

No. 5827-F—1st December 1971. In exercise of the powers conferred by the proviso to article 309 of the Constitution of India, the Governor is pleased hereby to make the following rules namely:

The West Bengal Services (Death-Cum-Retirement Benefit) Rules, 1971

Chapter I

EXTENT OF APPLICATION

1. Short title and commencement.—(1) These rules may be called The West Bengal service (Death-cum-Retirement Benefit) Rules, 1971. (2) They shall come into force with effect from 1st January, 1972.
2. Application—(1) These rules shall apply to all Government *servants except—
 - (a) persons paid at daily rates;
 - (b) * Government servants not in whole time employment;
 - (c) Members of the All-India Service;
 - (d) Members of the West Bengal Higher Judicial Service;
 - (e) Persons for whom special provision is made—
 - (i) by or under any law for the time being in force, or
 - (ii) by any agreement made with them.

(2) If any doubt arises as to whether these rules or any of them apply to *Government servant, the matter shall be referred to Governor whose decision thereon shall be final
3. Interpretation—The power of interpreting these rules is reserved to Government.
4. Relaxation-Nothing in these rules shall be construed to limit or abridge the power of the Governor to dispenses with, or relax the requirement of, any of these rules to such extent and subject to such conditions as may be considered necessary for dealing with a case in a just and equitable manner.
5. Power to give directions- Where under these rules any authority has been given power to issue any order, the exercise of that power shall be subject to such direction as Government may from time to time issue in this behalf.
6. Pension regulated by rules in force—A *Government servant's claim to pension is regulated by the rules in force at the time when the Government servant resigns or is discharged from service on retirement or otherwise.

Compiler's Note : *The term 'Government servant' has been substituted by the term 'Government employee' vide WBSR, Pt I (corrected upto 15.10.87)

Chapter II

DEFINITIONS

7 Definitions—(1) In these rules, unless there is any thing repugnant in the subject or context,—

(a) “average emolument” means average calculated upon last three years of service.

Note 1 – If during the last three years of service an officer has been absent from duty on leave without any leave salary or has been under suspension, the period whereof does not count as service, the aforesaid period of leave or suspension should be disregarded in the calculation of average emoluments, an equal period before three years being included.

Note : 2 – If the emoluments of a Government servant have been reduced during the last three years of his service, otherwise than as a penalty, average emolument may, at the discretion of the authority empowered to sanction pension or gratuity, be taken at what he would have drawn had not the emolument been so reduced.

(b) “Audit officer” means the Accountant-General, West Bengal.

(c) “competent authority” means the authority competent to fill up the post vacated by a retiring officer.

(d) “emolument” means “pay” as defined in rule 5(28) of West Bengal service Rules, Part I, which the officer was receiving immediately before his retirement

Note –1 If an officer during three years before his retirement or death, has been absent from duty on leave with allowances his emoluments for the purpose of calculating pension, service gratuity and/or death-cum-retirement gratuity Should be taken at what they have been had he not been absent from duty :

Provided that the amount of pension and/or gratuity is not increased on account of increase in pay not actually drawn and that the benefit of higher officiating or temporary pay is given only if it is certified that he would have continued to hold the higher officiating or temporary appointment but for his proceeding on leave.

Note : 2 Pay drawn in tenure appointment will count provided the service in tenure appointment does not qualify for the grant of special additional pension.

(e) “family” includes the following relatives of Government servant namely :

(1) for the purpose of a death gratuity,

- (i) wife in the case of a male officer,
- (ii) husband in the case of female officer
- (iii) sons including stepsons,
- (iv) unmarried and widowed daughters (including stepdaughters),
- (v) brothers below the age of 18 years and unmarried or widowed sisters,
- (vi) father
- (vii) mother

Compiler’s Note : With effect from 30.09.81 the system of calculating average emolument has been done away with and, instead, last drawn emolument is taken into account vide F. D. Memo. No. 7691_F dt. 25.04.90

At present, pension is calculated on the basis of last drawn emolument vide F. D Memo No. 4055-F dt. 25.04.90 1465–F (Pen) dt 15.11.1995 (regarding counting of additional amount towards calculation of death/retiring gratuity and raising the maximum ceiling of Gratuity from Rs. 85,000/- to Rs.2,00,000/-

- (2) for the purpose of a family pension–
- (i) wife in the case of a male officer,
 - (ii) husband in the case of a female office,
 - (iii) minor sons including adopted sons,
 - (iv) unmarried minor daughters including adopted daughters,
 - (v) dependant parents.

Note –Adoption or marriage after retirement will not be recognized for the purpose of family pension.

(f) “pension” except when the term “pension” is used in contradistinction to gratuity, “pension” includes gratuity.

- (2) Unless there be something repugnant in the subject or context, the terms defined in rule 5 of West Bengal Service Rules, Part I, are used in these rules in the sense therein explained.

Marriage after retirement will be recognised in terms of F.D. Memo. No. 1996-F(Pen) dated 27.9.91.

In terms of new no. 495-F(Pen) dt. 23.7.08, Family Pension to the minor children shall be payable in order of their birth and the younger of them will not be eligible for family pension unless the next above him/her has become ineligible for grant of Family Pension.

517-F(Pen) dt. 29.7.08 (inclusion of adopted son/daughter for receiving death gratuity).

323-F(Pen) dt. 13.2.95 & 2709-F(Pen) dt. 27.7.2001 (Raising of income ceiling of dependent parents).

731-F(Pen) dt. 12.8.09 (Raising of income ceiling from Rs. 2600/- pm to Rs. 3500/- pm for entitlement of family pension).

705-F(Pen) dt. 13.7.2000 (eligibility of the children of a divorced husband for Family Pension).

620-F(Pen) dt. 29.6.06 and clarification vide 621-F(Pen) 18.7.07 and clarification vide 432-F(Pen) 2.7.08 (eligibility of the divorced/widowed daughter for family pension).

138-F(Pen) dt. 3.3.08 (eligibility of unmarried daughter for family pension).

732-F(Pen) dt. 12.11.08 (guideline for payment of family pension to the widowed/divorced/unmarried daughter).

Chapter III

ORDINARY PENSION

8. Withholding of pension in cases of conviction and misconduct-

- (1) Future good conduct shall be an implied condition of every grant of pension. The pension sanctioning authority may, by order in writing, withhold or withdraw, either in full or in part, a pension or gratuity or both either permanently or for a specified period, if the pensioner is convicted of a serious crime or is found guilty of grave misconduct where a part of the pension is withheld or withdrawn, the amount of such shall not be reduced below rupees four hundred per mensem :

Provided that no order shall be passed under this clause by an authority subordinate to the authority competent to make an appointment to the post held by the pensioner immediately before his retirement from service.

- (2) Where the 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.

Compiler’s Note : substituted by Ntf. No. 444-F(Pen) dated 29.03.93

(3) In a case not falling under sub-rule (2) if the pension sanctioning authority under sub-rule (1) considers that the pensioner is prima facie guilty of grave misconduct, it shall, before passing an order under sub-rule (1)

(a) serve upon the pensioner a notice specifying the action proposed to be taken and calling upon him to submit within fifteen days of the receipt of the notice or such further time not exceeding fifteen days as may be allowed by the pension sanctioning authority, such representation as he may wish to make against the proposal and

(b) take the representation, if any, submitted by the pensioner under clause (a) into consideration.

(4) Where the authority competent to pass an order under clause (1) is the Governor, the Public Service Commission, West Bengal, shall be consulted before passing the order.

(5) An appeal against an order under clause (1) passed by any authority other than the Governor shall lie to the Governor and the Governor shall, in consultation with the Public Service Commission, West Bengal, pass such order on the appeal as he deems fit.

*9. Recovery of sum due to Government from pension or gratuity—the Government reserves to itself the right to order recovery from pension or gratuity or both of an officer under an order of the Government passed not later than four years after the date of retirement to meet any sum due under the liability incurred by such officer to Government.

Note – Where such recovery from pension is ordered, it shall not ordinarily be made at a rate exceeding one-third of basic pension.

10. Right of the Governor to withhold pension in certain cases.

(1) The Governor reserves to himself the right of withholding or withdrawing a pension or any part of it whether permanently or for a specified period, and the right of ordering the recovery from a pension of the whole or part of any pecuniary loss caused to Government, if the pensioner is found in a departmental or judicial proceeding to have been guilty of grave misconduct or negligence, during the period of his service, including service rendered on re-employment after retirement: Provided that —

(a) such departmental proceeding if instituted while the officer was in service, whether before his retirement or during his re-employment, shall after the final retirement of the officer, be deemed to be a proceeding under this article and shall be continued and concluded by the authority by which it was commenced in the same manner as if the officer had continued in service;

(b) Such departmental proceedings, if not instituted while the officer was in service, whether before his retirement or during his re-employment—

(i) shall not be instituted save with the sanction of the Governor;

(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 in such place as the Governor may direct and in accordance with the procedure applicable to departmental proceedings in which an order of dismissal from service could be made in relation to the officer during his service;

(c) no such judicial proceeding, if not instituted while the officer 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 an event which took place more than [four years] before such institution; and

Compiler's Note : *This rule is a substitution vide F.D. Notification No. 444-F (Pen) dated 29.03.94
[] Substitution under F.D. Nfg. No. 9510-F dated 15/17.12.75

(d) the Public Service Commission, West Bengal shall be consulted before final order are passed.

Explanation—For the purpose of this article—

(a) a departmental proceeding shall be deemed to have been instituted on the date on which the statement of charges is issued to the officer or pensioner, or if the officer has been placed under suspension from an earlier date, on such date ; and

(b) a judicial proceeding shall be deemed to have been instituted-

(i) in the case of criminal proceeding, on the date on which the complaint or report of police officer, on which the Magistrate take cognizance, is made, and

(ii) in the case of a civil proceeding, on the date on which the plaint is presented or, as the case may be, an application is made to a civil court.

* (2) Where any departmental or judicial proceeding is instituted under sub-rule (1) or where a departmental proceedings is continued under clause (a) of the proviso thereto against an officer who has retired on attaining the age of compulsory retirement or otherwise, he shall be paid during the period commencing from the date of his retirement to the date on which, upon conclusion of such proceeding, final orders are passed, a provisional pension not exceeding the maximum pension which would have been admissible on the basis of his qualifying service up to the date of retirement, 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; but no gratuity of death-cum-retirement gratuity shall be paid to him until the conclusion of such proceeding and the issue of final orders thereon.

(3) Payment of provisional pension made under clause (2) shall be adjusted against the final retirement benefits sanctioned to such officer upon conclusion of the aforesaid proceeding 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.

Note – The grant of pension under this rule shall not prejudice the operation rule 65 when final pension is sanctioned upon conclusion of the proceeding.

11. When claim to pension is not admitted. In the following cases no claim to pension is admitted, namely :

(a) When an officer is appointed for a limited time only, or for a specified duty, on the completion of which he is to be discharged;

(b) When a person is employed temporarily on monthly wages without specified limit of time or duty; but a month's notice of discharge shall be given to such a person and his emoluments (including allowances) must be paid for any period by which such notice falls short of a month;

(c) When a person's whole time is not retained for public service but he is merely paid for work done for the state;

Note – This clause applies, among other, to the following officers, namely :

Advocate – General, Solicitor to the Government Pleaders and Law Officers not barred from private practice, Sheriff of Calcutta and coroner.

(d) When a public servant holds some other pensionable office, he earns no pension in respect of an office of the kind mentioned in clause © or in respect of duties paid for by a local allowance;

Compiler's Note : *In sanctioning provisional pension under rule 10(2) report on the admissibility of pension required to be obtained from the AGWB. Vide F.D. Memo. No. 691-F dated 30.01.81

(e) When an officer serves under an agreement which contains no stipulation regarding pension, unless the Government authorizes an officer to count such service towards pension.

(f) When an officer is admitted to Government contributory provident Scheme, unless he forgoes the employer's contribution (including interest) with the approval of Governor.

12. Misconduct or inefficiency – No pension may be granted to an officer dismissed or removed for misconduct, insolvency or inefficiency; but to officers so dismissed or removed compassionate allowance may be granted when they are deserving of special consideration; provided that the allowance granted to any officer shall not exceed two-third of the pension which would have been admissible to him if he had retired on medical certificate.

Note –1 Rules 9 and 10 apply mutatis mutandis to the recovery of Government dues from compassionate allowance.

Note – 2 On receipt of the orders of the competent authority removing an officer from service for misconduct, insolvency or inefficiency, the Head of office if he proposes to recommend the grant of compassionate allowance, should fill in the first page of application for pension in Form 1 or the first and second pages of Form 2 as the case may be, and send to the Audit Officer concerned for report on the title to pension. The Head of Office should not wait for an application in Form 2 signed by the officer.

If the competent authority in passing orders of removal states that a certain proportion of the invalid pension is to be granted as compassionate allowance, no further sanction to pension is necessary, and all that is required that the Audit Officer should certify to the admissibility of the pension on a pension application completed and signed by the Head of Office as mentioned above.

Note – 3 The above rule vests the competent authority with an absolute discretion to grant or not to grant any compassionate allowance, the only restriction being that if granted it shall not exceed the maximum of two-thirds of the pension that would be admissible to the officer concerned on retirement on medical certificate. Each case has, therefore, to be considered on its merits and a conclusion has to be reached on the question whether there are any such extenuating feature in the cases as would make the punishment awarded, though it may have been necessary in the interest of Government, unduly hard on the individual. In considering this question it may be necessary to take into account only the actual misconduct or course of misconduct which occasioned the dismissal or removal of the officer but also the kind of service he has rendered. Poverty is not an essential condition precedent to the grant of a compassionate allowance but special regard is also occasionally paid to the fact that the officer may have a wife and children dependent upon him though the fact by itself is not, except perhaps in most exceptional circumstances, sufficient for the grant of a compassionate allowance.

#13. Pension in case of compulsory retirement as a penalty.–An officer compulsorily retired from service as a penalty may be granted by an authority competent to impose such penalty may be granted by an authority competent to impose such penalty, pension at a rate not less than two-thirds and not more than full invalid pension and special additional pension, if any, admissible to him on the date of his compulsory retirement.

Compiler's Note : #597-F (Pen) Dt. 1.8.05 (It is clarified that in terms of the provision contemplated under Rule 13 of WBS (DCRB) Rules, 71 a Govt employee who retires compulsory from service as penalty may be granted pension and gratuity not less than 2/3 and not more than full invalid pension and gratuity if any, admissible to him on the date of compulsory retirement. Further more the pension granted under this rule is commutable after medical examination.

■* 14 Criminal proceedings—A Government servant who retires from service but against whom criminal proceeding involving moral turpitude are pending in a court of law, shall not be sanctioned any pension until the termination of the criminal proceedings. An interim allowance not exceeding two-thirds of the pension that granted during the pendency of such proceedings in cases of hardship. If he is convicted on a criminal charge involving moral turpitude he shall not be entitled to any pension; compassionate allowance may be granted subject to the same terms and conditions as laid down in rule 12

15. Family pension—In case of death of a Government servant who in service or after retirement, if the deceased officer was entitle to, or was in receipt of, as the case may be, of a compensation, invalid, retiring or superannuation pension, the family of the deceased Government servant shall be entitled to a gratuity and/or pension as provided in Chapter X of this rule.

16. Limitations— An officer cannot earn two pensions in the same office at the same time or by the same continuous service. Two officers may not simultaneously count service in respect of the same office.

17. 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 office to which he is first appointed either substantively or in an officiating or temporary capacity.

Provided that in the case of officers in class I, II and III services, service rendered before attaining the age of 18 years, attaining the age 16 years, shall not count, except for compensation gratuity.

Compiler’s Note : This is substitution of the old rule made under F.D. Notification No. 540-F dated 18.01.77

The classification of Government officers as Class-I,II, III and IV has since been substituted by Group A,B,C and D officers. Vide WBSR, Pt.I.

18. Conditions for pension—Service of an officer does not qualify for pension unless it conforms to the following condition to the following conditions, namely :

- (a) the service must be under Government;
- (b) the employment must be-
 - i) Substantive and permanent or
 - ii) of permanent status, or quasi-permanent,
- (c) the service must be paid by Government,

Compiler’s Note : “ At present the condition of rule 18 (b) stands relaxed where continuous temporary service is ten years or more. Vide para 1 (iii) of F.D.Memo. No. 2255 F dated 22.3.73 according to which temporary Government employees rendering continuous service for ten years or more will be granted pension and gratuity as admissible to permanent Government employees under the normal rules.

Note 1 Class IV staff (i.e. Jamadars, Duftries, Peons, Durwans, etc.,) in the office of the official Assignees Establishment who were in service on 15th March 1937 shall count towards their pensions period of ccontinuous service under the official Assignee prior to that date.

Compiler’s Note : *In sanctioning interim allowance under rule 14 report on the admissibility of pension will have to be obtained from the AGWB. Vide F.D. Memo No. 4144-F dt. 13.06.75

■ D.O. No 1022-F (Pen) dt 18.05.2001 (Interim allowance be revised when revision of pension is done)

Note 2 Gratuities to Treasure and Sub –Treasury shroff will be regulated by the following rule; namely :

(a) a shroff is required to retire on reaching the age of 60 years.

Provided that the Collector may on public grounds, which must be recorded in writing, retain him in service until he has attained the age of 65 years

Provided further that such continuous service after attaining the age of 60 years shall be contingent upon the mental and physical fitness of the shroff concerned.

(b) a shroff may be invalidated if the medical officer in charge of the district certifies that by physical or mental infirmity he is permanently incapacitated :

(c) When a shroff retires under clause (a) or is invalidated under clause (b) or is discharged, the collector in his discretion may grant him a gratuity subject to the following conditions, namely

(i) the gratuity shall not exceed one month's pay for each completed year of qualifying service rendered before attaining the age of 60 years or 30 months pay whichever is less;

(ii) the qualifying service must be continuous and approved;

a shroff on being re-employed as a shroff will not count his previous service for any further gratuity.

19. Service paid from contract allowances—Services of clerks of public Prosecutors and Government Pleaders which are paid from contract establishment allowance with the detailed distribution of which Government does not interfere, do not qualify, whether such contract allowance is a fixed amount or consists of fees.

20. Service paid out of the contract allowances and tour allowance of Governor—Service in any establishment paid out of the contract allowances and tour allowances of the Governor followed appointment to permanent post in the Governor's Secretariat shall count provided the Government servant retires on or after 2nd June 1960

21. Service under non-Government employer—In case of service under a non-Government employer to which position Government has succeeded, such service qualifies in respect of the period of service for which a contributory provident fund was paid by the non-Government employer and the amount of contributory provident fund together with interest is credited to Government :

Provided that the service in the court of Wards shall also count towards pension where the benefits of the contributory fund were not in operation.

Where the benefits of the contributory provident fund were in operation in a Court towards , the service in the Wards Estate will count if the employer's share of contribution together with the interest is credited to Government.

*21A The period service rendered under any Government Undertaking prior to the service under the State Government will be treated as service qualifying for pension subject to the following conditions :

i) Where the undertaking concerned has a pension/gratuity scheme, pensionary liability is to be shared between the undertaking and the State Government on the basis of the length of qualifying service rendered under each of them, Where the undertaking is unwilling the State Government may allow the benefit, provided pensionary contribution for the period of service in question is paid by the employee concerned. Each case is to be taken up individual

Compiler's Note : * This rule has been inversed under F.D. 'Notification No. 1748-F dated 6.3.81 Page 42 of H. Book

(ii) Where the undertaking concerned has a contributory Provident Fund Scheme, past service rendered under the undertaking concerned will be counted as service qualifying for pensionary benefits in respect of the period for which the contribution to the Provident Fund was made by the employer, subject to the refund to the State Government the employer's share of contribution towards Provident Fund Scheme together with interest accrued thereon.

(iii) Where the undertaking of other Government are involved, the principle as mentioned above may be adopted on merit of each case.

iv) Condonation of interruption in these cases may be allowed as provided in rule 35.

22 (1) Any temporary or officiating service under Government followed with out interruption by confirmation or by declaration as quasi-permanent or permanent in status in the same or another post shall however count in full as qualifying service except that shall however count in full as qualifying service except that—

(a) the period of temporary or officiating service in and establishment where contributory provident fund benefits are allowed shall not count unless the Government contribution including interest is refunded in full to Government;

*(b) the period of service paid from contingencies shall not count.

(2) Past service whether permanent or temporary rendered by a Government servant of the undivided province of Bengal who at the time of Partition opted finally for service in Pakistan but returned to West Bengal and was absorbed in the State Government not later than 31st December 1951 and subsequently made permanent, will count towards pension provided the service was otherwise qualifying. The period of service rendered under the Government of East Pakistan after Partition and the period during which no duty was performed will neither count towards pension nor constitute a break for a determining the total length of service.

23. Service of a probationer—The service of a probationer who holds a substantive office and draws substantive pay qualifies. So does that of an officer who is on probation for a substantive office, if he is employed in a vacancy reserved for him pending probation, and in which no other officer simultaneously counts service.

Note—Service as an apprentice does not qualify.

24. Permanent officer deputed—An officer on permanent establishment deputed on temporary duty on the understanding that when the temporary duty ceases he will return to permanent establishment, counts his deputation service.

Compiler's Note : *In terms of para 1 (iv) of F.D.Memo. No. 2255-F dated 22.03.73 position of this cluse has been changed according to which wholetime service rendered in contingent establishment has been made countable subject to same condition as at clause (a) of sub-rule (1) of rule 22

25. Abolition of substantive office — If the substantive office of an officer is abolished within the meaning of rule 38 but the officer, is, at. the time on special duty, or is on abolition of office deputed on special duty his service on special duty qualifying.

26. Piece work— An officer in the. Government press, who is for piece work, is treated as having held a substantive office, if-

(a) he is employed, not casually, as a member of the fixed establishment and

(b) during the last 72 months of his actual employment he has been attached to one office uninterruptedly for 24 months, or it has not been through his own choice or misconduct that he has not been so attached.

Note.- Service rendered in the piece and extra piece establishment of the West Bengal Government Press shall count provided the service is followed by confirmation against a permanent post.

CHAPTER IV RULES FOR RECORDING SERVICE

*27 Concession of adding to qualifying service.— An officer appointed to a service or post may add to his service qualifying for superannuation (but not for any other class of pension) the actual period not exceeding five years by which his age at the time of recruitment exceeds twenty-five years if the service or post is one

(a) for which post-graduate research or specialist qualification, or experience in scientific technological or professional field is essential, and

(b) to which candidates of more than twenty—five years of age are normally recruited.

Provided that this concession shall not be admissible to any such officer unless his actual qualifying service at the time he quits Government service is not less than 10 years.

[Provided also that this concession shall not be admissible to any who are eligible for counting their past services for superannuation pension unless they opt for the weight age in service under this rule foregoing the counting of the past. Service before the date of their retirement and that the option so exercised shall be final.]

Note 1.— In the case of persons recruited to any of the services or posts mentioned in appendix 4 or Appendix 5, on or after 1st November, 1975, the decision, to grant the concession under this rule shall be taken by the administrative department at the time of recruitment in consultation with the Finance Department and the State Public Service Commission where recruitment is made through the Public Service Commission while for person who were recruited to any of the aforesaid services or posts before 1st November, 1975, and who did not retire before 1st January 1972, such decision, if not already taken, shall be taken by the administrative department concerned in consultation with the Finance Department.

Compiler's Note : *This rule is substitution vide F.D. Nt.f. No.6979-F dated 18.11.72 read with No.6645-F dated 18.9.75 and No.266-F dated 14.1.76.

[] Inserted by F.D. Ntf.No.2065-F(Pen) dated 21.9.92

556-F (Pen) dt. 14.08.08 (Amendment of Rule 27 (b) seven in place of Twenty five
200 –F (Pen) dt. 25.02.09 (the benefit of Rule 27 has been withdrawn.)

654 F- (Pen) dt. 8.6.98 (Age of superannuation retirement has been enhanced from 58 yrs to 60 yrs).

*Consultation with PSC, WB not necessary vide Memo No. 113-F (Pen) dt. 11.1.95

Note 2- All persons recruited to any of the services or posts mentioned in Appendix 4 and Appendix 5 shall, subject to the provisions of Note 1, be entitled to the benefit of this rule.

Note 3 Vice order No. 1725-F (Pen) dt. 27.10.94

28. Period of leave.—All periods of leave other than the extra ordinary leave without pay shall count as service.

*28A. Period of extraordinary leave—All extraordinary leave granted on medical certificate shall count as qualifying service :

Provided that in the case of extraordinary leave other than extraordinary leave granted on medical certificate, the appointing authority may, at the time of granting such leave, allow the period of that leave to count as qualifying service if such leave is granted to Government servant—

- (i) due to his inability to join or rejoin duty on account of civil commotion; or
- (ii) for prosecuting higher scientific and technical studies,

29. Departmental leave-The period passed on departmental leave by subordinates in the survey Departments and in the Traverse Survey Party whose service is superior counts, provided they return to duty when required by their superior officers.

30. Period spent in training—The competent authority may at its discretion decide in the case of an officer who is selected to undergo a course of training, whether the period spent in training shall count as service qualifying for pension.

31. Deputation out of India—where an officer is deputed out of India on duty, the whole period of his absence from India counts. When an officer on leave out of India is employed, or is detained after the termination of his leave on duty, the period of such employment or detention counts.

32. Period of suspension-The period passed under suspension pending enquiry into conduct counts in full where, on conclusion of the enquiry, the Government servant has been fully exonerated or the suspension is held to have been wholly unjustified; in other cases the period of suspension does not count unless the authority competent to pass order under rule 72 of West Bengal Service Rules, Part I expressly declares at the time that it shall be treated as duty.

33. Resignation and dismissal—(1) Resignation from public service, or dismissal or removal from it for misconduct, insolvency, examination entails forfeiture of past service.

(2) Resignation of an appointment to take up, with proper permission another appointment, whether permanent to temporary, service in which counts in full or in part, is not a resignation of public service :

Compiler's Note : *This rule has been inserted under F.D. Notification No.1950-F dated 21.2.83 Position of rule 28A has been clarified vide F.D. Memo. No. 8287-F dated 23.7.84. (Page 71 of the Hand Book)

Provided that a Government servant who resigns his appointment to take up another appointment under Government with higher initial pay as an outsider in terms of paragraph 4 (b) of the Government of West Bengal, Finance Department G.O. No. 3556-F dated 7.7.64, shall not be entitled to the benefit of this clause.

(3) In cases where an interruption in service is inevitable due to appointment being at different stations, such interruptions not exceeding the joining time permissible under the rules on 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 under rule 35 (3) to the extent to which the period is not covered by leave due to the Government servant.

34. Subsequent reinstatement-(1) A Government servant, who is dismissed, removed or compulsorily retired from public service but is reinstated on appeal or revision is entitled to count his past service.

(2) The period of break in service between the date of dismissal removal or compulsory8 retirement, as the case may be, and the date of reinstatement and the period of suspension, if any, shall not count unless regularized as duty or leave by a specific order of the authority which passed the order of reinstatement.

35. Interruption—(1) Subject to provisions contained in sub-rule (2) of rule 22 and interruption in the service of an officer entails for feature of his past service except in following cases, namely:

- (a) authorized absence of leave ;
- (b) suspension where it is immediately followed by reinstatement whether to the same or a different office, or where the officer dies or is permitted to retire or is retired while under suspension;

- (c) abolition of office or loss of appointment owing to reduction of establishment;
- (d) transfer to non-qualifying service in a establishment under Government control;
- (e) The period occupied in transit from one appointment to another, provided the officer is transferred under the order of the competent authority and the period does not exceed the amount of joining time admissible in case of a Government servant transferred from one post to another in the interest of public service.

(2) The competent authority may commute retrospectively the period of absence without leave into extraordinary leave without pay and allowance.

(3) Upon such conditions as it may think fit in each case to impose the competent authority may condone interruptions in service

Note – In view of present rule in respect of counting of qualifying service and reckoning of emoluments for pension and retiring benefit no condonation should hereafter be allowed except with the approval of Government. Before sanctioning any condonation by Government, the following conditions are required to be fulfilled, namely

- (a) the interruption has been caused by reasons beyond the control of the Government servant concerned ;
- (b) the service preceding the interruption should not be less than five years' duration
- (c) the interruption or interruption taken together if there be more than one should not be of more than six months' duration.

36. Power of Government to condone deficiency in service,–Upon any condition which it may think fit to impose, Government may condone a deficiency of six months in the qualifying service of a Government servant.

Note – The deficiency should not be condoned with a view to make up the minimum prescribed qualifying service for the purpose of death gratuity or family pension. In other cases power should be restricted to Government servant drawing pay not exceeding Rs. 425/- per month at the time of retirement on invalid or compensation pension.

Chapter V

CONDITIONS OF GRANT OF PENSION

37. Classification of pensions–Pensions are divided into the following four classes, namely :

- (a) compensation pension;
- (b) invalid pension;
- (c) superannuation pension ; and
- (d) retiring pension

Compiler's Note : a new class of pension named as 'pro-rata pension has since beer added under rule 189A as inserted by F.D. Notification No.2567-F dated 30.3.76

Compensation Pension

38. Option in case of abolition of permanent post. If an officer is selected for discharge owing to the abolition of permanent 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 service he has rendered; or
- (b) of acceptance another appointment of transfer to another establishment even on a lower pay, if offered, and continuing to count his previous service for pension.

Note – It is to be noted that the abolition of a post does not automatically involve discharge of the incumbent of the post. The competent authority has to be satisfied after making a reference to Government where necessary, that the officer cannot be 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.

39. Selection for discharge. The selection of the officers to be discharged upon the abolition of a post should prima facie be so made that the least charge for compensation pension will be incurred.

Note : Where an establishment or cadre consisting of permanent and temporary posts are manned by permanent Government servants, Government servants with permanent status, quasi-permanent Government servants and temporary Government servants, termination of service on the abolition of any post shall ordinarily take place in the following order namely :

- (a) temporary Government servants ;
- (b) quasi-permanent Government servants;
- (c) Government servants with permanent status;
- (d) Permanent Government servants.

40. Discharge of an officer.–The discharge of one officer to make room for another better qualified is not the abolition of an appointment within the meaning of rule 38. The abolition must produce a real saving to Government. Particulars of the saving effected should be fully set forth in every application for compensation pension. The saving should always exceed the cost of the pension; otherwise it may be better to postpone the reduction of establishment or abolition of appointment.

41. Officers not entitled to compensation pension.–An officer who is a member of a service specified in Appendix 9 of West Bengal Service Rules, Part I (Other than the West Bengal General Service) Cannot obtain a compensation pension on the abolition of a particular appointment.

42. Loss of appointment after completion of a specified term of service.– No pension is admissible to an officer for the loss of an appointment on discharge after the completion of a specified term of service.

43. Loss of any special pay or local allowance–No pension may be awarded for the loss of any special pay or local allowance.

44. Discharge of an officer in consequence of a change in the nature of duties of office. If it is necessary to discharge an officer in consequence of a change in the nature of duties of his office the case should be referred to the Government who will deal with it in accordance with the rules laid down in this chapter as to notice of discharge and compensation pension or gratuity.

45. Abolition of one of two appointments held by one officer. If of two appointment held by one officer only one is abolished and it is desired to give him an immediate pension in respect of the abolished post the case should be referred to Government for orders.

46. Notice of discharge – Reasonable notice, not less than three months, should be given to an officer in permanent employ before his service is dispensed with on the abolition of the office. If, in any case, notice of at least three months is not given and the officer has not been provided with any other employment on the date on which his services are dispensed with.

Then, with the sanction of the authority competent to dispense with the officer's services, a gratuity not exceeding his emoluments for period by which the notice actually given- to him falls short of months, may be paid to him in addition to the

pension to which he may be entitled under rule 67 but the pension shall not be payable for the period in respect of which he receives a gratuity in lieu of notice.

