

(3) (a) The Audit Officer shall determine the amount of the balance of the gratuity after adjusting the amount, if any, outstanding against the deceased Government servant.

(b) The Audit Officer shall intimate to the Head of Office, the amount of the balance of the gratuity determined under clause (a) with the remarks that the amount of the balance of the gratuity may be drawn and disbursed by the Head of Office to the person or persons to whom the provisional gratuity has been paid.

(c) The amount of gratuity withheld under clause (b) of sub-rule (1) of rule 142 shall be adjusted by the Head of Office against the outstanding licence fee mentioned in clause (viii) of sub-rule (1) of rule 142 and the balance, if any, refunded to the person or persons to whom gratuity has been paid.

(4) The fact of the issue of the pension payment order shall be promptly reported to the Head of Office by the Audit Officer and the documents which are no longer required shall also be returned to him.

(5) If the amount of provisional Family Pension as disbursed by the Head of Office is found to be in excess of the final family pension assessed by the Audit Officer, it shall be open to the Audit Officer to adjust the excess amount in instalments by short payments of Family Pension payable in future.

(6) (a) If the amount of gratuity disbursed by the Head of Office proves to be larger than the amount finally assessed by the Audit Officer the beneficiary shall not be required to refund the excess.

(b) The Head of Office shall ensure that chances of disbursing the amount of gratuity in excess of the amount actually admissible are minimised and the official or officials responsible for the excess payment shall be accountable for the over-payment.

#### **142. Adjustment of Government dues**

*(1) Dues pertaining to Government accommodation :—*

(i) If on the date of death, the Government servant was an allottee of Government accommodation, the Head Office on receipt of intimation regarding the death of the Government servant shall within seven days of the receipt of such intimation, write to the Executive

Engineer concerned for the issue of 'No demand certificate' so that authorisation of Family Pension and '[death gratuity] is not delayed. While addressing the Executive Engineer concerned for the issue of 'No demand certificate', the Head of Office shall also supply the following information in duplicate (one copy marked to the Rent Wing and the second to the Allotment Wing) :—

- (a) name of the deceased Government servant with designation ;
- (b) particulars of the accommodation (quarter No., type and locality) ;
- (c) date of death of Government servant,
- (d) whether the Government servant was on leave at the time of his death and, if so, the period and nature of leave ;
- (e) whether the Government servant was enjoying rent free accommodation ;
- (f) the period upto which licence fee had been recovered from the pay and allowances of the deceased Government servant and the monthly rate of recovery and particulars of the pay bill under which last recovery was made ;
- (g) if the licence fee had not been recovered upto the date of death and the family intends to retain Government accommodation for the permissible period of *one month* from the date of death of the Government servant, details of—
  - (A) period for which licence fee still remains to be recovered ;
  - (B) the amount of licence fee in respect of the period at (A) to be determined on the basis of the standard rent bill ;
  - (C) the amount of licence fee for the retention of Government accommodation by the family of the deceased Government servant for the concessional period of *one month* beyond the date of death of the Government servant to be determined on the basis of standard rent bill ;
  - (D) the amount of licence fee mentioned at (B) and (C) proposed to be recovered out of '[death gratuity].

\* Substituted by Notification No. PEN-1088/1167/SER-4, dated 5-5-1990.

(E) details of any previous reference from the Executive Engineer concerned having bearing on the recovery of licence fee outstanding against the allottee and action taken thereon.

(ii) The Head of Office shall recover from the <sup>1</sup>[death gratuity] the amount of licence fee as intimated to the Executive Engineer concerned under clause (i).

(iii) The recovery of licence fee for the occupation of Government accommodation beyond the permissible period of *one month* shall be the responsibility of the Executive Engineer concerned.

(iv) The Executive Engineer concerned shall scrutinise his records with a view to determine if licence fee other than the licence fee referred to in clause (i) was outstanding against deceased Government servant. If any recovery is found, the amount and the period or periods to which such recovery or recoveries relate shall be communicated to the Head of Office within a period of *three months* of the receipt of intimation regarding the death of the Government servant under clause (i).

(v) Pending receipt of information under clause (iv), the Head of Office shall withhold ten per cent of the <sup>1</sup>[death gratuity] or one thousand rupees whichever is less.

(vi) If no intimation is received by the Head of Office within the period prescribed under clause (iv) regarding recovery of licence fee, it shall be presumed that nothing was recoverable from the deceased Government servant and the amount of gratuity withheld shall be paid to the person or persons to whom the amount of <sup>1</sup>[death gratuity] was paid.

(vii) If the Head of Office has received intimation from the Executive Engineer concerned under clause (iv) regarding licence fee outstanding against the deceased Government servant, the Head of Office shall verify from the acquittance rolls if the outstanding amount of licence fee was recovered from the pay and allowances of the deceased Government servant. If as a result of verification, it is found that the amount of licence fee shown as outstanding by the Executive Engineer

<sup>1</sup> Substituted by Notification No. PEN-1088/1167/SEB-4, dated 5-5-1990.

concerned, had already been recovered, the Head of Office shall draw the attention of the Executive Engineer concerned to the pay bills under which the necessary recovery of the licence fee was made and subject to the provision of sub-rule (2) take steps to pay the amount of the gratuity withheld under clause (v) to the person or persons to whom the <sup>1</sup>[death gratuity] was paid.

(viii) If the outstanding amount of licence fee was not recovered from the pay and allowances of the deceased Government servant, the outstanding amount shall be adjusted against the amount of the gratuity withheld under clause (v) and the balance, if any, repaid to the person or persons to whom the amount of <sup>1</sup>[death gratuity] was paid.

(2) *Dues other than those referred to in sub-rule (1)—*

The Head of Office shall within *one month* of the receipt of intimation regarding death of a Government servant, take steps to ascertain if any dues as referred to in rule 132 excluding the dues pertaining to the allotment of Government accommodation were recoverable from the deceased Government servant. Such ascertainable dues shall be recovered from the amount of <sup>1</sup>[death gratuity] becoming payable to the family of the deceased Government servant.

**143. Payment of Family Pension and <sup>1</sup>[death gratuity] when a Government servant dies while on deputation**

(1) In the case of a Government servant who dies while on deputation to another Department/Office, action to authorise Family Pension and <sup>1</sup>[death gratuity] in accordance with the provisions of this Chapter shall be taken by the Head of Office of the borrowing Department.

(2) In the case of a Government servant who dies while on deputation to a Central Government or while on foreign service, action to authorise the payments of Family Pension and <sup>1</sup>[death gratuity] in accordance with the provisions of this Chapter shall be taken by the Head of Office of the cadre authority which sanctioned the deputation of the Government servant to the Central Government or to the foreign service.

---

<sup>1</sup> Substituted by Notification No. PEN-1088/1167/SER-4, dated 5.5.1990.

CHAPTER XII—SANCTION OF FAMILY PENSION AND  
RESIDUARY GRATUITY IN RESPECT OF DECEASED  
PENSIONERS

144. Sanction of family Pension and residuary gratuity on the death of pensioner

(1) Where the Head of Office has received an intimation regarding the death of a retired Government servant who was in receipt of pension, he shall ascertain whether any Family Pension or residuary gratuity or both is or are payable in respect of the deceased pensioner :

Provided that the Head of Office, may, when he considers it necessary so to do, consult the Audit Officer.

(2) (a) (i) If the deceased pensioner is survived by a widow or widower who is eligible for the grant of Family Pension, 1964, under rule 116, the amount of Family Pension, 1964, as indicated in the Pension Payment Order shall become payable to the widow or widower, as the case may be, from the day following the date of death of the Pensioner.

(ii) On receipt of<sup>1</sup> [a claim in **Form 12**] from the widow or widower, the Treasury Officer from whom the deceased pensioner has drawn his or her pension, shall authorise the payment of Family Pension, 1964 to the widow or widower, as the case may be.

(b) (i) Where the deceased pensioner is survived by child or children, the guardian of the child or children may submit a claim in **Form 12** to the Head of Office for payment of Family Pension, 1964 :

Provided that the guardian shall not be required to submit a claim in the said Form on behalf of the son or unmarried daughter if he or she has attained the age of *eighteen years* and such a person may himself or herself submit a claim in the said Form.

(ii) On receipt of a claim from the guardian, the Head of Office shall sanction the Family Pension, 1964, in **Form 18**.

<sup>1</sup> Substituted by Notification No. PEN-1088/1167/SER-4, dated 5.5.1990.



(c) (i) Where a widow or widower in receipt of Family Pension 1964, remarries and has, at the time of remarriage, child or children from the former spouse who is or are eligible for Family Pension, 1964, the remarried individual shall be eligible to draw the Family Pension, 1964, on behalf of such child or children, if such individual continues to be the guardian of such child or children.

(ii) For the purposes of sub-clause (i), the remarried individual shall apply to the Head of Office on plain paper furnishing the following particulars, namely :—

(a) a declaration that the applicant continues to be the guardian of such child or children ;

(b) the date of remarriage ;

(c) the name and date of birth of the child or children from the former spouse ;

(d) the Treasury from where payment of Family Pension, 1964, on behalf of such child or children is desired ;

(e) full postal address of the applicant.

(iii) If the remarried individual has, for any reason, ceased to be the guardian of such child or children, the Family Pension, 1964, shall become payable to the person entitled to act as guardian of such child or children under the law for the time being in force and such person may submit a claim in **Form 12** to the Head of Office for the payment of Family Pension, 1964 :

Provided that the guardian shall not be required to submit a claim in the said Form on behalf of the son or unmarried daughter if he or she has attained the age of *eighteen years* and such person may himself or herself submit a claim in the said Form.

(iv) On receipt of the claim referred to in sub-clause (iii) the Head of Office shall sanction Family Pension, 1964, in **Form 19**.

(d) (i) Where a widow or widower in receipt of Family Pension, 1964, dies and leaves behind child or children who is or are eligible for Family Pension, 1964, the guardian may submit a claim in **Form 12** to the Head of Office for the payment of Family Pension, 1964 :

Provided that the guardian shall not be required to submit a claim in the said Form on behalf of the son or unmarried daughter if he or she has attained the age of *eighteen years* and such a person may himself or herself submit claim in the said Form.

(ii) On receipt of a claim from the guardian, the Head of Office shall sanction Family Pension, 1964, in **Form 18**.

(3) (a) In case the deceased pensioner who was governed by the Family Pension, 1950, and his death had taken place within *five years* of his retirement, the Family Pension, 1950, shall become payable to the eligible member of the family of the deceased pensioner as provided in rule 117 for the unexpired period of *five years* from the date of retirement of the deceased.

(b) On receipt of a claim in **Form 15** from such member, the Head of Office shall sanction the Family Pension, 1950, for the unexpired period aforesaid.

(4) Where on the death of a retired Government servant a residuary gratuity becomes payable to the family of the deceased under sub-rule (3) of rule 111, the Head of Office shall sanction its payment on receipt of a claim or claims in **Form 20** from the person or persons eligible to receive the residuary gratuity.

#### 145. Authorisation of payment by Audit Officer

On receipt of the sanction under rule 139 regarding the payment of Family Pension or of residuary gratuity or of both ; the Audit officer shall authorise the payment of the same.

---

**CHAPTER XIII—PAYMENT OF PENSIONS****146. Date from which pension becomes payable**

(1) Except in the case of a Government servant to whom the provisions of rule 67 apply and subject to the provisions of rules 27 and 130 a pension other than Family Pension shall become payable from the date on which a Government servant ceases to be borne on the establishment.

(2) Pension including Family Pension, 1950 or 1964 shall be payable for the day on which its recipient dies.

**147. Procedure for payment of pension to a lunatic**

When any sum is payable in respect of pension or gratuity to any person by Government, and the person to whom the sum is payable is certified by a Magistrate to be a lunatic, the procedure laid down in section 95(1) of (the Indian) Lunacy Act, 1912 (Act IV of 1912) shall be followed.

**148. Date of commencement of payment of Wound or Injury Pension or Extra-ordinary Family Pension**

A. Wound or Injury Pension shall be payable from the date of the Wound or Injury and a Extra-ordinary Family Pension from the day following the death of the Government servant, provided—

(i) that, if the grant of the pension is regulated by Army Regulations, it shall take effect from the date therein prescribed ;

(ii) that, if considerable delay has occurred in making application for a Wound or Injury Pension, it shall be payable from the date of report on the case by the Medical Board unless in exceptional circumstances Government otherwise direct ; and

(iii) that, if considerable delay has occurred in making application for a Extra-ordinary Family Pension, it shall be payable from such date as Government may prescribe.

**149. Need for medical certificate for payment of Wound or Injury Pension**

In the case of a Wound or Injury Pension sanctioned under rule 97, it shall be the responsibility of the officer disbursing the pension to see that the medical certificate referred to in rule 88 is produced after every three years.



**150. Currency in which pension is payable**

All pensions including gratuities admissible under these rules shall be payable in rupees in India only.

**151. Manner of payment of gratuity and pension**

(1) Except as otherwise provided in these rules, a gratuity shall be paid in lump sum.

(2) A pension fixed at monthly rates shall be payable monthly on or after the first day of the following month.

**152. Application of Treasury Rules**

Save as otherwise provided in these rules, the Treasury Rules of the State Government shall apply in regard to the procedure of payment—

- (i) of gratuity,
  - (ii) of pension,
  - (iii) of pension undrawn for more than a year, and
  - (iv) of pension in respect of a deceased pensioner.
-

**CHAPTER XIV—RE-EMPLOYMENT OF PENSIONERS****153. Re-employment ordinarily not to qualify for second pension**

Unless in any case it be otherwise distinctly provided in this Chapter, a Government servant who has received a pension on retirement shall not, if re-employed in Government service, be permitted to count his new service as qualifying for second pension. If the new service is pensionable, it must be combined for the purpose of calculating pension with the service previously rendered and the whole treated as one service.

**154. Declaration by the re-employed pensioner about amount of pension and gratuity or bonus**

When a person, who was formerly in the civil or military employment of any Government in India, obtains re-employment, whether temporarily or permanently, in Government service or in the service of a Local fund, it shall be incumbent on him to declare to the appointing authority the amount of any gratuity, bonus or pension granted to him in respect of the previous employment. The authority re-appointing him shall specifically state in the order of re-appointment whether any deduction is to be made from pay as required by the rules in this Chapter and shall communicate a copy of the order to the Audit Officer.

*Note.*—The principle of this rule applies in the case of continued employment on retirement from Government service. The amount of the pension to be declared is that sanctioned originally, i. e., it shall be inclusive of any amount that may have been commuted (*Vide* rule 158).

**155. Provisions of this Chapter to be brought to the notice of the re-employed pensioner**

The attention of every person who is re-employed should be specially called to the provisions of this Chapter by the authority re-employing him, and, whenever he becomes 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.

**156. Wound or Injury or Disability Pension awarded under Military rules to be continued**

Notwithstanding anything contained in the rules in this Chapter a Wound or Injury Pension sanctioned under rules 92 to 99 and a Wound or Injury or Disability Pension or an addition to pension on account of disability awarded under the Military rules shall continue to be drawn by a retired Government servant, civil or Military, during re-employment or continued employment, and shall be subject only to the conditions of its award. The amount of such pension or addition to pension shall not be taken into account when fixing the pay during re-employment or continued employment.

*Note.*—Where the military pension is consolidated and service and disability elements are not explicitly differentiated, the total pension may be split up in the following manner :—

The service portion of the pension will be represented by the service pension earned or, if no service pension has been earned, by the proportionate service pension calculated with reference to the minimum ordinary pension admissible for the rank and the actual length of service rendered. In calculating this service element, an amount of 50 paise and over shall be taken as a whole rupee, amounts of less than 50 paise being ignored. The disability portion of the pension will be the balance.

**157. Fixation of pay of re-employed pensioner**

(1) A person, who is in receipt of a Superannuation or Retiring Pension, shall not be re-employed or continue to be employed in service paid from Consolidated Fund of India or of State or from a Local Fund, except on public grounds and in a purely temporary capacity.

(2) The authority who is competent to re-employ a pensioner shall fix the pay on re-employment subject to the following conditions, all of which must be satisfied :—

(a) Pay on re-employment *plus* pension (including pension equivalent of retirement gratuity or gratuity in lieu of pension) should not exceed the substantive pay drawn before retirement, or the officiating pay, if the Government servant was continuously officiating in that post for at least *one year* before retirement. In cases, where the substantive/officiating pay drawn before retirement is less than the minimum of the time-scale of the post in which a pensioner is re-employed, pay on re-employment may be the minimum of the time-scale *minus* pension (including pension equivalent of retirement gratuity or gratuity in lieu of pension).

(b) Pay (i. e., gross pay *minus* pension) on re-employment should not except with the sanction of Government under rule 40 of Maharashtra Civil Services (Pay) Rules, 1981 exceed the minimum of the time-scale of post in which the Government servant is re-employed.

(c) Pay on re-employment *plus* pension (including pension equivalent of retirement gratuity or gratuity in lieu of pension) should not exceed the maximum of the time-scale of the post in which the Government servant is re-employed.

(d) Special pay can be drawn in addition to pay on re-employment provided—

(i) the total of pension and pay on re-employment *plus* special pay is restricted to the substantive pay last drawn or officiating pay, if the Government servant was continuously officiating in that post for at least one year before retirement *plus* special pay last drawn; and

(ii) the special pay is attached to the post in which he is re-employed.

(3) (a) In the case of persons retiring before attaining the age of fifty-five years, the competent authority while fixing the pay under sub-rule (2) above, shall ignore:—

(i) In the case of Civil Pensioners holding Class I post at the time of retirement, first Rs. '[500]' of pension;

(ii) In the case of others, the entire pension.

(b) The pension for the purposes of sub-clause (a), shall include pension equivalent of retirement gratuity or gratuity in lieu of pension.

*Note 1.*—Cases of Government servants who were subject to Contributory Provident Fund should be referred to Government for fixing the initial pay on re-employment.

*Note 2.*—Once the pay on re-employment is fixed, the Government servant shall be entitled to receive the benefits of increments even though the total of pension including pension equivalent of retirement gratuity or gratuity in lieu of pension and pay exceeds the substantive pay drawn before retirement, or officiating pay if the Government servant was continuously officiating in that post for at least one year before retirement, but it should not exceed the maximum of the time-scale of the post in which he is re-employed.

<sup>1</sup> Substituted by Notification No. RES-1086/CR-52/SER-7, dated 21-11-1986.

*Note 3.*—When a Government servant is re-employed and his pension is shared between Maharashtra Government and another Government or Local Body, his pension should not be held in abeyance but should be drawn as separate entity.

*Note 4.*—Where, on re-employment, pension is not held in abeyance, increments accruing after re-employment should be based on the consolidated pay, i. e., pay on re-employment plus pension (including pension equivalent of retirement gratuity or gratuity in lieu of pension).

*Note 5.*—If the pay-scale of the post in which the Government servant is re-employed is revised and the Government servant's pension has not been held in abeyance, his existing pay for the purpose of rule 15 of Maharashtra Civil Services (Pay) Rules, 1981 should be taken to be his consolidated pay i.e., pay on re-employment plus pension (including pension equivalent of the retirement gratuity or gratuity in lieu of pension).

*Note 6.*—The upper limit, viz, substantive/officiating pay at the time of retirement minus pension laid down in sub-rule (2)(a) above is also applicable to re-employment in a part-time post whether carrying a time-scale or an honorarium.

### **158. Gross amount of pension to be taken into account while fixing pay**

(1) In the case of a pensioner who is re-employed in Government service or in the service of a Local Fund and who commuted a portion of his pension after such employment, the amount of pension which the pensioner is entitled to draw under the rules in this Chapter shall be the amount to which he would have been entitled had there been no commutation, less the amount commuted.

