

No. 33/2/2010-P&PW (F)

Government of India

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

3rd Floor, Lok Nayak Bhavan
Khan Market, New Delhi-110511
Dated the 20th April, 2011.

OFFICE MEMORANDUM

Subject: Amendment to Rules of CCS (Extraordinary Pension) Rules, 1939 -
Issue of Notification dated 15th February, 2011, published in the
Gazette of India on 22nd February, 2011 - regarding.

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The undersigned is directed to enclose a copy of Notification No. S.O. 410 (E) dated 15th February, 2011, published in the Gazette of India on 22nd February, 2011 on the subject cited above and to request that the contents thereof may please be brought to the notice of all offices/employees under their control for information and compliance.

Encl: as above



(Tripti P. Ghosh)

Director

Tel: 24624802

To,

All Ministries/Departments of the Government of India as per standard distribution list.

Copy to President's Secretariat, Vice President's Secretariat, Prime Minister's Office, Cabinet Secretariat, Supreme Court of India, C&AG, UPSC, etc. as per standard endorsement list.

(xii). अनुसूची III का लोप किया जाएगा।

[फा. सं. 33/2/2010-पी. एण्ड पी. डब्ल्यू. (एफ)]

तृप्ति पी. घोष, निदेशक

टिप्पण :- केन्द्रीय सिविल सेवा (असाधारण पेंशन) नियम 1939 और इन नियमों को पश्चातवर्ती रूप से निम्नलिखित द्वारा संशोधित किया गया है :-

1. का.आ.सं.3392 तारीख 13 दिसम्बर, 1974
2. का.आ.सं. 1487 (अ) तारीख 30 दिसम्बर, 2003

MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS

(Department of Pension and Pensioners' Welfare)

NOTIFICATION

New Delhi, the 15th February, 2011

S.O. 410(E).—In exercise of the powers conferred by the proviso to article 309 read with clause (5) of article 148 of the Constitution and after consultation with the Comptroller and Auditor General in relation to persons serving in the Indian Audit and Accounts Department, the President hereby makes the following rules further to amend the Central Civil Services (Extraordinary Pension) Rules, 1939, namely:-

1. (1) These rules may be called the Central Civil Services (Extraordinary Pension) Amendment Rules, 2011.
- (2) These shall come into force on the publication of this notification in the Official Gazette.
2. In the Central Civil Services (Extraordinary Pension) Rules,-
 - (i). for rule 2, the following shall be substituted, namely :-

"2. These rules shall apply to all persons paid from Civil Estimates, other than those to whom the Workmen's Compensation Act, 1923 (VIII of 1923) applies (subject to para 6 of Schedule II), whether their appointment is permanent or temporary, on the scale of pay or fixed pay or piece-work rates who are under the rule making control of the President of India:

Provided that nothing contained in these rules shall apply to the Government servants appointed on or after the 1st day of January, 2004.

NOTE - No award shall be made under these rules in respect of a civilian officer who is deputed on foreign service under UN bodies on or after the 1st January, 1958 and who is allowed to join the UN Joint Staff Pension Fund as an 'Associate Member'."

- (ii). for rule 4, the following shall be substituted, namely :-

"4. The Ministries/Departments and offices shall have the powers to grant disability or family pension covered under these rules and they shall exercise these powers, wherever

necessary, in consultation with the Financial Advisers, but the cases which are not covered strictly in terms of the Government guidelines and instructions, reference shall be made to the Department of Pension and Pensioners' Welfare.”;

(iii). rule 7 shall be omitted.

(iv). In rule 8, after sub-rule (2), the following shall be inserted namely :—

“(3) The extent of disability or functional incapacity shall be determined in the following manner for purposes of computing the disability element forming part of benefits:—

Percentage of disability assessed by Medical Board	Percentage to be reckoned for computation of disability element.
upto 50	50
More than 50 and upto 75	75
More than 75 and upto 100	100

Provided that the above broadbanding shall not be applicable to Government servants who are retained in service.

Note 1: The findings of the Medical Board on the extent of disability may be treated as final and binding unless the employee himself seeks a review by preferring an appeal to an Authority immediately superior to the one who had constituted the Board. In case the appeal is accepted and a review Medical Board is constituted, the findings of the Board shall be binding on all parties.

The extent of disability as determined and accepted shall be treated as final and the employee shall not be required to appear before Medical Board periodically for the purpose of obtaining a certificate that the disability continues to persist.

