

CHAPTER XI

APPLICATIONS FOR AND SANCTION OF PENSIONS

Introductory.

238. (a) Questions affecting the pension or the pensionable service of an employee which, for their decision, depend on circumstances known at the time, shall be considered by the authorities concerned as soon as they arise.
- (b) Any question which for its decision depends on possible circumstances that may arise at a future date or on hypothetical conditions, may be raised or discussed as soon as the time for submission, of the formal application for pension under Regulation 239 begins.

Preliminary verification of Service

239. Every employee approaching the date of superannuation or retirement shall submit a formal application for pension in the form prescribed from time to time, 12 months in advance of such date. The application should be made to the authority competent to sanction the pension through the immediate superior.

Provided that an employee proceeding on leave preparatory to retirement in excess of one year shall submit the application at the time of proceeding on such leave.

240. (1) The head of the office / pay drawing officer should keep track of the due dates of retirement of group B and C and group D employees working under him, and as soon as he finds that an employee is due to retire within a period of 13 months, he should arrange to prepare a statement of history of services of the employee in the form prescribed in which all periods of suspension, etc., which are not reckoned as duty should be carefully recorded. He should thereafter get the same verified by a responsible subordinate with the service book of the employee. This work should not be put off till the employee has actually submitted his formal application for pension. In the case of group A employees,

part of whose service is in group B or C posts, the same procedure should be followed. If the entire service of such employees is in group A post, preliminary verification of their services will not be necessary.

- (2) The statement accompanied by the service book should then be forwarded to the Chief Controller of Accounts/Audit Officer concerned for verification and return with his certificate.
- (3) The Chief Controller of Accounts/Audit Officer will verify the statement with the service book as well as the records of the office and if there are any discrepancies, he will detail them and return the statement to the head of the office/pay drawing officer for rectification or certification. The head of the office/pay drawing officer shall be responsible to settle all such discrepancies to the satisfaction of the Chief Controller of Accounts/Audit Officer before the latter can allow the disputable period of service to count for pension.
- (4) If any part of service claimed requires further verification, reference should be made to the head of the office/pay drawing officer in which the employee is shown to have served during the period in doubt, unless the services in question have already been verified and a certificate of verification recorded in the service book.
- (5) After all points raised by the Chief Controller of Accounts/Audit Officer are attended to, the statement of the history of services should be retransmitted to him and on its return with his endorsement of verification, it should be preserved carefully till the prescribed date for preparing the pension application. While returning the statement with his certificate of verification, the Chief Controller of Accounts/Audit Officer will also endorse a copy of his memo to the controlling officer, wherever he is different from the head of office, for information.
- (6) If owing to oversight, or other reasons the statement of the history of services was not or could not be sent to Chief Controller of Accounts/Audit Officer 12 months in advance in any case, it should be sent to that officer as soon as practicable, provided there is an interval of at least 3 months between the date of its transmission, and the date of retirement

of the employee. Where the interval is less as also in the case of group A employees whose entire service is in group A and group B posts (vide clause (1)), the procedure prescribed in clause(7) should be followed.

- (7) The preparation of the pension application and accompanying documents should be taken up by the head of the office/pay drawing officer in the case of group D, C and group B employees when an employee is due to retire in a period of 3 months. The pension application form should first be filled in. If the services have already been got verified by the Audit officer i.e. history of services it will be the statement certified by the Audit officer with additional entries covering the residual period. Where preliminary verification has not been done; the form should be filled in from the service book or history of services of group A and group B officers, as the case may be. The form can then be written up partly from the service book or history of services and partly from the statement and other records.

The head of the office/controlling officer, preparing the pension application, should then certify on the application whether the character, conduct and past services of employee are such as to entitle him to the favourable consideration of Board. He shall also record there his own opinion whether service claimed has been established and should be admitted or not. The pension application should then be signed by him and sent to pension sanctioning authority unless he himself happens to be such an authority. If he himself be the pension sanctioning authority, he will proceed to record his orders on the pension application as provided in Regulation 241.

- (8) The following records should accompany the pension application:
- (a) Invalid Certificate if the claim is for invalid pension.
 - (b) Service book duly completed in the case of group B, C and group D employees.
 - (c) A copy of the pension application duly attested.

- (d) Two specimen signatures of the employee duly attested, (Two slips bearing the left-hand thumb or finger impressions in the case of employees who are illiterate and cannot sign their names).
- (e) Formal application of the pensioner for pension.
- (f) Three copies of the joint photograph of the employee with his wife.
- (g) The statement of family of employees vide Regulation 225.

Note:- The provisions of this clause shall apply mutatis mutandis to cases of employees retiring suddenly due to invalidment or other unforeseen reasons and to claims for death-cum-retirement gratuity and family pension preferred on the death of employees in service, vide Regulation 249.

241. The following authorities are competent to sanction pension as mentioned below:-

| Authority | In respect of |
|--|---|
| (i) Board | Chief Engineer, Electy., (General), All Chief Engineers & equivalent rank. |
| (ii) Chief Engineer, Electy.(General) | Superintending Engineers, Executive Engineers, Asst. Executive Engineers and equivalent rank. |
| (iii) Superintending Engineers(EI.) O & M Circle | Employees below the rank of Assistant Executive Engineers and Accounts Officers in the Circles |
| (iv) Chief Controller of Accounts | Controllers of Accounts, Deputy Controllers of Accounts, Accounts Officers and equivalent rank. |

Such authority will after due consideration of the facts of the case and having due regard to the provisions of Regulation 218, record on the pension

application its order as to whether the service of the employee has been satisfactory and is approved for the grant of full pension admissible under the Regulations, or whether the service was not thoroughly satisfactory and what deduction should, for that reason, be made from the full pension and / or gratuity admissible under the Regulations. It will then pass on the pension papers to the Chief Controller of Accounts for further action. Before doing so the pension sanctioning authority should obtain from the employee the declaration in terms of the note below Regulation 244 and enclose it to the pension application. In cases in which it may not be possible to obtain and send the said declaration along with the pension application, it should be sent to Chief Controller of Accounts, separately, atleast a fortnight before the date of retirement of the employee.

Note:- (1) There will be cases in which certain sums would be due to the Board from an employee at the time of his retirement, e.g., over issues of pay, allowances or leave salary, or admitted or obvious dues such as house rent, life insurance premia, outstanding balance of various advances etc. Unless these sums can be recovered from the death-cum-retirement gratuity authorities sanctioning pension should ensure that the outstanding sums are brought to the notice of the employee concerned with the least possible delay and that he is asked to pay up the amount which cannot be recovered from his gratuity before formally sanctioning the final pension.

(2) The power vested in the Board under this Regulation will be exercised by the Chairman for and on behalf of the Board.

242. (a) All authorities dealing with claims relating to gratuities/pension/family pension should realise that delay in their payment involves peculiar hardship to the persons concerned. The procedure of submission of the formal application for pension 12 months ahead is intended to enable a retired employee to draw his pension on the first due date and the death-cum-retirement gratuity or the gratuity on the date of retirement. In the case of claims arising from death or unforeseen retirements, it is

necessary that such cases should be processed on "top priority" basis in all offices so that the claims may be settled within a maximum period of 3 months from the date of death or retirement.

(b) To enable the Board to watch that these directions are complied with strictly at all levels, the following procedure is prescribed:-

(i) Every controlling officer should furnish to the Board on or before 28th February of each year, a return in the following form of all employees who are due to retire during the second financial year following:

(1) Name of the employee

(2) Designation.

(3) Office to which attached

(4) Date of birth

(5) Anticipated date of retirement

(6) Remarks as to how far the service records of the employees are clear and complete and where there are difficulties, such as, non-recovery, of pension contribution, frauds, or negligence under investigation, non-verifiable periods of service, etc., the steps taken to resolve the difficulties before the date on which the transmission of pension papers to the Chief Controller of Accounts /Audit Officer for preliminary verification of service falls due.

An abstract showing 12 monthly columns commencing from April of the following financial year should be appended to the above statement and in each monthly column therein the names of employees due to retire exactly 12 months should be entered citing the serial number of the entries in the main statement.

Note:- This statement with abstract is intended inter alia to enable the Board to watch the punctual transmission of pension papers to the Chief Controller of Accounts for preliminary verification and to issue such directions as

may be deemed necessary in cases where preliminary verification of pensionable services is likely to be delayed in the ordinary course.

