be entrusted to the Collectors in the case of pensioners residing in their districts. Standard Form No.Genl.216 is prescribed for the purpose. The Collectors should obtain copies of the form from the Manager, Yeravada Prison Press, Pune and supply them to the family pensioners residing in their charges in the month of March every year. After they are filled in by the pensioners the officers should forward them with their remarks not later than 30th September to the Department of the Mantralaya under whose control the deceased Government servants were last employed. On receipt of these reports the Department will consider in consultation with the Finance Department whether the pension s should be continued at the sanctioned rates, reduced or entirely stopped. No orders of Government will be issued unless the family pensions are reduced or entirely stopped and until such orders are issued, the Treasury Officers should continue to pay such pensions at the sanctioned rates.

(7) On the cessation of the pension through death, marriage or other cause, Government may, at their discretion, regrant it in whole or in part to members of the family lower down in the scale prescribed in sub-rule (3) who may have been dependent on it for support, and for such period as they may consider desirable, not exceeding that admissible under sub-rule (4) or (5) for an original grant.

5. Family pension granted in cases falling under rule 2 above

If a family pension is granted under rule 2 to the family of a Government servant who is killed or dies of wounds or injuries received while serving in a military capacity with a military force, its amount

shall be regulated either by the provisions of Articles 740-743 of the Civil Services Regulations or by the Military Regulations governing the Government servant's employment with the military force, according as the Government servant may have elected. If the Government servant has made no election, the amount of the pension shall be regulated by whichever of these methods is more favorable to the family.

6. Amount of Family Pension shall be as prescribed under rule 4

If a family pension is granted under rule 2 above, the family of a Government servant who has lost his life in the performance of a duty which increased his liability to injury beyond the ordinary risk of the post which he held, its amount shall be regulated as prescribed in rule 4.

7. Fixation of amount of Extraordinary Family Pension by Government on consideration of all circumstances of case

If a family pension is granted under rule 2 above, the family of a Government servant who is killed in, or in consequence of the due performance of his official duties or because of his official position, its amount shall be fixed by Government on a consideration of all circumstances of the case :

Provided that it shall not exceed the maximum amount admissible under rule 4 above or a gratuity equivalent to such maximum pension.

8. Minimum amount of Extraordinary Family Pension

If a family pension is granted under rule 2 above to the family of a Government servant who dies from the effect of injury to his health sustained in the execution of his official duties, its amount shall be fixed by Government subject to a maximum limit of Rs.60 a month, or, if it be gratuity, of the equivalent of Rs.60 a month or Rs.2,000 whichever is greater :

Provided that if a Government servant was drawing a pay of Rs.250 per mensem or more, Government may sanction to him a pension or gratuity, exceeding the maximum limits mentioned above, but limited to ½ of pay last drawn or Rs.300 whichever is less.

9. Amount of Extraordinary Family Pension when a Government servant dies in the circumstances described under rule 97.

If a family pension is granted under rule 2 above to the family of a Government servant who is killed or who dies of injuries received in the circumstances described in rule 97, its amount shall be fixed by Government as follows :-

(1) The pension to be given to the family (widow and children of a deceased Government servant) should be equal to 50 per cent of substantive pay. Where pay drawn at the time of death is not substantive pay, lowest pay (other than leave salary) drawn during the twelve months immediately before death may be deemed to be 'substantive pay'.

(2) The pension payable under sub-rule (1) above should be distributed between the widow of the deceased and his children at the discretion of Government. In the absence of any special circumstances, each child may be paid an allowance not exceeding 10 per cent or 15 per cent of the deceased's pay, according as there is or there is not a widow subject to the condition that the total of all children's allowances shall not exceed one-half of the pension admissible under sub-rule (1) above.

(3) The pension to the widow should be for life or till she remarries.

The pension to the male child should be until he attains the age of 21 or until the child starts earning, whichever is earlier.

The pension to the female child should be until she marries, or until she starts earning or until she attains the age of 24, whichever is earlier.

(4) Where the deceased leaves behind parents, brother and sisters, who were wholly dependent on him for support, Government may at its discretion and subject to provisions of sub-rule (6) of rule 4 above allot to them a portion or portions of the pensions payable to widow and children under sub-rules(1), (2) and (3) of this rule. The pensions to the father and mother may be tenable for the period mentioned in sub-rule (4) and (5) respectively of rule 4 above and to brother and sisters for the periods mentioned in sub-rule (3) above.

(5) All such pensions shall be subject to the following minimum and maximum limits :-

	Minimum	Maximum
	Rs	Rs.
(i) Widow's pension	30	250
(ii) Child's pension (where there is also a widow)	5	50
(iii) Child's pension (where there is no widow).	10	75

Provided that the total pension sanctioned in respect of each person shall not exceed the substantive pay of the Government servant as defined in sub-rule (1) above, or Rs.500, whichever is less.

Note – Family pension, if granted under rule 2 above to the family of a Government servant who is murdered consequent to the performance of his duty will be fixed under this rule and not under rule 8 even if the murder cannot be proved to have occurred in the circumstances described in rule 97.

APPENDIX V
FORMS
FORM 1
(See rule 115 (1))

Nomination for 1(Retirement gratuity/Death gratuity)

When the Government servant has a family and wishes to nominate one member, or more than one member, thereof.

I.....hereby nominate the person/persons mentioned below who is/are member(s) of my family, and confer on him/them the right to receive, to the extent specified below, any gratuity that may be sanctioned by the Government of Maharashtra in the event of my death while in service and the right to receive on my death, to the extent specified below, any gratuity which having become admissible to me on retirement may remain unpaid at my death :-

Original nominee (s)			Alternate nominee (s)		
Name (s) and address (es) of nominee/nominees	Relationship With the Government Servant	Age	Amount or share of gratuity payable to each *	Name, address, relationship and age of the person or persons, if any, to whom the right conferred on the nominee shall pass in the event of the nominee predeceasing the Government servant or the nominee dying after the death of the Government servant but before receiving payment of gratuity.	Amount or share of gratuity payable to each +
(1)	(2)	(3)	(4)	(5)	(6)

*This column should be filled in so as to cover the whole amount of the gratuity.

+ The amount/share of the gratuity shown in this column should cover the whole amount/share payable to the original nominee (s)

1. Substituted by Notification No.PEN-1088/1167/SER-4, dated 5-5-1990.

This nomination supersedes the nomination made by me earlier onwhich stands cancelled.

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

(ii) Strike out which is not applicable.

Dated this day of 19 at

Witnesses to signature –

1

2

Signature of Government Servant.

(To be filled in by the Head of Office/Audit Officer)

Nomination by

Designation.....

Office.....

Signature of Head of Office/
Audit Officer.

Date

Designation.....

**Proforma for acknowledging the receipt of the Nomination
Form by the Head of Office/Audit Officer**

To

.....
.....
.....

Sir

In acknowledging the receipt of your nomination, dated thecancellation, dated the
.....of the nomination made earlier in respect of gratuity in Form
..... I am to state that it has been duly placed on record.

Signature of Head of Office/
Audit Officer.

Place

Dated the

(Designation)

Note – The Government servant is advised that it would be in the interest of his nominees if copies of the nominations and the related notices and acknowledgements are kept in safe custody so that they may come into the possession of the beneficiaries in the event of his death.

FORM 2

(See rule 115 (1))

Nomination for 1(Retirement gratuity /Death gratuity)

When the Government servant has no family and wishes to nominate one person or more than one person.

I.....having no family, hereby nominate the person/persons mentioned below and confer on him/them the right to receive, to the extent specified below, any gratuity that may be authorised by the Government of Maharashtra in the event of my death while in service and the right to receive on my death, to the extent specified below, any gratuity which having become admissible to me on retirement may remain unpaid at my death :-

Original nominee (s)			Alternate nominee (s)		
Name (s) and address (es) of nominee/nominees	Relationship With the Government Servant	Age	Amount or share of gratuity payable to each *	Name, address, relationship and age of the person or persons, if any, to whom the right conferred on the nominee shall pass in the event of the nominee predeceasing the Government servant or the nominee dying after the death of the Government servant but before receiving payment of gratuity.	Amount or share of gratuity payable to each +
(1)	(2)	(3)	(4)	(5)	(6)

*This column should be filled in so as to cover the whole amount of the gratuity.

+ The amount/share of the gratuity shown in this column should cover the whole amount/share payable to the original nominee (s)

1. Substituted by Notification No.PEN-1088/1167/SER-4, dated 5-5-1990.

This nomination supersedes the nomination made by me earlier onwhich stands cancelled.

Note –(i) The Government servant should draw lines across blank space below the last entry to prevent the insertion of any name after he has signed.

(ii) Strike out which as not applicable.

Dated thisday of19 at

Witnesses to signature –

1.....

2.....

Signature of Government Servant.

(To be filled in by the Head of Office/Audit Officer)

Nomination by
Nomination by
Designation.....
Office.....

Signature of Head of Office/
Audit Officer.

Date
Designation.....

**Proforma for acknowledging the receipt of the Nomination
Form by the Head of Office/Audit Officer**

To
.....
.....
.....

Sir

In acknowledging the receipt of your nomination, dated thecancellation, dated the
.....of the nomination made earlier in respect of gratuity in Form
.....I am to state that it has been duly placed on record.

Signature of Head of Office/
Audit Officer.

Place
Dated the

(Designation)

Note – The Government servant is advised that it would be in the interest of his nominees if
copies of the nominations and the related notices and acknowledgements are kept in safe
custody so that they may come into the possession of the beneficiaries in the event of his
death.

