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Separate paging is given to this Part in order that it may be filed as a Separate Compilation.

### PART IV-B

**Rule and Orders (Other than those published in Part I, I-A and I-L) made by the Government of Gujarat under the Gujarat Acts.**

#### FINANCE DEPARTMENT

#### NOTIFICATION

**Sachivalaya, Gandhinagar.**

**Dated the, 15-11-2002**

#### *Constitution of India*

No. : GN-31-GCS/102001/332/CH In exercise of the powers conferred by the proviso to Article-309 of the Constitution of India, the Governor of Gujarat hereby makes the following rules, namely :-

#### CHAPTER - I – GENERAL

1. **Short Title and Commencement :** (1) These rules may be called the “**Gujarat Civil Services (General Conditions of Services) Rules” 2002.**
  - (2) They shall come into force on and from the date of their publication in the Official Gazette.
2. **Extent of application :** Except where it is otherwise expressly or impliedly provided, these rules shall apply to -
  - (a) all members of services and holders of posts whose conditions of service; the Government of Gujarat is competent to prescribe, **and**
  - (b) the person in respect of whose service conditions, pay and allowances and pension or any of them, special provision has been made under an agreement, in respect of any matter not covered by the provisions of such agreement.
3. **Right to Interpret :** If any question relating to the interpretation of these rules arises, it shall be referred to the State Government in Finance Department whose decision thereon shall be final.

4. **Power to Relax :** Where the Government is of opinion that the operation of any of these rules may cause undue hardship to any person or class of persons, it may, by written order, for reasons to be recorded in writing, relax the requirements of that rule to such extent and subject to such conditions as it may consider necessary for dealing with the case in a just and equitable manner :
- Provided** that no such order shall be made except with the prior concurrence of the Finance Department.
5. **Validity of terms of contract :** The terms and conditions of a specific contract enforceable at law entered into by the Government with any person relating to service shall prevail over the provisions of these rules.
6. **Regulation of claims to pay, allowances, leave :** A Government employee's claim to pay and allowances is regulated by the rules in force at the time in respect of which the pay and allowances are earned and claim to leave shall be regulated by the rules in force at the time the leave is applied for and granted, and which would have been admissible but for the introduction of such changes.
7. **Exercise and delegation of powers :** (1) The nature of powers specified in column 3 of **Appendix-I**, annexed to these rules shall be exercised by the authority specified in Column-4 to the extent specified in column 5 thereof.
- (2) Subject to the provision of sub-rule (1), the powers under these rules shall not be exercised or delegated except in consultation with the Finance Department.
- Provided** that the Finance Department may, by general or special order, specify the cases or class of cases in which it shall not be necessary to consult it.
8. **Reasons for concessions to be communicated to Audit Officer :** When a competent authority, to whom the powers are delegated under **Appendix-I** other than the Government, communicates to the Audit Officer an order granting concessions under these rules to any Government employee in cases in which it is directed that the reasons therefore should be recorded, it shall at the same time forward to audit officer a copy of reasons.

#### CHAPTER - II – DEFINITIONS

9. Unless the context otherwise requires -
- (1) **“Actual travelling expenses”** means the actual cost of transporting a Government employee with his domestic employees and personal luggage, including charges for ferry and other tolls, if paid, and for carriage of camp equipment, if necessary and does not include charges for accommodation in hotels and traveller's bungalows, or for refreshments, or for the carriage of stores or conveyances or for presents to drivers and like or any allowance for incidental losses or expenses such as the breakage of crockery, wear and tear of furniture, and the employment of additional domestic employees.
- (2) **“Allotment”** means grant of licence to a Government employee to occupy a residential accommodation owned, leased or requisitioned by Government or a portion thereof for his use as residence.
- (3) **“Annexure”** means annexure appended to these rules.
- (4) **“Appendix”** means appendix appended to these rules.
- (5) **“Appointing Authority”** means the authority which is competent to make

appointment to the service or post from which the Government employee seeks retirement.

- (6) **“Apprentice”** means a person deputed for training in a trade or business with a view to employment in Government service, who is paid at monthly rates by Government during such training but is not employed in or against a substantive vacancy in the cadre of a department.
- (7) **“Audit Officer”** means an Accounts Officer or Audit Officer appointed by the Comptroller and Auditor General of India whatever his official designation, in whose circle of audit a public servant is serving, or (in respect to verification of service) has served.
- (8) **“Cadre”** means the strength of a service or a part of a service sanctioned as a separate unit.
- (9) **“Camp Equipage”** means an apparatus for moving a camp.  
**Note :** This definition distinctly shows that nothing is meant except moving apparatus or "carriage" which can only include baggage-camels, pack bullocks, carts, (together with the coolies who carry camp equipment and necessary bullocks, or horses etc.) drivers of the bullocks etc., coolies who carry camp equipments, and possibly employees employed as tent pitchers, but does not include private or extra employees.
- (10) **“Camp Equipment”** means an apparatus for moving a camp and includes tents and the requisites for pitching and furnishing them, or, where tents are not carried, such articles of camp furniture as it may be necessary in the interests of public service for a Government employee to take with him on tour.
- (11) **“Class-IV service”** means service performed by a Government employee on a post classified as Class-IV services and such other unclassified Non-gazetted posts the maximum of the scale of which does not exceed Rs. 4000/-.  
*Note : This service has been defined as ‘Inferior Service’ under Clause (ii) of rule-2 of Gujarat Civil Services Classification and Recruitment (General) Rules, 1967.*
- (12) **“Compensatory Allowance”** means an allowance granted to meet personal expenditure necessitated by the special circumstances in which duty is performed and includes travelling allowance.
- (13) **“Competent Authority”** means in relation to the exercise of any power, means Government, or any authority to which the power is delegated by or under these rules.
- (14) **“Consolidated Fund of India or the State or the Union Territory”** All revenues received by the Government of India, all loans raised by that Government by the issue of treasury bills, loans or ways and means advances and all moneys received by that Government in repayment of loans shall form one consolidated fund to be entitled “the Consolidated Fund of India” and all revenues received by the Government of a State/ Union Territory, all loans raised by that Government/Union Territory by the issue of treasury bills, loans or ways and means advances and all moneys received by that Government/Union Territory in repayment of loans shall form one consolidated fund to be entitled “the Consolidated Fund of the State/Consolidated Fund of the Union Territory”.
- (15) **“Constitution”** means the Constitution of India.
- (16) **“Conveyance Allowance”** means an allowance granted to a Government employee, whose pay has not been fixed with special reference to the expenditure likely to be

incurred upon touring in the performance of his duties and whose duties involve an extraordinary amount of travelling within a limited area.

- (17) **“Date of first appointment”** means the date on which the Government employee assumes the duties of his first post in Government service, or, if this be earlier, the date of his assumption of any duty which is treated as service counting for pension.
- (18) **“Daily Allowance”** means an allowance granted to a Government employee for each day of his absence from headquarters, which is intended to cover the ordinary daily expenses incurred by a Government employee in consequence of such absence.
- (19) **“Day”** means the period beginning from a midnight and ending with the next midnight.
- (20) **“Death-cum-Retirement Gratuity”** means the gratuity payable under rule-81 of Gujarat Civil Services (Pension) Rules, 2002.
- (21) **“Director of Pension and Provident Fund”** means the Director of Pension and Provident Fund or any other officer for the time being authorised to discharge the duties and functions of or on his behalf and it includes District Assistant Examiner in respect of the sanction of the retirement benefits to Class-IV employees.
- (22) **“Disbursing Authority for Pension”** means (i) branch of a Nationalised Bank or (ii) treasury including sub-treasury, and pension payment office from where the retired Government employee is receiving pension authorised under the Gujarat Civil Services (Pension) Rules, 2002.
- (23) **“Duty”** Duty includes -
- (a) service as a probationer;
  - (b) joining time;
  - (c) a course of instructions or training authorised by or under the orders of Government;

**Note 1 :** The time reasonably required for the journeys between the place of training and the station from which a Government employee proceeds in order to undergo training, is part of the period of training.

**Note 2 :** The period spent by candidates at the Police Training College or School, for training and the interval between the satisfactory completion of the course and their assumption of duty should be regarded as duty for the purpose of this rule.

**Note 3 :** The period spent by candidates in the Prohibition and Excise Department for training and interval between the completion of the course and their assumption of duty, should be regarded as duty for the purpose of this rule.

**Note 4 :** When one or more holidays follow the period of training, the training period may be deemed to have been extended to cover such holidays.

- (d) the period occupied -
  - (i) in appearing for a language examination prescribed by Government at which a Government employee has been granted permission to appear,
  - (ii) in attending an obligatory departmental examination,
  - (iii) in attending an examination which a Government employee must pass to become eligible for a higher post in any branch of the Public Service, including the time reasonably necessary for going to and from the place of examination.

This concession should not be allowed more than twice for each obligatory examination.

**Note :** If an examination is taken immediately before leave, the leave shall be held to have commenced from the date following that of the completion of the examination. In cases where an examination is taken in interruption of leave or immediately after leave, the time occupied in appearing for the examination, including the time necessary for going to and from the place of examination, shall be treated not as duty but as leave.

- (e) The period for which a Government employee is required to wait compulsorily until receipt of his posting orders in the cases mentioned below :-
- (i) whose orders of transfer are held in abeyance, cancelled or modified while in transit, or
  - (ii) who, on return from leave or deputation or on abolition of the post held by him, has to await receipt of posting orders, or
  - (iii) who, on arrival at the headquarters of the post to which he is posted is not in a position to take charge of the post from the Government employee to be relieved.
- The period availed of to resume duties after the receipt of posting orders shall not exceed the joining time admissible under the rules and shall be treated as continuation of the period of compulsory waiting.
- (f) the period intervening between the date on which a Government employee is engaged temporarily for special or other duty and the date on which he takes over charge, provided the period does not exceed the joining time that would be permissible to a Government employee entitled to joining time.
- (g) the period spent by Government employee on training mentioned below :-
- (i) annual training courses of instruction or military service in accordance with the regulations framed under Territorial Army Act, 1948.
  - (ii) On Home Guard training or Home Guard duties with permission of the Head of office.
  - (iii) in training or in the camp in accordance with the rules of the National Cadet Corps and also such period of the vacations as are spent by National Cadet Corps Officers (Senior Division) who are Government employees holding officiating charge of units during the absence of regular Commanding Officers.
  - (iv) training at a Boy Scouts' camp;
- Note :** No travelling or halting allowance shall be admissible in respect of this duty.
- (h) the period spent by a Government employee where he is summoned by Court of Law whether criminal or civil or by a court of martial or by a authority constituted under any law, to give evidence regarding facts which came to his knowledge in the discharge of his public duties or to produce official documents in a civil suit.
- (i) the period spent by a Government employee in connection with work on the various University bodies in the Gujarat State -
- (a) as representatives of Government or ex-officio,
  - (b) by virtue of his official position such as Principal of a College, and
  - (c) for attending the meeting of a Board of Studies.

(24) **“Emoluments”** means -

- (i) Pay,
- (ii) payments from the Consolidated Fund of India or of the State or of the Union Territory and only that portion of the fees received by a Government employee which he is allowed to retain under the rules, if such payments or fees are received in the shape of a fixed addition to monthly pay and allowance as part of the authorised remuneration of a post.
- (iii) compensatory allowances other than travelling allowance, uniform allowance, clothing allowance, outfit allowance, special outfit allowance, uniform grant and grant for horse and saddlery whether drawn from the Consolidated Fund of India or of the State, or of the Union Territory.
- (iv) Pension and pension equivalent of death-cum-retirement gratuity except the following :-
  - (a) wound or injury pension and Family Pensions drawn under the provisions of Gujarat Civil Services (Pension) Rules, 2002.
  - (b) compensation received under the Workmen’s Compensation Act, 1923.

**Note :** The word “Pension” means the full sanctioned pension prior to commutation.

- (v) in the case of a Government employee under suspension and in receipt of a subsistence allowance, the amount of the subsistence allowance

**Provided** that, if such Government employee is subsequently allowed to draw pay for a period of suspension, the difference between the house rent recovered on the basis of the subsistence allowance and the house rent due on the basis of the emoluments ultimately drawn shall be recovered from him:

**Provided** further that if such Government employee is subsequently reinstated and the period of suspension is treated as leave, the difference between the house rent recovered on the basis of the subsistence allowance and the house rent due on the basis of emoluments defined in Note-2 below shall be recovered from him.

**Note 1 :** Allowances attached to the President’s Police and Fire Services Medal, the Police Medal, or the Indian Order of Merit, Param Vir Chakra, Maha Vir Chakra, Vir Chakra are not included in the emoluments.

**Note 2 :** The emoluments of a Government employee on leave mean the emoluments drawn by him for the last complete calendar month of duty performed by him prior to his departure on leave.

- (25) **“Executive Engineer”** means an officer appointed as such and incharge of the different types of Government residential accommodation and includes any other officer to whom the powers are delegated by the Government in respect of Gujarat Civil Services (Occupation of Residential Accommodation) Rules, 2002.

- (26) **“Family”** means a Government employee’s wife or husband, as the case may be, residing with the Government employee and legitimate children and step-children residing with and wholly dependent upon the Government employee. It includes, in addition, parents, sisters and minor brothers if residing with and wholly dependent upon the Government employee.

**Note 1 :** Not more than one wife is included in the term “family” for the purpose of these rules.



**Note 2 :** An adopted child shall be considered to be legitimate child if, under the personal law of the Government employee, adoption is legally recognised as conferring on it the status of a natural child.

**Note 3 :** A legitimate child or step child/parent/sister/minor brother who resides with the Government employee and whose income from all sources including pension (inclusive of temporary increase in pension) does not exceed Rs. 500 p.m. may be deemed to be "wholly dependent" upon the Government employee.

(27) **“Fee”** means a recurring or non-recurring payment to a Government employee from a source other than the Consolidated Fund of India or the Consolidated Fund of a State or the Consolidated Fund of a Union Territory, whether made directly to the Government employee or indirectly through the intermediary of Government, but does not include-

- (i) unearned income such as income from property, dividends, and interest on securities; and
- (ii) income from literary, cultural, or artistic, scientific or technological efforts if such efforts are not aided by the knowledge acquired by the Government employee in the course of his service.

**Note 1 :** The above definition is not applicable to the fees payable from the Consolidated Fund under the Gujarat Law Officers (Appointment and Condition of Services) Rules, 1965.

**Note 2 :** When a Government Department undertakes the work for a non-Government organisation and, in its turn, assign the work to its official, suited for the purpose, the payment therefore is made to the Department in the first instance and forms a part of the revenue of Government. The subsequent payments to the official concerned are, therefore, payments from the Consolidated Funds of Government and should accordingly be classed as honorarium.

(28) **“First Appointment”** means the appointment of a person who is not holding any appointment under Government, even though he may have previously held such an appointment.

(29) **“Flat Rate Rent”** means a monthly rate of flat rate rent to be recovered from a Government employee for the authorised occupation of Government residential accommodation. The rates for the same shall be as laid down in rule-18 the Gujarat Civil Services (Occupation of Government Residential Accommodation) Rules, 2002 as amended from time to time.

(30) **“Foreign Service”** means service in which a Government employee receives his pay with the sanction of Government from any source other than the Consolidated Fund of India or of a State, or of a Union Territory.

(31) **“Form”** means a form appended to these rules.

(32) **“Gazetted Government employee”** is one who is a member of an All India Service or State Service or a person appointed in accordance with the terms of a contract or agreement and whose appointment is gazetted by Government. Members of the Subordinate Civil Services, whose appointments are Gazetted by Heads of Departments and who are Non- gazetted Government employees. Notifications investing Government employees with powers under different Acts, in order that the Courts may take judicial cognisance of them, do not constitute the persons invested

with such powers as Gazetted Government employees within the meaning of this sub rule.

**Provided** that in respect of any category of Government employees in whose case the conditions of this clause have not been fulfilled, Government may by order treat them as Gazetted Government employees for the purposes stated in the said order.

**Exception :** Officers whose appointments to Class II services or posts are made by the Heads of Departments or Heads of Offices subordinate to them and are not published in the Gazette should be treated as Gazetted Government employees.

- (33) **“Government”** unless the context otherwise requires in respect of anything done or to be done after the commencement of the Constitution, shall mean the Government of Gujarat.
- (34) **“Head of Departments”** this term includes the officers from Appendix-II who have been declared as such or any others officers whom Government may from time to time declare to be Heads of Department.
- (35) **“Head of Office”** means a Gazetted officer declared as such by Government and includes such other authority or person whom the competent authority may by order, specify as Head of Office.
- (36) **“Head-Quarters”** means the station which has been or may be declared to be the headquarters of a Government employee by the appointing authority or a competent authority, or in the absence of such declaration the station where the records of his office are generally kept.
- (37) **“Holiday”** means -
- (a) a holiday declared or notified under Negotiable Instruments Act, 1881; **and**
  - (b) in relation to any particular office, a day on which such office is ordered by Government, or by a duly constituted authority, by notification in the Gazette or otherwise, to be closed for the transaction of Government business without reserve or qualification.
- (38) **“Honorarium”** means a recurring or non-recurring payment sanctioned to a Government employee from the Consolidated Fund of India or the Consolidated Fund of the State or of a Union Territory as remuneration for special work of an occasional character.
- (39) **“House Rent Allowance”** means a monthly allowance towards defraying house rent granted to a Government employee in locations where such rents are high or granted in lieu of free residential accommodation.
- (40) **“Joining Time”** means the time allowed to a Government employee to join a new post or to travel to or from a station to which he is posted.
- (41) **“Leave”** means permission to remain absent from duty granted by a competent authority under the Gujarat Civil Services (Leave) Rules, 2002.
- (42) **“Leave Salary”** means the monthly amount paid by Government to a Government employee on leave.
- (43) **“Lien”** means the title of a Government employee to hold substantively, either immediately or on the termination of a period or periods of absence, a permanent post, including a tenure post, to which he has been appointed substantively.
- (44) **“Local Allowance”** is an allowance granted on account of the expensiveness or unhealthiness of an area. It is admissible to Government employees who have their



headquarters within the area for which it is sanctioned and not to Government employees merely travelling in that area.