- (ii) The controlling officer will thereafter be responsible for taking all steps necessary to ensure that the pension papers of all those whose names are forwarded to the Chief Controller of Accounts/Audit Officer for preliminary verification (except when it is unnecessary) in the same month.
- (iii) The fact of transmission of the pension papers for preliminary verification as prescribed above should also be reported to the Board in a quarterly return in the following form before the 10th of the month following each quarter:-

Return of pension papers sent to the Chief Controller of Accounts/Audit Officer for preliminary verification, for the quarter ending.....

- (1) Name of the employee
- (2) Designation.
- (3) Office to which attached.
- (4) Anticipated date of retirement.
- (5) Transmission of the pension papers to the Chief Controller of Accounts/Audit Officer for preliminary verification.
 - (a) Month in which due for transmission.
 - (b) Month of actual transmission.
- (6) Explanation for the delay in transmission of the papers and also for failure to transmit the papers for preliminary verification in cases overdue.
- (7) The stage at which verification stands.

Note:- The return should cover all cases that were shown as due for transmission to the Chief Controller of Accounts/Audit Officer during the three months period in the abstract appended to the annual return. In case of any omission or alterations, reasons should be furnished.

- (iv) The preliminary verification should normally be completed by the Chief Controller of Accounts/Audit Officer within a maximum period of 8 months. To ensure that there is no avoidable delay at that level also, the Chief Controller of Accounts/Audit Officer will send to the Board, a quarterly return, in the same form and by the same date, of pension papers sent to his office for preliminary verification which are pending in his office or administrative offices for one reason or other for over six months without completion of verification, indicating the reason also for the delay.
- (v) After preliminary verification is completed, the papers will be returned by the Audit Officer to the head of the office concerned with endorsement to that effect. The regular pension papers would thereafter have to be prepared and transmitted with all their accompaniments to the Chief Controller of Accounts through the competent pension sanctioning authority 2 clear months before the date of actual retirement. As any delay or neglect at that stage will render the time and trouble taken in getting the pensionable service preliminarily verified by the Audit Officer fruitless, heads of offices should take special steps to see that the final pension papers are arranged to be sent to the Chief Controller of Accounts punctually as prescribed above. The Board will view with severe displeasure the conduct of any officer who fails to comply with these instructions and thereby gives room for avoidable delay in the disbursement of pensions and gratuities.
- (vi) (a) To enable the Board to watch that the transmission of final pension papers are not delayed and also to see that cases where preliminary verification is unnecessary or could not be arranged as in the case of deaths, unforeseen retirements etc., the papers are

dealt with expeditiously in all the offices concerned, controlling officers shall submit to the Board monthly, before the 10th of the following month, a return of pension cases pending final disposal in the administrative offices in the following form:

Monthly return of pension and family pension cases transmitted or awaiting transmission to the chief controller of Accounts for payment authorisation

- (1) Name of the employee/deceased employee.
 - (2) Designation.
 - (3) Office to which attached.
 - (4) Date of retirement from service (anticipated or actual) or death.
 - (5) Whether the services had already been got verified by the Audit Officer in cases other than those of deaths or sudden retirements due to invalidation etc.,
 - (6) Date of transmission of the pension papers, etc., to the Chief Controller of Accounts in the final form.
 - (7) Explanation for the delay, if the pension papers have not been forwarded to the Chief Controller of Accounts, two clear months before retirement in cases of retirements on superannuation pension and even a month after the death/invalidation/retirement of an employee in other cases.
 - (8) Date of issue of payment authorisation by the Chief Controller of Accounts.
- (b) In this return all cases in which transmission of final pension papers to Chief Controller of Accounts for issue of payment authorisation for gratuity/pension/family pension, has fallen due, or has become overdue, should be included without omission so that it may be an exhaustive list of all cases where further delay would mean undeserved hardship to the claimants. A certificate that the return is complete in this respect should be endorsed thereon by the controlling officer. A name once

entered in this statement shall be repeated in the returns of subsequent months until payment authorisation is issued by the Chief Controller of Accounts and the fact is reported to the Board through this return.

Payment Authorisation

243. (1) On receipt of the final pension papers passed on to him under the provisions of Regulation 241, the Chief Controller of Accounts shall apply the requisite checks and record his enforcement in the pension application form showing the total periods of qualifying service which has been verified and accepted for the grant of pension or service gratuity, the amount of pension (or service gratuity) and death-cum-retirement gratuity admissible on the date from which or after which they are payable, etc. He shall thereafter prepare the pension payment order and /or payment authorisation order on the basis of the orders of the pension sanctioning authority and the enforcement and shall issue it. Where the employee is still in service, the order will be issued not more than a fortnight in advance of the date on which the employee is due to retire. The fact of issue of the payment orders shall be promptly reported to the pension sanctioning authority and the pension papers no longer required, returned to him. The application shall be retained for record in his office.

Note:- In regard to the procedure for dealing with claims for family pension, see Regulation 253.

(2) The Chief Controller of Accounts shall record briefly the reasons for disallowing any service claimed. Any other disallowances should be recorded in the enforcement with reasons therefor.

Note: The Chief Controller of Accounts should specify in the pension payment order, the monthly rate of dearness allowance also wherever admissible.

244. (1) Should the amount of pension granted be afterwards found to be in excess of that to which he/she is entitled under these Regulations he/she shall be called upon to refund such excess. For this purpose, the concerned shall be served with a notice by the pension sanctioning

authority / pay drawing officer requiring him/her to refund the excess payments within a period of two months from the date of receipt by him/her of the notice. On his/her failure to comply with the notice, the pension sanctioning authority/pay drawing officer shall order that such excess payments shall be adjusted by short payments of pension in future, in one or more instalments, according to its discretion.

Note:- For the purpose of this Regulation, a declaration in the form appended as below shall be obtained from the retiring employee by the authority sanctioning pension, before the pension is sanctioned.

Whereas the _____ (here state the designation of the officer sanctioning the pension/service gratuity/death-cum-retirement gratuity) has consented to grant me the sum of Rs..... per month as the amount of my pension / family pension with effect from _____ and /or the sum of Rs. _____ as the amount of my gratuity/death-cum-retirement gratuity, I hereby acknowledge that in accepting the said amount(s) I fully understand that the pension / family pension / service gratuity/ death-cum-retirement gratuity is subject to revision on the same being found to be in excess of that to which I am entitled under the Regulations and I promise to bear no objection to such revision. I further promise to refund any amount paid to me in excess of that to which I may be eventually found entitled.

.....
Signature of the employee.

(1) Signature.

Address and occupation of witness.

(2) Signature

Address and occupation of witness.

The declaration should be witnessed by two persons of respectability in the town village or taluk in which the applicant resides.

- (2) (a) In all cases where final pension papers are sent to the Chief Controller of Accounts before the date of retirement under the provisions of Regulation 240, a portion of qualifying service at the end would remain unverified at the time of issue of pension payment order by that officer. In such cases he will authorise the pension provisionally, in the first instance.
- (b) If after the pension application has been forwarded to the Chief Controller of Accounts, any event occurs which has a bearing on the amount of pension admissible, the fact shall be promptly reported to him by the pension sanctioning authority. If no such event has occurred, a report to that effect together with a certificate as to the satisfactory nature of the service rendered by the employee after the pension application was forwarded shall be sent to the Chief Controller of Accounts within a week from the date on which the employee retires. At the same time, details of any Board dues outstanding against the employee, and the steps taken to safeguard the interest of the Board in this behalf shall also be intimated to him.
- (3) In cases where a notification regarding grant of leave preparatory to retirement to employee has been issued, a further notification that the employee actually retired on the expiry of such leave shall not be necessary unless the leave is curtailed and the retirement is for any reason ante-dated or postponed.

Special Cases

245. (a) If, in any case, any interpretation of the Regulations is involved, or if any indulgence not provided for by the Regulations is proposed, the pension sanctioning authority should submit the case, with his opinion and recommendation to the Board.
- (b) Until the orders of the Board are received, a recommendation for any special indulgence should never be communicated directly or indirectly, to the employee concerned.

- (c) An application in the prescribed form should accompany every special recommendation made under this Regulation.

Arbitrary Pension

246. When special circumstances appear to justify a departure from the regulations laid down regarding ordinary pensions, the Board may grant arbitrarily a fixed sum rather than any exact proportion of the amount to which the Regulations may afford a claim.

