

## Pension Rules and Procedures

### **Pension**

Pension is a recurring monthly payment admissible to permanent employees who retire or are retired with a qualifying service of not less than ten years. Temporary employee who retire on superannuation or on his being declared permanently incapacitated for further Government Service by the appropriate Medical authority or who on his death while in service, has rendered temporary service of not less than 20 years, shall for purposes of all pensionary benefits, be treated to have held a permanent pensionable post in a substantive capacity immediately before his retirement or death as the case may be.

(Art 177 of J&K CSR)

### **Regulation of claims**

Any claims to pension or family pension shall be regulated by the provisions of rules in force at the time when a Government servant retires or is retired or is discharged or is allowed to resign from service or dies, as the case may be.

Pension subject to future good conduct:

- Future good conduct is an implied condition of every grant of pension and its continuance.
- The appointing authority may, by order in writing, withhold or withdraw a pension or a part there of whether permanently or for a specified period, if the pensioner is convicted of a serious crime or is found guilty of grave misconduct.

### **Classes of pension**

#### **a) Superannuation Pension**

Superannuation Pension is granted to an officer entitled or compelled by rule to retire at a particular age [Art 225]

An officer shall retire compulsorily on his attaining the prescribed age which at present is 58 years in respect of all Government employees of State of Jammu & Kashmir provided that the Government servants who were in service on 10.10.1966 and were treated inferior as per Schedule-II of J&K Civil Services regulations Volume-II, will retire on attaining the age of 60 years. Retirement is effective from the afternoon of the last day of the month in which age of Superannuation is attained. However, an employee whose date of birth is the first of the month shall retire on afternoon of the last day of the preceding month.

[Art 226]

- Death on the day of retirement shall be treated as death while in service.

**b) Retiring Pension:**

A Government servant may voluntarily retire from service any time after completing 20 years/40 completed six monthly periods of qualifying service or 45 years of age, provided that he shall give in this behalf a notice in writing to the appointing authority at least three months before the date on which he wants to retire. Such an officer shall be granted five years addition to the qualifying service as may have put in by him on the date he wants to retire, provided that his past record of service has been clean in the opinion of the appointing authority. Where in any such case addition in qualifying service is granted, pensionary benefits will be calculated on the basis of service as he would have put in had he retired at the normal age of superannuation or the service put in including five years addition whichever may be earlier.

Pension and/or Death-cum-retirement Gratuity etc. in respect of voluntary retirements on or after 1.4.1982 will be calculated on the assumed pay which the concerned would have drawn (in the scale held by him at the time of voluntary retirement) had he continued till the age of superannuation or for the service added to his qualifying service whichever be earlier. If in determining of the assumed pay there is an Efficiency Bar the same shall be deemed to have been crossed on the due date.[Art 230]

A Government servant who opts for voluntary retirement after twenty years of service will not be permitted to retire until after the fact the Government servant has completed 20 years qualifying service has been verified in consultation with the Accountant General

A Government servant who has elected to retire voluntarily and given necessary intimation to that effect to the competent authority shall be precluded for withdrawing his election subsequently except with the specific approval of the authority competent to fill the appointment, provided his request for withdrawal is made within the intended date of retirement and he is in a position to establish that there has been a material change in the circumstances in consideration of which the notice was originally given.

Retirement becomes effective on the expiry of notice period, without awaiting appointing authority's approval, unless the official is under suspension; or the permission for retirement is refused by the appointing authority before expiry of the notice period.

**c) Pre-mature retirement:**

Government may, if it is of the opinion that it is in the public interest to do so, require any Government servant other than the one working on a post which is included in Schedule-II to retire at any time after he has completed 22 years/44 completed six monthly periods of qualifying service or on attaining 48 years of age; provided that the appropriate authority shall give in this behalf a notice (in

one of the prescribed Forms A and B prescribed as the case may be) to the Government servant at least 3 months before the date on which he is required to retire or 3 months of pay and allowance in lieu of such notice. Such a Government servant shall be granted pensionary benefits admissible under rules on the basis of qualifying service put in by him on the date of such retirement.