- (45) **“Medical Authority”** means Civil Surgeon/Superintendent of Civil Hospital or as the case may be the Medical Board.
- (46) **“Medical Board”** means a board constituted under Rule 13 of Gujarat Civil Services (General Condition of Services) Rules, 2002.
- (47) **“Mileage Allowance”** means an allowance calculated on the distance travelled and given to a Government employee to meet the cost of a particular journey. It can be drawn in the form of rail fare, bus or road mileage of the journey performed by road.
- (48) **“Ministerial employee”** means a Government employee of Class III services, whose duties are entirely clerical and any other class of employees specially declared as such by Government.
- (49) **“Minor”** means a person who has not completed the age of eighteen years.
- (50) **“Month”** means a calendar month. In calculating a period expressed in terms of months and days complete calendar months, irrespective of the number of days in each, should first be calculated and thereafter the odd number of days should be calculated subsequently.

**Instruction :** Calculations of period expressed in terms of months and days shall be made as under :-

- (a) To calculate 3 months and 20 days on and from the 25th January, the following method should be adopted :-

	<b>Y.</b>	<b>M.</b>	<b>D.</b>
25th January to 31st January	0	0	07
February to April	0	3	00
1st May to 13th May	0	0	13
<b>Total</b>	<b>0</b>	<b>3</b>	<b>20</b>

- (b) The period commencing on 30th January, and ending with 2nd March should be deemed as 1 month and 4 days as indicated below :-

	<b>Y.</b>	<b>M.</b>	<b>D.</b>
30th January to 31 January	0	0	2
February	0	1	0
1st March to 2nd March	0	0	2
<b>Total</b>	<b>0</b>	<b>1</b>	<b>4</b>

- (51) **“Non-Official Member”** means any person other than a Government employee who is required to attend a meeting or conference of a Commission of Inquiry or of a Board or of a Corporation or Committee or is required to perform any public duties in an honorary capacity.
- (52) **“Officiate”** means Government employee who officiates in a post when he performs the duties of a post on which another person holds a lien. A competent authority, may if it thinks fit, appoint a Government employee to officiate in a vacant post on which no other Government employee holds a lien.
- (53) **“Pay”** means the basic pay in the revised scales of pay prescribed under the Gujarat Civil Services (Revision of Pay) Rules, 1998 and includes stagnation increments.

- (54) **“Permanent Travelling Allowance”** means a monthly travelling allowance granted by Government to a Government employee whose duties require him to travel extensively. Such an allowance is granted in lieu of all other forms of travelling allowance for journeys within the Government employee's sphere of duty and is drawn all the year round whether the Government employee is absent from his headquarters or not.
- (55) **“Pension”** means any class of service pension including compensation pension referred to in rule 44 of Gujarat Civil Services (Pension) Rules, 2002 and gratuity but does not include temporary increase/dearness relief, granted by Government to a pensioner as compensation for higher cost of living.
- (56) **“Pensionable Pay”** means the average pay earned by a Government employee during the last ten months service as per provisions contained in rule 43 of the Gujarat Civil Service (Pension) Rules, 2002.
- (57) **“Pensioner”** means a retired Government employee who has been granted pension.
- (58) **“Pension Payment Office”** means an office declared as such for making payment to the pensioners and includes treasury and sub-treasuries.
- (59) **“Pension Payment Order”** means an order in a form approved by Government for sanctioning the payment of pension, to be issued by the Director of Pension and Provident Fund.
- (60) **“Pension Sanctioning Authority”** means a competent authority of the Government to whom the powers to sanction pension have been delegated.
- (61) **“Permanent Post”** means a post carrying a definite rate of pay sanctioned without limit of time.
- (62) **“Pay and Accounts Officer”** means the officer entrusted with pay and accounts functions of State transactions arising in Ahmedabad and Gandhinagar.
- (63) **“Personal Pay”** means additional pay granted to a Government employee -
- (a) to save him from a loss of substantive pay in respect of a permanent post other than a tenure post due to a revision of pay or due to any reduction of such substantive pay otherwise than as a disciplinary measure; or
  - (b) in exceptional circumstances, on other personal considerations.
- (64) **“Presumptive Pay”** of a post, when used with reference to any particular Government employee, means the pay to which he would be entitled if he held the post substantively and was performing its duties; but it does not include special pay unless the Government employee performs or discharges the work or responsibility, in consideration of which special pay was sanctioned.
- (65) **“Probationer”** means a Government employee on probation in or against a substantive or temporary vacancy in the cadre of a department.

**Note 1 :** No person appointed substantively to a permanent post in a cadre is a probationer, unless definite conditions of probation have been attached to his appointment.

**Note 2 :** A Government employee (other than one who holds substantively a permanent post) appointed on promotion to a temporary post will be treated for all purposes as a temporary Government employee.

**Note 3 :** The status of a probationer is to be considered as having the attributes of a substantive status except where the rules prescribe otherwise.

- (66) **“Public Account of India or the State”** means all other public moneys excluding those referred to in sub-rule (14) received by or on behalf of the Government of India or the Government of a State.
- (67) **“Public Conveyance”** means a train, steamer, aircraft or other conveyance which plies regularly, though not necessarily at fixed intervals, a regular course for the conveyance of passengers and does not deviate therefrom according to the wishes of the passengers.
- (68) **“Qualifying Service”** means service rendered while on duty or otherwise which may be taken in account for the purpose of pension and gratuity admissible under Gujarat Civil Services (Pension) Rules.
- (69) **“Registered Medical Practitioner”** means a medical practitioner registered under the Gujarat Medical Council Act, 1967 or the Gujarat Medical Practitioner Act, 1963 or a practitioner registered and entered in the Register maintained under the Gujarat Homeopathic Act, 1963 (Guj.XXXVI of 1963) or any other law corresponding thereto and in force in the State of Gujarat, or the respective Medical Registration Acts, of the several State Governments.
- (70) **“Rent”** means a monthly rate of compensation made by Government employee or a person not in Government service to Government for the use and possession of residential accommodation allotted or leased to him.
- (71) **“Residential Accommodation”** means building, bungalow, quarter or flat owned by Government and allotted for residential purpose. It also includes building, bungalow, quarter or flat hired, requisitioned or leased by the Government for the said purpose.  
**Note :** Requisitioned means requisitioned under the provisions of Requisition and Acquisition of Immovable Property Act, 1952.
- (72) **“Selection Grade”** means a scale of pay which has been sanctioned specifically as a selection grade by an order of Government.
- (73) **“Service Book”** means service book and includes service roll, if any.
- (74) **“Special Pay”** means an addition, of the nature of pay, to the emoluments of a post or of a Government employee granted in consideration of -  
(a) the specially arduous nature of duties,  
(b) a specific addition to the work or responsibility.
- (75) **“Sphere of duty”** means the area to which the duties of a Government employee are confined.
- (76) **“Standard Rent”** means a monthly rate of standard rent for different types of residential accommodation as laid down in rule-18 of the Gujarat Civil Services (Occupation of Government Residential Accommodation) Rule, 2002.
- (77) **“Subsistence Allowance”** means a monthly allowance granted to a Government employee who is not in receipt of pay or leave salary.
- (78) **“Substantive Pay”** means the pay other than special pay, personal pay which a Government employee is entitled on account of a post to which he has been appointed substantively or by reasons of his substantive position in a cadre.
- (79) **“Superintending Engineer”** means an officer appointed as such and to whom the powers are delegated by Government under the relevant rules.

- (80) **“Superior Service”** means any kind of service not being Class IV service.
- (81) **“Table”** means a table appended to these rules.
- (82) **“Temporary Post”** means a post carrying a definite rate of pay sanctioned for a limited time.

**Note :** Substantive appointments to temporary posts should be made in a limited number of cases only, as for example, when posts are, to all intents and purposes, quasi-permanent or when they have been sanctioned for a period of not less than, or there is reason to believe that they will not terminate within a period of, three years. In all other cases, appointments on temporary posts should be made in an officiating capacity only.

- (83) **“Temporary Transfer”** means a transfer to duty in another station which is expressed to be for a period not exceeding one hundred twenty days. For the purpose of these rules it includes deputation. Subject to the limit of four months, the title to compensatory allowance, if the temporary duty is subsequently extended beyond four months in all, will remain intact up to the date of the orders of the extension.
- (84) **“Tenure Post”** means a permanent post which an individual Government employee may not hold, for more than a limited period without re-appointment.

**Note :** The following posts have been declared by Government to be tenure posts :-

	<b>Period of Tenure</b>
	<b>(Years)</b>
(1) Chief Engineer in the Gujarat Service of Engineers (Class-I)	- 5
(2) Three posts of Assistant Directors of Social Welfare	- 3
(3) All technical posts of Under Secretaries and Deputy Secretaries in the Public Works Department.	- 5
(4) The following posts in the Legal Department :	
(i) Deputy Secretaries (Three posts)	- 3
(ii) Solicitor and Ex-officio Deputy Secretary to Government Ex-Officer (one post)	- 3
(iii) Special Officer and Ex-officio Under Secretary to Government (one post)	- 3
(5) Nineteen cadre posts of Deputy Secretaries in the Secretariat Department excluding posts of Deputy Secretaries in the Legal Department and technical posts in the Public Works Department.	- 5
(6) Eight posts of Under Secretaries out of the total number of temporary and permanent posts on the Secretariat cadre excluding post of Under Secretaries on the Legal side of the Legal Department and Technical posts in the Public Works Department.	- 5

Provided that where a tenure post of an Under Secretary or a Deputy Secretary is held by a Secretariat Officer, such post shall, so long it is held by such officer, cease to be a tenure post.

(85) **“Time-Scale Pay”** means pay which, subject to any conditions prescribed in these rules, rises by periodical increments from a minimum to a maximum.

**Note-1 :** Time scales are said to be identical if the minimum, the maximum, the period of increment and the rate of increment of the time-scales are identical.

**Note-2 :** A post is said to be on the same time-scale as another post on a time scale if the two time-scales are identical and the posts fall within a cadre or a class in a cadre, such cadre or class having been created in order to fill all posts involving duties of approximately the same character or degree of responsibility in a service or establishment or group of establishments; so that the pay of the holder of any particular post is determined by his position in the cadre or class and not by the fact that he holds that post.

(86) **“Transfer”** means the movement of a Government employee from one headquarter station in which he is employed to another such station, either -

(a) to take up the duties of a new post; or

(b) in consequence of a change of his headquarters.

(87) **“Transit Time”** means the actual time required to reach the destination of tour from the headquarters or from one outstation to another outstation by the ordinary mode of travel.

(88) **“Travelling Allowance”** means an allowance granted to a Government employee to cover the expenses which he incurs in travelling in the interest of the public service. It includes allowance granted for the maintenance of conveyance.

(89) **“Treasury”** means the treasury established at the headquarters of a district and includes a sub-treasury / Pay and Accounts office.

### CHAPTER - III – GENERAL CONDITIONS OF SERVICE

**10 Age limit for recruitment to pensionable service :** Except as provided in the Gujarat Civil Services Classification and Recruitment (General) Rules 1967, a person whose age is below 18 years and whose age exceeds 28 years may not be appointed to a post in pensionable service.

**11 Certificate of physical fitness a prerequisite for substantive appointment or continuance in service :** (1) Every Government employee shall produce a medical certificate of health specified in **Appendix-III** either before he is appointed substantively to a permanent post in Government service or before he completes six months' service from the date of his appointment, whichever is earlier.

(2) The limit of six months prescribed in sub-rule(1) above is the maximum one and the Head of Office should, in the case of Government employees who, on their appointment, are expected to continue in Government service for more than six months, require them to produce medical certificates of fitness for Government service within two months from the date of joining service. These time limits for producing the medical certificate are also applicable from the date of appointment to the higher post in cases where fresh medical examination is necessary under sub-rule (4) of rule 15.

**Note 1 :** Rules for the medical examination of the candidates as to their physical fitness for Government service have been embodied in **Appendix-III**.

**Note 2 :** Part time Government employees should be required to produce medical certificates of fitness in the same manner and under the same condition as applicable to full time Government employees.

**Note 3 :** In case, however, where a person is required to join immediately for work or for training, appointment may be made without first obtaining the medical certificate but subject to his being declared medically fit by an appropriate Medical Authority. In all such cases, if a Government employee is declared unfit for service on medical examination and he prefers an appeal under rule 17 in **Appendix-III**, he should be retained in service till the appeal is finally decided. Efforts should be made to obtain the decision early. If the candidate is found responsible for causing delay, his services should be terminated forthwith.

**Note 4 :** In the case of a Government employee whose appointment is made on temporary basis without a medical certificate, it is necessary to get a certificate of fitness from the appropriate Medical Authority as required by sub-rule (1) of rule 15 of these rules and rule 10 of Appendix - III. If a Government employee is found unfit for retention in service at all by the appropriate Medical Authority and if an appeal for a second medical examination from him is accepted, he should be allowed to continue in service till the verdict of appropriate Medical Authority is known. In case it is decided not to accede to his request for second medical examination or, if he is found to be responsible for causing delay in obtaining the verdict of the appropriate medical Authority on his appeal, his services should be terminated forthwith.

**Note 5 :**

- (i) For a proper observance of the procedure in the above Notes 3 and 4 above, it is necessary that intimation regarding unfitness should immediately on receipt, be communicated to the person concerned with a note that appeal, if any, must be made by the Government employee concerned, within one month from the date of communication of the findings of the Medical Officer and that if any medical certificate issued by the Registered Medical Practitioner is produced as piece of evidence about the possibility of an error of judgement in the decision of the Medical Officer who examined him in the first instance the certificate must contain a note by the Medical Practitioner Concerned to the effect that it has been given in full knowledge of the fact that the candidate has already been rejected as unfit for Government service by the Medical Officer.
- ii) In case no appeal is preferred by the Government employee within one month from the date of communication to him of the findings of the Medical Officer, his service should be terminated forthwith on expiry of the period of one month and no appeal should be allowed after expiry of that period.

**12 Who should sign a Medical Certificate :** Such a certificate shall be signed by the Medical Officer prescribed in rule-1 in **Appendix-III** and in the case of females, shall be regarded as confidential.

**13 Medical Board :** (1) There shall be Standing Medical Board at Ahmedabad, Jamnagar, Vadodara and Surat.

**Note :** Reciprocal arrangement exists with the Government of Maharashtra for free Medical examination of Government employees of the State concerned (including all Police Personnel) on the following terms and conditions :



- (a) This arrangement is made for purposes of grant of leave or extension of leave, fitness to resume duty on the expiry of leave, and invalidation from Government service.
  - (b) Medical requisition from the competent Authority should be insisted before the Medical Examination is conducted by the Medical Board or Medical Officer.
  - (c) Fees prescribed for Medical Examinations conducted in connection with the commutation of pension of State Government pensioners and for issuing of physical fitness certificates for first appointment in Government service have to be borne by the pensioners or candidates themselves as there should not be any free medical examination for those purposes.
- (2) The Medical Board referred to above sub-rule shall consist of three qualified medical men, of whom one shall be the Civil Surgeon or the Senior Professor of Medicine if the post of Civil Surgeon is not in existence; Ahmedabad, Jamnagar, Vadodara or Surat, as the case may be, who shall also be a Chairman.
- (3) A Government employee serving in Gujarat shall normally be required to appear before the Medical Board located at one of the places nearest to the place where he is serving but, when, the head of Department or office is satisfied that it will be more convenient either to Government or to the Government employee, that the latter should appear before another board, he may request the Chairman of said Medical Board accordingly.

**14 A Government employee with a defect transferred to another office :** When a Government employee, in whom a defect has been noticed by the examining officer, is transferred from one office to another, the duties of which are different in character, the authority competent to sign a medical certificate of physical fitness for Government service should report whether the defect will materially interfere with the discharge of his new duties by the said Government employee.

**15 Production of Medical Certificate within six months of temporary employment :** (1) No person, who has already completed 'six months' temporary (including officiating) service in the employment of Government, or who having been discharged before completing six months, is re-engaged in such service and completes six months from the date of re-engagement, shall be continued in employment without production of a medical certificate as referred to in sub-rule (1) in rule-11.

- (2) No person, who after completing six months' temporary service (including officiating service) in the employment of Government is discharged before the production of the medical certificate mentioned in sub-rule (1) above, shall be re-engaged without the production of such a medical certificate.