Anticipatory Pension

247. (a) (i) When an employee is likely to retire before his pension and death-cum-retirement gratuity can be finally assessed and settled, the pension sanctioning authority shall, pending such assessment and settlement, sanction/authorise the disbursement to the employee of an anticipatory pension and not more than three-fourths of the amount of death-cum-retirement gratuity to which after the most careful summary investigation that he can make without delay, he believes the employee to be entitled.
- (ii) Where an employee so retiring is entitled to service gratuity only, the pension sanctioning authority/Chief Controller of Accounts may, pending its final assessment and settlement, sanction/authorise the disbursement to the employee of not more than three-fourths of the amount of such gratuity along with similar proportion of death-cum-retirement gratuity to which, after the most careful summary investigation that he can make without delay, he believes the employee to be entitled.
- (iii) The payment of anticipatory pension or service gratuity and death-cum-retirement gratuity should be so arranged that it is not delayed beyond the first working day of the month following that in which the employee is due to retire.
- (b) In the event of death of an employee while in service if a delay of more than three months from the date of preference of claim be anticipated for the final assessment and settlement of the death-cum-

retirement gratuity payable to the nominee(s) or member(s) of the family of the deceased employee, the Chief Controller of Accounts may, pending final assessment and settlement of the claim authorise the disbursement, to such nominee(s) or member(s) of the deceased's family, of an amount not exceeding three-fourths of the amount of death-cum-retirement gratuity to which after the most careful summary investigation that he can take without delay, he believes the claimants to be entitled. Such advance payments should be arranged not later than one month from the date of receipt of gratuity papers in the concerned office. See also Regulations 215 to 220.

(c) If on completion of the detailed investigation and enquiries if any, the pension (or service gratuity) and/or death-cum-retirement gratuity disbursed under sub-regulations (a) and (b) above be found to be in excess of those admissible under the Regulations, the pensioner or the claimant(s), as the case may be shall be, called upon to refund the excess from the pension or other claims payable to them.

(d) Production of Last pay certificate is not necessary for the disbursement of anticipatory pension/service gratuity, anticipatory death-cum-retirement gratuity, and commuted value based on anticipatory pension. To enable the Chief Controller of Accounts to know the date from which the anticipatory payments should commence, a communication, as contemplated in clause(3) of Regulation 244, should be sent to him.

248. In order that the Chief Controller of Accounts may discharge the responsibility thus entrusted to him, the authority competent to sanction pension, if he sees reason to believe that the pension or service gratuity and the death-cum-retirement gratuity of an employee cannot possibly be settled by the date on which the employee is due to retire, or that the settlement of the death-cum-retirement gratuity claim of the nominee(s) or the member(s) of the family of a deceased employee involves delay exceeding 3 months, shall furnish to the Chief Controller of Accounts without loss of time, the fullest information regarding the employee's service and the probable amount of service gratuity/pension and/or death-cum-retirement gratuity due, unless

the pension and other papers containing such information are already in the possession of the Chief Controller of Accounts. This information is to be furnished in anticipation of the regular investigation required by the Regulations, which should on no account, be delayed.

**Settlement of Death-cum-Retirement Gratuity
claims of nominees / family members of deceased employee.**

249. The following procedure shall be followed for payment of death-cum-retirement gratuity to the nominee(s) or member(s) of the families of employees who dies while in service.

- (a) Where a deceased employee had executed a nomination and that nomination subsists, the head of office/pay drawing officer or the controlling officer shall on receipt of the report of the death of the employee, draw up the particulars of the deceased employee and the statement of services rendered by him in the pension application, as per Regulation 240(7). If an application for gratuity, has not already been received from the nominee(s) of the deceased, he shall immediately call for it.
- (b) Where a deceased employee had not executed a nomination or the nomination executed by him does not subsist, the gratuity is payable only in the manner indicated in Regulation 220. In such cases, the head of the office/pay drawing officer or the controlling officer need draw up the particulars of the deceased employee and the statement of services rendered by him in the pension application, only on receipt of the application, for gratuity from or on behalf of the persons entitled to receive the gratuity.
- (c) Pension application containing the particulars of the deceased employee the statement of services rendered by him, and also the orders or the pension sanctioning authority, the application for gratuity, and other relevant documents including the nomination form will be forwarded to the Audit Officer/Chief Controller of Accounts who, after applying the requisite checks and recording the audit enfacement, will authorise payment of the amount of gratuity on the authority of the sanction already recorded by the pension sanctioning authority on the application.

250. When a person, who was entitled to receive death-cum-retirement gratuity on the date of death of an employee while in service, dies before getting the payment, the following procedure will apply:

The eligibility of a person to receive the death-cum-retirement gratuity, or a share of it, on behalf of a deceased employee should be determined with reference to the facts as they stood on the date of death of an employee and any subsequent event (e.g., re-marriage of a widow, marriage of an unmarried daughter, sister, etc.) will not affect the entitlement. If, however, a person who was entitled to receive death-cum-retirement gratuity on the date of death of an employee dies before receiving the payment, the amount or share of the gratuity should be redistributed in the manner indicated below:

- (a) In cases of no nomination, the amount or share of the gratuity admissible to the person concerned should be distributed in equal shares among the surviving eligible members of the family of the deceased employee.
- (b) If the person concerned was a nominee the right to the amount or share of death-cum-retirement gratuity will pass on to the alternate nominee(s). In case there is no alternate nominee, the amount or share of gratuity should be paid in equal shares to the co-nominees of the person concerned, if any, and failing that it should be distributed in equal shares among the surviving eligible members of the family of the deceased employee as in (a) above.

251. Where death-cum-retirement gratuity is payable to a minor, the following procedure should be adopted:

- (a) When no valid nomination subsists:
 - (i) If there is no surviving parent or the surviving parent is a muslim lady, payment of death-cum-retirement gratuity to the extent of Rs.3,000 (or the first Rs.3,000 where the amount payable exceeds Rs.3,000) may be made to the minor's guardian, without the production of a formal guardian ship certificate but subject to the production of an indemnity bond with suitable sureties to the satisfaction of the head of the Office/pay drawing officer or the

controlling officer. The balance in excess of Rs.3,000, if any, shall be payable on the production of a certificate of guardianship.

Note: (i) The officer sanctioning payment under this sub-regulation should also require the person, who comes forward to claim payment on behalf of the minor to satisfy him by an affidavit that he is incharge of the property of the minor and is looking after it, or that if the minor has no property other than the gratuity, the minor is in his custody and care.

(ii) When a share is payable to widowed minor daughter(s), production of a guardianship certificate would be necessary.

(iii) If, in a rare case, the wife her self happens to be a minor, the death-cum-retirement gratuity payable to her shall be paid to the person producing the guardianship certificate.

(iv) Where there are no surviving members of the family as at serial no.(i), (ii), (iii) and (iv) of sub-regulation(2) of Regulation 226, and the death-cum-retirement gratuity becomes payable to a minor brother or a minor unmarried sister, the payment should be made to the father, or in his absence, the mother of the beneficiary except in a case where the mother happens to be a muslim lady. In this case too, if there is no surviving parent, or the surviving parent happens to be a muslim lady, the payment will have to be made to the person producing the guardianship certificate. If any share is payable to a widowed minor sister the production of guardianship certificate would be necessary.

(b) Where a valid nomination subsists:

(i) Where the nomination is in respect of one or more members of the family, the procedure laid down in clause(a) to this Regulation shall apply.

Where there is no family, the nomination in favour of an illegitimate child, a married daughter or a married sister shall also be valid.

- (ii) If the nominee is an illegitimate child, its share will be payable to the mother, and, in her absence the production of a guardianship certificate would be necessary. If the share is payable to a married minor girl, the share will be payable to the husband.

Note:-(1) The term 'surviving parent' used in this Regulation does not include surviving 'step mother'.

252. Deleted.

FAMILY PENSION

Cases of Death While in Service

253. (a) On receipt of information of the death of an employee while in service, unless a regular application from the claimant is received by the head of the office/pay drawing officer or the controlling officer, if he is satisfied that the deceased had put in not less than one year's qualifying service, should send to the would-be claimant (based on the information contained in the statement furnished by the deceased employee under Regulation 225), a form of application for family pension and death-cum-retirement gratuity with instructions to return the same duly filled in accompanied by the following documents:

- (i) death certificate in original
- (ii) two copies of passport size photographs of the claimant(s).
- (iii) guardian certificate where pension is payable to the legal guardian on behalf of the minor children.

Note:- If a family pension is payable to a minor, it shall be paid to a surviving parent, except in the case where the surviving parent happens to be a muslim lady, without insisting upon the production of a guardianship certificate from a Court of Law, where however, there is no surviving

parent, it shall be paid to a guardian appointed by the Deputy Commissioner of the District in which the minor pensioner is residing. But where the surviving parent happens to be Muslim lady, payment shall be made to the person producing a Guardianship Certificate obtained from a competent Court of Law. In such cases, a descriptive roll (in duplicate) of the person who may be authorised to receive payment should accompany the application.