Note – The gratuity prescribed in this rule is not granted as compensation for loss of employment but only in lieu of notice of discharge. When, therefore, an officer discharged without notice is provided with some other employment on the date on which his services are dispensed with, whether that employment to be in qualifying or non-qualifying service, he is not entitled to any gratuity. “Emoluments” in this rule means the emoluments or leave allowances (partly the one and partly the other) which the officer would be receiving during the period in question had the notice not been given to him.

47. Acceptance of new appointment.— If an officer who is entitled to compensation pension accepts instead another appointment in the public service and subsequently becomes again entitled to receive a pension of any class, the amount of such pension shall not be less than he could have claimed if he had not accepted the appointment.

Invalid Pension

48. Invalid pension when awarded.- An invalid pension is awarded, on his retirement from public service, to an officer who by bodily or mental infirmity is permanently incapacitated for public service, or for the particular branch of it to which he belongs.

49. Medical Certificate-(1) An officer applying for an invalid pension shall submit a medical certificate of incapacity from a medical authority.

(2) The medical authority referred to in sub-rule (1) shall be –

(i) in the case of all gazetted Government servants and those non-gazette Government servants whose pay as defined in clause (28) of rule 5 of the West Bengal Service rules, Part I exceeds Rs.500 per month, a Medical Board;

(ii) in other case, the Chief Medical Officer of the district or a medical officer of equivalent status.

(3) No medical certificate of incapacity for service may be granted unless the applicant appears through the Head of Office or in case of a gazette officer through the Head of the Department. The Medical Officer shall be supplied by the Head of the Office or department in which the applicant is employed with a statement of what appears from the official records to be the applicant's age.

50. Statement of the medical case.— (1) A succinct statement of the medical case, and of the treatment adopted, should, if possible, be appended.

(2) If the medical authority, although unable to discover any specific disease in the officer, considers him incapacitated for further service by general debility while still under the age of fifty-five years, he should give detailed reasons for his opinion, and, if possible, a second medical opinion should also in such a case be obtained.

(3) In a case of this kind, special explanation will be expected from the head of the office or department of the grounds on which it is proposed to invalid the officer.

51. Inefficiency due to old age or natural decay. A simple certificate that inefficiency is due to old age or natural decay from advancing years is not sufficient in the case of an officer whose recorded age is less than fifty-five years, but the medical authority is at liberty, when certifying that the officer is incapacitated for further service by general debility, to state his reasons for believing the age to be understated.

Note. Senile cataract, arterial changes consequent on senile decay, general nervous-breakdown and commencing cataract may be treated as specific diseases as they may come before a man reaches the 55th year of his age.

52. Form of medical certificate (1) the form of medical certificate to be given respecting an officer applying for pension in India is as follows :-

“Certified that I (We) have carefully examined A.B. son of C.D. a _____ in the _____. His age is by his own statement _____ years, and by his appearance about _____ years. I (We) consider A.B., to be completely and permanently incapacitated for further service of any kind in the Department to which he belongs in consequence of (here state disease or cause). His incapacity does not appear to me (us) to have been caused by irregular or intemperate habits.”

Note : If the incapacity is the result of irregular or intemperate habits the following will be substituted for the sentence.

“In my/our opinion his incapacity is directly due to _____ has been accelerated or aggravated by _____ irregular or intemperate habits.”

If the incapacity does not appear to be complete and permanent, the certificate should be modified accordingly and the following addition should be made.

“ I am/we are of opinion that A.B., is fit for further service of a less laborious character than that which he has been doing (or may, after resting for _____ months, be fit for further service of a less laborious character than that which he has been doing).”

(2) The object of the alternative certificate (of incapacity) is that an officer should, if possible, be employed even on lower pay, so that the expense of pensioning him may be avoided. If that be no means of employing him even on lower pay, then he may be admitted to pension; but it should be considered whether in view of his capacity for partially earning a living, it is necessary to grant to him the full pension admissible under rule.

53. Examination by medical authority—The medical authority should be specially searching in their examination of the physical unfitness of every applicant for pension, and, however large may be the number of applicants for pensions the examination should, if possible, be conducted by the medical officers.

54. Officer discharged on other ground.—An officer discharged on other grounds has no claim under rule 48 even though he can produce medical evidence of incapacity for service.

55. Incapacity due to irregular or intemperate habits.—If the incapacity is directly due to irregular or intemperate habits, no pension can be granted. If it has not been directly caused by such habits but has been accelerated or aggravated by them, it will be for the authority by which the pension is grantable to decide what reduction should be made on this account.

Note 1—The mere fact that an officer has suffered from syphilis taken by itself is not sufficient to bring him under the operation of this rule.

Note 2–Unsoundness of mind caused by drug habits is a sufficient cause for invaliding an officer.

Note 3–The expression “irregular or intemperate habits” occurring in this rule refers to incapacity on account of drug habit or on account of diseases resulting from immoral habits. Cases where incapacity occurs due to other causes, e.g. work at irregular hours due to exigencies of service and not due to its own volition do not come under the purview of this rule.

56. Officer submitting medical certificate under rule 49 to be discharged.–(1) An officer who has submitted under rule 49 a medical certificate of incapacity for further service shall, if he is on duty, be invalided from service from the date of relief of his duty, which should be arranged without delay on receipt of the medical certificate. If he is on leave other than leave not due at the time of submission of the medical certificate he, should, except as provided in sub-rule (2), be invalided from the service on the expiration of the leave already granted to him. If he is on leave not due, his date of retirement should take effect from the date of the medical report.

(2) A Government servant declared by the competent medical authority to be completely and permanently incapacitated may, in special cases, be granted leave, or an extension of leave not exceeding six months as debited against the leave account, if such leave be due to him. Special circumstances justifying such treatment may be held to exist when the Government servant’s break-down in health has been caused in and by Government service, or when the Government servant has taken a comparatively small amount of leave during his service or will complete at an early date an additional six months’ service for pension.

Superannuation Pension

57. When superannuation pension is granted.–A superannuation pension is granted to an officer entitled or compelled under rules prescribed in chapter X of West Bengal Service Rules, Part-I, to retire at a particular age.

Note–If only the year of birth of an applicant for pension is known but the exact date of birth in that year is not known, the first of July of that year is taken to be the date of birth. Similarly, if only the month and the year of birth are known, the 16th of the month is taken to be the exact date of birth.

Retiring Pension

*58. Retiring pension when granted.- A retiring pension is granted to an officer who is permitted to retire after completing qualifying service for 30 years or such less time as may for any special class of officers be prescribed.

59. Retiring pension in the case of members of certain services.- Members of the following services or holders of following posts are entitled, on their resignation being accepted, retiring pension after completing qualifying service of not less than 25 years, namely :

- 1) West Bengal Higher Agricultural Service;
- 2) West Bengal Agricultural Service;
- 3) West Bengal Higher Veterinary Service;
- 4) West Bengal Veterinary Service;
- 5) West Bengal Senior Educational Service;
- 6) West Bengal Educational Service;
- 7) West Bengal Civil Service (Executive);

- 8) West Bengal Civil Service (Judicial);
- 9) West Bengal Health Service;
- 10) West Bengal Police Service;
- 11) West Bengal Senior Engineering Service;
- 12) West Bengal Engineering Service;
- 13) Officers of and above the rank of Superintendent of Jails
- 14) Director of Statistics;
- 15) Superintendent of Government Press;
- 16) Agricultural Engineers in Pension able Service;
- 17) Inspectors of Smoke Nuisances Directorate;
- 18) Officers of and above the rank of District Registrars;
- 19) Inspectors of Boilers.

A retiring pension is also granted to an officer who is required by Government to retire after completing 25 years' qualifying service or more.

60. Officers appointed or re-appointed on or after the first day April 1941.-**(1) An officer appointed or re-appointed after termination of his previous service on or after the first day of April 1941 may on completing 25 years' qualifying service apply to be permit to retire. If his resignation is accepted, he will be entitled to retiring pension under rule .67.

(2) The Government may without giving any reasons and without payment of any compensation retire any officer appointed or reappointed after termination of his previous service, on or after the first of April 1941 after such officer has completed 25 years of qualify service.

(3) An officer compulsorily retired as provided for a sub-rule is entitled to a retiring pension under rule 67.

Compiler 's Note : *For state Government employees other than though mentioned in rule 59 a Scheme of Voluntary Retirement has been introduced under which one is permitted to retire after completing not less than 20 years' qualifying service. For details - see F.D.Memo.No.6620-F dated 20.8.81.

**In terms of para' 14 of F.D. Memo.N'o.6620-F dated 20.6,81, rule 60 (1) shall be deemed to have been amended to the extent of the said Memo.

61. Accountant-General to be consulted. – The Accountant-General, West Bengal, should invariably be consulted before a Government servant is permitted to retire on retiring pension to ensure that the officer has rendered the minimum period of service qualifying for retiring pension.

Note– In some cases officers were allowed to retire from service and it was subsequently found by the Audit Officer that owing to the peculiar conditions of a portion of their service or to some other reason, they had not completed the minimum period of qualifying service necessary to enable them to draw the retiring pension to which they believed they were entitled when they were permitted to retire.

CHAPTER VI AMOUNT OF PENSIONS

*62. Amount of pension is determined by length of service—The amount of pension that may be granted is determined by the length service as set forth in the rules 67-69. Fractions of a year are taken into account in the calculation of any pension admissible to an officer provided that in case of Government servants in the West Bengal State Service Class IV and in respect of other officers retiring from service on or after 7th June 1966 who have not opted to remain under the Pension Rules issued under Finance Department Notification No.2222/F/F/1P-1 (10)/52 dated 11th August 1952, or under the existing rules of the Civil Service Regulations, fractions of year equal to six months and above shall be treated as a completed six monthly period for the purpose of calculation of any pension admissible under these rules.

Note.- In calculating the length of service and adding together broken periods of a month, a month should be taken to consist of 30 days.

**63. Fractions to be rounded off.- The amount of pension payable monthly shall be expressed in whole rupees and where the pension calculated according to these rules contains a fraction of a rupee it shall be rounded off to the next higher rupee provided that the maximum annual pension prescribed in rule 67 shall not be increased thereby.

64. Pension fixed in rupees.— A pension is fixed in rupees and not in other currency even though it is to be paid in countries outside India.

65. Award of full pension.— (1) The full pension admissible under the rules is not to be given as a matter of course or unless the service rendered has really been approved.

(2) If the service has not been thoroughly satisfactory, the authority sanctioning the pension should make such reduction in the amount as it thinks proper :

Compiler's Note : *At present, fraction of a year equal to three months and above is treated as six monthly period of service period below three months is ignored vide F, D.Memo.No.,14971 dated 16.12.83.

**w.e.f. 1.1.88 maximum amount of monthly pension has been fixed at Rs.3650/- vide F.D. Memo.No.4055-F dated 25.4.90

Maximum amount of monthly pension has been fixed at Rs. 11200/- w.e.f. 1.1.96 normally from 1.4.98 vide F.D. Memo No 1127 (Pen) dt. 27.10.98

Maximum amount of monthly pension has been fixed at Rs. 35000 w.e.f 1.1.96 notionally and actually from 1.4.08 vide F.D.Memo No. 201-F (Pen) dt. 25.2.09

Provided that in cases where the authority sanctioning pension is other than the appointing authority, no order regarding reduction in the amount of pension shall be made without the approval of the appointing authority.

Provided that in cases where the authority sanctioning pension is other than the appointing authority, no order regarding reduction in the amount of pension shall be made without the approval of the appointing authority.

[Provided further that the pension sanctioning authority before passing any final order regarding reduction in the account of pension or gratuity, or both, shall serve upon the person concerned a notice specifying the reduction proposed to be made in such amount and the grounds therefor, and call upon such person to submit, within fifteen days of the receipt of the notice or such further time as may be allowed by that authority, such representation as such person may wish to make against the proposed reduction and take into consideration the representation, if any, submitted by such person before passing the final order.]

Compiler's Note : [] inserted by amendment under F.D.Notification No,2562-F dated 30.3.76

Note 1.- No pension shall be liable to seizure, attachment or sequestration by process of court in India at the instance of the creditor for any demand against the pensioner, [Section of the Pensions Act (Act XXIII of 1871)].

Note 2.- The Public Service Commission, West Bengal, shall be consulted whenever it is proposed to pass an order awarding pension including an additional pension, less than the maximum admissible under these rules to any Government servant who was a member of the West Bengal State Services, Class I or class II before retirement. Whenever an order reducing the pension of an officer is passed, the officer affected shall have a right to appeal to the authority to whom an appeal for an order of dismissal or removal lies.

Note 3.— (a) This rule cannot be used directly to effect a penal recovery, but Government are justified in making proof of a specific instance of fraud or negligence by an officer, the ground for a finding that his service has not been thoroughly satisfactory within the meaning of this rule for the purpose of reducing his pension.

(b) The measure of the reduction in the amount of pension made under this rule should be the extent by which the officer's service as a whole has failed to reach a thoroughly satisfactory standard, and any attempt to equate the amount of reduction with the amount of loss caused to Government is incorrect.

(c) The rule contemplates permanent reduction in the amount of pension ordinarily admissible and does not admit of the reduction of the pension payable in respect of any one particular year.

Note 4.— The question whether in the departmental enquiry an officer charged with corruption should be presumed to be guilty of that charge - in case he is unable to satisfactorily account for possession by himself or by any other person on his behalf, e.g. dependants, of pecuniary resources of property disproportionate to his known sources of income was under examination. It is considered that a presumption of corruption fairly and reasonably arises against an officer who cannot account for large accretion of wealth which he could not possibly have saved from his known sources of income. Such a principle has received statutory recognition in section 5(3) of the Prevention of Corruption Act, 1947 and it is considered that its application in a departmental enquiry would not be unjust or inequitable. Accordingly, it has been decided that if an officer against whom a departmental enquiry is held is unable to explain satisfactorily the large wealth amassed by him the officer holding the enquiry is entitled to act on the presumption that such wealth was amassed by corrupt means.

The service of an officer against whom such a charge of corruption has been proved whether in a specific case or by the presumption stated above cannot be considered to be thoroughly satisfactory within the meaning of this rule. Any action under this rule should, however, be taken only after a charge of corruption has been proved in the above manner in all formal departmental enquiry.

66. An officer entitled to pension may not take a gratuity instead of pension.

67. Amount of pension,- The amount of pension is regulated as follows :

(A) Gratuity.- After a service of less than ten years a gratuity at the rate specified below irrespective of whether he has opted in favour of any rule or not :

**Completed six monthly periods
of qualifying service**

Gratuity

1	½ months' emoluments
2	1 months' emoluments
3	1 months' emoluments
4	2 months' emoluments
	2½ months' emoluments
6	3 months' emoluments
7	3½ months' emoluments
8	4 months' emoluments
9	4½ months' emoluments
10	5 months' emoluments
11	5½ months' emoluments
12	6 months' emoluments
13	6½ months' emoluments
14	7 months' emoluments
15	7½ months' emoluments
16	8 months' emoluments
17	8½ months' emoluments
18	9 months' emoluments
19	9½ months' emoluments

*(B) After service of not less than ten years a pension not exceeding the following amounts :

(i) In case of Government servants in the West Bengal State Services, Class IV and in case of other Government servants retiring on or after 7th June, 1966 who have not opted to remain under the rules issued under Finance Department Notification No.2222-F/F|1P-1(10)/52 dated 11th August 1952 or under the existing rules of the Civil Service Regulation

Compiler's Note : *At present amount of pension is determined and calculated in terms of F.D. Memo.No.7530-F dated 6.7.88 read with No,4055-F dated 25.04.90.

I. Pension

Completed six monthly periods of qualifying service			Maximum pension in rupees in rupees (per annum)
20	10/80ths	of average emoluments	2,700
21	10½/80ths	of average emoluments	2,835
22	11/80ths	of average emoluments	2,970
23	11½/80ths	of average emoluments	3,105
24	12/80ths	of average emoluments	3,240
25	12½/80ths	of average emoluments	3,375
26	13/80ths	of average emoluments	3,510
27	13½/80ths	of average emoluments	3,645
28	14/80ths	of average emoluments	3,780
29	14½/80ths	of average emoluments	3,915
30	15/80ths	of average emoluments	4,050

31	15½/80ths	of average emoluments	4,185
32	16/80ths	of average emoluments	4,320
33	16½/80ths	of average emoluments	4,455
34	17/80ths	of average emoluments	4,590
35	17½/80ths	of average emoluments	4,725
36	18/80ths	of average emoluments	4,860
37	18½ / 80ths	of average emoluments	4,995
38	19/80ths	of average emoluments	5,130
39	19½/80ths	of average emoluments	5,265
40	20/80ths	of average emoluments	5,400
41	20½/80ths	of average emoluments	5,535
42	21/80ths	of average emoluments	5,670
43	21½/80ths	of average emoluments	5,805
44	22/80ths	of average emoluments	5,940
45	22½/80ths	of average emoluments	6,075
46	23/80ths	of average emoluments	6,210
47	23½/80ths	of average emoluments	6,345
48	24/80ths	of average emoluments	6,480
49	24½/80ths	of average emoluments	6,615
50	25/80ths	of average emoluments	6,750
51	25½/80ths	of average emoluments	6,885
52	26/80ths	of average emoluments	7,020
53	26½/80ths	of average emoluments	7,155
54	27/80ths	of average emoluments	7,290
55	27½/80ths	of average emoluments	7,425
56	28/80ths	of average emoluments	7,560
57	28½/80ths	of average emoluments	7,695
58	29/80ths	of average emoluments	7,830
59	29½/80ths	of average emoluments	7,965
60	30/80ths	of average emolument	8,100

[**Note** (a)- Officers in the operational personnel of the West Bengal Fire service, namely, Fireman, Leaders, Fire Engine Operator cum-Drivers, Sub-Officers and Station Officers, who are either required or permitted to retire, after completion of 20 year qualifying service or more, shall be eligible to pension at rate of 30/80ths of average emoluments.]

Compiler's Note : [] inserted under F.D.Ntf. No.5544 –F dated 8.8..75. Rates of pension & gratuity and ceiling thereof have since been changed.

II. Gratuity

In addition to pension to which he is eligible as specified above, a retiring gratuity at the rate of one fourth of his emoluments for each completed six monthly period of qualifying service subject to a maximum of 15 times the emoluments, provided that in no case it shall exceed Rs. 24.0000

“Emolument” has the same meaning as in rule 7 (b) except that it shall be subject to a maximum of Rs. 1800 per month for the purpose of sub-clause (A) and (B) above.

[**Note 1.** –Officers in the operational personnel of the West Bengal Fire Service, namely, Fireman, Leaders, Fire Engine Operator-cum-Drivers, Sub-Officers and Station Officers retiring after completion of 20 top 24 years of qualifying service, shall be granted a retiring gratuity of an amount equivalent to 12 months’ emoluments.]

(ii) In case of Government servants who opted to remain under the rules issued under Finance Department Notification No. 2222-F/FP-1(10)/52 dated 11st August 1952.

A. Ordinary Pension

Completed six monthly periods of qualifying			Maximum pension in rupees in rupees (per annum)
10	10/80ths	of average emoluments	1,500
11	11/80ths	of average emoluments	1,650
12	12/80ths	of average emoluments	1,800
13	13/80ths	of average emoluments	1,950
14	14/80ths	of average emoluments	2,100
15	15/80ths	of average emoluments	2,250
16	16/80ths	of average emoluments	2,400
17	17/80ths	of average emoluments	2,550
18	18/80ths	of average emoluments	2,700
19	19/80ths	of average emolument	2,850
20	20/80ths	of average emolument	3,000
21	21/80ths	of average emolument	3,150
22	22/80ths	of average emolument	3,300
23	23/80ths	of average emolument	3,450
24	24/80ths	of average emolument	6,300
25	30/80ths	of average emolument	3,750
26	30/80ths	of average emolument	3,900
27	30/80ths	of average emolument	4,050
28	30/80ths	of average emolument	4,200
29	30/80ths	of average emolument	4,350
30 and above	30/80ths	of average emolument	4,500

Amount of retiring pension for officers who are permitted to retire after completing 25 years’ qualifying service or more.

Compiler’s Note : [] inserted under F.D.Ntf. No.5544–F dated 8.8..75. Rates of pension & gratuity and ceiling thereof have since been changed.

Completed years of qualifying Service	Scale of Pension		Maximum pension in rupees in rupees (per annum)
25	25/80ths	of average emoluments	3,750
26	26/80ths	of average emoluments	3,900
27	27/80ths	of average emoluments	4,050
28	28/80ths	of average emoluments	4,200
29	29/80ths	of average emoluments	4,350
30 and above	30/80ths	of average emoluments	4,500

B. Gratuity

Completed year of Qualifying service

1-9		Nil	
10		4½ months	emoluments
11	4	19/20	emoluments
12	5	2/5	emoluments
13	5	17/20	emoluments
14	6	3/10	emoluments
15	6	3/4	emoluments
16	7	1/5	emoluments
17	7	13/20	emoluments
18	8	1/10	emoluments
19	8	11/20	emoluments
20	9		emoluments
21	9	9/20	emoluments
22	9	9/10	emoluments
23	10	7/20	emoluments
24	10	4/5	emoluments
25	11	1/4	emoluments
26	11	7/10	emoluments
27	12	3/20	emoluments
28	12	3/5	emoluments
29	13	1/2	emoluments
30	13	½	emoluments
31	13	19/20	emoluments
32	14	2/5	emoluments
33	14	17/20	emoluments
34 and above	15		emoluments

“Emolument” for the purpose of gratuity has the same meaning and rule 7 (b) except that it shall be subject to a maximum of Re. 1 per month

C. Additional Pension

III. Additional pension at the rates and subject to the conditions specified in rule 68 shall be admissible to holders of the following posts:

A.Upper Grade

- (1) Director of Public Instruction, Government of West Bengal;
- (2) Director of Health Services, Government of west Bengal;
- (3) Chief Engineer in the Works and Buildings Department and also in other Engineering Departments, Government of West Bengal.

B. Lower Grade

- (1) Director of Agriculture, Government of West Bengal;
- (2) Chief Conservator of Forests, Government of West Bengal
- (3) Director of Industries, Government of West Bengal

(iii) In case of Government Servants who opted to remain under the rules in the Civil Service Regulations—

I. For officers other than those mentioned in rule 59 of these rules :

Years of completed Service	Scale of pension	Maximum limit of pension
10	10/60ths of average emoluments	2,000 a year
11	11/60ths of average emoluments	2,200 a year
12	12/60ths of average emoluments	2,400 a year
13	13/60ths of average emoluments	2,600 a year
14	14/60ths of average emoluments	2,800 a year
15	15/60ths of average emoluments	3,000 a year
16	16/60ths of average emoluments	3,200 a year
17	17/60ths of average emoluments	3,400 a year
18	18/60ths of average emoluments	3,600 a year
19	19/60ths of average emoluments	3,800 a year
20	20/60ths of average emoluments	4,000 a year
21	21/60ths of average emoluments	4,200 a year
22	22/60ths of average emoluments	4,400 a year
23	23/60ths of average emoluments	4,600 a year
24	24/60ths of average emoluments	4,800 a year
25 and above	30/60ths of average emoluments	5,000 a year

II. For officers mentioned in rule 59 of these rules :

(a) For retiring pensions—

Upto 24 years of completed service, as in sub-clause I above.

Years of completed Service	Scale of pension	Maximum limit of pension
25	25/60ths of average emoluments	5,000 a year
26	26/60ths of average emoluments	5,200 a year
27	27/60ths of average emoluments	5,400 a year
28	28/60ths of average emoluments	5,600 a year
29	29/60ths of average emoluments	5,800 a year
30 and above	30/60ths of average emoluments	6,000 a year

(b) For other pensions—

Upto 25 years' completed service,—as in sub-clause I above.

Years of completed Service	Scale of pension	Maximum limit of pension
26	30/60ths of average emoluments	5,200 a year
27	30/60ths of average emoluments	5,400 a year
28	30/60ths of average emoluments	5,600 a year
29	30/60ths of average emoluments	5,800 a year
30 and above	30/60ths of average emoluments	6,000 a year

Additional Pension

III. Additional Pension at the rates and subject to the condition specified in rule 68 shall be admissible to holders of following posts :

A. Upper Grade

- (1) Director of Public Instruction, Government of West Bengal
- (2) Chief Conservator of Forests, Government of West Bengal
- (3) Chief Engineers in the Public Works Department and in other Engineering Department, Government of West Bengal

B. Lower Grade

- (1) Conservator of Forests, Government of West Bengal
- (2) Superintending Engineers, Government of West Bengal;
- (3) Any pensionable appointment the minimum pay of which is Rs.1500 a month.

Compiler's Note : The rates of pension, gratuity, length of maximum qualifying service, ceiling of emolument and also ceiling of pension, gratuity etc. as provided in rule 67 have undergone several changes from time to time as a measure of liberalism effected by issue of executive orders from Finance Deptt.

The present position of the rates of pension gratuity etc. shown below indicating the chronological changes thereof to facilitate easy reference :

A. (i) The maximum qualifying service for earning pension in terms of rule 67 (B) (i) has been enhanced from 60 completed six monthly periods to 66 completed six-monthly periods (effect 1.4.74, vide Memo.No.5225-F dated 7.6.76)

(ii) For gratuity, the maximum limit of 15 times emolument as prescribed in Part II of rule 67 has been raised to 16^{1/2} times the emoluments. Monetary ceiling for gratuity also raised to Rs.30,000 (effect 1.4.74, vide Memo.No.5225-F dated 7.6.76)

(iii) Ceiling of emoluments for the purpose of pension and gratuity has been raised from Rs.1,800 to Rs.2,500 per month (effect 1.4.74, vide Memo.No.5225-F dated 7.6.76).

B . With effect from 1.4.78, a new formula called "slab system was introduced for calculation of pension (vide Memo. No.8390-F dated 13,9.80) :

	Amount of monthly Pension
(i) Upto first Rs.1000/- of the average amount reckonable for pension.	50% of the amount
Next Rs, 500/- of the average amount	45% of the amount
Balance of the average amount	40% of the amount

(ii) The amount of pension arrived at on the basis of above slab-system is available for a qualifying service not less than 33

years. For a qualifying service less than 33 years but not less than 10 years—amount of pension will be proportionate to what is admissible for a qualifying service of 33 years. The formula is

$$P = \frac{A \times L}{33}$$

[P = Pension, A = amount of pension arrived at on the basis of slab-system; and, L=length of qualifying service]

(iii) Ceiling of monthly pension inclusive of ad-hoc increases – Rs. 1500/- w.e.f 1.4.78

(iv) Instead of average amount, last drawn amount is reckoned w.e.f. 30.9.81

C. Monetary ceiling of gratuity raised from Rs. 30000 to Rs. 36,000/- (effect-1.8.82, vide Memo. No. 9777-F dated 8.9.82)

D.(i) Ceiling of gratuity, again, raised from Rs. 36,000 to Rs. 50,000/- and ceiling on emolument for gratuity raised from Rs 2,500 to Rs. 4,000/- p.m. (effect 31.3.85 vide Memo. No. 2436-F dated 7.3.86).

(ii) Ceiling on maximum amount of pension abolished for employees retiring on or after 31.3.85 vide No. 2436 dated 7.3.86)

E. (i) Gratuity-Ceiling, again, raised from Rs. 50,000 to Rs. 75,000/- (effect-1.1.86, vide Memo. No. 7530-F dated 6.7.88)

(ii) Minimum pension and maximum pension fixed at Rs. 375/- p.m. and rs. 2675 p.m. respectively (effect-1.1.86, vide Memo No 7530-F dated 6.7.88)

(iii) Ceiling on amount reckonable for pension and gratuity abolished (effect – 1.1.86, vide Memo. No. 7530-F dt. 6.7.88)

(iv) Pension shall be calculated at 50 per cent instead of slab system as shown at B (i) (effect-1.1.86, No. 7530-F date 6.7.88)

F. Consequent upon revision of pay under the WBS (ROPA) Rules '90 which took effect on 1.1.86 following changes have been made

(i) Maximum amount of pension raised from Rs. 2675/- to Rs. 3650/- (effect- 1.1.88, vide Memo. No. 4055-F dated 25.4.90)

(ii) Ceiling of gratuity raised from Rs 75,000/- to Rs. 85,000/-

(iii) Pension will be calculated on the basis of last drawn 'emolument' as defined in rule 7(1)(d) of the WBS (DCRD) Rules '71 instead of 'amount reckonable for pension (effect 1.1.88, Vide No. 4055-F dated 25.4.90.

(iv) Minimum pension raised from Rs. 375/- p.m. to Rs. 400/- p.m. with effect from 1.5.92 vide F.D.Memo No. 1066-F (Pen)

G. Consequent upon revision of pay under the WBS (ROPA) Rules '98 which took effect on 1.1.96 following changes have been made

(i) Minimum pension and maximum pension shell be Rs. 11,200/- p.m.

(ii) Ceiling of gratuity raised from Rs 85,000/- to Rs. 2,00,000/- in terms of Memo No. 1465 F (Pen) dt. 15.11.95 ceiling of gratuity raised from Rs. 2,00,000/- to Rs. 2,50,000/- in terms of F.D. Memo No. 1127-F (Pen dt. 27.10.98 Ceiling of gratuity has been raised from Rs. 2,50,000/- to Rs. 6,00,000- w.e.f 1.1.2006 vide F.D. Memo No. 201-F (Pen) dt. 25.2.09

(iii) Minimum pension has been raised from Rs. 1300/- pm ti Rs 3300/- pm w.e.f 1.1.06 vide F.D.Memo No.201-F (Pen) dt. 25.2.09

68. Grant of additional pension,- The grant of .additional pension to officers specified in rule 67 is regulated as follows :

(1) The additional pension admissible under this rule is not to be given as a matter of course but only where the service rendered is approved as satisfying the standard of work and conduct required in special conditions of the post or duty hereinafter mentioned.

(2) Officers who, have held posts listed in rule 67 may be granted additional pension - (a) at the rate of Rs. 300 for each completed year of effective service in any post included in the lower grade, and (b) at the rate of Rs. 500 for each completed year of effective service in any post included in the upper grade, upto a maximum of Rs, 1,500 per annum for service in lower grade appointments and Rs. 2500/- per annum for service in lower and upper grade appointment combined or in upper grade appointments alone; provided that in the case of an officer who has earned an additional pension by service in appointment in both the upper and lower grades, service for any broken period of a year in upper grade may count as service in the lower grade if his pension would be thereby increased.

(3) An Officer who has held a temporary post which has been declared by the authority competent to create the post as carrying similar duties and responsibilities and which carries the same rate of pay as a post listed in the rule may be granted an additional pension in respect of that post at the rate and subject to the conditions prescribed in sub-rule (2).

(4) For the purpose of sub-rules (2) and (3) "effective service" includes, besides periods of duty in a post mentioned in the said clauses—

(i) Duty performance

(a) in a post of corresponding rank and responsibility in foreign service, or

(b) on deputation on special duty, or

(c) in a temporary post, or

(d) in a permanent post in an officiating capacity to which an officer is transferred or appointed whilst holding the post mentioned in sub-rules (2) or (3), if, in the case of an officer who held a post mentioned in sub-rule (2) in an officiating Capacity, or of an officer who held a post mentioned in sub-rule (3) Government certifies that he would if he had not been so transferred or appointed, have continued to officiate in or hold the post concerned;

(ii) earned leave for the purpose of calculating service pension taken by the officers during his service in a post mentioned in sub-rules (2) and (3) or during the period of duty covered by clause (1) of this sub-rule if in the case of an officer who has held a post mentioned in sub-rule (2) in an officiating capacity, or who has held a post mentioned in sub-rule (3), Government certifies that he would, if he had not proceed on leave; have continued to officiate in the post mentioned in sub-rule (2) or have held a post mentioned in sub-rule (3).