**Note :** It is the responsibility of the Head of Office to see that no person under him is continued in employment after completing relevant period of service (six months or two months as the case may be) unless that person produces the required medical certificate. To meet the requirement of Audit, a certificate to the effect that the medical certificate in the prescribed form required under sub-rules (1) and (2) above has been obtained in respect of the Government employee and that he has been declared fit, should be furnished to the Audit. The first bill in which the pay of the Government employee is drawn after the date on which the medical certificate becomes due, or, if this cannot be done for good and sufficient reasons, to the next such bill should be accompanied by such medical certificate.

- (3) When a person who has produced the medical certificate required under rule 11 is discharged from Government service and is re-engaged, a fresh medical certificate need not be produced by him if the re-engagement takes place within the period of six months from the date of the medical certificate already produced. In such a case, the period between the date of discharge and the date of re-engagement will not be treated as a break for the purposes of rule - 11.
- (4) If Government employee is subsequently appointed to any higher post, fresh medical examination, by appropriate medical authority and in accordance with standard prescribed for the post, shall be necessary except in cases where the medical examination already undergone at the time of initial appointment was of the same standard and by the same medical authority as prescribed for the new appointment or where the new appointment is by way of promotion in the same line of promotion and against promotion quota of vacancies.

**Note :** The production of a medical certificate is necessary when a person re-employed after resignation or forfeiture of past service.

- (5) Where a candidate for Government service is required to undergo training at Government cost before he is appointed to any post in Government service, such a candidate shall not be admitted to such training unless he is medically examined and found physically fit for the service for which he is required to undergo the training.

**Exception 1 :** In the case of Government employees in Class III Secretariat Service in reckoning the period of six months, broken period of service of less than six months should be counted.

**Exception 2 :** A person re-employed after resignation shall be exempted from producing a medical certificate if the resignation was for taking up another appointment under a Government or a quasi Government body for which he applied with the approval of and through the appointing authority provided that he was medically examined by the competent medical authority and declared fit according to the medical standards not lower than those required in the new post.

- 16 Entry in service book about medical examination :** The fact that a Government employee is medically examined and found fit should be recorded in his service book as soon as a certificate is produced and the medical certificate of fitness should be kept in safe custody along with the other documents connected with his service career.
- 17 Invalid pensioner must produce certificate from a Medical Committee before re-employment :** No person invalidated from Government service should be re-employed except on the strength of a certificate from a Medical Committee. The Committee shall consist of the members of the Medical Board and also a Specialist of the disease for which the person was invalidated.
- 18 Re-employment immediately after retirement :** A retired Government employee re-employed within six months from the date of retirement may be exempted from producing a medical certificate of health. In cases other than those referred to in rule 17, where the re-employment does not take place within six months from the date of retirement, the appointing authority will decide whether a medical certificate should be produced.
- 19 Condition of disabilities when permitted and by whom :** When a candidate for Government service is rejected by the Medical Officer examining him on account of any disability, except eye defects, the Director of Health, Medical Services and Medical

Education, may, upon the request of the Head of the Office, at his discretion, condone such disabilities as are not likely to interfere with the efficiency of the candidate.

**20 Acquiring and ceasing of a lien :** Unless in any case it be otherwise provided in these rules, a Government employee on substantive appointment to any permanent post acquires in a lien on that post and ceases to hold any lien previously acquired on any other post.

**21 Restrictions over holding of lien on posts by Government employee at same time :**

(1) Two or more Government employees cannot be appointed substantively to the same permanent post at the same time.

(2) A Government employee cannot be appointed substantively to two or more separate and permanent posts at the same time.

(3) A Government employee cannot be appointed substantively to a post on which another Government employee holds a lien.

**22 Retention of lien :** Unless his lien is suspended under rule 23 or transferred under rule 26, a Government employee holding substantively a permanent post retains a lien on that post :-

(a) while performing the duties of that post;

(b) while on foreign service or holding a temporary post, or officiating in another post, or holding a post the pay of which is charged to works or contingencies;

(c) during joining time on transfer to another post on lower pay, in which case lien is transferred to the new post from the date on which he is relieved of his duties, in the old post;

(d) while on leave; and

(e) while under suspension.

**23 Suspension of a lien :** (1) A competent authority shall suspend the lien of a Government employee on a permanent post which he holds substantively if he is appointed in a substantive capacity :

(a) to a tenure post, or

(b) provisionally, to a post on which another Government employee would hold lien had his lien not been suspended under this sub-rule.

(2) A competent authority may, at its option, suspend the lien of a Government employee on a permanent post which he holds substantively if he is deputed out of India or transferred to foreign service or in circumstances not covered by sub-rule (1) of this rule is transferred in an officiating capacity, to a post in another cadre, and if in any of these cases there is reason to believe that he will remain absent from the post on which he holds a lien for a period of not less than three years.

**Note :** When it is known that a Government employee on transfer to a post outside his cadre is due to retire on superannuation within three years of his transfer, his lien on his cadre post cannot be suspended.

(3) Notwithstanding anything, contained in sub-rule (1) or (2) of this rule, a Government employee's lien on a tenure post may in no circumstances be suspended. If he is appointed substantively to another permanent post, his lien on the tenure post must be terminated.

(4) If a Government employee's lien on the post including a post in a selection grade of a cadre is suspended under sub-rule (1) or (2) of this rule, the post may be filled substantively, and the Government employee appointed to hold it substantively shall

acquire a lien on it; provided that the arrangements shall be reversed as soon as the suspended lien revives.

**Note :** When a post is filled substantively under this sub-rule, the appointment will be termed a provisional appointment, the Government employees appointed will hold a provisional lien on the post; and that lien will be liable to suspension under sub-rule (1) but not under sub-rule (2) of this rule.

- (5) A Government employee's lien which has been suspended under sub-rule (1) of this rule shall revive as soon as he ceases to hold a lien on a post of the nature specified in clause (a) or (b) of sub-rule (1).
- (6) A Government employee's lien which has been suspended under sub rule (2) of this rule shall revive as soon as he ceases to be on deputation out of India or on foreign service or to hold a post in another cadre, provided that suspended lien shall not revive because the Government employee takes leave; if there is reason to believe that he will, on return from leave, continue to be on deputation out of India or on foreign service or to hold a post in another cadre and the total period of absence on duty will not fall short of three years or that he will hold substantively a post of the nature specified in clause (a) or (b) of sub-rule (1).

**Instruction :** Under the existing provisions of this rule, it is possible for more than one person to be appointed in a provisional substantive capacity against a single post. The operation of this rule should, however, be restricted so as to permit only one provisional substantive appointment against one post. Accordingly, the lien acquired by a Government employee on his appointment in a provisionally substantive capacity under sub-rule (4) of this rule, should not be suspended if he is deputed out of India or is transferred to a post of the nature specified in sub-rule (2) of this rule.

**24 Suspension of the lien retrospectively and consequential promotion :** When suspension of the lien of a Government employee is sanctioned under sub-rule (2) of rule 23, it is permissible retrospectively from the date he is deputed out of India or transferred in an officiating capacity to a post either permanent or temporary in another cadre or from any subsequent date; but whether provisional substantive promotions should be given from that date or from any subsequent date is a matter which is entirely at the discretion of the authority whose duty is to fill up the post if permanently vacant

**25 When a lien or a suspended lien cannot be terminated :** (1) Except as provided in sub-rule (2) below, a Government employee's lien on a post may in no circumstances be terminated even with his consent, if the result will be to leave him without a lien or a suspended lien upon a permanent post.

- (2) A Government employee's lien on a post shall stand terminated on his acquiring a lien on a permanent post (whether under the Central Government or State Government) outside the cadre on which he is borne.

**Note :** In the case of a person in Government service who is appointed as a Member or Chairman of Public Service Commission, his lien in Government service should be terminated automatically from the date he is appointed as a Member or Chairman in view of the article 319 of the Constitution.

**26 Transfer of the lien to another post :** Subject to the provisions of rule 27, a competent authority may transfer to another permanent post in the same cadre the lien of a Government employee who is not performing the duties of the post to which the lien relates, even if that lien has been suspended.

**27 Transfer to a post carrying less pay is permissible :** (1) A Government employee may be transferred from one post to another, provided that, except :-

- (a) on account of inefficiency or misbehavior, or
- (b) on his written request, or
- (c) in anticipation of the abolition of the post on which he holds a lien,

A Government employee shall not be transferred substantively to, or, except in case covered under the Gujarat Civil Services (Pay) Rules, 2002, appointed to officiate in a post carrying less pay than the pay of the permanent post on which he holds a lien, or would hold a lien, had his lien not been suspended under rule - 23.

2) Nothing contained in sub-rule (1) of this rule or in sub-rule (43) of rule-9 shall operate to prevent the re-transfer of a Government employee to the post on which he would hold a lien, had it not been suspended in accordance with the provision of sub-rule (1) of rule-23.

**28 Date from which pay and allowances take effect :** Subject to any exceptions specifically made in these rules, a Government employee commences or ceases to be entitled to the pay and allowances of a post with effect from the date on which he assumes or relinquishes charge of those duties in the forenoon of that day; otherwise from the following day.

**Exception :** For a period of not more than three days spent by a direct recruit to the post of a Deputy Engineer in taking over charge of his post on first appointment, he should be granted his grade pay excluding any special pay or allowance (but including dearness allowance) to which he would be entitled on assumption of complete charge.

**29 Relieving Government employee to intimate probable date of joining to the Government employee to be relieved :** Every relieving Government employee is responsible for informing the Government employee to be relieved, at the earliest possible moment, of the date when he will be in a position to receive charge, and it is the duty of the Government employee to be relieved to be in readiness to deliver charge on that date.

**30 How the date of handing over charge is determined :** When more than one day is occupied in making over charge, the last day should be entered in the report, and an explanation should be submitted.

**31 Charge must be handed over at the head quarters, both relieved and relieving Government employees to be present :** Except as otherwise provided below, the charge of a post must be made over at the head quarters, both the relieving and relieved Government employees being present :

- (a) Permission may be granted to make over charge of a post elsewhere than at its headquarters, excepting to a Head of an Institution under the Education Department. In such cases the amount of travelling allowance claimed by Government employee concerned shall not exceed the amount admissible to him while on transfer.
- (b) for special reasons which must be expressed on the face of the order and be of a public nature, a competent authority may permit the charge to be made over elsewhere.
- (c) in case of persons who are permitted to combine vacation with leave, the following procedure may be followed :



Before proceeding on leave to which he has been allowed to prefix vacation, a Government employee should sign a charge report making over charge with effect from the date on which his leave commences and hand over the report to a responsible member of his office staff with instructions to deliver it for signature to his successor on the latter's arrival to take over the duties of the post. Similarly, when a Government employee is permitted to affix vacation with leave should at the commencement of the vacation sign a charge report making over the charge from the beginning of the vacation and hand over the report to a responsible member of his office staff for delivery to his successor on the latter's return at the close of the vacation. In both cases, the report when completed, should be forwarded at once to the Heads of Department. The term 'vacation' in this exception includes holidays.

- (d) In exceptional circumstances, which should be recorded, a competent authority may permit the charge of a post to be made over in the absence of the relieved Government employee by letter or by telegram at or outside the headquarters of the post.

**Instruction :** It shall be permissible for a Government employee to take over charge on a public holiday provided the procedure laid down in this rule is followed and the charge is handed over by the relieved officer in person; provided further that taking over of charge does not involve handing over and taking over cash and securities.

**32 How the date of promotion is determined :** The promotion of a Government employee from a lower to a higher post, his duties remaining the same, takes effect from the date on which the vacancy occurs, unless it is otherwise ordered. But when the promotion involves the assumption of a new post with enlarged responsibilities the higher pay is admissible only from the date on which the duties of the new post are taken.

**33 Provident and other Funds :** A Government employee may be required to subscribed to a Provident Fund, an Insurance Scheme or other fund or scheme, in accordance with such rules as Government may by order prescribe.

**34 Whole time of a Government employee to be at the disposal of Government :** Unless in any case it be otherwise distinctly provided, the whole time of a Government employee is at the disposal of Government and he may be employed in any manner required by the proper authority, without a claim for additional remuneration, whether the services required of him are such as would ordinarily be remunerated from the Consolidated Fund of India or of a State or from the funds of a body incorporated or not, which is wholly or substantially owned or controlled by the Government.

**35 Termination of services of a temporary Government employee :** The service of a temporary Government employee shall be liable to termination at any time by a notice in writing given to him by the appointment authority.

**36 Resignation from Government service :** (1) A Government employee may at any time resign from the services of the State by giving a notice of one month in writing to the appointing authority.

**Provided** that in the case of a temporary employee who has put in service of less than one year, the period of such notice shall be one week.

**Note :** Nothing in this rule shall affect the provisions of any special contract of service or bond entered into by the Government employee with the Government, or the provisions of any special rules, if any, applicable to him, in respect of the period of notice to be given for resignation from service or payment of any sum by the Government employee, to the Government for premature resignation by him.



- (2) The resignation tendered by a Government employee shall be effective from the date on which it is accepted by the appointing authority; but if it is not accepted before the expiry of the period of notice for resignation to be given by such employee under sub-rule (1), it shall be deemed to have become effective on the date of the expiry of such period, unless the Government employee is informed before such date, that his resignation has been rejected and of the reasons for such rejection :

**Provided** that the resignation of a Government employee shall not be rejected except in a case where -

- (a) any ascertained or ascertainable amount of money is found outstanding against him and payment thereof is not made by him within the period mentioned above,
  - (b) he is under suspension,
  - (c) any departmental inquiry or criminal prosecution is contemplated or pending against him.
- (3) A Government employee shall not be relieved from his office, if his resignation is rejected.
- (4) Where a Government employee remains absent from duty before his resignation has become effective or if his resignation has been rejected without prior grant of leave for such absence, it shall be lawful for the competent authority to treat his absence as leave without pay and to take disciplinary action against him for unauthorised absence from duty.
- (5) Any notice of resignation from service shall not be permitted to be withdrawn after the resignation has become effective, except on exceptional ground or in public interest.
- (6) Where the temporary Government employee has put in service for a period exceeding one year, the period of such notice shall be one month and where such Government employee has put in service for one year or any period less than one year the period of such notice shall be one week.

**Provided** that the service of any such Government employee may be terminated forthwith by payment to him of a sum equivalent to the amount of his pay plus allowance for the period of the notice at the same rates at which he was drawing pay and allowances immediately before the termination of his service, or as the case may be, for the period by which such notice falls short of the notice period.

- (7) Where a notice is given by the authority other than Government terminating the services of a temporary Government employee or where the services of any such Government employee is terminated by an authority other than the Government either on the expiry of the period of such notice or forthwith by payment of pay plus allowances, the Government may, of its own motion or otherwise reopen the case and after calling of the records of the case and after making such inquiry as it deemed fit -
- (i) confirm the action taken by the authority;
  - (ii) withdraw the notice;
  - (iii) re-instate the Government employee in service, or
  - (iv) make such other order in the case as it may consider proper. Provided that except in special circumstances, which shall be recorded in writing, no case shall be reopened under this sub-rule after the expiry of three months.
    - (i) from the date of notice in case where notice is given;

- (ii) from the date of termination of service, in a case where no notice is given.
- (8) Where a Government employee is re-instated in service under sub-rule-(7), the order of re-instatement shall specify –
- (i) the amount or proportion of pay and allowance, if any, to be paid to the Government employee for the period of his absence between the date of termination of his service and the date of his reinstatement; and
  - (ii) whether the said period shall be treated as a period spent on duty for any specified purpose or purposes.

#### CHAPTER - IV – MAINTENANCE OF RECORDS OF SERVICE

**37 Maintenance of service records of Heads of Department :** A record of the services of each Head of Department shall be maintained by the Pay and Accounts Officer, Ahmedabad or Gandhinagar.

**38 Maintenance of service book of Gazetted and Non-Gazetted Government employee :** (1) A service book in the Form as may be prescribed by the Government from time to time should be opened in duplicate for every Gazetted and Non-Gazetted Government employee except Head of Department, free of charge on his being appointed substantively or in an officiating capacity to a permanent post or appointed to hold a temporary post in Government service for the first time with the following exceptions -

- (a) Government employees, the particulars of whose service are recorded in a history of services or a service register maintained by the Pay and Accounts Officer, Ahmedabad or Gandhinagar.
  - (b) Government employees officiating in posts or holding temporary posts, who are recruited for purely temporary or officiating vacancies not likely to last for more than one year and are not eligible for permanent appointment;
  - (c) Policemen of rank not higher than that of Head Constable;
  - (d) Prohibition and Excise Constabulary Staff;
  - (e) Forest Guards;
  - (f) Class IV employees of all sorts.
- (2) One copy should be kept in the custody of the Head of the Office in which the Government employee is serving, and transferred with him from office to office; the other copy should be given to the Government employee concerned. In the case of the copy kept in the custody of Head of the Office, it is his duty to see that all entries are duly made and attested.

**Instruction :** While handing over the duplicate copy of the service book to the Government employee it should be impressed on him that he should verify that the entries made therein are correct and attested by the Head of the Office and he should also ensure that all subsequent entries are made in the duplicate service book which should be attested by the officer competent to do so. For this purpose he should submit his copy of the service book when an occasion arises for making a fresh entry and he should carefully see that entries in both the books tally and are up-to-date.

