

- a) formally applied for as preparatory to final cessation of his duties and been refused, or
- b) ascertained in writing from the sanctioning authority, that such leave would not be granted if applied for, in either case the ground of refusal being the requirements of the Board Service,

**Note:-** (1) The grant of leave under this and previous regulations automatically carries with it extension required and no formal sanction to the extension of service is necessary.

(2) The provisions of Note (1) and (2) under Regulation 151 apply in this case also.

(3) No second refusal is necessary for the leave or the balance of it referred to in clause (1) for its utilisation after the expiry of extension of service.

**SECTION - 'D'**  
**PROCEDURE RELATING TO APPLICATION**  
**AND GRANT OF LEAVE**

**Leave Account**

153. A leave account shall be maintained for every employee in the Prescribed form. It shall be kept by the Accounts Officer (Administration), Office of the Financial Adviser and Chief Accounts Officer in the case of employees belonging to group A and by the heads of offices in the employee's Service Book in other cases.
154. An application for leave or for its extension, shall be made in the prescribed form.

**Medical Certificates**

155. When leave other than earned leave, is applied for or extended, on grounds of ill-health, the leave application should invariably be supported by a Medical certificate in the prescribed form granted by the Medical attendant of the employee.
156. (a) Where the period of such leave applied for exceeds six months, or when an application for extension of such leave takes the total period of such leave beyond six months, the certificate should invariably be countersigned by a Medical Officer of the State Government, not below the rank of a Surgeon.
- (b) Medical Officers must not recommend the grant of leave in any case in which there appears to be no reasonable prospect that the employee concerned will ever be fit to resume his duties. In such cases, the opinion that the employee is permanently unfit for Board service should be recorded in the medical certificate.
157. Every certificate of a Medical attendant / officer, recommending the grant of leave to an employee must contain a proviso that no recommendation contained in it shall be deemed to establish claim to any leave not admissible to the employee under these Regulations or under the terms of his contract.

**Note:-** In all cases where Half-pay Leave 'not due' is to be granted to an employee on grounds of ill-health, the Medical Attendant/Officer granting the Medical Certificate should specifically state therein whether, as far as can be reasonably foreseen by him, there is every likelihood of the employee 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 an employee suffering from Tuberculosis not admitted to a sanatorium, the medical certificate granted by the Medical Attendant/Officer as above may be accepted, but in the case of those admitted to a sanatorium, the certificate should be granted by the Medical Officer in charge of the sanatorium.

158. (a) The Medical Certificate shall be in the following form:-

"I Dr..... Medical Attendant/Officer after careful personal examination of the case hereby certify that Sri/ Smt.....is in a bad state of health, and I solemnly and sincerely declare that, according to the best of my judgement, leave of absence for a period of .....months and..... days from the date of relief is essentially necessary for the recovery of his/her health. I accordingly recommend that he / she may be granted..... months.....days leave from the date of his/her relief.

.....  
Medical Attendant/Officer  
with full address.

If the person appearing for medical examination happens to be illiterate, the examining Medical Attendant/Officer should arrange to have the left hand thumb impression of the applicant recorded below in his presence and append the necessary declaration above his signature.

Left hand thumb impression  
of the applicant (in the  
case of illiterate). .....

Taken in my presence this ..... day of .....19....

.....  
Signature with Designation of  
the Medical Attendant/Officer.

(b) The term 'Medical Attendant' refers to Medical Officers in Government service and registered medical practitioners practicing within the State who hold any of the following qualifications:-

- (1) M.B.B.S. of any recognised university.
- (2) L.R.C.P.
- (3) M.R.C.S.
- (4) M.R.C.P.
- (5) F.R.C.S.
- (6) M.D.

It also includes medical officers or private practitioners holding diploma or graduate qualification in Indian and Unani System of Medicine.

(c) The certificate should be obtained from Medical Practitioners or officers functioning within the State. In the case of an applicant applying for leave from outside the State, if the state of the applicant's health is certified by a Government Medical Officer functioning in such a station to be such as to make it inexpedient for him to present for Medical examination within the State limits, the authority competent to grant the leave may accept the certificate of such a Medical Officer.

159. In the case of an applicant, undergoing treatment in a Government Hospital whether within or outside the State as an indoor patient, the certificate granted by the Medical Officer incharge of the hospital will be accepted, without countersignature even for leave in excess of 6 months.

160. The grant of a Medical Certificate does not in itself confer upon the employee 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.

161. When any employee in group A is granted leave on Medical certificate, the authority granting the leave should specify the fact in its order to enable the Financial Adviser & Chief Accounts Officer to make the necessary entry in the leave salary certificate.

### **Sanction of Leave**

162. (1) Any leave other than special disability leave, and study leave, admissible under these Regulations may be granted to a group A, B, C or D employee by the competent authority.

(2) Before sanctioning leave to a group 'A' employee, the competent authority should arrange to obtain a report from the Financial Adviser and Chief Accounts Officer about the employee's title to the leave applied for.

163. (a) Deleted

(b) Before sanctioning leave, such authority should satisfy itself that leave is admissible either by referring to the employees service book, or by obtaining a certificate to that effect from the officer entrusted with the attestation of the entries in the service book.

(c) "Absence from duty while under orders of transfer on the plea that leave has been applied for will be treated as unauthorised absence".

(d) Deleted.

## SECTION - 'E'

### DRAWAL OF LEAVE SALARY

164. Except as provided in Regulation 167, leave salary with allowances, if any, is payable after the end of each calendar month. Payment of compensatory and other allowances during leave is governed by the provision of Regulations 57 to 73.
165. 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 Regulations, after the lapse of one year from the date of relief, leave salary cannot be drawn unless the delay is condoned by the competent authority and the claim is preaudited by the Audit Officer.
166. (a) A group A or group B employee on leave, intending to draw his leave salary while on such leave must either appear in person at the place of payment, or furnish a life certificate signed by a group A or B employee of the Board or a Gazetted Officer of Government or by some other well-known and trustworthy person.
- (b) 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 the Board for drawing leave salary, pension etc., of their constituents.
- (c) In the case of group C and group D employees, leave salary is drawn and disbursed by pay drawing officers.

## SECTION - 'F'

### LEAVE SALARY ADVANCE

167. (a) An employee, permanent or temporary, proceeding on leave for not less than 30 days at a stretch may be paid one month's net leave salary as advance. The advance should be based on the leave salary (including all allowances) due for the first month of the leave after making allowances for the deductions towards funds, advances, income tax etc. The amount of the advance will be rounded to the nearest rupee.

(b) In the case of group C and D employees, the advance will be drawn in the establishment pay bill by the pay drawing officers. In the case of group A and group B employees, it will be drawn in their pay bill form by the employees themselves enclosing the letter of the competent authority sanctioning the advance. Heads of office may draw such advances for themselves also.

(c) The advance is debitable to the same head under which leave salary is classified and is recoverable from the claims of leave salary for the first month. When the first 30 days of the leave are spread over two months, the recovery of the advance should be made prorata, from the leave salary claims of the month concerned.

Unless the matter is very urgent and title to the leave is very clear, no advance is payable until the leave is sanctioned and the employee is ready to handover charge.

## CHAPTER - IX

### PENSIONS

#### SECTION 'A'

##### Introductory

168. The Regulations in this chapter regulate the service benefits admissible to the employees on their retirement; or to their families in the event of their death while in service or after retirement.

**Note:-** (1) Deleted.

(2) In the following regulations, the term 'Pension' refers to service pension and includes Service Gratuity and Death-cum-Retirement Gratuity unless the context implies otherwise.

169. The gratuity/pension and the death-cum-retirement gratuities including the family pensions payable under these Regulations are debitable to the Karnataka Electricity Board Employees Pension Fund to which a contribution equal to one-eighth of the pay of the employees or such other rate as may be fixed by the Board from time to time, is made annually by debit to revenue.

170. Future good conduct is an implied condition of every grant of pension. The Board reserves to itself the right of withholding or withdrawing a pension, if the pensioner be convicted of a serious crime, or be guilty of grave misconduct.

##### **Withholding or withdrawal of pensions and recoveries therefrom**

171. The Board further reserves to itself the right of withholding or withdrawing a pension, or any part of it, whether permanently, or for a specified period and the right of ordering the recovery from a pension of the whole, or part of any pecuniary loss caused to the Board, if, in a departmental or judicial proceedings, the pensioner is found guilty of grave misconduct, or negligence, during the period of his service, including service rendered on re-employment after retirement; provided that



- (a) such departmental proceedings, if instituted while the employee was in service, whether before his retirement or during his re-employment, shall after the final retirement or during his re-employment, shall, after the final retirement of the employee, be deemed to be a proceedings under this Regulation and shall be continued and concluded by the authority by which it was commenced in the same manner as if the employee had continued in service;
- (b) such departmental proceedings, if not instituted while the employee was in service, whether before his retirement or during his re-employment:
- (i) shall not be instituted save with the sanction of the Board.
  - (ii) shall not be in respect of any event which took place more than 4 years before such institution; and
  - (iii) shall be conducted by such authority and in such place as the Board 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 employee during his service.
- (c) no such judicial proceedings, if not instituted while the employee was in service, whether before his retirement or during his re-employment, shall be instituted in respect of a case of action which arose, or in respect of an event which took place, more than 4 years before such institution.
- (d) Deleted.

