



कार्यालय प्रधान महालेखाकार ( लेखा व हकदारी )  
हिमाचल प्रदेश, शिमला-171 003  
OFFICE OF THE PR. ACCOUNTANT GENERAL (A&E)  
HIMACHAL PRADESH, SHIMLA-171003



No. Admn./NPS&Pension/Circular/C-18/2021-2022/3358-62

Dated 14.01.2022

Circular

**Subject: -** Determination of Pay/Emolument for calculation of family pension and death gratuity where a Government servant dies during currency of a penalty – regarding.

Govt. Of India, Ministry of Personnel, Public Grievances & Pension, Department of Pension & Pensioners' Welfare Memorandum No. 1/15/2020-P&PW(E) dated 9<sup>th</sup> December, 2021 received through Headquarters' letter No. 314 –staff entitlements (rule) /A.R/09-2022 dated 22-12-2021 is forwarded for information and necessary action to the followings:-

1. PAO Section
2. Bill Section
3. All officials including DA Cadre.
4. Notice Board.
5. Dealing Asstt. Of DA Seat.

**Encl: As stated**

  
Senior Accounts Officer (Admn.)

**[Cag-all-offices] Determination of Pay/Emolument for calculation of family pension and death gratuity where a Government servant dies during currency of a penalty – reg.**

**From :** MANOJ KUMAR <saoaudit-r@cag.gov.in>

Wed, Dec 22, 2021 04:13 PM

**Subject :** [Cag-all-offices] Determination of Pay/Emolument for calculation of family pension and death gratuity where a Government servant dies during currency of a penalty – reg.

1 attachment

**To :** CAG-ALL-OFFICES <CAG-ALL-OFFICES@lsmgr.nic.in>

भारत के नियंत्रक - महालेखापरीक्षक का कार्यालय,  
पॉकेट 9, दीन दयाल उपाध्याय मार्ग, नई दिल्ली - 110 124

सँख्या: 314-स्टाफ हकदारी (नियम)/ए.आर/ 09-2022  
दिनांक:-22.12.2021

प्रति

भारतीय लेखा एवं लेखापरीक्षा विभाग  
के सभी कार्यालय।

**षय:** Determination of Pay/Emolument for calculation of family pension and death gratuity where a Government servant dies during currency of a penalty – reg.

महोदय/ महोदया,

उपर्युक्त विषय पर कार्मिक, लोक शिकायत तथा पेंशन मंत्रालय, पेंशन और पेंशनभोगी कल्याण विभाग, नई दिल्ली के कार्यालय ज्ञापन सं 1/15/2020-P&PW(E) दिनांक 09.12.2021 को इस ई-मेल के साथ संलग्न किया गया है।

क्षेत्रीय कार्यालय कृपया इस आदेश को आवश्यक कार्रवाई हेतु इस ई-मेल के संलग्नक से डाउनलोड कर लें। इन्हें संबंधित मंत्रालय की वेबसाइट से भी डाउनलोड कर सकते हैं।

Ministry of Personnel, Public Grievances & Pensions, Department of Pension and Pensioners' Welfare, New Delhi has forwarded OM 1/15/2020-P&PW(E) dated 09.12.2021 on the subject cited above has been attached with this E-mail.

The field offices may download the orders attached with this E-mail for further necessary action. The order can also be downloaded from the website of the concerned Ministry.

**संलग्नक: यथोपरि I**

भवदीय

हस्ता/-  
(मनोज कुमार)

वरि. प्रशासनिक अधिकारी/ स्टाफ-हक. (नियम)

*DAE (Admn)*  
*Secy (Admn)*

श्री लोहित शर्मा  
27/12/2021

218  
24/12/2021

23/12/21  
DAG Sectt. (Admn)  
Diary No. 469  
Signature with Date

508  
23/12/21

385/c

No. 1/15/2020-P&PW (E)  
Government of India  
Ministry of Personnel Pension & Public Grievance  
Department of Pension & Pensioners' Welfare  
(Desk-E)

3<sup>rd</sup> Floor, Lok Nayak Bhawan  
Khan Market, New Delhi-110003  
Dated December 9, 2021

**OFFICE MEMORANDUM**

**Subject:** - Determination of Pay/Emolument for calculation of family pension and death gratuity where a Government servant dies during currency of a penalty - regarding

The undersigned is directed to say that in accordance with Rule 54(14)(c) of CCS Pension Rules, 1972, the pay for the purpose of family pension means the emoluments as specified in Rule 33 of the CCS (Pension) Rules, 1972 or the average emoluments as referred to in Rule 34 of the CCS (Pension) Rules, 1972, if the emoluments of the deceased Government servant have been reduced during the last ten months of his service otherwise than as penalty. Similar provision exists in Rule 50(5) for calculation of retirement/death gratuity.

2. As per Rule 33, the expression 'emoluments' means basic pay as defined in Rule 9(21)(a)(i) of the Fundamental Rules which a Government servant was receiving immediately before his retirement or on the date of his death. As per Rule 34, average emoluments are determined with reference to the emoluments drawn by a Government servant during the last ten months of his service.

3. References have been received in this Department seeking advice as to how family pension and death gratuity in respect of a Government servant are to be calculated if a Government servant dies during the currency of a penalty, which reduces the pay of the Government servant for a specified period only, as in such cases the impact of the penalty is limited to the period specified in the order of penalty and the Government servant regains his pay and increments after the period of penalty is over. Clarifications have been sought whether, in such cases, family pension and gratuity would be calculated based on the reduced pay, which the Government servant was actually drawing on the date of death or on the pay which he would have drawn if such a penalty had not been imposed on him.

4. The matter has been examined in consultation with Department of Expenditure. The manner in which the pay of a Government servant is to be regulated on imposition of penalties of reduction to a lower stage, withholding of increment and reduction to a lower time scale, has been explained in Department of Personnel & Training's OM No. 11012/15/2016-Estt A-III dated 18th June, 2019. These instructions also bring out the penalties on imposition of which there is no impact on the pay after the expiry of the period of penalty and also the manner in which notional pay of a Government servant is to be fixed during the currency of such penalties.

5. It is observed that determination of family pension and death gratuity based on actual pay drawn in case of death during the currency of a penalty referred to in para 3 above would result in reduced amount of death gratuity and also reduced family pension to the widow/family. This may not be the intention of the disciplinary authority while imposing that penalty. Therefore, in cases where the intention of the disciplinary authority was to restrict the impact of the penalty on the Government servant for a specified period only, determination of family pension and death gratuity on the basis of the reduced pay during the currency of such penalty would result in an unintended hardship to the family of the Government servant, who dies during the currency of such penalty.