(2) In the 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 uncommuted pension.

(3) In the case of a re-employed pensioner whose pension is held wholly in abeyance during such 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 the commutation becomes absolute, by an amount representing the difference between the portion of pension commuted and the portion of pension drawn until the commutation.



**159. Application of rule 39 to re-employed pensioner**

Rule 39 is applicable only when the Government service previous to re-employment has been under the Government of Maharashtra.

**160. Fixation of pay of re-employed pensioner drawing pension from another Government or Zilla Parishad**

Except as provided in rules 161 & 162, when a person who is drawing his pension from another Government or from a Zilla Parishad is re-employed in the service of the Government of Maharashtra, the authority competent to fix the pay and allowances of the appointment in which the pensioner is re-employed, shall take the amount of pension into account in fixing the pay to be allowed to him and shall fix the initial pay in such a manner that the sum total of the initial pay plus pension does not exceed his substantive pay at the time of his retirement.

*Instruction.*—See clauses (a) to (d) below sub-rule (2) of rule 157.

**161. Non-application of rules to Military Warrant or non-Commissioned pensioners on re-employment under Civil Service**

Except where it is otherwise expressly provided, the rules in this Chapter do not apply to Military Officer, Warrant or Non-commissioned Officer or Soldier who is taken into or allowed to continue in civil employ after he has been granted a pension under Military Rules. His pension for service in the Civil Department will not be affected by his Military pension.

**162. Fixation of pay of Military pensioner on re-employment in Civil Department**

Where a pensioner formerly in Military service, obtains employment in Civil Department after having been granted a Military pension, and continues to draw his Military pension, the authority competent to fix the pay and allowances of the post in which he is re-employed shall, in fixing his pay and allowances in the post reduce his initial pay in the post by the amount of pension, including such portion of it as may have been commuted and fix the pay as under :—

(a)(i) *In the case of Commissioned Officers.*—Pay on re-employment plus full military pension (including pension equivalent of retirement gratuity or gratuity in lieu of pension, if any) should not exceed the pay drawn before retirement (i. e. basic pay other than allowances of any kind):

Provided that where the pay so fixed is not a stage in the time scale, it should be fixed at the stage next below that pay *plus* personal pay equal to the difference, and, in either case he will continue to draw that pay until such time as he would have earned an increment in the time-scale of the new post :

Provided further that where the pay so fixed is less than the minimum of the scale, it may be fixed at the minimum.

(ii) In the case of persons retiring before attaining the age of fifty-five years, the amount of pension as shown below shall be ignored in fixing their pay on re-employment :—

(A) In the case of Commissioned Officers, the first '[Rs. 500] of pension ;

(B) In the case of personnel below Commissioned Officer's rank, the entire pension.

*Note.*—The pension for the purpose of (a) (ii) above shall include pension equivalent of retirement gratuity or gratuity in lieu of pension, if any.

(b) *In the case of Junior Commissioned Officers and below.*—Pay on re-employment shall be fixed at a stage in the time-scale which is equal to the last pay drawn (i. e. basic pay other than allowances of any kind) ignoring the pensionary benefits.

(c) Once the pay is fixed, he shall be allowed to draw normal increments in the time-scale of the new post.

*Note.*—For the purpose of this rule—

(a) Commissioned Officers shall include—

1. Field Marshal,
2. General,
3. Lt.-General,
4. Maj.-General,
5. Brigadier,
6. Colonel,
7. Lt.-Colonel,
8. Major,
9. Captain,
10. Lieutenant,
11. Second Lieutenant.

---

<sup>1</sup> Substituted by Notification No. RES-1086/CR-52/SER-7, dated 21-11-1986.

(b) Junior Commissioned officers and below, shall include—

1. Subedar Major and Risaldar Major,
2. Subedar and Risaldar,
3. Naib Subedar,
4. Havildars,
5. Dafadars,
6. Naiks,
7. Lance Naiks,
8. Sepoy.

### 163. Commercial employment after retirement

(1) If a pensioner who, immediately before his retirement was a member of, or held in an officiating capacity, a post belonging to a State Service, Class I, <sup>1</sup>[Maharashtra Civil Services (Executive Branch), Upper Division,] or Maharashtra Sales Tax Service, Superintendents of Police, Deputy Commissioners of Police, Deputy Superintendents of Police, Assistant Commissioners of Police and all other pensioners who occupied posts carrying a maximum pay of Rs. <sup>1</sup>[4,000] per month, wishes to accept any commercial employment before the expiry of *two years* from the date of his retirement, he shall obtain the previous sanction of the Government to such acceptance <sup>1</sup>[by submitting an application in Form 23.]

Provided that a Government servant who was permitted by the Government 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.

(2) Subject to the provisions of sub-rule (3), the Government may, by order in writing, <sup>1</sup>[on the application made under sub-rule (1)] grant permission, subject to such conditions, if any, as it may deem necessary, or refuse permission for reasons to be recorded in the order, to such pensioner to take up the commercial employment specified in the application.

(3) In granting or refusing permission under sub-rule (2) to a pensioner for taking up any commercial employment, the Government shall have regard to the following factors, namely:—

- (a) the nature of the employment proposed to be taken up and the antecedents of the employer;

<sup>1</sup> Substituted by Notification No. PEN-1088/1167/SER-4, dated 5-5-1990.

(b) whether his duties in the employment which he proposed to take up might be such as to bring him into conflict with Government ;

(c) whether the pensioner while in service had any such dealing with the employer under whom he proposes to seek employment as might afford a reasonable basis for the suspicion that such pensioner had shown favour to such employer ;

(d) whether the duties of the commercial employment proposed involve liaison or contact work with Government departments ;

(e) whether his commercial duties will be such that his previous official position or knowledge or experience under Government could be used to give the proposed employer an unfair advantage ;

(f) the emoluments offered by the proposed employer ; and

(g) any other relevant factors.

(4) Where within a period of *sixty days* of the date of receipt of an application under <sup>1</sup>[sub-rule (1)] the Government does not refuse to grant the permission applied for or does not communicate the refusal to the applicant, the Government shall be deemed to have granted the permission applied for :

<sup>2</sup>[Provided that, in any case where defective or insufficient information is furnished by the applicant and it becomes necessary for Government to seek further clarifications or information from him, the period of *sixty days* shall be counted from the date on which the defects have been removed or complete information has been furnished by the applicant.]

(5) Where the Government grants the permission applied for subject to any conditions or refuses such permission, the applicant may, within *thirty days* of the receipt of the order of the Government to that effect, make a representation against any such condition or refusal and the Government may make such orders thereon as it deems fit :

Provided that no order other than an order cancelling such condition or granting such permission without any conditions shall be made under this sub-rule without giving the pensioner making the representation an opportunity to show cause against the order proposed to be made.

<sup>1</sup> Substituted by Notification No. PEN-1088/1167/SER-4, dated 5-5-1990.

<sup>2</sup> Inserted by Notification No. PEN-1088/1167/SER-4, dated 5-5-1990.

(6) If any pensioner takes up any commercial employment at any time before the expiry of *two years* from the date of his retirement without the prior permission of the Government or commits a breach of any condition subject to which permission to take up any commercial employment has been granted to him under this rule, it shall be competent for the Government to declare by order in writing and for reasons to be recorded therein that he shall not be entitled to the whole or such part of the pension and for such period as may be specified in the order :

Provided that no such order shall be made without giving the pensioner concerned an opportunity of showing cause against such declaration :

Provided further that in making any order under this sub-rule, the Government shall have regard to the following factors, namely :—

- (i) the financial position of the pensioner concerned ;
- (ii) the nature of, and the emoluments from, the commercial employment taken up by the pensioner concerned ; and
- (iii) any other relevant factors.

(7) Every order passed by the Government under this rule shall be communicated to the pensioner concerned.

(8) In this rule,—

(a) the expression “ commercial employment ” means—

(i) an employment in any capacity including that of an agent, under a company, co-operative society, firm, or individual engaged in trading, commercial, industrial, financial or professional business and includes also a directorship of such company and partnership of such firm, but does not include employment under a body corporate, wholly or substantially owned or controlled by the Government ;

(ii) setting up practice, either independently or as a partner of a firm, as adviser or consultant in matters in respect of which the pensioner—

(A) has no professional qualifications and the matters in respect of which the practice is to be set up or is carried on are relatable to his official knowledge or experience ; or



(B) has professional qualifications but the matters in respect of which such practice is to be set up are such as are likely to give his clients an unfair advantage by reason of his previous official position ; or

(iii) to undertake work involving liaison or contact with the offices or officers of the Government.

*Explanation.*—For the purposes of this clause “employment under a co-operative society” includes 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.

(b) the expression “date of retirement”, in relation to a Government servant re-employed after retirement, without any break, either in the same or in another Class I post under the Government or in any other equivalent post under a State Government, means the date on which such Government servant finally ceases to be so re-employed in Government service.

#### **164. Employment after retirement under a Government outside India**

(1) If a pensioner to whom this rule applies wishes to accept any employment under any Government outside India, he shall obtain the previous permission of Government for such acceptance, and no pension shall be payable to a pensioner who accepts such an employment without proper permission in respect of any period for which he is so employed or such longer period as the Government may direct :

Provided that a Government servant who was permitted by the appropriate authority to take up a particular form of employment under any 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.

(2) This rule applies to every pensioner who immediately before retirement was a member of, or held in an officiating capacity a post belonging to, a State Service Class I, Maharashtra Civil Service (Executive Branch), Upper Division or Maharashtra Sales Tax Service and to all other pensioners, who occupied posts carrying a maximum pay exceeding <sup>1</sup>[Rs. 4,000 per month].

<sup>1</sup> Substituted by Notification No. PEN-1785/1167/SER-4, dated 5-5-1990

*Explanation.*—For the purposes of this rule, the expression “employment under any 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, or an employment under an International Organisation of which the Government of India is not a member.

---

## CHAPTER XV—REPEAL AND SAVING

## 165. Repeal and saving

(1) On the commencement of these rules, every rule, regulation or order including Government Resolutions (hereinafter referred to in this rule as the old rule) in force immediately before such commencement shall, in so far as it provides for any of the matters contained in these rules, cease to operate.

(2) Notwithstanding such ceasing of operation—

(a)(i) every nomination for the payment of death-*cum*-retirement gratuity, or of Family Pension, 1950 ; and

(ii) every form regarding the details of family of a Government servant for the purpose of Family Pension, 1964 ;

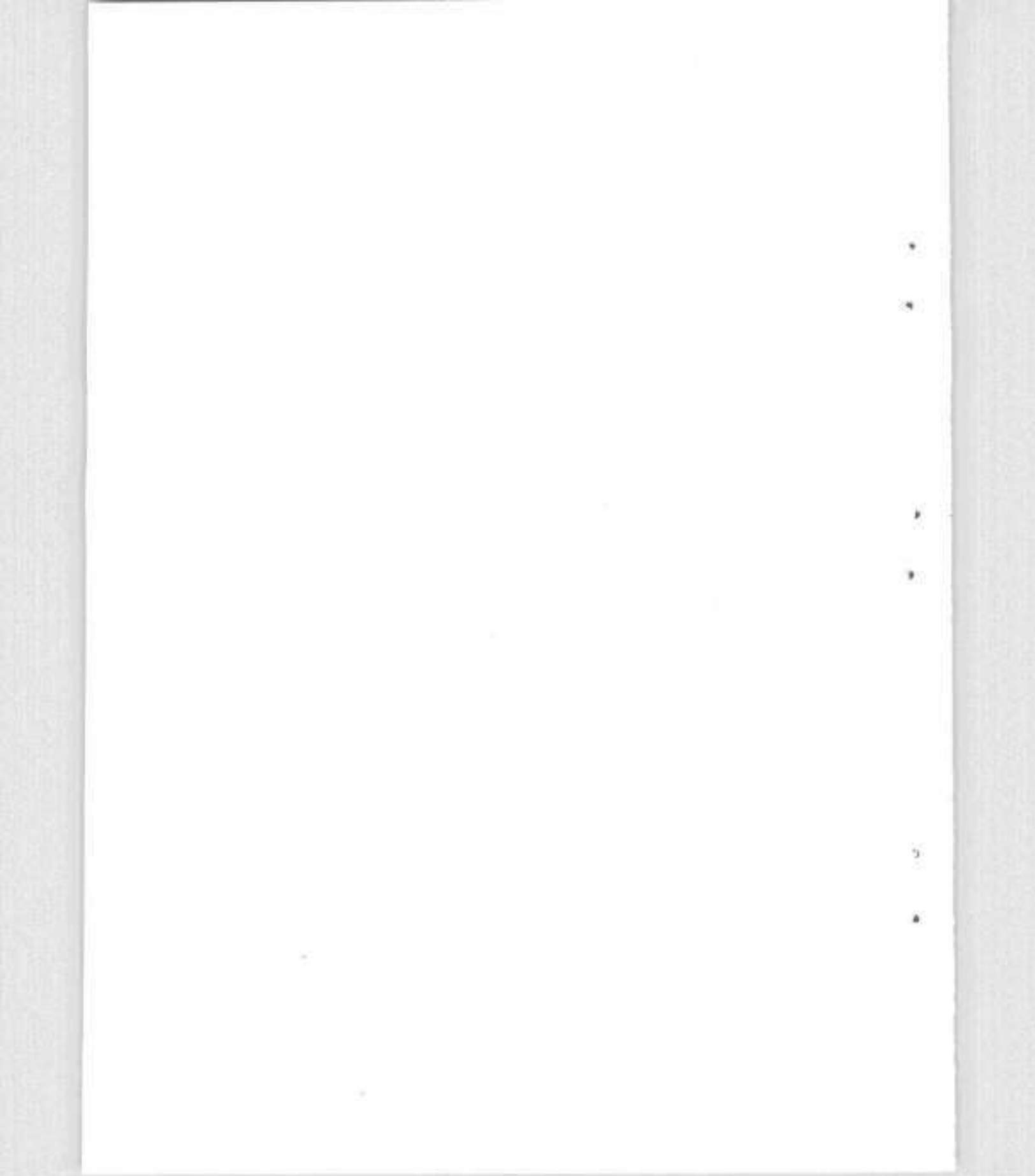
which a Government servant had made or given under the old rule shall be deemed to have been made or given under the corresponding provisions of these rules ;

(b) any nomination for the payment of death-*cum*-retirement gratuity or of Family Pension, 1950 any form regarding the details of family of a Government servant for the purpose of Family Pension, 1964 required to be made or given by a Government servant under the old rule but not made or given before the commencement of these rules shall be made or given after such commencement in accordance with the provisions of these rules ;

(c) any case which pertains to the authorisation of pension to a Government servant who had retired before the commencement of these rules and is pending before such commencement shall be disposed of in accordance with the provisions of the old rule as if these rules had not been made ;

(d) any case which pertains to the authorisation of death-*cum*-retirement gratuity and Family Pension to the family of a deceased Government servant or of a deceased pensioner and is pending before the commencement of these rules shall be disposed of in accordance with the provisions of the old rule as if these rules had not been made ;

(e) Subject to the provisions of clauses (c) and (d), anything done or any action taken under the old rule shall be deemed to have been done or taken under the corresponding provisions of these rules.



---

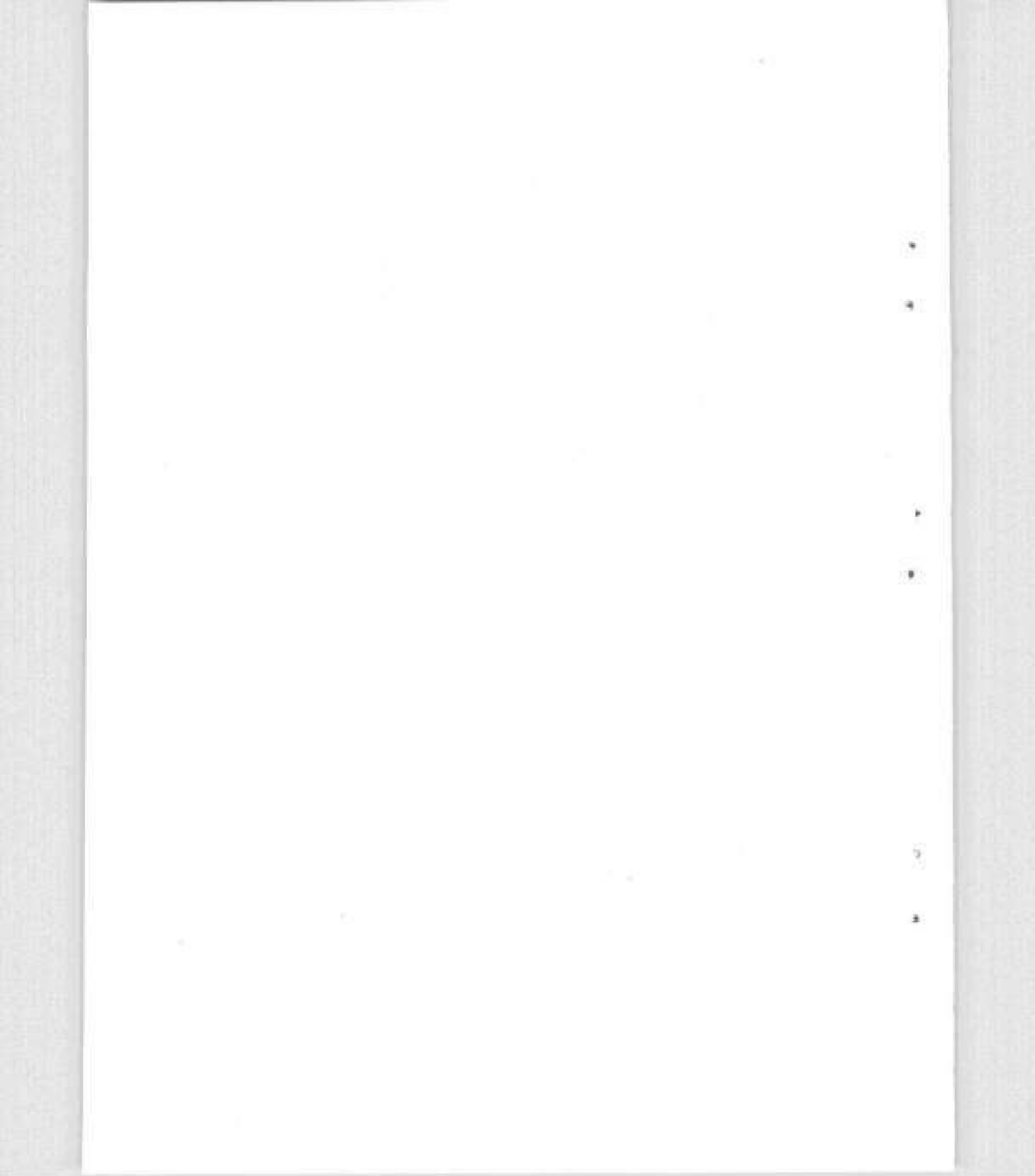
---

APPENDICES

---

---





## APPENDIX I

(See rule 7)

**AUTHORITIES TO WHOM POWERS UNDER MAHARASHTRA CIVIL SERVICES  
(PENSION) RULES, 1982 HAVE BEEN DELEGATED BY GOVERNMENT**

Serial No.	No. of Rule	Nature of power	Authority to whom the power is delegated	Scope	Remarks
1	2	3	4	5	6
[1]	163	Power to grant permission for acceptance of commercial employment after retirement.	Administrative Department of Mantralaya in consultation with General Administration Department and Finance Department.	Full powers	Subject to the fulfilment of criteria laid down in the rule 163 (3).

\* Amended by Notification No. PEN-1088/116/NER-4, dated 5.5.1990.