**Explanation :-** For the purpose of this Regulation:

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

- (i) in the case of a criminal proceedings, on the date on which the complaint or report of police officer of which the Magistrate takes cognizance is made; and
- (ii) in the case of a civil proceedings, on the date of presentation of the plaint in the Court.

**Note:-** Where a case of loss to the Board arising from fraud or negligence on the part of a retired employee while he was in service, comes to the knowledge of the pension sanctioning authority before his pension is actually sanctioned by that authority, and no departmental or judicial proceedings can be instituted at that stage under the proviso to this Regulation, although no direct penal recovery from pension is permissible the pension sanctioning authority can order a reduction in the amount of pension under the provisions of Regulation 218 if the service of the employee can be held to have been not thoroughly satisfactory.

172. (1) Where any departmental or judicial proceedings is instituted under Regulation 171 or where a departmental proceedings is continued under clause (a) of the proviso thereto against an employee who has retired on attaining the age of superannuation or otherwise, he shall be paid the period commencing from the date of his retirement to the date on which upon conclusion of such proceedings final orders are passed, a provisional pension not exceeding the maximum pension which would have been admissible on the basis of his qualifying service upto the date of retirement, or if he was under suspension on the date of retirement upto the date immediately preceding the date on which he was under suspension; but no gratuity or death-cum-retirement gratuity shall be paid to him until the conclusion of such proceedings and the issue of final orders thereon.

**Note:-** In the case of a retired employee entitled to pension without death-cum-retirement gratuity under the pension Regulations elected by him, the provisional pension shall

not exceed three-fourths of the maximum pension admissible to him.

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

**Note:-** The grant of pension under this Regulation shall not prejudice the operation of Regulation 218 when final pension is to be sanctioned upon conclusion of the proceedings.

### **Recoveries from Gratuity**

173. The authority competent to sanction pension has power to order the recovery from the gratuity including death-cum-retirement gratuity payable to a retired employee, or to the family of an employee deceased whether before or after retirement of any Board dues outstanding against the employee, including pecuniary losses caused by him to the Board in the circumstances referred to in the first sentence of Regulation 171.

**Note:-** (1) Where the proviso to Regulation 171 stands in the way of institution of departmental or judicial proceedings and recovery of pecuniary losses attributable to the misconduct or negligence of the retired employee cannot be made at all, or can be made only partly under the provisions of this Regulation either owing to no gratuity or death-cum-retirement gratuity being payable to the retired employee, or its amount being insufficient to effect full recovery, the amounts recoverable or the balance thereof, including items like over issues of pay and allowances, leave salary, admitted and obvious dues, such as house rent, outstanding motor car, house building, travelling and other advances including non-Board dues if any, cannot be recovered from pension (including compassionate allowance) except with

the written consent of the pensioner whether they become known before or after the pension is sanctioned. In such cases, the competent authority would have to consider the feasibility of effecting the recovery by other means, for example by going to a Court of Law.

- (2) See also Note 1 to Regulation 241.
- (3) Where under Note 1, pensioner's written consent is given, recovery should be restricted to the amount of pension which had already become payable on the date of such consent.

173 (A) Notwithstanding the pension Regulations applicable to the employee of the Board, it is permissible to make recovery of the Board dues and pecuniary loss found to have been caused to the Board in any departmental or judicial proceedings instituted against such employees under Regulation 171.

**Note:-** (1) Where Board dues or the amount of any pecuniary loss assessed against a retired employee under Regulation 171, is recoverable under the above Regulation 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 Board 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 employee or in the event of his death, the person eligible to claim the death-cum-retirement gratuity or any other gratuity does not prefer his claim.

#### **Cases where pension is inadmissible**

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

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

- (b) When a person's whole time is not retained for the Board service, but he is merely paid for work done for the Board.
- (c) When an employee serves under a covenant which contains no stipulation regarding pension unless the Board specially authorises the employee to count such service towards pension.

### **Mis-conductor or inefficiency**

175. No pension may be granted to an employee dismissed or removed for misconduct, insolvency, or inefficiency; but in cases in which the employees so dismissed or removed are deserving of special consideration, compassionate allowances may be granted, provided that the allowance granted to any employee shall not exceed two-thirds of the pension which would have been admissible to him if he had been retired on medical certificate under Regulation 206.

### **Compulsory retirement as a measure of penalty**

176. An employee compulsorily retired from service as a measure of penalty may be granted by the authority competent to impose such penalty, not less than two-thirds of the pension and not more than the full pension that would have been admissible to him if he had been invalid on the date of his compulsory retirement.

**Note:-** (1) The intention is that employees, on whom the penalty of compulsory retirement is imposed, should ordinarily be granted the pension and death-cum-retirement gratuity, if any, admissible based on the total qualifying service, without reduction. 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 reviewing 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) Provisional pension may be authorised immediately after employees are compulsorily retired under this regulation, withholding however, the death-cum-retirement gratuity till the final pension order is issued.

### **Limitations**

177. (a) An employee cannot earn two pensions in the same office at the same time, or by the same continuous service.
- (b) Two employees may not simultaneously count service in respect of the same office except as provided for in these Regulations.

## **SECTION - 'B'**

### **CONDITIONS OF QUALIFYING SERVICE**

#### **Commencement of qualifying service**

178. An employees' service does not qualify till he has completed eighteen years of age, in other cases, unless it be otherwise provided by special Regulation or contract, the qualifying service of an employee begins when he takes charge of the post to which he is first appointed.

#### **Conditions governing qualifying service**

179. The service of an employee does not qualify for pension unless it conforms to the following conditions:-

First - The service must be under the Board.

Second - It must be in a pensionable establishment.

**Note:-** (1) For determining title to the benefits on death while in service vide Regulation 215, qualifying service is reckoned in the same manner.

#### **First Condition**

180. The service of an employee is deemed to have been under the Board if he is appointed and his duties and pay are regulated by the Board, or under conditions determined by the Board, provided that the service rendered by

an employee under the state Government prior to the constitution of the Board shall be regarded as service under the Board.

**Note:-** In the case of an employee temporarily serving under the State /Central Government, or in foreign service, his duties and pay during the period are deemed to be regulated by the conditions determined by the Board.

### **Second condition**

181. (1) Service of an employee does not qualify unless the employee holds a post permanent or temporary, on a pensionable establishment under the Board or would have held such a post but for his temporary transfer outside Board service.

**Note:-** Temporary post includes a post held on officiating basis.

(2) Service in non-pensionable establishment like establishment paid out of contingencies, etc., will not qualify for pension under this Regulation

181(A) In respect of an employee's (monthly rated ) retirement or death while in service, all the service under Board whether temporary or permanent shall count.

182. The Board may, by general or special order, permit non-pensionable service for performing which an employee is paid from the Board fund, to be treated as service qualifying for pension. In issuing such an order, the Board may specify the method by which the period of qualifying service shall be calculated and may impose any condition which it thinks fit.

**Note:-** (1) Full service rendered by an employee under workcharged establishment shall be considered as qualifying service for the purpose of pensionary benefits.

(2) Employees borne on the TTR establishment of the Board subsequently absorbed permanently to the pensionable establishment under the Board are entitled to count one fourth of their service rendered in TTR establishment subject to a maximum of 3 years for purpose of pensionary benefits.

182. (A) Wherever pensionable service under the Board has been rendered in continuation of service in Government, 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:

(i) Where 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 employee, the amount so drawn shall be credited to Board with interest calculated at 3% per annum for the period from the date of drawing of the contribution to the date of credit to Board. In case the amount is credited after the retirement of the employee concerned interest shall be calculated upto the date of retirement of the employee.

(ii) Where the service rendered under the institutions referred to above is not covered by the Contributory Provident Fund Scheme, the employee shall credit to Board pension contribution at 1/8th of pay drawn by him from time to time under such institutions together with interest at 3% per annum calculated on the aggregate of such contributions for the period from the date of his appointment in Board service to the date of credit to Board. In case the amount is credited after the retirement of the employee the interest shall be payable for the period from the date of appointment of the employee to the date of retirement.

Provided that the service to be counted as qualifying service under clause (i) & (ii) above shall be restricted to the period for which the employee was subscribing to the contributory provident fund or for which pension contribution is received.