- (3) The Head of Office shall also obtain a declaration each year from each Government employee for whom a service book is maintained, to the effect that he has carefully gone through the entries made in his duplicate service book and has satisfied himself that all the relevant entries are made therein and that they are up-to-date. A certificate to the effect that he has obtained declarations as above should be submitted by the Head of Office to his next superior officer by the end of the month of September of every year.

- (4) Non-compliance of the provisions contained in this chapter by the Head of Office / Department in the custody of "original service book" shall be deemed to be lacking in devotion to duty within the meaning of the provisions contained in clause (ii) of sub-rule (1) of rule-3 of the Gujarat Civil Services (Conduct) Rules, 1971.

**39 Maintenance of service rolls :** A service roll, free of charge, as described in rule 47, must be maintained for every other class of permanent, temporary or officiating Non-Gazetted Government employees, for whom no service book is necessary except the Government employees mentioned in exceptions (a) and (b) under sub-rule (1) of rule-38. One copy should be kept in the custody of the Head of Office in which the Government employee is serving, and transferred from office to office, the other copy should be given to the Government employee concerned. In the case of the copy kept in the custody of the Head of Office, it is his duty to see that all entries are duly made and attested.

**Instruction :** The instruction below rule 38 should be followed in respect of service rolls also.

**40 Procedure for writing the events and recording the date of birth in the service book :** (1) In the service book every step in a Government employee's official life, including temporary and officiating promotions of all kinds, increments and transfers and leave availed of should be regularly and concurrently recorded, each entry being duly verified with reference to orders of the Department, pay bills and leave account attested by the Head of the Office. If the Government employee is himself the Head of an Office, the attestation should be made by his immediate superior.

(2) While recording the date of birth, the following procedure should be followed -

- (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;
- (b) in the case of a Government employee, the year of whose birth is known but not the date, the 1st July should be treated as the date of birth;
- (c) when both the year and the month of birth are known, but not the exact date, the 16th of the month should be treated as the date of birth;
- (d) in the case of a Government employee who is only able to state his approximate age and who appears to the attesting authority to be of that age, the date of birth should be assumed to be the corresponding date after deducting the number of years representing his age from his date of appointment;
- (e) when the date, month and year of birth of a Government employee are not known, and he is unable to state his approximate age, the age by appearance as stated in the medical certificate of fitness, in the prescribed Form in Appendix - III should be taken as correct, he being assumed to have completed that age on the date the certificate is given, and his date of birth reduced accordingly;
- (f) 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;
- (g) requests made for alteration of date of birth should not be entertained after the preparation of the service book of the Government employees concerned and

in any event not after the completion of the probation period or five years' continuous service, whichever is earlier. In the case where there is no probation period, such request should not be entertained after the completion of five years' continuous service.

- (h) the date of birth may, however, be permitted to be altered at a later stage if the Government is satisfied that a bonafide clerical mistake has been committed and that it should be rectified.
- (3) Officers of a rank not lower than the Principal District Officer in the Department concerned may correct errors in the service book which are obviously clerical. Cases in which the correctness of the original entry is questioned on other grounds should be referred to a competent authority.
- (4) Finger - prints of a Government employee who is not literate enough to sign his name in English, Hindi, Marathi or Gujarati should be recorded in the column headed 'Personal marks of Identification' in the service book itself. The impression should not be taken on separate slips of paper and pasted to the service book.

**Exemptions :** When a military employee is transferred to a Civil Department and assumes a civilian status or when a military employee discharged from the army without earning a pension is employed in a post in civil department in which his military service counts towards pension, the date of birth to be entered in his service book or roll shall be either that entered by the Military Authorities in his form of attestation when he first joined the army or, if at the time of attestation he stated only his approximate age, the date arrived at by deducting the number of years representing his age from his date of appointment.

**Note 1 :** The latest discharge certificate (printed as **Appendix-IV**) issued to military employees on release of discharge does not provide for the age on the date of attestation or enrolment. It does, however, provide inter alia for (i) age at the time of completion of the certificate, and (ii) date of enrolment. In such cases the age at the time of enrolment (attestation) should be worked out as indicated below:-

- a) Calculate the difference between (i) the date of commanding Officer's signature (vide space provided below serial No.8 in the certificate) and (ii) the date of enrolment;
- b) Deduct the period calculated as per (a) above from the age at the time of completion of the certificate (the date of the completion of the certificate vide serial No.2 in the certificate).
- c) Once the age at the time of enrolment is calculated the date of birth should be calculated as per the exemptions above.

**Note 2 :** Cases in which the date of birth has been reduced by any other method, from the age at appointment or attestation, or cases in which Government have passed specific orders accepting a particular date of birth, need not be reopened.

- (5) Events like extraordinary leave, training, suspension, interruption between dismissal or removal, compulsory retirement and reinstatement, as also between the period of resignation and withdrawal, unauthorised absence, participation in strike, overstayal of joining time etc., which do have bearing on the total qualifying service shall be noted on separate pages in distinct colour in the Service book, with clear remarks by Heads of Office or Heads of Department, as the case may be, as to whether they shall be counted for pension or not.

- (6) Copies of nomination forms filled in by Government employee in respect of General Provident Fund, Pension, Government Insurance Scheme, etc., shall be kept in the service book.
- 41 Reasons for reduction, removal etc. to be stated in the service book :** When a Government employee is reduced to a lower post, removed, or dismissed from service or suspended from employment, the reason for the reduction, removal, dismissal or suspension, as the case may be, should always be briefly stated thus “Reduced for inefficiency”, “Reduced owing to revision of establishment”, etc. The Head of the Office should make efficient arrangement for these entries being made with regularity. This duty should not be left to the Non-Gazetted Government employee concerned.
- 42 Personal certificate of character not to be entered in the service book :** Personal certificates of character should not, unless the Head of the Department so directs, be entered in a service book.
- 43 Service books to be shown to Government employees by Head of Office :** It shall be the duty of every Head of Office to initiate action to show the service books to Government employees under his administrative control every year and to obtain their signature therein in token of their having inspected the service books. A certificate to the effect that he has done so in respect of the preceding financial year should be submitted by him to his next superior officer by the end of the month of September of every year. The Government employees shall inter-alia, ensure before affixing their signatures that their services have been duly verified and certified as such and that all erasures in the service book are duly attested. In the case of a Government employee on foreign service, his signature shall be obtained in his service book after the Audit Officer has made therein necessary entries connected with his foreign service.
- 44 Completion and movement of service book on transfer :** When a Government employee is transferred, from one office to another, the necessary entry of the nature and reason of the transfer should be made in his service book in the office from which the Government employee is transferred and the service book, after being duly verified to date and attested by the Head of the Office, should be forwarded to the Head of the Office to which the Government employee has been transferred. The service book will thereafter be maintained in that office. If he finds any error or omission in the service 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 service book is taken over by him. The service book should not be made over to the Government employee who has been transferred.
- 45 Responsibility of Head of Department to make entries :** When a Government employee is transferred to foreign service, the responsibility for making entries in the Service Book should be with the Head of the Department or Office, on whose establishment the persons are borne and from where they had been sent on foreign service or deputation. For this purpose, the Accountant General’s office will send the certificate to the effect that contributions have been recovered from the office of deputation, to the drawing and disbursing officer concerned. A copy of the communication to the drawing and disbursing officer about the recovery of the contribution would also be endorsed simultaneously to the officer concerned so that he is also aware of the fact of the recovery of contribution. The employee concerned and the Drawing and Disbursing Officer has to send acknowledgment to Accountant General’s office of such communication, having been received by them.
- 46 Annual verification of Service Books and Service Rolls :** The service books and service rolls (except in the case of Police Head Constables and Constables) in each office should be taken up for verification in the month of January of every year by the Head of the office. After



satisfying himself that the entries relating to services of the Government employee concerned are correctly recorded in his service book and service roll in conformity with these rules, he would record therein a certificate over his signature to the effect that the services have been verified up to the date from pay bills, acquittance rolls and similar records to be specified. If there is any portion of service that cannot be verified from office records, the Head of the Office should distinctly state that for the excepted periods, which should be specified, a statement in writing by the Government employee as well as a record of the evidence of his contemporary employees is attached to the service book.

**47 Maintenance of service rolls in respect of Policemen :** (1) In the case of Policemen of rank not higher than that of Head Constable, there must be maintained for each district by the Superintendent of Police, a service roll in which the following particulars should be recorded for each man in the constabulary holding substantively a permanent post and for each man in constabulary officiating in a post or holding a temporary post, who is not recruited for a purely temporary or officiating vacancy for a short period and who is eligible for permanent appointment :

- (a) The date of his enrolment.
  - (b) His religion and in the case of Scheduled Castes, Scheduled Tribes or other Backward Classes, the Tribe or Caste.
  - (c)
    - i) His village,
    - ii) Age,
    - iii) Height, **and**
    - (iv) Marks of identification when enrolled.
  - (d) The rank which he, from time to time holds his promotions and his reduction or other punishments.
  - (e) His absence from duty with or without leave.
  - (f) Interruptions in his service.
  - (g) Every other incident in his service which may affect the amount of his pension.
- (2) The service roll must be checked with the roll maintained under rule- 383 of the Gujarat Police Manual, Volume - I, in the principal language of the District and order book and the punishment register and every entry in it must be signed by the District Superintendent.
- (3) From this roll the necessary statement of service of every applicant for pension shall be prepared, additional proofs being collected in respect of any service rendered before enrolment in the constabulary which the applicant may be entitled to count.

**48 Inspection of service books and service rolls :** It is the duty of officers inspecting subordinate Offices to inspect the service books and service rolls maintained there. They should see that -

- (i) the service books and service rolls are maintained up-to-date,
- (ii) entries are properly made and attested,
- (iii) verification has been properly carried out,
- (iv) the necessary statements and evidence secured, **and**
- (v) verification certificates have been properly recorded, by the Head of the Offices.

**49 Service book not to be returned to Government employee on cessation of service :** The service book or service roll should not be returned to the Government employee on retirement, resignation or discharge from service



- 50 Extract to be given to insurance companies from Service Records :** Heads of Departments may at their discretion furnish to Life Insurance Corporation of India, on request, relating to his date of birth, name, father's name, place of residence, race, place and designation of employment, date of appointment and personal marks of identification.

**CHAPTER - V – PATENTS TO GOVERNMENT EMPLOYEES  
ENGAGED IN SCIENTIFIC AND TECHNICAL RESEARCH**

- 51 Restriction on obtaining the patent for an invention made by Government employee :** Government employee whose duties involve the carrying out of scientific or technical research shall not apply for or obtain, or cause or permit any other person to apply for or obtain, a patent for an invention made by such Government employee save with the permission of the Government and in accordance with such conditions as Government may impose.

**Note :** The general instructions issued in this connection are contained in **Appendix-V**.

- 52 Decision of Government is final on the application of rule-51 :** If any question relating to application of rule-51 to a Government employee arises, it shall be referred to the Government whose decision thereon shall be final.

**CHAPTER - VI – REPEAL AND SAVINGS**

- 53 Repeal and Savings :** The Bombay Civil Services Rules, 1959 (as adapted by Government of Gujarat) so far as they relate to General Conditions of Services are hereby repealed :  
**Provided** that such repeal shall not affect the previous operation of the rules so repealed or anything done or any action taken there under.

**By order and in the name of the Governor of Gujarat.**

**(SUDHIR MANKAD)**

**Principal Secretary to Government.**

**APPENDIX – I****[See Rule - 7 & 8]**

*Authorities to whom powers under the Gujarat Civil Services  
(General Conditions of Services) Rules, 2002 have been delegated*

Sr. No.	No. of Rule	Nature of Power	Authority to whom the powers are delegated	Scope	Remarks	Comment
1	2	3	4	5	6	7
1.	9(23)(e)	Powers to regularise the period of compulsory waiting to 'duty'.	Administrative Departments	Upto a period of fifteen days	Upto a period of fifteen days	Upto a period of fifteen days
2.	9(34)	Declaring an officer as Head of Department.	Administrative Departments	Full powers subject to observation of the following conditions: 1. The officer should be the Head of an identifiable organisation 2. The minimum of the pay scale of the officer should not be less than that of the Deputy Secretary to Government. 3. These powers should be exercised only by the Secretary of the Administrative Department.		
3.	9(52)	To make officiating appointment for a period not exceeding two months.	All Gazetted Heads of Offices.	Government employees holding Class III posts under their control.	Appointments should be made from the approved list of candidates if there be any and all appointment should be reported immediately to the appointing authority.	

Sr. No.	No. of Rule	Nature of Power	Authority to whom the powers are delegated	Scope	Remarks	Comment
1	2	3	4	5	6	7
4.	9(52)	To make officiating appointments for a period not exceeding twelve months.	All Heads of Departments.	Government employees holding Class II posts under their control.	<p>1. Appointments should be made in accordance with approved recruitment rules.</p> <p>2. Appointments otherwise than by promotion or transfer should be made by means of advertisements.</p> <p>3. Appointment should be reported immediately to the Government.</p> <p>4. Appointments should be made on the minimum of the scale of pay for direct recruitment.</p> <p>5. Appointments by promotion should be made from Government employees in the approved select list if any.</p>	
5.	9(52)	To make officiating appointment for a period not exceeding twelve months.	<p>1. Director of Education</p> <p>2. Director of Technical Education</p> <p>3. Commissioner of Health, Medical Services &amp; Medical Education.</p>	Government employees under their control holding Class I posts and performing duties in connection with teaching.	Same conditions as in the case of item 4 above.	

Sr. No.	No. of Rule	Nature of Power	Authority to whom the powers are delegated	Scope	Remarks	Comment
1	2	3	4	5	6	7
6.	9(52)	To make officiating appointment in place of Government employees deputed for training.	Any authority having power to make appointments during leave vacancies.	All Government employees under their control.	Same conditions as in the case of item 4 above.	
7.	9(60)	Powers to sanction pension	(1) Administrative Departments of Sachivalaya  (2) All Heads of Departments  (3) Appointing Authority	Full powers  - do -  - do -	In respect of Heads of Department  In respect of all class one and two officers excluding Heads of Department  In respect of all class three and four Government employees	

**APPENDIX - II****[See Rule - 9 (34)]***List of Officers who are deemed as Heads of Department for the purpose of various sets of the Gujarat Civil Service Rules, 2002***1.0 AGRICULTURE, CO-OPERATION & RURAL DEVELOPMENT DEPARTMENT :**

- 1.1 Secretary to Government.
- 1.2 Director of Agriculture.
- 1.3 Director of Animal Husbandry.
- 1.4 Director of Sugar
- 1.5 Director of Co-operative Societies.
- 1.6 President, Gujarat State Co-operative Tribunal.
- 1.7 Director of Horticulture.

**2.0 EDUCATION DEPARTMENT :**

- 2.1 Secretary (Education) to Government.
- 2.2 Secretary (Technical and Higher Education)
- 2.3 Commissioner of Higher Education
- 2.4 Commissioner of Mid-day-Meals and Schools)
- 2.5 Director of Primary Education
- 2.6 Director of Technical Education
- 2.7 Director of N.C.C.
- 2.8 Director of State Project Gujarat Primary Education Council
- 2.9 Director of Gujarat Council Education Research & Training
- 2.10 Director of Literacy and Continuing Education
- 2.11 Chairman, Gujarat Secondary Education on Board
- 2.12 Gujarat Primary Education Tribunal, Ahmedabad
- 2.13 Director Gujarat Education Technology Bhavan
- 2.14 Chairman, Gujarat State Examination Board
- 2.15 Director of State Project
- 2.16 Chairman, Technical Examination Board

**3.0 ENERGY AND PETROCHEMICAL DEPARTMENT :**

- 3.1 Secretary to Government.
- 3.2 Chief Electrical Inspector and Collector of Electricity Duty.
- 3.3 Secretary, Gujarat Electricity Regulatory Commission.
- 3.4 Director of Petroleum.

**4.0 FINANCE DEPARTMENT :**

- 4.1 Secretary to Government.
- 4.2 Director of Accounts and Treasuries
- 4.3 Commissioner of Sales Tax.
- 4.4 President, Gujarat Sales Tax Tribunal
- 4.5 Director of Insurance.
- 4.6 Director of Pension and Provident Fund.

**5.0 FOOD, CIVIL SUPPLIES AND CONSUMER AFFAIRS DEPARTMENT :**

- 5.1 Secretary to Government.
- 5.2 Director of Civil Supplies.

