

of the Government servant, subject to a maximum of two hundred and forty days.

(b) The cash equivalent under clause (a) shall be calculated as follows and shall be payable in one lumpsum as a one-time settlement. No house rent allowance or city compensatory allowance shall be payable:

Basic pay admissible on the date of retirement+Dearness Allowance admissible thereon on that date	No. of days of unutilised earned leave at credit on the date of retirement, subject to a maximum of 240 days
---	--

Cash equivalent = _____ X

30

(2) The authority competent to grant leave may withhold whole or part of the cash equivalent of earned leave in the case of a Government servant who retires from service on attaining the age of retirement, while under suspension or while disciplinary or criminal proceedings are pending against him, if in the view of such authority there is a possibility of some money becoming recoverable from him on conclusion of the proceedings against him. On conclusion of the proceedings, he will become eligible to the amount so withheld after adjustment of Government dues. if any.

(3)(a) Where the service of a Government servant has been extended in the interest of public service beyond the date of his retirement, he may be granted-

(i) during the period of extension, any earned leave due in respect of the period of such extension plus the earned leave which was at his credit on the date of his retirement, subject to a maximum of 120 days/ 180 days as the case may be, as prescribed under clause (a) and (b) of sub-rule (9) of Rules 112.

(ii) after expiry of the period of extension, cash, equivalent in the manner provided in sub-rule (1) in respect of earned leave at his credit on the date of retirement, plus the earned leave earned during the period of extension, reduced by the earned leave availed of during such period, subject to a maximum of 240 days.

(b) The cash equivalent payable under sub-clause (ii) of clause (a) of this sub-rule shall be calculated in the manner indicated in clause (b) of sub-rule (1) above.

(4) A Government servant who retires by giving notice to Government or who is retired by Government by giving him notice or pay and allowances in lieu of such notice in accordance with the provisions of rule 285, may be granted, suo-motto by the authority competent to grant leave, cash equivalent of the leave salary in respect of earned leave at his credit, subject to a maximum of 240 days.

¹[(4)(A) Where a Government servant is compulsorily retired as a measure of penalty under the provisions of Karnataka Civil Services (Classification, Control and Appeal) Rules, 1957 and the disciplinary authority has not imposed any reduction in the amount of his pension (including gratuity) under rule 218 of the rules, the authority competent to grant leave shall suo motto issue an order granting cash equivalent of leave salary for earned leave, if any, at the credit of the Government servant, on the date of such retirement, subject to a maximum of two hundred and forty days.]

(5) In case a Government servant dies while in service, the cash equivalent of the leave salary in respect of earned leave at the credit of the deceased Government servant on the date of his death, subject to a maximum of 240 days shall be paid to his family.

(6) A Government servant who is declared by a medical authority to be completely and permanently incapacitated for further service may be granted suo-motto, by the authority competent to grant leave, cash equivalent of leave salary in respect of earned leave due and admissible on the date of his invalidation from service, subject to a maximum of 240 days.]

(7) The cash equivalent payable under sub-rule (4) ¹[(4) (a),] (5) and (6) shall be calculated in the manner indicated in clause (b) of sub-rule (1) above.

119. ²[In respect of Government servants governed by these rules, leave account should be maintained in Form 1. The leave at credit on the date immediately preceding the date with effect from which a Government servant has elected to be governed by the rules in this part (hereinafter in this rule called the said date) should be

1. Inserted by No. FD 39 SRS 88 dt. 18-3-89 (w.e.f. 6-4-89).

2. Substituted by FD 91 SRS 78 dt. 8-2-1980 (w.e.f. 28-2-1980)

noted on the top page of the page containing the leave accounts. Such leave and the leave availed of by the Government servant after the said date should be noted in it separately and not mixed up with the leave earned after the said date.

120. In respect of Government servants as who have, in pursuance of the option exercised under the provisions of rule 105 or the provisions thereunder, elected to be governed by the rules in this part with effect from the 1st day of August 1962 or the first day of October 1972 or the first day of January 1978, as the case may be, hereinafter in this rule called the 'said date' the following provisions shall be applicable.

I. In the case of Government servants allotted to the new State Of Mysore from the States of Bombay, Hyderabad, Coorg and Madras.

(1) Bombay Leave Rules:

(i) Old Leave rules: Leave on average pay.

The maximum leave on average pay at a time will be limited to four months; It may be extended up to eight months, If the leave in excess of four months is spent out of India or the leave in excess of four months is supported by Medical Certificate but is not leave preparatory to retirement.

(ii) Revised Leave Rules:

(a) Earned Leave: Earned leave will be added to earned leave earned from the said date (upto the prescribed maximum limit).

(b) Half pay leave due: This will be added to half pay leave earned from the said date.

(2) The Madras Leave Rules, 1933:

The following method shall be adopted in calculating the unearned leave (i.e., leave on private affairs and leave on Medical Certificate) at the credit of the Government servant on the date immediately preceding the said date:

Calculate the ratio between the period of completed years of service put in by the Government servant to the date immediately preceding the said date and the total period of completed years of service he would put in if he would retire at the age of superannuation (55 years). Calculate the amount of unearned leave at the same ratio and deduct the leave availed of to the date immediately preceding the said date. The balance will be the amount of unearned leave

(half pay leave due) at the credit of the Government servant on the said date. If the leave already taken exceeds the amount that would thus be admissible, the excess should be shown in red ink, in the leave account and debited against half pay leave that would be earned for each completed year of service from the said date.

This principle is applicable also to other cases where leave is not based on a fixed fraction of the service rendered.

II. In the case of Government servants allotted to the New State of Mysore from the Old State of Mysore eligible for leave under the Mysore Services Regulations.

(a) Privilege leave:- This will be added to "Earned Leave" due from the said date (subject to the prescribed maximum limit).

During the period of privilege leave availed of on or after the said date (as earned leave) the leave salary should not be less than the "salary" as on the date immediately preceding the said date.

Note:- In the case of temporary Government Servants who had put in a service of one year as on the said date, the amount of privilege leave due up to the date immediately preceding the said date will be calculated at 1/11th of the period of duty as per the Leave Rules in Mysore Service Regulations and the amount of earned leave due will be calculated at 1/22nd of the period of duty as per the Leave Rules in this part from the said date, till the date of completion of a service of one year.

(b) Leave on half average Salary:- This will be added to "Half pay leave due".

Note 1. Temporary Government servants who have put in a service of less than 5 years as on the said date may be given credit furlough leave on half average pay calculated with reference to their service as on the date immediately preceding the said date, and carried forward for availment after the said date subject to the limit prescribed in the New Leave Rules.

Note 2. According to Article 207, Mysore Service Regulations (old), Average salary will be granted during Furlough due for a total Period not exceeding one year in the whole service, (six months at a time which can be extended upto eight months on Medical certificates) twice the period of Furlough leave on Average salary being debited to the leave account in terms of leave on half average salary.

The employees of the old Mysore State will be permitted to avail the Furlough Leave on average salary, which was at credit on the date immediately preceding the said date on or after the said date, subject to the prescribed maximum limits. The total of furlough on average salary (Old Rules) and of commuted leave (New Rules) should not exceed one year, during the whole service, if the Government servant had earned leave on average pay for at least 120 days on the date immediately preceding the said date.

If the leave earned is less, the maximum limit will stand correspondingly reduced.

Leave on half average salary during the whole service (other than privilege leave or earned leave) should not exceed three years.

Note 3- Government servants of the old Mysore State can be granted furlough leave on average salary which was at their credit on the date immediately preceding the said date, preparatory to retirement, subject to the prescribed limit.]

¹[xxx]

SECTION III - EXAMINATION LEAVE

130. The rules in this Section regulate the, grant of leave to enable Government servants to appear at examinations.

131. Examination leave may be affixed or prefixed to earned leave; except as herein provided, no kind of leave, except half pay leave on medical certificate, may be granted in continuation of Examination leave.

132. A Government servant while absent from his office or from his station to attend an obligatory Departmental Examination is, considered to be on duty.

133. Leave may not be given to a Government servant to prepare for examination or for recreation after examination. A reasonable time including the day or days of examination, should be allowed for the journey to and from the place of examination and nothing more.

134. A Government servant permitted to present himself at any examination which must be passed before he is eligible for higher

1. Deleted by No.FD 163 SRS 58 dt. 4-12-58 (w.e.f. 1-1-1959).

appointment in any branch of the public service, may under the orders of his immediate departmental superior be allowed leave of absence for the number of days which is actually necessary to enable him to attend the examination, that is, the number of days required for travelling from his station to the place of examination and back, and the number of days which the examination itself will occupy. During this absence no deduction will be made from the allowances of the Government servant unless the Head of the Office finds such deduction necessary to enable him to make arrangements for carrying on the work. Such leave should not be allowed more than twice for each standard of examination.

¹[*Exception:-* A Government Servant appearing for the examinations like Subordinate Accounts Service and Treasury Head Accountants, Examination held only at Bangalore Centre, may be allowed leave of absence for the number of days which is actually necessary to enable him to attend the examination and for the period required for travelling to Bangalore and back to his place of duty. for the first three attempts irrespective of whether he appears for the whole examination or a particular part or parts comprised therein.]

²[134-A. For purposes of the rules contained in this section as well as clause (d) of sub-rule (15) of rule 8 of these rules, an examination or test is deemed to be obligatory, if it is prescribed as a condition precedent for allowing increments or promotion, or for confirmation. Examination Leave is not leave in the normal sense. To get the benefit of duty to appear for an obligatory examination, the Government servant concerned shall obtain permission to be away from office. Such permission shall be given only twice in respect of each such obligatory test or departmental examination, subject to the provisions of the Exception below rule 134 of these rules. Where such absence cannot be treated as duty, the Government servant has to apply for such kind of leave as is due and admissible to him.]

SECTION IV - MATERNITY LEAVE

³[135:-(1) A female Government servant may be granted maternity leave by an authority competent to grant leave for a period

1. Inserted by No. FD 97 SRS 68, dated 2-9-68.

2. Inserted by No. FD 55 SRS 79 dated 30-10-79 (wef 8-11-79)

3. Substituted by No. FD 9 SRS 86 dated 19-9-86 (wef 25-9-86).

of 1[135 days] from the date of its commencement. During such period, she shall be paid leave salary equal to the pay drawn immediately before proceeding on leave.

(2) Maternity leave may also be granted in case of miscarriage or abortion including abortion induced under the Medical Termination of Pregnancy Act 1971 (but not threatened abortion), subject to the conditions that:-

(a) the leave does not exceed six weeks; and

(b) the application for leave is supported by a medical certificate from a Registered Medical Practitioner.

(3) Maternity leave under sub-rule (1) or (2) above shall not be admissible to a female Government servant who has two or more living children.

(4)(a) Maternity leave may be combined with vacation or any other kind of leave. Such leave not exceeding sixty days may be granted without production of medical certificate.

(b) Leave in further continuation of leave granted under clause (a) of sub-rule (4) may be granted in the case of illness of the female Government servant subject to production of a medical certificate from the Authorised Medical Attendant. Such leave may also be granted in case of illness of a newly born baby, subject to production of a medical certificate from the Authorised Medical Attendant to the effect that the condition of ailing baby warrants personal attention and that her presence by the baby's side is absolutely necessary.

(5) the maternity leave shall not be debited against the leave account]

²[135A. Leave to female Government servant on adoption of a child :- A female Government servant on her adopting a child, may be granted leave of the kind due and admissible (including commuted leave without production of Medical Certificate for a period not exceeding 60 days and leave not due) upto one year or till the adopted child attains the age of one year whichever is less subject to the condition that such female Government servant should not have two living children at the time of adoption.]

1. Substituted by No. FD 4 SRA 99 dated 2.6.2000 (wef 1.1.1999)

2. Inserted by No. FD 2 SRA 93 dt. 22-2-95 (wef 1-7-95)

¹[SECTION IV-A - PATERNITY LEAVE

135B.(1) A male Government servant may be granted paternity leave during the confinement of his wife by an authority competent to grant leave for a period of fifteen days from the date of its commencement.

(2) During such leave period, he shall be paid leave salary equal to the pay drawn immediately before proceeding on leave.

(3) It shall not be admissible to a male Government servant who has two or more living children.

(4) It shall not be debited to the leave account; it may be combined with any other kind of leave except casual leave.

(5) It cannot be encashed or merged with earned leave.

(6) It may not be normally refused.]

SECTION V - SPECIAL DISABILITY LEAVE

136(1) Subject to the conditions hereinafter specified, Government may grant special disability leave to a Government servant. ¹[whether permanent or temporary] who is disabled by injury intentionally inflicted or caused in, or in consequence of the due performance of his official duties or in consequence of his official position.

(2) Such leave shall not be granted unless the disability manifests itself within three months of the occurrence to which it is attributed and the person disabled acted with due promptitude in bringing it to notice. But the Government if they are satisfied as to the cause of the disability may permit leave to be granted in cases where the disability manifested itself more than three months after the occurrence of its cause.

²[(3) The period of leave granted shall be such as is certified by the Authorised Medical Attendant of the Government servant concerned to be necessary. It shall not be extended except with the certificate of that authority and shall in no case exceed 24 months.]

1. Inserted by No. FD 4 SRA 99 dated 2-6-2000 (wef 1.1.1999)
2. Amended by No. FD 18 SRS 61 dated 6-5-61 (wef 18-5-61)

(4) Such leave may be combined with leave of any other kind.

(5) Such leave may be granted more than once if the disability is aggravated or reproduced in similar circumstances at a later date but not more than twenty-four months of such leave shall be granted in consequence of any one disability.

(6) Special disability leave will count as duty in calculating service for pension but it will not count as service for leave. It will not be regarded as interrupting service for leave under the ordinary rules, nor as diminishing the amount of such leave at the Government servant's credit nor as part of the maximum leave admissible to him except that commuted leave taken under Rule 114 (c) will be reckoned as half-pay leave.

¹[(7) Leave salary during such leave shall-

(a) for the first 120 days of any period of such leave, including a period of such leave granted under sub-rule(5), be equal to leave salary while on earned leave; and

(b) for the remaining period of such leave, be equal to the leave salary during half pay leave:

Provided that a Government servant may, at his option be allowed leave salary as in clause (a) for a period not exceeding another 120 days, and in that event the period of such leave shall be debited to his half pay leave account.]

(8) In the case of a person to whom the Workmen's Compensation Act applies, the amount of leave allowance payable under this Rule shall be reduced by the amount of compensation payable under that Act.

137. Government may extend the application of the provisions of Rule 136 to a Government servant ¹[whether permanent or temporary] who is disabled by injury accidentally incurred in or in consequence of the due performance of his official duties or in consequence of his official position or by illness incurred in the performance of any particular duty which has the effect of increasing his liability to illness or injury beyond the ordinary risk attaching to

1. Substituted by No. FD 65 SRS 80 dated 18-11-1980 (wef 27-11-1980)

the civil post which he holds. The grant of this concession is subject to the following further conditions:-

(a) that the disability, if due to disease must be certified by ¹[the Authorised Medical Attendant of the Government servant concerned] to be directly due to the performance of the particular duty, and

¹[(b) that if the Government servant has contracted such disability during service otherwise than with a Military force, it must be in the opinion of Government so exceptional in character ¹[xxx.....] and

²[(c) that the period of absence recommended by an Authorised Medical Attendant may be covered in part by leave under this rule and in part by any other kind of leave, and that the amount of special disability leave granted on leave salary equal to that admissible on earned leave shall not exceed 120 days.]

138. Temporary employees of the Livestock Farms of the Veterinary Department who are incapacitated for work from injuries received in the execution of their legitimate duties (provided the injuries are not due to any negligence on their part) may be granted leave with allowance upto 30 days by the Director of Animal Husbandry in Karnataka on the strength of a medical certificate granted by a District Medical Officer.

SECTION VI - OTHER KINDS OF LEAVE

139. Special leave not exceeding 15 days for every half-year may be granted to a Government servant of the Medical Department who handles radium. The interval between two such periods of special leave should not be less than six months. The leave is not allowed to accumulate.

The leave allowances payable during this special leave are those admissible during earned leave. The period spent on special leave counts for half-pay leave but not for earned leave.

1. Inserted by No. FD 18 SRS 61 dated 6-5-61 (wef 18.5.61)

2. Substituted by No. FD 65 SRS 80 dated 18-11-1980 (wef 27-11-80)

¹[xxx]

²[Note 2:- The above leave may be treated as similar to earned leave for purposes of increments and pension].

³[Note 3:- The following staff of the Virus Diagnostic Laboratory, Shimoga and the Kyasanur Forest Disease Control Unit Sagar who have to handle infectious material and are subject to risk may be allowed Special Leave under this rule.

1. Virus Diagnostic Laboratory, Shimoga

(i) Assistant Director of Public Health

(ii) Research Assistant

(iii) Scientific Assistants (Two)

(iv) Senior Laboratory Technicians (Two)

(v) Animal Attendants (Seven)

(vi) Peons

2. Kyasanur Forest Disease Control Unit, Sagar

(i) Medical Officer of Health

(ii) Junior Health Inspectors

(iii) Driver

(iv) Cleaner]

140. Rangers and Foresters, forest Guards and Clerks of the Forest Department working in the Ranges mentioned below may be given a special locality leave of one month on full pay for every year in addition to earned leave to enable them to have a change of place to recoup their health. The grant of this leave should not involve extra cost and the work of officers on leave should be arranged to be looked after by those of a neighbouring Range:-

[Range Offices.]

1. Kakankote
2. Ainurmarigudi
3. Begur
4. Heggadadevanakote

1. Deleted by No.FD 241 SRS 71 dated 28-12-71

2. Inserted by No. FD 153 SRS 59, dated 7-7-59 (wef 1-4-58).

3. Inserted by No. FD 135 SRS 68, dated 2-9-68 (wef 13-6-61).

5. Muthodi
6. Thadasa
7. Manjarabad
8. Sivesvar
9. Sacrebyle
10. Umblebyle
11. Choradi
12. Koppa Range (Chikmagalur District)
13. Kallurkatte
14. Agumbe Range
15. Mudigere
16. Lakkavalli
17. Narasimharajapura
18. Hebbe Range

FORESTERS ONLY

1. Maddur (Gundlupet Range)
2. Bandipur
3. Anechowkur
4. Veerannahosahalli
5. Koppa (Mysore District)
6. Settihalli
7. Hanagere
8. Kumbi Forester
9. Talaguppa

Note 1:- The above leave may be treated as similar to earned leave for purposes of leave salary, increments, half-pay leave and pensions.

Note 2:- The leave may not be combined with leave other than earned leave but the grant of special locality leave should not result in extra cost.

Note 3:- The leave may not be accumulated beyond a period of one month.

¹[xxx]

1. Deleted by No FD 91 SRS 78 dated 8-2-80 (wef 28-2-80)

CHAPTER XII - SUBSIDIARY RULES

Conditions of Grant

143. If in the interest of the Public Service, all applications for leave cannot be complied with, authority competent to sanction leave will have full discretion in deciding which should be granted, and in so doing, it may take into consideration the following circumstances:-

(1) The Government servants who can, for the time being, be conveniently spared.

(2) The leave due to various competing applicants.

(3) The amount and character of the previous continuous service that they have rendered.

(4) The fact that a Government servant was compulsorily recalled from the leave last enjoyed by him.

(5) The fact that a Government servant has been refused leave in the public interests.

¹[144. Leave shall not be granted to a Government servant whom a competent punishing authority has decided to dismiss, remove or compulsorily retire from Government Service].

²[145. A Government servant appointed as a probationer is entitled to leave as a temporary Government servant].

146. "Apprentice" means a person deputed for training in a trade or business with a view to employment in Government service who draws pay at monthly rates from Government during such training but is not employed in or against a substantive vacancy in the cadre of a department.

Leave on medical certificate on half average pay not exceeding one month may be given to an apprentice in each year of apprenticeship.

Extraordinary leave without allowance may be given for a period not exceeding two months on each occasion and this may be combined with leave on half average pay.

1. Substituted by No. FD 58 SRS 58 dated 8-4-1958 (wef 1-4-1958)

2. Inserted by No. FD 55 SRS 80 dated 23-5-1980 (wef 5-6-1980)

147. Part-time Government servants are not entitled to any other kind of leave except casual leave which shall be limited to fifteen days in each calendar year in non-vacation departments and ten days in vacation departments.

148. A Section-writer or a Press servant paid under the piece work system will come under the service rules of the Press.

149. Earned leave is not allowed to a Government servant employed in an establishment the duties of which are not continuous, but are restricted to certain fixed periods in each year.

150. Re-employed pensioners who are granted either salary or honorarium may be allowed earned leave ¹[as per rule 112].

²[Note:- The authority competent to grant leave may grant, cash equivalent of earned leave earned by the re-employed Government servant during the period of re-employed and at his credit on the date of termination of the period of re-employment. The cash equivalent payable under this rule shall be calculated in the manner indicated in clause (b) of sub-rule (1) of Rule 118-A of the rules].

Service counting for Leave

151. A Government Servant who is discharged on reduction of establishment from, or resigns the Public Service, and is reemployed after an interval, cannot without the permission of the authority sanctioning the re-employment, count his former service towards leave.

152. A Government servant who is dismissed or removed from the Public Service but is reinstated on appeal or revision is entitled to count his former service for leave.

³[152-A. A Government servant employed while on refused leave under rule 110, earns leave under rule ¹[112] in respect of the period of employment running concurrently with refused leave and the leave so earned may be granted as terminal leave under the Note below Rule 150].

1. Substituted by No. FD 91 SRS 78, dated 8-2-1980 (wef 28-2-1980)
 2. Substituted by No. FD 9 SRS 87, dated 15-5-1987 (wef 21-5-1987)
 3. Inserted by No. FD 140 SRS 68, dated 15-1-1969.

Earned Leave (Vacation Department)

¹[153]

154. ²[A Judicial Officer (Gazetted) who is exercising jurisdiction in both Civil and Criminal cases in a combined court, may be permitted to avail himself of the summer vacation. If he does not avail of the summer vacation, he will be entitled to earn earned leave under the ordinary rules.

Exception:- A Judicial Officer (Gazetted or non-gazetted) exercising jurisdiction only in criminal cases is not entitled to avail himself of summer vacation. He is entitled to earn earned leave under the ordinary rules].