(iii) The Chief Controller of Accounts (Internal Audit) shall certify the correctness of the amounts credited to Board by the employee to



avail the benefit of service rendered in other institutions as stated above. Based on these certificates, the Financial Adviser & Chief Accounts Officer shall admit the service rendered in the local bodies and other institutions referred above for the purpose of gratuity, retirement benefits.

### **Military Service**

183. Employee's who, prior to their appointment in Board service, have rendered satisfactory paid whole time, enlisted or commissioned war or military service in the armed forces of India which did not earn a service pension under the military, naval or airforce rules, may be allowed to count completed years of such war and /or military service, including all kinds of leave on full rates of pay and sick leave taken during such service, for the purpose of pension under these Regulations subject to a maximum of five years.

Provided that any bonus or gratuity received for military service on discharge from such service is refunded to the Board in not more than 36 monthly instalments after entering Board service. In respect of war service neither payment of pension contribution by the defence department nor refund of bonus or gratuity received by the employees is necessary.

**Note:-** (1) In the case of services/posts in which a minimum age is fixed for recruitment, no war/military service rendered below that age should be allowed to count for pension. Where no minimum age is fixed, war/military service rendered before attaining the age of eighteen shall be ignored.

(2) The maximum limit of 5 years shall not apply to war/military service followed by Board service without break, which counts in full.

(3) The following types of services shall be treated as 'War Service' for purposes of Regulation.

- (a) Service of any kind in unit or 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 areas.
- (c) All other service involving subjection to Naval; Military or Air Force Law.
- (d) A period of training with a military unit or a formation involving liability to serve overseas or in any operational areas.
- (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.

184. War and military service in the Armed Forces of India rendered by the employees after their entry into Board Service, shall count for pension under these Regulations in full subject to the proviso of Regulation 183.

185. Deleted.

## SECTION - 'C'

### REGULATIONS FOR RECKONING SERVICE,

#### PERIODS OF DUTY AND LEAVE.

186. All periods reckoned as duty and all kinds of leave with allowances counts as service qualifying for pension.

**Exception:-** Period of extra ordinary leave upto a maximum of three years shall be considered as qualifying service for the purpose of this Regulation.

186. (A) Deleted.

#### Special additions

187. An employee recruited after the age of 25 years to a post for which post graduate research, or specialist qualification, or experience in scientific technological or professional fields is essential may be permitted to add to his service, qualifying for superannuation pension (but not for any other class of pension) the actual period not exceeding one fourth of the length of his service, or the actual period by which his age at the time of recruitment exceeds 25 years or a period of 5 years, whichever is the least.

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

**Note:** The Board will specify from time to time the post which falls under this category.

- 187 (A) In the case of persons recruited after completing the age of 30 years in consonance with or pursuant to the regulations of recruitment or policy or order of Board 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.

## SECTION - 'D'

### SUSPENSION, RESIGNATION, DISMISSAL, REMOVAL AND INTERRUPTION.

#### Suspension

188. Time passed under suspension pending enquiry into conduct counts in full where, on conclusion of the enquiry, the employee 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 competent authority has specifically directed that it shall count, vide regulation 85.

#### Resignation, Dismissal and Removal

189. (a) Resignation of the Board 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.

**Note:-** (1) The appointing authority in respect of a service or post shall be the competent authority to accept the resignation. Where the resignation of an employee is accepted, the competent authority shall also decide the date from which the resignation shall become effective. If the employee is on leave at the time, such authority shall order specifically whether the resignation is accepted with immediate effect or with effect from the date following the termination of leave. In respect of appointment where a period of notice is required, the period of leave shall count towards the notice period.

- (2) A resignation becomes effective when it is accepted and the employee is relieved of his duties. Where a resignation has not become effective and the employee wishes to withdraw it, the authority which accepted the resignation or is competent to accept it may either permit the employee to withdraw his resignation or refuse such a request. Once a resignation becomes effective, special

sanction of the Board is required for permitting its withdrawal. Such sanction will be given by the Board on administrative grounds and not merely at the instance of the employee. Where such sanction is accorded, and the employee resumes duty he is entitled to count his past service for increments, leave and pension, but the period intervening the date from which the resignation had become effective and the date of the resuming duty after its withdrawal shall not count unless regularised as leave by a specific order of the Board.

- (b)(i) Resignation of an appointment, permanent or temporary, to take up with proper permission, or on regular relief another appointment, whether permanent or temporary, service in which also counts in full or in part, is not a resignation of Board service.

**Note:-** (1) A tentative candidate is not entitled to the benefit of this sub-regulation.

- (ii) In cases where an interruption in service is inevitable due to the two appointments being at different stations, such interruptions, not exceeding the joining time permissible under the regulations on transfer, shall be covered by grant of leave of any kind due to the employee on the date of relief or by formal condonation under regulation 193, to the extent to which the period is not covered by leave due to the employee.

- (c) In partial modification of regulation 189(a) above, an employee who resigns after a continuous qualifying service of not less than 5 years is entitled to gratuity as provided for under the payment of gratuity Act 1972.

190. (a) An employee who is dismissed, removed or compulsorily retired from Board service, but is reinstated on appeal or revision, is entitled to count his past service.

- (b) In such cases, the period of break 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 as service for pension unless, regularised as duty, or leave, by a specific order of the authority which passes the order of reinstatement, vide Regulation 85.

### **Interruption**

191. An interruption in the service of an employee entails forfeiture of his past service except in the following cases:

- (a) Authorised leave of absence;
- (b) Unauthorised absence in continuation of authorised leave of absence, provided such absence is condoned under the provisions of Regulation 120.

**Note:-** (1) Ex.T.B.Patients who are declared non-infective and medically fit on re-employment are entitled to count the previous service rendered by them for purposes of pension to the extent admissible under these Regulations. The break in service between the date on which they were discharged from service and the date of re-employment will not however count.

Provided that where the unauthorised absence is on account of participation in a strike, it shall constitute interruption in service entailing forfeiture of past service.

- (2) Refusal to do work, though physically present at the place of duty, by resort to pen down strike or stay in strike or other methods will be treated as unauthorised absence constituting interruption in service entailing forfeiture of past service.

- (c) Suspension where it is immediately followed by reinstatement whether to the same or to a different office, or by the employee's death or retirement.
- (d) Abolition of post or loss of appointment owing to reduction of establishment.

**Note:-** (1) An employee who is discharged on the abolition of an appointment is entitled to the benefit of this clause even though the appointment, whether temporary or permanent, which is abolished, may not have been that which he held or even one of the particular establishment on which he was actually serving.

- (e) Transfer to non-qualifying service in an establishment under the Board's control.

The transfer must be made by competent authority. An employee who voluntarily resigns from qualifying service cannot claim the benefit of this exception.

192. The authority which sanctions the pension may commute retrospective periods of absence without leave into leave without allowances.

#### **Condonation of interruption**

193. The Board may condone interruptions in the service of an employee provided that;

- (i) interruptions sought for condonation were caused by reasons beyond the control of the employee concerned;
- (ii) their aggregate period does not exceed one year;
- (iii) the additional service counting for pension by such condonation is not less than five years.

**Note:-** This power will not be delegated to a lower authority.

## SECTION - 'E'

### CONDITIONS OF GRANT OF PENSION.

#### Classification of Pensions

194. Pension is divided into four classes, viz.,

- (1) Compensation Pension
- (2) Invalid Pension
- (3) Superannuation Pension
- (4) Retiring Pension:

#### Compensation pension

195. If an employee 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 the authority competent to discharge him to be atleast 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 appointment and a working man who refuses to accept suitable employment, even accompanied with some temporary loss of pay clearly does not need compensation.

196. To pension an employee still capable of useful service is a waste of Board's money; before a pension is granted to such an employee discharged on abolition of appointment, it must be carefully considered whether he cannot be otherwise provided for. The competent authority while forwarding an application for compensation pension, should invariably state for what reasons it has been found impossible to provide suitable employment for the applicant.



197. Whenever, upon the reduction of an establishment, it is necessary to discharge one or more members thereof, the selection of the employees to be discharged should, prima facie be so made that the least charge for compensation pension will be incurred.
198. The discharge of one employee to make room for another better qualified is not abolition of an appointment within the meaning of Regulation 195. The abolition must produce a real saving to the Board. 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 the appointment.
199. (a) No pension is admissible to an employee for the loss of an appointment on discharge after the completion of a specified term of service.
- (b) No pension is admissible for the loss of a local allowance or special pay.
200. If it is necessary to discharge an employee in consequence of a charge in the nature of the duties of his post, the case should be referred to the Board.
201. Reasonable notice should be given to an employee in permanent employment 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 employee'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 the Board, a gratuity not exceeding his emoluments for the period by which the notice actually given to him falls short of three months, shall be paid to him, in addition to the pension to which he may be entitled under Regulation 219, 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 regulation 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 an employee by the sudden loss of employment. When, therefore, an employee 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.