A Government servant who is retired immediately after allowing him pay and allowances in lieu of notice will be entitled to pension from the date of such retirement and the pension shall not be deferred till after the expiry of the three months for which he is paid pay and allowances. [Art 226(2)]

An Invalid pension is awarded, on his retirement from the Government service to an officer who, by bodily or mental infirmity, is permanently incapacitated:- for the Government service, or for a particular branch of it to which he belongs. [Art 215]

Pension on permanent absorption in or under a Corporation, Company or Body, owned or control or financed by the Government, if the absorption is permitted by the Government. Pension to employees absorbed on their own violation is granted under Government sanction.

If the Central autonomous Body, Central statutory Body, or a Central University has a pension scheme, the Government servant will have an option:-

- to receive pro rata retirement benefits; or
- continue to have the benefits of combined service under the Government and in the autonomous body
- If he elects (b), the service rendered under Government will qualify for pension on retirement from these bodies

### **Qualifying service**

Qualifying service of a Government servant commences from the date he takes charge of the post to which he is first appointed in a permanent capacity. Temporary service followed by confirmation without interruption will also qualify.

The service of an officer does not qualify for pension, unless it fulfills the following three conditions:-

First- The service must be under the State.

Second- The employment must be substantive and permanent.

Third- The service must be paid by the Government.

### **Determination of qualifying service**

The following periods of service will not count as qualifying service for pension:-

1. Service rendered before attaining the age of 18 years (16 years in the case of 'Inferior' posts)
2. Service as an Apprentice except SAS Apprentice.
3. Overstay of leave/joining time not regularized as leave with leave salary.
4. Suspension period followed by major penalty, if the reinstating authority does not order that it shall count as qualifying service.
5. If the employees paid from contingencies were subsequently brought on to regular establishment, half the service paid from contingencies will count as qualifying service.
6. Unauthorized absence treated as "dies-non" The import of term 'dies-non' is that-
  - it does not qualify for any remuneration (pay and allowances).
  - it does not count for pension.
  - it does not count for increment
  - it does not cause any interruption for leave earned upto the date preceding that on which the period of 'Dies-non' has commenced unless it is the intention of the competent authority to have such period of leave forfeited in which case mention about it should be made in the order itself.
  - it does not cause interruption for the past service qualifying for pension.  
(Explanation below Govt Instruction under Art 163)
7. Qualifying service for pension/gratuity is calculated and expressed in completed half-years. Fractions equal to three months and above shall be treated as one half-year. Fraction or less than three months will be ignored. [Art 232-A]

### **Emoluments and Average Emoluments**

The terms "emoluments" and "average emoluments" have primary significance in determination of pension/Service Gratuity and Retirement/Death Gratuity.

Pension is normally based on average emoluments drawn during the last ten months of service whereas Gratuity is based on "emoluments".

The term 'emoluments' for calculation of pensionary benefits other than 'Retirement/Death Gratuity' in respect of Government servants who retire or die while in service shall mean 'basic pay' as defined in Art 27(a) (i) of J&K Civil Services Regulations which a Government servant was in receipt of immediately before his retirement or on the date of his death as the case may. [Art 241-B]

The average emoluments of those Government Servants who had opted to come over to the revised scales of pay and had retired during the period from 1.1.2006 to 30.9.2006 shall be calculated as under:-

- (i) For the period during which pay was drawn in the pre-revised pay structure- pay drawn in the prescribed pay band plus the applicable grade pay or the pay in the pay scale of Rs 75500-80000.
- (ii) For the remaining period during which pay is drawn in the pre-revised scale of pay:-
  - (a) Basic pay plus dearness pay and actual DA appropriate to basic pay at the rates in force on 01.01.2006 drawn during the relevant period.
  - (b) Notional increase of the basic pay by applying the fitment benefit of 40% on the basic pay in the pre-revised scale of pay.

Provided further that the pension of an employee, who retires on or after 01.01.2006, shall not be lower than 50% of the sum of minimum of the Pay Band and the Grade Pay from which the pensioner has retired.

- (iii) For the period during which pay was drawn in the revised pay scales:-  
The aggregate of the basic pay for the number of months for which pay was drawn in the revised pay scales.

#### **Emoluments for Retirement Gratuity**

The emoluments for the purpose of Retirement/Death Gratuity in respect of Government servants who may retire or die while in service on or after 1.1.2006 shall mean 'basic pay' as defined in the Note below Art 27(aa) of J&K Civil Services Regulations which a Government servant was in receipt of immediately before his retirement/on the date of his death and shall also include dearness allowance admissible on the date of his retirement/death as the case may be.