¹[155.

156.

157.]

Commencement and end of Leave.

158. Ordinarily, leave begins on the day on which the transfer of charge is effected, or if charge is transferred afternoon, on the following days. Similarly, such leave ordinarily ends on the day preceding that on which charge is resumed, or if charge is resumed afternoon, on that day. But if a Sunday or one or more Gazetted holidays fall on the day immediately preceding that on which the leave begins or on the day on which the leave ³[xxx] between two appointments ends, a Government servant may leave his station at the close of the day before or return to it at the end of such holidays, provided his departure or return does not involve: -

(i) the immediate transfer of a Government servant from or to another station, or the loss of his appointment by a Government servant appointed temporarily to the service.

(ii) the taking over of money, unless, subject to the condition that the departing Government servant remains responsible for the money in his charge. Government specially allows transfer of charge to take place before or after the holidays.

1. Amended by No. FD 2 SRA 93 dated 22-2-1995 (wef 1-7-1995)

2. Deleted by No. FD 48 SRS 60 dated 23-8-1960 (wef 1-9-1960)

3. Amended by No. FD 87 SRS 59 dated 5-8-1959 (13-8-1959)

¹[If holidays are as above prefixed to leave, the leave and the consequent re-arrangement of allowances, if any, take effect from first day after the holidays on which the office is open for business, and if holidays are affixed to leave, the leave is treated as having terminated on, and the re-arrangement of allowances, if any, takes effect from the day on which the Government servant would have resumed charge had holidays not followed the leave].

Note 1 - In cases in which the application of the above rules as to prefixing and affixing holidays to leave is doubtful or inequitable, Government shall decide which Government servant shall be held to have been in charge and to whom the salary of the office for the Sunday or holiday shall be paid.

Note 2 - For the purpose of this Rule, the office is regarded as closed for business only on Sundays and Gazetted holidays.

Explanatory Note:- The intention of the above Rule is that Sunday and Gazetted holidays may be affixed and suffixed ¹[xxx] to leave ¹[xxx].

As regards the regulation of pay and allowance during holidays prefixed and /or suffixed to leave, pay and allowances during such holidays are to be granted as if the Government servant concerned is on duty.

²[Note 3 - Prefixing and suffixing holidays to leave under this rule shall be allowed automatically except in cases where for administrative reasons permission for prefixing or suffixing any holiday to leave is specifically with-held and mentioned in the order sanctioning the leave.

Note 4 - In the case of leave on medical certificate, the prefixing/suffixing of leave shall be determined with reference to the date of issue of Medical Certificate keeping in view the instructions issued in O.M. No. FD 178 SRS 68, dated 23rd November 1968.]

Return to Duty

159(a) A Government servant on leave may not return to duty more than fourteen days before the expiry of the period leave granted to him unless he is permitted to do so by the authority which granted him leave.

1. Amended by No. FD 87 SRS 59 dated 5-8-1959 (wef 13-8-1959)

2. Amended by No. FD 91 SRS 78 dated 8-2-1980 (wef 28-2-1980)

(b) Notwithstanding anything contained in sub-rule (a) a Government servant on leave preparatory to retirement shall be precluded from withdrawing his request for permission to retire and from returning to duty, save with the consent of the authority empowered to appoint him.

160. No Government servant who has been granted leave on medical certificate may return to duty without first producing a medical certificate of fitness in the prescribed form. The authority sanctioning leave, may require a similar certificate in the case of any Government servant who has been granted leave for reasons of health, even though such leave was not actually granted on a medical certificate ¹[The medical certificate of fitness may be in the following form:-

We the members of the Medical Board

I.....Civil Surgeon /Staff Surgeon/Authorised Medical Attendant, /Registered Medical Practitioner of do hereby certify that We/I have carefully examined Shri/Smt /Kumariwhose signature is given below, and find that he/she has recovered from his/her illness and is now fit to resume duties in Government Service. We/I also certify that before arriving at this decision, We/I have examined the original medical certificate(s) and statement(s)of the case (or certified copies thereof) on which leave was granted or extended and have taken these into consideration in arriving at our/my decision.

Members of the Medical Board

Signature of the Government Servant. (1)
(2)
(3)

Civil Surgeon/Staff Surgeon/
Authorised Medical Attendant
/Registered Medical Practitioner.]

1. Inserted by No.FD 76 SRS 75, dated 18/22-3-1976 (wef 19.8.1976)

¹[161. A Government servant on leave may be recalled by the authority sanctioning leave to duty before the expiry of his leave only if such recall is considered necessary in public interest. Such recall shall be compulsory and the Government servant shall be entitled, if the leave from which he is recalled is in India, to be treated as on duty from the date on which he starts for the station to which he is ordered and to draw -

(a) travelling allowance in accordance with the provisions of rule 554 for the journey, and

(b) leave salary until he joins the post at the same rate at which he would have drawn it but for the recall to duty.]

Overstaying Leave

²[162. ³[A Government servant who remains absent after the end of his leave is entitled to no leave salary for the period of such absence and that period shall be debited to his leave account as though it were half pay leave to the extent such leave is due and as extraordinary leave to the extent the period of half pay leave falls short of the period of such absence, unless the leave is extended by a competent authority] Absence from duty after the expiry of leave, will render a Government servant liable to disciplinary action for misconduct except where the Government servant establishes to the satisfaction of the authority competent to sanction leave that he was unable to join duty for reasons beyond his control.

⁴[XXX)

²[163 - 164 xxx]

Combination, Extension and Commutation of Leave

165. The authority competent to sanction leave may. -

(1) grant to a Government servant any kind of leave admissible under these Rules (including Extraordinary leave without allowance) in combination with any other kind of leave so admissible or in continuation of leave of any other kind already taken.

1. Substituted by No. FD 91 SRS 78. dated 8-2-1980 (wef 28-2-1980)
 2. Amended by No. FD 178 SRS 59. dated 26-8- 1959 (wef 3-9-1959)
 3. Amended by No. FD 178 SRS 59. dated 13-11-1959 (wef 19-11-1959)
 4. Deleted by No. FD 44 SRS 77. dated 31-5-1978 (wef 19-9-1974)

¹[Note 1 - Earned leave already sanctioned and availed of prior to 29th January 1971, shall not be permitted to be converted into commuted leave/half pay leave].

²[Note 2 - Earned leave already sanctioned and availed of on and after 29th January 1971 shall not be permitted to be converted into commuted leave/half pay leave].

(2) commute the whole or any portion of any leave granted under these rules retrospectively into any other kind of leave which was admissible when the original leave was granted, and

(3) commute retrospectively periods of absence without leave into leave without allowances.

Note- Extraordinary leave without allowances cannot be converted retrospectively into leave on medical certificate, but leave may be given on medical certificate in continuation of extraordinary leave without allowances.

Explanatory Note - Casual leave once utilised cannot be commuted retrospectively into leave of any other kind at a later date after the return of the Government servant to duty. In the case, however, of a Government servant who avails of casual leave and before return to duty applies for earned leave or other leave, the casual leave already applied for should be treated as cancelled, and the leave sanctioned will have effect from the date the Government servant concerned ceased to perform his duties.

Leave after the date of Compulsory Retirement

166. ³[xxx]. In cases where the extension of service has been granted by the competent authority, the Heads of Departments are authorised to grant leave (either refused before superannuation or earned during the period of extension) upto 120 days in the aggregate to the non-gazetted Government servants without reference to Government.

³[Note - The refusal of leave should be only on account of exigencies of service (vide Rule 110) and with the prior approval of Government].

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1. Inserted by No.FD 195 SRS 72, dated 23.3.1973(wef 29.1.1971)
 2. Inserted by No.FD 55 SRS 77, dated 7.11.1977 and FD 73 SRS 79 dated 12.2.1980 (wef 8.12.1977)
 3. Amended by No.FD 13 SRS 64, dated 13.3.1964 (wef 16.5.1964)

167. In the case of a superannuated pensioner of another Government re-employed in State service, the leave refused to him by that Government prior to his attaining the age of superannuation should run concurrently with the period of re-employment, but the refused leave cannot be sanctioned in continuation of the date of expiry of the term of re-employment.

Employment, during Leave

168. Save in very exceptional circumstances, no Government servant should be granted leave whether with or without allowances, to allow of his practising at the Bar or pursuing any other profession or calling.

169. A Government servant who is already on leave may not take service or accept any employment ¹[(including the setting up of a private professional practice as accountant, consultant or legal or medical practitioner)] which involves the receipt of a fee or honorarium, without obtaining the previous sanction of Government, provided that when the Government servant is non-gazetted, the special permission of the authority empowered to appoint him is sufficient authority for the acceptance of such temporary employment.

Note 1. - This Rule does not apply to the acceptance of fees for literacy work or for service as an examiner or to similar employment, nor does it apply to acceptance of foreign service which is governed by the Rules in Chapter XXVI.

²[Note 2. - This Rule does not also apply where a Government servant has been allowed to take up a limited amount of private practice and receives fees therefor as part of his conditions of service e.g., where a right of private practice has been granted to a Medical Officer.]

Note 3. - (a) If a Government servant who has proceeded on leave preparatory to retirement before the date of superannuation is required for further service in any department of Government in or outside India, and he is agreeable to return to duty he will be recalled to duty and the unexpired portion of his leave from the date of his rejoining duty will be cancelled. The leave so cancelled will be treated as leave refused and subject to the provision of Rule 166, it may be granted from the date of superannuation of the Government servant. Such recall will be treated as optional for the purpose of Rule 161.

1. Inserted by No. FD 228 SRS 59 dated 6-10-1959 (wef 15-10-1959)

2. Substituted by No. FD 85 SRS 59 dated 8-4-1959 (wef 30-4-1959)

¹[(b) No permission for taking up private employment during leave preparatory to retirement shall be granted. If a Government servant is re-employed in Government service or is permitted to take up employment in Public Sector Undertakings /Statutory or non Statutory bodies/Corporations/ Government Companies which are owned or controlled by Government or in which Government have major financial interest, he may continue to enjoy his leave concurrently with such employment subject to the following:-

(i) The Government servant shall be entitled to leave salary to which he is entitled in the normal course].

²[(ii) During such employment his claim to dearness and other compensatory allowances, if any, admissible will be regulated with reference to his pay. These allowances will neither be admissible on leave salary, nor will the leave salary be taken into account in calculating them].

³[(iii) The increment falling due during the period of refused leave granted under Rule 110 may be released provided he has been re-employed in the same post or a post carrying identical scale of pay unless specifically withheld by an order of the competent authority. The pay including the increment so accrued shall be taken into account for regulation of pay under Rule 313 (b) in cases where the person is continued on re-employment beyond the date of expiry of the refused leave].

¹[(c) A Government servant while on refused leave under rule 110 or terminal leave under rule 150 and permitted to take up employment during such leave shall be entitled to draw leave salary and allowances specified in clause (b) of this note].

Allowances

170. Fixed travelling allowance is not admissible during leave and may be drawn by the substitute.

1. Substituted by No.FD 91 SRS 80.dated 8-2-1980 (wef 28-2-1980)
 2. Inserted by No.FD 54 SRS 60 dated 23-6-1960 (wef 30-6-1960)
 3. Inserted by No. FD 83 SRS 69, dated 13-4-1970.

¹[171. The drawal of ² [House Rent Allowance, Compensatory-cum-House Rent Allowance or City Compensatory Allowance] by a Government Servant during leave shall be regulated as stated below:-

(1) A Government servant shall be entitled to draw ²[House Rent Allowance, Compensatory-cum-House Rent Allowance or City Compensatory Allowance] during the leave at the same rate at which he was drawing this allowance before he proceeded on leave. For this purpose leave means the entire leave (including extraordinary leave) if it does not exceed four months and the first four months of leave if the actual duration of the leave exceeds that period. ³[A Government servant on leave preparatory to retirement and/or refused leave shall also be entitled to draw these allowances at the same rate at which he was drawing before proceeding on leave, for the duration of such leave not exceeding 120 days/four months, or for the first 120 days/four months, if the duration of such leave exceeds this limit]. When vacation or holidays are combined with leave, the entire period of vacation or holidays and leave shall be taken as one spell of leave. Unless in any case it be otherwise expressly provided in these rules joining time shall be added to the period of four months.

³[XXX]

Note 2 - The drawal of this allowance during periods of vacations whether combined with leave or not shall be regulated in the same manner as during leave.

⁴[Note 3 - The grant of House Rent Allowance, Compensatory-cum-House Rent Allowance or City Compensatory allowance to the Government servants who are originally granted leave on medical grounds or otherwise but do not join duty after expiry of such leave owing to death/invalidation during such leave, shall be regulated under Note- 1].

(2) The limit of four months shall be extended to eight months for the purpose of grant of this allowance in the case of Government servants suffering from T.B., Cancer or other ail-ments during the period of their leave taken on medical certificates when such certificates are in the forms prescribed under Rules 179, 182 and 189 of these rules. It is immaterial whether the leave is on medical

1. Amended by No. FD 22 SRS 67, dated 7-12-1967.

2. Amended by No. FD 82 SRS 69, dated 24-9-1969, (wef 1-4-1969)

3. Amended by No. FD 119 SRS 75, dated 13/16-2-1976 (wef 19-2-76)

4. Inserted by No. FD 206 SRS 74, dated 7-7-1975 (wef 7-8-1975)

certificate from the very commencement or is in continuation of other leave as defined in sub-rule (1). The question whether this allowance may be paid to an officer suffering from T.B., Cancer or other ailments during leave on medical certificates exceeding eight months shall be decided by Government.

(3) Drawal of this allowance during the period of leave in excess of first 4 months shall be subject to furnishing the following certificate:-

“The Government servant concerned continued, for the period for which House Rent Allowance, Compensatory-cum-House Rent Allowance or City Compensatory Allowance is claimed to reside at the same station from where he proceeded on leave”]

172. A Government servant on earned leave may draw his tentage on the conditions prescribed for House Rent in Rule 171.

173. Local allowance granted for the unhealthiness of the locality may be drawn during the period of earned leave. Local allowance granted for other purposes may be drawn during the period of earned leave provided there is no extra cost to Government.

¹[xxx]

²[173-A. Non-practising allowance sanctioned to Resident Medical Officers and the teaching staff in the Medical Colleges may be drawn during the periods of leave with allowances not exceeding 4 months or 120 days or during the first 4 months or 120 days of leave in excess of 4 months or 120 days taken at a time provided that the Government servant is likely to return after the expiry of the leave, to the same post or to another post carrying non-practising allowance and provided further that he is not engaged in any private practice during the period of the leave and there is no extra cost to Government by payment of the allowance to the Government servant on leave].

³[This allowance is also admissible during leave to the doctors, the Administrative Medical Officer and the Superintendent of the Employees' State Insurance Hospital working under the Employees' State Insurance Scheme].

1. Deleted by No. FD 53 SRS 62 dated 12-2-1963 (wef 1-8-1961)
 2. Inserted by No. FD 123 SRS 62 dated 16-1-1963 (wef 4-2-1963)
 3. Inserted by No. FD 169 SRS 71 dated 23-2-1972.

¹[173-B. Project Allowance may be drawn during leave not exceeding two months or during the first two months of leave exceeding two months at a time;

Provided that the allowance may be drawn for a further period of two months if the leave taken in excess of the first two months is on Medical Certificate.

Note 1 - For purposes of this Rule, leave means leave with allowance of any kind but does not leave preparatory to retirement].

²[Note 2 - Project allowance may be drawn during leave if the Government servant certifies that he continued to incur the whole or a considerable part of the expenditure for which the allowance is granted for the period for which the allowance is claimed].

³[173-C. Nursing Superintendents, Grade I and II, Theatre Sisters, Sister Tutors and Nurses and Midwives including Probationary Nurses may be allowed to draw Uniform and Ration allowance during any kind of leave except leave preparatory to retirement for a period not exceeding 120 days or 4 months as the case may be.

173-D. The subordinate staff (of and below the rank of Inspectors) in several branches including the Fire Services of the Police Department, who are in receipt of Dress/Uniform Allowance may be allowed to draw such allowance during earned leave except leave preparatory to retirement].

1. Inserted by No.FD 197 SRS 59 dated 27-5-1964 (wef 1-8-1961)
2. Substituted by No.FD 27 SRS 68 dated 15-6-1968 (wef 11-7-1968).
3. Inserted by No.FD 91 SRS 78 dated 8-2-1980 (wef 28-2-1980).

CHAPTER XIII - PROCEDURE RELATING TO LEAVE GENERAL RULES

174(a) The leave account of a Gazetted Government servant shall be maintained by, or under the direction, of the Audit Officer responsible for the audit of his pay.

(b) The leave account of a non-gazetted Government servant shall be maintained, and the entries therein attested, by the head of the office in which he is employed.

175. An application for leave or for an extension of leave must be made through the immediate departmental superiors (if any) to the authority competent to grant such leave or extension ¹[in Form 1-A].

²[Provided that no such application shall be necessary-

(1) When a Government servant makes a request for extension of leave, by a letter with necessary particulars, or

(2) When the authority competent to sanction leave comes to know that a Government servant is absent from duty due to illness or that a Government servant has died.]

176. A Government servant returning from leave is not entitled in the absence of specific orders to that effect to resume as a matter of course the post which he had before going on leave. ³[He must return to the station from where he proceeded on leave and report to the authority under whom he was serving before he proceeded on leave unless there are any orders to the contrary.] He must if necessary also submit to such delay as may be unavoidable in the interest of public service.

Note - Controlling Officers should provide for the expected return of government servant from leave by seeing that the Government servant to be relieved are at headquarters in due time to give over charge.

177. Medical officers must not recommend the grant of leave in any case in which there appears to be no reasonable prospect that the Government servant concerned will ever be fit to resume his duties. In such cases the opinion that the Government servant is permanently unfit for Government service should be recorded in the medical certificate.

1. Inserted by No. FD 151 SRS 6 1, dated 5-1-1962

2. Inserted by No. FD 36 SRS 81, dated 11-5-1982 (wef 20-5-1982)

3. Substituted by No. FD 41 SRS 65, dated 22-1-1966 (wef 15-3-1966).

178. Every certificate of a Medical Committee or a medical Officer recommending the grant of leave to a Government servant must contain a proviso that no recommendation contained in it shall be deemed to be evidence of a claim to any leave not admissible to the Government servant under terms of his contract or of the rules to which he is subject.

Note:- In all cases where half pay leave "not due" is granted to a Government servant, the Medical Officer granting the medical certificate should specifically state therein that as far as can be reasonably foreseen by him there is every likelihood of the Government servant returning to duty and continuing in service for a specified number of years. Such a certificate is necessary to enable the sanctioning authority to grant or refuse leave 'not due' basing his judgement on the medical opinion so furnished.

In the case of Government servants suffering from tuberculosis not admitted to a Sanatorium, the medical certificates as above granted by the Medical Officers may be accepted and in the case of those admitted to a Sanatorium, the certificate granted by the Medical officer Incharge of the Sanatorium may be accepted.

MEDICAL CERTIFICATE-GAZETTED GOVERNMENT SERVANTS

179. An application from a Government servant for leave or extension of leave on medical certificate must be accompanied by a certificate in the following form: -

Medical certificate for Gazetted Government servants

¹[Statement in the case of Shri/Smt (who is/not under orders of transfer)]

(Name to be filled in by the applicant in the presence of the Surgeon or authorised medical attendant).

Appointment.....
 Age.....
 Service.....
 Previous periods of leave of absence on
 Medical Certificate.....
 Habits.....
 Disease.....
 I, Surgeon at (or of..... attending the.....
 Medical Officer.

 case hereby certify that.....is in a bad state of

1. Substituted by No.FD 126 SRS 75 dated 18/23-3-1976 (wef 19-8-1976)

health, and I.....solemnly and sincerely declare that, according to the best of my judgement, a period of absence from duty is essentially necessary for the recovery of his health and recommend that he may be grantedmonths' leave with effect from¹[In my opinion it is/it is not necessary for the Officer to appear before a Medical Board].

Date..... Surgeon or Medical Attendant.
The.....

¹[Note:- This sentence should either be modified by scoring out the irrelevant words or altogether scored out according as the period of leave recommended is up to two months exceeds that period].

180. With the cognizance of the Head of his office or, if he is himself the Head of his office, of the Head of his department, the applicant must, except in the cases provided for in Rules 182 and 183, present himself with two copies of the statement of his case at the seat of Government or at such other place as may be appointed by Government where a Committee of Medical Officers can be assembled under the orders of the Director of Medical Services and when practicable, presided over by him, and obtain a certificate as follows:-

'We do hereby certify that, according to the best of our professional judgement, after careful personal examination of the case we consider the health of C.D. to be such as to render leave of absence for a period ofmonths absolutely necessary for his recovery.

181. Be for a deciding whether to grant or refuse the certificate, the Committee may, in a doubtful case, detain him under professional observation during a period not exceeding fourteen days. In that case it should grant to him a certificate to the following effect:

'C.D. having applied to us for a Medical Certificate recommending the grant to him of leave we consider it expedient, before granting or refusing such a certificate, to detain C.D. under professional observation for days.'

182. In cases in which Heads of departments are satisfied that the grant of leave to a Gazetted Government servant on account

1. Inserted by No. FD 74 SRS 63 dated 30-11-1963 (wef 18-12-1963)

of illness is necessary, a certificate from the Civil Surgeon of the District or the District Medical Officer in the following form will suffice:-

“I, A. B. Civil Surgeon, District/District Medical Officer, after careful personal examination of the case hereby certify that.....is in a bad state of health and I solemnly and sincerely declare that according to the best of my judgment the leave of absence for a period of.....months from.....(date) to.....(date)..... from the date of relief is essentially necessary for the recovery of his health and recommend that he may be grantedmonths’ leave.”

183. If the state of the applicant's health is certified by a Medical Officer in charge of a station to be such as to make it inexpedient to present himself at any place in which the Medical examination is to be conducted, the authority competent to grant the leave may accept in lieu of the certificate prescribed in Rule 180, a certificate from any two Medical Officers. The certifying officers need not belong to the State.

Note 1 - A Medical certificate from the District Medical Officer of the Station countersigned by the Deputy commissioner of the district may be accepted in exceptional cases in which Government considers it impracticable or undesirable to insist on the production of a certificate signed by two Medical Officers.