(2) Unless it contains an express statement to the contrary, an order for the abolition of an establishment or appointment shall not be brought into operation till the expiry of three months after notice has been given to the employee, whose service are to be dispensed with on such abolition the immediate head of the office will be held responsible that there is no unnecessary delay in giving such notice. In the case of an employee on leave, the order shall not be brought into operation until the leave expires.

(3) "Emoluments" in this Regulation means the emoluments or leave allowances (or partly the one and partly the other) which the employee would be receiving during the period in question, had the notice not been given to him.

202. An employee discharged with a compensation pension may not without surrendering his pension, refuse to accept any appointments which the Board thinks fit, within six months from the date of his discharge, to offer to him. The pay of such new appointment must not, however, be less than that necessary to raise his total emoluments to the amount which he received as pay immediately before his discharge, nor should the new appointment be such as the employee cannot reasonably and equitably be expected to accept.

203. The Regulation requiring the refund of compensation gratuity on re-employment, applies to a gratuity awarded under Regulation 201 if the employee is permanently re-employed within three months from the date of notice. But the employee need not refund that proportion of his gratuity

under this Regulation which the interval of his non-employment bears to the whole period for which the gratuity is given. If the employee 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.

204. Regulation 202 applies also to the case of an employee entitled to compensation pension who, upon the abolition of his appointment, is transferred by competent authority to another appointment. To such an employee, a compensation pension may be simultaneously awarded subject always to the limitation prescribed by Regulation 232.

205. If an employee who is entitled to compensation pension accepts instead another appointment in the Board 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 would have been entitled to if he had not accepted the appointment.

### **Invalid Pension**

206. An Invalid pension is awarded, on his retirement from the Board service, to an employee whom a competent medical authority has certified to be permanently incapacitated due to bodily or mental infirmity;

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

**Note:-** (1) An employee discharged on other grounds has no claim under the above Regulation though he can produce medical evidence of incapacity for service.

(2) Regulation 196 applies, *mutatis mutandis* in the case of an employee invalidated under clause (ii) of this Regulation as unfit for employment only in some particular branch of the Board service. Every effort should be made to find for such an employee other employment suited to his particular capacity.

(3) If the incapacity is the result of irregular or intemperate habits, no pension can be granted. Otherwise it is for the

Board or the competent authority to decide whether the employee's incapacity is such as to render it necessary to admit him to invalid pension.

207. (a) Medical certificate of incapacity should be furnished 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 the Superintendent, NIMHANS, Bangalore.

(b) If the pension applied for exceeds 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 Director of Medical Services.

208. In no case shall a medical certificate of incapacity for service be granted unless the applicant produces a letter from the head of the office, to show that latter is aware of his intention to appear before the Medical Officer.

**Note:-** (1) In the case of a woman employee, the medical certificate of incapacity for service may be granted by Lady Assistant surgeon in the case of group C and group D women employees and by Lady surgeons in the case of group A and group B women employees.

(2) In case of retirements due to diseases of the eye, medical certificates granted by the Medical Officer, ophthalmic hospital or a Medical Officer of equal status in charge of ophthalmic unit of a General Hospital, may be accepted without counter signature of the Director of Medical Services.

(3) Medical certificates issued by the Board's Medical consultant, may also be accepted for purposes of the Regulations governing the grant of invalid pension.

209. (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 on the employee, considers him incapacitated for further service by general debility while still under the age of fifty eight years; he should give detailed reasons for his opinion, and if possible, a second medical opinion should always be obtained in such a case.

(c) In a case of this kind, special explanation will be expected from the head of the office or other authority concerned of the grounds on which it is proposed to invalid the employee.

210. A simple certificate that inefficiency is due to old age or natural decay from advancing years, is not sufficient in the case of an employee whose recorded age is less than fifty eight years but a Medical officer is at liberty, when certifying that the employee is incapacitated for further service by general debility, to state his reasons for believing the age to be under stated.

211. (a) The form of the Medical Certificate to be given to an employee applying for invalid pension shall be in the following form:

"CERTIFIED that I/we have carefully examined Sri/Smt.....son of Sri/ Smt..... in the .....His/her age is by his/her own statement .....years. and by appearance about ..... years. I/we consider Sri./Smt.....to be completely and permanently incapacitated for further service of any kind in the Karnataka Electricity Board, in consequence of ..... (here state disease or cause). His/her 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.

In my / our opinion his incapacity is directly  
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 Sri/Smt..... is fit for further service of a less laborious character than that which he/her has been doing (or may after resting for ..... months) be fit for further service of less laborious character than that which he/she has been doing".

- (b) The object of the second alternative certificate of partial incapacity is that an employee should, if possible, be employed even on a 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 a living, it is necessary to grant him the full pension admissible under the Regulation.

212. An employee who has submitted under Regulation 206, a Medical certificate of incapacity for further service must not (except for special reasons to be reported to the Board) be retained in service pending a decision on his application for pension, but shall be given such leave as is at his credit for a period not exceeding six months and retired at the end of that period.

**Note:-** Where an employee after submitting a medical certificate of invalidment is retained in service for a certain period under the provisions of this Regulation and thereafter granted leave, not more than six months service from the date of medical certificate should be reckoned for pension.

### **Superannuation pension**

213. A Superannuation pension is granted to an employee who is entitled or required, by Regulation, to retire at a particular age vide Regulation 100.

### **Retiring pension**

214. A retiring pension is granted to an employee who is permitted to retire before the age of 58 years after completing qualifying service for thirty years.

**Note:-** (1) An employee may retire from service any time after completing 33 years qualifying service provided that he

shall give in this behalf a notice in writing to the appropriate authority at least three months before the date on which he wishes to retire. Orders permitting an employee to retire under this regulation shall be issued only after the fact of the employee having completed thirty three years qualifying service have been ascertained from the Chief Controller of Accounts.

- (2) (i) The Board may, by order, retire a Board employee 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.
- (ii) The Board may, by order, retire a Board employee in any other case after he has attained the age of 55 years or after he has completed 25 years of qualifying service.
- (iii) If such retirement is considered necessary in the Board's interest, provided that the Board employee concerned shall be 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.
- (3) An employee who has elected to retire under this Regulation and has given notice to that effect to the competent authority, shall be precluded from withdrawing his election subsequently except with the specific approval of the authority competent to fill the post. Such approval

is subject to the proviso that his request for withdrawal is made within the intended date of retirement and that he has established, to the satisfaction of that authority, that there has been material change in the circumstances in consideration of which the notice was originally given.

214. (A) Any employee who has put in a qualifying service of not less than fifteen years may by giving a notice of at least three months, in writing, to the appointing authority, retire voluntarily from service. The following shall regulate the voluntary retirement of employees:-
- (i) The scheme is voluntary, the initiative resting with the employee himself.
  - (ii) Board does not have the reciprocal rights to retire employees on its own under this scheme.
  - (iii) Employee retiring under this scheme shall be entitled to retiring pension/gratuity.
  - (iv) While granting the retiring pension/gratuity to an employee 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 employee would have had, if he had retired on attaining the age of superannuation.
  - (v) 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 an employee retiring voluntarily to any notional fixation of pay for purposes of calculation of pension and gratuity.
  - (vi) The amount of pension/gratuity to be granted after giving the Weightage shall be subject to the right of the Board or any competent authority to make reduction therein in accordance with the provisions of these Regulations, if the service is not satisfactory.



- (vii) The scheme of voluntary retirement shall not be applicable to employees who propose to get absorbed in autonomous bodies, public sector undertakings, etc.
- (viii) A notice of less than three months may be accepted by the appointing authority in the deserving cases, with the prior approval of the Board.
- (ix) 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 before the expiry of the notice.
- (x) The voluntary retirement shall not become effective merely on the ground that a notice to that effect has been given by the employee, 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 employee concerned;
  - (b) in which prosecution is contemplated or may have been launched in a Court of Law against the employee concerned and where it is proposed to accept the notice of voluntary retirement in such cases, prior approval of the Board should invariably be obtained.
- (xi) The provisions of Note 1 and Note 2 under Regulation 214 and Note 3 under Regulation 135 shall apply to employee retiring voluntarily under this scheme.
- (xii) The term "appointing authority" referred to in these Regulations means "appointing authority" as defined in Regulation(7) under part III of Karnataka Electricity Board Employees' Classification, Disciplinary, Control and Appeal Regulations 1987.
- (xiii) An employee 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 Board.