FORM 3

(See rule 116(14))

Details of Family

Name of the Government servant :-

Designation :-

Date of birth:-

Date of appointment :-

Details of the members of my family* as on

Serial No.	Name of the members of family *	Date of Birth	Relationship with the Government servant	Signature of the Head of Office	Remarks
1	2	3	4	5	6
1					
2					
3					
4					
5					
6					
7					
8					
9					

I hereby undertake to keep the above particulars up-to-date by notifying to the Audit Officer/Head of Office any addition or alteration.

Place :.....

Dated the.....

Signature of Government servant

* Family for this purpose means family as defined in Clause (b) of sub-rule (16) of rule 116 of Maharashtra Civil Services (pension) Rules,1982.

Note :- Wife and husband shall include respectively judicially separated wife and husband.

FORM 4

(See rule 117(7))

Nomination for Family Pension,1950

I.....hereby nominate the person(s) mentioned below, who is/are members(s) of my family to receive in the order shown below the Family Pension, 1950 which may be granted by the Government of Maharashtra in the event of my death after completion of ten years qualifying service.

Name(s) and address (es) of nominee(s)	Relationship with the Government servant	Age	Whether married or unmarried.
(1)	(2)	(3)	(4)

--	--	--	--

This nomination supersedes the nomination may by me earlier onwhich stands cancelled.

Note :- The Government servant should draw lines across blank space below the last entry to prevent the insertion of any name after he has signed.

Dated thisday of.....19 at

Witnesses to signature –

1.....

2.....

Signature of Government servant
and Designation.

(To be filled in by the Head of Office/Audit Officer).

Nomination by

Designation

Office.....

Signature of Head of Office/
Audit Officer.

Dated

Designation.....

Proforma for acknowledging the receipt of the Nomination Form by the Head of Office/Audit Officer

To

.....
.....
.....

Sir,

In acknowledging the receipt of your nomination, dated thecancellation, dated thethe nomination made earlier in respect of Family Pension, 1950 in Form I am to state that it has been duly placed on record.

Signature of Head of Office/
Audit Officer.
Designation.

Place.....

Dated the.....

FORM 5

{See rules 121 (1) (c) and 123 (1)}

Particulars to be obtained by the Head of Office from the retiring government servant eight months before the date of his /her retirement

1. Name of the Government servant
2. (a) Date of birth
(b) Date of retirement
3. * Two specimen signatures (to be furnished in a separate sheet) duly attested by a Gazetted Government servant.
4. ** Three copies of passport size joint + photograph with wife or husband (To be attested by the Head of Office).
5. Two slips showing the particulars of height and personal +identification marks duly attested by a Gazetted Government servant.
6. Present address.
7. = Address after retirement.
8. Name of the Government Treasury or the Branch of Public Sector Bank through which the pension is to be drawn.
9. @ Details of the family in Form 3.

Place

Signature
Designation
Department/Office.

Dated the

* Two slips each bearing the left hand thumb and finger impressions duly attested may be furnished by a person who is not literate enough to sign his name. If such a Government servant on account of physical disability is unable to give left hand thumb and finger impressions he may give thumb and finger impressions of the right hand. Where a Government servant has lost the hands, he may give his toe impressions. Impressions should be duly attested by a Gazetted Government servant.

** Two copies of the passport size photograph of self only need the furnished-

(i) if the Government servant is governed by rule 116 of Maharashtra Civil Services (Pension) Rules, 1982 and is unmarried or a widower or widow :

(ii) if the Government servant is governed by rule 117 of Maharashtra Civil Services (Pension) Rules,1982.

+Where it is not possible for a Government servant to submit a photograph with his wife or her husband, he or she may submit separate photographs. The photographs shall be attested by the Head of Office.

+ Specify a few conspicuous marks, not less than two, if possible.

=Any subsequent change of address should be notified to the Head of Office.

@ Applicable only where rule 116 of Maharashtra Civil Services (Pension) Rules,1982 applies to the Government servant.

FORM 6

{See rules 120,122,123 (1) and (3) and 127 (1) }

Form for assessing pension and gratuity

(To be sent in duplicate if payment is desired in another Audit Circle)

PART I

1. Name of the Government servant
2. Father's name (and also husband's name in the case of a female Government servant).
3. Date of birth (by Christian era).
4. Religion
5. Permanent residential address showing village, town, district and State.
6. Present or last appointment including name of establishment :-
 - (i) Substantive
 - (ii) Officiating, if any.
7. Date of beginning of service
8. Date of ending of service
9.
 - (i) Total period of Military service for which pension or gratuity was sanctioned.
 - (ii) Amount and nature of any pension/gratuity received for the Military service.
10. Amount and nature of any pension/ gratuity received for previous civil service.
11. Government under which service has been rendered in order of employment Year months days
12. Class of pension applicable
13. The date on which action initiated to :-

(i) obtain the 'No demand certificate' from the Executive Engineer concerned as provided in rule 119 of the Maharashtra Civil Services (Pension) Rules, 1982 ;

(ii) assess the service and pay qualifying for pension as provided in rule 121 of the Maharashtra Civil Services (Pension) Rules, 1982;

(iii) assess the Government dues other than the dues relating to the allotment of Government accommodation as provided in rule 134 of the Maharashtra Civil Services (Pension) Rules, 1982.

14. Details of omissions, imperfections, or deficiencies in the service book which have been ignored under rule 121 of the Maharashtra Civil Services (Pension) Rules, 1982.

15. Total length of qualifying service (for the purpose of adding towards broken periods, a month is reckoned as thirty days).

16. Period of non-qualifying service :-

	From	To	Y.M.D.
(i) Interruption in service condoned under rule 48 of the Maharashtra Civil Services (Pension) Rules, 1982.			
(ii) Extraordinary leave specifically sanctioned not to qualify for pension.			
(iii) Period of suspension not treated as qualifying service.			
(iv) any other service not treated as qualifying service.			
Total ..			

17. Pay reckoned for gratuity.

18. Average pensionable pay.

@ Pay earned during the last ten months of service.

Post Held	From To	Pay	Personal/special Pay/ Dearness Pay/ Non practicing Allowance	Total 3 + 4	Amount

1	2	3	4	5	6
		Rs.	Rs.	Rs.	Rs.
				Grand Total...	
				Pensionable Pay	

@ (i) In a case where the last ten months include some period not to be reckoned for calculating average pay, an equal period back ward has to be taken for calculating average pay.
(ii) The calculation of average pay should be based on actual number of days contained in each month.

19. Date on which Form 5 has been obtained from the Government servant (To be obtained eight months before the date of retirement of Government servant).
20. (i) Proposed pension.
(ii) Proposed relief on pension.
21. Proposed 1(retirement gratuity)
22. Date from which pension is to commence.
23. Proposed amount of provisional pension. (If department or judicial proceedings is instituted against the Government servant before retirement.)
24. Details of Government dues recoverable out of gratuity and Head of Account to which they are to be credited.

(i) Licence fee for the allotment of Government accommodation (See sub-rules(2),(3) and (4) of rule 133 of Maharashtra Civil Services (Pension) Rules, 1982.)

(ii) Dues referred to in rule 134 of Maharashtra Civil Services (Pension) Rules, 1982.
25. Whether nomination made for

(i) 1(Retirement gratuity/Death Gratuity)

(ii) Family Pension, 1950, if applicable.
26. Whether Family Pension,1964 applies to the Government servant and if so :-

(i) Pay reckoning for the family pension.

1. Substituted by Notification No.PEN-1088/1167/SER-4, dated 5-5-1990.

(ii) The amount of the family pension becoming payable to the family of the Government servant, if death takes place after retirement,-

(a) before attaining the age of 65 years, or Rs.....

(b) after attaining the age of 65 years. Rs.....

(iii) Complete and up-to-date details of the family as given in Form 3 :-

Serial No.	Name of the member of the family	Date of birth	Relationship with the government servant.
1	2	3	4
1			
2			
3			
4			
5			

27. Height
28. Identification marks
29. Place of payment of pension (Government Treasury or Branch of Public Sector Bank).
30. Head of Account to which pension and gratuity are debitale.

Signature of the Head of Office.

PART II
Section I

Audit Enfacement

-
1. Total period of qualifying service which has been accepted for the grant of Superannuation or Retiring or Invalid or Compensation or Compassionate Pension and gratuity with reasons for disallowance, if any (other than disallowance indicated in Part I of this Form).
 2. Amount of Superannuation or Retiring or Invalid or Compensation or Compassionate Pension or gratuity that has been admitted.
 3. The date from which Superannuation or Retiring or Invalid Compensation or Compassionate Pension or gratuity is admissible.
 4. Head of Account to which superannuation or Retiring or Invalid or Compensation or Compassionate Pension or gratuity is chargeable.
 5. The amount of the Family Pension, 1964 becoming payable to the entitled members of the family in the event of death of the Government servant after retirement.
-

Section II

1. Name of the Government servant :
2. Class of pension or gratuity :
3. Amount of pension authorised :
4. Amount of gratuity authorised :
5. Date of commencement of pension :
6. Amount of family pension in the event of death after retirement :-
(i) if death takes place before 65 years of age ; or

(ii) if death takes place after 65 years of age.
7. The amount of relief admissible on pension
8. The Government dues recoverable out of

gratuity before authorising its payment.

9. The amount of gratuity held over for adjustment of unassessed Government dues.
 10. Date on which the pension papers received by the Audit Officer.
-

1(PART III

Pension Calculation Sheet

1. Name :
2. Designation of the post from which retired :
3. Office/Department last served :
4. Date of Birth:
(in figures and words)
5. Date of superannuation/retirement :
6. Rules under which pensionary benefits were settled :
7. Qualifying service for pension
Indicating separately :-

(i) Addition to qualifying service, for example, under rule 53 of the Maharashtra Civil Services (pension) Rules, 1982, and

(ii) Period of service not qualifying for pension with the reasons for not qualifying, indicated against each :
8. Pay drawn during the last 10 months (along with the pay scale) preceding retirement / superannuation:
9. Computation of pensionable pay on which pension is fixed :
10. Total amount of pension and family pension admissible :
11. Details of commutation of pension -
(i) Percentage amount of monthly pension commuted ; and

(ii) Amount of commuted value of pension

authorised.

