

Frequently Asked Questions (FAQs)
(Central Civil Services)

1. PENSION POLICY

Last Updated : 18.04.2018

(1.1) Which rules govern pension and gratuity to the employees retiring from Central Government Civil Departments.

Pension and gratuity of the employees retiring from Central Government Departments is regulated by the Central Civil Services (Pension) Rules, 1972. There are separate rules regarding pension and gratuity of Railway employees and Defence personnel.

(1.2) Is the date of voluntary retirement treated as duty?

Yes, the date of voluntary retirement is treated as duty (Rule 5).

(1.3) Who is eligible for pension?

A Govt. servant appointed in a pensionable establishment on or before 31.12.2003 and retires from Government service with a qualifying service of 10 years or more is eligible for pension (Rule 2, 49).

(1.4) How is pension calculated?

W.e.f. 1.1.2006, pension is calculated @ 50% of emoluments (last pay) or average emoluments (for last 10 months), whichever is more beneficial to the retiring Govt. servant. (Rule 49).

(1.5) What happens to the departmental proceedings instituted against a Govt. servant during service and pending at the time of retirement? Can pension/gratuity be paid to a retiring, Govt. servant if Departmental/Judicial proceeding are pending against him at the time of retirement?

Department proceedings pending at the time of retirement are deemed to be the proceedings under Rule 9 and shall be continued and concluded by the same disciplinary authority and in the same manner. Thereafter, authority will submit a report recording its finding to the President. In such cases, only provisional pension is paid and gratuity is withheld till the conclusion of departmental proceedings and issue of final orders thereon by the competent authority.

(1.6) Can Departmental proceedings be instituted after retirement?

Departmental proceeding can be instituted after retirement subject to following conditions:-

- (a) Sanction of the President shall be obtained before instituting such proceedings;
- (b) The proceedings shall not be in respect of any event which took place more than 4 years such institution;

- (c) Proceedings shall be conducted by such authority and in such place or the President may direct and in accordance with rules applicable to departmental proceedings in which an order of dismissal from service could be made in relation to the Govt. servant during his service.

(1.7) When is departmental or judicial proceeding deemed to be instituted?

- (a) Departmental proceedings shall be deemed to be instituted on the date on which the statement of charges is issued to the Government servant or pensioner, or is the Government servant has been placed under suspension from an earlier dated, on such date;
- (b) Judicial proceedings shall be deemed to be instituted-
 - (i) In the case of criminal proceedings, on the date on which the complaint or report of a Police Officer, of which the Magistrate takes contingency, is made, and
 - (ii) In the case of civil proceedings, on the date the plaint is presented in the court.

(1.8) Can the pension/gratuity be withheld on conclusion of departmental/judicial proceedings?

The President reserves to himself the right of withholding a pension or gratuity, or both, either in full or in part, or withdrawing a pension in full or in part, whether permanently or for a specified period, and of ordering recovery from a pension or gratuity of the whole or part of any pecuniary loss caused to the Government, if, in any departmental or judicial proceedings, the pensioner is found guilty of grave misconduct or negligence during the period of service, including service rendered upon re-employment after retirement. Power to withhold/withdraw pension/gratuity is with President and UPSC is required to be consulted before any final orders are passed.

(1.9) Which pay is reckoned as emoluments for pension and gratuity?

The basic pay as defined in FR 9 (21) (a) (i) is reckoned as emoluments for pension. However, Non- Practicing Allowance granted to Medical Officers is also included in emoluments. For the purpose of Retirement/ Death gratuity, Dearness Allowance admissible on the date of retirement/death is also treated as emoluments.

(1.10) Which pay is reckoned as emoluments for pension if the Government servant is on leave, suspension or deputation at the time of retirement?

- (a) If a Government servant immediately before his retirement or death while in service had been absent from duty on leave for which leave salary is payable or having been suspended had been reinstated without forfeiture of service, the emoluments which he would have drawn had he not been absent from duty or suspended shall be the emoluments for the purposes of this rule. However, increase in pay (other than the increment) which is not actually drawn shall not form part of his emoluments.
- (b) If a Government servant immediately before his retirement or death while in service had been absent from duty on extraordinary leave or had been under suspension, the period whereof does not count as service, the emoluments which he drew immediately

before proceeding on such leave or being placed under suspension shall be the emoluments for the purposes of this rule.

(c) If a Government servant immediately before his retirement or death while in service, was on earned leave, and earned an increment which was not withheld, such increment, though not actually drawn, shall form part of his emoluments. However, such increment should have been earned during the currency of the earned leave not exceeding one hundred and twenty days, or during the first one hundred and twenty days of earned leave where such leave was for more than one hundred and twenty days.

(d) Pay drawn by a Government servant while on foreign service shall not be treated as emoluments, but the pay which he would have drawn under the Government had he not been on foreign service shall alone be treated as emoluments.