## APPENDIX II

(See exception to rule 30)

## GRANT OF TERMINAL BENEFITS TO TEMPORARY EMPLOYEES

1. These rules may be called the Terminal Benefits Rules.

2. *Terminal Gratuity*.—A temporary employee [excluding an employee referred to in the second proviso to rule 30] who retires on superannuation, or is discharged on account of retrenchment, or is declared invalid for further service, will be eligible for a gratuity at the rate of 1/3rd of month's pay for each completed year of service, provided he had completed not less than 5 years continuous service at the time of retirement/discharge/invalidation.

3. *Death Gratuity*.—The family of a temporary Government servant who dies while in service, will be eligible for a death gratuity on the scale and subject to the conditions specified below :—

- (a) On death after completion of one year's service but before completion of three years service a gratuity equal to one month's pay.
- (b) On death after completion of three years' service but before completion of five year's service a gratuity equal to two months' pay.
- (c) On death after completion of five years' service or more a gratuity equal to three months' pay or the amount of the terminal gratuity mentioned in rule 2 above, if it is greater.

*Note 1.*—"Pay" for the purpose of determining the amount of terminal death gratuity will mean only pay as defined in rule 9 (36) and also dearness pay admissible under rule 61 at the time of relinquishing service or death as the case may be. It will not include special pay, personal pay and other emoluments classed as "Pay". In case the person concerned was on leave with or without allowance immediately before retirement/discharge/invalidation/death, pay for this purpose will be the pay which he drew before proceeding on such leave provided that the benefit of increase in pay not actually drawn due to increment or promotion to a post carrying a higher rate of pay, falling during leave not exceeding 180 days of leave will be taken into account.

*Note 2.*—The gratuity shall be paid to the members of the family in the order of preference in sub-rule (5) below rule 111 in Chapter IX.

<sup>1</sup> Inserted w. e. L 1-1-1986 by Notification No. PEN-1088/1167/SER-4, dated 5-5-1990.

## 4. No gratuity will be admissible—

- (a) in cases where the employee concerned resigns his post or is removed/dismissed from public service ;
- (b) to a probationer or other Government servant discharged for failure to pass the prescribed test or examination ;
- (c) to re-employed pensioners—
  - (i) who retired from Civil Services on Retiring or Superannuation Pension, or
  - (ii) who retired from the Defence Services with Retiring/Service/Invalid Pension and had reached on the date of re-employment, superannuation age as applicable on the civil side to the category of posts to which the re-employment is made.

*Note 1.*—The gratuity admissible to re-employed pensioners who are not covered by clause (c) above will, however, be subject to the limitation prescribed in sub-rule (3) of rule 39 of the Maharashtra Civil Services (Pension) Rules, 1982.

*Note 2.*—Re-employed pensioners who are permitted to contribute to the Contributory Provident Fund in terms of Government Resolution, General Administration Department, No. PFR-1060-J, dated 20th April 1961, should not be held eligible for any gratuity.

5. Where the amount of Government contribution together with the interest thereon standing to the credit of employees who have been admitted to Contributory Provident Fund or Workmen's Contributory Provident Fund is less than the amount which would have been admissible to them or their families, had they not been admitted to the aforesaid fund, then in such cases, the difference between the gratuity that would have been admissible under these rules had the employees in question not been admitted to the said Funds, and the Government contribution with interest thereon, standing to their credit in the funds mentioned above may be allowed.

## 6. These rules are not applicable to—

- (a) Government servants, not in whole time employment,
- (b) Government servants engaged on contract,
- (c) Government servants paid out of contingencies,
- (d) persons employed in work-charged establishment.

## APPENDIX III

(See rule 103)

RULES REGULATING THE GRANT OF GRATUITIES  
FROM THE COMPASSIONATE FUND

## SECTION A

1. (a) The Compassionate Fund is intended for the relief of families of Government servants paid monthly from Consolidated Fund of the State, whether their rates of pay are fixed on a daily or a monthly basis, if they are left in indigent circumstances through the premature death of the person upon whom they depended for support :

Provided that no application will be considered which is not submitted to the department of Government concerned within one year of the death of the Government servant, unless the delay in submission is sufficiently explained. (It is most desirable that application should be submitted as promptly as possible after the death of a Government servant.)

(b) The fund is formed by an annual grant which will be fixed by the Government from year to year. The amount will be divided into six bi-monthly instalments. The unexpended balance of each bi-monthly instalment will be carried forward for utilisation during the remaining period of the same financial year but not in the subsequent year.

*Exception.*—Awards from the fund are not admissible to those who are eligible for the benefits of Pension.

*Note.*—In forwarding an application for assistance from the Compassionate Fund, the Head of the Department should submit an independent report on the financial condition of the applicant from the Collector, District Magistrate or Tahsildar of the place where the applicant resides.

2. In all cases of applications for assistance from the Compassionate Fund, the treasury at which payment is desired, in the event of assistance being granted, should be specified and the following particulars in respect of the person to whom the gratuity is to be paid should be furnished :—

- (i) Full name,
- (ii) Marks of identification,
- (iii) Height,
- (iv) Race, Section,
- (v) Residence showing village and taluka,
- (vi) Date of birth

(vii) Signature or left-hand thumb and finger impressions :—  
 Small finger   Ring finger   Middlefinger   Index finger   Thumb  
 (            )   (            )   (            )   (            )   (            )

The above particulars should be submitted in duplicate (on separate sheet) and attested by two or more persons of respectability in the town, village or taluka in which the applicant resides.

*Note.*—Where the applicant is a minor, information on the above lines should also be furnished in respect of his/her guardian (appointed by a competent authority).

The conditions which regulate a grant from the fund are :—

- (1) Grants from the Fund are restricted to cases of an exceptional character.
- (2) The deceased Government servant must have been a meritorious public servant. Unusually meritorious service gives special claim for consideration.
- (3) Death due to special devotion to duty establishes strong claim for consideration.
- (4) In more ordinary cases preference should be given to the dependents of Government servants who have completed many years' service and have just failed to draw their pension.
- (5) Other things being equal, preference should be given to those who have been on low rates of pay.
- (6) As a general rule, a grant should not be given if the salary of the deceased Government servant exceeds Rs. 900 a month.
- (7) Assistance should seldom be given to families of Gazetted Government servants.
- (8) No application for gratuity from dependents of Class IV Government servants who drew monthly pay of Rs. 196 and above and did not subscribe to the Provident Fund will be entertained.

3. The rules for sanctioning grants are :

(1) No pension is granted from the Fund but in some cases yearly grants are made for a limited period to defray the expenses of the education of children.

(2) The maximum gratuity payable in any individual case is Rs. 5,000. The precise amount in all cases is fixed according to the number of members in the family and the necessities of the case, the equivalent of a year's pay of the deceased being considered as a suitable maximum in cases in which the circumstances are such as to require liberal treatment, but in most ordinary cases six months' pay is regarded as sufficient.



4. (1) The fund will be administered by a Committee consisting of the Chief Minister, the Finance Minister, and one of the other Ministers, appointed by the Chief Minister, and in case where the Chief Minister is also the Finance Minister, he and two of the other Ministers appointed by him. On receipt of an application in the Finance Department, the facts will be summarised and put up before the Compassionate Fund Committee without comment in six batches every year viz., in April, June, August, October, December and February. The Committee's decision will be communicated by the Finance Department direct to the authority submitting the application, the Department concerned and the Audit officer.

(2) Should the allotment available for a bi-monthly batch be insufficient to meet cases which the Committee specifies as hard cases they will be eligible for being carried forward to the next batch but not on more than two occasions.

(3) Decision of the Committee on all matters relating to the fund or payment therefrom will be final.

(4) All awards from the Fund will be purely *ex-gratia*.

#### **Formula adopted by Compassionate Fund Committee**

The working formula which is adopted for the purpose of recommending to the Committee, figures of gratuity to be paid from Compassionate Fund is as follows:—

Gratuity equivalent to one month's pay for every completed year of service for the first six years of service and thereafter half month's pay for every completed year of service subject to a minimum of 2 months' pay and maximum of 12 months' pay. Amounts according to this formula calculated are reduced if necessary on *pro-rata* basis to fit in with the amount available for distribution.

#### **SECTION B**

##### **Form of particulars required to be furnished in each case of recommendation for the grant of gratuities from the Compassionate Fund**

Each of the following questions should be answered carefully. Any omission or lack of clearness will cause further correspondence and consequent delay in the submission of cases to the Compassionate Fund Committee:—

- (1) Name and designation of the deceased Government servant.
- (2) (a) Date of death.
- (b) Date of application made by a member of the family of the deceased Government servant.

- (c) In case the application was not submitted to the Department of the Mantralaya concerned within one year of the death of the deceased Government servant, what are the reasons for the delay ?
- (3) Pay at the time of death.
- (4) Remarks of superior officer on deceased Government servant's work.
- (5) Circumstances under which death occurred indicating whether it was due to or accelerated by special devotion to duty and if it was due to plague, cholera or small-pox whether the deceased Government servant was inoculated or vaccinated against it by way of preventive treatment and if so, when ?
- (6) Total service, whether pensionable, non-pensionable or work-charged ?
- (7) Whether the deceased Government servant was a subscriber to the Contributory Provident Fund ?
- (8) Whether the deceased Government servant was a subscriber to the General Provident Fund ? If so, the amount of his deposits in the Fund should be stated.
- (9) Whether the deceased Government servant was insured ? If so, the amount for which he was insured should be stated.
- (10) Whether the deceased Government servant has left any moveable or immoveable property ? If so, state its value and the annual income derived from it.
- (11) The following information regarding the dependents of the deceased Government servant :—

Sr. No.	Name	Relationship	Age	Occupation
1	2	3	4	5

- (12) Whether there are any relatives who are in a position to give help ?
- (13) What are the dependents means of subsistence, apart from the property left by the deceased ?
- (14) On what ground is the case considered to be of an exceptional character ?
- (15) Amount of gratuity proposed.
- (16) General.

## SECTION C

To ensure submission of application for compassionate gratuity to the Compassionate Fund Committee within six months from the date of the receipt thereof the following instructions should be strictly observed

(i) *For guidance of Heads of Office.*—As soon as an application for compassionate gratuity is received from a member of the family of a deceased Government servant who is not eligible for the benefits of Pension Rules contained in Maharashtra Civil Services (Pension) Rules, 1982, the Head of Office should forward a copy thereof to the Head of Department and also to the Department of Mantralaya concerned. The Head of Office should simultaneously obtain from the applicant—

- (a) full particulars as required under Section B of this Appendix ;
- (b) the descriptive roll of the applicant as in rule 2 in Section A of this Appendix ; and
- (c) the information regarding the treasury at which payment is desired.

On receipt of these particulars from the applicant, the Head of Office should send a copy of the form of particulars, duly filled in, direct to the Tahsildar of the taluka in which the applicant resides for verification and submission of a report regarding the financial conditions of the applicant within a fortnight. If the Head of Office experiences any difficulty in obtaining the requisite particulars from the applicant, he should ask the Tahsildar concerned to obtain them and forward the same to him along with the report regarding the financial position of the applicant. Special care should be taken to see that the case is not prepared in a perfunctory manner as any omission in the required particulars will result in correspondence and consequential delay in submission of the case to the Compassionate Fund Committee. The entire enquiry should be completed expeditiously and both the particulars and the documents required by Government should be forwarded to the Head of the Department concerned with the least possible delay, and in any case not later than *three months* from the date of the application. If a Head of Office feels that the case cannot be forwarded by him within the stipulated period, he should report the circumstances in which it will not be possible to adhere to the time-limit to the Department of Mantralaya concerned through the Head of Department and ask for extension of time for a specified period. The Department of Mantralaya should then submit the report to its Secretary for extension of time-limit.

(ii) *For guidance of Heads of Department.*—The main function of Head of Department so far as the disposal of compassionate gratuity cases is concerned, is to ensure that complete particulars and documents as required under the rules are received by him from the Head of Office within the stipulated period of *three months* from the date of application. As soon as the original application (together with the required particulars and documents) is received in his office, the Head of Department should forward the same to the Finance Department through the Department of Mantralaya concerned along with his recommendation. In no case should he take for this purpose more than *one month* from the date of receipt of the original application.

(iii) *For guidance of Department of Mantralaya.*—It is the responsibility of the Department of Mantralaya concerned to see that the respective time-limits prescribed for the Head of Office and the Head of Department are scrupulously observed. Once an advance copy of application from the Head of Office is received, the Administrative Department concerned should watch the progress of the case with a view to ensuring its submission in time. In forwarding the original application to the Finance Department, the Department of Mantralaya should specify whether it supports the recommendation of the Head of Department. The time-limit allowed for the Department of Mantralaya is *one month* from the date of receipt of the original application from the Head of Department.

---

## APPENDIX IV

[See rules 22, 62 (8), 99 and 117 (9)]

### EXTRAORDINARY FAMILY PENSION

**1. Enquiry by Head of Department as to the circumstances in which Government servant died.**

(1) When an application for family pension under sub-rule (2) below is received, the Head of the Department or office in which the deceased Government servant was employed shall hold a formal inquiry, taking evidence as to the circumstances in which the Government servant died, and the relationship and the pecuniary circumstances of the claimants, and also at his discretion require a medical report if it has not been submitted with the application.

(2) He shall then submit the application in **Form 27** through his official superior to the authority competent to sanction it together with a statement of circumstances of the case and his own recommendation.

(3) The authority competent to sanction pension shall, if it considers that a pension should be granted, forward the application to the Audit Officer.

**2. Conditions under which Extraordinary Family Pension is granted.**

Government may sanction the grant of a Family Pension to the family of a Government servant who is killed or who dies of injuries received or disease contracted in the circumstances described in rules 89 and 90 if the deceased Government servant had not opted for the Family Pension, 1964.

**3. Conditions governing the grant of Family Pension under Army Regulations, India.**

When the amount of a family pension granted under these rules is regulated by the rates laid down in Army Regulations, India, the following conditions shall be observed :—

(a) The conditions of the grant shall be regulated by Army Regulations, except in so far as Government may in any case modify those conditions in order to adopt them to meet the laws or customs applicable to the families concerned.

(b) The Family Pension of a widow shall cease on remarriage but when such remarriage is annulled by divorce, desertion or death of the second husband, her pension may be restored at the discretion of Government upon proof that she is in necessitous circumstances and otherwise deserving.



#### 4. Fixation of amount of Family Pension and eligibility therefor

(1) If a Family Pension is granted under rule 2 above to the family of a Government servant who is killed or dies of a wound or injury received while serving in a civil capacity with a military force, its amount shall be one-half of his pay subject to a maximum of Rs. 250 per mensem and a minimum of Rs. 60 per mensem :

Provided that if a Government servant was drawing a pay of Rs. 500 per mensem or more, Government may sanction to him a pension, exceeding the maximum limit mentioned above, but limited to  $\frac{1}{2}$  of pay last drawn or Rs. 300 whichever is less.

(2) For the purpose of awarding a Family Pension under this rule, the term "family" includes only wife, legitimate child, and father or mother, dependent upon the deceased for support.

(3) The pension is allotted—

- (i) to the eldest surviving son for the support of the family ;
- (ii) failing a son, to the eldest widow for the same purpose ;
- (iii) failing both sons and widows, to the eldest surviving unmarried daughter, for the same purpose ;
- (iv) these failing, to the father for the same purpose ;
- (v) failing (i) to (iv) to the mother for the same purpose.

(4) The pension to a male is tenable as follows :—

- (i) if the pensioner is under six years of age, till he is eighteen years old ;
- (ii) if not under six, but under fifty years, for twelve years ;
- (iii) if over fifty years, for life.

(5) The pension to a female is for life or in the case of an unmarried daughter until marriage, but on her suitable marriage, Government may at their discretion grant her for marriage expenses an amount not exceeding five years' pension provided that the pension is not regranted to any other member of the family under sub-rule (2) above.

*Note.*—A pension granted to a female infant shall, in the absence of special orders to the contrary, last until she leaves her own family to cohabit with her husband, or being married, attains the age of 18 years, whichever event happens first.

(6) In awarding a Family Pension under this rule, Government may make such modifications in the mode of allotment or conditions of tenure set forth in sub-rules (3) to (5) as Government may consider desirable, with a view to adopting these to the legal or customary conditions applicable in the case of the family to be benefited, or to



providing against the improper application of the pension or its premature cessation. Government may also award the pension to a dependent who does not strictly fall within the definition of 'Family'. The awards granted to dependents, other than widows and children of deceased Government servants, are subject to review, should there be an improvement in the pecuniary circumstances of the beneficiaries.

*Instruction.*—The duty of watching the improvement in the pecuniary circumstances of family pensioners, other than widows and children of deceased Government servants, should be entrusted to the Collectors in the case of pensioners residing in their districts. Standard Form No. Genl. 216 is prescribed for the purpose. The Collectors should obtain copies of the form from the Manager, Yeravada Prison Press, Pune and supply them to the family pensioners residing in their charges in the month of March every year. After they are filled in by the pensioners the officers should forward them with their remarks not later than 30th September to the Department of the Mantralaya under whose control the deceased Government servants were last employed. On receipt of these reports the Department will consider in consultation with the Finance Department whether the pensions should be continued at the sanctioned rates, reduced or entirely stopped. No orders of Government will be issued unless the family pensions are reduced or entirely stopped and until such orders are issued, the Treasury Officers should continue to pay such pensions at the sanctioned rates.

(7) On the cessation of the pension through death, marriage or other cause, Government may, at their discretion, regrant it in whole or in part to members of the family lower down in the scale prescribed in sub-rule (3) who may have been dependent on it for support, and for such period as they may consider desirable, not exceeding that admissible under sub-rule (4) or (5) for an original grant.

#### **5. Family pension granted in cases falling under rule 2 above**

If a family pension is granted under rule 2 to the family of a Government servant who is killed or dies of wounds or injuries received while serving in a military capacity with a military force, its amount shall be regulated either by the provisions of Articles 740-743 of the Civil Services Regulations or by the Military Regulations governing the Government servant's employment with the military force, according as the Government servant may have elected. If the Government servant has made no election, the amount of the pension shall be regulated by whichever of these methods is more favourable to the family.

#### **6. Amount of Family Pension shall be as prescribed under rule 4**

If a family pension is granted under rule 2 above, the family of a Government servant who has lost his life in the performance of a duty which increased his liability to injury beyond the ordinary risk of the post which he held, its amount shall be regulated as prescribed in rule 4.

**7. Fixation of amount of Extraordinary Family Pension by Government on consideration of all circumstances of case**

If a family pension is granted under rule 2 above, the family of a Government servant who is killed in, or in consequence of the due performance of his official duties or because of his official position, its amount shall be fixed by Government on a consideration of all circumstances of the case :

Provided that it shall not exceed the maximum amount admissible under rule 4 above or a gratuity equivalent to such maximum pension.

**8. Minimum amount of Extraordinary Family Pension**

If a family pension is granted under rule 2 above to the family of a Government servant who dies from the effect of injury to his health sustained in the execution of his official duties, its amount shall be fixed by Government subject to a maximum limit of Rs. 60 a month, or, if it be gratuity, of the equivalent of Rs. 60 a month or Rs. 2,000 whichever is greater :

Provided that if a Government servant was drawing a pay of Rs. 250 per mensem or more, Government may sanction to him a pension or gratuity, exceeding the maximum limits mentioned above, but limited to  $\frac{1}{2}$  of pay last drawn or Rs. 300 whichever is less.

**9. Amount of Extraordinary Family Pension when a Government servant dies in the circumstances described under rule 97.**

If a family pension is granted under rule 2 above to the family of a Government servant who is killed or who dies of injuries received in the circumstances described in rule 97, its amount shall be fixed by Government as follows :—

(1) The pension to be given to the family (widow and children of a deceased Government servant) should be equal to 50 per cent of substantive pay. Where pay drawn at the time of death is not substantive pay, lowest pay (other than leave salary) drawn during the twelve months immediately before death may be deemed to be 'substantive pay'.