12. Computation of Retirement Gratuity :
13. Amount of Retirement Gratuity :
14. Remarks :

Note- The calculation sheet should be prepared in triplicate and certified at the bottom before it is passed on to Audit Officer.)

1. Inserted w.e.f. 1-1-1986 by Notification No.PEN-1088/1167/SER-4,dated 5-5-1990.

FORM 7

(See Rule 123(1))

Form of letter of the Audit Officer forwarding the pension papers of a Government servant

No.....
Government of Maharashtra
Department / Office.....
Dated the

To
The Accountant General.

Subject – Pension papers of Shri/Shrimati/Kumari.....for authorization of pension.

Sir,

I am directed to forward herewith the pension papers of Shri/Shrimati/Kumari.....of this Department /Office for further necessary action.

2. The details of Government dues which will remain outstanding on the date of retirement of the Government servant and which need to be recovered out of the amount of 1(retirement gratuity) are indicated below :

- | | | |
|-----|--|-----|
| (a) | Balance of the house building or conveyance advance. | Rs. |
| (b) | Over payment of pay and allowances including leave salary. | |
| (c) | Income tax deductible at source under the Income Tax Act, 1961 (43 of 1961). | |
| (d) | Arrears of licence fee for the retention of Government accommodation. | |

- (e) The amount of licence fee for the retention of Government accommodation for the permissible period of one month beyond the date of retirement.
- (f) Any other assessed dues and the nature thereof
- (g) The amount of gratuity to be withheld for adjustment unassessed dues, if any.

Total _____

1. Substituted by Notification No.PEN-1088/1167/SER-4, dated 5-5-1990.

@@3.(a) No departmental enquiry is either pending or proposed to be held against Shri /Shrimati/ Kumari

(b) Departmental enquiry is pending /or proposed to be held against Shr/Shrimati/Kumari..... and a provisional pension amounting to Rs.....per month with effect from19 to19 has been sanctioned.

4. Your attention is invited to the list of enclosures which is forwarded herewith.

5.The receipt of this letter may be acknowledged and this Department / Office informed that necessary instructions for the disbursement of pension have been issued to concerned Treasury Officer.

6. The 1(retirement gratuity) will be drawn and disbursed by this Department/Office on receipt of authority from you. The outstanding Government dues as mentioned in para 2 above will also be recovered out of the 1(retirement gratuity) before making payment.

Yours faithfully,

Head of Office.

List of Enclosures :

1. Form 5* and Form 6 duly completed.
2. Medical certificate of incapacity (if the claim is for Invalid Pension).
3. Statement of the savings effected and the reasons why employment could not be found elsewhere (if claim is for Compensation Pension or gratuity).
4. Service Book (date of retirement to be indicated in the service book.

@@ Strike out which is not applicable. Item (b) in para. 3 above is applicable when the pension papers are referred to Audit Officer for verification after the retirement of the Government servant.

* If a Government servant is compulsorily retired from service and delay is anticipated in obtaining Form 5 from the Government servant, the Head of Office may forward the pension papers to the Audit Officer without Form 5. The Form may be sent as it is obtained form the Government servant.

1. Substituted by Notification No.PEN-1088/1167/SER-4, dated 5-5-1990

5. Two specimen signatures, duly attested by a Gazetted Government servant or in the case of pensioner not literate enough to sign his name, two slips bearing the left hand thumb and finger impressions, duly attested by a Gazetted Government servant.

** (b) Three copies of passport size photograph with wife or husband (either jointly or separately) duly attested by the Head of Office.

(c) Two slips showing the particulars of height and identification marks, duly attested by a Gazetted Government servant.

6. A statement indicating the reasons for delay in case the pension papers are not forwarded before six months of the retirement of Government servant.

7. Written statement, if any, of the Government servant as required under rule 121 (1) (a) (iv) of Maharashtra Civil Services (Pension) Rules, 1982.

8. Brief statement leading to reinstatement of the Government servant in case the Government servant has been reinstated after having been suspended, compulsorily retired, removed or dismissed from service.

Note- When initials or name of the Government servant are or is incorrectly given in the various records consulted, this fact should be mentioned in the letter.

** Only two copies of passport size photograph need be furnished :-

(i) if the Government servant is governed by rule 116 of Maharashtra Civil Services(Pension) Rules, 1982, and is unmarried or a widower or a widow.

(ii) if the Government servant is governed by rule 117 of Maharashtra Civil Services (Pension) Rules , 1982.

FORM 8

{See rule 136 (2) (b) }

Form of letter to the member or members of the family of a deceased Government servant where valid nomination for the grant of the 1(death gratuity) exists

No.....
Government of Maharashtra
Department / Office.....
Dated the

To,
.....
.....
.....

Subject – Payment of 1(death gratuity) in respect of the late Shri / Shrimati.....

Sir/Madam,

I am director to stated that in terms of the nomination made by the late Shri /Shrimati.....(Designation) in the Office/ Department ofa1(death gratuity) is payable to his/her nominee(s). A copy of the said nomination is enclosed herewith.

2. I am to request that a claim for the grant of the gratuity may be submitted by you in the enclosed Form 10.

3. Should any contingency have happened since the date of making the nomination, so as to render the nomination invalid, in whole or in part, precise details of the contingency may kindly be stated.

Yours faithfully,

Head of Office

1.Substituted by Notification No.PEN-1088/1167/SER-4,dated 5-5-1990.

FORM 9

(See rule 136 (2) (b)

Form of letter to the member or member of the family of a deceased Government servant where valid nomination for the grant of the 1(death gratuity) does not exists

No.....
Government of Maharashtra
Department / Office.....
Dated the

To,

.....
.....
.....

Subject:- Payment of 1(death gratuity) in respect of the last Shri / Shrimati.....

Sir/Madam,

I am directed to state that in terms of rule 111 of the Maharashtra Civil Services (Pension) Rules,1982, a 1(death gratuity) is payable to the following members of the family of late Shri /Shrimati.....(Designation) in the Office/Department ofin equal shares :

- (i) Wife/husband(including judicially separated wife / husband)
- (ii) Sons } including step children and adopted
- (iii) Unmarried daughters children..

2. In the event of there being no surviving members of the family as indicated above, the gratuity will be payable to the following members of the family in equal shares :

- (i) Widowed daughters (including step daughters and adopted daughters)
- (ii) Father including adoptive parents in case of individuals
- (iii) Mother whose personal Law permits adoption.
- (iv) Brother below the age of eighteen years and unmarried widowed sisters including step brothers and step sisters.
- (v) Married daughters, and
- (vi) Children of a pre-deceased son.

3. It is requested that a claim for the payment of gratuity may be submitted in the enclosed Form 10 as soon as possible.

Yours faithfully,

Head of Office.

1.Substituted by Notification No.PEN-1088/1167/SER-4,dated 5-5-1990.

FORM 10

(See rule 136 (2) (b))

Form of application for the Grant of 1(death gratuity) on the death of a Government servant

(To be filled in 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. (i) Name of the claimant in case he is not minor.
(ii) Date of birth of the claimant.
2. (i) Name of the guardian in case the claimants are minors.
(ii) Date of birth of the guardian.
3. (i) Name of the deceased Government servant in respect of whom gratuity is being claimed.
(ii) Date of death of Government servant.
(iii) Office/ Department in which the deceased served last.
4. Relationship of the claimant/guardian with the deceased Government servant.
5. Full Postal address of the claimant/guardian.

6. (i) Where gratuity is claimed by the guardian on behalf of minors, the names of the minors, their ages, relationship with the deceased Government servant, etc.

Serial No.	Name	Age	Relation with the deceased Government servant	Postal address
1	2	3	4	5
1				
2				

3			
4			

(ii) Relationship of the guardian with minor.

1.Substituted by Notification No.PEN-1088/1167/SER-4,dated 5-5-1990

7. Place of payment of pension and gratuity
(Government Treasury or Branch of Public Sector
Bank).

Signature/ Thumb impression of the
claimant/guardian.

8. Two specimen signatures or * left hand thumb and
finger impressions of the claimant/guardian duly
attested.

(To be furnished in a separate sheet.)

9. ++ Attested by---

	Name	Full address		Signature
(i).....

(ii).....

10. Witnesses--				
(i)
(ii).....

* To be furnished in case the applicant is not literate enough to sign his name.

++ Attestation should be done by two Gazetted Government servants or by two or more persons of respectability in the town, taluka or village in which the applicant resides.

FORM 11

(See rule 136 (3) (a))

Form of letter to the widow/widower of a deceased Government servant for grant of Family Pension,1964

No.....
Government of Maharashtra
Department / Office.....

Dated the

To,

.....
.....
.....

Subject:- Payment of Family Pension, 1964 in respect of Late Shri /
Shrimati.....

Sir/Madam,

I am directed to state that under rule 116 of the Maharashtra Civil Services (Pension) Rules, 1982, a Family Pension is payable to you as widow/widower of the late Shri/Shrimati.....(Designation) in the Office/Department of

2. You are advised that a claim for the grant of Family Pension may be submitted in the enclosed Form 12.
3. The Family Pension, will be payable till your death or re-marriage, whichever event occurs earlier. In the event of your death or re-marriage, the Family Pension shall be granted to the child or children, if any, through the guardian.