## SECTION - 'F'

### CONDITIONS OF GRANT OF FAMILY BENEFITS ON DEATH

#### Death while still in Service

215. (a) Where an employee dies while still in service and survived by wife/husband and/or minor children, the wife/husband, or if they are also dead; the guardian on behalf of the minor children, would be entitled be benefits as follows and shall receive:-
- (i) if the deceased employee had put in less than one year qualifying service, death gratuity equal to two months emoluments;
  - (ii) if the deceased employee had put in one year or more, but less than five years qualifying service;
    - (a) death gratuity equal to six months of emoluments and
    - (b) family pension under Regulation 221.
  - (iii) if the deceased employee had put in five years or more but less than twenty years of qualifying service;
    - (a) death gratuity equal to twelve months emoluments and
    - (b) family pension under Regulation 221.
  - (iv) if the deceased employee had put in twenty years or more qualifying service;
    - (a) death gratuity equal to half of emoluments for every completed six monthly period of qualifying service subject to a maximum of 33 times of emoluments provided that the death gratuity shall in no case exceed rupees two lakh and fifty thousand from 28.11.1995 and
    - (b) family pension under Regulation 221.

- (b) Where the deceased employee is not survived by any of the family members referred to at Sub-regulation (a) but is survived by other members of the family, the latter would be entitled to receive;
- (i) in the circumstances referred to in clause(i) of sub-regulation (a) death gratuity equal to two months emoluments.
  - (ii) if the condition referred to in clause (ii) of that sub-regulation is satisfied death gratuity equal to 6 months emoluments.
  - (iii) if the condition referred to in clause (iii) of that sub-regulation is satisfied death gratuity equal to twelve months emoluments, subject to the provisions of Regulation 218.
- (c) Where an employee dies after putting not less than Five Years qualifying service and is not survived by any members of his family, if he had furnished a nomination under Regulation 226 and that nomination subsists, the nominee(s) would be entitled to receive death-cum-retirement gratuity to the extent referred to in clause (iii) of sub-Regulation (b).

**Note:-** If no such nomination was made by the deceased employee, or the nomination made by him does not subsist at the time of his death, death-cum-retirement gratuity shall not be payable to any one. It shall lapse.

- (d) The foregoing provisions are not applicable in the case of:-
- (i) re-employed pensioners,
  - (ii) employees appointed on contract,
  - (iii) tentative candidates,
  - (iv) persons borne on non-pensionable establishments.

**Note:-** (1) For definition of the term 'Emoluments' see Section H.

(2) 'Continuous Service'/ Qualifying service' has the same meaning as in Regulation 9(13). It does not however include boy-service and periods of suspension not allowed to count as duty for purposes of pension. It includes temporary (or officiating) service and also extra ordinary leave upto a maximum period of three years.

(3) Suicide is treated as death for the purpose of these benefits.

### **Death after Retirement**

216. (a) Deleted

(b) If the deceased was in receipt of Compensation / Invalid / Retiring / Superannuation Pension and is survived by wife/husband and/or minor children, family pension would be payable under Regulation 221.

**Note:-** (1) Suicide is treated as death for the purpose of these benefits.

(2) If the deceased had commuted any portion of his pension, it will not affect the claim for family pension under this Regulation in any way.

## **SECTION - 'G'**

### **QUANTUM OF PENSION AND OTHER SERVICE BENEFITS.**

#### **Pension and Death-cum-Retirement Gratuity on Retirement.**

217. The amount of service gratuity/pension and death-cum-retirement gratuity that may be granted is determined by the length of service as set forth in Regulation 219. A fraction of a year equal to three months and above shall be treated as a completed six monthly period and reckoned as qualifying service for determining amount of pension and death-cum-retirement gratuity.

**Note:-** (1) Gratuities shall be calculated to the nearest rupee.

(2) A pension is payable in rupees.

(3) The amount of pension shall be expressed in whole rupees and where the pension calculated according to the Regulation contain fraction of a rupee, it shall be rounded off to the next highest rupee.

218. (a) The full service gratuity/pension and death-cum-retirement gratuity admissible under these Regulations will not be given as a matter of course or unless the service rendered has been really approved.

(b) If the service has not been thoroughly satisfactory, the authority sanctioning the service gratuity/pension and death-cum-retirement gratuity should make such reduction on the amount as it thinks proper.

**Note:-** In cases where reduction of service gratuity/pension is ordered, the authority ordering such reduction should specifically state whether it is desired to reduce death-cum-retirement gratuity as well, by a percentage or by fixed amounts or whether the reduction should be in service gratuity/pension only.

#### **Scale of Service gratuity / Pension and Death-Cum-Retirement Gratuity**

219. The amount of Compensation/Invalid/Superannuation Pension (including retiring pension) or Gratuity and death-cum-retirement gratuity admissible will be as noted below:-

#### **Amount of pension**

(a) The maximum qualifying service for earning pension shall be 66 completed six monthly periods, viz.:-

- (i) Compensation Pension
- (ii) Invalid Pension
- (iii) Superannuation Pension
- (iv) Retiring Pension
- (v) Compassionate Allowance.

It shall be calculated at 50% of the emoluments drawn at the time of retirement/death subject to a minimum of Rs.390/- and maximum of Rs.3450/- per month. The amount of pension so arrived at will be related to the maximum qualifying service of 66 completed six monthly periods. For an employee who at the time of his retirement, renders a qualifying service of 20 completed six monthly periods or more but less than 66 completed six monthly periods; the amount of pension shall be such proportion of the maximum admissible pension, as the qualifying service rendered bears to the maximum qualifying service of 66 completed six monthly periods. In calculating the length of qualifying service for this purpose, a fraction of a year equal to three months and above shall be treated as a completed six monthly period and reckoned as qualifying service.

### **Amount of Retirement gratuity**

- (b) In case of an employee who has completed not less than 10 (ten) six monthly periods of qualifying service, the amount of retirement gratuity payable under this Regulation shall be equal to one fourth of the emoluments for each completed six monthly period of qualifying service, subject to a maximum of 16 ½ times of the emoluments. The amount of retirement gratuity thus calculated shall be subject to a maximum of rupees two lakhs and fifty thousand from 28.11.1995.

### **Amount of Death gratuity**

- (c) In the event of death of an employee while in service, the death gratuity shall be admissible as under:-

<b>Length of qualifying service</b>	<b>Rate of gratuity</b>
(i) Less than one year	Two times of emoluments.
(ii) One year or more, but less than 5 years.	Six times of emoluments.
(iii) Five years or more, but less than 20 years.	Twelve times of emoluments

- (iv) Twenty years or more      Half of 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 2.50 lakhs from 28.11.1995.

**Persons eligible to receive Death-Gratuity  
and  
Family Pension on death of Employee/Pensioner.**

**Death-Gratuity**

220. The amount of death-gratuity admissible is indicated in Regulations 215 and 216. Such amounts including the gratuity sanctioned to a retired employee under Regulation 219, but not drawn before death, may be paid:-

- (1) to the person or persons on whom the right of receiving death-gratuity is conferred under Regulation 226.
- (2) Where there are no such persons, to the following surviving members of the family in equal shares:-
  - (a) Widow/Widower
  - (b) Sons including step children and adopted children.
  - (c) Unmarried or divorced daughters.
- (3) Where there are no persons falling either under (1) or (2) above to the following surviving members of the deceased's family in equal shares:-
  - (a) Widowed daughters.
  - (b) Brothers below 18 years of age.
  - (c) Unmarried, divorced or widowed sisters.
  - (d) Father.
  - (e) Mother.

**Note:-** This Regulation applies equally to cases of death-gratuity admissible under Regulation 215 for continuous/qualifying service which falls short of 5 years qualifying service.

### **Family pension**

221. (a) The amount of Family Pension admissible has been substituted with reference to the orders issued by the Board from time to time. The pay range and monthly family pension is tabulated as under:

**Table I**

(effective from 1.4.1982)

<b>Pay Range</b>	<b>Monthly Family Pension</b>
(1) Below Rs.600/-	30% of Pay
(2) Rs.600/- to Rs.1599/-	15% of pay subject to a minimum of Rs.180/- per month
(3) Rs.1600/- and above.	12% of pay subject to a minimum of Rs.240/- per month

**Table II**

(effective from 19.7.1985)

<b>Pay Range</b>	<b>Monthly Family Pension</b>
(1) Upto Rs.850/-	30% of Pay
(2) Rs.851/- to Rs.2100/-	15% of pay subject to a minimum of Rs.255/- per month
(3) Rs.2101/- and above.	12% of pay subject to a minimum of Rs.315/- per month



**Table III**  
(Effective from 1.7.1986)

<b>Pay Range</b>	<b>Monthly Family Pension</b>
(1) Not exceeding Rs. 1500/- per month	30% of the emoluments subject to a minimum of Rs.390/- per month
(2) Exceeding Rs.1500/- but not exceeding Rs.3000/- per month	20% of the emoluments subject to a minimum of Rs.450/- per month
(3) Exceeding Rs.3000/- per month	15% of the emoluments subject to a minimum of Rs.600/- per month and maximum of Rs.1250/- per month

- (i) The family pension under this Regulation is in lieu of other family pensions if and, admissible.
- (ii) The Chief Controller of Accounts will effect recoveries and also indicate the amount of family pension in the pension payment order. No fresh sanction is necessary.
- (iii) If the family pension is payable to a minor through his/her guardian, the guardian will apply to the Chief Controller of Accounts on behalf of the minor child with two copies of the passport size photographs and other necessary documents. A fresh pension payment order will be required to be issued in this case.