¹[Note 2 - Notwithstanding anything contained in this Rule, the authority competent to sanction leave may dispense with the procedure laid down in Rule 180,

(i) When the leave recommended by the Authorised Medical Attendant Is for a period not exceeding two months, or

(ii) the applicant is undergoing treatment in a Hospital as an indoor patient and the leave is recommended by the Medical Officer in charge of the case in the Hospital not below the rank of Civil Surgeon or Surgeon for the period of hospitalisation or convalescence, provided that such a Medical Officer certifies that in his opinion it is unnecessary for the applicant to appear before a Medical Committee].

184. Gazetted Government servant serving in places outside district headquarters may be granted leave on medical certificate on the strength of certificate of a registered medical practitioner countersigned by the Civil Surgeon or the District Medical Officer,

1. Substituted by No. FD 135 SRS 61. dated 15/16-12-1961

who may visit the patient if for any reason he considers this course advisable. This Rule will be only applicable when the Government servant requiring leave is too ill, or unable for other reasons regarded as sufficient by his immediate superior to come to headquarters to undergo examination by the Civil Surgeon or the District Medical Officer.

185. The grant of a Medical certificate does not in itself confer upon the Government servant concerned any right to leave. The certificate should be forwarded to the authority competent to grant the leave, and the orders of that authority should be awaited.

186. When any Government servant is granted leave on medical certificate, the authority granting the leave should specify the fact in its order to enable the Audit Officer to make the necessary entry in the leave salary certificates.

Medical Certificates - Non-Gazetted Government servants

187. Application for leave on Medical certificate must be accompanied by a certificate from the applicant's medical attendant. The certificate should distinctly state the nature of the illness, its symptoms, causes and duration and the period of absence from duty considered to be absolutely necessary for the restoration of the applicant's health. It should be countersigned by the District Medical Officer of the District where the applicant resides.

Subject, however, to the following rules; the authority sanctioning the leave may accept a certificate from the applicant's Medical Attendant without such countersignature'-

¹[1. The term 'Medical Attendant' in this Rule includes Honorary Medical Officers, Honorary Assistant Medical Officers, Vaidyas and Hakims].

2. Certificates given by a Vaidya or a Hakim may be accepted for short periods of leave not exceeding fifteen days, at the discretion of the Head of the office.

3. Certificates given by Assistant Surgeons Class-II in Government service and Registered Medical Practitioners whose names are entered in the Register of the Medical Council may be accepted for periods of leave not exceeding two months.

1. Substituted by No, FD 132 SRS 61, dated 19/22-12-1961

4. Certificates given by Medical Graduates in Government service and Registered Medical Practitioners who hold any of the following qualifications may be accepted for periods of leave exceeding two months but not exceeding six months: -

M.B.B.S. of the Mysore or any other University.

L.R.C.P.

M.R.C.S

M.R.C.P

F.R.C.S.

M.D.

¹[B.S.A.M. (Bangalore, Mysore and Karnataka Universities.)

B.A.M.S. (Bangalore, Mysore and Karnataka Universities.)

B.U.M.S. (Bangalore University), (Unani).

M.D (Ayurveda) (Bangalore University and Gujarat University).

D. Ay.M. (Mysore and Banaras Hindu University).

H.P.A/M.S.A.M. (Gujarat University)]

5. For periods of leave in excess of six months, the countersignature of the District Medical Officer should ordinarily be obtained except in cases where the authority sanctioning the leave does not think it necessary on account of the certificate having been given by a medical attendant holding high qualification such as F.R.C.S., M.R.C.P. and M.D.

Note - In the case of female officers, Government may either dispense with countersignature of the District Medical Officer or authorise such countersignature by doctors of their own sex.

188. The countersigning officer may, at his discretion require the applicant to appear before him, unless it appears from the certificate of his Medical Attendant that he is too ill to bear the journey in which case, such officer may, after careful investigation of the case, either countersign the certificate or refuse to do so, as he thinks fit. In such a case, he may get the Government servant concerned examined by the nearest medical subordinate and obtain a report before he decides on countersigning the certificate. No certificate should be submitted for countersignature without the cognizance of the Head of the applicant's office, or if the applicant be himself the Head of his office, without immediate report to the Head of his department.

1. Inserted by No. FD 5 SRS 80 dated 14-5-1980 (wef 22-5-1980)

¹[189. The Certificate shall be in the following form: -

I after careful personal examination of the case hereby certify that ²[Shri/Smt (who is/is not under orders of transfer) whose signature/thumb impression is given below] is suffering from..... and I consider that a period of absence from duty ofwith effect from tois absolutely necessary for the restoration of his/her health.

Signature and Designation
of Medical Attendant.

(Government Medical officer of
the rank of the Civil Surgeon
/Gazetted Assistant Surgeon
/Registered Medical Practitioner
with his Registration number)

Signature of the Applicant
Left hand thumb impression of the
Applicant (in the case of illiterates)
Taken in my presence this.....day of ... 19..

Signature and Designation
of Medical Attendant.

Medical History

(The nature of illness, symptoms, causes and duration should be specified)

Signature and Designation
of Medical Attendant.

Note- The Head of the Office should, before sanctioning or recommending leave, satisfy himself that the thumb impression recorded in the Certificate and the Service Register do not differ in the case of illiterates.]

**SANCTION OF LEAVE
Gazetted Government Servants**

190. In cases of emergency, a Gazetted Government servant may be allowed to proceed on leave by the authority competent to grant him leave, but leave may not be finally sanctioned to him until

1. Substituted by No. FD 87 SRS 62 dated 20-11-1962 (wef 6-12-1962).
2. Amended by No. FD 126 SRS 75 dated 18/22-3-1976 (wef 19-8- 1976)

a report as to the admissibility of the leave has been obtained from the Audit Officer.

191. Any leave, other than special disability leave, admissible under these rules may be granted to a Gazetted Government servant by a competent authority on receipt of the report referred to in Rule 190.

1. A Gazetted Government servant applying for leave should quote the Rules under which he considers himself entitled to the leave.

2. Application of a Gazetted Government servant for leave of absence should be sent through the Controlling Authority to the Audit Office which will forward it to the authority competent to sanction the leave with the necessary certificate regarding the title to the leave applied for, recorded on the application, which will be ¹[In form I-A].

Note - A non-gazetted Government servant who is proceeding or has proceeded on leave while officiating in a Gazetted post should be treated as a Gazetted Government servant irrespective of whether, but for his going on leave, he would have continued to officiate in the Gazetted post, or not, and whether on the expiry of his leave he would return to his gazetted post or not.

²[The application should be sent in duplicate to the Audit Office in order that it may retain one copy in its office for reference at a later date].

192(a) After obtaining a report from the Audit Officer upon the title of the applicant to the leave applied for, Government may grant any leave admissible under these Rules.

³[Note -The High Court of Karnataka may grant leave ⁴[(including leave preparatory to retirement)] to Officers in the cadre of District Judges and other Sub-ordinate Judicial Officers, after ascertaining the title to leave from the Accountant General, Karnataka, Bangalore.

(b) In the case of Gazetted Government servants Government may, with or without restrictions, delegate its powers of granting leave conferred by sub-rule (a), to any officer who, in its opinion, can

1. Substituted by No. FD 131 SRS 58 dated 11-9-1958.

2. Inserted by No. FD 131 SRS 58 dated 11-9-1958.

3. Inserted by No. FD 72 SRS 69 dated 22-8-1969.

4. Amended by No. FD 72 SRS 69 dated 14-10-1969.

judge of the expediency of granting the leave and can without reference to higher authority make the necessary arrangements during the leave.

Note- Government may at any time withdraw the powers delegated under this sub-rule.

(c) A Government servant acting under sub-rule (b) must first obtain a report from the Audit Officer that the leave is admissible. If he grants the leave, he must communicate his orders to the Audit Officer by insertion in the Gazette or otherwise. In delegating its powers of granting leave in accordance with sub-rule (b), Government will decide whether either the grant or the refusal of the leave should be reported to it.

¹[(d) The Authority competent to sanction leave other than special disability leave specified in column (1) of the table below, may sanction leave other than special disability leave in respect of sub-ordinate Government servants holding the posts in the scales of pay specified in column (2) thereof to the maximum duration specified therein.

Authority competent to sanction leave other than special disability leave	Posts in the scale of pay of		
	(1)	(2)	
	Rs.7400-13120 and above	Rs.5575-10620 and above but below Rs.7400-13120	Rs.2500-3850 and above but below Rs.5575-10620
Heads of Departments	4 months	6 months	Full Powers
Divisional level officers	3 months	4 months	Full powers
District level officers	2 months	3 months	Full powers
Sub divisional officers	-	2 months	Full powers
Taluk level officers	-	-	Full powers]

1. Amended by No FD 4 SRA 99 dated 2.6.2000

Note 1 - Superintending Engineers of Circles in the Public Works Department are empowered to grant earned leave to Assistant Engineers and Sub-Engineers up-to a period of one month if no substitute is required.

Note 2 - Deputy Commissioners of Sales Tax are empowered to grant earned leave up to one month to assistant Sales-Tax Officers, subject to the condition that no substitute is required.

¹[Note 3 - The minimum period required or claiming charge allowance shall be one month ²[xxx].

³[Note 4 - In the case of leave on average pay of earned leave, the authority competent to sanction leave may calculate the amount of leave admissible to the officer with reference to the eligibility certificate received from the Audit Officer on the previous occasions and the leave earned and utilised thereafter and issue provisional sanction without waiting for the admissibility report from the Audit Officer. The Audit Officer on receipt of the provisional sanction shall after verification issue leave salary slip in respect of leave due and for the rest of the period, if any, request the authority competent to sanction leave to modify the sanction, if necessary. He shall also immediately send to the authority competent to sanction leave, a leave eligi-bility certificate in respect of that Officer].

⁴[Note 5 - In determining the authority competent to sanction leave under this rule, the period of earned leave surrendered for purposes of encashment shall not be taken into account].

⁵[Note 6 - Leave not availed, within thirty days of its sanction expires and a fresh sanction is necessary for availing the leave].

193. Leave to a Government servant appointed by the High Court is granted by the Chief Justice subject, in the case of Gazetted Government servants, to the report of the Audit Officer, that the officer is entitled to the leave.

1. Inserted by No. FD 58 SRS 58 dated 8-4-1958 (wef 1-4-1958)
 2. Amended by No. FD 17 SRS 60 dated 25-4-1960 (wef 1-4-1958).
 3. Inserted by No. FD 52 SRS 66 dated 22-8-1967.
 4. Inserted by No. FD 55 SRS 73 dated 4-11-1974 (wef 2-6-1973).
 5. Inserted by No. FD 91 SRS 78 dated 8-2-1980 (wef 28-2-1980)

Non- Gazetted Government Servants

194. Any leave, other than special disability leave, admissible under these rules may be granted to a non-gazetted Government servant by the authority whose duty it would be to fill up his post if it were vacant or by any other competent authority.

195. Before leave is sanctioned to a non-Gazetted Government servant, the authority sanctioning the leave should either consult the leave account or his service book, and satisfy himself that the leave is admissible, or obtain a certificate to that effect from the officer entrusted with the attestation of the entries in the leave account or the service book.

196(a) Government have delegated to the Heads of Departments the power of granting leave to non-gazetted Government servants of their departments. ¹[as specified in rule 192 (d)] They are also empowered to fill up temporarily leave vacancies of non-gazetted Government servants.

(b) Acting or in charge arrangements may also be made in such vacancies. No acting allowance will be admissible in such arrangements when the period of leave does not exceed ten days. The minimum period required for claiming charge allowance shall be one month ²[xxx].

³[Note - Sanction of Government should be obtained where the in-charge arrangement is proposed to be continued beyond four months].

(c) The Audit Officer is not required to furnish any report on the title to leave of an applicant who is not a gazetted Government servant.

⁴[Note 1 - Leave (earned leave, half pay leave, commuted leave, and extraordinary leave) up to two months may be sanctioned by the Head of the Office (Gazetted). Heads of Offices (Gazetted) may also make incharge or acting arrangements in vacancies caused due to the grant of leave upto two months, provided the period of leave granted is not less than one month.

1. Amended by No FD 4 SRA 99 dated 2-6-2000

2. Deleted by No.FD 17 SRS 60, dated 25-4-1960 (wef 1-4-1958).

3. Inserted by No.FD 17 SRS 60, dated 23-4-1960 (wef 17-2-1960).

4. Substituted by No.FD 100 SRS 59, dated 20-10-1959 (wef 29-10-1959).

In other cases (where there are non-gazetted Heads of Offices) leave upto two months, and leave in excess of two months in all cases may be sanctioned either by the appointing authority for that category of posts or by the authority who is empowered to fill up such leave vacancies.

Larger powers delegated to individual officers under special orders of Government will continue to be in force].

¹[Note 2 - When the application is for study leave out of India or other leave specifically granted for purposes of study out of India, the authority sanctioning the leave should obtain a certificate of admissibility from the Accountant General before sanctioning the leave].

²[Note 3 - In determining the authority competent to sanction leave under this rule, the period of earned leave surrendered for purpose of encashment shall not be taken into account].

1. Inserted by No.FD 134 SRS 59, dated 8-9-1959 (wef 14-9-1959)
2. Inserted by No.FD 33 SRS 79, dated 5-9-1979 (wef 13-9-1979)

CHAPTER XIV
PAYMENT OF LEAVE ALLOWANCES

When payable

197. Leave allowances are payable after the end of each calendar month.

¹[Exception-1 :- A Government servant who is granted Earned leave preparatory to retirement under rule 110 shall be paid in lumpsum the amount equivalent to leave salary and allowances admissible during such leave as one time settlement at the commencement of leave.

Exception-2 :- The earned leave during re-employment (including re-employment on contract basis) may be allowed to be availed of as terminal leave even though it may not have been formally applied for and refused and the amount equivalent to leave salary and allowances payable shall be paid in lumpsum as one time settlement. The same principle applies in respect of refused leave granted under rule 110.]

198. When leave is sanctioned with retrospective effect or when one kind of leave is commuted retrospectively into any other kind of leave admissible under these rules after the lapse of one year from the date of relief, the leave allowances shall not become payable without the sanction of Government.

Note :- Government have delegated to Heads of Departments the power of sanctioning the disbursement of leave allowance under this rule to non-gazetted Government servants of their departments.

Instructions :-

A question has been raised as to whether the concurrence of the Finance Department should be obtained to sanction the payment of leave allowances when leave is sanctioned with retrospective effect to the Gazetted Officers. The question has been examined and it has been decided that the Administrative Secretariat Departments may sanction such payments without the concurrence of the Finance Department. They should however ensure that the delay in sanctioning leave was unavoidable and the sanction of leave is in accordance with the rules. (O.M. No. FD 110 SRS 68 dt. 9-7-1968)

1. Inserted by No. FD 91 SRS 78 dated 8-2-1980 (w.e.f. 28-2-1980).

GAZETTED GOVERNMENT SERVANTS

¹[199(a) The leave salary of a Gazetted Government servant should be drawn from the treasury from which his pay was being drawn immediately before proceeding on leave, but ²[where the leave exceeds one hundred and twenty days,] he cannot begin to draw it without producing a leave salary certificate from the Audit Officer who audited his pay before he proceeded on leave. The officer concerned should make his own arrangements, where necessary, for getting his leave salary remitted to him.

(b) In a case, where a period of leave is followed by transfer, such portion of the leave salary as could not be drawn at the old station may be drawn at the treasury from which the pay in respect of the new post is drawn.]

²[Exception :- The cash equivalent of leave salary payable to the beneficiary specified in sub-rule (3) of Rule 118-A shall not be paid without an authorisation from the Audit office.]

200. If a Gazetted Government servant signs his bill himself, he must either appear in person at the place of payment, or furnish a life certificate signed by a responsible officer of Government, or some other well-known and trustworthy person. If he draws his allowances through an authorised agent, the agent whether he has or has not a power of attorney, must either furnish a life certificate as aforesaid, or execute a duly stamped bond to refund overpayments. A life certificate may be given periodically, a duly stamped bond being given to cover intermediate payments not supported by the life certificate.

³[Exception :- In all such cases, as explained below, life certificate as contemplated in this rule, need not be insisted upon:-

(i) When the arrears of leave salary are drawn by Gazetted officer after he has resumed duty.

(ii) When the leave salary is claimed in the same bill as the duty pay of the period following that of leave salary, and

(iii) When the report of taking over charge after the expiry of leave has already been sent to the Treasury Officer.]

1. Substituted by No. FD 69 SRS 61 dated 23-10-1961

2. Amended by No. FD 91 SRS 78 dated 8-2-1980 (w.e.f. 28-2-1980)

3. Inserted by No. FD 91 SRS 60 dated 12-8-1960 (w.e.f. 25-8-1960)

¹[Note :- When separate bills for leave salary, vacation pay, etc., relating to different periods are presented and paid simultaneously, it is not necessary to furnish separate 'Life Certificate' for the different periods but only one certificate in respect of date of presentation of the bills should be enough.]

201. The production of a life certificate is not required when leave-salary is drawn through agents who have executed a general bond of indemnity with Government for drawing the leave-salary, pension, etc., of their constituents.

Note 1 :-A Government servant or any other individual cannot be constituted an "agent" for the purposes of this rule.

Note 2 :-The proper stamp duty upon bonds executed under this Rule is that chargeable upon indemnity bonds according to the law relating to stamp duty in force in the area in which the bond is executed.

²[202. The leave salary shall be drawn in rupees in India, except in the case of Government servants proceeding outside India on study leave or any other type of leave granted specially for the purpose of study.

When payment of leave allowance is made outside India, rupees are converted into sterling at current rates of exchange fixed for the adjustment of financial transactions. If any payment is made, at a different rate, or otherwise erroneously, it should be adjusted in subsequent payments.

Note :- Payment of leave salary outside India will be arranged for through the Accountant General, Karnataka.]

203. If the leave of a Gazetted Government servant is extended or commuted, the Head of the Department must communicate it to the Audit Officer. He should also communicate any other circumstances connected with the leave which may be required to be known to the Audit Officer who passes the leave allowances of the Government servant.

³[204 to 205 x x x]

1. Inserted by No. FD 52 SRS 65 dt. 30-12-1965 (w.e.f. 7-2-1966)

2. Substituted by No. FD 279 SRS 59 dt. 15-7-1960 (w.e.f. 21-7-1960)

3. Amended b No. FD 69 SRS 61 dt. 23-10-1961.

NON-GAZETTED GOVERNMENT SERVANTS

206. The leave allowances of a non-gazetted Government servant on leave can be drawn only at the treasury where his salary is paid, and under the signature of the Head of his office who is responsible for any overcharges; no other security is required.

¹[In a case where a period of leave is followed by transfer, such portion of the leave salary as could not be drawn at the old station, may be drawn at the treasury from which the pay in respect of the new post is drawn.]

1. Amended by No. FD 69 SRS 61 dated 23-10-1961.

PART IV - ORDINARY PENSION

CHAPTER XV

GENERAL RULES

The rules in this part supersede the Karnataka Pension Rules 1957 and the Karnataka Commutation of Pension Rules 1957, which came into force from 1st September 1957, and all claims under the above said Rules pending on the date of coming into force of this Part, will be dealt with in accordance with the corresponding provisions of this Part.

207(a). The option under sub-clause (iii) or (iv) of clause (c) of sub-rule (1) of Rule 2 shall be exercised ¹[before the first day of July 1959] and in the case of any Government servant retiring from service ²[xxx] at any time before the date of his retirement from service.

²[Note 1:- In the case of Government servants in service on 31st December 1959, time for exercising the said option is extended up to ³[30th June 1961]

⁴[Note 2:- In the case of Government servants in service on the 30th June, 1961, time for exercising the said option is extended up to 30th September, 1962.]

⁵[Note 3:- In the case of Government servants in service on the 30th September 1962, time for exercising the said option is extended up to the 30th September, 1963.]

⁶[Note 4:- In the case of Government servants in service on the 30th September, 1963, time for exercising the said option is extended upto the 31st March 1964.]

⁷[Note 5:- In the case of Government servants in service on the 31st March 1964 time for exercising the said option is extended up the 31st December, 1964.]

⁸[Note 6:- In respect of retirement or death while in service of Government Servants on or after 1st September 1968, the pension

1. Substituted by No.FD 59 SRS 59 dated 24-2-1959 (w.e.f. 5-3-59)

2. Amended by No.FD 41 SRS 60 dated 6-7-1960 (w.e.f. 14-7-1960)

3. Amended by No.FD 36 SRS 61 dated 20-3-1961.

4. Inserted by No.FD 73 SRS 62 dated 10-9-1962 (w.e.f. 2-2-1962)

5. Inserted by No.FD 48 SRS 63 dated 6-6-1963 (w.e.f. 27-6-1963)

6. Inserted by No.FD 4 SRS 64 dated 1-2-1964 (w.e.f. 17-2-1964)

7. Inserted by No.FD 55 SRS 64 dated 25-8-1964 (w.e.f. 18-9-1964).

8. Inserted by No. FD 69 SRS 66 dated 10-10-1968.

rules in this part shall apply unless the Government servant has exercised option to be governed by the Pension Rules applicable to him before 31st August 1969.]

The option should be exercised by making a declaration in writing and should be communicated by the Government servant to the Head of his office if he is a non-gazetted Government servant and to the Accountant General, Karnataka if he is a gazetted Government servant. The declaration of a non-gazetted Government servant should be attested and countersigned by the Head of the Office and pasted in the Service Book of the Government servant concerned. An entry should also be made in the Service Book that the Government servant is governed by the Rules in this (Part IV) by virtue of the declaration made by him. It will be responsibility of a Government servant opting to be governed by these rules, to ensure that the receipt of the declaration is acknowledged by the Accountant General, Karnataka, or by the Head of the Office, as the case may be; provided that no person ordered to be retired from service under the rules applicable to him at the time when such order was made, shall be entitled to exercise such option.

(b) Notwithstanding the date of commencement of these rules the Government shall have power by order to extend the benefit of these rules to Government servants or their families in cases of retirement or death on or after 1st November 1956.

208. Pension includes a gratuity. Except where the term "Pension" is used in contradistinction to "Death cum Retirement Gratuity", "Pension" includes "Death cum Retirement Gratuity" also.