- 5.3 Director of Food.
- 5.4 Food and Civil Supplies Controller.
- 5.5 The Registrar, Consumer Disputes Redressal Commission.
- 5.6 Controller of Weights & Measures.
- 6.0 FOREST AND ENVIRONMENT DEPARTMENT :**
- 6.1 Secretary to Government.
- 6.2 Principal Chief Conservator of Forests.
- 6.3 Conservator of Forests.
- 7.0 GENERAL ADMINISTRATION DEPARTMENT :**
- 7.1 Secretary to Government.
- 7.2 Secretary to Governor.
- 7.3 Comptroller to the Governor
- 7.4 Commissioner of Inquiries and Member Secretary, Concurrent Vigilance Cell
- 7.5 Director, Directorate of Economics & Statistics
- 7.6 Director of Evaluation
- 7.7 Secretary, Gujarat Public Service Commission
- 7.8 Secretary, Subordinate Staff Selection Board
- 7.9 Chief Editor, Gujarat District Gazetteers
- 7.10 Director of Languages
- 7.11 Commissioner of Training and Director, Sardar Patel Institute of Public Administration
- 7.12 Resident Commissioner, New Delhi
- 7.13 Secretary, Gujarat Civil Services Tribunal
- 7.14 Registrar, Office of Hon'ble Lokayukta
- 7.15 Secretary, State Election Commission
- 8.0 HEALTH AND FAMILY WELFARE DEPARTMENT :**
- 8.1 Secretary to Government.
- 8.2 Commissioner of Health, Medical and Medical Education
- 8.3 Additional Director (Health) Office of the Commissioner of the Health, Medical Services and Medical Education
- 8.4 Additional Director (Medical) Office of the Commissioner of Health, Medical Services and Medical Education
- 8.5 Additional Director (Medical Education) Office of the Commissioner of Health, Medical Services and Medical Education
- 8.6 Director of Medical Services (E.S.I. Scheme)
- 8.7 Director of Indian System of Medicine and Homeopathy
- 8.8 Commissioner of Food & Drugs Control Administration
- 8.9 Director of Stock Holding Central Medical Stores Organization
- 9.0 HOME DEPARTMENT :**
- 9.1 Secretary to Government.
- 9.2 Director General and Inspector General of Police
- 9.3 Commandant General Home Guards
- 9.4 Additional Inspector General of Police, Police Computer Center
- 9.5 Inspector General of Prisons.
- 9.6 Director of Transport
- 9.7 Secretary, Gujarat Vigilance Commission
- 9.8 Director of Sainik Welfare



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- 9.9 Director of civil Defence  
9.10 Director of Forensic Science Laboratory  
9.11 Additional Director General of Police Public Prosecution,  
9.12 Commissioner and Additional Director General of Police, Prohibition & Excise  
9.13 Director General of Police & Director, Anti-Corruption Bureau
- 10.0 INDUSTRIES AND MINES DEPARTMENT**
- 10.1 Secretary to Government.  
10.2 Industries Commissioner  
10.3 Commissioner of Cottage Industries  
10.4 Commissioner of Geology and Mining  
10.5 Director of Government Printing & Stationery  
10.6 Commissioner of Tourism  
10.7 Commissioner of Payment  
10.8 Commissioner of Trade & Commerce
- 11.0 INFORMATION AND BROADCASTING DEPARTMENT**
- 11.1 Secretary to Government  
11.2 Director of Information  
11.3 Commissioner of Entertainment Tax
- 12.0 NARMADA AND WATER RESOURCES DEPARTMENT :**
- 12.1 Secretary to Government.  
12.2 Chief Engineers  
12.3 Superintending Engineers of Circles  
12.4 Superintendign Engineers of Water Resources Investigation Circles  
12.5 Area Development Commissioner  
12.6 Additional Collectors (Irrigation)  
12.7 Director, Gujarat Engineering Research Institute  
12.8 Chief Controller of Accounts (Narmada Project)
- 13.0 LABOUR AND EMPLOYMENT DEPARTMENT :**
- 13.1 Secretary to Government.  
13.2 Commissioner of Labour  
13.3 Commissioner of Rural Labour  
13.4 Director of Employment and Training  
13.5 Registrar, Industrial Court and Wage Boards  
13.6 Registrar of Labour Court
- 14.0 LEGAL DEPARTMENT :**
- 14.1 Secretary to Government.  
14.2 Advocate General  
14.3 Charity Commissioner  
14.4 Chief Judge of Court of Small Causes  
14.5 Chief Magistrate for the City of Ahmedabad  
14.6 District and Session Judges  
14.7 Official Trustee and Administrator General  
14.8 Principal Judge, City Civil and Sessions Court  
14.9 Registrar, Gujarat High Court  
14.10 Member Secretary, Gujarat State Legal Services Authority.  
14.11 Principal Judge, Family Courtp

14.12 Inspecting Officer (Court Fees) and Ex-Officio Chief Inspector (Court Fees)

14.13 Registrar, Gujarat Public Works Contract Disputes Arbitration Tribunal.

**15.0 PANCHAYAT RURAL HOUSING AND RURAL DEVELOPMENT DEPARTMENT :**

15.1 Secretary to Government.

15.2 Development Commissioner

15.3 The Gram Vikas Commissioner

15.4 The Gujarat Panchayat Service Selection Board

15.5 Director of State Institute of Rural Development and Panchayati Raj

15.6 Commissioner of Rural Development

**16.0 LEGISLATIVE AND PARLIAMENTARY AFFAIRS DEPARTMENT :**

16.1 Secretary to Government.

**17.0 PORTS AND FISHERIES DEPARTMENT :**

17.1 Secretary to Government.

17.2 Commissioner of Fisheries

**18.0 REVENUE DEPARTMENT :**

18.1 Secretary to Government.

18.2 District Collectors

18.3 Commissioner of Land Reforms

18.4 President, Gujarat Revenue Tribunal

18.5 Director of Relief

18.6 Secretary (Appeals)

18.7 Settlement Commissioner and Director of Land Records

18.8 Superintendent of Stamps

18.9 Inspector General of Registration

**19.0 ROADS AND BUILDINGS DEPARTMENT :**

19.1 Secretary to Government

19.2 Chief Engineer

19.3 Chief Architectural and Town Planner

19.4 (C.E. & S.P.) Director Staff Training College

19.5 Controller of Accommodation

19.6 Director of Parks and Gardens

19.7 Superintending Engineers of Circles

**20.0 SOCIAL JUSTICE AND EMPOWERMENT DEPARTMENT :**

20.1 Secretary to Government.

20.2 Director of Social Defence

20.3 Director of Scheduled Caste Welfare

20.4 Director of Developing Caste welfer

20.5 Commissioner of Disability

**21.0 URBAN DEVELOPMENT AND URBAN HOUSING DEPARTMENT :**

21.1 Secretary to Government.

21.2 Chief Town Planner

21.3 Director of Municipalities

**22.0 SPORTS, YOUTH AND CULTURAL ACTIVITIES DEPARTMENT :**

22.1 Secretary to Government.

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- 22.2 Commissioner of Youth Services and Cultural Activities
  - 22.3 Director of Museums
  - 22.4 Director of Archaeology
  - 22.5 Director of Archives
  - 22.6 Director of Library
  - 22.7 Director General, Sports Authority of Gujarat.
- 23.0 WOMEN & CHILD DEVELOPMENT DEPARTMENT :**
- 23.1 Secretary to Government.
  - 23.2 Commissioner Women & Child Development
- 24.0 SCIENCE AND TECHNOLOGY DEPARTMENT :**
- 24.1 Secretary to Government.
- 25.0 GUJARAT LEGISLATURE SECRETARIATE :**
- 25.1 Secretary to Gujarat Legislature Secretariat

**APPENDIX - III****[See Rule - 11]*****Rules for the examination of candidates as to their Physical Fitness***

1. Candidates will be examined and certified by the Civil Surgeon of the District in which they are employed or resided for the time being or by a Medical Officer duly appointed for the purpose (vide **Schedule 'A'** below):

Provided that -

- (i) In the case of a female candidate, a competent authority may either dispense with a certificate or accept a certificate signed by any female medical practitioner.

**Note :** Once a female Government employee is asked to produce a medical certificate of fitness for entry into Government service whether in permanent or temporary capacity, and has actually been examined and declared unfit, it is not open to the authorities exercising the powers to use their discretion to ignore the certificate that has been produced.

- (ii) In the case of a candidate who is appointed on pay not exceeding Rs. 2750 per mensem, a competent authority may accept a certificate signed by any Medical Officer irrespective of his rank.

The Medical certificate shall be in the following form :-

**Form of medical certificate**

A Medical certificate of fitness for Government service shall be in the following form :-

1. Name of candidate :
2. The post to which Appointed.
3. Department in which appointed.
4. The age according to candidate's own statement.
5. Age as by appearance to the Medical Officer.
6. Whether vaccinated or not
7. Left hand thumb impression of the candidate.
8. Marks of identification.

I certify that I have examined the above mentioned candidate and can not discover that he or she has any disease (communicable or otherwise), constitutional weakness or bodily infirmity, except \_\_\_\_\_ I do not consider this a disqualification for employment in the office of \_\_\_\_\_ as \_\_\_\_\_

**Seal of office Signature :**

**Designation :**

**Date :**

**Place :**

2. In the case of female candidates, the examination will be confined to the general condition of health and constitution only.
3. Medical Officers in-charge of civil stations should, when required to do so, examine successful candidates as to their physical fitness both before admission into the Training Colleges and before they are appointed to Government Service
4. Heads of Offices will furnish to the candidate with a letter of cognizance stating the department and the appointment to which the candidate will be appointed and also briefly summarising the nature of the work he or she will have to perform, and making mention of any special hardships of climate, whether fatigue and the like which the candidate will have to endure. The declaration mentioned in rule 5 should be attached to the letter of cognizance, which is printed as Schedule 'C' below. In cases of examination by a Medical Board, the authority furnishing the letter of cognizance may be the Head of Department, if it is not possible to get

- the letter signed by a Head of Office.
5. The utmost care should be exercised in furnishing certificates of physical fitness to candidate for public services, and applicants will be required by the appointing authority to declare in writing, when possible, whether they have at any time been pronounced unfit for Government employment by a duly constituted medical authority.
  6. (1) The examination as to the physical fitness of candidates, except in the case of those seeking admission to departments for which special standards of physical fitness are laid down, will comprise routine examination into the health and bodily condition of candidates for the public service, with special reference to the points noted below :-
    - (i) General confirmation.
    - (ii) The presence or otherwise of Haemorrhoids or fistula.
    - (iii) The presence or otherwise of hernia or weakness of the inguinal rings and canals.
    - (iv) The presence of varicocele, hydrocele, or other affections of the testicle.
    - (v) The presence of pyorrhoea alveolaris.
    - (vi) Any evidence of Venereal disease.
    - (vii) The presence of Trachoma.
    - (viii) Any inveterbrate skin disease.
    - (ix) Any Tubercular disease.
    - (x) A neurotic temperament.
  - (2) Every candidate must make the statement in form attached prior to his medical examination and must sign the declaration appended thereto. His attention is specially directed to the warning contained in the Note below Schedule D to this appendix.
  7. Candidate will be required to pass the visual test laid down in the regulations as to the standards of vision, vide **Schedule 'B'** below. A candidate whose standard of vision does not come up to the requirement of services specified in **Annexure 'A' to Schedule 'B'** shall be referred to the Board of Referees for assessment of their visual standard in relation to the nature of work the candidate is expected to do. The candidate declared unfit by the Board of Referees will not be eligible for appointment in Government Service.
  8. Medical Officer should note in the certificate of physical fitness the fact of vaccination having or not having been performed and should also take the left hand thumb impression of the candidate thereon in the case of a non-gazetted Government. The examining Medical Officers are responsible for this.
  9. Candidate for the Police Training School must be certified by the Civil Surgeon to be thoroughly fit for outdoor employment and free of any disease likely to interfere with their efficiency as Police Officers. They must be vaccinated or if they have already been vaccinated must be revaccinated before joining the school.
  10. Candidate for the State Services should be sent for medical examination by a Medical Board, only after they are selected for appointment.

**Note :** In case of medical examination of female candidates for Gazetted appointments under Government, one of the members of the Medical Board examining such candidates should be a lady Medical Officer, possessing medical qualifications included in the Schedule to the Indian Medical Council Act, 1956.
  11. Selected candidates for the posts of Gujarat Forest Service and Gujarat Forest Engineering Service should be examined by the Medical Board in accordance with the following rules :-

- (i) The examination as to the physical fitness of these candidates shall be such as would be required by Life Insurance Corporation of India if the candidates wish to insure at normal rates for the full terms of their lives.
- (ii) It will comprise the routine examination into the health and bodily condition of candidates for the public service as laid down in rule 6 above. (A table below is for the guidance of the medical examiners showing the minimum relative heights, weights and chest measurements, which should, as a general rule, be regarded as sufficient).

*Table showing the lowest relative Heights, Weights  
and Chest Measurements*

No.	Height	Weight	Chest measure- ment	No.	Height	Weight	Chest measure- ment
1.	152.40	44.45	81.28	9.	172.72	56.24	87.63
2.	154.94	45.36	81.28	10.	175.26	58.97	88.90
3.	157.48	46.27	82.55	11.	177.80	61.69	90.17
4.	160.02	47.17	83.82	12.	180.34	63.50	91.44
5.	162.56	48.99	83.82	13.	182.88	67.13	93.98
6.	165.10	50.80	85.99	14.	185.42	69.85	96.52
7.	167.64	52.62	86.36	15.	187.96	73.94	101.60
8.	170.18	54.43	86.36	16.	190.50	79.38	101.60

**Note :** The Medical Board should certify in cases of candidates for the Gujarat Forest Service and Gujarat Forest Engineering Service that they are fit for rough outdoor work in the Forest Department.

- (iii) Candidates with any deformity or defects which will incapacitate them in any degree or may hereafter tend to capacity, or those suffering from any of the ailments above mentioned (Rule 6) should be rejected.
- (iv) Candidates who are abnormally spare or light, and those who are distinctly of an obese, flabby or full-blooded habit of body, should be rejected.
- (v) Existence of any of the following conditions will also disqualify, viz :-
- Any tubercular disease.
  - A neurotic temperament
  - The loss of an eye.
  - Any chronic affection of the eyes or ears, or any acute affection of these organs until it be cured.
  - Considerable varicosity of the veins of the either leg.
  - Veineral disease.
- (vi) Candidates must pass the visual test prescribed in Schedule 'B' to these rules.
- (vii) Cases of candidates rejected for defects or ailments, which are possibly remediable, will be reported to Government, who will decide whether re-examination shall be permitted and the date thereof.
12. Candidates for appointments to the Upper Subordinate Forest Service or ranger class will be required to produce a health certificate in the following form signed by a Commissioned Medical Officer or by a Medical Officer in charge of a civil station :-

**FORM**



**Examination free****Dated****2002**

I hereby certify that I have examined\_\_\_\_\_a candidate for the Forest Rangers' Course and cannot discover that he has any disease, constitutional affection, or bodily infirmity. He has sound constitution, good vision and hearing, and in my opinion he is physically fit for a rough out door life in the Forest Department.

His age is according to his own statement\_\_\_\_\_years, and by appearance about \_\_\_\_\_years. He has been vaccinated (or protected from small pox).

**Civil Surgeon Hospital**

**Note 1 :** The medical examination for selection to the Forest Service will be conducted free of charge, if he is armed with a letter from a forest officer not lower in rank than Deputy Conservator of Forests. Care should be taken by that officer that letters are given only to likely applicants.

**Note 2 :** Any candidate is liable to further medical examination, if the Chief Conservator so directs.

13. Candidates for all Government scholarships tenable in England or on the Continent are required to submit with their application a certificate of physical capacity to undergo the course of life and study, which they will have to follow in England, signed or countersigned by the Civil Surgeon of the Government Hospitals. Such candidates should, therefore, be subject to a careful medical examination by the Civil Surgeon of a Government Hospital and special attention should be paid to the probability of their being able to stand the English climate. A candidate for a Government scholarship should pay the usual fee for a certificate unless he is provided with a letter of authority requesting the Civil Surgeon to examine him.
14. Candidates for any special department of Government service, having special standards of physical fitness, must be provided with, and present a copy of any such special standards to the examining officer.
15. Medical Officers who are in doubt about the fitness of a candidate should refer the whole case to the Director of Health, Medical Services and Medical Education (Medical) Gandhinagar, who will decide whether the candidate should be examined by another Medical Officer or by a Medical Board.
16. If in the opinion of the Medical Officer or Medical Board, a candidate is unfit/he/they shall issue to such candidate a certificate in the following form :-

**FORM**

I/We consider\_\_\_\_\_ (name of the candidate) to be temporarily/permanently unfit for employment as \_\_\_\_\_ on account of \_\_\_\_\_

\*In my/our opinion, the candidate should be fit to appear for re-examination by \_\_\_\_\_ (date) and he should appear with a fresh letter of cognizance for re-examination.

**Note :** Under no circumstances shall a candidate be entitled to a copy of the report or the detailed findings of a Medical Board.

17. Candidates pronounced unfit except on grounds of visual test shall with the permission of the head of the office concerned, be entitled to appeal to the Director of Health, Medical Services and Medical Education (Medical) through the examining medical officer or the Medical Board, who in forwarding the appeal will state his, her or their reasons for the decision. Director will decide whether the candidate should be examined by another Medical Officer or by a Medical Board or by another Medical Board if the candidate was previously examined by a Medical Board.

18. The examining Medical Officer is held responsible for the measurements of height, weight, chest and abdomen in cases where these are specifically laid down. He is also responsible for noting on the certificate the marks of identification.
19. Detailed accounts of the examination held in India by individual medical examiners, or by Medical Boards, of candidates, who may subsequently have to present themselves for final examination before the Medical Board of the office of the High Commissioner for India should be forwarded to the Medical Board of the office of the High Commissioner for India for record. It is of great importance that the Board should have before it, when proceeding to the final examination of such candidates, full particulars of the information obtained and the conclusions reached by the examiners by whom the candidate was first passed as physically fit for Government service.