221. (aa) Subject to the provisions contained in Regulation 221 (a), an employee having put in a continuous service for a period of not less than seven years dies while in service, a family pension shall be granted as indicated below:

1. In case of an employee who dies while in service after having rendered a qualifying service of not less than seven years, the family pension shall be admissible under this Regulation at an enhanced rate equal to 50% of the emoluments last drawn or twice the family pension normally admissible, whichever is less, for a period of seven years or till the date on which the employee would have attained the age of 65 years, if he had survived, whichever is earlier.

2. The family pension payable after the period mentioned at 1 above shall be at the rates laid down in Regulation 221(a).

(b) Family Pension will be payable to only one member of the family at a time in the following order:-

(1) Widow/Widower for life or until remarriage.

(2) Minor sons commencing with the eldest.

(3) Unmarried minor daughter commencing with the eldest.

**Note:-** (1) (i) Deleted (Please refer note 7)

(ii) Where a deceased employee is survived by a widow, but has left behind an eligible minor child from another wife, the eligible minor child shall be paid the share of the family pension which the mother would have received if she had been alive at the time of death of the employee.

(iii) A judicially separated wife/husband does not lose her/his status of wife/husband of the employee and is eligible for the benefits of the family pension.

**Note:** (2) Sl.No.(2) and (3) will include children legally adopted before retirement. In the case of (2), pension will be payable until the minor son or the eldest of them attains the age of 18 years. Thereafter it will pass on to the younger son. Failing any such son(s), pension will pass on to the minor daughter or the eldest of them. In the case of (3), pension will be payable until the daughter attains the age of 21 years or gets married whichever is earlier.

In all these cases, pension will be disbursed through their natural guardian. In disputed cases, payment will be made through the legal guardian.

- (3) If no widow/widower of the deceased is surviving, the family pension will be payable to the surviving minor son or the eldest of them, and failing such sons, to the surviving unmarried minor daughter if any or the eldest to them direct.
- (4) Deleted.
- (5) Family pension is payable even when the widow/widower entitled to family pension under these Regulations is herself/himself in receipt of pay or service pension.
- (6) A divorced wife or husband of an employee shall be deemed to have predeceased the employee and shall not be eligible for the family pension. But the minor children born to such employee from the divorced wife or husband before the divorce shall however be eligible for the share of family pension under these regulations.
- (7) If an employee had married and having more than one wife, the family pension shall be divided among them equally, the share in respect of each wife shall be paid to her, if she is not alive, it shall be paid to her minor children in the manner indicated under relevant Regulation when

the last member eligible to receive such a share in respect of wife ceased to be eligible to receive it, such share shall be divided equally among all the other members of the family eligible for family pension on that date. This process of transfer by division among the other beneficiaries shall continue till the last beneficiary of the family ceased to be eligible for family pension.

## **SECTION 'H'**

### **PAY AND ALLOWANCES RECKONED FOR PENSION AND DEATH-CUM-RETIREMENT GRATUITY.**

#### **Emoluments For Gratuity / Pension**

222. The term "Emoluments" when used in this chapter means the emoluments which an employee was receiving immediately before his/her retirement or death and includes the following, but does not include the pay and allowances and deputation allowance drawn from a source other than the Board funds.

(a) Pay as defined in Regulation 9 (34).

**Note:-**(1) The percentage of mergeable dearness allowance as noted below will form part of the term emoluments for the purpose of calculation of pension.

<b>Pay Range</b>	<b>Percentage</b>
(a) Revised basic pay upto Rs.3500/-per month	13% of basic pay.
(b) Rs.3501/- to Rs.6000/-per month.	10% of basic pay subject to a minimum of Rs.455/- per month
(c) Rs.6001/- and above per month. (w.e.f. 1.4.1989)	8% of basic pay subject to a minimum of Rs.600/- per month

**Note (2)** For the purpose of calculation of gratuity only, admissible under this chapter, the quantum of dearness allowance as detailed below shall be taken into account for the purpose of term emoluments.

<b>Stage of Pay</b>	<b>Quantum of Dearness allowance to be accounted for arriving at admissible gratuity</b>
(a) Basic pay upto Rs.3500/-per month.	90% of basic pay.
(b) Basic Pay of Rs.3501/- to Rs.6000/-per month.	67% of basic pay subject to a minimum of Rs.3150/-per month.
(c) Basic pay of Rs.6001/- and above per month.	58% of basic pay subject to a minimum of Rs.4020/-per month.

(w.e.f. 28.11.1995)

**Note:- (3)** Deleted.

- (b) Allowances attached to professor-ship or Lecture-ship in a Board or Government institution;
- (c) Fees or Commission, if they are the authorised emoluments of an appointment and are in addition to pay. In this case, "emoluments" means the average earnings for the last six months of service;
- (d) Special Pay whether drawn in a permanent/temporary post or in a permanent post held on officiating basis:

**Note :-** Special pay shall count for purposes of pension as part of an employee's emoluments during leave, including leave taken under the provisions of Regulation 151 and 152 if there is no doubt that he would have drawn the allowance had he remained on duty and the pension sanctioning authority makes a declaration to that effect.

- (e) Pay drawn by an employee in the post held by him provisionally and officiating pay drawn by an employee appointed to act for a continuous period of not less than six months:
- (i) in an office which is substantively vacant;
  - (ii) in an office temporarily vacant in consequence of the absence of the permanent incumbent on leave without allowance, or on transfer to foreign service;
  - (iii) in an office in the chain of arrangements consequent on (i) & (ii) above.

**Note:-** (1) In the case of an employee officiating in a non substantive post throughout his entire service, and retiring thereafter, the emoluments drawn by him in that post or similar posts, service against which is reckoned as service qualifying for pension shall be taken into account for the purpose of calculating emoluments.

- (2) For purposes of reckoning six months under the above clause, the periods of earned leave taken while so officiating may be included.

222(A). Deleted

223. Deleted

224. Deleted

### **SECTION - 'I'**

#### **REGISTRATION OF PARTICULARS OF CLAIMANTS FOR FAMILY PENSION AND DEATH-CUM-RETIREMENT GRATUITY.**

225. (i) Every employee shall within a month after his entry in to Board service furnish to the pay drawing officer/ head of the office, or if he is a group A employee to the Chief Controller of Accounts a statement of his family furnishing their names, dates of birth and relationship with the employee.

- Note:-** (1) For this purpose "Family" will comprise wife/husband, minor sons, and unmarried minor daughters of the employee.
- (2) Wife of the deceased pensioner whom he marries after his retirement.
- (ii) The Head of the office/pay drawing officer / Chief Controller of Accounts as the case may be receiving the statement shall subject it to such scrutiny as he may consider necessary and thereafter countersign the statement. The nomination will then be noted in the Service Book of the employee in the case of group B, C or D employee and in the History of Services in other cases and the statement preserved safely in the office with those documents. If an employee does not furnish the statement before the expiry of three months after entry into Board service the head of the office/pay drawing officer/Chief Controller of Accounts shall after issuing a fortnights notice withhold the disbursement of the pay of the employee for future months until this requirement is complied with.
- (iii) Additions and alterations in the particulars of family furnished in the statement referred to above should be advised by the employee himself as and when the need therefor arises and the head of the office/pay drawing officer / Chief Controller of Accounts as the case may be, will in receipt of such advice effect necessary changes in the said statements under his attestation.
- (iv) When an employee furnishes the first statement or sends advices of additions and alterations, it shall be incumbent on the head of the office/pay drawing officer / Chief Controller of Accounts as the case may be, to furnish an acknowledgement to the employee in token of receipt thereof.
- (v) This statement will form the basis for determining claimants for family pension / death-cum-retirement gratuity in the event of employee's death either in service or after retirement.

Before finally determining the claimant for grant of family pension/ death-cum-retirement gratuity, the head of the office/pay drawing officer / Chief Controller of Accounts as the case may be should, however, satisfy himself that the statement is complete and upto date.

226. (1) Every employee shall along with the statement of his family, referred to in Regulation 225, send a nomination, conferring on one or more persons of his choice, the right to receive any death-cum-retirement gratuity that may become payable under the provisions of Regulation 215 and 216.

Provided that if, at the time of making the nomination the employee has a family, the nomination shall not be in favour of any person or persons other than the members of his family.

**Note:-** When an employee has no family, the nomination can be made in favour of any person who is not a member of his family or in favour of a body of persons, whether incorporated or not. Similarly, where the employee has only one member in his family in whose favour the original nomination should be made, the alternate nomination can be made in favour of any person who is not a member of his family or in favour of a body of persons, whether incorporated or not.