(1.11) Can a pension be withheld/withdrawn on grounds of misconduct after retirement?

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

(1.12) Can a pension, once authorized, be revised to the disadvantage of pensioner on grounds other than misconduct under Rule 8 and 9.

Except under Rule 8 and 9, pension once authorized after final assessment shall not be revised to the disadvantage of the Government servant, unless such revision becomes necessary on account of detection of a clerical error subsequently. No revision of pension to the disadvantage of the pensioner shall be ordered by the Head of Office without the concurrence of the Department of Pension and Pensioners' Welfare if the clerical error is detected after a period of two years from the date of authorization of pension. The question whether it is a case of clerical error or not would be decided by the administrative Ministry.

(1.13) What is the formula for revision of pension of pre-2006 pensioner/family pensioner?

In terms of para 4.1 of [OM No.38/37/08-P&PW\(A\) dated 1.9.2008](#), the pension/family pension will be consolidated w.e.f. 1.1.2006 by adding together (i) The existing pension/family pension, (ii) Dearness Pension, where applicable, (iii) Dearness Relief @24% of basic Pension/Basic Family Pension plus dearness pension as admissible vide [OM No.42/2/2006-P&PW\(G\) dated 5.4.2006](#) and (iv) Fitment weightage @40% of the existing pension/family pension. Where the existing pension at (i) includes the effect of merger of 50% of DR w.e.f. 1.4.2004, the existing pension for the purpose of fitment weightage will be re-calculated after excluding the merged DR of 50% from the pension. The amount so arrived at will be regarded as consolidated pension/family pension w.e.f. 1.1.2006. The fixation of pension will be subject to the provision that the revised pension, in no case shall be lower than 50% of the minimum of the pay in the pay band plus the grade pay corresponding to the pre-revised pay scale from which the Govt. servant retired. The minimum of pay is the pay band/pay scale is to be reckoned in accordance with DoPPW OM No. 38/37/08-P&PW dated 30.07.2015.

(1.14) Whether all pre-2006 pensioners/family pensioners would get benefit under Department of Pension and Pensioners' Welfare O.M. NO.38/37/08- P&PW (A) dated 28.1.2013 (now OM dated 30.07.2015)?

There will be no change in the pension of those pre-2006 pensioners whose pension (as revised with effect from 1.1.2006) is already equal to or more than this minimum limit mentioned in the OM dated 28.01.2013 and 30.07.2015. In the case of family pensioner also the minimum family pension as mentioned in Col.10 of the Annexure to the OM dated 28.1.2013 shall be payable if the amount of family pension (w.e.f. 01.01.2006) is equal to or more than this minimum family pension, the same family pension shall continue to be paid.

(1.15) What are the provisions regarding revision of pension of pre-2016 pensioners after 7th CPC?

Orders were issued vide OM No. 38/37/2016-P&PW(A) dated 04.08.2016 for revision of pension of pre-2016 pensioners by multiplying the pre-revised pension by a factor of 2.57. This was to be done by the Pension Disbursing Authorities/ Banks.

Further orders were issued vide OM No. 38/37/2016-P&PW(A) dated 12.05.2017. As per this OM, the revised pension/family pension w.e.f 01.01.2016 of all Central Civil Pensioners/ family pensioners, including CAPF's, who retired/died prior to 01.01.2016, shall be revised by notionally fixing their pay in the pay matrix recommended by the 7th CPC in the level corresponding to the pay in the pay scale/ pay band and grade pay at which they retired/ died. This will be done by notional pay fixation under each intervening Pay Commission based on the Formula for revision of pay.

While fixing pay on notional basis, the pay fixation formulate approved by the Government and other relevant instructions on the subject in force at the relevant time shall be strictly followed. 50% of the notional pay as on 01.01.2016 shall be the revised pension and 30% of this notional pay shall be the revised family pension w.e.f. 01.01.2016 as per the first Formulation. In this case of family pensioners who were entitled to family pension at enhanced rate, the revised family pension shall be 50% of the notional pay as on 01.01.2016 and shall be payable till the period up to which family pension at enhanced rate is admissible as per rules. The amount of revised pension/ family pension so arrived at shall be rounded off to next higher rupee.

The pension/ family pension already revised in accordance with this Department's OM No. 38/37/2016-P&PW(A) (ii) dated 04.08.2016 or the revised pension/ family pension as worked out in accordance with OM dated 12.05.2017 shall be granted to pre-2016 central civil pensioners as revised pension/ family pension w.e.f. 01.01.2016. In cases

where pension/ family pension being paid w.e.f. 01.01.2016 in accordance with this Department's OM No. 38/37/2016-P&PW(A) (ii) dated 04.08.2016 happens to be more than pension/ family pension as worked out in accordance with para 4 above, the pension/ family pension already paid shall be treated as revised pension/ family pension w.e.f. 01.01.2016.

