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**Modifications in the Maharashtra Civil
Services (Pension) Rule 1982**

**Revision of Pension / Family Pension of
those who retired after 1st January 2016,
as per the recommendations of Seventh
Pay Commission.**

GOVERNMENT OF MAHARASHTRA

Finance Department

Government Resolution No. : PEN-2019/C.R.58/SER-4

Hutatma Rajguru Chowk, Madam Cama Marg,

Mantralaya, Mumbai- 400032.

Date : 1st March 2019.

- Reference:**
- 1) Government Resolution, Finance Department No. COC-2015/SLP/C.R.5/SER-4 dated 27/12/2018.
 - 2) Government Resolution, Finance Department No. PEN-2018/C.R.130/SER-4 dated 01/01/2019.
 - 3) Government Corrigendum, Finance Department No. PEN-2018/C.R.130/SER-4 dated 04/01/2019.
 - 4) Government Resolution, Finance Department No. PEN-2019/C.R.58/SER-4 dated 24/01/2019.
 - 5) Notification, Finance Department No. RPS-2019/CR-1/SER-9 dated 30/01/2019.

Government Resolution:

In view of the recommendations of the Seventh Pay Commission of Central Government, the State Government had set up 'State Pay Revision Committee, 2017' under the Chairmanship of Shri. K.P. Bakshi. As per the recommendations of the Committee, State Government vide Government Resolution dated 01.01.2019 and Corrigendum dated 04.01.2019 mentioned above at Serial No.2 and 3 respectively, has taken decision to revise pension / family pension. Accordingly, as per the recommendation of the Committee, Government is pleased to introduce the following modifications in the rules regulating Pension / Family Pension / Retirement Gratuity / Death Gratuity under the Maharashtra Civil Services (Pension) Rules, 1982 and Commutation of Pension under Maharashtra Civil Services (Commutation of Pension) Rules, 1984. These rules will be applicable to State Government Employees and others employees governed by the above rules.

Date of Effect:

2. The revised provisions as per these orders shall apply to pension / family pension of State Government Employees who retired / died in harness on or after 1st January 2016. A separate order has been issued in respect of employees who retired before 1st January 2016, under Government Resolution referred at above Sr. No. 4.

3. Where Pension / Family Pension / Gratuity / Commutation have already been authorised or yet to be authorised in cases of retirement / death occurred on or after 1st January 2016, the same shall be revised in terms of these orders.

In case where pension proposals of the Government servants who have retired between 1st January 2016 to 31st December 2018 have not been submitted to the Accountant General Office till the date of this Government Resolution, such proposals may be prepared initially as per pre-revised pay / pre-revised rules (as per Sixth Pay Commission) and submitted to Accountant General Office. On authorisation of pension as per pre-revised pay by Accountant General, revised pension proposal (as per Seventh Pay Commission) may be prepared and resubmitted to the Accountant General as per procedure prescribed in this Resolution.

Pay

4. The term "Basic Pay", for the purpose of calculating various pensionary benefits in the revised pay structure means, the pay drawn in the prescribed Pay Matrix, which the Government Servant was receiving / entitled to receive immediately before his retirement or on date of his death while in service.

Government orders regarding inclusion of Non-Practising Allowance while calculating revised pension according to Seventh Pay Commission will be issued separately. Additional pay admissible for the service rendered in Naxalite Area shall not be considered while calculating revised pension.

Pension

5. A Government Servant retiring in accordance with the provisions of the Maharashtra Civil Services (Pension) Rules, 1982, before completing qualifying service of ten years shall not be entitled to pension but he shall continue to be entitled to service gratuity in terms of Rule 110(1) of the Maharashtra Civil Services (Pension) Rules, 1982. These retirement benefits will be admissible only to the permanent government employees.

5.1 Linkage of full pension with 33 years of qualifying service as per Rule 110 (2) (a) of Maharashtra Civil Services (Pension) Rules, 1982 is dispensed with effect from 1st January 2006

in accordance with the Sixth Pay Commission. Once the government servant has rendered the minimum qualifying service of twenty years, pension on superannuation, retiring, invalid or compensation pension shall be paid at 50% of the last basic pay or 50% of average basic pay received during the last 10 months of service, whichever is more beneficial to the employee. This provision is further continued in Seventh Pay Commission also. Accordingly, Rule 110 (2) (a) of the Maharashtra Civil Services (Pension) Rules, 1982 shall be treated as amended to that extent.

5.2 In accordance with the Sixth Pay Commission from 1st January 2006, in cases where government servants retiring on superannuation, retiring, invalid or compensation pension in accordance with the provisions of Rule 110 (2) (b) of the Maharashtra Civil Services (Pension) Rules, 1982, after completing qualifying service of ten years or more but less than twenty years, pension shall be paid at 50% of the last basic pay or average basic pay received during the last 10 months of service, whichever is more beneficial to the employee. This provision is further continued in Seventh Pay Commission also. Accordingly, Rule 110 (2) (b) of the Maharashtra Civil Services (Pension) Rules, 1982 shall be treated as amended to that extent.