The payment to the guardian appointed by the Deputy Commissioner shall be made subject to the production of an indemnity bond by such guardian with suitable sureties to the satisfaction of the sanctioning authority and after solvency of the guardian and/or sureties is verified by the Deputy Commissioner once a year during the period of the payment.

- (b) On receipt of the application with the aforesaid documents, the head of the office/pay drawing officer, or the Controlling Officer; as the case may be, should determine the amount of family pension admissible under Regulation 221 or 221(aa) and, unless he himself is competent to sanction it, send the application with the accompaniments, along with the service book in the case of group B, C or D employees, to the pension sanctioning authority for sanction of the pension.
- (c) Except in doubtful cases, the pension sanctioning authority will sanction the pension in application itself, and forward the papers to the Chief Controller of Accounts for issue of a pension payment order in favour of the beneficiary. Doubtful cases will be referred to the Board for orders.

Note:- (1) Death-cum-Retirement gratuity also is payable on the application for family pension. Action in that behalf will be taken simultaneously as laid down in Regulation 249.

- (2) When a family pension awarded under this Regulation ceases to be payable owing to the death/re-marriage/

attainment of majority of the beneficiary and the pension has to be awarded to another member of the family, the procedure laid down in Regulation 254(a), (c) and (d) will apply mutatis mutandis.

Cases of Death after retirement

254. (a) The pension payment order form provides for the admission of family pension to the widow/widower of the pensioner under the same order. For this purpose, family pension admissible would be mentioned in the pension payment order and the joint photograph of the pensioner with his/her spouse, duly attested by the controlling officer/head of the office/pay drawing officer/pension sanctioning authority, pasted on the pensioner's half of it. In such case, the drawing officer is authorised to start disbursement of family pension under the same order immediately on receipt, from the widow or widower, an application supported by the death certificate in original. He will at the same time forward the application with the death certificate to the chief controller of accounts for information and record
- (b) If the widow or widower is also dead and the family pension is payable to the minor children through their guardian, the guardian should make an application to the chief controller of accounts through the drawing officer. If so, requested the chief controller of accounts will send to him the application form. The application should be supported by three documents referred to in Regulation 253 (a) as also the pensioner's half of the pension payment order.
- (c) On receipt of the above, the chief controller of accounts will scrutinise the application with the statement(s) furnished by the deceased while in service, vide Regulation 225, (which would have been enclosed to the pension papers) and if found in order issue a fresh pension payment order in the name of the guardian fixing the period of its currency with reference to the age of the child entitled to the pension.
- (d) If any discrepancy be found during verification of the application with the statement(s) referred to above, or any clarification be necessary,

the Chief Controller of Accounts will forward the application, etc., to the pension sanctioning authority for needful action. On their return with the remarks/orders of that authority, the Chief Controller of Accounts will take such further actions as may be appropriate in the circumstances of the case.

Note:- (1) See Note (2) under Regulation 253(c).

255. The Chief Controller of Accounts will arrange payment of gratuities/pensions through such agency as the Board may approve by issuing letters of authorisation to them. In the case of a pension/family pension, such authority will be a pension payment order.

The gratuity shall be paid in a lumpsum on receipt of the authority from Chief Controller of Accounts and not in instalments.

CHAPTER - XII

COMMUTATION OF PENSION

256. (1) The Board or any subordinate authority to whom the power has been delegated, may sanction the commutation for a lump payment of a portion, not exceeding one-third, of any pension which has been or may be granted to any person under the Regulation.

Note:- (1) The portion of the pension to be commuted should not contain fraction of a rupee.

- (2) A retired employee who is paid "Anticipatory Pension" shall not be eligible for commutation of such anticipatory pension. However, after sanction of final pension, the declaration deemed to have been made shall be considered and the admissible commuted value as admissible on the date of commencement of pension shall be authorised by the Chief Controller of Accounts.

- (2) A retired employee against whom a departmental enquiry or judicial proceeding is pending shall not be allowed the benefit of commutation of pension till such time he is sanctioned final pension after the conclusion of the enquiry or proceeding, as the case may be. In such a case, the declaration or deemed declaration shall be considered after the conclusion of the enquiry/proceeding and the commuted value as admissible from the date of commencement of pension shall be authorised by the Chief Controller of Accounts.

- (3) Notwithstanding anything contained in sub-regulation(1) the authority competent to sanction pension may at its discretion, refuse commutation of pension in the case of a pensioner who has been guilty of grave misconduct which in his opinion would have justified the reduction of the pension under the provisions of Regulations.

Note:- The privilege of commutation will not be permissible in respect of amounts granted as compassionate allowances.

257. Deleted.

258. (1) Every employee retiring is required to declare his intention or otherwise of commuting a portion of pension not exceeding one third thereof, from the date from which pension commences. The declaration shall be made in the proforma appended to this Regulation and should accompany the application for pension.
- (2) In cases where applications for pension are not accompanied by such a declaration for commutation of pension the Chief Controller of Accounts will presume that the retired employee has opted for maximum commutation permissible according to Regulations and act accordingly.
- (3) The declaration given or deemed to have been given with reference to above mentioned sub-regulations shall be final and shall not be allowed to be changed thereafter. A retired employee who has declared his intention to commute a portion of pension less than one-third, also shall not be allowed any further commutation thereafter.
- (4) A retired employee who has specifically indicated in the declaration his intention to forego commutation shall not be entitled to any further commutation thereafter.
- (5) A retired employee who in the declaration has opted to commute a portion of pension exceeding one-third thereof, shall be entitled to commute only one-third of the pension and the Chief Controller of Accounts shall act accordingly.
- (6) No separate sanction is necessary for the authorisation of commuted value of pension under the provisions of these Regulations. The Chief Controller of Accounts shall authorise the commuted value of pension along with the final pension.
- (7) Reduction in monthly pension on account of commutation under the provisions of this Regulation shall be operative from the date of receipt of commuted value by the pensioner or three months after the issue of the authority.
- (8) In the case of a retired employee who has become entitled to the commutation of pension under the provision of this Regulation and who dies before receipt of the commuted value, the amount shall be paid to the heirs of the deceased.

DECLARATION

I.....(name & designation) hereby declare my intention to commute.....(indicate the portion of pension) of my pension in accordance with the provisions of Board order NO.KEB/B16/3842/84-85 dated 30th November 1984.

OR

I.....(name & designation) hereby declare my intention not to commute any part/portion of my pension.

(score out whichever is not applicable)

Place:

Signature of the employee.

Date:

Restoration of commuted portion of pension

- (9) As an act of grace, the commuted portion of the pension shall be restored after 15 years from the date of commutation. This is applicable to all the existing pensioners who have commuted their pension before 1st July 1986 as well as to those retiring on or after 1st July 1986. However, the pensioners who have already commuted a portion of their pension before 11.12.1987 are permitted to get the benefit of restoration of commuted portion of pension after 14 years from the date of commutation or on attaining the age of 70 years, whichever is later, if it is advantageous to them.

259. The lumpsum payable on commutation shall be calculated in accordance with the table of present value. For the purpose of this Regulation, the age in the case of impaired lives shall be assumed to be such age, not being less than the actual age, payment shall be made in accordance with the commutation table.