Note 2: A government servant may appeal against the decision of the Medical Board which examined him for the purpose of this rule:—

(i) The findings of the examining Medical Board shall be made known to the Government servant concerned as soon as possible after the receipt of the medical report by the Head of the Office or Department. The Government servant concerned shall, if he desires to appeal against such decision, do so together with requisite evidence in support of his case within one month from the date on which the findings of the Medical Board were made known to him. Ordinarily there is no right of appeal from the findings of an examining medical authority; but if Government is satisfied on the evidence placed before them by the Government servant concerned, of the possibility of an error of judgment in the decision of the examining medical authority, it shall be open to them to allow re-examination by a second Medical Board.

(ii) If any medical certificate is produced by the Government servant as a piece of evidence about the possibility of an error of judgment in the decision of an examining medical authority who had examined him in the first instance, the certificate shall not be taken into consideration unless it contains a note by the medical practitioner who gave the certificate to the effect that it has been given in full knowledge of the fact that the person concerned has already been examined by a Medical Board who have given their opinion as

to the injury or disease in respect of which the Government servant had applied for benefits under extraordinary circumstances.

(iii) The expenditure incurred in assembling the Review Board shall be borne by the Government, provided that the Government servant shall be required to pay a prescribed fee which shall be refunded if his appeal is upheld by the Review Board.

(iv) To ensure uniformity of procedure, all appeals shall at first be referred to the Ministry of Health who shall advise on the evidence produced as to whether there is an error of judgment on the part of the examining Medical Board who first conducted the Medical examination and whether the appeal shall be accepted or not and if accepted, by whom such re-examination shall be conducted.”;

(v). for rule 9, the following shall be substituted, namely :-

“9.(1) when disablement of a Government service is conceded as due to Government service in terms of rule 3-A, he shall be awarded disability pension in terms of sub-rule (2) or lump sum compensation in terms of sub-rule (3) of this rule in accordance with the percentage of disability (suffered by him) as certified by the Medical Authority concerned.

(2) If the Government servant is boarded out of Government service on account of his disablement, the quantum of disability pension for cent per cent disability shall be as specified in SCHEDULE II hereto annexed and the quantum of disability pension for lower percentage of disability shall be, "proportionately lower" in accordance with the provision provided in rule 8.

(3) If the Government servant is retained in service in spite of such disablement, he shall be paid a compensation in lump sum (in lieu of the disability pension) on the basis of disability pension admissible to him in accordance with the provisions of sub-rule (2) of this rule, by arriving at the capitalized value of such disability pension with reference to the Commutation Table, in force from time to time:

Provided that the broadbanding as provided in the sub-rule (3) of rule 8 shall not be applicable in such cases.” ;

(vi). after rule 9, the following shall be inserted namely :-

“9 A. the pensioners who are drawing disability pension under the provisions of rule 9 for 100% disability and are completely dependent on others for day to day activities, shall also be granted in addition to disability pension, the Constant Attendant Allowance in accordance with the instructions issued from time to time.” ;

(vii).- In rule 10, for the words "Schedule III", the words "Schedule II" shall be substituted;

(viii). for rule 11, the following shall be substituted, namely :-

"11 (1) If the deceased Government servant has left neither a widow nor a child, an award shall be made to parent or parents and in the absence of the parent or parents to minor brothers and sisters in accordance with SCHEDULE II hereto annexed if they were largely dependent on the Government servant for support and are in pecuniary need;

Provided that the amount of the award to minor brothers and sisters shall not exceed one half of the pension that would have been admissible to the widow under rule 10.

(2) Any award made under sub-rule (1) of this rule shall, in the event of an improvement in the pecuniary circumstances of the pensioner, be subject to review in such manner as the President may by order prescribe.

Note.- If any of the widows, children, father or mother, minor brothers or sisters is denied any share in the property of the Government servant under a Will or Deed made by him, such person shall be ineligible to receive any award under these rules and the benefit will pass on to the next person eligible." ;

(ix). In rule 12, for sub-rule (2), the following shall be substituted, namely :-

"(2) A family pension shall ordinarily be tenable -

- (i) in the case of a widow or mother until death or re-marriage, whichever occurs earlier ;
- (ii) in the case of minor son or minor brother until he attains the age of twenty-five ;
- (iii) in the case of daughter during the period she is eligible for family pension under Central Civil Services (Pension) Rules 1972 ;
- (iv) in the case of sister until marriage or until she attains the age of twenty-five years whichever occurs earlier ;
- (v) in the case of a father, life." ;

(x). in rule 13, -

(a) for sub-rule (1), the following shall be substituted, namely :-

"(1) In respect of matters of procedure, all awards under these rules are subject to any procedure rules relating to ordinary pensions for the time being in force, to the extent that such procedure rules are applicable and are not inconsistent with these rules and also, if eligibility concerning pension is not covered under these rules but covered under Central Civil Services (Pension) Rules, 1972 the Central Civil Services

(Pension) Rules, 1972 shall be applicable, provided it is not repugnant to or inconsistent with the provisions of these rules.” ;

(b) sub-rule (2) and (3) shall be omitted;

(c) in sub-rule (4), for the words "Government of India", the words "sanctioning authority" shall be substituted;

(xi). for the existing Schedule II, the following shall be substituted namely :-

"Schedule II

For determining the compensation payable for death or **disability** under different circumstances, the cases are categorized in five distinct categories as under:

Category 'A' - Death or disability due to natural causes not attributable to Government service. Examples would be chronic ailments like heart and renal diseases, prolonged illness, accidents while not on duty, etc.