(5) An officer who has received under the proviso to rule 54 of the West Bengal Service Rules, Part I or under rule 100 of the said Rules, officiating promotion to one of the posts listed in rule 67 or in whose case Government certifies that he would have received such promotion had he not been on special duty or held a temporary post—may be granted an additional pension at the rates and "subject to the conditions prescribed in sub-rule (2), as though he had held during the period for which he officiated or would have officiated, a post listed in rule 67.

(6) For the purpose of sub-rule (5) the period of officiating promotion includes any earned leave if Government certifies that had the officer not been on leave he would have continued in the same capacity.

(7) The grant of additional pension is subject to the condition that officers must in the event of voluntary retirement have completed 20 years of qualifying service. Voluntary retirement for the purpose of this rule' should be taken as retirement under rules 58-60 of these rules.

69. Permanent invaliding- An officer should not, without urgent necessity, be invalided when he has merely completed thirty years' service; the Government cannot undertake to overlook a deficiency service resulting from an ..officer being prematurely invalided. The principle of this rule applies to all analogous cases.

CHAPTER VII

DETERMINATION OF PENSION DURING RE-EMPLOYMENT GENERAL

70. Re-employment of pensioners -No Government servant may draw pension who retires with a view to being re-employed and drawing pay in addition, whether in the service paid from general revenues or in the service paid from any local fund.

D.O. No. 1557-F (Pen) dt. 22.09.94 (Principle of fixation of consolidated pay on contract appointment after retirement.

Memo No. 3951 dt 27.5.09 (Regarding fixation of pay and draws of remuneration of the State Govt. reemployed pensioners in the revised pay structure for those retired before 1.1.06 and retired on or after 1.1.06)

71. Declaration by re-appointed officer.- (1) when a person who was formerly in the employment of any Government in India obtains reemployment, whether temporarily or permanently in Government service or in the service paid from any local fund it shall be incumbent on him to declare –

(a) to the Appointing Authority the amount of gratuity or pension granted to him in respect of the previous employment, and

(b) to the Accountant-General, West Bengal, and the Government in the Administrative Department in which he was employed before retirement the detailed terms of his re-employment;

(2) The authority competent to fix the pay and allowances of the post in which he is re-employed shall determine the pay admissible on re-employment and state specifically in the order of re-employment whether any reduction is to be made from pension and salary during the period of re-employment with due regard to the provisions contained in Rule 55(B) of West Bengal Service Rules, Part I, and shall communicate a copy of the order to the Accountant-General.

Note 1. Where the employment is in the service paid from a local fund, the authority determining whether the pension shall be wholly or partly held in abeyance shall be the Government.

Note 2. When the employment is in Government undertakings, Companies and Corporations, the fact of re-employment of a Government servant together with -the terms of re-employment are invariably and promptly reported by the organization concerned to the Accountant-General in whose auditorial jurisdiction the Government servant was employed before retirement When however the terms of re-employment have not been settled the pension of retired Government servant re-employed in Government undertaking, Companies and Corporations may be released by the Accountant-General under intimation to the pension sanctioning authority and to the authority competent to sanction re-employment which may regulate the pay on re-employment suitably.

72. Attention of re-appointed officer to be drawn.- The attention of every officer who is re-employed should be specially drawn to the provisions of this Chapter by the authority re-employing him and by the Audit Officer whenever he may be 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.

73. Notwithstanding anything contained in the rules in this Chapter an extraordinary pension sanctioned under Chapter XI of these rules shall continue to be drawn by a retired Government servant during re-employment or continued employment and subject only to the conditions of its award. The amount of such pension or addition to such pension shall not be taken into account when fixing the pay during the period of re-employment or continued employment.

Civil Pensioners

74. Re-employment after compensation gratuity.- An officer who has obtained a compensation gratuity under rule 46 of these rules, if re-employed in qualifying service, may either retain his gratuity in which case his former service will not count for future pension on refund it and count his former service but the officer need not refund that portion of his gratuity under rule 46 which the interval of his non-employment bears to the whole period for which the gratuity is given. If the officer is re-employed only temporarily, he need refund no part of his gratuity but if such temporary employment is foreseen as to the time of termination of service, the gratuity awarded under rule 46 should be proportionately reduced. The intention to refund must be stated immediately on re-employment but the refund may be made by monthly installments of not less than one-third of the officer's salary and also not less than the whole gratuity divided by the number of months which have elapsed since the end of service for which the gratuity was given. The right to count previous service does not revive till the whole amount is refunded.

75. After compensation pension.- (1) An officer who has obtained a compensation pension, if re-employed, may retain his pension in addition to his pay provided that if he is re-employed in a post paid from general revenues, the pension shall remain wholly or partly in abeyance if the sum of the pension and the initial pay on re-employment exceeds his substantive pay at the time of his discharge, that is to say, an officer can draw so much of pension only as will make his initial pay plus pension equal to his substantive pay at the time of his discharge.

(2) If his re-employment is in qualifying service, he may either retain his pension in which case his former service will not count for future pension or cease to draw any part of his pension and count his previous service. Pension intermediately drawn need not be refunded.

Note:- An officer counts his previous service under rule 75(2) if on re-employment his pension remains wholly in abeyance.

76. Section writer:- In the case of a section writer who has been allowed to qualify/under special orders of Government or of a press servant re-employed, the substantive pay at the time of discharge is taken at the average earnings of last six months of employment.

77. Time for exercising option.— If an officer does not, within three months from the date of his re-employment, exercise the option provided in rule 75 of ceasing to draw pension and counting his former service, he may not thereafter do so without the permission of Government.

78. After invalid pension. — There is no bar to the re-employment of an officer who has regained health after obtaining invalid pension, or if an officer is invalidated as being incapacitated for employment in a particular branch of the service, to his re-employment in some other branch of the service. The rules in such a case as to refunding gratuity, drawing pay and counting service are the same as in the case of re-employment after compensation pension.

79. After superannuation or retiring pension.- An officer who is in receipt of a superannuation or retiring pension shall not be re-employed or continue to be employed in service paid from general revenues or from a local fund, except on public

grounds and on the specific approval of the Government, The officer seeking re-employment in a service paid from any local fund may likewise obtain prior approval of the Government before accepting any re-employment.

80. In case of commutation of pension:— In the case of a pensioner who is re-employed in Government service or in the service paid from a local fund and who commutes a portion of his pension after such re-employment the amount of pension which the pensioner is entitled to draw under these rules shall be the amount to which he would have been entitled had there been no commutation, less the pension commuted.

In the case of a pensioner whose pension is held wholly in abeyance during 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 portion actually drawn, his pay during re-employment shall be reduced with effect from the date on which his commutation becomes absolute, by an amount representing the difference between the portion of pension commuted and the portion of pension drawn until the commutation,

81. Original amount of pension should be taken into consideration.- In case of a pensioner a portion of whose pension has been commuted before re-employment the original amount of the pension should be taken into consideration in fixing the total receipts during re-employment or continued employment and not merely the commuted pension.

Military Pensioners

82. Rules 74 to 81 not to apply to military officer.- Except where it is otherwise expressly provided, the rules 74 to 81 of this Chapter do not apply to a military officer, departmental officer warrant or non-commissioned officer or soldier who is taken into allowed to continue in civil employ after he has been granted a pension under military rules. The claims of such an officer to salary in the Civil Department are governed by rules 83 to 84.

83. Military pension:- (1) When a person formerly in military service obtains employment in the civil department after having been granted a military pension, he shall continue to draw his military pension, but the authority competent to fix the pay and allowances of the post in which he is re-employed shall have, in fixing his pay and allowances in the post in which he is re-employed, the power to take into account the amount of pension, including such portion of it as may have been commuted.

(2) A military officer departmental officer, warrant or non commissioned officer or soldier Who is granted a pension under military rules while he is in civil employ, shall draw such pension while he is in civil employ, but the authority competent to fix the pay and allowances of the post in civil employ, may, with effect from the date from which the pension is granted, reduce such pay and allowances with reference to such officer or soldier by any amount not exceeding the amount of such pension.

Note 1. The amount of military pension if it is less than (Rs.500) a month or the first (five hundred rupees) of the pension if it exceeds (five hundred rupees) shall not be taken into account in fixing his pay and allowances in the civil appointment. [This will apply in case of service officers and officers holding Group 'A' post on the Civil side.

In the case of service personnel below commissioned officer's rank and officers holding Group "B" or lower post on the civil side, the whole amount of pension shall not be taken into account in fixing the pay and allowance in the civil appointment.]

Note 2. In the case of all military officers in civil employ granted leave under rule 184 of the West Bengal Service Rules,

Compiler's Note : () indicates substitution vide F.D.Ntf. No.7870-F dated 4.8.90.

[] indicates insertion, vide F.D.Ntf. No 7870-F dated 4.8.90

part-I, the payment of military pension shall be suspended until the officer is finally retired from civil employ.

84. Pension of the heir of an Indian Military Officer.—The pension of the heir of an Indian Military Officer or non commissioned officer or soldier or the heir of a Medical subordinate, will, during employment in any Civil Department, merge in his salary.

Pension for New Service

85. No separate pension for re-employment.- Except as provided in rules 82-84, an officer who having been discharged with a pension is subsequently re-employed may not count his new service for a separate pension.

86. Pension and gratuity for subsequent service.- If an officer who has obtained a compensation or invalid pension is re-employed in pensionable service and retains the pension, the pension or the gratuity admissible for his subsequent service is subject to the Following limitation, namely that the gratuity or the capital value of the pension shall not be greater than the difference between the value of the pension that would be admissible at the time of officer's final retirement, if the two periods of service were combined, and the value of the pension already granted for the previous service.

87. When gratuity for earlier service not refunded.- (1) If a gratuity received for the earlier service has not been refunded, gratuity or pension, as the case may be, may be allowed for the subsequent service, on condition that the amount of such gratuity or the present value of such pension plus the amount of previous gratuity shall not exceed the amount of gratuity or the present value of pension that would have been admissible had the gratuity received for the earlier service been refunded.

(2) If the amount of such gratuity or the present value of such pension plus the amount of previous gratuity, exceed the amount of gratuity or the present value of pension that would have been admissible if the gratuity received for the earlier service had a refunded, the excess must be disallowed.

88. Calculation of capital or present value of pension.- For the purpose of rules 86 and 87 the capital or present value of pension shall be calculated in accordance with the table mentioned in Chapter XIV.*

Pension during the period of commercial
employment after retirement

89. Acceptance of commercial employment.— No pension shall be payable to a pensioner who accepts a commercial employment before the expiry of two years from the date of his retirement without the sanction of the competent authority

Provided that a Government servant permitted by such authority 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.

Explanation.— In this rule, -

(a) the expression “commercial employment” means employment in any capacity including that of an Agent, under a company, co-operative society, or individual engaged in trading, commercial, industrial, financial or professional business, and includes also a Directorship of such company and a partnership of such firm but shall not include employment under a body corporate owned or controlled by Government,

Compiler's Note : *Chapter XIV has since been incorporated in West Bengal Services (Commutation of Pension) Rules, 1983

(b) the expression “date of his retirement” in relation to any Government servant re-employed after retirement without

any break either in the same or in any other post under Government in India means the date on which such Government servant finally ceases to be re-employed in Government service.

Note 1. Employment under a Co-operative Society shall include the holding of any office, whether elective or otherwise such as that of President, Chairman, Manager, Secretary, Treasurer and the like, by whatever name called in such society,

Note 2. Requests from Government servants for the sanction referred to in this rule are to be decided by applying the following criteria, namely:

- (i) has the officer while in service had any such dealings with the proposed employer as might provoke the suspicion that he had shown favour to the latter?
- (ii) will his commercial duties be such that his official knowledge and experience could be used to give the employer an unfair advantage?
- (iii) will his duties be such as might bring him into conflict with Government?
- (iv) is the proposed employment of a thoroughly reputable kind.
- (v) are there any exceptional circumstances which would make the refusal of consent a real hardship?

(employment in work of maintaining liaison or contact with the Government agencies cannot be described as employment of a thoroughly reputable kind.)

Pension during the period of employment under a Government outside India after retirement.

90. Acceptance of employment under a Government outside India - No pension shall be payable to a pensioner who accepts an employment under Government outside India without permission of the Government.

Provided that a Government servant permitted by the Government to take up a particular form of employment under a 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.

Explanation.-In this rule,- the expression "employment under a Government outside India" includes employment under a local authority or corporation or any other institution or organisation which functions under the supervision or control of a Government outside India.

CHAPTER VIII

RULES APPLICABLE TO SPECIAL DEPARTMENTS OR SPECIAL OFFICERS

91. Pension for the members of the West Bengal Higher Judicial Service— The rules applicable to members of All-India Services shall apply mutatis mutandis to members of the West Bengal Higher Judicial Service.

92. Administrator-General and Official Trustees- (4) -If a Solicitor is appointed Administrator-General and Official Trustee, he shall get special pension at the following rate, namely :

(a)	Length of actual service	Pension admissible per annum
	6 ^{3/4} years but less than 8½ years	£ 375
	8½ years but less than 10 years	£ 450
	10 years but less than 11 ½ years	£ 600
	11½ years and over	£ 750

(b) Retirement gratuity at 1/4th of emoluments not exceeding Rs. 1,800 per month for each completed six .monthly period of service, subject to a maximum of Rs. 24,000.

Provided that the- amount of pension shall be reduced by the pension equivalent of retirement gratuity calculated on the basis of relevant commutation table current at the time of his retirement.

(2) No officer who has not attained the age of 60 years shall receive a pension under this rule unless he either retires on medical certificate or has had an actual service of at least 11½ years.

(3) The holder of the post of Administrator-General and Official Trustee shall be otherwise subject to the ordinary Pension Rules as prescribed in these rules.

92A. Special Rules for the Police. - The pension admissible to a police officer in .the subordinate rank shall be determined in accordance with the provisions contained in the Chapters V and VI of these Rules except that the service of Constables the Police Force after the age 18 years qualifies.

Note —- Service rendered before enlistment by a Subedar or Jamadar of the East Bengal Frontier Rifles recruited .from the Army and/or from a local corps qualifies. Service rendered by members of the Calcutta Police Force in .the Calcutta Port Trust also qualifies.

CHAPTER IX

*93. Temporary increase in pension. - Subject to provisions of rule 94, a temporary increase in pension will be admissible to the pensioners as shown in the Annexure I. of this Chapter.

Note. — The benefit of temporary increase shall be admissible to holders of family pension at the same rate applicable to pensioner's .in case of families of Government servants who were not eligible to the benefit of the revised pay scales under the West Bengal Services (Pay and Allowances) Rules, 1970.

94. Increase not available to certain pensioners, - The temporary increase in pension shall not be admissible to –
(i) pensioners who are governed by Bihar Pension Rules, 1950
(ii) pensioners who are under commercial employment;
** (iii) pensioners residing outside India (excluding Nepal); provided they do not draw pension in India in rupees;
(iv) pensioners whose pension is regulated by the All-India Services (Death-cum-Retirement Benefit) Rules, 1958;
(v) pensioners who are governed by the High Court Judges Act 1954;
(vi) pensioners retiring from the Higher Judicial Service to whom provisions of All-India Service Rules have been extended;
(vii) Pensioners who migrated from Pakistan.
(viii) Pensioners whose pension has been determined on an ad-hoc basis without reference to emoluments drawn by them, such as political pensioners, special pensioners and war-risk pensioners;
(ix) Pensioners including holders of family pension, who are employed under local funds, in Government aided Schools and Colleges, bodies and undertaking financed wholly or partly by Government and who are in receipt of dearness allowance.

*** 95. Pensioners in receipt of two pensions. - Where a pensioner is in receipt of two pensions- one from Central or other State Government and another from this Government or where a pension is divisible between another Government in India or Central Government and this Government- the temporary increase in pension shall be based on the total of the two pensions determined in accordance with the rate of the Government under whose rule making control the Government servant concerned was serving at the time of final retirement. The increase in pension shall then be apportioned between the Central or other State Government and this Government in usual proportion.

96. When pension is divisible between two Governments. - In the case of a pensioner whose pension is divisible between another Government in India and this Government and also whose other Government's share of pension has been extinguished by payment of the capitalised value, the grant of temporary increase shall be regulated the following manner, namely :

(a) the temporary increase shall be calculated on the basis of the amount of basic total pension (Other Government and this Government) before extinction and the rate of temporary increase and its admissibility in any particular case shall be determined under the rules and orders of the Government from whose service the Government servant finally retired and who sanctioned his pension;

Compiler's Note.-*the “system of sanctioning temporary increases/ ad-hoc increases in pension has since been replaced by a system of awarding relief on pension on percentage basis, with effect from 1.11.82. The relief system has been restructured with effect ‘from 1.3.87 vide F.D. Memo, No.7533-F dated 6.7.88.

**Substitution and insertion vide F.D. Ntf. No.9275-F dated 10.10,79 and Ntf. No.7667-F dated 31.7.90.

***In terms of F.D.Memo.No.12146-F dated 4.11.89 in cases where a pensioner is in receipt of two pensions sanctioned separately - one from this Govt. and the other from the other State Govt./Central Govt./Public Sector undertakings / Autonomous bodies relief on pension will be determined with reference to pension sanctioned by this Govt.

(b) in a case in which the amount of temporary increase as admissible under the rules and orders of the other Government on the one hand and this Government on the other is the same, the amount of temporary increase by whichever of the two Governments sanctioned should be divided between the other Government and this Government in the same proportion as the pensioner's basic pension .is divisible between them;

[(c) where the amount of temporary increase as admissible under the rules and orders of this Government is greater than what would be admissible under the rules of the other Government which share a part of the expenditure on account. of the basic pension of the pensioner, the amount of temporary increase to the extent admissible to the pensioner on his total basic pension under the rules and orders of the other Government shall be divided between the other Government and this Government in the same proportion as the basic pension and that part of the temporary increase which exceeds the amount so divided shall be charged only to this Government.]

This Govt. shall have no objection if the Central Govt./other State Govt./Public Sector undertakings/Autonomous Bodies allow relief in respect of their pension in accordance with the orders issued by them.

(d) in case where a part of the basic .pension is subsequently commuted and part of the share of one or more Governments is extinguished by payment of the capitalised value, the allocations of temporary increase remain unaffected and the pensioner will get the temporary increase as if there has been no commutation;

(e) in the case of pensioner, a portion of whose basic pension which is entirely chargeable to this Government has been commuted, the original amount of the pension should be taken into consideration for the purpose of eligibility to temporary increase,

CHAPTER X

Death Gratuity and Family Pension Death Gratuity

97. Application of the rules in this Chapter,- The rules in this Chapter shall apply to all Government servants who were appointed after the 31st March 1952. and those who were in permanent and pensionable service on the 31st March 1952 but .who did not opt to remain under the existing rules of the Civil Service Regulations.

*98. The rate of death gratuity,- (1) When a Government servant referred to in rule' 97 who has completed five years' qualifying service dies while in service, a death gratuity as prescribed below shall be paid to the person or persons to whom the right to receive the gratuity is conferred [by means of a nomination] under rule 100***

[Provided that -

(a) if no nomination has been made under rule 100 or if the nomination made thereunder does not subsist and if there is one surviving member of the family the whole amount of gratuity shall be ayable to him and if the surviving members of the family are more than one the whole of amount of gratuity shall be payable to all such members in equal shares;

(b) the right of a female member of the family, or that of a brother of a Government servant who dies while in service, to

Compiler's Note.-[] indicates substitution vide F.D.Ntf.No.2563-F dated 30.3.76.

*At present death gratuity is admissible even for a length of service less than 1 year vide F.D.Memo.No.7530-F dated 6.7.88

*** (three stars) indicates omission of some words, under F.D. Ntf.No.2564-F dated 30.3.76.

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 a Government servant and before receiving her or his share of the gratuity;
(c) where gratuity is granted to a minor member of the family of the deceased Government servant, it shall be payable to the guardian on behalf of the minor.]

[] indicates insertion under Notfn. No. 2564-F dtd. 30.3.76

(2) In the case of Government servant who opted to remain under the rules framed under the West Bengal Services (Revision of Pension) Rules, 1952–

An amount not exceeding 9/20ths of his emoluments for each completed year of qualifying service subject to a minimum of 12 times And a maximum of 15 times of the emoluments at the time of death shall be paid. The emoluments shall be subject to a maximum of Rs.1, 500 per month.

*(3) In case of other Government servants referred to in rule 67(5)(1), - [An amount not xceeding 1/4th of his emoluments for each completed six monthly period] of qualifying service subject to a minimum of 12 times and a .maximum of 15 times of the emoluments at the time of death shall be paid. The emoluments shall be subject to a maximum of Rs.1,800 per month,

Compiler’s Note.-[] substitution under F.D. Notfn. No. 6930-F dt. 5.7.79

*The rate, no. of months, ceiling of emolument, ceiling of maximum amount etc. of death gratuity have undergone changes from time to time as a result of liberalisation made on the subject by issue of executive orders. The changes are given below in the sequence that look place:-

A. (i) Maximum of death gratuity raised from 15 times to 16½ times the emolument (effect 1.4.74, Memo.No.5225-F dt.7.6.76)

(ii) Maximum emolument for death gratuity raised from Rs.1,800 to Rs. 2,500/- p.m, (effect 1.4.74, Memo.No.5225-F dt.7.6.76)

(iii) Ceiling on emolument for death gratuity further raised to Rs.4,000/- p.m.(effect 31.3.85, Memo.No.2436-F dt.7.3.86)

B. With effect from .1.1.86. a major change has been made in terms of Memo.No.7530-F dt.6.7.88 read with No.4055-F dt.25.4,90.

Length of service

Rate of gratuity

- | | |
|---|---|
| i) Less than one- year | 2 times of last drawn emolument. |
| ii) One year or more but less than 5 years | 6 times of last drawn emolument. |
| iii) 5 years or more but less than 20 years | 12 times of last drawn emolument, |
| iv) 20 years or more | Half of the last drawn emolument
for every completed six-monthly
period of service, subject to a maximum
of 33 times the emolument provided the death
gratuity, in no case, exceed Rs.85,000/-
(Rupees eighty-five thousand only). |

99. In case of death the balance shall be paid .to the nominee.- When a Government servant who has become eligible for pension and retiring gratuity under rule 67 dies within five years after he has retired from service and the sum actually received by the deceased payable to his legal heirs on account of pension and retiring gratuity is less than the amount

which would have been admissible as death gratuity under rule 98 had he died on the date of retirement; the balance shall be paid as gratuity to the person or persons on whom the right to receive the gratuity is conferred under rule 100 or if there be no such person [in the manner indicated in the proviso to sub-rule (1) of rule 98.] This benefit shall not be admissible if the officer had commuted a portion of his pension.

****100. Nomination.-** (1) Any Government servant to whom these rules apply may, provided he has completed five years' qualifying service, make a nomination conferring on one or more persons the right to receive the death gratuity that may be sanctioned under rule 98 :

Provided that if, at the time of making nomination 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.

(2) If a Government servant nominates more than one person under sub-rule (1) he shall specify in the nomination the amount or share payable to each of the nominees in such manner as to cover the whole amount of the gratuity.

(3) A Government servant may provide in a nomination —

(a) that in respect of any specified nominee, in the event of his predeceasing the Government servant, the right conferred upon that nominee shall pass to such other member of the Government servants' family as may be specified in the nomination; and

(b) that the nomination shall become invalid in the event of the happening of a contingency specified therein.

(4) The nomination made by a Government servant who has no family shall become invalid on his subsequently acquiring a family

(5) Every nomination shall be in such one of the Forms A to in Annexure II of this Chapter as may be appropriate in the circumstances of the case,

(6) A Government servant may at anytime cancel a nomination by sending a notice in writing to the appropriate authority, and Government servant shall along with such notice send a fresh nomination made in accordance with these rules.

Compiler's Note : [] substitution under F.D.Ntf.No.2564-F dated 30.3.76.

*At present death gratuity is admissible in case of death in harness even for a service less than one year, as such it has been decided that every whole time and regular Govt. employee shall execute nomination for death gratuity just after his/her joining the service. Vide F.D.Memo.No.1750-F(Pen) dt.6.12.93

****Amendment was issued vide notification No. 963-F (Pen) Dt. 7.1.05 which is as follows :**

In the said rules in rule 100, for clause (5) substitute the following clause :

Every nomination shall be in such one of the form I & II Annexure II of this chapter as may be appropriate in the circumstances of the case."

#1050 –F (Pen) dt. 2.12.05 when nominations does not bear the countersignature of the Head of office, the nomination paper is to be referred to the present Head of Office. Where the deceased Govt. employee was posted at the time of signing the nomination form for counter signature by him subject to his satisfaction, having regard to the fair and circumstances of the case.

(7) Immediately on the death of a nominee in respect of whom no special provision has been made in the nomination under

clause (a) of sub-rule (3) or on the occurrence of any event by reason of which the nomination becomes invalid in pursuance of clause (b) of that sub-rule or sub-rule (4), the Government servant shall send to the appropriate authority a notice in writing formally canceling the nomination, together with a fresh nomination made in accordance with rule.

(8) Every nomination made, and every notice of cancellation given, by a Government servant under this rule shall be sent, to the appropriate authority who shall, immediately on receipt of a nomination, countersign it indicating the date of receipt and keep it under his custody.

(9) Every nomination made, and every notice of cancellation given by a Government servant shall to the extent that it is valid, take effect on the date on which it is received by the authority mentioned in sub-rule (8) .

Note.- The procedure for application, sanction and payment of death gratuity will be as follows :

(i) When it is payable to the nominee or [members of the family] of the Government servant who dies while in service.— If the Government servant has executed a nomination in the prescribed form and the nomination subsists, the Head of the office should, on receipt of the death report of the Government servant, draw up a statement of his services in the second page of Form I. If there is no nomination, or if the nomination does not subsist, the death gratuity is payable [in the manner indicated in the proviso to sub-rule (1) of rule 98] and in such cases the Head of the office need draw up the statement of services only on receipt of an application for death gratuity from [members of the family]. The statement of services along with provisional recommendation of the Head of the Office as to the amount of gratuity proposed to be paid (and the name and address of the person or persons to whom it is to be paid together with the nomination form, where necessary, in the case of non-gazetted officer) shall be forwarded to the Accountant-General for verification. After obtaining the certificate of verification (and ascertaining from the Accountant-General the details as to nominee or nominees if the deceased was a Gazetted officer) for formal sanction to the payment of the gratuity may be accorded by the Head of the office in the case of non-Gazetted Government servants and Government in the administrative department in the case of gazetted Government servants.

The sanction should indicate the name, address and the relationship to the deceased Government servant of the person or persons to whom gratuity is to be paid to each of them. The Accountant-General will then arrange for the disbursement of the amounts as provided in Subsidiary Rule 294 of the Treasury Rules.

Compiler's Note : [] substituted by Ntf.No.2564-F dt.39.3.76. In terms of F.D. Memo, No.6812-F dated 14.6.84 the system of sanctioning death gratuity after receipt of admissibility certificate from the AGWB has been done away with for the sake of expeditious disposal of death gratuity case. The head of office is, now, required to submit sanction in general terms in Form 3 while submitting the cases of death gratuity to the AGWB. At present, Heads of offices are sanctioning authority for family pension and death gratuity in respect of both erstwhile gazetted and non-gazetted employees.

(ii) When it is payable to the nominee or [The members of the family] of the Government servant who dies after retirement.—

Immediately after the death of a pensioner, his nominee or [the members of the family] shall report the fact of death to the authority which sanctioned or is competent to sanction the pension of the deceased. The latter will then ascertain whether any gratuity is due to the nominee or [the members of the family of the deceased in terms of rule 99 and in that case, proceed to sanction the amount after following the procedure indicated in sub-paragraph (i),

(iii) Anticipatory payments of death gratuities.- Payments of gratuity may be authorised in the appropriate proportion to nominees or [in the manner indicated in the proviso to sub-rule (1) of rule 98] in the event of the death of the Government servant. In all cases the anticipatory payment of retiring death gratuity should be made after the recipient has executed a declaration in the form shown in the Annexure III of this Chapter. The amount of anticipatory death gratuity shall not exceed three fourths of the amount of death gratuity admission and shall be sanctioned by the Audit Officer.

*(iv) Payment of provisional death gratuity in respect of deceased non-gazetted Government employees.- The Head of Office immediately on receipt of a claim or claims from the claimant(s) shall, in accordance with the procedure laid down in sub-paragraph (i) above, arrange to pay the provisional death gratuity not exceeding three fourths of the gratuity payable under rule 98 and adopt the following procedure-

(a) he shall issue a sanction letter in favour of the claimant or claimant endorsing a copy thereof to the Accountant-General, West Bengal, indicating the amount of three-fourth of gratuity payable under rule 98;

(b) he shall indicate in the sanction letter the amount recoverable out of the gratuity;

(c) after issue of the sanction letter, he shall draw, the amount of three-fourths of the gratuity less the amount mentioned in clause (b) and disburse the same to the claimant or claimants on or after the first day of the month following the month in which the Government servant died from the Treasury at which the pay and allowances of the establishment are drawn by him;

(d) if the claimant desires payment of provisional death gratuity through money order or bank draft, the same shall be remitted to him through money order or bank draft at his cost;

(e) as soon as the provisional death gratuity has been paid to the claimant(s) he shall inform the Accountant General, West Bengal, to this effect;

(f) the provisional death gratuity paid to the claimant or claimants will be adjusted by the Audit Officer against final death gratuity admissible under rule 98.

Compiler's Note : [] substituted by Ntf.No.2564-F dt.30.3.76,

*This is inserted by F.D.Ntf.No.2566-F dt.30.3.76. The old system of classifying Govt. employees as 'gazetted' and 'non-gazetted' has been abolished vide WBSR, Pt.I (latest amendment)

*(v) Lapse of death gratuity when a Government servant dies without leaving any family.--In the case of a Government servant who dies while in service or after retirement without leaving any family as defined in items (i) to (vii) of sub-clause (1) of clause (e) of sub-rule (1) of rule 7 and without nominating any one or the nomination made by him subsist the amount of death gratuity admissible under rule 98 shall lapse to Government,

[Provided that the death gratuity payable under rule 98 shall be payable to the person in whose favour succession certificate in respect of the gratuity in question has been granted by a Court of Law.]

*(vi) Debarring a person from receiving gratuity.-

(a) 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 98, is charged with the offence of murdering the Government servant or for abetting the commission of such offence, his claim to receive his share of gratuity 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 murder or abetting 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,

ii) is acquitted of the charge of murdering or abetting murder of the Government, his share of gratuity shall be payable to him.

(c) The provisions of clauses (a) and (b) shall also apply in the case of payment of gratuity as referred to in rule 99.

Compiler's Note: *Inserted by F.D.Ntf.No.'7924-F dated 31.7.78
[] Inserted by F.D.Ntf.No.13248- dated 4.12,89.
Inserted by F.D.Ntf.No.833-F dated 3.2.81

**Explanation.- For the purpose of a death gratuity the expression 'family' used in -this rule and in rules 98 and 99 shall include the relatives of a Government servant as enumerated in items (i) to (vii) of sub-clause (1) of clause (e) of sub-rule (1) of rule 7.

Compiler's Note : **Inserted by F.D.Ntf.No.2564-F dated 30.3.76,

Family Pension

*101. Application of these rules,- (1) These rules/, shall subject to the provisions of sub-rule (3), apply in case of death of a Government servant while in service,-

(a) who entered service on or after 1st April 1965; .or

(b) who was in service before 1st April 1965 and has not opted specifically not to come under this scheme, and who has rendered at least three years service.