- (2) For the purpose of this Regulation "Family" will include the following relatives of the employee namely;

- (i) Wife,

**Note:-** In the event, if the employee is having more than one wife, the pensionary benefit shall be paid to the surviving widow or to widows.

- (ii) Husband,  
(iii) Eldest surviving son,  
(iv) Eldest surviving unmarried daughter,



- (v) Eldest surviving widowed daughter,
- (vi) Eldest surviving adopted son,
- (vii) Eldest surviving unmarried adopted daughter,
- (viii) Eldest surviving widowed adopted daughter,
- (ix) Eldest surviving step son,
- (x) Eldest surviving unmarried step daughter,
- (xi) Widowed step daughter,
- (xii) Father including adoptive parents in cases of individuals,
- (xiii) Mother whose personal law permits adoption,
- (xiv) Eldest surviving brother below the age of 18 years,
- (xv) Eldest surviving unmarried sister,
- (xvi) Eldest surviving widowed sister,
- (xvii) Eldest surviving married daughter,
- (xviii) Eldest surviving married adopted daughter,
- (xix) Eldest surviving married step daughter,
- (xx) Children of pre-deceased son.

(3) If an employee nominates more than one person under clause(1), he shall specify in the nomination, the amount of share payable to each of the nominees in such manner as to cover the whole amount of the gratuity. If not, the Board shall determine such share of gratuity.

(4) An employee may provide in a nomination -

- (i) that in respect of any specified nominee, that in the event of his predeceasing the employee the right conferred upon that nominee shall pass to such other members of the employee's family as may be specified in the nomination;

- (ii) that the nomination shall become invalid in the event of the happening of a contingency specified therein.
- (5) The nomination made by an employee who has no family shall become invalid on his subsequently acquiring a family.
- (6) An employee may at any time cancel a nomination by sending to the head of the office/pay drawing officer / Chief Controller of Accounts a fresh nomination made in accordance with this Regulation.
- (7) Immediately on the death of a registered nominee in respect of whose share no alternate provision has been made in the nomination under sub-clause(i) of clause(4) or on the occurrence of any event by reason of which the last nomination becomes invalid in pursuance of sub-clause (ii) of that clause or clause(5), the employee shall send to the head of the office/pay drawing officer / Chief Controller of Accounts a fresh nomination made in accordance with this Regulation.
- (8) Every nomination shall be in such form prescribed as may be appropriate in the circumstances of the case. Every such nomination to the extent that it is valid, take effect on the date on which it is received by the head of the office / pay drawing officer / Chief Controller of Accounts.

**Note:-** (1) Similar forms will be used for modifying nomination already in force.

(2) While a nomination as also any modification therein will normally be made by an employee during his service in accordance with this clause, he may make fresh nomination or change his earlier nomination after retirement, if need arises therefor.

(3) In regard to the head of the office/pay drawing officer/ Chief Controller of Accounts to which such nominations should be sent and the procedure to be followed by those authorities on receipt of such nominations, the provisions of Regulation 225(ii) apply mutatis mutandis.

- (4) The nominations will be kept safely and modified nominations substituted for the earlier ones which they supersede.
- (5) Where there is no family, the nomination in favour of an illegitimate child or a married sister shall also be valid.

### **SECTION 'J'**

#### **PROCEDURE REGARDING SANCTION OF PENSIONARY BENEFITS TO THE FAMILY OF AN EMPLOYEE/PENSIONER WHOSE WHEREABOUTS ARE NOT KNOWN FOR A LONG TIME.**

- 226.(A)(1) When an employee disappears leaving his/her family, the amount of salary, leave salary in respect of encashment of leave due having regard to the nomination made by an employee shall be sanctioned to the family in the first instance. In the case of pensioners, the amount of undrawn pension up to the date of disappearance shall be sanctioned in the first instance.
- (2) After the expiry of one year from the date of disappearance, other benefits such as family pension, death-cum-retirement gratuity having referred to the nomination made by the employee shall also be sanctioned. In the case of pensioners, only family pension and the arrears of pension from the date of disappearance shall be sanctioned. The procedure for the payment of arrears of pension shall be the same as applicable to the payment of life time arrears of pension.
  - (3) The benefits shall be sanctioned by the Board after observing the following formalities:-
    - (i) The family must have lodged a complaint with the concerned police station and obtained a report that the employee/pensioner has not been traced after all efforts have been made by the police.
    - (ii) An indemnity bond in the form appended should be obtained from the family/nominee on a stamp paper of the prescribed value with two solvent sureties acceptable to the sanctioning authority, indemnifying the Board against any loss of claims in case the

employee/pensioner reappears on the scene and makes any claim against Board in this behalf.

- (iii) An undertaking should be taken from the family/nominee that all payments made will be adjusted against the payments due to the employee/pensioner in case he/she reappears on the scene and makes any claim against the Board.
- (4)
- (i) The family/nominee shall apply to the Board through proper channel for sanction of the benefits mentioned in clause(1).
  - (ii) After the expiry of one year from the date of disappearance of the employee/pensioner, the family/nominee shall apply to the Board through proper channel for sanction of family pension, death-cum-retirement gratuity and arrears of pension from the date of disappearance in accordance with the procedure prescribed in the Regulations.
  - (iii) The Family benevolent fund amount may be paid to the nominee or the legal heirs of the missing employee after the expiry of a period of one year following the month of disappearance of the employee.
- (5)
- (i) Irrespective of the date of sanction, the effective date of commencement of payment of family pension shall be the date following the date of expiry of one year from the date of disappearance of the employee/pensioner.
  - (ii) The period of absence from the date of disappearance of the employee to the effective date of commencement of family pension shall be automatically treated as extraordinary leave without allowance and counted as qualifying service for the purpose of family pension and death-cum-retirement gratuity to the extent prescribed under Regulations.
  - (iii) Family pension and death-cum-retirement gratuity admissible to the family shall be calculated in accordance with the formula in force on the effective date of commencement of payment of family

pension, with reference to the emoluments actually drawn immediately before the date of disappearance.

Provided that in the case of an employee who immediately before the disappearance was, on extra ordinary leave without allowances or was under suspension, the emoluments for the purpose of family pension and death-cum-retirement gratuity shall be those drawn on duty immediately before proceeding on extra ordinary leave or before being placed under suspension.

- (6) The pay drawing officers shall assess all the Board dues outstanding against the employee and take steps to recover them in accordance with the Board Regulations.

**FORM OF INDEMNITY BOND FOR DRAWING THE BENEFITS  
DUE IN RESPECT OF A BOARD EMPLOYEE / PENSIONER  
WHOSE WHEREABOUTS ARE NOT KNOWN.**

Known all men by these presents, I (a)..... resident of..... being the (b).....of (d)..... and

we(c)..... and ..... sureties on her/his behalf are held and firmly bound to the Karnataka Electricity Board acting in exercise of the executive power of the Board in a sum of Rs.....(Rupees ) to be paid to her/him or her/his successors or assignees for which payments to be well and truly made, each of us severally binds himself and his heirs, executors, administrators, and assignees and every one and all of us jointly bind ourselves and our heirs, executors, administrators, and assignees firmly by these presents.

As witness our hands this .....day of .....19.....where as (d).....was at the time of disappearance in the service a pensioner of the Board.

And whereas the following amount have to be paid to the above bounder:-

- (i) Arrears of salary.....
- (ii) Undrawn arrears of pension.....
- (iii) Leave salary in respect of encashment of leave due and admissible....
- (iv) Family pension.....
- (v) Death-cum-retirement gratuity.....(strike out whichever is not applicable)

And whereas the above bounder(a) .....(here in after called the claimant) claims to be entitled to the said sum and has made an application to the Board.

And whereas the claimant has satisfied the(e).....(sanctioning authority) that he/she is entitled to the afore said sum and whereas the Board desires to pay the aforesaid sum to the claimant but under the provisions of the Notification No.KEB/B4/1931/88-89 dated 20.2.1990. It is necessary that the claimant should first execute a bond with two sureties acceptable to the sanctioning authority to indemnify the Board against all claims to the amount so due as aforesaid in respect of the said(d)..... before the said sum can be paid to the claimant.

Now the condition of this bond is such that if after the payment has been made to the claimant, the claimant and the sureties shall, in case the Board employee/pensioner reappears on the scene and makes a claim against the Board with respect to the aforesaid sum of Rs..... and in case such a claim is established, refund to the Board the sum of ..... and shall otherwise indemnify and save the Board harmless from all liabilities in respect of the aforesaid sum and all costs incurred in consequence of any claim thereto. If no such claim is made or established, the above written bond or obligation shall be void but otherwise the same shall remain in full force and virtue.

In witness to the above written bond and the condition therefore, we.....and .....here under set our hands, this .....day of .....19....

Signed by the above named sureties:

Signed by the above named claimant in the presence of;

1.....

2.....