Yours faithfully,

Head of Office.

FORM 12

(See rules 136 (3) (a) and (b) and 144(2)(b) (i) , (c) (iii) and (d) (i)

Form of application for the grant of Family Pension, 1964 on the death of a Government servant/pensioner

1. Name of the applicant in full-
(i) Widow/Widower
(ii) Guardian if the deceased person is survived by child or children.
2. Name and age of surviving widow (s)/ widower and children of the deceased Government servant/pensioner.

Serial No.	Name	Relationship With the deceased person	Date of birth by Christian era
(1)	(2)	(3)	(4)
1			
2			

3			
4			
5			
6			

3. Date of death of the Government servant/pensioner.
4. Office/Department in which the deceased Government servant/ pensioner served last.
5. If the applicant is guardian, his date of birth and relationship with the deceased Government servant/pensioner.
6. If the applicant is a widow/widower the amount of service pension which she/he may be in receipt on the date of death of the husband/wife.
7. Full address of applicant
8. Place of payment of pension and gratuity (Government Treasury or Branch of Public Sector Bank).
9. Enclosures;(specimen of forms are enclosed)-
 - (i) Two specimen signatures of the applicant, duly attested (to be furnished in duplicate).
 - (ii) Two copies of passport size photograph of the applicant, duly attested.
 - (iii) Two slips each bearing left-hand thumb and finger impressions * of the applicant, duly attested.
 - (iv) Descriptive Roll of the applicant, duly attested, indicating (a) height and (b) personal marks, if any on the hand, face etc.
(Specify a few conspicuous marks not less than two, if possible) (to be furnished in duplicate).
 - (v) Certificate(s) of age (in original with two attested copies) showing the dates of birth of the children. The certificate should be from the Municipal Authorities or from the Gram Panchayat or from the Head of a recognized school if the child is studying in such school. (This information should be furnished in respect of such child or children, the particulars of whose date of birth are not available with the Head of Office)
10. Signature or left-hand thumb impression * of the

applicant.

11. Attested by---

Name	Full address	Signature
(i).....
(ii).....

12. Witnesses--

(i) .....	.....	.....
(ii) .....	.....	.....

Note – Attestation should be done by two Gazetted Government servants or two or more persons of respectability in the town, taluka or village in which the applicant resides.

* To be furnished in case the applicant is not literate enough to sign his name.

In the case of re-marriage of the widow while applying for family pension on behalf of the minor child, the widow should furnish (i) the date of her re-marriage. (ii) name of the Treasury at which payment is desired and (iii) her full address in the application for Family Pension. It is not necessary to furnish a fresh application nor the documents as they are already available with the pension papers on which Family Pension was originally admitted to her.

ENCLOSURES OF FORM 12

(Under item No.9)

(I) Specimen Signature Slip

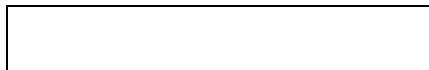
Specimen signature of 1.....
2.....
3.....

Certified that the above specimen signature was taken in my presence.

Dated

Signature
Name.....
Designation.....

(II) Pensioner's Photograph





Signature of the Pensioner.....

Certified that the signature and the photograph are those of

Signature
Name.....
Designation.....
Dated

(III) The Thumb and Finger Impression Card

Little Finger Ring Finger Middle Finger Forefinger Thumb

Certified that the thumb and finger impressions are those of the left hand of

I.....
.....

Signature
Name.....
Designation.....
Dated

(IV) Descriptive Roll

(i) Height

(ii) Personal Marks, if any,
on the hand, face, et.

Certified that the above identification marks are those of

Signature
Name.....
Designation.....
Dated

FORM 13
(See rule 136(4) (b))

Form of letter to the member of the family of a deceased Government servant where valid nomination for the grant of Family Pension, 1950 exists

No.....
Government of Maharashtra
Department / Office.....
Dated the

To,
.....
.....
.....

Subject:- Payment of Family Pension, 1950 in respect of Late Shri /
Shrimati.....

Sir/Madam,

I am directed to state that in terms of the nomination made by the late Shri /Shrimati.....(Designation).....in the Office/Department ofFamily Pension under rule 117 of the Maharashtra Civil Services (Pension) Rules, 1982, is payable to you as his/her nominee.

2. I am accordingly to suggest that a claim for the grant of Family Pension may be submitted by you in enclosed Form 15.

3. Should any contingency have happened since the date of making the nomination, so as to render the nomination invalid, precise details of the contingency may kindly be stated.

Yours faithfully,

Head of office.

FORM 14
(See rule 136 (4) (b))

Form of letter to the member of the family of a deceased Government servant where valid nomination for the grant of Family Pension, 1950 does not exists.

No.....
Government of Maharashtra
Department / Office.....
Dated the

To,
.....

.....
.....

Subject:- Payment of Family Pension, 1950 in respect of Late Shri /
Shrimati.....

Sir/Madam,

I am directed to the state that under rule 117 of the Maharashtra Civil Services (Pension) Rules, 1982, a Family Pension is payable to the family of the late Shri/Shrimati.....(Designation).....in the Office/Department ofas follows:-

- (a) (i) to the eldest surviving widow or to the husband;
- (ii) failing a widow or husband, to the eldest surviving son ;
- (iii) failing (i) and (ii) above, to the eldest surviving unmarried daughter; and
- (iv) failing (i),(ii) & (iii) above to the eldest surviving widowed daughter, and

- (b) if these are no surviving members of the family as at(a)above,
 - (i) to the father ;
 - (ii) failing (i) above, to the mother;
 - (iii) failing (i) and (ii) above, to the eldest surviving brother below the age of eighteen years;
 - (iv) failing (i) (ii) and (iii) above , to the eldest surviving unmarried sister ;
 - (v) failing the above, to the eldest surviving widowed sister.

(c) No Father Pension, is payable to a person mentioned in (b) above without production of reasonable proof that such person was dependent on the deceased for support.

2. I am to suggest that a claim for the Family Pension may be submitted in the enclosed Form 15 as soon as possible. If you have a prior claim to it in accordance with the gradation given above, you are requested to furnish an affidavit to the effect that there is no other surviving member of the family of Shri /Shrimati.....ranking above you in the order given in the first paragraph. If, in the light of the above gradation, you have no prior claim to the Family Pension, you are requested to intimate this Office/Department the name, address and relationship with the deceased, of the person who according to your knowledge has a prior claim to the Family Pension. Any false information given or declaration made by you in this connection will render you liable to legal action.

Yours faithfully,

Head of Office.

FORM 15

(See rules 136 (4)(b) and 144(3)(b))

Form of application for the grant of Family Pension, 1950 on the death of a Government servant /pensioner

- 1 Name of the applicant in full
- 2 (i) Name of the guardian in case the applicant is a minor.

- (ii) Relationship of the guardian with the applicant.
- 3. Name of the deceased Government servant/pensioner.
- 4. Relationship of the applicant with the deceased Government servant/pensioner.
- 5. Date of death of the Government servant/pensioner.
- 6. Office/Department in which the deceased served last.
- 7. (i) Date of birth of the applicant.

(ii) Date of birth the guardian in case the applicant is a minor.
- 8. Full address of the applicant/guardian.
- 9. Place of payment (Government Treasury or Branch of Public Sector Bank).
- 10. Enclosures (Specimen of forms are enclosed)
 - (i) Two specimen signatures of the applicant, duly attested (To be furnished in duplicate)

 - (ii) Two copies of a passport size photograph of the applicant, duly attested.

 - *(iii) Two slips each bearing left hand thumb and finger impressions of the applicant, duly attested.

 - (iv) Descriptive Roll of the applicant, duly attested, indicating (a) height and (b) personal marks, if any, on the hand, face, etc, (specify a few conspicuous marks not less than two if possible) (To be furnished in duplicate).

 - (v) If the applicant belongs to a category mentioned at (b) of item 11, he/she should produce reasonable proof of his/her dependence on the deceased Government servant/pensioner for support.

 - (vi) If the applicant is a minor brother of the deceased Government servant/pensioner, certificate of age (in original with two attested copies) showing the date of birth should be furnished.(The original will be returned to the applicant after necessary verification).

 - (vii) Affidavit (please see paragraph 2 of form 14).

* To be furnished in case the applicant is not literate enough to sign his name.

- 11. Names and ages of surviving kindred of the deceased Government servant/ pensioner.

	Name	Date of birth by Christian Era
(a)	Widow/husband Sons Unmarried daughters Widowed daughters	
(b)	Father Mother Brothers below the age of eighteen Years. Unmarried sisters Widowed sisters	

12.	Signature or thumb impression of the applicant.
13.	Attested by-

	Name	Full address	Signature
(i)
(ii)
14.	Witness -		
(i)
(ii)

Note –1- Attestation should be done by two Gazetted Government servants or by two or more persons of respectability in the town, taluka or village in which the applicant resides.

Note –2- If the applicant is a minor, the enclosures against item 10 (i) to (iv) are to be furnished by the guardian.

ENCLOSURES OF FORM 15

(Under Item No.10)

(I) Specimen Signature Slip

Specimen Signature of -

1.....

2.....

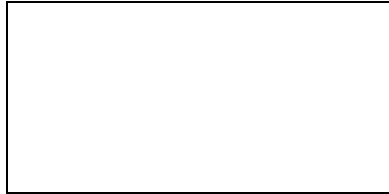
3.....

Certified that the above specimen signature was taken in my presence.

Signature
Name.....
Designation.....

Dated

(II) Pensioner's Photograph



Signature of the Pensioner
Certified that the signature and the photograph are those of.....

Signature
Name.....
Designation.....