#### **SCHEDULE 'A'**

**(See Rule - 1 of Appendix-III)**

The following Medical officers are appointed to examine candidates stated against their names :-

- |   |                                 |
|---|---------------------------------|
| i) Medical Officers of<br>Prison and Jails.   | Prison and Jail                 |
| ii) Superintendents of<br>Mental Hospitals.   | Mental Hospital establishments. |
| iii) Assistant Directors<br>of Public Health. | Public Health establishments.   |

#### **SCHEDULE 'B'**

**[(See Rules - 7 and 11 (vi) of Appendix-III)]**

##### **Regulation as to the standard provision**

1. When a candidate for admission into the Civil Services of Government, appears before the medical authority for visual test, the medical authority shall be guided by the different minimum standards as prescribed in Annexure 'A' to this Schedule. This is the "Sorting Out" stage, where the obviously suited are certified fit without further trouble.
2. The doubtful and unsuitable cases shall be referred to a "Board of Referees", comprising of at least three ophthalmologists who shall get the cases examined on the following points:-
  - (i) Previous record of glasses worn.
  - (ii) Determination of refractive error under homatropine.
  - (iii) Fundus changes, particularly in the anterior part of choria-retina.
  - (iv) Vitreous changes.
  - (v) Absolute Visual Acuity.
  - (vi) Radius of curvature of cornea.
  - (vii) Ascertainment of the nature of his work, particularly in relation to subjective and objective hazards.

And shall assess the visual capacity against the visual task expected in which they shall be guided by certain classic standards according to the work to be assigned to the candidate.

3. The Board shall have the right to order the re-examination of a candidate annually for three years to determine the stability or instability of a refractive error before he is finally confirmed.
4. The "Board of Referees" decision shall be final and irrevocable.

5. When a candidate is referred to a Medical Board, the Board shall be guided by the standards laid down in **Annexure 'A'** (Preliminary standards) and those who fall short of the standard shall be referred to the "Board of Referees".
6. Rules for the guidance of Board of Referees are as specified in **Annexure 'B'**.

**ANNEXURE 'A' of APPENDIX- III**

(See Rule-7 of Appendix-III)

**Preliminary Visual Standard for all Services**

**Group 'A'**

*For posts requiring very high degree of visual acuity with unaided eye -*

Visual acuity – unaided vision is not less than 6/6 in one eye and not less than 6/9 in the other.

Posts for which such a high standard is required :-

Armed and unarmed Police etc.

**Group 'B'**

*For post requiring a very high degree of vision acuity  
with glasses and moderate degree without glasses -*

Visual acuity –

6/24 each eye without glasses.

6/6 each eye with  $\pm$  2.5 D after correction.

Normal colour vision as tested with the Ishihara test.

No evident signs of infective condition of the external eye e.g. Trachoma.

No squint.

*Posts for which such a high standard is required -*

All Class I and certain Class II posts viz. Medical and Engineering Services, Class II, Superintendents and Sub-Inspectors of Police.

**Group 'C'**

*For posts requiring a high degree of visual acuity with visual aids (glasses) -*

Visual acuity –

6/6 each eye with  $\pm$  4.0 D after correction.

No infective condition of the external eye.

No squint.

*Posts for which such a high standards with glasses is required -*

1. Class II posts.
2. Certain Class III posts viz. GMS, Class III compounders.
3. Skilled workmen and artificers and machine workers.
4. Bus Conductors in Transport Service.

**Group 'D'*****For posts which can do with a moderate degree of visual acuity -***

Visual acuity –

Better eye 6/6 ± 4.0 D worse eye 6/24 with glasses.

No infective condition of the external eye.

***Posts that can do with such a moderate degree of visual acuity -***

Class III posts and all types of desk-work e.g. Clerks, Accountants, Organising Officers, Store-keepers.

**Group 'E'*****For posts which do not require acute central visual acuity -***

Visual acuity -

Better eye 6/12 with correction.

Worse eye 6/24 with correction.

No infective condition of the external eye.

***Posts that can do with such visual acuity -***

Ward boys in hospitals, menials, sweepers, peons, messengers, and all those belonging to Class IV in whom a moderate visual acuity is enough to enable them to perform their duties.

**Note :** All those who fall short of the above standard are not necessarily failed but shall be referred to the “Board of Referees” for expert opinion.

**ANNEXURE 'B' of APPENDIX- III****(See Rule 6 of Rules in Schedule 'B' of Appendix-III)****Rules for the guidance of the Board of referees**

1. **Visual acuity :** An eye that cannot be brought to 6/6 after correction calls for a detailed examination.
2. **Pupil reaction :** A sluggishly reacting pupil is an eye for detailed examination.
3. **Fundus changes in Myopia :** A general rarified appearance of the fundus, particularly in the centro-coecal and anterior parts; a temporal crescent with its points almost meeting to form an annual ring round the disc and pigment degeneration are signs of grave import and ground for failing a candidate.

In a high degree of myopia a narrow temporal crescent in itself must not be a criterion for failing a candidate.

**Fundus diseases :** In other fundus diseases all lesions of a progressive nature are grounds for failing.

4. **Refractive error :** But for posts under Group 'A' under the preliminary visual standards, the standards may be considerably relaxed. More attention is to be paid to the type of refractive error than the degree. In this measurement of the radius of curvature of the cornea and its refractive power and the condition of the eye grounds and vitreous will determine a physiological or a pathological error. Thus a myopia of 10 D with a corneal refraction of 45 D or 46 D (normal 44 D) and healthy eye-grounds and no vitreous opacities is no risk myopia whereas a myopia of 4 D with a corneal refractive power of 44 D or less with a rarified anterior choroid is a full-risk myopia and may be disqualified. Thus no limit is set for the degree of myopia for the expert referees.

5. **Amblyopia** : If one eye vision is defective from whatever cause (squint, opacity, muscular trouble) it matters little then whether the eye has vision finger counting at 6 meters or 6/12. That eye is useless for central vision, in the presence of the better eye. The only concern there is: (a) whether the eye has good peripheral vision. (b) does the condition in that eye constitute a danger by itself? If the eye has good peripheral vision, the person can do any duty that does not require binocular vision. All causes giving rise to defective vision in one eye from an opacity, fundus disease or squint, paralytic or non-paralytic or external disease should be investigated in every case and the capacity of that person to fit for the duty he is expected to do, is assessed by the Expert Board. In that direction special attention should be given to whether such an eye condition suggests a possibility of similar developing in the other eye.
6. In the event of any doubts as to the progressibility or otherwise of any case the Board reserves the right of examining the case once in every year and to defer its final decision until three years have passed.

**SCHEDULE 'C'**

(See rule 4 of Appendix III)

*Letter of cognizance to be taken by a candidate  
undergoing physical fitness examination*

No :.....2002

Place :

Date :

**From**

**The.....**

.....

**To :**

**The Civil Surgeon/Superintendent,**

**Subject : Medical examination for physical fitness  
for Government Service**

**Sir,**

I am directed to request that the bearer\_\_\_\_\_a candidate for employment in the post of\_\_\_\_\_

In the cadre of\_\_\_\_\_Department, may kindly be examined by you/a Medical Board and this office/Department furnished with your opinion/opinion of the Board regarding his health and age in the prescribed form as recommended by rule 12 of the Appendix III of the Gujarat Civil Services (General Conditions of Services) Rules, 2002. Particulars of this candidate are given below :-

- (1) Height.
- (2) Figure.
- (3) Personal marks:
  - (1)
  - (2)
  - (3)

This candidate is expected to do\_\_\_\_\_ (Rule 4 in Appendix III of these rules).

This candidate had made a declaration before me to the effect that he was not declared unfit for Government service previously by any duly constituted medical authority (Rule-5 in Appendix III, of these rules). This declaration is herewith attached.

**Yours faithfully,**  
**(Name of the Officer)**  
**Head of Office/Department**

### SCHEDULE 'D'

[See Rule 6 (2) of Appendix III]

*A form of declaration by a candidate sent for medical examination.*

- (i) State your name in full (in Block letters)
- (ii) State your age and place of birth.
- (iii) (a) Have you ever had small-pox, intermittent or any other fever, enlargement or suppuration of glands, spitting of blood, asthma, heart disease, lung disease, fainting attacks, rheumatism, appendicitis;
- or**
- (b) Any other disease or accident requiring confinement to bed and medical or surgical treatment ?
- (iv) When were you last vaccinated :
- (v) Have you or any of your near relatives been affected with consumption, scrofula, gout, asthma, fits epilepsy or insanity ?
- (vi) Have you suffered from any form of nervousness due to overwork or any other cause ?
- (vii) Have you been examined and declared unfit for Government service by a Medical Officer/ Medical Board, within the last three years ?
- (viii) Furnish the following particulars concerning your family :-

Father's age, if living and state of health	Father's age at death and cause of death	No. of brothers living, their ages and state of health	No. of brother, dead, their ages, death and cause of death
1	2	3	4
Mother's age, if living and state of health	Mother's age at death and cause of death	No. of sisters living, their ages and state of health	No. of sisters, dead, their ages, death and cause of death



5

6

7

8

I declare all the above answers to be, to the best of my belief, true and correct.

I also solemnly affirm that I have not received a disability certificate/pension on account of any disease or other condition.

**Candidates Signature :**

**Signed in my presence :**

**Signature of Medical Officer :**

**Note :** The candidate shall be held responsible for the accuracy of the above statement. By willfully suppressing any information he will incur the risk of losing the appointment and if appointed, of forfeiting all claim to superannuation pension or gratuity.

**APPENDIX - IV**

[See Note-1 below rule 40 (4)]

***Certificate of Service***

1. No. \_\_\_\_\_ Rank \_\_\_\_\_  
 Name \_\_\_\_\_  
 Unit \_\_\_\_\_  
 Father's name \_\_\_\_\_  
 Class \_\_\_\_\_ Sub-class \_\_\_\_\_  
 Village \_\_\_\_\_ P.O. \_\_\_\_\_  
 Tehsil \_\_\_\_\_ Thana \_\_\_\_\_  
 Tel. Office \_\_\_\_\_ Rly. Station \_\_\_\_\_  
 District \_\_\_\_\_  
 Date of enrolment \_\_\_\_\_  
 Date of transfer to the Reserve \_\_\_\_\_  
 Date of discharge \_\_\_\_\_
2. Description at the time of completion of this from :  
 Age : \_\_\_\_\_  
 Distinctive mark.
3. \*Transfer to the Reserve on \_\_\_\_\_  
 \*Discharged by order of \_\_\_\_\_  
 Dismissed \_\_\_\_\_  
 +In consequence of  
 Under Item / Section I.A.A.Rule 13 / I.A.A.  
 After serving \_\_\_\_\_ Years \_\_\_\_\_ Months \_\_\_\_\_ days  
 \_\_\_\_\_ with the colours and \_\_\_\_\_ years \_\_\_\_\_ Month  
 \_\_\_\_\_ days in the Reserve.  

(Non-qualifying service is to be included)
4. Character is assessed, vide R.A.I instruction No. 203 \_\_\_\_\_

5. (a) Medals, decorations or mentions in dispatches \_\_\_\_\_  
 (b) War Services, showing theatres of operations with dates \_\_\_\_\_  
 (c) Wounds (Details of disability) \_\_\_\_\_
6. Certificates -  
 (a) Highest Military education certificate (R.U.) \_\_\_\_\_  
 (b) Highest military educational certificate (Eng.) \_\_\_\_\_  
 Highest education (Civil) \_\_\_\_\_  
 Degree of proficiency in reading and / or writing (I) English, (ii) Roman Urdu.  
 (c) Any other language \_\_\_\_\_  
 Any other qualification such as Mathematics \_\_\_\_\_  
 (d) Employment before enlistment \_\_\_\_\_  
 (e) Army trade and qualifications \_\_\_\_\_
7. The holder of this certificate must understand that, if he wishes to submit a petition, he must do so as to the officer i/e Records \_\_\_\_\_ or to the Deputy Commissioner/Collector \_\_\_\_\_ Application for assistance in finding employment should be made to Sub-Regional Employment Exchange at \_\_\_\_\_  
 His nearest D.S.S.A.B. is at ++.
8. The contents of paragraph 7 above have been fully explained to me.

**Date** : \_\_\_\_\_

**Station** \_\_\_\_\_

\_\_\_\_\_  
**(Signature of Soldier)**  
 \_\_\_\_\_

**(Signature and Rank)**

**Date . :** \_\_\_\_\_

**Commanding** \_\_\_\_\_

**Note** : The signature of the soldier will not be affixed to this page until all entries are completed and will then be regarded as a certificate that he understands the use of the form and accepts the correctness of the entries therein.

- \* Strike out item not applicable  
 + Insert the condition from which a person discharged on medical ground is suffering, as entered in the proceeding of the Medical Board I.A.F.  
 \* Enter training center, depot unit etc.  
 ++ Enter station.

## APPENDIX – V

[See Note below Rule-51]

*Instructions for regulating the Patenting of Inventions made  
by Government Employees whose duties involve the carrying out of  
Scientific or Technical Research*

1. (1) In these instructions -
  - (a) “**Committee**” means the Patents Advisory Committee.
  - (b) “**Inventor**” means any Government employee whose duties involve carrying out of Scientific or Technical Research.
  - (c) “**Department**” means Department of Government in charge of any Research Organisation.
  - (d) “**Research Organisation**” means any technical or Scientific Establishment under Government where research work is carried out and includes also an establishment where research work is carried out in addition to any other routine work.
  - (e) “**Secretary**” means Secretary of the Patents Advisory Committee”.
- (2) The Patent Advisory Committee will consist of the Officials mentioned below : -

Chairman  
Industries Commissioner,  
Members.  
The Director of Technical Education  
The Director of Agriculture,  
The Head of Department of Chemical Technology in any University in Gujarat as nominated by Government  
Member Secretary  
The Joint Director of Industries (Technical Development)

The said Committee will have powers to co-opt not more than two members.
2. An inventor should not, without the previous permission of Government, employ a Patent Agent or disclose the invention to any person otherwise than as provided in instruction 4 or publish or join any person not connected with the invention in his application for a patent, of file a Complete Specification, or make any application for a patent in any other country.
3. Every inventor should, if so ordered, do everything necessary for obtaining a patent whether in India, or any other country under such conditions as may be prescribed by the Government.
4. Every inventor who evolves an invention should promptly disclose it to the Head of the Research Organisation where he is working.
5. Where an inventor discloses his invention to the Head of his Research Organisation with or without a request for permission to file an application for a patent accompanied by a provisional Specification, the Head of the Research Organisation should, through a secret communication, forward the information to the Department concerned together with his remarks on -
  - (i) the connection, if any, between the invention and the inventor’s official duties;

- (ii) the Extent to which the inventor has used the facilities provided at Government expense;
  - (iii) whether the result are of such a nature that they should be published instead of being patented;
  - (iv) patenting the invention in foreign countries;
  - (v) the estimated needs of the Department concerned and the Government as a whole;
  - (vi) the probable contribution to public welfare; and
  - (vii) his recommendations, if any, as to further action deemed appropriate;
6. An inventor may file an application for a patent accompanied by a Provisional Specification after obtaining the permission of the Head of the Research Organisation where he is working;
7. Government hereby authorises the Head of every Research Organisation to grant, in his discretion, to any inventor working under him, permission under rule-51 to file an application for a patent accompanied by a Provisional Specification;
- Provided that, where the Head of a Research organisation does not deem it fit to grant the permission for instance, where the invention is likely to have utility for defence purposes or for the Department concerned, he should forward the papers to the Department concerned, together with his remarks.
8. Where an inventor desires to obtain permission in accordance with instruction 6, his request to the Head of his Organisation should be made on the prescribed form, shown in Annexure which should be filed in quadruplicate.
9. If the Head of a Research Organisation decides to grant the permission, he should sign all the four copies of the forms, return one copy to the inventor, retain one copy and forward the remaining two copies along with two copies of the Provisional Specification to the Department concerned.
10. If the request for permission is accompanied by a complete Specification (which should be in duplicate) the Head of the Research Organisation should, through a secret communication, forward the papers to the Department concerned, together with his remarks on points referred to under sub-paragraphs (i) to (vii) in instruction 5.
11. Upon receipt of a communication of an invention from the Head of the Research Organisation the Department concerned should examine the case. If they consider that the results proposed to be patented are of such a nature that they should be published instead of being patented, they will refuse the inventor's request for permission to take out a patent. The Department may take such steps as they consider expedient for publishing the invention, or for otherwise disposing of the invention. On receipt of intimation of such refusal, the inventor shall abandon his application for patent, if any, filed on the basis of a Provisional Specification. In all other cases the Department concerned should, within fifteen days of their receipt of the communication from the Research Organisation, forward the papers to the Secretary, with their recommendation. While forwarding the papers to the Secretary the following documents should be supplied through a secret communication :-
- (i) If the invention was disclosed unaccompanied by a request for permission to take out a patent, full particulars of the invention so disclosed;
  - (ii) If an application has been made on the basis of a provisional Specification, a copy of each of the application and the Provisional Specification filed at the Patent Office; and
  - (iii) If a request for permission has been made to take out a patent on the basis of a Complete Specification, a copy of the Complete Specification.
12. Upon receipt of the foregoing communication from the Department concerned, the Secretary will submit the information for the consideration of the Committee who will consider whether the permission asked for (under rule 51) should be granted, with or without conditions.