COMMUTATION TABLE

| Age next birth day | Commutation value expressed as number of years purchased | Age next birth day | Commutation value expressed as number of years purchased | Age next birth day | Commutation value expressed as number of years purchased |
|--------------------|--|--------------------|--|--------------------|--|
| 17 | 19.28 | 40 | 15.87 | 63 | 9.15 |
| 18 | 19.20 | 41 | 15.64 | 64 | 8.82 |
| 19 | 19.11 | 42 | 15.40 | 65 | 8.50 |
| 20 | 19.01 | 43 | 15.15 | 66 | 8.17 |
| 21 | 18.91 | 44 | 14.90 | 67 | 7.85 |
| 22 | 18.81 | 45 | 16.64 | 68 | 7.53 |
| 23 | 18.70 | 46 | 14.37 | 69 | 7.22 |
| 24 | 18.59 | 47 | 14.10 | 70 | 6.91 |
| 25 | 18.47 | 48 | 13.82 | 71 | 6.60 |
| 26 | 18.34 | 49 | 13.54 | 72 | 6.30 |
| 27 | 18.21 | 50 | 13.25 | 73 | 6.01 |
| 28 | 18.07 | 51 | 12.95 | 74 | 5.72 |
| 29 | 17.93 | 52 | 12.66 | 75 | 5.44 |
| 30 | 17.78 | 53 | 12.35 | 76 | 5.17 |
| 31 | 17.62 | 54 | 12.05 | 77 | 4.90 |
| 32 | 17.46 | 55 | 11.73 | 78 | 4.65 |
| 33 | 17.29 | 56 | 11.42 | 79 | 4.40 |
| 34 | 17.11 | 57 | 11.10 | 80 | 4.17 |
| 35 | 16.92 | 58 | 10.78 | 81 | 3.94 |
| 36 | 16.72 | 59 | 10.46 | 82 | 3.72 |
| 37 | 16.52 | 60 | 10.13 | 83 | 3.52 |
| 38 | 16.31 | 61 | 9.81 | 84 | 3.32 |
| 39 | 16.09 | 62 | 9.48 | 85 | 3.13 |

260. The lumpsum shall be payable at the office at which the pension is being or is to be drawn.

261. Deleted

262. Deleted

CHAPTER XIII

EXTRAORDINARY PENSION

263 to 274 - Repealed

CHAPTER XIV

MAINTENANCE OF RECORDS OF SERVICE

General

275. (1) A record of the service of each group A employee called "History of services" of group A employees shall be maintained by the Financial Adviser and Chief Accounts Officer. When a group B employee is placed in charge of a group A post, his service book should be kept by the head of the office to which he permanently belongs, but when he is promoted on officiating basis in such a post his service book should be forwarded to the Financial Adviser and Chief Accounts Officer for record.
- (2) A record of the service of each group B, C or group D employee shall be maintained in a Service Book by the head of the Office.

Note: In the following Regulations 'head of office' includes an officer in group A cadre attached to such office functioning on behalf of the head of office in such matters.

Service Book of Group B, C and Group D Employees

276. A service book is opened for every employee on his first appointment, Entries shall be made there in commencing with the date of his first appointment to the Board service. (whether permanent, temporary, or officiating) It must be kept in the custody of the head of office in which the employee is serving, and transferred with him from office to office.
277. (a) In the service book, every step in an employees official life, (including temporary and officiating promotions of all kinds, the date on which the period of probation is satisfactorily completed, increments and transfer and leave of absence taken), should be regularly and

concurrently recorded, each entry being duly verified with reference to departmental orders, pay bills and leave statements and attested by the head of the office. If the employee is himself the head of an office the attestation should be made by his immediate superior.

- (b) There should be no erasure or over writing in the service book. All corrections should be neatly made and attested by the head of office.

Note:- Every entry in the leave account also should be attested.

278. (a) The date of birth should be verified with reference to documentary evidence and a certificate recorded to that effect stating the nature of the document relied on as follows:

- (i) an authenticated extract from the Birth or Baptismal Register;
- (ii) an original record of the school or college, or authenticated copy or extract of the entries made in school or college records in support of the date of birth. Among the school or college records so produced, the secondary school leaving certificate should invariably produced in the case of employees who have taken that examination.

(iii) deleted

b) Deleted

c) Deleted

- d) When once an entry of age or date of birth has been made in a service book, no alteration of the entry should afterwards be allowed, unless it is known that the entry was due to want of care on the part of some person other than the individual in question, or is an obvious clerical error. Cases in which the correctness of the original entry is questioned on other grounds should be referred to the Board.

279. When an employee is reduced, to a lower post, dismissed or removed from service, or suspended from employment, or subjected to any other penalty, the reason for the reduction, dismissal, removal or suspension or other penalty as the case may be, should always be briefly, stated thus:-

“Reduced for inefficiency”, “Reduced owing to revision of establishment” etc. copies of all orders regarding reduction, dismissal, removal, suspension or other penalty should be recorded and filed along with the service book.

280. In cases where employees are reinstated in service, after suspension, compulsory retirement, removal or dismissal from service specific declaration as to how the period of their absence from duty or the period of suspension should be treated should be recorded in the service book and attested by the head of the office, quoting reference to the order of the competent authority.
281. Non pensionable service should be distinctly shown in the service book. When an employee is transferred from non pensionable establishment to pensionable establishment, the total service in the non pensionable establishment and the portion of the service, if any, that will be allowed to count for pension should be ascertained and recorded in the service book citing the authority.
282. When employees exercise their option in respect of scales of pay, leave, pension or other regulations regulating the conditions of their service, the fact should be recorded in the service book, the originals being carefully filed along with the service books for future reference.
283. Finger prints of the employees should be recorded in the column “Personal marks of identification” in the service book itself in the case of employees who are not literate.
284. Every employee should also watch that his service book is properly kept up, in accordance with these Regulations. If the book is not so kept up, difficulties may arise for verification of service, when the employee applies for pension. The head of the office will, therefore, allow the employee to examine his service book, if the employee desires to do so but not oftener than once a quarter. Such scrutiny of service book, by the employee concerned must always be made in the presence of a responsible official. As a token of scrutiny and acceptance of the entries in the service book the employee should sign his name in the service book. This scrutiny and signature by the employee should be arranged for at least once in five years.

285. When a group B, C or group D employee is transferred, whether permanently or temporarily from one office to another, the necessary entry of the nature and reason of the transfer should be made in service book in the office from which the employee is transferred and the book, after being duly verified upto date and attested by the head of that office, should be transmitted to the head of the office to which the employee has been transferred who will hence forward have the book maintained in his office. If the head of the latter office should find any error or omission in the book on receipt, he should return it to the forwarding officer for the purpose of having the error rectified, or the omission supplied, before the book is taken over by him. The service book should not be made over to the employee on transfer nor should it be given to him when proceeding on leave.

286. If a group B, C or group D employee is transferred to foreign service the head of the office should send his service book to the Financial Adviser & Chief Accounts Officer who will hence forth maintain it and record all necessary entries until the date of repatriation and then return to the concerned head of the office.

Note:- (1) No entries made in the service book of an employee on foreign service can be attested by any officer except the Financial Adviser and Chief Accounts Officer.

(2) The fact of recover of leave and pension contribution will be recorded in the service book, by the Financial Adviser and Chief Accounts Officer.

287. (1) The service book should not be returned to the employee on retirement, resignation or discharge from Service.

Note: (1) If an employee requests for a certified copy of the service book on quitting Board service by retirement, discharge or resignation, the xerox copy of the same may be supplied to him/her on payment of copying fee of Rs.20/-(Rs. twenty only).

(2) Where an employee has resigned from Board service, his service book shall be preserved for a period of 5 years

from the date of resignation or in the event of death with in the period of 5 years, the service book shall be retained for a period of six months from the date of death.

(3) Where an employee has been retrenched / removed / dismissed from Board service, the service book shall be preserved for a period of 5 years, if no case is pending before any court. If there is a case before any court, the service book shall be preserved for a period of 3 years after the final judgement under the normal course of law i.e. the last judgement of the highest court as established by the law where the court has upheld the boards decision to retrench / remove / dismiss thte board employee.

(4) Where the employee has retired/dies while in service of the Board, the service book shall be preserved for a period of 25 years from the date of retirement/death.

(2) When the service of an employee is terminated by removal or dismissal, his service book should be retained for a period of five years or until the employee's death, whichever is earlier after which it will be destroyed. A similar procedure should be followed in the case of an employee whose probation is terminated. The head of the office in which he was last employed should retain the service book in such cases.

(3) The service book of an employee who has been dismissed, removed or compulsorily retired and who is afterwards reinstated should on requisition be returned to the head of the office in which he is re-employed.

(4) A similar course should be adopted when an employee has been discharged without fault or resigns and is subsequently re-employed.

288. Deleted

289. (a) The head of every office will be responsible to see that the service books of employees serving under him are kept posted up to date. The service book should be taken up for verification once a year by him and after satisfying himself that the service of each employee are correctly

recorded in the service book in conformity with these Regulations, he should record therein a certificate as follows under attestation.

“Service verified upto-date from pay bills, acquittance rolls and similar records.” (to be specified by reference to which the verification was made)”

Note :- The annual verification is an important item of work and has to be done by the head of the office himself generally. In case where the number of service books to be handled in an office is very large (Viz. more than fifty), the verification may be delegated to one or more group A or group B employees, the number of service books to be examined by the head of the office himself being not less than five percent of total number of service books.

(b) The head of an office in recording the annual verification should in the case of any portion of service that cannot be verified from office records, distinctly note it as such and support it with a statement in writing by the employee, (vide Regulation 240(5)), which should be attached to the service book.