5.3 In accordance with the Sixth Pay Commission from 1st January 2006, minimum qualifying service is 20 years, so the provision of addition to qualifying service of Rule 66(A) of Maharashtra Civil Services (Pension) Rules, 1982 is deleted. The provision of not adding any period to qualifying service is further continued in Seventh Pay Commission also. Rule 66(A) of the Maharashtra Civil Services (Pension) Rules, 1982 shall be treated as amended to that extent.

5.4 The maximum limit of pension will be 50% of the highest pay admissible in the revised Pay Structure (From 1st January 2016 highest pay limit is Rs.2,20,000/-).

Retirement Gratuity / Death Gratuity:

6. Retirement Gratuity shall be calculated on the revised basic pay as mentioned in para 4 of the Government Resolution. As per Maharashtra Civil Services (Pension) Rules, 1982, Rule 111(1), Government Servant retired after 01.01.2016 shall be eligible for retirement gratuity equal to one-fourth of last basic pay drawn, for each completed six monthly period of qualifying service, subject to a maximum of 16 and ½ times the pay or Rupees Fourteen Lakhs, whichever is less.

6.1 In case of Government Servant dies while in service on or after 01.01.2016, death gratuity to the family shall be paid according to the revised chart given below as per Maharashtra Civil Services Rule 1982, Rule 111(2). Rule No. 111(2) shall be treated as amended to that extent from 01.01.2016 onward. Maximum limit of death gratuity will be Rupees Fourteen lakhs.

Length of qualifying Service	Rate of death gratuity
Less than one year	2 times of the last pay
One year or more but less than 5 years	6 times of the last pay
5 years or more but less than 11 years	12 times of the last pay
11 years or more but less than 20 years	20 times of the last pay
20 years or more	Half of the last pay for every completed six monthly periods of qualifying service, subject to a maximum of 33 times of the last pay.

Family Pension, 1964

7. Family Pension shall be calculated at a uniform rate of 30% of the pensionable pay in all cases. Family Pension shall be subject to a maximum up to 30% of highest pay admissible in the revised Pay Structure (From 1st January 2016 highest pay limit is Rs.2,20,000/-).

7.1 From 1st January 2016, the enhanced family pension, shall be payable to the family of Government Servant who dies in service, for a period of 10 years from the date of the death of Government servant, under Rule 116 (4) (a) (i) of the Maharashtra Civil Services (Pension) Rules, 1982. The condition of age limit is hereby deleted. Accordingly, Rule 116 (4)(a)(i) of the Maharashtra Civil Services (Pension) Rules, 1982 shall be treated as amended to that extent.

7.2 There is no change in Rule 116 (4) (a) (ii) of the Maharashtra Civil Services (Pension) Rules, 1982 regarding the period of enhanced family pension where death of a Government employee has occurred after the date of retirement.

Commutation of Pension

8. According to Rule 5 (1) of Maharashtra Civil Services (Commutation of Pension) Rules, 1984, a Government servant shall be entitled to commute a lump sum amount payment, a fraction not exceeding 40% of his revised pension in accordance to the Seventh Pay Commission, as per revised rates mentioned in Annexure I. Entitlement of this benefit will come into force only from 1st January 2019 and it will be applicable to the employees retiring on or after this date only. Accordingly, Rule 5 (1) of the Maharashtra Civil Services (Commutation of Pension) Rules, 1984 and existing Table of Commutation value for Pension shall stand modified to that extent.

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8.1 The formula for Commutation of pension is as follows:

Basic Pension x 40% x 12 x commutation value at age on next birth date, based on the date of original application of Government Servant as per revised (Annexure I) table.

8.2 The employees retired in between 1st January 2016 and 31st December 2018 shall not be entitled to get the benefit of the revised Commutation of Pension in accordance to the revised pension under Seventh Pay Commission.

Dearness Relief :

9. From 1st January 2016, the pensioner / family pensioner will be entitled to Dearness Relief, in the revised pension as per the rates mentioned below.

Sr. No.	Period	Rate of Dearness relief
1	From 1 st January 2016 to 30 th June 2016	0%
2	From 1 st July 2016 to 31 st December 2016	2%
3	From 1 st January 2017 to 30 th June 2017	4%
4	From 1 st July 2017 to 31 st December 2017	5%
5	From 1 st January 2018 to 30 th June 2018	7%
6	From 1 st July 2018 Onward	9%

10. Pension / family pension in accordance with the revised pay structure shall be revised from 1st January 2016. However, the pensioners will be paid actual benefit of revised pension / family pension in cash from 1st January 2019 onward. The amount of arrears admissible due to revision from 1st January 2016 to 31st December 2018 shall be paid in cash, in five equal instalments, over the period of next five years, after adjustment of recovery amount, if any. The first instalment, due in the year 2019 shall be paid along with monthly pension of the month of June 2019. The remaining instalments shall be paid along with monthly pension of June every year. Pension Disbursing Authorities means the Pay and Accounts Officer / Treasury Officer, as the case may be, will be solely responsible for deduction of Income Tax as per rule, wherever necessary.