13. If the Committee is satisfied that the invention has no connection whatsoever with the inventor's official duties, or does not fall within a technical field of activity of the Department concerned, it will, if the inventor has applied for permission to take out a patent, grant him the permission under rule 51 without any restriction.
14. If the Committee considers that the invention has been made in the course of the inventor's official duties or that the invention has resulted from facilities provided at Government expense, it will decide whether an application for a patent should be made to the Controller of Patents and Designs on the basis of a Complete Specification.
15. If the Committee decides that an application for a patent should be made on the basis of a Complete Specification, the Secretary will, if necessary, obtain from the inventor further particulars required for the drafting of the Complete Specification and take the necessary steps to prepare and file the Complete Specification within nine months from the date of the Provisional Specification, if any. The application will be made in the name of the inventor, on the understanding that he will hold the patent in trust for the Government and will in due course, assign his rights to the Government.
16. The Complete Specification and the drawing, if any, required for filing and prosecuting the applications for patents will be prepared by the Research Organisation when facilities exist for such purposes, and in other cases, by the Secretary, or by such agency as may be appointed by the Committee.
17. All fees up to the stage of acceptance, in respect of every application prosecuted by the Secretary, will be borne by the Committee.
18. On filing a Complete Specification the Committee will consider :-
  - (i) whether the invention should be published for free use by the public; or
  - (ii) whether a patent should be taken out for exploitation by Government; or
  - (iii) whether the inventor should be allowed to take out a patent for his own benefit.
19. If the Department or the Committee decides that the invention should be published for free use by the public, it will refuse the inventor's request, if any, for permission under rule 51 and the Secretary will not prosecute the application for patent beyond the stage of its acceptance. In all such cases the Committee on the advice of the Department concerned, will determine the ex-gratia payment, if any, and will advise the Department concerned accordingly.
20. If the Committee decides to take out a patent for exploitation, the Secretary will proceed with the application, and on obtaining a patent, take the necessary steps to get the inventor's rights under the patent assigned to the Government.
21. In all cases where the Committee decides to take out patents for exploitation, it will decide also the manner in which the patents should be exploited.
22. Inventions which the Committee considers are of no interest to Government either for commercial exploitation or publication for free use to the public, will be returned to the inventors, if they so desire, and they will be allowed to take out patents for their own benefit subject to :-
  - (i) The reservation of the right of Government to the use of the invention either without payment or on such terms as the Government may consider reasonable;
  - (ii) The condition that the inventor will not assign or deal with or grant license to any person without obtaining the prior permission of the Government.

**ANNEXURE of APPENDIX- V****(See Instruction 8 of Appendix-V)****SECRET****Request for permission to file an application for a Patent accompanied  
by a Provisional Specification direct to the Patent Office****(To be filed in quadruplicate)**

I/We hereby request permission to file an application for an Indian Patent accompany by a Provisional Specification in respect of \_\_\_\_\_ (here give title of invention). In consideration of grant of such permission I/We agree and declare as follows :

2. I /We declare that this invention has not been evolved in the course of my/our official duties and as a result of the research and facilities provided at Government expense.
3. Four copies of the Provisional Specification which it is proposed to forward to the Controller of Patents and Designs, Calcutta (or an equivalent description of the invention) accompany this request. Immediately after dispatching the application, I / We will submit two exact copies of the documents forwarded to the Controller of Patents and designs.
4. I / We wish to apply for a patent, in my/ our name(s) on the understanding that I / We would hold the patent when granted, in trust for the Governor of Gujarat ( hereinafter called Government) and will assign the same to Government, whenever, called upon to do so.
5. I / We will, If so ordered, withdraw my/our application for a patent.
6. I / we will not file the Complete Specification in respect of this invention without the prior permission of Government or in the manner as may be directed in the matter.
7. I / We will not apply for a patent in any other country in respect of this invention without the prior permission of Government.

Inventor's Signature \_\_\_\_\_

Designation \_\_\_\_\_

Date\_\_\_\_\_

My / Our address for service in India is \_\_\_\_\_

Permission granted.

Signature of the Head of the Research Organisation \_\_\_\_\_

Designation \_\_\_\_\_Received one copy\_\_\_\_\_

Signature of the inventor (or inventors)\_\_\_\_\_

Dated :\_\_\_\_\_



**FINAL DRAFT**

**NOTIFICATION**

**THE GUJARAT CIVIL SERVICES  
(GENERAL CONDITIONS OF SERVICES)  
RULES, 2002**

**FINANCE DEPARTMENT****NOTIFICATION****Sachivalaya, Gandhinagar.****Dated the, 15-11-2002*****Constitution of India***

No. : GN-33GCS/102001/10/CH In exercise of the powers conferred by the proviso to Article-309 of the Constitution of India, the Governor of Gujarat hereby makes the following rules, namely :-

**CHAPTER - I – GENERAL**

1. **Short Title and Commencement :** (1) These rules may be called the “**Gujarat Civil Services (Leave) Rules**” 2002.  
(2) They shall come into force on and from the date of their publication in the Official Gazette.
2. **Extent of application :** Except where it is otherwise expressly or impliedly provided, these rules shall apply to -
  - (a) all members of services and holders of posts whose conditions of service; the Government of Gujarat is competent to prescribe, **and**
  - (b) the person in respect of whose service conditions, pay and allowances and pension or any of them, special provision has been made under an agreement, in respect of any matter not covered by the provisions of such agreement.
3. **Right to Interpret :** If any question relating to the interpretation of these rules arises, it shall be referred to the State Government in Finance Department whose decision thereon shall be final.
4. **Power to Relax :** Where the Government is of opinion that the operation of any of these rules may cause undue hardship to any person or class of persons, it may, by written order, for reasons to be recorded in writing, relax the requirements of that rule to such extent and subject to such conditions as it may consider necessary for dealing with the case in a just and equitable manner :  
**Provided** that no such order shall be made except with the prior concurrence of the Finance Department.
5. **Validity of terms of contract :** The terms and conditions of a specific contract enforceable at law entered into by the Government with any person relating to service shall prevail over the provisions of these rules.
6. **Regulation of claims to pay, allowances, leave :** A Government employee’s claim to pay and allowances is regulated by the rules in force at the time in respect of which the pay and allowances are earned and claim to leave shall be regulated by the rules in force at the time the leave is applied for and granted, and which would have been admissible but for the introduction of such changes.
7. **Exercise and delegation of powers :** (1) The nature of powers specified in column 3 of **Appendix-I**, annexed to these rules shall be exercised by the authority specified in Column-4 to the extent specified in column 5 thereof.  
(2) Subject to the provision of sub-rule (1), the powers under these rules shall not be exercised or delegated except in consultation with the Finance Department.

**Provided** that the Finance Department may, by general or special order, specify the cases or class of cases in which it shall not be necessary to consult it.

8. **Reasons for concessions to be communicated to Audit Officer :** When a competent authority, to whom the powers are delegated under **Appendix-I** other than the Government, communicates to the Audit Officer an order granting concessions under these rules to any Government employee in cases in which it is directed that the reasons therefore should be recorded, it shall at the same time forward to audit officer a copy of reasons.

#### CHAPTER - II – DEFINITIONS

9. Unless the context otherwise requires -

- (1) **“Actual travelling expenses”** means the actual cost of transporting a Government employee with his domestic employees and personal luggage, including charges for ferry and other tolls, if paid, and for carriage of camp equipment, if necessary and does not include charges for accommodation in hotels and traveller's bungalows, or for refreshments, or for the carriage of stores or conveyances or for presents to drivers and like or any allowance for incidental losses or expenses such as the breakage of crockery, wear and tear of furniture, and the employment of additional domestic employees.
- (2) **“Allotment”** means grant of licence to a Government employee to occupy a residential accommodation owned, leased or requisitioned by Government or a portion thereof for his use as residence.
- (3) **“Annexure”** means annexure appended to these rules.
- (4) **“Appendix”** means appendix appended to these rules.
- (5) **“Appointing Authority”** means the authority which is competent to make appointment to the service or post from which the Government employee seeks retirement.
- (6) **“Apprentice”** means a person deputed for training in a trade or business with a view to employment in Government service, who is paid at monthly rates by Government during such training but is not employed in or against a substantive vacancy in the cadre of a department.
- (7) **“Audit Officer”** means an Accounts Officer or Audit Officer appointed by the Comptroller and Auditor General of India whatever his official designation, in whose circle of audit a public servant is serving, or (in respect to verification of service) has served.
- (8) **“Cadre”** means the strength of a service or a part of a service sanctioned as a separate unit.
- (9) **“Camp Equipage”** means an apparatus for moving a camp.  
**Note :** This definition distinctly shows that nothing is meant except moving apparatus or "carriage" which can only include baggage-camels, pack bullocks, carts, (together with the coolies who carry camp equipment and necessary bullocks, or horses etc.) drivers of the bullocks etc., coolies who carry camp equipments, and possibly employees employed as tent pitchers, but does not include private or extra employees.
- (10) **“Camp Equipment”** means an apparatus for moving a camp and includes tents and the requisites for pitching and furnishing them, or, where tents are not carried, such articles of camp furniture as it may be necessary in the interests of public service for a Government employee to take with him on tour.

- (11) **“Class-IV service”** means service performed by a Government employee on a post classified as Class-IV services and such other unclassified Non-gazetted posts the maximum of the scale of which does not exceed Rs. 4000/-.
- Note : This service has been defined as ‘Inferior Service’ under Clause (ii) of rule-2 of Gujarat Civil Services Classification and Recruitment (General) Rules, 1967.*
- (12) **“Compensatory Allowance”** means an allowance granted to meet personal expenditure necessitated by the special circumstances in which duty is performed and includes travelling allowance.
- (13) **“Competent Authority”** means in relation to the exercise of any power, means Government, or any authority to which the power is delegated by or under these rules.
- (14) **“Consolidated Fund of India or the State or the Union Territory”** All revenues received by the Government of India, all loans raised by that Government by the issue of treasury bills, loans or ways and means advances and all moneys received by that Government in repayment of loans shall form one consolidated fund to be entitled “the Consolidated Fund of India” and all revenues received by the Government of a State/ Union Territory, all loans raised by that Government/Union Territory by the issue of treasury bills, loans or ways and means advances and all moneys received by that Government/Union Territory in repayment of loans shall form one consolidated fund to be entitled “the Consolidated Fund of the State/Consolidated Fund of the Union Territory”.
- (15) **“Constitution”** means the Constitution of India.
- (16) **“Conveyance Allowance”** means an allowance granted to a Government employee, whose pay has not been fixed with special reference to the expenditure likely to be incurred upon touring in the performance of his duties and whose duties involve an extraordinary amount of travelling within a limited area.
- (17) **“Date of first appointment”** means the date on which the Government employee assumes the duties of his first post in Government service, or, if this be earlier, the date of his assumption of any duty which is treated as service counting for pension.
- (18) **“Daily Allowance”** means an allowance granted to a Government employee for each day of his absence from headquarters, which is intended to cover the ordinary daily expenses incurred by a Government employee in consequence of such absence.
- (19) **“Day”** means the period beginning from a midnight and ending with the next midnight.
- (20) **“Death-cum-Retirement Gratuity”** means the gratuity payable under rule-81 of Gujarat Civil Services (Pension) Rules, 2002.
- (21) **“Director of Pension and Provident Fund”** means the Director of Pension and Provident Fund or any other officer for the time being authorised to discharge the duties and functions of or on his behalf and it includes District Assistant Examiner in respect of the sanction of the retirement benefits to Class-IV employees.
- (22) **“Disbursing Authority for Pension”** means (i) branch of a Nationalised Bank or (ii) treasury including sub-treasury, and pension payment office from where the retired Government employee is receiving pension authorised under the Gujarat Civil Services (Pension) Rules, 2002.
- (23) **“Duty”** Duty includes -
- (a) service as a probationer;
  - (b) joining time;
  - (c) a course of instructions or training authorised by or under the orders of Government;

**Note 1 :** The time reasonably required for the journeys between the place of training and the station from which a Government employee proceeds in order to undergo training, is part of the period of training.

**Note 2 :** The period spent by candidates at the Police Training College or School, for training and the interval between the satisfactory completion of the course and their assumption of duty should be regarded as duty for the purpose of this rule.

**Note 3 :** The period spent by candidates in the Prohibition and Excise Department for training and interval between the completion of the course and their assumption of duty, should be regarded as duty for the purpose of this rule.

**Note 4 :** When one or more holidays follow the period of training, the training period may be deemed to have been extended to cover such holidays.

(d) the period occupied -

- (i) in appearing for a language examination prescribed by Government at which a Government employee has been granted permission to appear,
- (ii) in attending an obligatory departmental examination,
- (iii) in attending an examination which a Government employee must pass to become eligible for a higher post in any branch of the Public Service, including the time reasonably necessary for going to and from the place of examination.

This concession should not be allowed more than twice for each obligatory examination.

**Note :** If an examination is taken immediately before leave, the leave shall be held to have commenced from the date following that of the completion of the examination. In cases where an examination is taken in interruption of leave or immediately after leave, the time occupied in appearing for the examination, including the time necessary for going to and from the place of examination, shall be treated not as duty but as leave.

(e) The period for which a Government employee is required to wait compulsorily until receipt of his posting orders in the cases mentioned below :-

- (i) whose orders of transfer are held in abeyance, cancelled or modified while in transit, or
- (ii) who, on return from leave or deputation or on abolition of the post held by him, has to await receipt of posting orders, or
- (iii) who, on arrival at the headquarters of the post to which he is posted is not in a position to take charge of the post from the Government employee to be relieved.

The period availed of to resume duties after the receipt of posting orders shall not exceed the joining time admissible under the rules and shall be treated as continuation of the period of compulsory waiting.

(f) the period intervening between the date on which a Government employee is engaged temporarily for special or other duty and the date on which he takes over charge, provided the period does not exceed the joining time that would be permissible to a Government employee entitled to joining time.

(g) the period spent by Government employee on training mentioned below :-

- (i) annual training courses of instruction or military service in accordance with the regulations framed under Territorial Army Act, 1948.
- (ii) On Home Guard training or Home Guard duties with permission of the Head of office.
- (iii) in training or in the camp in accordance with the rules of the National Cadet Corps and also such period of the vacations as are spent by National Cadet Corps Officers (Senior Division) who are Government employees holding officiating charge of units during the absence of regular Commanding Officers.
- (iv) training at a Boy Scouts' camp;

**Note :** No travelling or halting allowance shall be admissible in respect of this duty.

- (h) the period spent by a Government employee where he is summoned by Court of Law whether criminal or civil or by a court of martial or by a authority constituted under any law, to give evidence regarding facts which came to his knowledge in the discharge of his public duties or to produce official documents in a civil suit.
- (i) the period spent by a Government employee in connection with work on the various University bodies in the Gujarat State -
  - (a) as representatives of Government or ex-officio,
  - (b) by virtue of his official position such as Principal of a College, and
  - (c) for attending the meeting of a Board of Studies.

(24) **“Emoluments”** means -

- (i) Pay,
- (ii) payments from the Consolidated Fund of India or of the State or of the Union Territory and only that portion of the fees received by a Government employee which he is allowed to retain under the rules, if such payments or fees are received in the shape of a fixed addition to monthly pay and allowance as part of the authorised remuneration of a post.
- (iii) compensatory allowances other than travelling allowance, uniform allowance, clothing allowance, outfit allowance, special outfit allowance, uniform grant and grant for horse and saddlery whether drawn from the Consolidated Fund of India or of the State, or of the Union Territory.
- (iv) Pension and pension equivalent of death-cum-retirement gratuity except the following :-
  - (a) wound or injury pension and Family Pensions drawn under the provisions of Gujarat Civil Services (Pension) Rules, 2002.
  - (b) compensation received under the Workmen's Compensation Act, 1923.

**Note :** The word “Pension” means the full sanctioned pension prior to commutation.

- (v) in the case of a Government employee under suspension and in receipt of a subsistence allowance, the amount of the subsistence allowance  
**Provided** that, if such Government employee is subsequently allowed to draw pay for a period of suspension, the difference between the house rent recovered on the basis of the subsistence allowance and the house rent due on the basis of the emoluments ultimately drawn shall be recovered from him:

**Provided** further that if such Government employee is subsequently reinstated and the period of suspension is treated as leave, the difference between the house rent recovered on the basis of the subsistence allowance and the house rent due on the basis of emoluments defined in Note-2 below shall be recovered from him.

**Note 1 :** Allowances attached to the President's Police and Fire Services Medal, the Police Medal, or the Indian Order of Merit, Param Vir Chakra, Maha Vir Chakra, VIr Chakra are not included in the emoluments.

**Note 2 :** The emoluments of a Government employee on leave mean the emoluments drawn by him for the last complete calendar month of duty performed by him prior to his departure on leave.

(25) **“Executive Engineer”** means an officer appointed as such and incharge of the different types of Government residential accommodation and includes any other officer to whom the powers are delegated by the Government in respect of Gujarat Civil Services (Occupation of Residential Accommodation) Rules, 2002.