290. Heads of offices including controlling officers should furnish in their pay bills for each year a certificate to the effect that the service books of group B,C and D employees in their offices have been duly verified in accordance with the above Regulations.

291. Deleted.

History of service of group A employees

292. These are maintained in the office of the Financial Adviser and Chief Accounts Officer in a consolidated form and are written up more or less on similar lines as the service books excluding leave accounts which are maintained separately.

The History of services is printed once in 15 years.

CHAPTER XV

FOREIGN SERVICE

293. Transfer of an employee to foreign service requires the sanction of the Board in each case. No employee may be transferred to foreign service against his will.

Note:- For definition of "Foreign Service" see Regulation 9(22)

294. A copy of every order sanctioning an employee's transfer to foreign service, or an extension of the period of his foreign service, will be communicated to him and also to the Financial Adviser and Chief Accounts Officer by the Board. Every employee transferred to foreign service should make himself conversant with these Regulations and comply with them. No employee shall be allowed to plead ignorance of these Regulations as excuse for failure to observe any of the conditions of transfer.

The order of transfer and the agreement with the foreign employer should inter alia, embody specifically the points referred to below.

- (i) The employee shall also send a copy of report to the Financial Adviser and Chief Accounts Officer the date with time of all transfer of charge to which he is a party when proceeding on, while in, and on return from foreign service, and furnish to that officer from time to time, particulars, regarding his pay and allowances and the leave taken in foreign service, his postal address and any other information which that officer may require.
- (ii) The Foreign service allowance which an employee shall receive in foreign service must be precisely specified in the order sanctioning the transfer. If it is intended that he shall receive any remuneration, or enjoy any concession of pecuniary value in addition to such allowance, the exact nature of such remuneration or concession must be similarly specified. No employee will be permitted to receive any remuneration or enjoy any concession who is not so specified; and if the order is silent as to any particular remuneration or concession, it must be assumed that the intention is that it shall not be enjoyed.

Note:- The following two general principles shall be kept in view in sanctioning the remuneration or concession;

- a) the concessions to be granted to employee must not be such as to impose an unnecessarily heavy burden on the foreign employer;
- b) they must not be so greatly in excess of the remuneration, which the employee would receive in Board service, as to render foreign service appreciably more attractive than Board service; provided that if his transfer to foreign service involves the assumption of duties and responsibilities of far greater importance than those attached to his post in Board service, his emoluments, etc. in foreign service may be specially fixed with due regard both to his status and pay in Board service and to the nature of the work for which he is transferred.

Subject to the two principles referred to above, the Board may sanction the grant of the following concessions by the foreign employer. Such concessions will not be sanctioned as a matter of course, but in those cases only in which their grant is in accordance with the wishes of the foreign employer and is, in the opinion of the Board, justified by the circumstances. The value of the concessions must be taken into account in determining the appropriate rate of foreign service allowance for the employee in foreign service.

- (a) The payment of contribution towards leave salary and pension under these Regulations.
- (b) The grant of travelling allowance on tour under the Regulation of the Board or under the rules of the foreign employer and of permanent travelling allowance, conveyance allowances and allied allowance.
- (c) The use of transport on tour, provided that this is of permanent travelling allowance, conveyance allowance.

(d) The grant of free residential accommodation, which may be furnished, in case in which the Board considers this to be desirable on such scale as may seem proper to the Board.

(e) The use of motors & carriage.

The grant of any concession not specified above requires the special sanction of the Board.

(iii) An employee on transfer to foreign service involving change of station is entitled to travelling allowance wherever the foreign employers have framed travelling allowance Regulations for their own employees, the travelling allowance of Board employees transferred for service under such foreign employer should be governed by Regulations of foreign employer concerned in respect of journeys on transfer to and reversion from foreign service as also for journeys performed during the foreign service in connection with the affairs of the foreign employer. Where there are no travelling allowance Regulations framed by the foreign employer, the travelling allowance charges on transfer to and on reversion from foreign service would be borne by the foreign employer.

(iv) Any compensatory allowance (dearness allowance etc.) including the difference referred to in note to Regulation 301 for periods of leave taken by the employee while in or at the end of foreign service shall be borne by the foreign employer. In the case of an employee who is transferred to foreign service while on leave or where an employee avails leave immediately prior to joining service under the foreign employer after having been relieved from Board service, the expenditure in respect of compensatory allowance for the period of such leave shall be borne by Board.

This Regulation applies also to reimbursement of medical charges incurred by the employee while in foreign service, the title to the allowance as well as its quantum being determined with reference to Board Regulations.

(v) Liability for leave salary of the lent employee in respect of special

disability leave granted on account of a disability incurred in and through foreign service, shall devolve on the foreign employer even though such disability manifests itself after the termination of foreign service. The leave salary paid for the period of such leave shall be recoverable from the foreign employer, direct.

295. A transfer to foreign service is not admissible unless:-
- (a) the duties to be performed in foreign service are such as should, for public reasons, be rendered by a Board employee; and
 - (b) the employee transferred holds, at the time and is likely to hold for the period of foreign service, a post paid from the Board funds, whether permanent or officiating.

Note: (1) The tenure of foreign service of an employee shall be co-extensive with that of his service under the Board. If his employment under the Board terminates before the termination of the agreed term of foreign service due to unforeseen retirement, cessation of appointment, etc. the foreign service also shall be deemed to have been terminated simultaneously.

- 296 (a) An employee, transferred to foreign service remains subject to the general and disciplinary Regulations which would have applied to him as an employee of the Board, had he not been so transferred.
- (b) An employee transferred to foreign service shall remain in the cadre or cadres in which he was included in a substantive or officiating capacity immediately before his transfer, and may be given during the period of such service such substantive or officiating promotion in those cadres as he would have got, had he remained in Board service, subject to the provisions of Regulation 34.

Note:- (1) When appointed to officiate in a higher post in Board service under the provisions of Regulation 34, the employee in foreign service will be entitled to draw, in respect of the officiating post, only such pay as would have drawn had he not been on foreign service.

- (2) The increments of group C and group D Board employees may be drawn by the foreign employer after obtaining an increment certificate from the appropriate authority in the Board from which the employee proceeds on foreign service.

297. An employee in foreign service will be entitled to revert six months after he has given notice to the Board of his wish to revert, but the Board may allow him to revert earlier. An employee in foreign service is liable to be recalled by the Board at any time.

298. An employee in foreign service shall draw his pay and allowances from the foreign employer from the date on which he relinquishes charge of his post in Board service and shall cease to draw such pay and allowances from the employer. The contribution towards his pension and leave shall also cease, from the date on which he resumes or is deemed to have resumed charge of his post under the Board.

Note:- (1) In the case of an employee who proceeds on transfer from one foreign employer to another directly without reverting to Board service, the joining time availed of by him shall be treated as service under the second foreign employer.

(2) If an employee is transferred to foreign service while on leave he ceases to be on leave from the date of receipt of orders of such transfer.

(3) An employee reverts from foreign service to Board service on the date on which he resumes charge of his post or reports for duty in Board service, provided that if he proceeds on leave on the conclusion of foreign service, he shall be deemed to have resumed charge of his post in Board service on the date on which his leave commences.

299. (a) During the period of foreign service, the employee shall make arrangement for payment of contribution on account of pension and leave salary to the Board calculated at the rates fixed by the Board from time to time.

Note:- (1) The present rate of contribution is 11% and 12 ½% of the basic pay of an employee towards leave and pension respectively under the Board. The amount of contribution may be rounded off to the nearest rupee, fraction of a rupee equal to 50 paise or more being rounded off to the next rupee and fraction less than 50 paise being omitted.

(b) The contribution due for a month shall be remitted to the Financial Adviser and Chief Accounts Officer before the end of the following month. Interest of 7.5 per cent per annum shall be leviable on amounts of contributions overdue.

Note:- The Board may remit interest on overdue contributions in exceptional circumstances, where for instance, the payment of contribution was delayed through no fault of the employee or the foreign employer concerned.

300. The employee in foreign service will himself be responsible for the payment of the prescribed contribution towards pension and leave for the entire period of his service under the foreign employer, excluding the period of leave taken in such service.

Note:- The foreign employer may, if he chooses, pay the contribution himself on behalf of the employee. This will not however absolve the employee from the responsibility from such payment.

301. In return for the contribution, the Board accepts liability for pension and leave salary of the employee in respect of the period of his foreign service, as if he had not been transferred to such service.