Category 'B' - Death or disability due to causes which are accepted as attributable to or aggravated by Government service. Diseases contracted because of continued exposure to a hostile work environment, subjected to extreme weather conditions or occupational hazards resulting in death or disability would be examples.

Category 'C' - Death or disability due to accident in the performance of duties. Some examples are accidents while traveling on duty in Governments vehicles or public transport, a journey on duty is performed by service aircraft, mishaps at sea, electrocution while on duty, etc.

Category 'D' - Death or disability, attributable to acts of violence by terrorists, anti-social elements, etc. whether in their performance of duties or otherwise. Apart from cases of death or injury sustained by personnel of the Central Police Organizations while employed in aid of the civil administration in quelling agitation, riots or revolt by demonstrators, other public servants including police personnel, etc., bomb blasts in public places or transport, indiscriminate shooting incidents in public, etc., would be covered under this category.

Category 'E' - Death or disability arising as a result of (a) attack by or during action against extremists, anti-social elements, etc... and (b) enemy action in international war or border skirmishes and warlike situations, including cases which are attributable to (i) extremists acts, exploding mines, etc..., while on way to an operational area (ii) kidnapping by extremists; and (iii) battle inoculation as part of training exercises with live ammunition.

Cases covered under the Category (A) are covered under provisions of Central Civil Services (Pension) Rules, 1972.

In cases covered under Categories (B), (C), (D) and (E), the scales of the family pension or disability pension shall be as under:-

1. Family Pension - for Categories 'B' and 'C'

(1) Distinction between widows without children or those with children, for determination of the quantum of extraordinary family pension stand abolished. The quantum of monthly extraordinary family pension for all categories of widows shall be:-

(a) where the deceased Government servant was not holding a pensionable post:
40% of basic pay subject to a minimum of Rs.4,550.

(b) where the deceased Government servant was holding a pensionable post:
60% of basic pay subject to a minimum of Rs. 7,000.

(2) In case where the widow dies or remarries, the children shall be paid family pension at the rates mentioned at (a) or (b) above, as applicable, and the same rate shall also apply to fatherless or motherless children and in the both cases, the family pension shall be paid to children for the period during which they would have been eligible for family pension under the Central Civil Services (Pension) Rules, 1972 and the dependant parents shall be paid family pension at one-half the rate applicable to widows or fatherless or motherless children.

2. Family Pension for Categories 'D' and 'E'

(1) If the Government servant is survived by the widow, she shall be entitled to family pension equal to the pay last drawn by the deceased Government servant and the said family pension shall be admissible to her for life or until her re-marriage.

(2) In the event of remarriage of the widow, family pension shall be allowed at the rate of family pension and subject to the conditions laid down under the Central Civil Service (Pension) Rules, 1972 from the date following the date of her remarriage.

(3) In the event of remarriage of the widow and if the Government servant is not survived by widow but is survived by child or children only, all children together shall be eligible for family pension at the rate of 60% of basic pay, subject to a minimum of Rs. 7,000. The family pension shall be payable to the Children from the period during which they would have been eligible for family pension under the Central Civil Services (Pension) Rules, 1972.

(4) When the Government servant dies a bachelor or as a widower without children, dependent pension shall be admissible to the parents without reference to pecuniary circumstances, at the rate of 75% of pay last drawn by the deceased Government servant for both parents and at the rate of 60% of pay last drawn by the deceased Government servant for a single parent and on the death of one parent dependent pension at the latter rate shall be admissible to the surviving parent.

(5) Where family pension or dependant pension is allowed under these rules; no other family pension or dependant pension shall be admissible under any other orders or rules in consideration of death of the same deceased government servant.

3. Disability Pension for Categories 'B' and 'C'

(1) Normal pension @50% of the emoluments or average emoluments received during the last 10 months, whichever is beneficial to the Government servant and gratuity admissible under the Central Civil Services (Pension) Rules, 1972, plus disability pension equal to 30% of basic pay, for 100% disability. There shall be no condition of minimum qualifying service having been actually rendered for earning pension, if otherwise due. No service gratuity shall be admissible.

(2) For lower percentage of disability, the monthly disability pension shall be proportionately lower subject to the provisions of rule 8 and subject to a minimum of Rs. 7,000.