Dated

(III) The Thumb and Finger Impression Card

Little Finger	Ring Finger	Middle Finger	Fore Finger	Thumb
---------------	-------------	---------------	-------------	-------

Certified that the thumb and finger impressions are those of the left hand of –

1.....
.....

Signature
Name.....
Designation.....

Dated

(IV) Descriptive Roll

(i) Height

(ii) Personal Marks, if any
on the hand, face, etc.

Certified that the above identification marks are those
of.....

Signature
Name.....
Designation.....

Dated

FORM 16
(See rules 137 (1) , 139(1) ,(2) and (3) & 141 (1)

**Form for assessing and authorising the payment of Family Pension and 1(death gratuity) when a
Government servant dies while in service.**

(To be sent in duplicate if the payment is desired in another Audit Circle.)

PART I
SECTION -I

1. Name of the deceased Government servant.
2. Father's name (and also husband's name in the case of female Government servant).
3. Date of Birth (by Christian era)
4. Date of Death (by Christian era)
5. Religion
6. Office/Department in which last employed.
7. Appointment held hast-
(i) substantive
(ii) officiating
8. Date of beginning of service.
9. Date of ending of service
10. (i) Total period of Military service for which pension, gratuity was sanctioned ; and
(ii) Amount and nature of any pension , gratuity received for the Military service.
11. Amount and nature of any pension received for previous civil service, if any,

1. Substituted by Notification No.PEN-1088/SER-4,dated 5-5-1990.

12. Government under which service has been rendered in order of employment.

13. The date on which intimation regarding the death of Government servant was received by the Head of Office.
14. The date on which action initiated to –
- (i) obtain claim or claims from the claimants in the appropriate form for 1(death gratuity) and Family pension as provided in rule 136.
 - (ii) obtain the 'No demand certificate' from the Executive Engineer concerned as provided in rule 142 (1) of the Maharashtra Civil Services (Pension) Rules, 1982.
 - (iii) assess the Government dues other than the dues pertaining to occupation of Government accommodation as provided in rule 142(2) of the Maharashtra Civil Services (Pension) Rules, 1982.
 - (iv) assess the service and pay qualifying for 1(death gratuity) and Family pension as provided in rules 137 and 138 of the Maharashtra Civil services (Pension) Rules, 1982.
15. Whether nomination made for-
- (i) 1(death gratuity)
 - (ii) Family Pension, 1950, if applicable.
-

1. Substituted by Notification No.PEN-1088/SER-4,dated 5-5-1990.

16. Length of service qualifying for 1(death gratuity) pension.
17. Periods of non-qualifying service :- From To Y.M.D.
- (i) Interruption in service condoned under rule 48 of the Maharashtra Civil Services (Pension) Rules, 1982.
 - (ii) Pension of suspension treated as non-qualifying.
 - (iii) Any other service not treated as qualifying service.

Total period of non-qualifying service

18. (a) Pay reckoned for 1(death gratuity)
- (b) Amount of 1(death gratuity)
19. If Family Pension , 1950 is applicable, the pay drawn
** during the last ten months ;

Post held	From To	Pay	Personal/Special pay /Dearness pay /Non-practicing Allowance	Total (3) + (4)	Amount
(1)	(2)	(3)	(4)	(5)	(6)
		Rs.	Rs.	Rs.	Rs.

Grand Total

Pension able pay

** (i) In a case where the last ten months include some period not to be reckoned for calculating average pay, an equal period backward has to be taken for calculating average pay.

(ii) The calculation of average pay should be based on actual number of days contained in each month.

1. Substituted by Notification No.PEN-1088/SER-4,dated 5-5-1990.

20. If Family Pension , 1950 applies and the Government servant had rendered more than ten years service :-

(i) Proposed pension

(ii) Proposed Family Pension, 1950.

From

To

(iii) Period of tenability of Family

21. If Family Pension, 1964 applies-

(i) Proposed Family Pension at-

(a) enhanced rates (if service rendered at the time of death is more than seven years) determined under the provisions of rule 116 (4) of the Maharashtra Civil Services (Pension) Rules,1982.

(b) ordinary rates as per provisions of rule 116(2) of the Maharashtra Civil Services (Pension) Rules, 1982.

(ii) Period of tenability of Family Pension, 1964-

From

To

(a) enhanced rates

(b) ordinary rates

22. Person to whom family pension is payable

(a) Name in full

(b) Relationship with the deceased Government servant.

(c) Full postal address.

23. Details of Government dues recoverable out of gratuity :-
- (i) Licence fee for occupation of Government accommodation.(see rule 42 of the Maharashtra Civil Services (Pension) Rules, 1982.)
- (ii) Amount of 1(death gratuity) to be held over pending receipt of information from the Executive Engineer concerned. (see rule 142 (1) (v) of the Maharashtra Civil Services (Pension) Rules, 1982)
- (iii) Dues referred to rule 142 (2) of the Maharashtra Civil Services, (Pension) Rules, 1982.
24. Date on which claims received from the claimants.
25. Name of guardian who will receive payment of 1(death gratuity) and Family Pension in the case of minors.
26. Place of payment (Government Treasury, or Branch of Public Sector Bank).
27. Head of Account to which 1(death gratuity) and Family Pension are debitable.

Place :

Dated, the

Signature of Head of Office.

1. Substituted by Notification No.PEN-1088/SER-4,dated 5-5-1990

SECTION II

Details of provisional Family, Pension and gratuity to be drawn and disbursed by the Head of Office in accordance with rule 140 of Maharashtra Civil Services (Pension) Rules, 1982.

Per Month

Provisional Family Pension Rs.
 Gratuity [the amount Rs.
 mentioned in item 18(b) of
 section I]
 Less

(a) Licence fee recoverable Rs.
from gratuity for occupation
of Government
accommodation [as in
item,23(i) of Section I]

(b) Amount of gratuity to be Rs.
held over pending receipt of
information from the
Executive engineer
concerned [as in item 23(ii)
of section I.]

(c) Other Government dues Rs.
as mentioned in Rs. Item 23
(iii) of section I.

Total of (a), (b) and (c) Rs.

Place:

Dated, the

Signature of Head of Office.

PART II

SECTION I

Audit Enfacement:-

1. Total period of qualifying service which has been accepted for-
(i)[death gratuity]

(ii) Family Pension, 1964 or Family Pension, 1950

2. Net amount of gratuity after adjusting Government dues.

3. Amount and the period of tenability of Family Pension, 1964

Amount
Rs.

Period of tenability
From To

If death took place-

(i) before seven years service

(ii) after seven years service

4. Amount and the period of tenability of Family Pension, 1950.

5. Date from which Family Pension is admissible.

6. Head of Account to which [death gratuity] and Family Pension are chargeable

SECTION II

1. Name of the deceased Government servant

2. Date of death of the Government servant.

3. Date on which pension papers received

by the Audit Officer.

4. Amount of Family Pension authorized

5. Amount of gratuity authorized

6. Date of commencement of Family Pension

7. Date on which payment of Family Pension and gratuity authorized

8. Amount recoverable from gratuity.

9. Amount of gratuity held over pending receipt of 'No demand certificate'

Place:

Dated, the

Audit Officer.

FORM 17
[See rule 139 (I)]

Form of letter to the Audit Officer forwarding papers for the grant of Family Pension and [death gratuity] to the family of a Government servant who dies while in service

No.....
Government of Maharashtra.....
Department/Office.....
Dated, the.....

To,

The Accountant General

.....
.....

Subject:- Grant of Family Pension and [death gratuity]

Sir,

I am directed to State that shri/Smt./Kum..... (Designation) died on..... His/Her family has become eligible for the grant of Family Pension and [death gratuity]. Form 16 duly completed is forwarded herewith for further necessary action.

2. Government dues in respect of the deceased Government servant will be recovered out of the [death gratuity] as indicated in Section II of Part I of Form 16.

3. Your attention is invited to the list of enclosures which is forwarded herewith.

4. A provisional family pension amounting to Rs..... Per month and a provisional [death gratuity] amounting to Rs..... have been sanctioned.

5. The receipt of this letter may be acknowledged and this Department/ Office informed that necessary instructions for the disbursements of Family Pension and [death gratuity] have been issued to the disbursing authority concerned.

Yours faithfully,

Head of Office.

List of enclosures-

1. Form 16 duly completed.
2. Form 10 and Form 12 filed in by the applicants.
3. Service book (date of death to be indicated in the service book).
4. Two specimen signatures or left hand thumb and finger impressions of the claimant or guardian duly attested.
5. Two copies of passport size photographs of the claimants or guardian duly attested.

6. Two copies of descriptive roll of the claimant or guardian duly attested indicating height and personal marks.

7. Postal address of the claimant or guardian.

FORM 18

[See rule 144(2)(b)(ii) and (d)(ii)]

Form of letter sanctioning Family Pension, 1964 to the child or children of a retired Government servant who dies after retirement but does not leave behind a widow or widower

No.....
Government of Maharashtra.

Department/Office.....
Dated, the.....

To,
The Accountant General
.....
.....
.....

Subject- Grant of Family Pension, 1964 to the child/children

Sir,

I am directed to state that Shri/Shrimati..... formerly.....
[Designation].....in this Department was authorized pension of
Rs..... with effect from..... on his/her retirement from service.

2.Intimation has been received in this Department/Office that Shri/Shrimati.....
died on..... and that at the time of death left no widow/widower but was
survived by the following child/children:-

Serial No.	Name	Son/Daughter	Date of birth in Christian era	Date from which Family Pension cases to be payable
1.				
2.				
3.				
4.				
5.				
6.				

** The names of children should be mentioned in the order of eligibility mentioned in
rule 116 of Maharashtra Civil Service (Pension) Rules, 1982.