10.1 Arrears amount in terms of difference of revised Retirement Gratuity/Death Gratuity in accordance with Seventh Pay Commission shall be paid lump sum in cash.

11. In cases of State Government Servants who retire / die in service on or after 1st January 2016, the usual procedure for determination and authorisation of pensionary benefits as laid down

in the Maharashtra Civil Services (Pension) Rules, 1982 and Maharashtra Civil Services (Commutation of Pension) Rules, 1984 should be followed.

12. The pensioners / family pensioners who are getting provisional pension / family pension on unrevised pay as per Rule 126, 130, and 140 of the Maharashtra Civil Services (Pension) Rules, 1982, shall be revised provisionally as per these orders.

13. Legal heir / heirs is / are entitled for Life Time Arrears in terms of revised pension / family pension / retirement gratuity / death gratuity with effect from 1st January 2016, till the death of pensioner / family pensioner. For this purpose legal heir / heirs of pensioner / family pensioner may apply to the Head of Office / Department, from where the pensioner retired or was working before his death. Further arrears in terms of revised pension as the Life Time Arrears is to be paid to the legal heir / heirs, in one instalment in cash after adjustment of recovery amount, if any. In case, where death of pensioner / family pensioner has occurred after receiving one or more instalments of arrears, the remaining amount may be paid in cash in a single instalment to the legal heir / heirs after adjustment of recovery amount, if any.

14. Formal amendments in the Maharashtra Civil Services (Pension) Rules, 1982 and Maharashtra Civil Services (Commutation of Pension) Rules, 1984 in terms of the decisions contained in this order will be issued separately. Provisions of the Maharashtra Civil Services (Pension) Rules, 1982 and Maharashtra Civil Services (Commutation of Pension) Rules, 1984 which are not specifically modified by these orders shall remain unaffected.

15. Government is pleased to direct that the above decision should mutatis mutandis apply with necessary changes to those pensioners of Recognized and Aided Educational Institutions, Non Agriculture Universities and affiliated Non-Governmental Colleges and Agricultural Universities, etc. to whom pension scheme has been made applicable.

16. In exercise of the powers conferred by the proviso under Section 248 of Maharashtra Zilla Parishad and Panchayat Samitis Act of 1961 (Maharashtra Act number Five of 1962) and of all other powers enabling it on that behalf, Government is further pleased to decide that the above decision shall be applied to the pensioners including family pensioners of Zilla Parishads.

17. The Provisions of this Government Resolution shall not be applicable to Pensioners of All India Services / Political Pensioner / Freedom Fighter Pensioner / Gallantry Medal Allowance Pensioner / Wound / Injury Pensioner and to the state government employees those were absorbed, while in service, in the Public Sector Undertakings / Autonomous Institution / Local Bodies and entitled to restoration of 1/3rd commuted portion of pension.

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18. The expenditure on this account shall be debited to the Budget Heads to which the pensions of the pensioners mentioned in the above paras are usually debited and shall be met from the grants sanctioned thereunder. However, if necessary, concerned Administrative Department of Mantralaya shall take necessary steps to present Supplementary Demands in the ensuing session of the Legislature to cover expenditure to be incurred in respect of aforesaid pensioners.

19. This Government Resolution is available on the website of Government of Maharashtra i.e. www.maharashtra.gov.in and its computer code number is 201903011202133305. This order has been signed digitally.

By order and in the name of Governor of Maharashtra

**INDRAJEET
SAMBHAJI GORE**

Digitally signed by INDRAJEET SAMBHAJI
GORE
DN: CN = INDRAJEET SAMBHAJI GORE, C =
IN, S = Maharashtra, O = GOVERNMENT OF
MAHARASHTRA, OU = FINANCE DEPUTY
SECRETARY
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(Indrajeet Gore)

Deputy Secretary to Government.

Annexure-I

(As referred in paragraph 8.1 of Government Resolution, Finance Department
No.PEN-2019/CR 58/SER-4, dated 01 March, 2019.

COMMUTATION VALUE FOR A PENSION OF Rs.1 PER ANNUM

Age on next birthday	Commutation Value expressed as number of year's purchase	Age on next birthday	Commutation Value expressed as number of year's purchase	Age on next birthday	Commutation Value expressed as number of year's purchase
20	9.19	41	9.075	62	8.093
21	9.187	42	9.059	63	7.982
22	9.186	43	9.040	64	7.862
23	9.185	44	9.019	65	7.731
24	9.184	45	8.996	66	7.591
25	9.183	46	8.971	67	7.431
26	9.182	47	8.943	68	7.262
27	9.180	48	8.913	69	7.083
28	9.178	49	8.881	70	6.897
29	9.176	50	8.846	71	6.703
30	9.173	51	8.808	72	6.502
31	9.169	52	8.708	73	6.296
32	9.164	53	8.724	74	6.085
33	9.159	54	8.678	75	5.872
34	9.152	55	8.627	76	5.057
35	9.145	56	8.572	77	5.443
36	9.136	57	8.512	78	5.229
37	9.126	58	8.446	79	5.018
38	9.116	59	8.371	80	4.812
39	9.103	60	8.287	81	4.611
40	9.090	61	8.194		