(2) The benefit shall also be admissible in case of death after retirement, if at the time of death the retired officer was in receipt of a compensation, invalid, retiring or superannuation pension[or gratuity provided the Government servant has completed three years service.]

*352-F (Pen) dt. 25.6.08 (emp. Who received gratuity and retired prior to 30.7.07 will not come under the preview of 674-F (Pen))

(3) These rules shall not be applicable to-

** (a) persons who retired on or before the 1st April 1965 but may be re-employed on that date or thereafter;

(b) persons paid from contingencies;

#(c) work-charged staff who have not been declared quasi-permanent and who are not in service with permanent status;

(d) Casual labourer;

(e) Contract Officers

Compiler's Note : *The position of rule 100(1) has been liberalised with effect from 1.4.81 to the effect that the condition of rendering three years' service for admissibility of the benefit of family pension in case of death while in service. Stands reduced to one year service, vide, F.D.Memo.No.5625-F dt.27.7.81 (See Rule 959-F(Pen) dt. 20.7.95 at next page)

**In respect of persons who retired' on or before the 1st April 1965 a scheme of 'ad-hoc family pension has been introduced with effect from 1.4.81 under F.D. Memo.No.6153-F dated 13.8,81. In respect of employees who died while in service prior to 1.4.65 but after 15.8.47, another ad-hoc family pension' has been .introduced with effect from 1.10.87 under F.D. Memo No. 11585-F dated 19.10.87. .

Worked-charged staff as mentioned in rule 101(3)(c) has been brought under the purview of F.B.Memo.No.5625-F dated 27.7.81 vide F;D.Memo.No.657-F dated 18.1.90 read with No.4120-F dated 26.4.90.

In respect of missing employee /pensioners, provisions have since been made for grant of family pension etc. to, the family concerned, vide F.D.Memo' .No.4671-F dated 14.5.90 read with No. 1500-F (Pen) Dated 17.7.92.

*674F (Pen) dt. 30.7.07 (The benefit of family pension shall be admissible in case of death after retirement, if at the time of death the retired officer was in receipt of compensation invalid, retiring or super annotation pension).

• 959 –F (Pen) dt. 20.7.95 (family pension for employees who dies before completion of one year's service.)

*102. Family pension.- Subject to provisions of rule 103 following pension shall be admissible to the family of such Government servants, namely :

Pay of Government servant	Monthly pension
1. Rs,800 and above	12 per cent of pay subject to a maximum of Rs.150 per month,
2. Rs.200 and above but below Rs.800	15 per cent of pay subject to a maximum of Rs,96 and a minimum of Rs 60.
3. Below Rs.200	30 per cent of pay subject to a minimum of Rs.20.

Source :

Note.- Pay for the purpose means the pay as defined in rule 5(28) of West Bengal Service Rules, Part-I which the Government servant was drawing on the date of his death, while in service or immediately before his retirement. If on the date of his death while in service or immediately before his retirement a person has been absent from duty on leave, other than extra-ordinary leave, pay means the pay which the Government servant would have drawn had he not proceeded on such leave. The amount of family pension shall not be increased on account of increase in pay' not actually drawn but only increments actually falling within the period of 120 days earned leave or 4 months leave on average pay shall be taken into account. If however, on the date of his death or immediately before his retirement, a person is under suspension, pay on the date of his death or retirement shall be taken to be the pay he would have drawn had he been on duty subject to the condition that the period of suspension is treated as duty.

Compiler's Note : *The slab and rates of family pension was changed first w.e.f., 1.4.74 vide Memo.No.5225-F dated 7.6.76; the current slab & rates were made effective from 1.1.86 vide Memo.No.753'O-F dated 6.7".88 read with No.4055-F dated 25.4.90.

Emolument for family .pension	Rate of family pension per month
(a) Not exceeding Rs.1500/-	30 per cent of emolument, subject to a minimum of Rs.375/- (w.e.f. 1.5.92, Rs.400/-)
(b) Exceeding Rs.1500/- but not exceeding Rs.3000/-	20,per cent of emolument subject to a minimum of Rs.450/-
(c) Exceeding Rs.3000/-	15 per cent of emolument, subject to a minimum of Rs.600/- and a maximum of Rs.800/-, (w.e.f. 1..1.88 maximum family pension raised to Rs.1000/-)

(d) Family pension is to be calculated @ 30% of Pay drawn last actually or notionally under WBS (ROPA) Rules, 98 instead of being determined by Pay ranges as shown in Para VIII of Memo No. 7530 –F dt. 6.7..88 vide F.D.Memo No. 1127-F (Pen) dt. 27.10.98 (Maximum Family pension of Rs. 1000/- pm as laid in Memo No. 4055-F dt. 25.4.90 raised to Rs. 6720/- pm w.e.f. 1.1.96

(e) Family pension is continued to be calculated @ 30% of pay drawn last and maximum ceiling of such pension raised to Rs. 21000/- p.m. Vide F.D. Memo No. 201-F (Pen) dt. 25.2.09.

#103. Rate of family pension in case of death of a Government servant-

For a period of even years from the date following the date of death or till the date on which the officer would have reached the normal age of superannuation had he remained alive, whichever period is shorter, the pension payable will be at fifty per cent of the *pay last drawn subject to a maximum of twice the pension admissible under rule 102, provided that the said benefit will not be admissible if the Government servant has put in less than 7 years continuous service prior to his death. Pension payable thereafter will be at the rates laid down in rule 102. This additional benefit will be admissible with effect from 1st April 1969

Note.- The method of determining the amount of family pension under this rule would be calculated as follows :

Pension payable under the rule 102 should first be calculated at 50 percent of the *pay last drawn. Simultaneously the pension admissible under rule 101 should be determined by applying the maximum and minimum limits. The pension thus arrived at should then be doubled. The resultant amount or 50 per cent of the *pay last drawn whichever is less is the amount of family pension admissible under this rule. The family pension shall be rounded off to the next rupee at the final stage.

104. Period during which pension is admissible.- The pension shall be admissible

(a) in the case of widow/widower upto the date of death or remarriage whichever is earlier;

** (b) in the case of minor son until he attains the years;

** (c) in the case of unmarried daughters until she attains the age of 21 years or marriage whichever is earlier;

(d) in the case of dependent parents upto the date of their death or remarriage whichever is earlier.

Compiler's Note : *Indicates omission of the word "basic" which appeared originally in this rule, vide NTf.No.5737-F dt.18.5.75 Consequent upon issue of F.D.Memo.No,5225-F dated 7.6.76 the position of rule 103 has changed to the following extent -

(a) in the event of death of a Govt. employee while in service, family pension at enhanced rate is payable for a period of seven years or upto the date on which the deceased employee would have attained the age of 65 years had he survived, whichever period is shorter.

(b) In case of death after retirement enhanced pension is also payable for the period as at (a) but another condition is that the amount of enhanced family pension shall not exceed the pension sanctioned to the Government employee at the time of retirement.

1012-F (Pen) dt. 31.12.07 regarding enhancement of age while getting enhanced family pension.

**w.e.f. 18.6.91, age-limit for admissibility of family pension in respect of minor children has been raised to 25 years. vide F.D. Memo.No.1097-F(Pen) dated 18.6.91

#Note - Where a Government servant is survived by more than one widow, the family pension shall be paid to them in equal shares. On the death of a widow her share of the pension shall become payable to her eligible minor children. If at the time of her death a widow leaves no eligible minor child the payment of her share of the pension shall cease.

(In case the, minor children are twins, the family pension shall, if the twins are of the same sex, be divided between them in equal shares. If the twins are of different sexes, the family pension shall be paid to them in accordance with the provisions of these rules :)

[Provided that 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]

*104A, 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 18 years in the case of the son and 21 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 :

Compiler's Note : () inserted by F.D. Ntf.No.1116-F(Pen) dt.25.6.91
[] inserted by F.D.Ntf.No.10275-F dt. 2.12.05.

Under Section 17 of the Hindu Marriage Act, 1955, second marriage solemnised during the life-time of the first wife is void. Such second wife is not entitled to receive any benefit due on the death of a Government employee while in service or after retirement.

However, under Section T6(1) of the said Act though, the second marriage is null and void, any children born out of such second marriage shall be legitimate and, as such, such children are accented as members of the family/legal heirs within the meaning of rule 7(1)(e)(1)&(2) and rule 170 of the WBS(DCRB) Rules, 1971. vide F.D.Memo.No.0388-F dt. 4.6.85, and No.8252-F dated 29.7.80,

Where the deceased Govt. employee or pensioner has left behind eligible child or children from a divorced wife or wives, such eligible children is entitled to the share of family pension which the mother would have received had she not been divorced. Vide F.D. Memo.No.1568-F(Pen) dt. 31.7.92.

* inserted by F.D. Ntf.No.839-F dt.2.2.77.

*977-F (Pen) dt. 27.07.95 (New rule 104B was inserted regarding pension to judicially separated widows or widow)

(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 (b) and (c) of rule 104 of this rule until the last minor child

#54-F (Pen) dt. 13.01.97 - (It is an amendment and is to be inserted as a whole)

200F (Pen) dt. 26.02.07 (In lieu of Civil Surgeon the certificate shall be issued by a Medical Board which shall consist of not less than two members one of which shall act as Chairperson and another as a specialist for assessment on the particular kind of disability. Supdt of all Govt. M.C.H, D.H. S.D.H. and B.M.O.H. shall act as chairperson and shall include as another members a specialist Doctor.

attains the age of 18 years or 21 years, 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;

[ii] if there are more than one such son or daughter suffering from disorder and disability of mind or physically cripple and disabled, the family pension shall be payable in the order of their birth and the younger shall get the family pension -only after the elder next above him/her ceases to be eligible. Where the family pension is payable to twin children, it shall be paid to such twin children in equal shares, provided when one such child ceases to be eligible, his/her share shall revert to the other and when both of them cease to be eligible the family pension shall be payable to the next eligible single child/ twin children. This shall apply to children of Government employees dying /retiring on or after the date of issue of this order:]

(iii) the family pension shall be paid to such son or daughter through the guardian as if he or she were a minor;

(iv) Before allowing the family pension for life to any such son or daughter, the sanctioning authority shall satisfy 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.

(v) the person receiving the family pension as guardian of such son or daughter shall produce every three years a certificate from a medical officer not below the rank of 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.

• 105. Pension payable to one member of the family.– Subject to the provisions contained in the note under rule 104 the pension awarded under this scheme shall not be payable to more than one member of the Government servant's family at the same time, It shall first be admissible to the widow (s)/widower and then to the minor children and thereafter to mother and lastly to father.

In the event- of re-marriage or death of the widow/widower the pension shall be granted to the minor children through their natural guardian. In disputed cases however payments shall be made through a legal guardian.

Note.-Payment of family pension will not be bar if at the time of entitlement, the widow or widower, or unmarried daughter or son happens to be employed in the State or Central Government or otherwise.

Compiler's Note: [] substituted, by. F.D.Ntf.No.2000.-F(Pen) dt.3.10.91.

* production of guardianship certificate is not necessary where the disabled /crippled child has attained majority. Vide F.D Memo No.587-F(Pen) dt. 18.4.93.

Govt. employees who retired prior to 2.2.77 but after 1.4.65, their disabled children also come under rule 104A w.e.f.13.4.93. Vide Memo.No.550-F(Pen) dt,13.4.93.*

• 1410 –F (Pen) dt. 12.11.97

354-F (Pen) dt. 15.3.2001

* 329-F (Pen) dt. 19.5.08 on the same topic

201-F (Pen) dt. 26.2.07 (regarding payment of family pension to the physically and mentally crippled son/daughter) and 484-F (Pen) dt. 31.5.07 on the same topic and 577-F (Pen) dt. 6.7.07 on the same topic.

105 A. Debarring a person from receiving family pension. —

1) If a person, who in the event of death of a government servant while in service is eligible to receive family pension under rule 104, is charged with the offence of murdering the Government servant or for abetting the commission of such offence, the claim (including either 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,

2) If on the conclusion of the criminal proceedings referred to in sub-rule(1), the person concerned.

(a) is convicted for murder or abetting murder of the Government servant, such 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,

(b) is acquitted of the charge of murder or abetting murder of the Government servant, the family pension shall be payable to such person from the date, of death of the Government servant.

(c) The provisions of sub-rules (1).& (2) shall also apply to the family -pension becoming payable on the death of a Government servant after his retirement.

#106. Government servant eligible to the benefit of family pension shall be required to surrender a portion of his gratuity, where admissible, equal to his two months' emoluments subject to a maximum Rs,3,600 or Rs.3,000 as the case may be. In cases where the gratuity admissible is less than two months emoluments the same shall be resumed by Government against the family pension benefits admissible under this scheme,

Note.1-In the case of Government servants retiring or crying while in service without a wife/husband or minor children including adopted children or parents the deduction of two months emoluments from the gratuity shall not be made.

Note.2-In case no gratuity either under special order or under normal rules is admissible, no deduction on account of family pension shall not be made.

Compiler's Note : *Inserted by F.D.Ntf.No.834..F dt..3.2.81

#w.e.f. 1.10.77, deduction of two months emoluments has been discontinued by .Govt. decision. Vide F.D. Memo No.9087-F dt.15.10.77.

*106A, Sanction of anticipatory Family Pension in respect of Gazette Government servants. —(1) Where family pension payable under rules 102 and 103 of these rules cannot be finally assessed and settled in accordance with the provisions of these rules within a reasonable time, the Audit Officer shall determine the family pension which, after the most careful summary investigation that he can make without delay he believes the claimant to be entitled. He shall, after complying with the provisions prescribed in' sub-paragraphs (iii), (iv) and (v) of Appendix I of these rules, authorise the disbursement' of the family pension so determined as anticipatory family pension”.

(2) This anticipatory family pension shall be subject to revision on the completion of the detailed investigation and inquiries, if any.

(3) If the amount of anticipatory family pension granted is afterwards found to be in excess of the family pension finally assessed by the Audit Officer, it shall be open to the Audit Officer to adjust the excess by short payment of family pension payable in future.

**106B payment of provisional family pension in respect of non-gazetted Government servants.- (1) after observance

of the procedure as laid down in sub-paragraphs (iii), (iv) and (v) of Appendix I of these rules, the Head of Office shall draw Provisional family pension not exceeding the maximum family pension for a period not exceeding six months from the date of death of the Government servant concerned and adopted the following procedure :

- (a) he shall issue 'a sanction letter in favour of the claimant or claimants endorsing a copy thereof to the Audit Officer indicating the amount of provisional family pension to be paid.
- (b) after issue of the sanction letter, he shall draw the amount of provisional family pension from the Treasury at which the pay and allowances of the establishment are drawn by him.
- (c) he shall disburse the amount of provisional family pension drawn by him to the claimant or claimants on or after the first day of the month following the month in which the Government servant died.
- (d) if the claimant desires payment of provisional family pension through money order -or bank draft the same shall be remitted to him through money order or bank draft at his cost.

Compiler's Note : *Inserted. by F.D.Ntf.No.2565-F dt.30.3.76. Personal entitlements of the erstwhile gazetted officers were used to be determined by the Accountant-General. I. W.e.f. 1.11.77 this arrangement was discontinued in respect of payments made from the districts and w.e.f. 1.2.78 in respect of payments made in Calcutta. This work has been vested in the Heads of Departments/Offices concerned. Consequent upon the decision of discontinuance of control of personal entitlement of the erstwhile gazetted officers by the Accountant-General, the work of maintaining service books of such officer has been transferred from A.G.W.B. to respective Head of office/Department and the work is done by Head of Office/Deptt. in the same form and manner prescribed for erstwhile non-gazetted officers. At present there is no separate procedure for preparation of pension papers and sanctioning thereof in respect of erstwhile gazetted and non-gazetted officers. The pension papers are processed and sanctioned by Head of Office irrespective of the class of the employees.

** Inserted by F.D. Memo.No.2565-F dt.30.3.76

- (2) The payment of family pension shall be effective from the date following the date on which the payment of provisional family pension ceased,
- (3) 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 be authorised by the Audit Officer.
- (4) The fact of the issue of the Pension Payment Order shall be promptly reported to the Head of office and the documents which are no longer required shall be returned to him,
- (5) If the amount of provisional family pension drawn and disbursed by the Head of Office is found to be in excess of the family pension finally assessed by the Audit Officer, it shall be open to the Audit Officer to recover the excess amount by short payments of family pension payable in future.

Note.- If the Audit Officer is, for any reason, unable to assess the amount within a period of six months, he shall communicate the fact to the Head of Office under intimation to the Treasury Officer concerned and authorise 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.

107. If Government servant may be permitted to come out of the family pension if at any time he ceases to have a family. The option once exercised shall be final.

108. The members of the family of such Government servants as are governed by these rules shall not be entitled to family pension under any other rules in addition.

If, however, extraordinary pension to family as laid down in rules in Chapter XI is favourable to such a member, he/She may exercise option in favour of that pension.

109. Procedure regarding claiming of family pension is laid down in Appendix-I (Page:106)

Annexure I
Government of West Bengal
Finance Department
Audit
Memorandum
No. 497-F/F1 P-4/61
Calcutta, the 13th February 1962

The Government of West Bengal have had under consideration the question of affording some relief to their small scale pensioners and have decided that some increase in their present rate of pension should be granted. The Governor is accordingly pleased to direct that the rates of temporary increase in pensions sanctioned for pensioners in this Department Memorandum No,1130-F, dated the 21st June, 1945, shall be revised as following :

Amount of pension	Rate of temporary increase
1. Pensions upto Rs.50 per month.	Temporary increase of Rs.10 per month
2. Pensions above Rs.50 per month but not above Rs.100 per month	Temporary increase of Rs.12,50 per month.
3. Pensions above Rs.100 per month,	Such temporary increase as will bring the total pension to Rs.112.50

The increased rates will take effect from 1st January 1962, 'that is to say on pensions due in February 1962 and will be in operation until further orders.

K. K. Roy
Secretary to the Government of West Bangal.

Memorandum
No.1030-F/F-1P-4/61
Calcutta, the 25th March, 1963

In supersession of this Department Memorandum No.4589(175)-F, dated 26th September 1962, and in continuation of this Department Memorandum No.497-F, dated 23rd February 1962, the Governor is pleased to direct that the temporary increase in pension sanctioned under this Department Memorandum No. referred to above will not be admissible to these Government servants who retired after 1st April 1961. Temporary increase will, however, be admissible to these Government servants who retired after 1st April 1961 but opted to retain the old scale of pay
Government servants retiring after 1st April 1961, on , superannuation with a pension less than Rs.19 per month as admissible under the normal rules may, however, be allowed a temporary increase of Rs.10 per month subject to the condition that pension plus the temporary increase shall not exceed Rs.19 per month.

B. B. Biswas
Deputy Secretary to the Government
of West Bengal.

GOVERNMENT OF WEST BENGAL
Finance Department
Audit
MEMORANDUM
No.1178-F/F1P-10/65Calcutta, the 23rd March 1965

The question of affording some relief to pensioners who are in receipt of small amounts of pensions has been engaging the attention of Government for some time past.

2. The Governor has now been pleased to decide that ad-hoc increase on pensions upto Rs.250 per month will be sanctioned at the following rates until further orders :

Amount of pension	Rate of ad-hoc increase in Pension
Pension upto Rs. 50 per month.	Rs. 5.00 per month
Pension above Rs.50 per month But not above rs. 100 per month	Rs. 7.50 per month
Pension above Rs. 100 per month But not above Rs. 250 per month	Rs. 10.00 per month
Pension above Rs. 250	Such ad-hoc increase as will bring The total pension to Rs. 260 per month

3. These increases will apply to all existing pensioners of the Government of West Bengal and those Government servants who will retire thereafter and will take effect from 1st March 1965, i.e., in respect of pensions few the month of March 1965 payable in the month of April 1965, is Memorandum does not apply to pensioners who have migrated from Pakistan.

4. The pensioners who are already in receipt of temporary increase pension in terms of this Department Memorandum No.497-F, dated the 13th February 1962, as amended from time to time will receive the benefits mentioned in paragraph 2 above in addition.

5. These orders will not apply to pensioners whose pension has been determined ad-hoc without reference to the emoluments drawn by them, such as political pensioners, special pensioners, war-risk pensioners, etc.

6. All other in force in regard to temporary increase in pension will mutatis mutandis apply to those ad-hoc increase also.

P.K. BASU,
Special Officer and Secretary (E.O.)
Government of Nest Bengal

GOVERNMENT OF WEST BENGAL

Finance Department

Audit

Memorandum on the West Bengal Services (Revision of Pay and Allowance) Rules, 1970, and on allied matters dealt with by the Pay Commission.

No.5211-F

Dated, the 30th December 1970.

Relief to Pensioners : 18(1) Pensioners of the Government of West Bengal who retired before 1st April 1970 and those Government servants who retired or will retire on or after 1st April 1970 without coming under the revised scale of May shall with effect from the 1st April 1970, and until further orders, be entitled to draw temporary increases in pension at the following rates :-

Monthly pension	Rate of temporary increases per month
Upto Rs. 109	Rs. 27
Above Rs. 109	Rs. 37

(2) The pensioners who are already in receipt of temporary increase in pension under this Department Memorandum No.497-F, dated the 13th February 1962, and ad-hoc increase in pension under this Department Memorandum No.1178-F, dated the 23rd March 1965, as amended from time to time will receive the benefit mentioned in (1) above, in addition.

(3) In no case the aggregate of pension and increases in pension shall exceed Rs.675 per month.

(4) All other orders in force in regard to drawal of temporary increases and ad-hoc increase in pension will apply mutatis mutandis to the ad-hoc increases as indicated in (1) and (2) above.

(5) The increases in pension as in (1) and (2) above are not applicable to special categories of pensioners, such as -

- (i) Pensioners who have migrated from Pakistan;
- (ii) Political Pensioners
- (iii) Special Pensioners;
- (iv) War Risk Pensioners.

(6) Finance Department Memorandum Nos,2700-F, dated the 31st July, 1967, and 3308-F, dated the 10th September 1968 shall be treated as cancelled from 1st April 1970.

Compiler's Note : The system of sanctioning ad-hoc increases/ temporary increases in pension has since been replaced by a system of awarding relief on pension on percentage basis with effect from 1.11.82; the relief system has been restructured with effect from 1.3.87, Vide Memo.No,1210-F dt.28.1.83 and No,7533-F dt, 6.7.88.

ANNEXURE II
Forms for nomination to receive the death gratuity
(Rule 100)
FORM A
Nomination for Death Gratuity

(When the Government servant : a family and wishes to nominate one member thereof)

I hereby nominate the person mentioned below, who is a member of my family and confer on him the right to receive any gratuity that may be sanctioned by Government in the event of my death while in service and the right to receive en my death any gratuity which having- become admissible to me on retirement may remain unpaid at any death

Name & Address of Nominee	Relationship with Officer	Age	Contingencies on the happening of which the nomination shall become invalid	Name, address and relationship of the persons, if any to whom the right conferred on the nominee shall pass in the event of the nominee pre-deceasing the officer or the nominee dying after the death of the officer but before receiving payment of the gratuity	Amount of share of Gratuity payable to each

This nomination supersedes the nomination made by me earlier on..... which stands cancelled.

Dated this.....day of.....9.....

At.....

Witness to signature—

(1).....

(2).....

Signature of Officer

Note.- The last column should be filled in to cover the whole amount of gratuity.

(To be filled by the Head of Office in case of a non-Gazetted Officers

Nomination by..... Signature of Head Office.....

Designation.....Date.....

Office.....Designation.....

Performa for acknowledging the receipt of the Nomination Form by the Head of Office/Audit Officer

Compiler's Note : Form No. A, B, C, D have been substituted by Form No. 1 & II, Notification No. 963-F (Pen), dt. 7.11.2005.

To.....
.....
.....

Sir,

In acknowledging the receipt of your nomination dated..... cancellation, dated , of the nomination made earlier, in respect of Death Gratuity in Form, I am to state that they have been duly placed on record.

Dated.....

Signature of Head of office / (Audit Office
(Designation)

FORM B

Nomination for Death Gratuity

(When the Government servant has a family and wishes to nominate more than one member thereof)

I hereby nominate the persons mentioned below, who are members of my family and confer on them the right to receive, to the extent specified below, any gratuity that may be sanctioned by Government 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 :-

Name & Address of Nominee	Relationship with Officer	Age	Amount or share of gratuity payable to each	Contingencies on the happening of which the nomination shall become invalid	Name, address and relationship or persons, if any, to whom the right conferred on nominee shall pass in the event of the nominee pre-deceasing the nominee dying after the death of the officer but before receiving payment of the gratuity	Amount of share of gratuity payable to each

This nomination supersedes the nomination made by me earlier on..... which stands cancelled.

N.B. The officer shall draw lines across the blank space below the last entry to prevent the insertion of any name after he has signed.

Dated this _____ day of _____ 19 _____
at _____

Witness to signature :

- (1) _____
(2) _____

Signature of officer

Note 1 Fourth column should be filled in so as to cover the whole amount of gratuity.

Note 2 The amount / share of gratuity shown in last column should cover the whole amount /share payable to the original nominees.

(To be filled in by the Head of office in the case of a non-gasetted officer)

Nomination by _____ Signature of Head of Office _____
 Designation _____ Date _____
 Office _____ 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, date _____ cancellation, dated _____
 , of the nomination made earlier, in respect of Death Gratuity in Form _____ I am to state that they have
 been duly placed on record.

Dated _____

Signature of Head of Office/Audit Officer
 (Designation)

FORM C
 Nomination for Death Gratuity

(When the Government servant has no family and wishes to nominate one person)

I, having no family, hereby nominate the person mentioned below and confer .on him the right to receive any gratuity that may be sanctioned by Government in the event of my death while in service and the right to receive on my death any gratuity which having become admissible to me on retirement may remain unpaid at my death :

Name & Address of Nominee	Relationship with Officer	Age	Contingencies on the happening of which the nomination shall become invalid	Name, address and relationship or persons, if any, to whom the right conferred on nominee shall pass in the event of the nominee pre-deceasing the nominee dying after the death of the death of the officer but before receiving payment of the gratuity	Amount of share of gratuity payable to each

This nomination supersedes the nomination made by me earlier on _____ which stands cancelled.

Dated this _____ day of _____ 19 _____
 at _____

Witness to signature :

- (1) _____
- (2) _____

(To be filled in by the Head of Office in the case of a non-gazette Officer)

Nominate by..... Signature of Head of Office.....
 Designation..... Date.....
 Office.....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..... cancellation, dated.....of nomination made earlies in respect of Death Gratuity in Form.....I am to state that they have been duly placed on record.

Dated..... Signature of Head of Office/Audit Office
 Designation

**Form D
 Nomination for Death Gratuity**

(When the Government servant has no family and wishes to nominate more than one person)

I, having no family, hereby nominate the persons mentioned below and confer on them the right to receive, to the extent specified below any gratuity that may be sanctioned by Government 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 me on retirement my remain unpaid at my death:-

Name & Address of Nominee	Relationship with Officer	Age	Amount or share of gratuity payable to each*	Contingencies on the happening of which the nomination shall become invalid	Name, address and relationship or persons, if any, to whom the right conferred on nominee shall pass in the event of the nominee pre-deceasing the nominee dying after the death of the officer but before receiving payment of the gratuity	Amount of share of gratuity payable to each

This nomination supersedes the nomination made by me earlier on which stands cancelled.

N.B. The officer should draw lines across blank space below the last entry to prevent the insertion of any name after he has agreed.

Dated this _____ day of _____ 20 _____

Witness to signature

(1) _____
 (2) _____

Signature of Officer

***Note 1.**-This column should be filled in so as to cover the whole amount of gratuity.

Note 2. The amount/share of gratuity shown “in last column should cover the whole amount/share payable to the original nominees

(To be filled in by the Head of Office in the case of a non-gazetted Officer)

Nomination by.....Signature of Head of Office.....
Designation.....Date.....
Office.....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..... cancellation,
dated.....of the nomination made earlier, in respect of Death Gratuity in
Form..... I am to state that they have been duly placed on record.

Dated.....

Signature of Head of Office/Audit Officer
(Designation)

Compiler's Note : It may be mentioned that the nomination made by Govt. employees in appropriate Form (i.e. any of the Forms A, B, C & D printed in Annexure II as applicable to the employee concerned) shall be applicable in case of disposal of death gratuity sanctioned under rule 98 of the WBS(DCRB) Rules'71 as well as residual gratuity that may arise under rule 99 ibid Retiring gratuity remaining unpaid on the death of a retired employee cannot be disposed of or the basis of above nomination. The retiring gratuity is covered by the nomination made under the 'Payment of Arrears of Pension (Nomination) Rules, 1986 Vide F.D.Memo.No,885-F(Pem½ dt, 5.7.93).

ANNEXURE III

Form of declaration to be furnished by a person to whom
anticipatory death gratuity is sanctioned
(Rule 100)
FORM

Whereas the _____
(here state the designation of the officer sanctioning the advance)

has consented provisionally to advance to me the sum Rs. _____ in anticipation of the completion of the enquiries necessary to enable the Government to fix the amount of death gratuity payable to me (as the nominee/legal heir of Shri/Janab/Mr. _____) I hereby acknowledge that, in accepting this advance, I fully understand that the death gratuity payable to me is subject to revision on the completion of the necessary formal enquiries and I promise to base no objection to such revision on the ground that the provisional death gratuity now to be paid to me exceeds the death gratuity which may be finally sanctioned to me. I further promise to repay any amount advanced to me in excess of the death gratuity that may be finally sanctioned to me.

Witness to signature (with address)

1. _____

2. _____

Signature _____
Designation _____ (if a Government servant)
Station _____

Date _____

Note :- The words in brackets may be omitted where inapplicable

CHAPTER XI **Extraordinary Pension**

110. Application of rules in this Chapter.- The rules in this Chapter shall apply to all persons paid from civil estimates, other than those to whom the Workmen's Compensation Act, 1923 (Act 8 of 1923), applies, 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 Governor of West Bengal.

Note 1.- In cases where the deceased Government servant, to whom the rules are applicable, was woman, the grant of pension to her family will be subject to the following conditions, namely :

(i) Widower.- The widower of a woman Government servant will be eligible for a pension only if he was not separate from her at the time of her death, was dependent on her and in pecuniary need and incapable of self support, The rate of pension will not exceed one half of the pension that would have been admissible under the rules to the widow of a male Government servant of the same status and with the same rate of pay,

(ii) Children.- Where the widower of a woman Government servant is alive, no allowance shall be awarded under these rules, in respect of any child of whom the widower is the father unless the conditions for the award of pension to the widower himself, as laid down in clause (i) are fulfilled,

Note 2.- The procedure in regard to the grant of extraordinary pension in respect of State Government servants on deputation to the Central Government and vice versa is indicated below :

(i) The grant of extraordinary pension or gratuity should be regulated in accordance with the rules of the borrowing Government in respect of Government servants receiving injuries or dying during the period of deputation;

(ii) The liability for such award should be that of the borrowing Government;

(iii) The Union Public Service Commission of the state Public Service Commission concerned should be consulted according as the borrowing Government is the Central Government or the State Government;

iv) The sanction for the grant of such an award should be issued by the borrowing Government after usual consultation with the Audit Officer.