3. In terms of rule 116 of Maharashtra Civil Services (Pension) Rules, 1982, the amount
of Family Pension, 1964 has become payable to the children in the order mentioned
above. The Family Pension 1964 will be payable on behalf of the minor to
Shri/Shrimati..... who is the guardian.

4. Sanction for the grant of Family Pension, 1964 of Rs..... per month to the
children mentioned above is hereby accorded. The Family Pension, 1964 will take effect
from..... and subject to the provisions of sub-rule (5) of rule 116 of
Maharashtra Civil Services (Pension) Rules, 1982, will be tenable till.....

5. The amount of Family Pension, 1964 is debitable to the Budget Head.....

6. Attention is invited to the information furnished in the list of enclosures.

7. The receipt of the letter may kindly be acknowledged and this Department/Office informed that instructions for the payment of Family Pension, 1964 to the guardian have been issued to the disbursing authority concerned.

Yours Faithfully,

Head of Office

List of enclosures-

1. Permanent address of the guardian.
2. Place of payment (Government Treasury, or Branch of Public Sector Bank)
3. Specimen signature or*left hand thumb and finger impressions of the claimant or guardian duly attested.
4. Two attested copies of passport size photograph of the guardian
5. Descriptive roll of the guardian, duly attested.

*To be furnished in the case of the guardian who is not literate enough to sign his or her name.

Form 19

[See rule 144(2)(c)(vi)]

Form of letter sanctioning Family Pension, 1964 to the child or children on the death or re-marriage of a widow/widower who was in receipt of Family Pension, 1964

No.....
Government of Maharashtra
Department/Office.....
Dated the

To,
The Accountant General,

.....
.....

Subject:- Grant of Family Pension, 1964 to the child/children

Sir,

I am directed to state that Shri/Shrimati..... Widow/widower or late Shri/Shrimati..... formerly.....[Designation].....in this Department/Office, was sanctioned Family Pension of Rs..... With effect from the The Family Pension, 1964 was tenable till the death or re-marriage of the widow/widower.

1.Intimation has been received in this Department/Office that Shri/Shrimati..... died/re-married on

3.At the time of death/re-marriage, Shri/Shrimati..... had following children**-

Serial No.	Name	Son/Daughter	Date of birth in Christian era	Date from which Family Pension ceases to be payable
------------	------	--------------	--------------------------------	---

1
2
3
4
5
6

4. In terms of rule 116 of the Maharashtra Civil Services (Pension) Rules, 1982 the amount of Family Pension, 1964 has become payable to the children in the order mentioned above. The Family Pension, 1964 will be payable on behalf of the minors to Shri/Shrimati..... who is the guardian.

** The names of children should be mentioned in the order of eligibility mentioned in rule 116 of the Maharashtra Civil Services (Pension) Rules, 1982.

5. Sanction for the grant of Family Pension, 1964 of Rs..... per month to the children, mentioned above is hereby accorded. The Family Pension, 1964 will take effect from..... and subject to the provisions of sub-rule (5) of rule 116 of the Maharashtra Civil Services (Pension) Rules, 1982, will be tenable till.....

6. The amount of Family Pension, 1964 is debitable to the Budget Head.....

7. Attention is invited to the information furnished in the enclosed list of enclosures.

8. The receipt of this letter may kindly be acknowledged and this Department/Office informed that necessary instructions for the payment of Family Pension, 1964 to the guardian have been issued to the Treasury Officer concerned.

Yours faithfully,

Head of Office.

List of enclosures-

1. Permanent address of the guardian
2. Place of payment (Government Treasury or Branch of Public Sector Bank)
3. Specimen signature or left hand* thumb and finger impressions of the guardian, duly attested.
4. Two attested copies of a passport size photograph of the guardian.
5. Descriptive roll of the guardian, duly attested.

FORM 20

[See rule 144(4)]

Form of application for the grant of residuary *gratuity on the death of a pensioner

(To be filled in separately by each application)

1. Name of the applicant in full
2. Name of the guardian in case the applicant is a minor
3. Name of the deceased pensioner.
4. Office/Department in which the deceased pensioner served last.
5. Date of death of the pensioner.
6. Date of retirement of the deceased pensioner.
7. Amount of monthly** pension (including temporary increase or relief, if any) sanctioned to deceased pensioner.
8. Amount of [retirement gratuity]received by the deceased pensioner.
8. The amount of ** pension (including temporary increase or relief, if any) drawn by the deceased till the date of death.

*If a retired Government servant in receipt of 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 temporary increase or relief, if any, together with the death-cum-retirement gratuity and the commuted value of any portion of pension commuted by him deficiency becomes payable to the family should be indicated.

** When a Government servant has retired before earning a pension, the amount of service gratuity should be indicated

1. Substituted by Notification No. PEN/1088/1167/SER-4, dated 5.5.1990

10. If the deceased had commuted a portion of pension before his death, the value of the pension
11. Total of items 8,9 and 10
12. Amount of [death gratuity] equal to 12 times of the pay.
13. The amount of residuary gratuity claimed i.e. the difference between the amount shown against item 11 and item 12.
14. Relationship of the applicant with the deceased pensioner.

- 15 Date of birth of the applicant.
 16. Name of the Government Treasury at which payment is desired.
 17. Full address of the applicant.
 18. Signature or thumb impression of the applicant (To be furnished in a separate sheet duly @ attested).

19. Attested by-

Name	Full address	Signature
(i)		
(ii)		

20. Witness

- (i)
(ii)

@Attestation should be done by two Gazetted Government servants or by two or more persons of respectability in the town, taluka or village in which the applicant resides.

FORM 21

[See rules 126(4) (b) and 140 (I) (c) (ii)]

Bill form for drawal of provisional pension/family pension/service gratuity/retirement gratuity service death gratuity

District _____ Head of Account “266, Voucher No.....
 Pensions and Other List for.....
 Retirement Benefits”.

Received the amount of Provisional Pension/Family Pension due to Shri/Shrimati..... for the month

of..... and Gratuity/Death
Retirement Gratuity sanctioned vide Letter
NO.....dated.....

Less deduction-
Income tax.....
Total deductions.....
Net amount payable.....
In words.....

Certified that the amount drawn in the last month's bill has been duly disbursed and the receipt obtained from the pensioner/gratuitant.
Certificate from the pensioner regarding *non-employment/non-marriage is attached.

Station.....

Signature.....
Designation of the
Drawing Officer.

Dated.....19

Pay to Shri/Smt.....(Designation.....

Whose specimen signature below is hereby attached.

Signature and entered

(Signature and Designation of Drawing
Officer.)

Examined and entered

Pay Rs.....Rupees.....

In cash.....Rs.....

028, Other Taxes Rs.....

on Income and ExpenditureRs.....

Treasury Accountant.

Treasury Officer.

(For use in Accountant General's Office)

Admitted Rs.....Objected Rs.....

Auditor

Section Officer

Gazetted Officer

FORM 22.

[See rule 59(1)]

Form of certificate of verification of service for pension

No.....

Government of Maharashtra,

Department/Office.....

Date.....

MEMORANDUM

It is certified,* in consultation with the Audit Officer, that Shri/Smt./Kum..... designation..... has completed a qualifying service ofyears.....months and.....days as on..... as per details given below. The service has been verified on the basis of his service documents and in accordance with the rules regarding qualifying service in force at present. The verification of service under sub-rules (1) and (2) of rule 59 of the Maharashtra Civil Services (Pension) Rules, 1982 shall be treated as final and shall not be re-opened except when necessitated by a subsequent change in the rules and orders governing the conditions under which the service qualifies for pension.

Details of Qualifying Service

	From	To
1		
2		
3		

To

Shri.....

Name and designation

Signature of Audit Officer/Head of Office.

*The words "in consultation with Audit Officer" shall be deleted when this certificate is issued by the Audit Officer in respect of Gazetted Officers whose pension papers are prepared by him.

FORM 23

[See rule 163(2)]

Form of application for permission to accept commercial employment within a period of two years after retirement.

1. Name of the officer

(In Block letters)

2. Date of retirement

3. Particulars of the Department/Office in which the officer served during the last five years preceding retirement (with duration).

Name of Department/Office	Post held	Duration	
		From	To

4. Post held at the time of retirement and period for which held

5. Pay-scale of the post and the pay drawn by the officer at the time of retirement.

6. Pensionary benefits

Pension expected/sanctioned(commutation, if any, should be mentioned)

Gratuity, if any

7. Details regarding commercial employment proposed to be taken up:

(a) (i) Name of the Firm/Company/Co-operative Society, etc.

(ii) Products being manufactured by the Firm/Company/Co-operative Society, etc. or type of business carried out by the firm, etc.

(b) Whether the official had, during his official career, any dealings with the firm etc.

Note- If the officer had no dealing with the firm, company, etc., in which employment is offered, it may also be indicated whether the officer had dealings with any other firm, company, etc., under the control of the proposed employer. If so, details may be given at (c) below.

(c) Duration of service of the official dealing with the firm

(d) Name of job/post offered.

(e) Whether post was advertised, if not, [how was offer made. (Attach newspaper cutting of the advertisement and a copy of the offer of appointment, if any).]

(f) Description of the duties of the job/post.

(g) Does it involve liaison/contract work with Government Departments.

(h) Remuneration offered for the post/job

(i) if proposing to set up a practice, indicate-

- (a) professional qualifications 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. Declaration

I hereby declare that-

(i) the employment which I propose to take up will not bring me into conflict with the Government:

(ii) my commercial duties shall not be such that my previous official position or knowledge or experience under Government could be used so as to give my proposed employer an unfair advantage;

(iii) my commercial duties shall not involve liaison or contract with the Government Departments.

Signature of the applicant
Address.....