(2) The pension payable under sub-rule (1) above should be distributed between the widow of the deceased and his children at the discretion of Government. In the absence of any special circumstances, each child may be paid an allowance not exceeding 10 per cent or 15 per cent of the deceased's pay, according as there is or there is not a widow subject to the condition that the total of all children's allowances shall not exceed one-half of the pension admissible under sub-rule (1) above.

(3) The pension to the widow should be for life or till she remarries.

The pension to the male child should be until he attains the age of 21 or until the child starts earning, whichever is earlier.

The pension to the female child should be until she marries, or until she starts earning or until she attains the age of 24, whichever is earlier.

(4) Where the deceased leaves behind parents, brothers and sisters, who were wholly dependent on him for support, Government may at its discretion and subject to provisions of sub-rule (6) of rule 4 above allot to them a portion or portions of the pensions payable to widow and children under sub-rules (1), (2) and (3) of this rule. The pensions to the father and mother may be tenable for the period mentioned in sub-rule (4) and (5) respectively of rule 4 above and to brother and sisters for the periods mentioned in sub-rule (3) above.

(5) All such pensions shall be subject to the following minimum and maximum limits :—

	Minimum Rs.	Maximum Rs.
(i) Widow's pension	30	250
(ii) Child's pension (where there is also a widow).	5	50
(iii) Child's pension (where there is no widow).	10	75

Provided that the total pension sanctioned in respect of each person shall not exceed the substantive pay of the Government servant as defined in sub-rule (1) above, or Rs. 500, whichever is less.

*Note.*—Family pension, if granted under rule 2 above to the family of a Government servant who is murdered consequent to the performance of his duty will be fixed under this rule and not under rule 8 even if the murder cannot be proved to have occurred in the circumstances described in rule 97.

## APPENDIX V

## FORMS

## FORM 1

[ See rule 115 (1) ]

**Nomination for [Retirement gratuity/Death gratuity]**

When the Government servant *has a family* and wishes to nominate one member, or more than one member, thereof.

I, ..... hereby nominate the person/persons mentioned below who is/are member(s) of my family, and confer on him/them the right to receive, to the extent specified below, any gratuity that may be sanctioned by the Government of Maharashtra 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 :—

Original nominee (s)				Alternate nominee (s)	
Name (s) and address (es) of nominee/nominees	Relationship with the Government Servant	Age	Amount or share of gratuity payable to each*	Name, address, relationship and age of the person or persons, if any, to whom the right conferred on the nominee shall pass in the event of the nominee predeceasing the Government servant or the nominee dying after the death of the Government servant but before receiving payment of gratuity	Amount or share of gratuity payable to each †
(1)	(2)	(3)	(4)	(5)	(6)

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

† The amount/share of the gratuity shown in this column should cover the whole amount/share payable to the original nominee (s).

<sup>1</sup> Substituted by Notification No. PEN-1088/1167/SER-4, dated 5-5-1990.

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

*Note.*—(i) The Government servant shall draw lines across blank space below the last entry to prevent the insertion of any name after he has signed.  
(ii) Strike out which is not applicable.

Dated this ..... day of ..... 19 ..  
at .....

Witnesses to signature—

1 .....

2 .....

Signature of Government Servant.

(To be filled in by the Head of Office/Audit Officer)

Nomination by .....

Designation .....

Office .....

Signature of Head of Office/  
Audit Officer.

Date .....

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 the .....  
....., cancellation, dated the ..... of  
the nomination made earlier in respect of gratuity in Form .....  
I am to state that it has been duly placed on record.

Signature of Head of Office/  
Audit Officer.

Place .....

Dated the ..... (Designation)

*Note.*—The Government servant is advised that it would be in the interest of his nominees if copies of the nominations and the related notices and acknowledgements are kept in safe custody so that they may come into the possession of the beneficiaries in the event of his death.

## FORM 2

[ See rule 115 (1) ]

Nomination for <sup>1</sup> [Retirement gratuity/Death gratuity]

When the Government servant has *no family* and wishes to nominate one person or more than one person.

I, ..... having no family, hereby nominate the person/persons mentioned below and confer on him/them the right to receive, to the extent specified below, any gratuity that may be authorised by the Government of Maharashtra 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 :—

Original nominee (s)				Alternate nominee (s)	
Name (s) and address (es) of nominee/nominees	Relationship with the Government Servant	Age	Amount or share of gratuity payable to each*	Name, address, relationship and age of the person or persons, if any, to whom the right conferred on the nominee predeceasing the Government servant or the nominee dying after the death of the Government servant but before receiving payment of gratuity	Amount or share of gratuity payable to each †
(1)	(2)	(3)	(4)	(5)	(6)

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

† The amount/share of the gratuity shown in this column should cover the whole amount/share payable to the original nominee (s).

<sup>1</sup> Substituted by Notification No PEN-108/1167/SER-4, dated 5-5-1990.



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

*Note.—(i) The Government servant should draw lines across blank space below the last entry to prevent the insertion of any name after he has signed.*

*(ii) Strike out which is not applicable.*

Dated this ..... day of ..... 19 ..  
at .....

Witnesses to signature—

1 .....  
2 .....

Signature of Government Servant.

**(To be filled in by the Head of Office/Audit Officer)**

Nomination by .....

Designation .....

Office .....

Signature of Head of Office/  
Audit Officer.

Date .....

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 the .....  
...../cancellation, dated the ..... of  
the nomination made earlier in respect of gratuity in Form.....  
I am to state that it has been duly placed on record.

Signature of Head of Office/  
Audit Officer.

Place .....

Dated the .....

(Designation) .....

*Note.—The Government servant is advised that it would be in the interest of his nominees if copies of the nominations and the related notices and acknowledgements are kept in safe custody so that they may come into the possession of the beneficiaries in the event of his death.*

## FORM 3

[See rule 116 (14)]

## Details of Family

Name of the Government servant :—

Designation :—

Date of birth :—

Date of appointment :—

Details of the members of my family\* as on

Serial No.	Name of the members of family*	Date of birth	Relationship with the Government servant	Signature of the Head of Office	Remarks
1	2	3	4	5	6
1					
2					
3					
4					
5					
6					
7					
8					
9					

I hereby undertake to keep the above particulars up-to-date by notifying to the Audit Officer/Head of Office any addition or alteration.

Place : .....

Dated the .....

Signature of Government servant

\*Family for this purpose means family as defined in Clause (b) of sub-rule (16) of rule 116 of Maharashtra Civil Services (Pension) Rules, 1982.

Note.—Wife and husband shall include respectively judicially separated wife and husband.

**FORM 4**

[See rule 117(7)]

**Nomination for Family Pension, 1950**

I, ..... hereby nominate the person(s) mentioned below, who is/are member(s) of my family to receive in the order shown below the Family Pension, 1950 which may be granted by the Government of Maharashtra in the event of my death after completion of ten years qualifying service.

Name(s) and address (es) of nominee(s) (1)	Relationship with the Government servant (2)	Age (3)	Whether married or unmarried (4)

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

Note.—The Government servant should draw lines across blank space below the last entry to prevent the insertion of any name after he has signed.

Dated this ..... day of ..... 19  
at .....

Witnesses to signature—

1. ....
2. ....

Signature of Government servant  
and Designation.

(To be filled in by the Head of Office/Audit Officer).

Nomination by .....

Designation .....

Office .....

Signature of Head of Office/  
Audit Officer.

Dated .....

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 the .....  
.....cancellation, dated the .....  
the nomination made earlier in respect of Family Pension, 1950  
in Form ....., I am to state, that it has been duly placed on record.

Signature of Head of Office/  
Audit Officer.  
Designation.

Place .....

Dated the.....

\_\_\_\_\_

## FORM 5

[See rules 121 (1)(c) and 123(1)]

Particulars to be obtained by the Head of Office from the retiring government servant eight months before the date of his/her retirement

1. Name of the Government servant.
2. (a) Date of birth  
(b) Date of retirement
3. \*Two specimen signatures (to be furnished in a separate sheet) duly attested by a Gazetted Government servant.
4. \*\*Three copies of passport size joint †photograph with wife or husband (To be attested by the Head of Office).
5. Two slips showing the particulars of height and personal ‡ identification marks duly attested by a Gazetted Government servant.
6. Present address.
7. §Address after retirement.
8. Name of the Government Treasury or the Branch of Public Sector Bank through which the pension is to be drawn.

## 9. @ Details of the family in Form 3.

Place .....

Signature

Dated the .....

Designation

Department/Office.

\*Two slips each bearing the left hand thumb and finger impressions duly attested may be furnished by a person who is not literate enough to sign his name. If such a Government servant on account of physical disability is unable to give left hand thumb and finger impressions he may give thumb and finger impressions of the right hand. Where a Government servant has lost both the hands, he may give his toe impressions. Impressions should be duly attested by a Gazetted Government servant.

\*\*Two copies of the passport size photograph of self only need be furnished—

- (i) if the Government servant is governed by rule 116 of Maharashtra Civil Services (Pension) Rules, 1982 and is unmarried or a widower or widow :
- (ii) if the Government servant is governed by rule 117 of Maharashtra Civil Services (Pension) Rules, 1982.

† Where it is not possible for a Government servant to submit a photograph with his wife or her husband, he or she may submit separate photographs. The photographs shall be attested by the Head of Office.

‡ Specify a few conspicuous marks, not less than two, if possible.

§ Any subsequent change of address should be notified to the Head of Office.

@ Applicable only where rule 116 of Maharashtra Civil Services (Pension) Rules, 1982 applies to the Government servant.



**FORM 6**

[See rules 120, 122, 123(1) and (3) and 127(1)]

**Form for assessing pension and gratuity**

*(To be sent in duplicate if payment is desired in another Audit Circle)*

**PART I**

1. Name of the Government servant.
2. Father's name (and also husband's name in the case of a female Government servant).
3. Date of birth (by Christian era).
4. Religion
5. Permanent residential address showing village, town, district and State.
6. Present or last appointment including name of establishment:—
  - (i) Substantive
  - (ii) Officiating, if any
7. Date of beginning of service
8. Date of ending of service
9. (i) Total period of Military service for which pension or gratuity was sanctioned.  
(ii) Amount and nature of any pension/gratuity received for the Military service.

10. Amount and nature of any pension/ gratuity received for previous civil service.
11. Government under which service has been rendered in order of employment. year months days
12. Class of pension applicable
13. The date on which action initiated to:—
  - (i) obtain the 'No demand certificate' from the Executive Engineer concerned as provided in rule 119 of the Maharashtra Civil Services (Pension) Rules, 1982;
  - (ii) assess the service and pay qualifying for pension as provided in rule 121 of the Maharashtra Civil Services (Pension) Rules, 1982;
  - (iii) assess the Government dues other than the dues relating to the allotment of Government accommodation as provided in rule 134 of the Maharashtra Civil Services (Pension) Rules, 1982.
14. Details of omissions, imperfections, or deficiencies in the service book which have been ignored under rule 121 of the Maharashtra Civil Services (Pension) Rules, 1982.
15. Total length of qualifying service (for the purpose of adding towards broken periods, a month is reckoned as thirty days).

16. periods of non-qualifying service :—

From	To	Y.M.D.
------	----	--------

- (i) Interruption in service condoned under rule 48 of the Maharashtra Civil Services (Pension) Rules, 1982.
- (ii) Extraordinary leave specifically sanctioned not to qualify for pension.
- (iii) Period of suspension not treated as qualifying service.
- (iv) any other service not treated as qualifying service.

Total . . . . .

17. Pay reckoned for gratuity.

18. Average pensionable pay .

@ Pay earned during the last ten months of service.

Post held	From	To	Pay	Personal/ special Pay/Dearness Pay/Nonpracticing Allowance	Total 3 + 4	Amount
1	2	3	4	5	6	
			Rs.	Rs.	Rs.	Rs.
					Grand Total	
					Pensionable Pay	

- @ (i) In a case where the last ten months include some period not to be reckoned for calculating average pay, an equal period backward has to be taken for calculating average pay.
- (ii) The calculation of average pay should be based on actual number of days contained in each month.

19. Date on which Form 5 has been obtained from the Government servant ( To be obtained *eight months* before the date of retirement of Government servant).
20. (i) Proposed pension.  
(ii) Proposed relief on pension.
21. Proposed <sup>1</sup>[ retirement gratuity ].
22. Date from which pension is to commence.
23. Proposed amount of provisional pension.  
(If departmental or judicial proceedings is instituted against the Government servant before retirement.)
24. Details of Government dues recoverable out of gratuity and Head of Account to which they are to be credited.
  - (i) Licence fee for the allotment of Government accommodation [See sub-rules (2), (3) and (4) of rule 133 of Maharashtra Civil Services (Pension) Rules, 1982.]
  - (ii) Dues referred to in rule 134 of Maharashtra Civil Services (Pension) Rules, 1982.
25. Whether nomination made for
  - (i) <sup>1</sup> [ Retirement gratuity/Death Gratuity ]
  - (ii) Family Pension, 1950, if applicable.
26. Whether Family Pension, 1964 applies to the Government servant and if so :—
  - (i) Pay reckoning for the family pension.

---

<sup>1</sup>Substituted by Notification No PEN-1088/1167/SER-4, dated 5-5-1990.

(ii) The amount of the family pension becoming payable to the family of the Government servant, if death takes place after retirement,—

(a) before attaining the age of 65 years, or Rs. ....

(b) after attaining the age of 65 years. Rs. ....

(iii) Complete and up-to-date details of the family as given in Form 3 :—

Serial No.	Name of the member of the family	Date of birth	Relationship with the Government servant
1	2	3	4
1			
2			
3			
4			
5			

27. Height

28. Identification marks

29. Place of payment of pension  
(Government Treasury or Branch of Public Sector Bank).

30. Head of Account to which pension and gratuity are debitable.

Signature of the Head of Office.

**PART II****Section I****Audit Enfacement**

1. Total period of qualifying service which has been accepted for the grant of Superannuation or Retiring or Invalid or Compensation or Compassionate Pension and gratuity with reasons for disallowance, if any (other than disallowance indicated in Part I of this Form).
2. Amount of Superannuation or Retiring or Invalid or Compensation or Compassionate Pension or gratuity that has been admitted.
3. The date from which Superannuation or Retiring or Invalid Compensation or Compassionate Pension or gratuity is admissible.
4. Head of Account to which superannuation or Retiring or Invalid or Compensation or Compassionate Pension or gratuity is chargeable.
5. The amount of the Family Pension, 1964 becoming payable to the entitled members of the family in the event of death of the Government servant after retirement.



## Section II

1. Name of the Government servant :
2. Class of pension or gratuity :
3. Amount of pension authorised :
4. Amount of gratuity authorised :
5. Date of commencement of pension :
6. Amount of family pension in the event of death after retirement :—
  - (i) if death takes place before 65 years of age; or
  - (ii) if death takes place after 65 years of age.
7. The amount of relief admissible on pension.
8. The Government dues recoverable out of gratuity before authorising its payment.
9. The amount of gratuity held over for adjustment of unassessed Government dues.
10. Date on which the pension papers received by the Audit Officer.

**[ PART III**  
**Pension Calculation Sheet**

1. Name :
2. Designation of the post from which retired :
3. Office/Department last served :
4. Date of Birth :  
(in figures and words)
5. Date of superannuation/retirement :
6. Rules under which pensionary benefits were settled :
7. Qualifying service for pension indicating separately :—
  - (i) Addition to qualifying service, for example, under rule 53 of the Maharashtra Civil Services (Pension) Rules, 1982, and
  - (ii) Period of service not qualifying for pension with the reasons for not qualifying, indicated against each :
8. Pay drawn during the last 10 months (along with the pay scale) preceding retirement/superannuation :
9. Computation of pensionable pay on which pension is fixed :
10. Total amount of pension and family pension admissible :
11. Details of commutation of pension :—
  - (i) Percentage amount of monthly pension commuted ; and
  - (ii) Amount of commuted value of pension authorised.
12. Computation of Retirement Gratuity :
13. Amount of Retirement Gratuity :
14. Remarks :

*Note.*—The calculation sheet should be prepared in triplicate and certified at the bottom before it is passed on to Audit Officer.]

<sup>1</sup> Inserted w. e. f. 1-1-1986 by Notification No. PEN-1088/1167/SER-4, dated 5-5-1990.

**FORM 7**

[ See Rule 123(I) ]

**Form of letter to the Audit Officer forwarding the pension papers of a Government servant**

No. ....

Government of Maharashtra

Department/Office .....

Dated the .....

To

The Accountant General.

*Subject.*—Pension papers of Shri/Shrimati/Kumari .....

..... for authorization of pension.

Sir,

I am directed to forward herewith the pension papers of Shri/Shrimati/Kumari ..... of this Department/Office for further necessary action.

2. The details of Government dues which will remain outstanding on the date of retirement of the Government servant and which need to be recovered out of the amount of '[ retirement gratuity ]' are indicated below :

- |  |          |
|--|----------|
| (a) Balance of the house building or conveyance advance.   | Rs. .... |
| (b) Over payment of pay and allowances including leave salary.   | .....    |
| (c) Income tax deductible at source under the Income Tax Act, 1961 (43 of 1961).   | .....    |
| (d) Arrears of licence fee for occupation of Government accommodation.   | .....    |
| (e) The amount of licence fee for the retention of Government accommodation for the permissible period of one month beyond the date of retirement. | .....    |
| (f) Any other assessed dues and the nature thereof   | .....    |
| (g) the amount of gratuity to be withheld for adjustment unassessed dues, if any.  | .....    |
| Total .....  | .....    |

<sup>1</sup> Substituted by Notification No. PEN-1088/116/SER-4, dated 5-5-1990.

@@3. (a) No departmental enquiry is either pending or proposed to be held against Shri/Shrimati/Kumari .....

(b) Departmental enquiry is pending/or proposed to be held against Shri/Shrimati/Kumari ..... and a provisional pension amounting to Rs. .... per month with effect from ..... 19 ..... to ..... 19 ..... has been sanctioned.

4. Your attention is invited to the list of enclosures which is forwarded herewith.

5. The receipt of this letter may be acknowledged and this Department/Office informed that necessary instructions for the disbursement of pension have been issued to concerned Treasury Officer.

6. The <sup>1</sup>[retirement gratuity] will be drawn and disbursed by this Department/Office on receipt of authority from you. The outstanding Government dues as mentioned in para 2 above will also be recovered out of the <sup>1</sup>[ retirement gratuity ] before making payment.

Yours faithfully,

Head of Office.

*List of Enclosures :*

1. Form 5\* and Form 6 duly completed.
2. Medical certificate of incapacity (if the claim is for Invalid Pension).
3. Statement of the savings effected and the reasons why employment could not be found elsewhere (if claim is for Compensation Pension or gratuity).
4. Service Book (date of retirement to be indicated in the service book).

@@Strike out which is not applicable. Item (b) in para. 3 above is applicable when the pension papers are referred to Audit Officer for verification after the retirement of the Government servant.

\*If a Government servant is compulsorily retired from service and delay is anticipated in obtaining Form 5 from the Government servant, the Head of Office may forward the pension papers to the Audit Officer without Form 5. The Form may be sent as soon as it is obtained from the Government servant.

<sup>1</sup> Substituted by Notification No. PEN-1082/1167/SEB-4, dated 5-5-1990.

5. Two specimen signatures, duly attested by a 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.

**\*\***(b) Three copies of passport size photograph with wife or husband (either jointly or separately) duly attested by the Head of Office.