209. Unless in any case it be otherwise expressly provided in these rules, an authority competent to grant a pension may sanction the grant of any pension admissible under these rules to any Government servant who is borne on its establishment.

210. In any case in which a pension is not admissible under any specific provision of these rules, Government may sanction the grant of a pension, which shall not, save in the most exceptional circumstances, exceed Rs. ¹[1055] a month or of a gratuity not exceeding the equivalent of the value of such pension, if the grant is not inconsistent with the general spirit of these rules.

1.Substituted by No. FD 4 SRA 99 dated 2.6.2000 (w.e.f.1-4-1998)

211. A Government servant transferred to foreign service shall not be permitted, while he remains in the foreign service to receive a pension on voluntary retirement from Government service. For the purpose of this Rule retirement shall be considered to be voluntary if the Government servant is not required to retire but retires on retiring pension before he is compelled to retire under the rules relating to compulsory retirement.

¹[212 xxx]

²[213(1). Future good conduct shall be an implied condition of every grant of pension. The pension sanctioning authority may, by order in writing withhold or withdraw a pension or part thereof whether permanently or for a specified period, if the pensioner is convicted of a serious crime or is found guilty of grave misconduct:

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

(2) Where a pensioner is convicted of a serious crime by a court of law, action under clause (1) shall be taken in the light of the judgement of the court relating to such conviction.

(3) In a case not falling under clause (2), if the competent authority under clause (1) considers that the pensioner is prima facie guilty of grave misconduct, it shall, before passing an order under clause (1).

(a) Serve upon the pensioner a notice specifying the action proposed to be taken against him and the ground on which it is proposed to be taken and calling upon him to submit within fifteen days of receipt of the notice or such further time not exceeding fifteen days as may be allowed by the said authority, such representation as he may wish to make against the proposals; and

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

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

1. Omitted by No. FD 100 SRS 83 dated 3-1-1985

2. Substituted by No. FD 117 SRS 68, dated 27-11-1968.

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

Explanation :- In this rule, the expression "serious crime" includes a crime involving an offence under the Official Secrets Act, 1923 (Central Act 19 of 1923) and the expression "grave misconduct" includes the communication or disclosure of any secret official code or password or any sketch, plan, model, article, note, document or information such as is mentioned in Section 5 of the said Act (which was obtained while holding office under the Government) so as to prejudicially affect the interests of the general public or the security of the State.]

¹[214 ²(1)(a) Withholding or withdrawing pension for misconduct or negligence.-

The Government reserve to themselves the right of either withholding or withdrawing a pension or part thereof, whether permanently or for a specified period, if in any departmental or judicial proceedings, the pensioner is found guilty of grave misconduct or negligence during the period of his service including the service under a foreign employer and the service rendered upon re-employment after retirement.

(b) Recovery of pecuniary loss from pension:

The Government reserve to themselves the right of ordering recovery from a pension, the whole or part of any pecuniary loss caused to the Government or to a foreign employer under whom the Government servant has worked on deputation or otherwise. If in any departmental or judicial proceedings, the pensioner is found guilty of grave negligence during the period of his service, including the service rendered upon re-employment after retirement:

Provided that the Public Service Commission shall be consulted before any final orders are passed:

Provided further that where a part of pension is withheld or withdrawn, the amount of pension shall not be reduced below the amount of minimum pension prescribed under the rules.]

(2)(a) The departmental proceedings referred to in sub-rule (1), if instituted while the Government servant was in service whether

1. Substituted by No. FD 100 SRS 83 dated 3-1-1985 (w.e.f. 10-1-1985)

2. Substituted by No. FD 36 SRS 90 dated 10-10-1990 (w.e.f. 18-10-90)

before his retirement or during his re-employment, shall, after the final retirement of the Government servant, be deemed to be proceedings under this rule and shall be continued and concluded by the authority by which they were commenced in the same manner as if the Government servant had continued in service:

Provided that where the departmental proceedings are instituted by an authority other than Government, that authority shall submit a report recording its findings to the Government.

(b) The departmental proceedings, if not instituted while the Government servant was in service, whether before his retirement or during his re-employment.

(i) shall not be instituted save with the sanction of the Government.

(ii) shall not be in respect of any event which took place more than four years before such institution, and

(iii) shall be conducted by such authority and in such place as the Government may direct and in accordance with the procedure applicable to departmental proceedings in which an order of dismissal from service could be made in relation to the Government servant during his service.

(3) No judicial proceedings, if not instituted while the Government servant was in service, whether before his retirement or during his re-employment, shall be instituted in respect of a cause of action which arose or in respect of an event which took place, more than four years before such institution.

(4) In the case of a Government servant who has retired on attaining the age of superannuation or otherwise and against whom any departmental or judicial proceedings are instituted or where departmental proceedings are continued under sub-rule (2), a provisional pension as provided in Rule 214A shall be sanctioned.

(5) Where the Government decided not to withhold or withdraw pension but orders recovery of pecuniary loss from pension, the recovery shall not ordinarily be made at a rate exceeding one third of the pension admissible on the date of retirement of a Government servant.

(6) For the purpose of this rule,-

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

(b) judicial proceedings shall be deemed to be instituted-

(i) in the case of criminal proceedings, on the date on which the complaint or report of a police officer, of which the Magistrate takes cognisance is made; and

(ii) in the case of civil proceedings, on the date the plaint is presented in the court.]

¹[214A(1) Where any departmental or judicial proceedings is instituted under rule 214, or where a departmental proceedings is continued under clause (a) of the proviso thereto against an officer who has retired on attaining the age of compulsory retirement or otherwise, he shall be paid during the period commencing from the date of his retirement to the date on which, upon conclusion of such proceeding, final orders are passed, a provisional pension not exceeding the maximum pension which would have been admissible on the basis of his qualifying service up to the date of retirement, or if he was under suspension on the date of retirement up to the date immediately preceding the date on which he was placed under suspension; but no gratuity or death-cum-retirement gratuity shall be paid to him until the conclusion of such proceeding and the issue of final orders thereon.

(2) Payment of provisional pension made under clause (1) shall be adjusted against the final retirement benefits sanctioned to such officer upon conclusion of the aforesaid proceeding but no recovery shall be made where the pension finally sanctioned is less than the provisional pension or the pension is reduced or withheld either permanently or for a specified period.

¹[Note : xxx]

215. In cases not governed by the provisions of Rule 214, the following rules shall govern the recoveries from pension and compassionate allowances:-

1. Inserted by No. FD 105 SRS 62 dated 2-3-1965.

2. Deleted by No. FD 100 SRS 83 dated 3-1-1985 (w.e.f. 10-1-1985)

(1) A claim may become known and the question of recovery may arise:-

(A) When the calculation of pension is being made and before the pension is actually sanctioned: or

(B) after the pension has been sanctioned.

(2) The claim and the recovery may be one or other of the following:-

(a) Recovery as a punitive measure in order to make good the loss caused to Government as a result of negligence or fraud on the part of the person concerned while he was in service.

(b) Recovery of other Government dues such as over issues of pay, allowances, or leave salary or admitted and obvious dues such as house rent, life insurance premia, outstanding motor car, house building, travelling and other advances.

(c) Recovery of non-Government dues.

(3) In cases falling under clause (1)(A) above, none of the recoveries mentioned in clause (2) (a) to (c) above may be effected by a reduction of the pension about to be sanctioned except in the following circumstances:-

(a) When the service of a Government servant can be held to have been not thoroughly satisfactory, a reduction in the amount of pension may be made ¹[xxx] by a competent authority although no direct penal recovery from pension is permissible.

(b) When the pensioner by request made or consent given has agreed that the recovery may be made ²[provided such recovery is restricted to the amount of pension which has already become payable on the date of the agreement or consent.] If such request is not made or consent is not given by the pensioner, even sums admittedly due to Government such as house rent, outstanding advances, etc., may not be recovered from pension.

In such cases, however, the executive authorities concerned would have to consider whether they should not try to effect the recovery otherwise than from pension, for example, by going to a Court of Law, if necessary.

1. Deleted by No. FD 100 SRS 83 dated 3-1-1985 (w.e.f. 10-1-85)

2. Inserted by No.FD 38 SRS 64 dated 2-12-1964.

(4) In cases falling under clause (1)(B) above, none of the recoveries mentioned in clause (2) (a) to (c) above may be effected by deduction from the pension already sanctioned except at the request or with the express consent of the pensioner: ¹[provided such recovery is restricted to the amount of pension which has already become payable on the date of such agreement or consent.] In cases where the pensioner does not agree to recovery being made even of sums admittedly due to Government, action as indicated in the last sentence of clause (3) may be taken.

²[215-A. ³[Notwithstanding the pension rules applicable to a Government servant,] it is permissible to make recovery of Government dues ⁴[and any pecuniary loss found to have been caused to Government in any departmental or judicial proceedings instituted against such Government servant under rule 214] from the Death-cum-Retirement Gratuity or any other gratuity payable to a Government servant without obtaining his consent and when the Government servant is dead without obtaining the consent of the members of his family.]

⁵[Note :- Where Government dues or the amount of any pecuniary loss assessed against a retired Government servant under rule 214, is recoverable under the above rule from the death-cum-retirement gratuity or any other gratuity payable to him, the pension sanctioning authority may order and draw the death-cum-retirement gratuity to the extent of Government dues pending recovery and remit the amount so drawn to the proper head of account by debit to the Head of account under which death-cum-retirement gratuity would have been debited in the normal course, even though the retired Government servant or in the event of his death, the person eligible to claim to death—cum-retirement gratuity or any other gratuity does not prefer his claim.]

216. In the following cases, no claim to pension is admitted:-

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

1. Inserted by No.FD 38 SRS 64 dated 2-12-1964
 2. Substituted by No.FD 58 SRS 61 dated 16-6-1961
 3. Amended by No.FD 161 SRS 61 dated 13/16-12-1961
 4. Amended by No.FD 77 SRS 68 dated 15-7-1968
 5. Inserted by No.FD 21 SRS 81 dated 24-8-1981 (w.e.f. 3-9-1981).

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

(c) When a person's whole time is not retained for the Public Service but he is merely paid for work done for the State.

Note :- This clause applies, among others, to the following Government servants, viz., Advocate-General, Administrator General, Official Trustee, Government Pleaders and Public Prosecutors not debarred from private practice.

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

(e) When a Government servant serves under a covenant which contains no stipulation regarding pension.

217. No pension may be granted to a Government servant dismissed or removed for misconduct, insolvency, or inefficiency, but in cases in which the Government servants so dismissed or removed are deserving of special consideration, compassionate allowances may be granted provided that the allowance granted to any Government servant shall not exceed two-thirds of the pension which would have been admissible to him if he had been retired on medical certificate.

Note 1:- Compassionate Grant may be made on the basis of the maximum of 2/3 of the invalid pension and Death-cum-Retirement Gratuity admissible under the rules, and it need not be limited to 2/3 of invalid pension only. The Compassionate Grant would automatically cease when a Government servant dies and would be replaced by Family Pension.

Note 2:- ¹[The compassionate allowance granted to a Government servant under the above rule shall be treated as pension for the purpose of commutation under these rules.]

²[Note 3:- The amount of compassionate allowance to be granted under this rule, shall be in whole rupees only.]

1. Substituted by No. FD 77 SRS 78 dated 21-12-1978 w.e.f.(4-1-1979).

2. Inserted by No. FD 85 SRS 67, dated 19-10-1967.

218. A Government servant compulsorily retired from service as a penalty may be granted by the authority competent to impose such penalty, pension at a rate not less than two-thirds of the invalid pension and not more than full invalid pension admissible to him on the date of his compulsory retirement.

¹[Note]:- The intention, is that persons on whom the penalty of compulsory retirement is imposed should ordinarily be granted the full invalid pension and Death-cum-Retirement Gratuity, if any, admissible on the date of compulsory retirement. Where, however, the circumstances of a particular case so warrant, the authority, competent to impose the penalty of compulsory retirement, may subject to the orders of the appellate or revising authority, make such reductions in the pensionary benefits within the limits prescribed, as it may think appropriate. A reduction may be made either in the Death-cum-Retirement Gratuity or in the Pension or in both. ²[The reduction to be made in the pension shall be in whole rupees only.]

[Note 2:- Provisional pension may be authorised immediately after Government servants are compulsorily retired under this rule, withholding, however, the D.C.R.G. till the final pension order is issued.]

219(a) A Government servant cannot earn two pensions in the same office at the same time, or by the same continuous service.

(b) Two Government servant may not simultaneously count service in respect of the same office, except as provided for in ³[Note 2 to Rule 226.]

⁴[219-A (a) Service rendered by an employee belonging to one of the classes mentioned in Note 2 below, after attaining the age of 18 years, which is pensionable under the Military Rules but which terminates before a pension has been earned in respect of it, may at the discretion of Government, be allowed to count, when followed by service qualifying for pension under these rules as part of such service, provided that any bonus or gratuity received in lieu of pension on, or since, discharge from Military Service, shall be, refunded in such number of monthly instalments not normally exceeding 36 and beginning from such date, as in each case the Government may

1. Amended by No. FD 72 SRS 71, dated 23-9-1972

2. Inserted by No. FD 85 SRS 67, dated 19-10-1967.

3. Substituted by No. FD 227 SRS 58 dated 4-10-1958 (w.e.f 1-4-1958).

4. Substituted by No. FD 60 SRS 63 dated 5-12-1963.

decide. Service so allowed to count shall, however, be restricted to service, within or outside the employees unit or department, in India, or elsewhere, which has been paid for from Indian Revenues or for which a pensionary contribution has been received by the Indian Revenues.

(b) Service pensionable under Military Rules which does not terminate before a pension has been earned in respect of it shall not be allowed to count for pension under these rules without the sanction of Government.

Note 1:- An officer, ex-soldier or ex-airman will not be brought under the operation of this Rule as a matter of course. Each case will be decided on its merits, e.g., there may be cases in which it may be open to a claimant for pension to add military service during the Great War to former non-pensionable service in the Army in order to claim the benefit of a Military pension. In such cases it may be to the advantage of the claimant that he should not be brought under the operation of this Rule. The bearing of paragraph 574 of the Pay and Allowance Regulations of the Army in, India, Part II, on the position of soldiers of the Indian Army who re-entered during the Great War deserves consideration in this connection.

Note 2 :- This Rule applies to Indian Commissioned Officers, Non-commissioned Officers and Men of the Indian Army and of the Frontier Constabulary and Militias and to non-combatant departmental and Regimental employees and followers of the supplemental services. It also applies to Warrant and Non-commissioned officers and Men of the British Service and to Warrant Officers and departmental officers of Commissary and Assistant Surgeon classes.

Note 3:- To be eligible for concession in this Rule, the individual concerned should take his discharge from the Army or *Royal Air Force* within 12 months from the date of his confirmation in the appointment pensionable under these rules. This limit may in special cases, be relaxed by the Government.

Note 4:- Employees in the Military Police have the option of counting service under any other rules which would give them a similar or more liberal concession.

Note 5:- Employees who were in service in an appointment pensionable under Civil Rules on 22nd February, 1921, are eligible to count service under the rules which were in force before that date, where these rules are more advantageous, to them.]

¹[Note 6:- The pensionary liability in respect of Military Service (other than War-Service) devolves on the Defence Authorities. Any bonus or gratuity refunded under sub-rule (a) shall, therefore, be credited to the Defence Estimates.]

²[219-B:- Persons who, prior to their appointment against reserved or unreserved vacancies under Government, had rendered satisfactory paid whole time enlisted or commissioned 'war service' between the periods ³[3rd September, 1939 and 31st March 1946,] in the Armed forces of India or similar Forces of a Commonwealth Country ⁴[which did not earn a service pension and/or service gratuity] under the Military, Naval or Air Force Rules shall be allowed to count such "war service" for the purpose of civil pension subject to the following conditions:

(1) Completed years of the said 'War Service' shall be allowed to count up to a maximum of 5 years.

(2) In the case of Services / Posts in which a minimum age is fixed for recruitment no 'war service' rendered below that age shall be allowed to count for pension, and in the case of Services / posts in which no minimum age is fixed, no portion of "war service" rendered before attaining the age of 18 shall be allowed to count for pension.

(3) The addition of 'war service' shall not be included in total service under Rule 245 for the purpose of counting leave as service for pension.

(4) No refund of bonus or gratuity paid to the employees in respect of such 'War service' shall be demanded from the employee.

⁵[Note 1 :- The following types of services shall be treated as "War Service" for purposes of this rule.-

(a) Service of any kind in a unit of formation for service overseas or in any operational areas.

(b) Service in India under Military munitions or stores authorities with a liability to serve overseas or in any operational area.

(c) All other service involving subjection to Naval, Military or Air Force law.

1. Inserted by No.FD 167 SRS 67, dated 27.11.1968

2. Inserted by FD 60 SRS 63, dated 5.12.1963

3. Amended by No.FD 122 SRS 64, dated 22.4.1967

4. Amended by No.FD 167 SRS 67, dated 27.11.1968

5. Substituted by No.FD 52 SRS 64 dated 11-2-1965.

(d) A period of training with a military unit or formation involving liability to serve overseas or in any operational area.

(e) Service in any Civil Defence Organisation specified in this behalf by the Central or the State Government.

(f)(i) Any service connected with the prosecution of the war which a person is required to undertake by a competent authority under provisions of any law for the time being in force, and

(ii) Such other service as may hereafter be declared as war service.

Only whole time service of any of the kinds specified above will be recognised as War Service.]

Note 2 :-The maximum limit of 5 years mentioned in this Rule shall not apply to the war service followed by Civil service without break which is allowed to be counted in full towards civil pension in the case of persons who retire or die on or after 5th December, 1963.]

¹[Note 3 :- The pensionary liability in respect of war service devolves on the State Government. Any service gratuity received from the Defence authority in respect of War service shall be refunded and the same shall be credited to the Consolidated Fund of the State.]

CHAPTER XVI

CONDITIONS OF QUALIFYING SERVICE

SECTION 1 - DEFINITIONS OF QUALIFYING SERVICE

220. A Government servant's service does not qualify till he has completed eighteen years of age.

221. In cases other than those referred to in Rule 220, unless it be otherwise provided by special rule or contract, the service of every Government servant begins when he takes charge of the office to which he is first appointed.

222. The service of a Government servant does not qualify for pension unless it conforms to the following three conditions,-

First - The service must be under Government.

Second - The employment must be substantive and permanent.

Third - The service must be paid for by Government.

These three conditions are fully explained in the following sections.

¹[Note:- Service of Government Servants deputed to work under the Tungabhadra Board is deemed to be service qualifying for pension under this rule.]

SECTION II - FIRST CONDITION

223. The service of a Government servant does not qualify unless he is appointed and his duties and pay are regulated by the Government, or under conditions determined by the Governor. The following are examples of persons excluded from pension by this rule:-

- (1) Servants of a Municipality or a Local Board.
- (2) Servants of Grant-in-aid Schools and institutions.

SECTION III - SECOND CONDITION

224. Service does not qualify unless the Government servant holds a substantive office on a permanent establishment but temporary service will count to the extent indicated in Rule 226.

1. Inserted by No. FD 69 SRS 62 dated 6-3-1968 (Deemed to have been always inserted).

¹[Note 1 :- In the case of a Government servant retiring from service after 31st December, 1959, temporary and / or officiating service under the Government followed without interruption by confirmation in the same or another post, shall count in full as qualifying service provided he held a substantive appointment on a permanent establishment on the date of his retirement except in respect of

(i) Periods of temporary or officiating service in non-personable establishments;

(ii) Periods of service in work-charged establishments;

(iii) Periods of service paid from contingencies.

The proviso that temporary and / or officiating service, should be followed by confirmation may be relaxed by Government in special cases where for valid reasons a Government servant is not confirmed before his retirement or death while in service.]

²[Note 2 :- In respect of cases of retirement or death while in service of Government servants during the period from 1st January 1960 to 31st August 1968, Heads of Departments are authorised to sanction pension where admissible to temporary non-gazetted servants counting the continuous temporary service rendered in regular establishments under Government as qualifying service.]

³[224-A. In respect of retirement or death while in service of Government Servants on or after 1st September 1968, all service under Government whether temporary or permanent shall count.]

225. An establishment, the duties of which are not continuous, but are limited to certain fixed periods in each year, is not a temporary establishment. Service in such an establishment including the period during which the establishment is not employed, qualifies; but the concession of counting as service the period during which the establishment is not employed, does not apply to a Government servant who was not on actual duty when the establishment was discharged, after completion of its work, or to a Government servant who was not on actual duty on the first day on which the establishment was again re-employed.

1. Inserted by No. FD 41 SRS 60 dated 6.7.1960

2. Inserted by No. FD 70 SRS 69 dated 27-5-1970

3. Inserted by No. FD 69 SRS 66 dated 10-10-1968

226. A Government servant transferred from a temporary to a permanent appointment can count his service in full in the temporary office, if, though at first created experimentally or temporarily, it eventually becomes permanent.

Half the period of continuous temporary service will count for pension, provided such service is followed by a substantive appointment. If, however, the continuous temporary service prior to confirmation extends to five years or more, the full period will count for pension.

¹[Explanation :- Where the continuous temporary service prior to confirmation is less than five years and a portion of it qualifies for pension under Rule 227, the remaining portion of that temporary service cannot be counted under this Rule. If, however counting of half the full temporary service under this Rule is more advantageous, that benefit may be given in lieu of what is admissible under Rule 227.]

Note 1 :- If any temporary service is interrupted, the interruption should not be condoned under Rule 256 with a view to confer on the officer, a larger benefit than is contemplated under this Rule.

Note 2 :- "Temporary Service" in the rule shall include "Officiating Service" rendered either in a temporary post or a permanent post provided such service is followed by confirmation in a permanent post.

The proviso in the Rule and Note 2 thereunder to the effect that the temporary office should eventually become permanent and temporary service should be followed by substantive appointment to count service for pension, may be relaxed by Government in special cases where for valid reasons a Government servant is not confirmed before his retirement or death while in service.

²[xxx]

Note 4 :- In regard to counting of temporary service under the above Rule the benefit can be given only by taking into consideration the period of duty and leave with allowances. The period spent on leave without allowance has to be omitted for purposes of assessing the benefit accruing under the above Rule.