111. Definition for the purpose of these rules.—In these rules, unless there is anything repugnant in the subject or context

(1) “accident” means

(i) a sudden and unavoidable mishap, or

(ii) a mishap due to an act of devotion to duty in an emergency arising otherwise than by violence out of an in the course of service,

(2) “date of injury” means-

(i) in the case of accident or violence the actual date on which the injury is suffered or such date not being later than the date of the report of the Medical Board as the Governor may fix; and

(ii) in the case of disease, the date on which the Medical Board reports or such earlier date as may be fixed by the Govt. without regard to the opinion of the Medical Board,

(3) “disease” means -

(i) Venereal diseases or septicemia where such disease or septicemia is contracted by a medical officer as a result of attendance in the course of his official duty on an infected patient or of conducting a post-mortem examination in the course of such duty; or

(ii) disease solely and directly attributable to an accident ;or

(iii) an epidemic disease contracted by an officer in consequence of his being ordered on duty to an area in which such disease is prevalent or in consequence of his attending voluntarily, out of humanitarian motives, upon any patis suffering from any area where he happens to be in the performance of his duties.

(4) “injury” means bodily injury resulting from violence, accident or disease assessed by a medical board as being not less than severe.

Note.—Examples of injuries of different categories are given in Schedule I to these rules.

(5) “Pay” means the pay as defined in rule 5(28) of the West Bengal Service Rules Part I, which a person was drawing on the date of his death or injury :

Provided that in the case of a person remunerated by piece work rates, ‘pay’ means the average earnings of the last six months ending with the date of his death or injury.

(6) “risk of office” means any risk, not being a special risk, of accident or disease to which a Government servant is exposed in the course of, and as a consequence of, his duties, but nothing shall be deemed to be a risk of office which is a risk common to human existence in modern conditions in India, unless such risk is definitely enhanced in kind or degree by the nature, conditions, obligations or incidents of Government service.

Note.- The term ‘risk of office’ shall include the risk of death or injury to which a Government servant is exposed where he attends on a working day, or is required to attend on a holiday, the place of his employment for the performance of his duties during any riot or civil commotion in town, city or village concerned including any suburban areas contiguous thereto, and. While proceeding from his residence to the place of his employment vice versa becomes a victim of the riot or civil commotion.

(7) “special risk” means -

(i) a risk of suffering injury by violence;

(ii) a risk of injury by accident to which a Government servant is exposed in course of, and as a consequence of, the performance of any particular duty which has the effect materially increasing his liability to such injury beyond normal risks of his office;

(iii) a risk of contracting disease to which a medical officer is exposed as a result of attending in the course of his duty to a venereal or specific patient or conducting post-mortem examination in pursuance of such duty,

Note 1- The death or injuries of a Government servant as a result of an accident, while traveling by air on duty, is treated being due to ‘special risk of office’.

Note 2.- Death or injuries of a Government servant caused by terrorists should be treated as being due to ‘special risk’ if received by virtue of his position as a Government servant.

(8) “violence” means the act of person who inflicts an injury on Government servant -

(i) by assaulting or resisting him in the discharge of his duties or in order to deter or prevent him from performing his duties ; or

(ii) because of anything done or attempted to be done by such Government servant or by any other public servant in the lawful discharge of his duty as such; or

(iii) because of his Critical Position.

112. Power of sanction.— No award shall be made under these rules except with the sanction of the Government. In making an award the Governor may take into consideration the degree of default as contributory negligence on the part of the Government servant who sustains an injury or dies as a result of an injury or is killed,

113. . Protection of other pension or gratuity,- Except as otherwise provided in these rules, an award made under these rules shall not affect any other pension. or gratuity for which the Government servant concerned or his family may be eligible under any other rules for the time being in force; and the pension granted under the provisions of these rules shall not be taken into account in fixing the pay of the pensioner on his continued employment or re-employment in Government service,

114. Restriction.- No award shall be made in respect of—

(i) an injury sustained more than five years before the date of application; or

(ii) death which occurred more than seven years (a) after the injury due to violence or accident was sustained, or (b) after the Government servant was medically reported as to for duty on account of the disease of which he died,

115. Payable in rupees.- All awards under these rules shall be made in India in rupees.

116. Class of injury.- For the purpose of these rules injuries shall be classified as follows :

Class A.— Injuries caused as a result of special risk of office which have resulted in the permanent loss of an eye or a limb or are of a more serious nature.

Class B.— Injuries caused as a result of special risk of office equivalent, in respect of the degree of disablement which they cause to the loss of a limb or are very severe or injuries caused as a result of risk of office which have resulted in the permanent loss of an eye or a limb, or are of a more serious nature.

Class C.— Injuries caused as a result of special risk of office are severe, but not very severe, and likely to be permanent; or injuries caused as a result of risk of office which are equivalent in respect of the degree of disablement which they cause to the loss of a limb or which are very severe and likely to be permanent.

117. (1) If a Government servant sustains an injury which falls within class A of rule 116, he shall be awarded.

(a) a gratuity of the applicable amount specified in Schedule to these rules, and

(b) with effect from the date following the expiry of one year from the date of the injury,

(i) if the injury has resulted in the permanent loss of more than one limb or one eye, a permanent pension of the applicable amount specified in Schedule II for a higher scale pension; and

(ii) in other cases, a permanent pension the amount of which shall not exceed the applicable amount specified in Schedule II for higher scale pension and shall not be less than half that amount.

(2) If a Government servant sustains an injury which falls within Class B of rule 116, he shall be awarded, -

(i) if the injury has resulted in the permanent loss of an eye or a limb or is of more serious nature, a permanent pension, with effect from the date of the injury, of an amount which shall not exceed the applicable amount specified in Schedule II for a lower scale pension and shall not be less than half that amount; and

(ii) in other cases,

(a) for a period of one year with effect from the date of the injury, a temporary pension the amount of which shall not exceed the applicable amount specified in Schedule II for a lower scale pension and shall not be less than half that amount and thereafter -

(b) a pension within the limit specified in sub-clause (a) if the Medical Board from year to year certified that the injury continues to be severe.

If Government servant sustains an injury which falls within Class C of rule 116, he shall be awarded a gratuity of the applicable amount specified in Schedule II, if the Medical Board, certifies that the Government servant is likely to be unfit for service for a year or a proportionate amount subject to a minimum of one quarter of the amount so specified if he is certified to be likely to be unfit for less than a year:

Provided that in cases where the injury is equivalent in respect the degree of disablement which it causes to the loss of a limb, Governor may award if he thinks fit, in lieu of the gratuity, a not exceeding the amount admissible under clause (ii) of sub- rule (2).

(4) A temporary pension awarded under this rule ME T be converted into a permanent injury pension—

- I. when the Government servant is invalidated out of the service on account of the injury in respect of which the temporary pension was awarded; or
- II. when the temporary pension has been drawn for not less than five years: or
- III. at any time, if the Medical Board certifies that it sees no reason to believe that there will ever be a perceptible decrease in the degree of disablement.

118 Award to widow and children.- Subject to the provision contained in the Note below rule 120, award shall be made to the widow and children of Government servant as follows :

(i) If a Government servant is killed or dies of injury received as a result of special risk of office,

(a) a gratuity of the applicable amount specified in Schedule III; to these rules, and

(b) a pension the amount of which shall not exceed the applicable amount specified in Schedule III;

(ii) If the Government servant is killed or dies of injuries received as a result of risk of office, a pension the amount of which shall not exceed the applicable amount specified in Schedule III.

Provided that if the pay of the deceased Government servant was less (than Rs.200, the monthly pension or the sum of pensions that may be granted under this rule shall not, irrespective of the rate (including minimum limits) specified in Schedule III, exceed the limit of one half If of his pay; and if in any case the .sum of such pensions calculated under. Schedule III exceeds that limit of one half of his pay, such a pro-rata reduction shall be made in the amount of each individual pension as will reduce the sum to such limit.

Note : If a Government servant dies leaving behind two or more widows, the pension or gratuity admissible under this rule to the widow shall be divided equally among all widows.

119. Award to parents.- If the deceased Government servant has left neither a widow nor a child, an award may be made to his father and his mother individually or jointly and in the absence of the father and the mother, to minor brothers and sisters, individually or collectively, if they were largely dependent on the Government servant support and are in pecuniary need :

Provided that the total amount of the award shall not exceed one half of the pension that would- have been admissible to the widow under rule 10 :

Provided that the total amount of the award shall not exceed one half of the pension that would- have been admissible to the widow under rule 10 :

Provided further that each minor brother's and sister's share shall not exceed the amount of pension specified in Schedule III for a "child who is not motherless".

120. Any award made under rule 110 will, in the event of an improvement in the pecuniary circumstances of the pensioner, be subject to review in such manner as the Governor may by order prescribe.

Note.- If any of the widow, children, father, 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 a person shall be ineligible to receive any award under these rules and the benefit will pass on to the next person eligible.

121. Date of effect.- (1) A family pension will take from day following the death of the Government servant or from such date as the Governor may decide.

(2) A family pension will ordinarily be tenable,-

- (i) in the case of widow or mother, until death or marriage whichever occurs earlier.
- (ii) in the case of minor son, or minor brother, until he attains the age of 18;
- (iii) in the case of an unmarried daughter or minor sister, until marriage or until she attains the age of 21 years, which occurs earlier; and
- (iv) in the case of a father, for whole life.

Note.- The family pension of a widow will cease on re-marriage; but when such re-marriage is annulled by divorce, desertion of the second husband, her pension may be restored upon proof that she is in necessitous circumstances and otherwise deserving.

* 122. Procedure for award,- (1) In respect of matters of procedure, all awards under these rules are subject to any procedure rules relating to ordinary pension for the time being in force, to the extent that such procedure rules are applicable and are not inconsistent with these rules.

Compiler's Note : *It has since been decided by Govt. that pension papers for grant of extraordinary pension etc. should be prepared in triplicate and submitted to Govt. with connected papers viz. photo, specimen signature/LTI etc. so that one set of pension papers may be sent to Audit along with the Govt. order sanctioning such pension to enable Audit to issue PPO/authority for such payment. Vide F. D. No. 1254-F dt. 23.2. 81

(2) When a claim for any injury pension or gratuity or family pension arises, the Head of the office or of the department in which the injured, or the deceased Government servant was employed, will forward the claim through the usual channel to the Government with the following documents, namely :

(i) A full statement of circumstances in which the injury was received, the disease was contracted or the death occurred;.

(ii) The application for injury pension or gratuity in Form A, or, as the case may be, the application for family pension in Form B set forth in Schedule IV to these rules;

(iii) In the case of an injury a Government servant or one who has contracted a disease a medical report in Form C set forth in Schedule IV. In the case of a deceased Government servant a medical report as to the death or reliable evidence as to the actual occurrence of death if the Government servant lost his life in such circumstances that a medical report cannot be secured; and

(iv) A report of the audit officer concerned as to whether an award is admissible under the rules and, if so, of what amount.

(3) Where the Government are satisfied the, evidence placed before them by a Government servant in respect of whom a medical report for the purpose of grant of injury or other extraordinary pension has been received by them of the possibility of an error of judgment in the decision of the Medical Board which examined him, the Government may direct a second Medical Board consisting of members other than those who constituted the first Medical Board to examine the and submit a report to the Government in the matter; pension shall be granted to the officer in accordance with the decision of the second Medical Board.

Schedule I

[see note below clause(4) of rule 111]

Classification of Injuries

Equal to less to limb-

Hemiplegia without aphasia.

Permanent use of a tracheotomy tube.

Artificial anus.

Total deafness of both ears,

Very severe -

Complete unilateral facial paralysis, likely to be permanent, Lesion of kidney, ureter or bladder.

Compound fractures (except phalanges).

Such gross destruction of soft parts as to lead to permanent disability of loss of function,

Severe and likely to be permanent.—

Ankylosis of or considerable restriction in the movement of one of the following joints :

Knee, elbow, shoulder, hip, ankle, temporo-maxillary or rigidity of the dorsilumbar. or cervical section of spine.

Partial loss of vision of one eye.

Destruction or loss of one testicle.

Retention of foreign bodies not causing permanent or serious symptoms.

SCHEDULE II
(See rule 117)

Injury gratuity and pension

Pay of Government servant On the date of injury	Gratuity	Monthly pension higher scale Rs.	Monthly pension lower scale Rs.	
1. Rs. 2,000 and over		300	225	
2. Rs. 1,500 and over but under Rs. 2,000		275	200	
3. Rs. 1,000 and over but under Rs. 1,500		200	150	
4. Rs. 900 and over but under Rs. 1,000	} 3 months] pay subject to a minimum of Rs. 800/-	150	125	
5. Rs. 400 and over but under Rs. 500		100	84	
6. Rs. 350 and over but under Rs. 400		85	70	
7. Rs. 200 and over but under Rs. 350		67	50	
8. Under Rs. 200		4 months' pay	1/3 rd of pay Subject to a Minimum of Rs. 8 Per mensem	1/3 rd of pay Subject to a Minimum of Rs.4 Per mensem

SCHEDULE III
(See rule 110)

Family Gratuity and Pension

Pay of Government servant on the date of injury	Gratuity	Monthly pension
1. Rs. 800 and over		20% of pay subject to a maximum of Rs. 275
2. Rs. 200 and over but Under Rs. 300	3months pay	25% of pay subject to a maximum of Rs. 150 and Minimum of Rs. 40
3. Under Rs. 200	4months pay	45% of pay subject to a Maximum of Rs. 75 and Minimum of Rs. 40.

B – Children

Pay of Government servant on the date of death	Gratuity (To a children if motherless)	Monthly pension of each Child	
		If the child is motherless	If the child is not motherless
	Half the amount Which would have otherwise been admissible to widow, to be distributed in equal shares.		
		Rs.	Rs.
1. Rs. 800 and over		60	25
2. Rs. 250 and over but under Rs. 800		37.50	13
3. Under Rs. 250		15% of pay	5% of pay Subject to a Minimum of Rs. 3 Per mensem

These rates are subject to the condition that the pension payable to a child/children will, in no case, be less than the amount of pension which would have been admissible to him/them,- had the provisions of the Family pension Scheme, 1965 been applied,

SCHEDULE IV

[See rule 122(2)]

FORM A

Form of application for injury pension or gratuity

1. Name of applicant
2. Father's name
3. Race, sect and caste
4. Residence showing village and peragunnah
5. Present .or last employment, including name of establishment
6. Date of beginning of service
7. Length of service, including interruptions of which Superior_____ Inferior_____

Non—qualifying and interruptions

- 8. Classification of injury
- 9. Pay at the time of injury
- 10. Proposed pension or gratuity
- 11. Date of injury
- 12. Place of payment
- 13. Special remarks, if any.
- 14. Date of applicant's birth by Christian era*
- 15. Height
- 16. Marks

Thumb and finger impressions

Thumb _____ forefinger _____ middle _____ ring finger _____
little finger _____

- 17. Date on which the applicant applied for pension.

Signature of Head of Office

***Note.-** In the case of European Ladies, Gazetted officers, Government titleholder and other persona who may be specially exempt by Government in this behalf, thumb and finger impressions and particulars of height and personal marks are not required.

*If not known exactly, must be stated on the best information or estimate.

FORM B
Form of Application for Family Pension

Application for an extraordinary pension for the family of A, B (late) a _____ killed, or died of injuries received, as a result of special risk of office.

Submitted by the -

- | | |
|-------------------------|---|
| Description of Claimant | <ul style="list-style-type: none">1. Name and residence, showing village and perjured2. Age3. Height4. Race, caste or tribe5. Marks for identification6. Present occupation and pecuniary circumstances7. Degree of relationship to deceased
8. Name9. Occupation and service |
|-------------------------|---|

- | | | |
|-------------------------|-----|--|
| Description of Deceased | 10. | Length and service |
| | 11. | Pay when killed |
| | 12. | Nature of injury causing death |
| | 13. | Amount of pension or gratuity proposed |
| | 14. | Place of payment |
| | 15. | Date from which pension is to commence |
| | 16. | Remarks. |

Name, Date of Birth by Christian era.

- | | |
|---|----------|
| Name and ages of surviving kindred deceased | Sons |
| | Widows |
| | Daughter |
| | Father |
| | Mother |

Note.—If the deceased has left no son, widow, daughter, father or mother surviving him, the word “dead” should be entered opposite to such relatives,

Place

Date

Signature of Head of Offices

Form to be used by Medical Board, when reporting on injury Proceeding of Medical Board

CONFIDENTIAL

Proceedings of a Medical Board assembled by order of _____ for the purpose of examination and reporting on the present state of the injury sustained by/at/disease contracted by _____ (place of injury, etc.) on the date (date of injury, etc.) .

- (a) State briefly the circumstances-under which the injury/ disease was sustained/contracted
- (b) what is the Government servants present condition?
- (c) Is the Government servants present condition wholly due to the injury, disease?
- (d) In the cases of disease from which date does it appear that the Government servant has been incapacitated?

The opinion of the Board upon question below is as follows

PART A - FIRST EXAMINATION

The severity of injury should be assessed in accordance with the following classification and details given in the remarks column. Below :

- | | | |
|--|-----|----|
| 1. Is the injury | | |
| (i) (a) The less of an eye or limb? | Yes | No |
| (b) The loss of more than one eye or limb? | Yes | No |

- (iii) Equivalent to the loss of an eye or a limb?
- (iv) Very" severe?
- (v) Severe and. likely to be permanent?
- (vi) Severe but not likely to be permanent?
- (vii) Slight hut likely to be permanent?

2. For what period from the date of the injury,

- (a) has the Government servant been unfit for duty
- (b) Is the Government servant likely to remain unfit for duty?

Remarks.- Here the classification above may be amplified if necessary or details of additional injuries to the main injury may be given.

PART SECOND OR SUBSEQUENT EXAMINATION

If the original degree of disability of the Government servant has changed, in which of the above categories should it now he placed?

Remarks.- In this space additional details may be given if necessary. Instructions to be observed by the Medical Board preparing the Report.

1. The Medical Board before recording its opinion should invariably consult the proceedings of previous medical boards, if any, as also all previous medical documents connected with the Government servant brought before it for examination.
2. If the injuries be more than one, they should be numbered separately and should it be considered that, for instance, though only severe" or slight in themselves, they represent together the equivalent of a single "very severe" injury, such an opinion may be expressed in the column provided.
3. In answering the questions in the prescribed form the Medical card will confine itself exclusively to the medical aspect of the case and will carefully discriminate between the Government servant's unsupported statements and the evidence available.
4. The Board will not express any opinion, either to the" Government servant examined, or in its report, as to whether he is entitled to compensation, or as to the amount of it, not will it inform the Government servant how the injury has been classified.

CHAPTER XII
Application To Grant of Pensions

123. Application of these rules.- (1) The rules in this chapter apply to all Government servants applying for pensions under these rules.

(2) For the purpose of this chapter "gratuity" means death-cum-retirement gratuity and includes service gratuity, if any.

*124. - List of Government servants due to retire.- (1) Each Head of a Department shall have a list prepared every six months, i.e. on the 1st January and the 1st July each year. If all gazetted and non gazetted Government servants who are to retire within the next 12 to 18 months of that date. A copy of every such list in the form shown in Annexure I shall be supplied to the Audit Officer concerned not later than the 31st January or the 31st July, as the case may be, of that year. In the case of persons retiring for reasons other than by way of superannuation the Head of the Department shall promptly inform the Audit Officer as soon as the impending retirement becomes known to him.

(2) The Head of a Department or if an office shall write to appropriate officer in-charge of accommodation at least one year before the anticipated date of retirement of a Government servant who is in occupation of Government accommodation, for issue of "no demand certificate" so that the sanction of pension and gratuity is not delayed and the necessary dues are realised within the period specified in clause (3) of rule 141.

**125. Formal application-Every Government servant shall submit a formal application for pension in form 5, All gazetted Government servants shall send their applications direct to the Audit Officer and non-gazetted Government servants to the head of office. Every Govt. servant should submit his formal application for pension at least one year in advance of the date of his anticipated retirement : provided that -

(i) in case in which the date of retirement cannot be foreseen one year in advance, the application shall be submitted immediately after the date of retirement is settled, and

(ii) a Government servant, proceeding at leave preparatory to retirement in excess of one year, shall submit the application at the time of proceeding on such leave.

Compiler's Note : *At present, Heads of Offices are pension sanctioning authority (vide F.D.Mem.No.13071-F dt.1.11.03). Accordingly in modification of rule 124, it has been decided that all pension sanctioning authorities will prepare the list in Annexure I, every 'six months i.e. on the 1st January and 1st July each year of all Govt. employees who are due to retire within 24/30 months from the date of preparation of list in Annexure I (vide F. D Memo No 6388-F at.24.6.86) and send such list to the A.G.W.B. not later than 31st. January or the 31st July, as the case may be of that years.

The Form of Annexure I to rule 124 has been substituted vide Memo, No.4521 -F . dt.2.5.87.

It has also been decided that each pension sanctioning authority shall maintain a permanent "Pension Register" in his office in the form and for the purpose details of which is given in F.D Memo No. 5977 dated 27.06.85

In this connection see chief Secretary's Circulars Nos.1500-F (Pen) dt;13.10,93 & N:.165-F (Pen) dt.10.11.93.

**At present, top system of classifying Govt. employees into 'gazetted' and 'non-gazetted' has been done away with.

The work relating to maintenance of service-book and determination of personal entitlement in respect of erstwhile gazetted Govt employees has since been transferred from the A..G.W.B. to Depts. concerned. As such, Heads of Offices being

pension sanctioning authorities in respect of Govt. employees (irrespective of class of employees) Govt. employees due to retire will submit application in Form 5 to the head of office.

Note 1.- In each department and office an officer of appropriate rank should be specifically charged with the responsibility of initiating action in due time regarding the completion of pension records and documents. As the first step in that direction he should have a list prepared every six months, i.e., on the 1st January and 1st July, of all officers, gazetted or non-gazeted, who will attain the age of superannuation within the next 12 to 18 months of that date. The attention of every such Government servant should be drawn to the provisions of rule 125 to 129 and he should be advised to make a formal application for pension at least one year in advance from the date of his anticipated retirement in order to avoid the possibility of any delay in the commencement of his pension. A copy of the list referred to should also be sent to the Accountant-General, West Bengal.

Compiler's Note : It has been decided all pension sanctioning authorities will prepare the list every six months i.e. on the 1st January and 1st July each year of all Govt. employees who are due to retire within the next 24/30 month's from the date of preparation of such list and send such list to the Accountant General, West Bengal not later than 31st January or the 31st July, as the case may be, of that year (vide Memo.No.6388-F dt.24.6.86 and No.4521-F dt.2.5.87)

Note 2.- Check lists to ensure that all necessary steps involved in the finalisation of pension cases are taken well in time and simultaneously a pro-forma called "Check List" and a form of "Progress Statement" as shown in Annexure II and III should be prepared, As soon as the list referred to in Note I has been prepared or an intimation is received about the death of a Government servant, the "Check List" should be started for each such case and information and documents already available checked up with the proforma item by item. A note of the items in respect of which complete information is not available should be made in column 1 of the "Progress Statement" and necessary steps initiated simultaneously to collect the missing information or to complete necessary formalities. A watch on the finalisation should be kept by noting the progress made in column 2 of the "Progress Statement" at weekly or other suitable intervals.

Note 3.- Instructions regarding annual verification as laid down in rule 42 of Appendix 7 of the West Bengal Service Rules, Part – I should be carefully observed to avoid delay in verification service.

Compiler's Note : In cases where the service book is maintained properly, the requirement of annual verification of service may be dispensed "with, vide Govt. decision in para 2(i) of F.D.Memo.No.2255-F dt.22.3.73.

Note 4.- Rule 134 lays down that the preparation of the service statement and its verification by the Accountant-General, West Bengal, shall be taken up one year before an officer is due to retire. All administrative authorities are requested to ensure that these steps are actually taken one year in advance of the date of superannuation and are not postponed till the officer has actually submitted his formal application for pension,

Note 5.- If a Government servant who is officiating in a higher post or is holding a higher temporary post and continues to do so for more than two years up to the date of his retirement takes any leave during the last three years of his service the question whether he would have continued to hold the higher post if he had not proceeded on leave should be examined and necessary certificate should be recorded by the sanctioning authority at the time of the grant of leave. Such certificates should always accompany the pension papers.

Note 6.- The service books of permanent non-gazetted Government servants who are officiating as gazetted officers are often found incomplete at the time of their retirement. Under the rules the service of such a Government servant should remain in the custody of the Head of Office in which he holds a permanent and substantive non-gazetted post and entries should continue to be made by that officer regularly about any changes in pay, ect., which would have accrued to him had

he continued to hold his permanent post and entry about the date of transfer to the gazetted post will also be made in red ink at an appropriate place across the pages and another similar entry about his reversion from gazetted post where it takes place. A full record of service in the gazetted post itself will be kept and verification done by the accountant-General. When such a Government servant is confirmed in a gazetted post his service book should be transferred for custody to the Accountant-General, West Bengal after making an entry about such confirmation.

Compiler's Note : The work relating to maintenance of service book in respect of erstwhile gazetted Govt. servants has since been transferred from the AGWB to Deptts. concerned. As such, service book of all Govt. employees (irrespective of erstwhile gazetted and non-gazetted servants) are now maintained in the same process and manner by Head of Office/ Deptt.

126. Procedure laid down in rules 132 to 139 shall apply in certain cases.- A gazetted Government servant whose pay and allowances are drawn and disbursed by the Head of Office on an establishment bill shall submit his application for pension to the Head of Office and the procedure as laid down in rules 132 to 139 shall apply to him.

Note.- In respect of a non-gazetted Government servant holding gazetted post in an officiating capacity at the time of retirement the Head of Office shall send the Service Book of the Government servant concerned to the Audit Officer at least one year in advance of the date of retirement of such Government servant after verifying that the certificate of verification relating to non-gazetted service has been recorded and the Service Book is complete in all respects. If a non-gazetted Government servant is promoted to officiate in a gazetted post, at any time during the last year of his service, and in whose case pension papers have not been prepared and forwarded to the Audit Officer, the Service Book of such Government servant duly verified and completed in all respects, shall be forwarded immediately by the Head of Office to the Audit officer.

*127. Authority competent to sanction pension and gratuity. The Head of department or any other authority competent to make appointment to the post substantively held by the retiring Government servant shall be competent to sanction pension and gratuity. Such authority shall after taking into consideration the provisions of rule 65 record in Form 3 his orders as to whether the service rendered by the Government servant has been satisfactory and is approved for the grant full pension and gratuity or both, admissible under the rules or whether the service so rendered has not been thoroughly satisfactory and what reduction should for that reason be made for the full pension or gratuity or both, admissible under the rules.

128. Pension once sanctioned shall not be revised.— (1) Subject to the provision of rules 8-10 pension once sanctioned after final assessment shall not be revised to the disadvantage of the Government servant, unless such a revision becomes necessary on account of detection of clerical errors subsequently;

Provided that no revision of pension to the disadvantage of the pensioner shall be ordered by the pension sanctioning authority, without the sanction of Government if the clerical error is detected after a period of 2 years from the date of sanction of pension.

(2) For the purpose of sub-rule(1) the Government servant concerned shall be served with a notice by the pension sanctioning authority for requiring him to refund the excess payment so made within a period of two months from the date of receipt by him of the notice. On his failure to comply with the notice the authority sanctioning the pension shall order that such excess payment shall be adjusted by short payments of pension in future in one or more installments, as the said authority may order.

**** Gazetted Government Servants**

129. Gazetted Government servants.— The Audit Officer shall undertake the work of preparing pension papers in Form I one year before the date on which the Government servant is due to retire on superannuation or on the date on which he proceeds on leave preparatory to retirement, whichever is earlier. The work shall not be delayed till the Government servant has actually submitted his formal application for pension.

Compiler's Note : * W.e.f. 1.11.83, the power to sanction pension etc. has been delegated to the Head of Office. As such, at present, the head of office as defined in rule 5(16A) of WBSR, Pt. I where the Govt. employee was attached at the time of retirement is pension sanctioning authority (vide F.D.Memo.Nos.13071-F dated 1.11.83).

**It has already been pointed out that the system of classifying Govt. employees into "gezatted" and "non-gezatted" has been abolished; and the work relating to maintenance of service-book in respect of erstwhile gezatted Govt. servants has been transferred from AGWB to concerned Deptt. Accordingly at present, pension cases irrespective of all classes of employees (i.e. Gr. A, B, C & D) are prepared and sanctioned in the same manner and process by the head of office concerned. Hence, the rules relating to Gazetted Govt. Servants should be read in the light of the changes discussed.

130. Intimation to gazetted officer.—(1) The Audit Officer shall send to every gazetted Government servant, under intimation to the Head of the Department or where the retiring Government servant is himself the Head of the Department to the Administrative Department concerned, a copy of Form 5 (formal application for pension) one year in advance of the date at which the Government servant attains the age of superannuation or before the date of his anticipated retirement, if earlier, with the request that it should be returned to him duly completed within a period of three months from the date of issue of intimation to the Government servant by him in no case later than the actual date of retirement. The Audit Officer should also draw the attention to the retiring Government servant to the provisions of rule 142.

(2) On receipt of a copy of formal application for pension from the .Audit Officer, the retiring Government servant shall return it duly completed to the Audit Officer, within the period mentioned in sub-rule (1) under intimation to the Head of Department or the Administrative Department if he is himself the Head of the Department.

(3) On receipt of the intimation from the Audit Officer the Head of the Department or the Administrative Department shall communicate the orders to the authority sanctioning the pension to the Audit Office in Form 3 within a period of three months from the date of the receipt of intimation but in no case later than the date of retirement of the Government servant.

(4) If the orders of the authority sanctioning the pension are not received by the Audit Officer within the period mentioned in sub-rule(3), he shall assume that the retiring Govt. servant has been allowed full pension or gratuity or both as admissible under the rules allowed full pension or gratuity or both as admissible under the rule.

(5) If after communication of the order of the Audit Officer 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 authority sanctioning the pension, In case on such event has occurred a report to that effect together with a certificate as to the satisfactory nature of service rendered by the Government servant after the dispatch of Form 3 mentioned in sub-rule (3) shall be forwarded to the Audit Officer within a week of the date on which the Government servant retires.

(6) The details of any Government dues outstanding against the Government servant and the steps taken to safeguard the interest of the Government in this behalf shall also be communicated by the Head of office to the Audit Officer at least 14 days before the date of retirement of the Government servant.

(7) When a Government servant has retired front service a notification in the official gazette specifying the actual date of his retirement shall be issued within a week of such date and a copy of such notification shall be forwarded to the Audit Officer immediately :

Provided that in cases where a notification in the official gazette regarding the grant of leave preparatory to retirement to the gazetted Government servant is issued, a further notification that the Government servant actually retired on the expiry of such leave shall not be necessary unless the leave is curtailed and, the retirement is for any reason antedated or postponed.

(8) As soon as the pension and, gratuity are finally assessed by the Audit Officer and the pension is payable in his circle of audit he shall prepare a pension payment order after taking into account the orders of the pension sanctioning authority and the audit endorsement on the third page of Form I but shall not issue the said order more than a fortnight in advance of the date on which the Government servant is due to retire. The fact of issue of pension payment order shall be promptly reported to the pension sanctioning authority. If the payment of pension is desired in another circle of audit, the Audit Officer shall send the necessary payment authority to the Audit Officer of that circle for arranging payment at the treasury concerned.

131. Disbursement of pension before it can be finally assessed –

(1) When a Government servant whose pension is payable in India is likely to retire before his pension can be finally assessed and settled in accordance with the provisions of this Chapter the Audit Officer shall authorise the disbursement of pension to which after the most careful summary investigation that he can make without delay he believes the Government servant to be entitled. If the payment of pension is desired in another circle of Audit, the Audit Officer shall send the necessary payment authority to the Audit Officer of that Circle for issuing necessary instructions to the Treasury Officer concerned for disbursement of the pension.

(2) The disbursement of pension under sub-rule (1) shall be subject to revision on the completion of the detailed investigation and enquiries, if any. If the amount of pension granted to a Government servant under sub-rule (1). We afterwards found to be in excess of that which he- is entitled under the rules, he shall be called upon to refund such excess in- the manner and subject to the conditions specified in rule 12B.