Station:

Date:

Signature of the Officer

FORM 24

(See note below rule 40]

Form of Verification of approved War Service or Military Service

Certificate of verification of military service of
No.....Rank.....Name.....Unit
Re-enrolled in the..... as.....from.....

The information required for verification of war/military service for the purpose of counting towards civil pension and relative orders is given as under: -

1. Date of birth, or the nearest age on enrolment if the Army/Navy/Air Force if the former is not known.

2. Date of enrolment in the Army/Navy/Air Force.

3. Date of discharge

4. Period of reserve service, if any

5. Whether the military service was pensionable under the military rules, but terminated on or before pension was earned in respect thereof.

6. Whether he was entitled to a service gratuity and if so, how much.

7. Whether the gratuity was drawn and is refundable to the Defiance Service Estimates (if the service is allowed to count for Civil pension).

8. If the individual is in receipt of a disability pension-

(a) had he earned an ordinary service pension of his qualifying service.

Or

(b) had he only earned a service gratuity in lieu of which a service element of disability pension has been granted to him. If so, what was the amount of service gratuity.

9. Whether he was paid from the Indian Revenues throughout.

10. Whether the pensionary contribution has been recovered and credited to India Revenues for the period of his service out of India. From to

11. No.-qualifying service, if any From to

12. Period of satisfactory paid Military Service. From to

13. Whether the Military Service was superior or inferior. From to

14. Length of War Service From to

15. Amount of service gratuity paid for the period of War Service indicated in the preceding item.

16. Amount of War Gratuity paid for the period of War Service.

17. Period and nature of leave (other than

casual leave availed of during Military Service.)

(Signature of Record Officer,
concerned)

Station:
Dated:

Countersigned

Controller of Defiance Accounts
PAO(OR)

Station:
Dated:

FORM 25

[See rule 85(2)]

Form of application for Wound or Injury Pension

1. Name of the applicant and full Office address
2. Father's name
3. Full residential address (showing village, post office, District and State).

4. Present or last employment including full particulars and address of the Establishment
5. Date of entry into service
6. Full particulars of service and length of service, including interruption (both qualifying and non-qualifying).
7. Percentage of disability sustained due to injury/disease (as certified by the Medical Authorities) and circumstances which resulted in that disability.
8. Pay at the time of injury sustained, disease contracted (as certified by the Medical Authorities).
9. Pension claimed
10. Date of injury/disease (as certified by the Medical Authorities).
11. Place of payment
12. Other relevant information, if any.
13. Date of applicant's birth by Christian era (See Note 2).
14. Height
15. Identification Marks
16. Thumb and finger impressions

Thumb.....Fore-finger.....Middle
 finger.....Ring-finger.....Little-finger.....

Place:

Date:

Date on which the applicant applied for
 Pension:

Signature of the applicant

Signature of the Head of Office.

Note1.- Thumb and finger impressions and particulars of height and personal marks are not required to be given by such ladies, Gazetted Officers, Government title holders and other persons as are specifically exempted, by the Government by special orders in that behalf.

Note2. If not know exactly, please state on the best information or estimate and according to the best of your knowledge and belief.

FORM 26

(See rule 86)

Form of certificate from Medical Boards in connection with wound or Injury Pension

(To be used in all cases of wounds or injuries, whether received in action or not)

PROCEEDINGS OF A MEDICAL BOARD assembled by order
of.....
.....
for the purpose of examining and reporting on the present state of the wound or injury
sustained by.....at (place of

injury).....on the (date of injury etc.).....

... (a) State briefly the circumstances under which the wound or injury was sustained.

... (b) What is the Government servant's present condition?

.. © Is the Government servant's present condition wholly due to the wound or injury? If not, state to what other causes it is attributable.....

The opinion of the Board upon the questions below is as follows:-

				Replies				
As	to	As	to	second	As	to	third	
first		would		or	wound		or	
wound		injury(if any)			injury(if any)			
or injury								

A-Received in action

1. Has the Government servant lost an eye or a limb: or has he permanently lost the use of an eye or a limb; or is the injury equivalent to the loss of a limb, and permanent, or likely to be permanent?
- 2.If the case does not come under the

category1-

(a) Was the injury, in the first instance, very severe in character?

(b) Are its effects still very severe?

3.If the case is classified under category 2, are the effects of the injury permanent, or likely to be permanent?

4.Injuries that do not come under the above categories should be classified here, making use of the following terms:-

Severe or slight and permanent or not permanent, as the case may be

B-Sustained otherwise than in action

1. (a) Has the Government servant lost an eye or a limb or the use of a limb; or (b) is the injury equivalent to the loss of a limb; (c) is it permanent or likely to be permanent?

2. If the injury does not come under category 1 (a), is it of a very serious nature in its present effects, and (b) is it permanent or likely to be permanent?

3. If the injury does not come under category 1 or 2, is it severe and permanent in character?

4. If the injury does not come under category 1, 2 or 3 it should be classified here, making use of one of the following terms:-Severe, but not permanent; or, slight and permanent, or not permanent, as the case may be.

Signatures.....
.....

Station.....
Date.....

Remarks- Here the classification above may be amplified, if necessary, or details of additional injuries to the main injury may be given.

Instructions to be observed by the Medical Board preparing the Report

1. Wounds or injuries received in action will be classified by the Board under “A”, those not in action will be dealt with under “B”

2.If the injuries be more than one, they should be numbered and described separately; and should it be considered that, though only “severe” or “slight” in themselves, they represent together the equivalent of a singly “very severe” or “very serious” injury such an opinion may be expressed in the column provided for that purpose..

3. The Board will not express any opinion, either to the Government servant examined, or in their report, as to whether he is entitled to compensation, or as to the amount, of it, nor will it inform the Government servant how the wound or injury has been classified.

4. The Board before recording their opinion should invariable consult the proceedings of previous Medical Boards, if any, as also all previous medical documents connected with Government servant brought before them for examination.

5. In answering the questions in the prescribed form the Board will confine itself exclusively to the medical aspect of the case and will carefully discriminate between the Government servant’s unsupported statements and the documentary evidence available.

FORM 27

[(See rule 1 (2) in Appendix IV)]

Form of application for Extraordinary Family Pension

Application for Extraordinary Pension for the family of late
Shri/Shrimati.....killed, or died, of
Injury/Disease/Injuries/Diseases claimed as being attributable to Government service.

I.Information regarding the claimant

1. Full name and address, residence

(showing village, Post Office, District, State)

2. Age and date of birth
3. Height
4. Identification marks
5. Present occupation and pecuniary circumstances.
6. Relationship with the deceased.

II. Information regarding the deceased

7. Full name, Father's name, residence (indicating village, Post Office, District, State)
8. Particulars of post and service with full name and address of the Establishment.
9. Full particulars of service, length of service, etc.
10. Pay at the time of death
11. Date of birth
12. Age at the time of death
13. Nature of Injury/Disease/Injuries/Diseases causing death (as per the Certificate of the Medical Authorities) and the circumstances in which the same resulted.

III. Other Information

14. Amount of pension etc. claimed
15. Place of payment
16. Date from which benefit(s) claimed.
17. Other relevant information, if any.

IV Names and age of surviving kindred of the deceased

Relation	Name	Date of birth by Christian era
Sons		

Widows
Daughters
Father
Mother

Place:

Date:

Signature of the claimant

Signature of Head of Office

Place:

Date:

Seal:

Note1. Please strike out the word or words not applicable.

Note 2. If the deceased has left no son, widow, daughter, father or mother surviving him, the work “none” or “dead” should be entered opposite to such relative.

FORM 28

[See rule 112 (4)]

Form of Indemnity Bond to be executed by the person claiming the amount of Death gratuity on behalf of deceased Government Servant who claims to be a guardian of the minor legal heir (s)

KNOW ALL MEN BY THESE PRESENTS THAT
I.....(Name of claimant as
guardian on behalf of minor legal heirs) resident ofand
I/We.....surety/sureties (on behalf of the claimant) are held and
firmly bound to the Governor of Maharashtra in the sum of Rs.....to be
paid to the said Governor or his successors or assigns FOR WHICH payment to be well
and truly made, each of as severally bind(s) himself and his heirs, executors,

administrators and assigns and every two and all of us jointly bind ourselves and our heirs, executors, administrators and assigns firmly by these presents.

Signed this _____ day of _____ 19

WHEREAS, Shri.....was at the time of his death in the employment of/in receipt of pension from Government of Maharashtra(hereinafter referred to as “the Government”)

AND WHEREAS, _____ the _____ said.....died on.....the..... day of19.....and thereupon a sum of Rupees.....became payable to the heirs of the deceased as death gratuity in respect of the service rendered by the deceased to the Government;

AND WHEREAS, at the time of his death the deceased left behind him..... as one/some of his legal heir/s who is /are / minor/s (hereinafter referred to as “ the said minor legal heirs”);

AND WHEREAS, Shri.....(hereinafter referred to as “the claimant”) being a guardian the said Rs.....the out of the said total sum of Rs..... the said sum of Rs..... as such guardian of the minor legal heirs but has not obtained a guardianship certificate to the property and effects of the said minor legal heirs of the deceased;

AND WHEREAS, the claimant has satisfied the.....(Officer concerned) that he/she is entitled to the aforesaid sum and that it would cause undue delay and hardship if the Claimant were required to produce guardianship certificate to the property and effect of the said;

AND WHEREAS, Government desires to pay the said sum to the claimant on behalf of minor legal heirs/s of the deceased but under Government rules and orders it is necessary that the claimant should first execute a bond with one surety/two sureties to indemnify Government against all claims to the amount so due as aforesaid to the said minor legal heirs/s of the deceased before the said sum can be paid to the claimant;

NOW THE CONDITION of this bond is such that if after payment has been made to the claimant the claimant or the surety/sureties shall jointly and severally in the event of the claim being made by any other person against Government with respect to the said of Rupees.....refund to the Government the said sum of Rs.....and shall also indemnify and save Government harmless from all liability in respect of the aforesaid sum and interest and all costs and charges incurred in consequence of any claim thereto THEN the above written bond or obligation shall be void but otherwise the same shall remain in full force and virtue.