(c) Two slips showing the particulars of height and identification marks, duly attested by a Gazetted Government servant.

6. A statement indicating the reasons for delay in case the pension papers are not forwarded before six months of the retirement of Government servant.

7. Written statement, if any, of the Government servant as required under rule 121 (1) (a) (iv) of Maharashtra Civil Services (Pension) Rules, 1982.

8. Brief statement leading to reinstatement of the Government servant in case the Government servant has been reinstated after having been suspended, compulsorily retired, removed or dismissed from service.

---

*Note*.—When initials or name of the Government servant are or is incorrectly given in the various records consulted, this fact should be mentioned in the letter.

**\*\***Only two copies of passport size photograph need be furnished :—

(i) if the Government servant is governed by rule 116 of Maharashtra Civil Services (Pension) Rules, 1982, and is unmarried or a widower or a widow.

(ii) if the Government servant is governed by rule 117 of Maharashtra Civil Services (Pension) Rules, 1982.

## FORM 8

[ See rule 136 (2) (b) ]

Form of letter to the member or members of the family of  
a deceased Government servant where valid nomination for  
the grant of the <sup>1</sup>[ death gratuity ] exists

No. ....  
Government of Maharashtra  
Department/Office .....  
Dated the .....

To

.....

.....

.....

*Subject.*—Payment of <sup>1</sup>[ death gratuity ] in respect of  
the late Shri/Shrimati .....

Sir/Madam,

I am directed to state that in terms of the nomination made by the late  
Shri/Shrimati ..... (Designation) in the Office/  
Department of ..... a <sup>1</sup>[ death gratuity ] is  
payable to his/her nominee(s). A copy of the said nomination is  
enclosed herewith.

2. I am to request that a claim for the grant of the gratuity may be  
submitted by you in the enclosed Form 10.

3. Should any contingency have happened since the date of mak-  
ing the nomination, so as to render the nomination invalid, in whole or  
in part, precise details of the contingency may kindly be stated.

Yours faithfully,

Head of Office.

<sup>1</sup> Substituted by Notification No. GEN-1089-157/SER-4, dated 5-5-1990.



## FORM 9

[ See rule 136(2) (b) ]

Form of letter to the member or members of the family of  
a deceased Government servant where valid nomination for  
the grant of the '[death gratuity ] does not exists

No. ....  
Government of Maharashtra,  
Department/Office .....

Dated the .....

To

Subject.—Payment of '[death gratuity ] in respect of the late Shri/  
Shrimati .....

Sir/Madam,

I am directed to state that in terms of rule 111 of the Maharashtra Civil  
Services (Pension) Rules, 1982, a '[death gratuity ] is payable to the  
following members of the family of late Shri/Shrimati .....

.....(Designation),  
in the Office/Department of .....in equal shares :

- (i) Wife/husband (including judicially separated wife/husband)
- (ii) Sons ] including step children and adopted
- (iii) Unmarried daughters ] children.

2. In the event of there being no surviving members of the family  
as indicated above, the gratuity will be payable to the following  
members of the family in equal shares :

- (i) Widowed daughters (including step daughters and  
adopted daughters).
- (ii) Father ] including adoptive parents in case of individuals
- (iii) Mother ] whose personal Law permits adoption.
- (iv) Brother below the age of eighteen years and unmarried  
widowed sisters including step brothers and step sisters.
- (v) Married daughters, and
- (vi) Children of a pre-deceased son.

3. It is requested that a claim for the payment of gratuity may be  
submitted in the enclosed Form 10 as soon as possible.

Yours faithfully,

Head of Office.

<sup>1</sup> Substituted by Notification No. PEN-1088/1167/SER-4, dated 5-5-1990.

## FORM 10

[See rule 136 (2) (b)]

**Form of application for the Grant of '[death gratuity] on the death of a Government servant**

*[To be filled in separately by each claimant and in case the claimant is minor, the Form should be filled in by the guardian on his/her behalf. Where there are more than one minor, the guardian should claim gratuity in one Form on their behalf.]*

1. (i) Name of the claimant in case he is not minor.  
(ii) Date of birth of the claimant.
2. (i) Name of the guardian in case the claimants are minors.  
(ii) Date of birth of the guardian.
3. (i) Name of the deceased Government servant in respect of whom gratuity is being claimed.  
(ii) Date of death of Government servant.  
(iii) Office/Department in which the deceased served last.
4. Relationship of the claimant/guardian with the deceased Government servant.
5. Full Postal address of the claimant/guardian.
6. (i) Where gratuity is claimed by the guardian on behalf of minors, the names of the minors, their ages, relationship with the deceased Government servant, etc.

Serial No.	Name	age	Relation with the deceased Government servant	Postal address
1	2	3	4	5
1				
2				
3				
4				

(ii) Relationship of the guardian with minor.

<sup>1</sup> Substituted by Notification No. PEN-1089/1167/SER-4, dated 5-5-1990.  
H 4119-25a

7. Place of payment of pension and gratuity (Government Treasury or Branch of Public Sector Bank).

Signature/Thumb impression of the claimant/guardian.

8. Two specimen signatures or \*left hand thumb and finger impressions of the claimant/guardian duly attested.

(To be furnished in a separate sheet.)

9. †† Attested by—

Name	Full address	Signature
(i) .....	.....	.....
	.....	.....
	.....	.....
(ii) .....	.....	.....
	.....	.....
	.....	.....

10. Witnesses—

(i) .....	.....	.....
(ii) .....	.....	.....

\*To be furnished in case the applicant is not literate enough to sign his name

††Attestation should be done by two Gazetted Government servants or by two or more persons of respectability in the town, taluka or village in which the applicant resides.

## FORM 11

[See rule 136(3)(a)]

Form of letter to the widow/widower of a deceased Government  
servant for grant of Family Pension, 1964

No. ....  
 Government of Maharashtra,  
 Department/Office .....  
 Dated the .....

To

.....  
 .....  
 .....

*Subject.*—Payment of Family Pension, 1964 in respect of late  
 Shri/Shrimati .....

Sir/Madam,

I am directed to state that under rule 116 of the Maharashtra Civil  
 Services (Pension) Rules, 1982, a Family Pension is payable to you as  
 widow/widower of the late Shri/Shrimati .....  
 (Designation) in the Office/Department of .....

2. You are advised that a claim for the grant of Family Pension  
 may be submitted in the enclosed Form 12.

3. The Family Pension, will be payable till your death or re-  
 marriage, whichever event occurs earlier. In the event of your death  
 or re-marriage, the Family Pension shall be granted to the child or  
 children, if any, through the guardian.

Yours faithfully,

Head of Office.

## FORM 12

[See rules 136 (3) (a) and (b) and 144(2) (b)(i), (c) (iii) and (d) (i)]

**Form of application for the grant of Family Pension, 1964 on the death of a Government servant/pensioner**

1. Name of the applicant in full—
  - (i) Widow/Widower
  - (ii) Guardian if the deceased person is survived by child or children.
2. Name and age of surviving widow(s)/widower and children of the deceased Government servant/pensioner.

Serial No. (1)	Name (2)	Relationship with the deceased person (3)	Date of birth by christian era (4)
1			
2			
3			
4			
5			
6			

3. Date of death of the Government servant/pensioner.
4. Office/Department in which the deceased Government servant/pensioner served last.
5. If the applicant is guardian, his date of birth and relationship with the deceased Government servant/pensioner.
6. If the applicant is a widow/widower the amount of service pension which she/he may be in receipt on the date of death of the husband/wife.
7. Full address of applicant

8. Place of payment of pension and gratuity (Government Treasury or Branch of Public Sector Bank).

9. Enclosures : (Specimen of forms are enclosed)—

- (i) Two specimen signatures of the applicant, duly attested (to be furnished in duplicate).
- (ii) Two copies of passport size photograph of the applicant, duly attested.
- (iii) Two slips each bearing left-hand thumb and finger impressions\* of the applicant, duly attested.
- (iv) Descriptive Roll of the applicant, duly attested, indicating (a) height and (b) personal marks, if any, on the hand, face etc. (Specify a few conspicuous marks not less than two, if possible) (to be furnished in duplicate).
- (v) Certificate(s) of age (in original with two attested copies) showing the dates of birth of the children. The certificate should be from the Municipal Authorities or from the Gram Panchayat or from the Head of a recognised school if the child is studying in such school. (This information should be furnished in respect of such child or children, the particulars of whose date of birth are not available with the Head of Office).



10. Signature or left-hand thumb impression\* of the applicant.

11. Attested by—

Name	Full address	Signature
(i) .....	.....	.....
	.....	
(ii) .....	.....	.....
	.....	

12. Witnesses—

(i) .....	.....	.....
	.....	
(ii) .....	.....	.....

Note.—Attestation should be done by two Gazetted Government servants or two or more persons of respectability in the town, taluka or village in which the applicant resides.

\*To be furnished in case the applicant is not literate enough to sign his name.

In the case of re-marriage of the widow while applying for family pension on behalf of the minor child, the widow should furnish (i) the date of her re-marriage, (ii) name of the Treasury at which payment is desired and (iii) her full address in the application for Family Pension. It is not necessary to furnish a fresh application nor the documents as they are already available with the pension papers on which Family Pension was originally admitted to her.

ENCLOSURES OF FORM 12

(Under item No. 9)

**(I) Specimen Signature Slip**

Specimen signature of . . . . . 1. . . . .

2. . . . .

3. . . . .

Certified that the above specimen signature was taken in my  
presence.

Dated . . . . .

Signature . . . . .

Name . . . . .

Designation . . . . .  

---

**(II) Pensioner's Photograph**

Signature of the Pensioner .....

Certified that the signature and the photograph are those of .....

.....

Signature .....

Name .....

Dated ..... Designation .....

---

**(III) The Thumb and Finger Impression Card**

Little Finger	Ring Finger	Middle Finger	Forefinger	Thumb
---------------	-------------	---------------	------------	-------

Certified that the thumb and finger impressions are those of the left hand of

1. ....

.....

Signature .....

Name .....

Dated ..... Designation .....

**(IV) Descriptive Roll**

(i) Height .. ..

(ii) Personal Marks, if any,  
on the hand, face, etc.

Certified that the above identification marks are those of .....

.....

Signature .....

Name .....

Dated .....

Designation .....

---

## FORM 13

[See rule 136(4)(b)]

Form of letter to the member of the family of a deceased  
Government servant where valid nomination for the grant  
of Family Pension, 1950 exists

No. ....

Government of Maharashtra,

Department/Office .....

Dated the .....

To

.....

.....

.....

*Subject.*—Payment of Family Pension, 1950 in respect of the  
late Shri/Shrimati .....

Sir/Madam,

I am directed to state that in terms of the nomination made by the late  
Shri/Shrimati ..... (Designation) .....  
in the Office/Department of ....., Family Pension under  
rule 117 of the Maharashtra Civil Services (Pension) Rules, 1982,  
is payable to you as his/her nominee.

2. I am accordingly to suggest that a claim for the grant of Family  
Pension may be submitted by you in enclosed Form 15.

3. Should any contingency have happened since the date of making  
the nomination, so as to render the nomination invalid, precise details  
of the contingency may kindly be stated.

Yours faithfully,

Head of office.



## FORM 14

[See rule 136(4)(b)]

Form of letter to the member of the family of a deceased  
Government servant where valid nomination for the grant  
of Family Pension, 1950 does not exist

No.  
Government of Maharashtra,  
Department/Office .....  
Dated the .....

To

.....  
.....  
.....  
*Subject.*—Payment of Family Pension, 1950 in respect of the late  
Shri/Shrimati .....

Sir/Madam,

I am directed to the state that under rule 117 of the Maharashtra  
Civil Services (Pension) Rules, 1982, a Family Pension is payable  
to the family of the late Shri/Shrimati .....  
..... (Designation) ..... in the Office/Department  
of ..... as follows :—

- (a)
  - (i) to the eldest surviving widow or to the husband ;
  - (ii) failing a widow or husband, to the eldest surviving son ;
  - (iii) failing (i) and (ii) above, to the eldest surviving unmarried daughter ; and
  - (iv) failing (i), (ii) & (iii) above, to the eldest surviving widowed daughter, and
- (b) if there are no surviving members of the family as at (a) above,
  - (i) to the father ;
  - (ii) failing (i) above, to the mother ;
  - (iii) failing (i) and (ii) above, to the eldest surviving brother below the age of eighteen years ;
  - (iv) failing (i), (ii) and (iii) above, to the eldest surviving unmarried sister ;
  - (v) failing the above, to the eldest surviving widowed sister.
- (c) No Family Pension, is payable to a person mentioned in (b) above without production of reasonable proof that such person was dependent on the deceased for support.

2. I am to suggest that a claim for the Family Pension may be submitted in the enclosed Form 15 as soon as possible. If you have a prior claim to it in accordance with the gradation given above, you are requested to furnish an affidavit to the effect that there is no other surviving member of the family of Shri/Shrimati ..... ranking above you in the order given in the first paragraph. If, in the light of the above gradation, you have no prior claim to the Family Pension, you are requested to intimate this Office/Department the name, address and relationship with the deceased, of the person who according to your knowledge has a prior claim to the Family Pension. Any false information given or declaration made by you in this connection will render you liable to legal action.

Yours faithfully,

Head of Office.

**FORM 15**

[See rules 136 (4)(b) and 144 (3)(b)]

**Form of application for the grant of Family Pension, 1950 on the death of a Government servant/pensioner**

1. Name of the applicant in full
2. (i) Name of the guardian in case the applicant is a minor.  
(ii) Relationship of the guardian with the applicant.
3. Name of the deceased Government servant/pensioner.
4. Relationship of the applicant with the deceased Government servant/pensioner.
5. Date of death of the Government servant/pensioner.
6. Office/Department in which the deceased served last.
7. (i) Date of birth of the applicant.  
(ii) Date of birth of the guardian in case the applicant is a minor.
8. Full address of the applicant/guardian.
9. Place of payment (Government Treasury or Branch of Public Sector Bank).
10. Enclosures (Specimen of forms are enclosed):
  - (i) Two specimen signatures of the applicant, duly attested (To be furnished in duplicate).
  - (ii) Two copies of a passport size photograph of the applicant, duly attested.

- \*(iii) Two slips each bearing left hand thumb and finger impressions of the applicant, duly attested.
- (iv) Descriptive Roll of the applicant, duly attested, indicating (a) height and (b) personal marks, if any, on the hand, face, etc. (specify a few conspicuous marks not less than two if possible) (To be furnished in duplicate).
- (v) If the applicant belongs to a category mentioned at (b) of item 11, he/she should produce reasonable proof of his/her dependence on the deceased Government servant/pensioner for support.
- (vi) If the applicant is a minor brother of the deceased Government servant/pensioner, certificate of age (in original with two attested copies) showing the date of birth should be furnished. (The original will be returned to the applicant after necessary verification).
- (vii) Affidavit (please *see* paragraph 2 of form 14).

---

\*To be furnished in case the applicant is not literate enough to sign his name.

11. Names and ages of surviving kindred of the deceased Government servant/pensioner.

	Name	Date of birth by Christian Era
(a) Widow/husband		
Sons		
Unmarried daughters		
Widowed daughters		
(b) Father		
Mother		
Brothers below the age of eighteen years.		
Unmarried sisters		
Widowed sisters		

12. Signature or thumb impression of the applicant.

13. Attested by—

	Name	Full address	Signature
(i)	.....	.....	.....
		.....	
(ii)	.....	.....	.....
		.....	
14. Witnesses—			
(i)	.....	.....	.....
		.....	
(ii)	.....	.....	.....
		.....	

*Note 1.*—Attestation should be done by two Gazetted Government servants or by two or more persons of respectability in the town, taluka or village in which the applicant resides.

*Note 2.*—If the applicant is a minor, the enclosures against item 10 (i) to (iv) are to be furnished by the guardian.

ENCLOSURES OF FORM 15

(Under Item No. 10)

## (I) Specimen Signature Slip

Specimen Signature of — 1. ....  
2. ....  
3. ....

Certified that the above specimen signature was taken in my presence.

Signature .....

Name .....

Dated ..... Designation .....



**(II) Pensioner's Photograph**

Signature of the Pensioner .....

Certified that the signature and the photograph are those of .....

.....

Signature .....

Name .....

Dated ..... Designation .....

---

## (III) The Thumb and Finger Impression Card

Little Finger	Ring Finger	Middle Finger	Fore Finger	Thumb
---------------	-------------	---------------	-------------	-------

Certified that the thumb and finger impressions are those of the left hand of —

1. ....

	Signature .....
	Name .....
Dated .....	Designation .....

**(IV) Descriptive Roll**

- (i) Height . . . . .  
(ii) Personal Marks, if any  
on the hand, face, etc.

Certified that the above identification marks are those of . . . . .

.....

Signature .....

Name .....

Dated ..... Designation .....

---

## FORM 16

[See rules 137(1), 139(1), (2) and (3) & 141 (1)]

**Form for assessing and authorising the payment of Family Pension and '[death gratuity] when a Government servant dies while in service**

*(To be sent in duplicate if the payment is desired in another Audit Circle.)*

## PART I

## SECTION-I

1. Name of the deceased Government servant.
2. Father's name (and also husband's name in the case of female Government servant).
3. Date of Birth (by Christian era)
4. Date of Death (by Christian era)
5. Religion .. ..
6. Office/Department in which last employed.
7. Appointment held last—
  - (i) substantive ..
  - (ii) officiating ..
8. Date of beginning of service.
9. Date of ending of service ..
10. (i) Total period of Military service for which pension, gratuity was sanctioned; and  
(ii) Amount and nature of any pension, gratuity received for the Military service.
11. Amount and nature of any pension received for previous civil service, if any.

---

<sup>1</sup> Substituted by Notification No. PEN-1088/1167/SER-4, dated 5-5-1990.

12. Government under which service has been rendered in order of employment.
13. The date on which intimation regarding the death of Government servant was received by the Head of Office.
14. The date on which action initiated to—
  - (i) obtain claim or claims from the claimants in the appropriate form for '[death gratuity] and Family pension as provided in rule 136.
  - (ii) obtain the 'No demand certificate' from the Executive Engineer concerned as provided in rule 142 (1) of the Maharashtra Civil Services (Pension) Rules, 1982.
  - (iii) assess the Government dues other than the dues pertaining to occupation of Government accommodation as provided in rule 142(2) of the Maharashtra Civil Services (Pension) Rules, 1982.
  - (iv) assess the service and pay qualifying for '[death gratuity] and Family pension as provided in rules 137 and 138 of the Maharashtra Civil services (Pension) Rules, 1982.
15. Whether nomination made for—
  - (i) '[death gratuity]
  - (ii) Family Pension, 1950, if applicable.

16. Length of service qualifying for [death gratuity] pension.

17. Periods of non-qualifying service:— From To Y. M. D.

(i) Interruption in service condoned under rule 48 of the Maharashtra Civil Services (Pension) Rules, 1982.

(ii) Period of suspension treated as non-qualifying.

(iii) Any other service not treated as qualifying service.

Total period of non-qualifying service

18. (a) Pay reckoned for [death gratuity]

(b) Amount of [death gratuity].

19. If Family Pension, 1950 is applicable, the pay drawn\*\* during the last ten months :

post held	From . . . . . To	Pay	Personal/Special pay/Dearness pay/Non-practicing Allowance	Total (3) + (4)	Amount
(1)	(2)	(3)	(4)	(5)	(6)
		Rs.	Rs.	Rs.	Rs.

Grand Total

Pensionable pay

\*\* (i) In a case where the last ten months include some period not to be reckoned for calculating average pay, an equal period backward has to be taken for calculating average pay.

(ii) The calculation of average pay should be based on actual number of days contained in each month.