(3) Subject to the provisions of sub-rule (1) the Audit Officer may also sanction the disbursement of not more than three-fourths of the amount of gratuity. If, however, the amount of gratuity so disbursed proves to be larger than the amount finally assessed, the gratuitant shall not be required to refund any excess actually disbursed to him.

Non-gazetted Government servants

*132, Non-gazetted Government servants.- (1) Every Head of office shall undertake the work of preparing pension papers one year before the date on 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. This work shall not be delayed till the Government servant has actually submitted the formal application for pension.

Compiler's Note :*According to latest Govt. decision the work in connection with the pension cases of Govt., employees will be initiated two years prior to retirement. The pension cases duly completed in all respects should be submitted to the A,G,W.B. 6 months before retirement of a Govt. employee (vide F.D.Meme.No.3267-F dated 22.6.76 and Chief Secy's Circular No,1500-F(Pen) dated 13.10.03.

(2) The Head of office shall send to every non-gazetted Government servant a copy of Form 5 (Formal Application for Pension) one year in advance of the date on which the Government servant attains the age of superannuation or before the

date of his anticipated retirement if earlier, with the request that it should be returned to him duly completed within a period of three months from the date of issue of intimation to the Government servant by him but in no case later than the actual date of retirement. The Head of office shall also draw attention of the retiring Government servant to the provision rule 142.

133. Preparation of statement.— As a first step the Head of office shall prepare a statement of the applicant's service in, the second page of Form I and thereafter proceed as follows :

*(a) he shall go through the service-book and the service roll, if any, and satisfy himself as to whether the annual certificates of verification for the entire service are recorded therein. In respect of the unverified portion or portions of service, he shall arrange to verify- it or them, as the case may be with reference to pay bills, acquaintance rolls or other relevant records and record the necessary certificates in the service book or service rolls, as the case may be,

(b) if the service for any period is not capable of being verified in the manner specified in clause (a) 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 that office or, as the case may be, of, that department in which officer is shown to have served during that period for purposes of verification.

(c) If any portion of service rendered by a Government servant is not capable of being verified in, the manner specified in clause; (a) and (b) the Government shall 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 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 his power to produce or furnish. The authority competent to sanction pension to that Government servant shall, after taking, into consideration the facts in the written statement and the evidence produced and the information furnished by that servant in support of the said period of service, if satisfied, admit that portion of service as having been rendered for the purpose of calculating pension of that, Government servant.

Compiler's Note : *In, cases where the service book is maintained properly, the requirement of annual verification of service may be dispensed with, vide Govt. decision in para 2(i) of F. D.Memo No 2225 -F dated 22.3.73.

134. Completion of Form.-After completing the service statement mentioned in rule 133 the Head of office shall complete the first page of Form I. This should be done irrespective of the fact whether the formal application for pension has been received from the Government servant or not. If at such time the said formal application from the Government servant has not yet been received, the relevant columns in the first page of Form I shall be left unfilled. The relevant entries shall be made soon after the said formal application is received.

135. Manner in which Head of office shall proceed. - After complying with the requirements of rule 134, the Head of office shall proceed as follows :

(i) he shall certify in Form 3 as to whether the character, conduct and past service of the applicant are such as to entitle him to the favourable consideration of the authority sanctioning the pension, He shall also record therein his own opinion as to whether the service claimed has been established and should be admitted or not. All periods of leave, suspension, etc., which are not reckoned as service should be carefully recorded in section III of second page of Form I. If the application is for invalid pension, the requisite medical certificate shall be attached.

(ii) after obtaining' the orders of the pension sanctioning authority in Form 3, the Head of office shall send Forms I and 3 in original to the Audit officer with a covering letter in Form I alongwith the Government servant's service book and service roll, if any, duly completed up to date and any other documents relied upon for the verification of the service claimed, in

such a manner that they can be conveniently consulted. He shall retain one copy of each of the above forms for his office record. In cases where the payment is desired in another Audit Circle Forms I and 3 shall be sent to the Audit Officer in duplicate.

136. Occurrence of events having a bearing on pension. —

(1) If after the pension papers have been forwarded to the Audit Officer, 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 authority sanctioning the pension.

(2) In case where the pension papers have been sent to the Audit Officer before the actual date of retirement of the Government servant a certificate as to the satisfactory nature of service rendered by the Government servant for the period from the date of admitting service by the authority sanctioning the pension to the date of actual retirement together with the copy of the order specifying the actual date of his retirement, shall be forwarded to the Audit Officer within a week from the date of which he retires. At the same time details of any Government dues outstanding against the Government servant, and the steps taken to safeguard the interest of the Government in this behalf shall be intimated to the Audit officer.

Compiler's Note: A detailed guidelines for Heads of offices reg. processing and submission of pension cases to the A.G.W.B. was circulated vide F.D.Mema.No.1112-F dt.2.2.89.

*137. Provisional pension.- (1) After the pension papers have been sent to the Audit Officer, the Head of Office shall draw provisional pension not exceeding the maximum pension as may be admissible in each case and three-fourths of the gratuity as indicated by him against item 13 of Form I for, each pensioner separately at the Treasury at which the pay and allowances are drawn by him and arrange to disburse the pension and gratuity on the first day of the month following the month in which the officer retires from service under intimation to Audit Officer. If the pensioner desires payment through money order or Bank draft at the place where he is residing, the same shall be remitted to him through money order or the Bank draft at his cost. Such payment of pension shall continue only for a period of six month from the date of retirement of Government servant unless the period is extended by Audit Officer under rule 138.

(2) The Head of office, where necessary, shall -

(a) recover out the gratuity an amount equal to two Months' emoluments representing the Government servant's contribution towards family pension scheme as provided in rule 106,

(b) take appropriate action for the recovery and adjustment of Government dues as provided in rules 140-141.

(3) It is open to the Government servant to receive the payment of the balance of the one-fourth of the gratuity either from the Treasury from which payment of final pension is desired by him or from the Head of office. If the Government servant desires to receive the payment of the balance of the gratuity from the Head of office, he shall communicate his option in this behalf to the Head of office before proceeding on retirement. The Head of Office shall, in such a case, take necessary steps to draw and disburse the gratuity only after the Audit officer has issued the necessary authority.

(4) The Head of office shall issue a sanction letter endorsing copy thereof to the Audit-Officer quoting the memo, also in which the pension case has been forwarded to the Audit officer and indicating the amount of provisional pension and the three-fourths of the gratuity payable to the Government servant on retirement from service. He shall also indicate in the sanction letter the amounts to be recovered out of the gratuity. After issue of the sanction letter he shall take necessary steps to draw and disburse the provisional pension and gratuity. As soon as the provisional payments of pension and gratuity have been completed, the Head of office shall inform the Audit officer of the particulars of the aforesaid payment actually made by him.

Note. - The provisional pension and gratuity drawn by the Head of office will be initially debited under the head “65-Pension and other Retirement-Benefits”. Allocation of pensionary charges among other Government in any individual case will be done by the Audit Officer only after the final pension payment order has been issued.

Compiler’s Note: *The position of rule relating to sanction and payment of provisional pension and provisional gratuity has changed by Government decision which are given at page 85.

504-F (Pen) dt. 24.07.08

(Amendment vide notification mentioned above Rs. 10,000/- is substituted in place of Rs. 1,000/-)

1) Provisional pension at the rate of 100 percent of pension calculated on the basis of available information and provisional gratuity, after withholding of 10 percent. or Rs.1,000 of the gratuity, whichever is less, should be sanctioned immediate to the retiring Government servant, both in respect of erstwhile gazetted and non-gazetted Govt. employee. A written undertaking in the form enclosed in Memo.No.2255-F dt.22.3.73 should be obtained from the retiring Govt. employee. Head of Office may sanction this provisional pension for a period of twelve months. For continuance beyond twelve months–concurrence of Finance Deptt. is required. (vide F.D.Mer.to.No.10000-F dt,13.9.82,)

2) after submission of pension cases to the SGWB, no provision pension and gratuity can be sanctioned (vide F.D.Memo. No.7680-F dt,16.10.73.)

3) In cases where verification of Initial Pay Fixation Statement in respect of a Govt. employee is pending in P.I.Cell of Finance Deptt. in such cases provisional pension can be sanctioned by Head of Office from date of retirement to date of final pension is sanctioned (Vide F.D.Memo.No.11980-F dt.30.9.83).

4) In cases where Govt. employees are enjoying higher scale of pay or higher fixation of pay in terms of interim orders passed by High Court, or in terms of orders against which Appeals are pending - in such cases provisional pension may be sanction and allowed till disposal of the case or appeal; but no provisional gratuity be sanctioned.

[Vide F.D,Memo.No.547-F(Pen) dated 12.4.93]

5) Head of Account has been changed vide Memo.No.2845-F dt.18.3 87.

138. Pension Payment Order.- (1) On receipt of pension papers passed on to him under the provisions of rule 135 the Audit Officer shall apply the requisite checks and record his audit encasement on the third page of the application in Form I. If the pension is payable in his circle of audit he shall prepare the Pension Payment Order. The payment of pension shall be effective from the date following the date on which the payment of provisional pension ceases. Arrears of pension, if any, in respect of the period for which pension drawn and disbursed by the Head of Office shall also be authorised by the Audit Office.

(2) If the payment of the balance of the gratuity is desired to be made from the Treasury or Sub-Treasury from where the final pension is to be drawn; the Audit Officer shall authorise the payment of the gratuity after adjusting the amount outstanding against the retired Government servant, If the Government servant has opted for receiving the payment of the balance of the gratuity from the Head of Office, the Audit Officer shall issue the necessary authority in this behalf under an intimation to the Government servant and the Treasury Officer indicating the amount, if any, which the Head of Office shall adjust before making payment to the Government servant,

(3) The fact of the issue of the Pension Payment Order and the Order for payment of the balance of the gratuity shall be promptly reported to the Head of Office and the pension papers which are no longer necessary shall be returned to him.

(4) The adjustment of provisional pension and gratuity drawn and disbursed by the Head of Office shall be made by the Audit Officer in whose circle the provisional payments were made.

* (5) If the Audit Officer is unable to assess the amount of final pension and gratuity within a period of six months from the date of retirement of the Government servant he shall communicate the fact to the Head of Office under intimation to the Treasury Officer concerned and authorise him to continue to disburse the provision pension to the pensioner concerned for such period as may be specified by the Audit Officer.

(6) The Audit Officer may authorise the payment of the balance the gratuity even during the period of the currency of the provisional pension, provided that the amount of gratuity has been finally assessed and no recovery of Government dues is outstanding against the Government servant.

(7) If the pension and the balance of gratuity are to be paid in another circle of Audit, the Audit Officer shall send a copy of each of Forms I and 3 along with audit encasement and the- last pay certificate if received to the Audit Officer of that circle who shall prepare the Pension Payment Order and Order for payment of balance of gratuity and take further action as indicated in sub-rule(1).

(8) If the amount of provisional pension drawn and disbursed by the Head of Office .is 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 out of the balance of the gratuity, if any, or recover 'the excess amount by short payment of pension payable in future.

(9) If the amount of the gratuity authorised by the Head of office proves to be larger than the amount finally assessed by the Audit Officer, the gratuitant shall not be required to refund the excess.

139. Reasons for disallowing any service to be recorded.- The Audit Officer shall record briefly on the second page of Form I his reasonings for disallowing any service claimed, Any other disallowance shall be recorded in the audit encasement on the third page of Form I with reasons therefor.

RECOVERY OF GOVERNMENT DUES BEFORE SANCTION OF PENSION

140. Recovery of Government dues.- (1) It shall be the duty of every retiring Government servant to clear all Government dues before the date of his retirement.

Compiler's Note : *Power of Audit Officer under this sub-rule has been restricted consequent on issue of F.D. Memo, No.10000 dated 13.9.82 under which concurrence of Finance Deptt, is required in case of continuance of Provisional pension be 12 months. Compare with Compiler's Note at page 88.

(2) where a retiring Government servant does not clear Government dues and these are ascertainable an equivalent cash deposit may be taken from him, or, out of the gratuity payable to him an amount equal to that recoverable on account of ascertainable Government dues, such as, balance of House Building or Conveyance Advance, arrears of rent and other charges pertaining to occupation of Government accommodation, overpayment of pay and allowance and arrears of income-tax deductible at source under the Income Tax Act, 1961 (43 of 1961) shall be deducted there from.

141. Furnishing surety.- (1) If any of the Government dues remain unrealised and unassessed for any reason, the retiring Government servant may be asked to furnish a surety of a suitable permanent Government servant in Form 4. If the surety furnished by him is found acceptable, the grant of his pension and gratuity shall not be delayed.

(2) If the retiring Government servant is unable or unwilling to furnish a surety, a suitable cash deposit may be taken from, or, such portion of the gratuity payable to him as may be considered sufficient may be held over till the outstanding dues are assessed and adjusted. The cash deposit to be taken or the amount of gratuity to be withheld shall not exceed the estimated amount of the outstanding dues plus 25 per cent. thereof. In cases where it is not possible to estimate the approximate amount recoverable from the retiring Government servant the amount of the deposit to be taken or the portion of gratuity to be withheld, shall be limited to 10 per cent of the amount of the gratuity or Rs.1,000 whichever is less.

(3) Efforts shall be made to assess and adjust the recoverable Government dues within a period not exceeding six months from the date of retirement of the Government servant concerned. If no claim is made on Government account against the Government servant within a period of six months from the date of his retirement, it shall be presumed that no Government claim is outstanding against him. In respect of dues pertaining to the occupation of Government accommodation by the Government servant, the period of six months shall reckon from the date of retirement or from the date of complete vacation the Government accommodation whichever is later. The Government dues as assessed shall be adjusted against the cash deposit. or the amount withheld from the gratuity and the balance, if any, shall be released to pensioner after the expiry of the aforesaid period. Similarly, in cases where a pensioner has furnished a surety, the surety shall be released after the lapse of the period referred to above provided the dues assessed up to that time have been recovered.

(4) Government dues which remain unrealized within the period mentioned in sub-rule (3) and such other dues the claim for which is received after the aforesaid period, shall, however, be recoverable from the pensioner.

(5) After the lapse of the period mentioned in clause (3) above, the deposits or surety bond or gratuity withheld for Government dues till be released but the dues, if any, subsequently assessed will not lapse and will be recovered through legal procedure. For this purpose the full details of the cases where the withheld amount of death cum retirement gratuity has been released after the expiry of the period of six months should be entered in a suitable register in the pension section of the Accountant-General's office and a report sent to the Administrative Department concerned containing the full details of the case. To Administrative Department should sent to the Accountant-General a quarterly return indicating the stage of action in this cases for review by the Accountant-General to satisfy himself that adequate action is being taken by the Department concerned.

***Annexure – I**
[Rule 124]

(To be sent in triplicate to the concerned Audit Authority by the 31st January/31st July at the latest)

Serial No	Name of Office	Date of Birth	Appointment held in the substantive capacity scale of pay	Appointment held in the officiating capacity scale of pay	Date of superannuation	If on extension of service, the date of expiry of the present extension	The No. and date of communication with which attention of the officer has been invited to rules 125 to 129	Whether the officer has made a formal application for pension, if so, the date of receipt of such application	Provident Fund Account Number	No. and date of sanction	Total number of installments of recovery	Amount of loan/advance sanctioned	No. of installments of principal/interest outstanding recovery	Amount of Outstanding principal/interest
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15

Annexure – II
Check List
Part I –General

1. Name of Officer
2. Date of birth
3. Date of first appointment to Government service.
4. If service under Government is not continuous, date from which continuous service commenced.
5. Date of first confirmation under the Government.
6. Date of retirement/death

Compiler's Note : * This form is inserted by substitution of the old form vide R.D. Memo. No. 4521-F dt. 2.5.87.

7. In the case of death, is any proof in the form of death certificate issued by municipal authorities, etc. available?
(Proof of death to be insisted upon in the case of doubt only.)

8. Total qualifying service

9. (a) Verification of service.

(i) Does the service book contain the annual certificates of verification of service for all periods?

(ii) If not, the periods for which the certificates have not been recorded.

(b) Steps taken to verify the “unverified” portions of service.

(i) Whether the local acquaintance rolls, pay bills, etc., for the unverified portion of service, have been looked into.

(ii) If the period of service in question has been rendered by the officer in other office(s)/department s), has (have) the head(s) of the office(s)/Department(s) been contacted in the matter?

(iii) If it he found impossible to verify the same otherwise, has the affidavit of the applicant and the evidence been obtained and accepted by the competent authority (Rule 133)?

10. (a) Pension rules by which governed.

(b) Does a valid option for the above rules exist? .

11. Foreign Service : Have the pensionary contributions in respect of period of foreign service, if any, been recovered? If not, specify the periods.

12. Military/War Service : Details of any periods of military/war service which qualify for civil pension.

13. Suspension : Was the officer ever under suspension? If so, do orders exist regarding counting of such period(s) for purposes of pension?

14. Anticipatory (Provisional) Payments : If the pension sanctioning authority sees reason to believe that the pension/gratuity cannot possibly be sanctioned by the due date has he furnished to the Audit Officer the full information to enable him to authorize provisional payments where necessary?

Part II - Pension/Gratuity and Death-cum-Retirement Gratuity

1. (a) Has the application for pension in Form 5 been received, if not has the officer been asked to apply?

(b) Type of pension applied for (e.g., superannuation, retiring, invalid, or compensation pension)

2. .If the officer has applied for superannuation pension, has he completed the prescribed age?

3. Formalities to be observed for the grant of pension gratuity other than superannuation pension/gratuity :

(a) Compensation pension/gratuity.

(i) Was the permanent post hold by the officer abolished?

(ii) Was any equivalent post not offered?

(b) Invalid pension/gratuity :

(i) Has the officer applied for invalid pension/gratuity prescribed in rule 49?

(ii) Has the certificate in the prescribed form -under rule been obtained?

(c) Retiring pension/gratuity :

(i) If the officer has applied for retiring pension, has a completed the prescribed length of qualifying service?

(ii) If the officer is governed by rules 59/60, have the orders of retirement been passed by the appropriate authority following the prescribed procedure (has the resignations the officer been passed by the competent authority)?

4. (i) Are any Government dues of the categories (a) to (d) below recoverable from the officer? If so steps taken to recover them.

(a) overdrawn-pay and allowances,

(b) any advances (e.g., motor car advance, etc.)

(c) arrears of house rent.

(d) miscellaneous.

- (ii) Have steps been taken to recover from the officer–
 - (a) identity card,
 - (b) Secret Box Keys or
 - (c) Library Books.

5, Documents to be forwarded : Is the List of enclosures referred in Form 2 complete?

Part-III–Death-cum-Retirement Gratuity family Pension
(To be used where death takes place while in service)

Section A
(Death-cum-Retirement Gratuity)

1. Is it, clearly established that officer had completed 5 year’s qualifying service or more at the time of his death?
2. If there is a valid nomination for death-cum-retirement gratuity the name(s) of the nominee(s’) and his/her/their relationship(s) to the deceased officer.
3. If no nomination exists, the names of the legal heirs.

Section B
(Family Pension)

4. Had the officer completed not less than three years qualifying service on the date of his death.
5. If there is valid nomination for family pension, the name of the nominee and his/her relationship to the deceased officer.
6. If no valid nomination exists, the person to whom family pension is payable and his/her relationship to the deceased officer.

Part IV - Death-cum-Retirement Gratuity/Family Pension
(To be used where death takes place after retirement)

Section A

1. Date from which pension took effect.
2. Amount of pension/gratuity sanctioned on retirement.
3. Amount of death-cum-retirement gratuity sanctioned on retirement.
4. Arrears of pension/gratuity/death-cum-retirement gratuity due.
5. Whether any portion of the pension had been commuted.

Section B
(Residuary Gratuity)

6. Is the family of the deceased pensioner eligible for the payment of difference between 12 times the emoluments of the deceased pensioner and the amount shown against item No. 4?
7. If there is a valid nomination for the death-cum-retirement gratuity the name(s) of the nominee(s) and his/her/their relationship(s) to the deceased officer?
8. If no valid nomination exists the name of the legal heirs to whom the residuary gratuity will be payable.

Section C
(Family Pension)

9. Is the family of the deceased pensioner eligible for family pension?

10. If there is a valid nomination for family pension name of the nominee and his/her relationship to the deceased officer.

11. If no valid nomination exists, the person to whom family pension is payable and his/her relationship to the deceased pensioner.

ANNEXUR.E-III
PROGRESS STATEMENT

Item No.	Action taken
of the Check List	Position as on
	Position as on
Item No.	Action taken
of the Check List.	Position as on
	Position as on

CHAPTER XIII
PAYMENT OF PENSIONS
General

142. Payment of pension.- Unless otherwise specifically provided a pension other than extraordinary pension under rules 110-122 is payable from the date on which the pensioner ceases to be borne on the establishment or from the date of his application whichever is later.

Note 1. The rule may be relaxed in a particular case by the competent authority when the delay is sufficiently explained (e.g., an officer who has taken leave without pay for reasons of health and who subsequently decides that his health will not permit of his return should not be regarded as entitled to pension from the commencement of his leave without pay)

Note 2. When leave without pay has been granted at the Officer's own request and for his own advantage, retirement should no take effect from a date which involves cancellation of leave.

Note 3. If under special circumstances a pension is granted long after an Officer has retired retrospective effect should not be given without the special orders of the competent authority which granted it; in the absence of special orders, such a pension takes effect only from the date of sanction.

143. Grant of extraordinary pension.- In cases where considerable delay has occurred in making application for extraordinary pension, it will be granted only from the date of the report of the Medical Board and no application for gratuity or pension will be entertained unless submitted within five years of the occurrence of events justifying extraordinary pension.

144. Pension to be paid in rupee.- (1) Except as specifically otherwise provided, in sub-rule(2) of this rule, and in rules 145, 146, 147 and 148 all pensions shall be payable in rupees in India.

(2) In the case of a non-Indian officer who entered service before the 10th September 1949, and who on retirement takes up his residence in the United Kingdom or in any of the territories mentioned in Appendix 2 payment of pension, except death-cum-retirement gratuity and family pension admissible under rules 97-109, may be made in sterling through the High Commissioner for India in the United Kingdom or through any of the authorities mentioned in Appendix 2 for the period of such residence at the minimum rate of conversion of 1s.9d to the rupee:

Provided that the minimum rate of conversion of 1s.9d. to the rupee shall not apply to those territories included in Appendix 2 where the Indian rupee is either legal or current tender or whose currency is at par with the Indian rupee.

(3) No payment of pension under sub-rule (2) of this rule, and rule 145, 146, 147 and 148 shall be made except with the prior concurrence of the Government of India in the Ministry of Finance.

145. Non-Indian pensioner proceeding to a place outside India.-

1) A non-Indian pensioner who entered service before the 10th September 1949, and who has been residing in India and who proceeds a place outside India with the object of taking up residence elsewhere shall be entitled to convert his pension at the minimum rate only from the date when he quits India.

2) A non-Indian pensioner who entered service before the 10th September 1949 and who within six months of his retirement leaves India with the object of taking up residence elsewhere shall be entitled to convert his pension at the minimum rate from the date to which it has been paid in India or, if no payment has been made there, from the date of its commencement.

3) A non-Indian pensioner who entered service before the 10th September 1949 and who has been allowed to convert his pension at minimum rate and who returns to India and continues to draw his pension through the High Commissioner for India in the United Kingdom or through any of the authorities mentioned in Appendix II, shall be allowed the benefit of the minimum rate for six months from date of such return.

146. Gratuities to non-Indian Officers. - The minimum rate shall apply to gratuities paid to non-Indian officers who entered service before the 10th September, 1949, and residing outside India but where the service of an officer to whom a gratuity is granted terminates in India, his gratuity shall be paid in India.

147. Transfer of pension permitted twice only. - Transfer of a pension from India to the, United Kingdom (where it is payable through the High Commissioner for -India) and vice versa is permitted twice only.

148. Application for transfer of payment.— Application for transfer of payment from India to the Treasury in the United Kingdom should be made to the Accountant-General, West Bengal, who will grant a last pay certificate, forwarding a duplicate, with a copy of the first page of the application upon which the pension was originally granted to the High Commissioner for India.

Payment in India

149. Pension Payment Order. - The Accountant-General, West Bengal, shall communicate to the officer who is to pay the pension, authority to make the payment; in the case of a pension such authority will make a pension Payment Order in Forms 27/28 C.S.R. or 27-I/28-I C.S.R. (in the case of Presidency payments).

150. Payment of Gratuity.- A gratuity is paid in single sum and not by installments, on receipt of the authority of the Accountant-General, West Bengal.

151. Gratuity may be converted into life annuity. - A gratuity may at the discretion of the Government or with the sanction of the Government on the application of the recipient be converted into life annuity. The amount of the life annuity will be determined by the table prescribed by Government under Chapter XIV.

152. Government not to insist on conversion. - The Government shall not insist on the conversion of a gratuity into an annuity unless the expectation of life of the officer be reported by competent medical authority to be equal to the average.

153. Procedure to be observed. - (1) .A pension is payable in India monthly on or after the first day at the following month and the provisions of sub-rules (2) to (5) shall be observed.

(2) On receipt of the Pension Payment Order, the disbursing officer shall deliver one-half to the pensioner, and keep the other half carefully in such manner that the pensioner shall not have access thereto.

(3) Each payment made shall be entered on the reverse, both of pensioner's half and of the disbursing officer's half of the Pension Payment Order, both entries being attested at the time of payment by the signature of the disbursing officer.

(4) With the reference to rules 166-167 a pension should, under no circumstances, be paid for the first time in arrears for more than one year without special orders .of the Competent Authority.

(5) A pension is payable for the day on-which the pensioner dies

Note.— In regard to the liability of pensions to attachment by a Civil Court see section II-of Act XXIII of 1871 which runs as follows :

Section. II – “No pension, granted or continued by Government on political considerations, or on account of past services or present infirmities or as a compassionate allowance and no money due, or to become, due, on account of any pension or allowances shall be liable to seizure, attachment or sequestration by process of any Court at the instance of a creditor for any demand against the pensioner or in satisfaction -of a decree or order of any such .court”.

154. Identification of Pensioner.- A pensioner must take payment in person after identification by comparison with the Pension Payment Order. The pensioner is also required to be identified by a person known to the disbursing office or by a pensioner drawing payment from the same-disbursing officer if so desired by-the disbursing officer.

155. Production of life certificate in certain cases.- A pension especially exempted by the Government from personal appearance, a female pensioner not accustomed -to appear in- public or a male pensioner who is unable to appear in consequence of bodily illness or infirmity may receive his or may receive his or her pension upon the production of a life certificate signed by a responsible officer of Government or by some other well-known trustworthy person.

156. Exemption from personal appearance.- A pensioner of –any description who produces the -life certificate signed by some persons exercising the powers of Magistrate under the Criminal Procedure Code (Act V of 1898) or by an Registrar or Sub-Registrar appointed under the Indian Registration Act, 1908 (Act XVI of 1908), or by an pensioned officer who before retirement, exercised the powers of a Magistrate, or by any gazetted officer, or by a Munsif or by police officer not below the rank of Sub-Inspector in charge of a police-station or by a postmaster or a departmental sub-postmaster or an Inspector of Post Office, by a Class I officer of the Reserve Bank of India or a staff Officer or the Staff Assistant of the State Bank of India is exempted from personal .appearance.

157. Precautions to be taken to prevent impersonation.- (1) In all cases referred to in rules 155 and 156 the disbursing Officer shall take precautions to prevent impersonation and must at least once a year require proof independent of that furnished by the life certificate of the continued existence of the pensioner.

2) For the purpose of sub-rule (1) the disbursing officer shall (save in cases of exemption from personal appearance granted by the Government) require the personal and due identification of all male pensioners, who are not incapacitated by bodily illness or infirmity from so attending and in all cases where such inability may be alleged he shall require proof thereof in addition to the proof submitted of the pensioner's existence.

Note.- The disbursing officer 'is personally responsible for any payment wrongly made. In case of doubt he shall consult the Accountant-General, West Bengal,

158. Payment of pension to police officers.- Payment of pension to police officers ate made in accordance with the rules in this section but if the disbursing officer entertains any doubt as to identity of such a pensioner he may require the local Inspector of Police to identify him. The Inspector shall then be responsible for the correct identification of the pensioner.

159. Payment through agents. - (1) A pensioner not resident in India may draw his pension at any treasury in India through a duly authorised agent who must either produce a certificate by a Magistrate, a notary, banker or a diplomatic representative of India on each occasion, that the pensioner was alive on the date to which his pension is claimed or execute a bond to refund over payments and produce such a certificate as aforesaid at least once a year.

(2) A pensioner of any description resident in India is exempted from personal appearance if he draws his pension through a duly authorised agent approved by the Government, who must execute a bond to refund over payments and produce at least once a year a life certificate signed by any of the persons authorised by rule 156 to sign such certificate.

(3) - The pension of a pensioner drawing his pension through an agent who has executed a bond to refund over payments shall not be paid on account of a period of more than a year after the date of the life certificate last received and the Accountant-General, West Bengal, and the disbursing officer shall be on the watch for authentic information of the de- cease of any such pensioner and on receipt thereof, shall promptly stop further payments.

Note.- A question has been raised whether a pensioner resident in India can draw his pension in India by giving a legally valid power of attorney in favour of another person in India. A pensioner resident in India can authorise another person in India to claim and draw the pension admissible to him by giving him a legally valid power of attorney in favour of the latter. A pensioner desiring to receive his pension through another person to whom he has given a valid power of attorney shall endorse a copy of the deed conferring the power of attorney to the disbursing officer and the Audit Officer. The person holding the power of attorney shall then prepare and present the bills, making a claim on behalf of the pensioner and receive the payment on his (the person holding the power of attorney) giving the quitance.

If the person holding the power of attorney is an agent (including a Bank) who has also executed a bond to refund over payments he can draw the pension for the period of not more than a year after the date of the life certificate furnished by him in respect of the pensioner in accordance with the provisions of subsidiary rule 278 of the Treasury Rules. If, however, the person holding the power of attorney is riot an agent (including a Bank) who has executed a bond to refund over payments he shall either receive the payment in person from the disbursing officer after giving his quitance or if he desires to draw the pension through an agent or representative nominated by him he may receive payment through him but in either case of receiving payment in person or through an agent or representative he shall append to the bills for pension for each month a life certificate in respect of the pensioner duly signed by any of the authorities stated in rule 56 and also furnish a certificate signed by the pensioner required under the provisions of subsidiary rule 282 of Treasury Rules. Under the provisions of S,R. 277 of the Treasury Rules Volume I when a personer draws his pension through an agent who is authorised to do so by conferring on him the power of attorney and who has executed bond of indemnity under S.R.278 ibid (Scheduled Bank), the certificate regarding re-employment, acceptance of commercial employment modified suitably can be signed by an agent and the pensioner himself should furnish once a certificate concerning the period for which pension have been drawn on the basis of agents' Certificate.

160. Transfers in India. - The competent authority or the Accountant General, West Bengal, may on application and on sufficient cause being shown, permit transfer of payment from one treasury in India to another.

Compiler's Note: It may be mentioned that with effect from October 1977 a revised scheme for-payment of pension to State Government pensioners has been introduced. The revised scheme is divided into two parts: Part A and part B. Part 'A' relates to Scheme for Payment of Pension of State Government pensioners at Calcutta by Public Sector Banks (vide Appendix 17A of Treasury Rules, Vol.II) and Part "B" relates to Scheme for payment of pension from Treasuries in the Districts (vide Appendix 17B of Treasury Rules, Vol.II).