Accepted for and on behalf of the Board by .....(name and designation of the officer) directed or authorised in pursuance of Article 299(1) of the Constitution of India to accept the bond for and on behalf of the Board.

Name and Designation of the officer.

In the presence of .....

**Note :-** a) Full name of the claimant.

b) Relationship of the claimant to the Board employee/  
Pensioner

c) Full name of the sureties with name(s) of father(s)/  
husband(s) and place of residence.

d) Full name and designation of the Board employee.

e) Designation of the sanctioning authority.

## **CHAPTER - X**

### **RE-EMPLOYMENT OF PENSIONERS**

#### **SECTION - 'A'**

#### **GENERAL REGULATIONS**

##### **Declaration on Re-employment**

227. Deleted

##### **Commercial employment after retirement**

228. Deleted

229. For the purpose of this Regulation, employment under a co-operative society shall include the holding of any office, whether elective or otherwise, such as that of President, Chairman, Manager, Secretary, Treasurer, and the like by whatever name called in a society.

229. (A) The retired employees of the Board, irrespective of the cadre/group to which they belong shall not be permitted to appear before the appellate authorities of the Board as representatives on behalf of the consumers, in the appeal cases for a period of 4 years from the date of their retirement.

229. (B) The retired employees of the Board, irrespective of the cadre/group to which they belong shall not be permitted to participate actively in the labour contract and other type of works of the Board directly or indirectly for a period of 4 years from the date of their retirement.

##### **Re-employment after compensation / invalid pension**

230. There is no bar to the re-employment of a retired employee who has regained health after obtaining an invalid pension or if an employee is invalidated as being incapacitated for employment in a particular branch of the service, to his re-employment in some other branch of the service.

**Note:-** For Regulations regarding refund of gratuity, drawing pension and counting past service in such cases, see Regulation 232.



## Re-employment after superannuation and retiring pension

231. Pensioners in receipt of superannuation or retiring pension shall not ordinarily be re-employed in the Board service. In case of necessity, which should be on strong grounds, the Board may re-employ such pensioners or extend the term of their re-employment.

### SECTION - 'B'

#### CONDITIONS OF RE-EMPLOYMENT AFTER COMPENSATION OR INVALID PENSION

232. (a) An employee who has obtained compensation or invalid gratuity or pension and is re-employed in qualifying service, is entitled to count his former service along with the new service for future pension, if he elects to refund the gratuity and surrenders the pension, if any, from the date of re-employment.

**Note:-** Wherever death-cum-retirement gratuity had been received, its refund also is essential in addition to refund of service gratuity or surrender of pension.

- (b) If he does not elect to refund the gratuities and surrender the pension also, if any, his former service will not count for such pension, provided that his pension, if drawn, shall remain wholly or partly in abeyance if the sum total of the pension including pension equivalent of death-cum-retirement gratuity and the initial pay on re-employment shall not exceed the pay last drawn in the appointment from which he retired.

**Note:-** (1) This proviso will apply in all cases of re-employment whether in qualifying service or in non-qualifying service after obtaining Compensation/Invalid/Superannuation/Retiring gratuity or pension.

- (2) An employee counts his previous service under clause (a), if on re-employment his pension remains wholly in abeyance under the proviso to clause(b), and he refunds the death-cum-retirement gratuity, if received.

- (3) Once the amount of pay has been fixed in conformity with the above clauses, the employee shall be entitled to receive the benefits of increments in his time scale, or on promotion to another time-scale or post, without further corresponding reduction in pension, nor shall the amount of pension so fixed be varied during leave.
- (4) (i) The term 'Pension' in respect of previous service refers to the original amount of pension before any commutation.
- (ii) In the case of re-employed pensioner a portion of whose pension has been commuted before re-employment, the original amount of the pension should be taken into consideration in fixing the total receipts during re-employment or continued re-employment, and not merely the uncommuted pension.
- (iii) In the case of a re-employed pensioner whose pension is held wholly in abeyance during such re-employment and who commutes a portion of his pension during this period his pay during re-employment shall be reduced by the amount of pension commuted with effect from the date on which commutation becomes absolute in the case of a re-employed pensioner whose pension is held partly in abeyance during such re-employment and who, during this period, commutes a portion of his pension in excess of the portion actually drawn with effect from the date on which commutation becomes absolute, his pay during re-employment shall be reduced by an amount representing the difference between the portion of pension commuted and the portion of pension drawn until commutation.

233. (a) The intention to refund the gratuities and surrender the pension under Regulation 232 must be stated immediately on re-employment;

but refund of gratuities may be made by monthly instalments of one-third of the employee's pay. The right to count previous service does not revive till the whole amount is refunded.

- (b) If an employee does not, within three months from the date of his re-employment exercise the option conceded by Regulation 232 of ceasing to draw pension and or of refunding gratuities and counting his former service, he may not to do so thereafter without the special sanction of the Board.

234. If a re-employed pensioner retains his service gratuity or pension and death-cum-retirement gratuity under the provision of Regulation 232(b), the service gratuity or pension (as also the death-cum-retirement gratuity) admissible for his subsequent service is subject to the limitation that the amount of such service gratuity or the capital value of such pension together with the amount of death-cum-retirement gratuity shall not be greater than the difference between the amount of service gratuity or the value of pension together with the death-cum-retirement gratuity that would have been admissible if the two periods of his service were combined and the service gratuity or the value of pension together with the death-cum-retirement gratuity already received for the previous service. If the service gratuity or the value of pension together with the death-cum-retirement gratuity for subsequent service exceeds the limit referred to above the same shall be reduced to the extent of the excess.

### **SECTION - 'C'**

#### **CONDITIONS OF RE-EMPLOYMENT AFTER SUPERANNUATION/RETIRING PENSION**

235. (a) The pay to be allowed on re-employment is subject to the following conditions all of which must be satisfied:
- (i) Pay on re-employment plus pension and pension equivalent of death-cum-retirement gratuity or pension equivalent of service gratuity and death-cum-retirement gratuity should not exceed the

substantive pay in a permanent post drawn before recruitment or the officiating pay if drawn for not less than one year immediately prior to retirement.

**Note:-** (1) The personal pay granted to protect from loss of substantive/officiating pay due to revision of pay or to any reduction of substantive pay otherwise than as a disciplinary measure, or to the grant of stagnation increments should be treated as forming part of the substantive or officiating pay, as the case may be, of the employee concerned for the purpose of this Regulation.

(2) Deleted.

(3) In the case of Board employee who has officiated continuously in more than one post in different grades immediately prior to his retirement, the pay which he would have drawn in the post which would have been held by him for more than a year but for his promotion to a higher post or shall be taken as officiating pay for determining the pay admissible on re-employment.

(ii) Pay, i.e., gross pay minus pension (or pension equivalent of service gratuity) minus pension equivalent of death-cum-retirement gratuity on re-employment should not except with the special sanction of the Board, exceed the minimum of the time scale of the post in which the pensioner is re-employed.

(iii) Pay on re-employment plus pension or pension equivalent of service gratuity plus pension equivalent of death-cum-retirement gratuity should not exceed the maximum of the time-scale of the post in which the pensioner is re-employed.

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

(1) the total of pension (as in clause(iii) above) and pay on re-employment plus special pay is restricted to the substantive pay

last drawn or officiating pay last drawn where such officiating pay has been drawn for not less than one year immediately prior to retirement plus special pay last drawn, and

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

**Note:-** If any special pay is granted to an employee on re-employment without attaching it to the post, such special pay may be allowed to be drawn in addition to the pay fixed under this clause. If at the time of retirement the employee was in receipt of a special pay not attached to the post, such special pay or only such portion of it has been counted for purposes of pension, shall be taken into account in determining the pay last drawn prior to retirement provided such special pay was drawn continuously for at least one year before retirement.

- (b) Once the pay on re-employment is fixed as above, the employee shall be entitled to receive the benefits of increments even though the total of pension (or pension equivalent of service gratuity) plus pension equivalent of death-cum-retirement gratuity and pay, exceeds the substantive pay or (officiating pay or pay in a temporary post if he is re-employed in the same post) drawn before retirement; but it should not exceed the maximum of the time-scale of the post in which he is re-employed.
- (c) Increments accruing after re-employment should be based on the consolidated pay on re-employment plus pension (or pension equivalent of service gratuity) plus pension equivalent of death-cum-retirement gratuity.

**Note:-** In these Regulations 'pension' refers to original pension before any commutation.

## SECTION - 'D'

### SUPPLEMENTAL

236. The fixation of pay on re-employment of pensioners drawing part-time allowances may be regulated according to the principles enunciated in Regulation 235 and an employee may be permitted to retain his pension subject to the condition that his part-time allowance on re-employment plus pension does not exceed the pay at the time of retirement.
237. The foregoing Regulations will not be applicable to pensioners re-employed on contract, in whose case, the pay, allowances, etc., admissible on re-employment shall be governed entirely by the terms of contract fixed by the Board.