\* Substituted by Notification No. PEN/1088/1167/SER-4, dated 5-5-1990.

20. If Family Pension, 1950 applies and the Government servant had rendered more than ten years service:—
- (i) Proposed pension ..
  - (ii) Proposed Family Pension, 1950.
  - (iii) Period of tenability of Family Pension, 1950.      From      To
21. If Family Pension, 1964 applies—
- (i) Proposed Family Pension at—
    - (a) enhanced rates (if service rendered at the time of death is more than seven years) determined under the provisions of rule 116(4) of the Maharashtra Civil Services (Pension) Rules, 1982.
    - (b) ordinary rates as per provisions of rule 116(2) of the Maharashtra Civil Services (Pension) Rules, 1982.
  - (ii) Period of tenability of Family Pension, 1964—
    - (a) enhanced rates ..
    - (b) ordinary rates ..
22. Person to whom family pension is payable—
- (a) Name in full ..
  - (b) Relationship with the deceased Government servant.
  - (c) Full postal address ..



23. Details of Government dues recoverable out of gratuity:—

(i) Licence fee for occupation of Government accommodation. [see rule 142 of the Maharashtra Civil Services (Pension) Rules, 1982].

(ii) Amount of <sup>1</sup>[death gratuity] to be held over pending receipt of information from the Executive Engineer concerned. [see rule 142 (1) (v) of the Maharashtra Civil Services (Pension) Rules, 1982.]

(iii) Dues referred to rule 142 (2) of the Maharashtra Civil Services (Pension) Rules, 1982.

24. Date on which claims received from the claimants.

25. Name of guardian who will receive payment of <sup>1</sup>[death gratuity] and Family Pension in the case of minors.

26. Place of payment (Government Treasury, or Branch of Public Sector Bank).

27. Head of Account to which <sup>1</sup>[death gratuity] and Family Pension are debitable.

Place :

Dated, the

Signature of Head of Office

<sup>1</sup> Substituted by Notification No. PEN/1083/1167/SER-4, dated 5-5-1990.  
H 4119—28a

## SECTION II

Details of provisional Family Pension and gratuity to be drawn and disbursed by the Head of Office in accordance with rule 140 of Maharashtra Civil Services (Pension) Rules, 1982.

	Per Month
Provisional Family Pension	Rs.
Gratuity [the amount mentioned in item 18(b) of section I]	Rs.

Less :

- (a) Licence fee recoverable from gratuity for Rs. occupation of Government accommodation [as in item, 23 (i) of section I].
- (b) Amount of gratuity to be held over pending Rs. receipt of information from the Executive Engineer concerned [as in item 23 (ii) of section I].
- (c) Other Government dues as mentioned in Rs. item 23 (iii) of section I.

Total of (a), (b) and (c) Rs. \_\_\_\_\_

Place :

Dated, the

Signature of Head of Office.

## PART II

## SECTION I

## Audit Enforcement :—

1. Total period of qualifying service which has been accepted for—

- (i) '[death gratuity]

- (ii) Family Pension, 1964 or Family Pension, 1950.

2. Net amount of gratuity after adjusting Government dues.

3. Amount and the period of tenability of Family Pension, 1964.

Amount	Period of tenability	
Rs.	From	To

if death took place—

- (i) before seven years service.

- (ii) after seven years service.

4. Amount and the period of tenability of Family Pension, 1950.

5. Date from which Family Pension is admissible.

6. Head of Account to which '[death gratuity] and Family Pension are chargeable.

---

1. Substituted by Notification No. PEN/1088/167/SER-4, dated 5.5.1990.

## SECTION II

1. Name of the deceased Government servant.
2. Date of death of the Government servant.
3. Date on which pension papers received by the Audit Officer.
4. Amount of Family Pension authorised.
5. Amount of gratuity authorised.
6. Date of commencement of Family Pension.
7. Date on which payment of Family Pension and gratuity authorised.
8. Amount recoverable from gratuity.
9. Amount of gratuity held over pending receipt of 'No demand certificate'.

Place :

Dated, the

Audit Officer.

## FORM 17

[See rule 139(1)]

Form of letter to the Audit Officer forwarding papers for the grant of Family Pension and '[death gratuity] to the family of a Government servant who dies while in service

No. ....

Government of Maharashtra,

Department/Office .....

Dated, the .....

To

The Accountant General,

.....

.....

*Subject.*—Grant of Family Pension and '[death gratuity]

Sir,

I am directed to State that Shri/Smt./Kum. ....  
(Designation) died on ..... His/Her family has become eligible for the grant of Family Pension and '[death gratuity]. Form 16 duly completed is forwarded herewith for further necessary action.

2. Government dues in respect of the deceased Government servant will be recovered out of the '[death gratuity] as indicated in Section II of Part I of Form 16.

3. Your attention is invited to the list of enclosures which is forwarded herewith.

4. A provisional family pension amounting to Rs. .... per month and a provisional '[death gratuity] amounting to Rs. .... have been sanctioned.

5. The receipt of this letter may be acknowledged and this Department/office informed that necessary instructions for the disbursement of Family Pension and '[death gratuity] have been issued to the disbursing authority concerned.

Yours faithfully,

Head of Office.

---

1. Substituted by Notification No. PEN/1085/11/GT/SER-4, dated 5-5-1990.

*List of enclosures—*

1. Form 16 duly completed.
  2. Form 10 and Form 12 filled in by the applicants.
  3. Service book (date of death to be indicated in the service book).
  4. Two specimen signatures or left hand thumb and finger impressions of the claimant or guardian duly attested.
  5. Two copies of passport size photographs of the claimants or guardian duly attested.
  6. Two copies of descriptive roll of the claimant or guardian duly attested indicating height and personal marks.
  7. Postal address of the claimant or guardian.
-

## FORM 18

[See rule 144(2)(b)(ii) and (d)(ii)]

Form of letter sanctioning Family Pension, 1964 to the child or children of a retired Government servant who dies after retirement but does not leave behind a widow or widower

No. ....  
 Government of Maharashtra,  
 Department/Office .....  
 Dated, the .....

To

The Accountant General,

.....  
 .....  
 .....

*Subject.*—Grant of Family Pension, 1964 to the child/children

Sir,

I am directed to state that Shri/Shrimati .....  
 formerly .....[Designation] ..... in this Department  
 was authorised pension of Rs. .... with effect from ...  
 ... on his/her retirement from service.

2. Intimation has been received in this Department/Office that  
 Shri/Shrimati ..... died on .....  
 and that at the time of death left no widow/widower but was survived  
 by the following child/children :—\*\*

Serial No.	Name	Son/Daughter	Date of birth in Christian era	Date from which Family Pension ceases to be payable
1				
2				
3				
4				
5				
6				

\*\*The names of children should be mentioned in the order of eligibility mentioned in rule 116 of Maharashtra Civil Service (Pension) Rules, 1982, 'I'.

<sup>1</sup> Deleted by Notification No. PEN/1090724/S2R-4, dated 1-7-1991.



3. In terms of rule 116 of Maharashtra Civil Services (Pension) Rules, 1982, the amount of Family Pension, 1964 has become payable to the children in the order mentioned above. The Family Pension 1964 will be payable on behalf of the minor to Shri/Shrimati ..... ,who is the guardian.

4. Sanction for the grant of Family Pension, 1964 of Rs. .... per month to the children mentioned above is hereby accorded. The Family Pension, 1964 will take effect from ..... and subject to the provisions of sub-rule (5) of rule 116 of Maharashtra Civil Services (Pension) Rules, 1982, will be tenable till .....

5. The amount of Family Pension, 1964 is debitable to the Budget Head .....

6. Attention is invited to the information furnished in the list of enclosures.

7. The receipt of the letter may kindly be acknowledged and this Department/Office informed that instructions for the payment of Family Pension, 1964 to the guardian have been issued to the disbursing authority concerned.

Yours Faithfully,

Head of Office

*List of enclosures—*

1. Permanent address of the guardian.
2. Place of payment (Government Treasury, or Branch of Public Sector Bank)
3. Specimen signature or \*left hand thumb and finger impressions of the claimant or guardian duly attested.
4. Two attested copies of passport size photograph of the guardian
5. Descriptive roll of the guardian, duly attested.

\*To be furnished in the case of the guardian who is not literate enough to sign his or her name.

## FORM 19

[See rule 144(2) (c)(vi)]

**Form of letter sanctioning Family Pension, 1964 to the child or children on the death or re-marriage of a widow/widower who was in receipt of Family Pension, 1964**

No. ....  
Government of Maharashtra,  
Department/Office .....  
Dated the .....

To

The Accountant General,  
.....

*Subject.*—Grant of Family Pension, 1964 to the child/children

Sir,

I am directed to state that Shri/Shrimati .....  
widow/widower or late Shri/Shrimati ..... formerly  
..... [Designation] ..... in this Department/Office,  
was sanctioned Family Pension of Rs. .... with effect from  
the. .... The Family Pension, 1964 was tenable till the  
death or re-marriage of the widow/widower.

2. Intimation has been received in this Department/Office that  
Shri/Shrimati ..... died/re-married on  
.....

3. At the time of death/re-marriage, Shri/Shrimati .....  
had following children\*\* :—

Serial No.	Name	Son/Daughter	Date of birth in Christian era	Date from which Family Pension ceases to be payable
1				
2				
3				
4				
5				
6				

4. In terms of rule 116 of the Maharashtra Civil Services (Pension) Rules, 1982, the amount of Family Pension, 1964, has become payable to the children in the order mentioned above. The Family Pension, 1964, will be payable on behalf of the minors to Shri/Shrimati ..... who is the guardian.

\*\*The names of children should be mentioned in the order of eligibility mentioned in rule 116 of the Maharashtra Civil Services (Pension) Rules, 1982. [1].

<sup>1</sup> Deleted vide Notification No. PEN/1090/254/SER-4, dated 1-7-1991.

5. Sanction for the grant of Family Pension, 1964, of Rs. .... per month to the children, mentioned above is hereby accorded. The Family Pension, 1964 will take effect from ..... and subject to the provisions of sub-rule (5) of rule 116 of the Maharashtra Civil Services (Pension) Rules, 1982, will be tenable till .....

6. The amount of Family Pension, 1964 is debitable to the Budget Head .....

7. Attention is invited to the information furnished in the enclosed list of enclosures.

8. The receipt of this letter may kindly be acknowledged and this Department/Office informed that necessary instructions for the payment of Family Pension, 1964 to the guardian have been issued to the Treasury Officer concerned.

Yours faithfully,

Head of Office.

---

*List of enclosures—*

1. Permanent address of the guardian
2. Place of payment (Government Treasury or Branch of Public Sector Bank.)
3. Specimen signature or left hand\* thumb and finger impressions of the guardian, duly attested.
4. Two attested copies of a passport size photograph of the guardian.
5. Descriptive roll of the guardian, duly attested.

---

\*To be furnished in the case of the guardian who is not literate enough to sign his/her name.

## FORM 20

[See rule 144(4)]

**Form of application for the grant of residuary \*gratuity on the death of a pensioner**

(To be filled in separately by each applicant)

1. Name of the applicant in full.
2. Name of the guardian in case the applicant is a minor.
3. Name of the deceased pensioner.
4. Office/Department in which the deceased pensioner served last.
5. Date of death of the pensioner.
6. Date of retirement of the deceased pensioner.
7. Amount of monthly \*\*pension (including temporary increase or relief, if any) sanctioned to deceased pensioner.
8. Amount of <sup>1</sup>[retirement gratuity] received by the deceased pensioner.
9. The amount of \*\*pension (including temporary increase or relief, if any) drawn by the deceased till the date of death.

\*If a retired Government servant in receipt of service gratuity or pension dies within five years from the date of his retirement from service including compulsory retirement as a penalty and the sums actually received by him at the time of his death on account of such gratuity or pension including temporary increase or relief, if any, together with the death-cum-retirement gratuity and the commuted value of any portion of pension commuted by him are less than the amount equal to 12 times of his pay, a residuary gratuity equal to the deficiency becomes payable to the family should be indicated.

\*\*When a Government servant has retired before earning a pension, the amount of service gratuity should be indicated.

1. Substituted by Notification No. PEN/1088/1167/SER-4, dated 5-5-1990.

10. If the deceased had commuted a portion of pension before his death, the value of the pension.
11. Total of items 8, 9, and 10 ..
12. Amount of <sup>1</sup>[death gratuity] equal to 12 times of the pay.
13. The amount of residuary gratuity claimed i.e. the difference between the amount shown against item 11 and item 12.
14. Relationship of the applicant with the deceased pensioner.
15. Date of birth of the applicant.
16. Name of the Government Treasury at which payment is desired.
17. Full address of the applicant.
18. Signature or thumb impression of the applicant (To be furnished in a separate sheet duly @attested).
19. Attested by—

Name

Full address

Signature

(i)

(ii)

20. Witnesses—

(i)

(ii)

@Attestation should be done by two Gazetted Government servants or by two or more persons of respectability in the town, taluka or village in which the applicant resides.

1. Substituted by Notification No. PEN/1088/1167/SER-4, dated 5-5-1990.

## FORM 21

[See rules 126 (4) (b) and 140 (1) (c) (ii)]

Bill form for drawal of provisional pension/family pension/  
service gratuity/retirement gratuity/service death gratuity

District	Head of Account	Voucher No. ....
	" 266, Pensions and	List for ....
	Other Retirement	
	Benefits "	

Received the amount of Provisional  
Pension/Family Pension due to  
Shri/Shrimati .....  
for the month of ..... and  
Gratuity/Death Retirement Gratuity  
sanctioned *vide* Letter No. ....  
dated .....

Less deductions—

Income tax .....
Total deductions .....
Net amount payable .....
In words .....

Certified that the amount drawn in the last month's bill has been  
duly disbursed and the receipt obtained from the pensioner/gratuitant.

Certificate from the pensioner regarding \*non-employment/  
non-marriage is attached.

Station .....	Signature .....
	Designation of the
	Drawing Officer.

Dated ..... 19

Pay to Shri/Smt. ....	(Designation) .....
-----------------------	---------------------

whose specimen signature below is hereby attached.

Signature and entered.	(Signature and Designation of Drawing Officer.)
------------------------	--

Examined and entered.	Pay Rs. .... Rupees .....
	in cash ..... Rs. ....

Treasury Accountant.	028, Other Taxes Rs. ....
	on Income and
	Expenditure Rs. ....

Dated .....	Treasury Officer.
-------------	-------------------

(For use in Accountant General's Office)

Admitted Rs. ....	Objected Rs. ....
-------------------	-------------------

Auditor	Section Officer	Gazetted Officer
---------	-----------------	------------------

\*Strike out if not required.

## FORM 22

[See rule 59 (1)]

## Form of certificate of verification of service for pension

No. ....

Government of Maharashtra,

Department/Office .....

Date .....

## MEMORANDUM

It is certified, \*in consultation with the Audit Officer, that Shri/ Smt./Kum. .... designation ..... has completed a qualifying service of ..... years ..... months and ..... days as on ..... as per details (date) given below. The service has been verified on the basis of his service documents and in accordance with the rules regarding qualifying service in force at present. The verification of service under sub-rules (1) and (2) of rule 59 of the Maharashtra Civil Services (Pension) Rules, 1982, shall be treated as final and shall not be re-opened except when necessitated by a subsequent change in the rules and orders governing the conditions under which the service qualifies for pension.

## Details of Qualifying Service

	From	To
1		
2		
3		

To

Shri .....

Name and designation      Signature of Audit Officer/  
Head of Office.

\*The words "in consultation with Audit Officer" shall be deleted when this certificate is issued by the Audit Officer in respect of Gazetted Officers whose pension papers are prepared by him.



## FORM 23

[See rule 163 (2)]

**Form of application for permission to accept commercial employment within a period of two years after retirement**

1. Name of the officer  
(In Block letters).
2. Date of retirement
3. Particulars of the Department/Office in which the officer served during the last five years preceding retirement (with duration).

Name of Department/Office	Post held.	Duration	
		From	To

4. Post held at the time of retirement and period for which held.
5. Pay-scale of the post and the pay drawn by the officer at the time of retirement.
6. Pensionary benefits

Pension expected/sanctioned (commutation, if any, should be mentioned)	Gratuity, if any

7. Details regarding commercial employment proposed to be taken up :

- (a) (i) Name of the Firm/Company/Co-operative Society, etc.
- (ii) Products being manufactured by the Firm/Company/Co-operative Society, etc. or type of business carried out by the firm, etc.]
- (b) Whether the official had, during his official career, any dealings with the firm etc.

*Note.*—If the officer had no dealing with the firm, company, etc., in which employment is offered, it may also be indicated whether the officer had dealings with any other firm, company, etc., under the control of the proposed employer. If so, details may be given at (c) below.

<sup>1</sup> Substituted by Notification No. PEN/1088/1167/SER-4, dated 5-5-1990.

- (c) Duration of service of the official dealings with the firm.
  - (d) Name of job/post offered.
  - (e) Whether post was advertised, if not, <sup>1</sup>[how was offer made. (Attach newspaper cutting of the advertisement and a copy of the offer of appointment, if any).]
  - (f) Description of the duties of the job/post.
  - (g) Does it involve liaison/contract work with Government Departments.
  - (h) Remuneration offered for the post/job.
  - <sup>2</sup>[(i) If proposing to set up a practice, indicate—
    - (a) professional qualifications in the field of practice ;
    - (b) nature of proposed practice.]
8. Any information, which the applicant desires to furnish in support of his request.

#### <sup>2</sup>[9. Declaration

I hereby declare that—

- (i) the employment which I propose to take up will not bring me into conflict with the Government ;
- (ii) my commercial duties shall not be such that my previous official position or knowledge or experience under Government could be used so as to give my proposed employer an unfair advantage ;
- (iii) my commercial duties shall not involve liaison or contract with the Government Departments.

Signature of the applicant.  
Address . . . . . ]

Station :

Date :

Signature of the Officer.

<sup>1</sup> Substituted by Notification No. PEN/1086/1167/SER-4, dated 5-5-1990.

<sup>2</sup> Inserted by Notification No. PEN-1086/1167/SER-4, dated 5-5-1990.

## FORM 24

(See note below rule 40)

**Form of Verification of approved War Service or Military Service**

Certificate of verification of military service of No. ....  
Rank ..... Name ..... Unit .....  
Re-enrolled in the ..... as .....  
from .....

The information required for verification of war/military service for the purpose of counting towards civil pension and relative orders is given as under:—

1. Date of birth, or the nearest age on enrolment if the Army/ Navy/Air Force if the former is not known.
2. Date of enrolment in the Army/ Navy/Air Force.
3. Date of discharge ..
4. Period of reserve service, if any.
5. Whether the military service was pensionable under the military rules, but terminated on or before pension was earned in respect thereof.
6. Whether he was entitled to a service gratuity and if so, how much.
7. Whether the gratuity was drawn and is refundable to the Defence Service Estimates (if the service is allowed to count for Civil pension).

8. If the individual is in receipt of a disability pension—

(a) had he earned an ordinary service pension of his qualifying service.

*or*

(b) had he only earned a service gratuity in lieu of which a service element of disability pension has been granted to him. If so, what was the amount of service gratuity.

9. Whether he was paid from the Indian Revenues throughout.

10. Whether the pensionary contribution has been recovered and credited to Indian Revenues for the period of his service out of India.	from	to
--	------	----

11. Non-qualifying service, if any	from	to
------------------------------------	------	----

12. Period of satisfactory paid Military Service.	from	to
---	------	----

13. Whether the Military Service was superior or inferior.	from	to
--	------	----

14. Length of War Service	from	to
---------------------------	------	----

15. Amount of service gratuity paid for the period of War Service indicated in the preceding item.

16. Amount of War Gratuity paid for the period of War Service.

17. Period and nature of leave  
(other than casual leave)  
availed of during Military  
Service.

(Signature of Record Officer,  
concerned)

Station :

Dated :

Countersigned

Station :

Controller of Defence Accounts  
PAO(OR).