1. Inserted by No.FD 85 SRS 60 dated 12-7-1960 (w.e.f. 1-4-1958)

2. Deleted by No.FD 72 SRS 63 dated 19-3-1964.

¹[Note 5 :- The provisions of this Rule shall not apply to Government servants retiring from service after 31st December 1959.]

227. A Government servant without a substantive appointment officiating in an office which is vacant, or the permanent incumbent of which does not draw any part of the pay or count service, may, if he is confirmed without interruption in his service count his officiating service.

Note 1 :- The confirmation of the Government servant need not necessarily be in the same appointment in which officiating service is rendered by him.

¹[Note 2 :- The provisions of this Rule shall not apply to Government servants retiring from service after 31st December 1959.]

²[228 xxx]

229. If a Government servant on a permanent establishment is detached on temporary duty, on the understanding that, when the temporary duty ceases, he will return to the permanent establishment, he counts his detached service.

230. The preceding Rule permits the temporary suspension of the second condition of qualifying service which forms the subject of this Section; it does not authorise any relaxation of the first condition (which is the subject of Section II), or the third condition (which is the subject of Section IV) and in particular, must not be understood to countenance any modification of the rules applicable to a Government servant on Foreign Service.

231. A Government servant whose lien on his permanent appointment is suspended counts service in the quasi-permanent appointment he holds at that time for pension and his locum tenens counts service in the provisionally permanent appointment that he holds. The case of a Government servant on Foreign service is governed by rules relating to Foreign Service.

232. If the substantive office of a Government servant is abolished, but the Government servant is, at the time on special duty, or is, on abolition of his office, deputed on special duty, his service on special duty qualifies, but the duty must be special; mere

1. Inserted by No.FD 41 SRS 60 dated 6-7-1960.

2. Omitted by No.FD 25 SRS 80 dated 23-5-1980 (w.e.f. 5-6-1980)

employment in continuation of permanent employment, in a temporary appointment which happens at the time to be vacant, does not qualify.

233. A Section-writer or a press servant, who is paid on piece-work, is treated as having held a substantive office, if

(i) he is employed not casually, but as a member of a fixed establishment; and

(ii) during the last seventy-two months of his actual employment he has been attached to one office uninterruptedly for twenty-four months, or it has not been through his own choice, or misconduct that he has not been so attached.

¹[234. Temporary service in the Survey and Settlement Department if followed by quasi-permanent service will qualify for pension provided that the Government servant is (or was) not engaged on the understanding that he was or would be liable to be discharged after a short period of service.

Exception :- Temporary service on city and pot-hissa survey and phodi survey operation is allowed to count for pension. But in cases where the pay has been fixed including the element of travelling allowance, only the net pay after deducting the travelling allowances should be taken into account for purpose of pension.]

²[234-A. Service rendered in Jagirs by persons allotted to serve in connection with the affairs of the State of Karnataka under Section 115 of the State Re-organisation Act, 1956 from the Former State of Hyderabad shall count for pension provided the Jagir Administrator certifies that the following conditions are fulfilled:-

(i) the system of sanctioning pension was in vogue in the Jagir in which the person was employed;

(ii) the service of the person in the Jagir was whole-time and administrative in nature; and

(iii) the post held by the person in the Jagir was pensionable.

Note :- This rule shall be deemed to have come into force with effect from 1st April 1958 and shall be made applicable also to cases arising after 1st September 1957.]

1. Substituted by No. FD 22 SRS 61 dated 7-9-1961 (w.e.f. 1-4-1958)

2. Inserted by No. FD 27 SRS 64 dated 5-2-1965

235. Government may by general or special order permit service other than pensionable service, for performing which a Government servant is paid from the Consolidated Fund of the State or from a Local Fund, to be treated as, duty counting for pension. In issuing such an order, Government shall specify the method by which the amount of duty shall be calculated and may impose any condition which it thinks fit.

¹[Note:- Wherever pensionable service under Government has been rendered in continuation of service in Local Bodies, District Boards, Municipalities, etc., former State Railways of Mysore and Hyderabad, Central or State Commercial concerns or autonomous Bodies or Organisations set up by the Government of India or, the State Government, the service rendered in such Institutions shall count as qualifying service for pension subject to the following conditions:-

²[(i) Where the service rendered under the institutions referred to above is covered by the Contributory Provident Fund Scheme and the Contribution of such institutions with interest has been drawn by the Government Servant, the amount so drawn shall be credited to Government with interest calculated at 3 per cent per annum for the period from the date of drawing of the Contribution to the date of credit to Government. In case the amount is credited after the retirement of the Government Servant concerned, interest shall be calculated upto the date of retirement of the Government Servant.

(ii) Where the service rendered under such institutions is covered by the Contributory Provident Fund Scheme and contribution of the such institution with interest is continued in the Contributory Provident Fund and transferred to Government account after the absorption of the employee in Government Service, the amount of such contribution with interest accumulated in the Fund shall be credited to Government without calculating any further interest on the aggregate amount (of contribution and interest) as the amount would have been with Government.

(iii) Where the service rendered under the institutions referred to above is not covered by the Contributory Provident Fund Scheme, the Government Servant shall credit to Government Pension Contribution at 1/8 of the pay drawn by him from time to time under

1. Inserted by No. FD 6 SRS 65 dated 5-8-1965 (w.e.f. 1-11-1956).

2. Amended by No. FD 84 SRS 68 dated 5-8-1968

such institutions together with interest at 3 percent per annum calculated on the aggregate of such contributions for the period from the date of his absorption in Government Service to the date of credit to Government. In case the amount is credited after the retirement of the Government Servant, the interest shall be payable for the period from the date of absorption of the Government Servant to the date of his retirement:

Provided that the service to be counted as qualifying service under clause (i), (ii) and (iii) above shall be restricted to the period for which the Government Servant was subscribing to the Contributory Provident Fund or for which pension contribution is received.]

(iv) The Controller, State Accounts Departments, in the case of employees who had rendered service in Local Bodies and a responsible Departmental Officer in the case of employees who had rendered service in other Institutions prior to their service in Government, shall certify the correctness of the amounts credited to the Government. Based on these certificates (to be recorded in the Service Books in the case of Non-gazetted Government Servants) the Accountant-General will admit the service rendered in the Local Bodies or other institutions for purposes of granting the retirement benefits.]

SECTION IV - THIRD CONDITION Sources of Remuneration

236. Service which satisfies the conditions prescribed in Sections II and III qualifies or does not qualify, according to the source from which it is paid; with reference to this Rule, service is classified as follows:-

- (a) paid from the Consolidated Fund of the State.
- (b) paid from Local or other Funds specified by Government from time to time.
- (c) paid from funds in respect to which Government holds the position of trustee.
- (d) paid by fees levied by law, or under the authority of Government or by commission.
- (e) paid by the grant, in accordance with Law or Custom, of a tenure in land, or any source of income, or right to collect money.

237. Service paid from the Consolidated Fund of the State qualifies. The fact that arrangements are made for the recovery, on

the part of Government, of the whole, or part, of the cost of an establishment or Government servant does not affect the operation of this principle:

Provided that the establishment or Government servant is appointed, controlled and paid by Government.

Note 1:- In making arrangements for the recovery of cost of establishments, it should not be forgotten that Government has to bear not only the immediate cost but also that of leave allowances and pensions.

Note 2:- The amount to be recovered from the person for whose benefit an additional establishment is created shall be the gross sanctioned cost of the service which will not vary with the actual expenditure of each month. Dearness and High Price Allowances shall also form part of the gross sanctioned cost of the establishment and the whole expenditure on account of these allowances shall be recovered for periods of leave also.

Example:- When Police Officers are entertained at the cost of individuals and corporate bodies, an additional charge of one-fourth of the pay of officers must be defrayed by the persons for whose benefit the officers are employed:

Provided always that this additional charge shall not be made when such officers do not belong to the regular Police, but are only, temporarily engaged their service not counting for pension.

¹[Note 3 :- In the case of Government servants deputed to Commercial Departments, Government Commercial Undertakings or to the Offices of the Boards of Management for Industrial concerns, contribution for their pension and leave allowances shall be recovered at 1/4th of the total emoluments drawn by them in such Commercial Departments, Commercial Undertakings or Offices.]

Exception:- Shanbhogs, Patels and other Village Servants are not entitled to pension although they are paid from the Consolidated Fund of the State.

238. Service paid from funds which Government holds only as a trustee, such as under a Court of Wards or in an attached Estate does not qualify.

Note:- Service paid from the Muzari Establishment Fund qualifies.

1. Inserted by No. FD 7 SRS 64 dated 19-3-1964.

239(a) Service in an office paid only by fees whether levied by a law or under the authority of Government or by a Commission, does not qualify.

(b) Service in an office paid by fees or by commission, in addition to pay from the Consolidated Fund of the State qualifies.

240. Service paid by the grant, in accordance with law or custom, of a tenure in land, or of any other source of income or right to collect money does not qualify.

241. When part of the pensionable service of a Government servant qualifies for pension from the Consolidated Fund of the State and part from Local Funds, his pension is paid and charged according to the Rule of Proportion; it is not admissible to disregard the pensionable Local Funds service and award a pension only for the service paid from the Consolidated Fund of the State: provides that if, under this Rule, less than one-tenth of the pension would be payable from either source, no distribution shall be made; in such cases, the other source shall bear the whole charge.

Note:- In respect of Government servants whose services are lent temporarily to the Local Bodies, e.g., Executive and Assessing Officers, P.W.D., staff of the Engineering Establishment working under the District Boards, etc., and in whose cases Government specifically direct that contributions for pension should be recovered from the Local Bodies instead of debiting the pensionary charges according to the Rule of proportions, the rates of contribution prescribed for Foreign Service shall apply.

¹[241-A:- The pension payable to a Government servant who has rendered service partly in the Palace and partly under the Government shall be regulated as follows:-

(i) in the case of Government servants who retired prior to 1st April 1962, the incidence of pension shall be regulated according to the Rule of Proportions.

(ii) in the case of Government servants retiring from service on or after 1st April 1962, pension contribution shall be recovered in respect of the Palace service at the rates prescribed for foreign service.]

1. Inserted by No. FD 59 SRS 62 dated 1-10-1962

242. Rule 241 will apply only to cases in which the whole pay of the Government servant at any time is charged to a single fund. The pensionary charges of Government servants whose pay is met in shares from more than one source, viz., District Funds, Municipal Funds, or Consolidated Fund of the State or by more than one Municipality in shares, shall, in respect of such period of service be borne entirely by General Revenues, ¹[a contribution of one-eighth] of so much of the salaries of such Government servants as is paid by District or Municipal Funds being recovered and credited annually to Government during that period.

243. The administrators of a Municipality or a Local Fund including the Kolar Gold Fields Sanitary Board may, at their option, with the permission of Government, make a permanent arrangement for contributing for pensions from the Consolidated Fund of the State for its permanent employees or for any specified classes of them, by paying to Government ¹[a contribution of one-eighth of the sanctioned salaries of the several appointments]: provided that in the bills in which the establishment charges are drawn from the treasury, the contribution is added to the establishment bill and paid from the funds of the Municipality or Local Board concerned by transfer credit to the Consolidated Fund of State at the time the establishment bill is cashed. Any default in the payment of the contribution entails forfeiture of the claim against Government. Arrears contributions in respect of either individual Government servants or classes of Government servants proposed with a view to render past service qualifying will not be accepted. When an arrangement of this kind is made, the provision of Rule 241 will not apply to such appointments.

Note 1:- The arrangement contemplated in this Rule will apply in respect of all Municipalities and Local Bodies.

Note 2:- If a Government Servant whose service is reckoned as pensionable under this Rule is transferred to a similar pensionable establishment of another Municipality or Local Fund or to qualifying service under the State Government or vice versa, the transfer will not interrupt the continuity of the service for pension.

Note 3:- ¹[The contribution of one-eighth] will be taken as covering the payment of Death-cum-Retirement Gratuity under these Rules and Compassionate Gratuity under old rules.

1. Amended by No. FD 197 SRS 74 dated 7-9-1975 (w.e.f. 19-3-1974)

Note 4:- Since the contribution is fixed on the basis of details given in the Establishment Returns received from the Local Bodies, the amount recoverable will be communicated by the Audit Office to the Treasury Officer with whom the Local Body has its accounts and he will be asked to effect the necessary adjustments every month at the rate of one-twelfth of the yearly contribution recoverable. If the Establishment Returns are not received promptly from the Local Bodies, the Audit Office will issue instructions for the adjustment of the contribution at the rates for the previous year necessary adjustments being made later to collect the arrears or to refund the excess amount collected as soon as the Establishment Returns are received and the revised rate of contribution fixed.

¹[Contributions need not be recovered in respect of appointments kept substantively vacant for not less than a year. In such cases, where the pension contributions have already been recovered the excess, if any, may be adjusted against the pension contributions due for the subsequent periods.]

²[Note 5 :- The arrangement contemplated in this rule will apply also to the employees of the Mysore University.]

³[Note 6 :- The contribution paid under this Rule shall be rounded off to the nearest rupee, fractions equal to fifty paise or more being rounded off to the next higher rupee.]

1. Inserted by No. FD 8 SRS 70 dated 16-10-1970.

2. Inserted by No. FD 120 SRS 60 dated 10-8-1960.

3. Inserted by No. FD 146 SRS 69 dated 22-6-1970.

CHAPTER XVII - RULES FOR RECKONING SERVICE

Period of Leave

¹[244. Time passed on all kinds of leave with allowances counts as service.

Note- Notwithstanding the provisions of the corresponding rules in the Mysore Services Regulations, Bombay Civil Services Rules, Hyderabad Civil Services Rules, Madras Pension Code and the Civil Service Regulations of the Government of India this Rule shall apply also to Government servants governed by the pension Rules contained in those rules.]

²[244-A. In respect of retirement or death while in Service of Government Servants on or after 1st September 1968, time passed on all kinds of leave shall count as service under all circumstances provided that the maximum period of leave without allowances to be so counted shall be restricted to 3 years in the entire service.]

¹[245 xxx]

246. ¹[xxx] Government may, at its discretion, decide in the case of a Government servant (including a person under training but not actually appointed to Government service) who is selected to undergo a course of training, whether the period shall count as service qualifying for pension.

Note-1. The period of successful training in the Dehra Dun Forest School in continuation of qualifying service and followed by a substantive appointment in the Forest Department counts.

Note-2. Teachers in Government employ passing through a course of instruction in Normal institution with or without a stipend will be permitted to count the time spent in such an institution as service towards pension, notwithstanding that while receiving such instruction they are treated as being absent from their appointments on leave without allowances.

³[xxx]

1. Amended by No.FD 34 SRS 62 dated 10-12-1963.
 2. Inserted by No.FD 69 SRS 66 dated 10-10-1968.
 3. Deleted by No.FD 161 SRS 69 dated 22-6-1970.

Special additions

¹[247(1) A member of the Bar, ²[who is directly appointed as Munsiff or to a higher post] in the Judicial Department, and whose whole pensionable service is passed in that Department shall, if appointed at an age exceeding 25 years be entitled to reckon as service qualifying for superannuation pension (but not for any other class of pension) the actual period by which his age, at the time of appointment, has exceeded 25 years subject to the proviso that five years shall be the maximum period which can be so added. No officer can claim the benefit of this Rule unless his actual qualifying service at the time he quits Government service is not less than ten years.

²[xxx]

³[(2) A Judicial Officer who is transferred ⁴[to any civil service under the State and whose pensionable service after such transfer is passed in such civil service provided such transfer is made in the interest of public service] shall be entitled to the addition of the period mentioned in sub-rule(1), as if he passed his whole pensionable service in the Judicial Department.

⁵[*Exception:-* The minimum number of years of actual qualifying service necessary to claim the benefit of addition to the service is reduced from ten to five years in the case of members of the Bar who are directly recruited as District Judges or who, though directly recruited as Sub-Judges or to higher posts in the Judicial department, are promoted as District Judges and had service as District Judges of at least five years in all.]

⁴[247A(1) In the case of persons recruited after completing the age of 30 years in consonance with or pursuant to the rules of recruitment or policy or order of Government applicable to such recruitment, there should be added to their qualifying service, a period equal to the difference between the age on their date of birth immediately preceding the date of recruitment and 30 years, subject to a maximum of 8 years.]

1. Substituted by No.FD 232 SRS 59 dated 13-11-1959(wef 1-4-1958)

2. Amended by No. FD 31 SRS 65 dated 13-1-1966.

3. Inserted by No.FD 139 SRS 72 dated 20-11-1972 (wef 21-12-1972).

4. Amended by No. FD 225 SRS 71 dated 12-7-1978 (wef 1-1-1971).

5. Substituted by No.FD 232 SRS 59 dated 13-11-1959 (wef 1-4-1958).

¹[(2) Where a Government servant is allowed to count his service for pension in accordance with rules 219-A and 219-B together with additional qualifying service under this rule the portion of military service or war service exceeding thirty years of age shall be deducted from the addition to qualifying service under this rule.

(3) The addition to qualifying service shall be in terms of completed years and not in terms of months and days.

(4) The addition to qualifying service is also admissible to a Government servant who had rendered qualifying service of less than ten years on the date of retirement or death.

(5) If the Government servant who is in receipt of military pension for the service rendered by him under military service has not been allowed to count his previous military service for a combined pension under the State Government in lieu of military pension, in such cases the addition to qualifying service under sub-rule (1) may be allowed.

(6) When the Government servant ceases to be governed by Triple Benefit Scheme rules and enters Government service by recruitment, the provisions of sub-rule (1) may be extended if it is advantageous to the Government servant in lieu of the period admissible under rule 248.

(7) A member of the Bar who is recruited to Judicial service at an age exceeding 30 years shall be entitled to the benefit under sub-rule (1) or rule 247, but not both.

(8) The addition to qualifying service under this rule may be extended if it is advantageous to the Government servants in lieu of the benefit admissible to him under rule 248.

Provided that the addition of qualifying service under this rule is not admissible to,-

(i) employees governed under rule 235.

(ii) employees governed by Triple Benefit Scheme Rules,
and

(iii) employees borne on work charged establishment absorbed in regular pensionable service.]

1. Amended by No. FD 1 SRA 97 dated 23.4.1998 (w.e.f. 15.10.1998)

¹[248. If an employee of an educational institution which is recognised by Government gets into Government service as a result of either the school being taken over by Government or his securing an appointment according to the rules of recruitment, one-fourth of his service in that institution shall be counted for pension and gratuity subject to the limitation that the period so allowed to be counted shall not exceed three years.]

²[248A.(1) Persons borne on the work-charged establishments of Government either on daily or monthly wages system when appointed to regular pensionable service under Government shall count for pension or gratuity one-fourth of their service rendered on the work-charged establishments subject to a maximum of three years.]

³[Note - In computing work-charged service under this rule, interruptions in the work charged service not exceeding one-tenth of the aggregate of the total work-charged service should be condoned.]

⁴[(2) Persons borne on the work-charged establishments of Government on time-scales of pay who were in Service on 1st July 1978 and have been or are absorbed in regular pensionable service under Government after that date shall count their work-charged service to the extent indicated below, for purposes of pension and gratuity:

- (i) For the first ten years - 50% of service.
- (ii) For the remaining period - Full service.]

⁵[(3) The provisions of sub-rule (2) above shall also apply to the persons borne on the work-charged establishments on regular time scales of pay who were absorbed in regular pensionable service prior to 1st July 1978 but who were in service on that date.]

(4) In computing work-charged service under sub-rule (2) or sub-rule (3) above, interruptions in the work charged service not exceeding one-tenth of the aggregate of the total work-charged service shall be ignored.]

1. Substituted by No.FD 211 SRS 74 dated 17-11-1976(wef 20-7-1978).

2. Inserted by No.FD 80 SRS 62 dated 24-11-1962.

3. Inserted by No. FD 55 SRS 65 dated 22-6-1966.

4. Inserted by No. FD 56 SRS 81 dated 30-12-1982 (wef 20-1-1983).

5. Inserted by No.FD 41 SRS 83 dated 9-6-1983 (wef 16-6-1983).

¹[248AA. Persons borne on establishments paid from contingencies of Government either on daily or monthly wages system, and appointed to regular pensionable service under Government on or after 1st January 1961 shall count for pension or gratuity half the service paid from contingencies subject to the following conditions:-

(a) Service paid from contingencies should have been in a job involving whole-time employment (and not part-time for a portion of the day).

(b) Service paid from contingencies should be in a type of work or job for which regular posts could have been sanctioned;

(c) The service should have been one for which the payment is made either on monthly or daily rates computed and paid on a monthly basis and which though not analogous to the regular scale of pay should bear some relation in the matter of pay to those being paid for similar jobs being performed by staff in regular establishments,

(d) The service paid from contingencies should have been continuous and followed by absorption in regular employment without a break.

(e) Subject to the above conditions being fulfilled the weightage of past service will be limited to the period for which authentic records of service are available.]

249. When a Government servant is deputed out of State on duty, the whole period of his absence from State counts. When a Government servant on leave out of State is employed or is detained after the termination of his leave, on duty, the period of such employment or detention counts.

Suspensions, Resignations, Breaks and Deficiencies in Service.

²[250. Time passed under suspension pending enquiry into conduct counts in full where, on conclusion of the enquiry, the Government servant has been fully exonerated or the suspension is held to have been wholly unjustified; in other cases, the period of suspension does not count unless the authority competent to pass orders under Rule 99 expressly declares at the time that it shall count, and then it, shall count only to such extent as the competent authority may declare.]

²[251 xxx]

1. Inserted by No.FD 102 SRS 71 dated 3-7-1972
2. Amended by No.FD 105 SRS 62 dated 2-3-1965.

252(a) Resignation of the public service, or dismissal or removal from it for misconduct, insolvency, inefficiency, but not due to age, or failure to pass a prescribed examination entails forfeiture of past service.

¹[Exception:- The provisions of this Rule regarding forfeiture of past service due to resignation of public service shall not apply to the cases of retirement or death while in service of a Government servant on or after the 19th September 1974.]

²[xxx]

³[(b) Resignation of an appointment to take up, with proper permission, another appointment, whether permanent or temporary, service in which counts in full or in part, is not a resignation of public service.]