Note:- The difference if any, between the leave salary, etc., admissible based on emoluments drawn in foreign service and that admissible based on the pay under the Board will be paid by the foreign employer.

302. The Board may, at its discretion, remit the contribution due in any specified case or class of cases.

303. An employee transferred to foreign service is precluded from accepting any pension or gratuity from his foreign employer in respect of such service. He cannot be permitted to withhold contributions also on the ground that he is agreeable to forfeit his right to count as duty in Board service the time spent by him in foreign employ. Neither he nor the foreign employer has any right of property in the contributions paid. Accordingly, no claim for the refund of contributions paid can be entertained.

Note:- This Regulation does not apply to refund of contributions paid in excess erroneously.

304. (a) When the contribution falls into arrears, the Financial Adviser and Chief Accounts Officer should intimate the employee the arrears due with interest in accordance with Regulation 299. If the arrears are not paid within twelve months of their accrual, with interest, the Financial Adviser and Chief Accounts Officer should issue to the employee a notice indicating the amount outstanding against him and warn him that failing remittance of that amount in full within three months from the date of such notice, he shall be deemed to have resigned the Board service.

(b) An employee who in contravention of Regulation 303 accepts pension or gratuity from the foreign employer shall also be deemed to have resigned the Board service.

305. An employee in foreign service shall be granted leave (other than leave preparatory to retirement) and paid leave salary therefor by his employer under intimation to the Board after determining the leave admissible to him. The leave account of the employee concerned for this purpose shall, henceforth be maintained by the foreign employer and the extracts of the leave accounts shall be supplied to him by the Financial Adviser & Chief Accounts Officer of the Board at the time of his transfer to foreign service. The amount of leave salary so paid by the foreign employer shall be reimbursed to him on receipt of half-yearly claims from the foreign employer

who will prefer and send the claims by 31st October and 30th April to the Financial Adviser and Chief Accounts Officer of the Board for the period from 1st April to 30th September and from 1st October to 31st March each year. These claims should be duly supported by the details of the Board employees on foreign service, nature and period of leave sanctioned and the rate and the amount of leave salary paid. The Financial Adviser and Chief Accounts Officer of the Board will verify the claims and arrange payment within a month from the date of receipt of such claims.

306. An employee in foreign service may not be granted leave other wise than in accordance with the Regulations in chapter VIII and he may not take leave, or receive leave salary from the Board unless he actually quits duty and goes on leave.

307. An employee on reversion from foreign service is entitled to resume the post, which he left on transfer to such service, or to which he has been promoted during the period of foreign service under the provisions of Regulation 34 or which he is entitled to by virtue of his position in the cadre in which he is borne. Subject to the provisions of Regulation 42(d) the period of foreign service counts for increments also.

CHAPTER XVI
TRAVELLING ALLOWANCE
SECTION - A
GENERAL REGULATIONS

Introductory

308. The Regulations in this chapter regulate the claims of travelling allowance of the employees for their journeys on tour as well as transfer and also on other occasions for which travelling allowance is payable.

Mode of Drawal

309. Travelling Allowance (other than conveyance allowance which is drawn in the pay bill form along with pay) should be drawn monthly soon after close of the month to which the journeys relate. Group A and group B employees draw their claims themselves in the prescribed bill form. In the case of group C and group D employees, the pay drawing officer draws them in a common bill as far as practicable.

309 (A) Every employee shall submit his travelling allowance bill in respect of tour / transfer for the month to the head of his office within one month of the close of the month in which the journey is performed; if the journey extends beyond any month, travelling allowance bill shall be submitted to the extent the journey/halt is completed on the last day of that month.

Failure to comply with the above provision shall cause forfeiture of the claim for travelling allowance, Revival of the claim can be considered only under special circumstances by the competent authority only before 3 months of close of the month of journey. Claims which are more than 3 months old are treated as lapsed finally and the Board shall not be liable to meet such claims, except for extraordinary reasons.

Note:- (1) When a journey is performed beyond the jurisdiction of the controlling officer/countersigning authority and the approval of competent authority is not received in time, the employee shall submit his travelling allowance bill

within the time stipulated, quoting the reference to orders of his controlling officer for such journey. It shall be the special responsibility of the controlling officer to obtain competent approval for such journeys well in time to avoid delay in payment of the claim for T.A.

The time limit of one month shall also apply to prefer supplemental claims and disallowances. The limit shall be counted from the date of receipt of objection/payment on original T.A. bills by the employee.

- (2) The Section Officer should also record in his T.A. bills for the month that he has prepared and submitted T.A. bills of his subordinates also for the month.

310. Unless countersignature has been specifically dispensed with in particular cases or class of cases, under the general or special orders of the Board, a bill for travelling allowance is payable only after it is countersigned by the controlling officer.

Controlling Officer

311. Save where otherwise, specified the superior officer or the drawer of the bill shall be the Controlling Officer provided he is a group A or group B employee. Otherwise, the next higher officer shall be the controlling officer.

Duties of Controlling Officers

312. It is the duty of the controlling officer or of the drawing officer when a bill does not require countersignature to scrutinise the necessity, frequency and duration of journeys or halts for which travelling allowance is claimed. He may disallow the whole or a portion of the travelling allowance claimable for any journey or halt, if he considers that the journey was unnecessary, or that it was not completed with due expedition, or that the halt was of excessive duration. He should also carefully scrutinise the distances entered in travelling allowance bills (especially in the case of journeys on tour), though they are also liable to examination by the drawing officer. The controlling/drawing officer is responsible for the correctness of the travelling allowance claims

passed by him. A controlling officer cannot delegate his duty of countersignature to his subordinates.

Duties of the officer incharge of Audit

313. Countersignature does not dispense with the necessity for audit with reference to rates, distances and general conditions. The officer incharge of audit will accept the countersignature by the controlling officer, or the signature of the drawing officer when a bill does not require countersignature, as final evidence that the facts of the journey on which the claim is founded are correct, and that the claim is admissible with reference to these Regulations and to any administrative instructions issued by the competent authorities.

It is the duty of the controlling or the drawing officer, as the case may be, and not of the officer incharge of audit to enforce administrative instructions, but the officer incharge of audit may point out any deviations that may appear to him to be deserving of notice.

SECTION - 'B' GENERAL CONDITIONS GOVERNING CLAIMS OF TRAVELLING ALLOWANCE

Classification of employees

314. For the purpose of travelling allowance employees will be classified into categories based on the pay actually drawn by them and with reference to the orders issued by the Board from time to time.

However, the classification of employees for the purpose of travelling allowance with effect from 1.4.1995 shall be as follows:-

| category | Pay range |
|-----------------|------------------------|
| I | Rs.4160 & above |
| II | Rs.2810/- to Rs.4159/- |
| III | Rs.2135/- to Rs.2809/- |
| IV | Below Rs.2135/- |

- Note:** (1) In the case of employees appointed on contract basis the term 'Pay' shall be deemed to include also the honorarium on fixed monthly rates.
- (2) An employee in transit from one post to another ranks in the lower of the two categories if his pay in the old and new posts differ.
- (3) An employee, whose whole time is not retained for the Board service or who is remunerated wholly or partly by fees, ranks in such category as the Board with due regard to the employee, specifically declare.
- (4) In the case of re-employed pensioners, pay for the purpose of the above classification will be the pay actually drawn, where pension is held in abeyance during the period of re-employment, and pay on re-employment plus pension not exceeding the maximum pay of the post, where the pension is allowed to be drawn in addition to pay. Pension means the original pension and includes the pensionary equivalent of death-cum-retirement gratuity, if any, drawn.
- (5) The payment of T.A. and D.A. in respect of journeys performed by the Government Pleaders/Assistant Government Pleaders, and Advocates in connection with Board duties shall be regulated at the rates applicable to category II employees of the Board.
- (6) The provisions contained in these Regulations, regulating travelling allowance shall apply to:-
- (a) The All India Service Officers serving under the Board.

(b) The employees of Central Government and the State Government who are serving under the Board on deputation basis.

Revision of travelling allowance claims

314 (a) No revision of claims of travelling allowance is permissible in cases where a Board employee is promoted or reverted or is granted an increased rate of pay with retrospective effect, in respect of the period intervening between the date of promotion or reversion or grant of increased rate of pay and the date on which it is notified, unless it is clear that there has been an actual change of duties.

Note:- The provision of this Regulation shall apply for the Regulation of payment of conveyance allowance also.