*161. Method of transfer. - (1) A copy of the order issued by the competent authority shall be forwarded to the Accountant-General, West Bengal, and the Collector of the districts from which the payment is to be transferred shall be instructed to return his half of the pension Order with payment certificate duly incorporated therein under the signature of the disbursing officer.

(2) The Accountant-General, West Bengal, shall then either issue a new payment order or enfence the payment order for payment at the new treasury and forward it to the Treasury Officer who shall in future pay the pension or if the treasury is in another State, shall move the Accountant-General of that State to do so.

*162. Transfer within a district.- A Treasury Officer may authorise payment in any of the outline treasury subordinate to his district treasury of a pension payable under proper authority at his head-quarters and pay transfer the payment of a pension from such subordinate treasury to the district Treasury or from one subordinate treasury to another in the same district.

Compiler's Note: *For method of transfer vide 'revised scheme for payment of pension' as provided in appendix, 17A and 17B of Treasury Rules, Vol.II.

163. Certificate of non-employment. - (1) A pensioner drawing pension in India is required to append to the bill certificates as follows as applicable.

(i) I declare that I have not received any remuneration for serving in any capacity either in a Government establishment of in an establishment paid from a local fund during the period for which the amount of pension claimed in the bill is due.

(ii) I declare that, I have not accepted any commercial employment.

(iii) I declare I have been re-employed during the period in the office of the.....on a pay of Rs. per month. My pay at the time of retirement was Rs. My re-employed pay has been fixed in terms of Chapter VII of the Pension Rules.

(iv) I declare that I have accepted Commercial employment after obtaining/without obtaining previous sanction of the State Government to such acceptance.

(2) In the case of pensioner permitted to draw pension after the termination of re-employment the above certificates as applicable should be modified accordingly.

(3) In the case of a pensioner drawing his pension through an agent who has executed a bond of indemnity, as required under S.R. 187-188 of Treasury Rules, West Bengal, the certificate modified accordingly may be signed by the agent, provided that the pensioner shall himself furnish, once a year a certificate covering the period for which pension has been drawn on the basis of agent's certificates.

164. Renewal of Pension Payment Order. - When the reverse of a Pension payment Order is, filled up or when the pensioner's half is found to be worn to torn, both halves may be renewed by the Treasury Officer.

165. Loss of Pension Payment Order.- If a pensioner loses his half of the Pension Payment Order a new order may be issued after such missing has been diarised in the Police Station at' the place what such event has occurred by the Treasury Officer, who shall see that no payment is made on the half alleged to be lost by a strict at of sub-rule(3) of rule 153. The necessary note should be made in the remarks column of T.R. Form No.40.

166. Lapses and forfeitures.-If a pension payable in India remain undrawn for more than one year, pension ceases to be payable unless competent authority authorizes the payment of arrears of pension has remained undrawn by the pensioner concerned.

167. Arrears to be paid - with previous sanction of the competent authority,- If the pensioner afterwards appears, the disbursing officer may renew his payment but the arrears cannot be paid if the pension in 'arrears is to be paid for the first time or if the amount of arrear exceeds Rs.1,000/- without the previous sanction of the competent authority by whom the pension was sanctioned to be obtained through the Accountant-General, West Bengal.

168. Accountant-General may direct payment where suspension of payment is due to error or negligence.- If the suspension of payment is attributable to error or neglect by any public officer the Accountant General West Bengal, may direct .payment of -the arrears without taking the orders of the competent authority.

*169. Deceased pensioners.- (1) On the death of a pensioner, payment of arrears actually due may be made to his heirs, provided they apply within one year of his death. It cannot be paid thereafter without the sanction of the competent authority by whom the payment was sanctioned to be obtained through the Accountant-General, West Bengal.

(2) If the arrears do not exceed Rs.100 and the case presents no peculiar features the Accountant-General, West Bengal, is empowered to pass the arrears on his own authority.

(3) After the payment of arrears of pension,' the Pension Payment Order shall be returned to the Accountant General, West Bengal, with a report of the date of death of the pensioner.

*170. Arrears of pension of a deceased to be paid to heirs.- Subject to the provisions of rule 169 the arrears of pension for deceased pensioner may be paid to the heirs of the deceased without the production of the usual legal authority to the extent of Rs.2500 under the order of the Collector or other officer responsible for the payment after such enquiry into the rights and title of the claimants as may deemed sufficient. Any excess above Rs. 2500 may similarly be paid the orders of Government on the execution of an indemnity bond with such sureties as it may require if it is satisfied of the right title of the claimant and considers that. undue delay and hardship would be caused by insisting on the production of letters of administration, In any case of doubt payment should be made only to the person producing. legal authority.

Compiler's Note : *Provisions have since been made giving facility of making nomination for lifetime arrears of pension vide 'Payment of Arrears of Pension (Nomination) Rules, 19861 as notified F.D.No.10885-F dt.24,10.86 and Ntf.No.1633-F dt.17.2.89

CHAPTER XIV
Commutation of Pension

171-185.-[The provisions relating to commutation of pension have since a care-consolidated in a separate set of rules entitled ' West Bengal Services (Commutation of Pension) Rules, 1983' which took effect on 1.1.84. Accordingly, the compiler has refrained himself from reproducing the provisions of this Chapter]

XV - MISCELLANEOUS PROVISIONS

186. Counting of temporary service under Government of India on subsequent absorption under the State Government.-

*(1) Temporary Central Government servants on deputation to this government on getting absorbed under this Government shall be allowed to count the period of continuous temporary service under the Government of India immediately preceding the service under this Government for the purpose of pensionary benefits admissible under these rules, The pensionary liability shall be shared between the Government of India and this Government on the basis of the length of qualifying service rendered under each of them.

** (2) The benefit shall not be admissible to those who secure jobs in this Government on their own volition in response to advertisements or circulars including those by the Public Service Commission, West Bengal.

187. Special provision for certain Government servants recruited from practicing lawyers.- The Sub-Magistrates and Sub-Collectors, and like Prosecutors, Calcutta, recruited from Practicing lawyers at advanced age will be eligible to pensionary benefits as laid down in Chapter VI subject to the following minima, namely :-

(i) (a) Sub-Magistrate and Sub Collectors: With ten years of service or more but less than 15 years of service.	A pension of Rs. 125 per month plus a death-cum-retirement gratuity of Rs. 5,000
(b) With 15 years of service or more	Pension of Rs. 150 per month plus a death-cum-retirement gratuity of Rs. 6,000
(ii) Police Prosecutors, Calcutta :	A pension of Rs. 120 per month plus a death-cum-retirement gratuity of 4,500/-
(a) With less 15 years of service.	
(b) With 15 years' service or more	A pension of Rs. 145 per month plus a death-cum-retirement gratuity of Rs. 5,500

Compiler's Note : *The sharing of pensionary liability between Central Govt. and this Govt. has since been abolished vide F.D.Memo. No.4002-F dt.24.4.90.

** Position of this sub-rule has changed to the extent that securing of job in this Govt. or Central Govt. on one's own volition will not be a bar provided the employee concerned took up the appointment applying through proper channel or with prior permission of the previous employer. (vide F.D,Memo.No.4661-F dt.4.5.82).

188. Counting of temporary Air Raid Protection service towards pension.- Continuous temporary Air Raid Protection Service rendered if any, prior to confirmation in any State Service, or service with permanent or quasi-permanent appointment, shall count towards pension subject to the condition that the gratuity,-if any, received for the Air Raid .Protection service shall be refunded to Government.

189. Retiring benefit for Government servants subsequently absorbed in public sector undertakings.- (1) When a permanent Government servant is deputed or transferred to a service under a body corporate owned or controlled by Government or whose services are lent to such a body, he may in the event of his permanent absorption in service under that body be allowed an amount equal to what Government would have contributed, had the officer been on contributory provident fund terms under the Government together with simple interest thereon at 2 per cent for the period of his pensionable service under the Government and the amount may be credited to his contributory provident fund with the autonomous body as an opening balance on the date of permanent absorption, and Government's liability in respect of the officer's pensionable service under them shall be treated as extinguished by this payment.

(2) This benefit shall apply, however, only where the permanent transfer from Government service to an autonomous body is in the interest of public service and the transfer is to a Government or quasi-permanent corporation.

(3) This benefit cannot be claimed as a matter of right but may be granted at the discretion of Government in individual cases where it is merited.

*189A, Grant of pro-rata pension and gratuity to Government servants absorbed in public sector undertakings on or after the 16th June 1967-(1) (i) On permanent absorption on or after the 16th June, 1967 in a service or post 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 Government (hereinafter referred to the undertaking), a permanent Government servant shall be eligible for pro-rata pension and gratuity based on the length of his qualifying service under Government till the date of absorption in accordance with the pension rules of Government in force on the date of absorption. The emoluments for the purpose of pro-rata pension and gratuity shall mean the emoluments which the Government servant would have drawn under the Government but for his transfer to the undertaking.

(ii) The amount of gratuity or pension and retiring gratuity could be currently worked out and will be communicated to the Government servant as well as to the undertaking as and when the Government servant is absorbed.

(iii) The pro-rata pension or gratuity admissible in respect of the service rendered under Government shall be disbursable from the date on which the Government servant would have retired voluntarily under the rules applicable to him or from the date of his absorption in the undertaking whichever is later.

Compiler's Note : *This rule has been inserted by amendment under F.D. Notification No.2567-F dt.30.3.76.

2429 - F (Pen) dt 12.7.2001 (Lumpsum amount in lieu of Prorata pension withdraw w.e.f. 1.4.2001)

2430 - F (Pen) dt. 12.7.2001 (Restoration of 1/3 rd commuted portion of pro-rata pension

& 447 (Pen) dt. 17.4.2003 (Facility of receiving lumpsum amount shall not be available in cases where permanent absorption takes place prior to 1.4.01 and the facility shall be available irrespective of the fact whether medical examination for commutation or application for receiving lumpsum amount in lieu of pension was done/received before after 1.4.01

01-F (Pen) dt. 4.1.2010 (Revision of restored portion of Prorata Pension

(iv) Every Government servant shall exercise an option within six months of his absorption or of the date of coming into force of this rule whichever is later for-

(a) receiving the gratuity or pension and retiring gratuity already worked out under the usual Government arrangements, or

(b) receiving retiring gratuity and a lump amount in lieu of pension worked out with reference to the commutation tables obtaining on the date from which the commuted value becomes payable.

(v) Where no option is exercised within the period referred to clause (iv) the Government servant shall automatically be governed sub-clause (b) of clause (iv). Option once exercised shall be final, option shall be exercised in writing and communicated by the Government servant to the undertaking.

(vi) For the period of service rendered in the undertaking the orbed Government servant shall be entitled to all the benefits admissible to other corresponding employees of the said undertaking.

(vii) Government would have no liability for family pension under rule 15 of the said rules in respect of a Government servant absorbed in the undertaking referred to in clause (vi).

(viii) After permanent absorption a Government servant shall not entitled to the benefit of any further liberalisation .of pension rules decided upon by Government.

(ix) A retired Government servant employed, re-employed or absorbed .in an undertaking shall not be eligible to draw increase in pension decided upon by Government during the period of his employment re-employment

(x) In case where a Government servant has opted to receive pension under sub—clause (a) of clause (iv) but subsequently wishes commute a portion of the pension, such commutation will not be lowed before the date of his superannuation or .the date of his voluntary retirement, .as the case may be, and will be regulated in accordance with the Government rules in force on such- date.

Where, however; a Government servant exercises option under clause (iv) or is automatically governed by clause (v) he shall, in addition to retiring gratuity, be entitled to—

(a) on an application made in this behalf, a lump amount not exceeding the commuted value of one-third of his pension as may be admissible to him an accordance with the rules in Chapter XIV of the said rules, and

(b) a terminal benefit equal to twice the lump amount referred to in sub-clause (a) above and subject to the condition that the Government servant surrenders his right of drawing two-thirds of his pension.

***Note.-** The commuted value of one-third of the pension mentioned in sub-clause (a) of clause (x) shall be exempted from income Tax whereas the terminal benefit mentioned at sub-clause (b) of clause (x) will be chargeable to income tax for the year in which it is due. However, the Government servant shall be eligible for a relief in tax in respect of the said amount; such relief being calculated by spreading the amount equally over the three years immediately preceding the year in which the payment is received and subjecting it to tax at the average of the average rates applicable to the total income of those years after adding there to one-third of the amount.

The relief in such cases is to be granted by the Central Board of Direct Taxes on an application made to the said Board under sub-section (1) of section 89 of the Income-tax Act, 1961, through the Income-Tax Officer concerned.

Compiler's Note : *The commutation of full amount of pro-rata pension has been exempted from Income Tax vide F.D.Memo.No,14225-F dt,24.11.83.

(xi) The payment of monthly pension will commence from the due date pending medical examination in accordance with the rules in Chapter XIV of the said rules. The commutation shall become absolute and the title to receive the commuted value shall accrue on the date on which the Medical Board signs the medical report. If the Medical Board directs that the age of the employee for the purpose of commutation shall be assumed to be greater than his actual age, the person concerned shall have the opportunity to change his option for receiving a lissome amount in lieu of monthly pension by

written notice dispatched within two weeks from the date on which he receives intimation of the finding the Medical Board. If the applicant does not change his option within the said period of two weeks he shall be assumed to have accepted findings of the Medical Board.

(2) This rule will apply only where the permanent transfer from Government service to the undertaking is in the interest of public service. In all other cases Government will not accept liability to pay any retirement benefits for the period of service rendered by the Government servant before his transfer.

(3) Cases of resignation from the undertaking before due date of superannuation will for the purpose of these rules be treated as resignation from Government service, entailing forfeiture of the earlier service under Government and loss of the pensionary benefits under the rules.

4. (a) These rules are not; applicable to Government servants already absorbed in the State Electricity Board or to cases already settled terms of Memo.No.1898-F, dated the 31st May 1963, read with Memo No. 1012-F, dated the 24th March 1969 and rule 189 of the said rules.

(b) The Government servants whose cases have already been settled in terms of the above orders and rule may, however, have an option to come over to this rule if they so desire within six months of the date of coming into force of this rule provided they did not retire on any date prior to that date.

Compiler's Note : In case of State Govt. employees joining central autonomous /statutory bodies and absorbed there, a detailed provisions have been made for regulating terminal benefits to be sanctioned for the period of service rendered under this Govt. vide F.D.Memo.No.7091-F dt.19.7.86 and No.6902-F dt.16.6.88.

951-F (Pen) dt. 19.7.95 and 1296 – F (Pen) dt. 30.9.96

190. Counting of Efficiency Bonus towards pension.-Efficiency Bonus allowed to Personal Assistants and Stenographers in terms of rule 16 of the West Bengal Subordinate Services (Recruitment of Stenographers) Rules, 1950, as amended from time to time, should be treated as pay and shall count towards pension.

191. Over-time allowance reckoned as pay for the purpose of pension.– Over-time allowance drawn by the staff of the Press and Forms Department shall be counted as pay for the purpose of pension and shall be taken in the calculation of pension.

##192. Counting of service in contingency establishment towards pension.- In respect of a Government servant who has been transferred to a regular establishment from the contingency establishment and made permanent or quasi-permanent or whose service has been declared as service with permanent status in a regular establishment, the pensionary benefits shall be calculated either—

(i) at the rate that would be admissible to them had their continuous service (including the portions rendered in the contingency establishment) been qualifying for pension less 12½ per cent of such amount or

(ii) on the basis of his actual qualifying service in the regular establishment, whichever is more favorable to them.

**193. (1) A Government servant who, prior to his appointment in a civil service or post against war reserved or other permanent vacancy which arose for direct recruitment on or before their 1st January 1948, had Tendered satisfactory, paid, whole-time, enlisted or commissioned war service in the Armed Forces of India or in similar forces of a Commonwealth Country during the period from the 3rd September 1939 to the 1st April 1946, which did not earn a service pension under the military rules, shall be allowed to count such service, including all kinds of leave on full rates of pay and sick leave taken during such service, as qualifying service, subject to the following conditions, namely :

(a) that in the case of service or post in respect of which a minimum age is fixed for recruitment, no war service rendered below that age shall count as qualifying service;

(b) that no contribution towards or share of pension earned as a result of counting war service rendered in a force of Commonwealth Country shall be claimed from the Government of that country; and

(c) that no refund of bonus or gratuity in respect of war service shall be demanded from the Government servant concerned.

(2) Any interruption in the service of the Government servant on account of the time taken in his absorption in a civil service or post after the termination of his war service shall be condoned,

Compiler's Note : **This rule -was inserted by amendment under F.D. Notification No.9022(210)-F dt.22.8.74, It has been decided that certificate of verification of War Service is to be obtained from concerned Military authority vide E.D.Memo.No.5487-F dt. 7.8.75.

In terms of para 1-(iv) -of F.D.Memo.No.2255-F dt,22.3.73, entire whole time continuous service rendered in contingent/work-charged establishment will qualify subject to the conditioned mentioned therein.

*194. Counting of military service rendered before civil employment–

(1) A Government servant who is re-employed in a, civil service or post before attaining the age of superannuation and who, before such re-employment, had rendered regular military service after attaining the age eighteen years may, on his being declared confirmed or quasi-permanent or to be in service with permanent status in a civil service or post, opt either–
(a) to continue to draw the military pension or retain gratuity received on discharge from military service, in which case his former military service shall not count as qualifying service; or

(b) to refund the pension or -gratuity and count the previous military service as qualifying service, in which case the service so allowed to count shall be restricted to a service within or outside the employee's unit or department in India or elsewhere, which is paid from the Consolidated Fund of India or for which pensionary contribution has been received by the Government.

#(2) (a) The option under sub-rule (1) shall be exercised within three months of the date of issue of the notification or the order, as the case may be, of substantive/quasi-permanent service with permanent status appointment to a civil service or post on re-employment, or if the Government servant is on leave on that day, within three months of his return from leave, whichever is later.

(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).

** (3) (a) A Government servant who opts for clause (b) of sub-rule (1) shall be required to refund the pension or gratuity received in respect of his earlier military 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.

Compiler's Note : *This rule was inserted by amendment under F.D, Notification No.6544-F dt.14.6,78,
#In terms of para 2 of F.D.Memo.No.1847-F(Pen) dt.1.12.94, a fresh scope for exercising option has been given for a

period of six months from 1.12.94.

****It has been decided—that pension and or gratuity received from military authority alongwith 6% simple interest is to be refunded to this Govt. under relevant Head of Account [vide para 4 of F.D.Memo.No.1847-F (Pen) dt.1.12.94]**

(4) In the case of a Government servant, who, having elected to refund the pension or gratuity, dies before the entire amount is refunded, the unrefunded amount of pension or gratuity shall be adjusted against the death gratuity which may become payable to his nominee/family.

(5) When an order is passed under this rule allowing previous regular military service to count as part of the service qualifying for civil pension, the order shall be deemed to include the condonation of interruption in service, if any, in the military service and between the military service and civil service.

Note,- The provision of this sub-rule shall apply to an employee who had rendered continuous temporary non-regular military service alone or in conjunction with war service and any interruption in service between the temporary non-regular military service and civil service may be condoned in accordance with the provisions of note below sub-rule (3) of rule 35.

(6) The benefit under this rule shall also be admissible to a temporary Government servant in: civil employment who was in service on or after the 22nd March, 1973.

Compiler's Note : It has been decided that certificate of Verification of Military Service is to be obtained from concerned Military authority Vide F.D.Memo.No.7194-F dt.6.7.78.

*194A. Family pension in the case of military pensioners. - A military pensioner who, on retirement from military service on retiring pension, service pension or invalid pension, is governed, for the grant of ordinary family pension, by Army instruction or corresponding Navy or Air Force instructions and is re-employed in a civil service or civil post under the Government of West Bengal before attaining the age of superannuation, shall, for the purpose of eligibility for the family pension admissible under the rules of the State Government or the family pension already authorised under the aforesaid Army/Navy/Air Force instructions, be governed as follows :-

(i) if he dies while holding a civil post, his family shall be allowed family pension under the rules of the State Government .or the family pension authorised at the time of retirement or discharge from the military service, whichever is more advantageous to the family.

(ii) if he has, on appointment to a civil service or post, opted to retain military pension for the past military service and—

(a) retires from the civil re-employment without earning any pension therefore, his family shall be entitled to family pension as authorised at the time of his retirement/discharge from military service, or

(b) retires from civil re-employment under the State Government after becoming eligible for pension therefore, he shall exercise an option at the time of applying for pension for civil service either to be governed by family pension under the rules of the State Government or to avail of family pension benefit as authorised at the time of retirement/discharge from military service and the said option, once exercised, shall be final;

(iii) if on appointment to a civil service or post under the State Government he has opted to surrender military pension and count the military service for civil pension, his family shall be entitled to family pension under the rules of the State Government.

Compiler's Note: *This rule was inserted by amendment under F.D Notification No.849-F (Pen) dt.19.4.94.

APPENDIX 1
(See rule 109)

The Governor is pleased to lay down the following procedure followed in respect of claims arising out, from the Family Pension Scheme :

Furnishing of Family Details

*(i) All non-gazetted employees entitled to the benefit of this scheme shall be required to furnish details of their family as defined in sub-rule (e) of rule 7, i.e., the date of birth of such member his/her relationship with the Government servant.

This statement shall be countersigned by the Head of Office pasted in the Service Book of the Government servant, Government servants shall thereafter be required to keep this statement up to date Additions and alterations in this statement shall be made by the Head of Office from time to time on receipt of information from the Government servants concerned.

*(ii) All gazetted officers will furnish the details of their 'family' to their respective Accounts Officer. It will be their responsibility to keep these particulars up to date. The accounts officer shall acknowledge the receipt of those communications.

Compiler's Note: *The classes 'non-gazetted' and 'gazetted' no longer exist in Rules and Heads of offices are competent to sanction pension, family pension etc. In respect of all classes of employees. (irrespective of erstwhile 'gazetted' and 'non-gazetted' Accordingly the erstwhile gazetted employees also furnish family details like the erstwhile non-gazetted employees to their respective Heads of Offices.

It has been decided by Govt. that the statement of family members for the purpose of family pension' should be obtained just after the Govt. employees complete one year's service {vide Para (iv) of F.D.Memo.1750-F (Pen) dt. 6.12.93}

Cases where death occurs while in service

(iii) On receiving information of death of an officer while in service, the administrative authority shall send a letter as prescribed in the annexure I to the family of the deceased and ask for the necessary documents mentioned therein.

(iv) On receiving the documents referred to in sub-paragraph (iii) above the pension sanctioning authority shall sanction family pension as in Annexure III and send all. these documents along with the Service Book of the Government servant to the Audit Officer concerned who shall then issue the pension payment order to the beneficiary.

Case where death occurs after retirement

(v) In order to facilitate quick payment of family pension to the widow/widower of the pensioner, pension payment order is being amended so as to provide for the admissibility of the family pension to her/him under the same pension payment order under which the pensioner was drawing pension. It has accordingly been decided that while applying for the grant of pension the Government servant, other than one who is a bachelor or widow or widower, would furnish three copies of his/her joint photographs with wife/husband [duly attested by the Head of Office] one of which will** be henceforth pasted in the Pension Payment Order, pensioner's portion. The amount of family pension admissible will be mentioned in the Pension Payment Order. The Treasury Officer will start paying family pension to widow/widower on receipt of the death certificate of the pensioner and the Form of. Application (Annexure II) for the grant of family pension to her/him under intimation to the Audit Officer concerned. In the absence of the widow/widower, the family pension is payable to the minor children through their natural guardian or to the mother/father. The guardian, on behalf of the children or the mother/father as the case may be will apply herself/himself with two copies of her/his photograph and the necessary documents to the administrative authorities on surrendering the First Pension Payment Order. In respect of the unmarried Government

servant the mother/father will herself/himself apply for family pension in the manner stated above. Fresh Pension Payment Order will required to be issued in each such case.

***Note.** - Cases of Government servants already settled without request them to furnish three copies of joint photograph duly attested by the Head of Office need not be re-opened.

Compiler's Note: [] words within the third bracket were inserted amendment under F.D. Notification No.3523-F dt. 15.3.78.

** This indicates omission of some words under the aforesaid amendment.

* This note was inserted under F.D. Notification No.3523-F dt. 15.3.78.

ANNEXURE I
Form of Family Pension
No. _____
GOVERNMENT OF West BENGAL
Department _____

Dated the _____

Subject: Payment of family pension in respect of
Late Shri/Sm. _____

The undersigned has learnt with regret the death of Shri/Sm
_____ a _____

(designation)

in this office/Department and is directed to inform you that under provisions of ,rule 104 of West Bengal Services (Death-cum-Retirement Benefit) Rules 1971 you are entitled of family pension for life/till attaining .the date of majority.*

I am accordingly to suggest that formal claim of the grant of family pension may be submitted by you in the enclosed Form along with the following documents, namely:-

- (1) death certificate,
- (2) two copies of passport size photograph duly attested by gazetted officer,
- (3) guardianship certificate where pension is admissible to minor children.

Designation

To

*Where family pension is admissible to the minor children.

ANNEXURE II
Form of Application

Application for a family pension for the family of late Shri/Sm.

(designation)

in the office/Department of _____

1. Name of the Applicant.
2. Relationship to the deceased Government servant/Pensioner.
3. Date of death of the Government servant /pensioner
4. Date of retirement, if the deceased was a pensioner
5. Name and ages of surviving kindred of the

Decease.

Widow/Widower

Name

Date of birth
(by Christian era)

Sons

Unmarried Daughters

Parents

6. Name of Treasury/Sub-Treasury at which payment is desired.

7. Signature or left hand thumb impression
(in the case of those who are not literate
enough to sign their name).

8. Descriptive roll of _____
Widow/widower/guardian of the minor
Children/parents of late _____

- (i) Date of birth (by christion era)
- (ii) Height
- (iii) Personal marks, if any, on hand or face.
- (iv) Left hand thumb and finger impressions..

All finger, Ring finger, Middle finger, index finger, Thumb

Attested by-

(1) _____

(2) _____

Witness-

(1) _____

(2) _____

Note : The descriptive Roll (column 8) and signature or left hand thumb and finger impressions accompanying application for family pension should be in duplicate (in two separate sheets and attested by two gazetted officers or present of respectability in the town, village or pargana in which the applicant reside.)

ANNEXURE III
Form for sanctioning Family Pension

1. Name of the Government servant :
2. Father's name (and also husband's name in the case of a women Government servant) :
3. Religion and Nationality :
4. Last appointment held including name of establishment :
5. Date of beginning of service :
6. Date of ending service :
7. Substantive appointment held :
8. Pension Rules opted/eligible :
9. Length of continuous qualifying Service period to death :
10. Pay as per rule :
11. Amount of family pension admissible :
12. Date from which pension is to commence :
13. Place of payment (Government Treasury/Sub-Treasury) :

The undersigned having satisfied himself of the Above particulars of late Shri/Sm. _____ hereby orders the grant of a family pension* to Shri _____ which may be accepted by the Audit. Officer as admissible under the rules.

Signature and designation of the
Sanctioning Authority

Compiler's Note : *This indicates deletion of the words of "Rs. _____ per month" as appeared originally, vide F.D.Memo.No.4522-F dt. 2.5.87

APPENDIX 2
[See Rule 144]

[inserted vide G.I.M.F. Notification No.4(14)-EV(A)/64 dated the 18th June, 196E]

List of countries/places where payment of pensions in Sterling could be made

Name of Country/place	...	Designation of paying officer.
1. Aden	...	The Chief Accountant, Treasury Aden, Aden.
2. Australia	...	The High Commissioner for India in Austral Canberra.
3. Iraq	...	The First Secretary, Embassy of India, Baghdad.
4. East Africa	...	The High Commissioner for India in Kenya, Nairobi.
5. Burma	...	A,G. Burma, Rangoon.
6. Ceylen	...	The Secretary to the General Treasury, Colombo, Ceylon.
7. Tanganyika	...	The High Commissioner for India in Tanganyika, Dar-Es-Salam.
8. Federation of Malaya	...	Accountant General, the Treasury, Kuala Lumpur, Federation of Malaya.
9. Italy	...	The First Secretary, Indian Embassy, Rome
10. New Zealand	...	The High Commissioner of India in New Zealand, Wellington.
11. Saudirabia	...	The First Secretary, Embassy of India, Jeddah.
12. Singapore	...	The Accountant General, Singapore.
13. Sumali Republic	...	The Regional Accountant, The Treasury, Hargeisa.
14. United kingdom	...	The Chief Accounting Officer, The High Commissioner of India, London.

APPENDIX 3
Concordance showing the source of each rule

APPENDIX 4

(See Rule 27)

1. The members of the Higher and State Education Service.
2. The members of the Higher Veterinary Service.
3. The members of the State Judicial Service.
4. The members of the Higher Agricultural Service.
5. The Press and Forms Manager, West Bengal.

APPENDIX 5

(See Rule 27)

1. Deputy Director Industries, West Bengal
 2. Director of Fisheries, West Bengal.
 3. Deputy Director of Fisheries, West Bengal.
 4. West Bengal Fisheries Service (Marketing, Statistics and Survey Branch).
 5. West Bengal Fisheries Service (Research and Technology Branch),
 6. Deputy Superintendent of Government Printing, West Bengal.
 7. Chief Mining Adviser, Directorate of Mines & Minerals.
 8. Professor-in-charge of Mining, Directorate of Mines.
 9. Mining Officer, Directorate of Mines.
 10. assistant Professor of Mining and Surveying, Directorate of Mines.
 11. Assistant Professor of Mechanical & Electrical Engineering, Directorate of Mines.
 12. Senior Geologist, Directorate of Mines.
 13. Geologist, Directorate of Mines.
 14. Assistant Drilling Engineer, Directorate of Mines.
 15. Librarian, West Bengal Secretariat.
 16. Chief Electrical Inspector, Electricity Directorate.
 17. Senior Electrical Inspector, Electricity Directorate.
 18. Electrical Inspector, Electricity Directorate.
 19. Inspector of Lifts, Electricity Directorate.
 20. Senior Inspecting Officer, Electricity Directorate.
 21. Inspecting Officer, Electricity Directorate.
 22. Director of Cinchona.
 23. Chief Inspector of Factories.
 24. Deputy Chief Inspector of Factories.
 25. Inspector of Factories.
 26. Chief Inspector of Boilers.
 27. Deputy Chief Inspector of Boilers.
 28. Inspector of Boilers.
 29. Director of Information and Public Relations.
 30. Deputy Director of Information.
 31. Editor of Publication.
 32. Administrator, Digha Development Scheme.
 33. Principal, College of Textile, Serampore.
- [Appendix 4 & 5 and he posts from sl.no.1 to 33 have been inserted by Notification No.6979-F dated 18.11.72]
34. Official Receiver, High Court, Calcutta and Official Assignee of Calcutta.
 35. Quinologist, Director to of Cinchona and Other Medicinal Plants, West Bengal.