Dated :

---

**FORM 25**

[See rule 85(2)]

**Form of application for Wound or Injury Pension**

1. Name of the applicant and full Office address.
2. Father's name
3. Full residential address (showing village, post office, District and State).
4. Present or last employment including full particulars and address of the Establishment.
5. Date of entry into service
6. Full particulars of service and length of service, including interruption (both qualifying and non-qualifying).
7. Percentage of disability sustained due to injury/disease (as certified by the Medical Authorities) and circumstances which resulted in that disability.
8. Pay at the time of injury sustained, disease contracted (as certified by the Medical Authorities).
9. Pension claimed
10. Date of injury/disease (as certified by the Medical Authorities).
11. Place of payment
12. Other relevant information, if any.
13. Date of applicant's birth by Christian era (*See Note 2*).

14. Height .. ..

15. Identification Marks ..

16. Thumb and finger impressions

Thumb ..... Fore-finger .. Middle-finger .....  
Ring-finger ..... Little-finger .....

Place :

Date :

Date on which the  
applicant applied  
for pension :

Signature of the applicant.

Signature of the Head of Office.

*Note 1.*—Thumb and finger impressions and particulars of height and personal marks are not required to be given by such ladies, Gazetted Officers, Government title holders and other persons as are specifically exempted, by the Government by special orders in that behalf.

*Note 2.*—If not known exactly, please state on the best information or estimate and according to the best of your knowledge and belief.



## FORM 26

(See rule 86)

**Form of certificate from Medical Boards in connection with  
wound or Injury Pension.**(To be used in all cases of wounds or injuries, whether received in  
action or not)(For preparing this report, *see* instructions at the end of the Form)PROCEEDINGS OF A MEDICAL BOARD assembled by  
order of .....for the purpose of examining and reporting on the present state of the  
wound or injury sustained by .....

..... at (place of injury) .....

..... on the (date of injury, etc) .....

(a) State briefly the circumstances under which the wound or  
injury was sustained......  
.....  
.....  
.....

(b) What is the Government servant's present condition ?

.....  
.....  
.....  
.....  
.....  
.....  
.....  
.....  
.....  
.....(c) Is the Government servant's present condition wholly due  
to the wound or injury ? If not, state to what other causes it is  
attributable ..........  
.....  
.....  
.....

The opinion of the Board upon the questions below is as follows :—

Replies		
As to first wound or injury	As to second wound or injury (if any)	As to third wound or injury (if any)

#### A—Received in action

1. Has the Government servant lost an eye or a limb ; or has he permanently lost the use of an eye or a limb ; or is the injury equivalent to the loss of a limb, and permanent, or likely to be permanent ?
2. If the case does not come under the category 1—  
(a) Was the injury, in the first instance, very severe in character ?  
(b) Are its effects still very severe ?
3. If the case is classified under category 2, are the effects of the injury permanent, or likely to be permanent ?
4. Injuries that do not come under the above categories should be classified here, making use of the following terms :—

Severe or slight and permanent or not permanent, as the case may be.

#### B—Sustained otherwise than in action

1. (a) Has the Government servant lost an eye or a limb or the use of a limb ; or (b) is the injury equivalent to the loss of a limb ; (c) is it permanent or likely to be permanent ?
2. If the injury does not come under category 1 (a), is it of a very serious nature in its present effects, and (b) is it permanent or likely to be permanent ?

3. If the injury does not come under category 1 or 2, is it severe and permanent in character?
4. If the injury does not come under category 1, 2 or 3 it should be classified here, making use of one of the following terms:—Severe, but not permanent; or, slight and permanent, or not permanent, as the case may be.

Signatures .....

Station: .....

Date: .....

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

#### **Instructions to be observed by the Medical Board preparing the Report**

1. Wounds or injuries received in action will be classified by the Board under "A", those not in action will be dealt with under "B".
2. If the injuries be more than one, they should be numbered and described separately; and should it be considered that, though only "severe" or "slight" in themselves, they represent together the equivalent of a single "very severe" or "very serious" injury such an opinion may be expressed in the column provided for that purpose.
3. The Board will not express any opinion, either to the Government servant examined, or in their report, as to whether he is entitled to compensation, or as to the amount, of it, nor will it inform the Government servant how the wound or injury has been classified.
4. The Board before recording their opinion should invariably consult the proceedings of previous Medical Boards, if any, as also all previous medical documents connected with Government servant brought before them for examination.
5. In answering the questions in the prescribed form the Board will confine itself exclusively to the medical aspect of the case and will carefully discriminate between the Government servant's unsupported statements and the documentary evidence available.

## FORM 27

[(See rule 1 (2) in Appendix IV)]

**Form of applicaion for Extraordinary Family Pension**

Application for Extraordinary Pension for the family of late  
Shri/Shrimati .....

killed, or died, of  $\frac{\text{Injury/Disease}}{\text{Injuries/Diseases}}$  claimed as being attributable  
to Government service.

**I. Information regarding the claimant**

1. Full name and address, residence (showing village, Post Office, District, State).
2. Age and date of birth ..
3. Height ..
4. Identification marks ..
5. Present occupation and pecuniary circumstances.
6. Relationship with the deceased.

**II. Information regarding the deceased**

7. Full name, Father's name, residence (indicating village, Post Office, District, State).
8. Particulars of post and service with full name and address of the Establishment.
9. Full particulars of service, length of service, etc.
10. Pay at the time of death ..
11. Date of birth ..
12. Age at the time of death ..

13. Nature of Injury/Disease  
Injuries/Diseases  
 causing death (as per the Certificate of the Medical Authorities) and the circumstances in which the same resulted.

### III. Other Information

14. Amount of pension etc. claimed  
 15. Place of payment  
 16. Date from which benefit(s) claimed.  
 17. Other relevant information, if any.

### IV. Names and age of surviving kindred of the deceased

Relation	Name	Date of birth by Christina etc.
Sons	..	
widows	..	
Daughters	..	
Father	..	
Mother	..	

Place :

Date :

Signature of the claimant.

Signature of Head of Office.

Place :

Date :

Seal :

*Note 1.*—Please strike out the word or words not applicable.

*Note 2.*—If the deceased has left no son, widow, daughter, father or mother surviving him, the word "none" or "dead" should be entered opposite to such relative.

## FORM 28

[See rule 112 (4)]

Form of Indemnity Bond to be executed by the person claiming the amount of Death gratuity on behalf of deceased Government Servant who claims to be a guardian of the minor legal heir (s)

KNOW ALL MEN BY THESE PRESENTS THAT I, .....

(Name of claimant as guardian on behalf of minor legal heirs.)  
resident of ..... and I/We .....  
..... surety/sureties (on behalf of the claimant)  
are held and firmly bound to the Governor of Maharashtra in the sum of Rs. .... to be paid to the said Governor or his successors or assigns FOR WHICH payment to be well and truly made, each of as severally bind(s) himself and his heirs, executors, administrators and assigns and every two and all of us jointly bind ourselves and our heirs, executors, administrators and assigns firmly by these presents.

Signed this ..... day of ..... 19 .....

WHEREAS, Shri ..... was at the  
time of his death ..... in the employment of ..... Government of Maharashtra (hereinafter referred to as "the Government");

AND WHEREAS, the said ..... died on .....  
the ..... day of ..... 19 ..... and thereupon a sum of Rupees ..... became payable to the heirs of the deceased as death gratuity in respect of the service rendered by the deceased to the Government;

AND WHEREAS, at the time of his death the deceased left behind him ..... as one/some of his legal heir/s who is/are minor/s (hereinafter referred to as "the said minor legal heirs");

AND WHEREAS, Shri .....  
(hereinafter referred to as "the claimant") being a guardian the said minor legal heirs of the deceased, claims to be entitled to the sum of Rs. .... the out of the said total sum of Rs. ....  
the said sum of Rs. .... as such guardian of the minor legal heirs but has not obtained a guardianship certificate to the property and effects of the said minor legal heirs of the deceased;

AND WHEREAS, the claimant has satisfied the ..... (Officer concerned) that he/she is entitled to the aforesaid sum and that it would cause undue delay and hardship if the Claimant were required to produce guardianship certificate to the property and effect of the said ;

AND WHEREAS, Government desires to pay the said sum to the claimant on behalf of minor legal heir/s of the deceased but under Government rules and orders it is necessary that the claimant should first execute a bond with one surety/two sureties to indemnify Government against all claims to the amount so due as aforesaid to the said minor legal heir/s of the deceased before the said sum can be paid to the claimant ;

NOW THE CONDITION of this bond is such that if after payment has been made to the claimant the claimant or the surety/sureties shall jointly and severally in the event of the claim being made by any other person against Government with respect to the said of Rupees ..... refund to the Government the said sum of Rs. .... and shall also indemnify and save Government harmless from all liability in respect of the aforesaid sum and interest and all costs and charges incurred in consequence of any claim thereto THEN the above written bond or obligation shall be void but otherwise the same shall remain in full force and virtue.

IN WITNESS to the above written bond and the condition therefor,  
I/We ..... and .....  
[Name(s) of surety/sureties]  
..... hereunto set our respective hands this  
..... day of ..... 19 ..

Signed and delivered by the claimant above names Shri .....  
..... in the presence of —

1. ....
2. ....

Signed and delivered by the Surety/Sureties abovenamed Shri .....  
.....  
in the presence of —

1. ....
2. ....

*Note.*—This indemnity bond is chargeable with stamp duty under the Bombay Stamp Act, 1958.



## FORM No. 29

[See rule 116 (9)]

**Form of Indemnity Bond to be executed by the person claiming the amount of Family Pension on behalf of minor**

THIS DEED made this ..... day of ..... 19 .....  
 between \* .....  
 and *de facto* guardian of .....

(Name of minor)

son/daughter of .....  
 a minor under the age of 18 years under the† .....  
 ..... Law of Guardianship by which he  
 is governed hereinafter referred to as "the Bounden" (which expression  
 shall unless excluded by or it be repugnant to the context or meaning  
 thereof be deemed to include his/her heirs, executors and administrators)  
 of the one part and the Governor of Maharashtra hereinafter referred to  
 as the "Government" (which expression shall unless excluded by or it  
 be repugnant to the context or meaning thereof be deemed to include  
 his successors and assigns) of the other part.

WHEREAS, .....

(Name of deceased)

was at the time of his/her death in the employment of Government in  
 the ..... Department, Government of Maharashtra,  
 as .....

(Designation held by the deceased at the time of his/her death)

AND WHEREAS, the said .....  
 (hereinafter referred to as "the deceased") died testate/intestate  
 at ..... on the .....  
 day of ..... 19 ..... leaving him/her  
 surviving\*\* ..... and the  
 said§ ..... a minor  
 under the age of 18 years (hereinafter referred to as "the minor")  
 as his/her only heirs according to‡ .....  
 ..... law by which he/she was governed ;

\* Here insert name of *de facto* guardian of the minor children and his/her relationship with the minor.

† Here mention the personal law by which minor is governed.

\*\* Give names of major children of the deceased.

§ Name of minor child.

‡ Name of religion of deceased.



AND WHEREAS, the Bounden is the \* ..... of the deceased and a *de facto* guardian of the minor under the ..... \*\* ..... Law of Guardianship by which the minor is governed and has voluntarily placed himself/herself in charge of the person and property of the minor ;

AND WHEREAS, family pension of Rs. .... p.m. is admissible under the relevant rules to the minor as the minor son/daughter of the deceased for a period commencing from ..... the ..... day of ..... 19 ..... to the ..... day of ..... 19 ..... (or till the date of her marriage ‡ whichever is earlier) ;

AND WHEREAS, on the Bounden, as a *de facto* Guardian of the minor requesting the Government to pay to him/her for and on behalf of the minor the family pension due and payable to the minor as aforesaid which the Government agreed to do upon the Bounden executing in favour of the Government an indemnity bond in the manner hereinafter appearing ;

NOW THIS INDENTURE WITNESSETH that in pursuance of the said agreement and in consideration of the Government at the request of the Bounden agreeing to pay to the Bounden as the *de facto* guardian of the minor the amount of family pension due and payable to the minor as the minor son/daughter of the deceased and of the premises the Bounden doth hereby agree with the Government that the Bounden will at all times hereafter well and sufficiently indemnify and keep indemnified and save harmless the Government of from and against the payment made from time to time by the Government to the Bounden as *de facto* guardian of the minor and for and on behalf of the minor of the amount of family pension due and payable to the minor as the minor son/daughter of the deceased and also of from and against all actions, proceedings, claims and demands which may be taken or made against the Government in that regard by any other person whomsoever for and on behalf of the minor or otherwise howsoever and also of from and against all costs, charges, expenses and damages which may be sustained or incurred or payable by the Government in respect thereof. AND the Bounden doth hereby agreed and declare that without prejudice to any other rights and remedies of the Government the amount due and payable hereunder may be recovered from the Bounden as arrears of land-revenue under the provisions of law in that behalf for the time being in force.

\*Here mention relationship of the *de facto* guardian with the deceased.

\*\*Here mention personal law by which the minor is governed.

† This date should be the day on which the minor attains age of 18 and in case of a minor of whose person or property or both a guardian is appointed by the Court or of whose property superintendence is assumed by a Court of Wards attains age of 21.

‡ This portion is applicable only in case of *minor daughter*.

IN WITNESS WHEREOF the Bounden has hereto set his/her hand the day and year first hereinabove written.

SIGNED AND DELIVERED by the within named Bounden  
Shri/Shrimati .....  
in the presence of —

(1) .....

(2) .....

---

*Note.*— This indemnity bond is chargeable with stamp duty under the Bombay Stamp Act, 1958.

## [FORM 30]

[See rule 10 (4) (a) (i) and (ii)]

## Form of Notice of Premature Retirement of Gazetted Government Servants

No. ....

Government of Maharashtra,

Department/Office .....

Dated the .....

## NOTICE

Whereas, under sub-clauses (i) and (ii) of clause (a) of sub-rule (4) of rule 10 of the Maharashtra Civil Services (Pension) Rules, 1982, an appropriate authority has the absolute right to retire any Gazetted Government servant:—

(i) if he entered Government service under any Government in India, before attaining the age of thirty-five years, after he has attained the age of fifty years;

(ii) in any other case, after he has attained the age of fifty-five years, by giving him notice of three months in writing, if such authority is of the opinion that it is in the public interest so to do;

And whereas, Shri\* .....  
Department/Office ..... a Gazetted  
Government servant, has now attained the age of† ..... years;

And whereas, the ..... (being the appropriate  
authority) is of the opinion that it is in the public interest to retire  
the said Shri .....

\*Here enter the name and designation.

†Here enter the present age in completed years.

<sup>1</sup> Substituted w. e. f. 25-5-1984 by Notification No. PEN-1088/1167/SER-4, dated 5-5-1990.

Now, therefore, in pursuance of  $\frac{\ddagger}{\text{sub-rule (4) clause (a) (i)}}$  of  
 $\frac{\text{sub-rule (4) clause (a) (ii)}}{\text{rule 10 of the Maharashtra Civil Services (Pension) Rules, 1982,}}$   
 the ..... (appropriate authority) hereby  
 gives notice to the said Shri ..... that he shall  
 stand retired from Government service on the <sup>\*\*</sup> .....  
 day of ..... 19 or the day immediately following  
 the date of expiry of the period of three months commencing from the  
 date of service of this notice on him, whichever is later.

† By order and in the name of the Governor of Maharashtra.

Signature .....

Designation .....

To

Shri .....  
 .....

‡ Strike out what is not appropriate.

\*\* Here enter the date following the date of expiry of three months' notice period reckoned from the date of issue of notice.

† To be deleted where the "appropriate authority" is other than Government.

Note.—The Notice should be signed by the "appropriate authority" itself where such authority is other than Government and not by any authority subordinate to such authority.]

## [FORM 31]

[See rule 10 (4) (b)]

Form of Notice of Premature retirement of non-Gazetted  
Government Servants

No. ....  
 Government of Maharashtra,  
 Department/Office .....  
 Dated the .....

## NOTICE

Whereas, under sub-clause (b) of sub-rule (4) of rule 10 of the Maharashtra Civil Services (Pension) Rules, 1982, an appropriate authority has the absolute right to retire any Government servant who holds a post in Class III service of the State. Either pensionable or non-pensionable, after he has attained the age of fifty-five years, by giving him notice of three months in writing, if such authority is of the opinion that it is in the public interest so to do ;

And whereas, Shri\* .....  
 Department/Office ..... a Government  
 servant, who holds a post in class III service of the State has now  
 attained the age of † ..... years ;

And whereas, the ..... (being  
 the appropriate authority) is of the opinion that it is in the public  
 interest to retire the said Shri .....

Now, therefore, in pursuance of clause (b) of sub-rule (4) of  
 rule 10 of the Maharashtra Civil Services (Pension) Rules, 1982, the  
 ..... (appropriate authority) hereby gives  
 notice to the said Shri ..... that he shall

\*Here enter the name and designation.

†Here enter the present age in completed years.

<sup>1</sup> Substituted w. e. f. 25-5-1984 by Notification No. PEN-1088/1167/SER-4, dated 5-5-1990.

stand retired from Government service on the\* .....  
 day of ..... 19 ..... or the day immediately following  
 the date of expiry of the period of three months commencing from  
 the date of service of this notice on him, whichever is later.

† By order and in the name of the Governor of Maharashtra.

Signature .....

Designation .....

To

Shri .....

\* Here enter the date following the date of expiry of three months' notice period reckoned from the date of issue of notice.

† To be deleted where the "appropriate authority" is other than Government.

Note.—The Notice should be signed by the "appropriate authority" itself where such authority is other than Government and not by any authority subordinate to such authority.]

## [FORM 32]

[See rule 65 (1) (b)]

Form of Notice of Premature retirement of Government  
Servants

No. ....

Government of Maharashtra,

Department/Office .....

Dated the .....

## NOTICE

Whereas, under clause (b) of the proviso to sub-rule (1) of rule 65 of the Maharashtra Civil Services (Pension) Rules, 1982, an appointing authority has the absolute right to retire any Government servant who holds a post, either pensionable or non-pensionable, after he has put in qualifying service of thirty years, by giving notice of three months in writing to such Government servant, if such authority is of the opinion that it is in the public interest so to do ;

And whereas, Shri\* .....  
Department/Office .....  
Government servant, who holds a post of .....  
under Government has completed qualifying service of thirty years ;

And whereas, the .....  
(being the appointing authority) is of the opinion that it is in the public  
interest to retire the said Shri .....

Now, therefore, in pursuance of clause (b) of the proviso  
to sub-rule (1) of rule 65 of the Maharashtra Civil Services  
(Pension) Rules, 1982, the .....  
..... (appointing authority) hereby gives notice to the said  
Shri ..... that he shall stand retired from

\*Here enter the name and designation.

<sup>1</sup> Inserted by Notification No. PEN/1088/1167/SER-4, dated 5-5-1990.

Government service on the\* ..... day of  
 ..... 19 ..... or the day immediately following the date  
 of expiry of the period of three months commencing from the date of  
 service of this notice on him, whichever is later.

† By order and in the name of the Governor of Maharashtra,

Signature .....

Designation .....

To

Shri .....

\* Here enter the date following the date of expiry of three months' notice period reckoned from the date of issue of notice.

† To be deleted where the "appointing authority" is other than Government.

Note.—The Notice should be signed by the "appointing authority" itself where such authority is other than Government and not by any authority subordinate to such authority.]