⁴[xxx]

⁵[252A. xxx]

⁶[253(a) A Government servant who is dismissed, removed or compulsorily retired from Public Service, but is reinstated on appeal or revision, is entitled to count his past service.

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

⁵[254. Unauthorised absence from duty other than the unauthorised absence referred to in rules 106-A and 162 constitutes an interruption of service entailing forfeiture of past services other interruptions in the service of a Government servant shall not entail forfeiture of past service. The period/periods of such interruptions will, not count as service qualifying for pension.

1. Inserted by No.FD 45 SRS 75 dated 29-1-1976 (w.e.f. 19-9-1974).

2. Deleted by No.FD 43 SRS 86 dated 3-4-1990 (w.e.f. 12-4-1990).

3. Substituted by No.FD 212 SRS 59 dated 15-12-1959.

4. Deleted by No. FD 66 SRS 79 dated 15-11-1980. (wef 27-11-1980).

5. Amended by No. FD 140 SRS 73 dated 30-8-1974 (wef 19-9-1974).

6. Substituted by No. FD 16 SRS 59 dated 30-6-1959.

Explanation:- A "strike" as defined in the Karnataka State Civil Services (Prevention of Strikes) Act, 1966 including refusal of abstention from doing work though physically present at the place of duty by resort to pen-down strike or stay-in-strike or other methods shall be deemed to be unauthorised absence from duty for purposes of this Rule.]

255. The authority who sanctions the pension may commute retrospectively periods of absence without leave into leave without allowances.

Condonation of Interruptions and Deficiencies

256. Upon such condition as it may think fit, in each case, to impose, Government may condone all interruptions in service.

Note-1.- Among the conditions that may be imposed, care should be taken to ensure that Government servants are discouraged from quitting government service against the enforcement of discipline or in the expectation that they might get back their pension rights if they re-enter service after a break to suit their convenience.

¹[Note-2.- In respect of Government servants retiring from service after 31st December 1959, Government may condone interruptions in service (either between two spells of permanent or temporary service or between a spell of temporary service and permanent service or vice versa) only in case where the following conditions are fulfilled:-

(i) The interruptions should have been caused by reasons beyond the control of the Government servant concerned.

(ii) Service preceding the interruption should not be less than 5 years duration, and in cases where there are two or more interruptions, the total service, pensionary benefits in respect of which will be lost if the interruptions are not condoned, should not be less than five years;

(iii) The interruption should not be more than of one year's duration. In cases where there are two or more interruptions, the total of the period of all the interruptions that are condoned should not exceed one year.]

1. Substituted by No. FD 23 SRS 61 dated 15.6.1961.

¹[Note-3.- This Rule shall not apply to cases of retirement or death while in service of Government Servants on or after 1st September 1968.]

²[257. Upon any conditions which, it may think fit to impose, the authority competent to sanction the pension of a Government servant may condone a deficiency of three months in his qualifying service. Government may condone a deficiency not exceeding twelve months.]

Note 1.- The word 'deficiency' includes not merely the period by which a Government servant's qualifying service falls short of the minimum length of qualifying service, which would entitle him to a pension but should be read as including the difference between the total amount of his service qualifying for pension and the total length of service necessary to earn the maximum amount of pension admissible under the rules.

Note 2.- This Rule is not intended to be used merely to allow Government servants to retire on full pension voluntarily, a little sooner than they otherwise could.

³[Note 3.- The power conferred under this Rule should be restricted to ensure that where the benefit is given, it is given only to low paid employees i.e. employees whose pay (including all elements in the nature of pay) at the time of retirement did not or does not exceed Rs. 200 per mensem, proceeding on invalid or Compensation Pension.]

⁴[Note 4.- The provisions of this rule shall not apply to Government servants retiring from service after 31st December 1959.]

1. Inserted by No. FD 69 SRS 66 dated 10-10-1968.
2. Substituted by No. FD 23 SRS 61 dated 15-6-1961.
3. Inserted by No. FD 140 SRS 58 dated 25-7-1958.
4. Inserted by No. FD 23 SRS 61 dated 15-6-1961.

CHAPTER XVIII

**CONDITIONS OF GRANT OF PENSION
SECTION 1 - CLASSIFICATION OF PENSIONS**

258. Pensions are divided into four classes, the rules for which are prescribed in the following Sections of this Chapter:-

- (a) Compensation Pensions-see Section II.
- (b) Invalid Pensions - see Section III.
- (c) Superannuation Pension - see Section IV.
- (d) Retiring Pensions-see Section V.

SECTION II - COMPENSATION PENSION

259. If a Government servant is selected for discharge owing to the abolition of a permanent post, he shall, unless he is appointed to another post the conditions of which are deemed by authority competent to discharge him to be at least equal to those of his own have the option-

- (a) of taking any compensation pension or gratuity to which he may be entitled for the service he has already rendered, or
- (b) of accepting another appointment or transfer to another establishment even on a lower pay, if offered, and continuing to count his previous service for pension.

Note-1.- A compensation pension is designed to mitigate hardships caused by loss of office; and a working man who refuses to accept suitable employment even accompanied with some temporary loss of pay clearly does not need compensation.

Note-2.- When a Government servant not holding a substantive post is retrenched owing to reduction of establishment shall, on reappointment, be entitled to count the former service for leave and pension, the break in service, if any, being treated as having been condoned to the extent admissible under the rules.

260. To pension a Government servant still capable of useful service is a waste of public money; before a pension is granted to such a Government servant discharged on abolition of appointment it must be carefully considered whether he cannot be otherwise provided for. The Head of a department, in forwarding an application

for Compensation pension, should invariably state for what reasons it has been found impossible to provide suitable employment for the applicant.

261. Whenever, upon the reduction of an establishment, it is necessary to discharge one or more members thereof, the selection of the Government servants to be discharged should, prima facie be so made that the least charge for Compensation Pension will be incurred.

262. The discharge of one Government servant to make room for another better qualified is not abolition of an appointment within the meaning of Rule 259; the abolition must produce a real saving to Government. Particulars of the saving effected should be fully set forth in every application for compensation pension. The saving should always exceed the cost of the pension; otherwise it may perhaps be better to postpone the reduction of establishment or abolition of appointment.

263. A Gazetted Government servant who belongs to the Public Service, apart from his particular local appointment, e.g., a Munsiff, Magistrate, or Amildar cannot obtain a Compensation pension on the abolition of particular appointment.

264. No pension is admissible to a Government servant for the loss of an appointment on discharge after the completion of a specified term of service.

265. No pension may be awarded for the loss of a local or duty allowance [or special allowance].

266. If it is necessary to discharge a Government servant in consequence of a change in the nature of the duties of his office, the case should be referred to Government.

267. If of two appointments held by one Government servant one is abolished and the other retained, and it is desired to give him an immediate pension in respect of the abolished post, the case should be specially submitted to Government.

268. Reasonable notice should be given to a Government servant in permanent employ before his services are dispensed with on the abolition of his office. If in any case such notice is not given at least three months before dispensing with the Government servant's services, and he shall not have been provided with some other employment on the date on which his services are dispensed with, then with the sanction of Government, a gratuity not exceeding his emoluments for the period by which the notice actually given to him

1. Substituted by No.FD 7 SRA 99 dated 29-4-2000 (wef 1-4-1998).

falls short of three months, shall be paid to him in addition to the pension to which he may be entitled under Rule 259; but the pension shall not be payable for the period in respect of which he receives a gratuity in lieu of notice.

Note-1.- The gratuity prescribed in this Rule is not granted as compensation for loss of employment, but only in lieu of notice of discharge with a view to mitigate the hardship caused to a Government servant by the sudden loss of employment. When, therefore, a Government servant discharged without notice is provided with some other employment on the date on which his services are dispensed with, whether that employment be in qualifying or non-qualifying service, he is not entitled to any gratuity.

Note-2.- Unless it contains an express statement to the contrary an order for the abolition of an office or appointment shall not be brought into operation till the expiry of three months after notice has been given to the Government servant, whose services are to be dispensed with on such abolition. The immediate Head of the office or of the Department will be held responsible that there is no unnecessary delay in giving such notice. In the case of a Government servant on leave the order shall not be brought into operation until the leave expires.

Note-3.- 'Emoluments' in this rule means the emoluments or leave allowances (or partly the one, partly the other which the Government servant would be receiving during the period in question had the notice not been given him.

269. A Government servant discharged with a Compensation pension may not without surrendering his pension refuse to accept any appointment which Government thinks fit, within six months from the date of his discharge, to offer to him. The salary of such new appointment must not, however, be less than that necessary to raise his total receipt, to the amount which he received as salary immediately before his discharge, or should the new appointment be such as the Government servant cannot reasonably and equitably be expected to accept.

270. The rule requiring the refund of a compensation gratuity on re-employment applies to a gratuity awarded under Rule 268, if the Government servant is permanently re-employed within three months from the date of notice. But the Government servant need not refund that proportion of his gratuity under this rule which the interval of his non-employment bears to the whole period for which the gratuity is given. If the Government servant is re-employed only

temporarily, he need refund no part of his gratuity; but if such temporary employment is foreseen, the gratuity should be proportionately reduced.

271. Rule 269 applies also to the case of a Government servant entitled to Compensation pension who, upon the abolition of his own appointment, is transferred by competent authority to another appointment. To such a Government servant a Compensation Pension may be simultaneously awarded, subject always to the limitation prescribed by Rule 309.

272. If a Government servant who is entitled to Compensation Pension accepts instead another appointment in the Public Service, and subsequently becomes again entitled to receive a pension of any class, the amount of such pension shall not be less than what he could have claimed if he had not accepted the appointment.

SECTION III - INVALID PENSION

273. An invalid pension is awarded, on his retirement from the Public Service, to a Government servant who by bodily or mental infirmity is permanently incapacitated-

- (i) for the public Service, or
- (ii) for the particular branch of it to which he belongs.

Note-1.- A Government servant discharged on other grounds has no claim under the above Rule even though he can produce medical evidence of incapacity for service.

Note-2.- Rule 260 applies, mutatis mutandis, in the case of a Government servant invalidated under clause (ii) of the above Rule as unfit for employment only in some particular branch of the Public Service. Every effort should be made to find for such a Government servant other employment suited to his particular capacity.

Note-3.- If the incapacity is the result of irregular or intemperate habits, no pension can be granted. Otherwise, it is for Government to decide whether the Government servant's incapacity is such as to render it necessary to admit him to invalid Pension.

¹[*Exception-1*.- Heads of Departments may order the retirement on Invalid Pension of all Non-gazetted Government servants appointed

1. Substituted by No. FD 187 SRS 59 dated 20-5-1960 (wef 26-5-1960).

by them or by a lower authority, who by bodily or mental infirmity are permanently incapacitated for the Public Service. Cases of incapacity for the particular branch of Public Service to which a Government servant belongs, vide clause (ii) *ibid*, shall be decided by Government.]

¹[Exception-2.- The Superintendents of Police may order the retirement on Invalid Pension of Head Constables and Police Constable under them, who by bodily or mental infirmity are permanently incapacitated for the Public Service. Cases of incapacity for further service in the Police Department shall invariably be referred to Government for a decision.]

274. If a Government servant applies, while on leave of any kind taken on account of illness, for retirement on the ground of incapacity for further service and dies before producing the certificate prescribed in this section, to support his request for retirement, his case will be dealt with as if he had produced such certificate, provided the Head of the Office certifies that he has no reason to believe that the applicant's illness or death was due to irregular or intemperate habits.

275. If a Government servant applying for an invalid Pension is fifty-five years old or upwards no certificate by a Medical Officer is necessary; it suffices for the Head of the office to certify to the incapacity of the applicant. Otherwise, incapacity for service must be established by a Medical certificate attested by a Medical Officer not below the rank of an Assistant Surgeon, Grade-I, or in the case of persons suffering from mental diseases by a certificate granted by the Superintendent, Mental Hospital, Bangalore.

(a) If the pension applied for exceeds ²[Rs. 800 a month,] a certificate by a single Medical Officer should not be accepted as sufficient, if it is possible without undue inconvenience, to cause the applicant to appear before the ³[Medical Board.]

(b) In no case shall a medical certificate of incapacity for service be granted unless the applicant produces a letter from the Head of his Office or his Department, to show that the latter is aware of his attention to appear before the Medical Officer.

1. Inserted by No. FD 130 SRS 60 dated 26-12-1960 (wef 5-1-1961).

2. Amended by No.FD 46 SRS 88 dated 21-6-1989 (wef 6-7-1989).

3. Substituted by No. FD 20 SRS 70 dated 4-11-1971.

Note-1.- Where the Head of an Office is himself a District Medical Officer, the invalidating certificate should be supported by a medical certificate from a second Medical Officer of similar status nearest to his station.

Note-2.- In the case of a female applicant, the medical certificate of incapacity for service may be granted by Lady Assistant Surgeons in the case of non-gazetted women employees and by Lady Surgeons in the case of gazetted women employees.

Note-3.- In case of retirement due to diseases of the eye, medical certificates granted by ¹[a Doctor with post-graduate qualification of DOMS or MS (Oph) in a Government Hospital,] may be accepted without countersignature of ²[Medical Board.]

276(a) A succinct statement of medical case, and of the treatment adopted, should, if possible, be appended.

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

(c) In a case of this kind, special explanation will be expected, from the Head of the Office or Department, of the grounds on which it is proposed to invalid the Government servant.

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

278. ³(a) The form of the Medical Certificate to be given respecting a Government servant applying for pension shall be in the following form:-

⁴[Certified that I/We have carefully examined A.B. son of C.D.....in the.....His age is by his own statement.....years, and by appearance about.....years. I/We consider A.B. to be

1. Substituted by No. FD 90 SRS 78 dated 17-1-1979 (wef 25-1-1979)

2. Substituted by No. FD 20 SRS 88 dated 21-6-1989 (wef 6-7-1989)

3. Substituted by No. FD 167 SRS 59 dated 6-10-1959 (wef 15-10-1959).

4. Amended by No. FD 47 SRS 69 dated 10-7-1969.

completely and permanently incapacitated (i) for further service of any kind, or (ii) for further service in the Department to which he belongs, (retain clause (i) or (ii) as the case may be) in consequence of.... (here state disease or cause). His incapacity does not appear to me/us to have been caused by irregular or intemperate habits.]

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

is directly

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

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

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

(b) The object of the second alternative certificate of partial incapacity is that a Government servant should, if possible, be employed even on lower pay so that the expense of pensioning him may be avoided. If there be no means of employing him even on lower pay, then he may be admitted to pension, but it should be considered whether in view of his capacity for partially earning living, it is necessary to grant him the full pension admissible under the rules. The principle of Rule 260 must always be carefully borne in mind.

279. Superintendents and Assistant Superintendents of Police should be on their guard against endeavours to retire on invalid pension by officers who are capable of serving longer.

280. Medical Officers should ¹[confine] themselves to recommending leave to such policemen as are not likely to benefit by further stay in hospital, and should not certify that a policeman is incapacitated for further service unless they are officially requested to report upon his incapacity for further service.

1. Substituted by No. FD 183 SRS 58 dated 24-10-1958 (wef 1-4-1958).

281. Medical Officers should be specially searching in their examination of the physical unfitness of every applicant for pension and whenever the number of applicants for pensions is large the examination should, if possible, be conducted by two Medical Officers.

282. A Government servant who has submitted under Rule 275, a Medical Certificate of incapacity for further service must not (except for special reasons to be reported to Government) be retained in service pending a decision on his application for pension but he may be given leave at credit for a period not exceeding six months and permitted to retire at the end of that period.

¹[Note- When a Government Servant after submitting a medical certificate of invalidment, is retained in service for a certain period under the provisions of this Rule and thereafter granted leave, the period of such retention in service together with that of such leave should not exceed six months from the date of report of the medical authority.]

²[282A. The pension sanctioning authority shall ensure that the invalid pension and/or Death-cum-retirement gratuity is settled within two months from the date of retirement on invalid pension.

283. A Superannuation pension is granted to a Government servant entitled or compelled, by rule, to retire at a particular age (Vide Rule 95).

³[284 xxx]

SECTION V - RETIRING PENSION

⁴[285.(1) Retiring Pension: - A retiring pension is a pension granted to a Government servant,

(a) who is permitted to retire any time after completion of a qualifying service of not less than ⁵[15 years,] subject to the conditions specified in sub-rule (2) hereunder; or

(b) who is permitted to retire any time on attaining the age of 50 years, subject to the conditions specified under sub-rule (3) hereunder; or

1. Substituted by No. FD 87 SRS 75 dated 16-2-1976 (wef 19-8-1976).

2. Inserted by No. FD 140 SRS 73 dated 30-8-1974 (wef 19-9-1974).

3. Deleted by No. FD 42 SRS 84 dated 30-11-1984 (wef 2-8-1984).

4. Substituted by No. FD 25 SRS 78 dated 23-10-1980 (wef 30-11-1979).

5. Substituted by No. FD 57 SRS 89 dated 27-6-1990 (wef 5-7-1990).

¹[(c) who is retired in public interest any time after completion of 25 years qualifying service or after he has attained the age of 50 years in the case of a Government servant holding a Group A or Group B post and 55 years in the case of a Government servant holding a Group C or Group D post, subject to sub-rule (4) hereunder;]

(2) Conditions governing voluntary retirement of a Government servant on completion of a qualifying service of not less than ²[15 years:]

(i) The Government servant shall give a notice of at least 3 months in writing to the appointing authority;

(ii) The scheme is voluntary, the initiative resting with the Government servant himself;

(iii) Government does not have the reciprocal rights to retire Government servants on its own under this scheme;

(iv) Government servant retiring under this scheme shall be entitled to retiring pension/gratuity;

(v) While granting the retiring pension/gratuity to a Government Servant retiring under this scheme, weightage upto five years shall be given as an addition to the qualifying service actually rendered by him. The grant of such weightage shall, however, be subject to the condition that the total qualifying service after allowing the weightage shall not, in any case, exceed the qualifying service which the Government Servant would have had, if he had retired on attaining the age of superannuation.

(vi) The weightage given under this scheme shall be only an addition to the qualifying service for purposes of pension and gratuity and shall not entitle a Government Servant Retiring Voluntarily to any notional fixation of pay for purposes of calculation Pension and Gratuity.

(vii) The amount of Pension/Gratuity, to be granted shall be subject to the right of the Government or any competent authority to make reduction therein in accordance with the provisions of the Rules, if his service is not satisfactory.

(viii) The scheme of voluntary retirement shall not be applicable to Government Servants who have been or who are

1. Substituted by No. FD 28 SRS 87 dated 8-8-1988 (wef 18-8- 1988).

2. Substituted by No. FD 57 SRS 89 dated 27-6-1990 (wef 5-7- 1990).

absorbed in autonomous bodies/public sector undertakings, etc., in accordance with the provisions of G.O. No. FD 70 SRS 77, dated 27th October 1977.

(ix) A notice of less than three months may be accepted by the appointing authority in deserving cases, with the prior approval of Government.

(x) A notice of voluntary retirement may be withdrawn subsequently only with the approval of the appointing Authority provided that the request for such withdrawal is made within the intended date of retirement and the Government Servant is in a position to establish that there has been a material change in the circumstances in consideration of which the notice was originally given.

(xi) The voluntary retirement shall not become effective merely on the ground that a notice to that effect has been given by the Government Servant unless it is duly accepted by the appointing authority. Such acceptance may be generally given in all cases except those-

(a) in which disciplinary proceedings are pending or contemplated against the Government Servant concerned for the imposition of any of the penalties specified in clauses (v) to (viii) of Rule 8 of the Karnataka Civil Services (Classification, Control and Appeal) Rules, 1957, or

(b) in which prosecution is contemplated or may have been launched in Court of Law against the Government Servant concerned.

Where it is proposed to accept the notice of voluntary retirement in such cases, prior approval of Government in case of Gazetted Government Servants and of the Head of the Department in case of Non-Gazetted Servants should invariably be obtained.

(xii) A Government Servant who has given notice under clause (1) of this sub-rule may be granted leave due and admissible to him, not extending beyond the date on which he attains the age of superannuation, even though such leave extends beyond the date on which he retires on the expiry of the notice. But the leave salary admissible in respect of leave extending beyond the notice period shall be reduced by the amount of pension and pension equivalent of Death-cum-Retirement Gratuity, as the effective date of retirement is the date immediately following the expiry of the notice period.

(xiii) Orders permitting a Government Servant to retire under clause (a) of sub-rule (1) shall not be issued until after the fact that he has put in a qualifying service not less than ¹[15 years] has been verified in consultation with the Accountant General.

(xiv) The term “appointing authority” referred to in this sub-rule means appointing authority as defined in clause (a) of Rule 2 of the Karnataka Civil Services (Classification, Control and Appeal) Rules, 1957.

¹[(xv) A Government servant who has voluntarily retired under this scheme after having put in a qualifying service of not less than 15 years shall not be eligible to seek direct recruitment to any service under the State Government.]

(3) Conditions governing voluntary Retirement of Government Servants after attaining the Age of 50 years.

(i) The Retirement of a Government Servant on attaining the age of 50 years is subject to the conditions specified under Clauses (i), (iv), (vii), (ix), (x), (xi), (xii), and (xiv) of sub-rule (2) mentioned above.

(ii) The quantum of pension and Death-cum-Retirement Gratuity admissible to a Government Servant permitted to retire as above shall be proportionate to the length of his qualifying service and calculated in accordance with the provision of Chapter XIX of the Rules.

(iii) The provisions of this sub-rule shall come into force from the date of their publication in the Official Gazette.

(4) Retirement of a Government Servant in public interest under the orders of Government:

²[(i) Government may, by order, retire-

(a) A Government servant in Group A or Group B service post, who is working in a substantive quasi-permanent or temporary capacity, or who, is in a Group C post service in a substantive capacity, but officiating in a Group A or Group B post or service after he has attained the age of 50 years or after he has completed 25 years of qualifying service, and

(b) in any other case after he has attained the age of 55 years or after he has completed 25 years of qualifying service, if the

1. Inserted by No. FD 57 SRS 89 dated 27-6-1990 (wef 5-7-1990).

2. Substituted by No. FD 28 SRS 87 dated 8-8-1988 (wef 18-8-1988).

retirement is in their opinion necessary in the public interest, provided that the Government servant concerned shall either be given a notice of three months before the date of retirement or if he is ordered to retire forthwith be permitted to draw, every month in lieu of pension for the period of three months, from the date of such retirement, a sum equivalent to the salary which he was drawing immediately before the date of retirement. Any increment which accrues to him during the said period shall be paid to him and the said period for which he draws such salary shall be treated as duty.]