IN WITNESS to the above written bond and the condition therefore, I/We.....and.....hereunto set our respective hands this.....day of19

Signed and delivered by the claimant above names Shri.....in presence of

1.....

2.....

Signed and delivered by the Surety/Sureties abovenamed
Shri.....in presence

of 1.....

2.....

FORM No. 29

[See rule 116(9)]

Form of Indemnity Bond to executed by the person claiming the amount of Family Pension on behalf of minor

THIS DED made this.....day of19
between*.....and

De facto guardian of

(Name of minor)

son/daughter ofa minor under the
age of 18 years under the.....Law of
Guardianship by which he is governed hereinafter referred to as “ the Bounden” (which
expression shall unless excluded by or it be repugnant to the context or meaning thereof

be deemed to include his/her heirs, executors and administrators_ of the one part and the Governor of Maharashtra hereinafter referred to as the "Government" (which expression shall unless excluded by or it be repugnant to the context or meaning thereof be deemed to include his successors and assigns) of the other part.

WHEREAS.....

(Name of deceased)

-----was at the time of his/her death in the employment of Government in theDepartment. Government of Maharashtra, as.....

(Designation held by the deceased at the time of his/her death)

AND WHEREAS, the said(hereinafter referred to as "the deceased") died testate/intestate at.....on the.....day of19.....leaving him/her surviving**.....and the said.....a minor under the age of 18 years(hereinafter referred to as "minor") as his/her only heirs according to++.....law by which he/she was governed;

* Here insert name of defacto guardian of the minor children and his/her relationship with the minor.

+Here mention the personal law by which minor is governed.

** Give names of major children of the deceased.

Name of minor child

++ Name of religion of deceased.

AND WHEREAS, the Bounden is theof the deceased and a de facto guardian of the minor under the**.....Law of Guardianship by which the minor is governed and has voluntarily placed himself/herself in charge of the person and property of the minor;

AND WHEREAS, family pension of Rs.....p.m. is admissible inder the relevant rules to the minor as the minor son/daughter of the deceased for a period commencing from.....the.....day of.....19.....to the.....day of.....19.....(or till the date of her marriage++ whichever is earlier);

AND WHEREAS,on the Bounden, as a de facto Guardian of the minor requesting the Government to pay to him/her for and on behalf of the minor the family pension due and

payable to the minor as aforesaid which the Government agreed to do upon the Bounden executing in favour of the Government an indemnity bond in the manner hereinafter appearing;

NOW THIS INDENTURE WITNESSETH that in pursuance of the said agreement and in consideration of the Government at the request of the Bounden agreeing to pay to the Bounden as the de facto guardian of the minor the amount of family pension due and payable to the minor as the minor son/ daughter of the deceased and of the premised the Bounden doth hereby agree with the Government that the Bounden will at all times hereafter well and sufficiently indemnify and keep indemnified and save harmless the Government of from and against the payment made from time to time by the Government to the Bounden as de facto guardian of the minor and for and on behalf of the minor of the amount of family pension due and payable to the minor as the minor son/daughter of the deceased and also of from and against all actions, proceedings, claims and demands which may be taken or made against the Government in that regard by any other person whomsoever for and on behalf of the minor or otherwise howsoever and also of from and against all costs, charges, expenses and damages which may be sustained or incurred or payable by the Government in respect thereof. AND the Bounden doth hereby agreed and declare that without prejudice to any other rights and remedies of the Government the amount due and payable hereunder may be recovered from the Bounden as arrears of land revenue under the provisions of law in that behalf for the time being in force.

*Here mention relationship of the de facto guardian with the deceased

** Here mention personal law by which the minor is governed.

+This date should be the day on which the minor attains age of 18 and in case of a minor of whose person or property or both a guardian is appointed by the Court or of whose property superintendence is assumed by a Court of Wards attains age of 21.

++ This portion is applicable only in case of minor daughter.

IN WITNESS WHEREOF the Bounden has hereto set hiser hand the day and year first hereinabove written.

SIGNED AND DELIVERED by the within named Bounden Shri/Shrimati..... in the presence of-

(1).....

(2).....

FORM 30

[See rule 10 (4) (a) (i) and (ii)]

Form of Notice of Premature Retirement of Gazetted Government Servants

No.....
Government of Maharashtra
Department/Office.....
Dated the.....

NOTICE

Whereas, under sub-clauses (i) and (ii) of clause (a) of sub-rule (4) of rule 10 of the Maharashtra Civil Services (Pension) Rules, 1982, an appropriate authority has the absolute right to retire any Gazetted Government servant:-

(i) if he entered Government service under any Government in India, before attaining the age of thirty-five years, after he has attained the age of fifty years;

(ii) in any other case, after he has attained the age of fifty-five years, by giving him notice of three months in writing, if such authority is of the opinion that it is in the public interest so to do:

And whereas, Shri*
Department/Office.....a Gazetted
Government servant, has now attained the age of +.....years;

And whereas, the(being the appropriate authority) is of the opinion that it is in the public interest to retire the said Shri.....

*Here enter the name and designation.
+Here enter the present ago in completed years.

Now, therefore, in pursuance of *sub-rule (4) clause (a)(i)/sub-rule (4) clause (a) (ii) of rule 10 of the Maharashtra Civil Services (Pension) Rules, 1982, the(appropriate authority) hereby gives notice to the said Shri.....that he shall stand retired from Government service on the **day of.....19 or the day immediately following the date of expiry of the period of three months commencing from the date of service of this notice on him, whichever is later.

+By order and in the name of the Governor of Maharashtra,

Signature.....

Designation.....
To

Shri.....
.....

*Strike out what is not appropriate.

**Here enter the date following the date of expiry of three month's notice period reckoned from the date of issue of notice.

+ To be deleted where the "appropriate authority" is other than Government.

Note:- The Notice should be signed by the "appropriate authority" itself where such authority is other than Government and not by any authority subordinate to such authority.

FORM 31

[See rule 10 (4) (b)]

Form of Notice of Premature retirement of non-Gazetted Government Servants

No.....
Government of Maharashtra,
Department/Office.....
Dated the.....

NOTICE

Whereas, under sub-clause (b) of sub- rule (4) of rule 10 of the Maharashtra Civil Services (Pension) Rules, 1982, an appropriate authority has the absolute right to retire any Government servant who holds a post in Class III service of the State. Either pensionable or non-pensionable, after he has attained the age of fifty-five years, by giving him notice of three months in writing, if such authority is of the opinion that it is in the public interest so to do:

And whereas, Shri*

Department/Office.....a Government servant, who holds a post in class III service of the State has now attained the age of +.....years;

And whereas, the(being the appropriate authority) is of the opinion that it is in the public interest to retire the said Shri.....

Now, therefore, in pursuance of clause (b) of sub-rule (4) of rule 10 of the Maharashtra Civil Services (Pension) Rules, 1982, the(appropriate authority) hereby gives notice to the said Shri.....that he shall

[*Here enter the name and designation.]
[+Here enter the present age in completed years]

stand retired from Government service on the*.....day of.....19 or the day immediately following the date of expiry of the period of three months commencing from the date of service of this notice on him, whichever is later.

+ By order and in the name of the Government of Maharashtra,

+Signature.....

Designation.....

To,

Shri.....
.....

*Here enter the date following the date of expiry of three month's notice period reckoned from the date of issue of notice.

+ To be deleted where the "appropriate authority" is other than Government.

Note-The Notice should be signed by the "appropriate authority" itself where such authority is other than Government and not by any authority subordinate to such authority.]

FORM 32

[See rule 65 (1) (b)]

Form of Notice of Premature retirement of Government Servants

No.....
Government of Maharashtra,
Department/Office.....
Dated the.....

NOTICE

Whereas, under clause (b) of the proviso to sub-rule (1) of rule 65 of the Maharashtra Civil Services (Pension) Rules, 1982, an appointing authority has the absolute right to retire any Government servant who holds a post, either pensionable or non-pensionable, after he has put in qualifying service of thirty years, by giving notice of three months in writing to such Government servant, if such authority is of the opinion that it is in the public interest so to do;

Andwhereas,

Shri*.....Department/Office.....
.a Government servant, who holds a post ofunder
Government has completed qualifying service of thirty years;

And whereas, the(being the appointing authority) is of
the opinion that it is in the public interest to retire the said Shri.....

Now, therefore, in pursuance of clause (b) of the proviso to sub-rule (1) of rule 65 of the Maharashtra Civil Services (Pension) Rules, 1982, the
.....(appointing authority) hereby gives notice to the said
Shri.....that he shall stand retired from

[*Here enter the name and designation]

Government service on the *.....day of
.....19 or the day immediately following the date of
expiry of the period of three months commencing from the date of service of this notice
on him, whichever is later.

+By order and in the name of the Governor of Maharashtra.

Signature.....

Designation.....

*Here enter the date following the date of expiry of three months' notice period reckoned
from the date of issue of notice.

+ To be deleted where the "appointing authority" is other than Government.

Note- The Notice should be signed by the "appointing authority" itself where such
authority is other than Government and not by any authority subordinate to such
authority.

By order and in the name of the Governor of Maharashtra,

K.PADMANABHAI AH,

Principal Secretary to Government.