36. Assistant Quinologist, Directorate of Cinchona and Other Medicinal Plants, West Bengal.
37. Soil Chemists, Directorate of Cinchona and Other Medicinal Plants, West Bengal.
38. Horticulturist, Directorate of Cinchona and Other Medicinal Plants, West Bengal.
39. Police Prosecutors including Chief Police Prosecutors, Calcutta.
40. Director of Statistics, Food & Supplies Department.
41. Assistant Director of Statistics, Food & Supplies department.
42. Director of Transportation, Food & Supplies Department.
43. Law Officer, Directorate of Mines & Minerals.
[S1.Nos.34 to 43 are added by Ntf.No.265-F dt. 14.1.76]
44. Dairy Technologist under the Animal Husbandry and
Veterinary Services Department, West Bengal.
(Inserted by Ntf.No.7224-F dt. 1.9.76).
45. Administrator-General and Official Trustee, West Bengal.
(Inserted by Ntf.No.8511-F dt. 21.8.78).
46. Director of Storage, Food and Supplies Department.
47. Cattle Breeder under the Animal Husbandry and
Veterinary Services Department, West Bengal.
48. Director, River Research Institute, Irrigation and Waterways Department.
49. Deputy Director (Engineering), River Research Institute, Irrigation and Waterways Department.
50. Deputy Director, River Model, Tidal Model and Physical Sections, River Research Institute,
Irrigation and Waterways Department.
51. Deputy Director, Soil Mechanics and Chemical Sections, River Research Institute,
Irrigation and Waterways Department.
52. Deputy Director, Statistical Section, River Research Institute,
Irrigation and Waterways Department.
53. Research Officer, River Model, Tidal Model and Physical Sections,
River Research Institute,
Irrigation and Waterways Department.
54. Research Officer, Chemical Section, River Research Institute,
Irrigation & Waterways Department.
55. Research Officer, Statistical Section, River Research Institute,
Irrigation & Waterways Department.
56. Research Officer, Electronics Section, River Research Institute,
Irrigation & Waterways Department.
57. Assistant Research Officer, Hydraulic Section
(River Model and Tidal Model), Physical Section,
Chemical Section, Soil Mechanics Section and
Statistics Section, River Research Institute,
Irrigation and Waterways Department.
[S1.Nos.46 to 57 inserted by Ntf.No.8512-F dated 21.8.78]
58. Goat Breeder, Central Livestock Research-cum-Breeding Station,
Haringhata under the Animal Husbandry and
Veterinary Services Department, West Bengal.
59. Medical, Officers (Specialists) in the cadre of the
West Bengal Health Service (Basic Grade).
[S1.Nos.58 & 59 Inserted by Ntf.No.383-F dt, 8.1.79.]
60. Wireless Adviser under the Home (Police) Department, West Bengal

61. Director, West Bengal Forensic Science Laboratory under the Home (Police) Department, West Bengal,
62. Assistant Director, Physics Division/
Ballistics Division/Biology Division/ - do-
Chemistry Division/Toxicology Section.
63. Senior Scientific Officer (Physics) - do-
64. Senior Scientific Officer (Foot Print) - do-
65. Senior Scientific Officer (Questioned Document) - do-
66. Senior Scientific Officer (Toxicology Chemistry) - do-
67. Senior Scientific Officer (Biology) - do-
68. Senior Scientific Officer (Ballistics) - do-
69. Senior Scientific Officer (Photography) - do-
70. Scientific Officer (Foot Print) - do-
71. Scientific Officer (Questioned Document) - do-
72. Scientific officer (Chemistry/Toxicology) - do-
73. Scientific Officer (Biology) - do-
74. Poultry Breeder under the Animal Husbandry and Veterinary Services Department, West Bengal.
75. Deputy Milk Commissioner (Accounts), Directorate of Dairy Development under the Animal Husbandry and Veterinary Services Department, West Bengal.
76. Commercial Accountant (subsequently re-designated as Junior Commercial Accounts officer) under Finance Department, West Bengal.
77. Assistant Controller of Finance, Food & Supplies Department, West Bengal.
78. Special Officer, Jail Industries under Home (Jails) Department, West Bengal.
79. Chief Economic Planner, Town and Country Planning Branch under the Development & Planning Department, West Bengal.
80. Chief Structural Engineer - do-
81. Chief Architect - do-
82. Chief Town Planner - do-
83. Chief Regional Planner - do-
84. Chief Traffic & Transportation Planner - do-
85. Senior Economic Planner - do-
86. Associate Economic Planner - do-
87. Executive Structural Engineer - do-
88. Senior Architect - do-
89. Associate Architect - do-
90. Senior Town Planner - do-
91. Associate Town Planner - do-
92. Senior Regional Planner - do-
93. Associate Regional Planner - do-
94. Senior Traffic & Transportation Planner - do-
95. Associate Traffic & Transportation Planner - do-
96. Senior Sociologist - do-
97. Senior Statistician - do-
98. Senior Demographer - do-

99. Mining Advisor, Directorate of Mines and Minerals,
Mines Branch under Commerce & Industries Department,

100. West Bengal Service of Engineers (Electrical) consisting of
the posts of Assistant Engineer (Electrical) under the
Public Works Department,- West Bengal.

101. West Bengal Senior Service of Engineers (Electrical) consisting
of the posts of Additional Chief Engineers (Electrical),
Superintending Engineers (Electrical) and
Executive Engineers (Electrical). -do-

[Sl. No. 60 to 101 inserted by Ntf. No. 4457-F dt. 12.6.81]

102. Director of Industries under the Commerce & Industries Department West Bengal.
(Inserted by Ntf. No.1735-F dt. 14.2.83),

103. Commercial accounts Officer, under the
Finance Department, Government of West Bengal.
(Inserted by Ntf.No.1916-F dt. 23.2.84),

104. Cost Accountant in the West Bengal Government Press
(Inserted by Ntf.No.4775-F dt. 19.4.84).

105. Mechanical Engineer in the West Bengal Government Press.
(Inserted by Ntf.No.7073-F dt. 21.6.84),

106. Director of Industrial Training & State Apprenticeship Adviser.

107. Deputy Director of Industries (V.T.)/Deputy Apprenticeship Adviser.
(S1.No.106 & 107 inserted by Ntf.11466-F dt. 13.11.84).

108. Commercial Accountant in the office of the Labour Commissioner, West Bengal.
(Inserted by Ntf.No.7231-F dt. 5.8.85).

109. Assistant Economic Planner,
Calcutta Metropolitan Planning Organization,
under the Development & Planning
(Town & Country Planning) Department,
Government of West Bengal.

110. Demographer, Calcutta Metropolitan Planning Organisation|
Asansol Planning Organisation, under the
Development & Planning (Town and Country Planning) Department
Government of West Bengal.

111. Sociologist - do -

112. Assistant Regional Planner, C.M.P.O./A.P.O./Siliguri
Planning Organisation under the
Development and Planning (T.& C.P.) Department,
Government of West Bengal.

113. Statistician, C.M.P.O./A.P.O. under the
Development and Planning (T.& C.P.) Department
Government of West Bengal
(S1.Nos.109 to 113 inserted by Ntf.No.1388-F dt.13.2.90
read with corrigendum No.108502 dt. 31,10.90).

114. Director, Bureau of Applied Economics and ,Statistics, West Bengal
(Inserted by Ntf.No.3288-F dt.7.4.90).

115. Deputy Administrator-General and Official Trustee, West Bengal.
(Inserted by Ntf.No.5537-F dt. 8,6.90).
116. Assistant Public Prosecutor.
(Inserted by Ntf.No.10852-F dt. 31.10.90).
117. Accounts Officer under the Directorate of Cinchona, Government of West Bengal.
(Inserted by Ntf. No.12540-F dt. 13.12.90).
118. Superintending Geologist in the Geological Prospecting Branch under the Dtc.
of Mines and Minerals, West Bengal.
119. Deputy Drilling Engineer -do-
120. Mineral Chemist -do-
(Sl.Nos.118 to 120 inserted by Ntf.No.184-F(Pen) dt.29,1,92)
- 121.Evaluation Officer (Statistical Officer) in the
West Bengal Agricultural Service under the
Intensive agricultural District Programme.
[Inserted by Ntf.No.1490-F(Pen) dt. 10.07.92]
- 122.Probation Officer under Home (Jails) Department.
123. Chief Probation Officer under Home (Jails) Department.
[S1.Nov.122 & 123 inserted by Ntf.No.129-F(Pen) dt. 21.1.93.]
124. Sub-Registrars recruited from the Bar by
'Direct Recruitment' method.
(Inserted by Ntf.No.868-F(Pen) dt. 2.7.93)
- 125.West Bengal Higher S-statistical Service.
(Inserted by Ntf.No.220-F(Pen) dt. 8.2.94)
- 126.Medical Officers (direct recruits in the basic grade),
Other than specialists, of the West Bengal Health Service
(Inserted by Ntf,No.555-F(Pen) dt. 29.3.94).
- 127.Assistant Structural Engineer,
Calcutta Metropolitan Planning Organization under the
Development and Planning (Town and Country Planning) Deptt.
Government of West Bengal.
- 128.Photo analyst,
Calcutta Metropolitan Planning Organisation under the
Development and Planning (Town and Country Planning) Deptt.
Government of West Bengal.
- 129.Assistant Town Planner,
Calcutta Metropolitan Planning Organization/
Asansol Planning Organization/ Siliguri Planning Organization
Haldia Planning Cell under the Development and Planning
(Town and Country Planning) Department, Government of West Bengal.

130. Engineer Planner, Calcutta Metropolitan Planning Organization/ Asansol Planning Organization/ Siliguri Planning Organization under the under the Development and Planning (Town and Country Planning) Department, Government of West Bengal.

[S1.N 3.127 to 130 inserted by Ntf. No.51-F (Pen) dt. 5.1.95] and so on.

FORM 1
(FORM No.25 C.S.R.)
Form for Pension and Gratuity
(Rules 12, 100, 129, 130, 133, 134, 13.5, 137, 138 and 139)
(First Page)
FORH FOR PENSION AND GRATUITY
(To be sent in duplicate if payment is desired in a different audit circle)

1. Name of Government Servant :
2. Father's name (and also husband's name in the case of a woman Government servant) :
3. Religion and nationality :
4. Permanent residential address showing village/town, district and State :
5. Present or last appointment, including name of establishment.
 - (i) Substantive :
 - (ii) Officiating, if any :
6. Class of Pension or Service Gratuity applied for and cause of application :
7. Pension Rules opted/eligible :
8. Governments under which service has been rendered (in order of employment) :
9. Period of Service qualifying for pension
 - (a) Period of Civil Service :
 - (b) Period of War/Military Service :
 - (c) Amount and nature of any pension/ Gratuity received for Military Service
 - (d) Amount and nature of any pension/ gratuity received for Civil service :
10. (a) average emoluments.
(b) Emoluments for Gratuity.
11. Pay as defined in rule 5(28), W.B.S.R. Part I
12. Proposed Pension.
13. Proposed Gratuity

14. Whether the Family Pension Rule is applicable, if so, amount of life time family pension becoming payable to the entitled members of the family of the Government servant, in the event of his/her death.
15. Date from which pension is to Commence.
16. Place of payment of
 - (a) Pension (Treasury/Sub-Treasury).
 - (b) Gratuity (Treasury/Sub—Treasury/ Head of Office)

Note : Non-gazetted retiring Government Servants can opt for receiving the entire amount of gratuity through the Head of Office.

17. Whether nomination made for :
 - (a) Family Pension if applicable
 - Death-cum-retirement. Gratuity.
18. Whether Government servant has paid All the Government dues. see rules 140 and 141)
19. Date of birth by Christian era of :
 - (a) Government servant
 - (b) Government servant wife/husband,
20. Weight :
21. Identification marks :
22. Thumb and finger impressions :
 - Thumb - Forefinger - Middle finger
 - Ring-finger- Little finger.
 - (a) of Government servant -
 - (b) of Government servant's wife/husband -
 Date of which the Government servant applied for pension in Form 5.

Signature of Head of Office/Department.

(Audit Officer)*

Signs who are literate enough to sign their names in English, Hindi and the Official Regional Language, are exempted from recording their thumb and finger impressions provided they furnish certified copies pass port size photographs.

*In case of Gazetted Government Servants only.

747-F (Pen) dt. 1.6.95 & 1222-F (Pen) dt 2.9.97

[(Single Comprehensive Form) (Amendment in Comprehensive Form)]

(Second Page)

Details of Service of shri/Shrimati/Kumar_____

Date of birth_____

SECTION – I

Establishment	Appointment	Officiating/ Substantive	Date of beginning	Date of ending
(1)	(2)	(3)	(4)	(5)

Period reckoning as service Yrs. Mths. Days (6)	Period not reckoning as service Yrs. Mths. Days (7)	Remarks by the Audit Officer (8)

Total period of service_____

Note : Date of commencement and date of ending of each period of military Service, if any, should also be indicated in this section.

SECTION – II

Emoluments drawn during the last three years*

Post held Pay	From	To	Pay	Personal/Special pay

SECTION – III
Period(s) of non-qualifying Service

From _____ To _____

1. Interruption(s)
2. Extraordinary leave not qualifying for pension.
3. Period of suspension not treated as qualifying.
4. Any other service not treated as qualifying.

Total _____

*Average emoluments : In a case where the last three years include some period not to be reckoned for calculating average emoluments an equal period backwards has to be taken for calculating the average emoluments.

SECTION IV

Period of service not verified with reference to Acquaintance Roll either the above period verified in accordance with the provisions of rule 133(C) and if not whether the necessity of verification of the prepaid afores and period of service dispensed with under orders of the appropriate authority.

(a) Audit Enfacement

1. Total period of qualifying service which has been accepted for the grant of superannuation/retiring/invalid/compensation pension/gratuity, with reasons for disallowance, if any, (other than disallowance indicated in Second Page).

Note–Service for the period commencing From _____ and unto the date of Retirement has not yet been verified; this should be done before the pension payment order is issued,

2. Amount of superannuation/retiring/invalid/compensation pension/gratuity, that has been admitted,
3. Amount of the superannuation/retiring/invalid/compensation pension/gratuity , admissible after taking into account reduction, if any, in pension and gratuity made by the authority sanctioning pension.
4. Total period of qualifying service which has been approved for the grant of special additional pension.

5. The amount of special additional pension, if any, admitted under the rules
6. The date from which the special additional pension is admissible.
7. The date from which the superannuation/retiring/invalid/compensation pension/gratuity is admissible.
8. Head of Account to which the superannuation/retiring/invalid/compensation and special additional pension/gratuity is chargeable. .
9. The amount of lifetime family pension becoming payable to the entitled member of family in the event of death of the Government servant after retirement.

Accounts Officer , West Bengal
Asstt. Accountant General

(Back of the Third page)

1. Date of submission of Pension application by the Government servant.
2. Name of Government servant.
3. Class of pension or gratuity.
4. Sanctioning authority.
5. Amount of sanction sanctioned.
6. Amount of gratuity sanctioned.
7. Date of commencement of pension.
8. Date of sanction.
9. Amount of Family Pension admissible in the event of death of pensioner.
10. Amount to be recovered from gratuity under Rule 105.
11. Government dues held over from the gratuity.

(Fourth page)

INSTRUCTIONS

1. Calculation of average emoluments.- The calculation of average emoluments, mentioned at item 10 of the First page should be based on the actual number of days contained in each month.
2. Compensation pension or gratuity.- (a) If the application is for a compensation pension or gratuity the particulars of the savings effected should be duly stated against item 6 of the First page.

(b) State why employment was not found elsewhere.
3. History of Service.- (a) Give .date, month and year of the various appointments, promotions and cessations. For the purpose of adding towards broken periods, a month is reckoned as thirty days.

(b) All periods not reckoned as service should be distinguished and reasons for their exclusions given in the remarks column,
4. Identification marks.-Specify a few conspicuous marks, not last than two, if possible.
5. Name.-When initials or name of a Government servant are incorrect by given in the various records consulted, mention this fact in the letter forwarding the pension papers to avoid unnecessary reference from the audit Officer.
6. Date of Retirement.-Shown in the service Book, and last Pay Certificate.
7. Reinstatement.-In case of an officer who has been reinstatement after having been suspended, compulsorily retired, removed or dismiss brief statement. leading to his reinstatement should be appended.
8. Alteration.-Make in red ink under date initials of a Gazetted Government servant.
9. Calendar month.—The following examples show how a period stated in calendar months should be calculated :

Examples.—A period of six calendar months :

Beginning on the—	...	ends on the—
28 th February	...	27 th August
31 st March or 1st April	...	30th September
29 th August	...	28th February
30 th August or 1st September	...	Last day of February
A period of three calendar months :		
29 th November	...	28th February
30 th November or 1st December	...	Last day of February

FORM No.2
(FORM No.26 C.S.R.)
(See rules 12a 135)

Form of letter to the Audit Officer forwarding the pension papers of a Government servant.

No. _____

Government of West Bengal
Department/Office

Dated _____

To
The Accountant General/Pay and Accounts Officer,

Sir,

I am directed to forward herewith the Pension papers of Shri/Shrimati/Kumari

of this Office/Department as per list for further necessary action.

Yours faithfully,

Head of Office

List of enclosures

1. Form 1– with details of service, etc., and Form 3 containing the orders of the pension sanctioning authority.
2. Medical certificate for invalidation (if the claim is for invalid pension).
3. Service Book
4. Memorandum of average emoluments reckoning for pension.
5. Last. Pay Certificate,
6. (a) Two specimen signature, duly attested by 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, and
(b) Three copies of joint passport size photograph with wife/husband duly attested by the Head of Office.
7. Formal application for pension in Form 5.
8. Explanation for delay, if any, beyond one month from the date of retirement of the Government servant in forwarding Forms 1 and 3

9. When the fact of service in another office is not satisfactorily attested in the Service Book, duly certified abstract from the Head Office.

10. Statement of the applicants and collateral evidence as require under rule 133 duly accepted by the authority competent to sanction pension.

FORM No.3
(FORM No.25-A C.S.R.)
(See rules 130, 135 and 138)

Form for sanctioning pension

(To be sent in duplicate if payment is desired in a different audit circle)

1. Name of the Government servant.

2. Father's name (and also husband's name in the case of a woman Government servant)

3. (a) Present or last appointment, including name of establishment,

(i) Substantive,

(ii) Officiating, if any,

(b) Remarks -by the Receiving Authority :

(1) As to character and past conduct of Government servant.

Good/Fair
Indifferent/Bad

(2) Explanation of any suspension or degradation.

(3) Any other remarks.

(4) Specific opinion of the receiving Authority whether the service claimed is established and should be admitted or not.

(c) Orders of the Pension Sanctioning Authority : The undersigned having satisfied himself that the service of Shri/ Shrimati/Kumari_____has been thoroughly satisfactory hereby orders the grant of the full pension, death-cum-retirement gratuity, service gratuity which may be accepted by the Audit Officer as admissible under the rules.

Or,

The undersigned having satisfied himself that the service of Shri/Shrimati Kumari _____ has not been thoroughly satisfactory hereby orders that the full pension and/or gratuity which may be accepted by the Audit Officer as admissible under the rules shall be reduced by the specified amount percentage indicated below :

Amount or percentage of reduction in pension Rs. _____

Amount or percentage of reduction in gratuity Rs. _____

The grant of pension and/or gratuity shall take effect from _____

(d) In the event of death of Shri/Shrimati _____ a family pension** will be admissible to Shrimati/Shri _____ as admissible under the Family Pension Rules.

(e) In terms of Rule 106 of these Rules he/she is required to contribute a portion of gratuity equal to two months emoluments or pay, as the case may be. Necessary recovery out of the gratuity payable to Shri/Shrimati _____ has been/may be made.

(f) A sum of Rs. _____ on account of _____ is to be held over from the gratuity till the outstanding Government due are assessed and adjusted.

Compiler's Note : **Indicates deletion of the word "of Rs. _____" vide F.D. Memo.No.4522-F dated 2.5.87.

(g) The following service of the Government servant has been approved for the grant of special additional pension admissible under the rules :-

Post/Posts held _____

Period of service _____

The pension and gratuity are payable at _____ Treasury/Sub-Treasury and are chargeable to the Head _____. This order is subject to the condition that if the amount of pension and/or gratuity as authorised be afterwards be found to be in excess of amounts to which the pensioner is entitled under the rules, he/she shall be called upon to refund such. excess.

Dated _____

Signature and Designation of the
Pension Sanctioning Authority.

Note.- No amount of the gratuity need be held over if the Government servant has made a cash deposit or furnished a surety of a permanent Government servant in terms of rule 141.

(To be used in the case of Government servants to whom rules 131 and 137 apply)

Details of provisional pension and gratuity to be drawn by the Head Office in accordance with the procedure laid down in article 919.

Provisional pension Rs. _____ p.m.

Gratuity (3/4th of the full gratuity mentioned against item 13 of Form 1) Rs. _____

Less : (i) Contribution towards Family Pension [See item 3(e) of the Form] Rs. _____

(ii) Amount held over for adjustment of Government dues [See item 3(f) of the Form] Rs. _____

Net amount of gratuity to be paid provisionally. Rs. _____

Signature of Head of Office.

FORM No,4
(FORM No.26A-C.S.R.)
(See rule 141)

Form of Surety Bond

In consideration of the* President of India (hereinafter called the "Government" which expression shall include his successors and assigns) having agreed to settle the final accounts of Shri/Shrimati _____ without production of a "No Demand certificate from the _____ I hereby stand Surety (which expression shall include my heirs, executors and administrator) or payment by the said _____ of rent and other dues in respect of residence now allotted to him by Government and also for any residence that may be allotted or that was allotted to the said _____ from time to time by Government. I, the surety, further agrees and undertakes to indemnify the Government against all loss and damage until delivery of vacant possession of the above said residence is made over to Government.

I hereby also stand surety for any amounts that may be due by the said _____ to Government by way of overpayment of pay, allowances, leave salary, advances for conveyance house-building or other purposes, or any other dues.

The obligation undertaken by me shall not be discharged or in any way affected by an extension of time or any other indulgence granted by Government to the said. _____

This guarantee shall remain in force till, _____

(i) the "No Demand Certificate" is issued by the _____ in favor of the said _____

(ii) the Head of Office in which the said _____

was last employed and in case he/she was drawing pay and allowances on Gazetted Government servants bill. forms the concerned Audit Officer has/have certified that nothing is now due to the Government from the said

The stamp duty on this instrument shall be borne by Government

Signature of the Surety,

Signed and delivered by the said surety
at this day of
In the presence of :

Signature,

Address and occupation of witness.

Compiler's Note: *For the term 'President of India' should be used 'Governor'

2, Signature

Address and occupation of witness.

Certified that Shri/Shrimati
is a permanent Government servant.

Signature of the Head of the Department
or Office in which the Surety is employed

This bond is hereby accepted.

(Signature and designation) for and on
behalf of the Governor of West Bengal

FORM No.5
(FORM No.30 C.S.R.)
(See rules 125, 130 and 132)
Formal Application for Pension

From _____

To _____

Subject : Application for sanction of pension.

Sir,
I beg to say that I am due to retire from service with effect from the _____my date of birth being _____ I therefore request that steps may kindly be taken with a view to the pension as gratuity admissible to me being sanctioned by the date of my retirement. I desire 'to draw my pension from _____Treasury.

2. I hereby declare that I have neither applied for nor received any pension or gratuity in respect of any portion of the service qualifying for this pension and in respect of which pension and/or gratuity is claimed herein nor shall I submit an application hereafter without quoting a reference to this application and the orders which may be passed thereon.

3. I enclose herewith :

- (i) two specimen signatures of mine, duly attested.
- (ii) two copies of a passport size photograph of mine, also duly attested.
- *(iii) two slips each bearing my left-hand thumb and' finger impression
- (iv) two slips each showing particulars of my height and identification marks.
- (v) three copies of joint photographs with my wife/husband, duly attested.

4. My present address is _____and my address after will be _____

Dated _____ Signature _____ Designation _____

Note: Any subsequent change of address should be notified to the Head of Office.

*This is required only in the case of persons who are illiterate and cannot sign their names.

The Payment of Arrears of Pension (Nomination) Rules, 1986.

No. 10885-F

Calcutta, the 24th October, 1986.

NOTIFICATION

In exercise of the power conferred by the proviso to article 309 of the Constitution of India, the Governor is pleased hereby to make the following rules :-

Short and commencement-

- (1) These rules may be called the Payment of Arrears of Pension (Nomination) Rules, 1986.
- (2) They shall come into force on the 24th October, 1986.

Application—

These rules shall apply to the State Government pensioners who are in receipt of any pension under the rules which govern such pensioners and which is payable by the State Government out of the consolidated Fund of West Bengal. These rules shall also apply to All India Service Officers borne on the State Cadre.

Definitions—

In these rules unless there is anything repugnant in the subject or context,-

(a) “family” includes the following relatives of a pensioner :

- (i) wife, in the case of a male pensioner.
- (ii) husband, in the case of a female pensioner.
- (iii) sons including step sons and adopted sons,
- (iv) unmarried and widowed daughters (including step daughters and adopted daughters),
- (v) mother, and
- (vi) father; .

“Form” means a Form appended to these rules;

“Nomination” means nomination made under these rules;

Pension Disbursing Authority” means the authority through whom pension is drawn and includes :-

- (i) branch of a nominated public sector bank, or
- ii) Treasury including Sub-Treasury, or
- ii) the Accountant-General, West Bengal.

Nominee of Pensioner to receive arrears of pension :

Any pensioner to whom any pension is payable by the State Government out of the Consolidated Fund of West Bengal may nominate [if he has a family as defined in clause (a) of rule 3, one or more members of the family and, if he has no family] any other person (hereinafter referred to as the nominee.) in accordance with the provision of rule 5, who shall receive, after the death of the pensioner all moneys payable to the pensioner on account of such pension before or after the date of such nomination and which remain unpaid immediately before the death of the pensioner.

Compiler’s Note: *Substitution under F.D.Nft.No. 1633-F dt. 17.02.89

[] words within the third bracket were inserted under F.D. Ntf. NO. 1633-F dt.17.02.89

5. Nomination :

(1) Every pensioner [retiring before, on or after] the date of commencement of these rules shall [make a nomination as required by rule 4 in form ‘A’ and submit the same in duplicate] by personal service after taking receipt or by sending through registered post with acknowledgement due to the respective pension Disbursing Authority through whom pension is drawn.

(2) Within thirty days of the receipt of .nomination in Form ‘A’ under sub-rule (1) the Pension Disbursing Authority, shall get the particulars of the pensioner, mentioned in Form ‘A’, verified with reference to the available records and return to the pensioner, after obtaining a receipt thereof, the duplicate copy of the nomination in Form ‘A’ duly attested by him or an office authorised by him in this behalf.**

(3) Every employee who is due to retire after the date of commencement of these rules shall submit the nomination, [in duplicate] in Form 'A' to the Head of office from where he/she is retiring.**

(4) Within thirty days of the receipt of the nomination in Form 'A' under sub-rule (3), the Head of Office shall get the particulars of the pensioner, mentioned in Form 'A', verified with reference to the records of the establishment and return to the pensioner after obtaining the receipt thereof, [the] duplicate copy of the nomination in Form 'A', duly attested by him or by an officer authorised by him in this behalf. The [original] copy duly accepted shall be sent to the Accountant General, West Bengal who shall pass it on to the Pension Disbursing Authority along with the Pension Payment Order. If the Pension Payment Order has already been issued, the nomination shall be sent separately quoting the Pension Payment Order. Number and other particulars of the pensioner to enable the Pension Disbursing Authority to link it up with the Pension Payment Order.

(5) [A pensioner may at any time, including cases where the nominee predeceases the pensioner, submit, in-supersession of the earlier nomination, a fresh nomination in Form 'B' in duplicate] to the Pension Disbursing Authority in the manner specified in sub-rule (1) and thereafter the provisions of sub-rule (2) shall apply mutatis mutandis with modifications as if it were made under sub-rule (1).

[(6) A nomination or fresh nomination, as the case may be, shall be signed by the pensioner, or if he is illiterate, shall bear his thumb impression given, in the presence of two witnesses.]

(7) Nomination, [or fresh nomination] shall take effect from the date of receipt thereof by the Pension Disbursing Authority or the Head of Office, as the case may be.

Compiler's Note: [] words within the third bracket were inserted under F.D.Ntf.No.1633-F dt.17.2.89,

**indicates omission of some words under F.D, Ntf.No.1633-F dt. 17.2.89.

Accepted Nomination to be conclusive proof :-

A nomination made under rule 5 and accepted by the Pension Disbursing Authority or the Head of Office; as the case may be shall be a conclusive proof with regard to the person nominated to receive arrears of pension of the pensioner under these rules.

Mode of payment of arrears-

The arrears of Pension payable under these rules shall be paid In accordance with the provisions of the existing rules governing The mode of payment of pension,

Interpretation-

Where any doubt arises as to the interpretation of these rules, the matter shall be referred to State Government in the Finance Deptt. Whose decision thereon shall be final.

Compiler's Note: (1) The term 'pensioner' occurring in Payment of arrears of Pension (Nomination) Rules, 1986 will include holder of family pension also and the term 'pension' will include gratuity, commuted value of pension and family pension, where necessary vide Clarification under F.D. Memo.No.9203-F dt.11.8.89.

(2) It has been decided by Govt.vide F.D.Memo.No.1358-F(Pen) Dt. 30.7.91] that every retiring employee who is entitled to a pension shall submit a nomination in prescribed form under the payment of Arrears of Pension (Nomination) Rules 86 to his/her Head of Office. Those who are unwilling to make nomination shall express their unwillingness in writing :in a prescribed format which is given below. The Head of Office will forward the nomination or the letter of unwillingness to the A.G.W.B. alongwith pension papers.

“To _____
Head of Office

Sir,

I have no intention of executing any nomination under the
Payment of Arrears of Pension (Nomination) Rules, 1986.

Yours faithfully,

Signature

Name & Designation of the
employee”

The Payment of Arrears of Pension (Nomination) Rules, 1986
FORM – A
[See Rule 5(i)]

Pension Disbursing Authority/Head of Office
(Name of Bank/Treasury/Accountant General, West Bengal)
(Place _____)

I, _____ hereby nominate the person named below rule 5 of the Payment of Arrears of Pension (Nomination) Rules, 1986

Name and address of the Nominee	Relationship with pensioner	Date of birth	Name & Address of person who may receive the said pension during the nominee's minority	Name & Address of other nominee in case the nominee under column (1) predeceases the pensioner	Relationship with pensioner
(1)	(2)	(3)	(4)	(5)	(6)

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Date of birth if the other nominee is minor	Name & address of person who may receive the pension during the other nominee's minority	Contingency on happening of which nomination shall become invalid
(7)	(8)	(9)

Place : _____
Date : _____
Witness : Signature _____
Name & address _____

Signature of the Pension Disbursing Authority/Head of office
Acknowledgement to be sent by the Pension Disbursing Authority/Head of office
Certified that application/nomination has been received from Sri/Smt. _____ (name of Pensioner)
Whose address is _____
Place : _____
Date : _____

Signature (or thumb impression if illiterate)
and name of pensioner and address.

Signature of the Pension Disbursing Authority/Head of office
Full Address : _____

The Payment of Arrears of Pension (Nomination) Rules, 1986
FORM – B
[See Rule 5(5)]

Pension Disbursing Authority

Name of Bank/Treasury/Accountant General, West Bengal etc.

(Place _____
I, _____ hereby make the following alternative nominate in cancellation of the previous nomination made on _____ under rule 5 of the Payment of Arrears of Pension (Nomination) Rules, 1986.

Name and address of the Nominee	Relationship with pensioner	Date of birth	If nominee is minor person who may receive the said pension during the nominee's minority	Name & Address of the other nominee in case the nominee under column (1) predeceases the pensioner	Relationship with pensioner
(1)	(2)	(3)	(4)	(5)	(6)

Date of birth if the other nominee is minor	Name & address of person who may receive the pension during the other nominee's minority	Contingency on happening of which nomination shall become invalid
(7)	(8)	(9)

Place : _____
Date : _____
Witness : Signature _____
Name & address _____

Signature (or thumb impression if illiterate) and Name of Pensioner
Address:
Signature of Pension Disbursing Authority with date & Stamp

Certified that application/nomination (Form 'B') has been received from _____ (Name of Pensioner) whose address is _____
'A' has been cancelled and returned to him.

Place : _____
Date : _____
Signature of the Pension Disbursing Authority/Bank/Accountant Genl.,
WB/Treasury with full address.