4. Disability Pension for Category 'D'

(1) Disability pension comprising a service element equal to the pension @50% of the emoluments or average emoluments received during the last 10 months, whichever is beneficial to the Government servant and gratuity to which the employee would have been entitled to on the basis of his pay on the date of invalidation but counting service up to the date on which he would have retired in the normal course and disability element equal in amount to normal family pension and there shall be no condition of minimum qualifying service having been actually rendered for earning pension, if otherwise due.

(2) For lower percentage of disability, the disability element shall be proportionately lower subject to rule 8.

5. Disability Pension for Category 'E'

(1) Disability pension comprising a service element equal to the pension @50% of the emoluments or average emoluments received during the last 10 months, whichever is beneficial to the Government servant and gratuity to which the employee would have been entitled to on the basis of his pay on the date of invalidation but counting service up to the date on which he would have retired in normal course and disability element equal in amount to the pay last drawn in case of 100% disability. There shall be no upper limit of the 'pay last drawn', i.e. the aggregate of the service and disability elements of pension may exceed the 'pay last drawn' and there shall be no condition of minimum qualifying service having been actually rendered for earning pension, if otherwise due.

(2) For lower percentage of disability, the disability element shall be proportionately lower subject to rule 8.

6. Additional benefits under the Workmen's Compensation Act, 1923 for Categories 'D' and 'E'

The Government servants governed by the provisions of the Workmen's Compensation Act, 1923, (VIII of 1923) shall also be eligible for the awards under this rule. Where the benefit admissible under this rule is more than the benefits admissible under the Workmen's Compensation Act, 1923, (VIII of 1923) the compensation admissible under the said Workmen's Compensation Act, 1923, shall not be separately payable. However, if the sum admissible under this rule is less than the amount payable as compensation under (i) the Personal Injuries (Emergency Provision) Act, 1962, (59 of 1962) as amended by the Personal Injuries (Emergency Provision) Amendment Act, 1971, (74 of 1971) and (ii) the Personal Injuries (Compensation Insurance) Act, 1963, (37 of 1963) as amended by the Personal Injuries (Compensation Insurance) Amendment Act, 1971, (75 of 1971) they shall have a right to receive an amount equal to the difference between the sum admissible under this rule and the amount of compensation payable under the said Acts. For the purpose of determining such difference, the latter amount shall be converted, if necessary, into a recurring monthly payment as in the following illustration, by applying the table given below:—

Illustration

Suppose the lump sum amount is Rs. 2,437 and the age last birthday of the beneficiary is 43 years. The factor given in Column (2) against age 43 of the table enclosed is 0.00652957. The equated monthly installment will be equal to $2,437 \times 0.00652957$, i.e., Rs. 15.91 (rounded to the nearest paisa).

Table showing the equated monthly installments payable for life in lieu of a lump sum payment of Re. 1 (One rupee) due at ages shown in col. (1).

Age last birthday of the beneficiary on the date of death of the employee(x)(1)	Equated monthly installment for a lump sum payment of one rupee due at age (x) last birthday of the beneficiary(Rupee)(2)	Age last birthday of the beneficiary on the date of death of the employee(x)(1)	Equated monthly installment for a lump sum payment of one rupee due at age (x) last birthday of the beneficiary(Rupee)(2)
15	.00471732	46	.00685763
16	.00475242	47	.00697478
17	.00478911	48	.00709629
18	.00482604	49	.00722304
19	.00486170	50	.00735539
20	.00489705		
21	.00493425	51	.00749383
22	.00497370	52	.00763891
23	.00501551	53	.00779068
24	.00505986	54	.00794944
25	.00510711	55	.00811588

26	.00515735	56	.00828975
27	.00521044	57	.00847108
28	.00526648	58	.00866105
29	.00532588	59	.00885957
30	.00538879	60	.00906678
31	.00545532	61	.00928264
32	.00552586	62	.00950790
33	.00560069	63	.00974405
34	.00567982	64	.00999134
35	.00576319	65	.01024980
36	.00585008	66	.01051930
37	.00593983	67	.01080167
38	.00603239	68	.01109777
39	.00612737	69	.01140868
40	.00622483	70	.01173582
41	.00632463	71	.01207896
42	.00642615	72	.01243851
43	.00652957	73	.01281669
44	.00663558	74	.01321462
45	.00674469	75	.01363359"

(xii). Schedule III shall be omitted.

[F. No. 33/2/2010-P & PW (F)]

TRIPTI P. GHOSH, Director

Note: The Central Civil Services (Extraordinary Pension) Rules, 1939 and these rules are subsequently amended vide:-

1. S.O. No.3392 dated 13th December, 1974
2. S.O. No.1487(E) dated 30th December, 2003