Minimum limit of distance for travelling allowance

315. No travelling allowance, other than a permanent monthly travelling allowance, is admissible for any day on which an employee does not reach a point or return there to from a point, exceeding eight kilometers from the prescribed point at his headquarters. But an employee travelling on duty within eight kilometers of such point at his headquarters is entitled to draw the actual amount spent by him in payment of ferry and other tolls, and bus fare or railway fare.

Note:- In cases where a village is less, in a straight line than eight kilometers from headquarters but more than eight kilometers by the only practicable route to it, travelling allowance may be admitted by that route. No travelling allowance is admissible for journeys exceeding eight kilometers in visiting several villages, none of which is more than eight kilometers from headquarters by ordinary direct route.

Prescribed route

316. (a) For the purpose of calculating travelling allowance, a journey between two stations shall be held to be performed by the shorter or the shortest of two or more practicable routes or by the cheaper or cheapest of such routes, provided that when there are alternative routes and the difference between them in point of time and cost does not exceed 10 per cent, meterage allowance may be calculated by the route actually used.

(b) The shortest route is that by which the traveller can most speedily reach his destination by the ordinary modes of travelling. In case of doubt, the competent authority will declare which shall be regarded as the shorter or shortest of two or more routes.

Note:- (1) The officers to whom the Board has delegated the powers under this Regulation are specified in the Manual of Financial Powers.

(2) Journeys between Bangalore and Bidar may be made via Hyderabad.

(c) The Board, or a subordinate authority empowered by the Board in this behalf, may for special reasons permit meterage allowance to be calculated by a route other than the shortest or the cheapest, provided that the journey is actually performed by such route.

317. Deleted.

Prescribed point at which Journey commences or ends.

318. A journey on transfer shall be held to begin or end at the actual residence of the employee concerned. Any other journey shall be held to begin or end in any station at the duty point in that station.

“Duty point” at the headquarters means a place or office where a employee remains on duty; that is, the place/office of an employment at the headquarters. As for, out station, the “duty point” shall be taken to be

place/office visited by the employee on duty. Where there are two or more such points at an out station, the following shall be taken as the duty point.

- (a) If the employee reaches that station by rail, steamer or air, the point which is farthest from the railway station, harbour (or jetty) or the airport as the case may be; and
- (b) If he reaches that station by road, the point that is farthest from the point where the journey to that, station commenced.

Note : Journey which does not extend beyond the municipal or other administrative limit of a station is not held to be a journey for the purpose of this Regulation.

Exception: Travelling allowance will be admissible for journey from Hubli to Dharwar and vice versa.

319. Deleted.

320. Unless, in any case, it be otherwise expressly provided in these Regulations, no employee is entitled to be provided with means of conveyance by or at the expenses of the Board, or to draw as travelling allowance the actual cost or part of the actual cost of travelling.

321. Except as provided in Regulations 338, 356 and 357 or by contract, an employee making a journey for any purpose is not entitled to recover from the Board the cost of transportation of his family or his personal luggage, conveyances, tents and camp equipage.

Supplemental

322. When special circumstances justify, the Board may, by general or special order, direct that the rates of daily and other allowances prescribed in the Regulations of this chapter be increased either in a definite ratio, or in any other suitable manner, for any or all employees, or for a particular class of them.

323. The headquarters of an employee shall be such place as the Board or a subordinate authority empowered in that behalf, may have prescribed. Such an authority may also define the jurisdiction of an employee.

324. An employee is deemed to be on tour when he is away from his headquarters on duty either within his jurisdiction or, with proper sanction, beyond his jurisdiction.

Note:- (1) If an airport is situated at a distance of more than 8 kilometers from an employee's headquarters and if the employee is directed to proceed to the airport to meet the visiting/departing minister, high official or non-official or distinguished foreign dignitary, or where a senior Board employee himself proceeds to meet him at the airport in order to discuss matters connected with his official work, the journeys to and from the airport can be treated as on duty. Claims for travelling allowance in respect of such journeys should be supported by a certificate from the respective controlling officers that the journeys were undertaken for official purposes and that a Board vehicle was not available for the use of the employee. Employees who are themselves controlling officers will record a similar certificate if they claim travelling allowance for such journeys.

Any such journey performed by an employee on his own initiative, essentially as an act of courtesy cannot be regarded as a journey on duty and the question of drawal of travelling allowance for such a journey does not arise.

(2) The above principles are applicable also to journeys undertaken by employees to railway stations to meet a minister or high official.

325. (a) An employee appointed as a Director of an autonomous organisation like Government commercial undertakings shall draw for journeys performed in connection with the affairs of any such organisation his travelling allowance under these Regulations from the Board. The allowance should not be drawn from the organisation. In his travelling allowance bill a certificate that he has not claimed or drawn any travelling allowance from the organisation shall be furnished by the employee.

Note:- If a journey is solely or mainly in connection with the affairs of such organisation, the expenditure on travelling allowance shall be reimbursible to the Board from the organisation in full, even though the employee performs other Board duties at the place of halt. Where a journey is not mainly in connection with the affairs of the organisation, the entire expenditure on travelling allowance of the employee will be borne by the Board.

The controlling officer shall be the sole judge for determining whether or not recovery should be made in such cases and he shall be responsible for preferring a claim for reimbursement, endorsing a copy of the claim to the drawing officer also to enable him to watch its recovery, and credit to Board funds as revenue.

(b) Employees attending meetings of the Board, meetings of councils, committees or other bodies constituted under the orders of the Board will be entitled to draw travelling allowance as for journeys on tour whether the allowances are paid from the Board, or other funds.

326. The Board or any subordinate controlling authority may impose such restrictions as it may deem fit upon the frequency and duration of journeys and halts to be made by an employee or any class of them.

SECTION - 'C'

TRAVELLING ALLOWANCE FOR JOURNEYS ON TOUR

I. Journey by Railway.

327 (A) Subject to the general conditions laid down in section 'B', the entitlement for railway accommodation of employees for journeys on tour shall be regulated as under:-

| Category to which the employee belongs | Entitlement |
|--|--|
| I } II } | I Class/A.C. Chair Car/ A.C. Two tier sleeper |
| III | I Class/A.C. Chair Car |
| IV | II Class sleeper |

Note:- (1) Deleted

- (2) Incidental charges shall be calculated for the entire period spent outside the headquarters whether on journey or on halt at the outstation, shall be reckoned for purpose of daily allowance.

The computation of daily allowance on tour shall begin when an employee actually leaves his headquarters and ends when he actually returns/reaches to the place in which his headquarters are situated whether he halts there or not.

- (3) Employees will be entitled to claim reimbursement of reservation charges if any, paid by them as part of railway fare. This will however, not include agency charges paid to travel agency, if accomodation is reserved through travel agency.

328. If a road Journey is performed between places connected by railway and the journey is not for purpose of inspection enroute, or for other public reasons, the employee's claim for travelling allowance shall be limited to actual bus fare paid for a seat in the public conveyance plus D.A. admissible as for a journey by rail by the class he is entitled to or to what he would have drawn had he performed that journey by railway in the class in which he is entitled to travel whichever is less.

Note:- (1) In the case of an employee entitled to travel in air-conditioned class, his travelling allowance by railway for this purpose shall be calculated on the basis of first class railway fare alone.

328 (A) When journey by road is permitted for inspection enroute or for emergency duties, road meterage will be allowed only for the forward

journey. Sanction of Board is necessary for claims of road meterage preferred both ways.

329. Wherever concessional rates are allowed by railway for return journeys, etc., the same should be availed of by the employees and their claim towards railway fare reduced accordingly.

330. Deleted.

331. Where, after an employee has purchased his railway ticket for an authorised journey on tour, the journey is cancelled either fully or partly, solely due to official reasons, the employee concerned should prefer to the appropriate railway authority, his claim for refund of cancellation charges on unused tickets (including A.c.c. tickets) duly supported by a certificate from the head of the office to the effect that the journey had to be cancelled solely due to official reasons. Where however, the employee himself is the head of the office, he may furnish such a certificate in his official capacity. The claim for refund preferred on the railway should be restricted to what it would be, had the employee booked and cancelled his journey by the shortest route.

The ordinary reservation fee in such cases will be reimbursed by the Board to employee concerned without waiting for the acceptance of his claim for refund of cancellation charges by the railway authorities.

II Journey by Road.

332. Travelling by road includes travelling by river otherwise than in a steamer, and travelling by canal.

333. Subject to the general conditions of the section 'B' the rates of road meterage admissible to Board employees in respect of road journeys in owned/hired/borrowed conveyance shall be as laid down under Regulation 333(A).