(ii) salary for this purpose will include ¹[special allowance], dearness allowance, house rent allowance., city compensatory allowance, Uniform Allowance, Deputation allowance, Foreign Service Allowance and any other allowance, except Conveyance allowance and the Fixed Travelling Allowance. If the service of the Government servant who is on deputation or on foreign service for a specified period on specified terms and conditions, are withdrawn to his parent department before orders are passed under this sub-rule, no deputation or foreign service allowance will be paid.

(iii) Retirement under this sub-rule is not permissible after, issue of an order under clause (c) of Rule 95 of the rules.

(iv) Orders Retiring a Government Servant under this sub-rule, any time after his completion of 25 years of qualifying service shall not be issued until after the fact that he has put in a qualifying service of not less than 25 years has been verified in consultation with the Accountant-General.

(v) The quantum of pension and Death-cum-Retirement Gratuity admissible to a Government Servant who is retired under this sub-rule shall be proportionate to the length of his qualifying service and calculated in accordance with the provisions of Chapter XIX of the Rules.

(vi) The amount of pension/gratuity to be granted shall be subject to the right of the Government or any competent authority to make reduction therein in accordance with the provisions of the rules, if his service is not satisfactory.

(vii) The provisions of this sub-rule shall come into force from the date of their publication in the Official Gazette.]

286. A Government servant holding two or more separate appointments may not, save with the express sanction of Government, resign one or more of such appointments on a pension, without retiring from the public service altogether.

1. Substituted by No. FD 7 SRA 99 dated 29-4-2000 (wef 1-4-1998)

There is no objection to his being relieved from one or more of such appointments at any time without being compelled to leave the service altogether but in such a case, any pension admissible to him for service in the offices from which he is relieved will be deferred until he finally retires.

CHAPTER XIX
AMOUNT OF PENSION

SECTION I - GENERAL RULES

¹[287. The amount of pension that may be granted is determined by the length of service. Fractions of a year are not taken into account in the calculation of any pension admissible to a Government servant retiring on or before 31st December 1959. In the case of Government Servants retiring after 31st December 1959 fractions of a year less than six months should be ignored and fractions of six months or more taken as one year for purposes of computing the length of qualifying service under Rules 291 and 292.

²[Note.- The amount of pension shall be expressed in whole rupee and where the pension calculated according to the rules contains a fraction of a rupee, it shall be rounded off to the next higher rupee.]

³[Explanation:- The provisions of this note apply to all classes of pension granted under various sets of rules including compassionate allowance but do not apply to gratuity sanctioned under various sets of rules, or to the capitalized value of commuted portion of pension.]

⁴[287A. In respect of Government servants retiring from service on or after 1st April 1963, fractions of a year equal to six months and above shall be treated as a completed six monthly period for the purpose of calculation of any pension admissible to such a Government servant.]

288. A pension is fixed in rupees and not in sterling even though it is to be paid in England.

⁵[289 xxx]

Limitations

290. A Government servant entitled to pension may not take a gratuity instead of pension.

SECTION II - AMOUNT OF PENSION

291. The amount of Superannuation, Retiring, Compensation

-
1. Substituted by No. FD 41 SRS 60 dated 6-7-1960 (wef 14-7-1960).
 2. Amended by No. FD 30 SRS 67 dated 15-3-1967.
 3. Inserted by No. FD 51 SRS 67 dated 29-7-1967 (wef 15-3-1967).
 4. Inserted by No. FD 41 SRS 60 dated 1-4-1963.
 5. Deleted by No. FD 100 SRS 83 dated 3-1-1985.

and invalid Pension and Compensation and invalid Gratuity will be the appropriate amount noted below :-

Completed years of Qualifying service	Scale of Gratuity or pension	Maximum Pension in Rupees per annum
	(a) Gratuity	Rs.
1.	1 month's emoluments	
2.	2 do	
3.	3 do	
4.	4 do	
5.	$4\frac{3}{4}$ do	
6.	$5\frac{1}{2}$ do	
7.	$6\frac{1}{4}$ do	
8.	$7\frac{1}{4}$ do	
9.	$7\frac{3}{4}$ do	
	(b) Pension	
10.	10/80ths of average emoluments	2,250
11.	11/80ths do	2,475
12.	12/80ths do	2,700
13.	13/80ths do	2,925
14.	14/80ths do	3,150
15.	15/80ths do	3,375
16.	16/80ths do	3,600
17.	17/80ths do	3,825
18.	18/80ths do	4,050
19.	19/80ths do	4,275
20.	20/80ths do	4,500
21.	21/80ths do	4,725
22.	22/80ths do	4,950
23.	23/80ths do	5,175
24.	24/80ths do	5,400
25.	25/80ths do	5,625
26.	26/80ths do	5,850
27.	27/80ths do	6,075
28.	28/80ths do	6,300
29.	29/80ths do	6,525
30.	and above 30/80ths do	6,750

¹[291-A. In respect of Government servants retiring from service on or after 1st April 1963, the amount of Superannuation, Retiring, Compensation and Invalid pension and Superannuation, Compensation and Invalid Gratuity will be the appropriate amount noted below :

1. Inserted by No.FD 41 SRS 60 dated 1-4-1963

AMOUNT OF PENSION

Completed six monthly periods of qualifying service	Scale of Gratuity or Pension	Maximum Pension (in Rupees per annum)
	(a) Gratuity	Rs.
1.	$\frac{1}{2}$ month's emoluments	
2.	1 do	
3.	$1\frac{1}{2}$ do	
4.	2 do	
5.	$2\frac{1}{2}$ do	
6.	3 do	
7.	$3\frac{1}{2}$ do	
8.	4 do	
9.	$4\frac{3}{8}$ do	
10.	$4\frac{3}{4}$ do	
11.	$5\frac{1}{8}$ do	
12.	$5\frac{1}{2}$ do	
13.	$5\frac{7}{8}$ do	
14.	$6\frac{1}{4}$ do	
15.	$6\frac{5}{8}$ do	
16.	7 do	
17.	$7\frac{3}{8}$ do	
18.	$7\frac{3}{4}$ do	
19.	$8\frac{1}{8}$ do	
	(b) Pension	
20.	10/ 80ths of average emoluments	2,250
21.	$10\frac{1}{2}$ / 80ths do	2,362
22.	11 / 80ths do	2,475
23.	$11\frac{1}{2}$ / 80ths do	2,587
24.	12 / 80ths do	2,700
25.	$12\frac{1}{2}$ / 80ths do	2,812
26.	13 / 80ths do	2,925
27.	$13\frac{1}{2}$ / 80ths do	3,037
28.	14 / 80ths do	3,150
29.	$14\frac{1}{2}$ / 80ths do	3,262
30.	15 / 80ths do	3,375
31.	$15\frac{1}{2}$ / 80ths do	3,487
32.	16 / 80ths do	3,600
33.	$16\frac{1}{2}$ / 80ths do	3,712
34.	17 / 80ths do	3,825
35.	$17\frac{1}{2}$ / 80ths do	3,937
36.	18 / 80ths do	4,050

37.	18 ^{1/2} / 80ths	do	4,162
38.	19/ 80ths	do	4,275
39.	19 ^{1/2} / 80ths	do	4,387
40.	20/ 80ths	do	4,500
41.	20 ^{1/2} / 80ths	do	4,612
42.	21/ 80ths	do	4,725
43.	21 ^{1/2} / 80ths	do	4,837
44.	22/ 80ths	do	4,950
45.	22 ^{1/2} / 80ths	do	5,062
46.	23/ 80ths	do	5,175
47.	23 ^{1/2} / 80ths	do	5,287
48.	24/ 80ths	do	5,400
49.	24 ^{1/2} / 80ths	do	5,512
50.	25/ 80ths	do	5,625
51.	25 ^{1/2} / 80ths	do	5,737
52.	26/ 80ths	do	5,850
53.	26 ^{1/2} / 80ths	do	5,962
54.	27/ 80ths	do	6,075
55.	27 ^{1/2} / 80ths	do	6,187
56.	28/ 80ths	do	6,300
57.	28 ^{1/2} / 80ths	do	6,412
58.	29/ 80ths	do	6,525
59.	29 ^{1/2} / 80ths	do	6,637
60.	30/ 80ths	do	6,750

¹[Note - In the case of Government servants retiring on Superannuation, Retiring, Compensation or Invalid Pension on or after 1st December 1964, the amount of pension admissible shall be subject to a minimum of Rs. 20 per month] ²[inclusive of the Dearness Allowance (temporary increase in pension.)]

³[291-AA. In respect of Government servants retiring from service on or after 1st February, 1968, the amount of Superannuation, Retiring, Compensation, and Invalid pension and Superannuation, Compensation and Invalid Gratuity will be the appropriate amount noted below.

1. Inserted by No.FD 17 SRS 64 dated 19-8-1965 (w.e.f. 1-12-1964)

2. Amended by No.FD 126 SRS 67 dated 5-3-1968 (w.e.f. 1-12-1964)

3. Inserted by No. FD 114 SRS 67 dated 8-4-1968.

AMOUNT OF PENSION

Completed six monthly periods of qualifying service	Scale of Gratuity or Pension	Maximum Pension (in Rupees per annum)
(a) Gratuity		
	Rs.	
1.	$\frac{1}{2}$ month's emoluments	
2.	1 do	
3.	$1\frac{1}{2}$ do	
4.	2 do	
5.	$2\frac{1}{2}$ do	
6.	3 do	
7.	$3\frac{1}{2}$ do	
8.	4 do	
9.	$4\frac{1}{2}$ do	
10.	5 do	
11.	$5\frac{1}{2}$ do	
12.	6 do	
13.	$6\frac{1}{2}$ do	
14.	7 do	
15.	$7\frac{1}{2}$ do	
16.	8 do	
17.	$8\frac{1}{2}$ do	
18.	9 do	
19.	$9\frac{1}{2}$ do	
(b) Pension		
20.	10/ 80ths of average emoluments	2,700
21.	$10\frac{1}{2}$ / 80ths do	2,835
22.	11/ 80ths do	2,970
23.	$11\frac{1}{2}$ / 80ths do	3,105
24.	12/ 80ths do	3,240
25.	$12\frac{1}{2}$ / 80ths do	3,375
26.	13/ 80ths do	3,510
27.	$13\frac{1}{2}$ / 80ths do	3,645
28.	14/ 80ths do	3,780
29.	$14\frac{1}{2}$ / 80ths do	3,915
30.	15/ 80ths do	4,050
31.	$15\frac{1}{2}$ / 80ths do	4,185
32.	16/ 80ths do	4,320
33.	$16\frac{1}{2}$ / 80ths do	4,455
34.	17/ 80ths do	4,590
35.	$17\frac{1}{2}$ / 80ths do	4,725

36.	18/ 80ths	do	4,830
37.	18 ^{1/2} / 80ths	do	4,995
38.	19/ 80ths	do	5,130
39.	19 ^{1/2} / 80ths	do	5,265
40.	20/ 80ths	do	5,400
41.	20 ^{1/2} / 80ths	do	5,535
42.	21/ 80ths	do	5,670
43.	21 ^{1/2} / 80ths	do	5,805
44.	22/ 80ths	do	5,940
45.	22 ^{1/2} / 80ths	do	6,075
46.	23/ 80ths	do	6,210
47.	23 ^{1/2} / 80ths	do	6,345
48.	24/ 80ths	do	6,480
49.	24 ^{1/2} / 80ths	do	6,615
50.	25/ 80ths	do	6,750
51.	25 ^{1/2} / 80ths	do	6,885
52.	26/ 80ths	do	7,020
53.	26 ^{1/2} / 80ths	do	7,155
54.	27/ 80ths	do	7,290
55.	27 ^{1/2} / 80ths	do	7,425
56.	28/ 80ths	do	7,560
57.	28 ^{1/2} / 80ths	do	7,695
58.	29/ 80ths	do	7,830
59.	29 ^{1/2} / 80ths	do	7,965
60.	30/ 80ths	do	8,100

Note - The amount of pension admissible shall be subject to a minimum of Rs. 20 per month inclusive of Dearness Allowance (temporary increase in pension.)]

¹[291-B.(1) In respect of Government servants retiring from service with effect from any date after 1st January 1977 the amount of superannuation, retiring, compensation and invalid pension or service gratuity in cases where the qualifying service is less than ten years will be the appropriate amount noted below.

Completed six monthly periods of qualifying service	Scale of Gratuity or Pension	The amount of DCRG as multiple of the month's emoluments
1.	$\frac{1}{2}$ month's emoluments	
2.	1	do
3.	$1\frac{1}{2}$	do
4.	2	do
5.	$2\frac{1}{2}$	do
6.	$\frac{3}{2}$	do
7.	$3\frac{1}{2}$	do
8.	4	do
9.	$4\frac{1}{2}$	do
10.	5	do 3.00
11.	$5\frac{1}{2}$	do 3.30
12.	6	do 3.60
13.	$6\frac{1}{2}$	do 3.90
14.	7	do 4.20
15.	$7\frac{1}{2}$	do 4.50
16.	8	do 4.80
17.	$8\frac{1}{2}$	do 5.10
18.	9	do 5.40
19.	$9\frac{1}{2}$	do 5.70
20.	$\frac{15}{80}$	do 6.00
21.	$15.5/80$	do 6.30
22.	$16/80$	do 6.60
23.	$16.5/80$	do 6.90
24.	$17/80$	do 7.20
25.	$17.5/80$	do 7.50
26.	$18/80$	do 7.80
27.	$18.5/80$	do 8.10
28.	$19/80$	do 8.40
29.	$19.5/80$	do 8.70
30.	$20/80$	do 9.00
31.	$20.5/80$	do 9.30
32.	$21/80$	do 9.60
33.	$21.5/80$	do 9.90
34.	$22/80$	do 10.20
35.	$22.5/80$	do 10.50
36.	$23/80$	do 10.80
37.	$23.5/80$	do 11.10
38.	$24/80$	do 11.40
39.	$24.5/80$	do 11.70
40.	$25/80$	do 12.00

41.	25.5/80	do	12.30
42.	26/80	do	12.60
43.	26.5/80	do	12.90
44.	27/80	do	13.20
45.	27.5/80	do	13.50
46.	28/80	do	13.80
47.	28.5/80	do	14.10
48.	29/80	do	14.40
49.	29.5/80	do	14.70
50.	30/80	do	15.00
51.	30.3/80	do	15.15
52.	30.6/80	do	15.30
53.	30.9/80	do	15.45
54.	31.2/80	do	15.60
55.	31.5/80	do	15.75
56.	31.8/80	do	15.90
57.	32.1/80	do	16.05
58.	32.4/80	do	16.20
59.	32.7/80	do	16.35
60.	33/80	do	16.50

(2) Notwithstanding anything contained in the provisions of the foregoing sub-rule,

(i) the amount of pension admissible to any retired Government servants shall be subject to a minimum of Rs. 120 per month and a maximum of Rs. 1,000 per month; and

(ii) the amount of the Death-cum-Retirement Gratuity admissible shall not exceed thirty thousand rupees in any case.

(3) In the case of a Government servant who retired prior to the 1st day of November 1968 and who is in receipt of pension, an amount equal to fifteen percent of the sum of the original pension sanctioned to him (before commutation, if any) and the entire amount of dearness allowance admissible thereon as on the 31st day of December 1976 shall be added to such sum and the total amount so computed shall represent the amount of pension admissible to such persons with effect from the 1st January 1977. This benefit shall also be admissible to the beneficiaries mentioned in Government Orders No. FD (SPL) 361 PET 72, dated 15th April 1974 and No. FD (SPL) 258 PET 74, dated 25th February 1976.

(4) In the case of a Government Servant who retired prior to the 1st day of January 1977, but after the 1st day of November 1968 and who is in receipt of pension, an amount equal to ten percent of the sum of the original pension sanctioned to him (before

commutation, if any) and the entire amount of dearness allowance admissible thereon as on the 31st day of December 1976 shall be added, to such sum and the total amount so computed shall represent the amount of pension admissible to such persons with effect from the 1st day of January 1977.

(5) Pension admissible under sub-rule (3) and sub-rule (4) shall be subject to a minimum of Rs. 120 per month.

(6) Notwithstanding the increase in pension admissible in sub-rule (3) and sub-rule (4), a commutation of pension in respect of the pensioner concerned shall be made only on the basis of the original pension without reference to the dearness allowance or increase in the pension.

(7) A Government servant retiring after 1st January 1977 may prefer to draw in lieu of the pensionary benefits admissible under sub-rule (1), the following namely:

(a) the monthly pension calculated according to the provisions of the rules as in force prior to 1st January 1977 without reference to the revised pay scales introduced under the Karnataka Civil Services (Revised Pay) Rules, 1976;

(b) the dearness allowance admissible on such monthly pension as on 31st December 1976;

(c) the increase in pension referred to in sub-clause (3); and

(d) the Death-cum-Retirement Gratuity as calculated with reference to the rules in force prior to 1st January 1977 and without reference to the revised scales of pay introduced under Karnataka Civil Services (Revised Pay) Rules, 1976.

Note-. The request for such preference should be sent to the Accountant-General along with the pension records for the sanction of pension and death-cum-retirement gratuity. In cases where such pension records for the sanction of pension and death-cum-retirement gratuity are sent to the Accountant-General before 1st January 1977, and in cases of gazetted Officers, the preference should be communicated so as to reach the Accountant-General not later than the 1st March 1977.

(8) The dearness allowance sanctioned to pensioners prior to the 1st day of January 1977 shall cease to be payable on refixation of pension under the foregoing provisions of this rule except those of sub-rule (7).]

¹[291-C. The minimum pension including dearness allowance

thereon at the rates admissible to Government servants shall also be admissible with effect from 1st April 1976 to the pensioners of the following categories who retired from service prior to 1st November 1956 from the former States of Hyderabad, Bombay or Madras or Jagirs, Paighas etc., taken over by those Governments and who are drawing pensions in the Treasury in this State as on 1st April 1976.

- (1) Recipients of Compassionate Pensions,
- (2) Recipients of Family Pensions,
- (3) Recipients of Jahgir/Paigha Pensions Salarjung, Asmansahi etc.,
- (4) Recipients of Retiring Pensions,
- (5) Recipients of service Pensions
- (6) Recipients of Extraordinary Pensions

Provided further that the minimum pension shall be Rs. 120 per month with effect from 1st January 1977 as specified in rule 291 of these rules.

291D.(1) In respect of Government Servants, in service on the 29th February 1980 or retiring from service on or after that date, the amount of superannuation/retiring/compensation/ invalid pension shall be determined as follows:

	Amount of Monthly Pension
(a) (i) Upto first Rs. 1,000 of average emoluments for pension	50% of average emoluments
(ii) Next Rs. 500 of average emoluments for pension	45% of average emoluments
(iii) Balance of average emoluments for pension	40% of average emoluments

OR

1. Inserted by No. FD 80 SRS 78 dated 18-6-1980 (wef 1-1-1977).

(b) Pension admissible as per the rates prescribed under Rule 291-B(1) *ibid*, whichever is higher, subject to a maximum of Rs. 1,500.

(2) The amount of pension arrived at on the basis of slabs prescribed under clause (a) of sub-rule (1) above is related to the maximum qualifying service of 30 years. For Government servants, who at the time of retirement have rendered a qualifying service of ten years, or more but less than 30 years, the amount of their pension will be such proportion of the maximum admissible pension as the qualifying service rendered by them bears to the maximum qualifying service of 30 years.]

292. ¹[(i) A Government servant who has completed five years' qualifying service may be granted an additional gratuity not exceeding the amount specified in sub-rule (iii) when he retires from service and is eligible for a gratuity or pension under Rule 291. If the Government servant dies before the gratuity is actually paid the gratuity may be paid in the following manner: -

(1) to the person or persons on whom the right of receiving the gratuity is conferred under Rule 302; or

(2) If there are no such persons, in the manner indicated in sub-rule (ii) below:-

(ii) If a Government servant who has completed five year's qualifying service dies while in service, a gratuity not exceeding the amount specified in sub-rule (iii) may be paid to the person or persons on whom the right to receive gratuity is conferred under Rule 302 or, if there are no such persons, it may be paid in the manner indicated below:-

(1) If there are one or more surviving members of the family as in items (a), (b), (c) and (d) of sub-rule (i) of Rule 302, it may be paid to all such members, other than any such members who is a widowed daughter, in equal shares.

(2) If there are no such surviving members of the family as at (1) above, but there are one or more surviving widowed daughters and/or one or more surviving members of the family as in items ²[(e), (f), (g), (h) and (i)] of sub-rule 302, the gratuity may be paid to all such members in equal shares.]

1. Substituted by No. FD 156 SRS 58 dated 14-8-1958 (wef 28-8-1958).

2. Amended by No. FD 168 SRS 67 dated 8-4-1968.

(iii) ¹[(a) In the case of Government servants who died/die on or after 1st January 1977 the amount of gratuity shall be as indicated in rule 291-B.] In the event of death of a Government servant while in service, the gratuity will be subject to a minimum of 12 times the emoluments of the Government servant at the time of his death.

²[(b) Notwithstanding anything contained in clause (a), in respect of a Government servant retiring from service after 31st December 1959, the amount of gratuity will be ten-twentieths of his 'emoluments' for each completed year of qualifying service subject to a maximum of fifteen times the 'emoluments'. In the event of death of a Government servant on and after 31st December, 1959, while in service, the said gratuity will be subject to a minimum of twelve times his emoluments at the time of death:]

³[Provided that in respect of Government servants retiring on or after 1st April, 1963, the amount of gratuity will be one-fourth of the 'Emoluments' of a Government servant for each completed six monthly period of qualifying service subject to a maximum of 15 times the 'Emoluments'. In the event of death of a Government servant while in service, the gratuity will be subject to a minimum of 12 times the 'Emoluments' of the Government servant at the time of his death, provided that in no case it shall exceed ³[Rs. 22,500].