(1.16) Is any ready reckoner available for revision of pension of pre-2016 pensioners by notional pay fixation method?

A Concordance Table for fixation of notional pay of pension/ family pension of employee who retired/ died in various grades of Vth/ VIth CPC period has been prepared and circulated on 06.07.2017. These Concordance Tables are available on the website of this Department, i.e. doppw.gov.in and pensionersportal.gov.in.

(1.17) Is there any online calculator available for fixation/ revision of pension?

A calculator for calculation/ revision of pension/ gratuity is available on the website of this Department, i.e. doppw.gov.in and pensionersportal.gov.in.

1.18) What is the amount of minimum and maximum pension after Seventh CPC?

The pension shall not be less than Rs.9000/- (excluding the element of additional pension to old pensioners) and shall not be more than 50% of the highest pay in Government i.e Rs 1,25,000/- w.e.f. 01.01.2016.

(1.19) From where can we download the pension /nomination Forms ?

All forms are available at the website of Department of Pension & Pensioners Welfare.

(1.20) When can a Government servant apply for voluntary retirement?

Under Rule 48, a Government servant can apply for voluntary retirement after completion of 30 years of qualifying service. Under Rule 48-A, he can apply for voluntary retirement after completion of qualifying service of 20 years. Under FR 56 (k) he can apply for voluntary retirement on attaining the age of 50 years (for Gr. A & B) and 55 years (in other cases).

(1.21) Whether older pensioners will get higher rate of pension?

Yes, from 1.1.2006, the quantum of pension/family pension available to old pensioners/family pensioners has been increased as follows:-
[O.M.No. 38/37/08- P&PW\(A\) dated 2.9.2008 .](#)

<u>Age of pensioner/family pensioner</u>	<u>Additional quantum of pension</u>
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From 80 years to less than 85 years	20% of revised basic pension/family pension
From 85 years to less than 90 years	30% of revised basic pension/family pension
From 90 years to less than 95 years	40% of revised basic pension/family pension
From 95 years to less than 100 years	50% of revised basic pension/family pension
100 years or more	100% of revised basic pension/family pension

(1.22) Is additional pension admissible to old family pensioners also?

Yes, the rates related to additional pension as applicable in the case of old pensioners hold good for family pensioners, as well.

(1.23) Whether the provision of added years in qualifying service for computation of pension is still in force?

The benefit of added years of qualifying service for computation of pension/related benefits has been withdrawn w.e.f. 01.01.2006.

(1.24) Whether the provision of added years in qualifying service has been withdrawn for calculating gratuity also?

Yes, w.e.f. 01.01.2006.

(1.25) Whether the additional pension/family pension available to old pensioners would be payable from the date of attaining age of 80 years or above or from the first day of the month in which the date of birth falls?

The additional quantum of pension/family pension, on attaining the age of 80 years and above, would be admissible from the 1st day of month in which his date of birth falls. For example, if a pensioner/family pensioner completes age of 80 years in the month of August, 2008, he will be entitled to additional pension/family pension w.e.f. 1.8.2008. Those pensioners/family pensioners whose date of birth is 1st August, will also be entitled to additional pension/family pension w.e.f. 1.8.2008 on attaining the age of 80 years and above.

2. QUALIFYING SERVICE

(2.1) Does all leave period qualify for pension and gratuity?

All leave for which leave salary is payable qualifies for pension and gratuity. Extraordinary leave (EOL) on medical certificate (MC) also qualifies for pension and gratuity. EOL without MC qualifies only on account of inability to join duty on civil commotion or when granted for a higher scientific & technical study qualifies.

(2.2) Is the benefit of counting of past service under Rule 19 available to ex-serviceman re-employed to civil service / post?

An ex-serviceman re-employed to the Civil Post / service on or before 31/12/2003 is covered under the CCS (Pension) Rules, 1972. Therefore the benefit of Rule 19 also becomes automatically available to him. An ex-serviceman re-employed in civil service on or after 1/1/2004 is covered by the National Pension System and is not covered under the CCS (Pension) Rules, 1972. Therefore the benefit of Rule 19 is not available to the ex-serviceman on re-employment on or after 1/1/2004.

(2.3) What happens to the past service of a Govt. servant (appointed before 1.1.2004) who resigns to take up, with proper permission, another appointment under the Govt.?

Under Rule 26 (2) "A resignation shall not entail forfeiture of past service if it has been submitted to take up, with proper permission, another appointment, whether temporary or permanent, under the Government where service qualifies". This also applies to a Govt. servant who joined Govt. service before 1/1/2004 and takes up another appointment in the Govt., on or after 1.1.2004.

(2.4) What is the impact of resignation (other than technical resignation) on qualifying service and pension?

Resignation (other than technical resignation) entails forfeiture of past service. Therefore, no pension is payable on such resignation.