By order and in the name of the Governor of Maharashtra,

K. PADMANABHAIAH,  
 Principal Secretary to Government.



## COMPARATIVE TABLE

*Note.*—This comparative table has been prepared solely for the purposes of facilitating reference.

1

Rule No. from Maharashtra Civil Services (Pension) Rules, 1982	Corresponding Rule No. from Bombay Civil Services Rules, 1959 or Revised Pension Rules, 1950 (RPR)	Remarks	Rule No. from Maharashtra Civil Services (Pension) Rules, 1982	Corresponding Rule No. from Bombay Civil Services Rules, 1959 or Revised Pension Rules, 1950 (RPR)	Remarks
1	2	3	1	2	3
<b>Chapter I—General</b>			<b>Chapter IV—General Conditions</b>		
1	1		20	182	New
2	2, 146 & 148		21	183	New
3	3		22	182 & 183	
4	3A		23	185	
5	4		24	191	
6	5		25	187	
7	6		26	189 & RPR-39	
8	8		27	190	New
<b>Chapter II—Definitions</b>			28	279-A	
9	9		29	279-B	
<b>Chapter III—Retirement</b>			<b>Chapter V—Qualifying Service</b>		
10	161		30	230	
11	Note 4 of 161		31	231	New
12	Note 3 of 161		32	230-A, 231 & RPR-42	
13	Note 1 of 161		33	240-B & RPR- 41 & 43-A	
14	Note 5 of 161		34	232	
15	162		35	233	New
16	463		36	240 (3)	
17	164		37	234	New
18	155		38	235	New
19	165-A		39	328, 329, 329-A & 329-B	

Comparative Table I—*contd.*

1	2	3	1	2	3
Chapter V— <i>contd.</i>			Chapter VII— <i>contd.</i>		
40	.. 245-B & RPR-44.		66	.. ..	New
41	.. 247		67	.. ..	New
42	.. ..	New	68	.. 258	
43	.. 243		69	.. 259	
44	.. 243		70	.. 260	
45	.. Note 1 of 274 and 250 (2).		71	.. 200	
46	.. 250 (c)		72	.. 201	
47	.. 250 (b)		73	.. 202	
48	.. 250 Note 2		74	.. 202-A	
49	.. 234		75	.. 202-B	
50	.. 242		76	.. 203	
51	.. 244		77	.. 204	
52	.. 248		78	.. 205	
53	.. 284		79	.. 206	
54	.. 192		80	.. 211	
55	.. ..	New	81	.. 266	
56	.. 236		82	.. 268	
57	.. 233		83	.. 291	
58	.. 237		84	.. 292	
59	.. 194-B		85	.. 209	
Chapter VI—Pensionable Pay			86	.. 269	
60	.. RPR-46		87	.. 270	
61	.. ..	New	88	.. 270-A	
Chapter VII—Classes of pensions and conditions governing their grant			89	.. 271	
62	.. 251		90	.. 272	
63	.. 252		91	.. 273	
64	.. RPR-8 & 254		92	.. 294	
65	.. RPR 8		93	.. 295	
			94	.. 296	
			95	.. 297	

Comparative Table-I—*contd.*

1	2	3	1	2	3
<b>Chapter VII—<i>contd.</i></b>			<b>Chapter X—Determination and authorisation of the amounts of pension and gratuity.</b>		
96	.. 298		118	.. ....	New
97	.. 298-A		119	.. ....	New
98	.. 299		120	.. 207-A	
99	.. 300		121	.. 198-A, 207 & 207-A & B.	New
100	.. 186		122	.. ....	New
101	.. 274		123	.. 198-B	New
102	.. 301		124	.. 213-A (b)	
103	.. 301-A		125	.. ....	New
<b>Chapter VIII—Regulation of amounts of pension of pre-1950 entrants</b>			126	.. 214, 214-A & 313.	New
104	.. ....	New	127	.. 212	New
105	.. 254		128	.. ....	New
106	.. 282 (Part)		129	.. 199	New
107	.. 9 (41-A)		130	.. ....	New
108	.. RPR-2		131	.. 213-A and 313	
<b>Chapter IX—Regulation of amounts of pensions of post-1950 entrants</b>			132	.. ....	New
109	.. ....	New	133	.. ....	New
110	.. 278, 279 & RPR-6	New	134	.. ....	New
	.. <i>Annexure.</i>		135	.. 213-A (c)	
111	.. RPR-11, 12, 13 14, 14-A, 15 to 20.		<b>Chapter XI—Determination and authorisation of the amount of Family Pension and death gratuity in respect of Government servants dying while in service</b>		
112	.. RPR-16		136	.. ....	New
113	.. ....	New	137	.. ....	New
114	.. ....	New	138	.. ....	New
115	.. RPR-21 to 29		139	.. ....	New
116	.. ....	New			
117	.. RPR-30 to 38 & 40				

Comparative Table-I—*contd.*

1	2	3	1	2	3
Chapter XI— <i>contd.</i>			Chapter XIV—Re-employment of Pensioners		
140	..	New	153	.. 327	
141	..	New	154	.. 327-A	
142	..	New	155	.. 327-B	
143	..	New	156	.. 327-C	
Chapter XII—Sanction of Family Pension and residuary gratuity in respect of deceased pensioners			157	.. 330	
144	..	New	158	.. 331	
145	..	New	159	.. 331-A	
Chapter XIII—Payment of Pensions			160	.. 331-B	
146	.. 307 & 310		161	.. 332	
147	.. 308		162	.. 332-A	
148	.. 309		163	.. 332-B	New
149	.. 309-A		164	.. 332-C	
150	.. 312		Chapter XV—Repeal and Saving		
151	.. 220 & 221				
152	..	New	165	.. 864	New

## II

Appendix in the Maharashtra Civil Services (Pension) Rules, 1982			Corresponding Appendix/Rules from Bombay Civil Services Rules, 1959, Vol. I and II.		
1			2		
Appendix	..	I	Relevant delegations from Appendix 1 from B. C. S. Rules, Vol. II.		
Appendix	..	II	Appendix XIV-F of B. C. S. Rules, Vol. II.		
Appendix	..	III	Appendix XII-A of B. C. S. Rules, Vol. II.		
Appendix	..	IV	B. C. S. Rules, Nos. 210, 275, 276, 302, 303, 304, 305, 306 and 306-A.		

Comparative Table—*contd.*

## III

The following Rules/Notes/Instructions, etc., from the Bombay Civil Services Rules, 1959 stand deleted :—

Rules No.	Rules No.
188	239
190	240
193	240-A
193-A	245
194	245-A
194-A	255
196	256
197	262
198	263
211-A	264
213	265
215	273-A
216	277
217	282
218	285
219	288
222	289
223	290
229	326-B
238	

## IV

The following Rules from the Revised Pension Rules, 1950 (RPR) have also been deleted :—

Rules No.	Rules No.
RPR-1	RPR-45
RPR-3	RPR-48
RPR-4	RPR-49
RPR-5	RPR-50
RPR-10	RPR-51
RPR-43	RPR-52

Comparative Table—*contd.*

## V

The following Appendices from B. C. S. Rules Vol. II stand deleted :

---

Appendix Nos. IX, X, XI, XII, XIV-A, XIV-B & XIV-E

---

## VI

The following Rules/Notes/Instructions/Exceptions, etc., from Bombay Civil Services Rules, 1959 stand transferred to the Maharashtra Treasury Rules, 1960 :—

---

Rule No.

---

226, 227 & 228

---

Comparative Table for Facilitating reference

Original Rule No. from M. C. S. R. (1)	Amendment No. (2)	Page No. (3)	Heading (4)
Rule-6, Sub-rule (2) Proviso,	2	(2)	Regulation of claims to pension or Family Pension.
After rule 6, Rule-6-A.	3	(3)	Manner of payment of arrears of Pension or family pension or dearness relief.
Rule-10, Sub-rule (4) Sub-Rule (5)	4	(13-14)	Age of retirement.
Rule 23	5	(19-20)	Sanction of pension in special circumstances.
Rule 24	6	(20)	Pension not exchangeable but gratuity may be exchanged for annuity.
Rule 30	7	(25)	Commencement of qualifying service.
Rule 37	8	(27)	Counting of service as an apprentice.
Rule 39	9	(28-30)	Counting of pre-retirement civil service in the case of re-employed Govt. servants.
Rule 52	10	(36-37)	Non-Pensionable service counted for pension.
Rule 60	11	(42-43)	Pensionable pay.
Rule 64, Sub-rule (2)	12	(46)	Retiring Pension.
Rule 65, Sub-rule (1)	13	(46-47)	Retirement on completion of 30 years qualifying service.
Rule 66 Sub-rule (1), (3), (4).	14	(48)	Retirement on completion of 20 years qualifying service.
After Rule 66 (New Rule 66-A).	15	(49)	Addition to qualifying service on voluntary retirement.
Rule-67, Clause-(f) (sub-clauses i & ii)	16	(49-52)	Pension on absorption in or under a Corporation, Autonomous Body or Local Authority.
Rule 73	17	(55)	Authorities empowered to sign the medical certificate of incapacity for further service.
Rule 108 Sub-rule (2)	18	(69-70)	Eligibility to retirement gratuity/ death gratuity and Family Pension.
Rule-110 Sub-rule (1) & Sub-rule (2)	19	(71-72)	Amount of pension.

Table—contd.

(1)	(2)	(3)	(4)
Rule 111 Sub-rule (1)	20	(72)	Retirement gratuity/death gratuity
Rule 116 Sub-rule (1)	21	(78)	Family Pension, 1964.
Rule 122	22	(95)	Completion of Pension papers.
Rule-123	23	(95-96)	Forwarding of Pension pps. to Audit Officer.
Rule 126	24	(96-99)	Provisional Pension & Gratuity.
Rule 127	25	(100)	Authorisation of Pension and gratuity by the Audit Officer.
Rule 129-A	26	(101-102)	Interest on delayed payment of gratuity.
After Rule 129-A, 129-B.	27	(102)	Interest on delayed payment of pension.
After Rule 134, 134-A.	28	(106-107)	Recovery and adjustment of excess amount paid.
Rule 138, Clause (b)	29	(111-112)	For the purpose of death gratuity.
Rule 144, Sub-rule (2), Clause (a).	30	(119)	Sanction of Family Pension and residuary gratuity on the death of a pensioner.
Rule 163	31	(130-133)	Commercial Employment after retirement.
Rule 164 : Sub-rule (2)	32	(133)	Employment after retirement under a Government outside India.
Rule 108 Heading		(69)	
Rule 108, Sub-rule (1)			
Rule 111 Heading		(72)	
Rule 114, Heading & Text		(75)	
Rule 115, (Sub-rule (1)	33	(75-76)	
Appendix V : Form 1 (Heading)		(153)	
Appendix V : Form 2 (Heading)		(155)	
Appendix V : Form 6, Part-I : Item-25		(165)	



Table—*contd.*

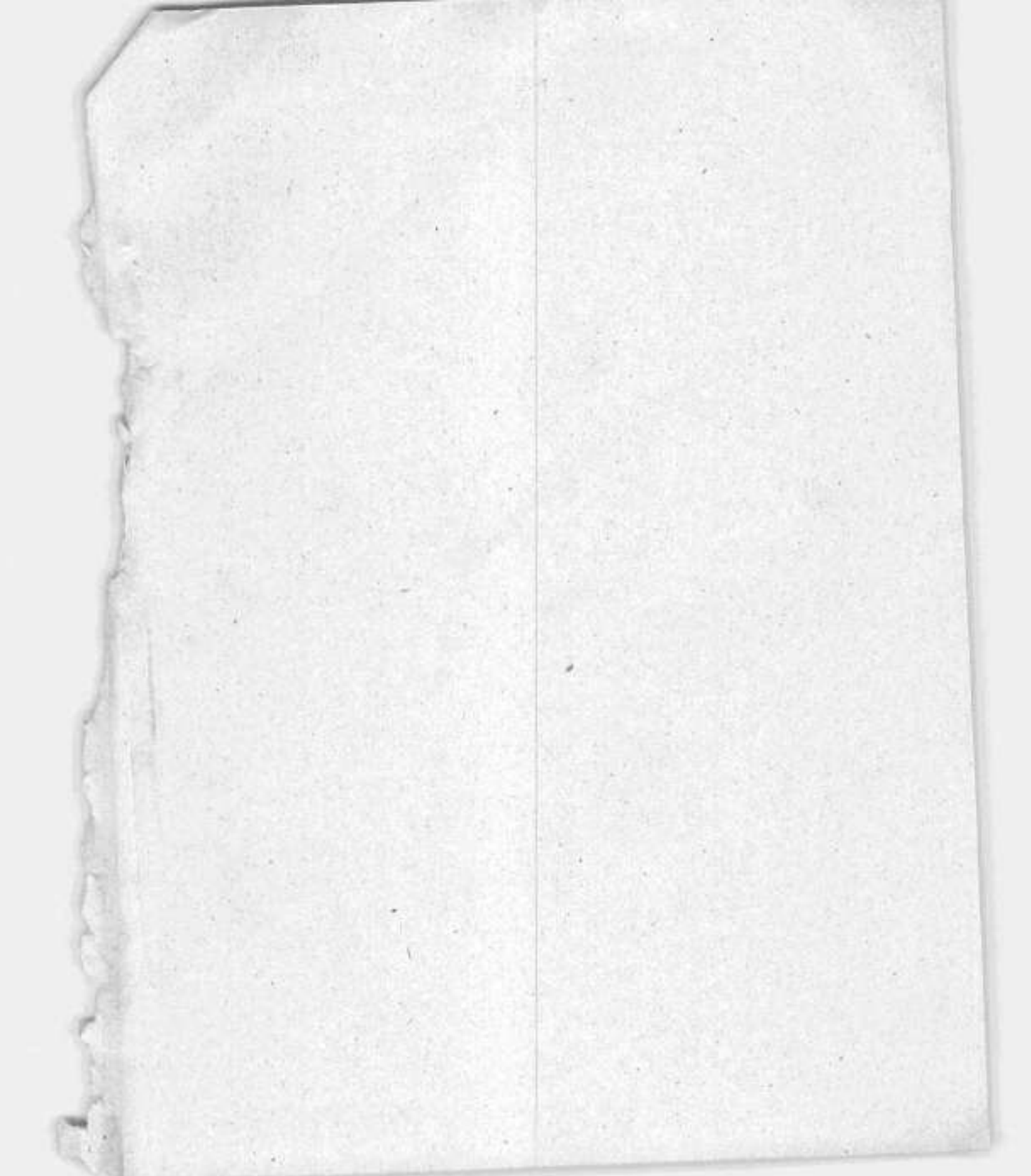
(1)	(2)	(3)	(4)
Rule 39, Sub-rule (1)		(28-29)	
Rule 39, Sub-rule (3)		(29-30)	
Rule 66, Sub-rule (6)		(49)	
Rule 67		(49-52)	
Rule 111, Sub-rule (1)		(72)	
Rule 111, Sub-rule (3)		(73)	
Rule 126, Sub-rule (3)		(97)	
Rule 132, Sub-rule (2)	34	(105)	
Rule 134, Sub-rule (3)		(106)	
Appendix V, Form-6, Part-I, item 2-6		(162)	
Appendix V, Form 7 Paras 2-6		(170-171)	
Appendix V, Form 20, item 8		(209)	
Rule 39, Sub-rule (5)		(30)	
Chap. XI (Heading)		(108)	
Rule 136 (Heading)		(108)	
Rule 136, Sub-rule (1)		(108)	
Rule 136, Sub-rule (2)		(108)	
Rule 137, Sub-rule (2) & (3)		(110)	
Rule 138 (Clause B Heading)		(111)	
Rule 138 (Clause b-i, & ii)		(111-112)	
Rule 142 (Sub-rule i, Cl. i)	35	(115)	
Rule 142 (Sub-rule i, Cl. ii)		(117)	
Rule 142, Sub rule (1), Clause v-vi & vii)		(117)	
Rule 142, Sub-rule (1), Clause (viii)		(117)	
Rule 142		(118)	
Rule 142, Sub-rule (2)		(115-118)	
Rule 143 Heading		(118)	

Table—contd.

(1)	(2)	(3)	(4)
Rule 143, Sub rule (1) and (2)		(118)	
Appendix V, Form 8 (Heading)		(173)	
Appendix V, Form 8 Subject		(173)	
Appendix V, Form 8 Subject and Para (1)		(173)	
Appendix V, Form 9 (Heading)		(174)	
Appendix V, Form 9 (Subject)		(174)	
Appendix V, Form 9 Subject Para I		(174)	
Appendix V, Form 10 (Heading)	35	(175)	
Appendix V, Form 16 (Heading)		(195)	
Appendix V, Form 16, Part I		(195)	
Appendix V, Form 16, Part II		(200)	
Appendix V, Form 17 Heading		(203)	
Appendix V, Form 17 Subject		(203)	
Appendix V, Form 17, Para 1, 2 and 4,		(203)	
Appendix V, Form 20, Item 12		(210)	
Appendix I, Sr. No. 1	36	(139)	Authorities to whom powers under Maharashtra Civil Services (Pension) Rules, 1982 have been delegated by Govt.
Appendix II, Rule-2	37	(140)	Grant of Terminal benefits to Temporary employees.
Appendix V, Form 6 Part-II	38(A)	(167)	Form for assessing pension and gratuity.
Appendix V, Form 23	38(B)	(213)	Form of application for permission to accept commercial employment within a period of two years after retirement.

Table—contd.

(1)	(2)	(3)	(4)
Appendix V, Forms 30 & 31.	38(C)	(230-233)	Form of notice for premature retirement of Gazetted/Non Gazetted Government Servants.
Rule 11	218	(16)	Retirement according to the character of the post held in an officiating capacity and not the post held in substantive capacity.
Rule 47, Sub-rule (2).	218	(35)	Effect of interruption in Service.
Rule 54	218	(39)	Condonation of deficiency and addition in Service.
Rule 98, Sub clause (a)	218	(65)	Exchange of invalid gratuity for wound or injury pension.
Rule 111, Sub-rule (1) and (4)	218	(72, 73)	Retirement gratuity/death gratuity.
Rule 116, Sub-rule (16), (c), (i)		(87)	Family Pension, 1964.
Rule 110, Sub-rule (3)	241	(72)	Amount of pension.
Rule 157, Sub-rule (3) (a)	4	(126)	Fixation of pay of re-employed pensioner.
Rule 162, Sub Clause (a) (ii)	4	(129)	Fixation of pay of Military pensioner on re-employment in Civil Department.



---

## Maharashtra Government Publications can be obtained from—

- **THE DIRECTOR**  
GOVERNMENT PRINTING, STATIONERY AND PUBLICATION  
Maharashtra State  
Netaji Subhash Road  
MUMBAI 400 004.  
Phone : 2363 26 93      2363 06 95  
             2363 11 48      2363 40 49
- **THE MANAGER**  
GOVERNMENT PHOTOZINCO PRESS AND BOOK DEPOT  
Photozinco Press Area, Near G.P.O.  
PUNE 411 001.  
Phone : 2612 58 08      2612 89 20
- **THE MANAGER**  
GOVERNMENT PRESS AND BOOK DEPOT  
Civil Lines  
NAGPUR 440 001.  
Phone : 252 26 15
- **THE ASSTT. DIRECTOR**  
GOVERNMENT STATIONERY, STORE AND BOOK DEPOT  
Shaha Ganj, Near Gandhi Chowk  
AURANGABAD 431 001.  
Phone : 233 14 68
- **THE MANAGER**  
GOVERNMENT PRESS AND STATIONERY, STORE  
Tarabai Park  
KOLHAPUR 416 003.  
Phone : 265 03 95      265 04 02

**AND THE RECOGNISED BOOKSELLERS**

---