⁴[Provided further that in the case of retirement or death of Government Servants while in service on or after 1st February 1968 such gratuity shall not exceed Rs. 24,000:]

⁵(iv) If a Government servant who has become eligible for a pension or gratuity under Rule 291 dies after he has retired from service, and the sums actually received by him at the time of death on account of such gratuity or pension together with the gratuity granted under sub-rule (1) and the commuted value of any portion of pension commuted by him are less than the amount equal to twelve times his emoluments, a gratuity equal to the deficiency may be granted to the person or persons specified in sub-rule (ii).]

1. Inserted by No. FD 80 SRS 78 dated 18-6-1980 (wef 1-1-1978).

2. Inserted by No. FD 80 SRS 78 dated 18-6-1980 (wef 1-1-1978).

3. Inserted by No. FD 41 SRS 60 dated 1-4-1963.

4. Amended by No. FD I 14 SRS 67 dated 8-4-1968.

5. Substituted by No. FD 66 SRS 59 dated 20-5-1959 (wef 4-6-1959).

Note-1.- For purposes of calculating the 'sums' actually received by a pensioner under the above rules, the dearness allowance already drawn by him, in addition to pension and gratuity, shall also be taken into consideration.

¹[Note-2.- These rules do not prohibit the grant of Death-cum-Retirement Gratuity/Family Pension to the family of a Government servant who commits suicide.]

²[292-A. In the event of death of a Government servant before completing five years qualifying service, the family of the deceased Government servant shall be eligible to receive a gratuity equal to six times the emoluments of the Government servant at the time of his death provided that in the case of death occurring in the first years of service, the gratuity admissible shall be equal to two months' emoluments.

³[292-AA. In the event of death of a Government servant while in service on or after 1st July, 1986 the Death Gratuity shall be admissible from 1st July, 1986 or from the date of death as the case may be at the following rates :-

Sl. No.	Length of Qualifying Service	Rate of Gratuity
1.	Less than one year	Two times the emoluments
2.	One year or more but less than five years	Six times the emoluments
3.	Five years or more but less than twenty years	Twelve times the emoluments
4.	Twenty years or more	Half the emoluments for every completed six monthly period of qualifying service subject to a maximum of 33 times of emoluments provided that the amount of Death Gratuity shall in no case exceed rupees one lakh.]

1. Inserted by No. FD 16 SRS 60 dated 2-2-1960 (wef 11-2-1960).

2. Inserted by No. FD 24 SRS 63 dated 10-6-1963 (wef 1-7-1963).

3. Inserted by No. FD 1 SRA 97 dated 23-4-1998 (w.e.f. 15.10.1988)

292-B. The following provisions shall govern the grant of Death/Retirement/Terminal Gratuity for purely temporary employees, in the event of death while in service or retirement or retrenchment or invalidment:

A. Terminal gratuity:- A temporary Government servant 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 a month's pay for each completed year of service provided that he had completed 5 years' continuous service at the time of retirement/discharge/ invalidment:

¹[Provided that if he has completed not less than ten years continuous service at the time of retirement /discharge/invalidation, he will be eligible for a gratuity at the rate of one month's pay for each completed year of service, calculated on the basis of the average of last twelve months' pay drawn by him.]

B. 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 years' service, a gratuity equal to two month's pay.

¹[(c) On death, after completion of five years' service but before completion of ten years' service, a gratuity equal to three months' pay.]

(d) On death after completion of not less than ten years continuous service a gratuity equal to one months' pay for each completed year of service calculated on the basis of the average of last twelve months' pay drawn by the deceased.]

Note- 1. 'Pay' for the purpose of determining the amount of terminal/death gratuity under this Rule will mean only basic pay, and also dearness Pay in the case of those who retain the 'existing scales of pay' at the time of relinquishing service or of death as the case may be. It will not include ²[special allowance], personal pay and other emoluments classed as 'pay'. In case the person concerned was on leave with or without allowance immediately before retirement/discharge/invalidment/death. Pay for this purpose will be, 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 120 days of earned leave or the first 120 days of such earned leave exceeding 120 days only will also be taken into account.

³[Note- 2.- The term 'Service' for the purpose of grant of terminal/death gratuity under this rule shall include all periods spent on duty as well as on leave with allowance.]

1. Amended by No. FD 83 SRS 66 dated 17.7.1967.

2. Substituted by No. FD 7 SRA 99 dated 29-4-2000 (wef. 14-1998)

3. Inserted by No. FD 24 SRS 63 dated 28-12-1964.

Note-3.- (i) The grant of gratuity under this Rule will be subject to the service rendered by the Government servant concerned being held by the authority competent to appoint him, to be approved and satisfactory.

(ii) No gratuity will be admissible :-

(a) in a case where the Government servant concerned resigns his post or is removed/dismissed from public services;

(b) to a probationer or other Government servant discharged for failure to pass the prescribed test or examination; and

(c) to a re-employed pensioner.

¹[Note-4.- The maximum amount of gratuity admissible under this Rule shall be 12 months' pay or Rs. 12,000 whichever is less.

Note- 5.- The grant of gratuity under Part B of this Rule shall not debar a person from the benefits of the Karnataka Government Servants (Family Pension) Rules, 1964 and the provisions of Rule 10 of the said Rules shall also apply to him.]

²[Note-6.- This Rule shall not apply to cases of retirement or death while in service of Government Servants on or after 1st September 1968.]

³[292-C. **Debaring a person from receiving gratuity:** (1) If a person, who in the event of death of a Government servant, while in service is eligible to receive gratuity in terms of rule 292 is charged with the offence of murdering the Government servant or for abetting in the commission of such an offence his claim to receive his share of gratuity shall remain suspended till the conclusion of the criminal proceedings instituted against him.

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

(a) is convicted for the murder or abetting in the murder of the government servant, he shall be debarred from receiving his share of gratuity which shall be payable to other eligible members of the family, if any;

1. Amended by No. FD 83 SRS 66 dated 17-7-1967.

2. Inserted by No.FD 69 SRS 66 dated 10-10-1968.

3. Inserted by No. FD 7 SRS 91 dated 13-6-1991 (wef 4-7-91).

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

(3) The provisions of sub-rules (1) and (2) shall also apply to the undisbursed gratuity referred to in clause (x) of rule 302.

292-D Lapse of Death-cum-retirement gratuity: Where a government servant dies while in service or after retirement, without receiving the amount of gratuity and leaves behind no family and-

(a) has made no nomination, or

(b) the nomination made by him does not subsist the amount of death-cum-retirement gratuity payable in respect of such Government servant under rule 292 shall lapse to Government; Provided that the amount of death gratuity/ retirement gratuity be payable to the person in whose favour a Succession Certificate in respect of the gratuity in question has been granted by a Court of Law].

293. The emoluments for the purpose of rule 292 will be subject to a maximum of Rs.1500 per mensem and means the emoluments as defined in Rule 296 which the Government servant was receiving immediately before retirement (death) provided that if the emoluments of a Government servant have been reduced during the last three years of service, otherwise than as a penalty 'average emoluments' as defined in rule 297 ¹[or 297B] may, at the discretion of the authority which has the power to sanction the gratuity under this section, be treated as emoluments.

¹[Note 1. The emoluments for the purpose of Rule 292 will be subject to a maximum of Rs.1800/- per mensem in the case of retirement or death of Government servants while in service or after 1st February, 1968].

²[Note 2. The emoluments for the purpose of rule 292 will be subject to a maximum of Rs.2500 per month in the case of retirement after 1st January, 1977 or death of Government servant while in service on or after 1st January, 1977].

1. No. FD 80 SRS 78 dated 18-6-1986 (wef 3-7-1980)
2. No. FD 114 SRS 67 dated 8-4-1968.

¹(293-A. For the purpose of calculation of Death-cum-Retirement Gratuity, the term “emoluments” means the emoluments as defined in Rule 296 which the Government Servant was receiving immediately before his retirement or death or the average emoluments as defined in rule 297-B, whichever is more.

Exception:- Where the emoluments of Government servant have been reduced during the last ten months of his service as a measure of penalty, only such reduced emoluments last drawn by him immediately before his retirement or death shall be taken into account for calculating the Death-cum-Retirement Gratuity admissible to him.]

²[293-B. In case of Government servant who has completed not less than ten six monthly periods of qualifying service, the amount of retirement Gratuity payable after 1st July, 1986, shall be at the rate equal to one fourth of the emoluments for each completed six monthly period of qualifying service subject to a maximum of sixteen and half times the emoluments and subject to a maximum of one lakh rupees. The monetary benefit of retirement or death gratuity shall be admissible from 1st July, 1986 or from the date of retirement or death, as the case may be. With effect from Twenty Eight, November, 1995, amount of death-cum-retirement gratuity shall be subject to a maximum of rupees two lakhs and fifty thousand.]

SECTION III - FAMILY PENSION

294(i) A family pension not exceeding the amount specified in sub-rule (ii) may be granted to the family of a Government servant who dies whether while still in service or after retirement, after completion of not less than 20 years qualifying service, for a period of ten years;

Provided that the period of payment of family pension will in no case extend beyond a period of 5 years from the date on which the deceased Government servant retired or on which he would have retired on a superannuation pension in the normal course, according as the death takes place after retirement or while the officer is in service.

Note-1.- In the case of a Government servant who dies while on extension of service, the expression “date on which he would have retired on superannuation pension in the normal course” in the

1. Inserted by No. FD 49 SRS 82 dated 11-8-1982 (wef 1-7-1981).

2. Amended by No. FD 1 SRA 97 dated 23.4.1998 (w.e.f. 15.10.1998)

said proviso shall mean the date upto which extension of service has been sanctioned to him before his death.

¹[Note-2.- In the case of a Government servant who dies while on leave preparatory to retirement on a retiring pension, the period of five years for the purpose of the grant of family pension should be reckoned from the date on which the officer would have retired on a superannuation pension in the normal course and not the intended date of retirement on a retiring pension which did not, however, actually come about.]

²[Note-3.- Sanctions to retention in service or extension of service which have not been communicated or have not become operative before the death of a Government servant should be taken into account while computing the period of tenability of family Pension under the proviso to this rule.]

(ii) The amount of family pension will be-

(a) in the event of death while in service, one-half of the superannuation pension which would be admissible to the Government servant had he retired on the date following the date of his death, and

(b) in the event of death after retirement, half the pension sanctioned for him at the time of retirement:

³[Provided that the amount of family pension will be subject to a maximum of Rs. 150 per mensem, and a minimum of Rs. 30 per mensem:]

⁴[Provided further that as from the 1st April 1973, the amount of family pension shall be subject to a minimum of Rs. 40 per mensem:]

⁵[Provided that the amount of family pension shall be, subject to a minimum of ninety rupees per month with effect from 1st January 1977.]

In case where a Government servant mentioned in clause ⁶[(b)] had commuted a part of his pension before his death, the uncommuted value of that part of pension will be deducted from the family pension calculated as above.

1. Inserted by No. FD 146 SRS 60 dated 23-9-1960 (wef 6-10-1960).

2. Inserted by No. FD 139 SRS 60 dated. 8-6-1961 (wef 15-6-1961).

3. Substituted by No. FD 32 SRS 70 dated 13-4-1971 (wef 1-10-1970).

4. Inserted by No. FD 48 SRS 73 dated 4-11-1974 (wef 1-4-1973).

5. Inserted by No. FD 80 SRS 78 dated 18-6-1980 (wef 1-1-1977).

6. Substituted by No. FD 287 SRS 58 dated 4-12-1958 (wef 1-4-1958).

Government will also be prepared to consider, in exceptional circumstances, the award of family pension to families of Government servants who may die after completing less than 20 years' qualifying service but not less than 10 years' qualifying service.

¹[Note - In order to enable Government to satisfy itself that the conditions of 'exceptional circumstances' for the award of family pension is fulfilled in such cases, the following information should be furnished to Government:-

(i) the amount received (or receivable) by the family of the deceased officer by way of Insurance, Provident Fund and Death-cum-retirement gratuity;

(ii) the pay (indicating separately the officiating pay and other emoluments in the nature of pay), the officer was in receipt of at the time of his death;

(iii) the number of children left behind, if any, with their ages and the classes in which studying.]

(iii) 'Family' for the purpose of this Section will be as defined in sub-rule (i) of Rule 302.

(iv) No pension will be payable under this Section-

(a) to a person mentioned in clause (b) of sub-rule (v) without production of reasonable proof that such person was dependent on the deceased Government servant for support,

(b) to an unmarried female member of a Government servant's family, in the event of her marriage;

(c) to a widowed female member of a Government servant's family in the event of her re-marriage;

(d) to a brother of a Government servant on his attaining the age of 18 years;

(e) to a person who is not a member of Government servant's family;

(v) except as may be provided by a nomination under sub-rule (vi)-

(a) a pension sanctioned under this Section will be allowed-

1. Inserted by No. FD 180 SRS 58 dated. 23-9-1958 (wef 2-10-1958).

(i) ¹[to the surviving widow or if there are more widows than one, to all of them in such manner as Government may deem fit,] if the deceased is a male Government servant or to the husband if the deceased is a female Government servant:

(ii) failing a widow or husband, as the case may be, to the eldest surviving son;

(iii) failing (i) and (ii), to the eldest surviving unmarried daughter;

(iv) these failing, to the eldest widowed daughter; and

(b) in the event of no pension becoming payable under clause (a), pension may be granted-

(i) to the father:

(ii) failing the father, to the mother:

(iii) failing the father and the mother, to the eldest surviving brother below the age of 18;

(iv) failing (i) to (iii), to the eldest surviving unmarried sister;

(v) failing (i) to (iv), to the eldest surviving widowed sister;

²[(vi) A Government servant shall, soon after his confirmation in Government service, make a nomination in Form 6 indicating the order in which the pension sanctioned under this Section should be paid to the members of his family; and to the extent that it is valid, the pension shall be payable in accordance with such nomination provided the persons concerned are eligible on the date from which the pension may fall due to receive the pension under the provision of sub-rule (iv). In case the person concerned does not satisfy the requirements of the said sub-rule, the pension shall be granted to the person next lower in the order. The provisions of sub-rules (vi)(b), (viii) and (ix) of rule 302, will apply in respect of nominations under this sub-rule.]

(vii) ³(a) Except as provided in sub-clause (a) of sub-rule (v), a pension awarded under this Section will not be payable to more

1. Substituted by No. FD 42 SRS 61 dated 14-7-1961 (wef 20-7-1961).

2. Substituted by No. FD No.FD 37 SRS 60 dated 15-3-1960 (wef 24-3-1960).

3. Substituted by No. FD 162 SRS 61 dated 13/16-12-1961.

than one member of a Government servant's family at the same time.]

(b) If a pension awarded under this Section ceases to be payable before the expiry of the period mentioned in sub-rule (i), on account of death or marriage of the recipient or other causes, it will be re-granted to the person next lower in the order mentioned in sub-rule (v), or to the person next lower in the order shown in the nomination made under sub-rule (vi) as the case may be, who satisfies the other provisions of this Section.

(viii) A pension sanctioned under this Section will be tenable in addition to any extraordinary pension or gratuity or compensation that may be granted to the members of a Government servant's family under any other rules.

(ix) No dearness allowance is admissible in respect of the Family Pensions sanctioned under this Rule.

¹[294-A. In respect of widow/minor children actually in receipt of family pension on 30th November 1964 under rule 294 or the corresponding rules in the Pension Rules contained in the Mysore Service Regulations/Bombay Civil Services Rules/ Hyderabad Civil Service Rules/Civil Service Regulations of the Government of India, the period of eligibility for the drawal of family pension shall be extended upto (i) the date of death or remarriage whichever is earlier, in the case of widows; and (ii) the date of attaining majority in the case of children (until marriage, if earlier, in the case of daughters).

The rate of pension shall be determined as under:-

(i) For the period for which family pension is admissible under the pension Rules applicable, pension shall be paid at the rates admissible under those rules ²[subject to a minimum of Rs. 30 per month.]

(ii) For the extended period, the rate of pension shall be

²[(a) Rupees thirty per month, if the family pension previously admissible is less than Rs. 30 per month.]

(b) equal to half the family pension admissible previously subject to a minimum of ²[Rs. 30] p.m; where the family pension is more than ²[Rs. 30] per month.

1. Inserted by FD 17 SRS 64 dated. 19-8-1965 (wef 1-12-1964).

2. Amended by No. FD 32 SRS 70 dated 13-4-1971 (wef 1-10-1970).

Note -1. This rule shall apply also to wives and minor children of Government servants who retired before 1st December 1964 and on whose death subsequent to this date (but within five years from the date of retirement) the widows/minor children become entitled to family pension under rule 294 or the corresponding rules in the pension rules contained in the Mysore Services Regulations/Bombay Civil Services Rules/Hyderabad Civil Services Rules/Civil Service Regulations of the Government of India.

Note-2. (i) Grant of Family Pension to minor children in the event of death of the widow:- In the event of death or remarriage of the widow during the extended period, the family pension will cease to be payable to any other member (including minor children) of a Government servant's family. The intention is that during the period of admissibility, re-grant of family pension will be in terms of the pension Rules contained in the M.S.Rs./B.C.S.Rs./H.C.S.Rs./C.S.Rs. of the Government of India. After this period there will be no re-grant.

(ii) Grant of family pension to the next minor child if the first one attains majority:- In a case where a minor son/daughter in receipt of a family pension under the pension rules contained in the M.S.Rs./B.C.S.Rs./H.C.S.Rs./C.S.Rs. of the Government of India continues to be minor after the date of normal admissibility, and attains majority during the extended period, the family pension is not payable to the next minor child.

(iii) Sanction for the revised family pension :- For the extension of the family pension, after the period of admissibility is over, the Audit Officer will authorise further extension by revising the Family Pension Payment Order. No fresh sanction is necessary.]

¹[Note-3. The age of attaining majority for purposes of this rule shall be 18 years for boys and 21 years for girls.]

²[Note-4. The family pension admissible under clause (1) and sub-clauses (a) and (b) of clause (ii) of this rule shall be subject to a minimum of Rs.40 per mensem with effect from 1st April, 1973.]

³[Note-5. The family pension plus dearness allowance admissible under clause (i) and sub-clause (a) and (b) of clause

1. Inserted by No. FD 34 SRS 67 dated 6-7-1967.

2. Inserted by No. FD 48 SRS 73 dated 4.11.1974 (w.e.f. 1-4-1973)

3. Inserted by No. FD 80 SRS 78 dated 18-6-1980 (w.e.f. 1-1-1977)

(ii) of this rule as on 31st December, 1976 shall be treated as family pension subject to a minimum of Rs. 90 per month with effect from 1st January, 1977.]

¹[294-B.(i) In respect of Government servants, who retired before 1st December, 1964, their families shall, irrespective of the set of Pension Rules by which the Government servants are governed, be eligible for the family pension subject to the following conditions:-

(a) The pensioner himself/herself had made an application to the Accountant-General, Karnataka, Bangalore, together with three attested copies of his/her joint passport size photograph with his/her, wife/husband, a statement showing details of his 'family' i.e., wife/husband as the case may be and minor children indicating the date of birth of each member, praying for the benefit of this rule, ²[on or before 31st December, 1974.]

³[(b) if such a pensioner had credited to Government an amount equal to 25 per cent of the pension sanctioned to him/ her for a period of two years, subject to a maximum of Rs. 3,600, either in lumpsum, or if he has expressed his willingness to the amount being deducted from his pension regularly in 24 monthly instalments. In cases of death after the first instalments is deducted, the balance of instalments shall be deducted every month from the Family Pension admissible under this rule.

Note - The benefit derivable under this sub-rule, shall be extended also to the cases of death of pensioners occurring on or after the 2nd September, 1968 but before the last date for applying to the Accountant General as provided for in clause (a) above, either without applying for the benefit of this Rule or after so applying but either before crediting entire amount prescribed in sub-clause (b) in lumpsum or before the deduction of the first instalment, provided the beneficiary either credits the entire amount in lumpsum or agrees to the deduction of the amount due in 24 monthly instalments from the Family Pension admissible under this Rule.]

(ii) "Family" for the purpose of this Rule will be as defined in Rule 7 of the Karnataka Government Servants (Family Pension) Rules, 1964, with reference to the position existing on the date of this amendment.

1. Inserted by No. FD 66 SRS 68 dated 2-9-1968.

2. Substituted by No. FD 77 SRS 74 dated 20-7-1974 (w.e.f. 1-1-1974)

3. Substituted by No. FD 169 SRS 74 dated. 13-2-1975 (w.e.f. 2-9-1968).

¹[xxx]

(iii) Family pension under this rule shall be sanctioned to the family of the deceased pensioner in the order as prescribed in Rule 8 of the Karnataka Government Servants (Family Pension) Rules, 1964.

(iv) The Family Pension granted under this Rule shall be paid as laid down in Rule 9 of the Karnataka Government Servants (Family Pension) Rules, 1964.

(v) ²[The amount of family Pension will be half the pension sanctioned to the pensioner subject to a maximum of Rs. 150 per mensem and minimum of Rs. 30 per mensem:]

³[(i) Provided that with effect from 1st April, 1973, the amount of family pension shall be subject to a minimum of Rs. 40 per mensem:]

⁴[(ii) Provided that with effect from 1st January 1977 the amount of family pension shall be subject to a minimum of Rs. 90 per month.]

(vi) The Family Pension under this rule is in lieu of other Family Pension, if any admissible.

(vii) No Dearness Allowance will be admissible on the Family Pension.

(viii) Sanction for the Family Pension:-The Audit Officer will effect recoveries and also indicate the amount of family pension in the Pension Payment Order. No fresh sanction is necessary.

The Treasury Officer will make payment to the widow or widower on receipt of the death certificate of the pensioner. If the family pension is payable to a minor through his/her guardian, the guardian will apply to the Audit Officer on behalf of the minor child, with two copies of the photograph and other necessary documents. A fresh pension payment order will be required to be issued in such cases.]

1. Deleted by No. FD 4 SRS 89 dated 22-6-1991 (wef 4-7-91).

2. Substituted by No.FD 32 SRS 70 dated 13-4-1971 (w.e.f. 1-10-1970)

3. Inserted by No.FD 48 SRS 73 dated 4-11-1974 (wef 1-4-1973).

4. Inserted by No. FD 80 SRS 78 dated 18-6-1980 (wef 1-1-1977)