The overall ceiling of Retirement/Death Gratuity in respect of Government servants who may retire or die while in service on or after 1.1.2006 shall in no case exceed Rs.10.00 lakhs.

(Note 7 below Art 240-BB)

#### **Family Pension:**

1. In the event of death of a Government Servant while in service it has to be ensured by the concerned Head of Office under whom the Government Servant worked at the time of death that the payment of Family pension and death-cum-retirement gratuity admissible under rules, is got authorised to the beneficiaries of the deceased expeditiously. For this purposes the following time table for the work is prescribed.

- As soon as the Head of office receives intimation regarding death of a Government Servant while in service, he shall initiate immediate action for obtaining claims for Family Pension and Death-cum-retirement gratuity from the beneficiary or beneficiaries in whose favour the Government Servant has made nomination, if any. Where the deceased Government servant had not made any nomination or the nomination made does not subsist the claim should be obtained from the person to whom the Family Pension may be payable under Rule 22 of J&K CSR Vol II. The Head of office shall then address the person concerned in Form 15 or Form 16 as may be appropriate for making a claim in form -17.
- The Head of Office while taking action under para I above, shall simultaneously undertake the completion of Form 18. 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.
- The Head of office shall go through the Service book/ Service record of the deceased Government servant and satisfy himself as to whether annual certificates of verification of service for the entire service are recorded therein.
- 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 valid entries in the Service Book/ Service record. For this purpose, the Head of office may rely on any other relevant material to which he may have already 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.

#### **Amount of Family Pension**

The family pension in respect of the Govt servants, who may retire or die while in service on or after 01.01.2006 shall be computed at a uniform rate of 30% of Basic Pay in all cases and shall be subject to the minimum of Rs 3500 PM and maximum of 30% of the highest pay in the Govt.

Provided that in respect of a Govt servant who may die while in service on or after 01.07.2009 after having rendered not less than seven years continuous service, the family pension on enhanced rates equal to 50% of the last pay drawn shall be payable to the family of the Govt servant from the date of death of Govt servant for a period of ten years without any upper age limit. Thereafter, the family pension shall be payable at the ordinary rates.

Rule 25 of Family Pension-cum-Gratuity Rules Schedule XV J&K CSRs vol II

#### **Submission of Superannuation case**

Following Forms relating to Superannuation pension are required to be filled up properly signed by Pension Sanctioning authority (Head of Office/ Drawing & Disbursing Officer) for submission to Accountant General along with the pension

case.

Form 3

Form 5

Form 6

Form 7

Form 8

Form-F

Commutation Form without Medical Examination when retiree desires payment of commuted value alongwith PPO

Form-D

Commutation form without Medical Examination after issue of PPO but within one year after retirement.

Form-A,B,C

Commutation form with Medical Examination, applicable one year after the retirement

Form-A

Declaration under Art 291(1) of J&K CSRs.

### **Submission of Family Pension case:**

1. While submitting the Family Pension case where death occurs during service, the following documents must accompany the case:-
  - Death certificate
  - Form-8
  - Form-17
  - Form-18
  - Form-19
  - Photographs, descriptive roll, specimen signatures of left hand thumb impressions each in triplicate duly attested by pension sanctioning Authority.
  - Service Book duly complete in all respects
  - Last Pay Certificate ending date of death.
  - No Demand Certificates as required under rules
  - Declaration from the beneficiary to Family Pension in terms Art. 291(1)- Form-B.
  
2. Where death occurs after retirement and Family pension is admissible to any member of family.
  - Death certificate
  - Date of birth certificate where the beneficiary is son or daughter of a deceased government servant/ retiree.
  - Form 14 or 14-B or Form 20 or Form 21 (as may be applicable)

- Photographs, Descriptive roll, Specimen signatures or left hand thumb impressions of the beneficiary each in triplicate duly attested by Pension sanctioning Authority.
- Guardianship certificate where family pension is claimed in favour of minors.
- Surrender of both halves of PPO's issued earlier
- Declaration from beneficiary to Family pension in terms of Art. 291 (1) form-B of J&K CSRs Vol I.
- Dependency certificate from Pension Sanctioning Authority where required.