(26) **“Family”** means a Government employee's wife or husband, as the case may be, residing with the Government employee and legitimate children and step-children residing with and wholly dependent upon the Government employee. It includes, in addition, parents, sisters and minor brothers if residing with and wholly dependent upon the Government employee.

**Note 1 :** Not more than one wife is included in the term “family” for the purpose of these rules.

**Note 2 :** An adopted child shall be considered to be legitimate child if, under the personal law of the Government employee, adoption is legally recognised as conferring on it the status of a natural child.

**Note 3 :** A legitimate child or step child/parent/sister/minor brother who resides with the Government employee and whose income from all sources including pension (inclusive of temporary increase in pension) does not exceed Rs. 500 p.m. may be deemed to be "wholly dependent" upon the Government employee.

(27) **“Fee”** means a recurring or non-recurring payment to a Government employee from a source other than the Consolidated Fund of India or the Consolidated Fund of a State or the Consolidated Fund of a Union Territory, whether made directly to the Government employee or indirectly through the intermediary of Government, but does not include-

- (i) unearned income such as income from property, dividends, and interest on securities; and
- (ii) income from literary, cultural, or artistic, scientific or technological efforts if such efforts are not aided by the knowledge acquired by the Government employee in the course of his service.

**Note 1 :** The above definition is not applicable to the fees payable from the Consolidated Fund under the Gujarat Law Officers (Appointment and Condition of Services) Rules, 1965.

**Note 2 :** When a Government Department undertakes the work for a non-Government organisation and, in its turn, assign the work to its official, suited for the purpose, the payment therefore is made to the Department in the first instance and forms a part of the revenue of Government. The subsequent



payments to the official concerned are, therefore, payments from the Consolidated Funds of Government and should accordingly be classed as honorarium.

- (28) **“First Appointment”** means the appointment of a person who is not holding any appointment under Government, even though he may have previously held such an appointment.
- (29) **“Flat Rate Rent”** means a monthly rate of flat rate rent to be recovered from a Government employee for the authorised occupation of Government residential accommodation. The rates for the same shall be as laid down in rule-18 the Gujarat Civil Services (Occupation of Government Residential Accommodation) Rules, 2002 as amended from time to time.
- (30) **“Foreign Service”** means service in which a Government employee receives his pay with the sanction of Government from any source other than the Consolidated Fund of India or of a State, or of a Union Territory.
- (31) **“Form”** means a form appended to these rules.
- (32) **“Gazetted Government employee”** is one who is a member of an All India Service or State Service or a person appointed in accordance with the terms of a contract or agreement and whose appointment is gazetted by Government. Members of the Subordinate Civil Services, whose appointments are Gazetted by Heads of Departments and who are Non- gazetted Government employees. Notifications investing Government employees with powers under different Acts, in order that the Courts may take judicial cognisance of them, do not constitute the persons invested with such powers as Gazetted Government employees within the meaning of this sub rule.
- Provided** that in respect of any category of Government employees in whose case the conditions of this clause have not been fulfilled, Government may by order treat them as Gazetted Government employees for the purposes stated in the said order.
- Exception :** Officers whose appointments to Class II services or posts are made by the Heads of Departments or Heads of Offices subordinate to them and are not published in the Gazette should be treated as Gazetted Government employees.
- (33) **“Government”** unless the context otherwise requires in respect of anything done or to be done after the commencement of the Constitution, shall mean the Government of Gujarat.
- (34) **“Head of Departments”** this term includes the officers from Appendix-II who have been declared as such or any others officers whom Government may from time to time declare to be Heads of Department.
- (35) **“Head of Office”** means a Gazetted officer declared as such by Government and includes such other authority or person whom the competent authority may by order, specify as Head of Office.
- (36) **“Head-Quarters”** means the station which has been or may be declared to be the headquarters of a Government employee by the appointing authority or a competent authority, or in the absence of such declaration the station where the records of his office are generally kept.
- (37) **“Holiday”** means -
- (a) a holiday declared or notified under Negotiable Instruments Act, 1881; **and**
  - (b) in relation to any particular office, a day on which such office is ordered by Government, or by a duly constituted authority, by notification in the Gazette or otherwise, to be closed for the transaction of Government business without

reserve or qualification.

- (38) **“Honorarium”** means a recurring or non-recurring payment sanctioned to a Government employee from the Consolidated Fund of India or the Consolidated Fund of the State or of a Union Territory as remuneration for special work of an occasional character.
- (39) **“House Rent Allowance”** means a monthly allowance towards defraying house rent granted to a Government employee in locations where such rents are high or granted in lieu of free residential accommodation.
- (40) **“Joining Time”** means the time allowed to a Government employee to join a new post or to travel to or from a station to which he is posted.
- (41) **“Leave”** means permission to remain absent from duty granted by a competent authority under the Gujarat Civil Services (Leave) Rules, 2002.
- (42) **“Leave Salary”** means the monthly amount paid by Government to a Government employee on leave.
- (43) **“Lien”** means the title of a Government employee to hold substantively, either immediately or on the termination of a period or periods of absence, a permanent post, including a tenure post, to which he has been appointed substantively.
- (44) **“Local Allowance”** is an allowance granted on account of the expensiveness or unhealthiness of an area. It is admissible to Government employees who have their headquarters within the area for which it is sanctioned and not to Government employees merely travelling in that area.
- (45) **“Medical Authority”** means Civil Surgeon/Superintendent of Civil Hospital or as the case may be the Medical Board.
- (46) **“Medical Board”** means a board constituted under Rule 13 of Gujarat Civil Services (General Condition of Services) Rules, 2002.
- (47) **“Mileage Allowance”** means an allowance calculated on the distance travelled and given to a Government employee to meet the cost of a particular journey. It can be drawn in the form of rail fare, bus or road mileage of the journey performed by road.
- (48) **“Ministerial employee”** means a Government employee of Class III services, whose duties are entirely clerical and any other class of employees specially declared as such by Government.
- (49) **“Minor”** means a person who has not completed the age of eighteen years.
- (50) **“Month”** means a calendar month. In calculating a period expressed in terms of months and days complete calendar months, irrespective of the number of days in each, should first be calculated and thereafter the odd number of days should be calculated subsequently.

**Instruction :** Calculations of period expressed in terms of months and days shall be made as under :-

- (a) To calculate 3 months and 20 days on and from the 25th January, the following method should be adopted :-

	<b>Y.</b>	<b>M.</b>	<b>D.</b>
25th January to 31st January	0	0	07
February to April	0	3	00
1st May to 13th May	0	0	13
<b>Total</b>	<b>0</b>	<b>3</b>	<b>20</b>

- (b) The period commencing on 30th January, and ending with 2nd March should be deemed as 1 month and 4 days as indicated below :-

	Y.	M.	D.
30th January to 31 January	0	0	2
February	0	1	0
1st March to 2nd March	0	0	2
<b>Total</b>	<b>0</b>	<b>1</b>	<b>4</b>

- (51) **“Non-Official Member”** means any person other than a Government employee who is required to attend a meeting or conference of a Commission of Inquiry or of a Board or of a Corporation or Committee or is required to perform any public duties in an honorary capacity.
- (52) **“Officiate”** means Government employee who officiates in a post when he performs the duties of a post on which another person holds a lien. A competent authority, may if it thinks fit, appoint a Government employee to officiate in a vacant post on which no other Government employee holds a lien.
- (53) **“Pay”** means the basic pay in the revised scales of pay prescribed under the Gujarat Civil Services (Revision of Pay) Rules, 1998 and includes stagnation increments.
- (54) **“Permanent Travelling Allowance”** means a monthly travelling allowance granted by Government to a Government employee whose duties require him to travel extensively. Such an allowance is granted in lieu of all other forms of travelling allowance for journeys within the Government employee's sphere of duty and is drawn all the year round whether the Government employee is absent from his headquarters or not.
- (55) **“Pension”** means any class of service pension including compensation pension referred to in rule 44 of Gujarat Civil Services (Pension) Rules, 2002 and gratuity but does not include temporary increase/dearness relief, granted by Government to a pensioner as compensation for higher cost of living.
- (56) **“Pensionable Pay”** means the average pay earned by a Government employee during the last ten months service as per provisions contained in rule 43 of the Gujarat Civil Service (Pension) Rules, 2002.
- (57) **“Pensioner”** means a retired Government employee who has been granted pension.
- (58) **“Pension Payment Office”** means an office declared as such for making payment to the pensioners and includes treasury and sub-treasuries.
- (59) **“Pension Payment Order”** means an order in a form approved by Government for sanctioning the payment of pension, to be issued by the Director of Pension and Provident Fund.
- (60) **“Pension Sanctioning Authority”** means a competent authority of the Government to whom the powers to sanction pension have been delegated.
- (61) **“Permanent Post”** means a post carrying a definite rate of pay sanctioned without limit of time.
- (62) **“Pay and Accounts Officer”** means the officer entrusted with pay and accounts functions of State transactions arising in Ahmedabad and Gandhinagar.
- (63) **“Personal Pay”** means additional pay granted to a Government employee -

- (a) to save him from a loss of substantive pay in respect of a permanent post other than a tenure post due to a revision of pay or due to any reduction of such substantive pay otherwise than as a disciplinary measure; or
- (b) in exceptional circumstances, on other personal considerations.
- (64) **“Presumptive Pay”** of a post, when used with reference to any particular Government employee, means the pay to which he would be entitled if he held the post substantively and was performing its duties; but it does not include special pay unless the Government employee performs or discharges the work or responsibility, in consideration of which special pay was sanctioned.
- (65) **“Probationer”** means a Government employee on probation in or against a substantive or temporary vacancy in the cadre of a department.
- Note 1 :** No person appointed substantively to a permanent post in a cadre is a probationer, unless definite conditions of probation have been attached to his appointment.
- Note 2 :** A Government employee (other than one who holds substantively a permanent post) appointed on promotion to a temporary post will be treated for all purposes as a temporary Government employee.
- Note 3 :** The status of a probationer is to be considered as having the attributes of a substantive status except where the rules prescribe otherwise.
- (66) **“Public Account of India or the State”** means all other public moneys excluding those referred to in sub-rule (14) received by or on behalf of the Government of India or the Government of a State.
- (67) **“Public Conveyance”** means a train, steamer, aircraft or other conveyance which plies regularly, though not necessarily at fixed intervals, a regular course for the conveyance of passengers and does not deviate therefrom according to the wishes of the passengers.
- (68) **“Qualifying Service”** means service rendered while on duty or otherwise which may be taken in account for the purpose of pension and gratuity admissible under Gujarat Civil Services (Pension) Rules.
- (69) **“Registered Medical Practitioner”** means a medical practitioner registered under the Gujarat Medical Council Act, 1967 or the Gujarat Medical Practitioner Act, 1963 or a practitioner registered and entered in the Register maintained under the Gujarat Homeopathic Act, 1963 (Guj.XXXVI of 1963) or any other law corresponding thereto and in force in the State of Gujarat, or the respective Medical Registration Acts, of the several State Governments.
- (70) **“Rent”** means a monthly rate of compensation made by Government employee or a person not in Government service to Government for the use and possession of residential accommodation allotted or leased to him.
- (71) **“Residential Accommodation”** means building, bungalow, quarter or flat owned by Government and allotted for residential purpose. It also includes building, bungalow, quarter or flat hired, requisitioned or leased by the Government for the said purpose.
- Note :** Requisitioned means requisitioned under the provisions of Requisition and Acquisition of Immovable Property Act, 1952.
- (72) **“Selection Grade”** means a scale of pay which has been sanctioned specifically as a selection grade by an order of Government.

- (73) **“Service Book”** means service book and includes service roll, if any.
- (74) **“Special Pay”** means an addition, of the nature of pay, to the emoluments of a post or of a Government employee granted in consideration of -
- (a) the specially arduous nature of duties,
- (b) a specific addition to the work or responsibility.
- (75) **“Sphere of duty”** means the area to which the duties of a Government employee are confined.
- (76) **“Standard Rent”** means a monthly rate of standard rent for different types of residential accommodation as laid down in rule-18 of the Gujarat Civil Services (Occupation of Government Residential Accommodation) Rule, 2002.
- (77) **“Subsistence Allowance”** means a monthly allowance granted to a Government employee who is not in receipt of pay or leave salary.
- (78) **“Substantive Pay”** means the pay other than special pay, personal pay which a Government employee is entitled on account of a post to which he has been appointed substantively or by reasons of his substantive position in a cadre.
- (79) **“Superintending Engineer”** means an officer appointed as such and to whom the powers are delegated by Government under the relevant rules.
- (80) **“Superior Service”** means any kind of service not being Class IV service.
- (81) **“Table”** means a table appended to these rules.
- (82) **“Temporary Post”** means a post carrying a definite rate of pay sanctioned for a limited time.

**Note :** Substantive appointments to temporary posts should be made in a limited number of cases only, as for example, when posts are, to all intents and purposes, quasi-permanent or when they have been sanctioned for a period of not less than, or there is reason to believe that they will not terminate within a period of, three years. In all other cases, appointments on temporary posts should be made in an officiating capacity only.

- (83) **“Temporary Transfer”** means a transfer to duty in another station which is expressed to be for a period not exceeding one hundred twenty days. For the purpose of these rules it includes deputation. Subject to the limit of four months, the title to compensatory allowance, if the temporary duty is subsequently extended beyond four months in all, will remain intact up to the date of the orders of the extension.
- (84) **“Tenure Post”** means a permanent post which an individual Government employee may not hold, for more than a limited period without re-appointment.

**Note :** The following posts have been declared by Government to be tenure posts :-

		<b>Period of Tenure</b>	
		<b>(Years)</b>	
(1)	Chief Engineer in the Gujarat Service of Engineers (Class-I)	-	5
(2)	Three posts of Assistant Directors of Social Welfare	-	3
(3)	All technical posts of Under Secretaries and Deputy Secretaries in the Public Works Department.	-	5
(4)	The following posts in the Legal Department :		
(i)	Deputy Secretaries (Three posts)	-	3

- |       |  |     |
|-------|--|-----|
| (ii)  | Solicitor and Ex-officio Deputy Secretary to Government Ex-Officer (one post)  | - 3 |
| (iii) | Special Officer and Ex-officio Under Secretary to Government (one post)  | - 3 |
| (5)   | Nineteen cadre posts of Deputy Secretaries in the Secretariat Department excluding posts of Deputy Secretaries in the Legal Department and technical posts in the Public Works Department.   | - 5 |
| (6)   | Eight posts of Under Secretaries out of the total number of temporary and permanent posts on the Secretariat cadre excluding post of Under Secretaries on the Legal side of the Legal Department and Technical posts in the Public Works Department. | - 5 |

Provided that where a tenure post of an Under Secretary or a Deputy Secretary is held by a Secretariat Officer, such post shall, so long it is held by such officer, cease to be a tenure post.

- (85) **“Time-Scale Pay”** means pay which, subject to any conditions prescribed in these rules, rises by periodical increments from a minimum to a maximum.

**Note-1 :** Time scales are said to be identical if the minimum, the maximum, the period of increment and the rate of increment of the time-scales are identical.

**Note-2 :** A post is said to be on the same time-scale as another post on a time scale if the two time-scales are identical and the posts fall within a cadre or a class in a cadre, such cadre or class having been created in order to fill all posts involving duties of approximately the same character or degree of responsibility in a service or establishment or group of establishments; so that the pay of the holder of any particular post is determined by his position in the cadre or class and not by the fact that he holds that post.

- (86) **“Transfer”** means the movement of a Government employee from one headquarter station in which he is employed to another such station, either -

- (a) to take up the duties of a new post; or
- (b) in consequence of a change of his headquarters.

- (87) **“Transit Time”** means the actual time required to reach the destination of tour from the headquarters or from one outstation to another outstation by the ordinary mode of travel.

- (88) **“Travelling Allowance”** means an allowance granted to a Government employee to cover the expenses which he incurs in travelling in the interest of the public service. It includes allowance granted for the maintenance of conveyance.

- (89) **“Treasury”** means the treasury established at the headquarters of a district and includes a sub-treasury / Pay and Accounts office.

### CHAPTER - III - GENERAL CONDITIONS

10. **Right to leave :** (1) Leave is a permission granted by the competent authority, at its discretion to the Government employee, to remain absent from duty.

- (2) Leave shall not be claimed as a matter of right.



- (3) Leave of any kind may be refused or revoked by the competent authority when the exigencies of public service so require, but it shall not be open to the competent authority to alter the kind of leave applied for except at the written request of the Government employee.
- 11. Consideration for sanctioning of leave on application :** In case, where applications for grant of leave are more in numbers, and in public interest all applications cannot be granted, the authority competent to grant leave while deciding the applications shall take into consideration the following points, namely :-
- the Government employee who can be spared for the time being,
  - the amount of leave due to the various applicants,
  - the amount and character of the service rendered by each applicant since he last returned from leave,
  - whether such applicant was compulsorily re-called from his last leave, **and**
  - whether such applicant has been refused leave in the public interest.
- 12. Grant of leave should not unduly deplete cadre :** Leave shall not be granted to an extent which would deplete the strength of a service or department available for duty below the essential minimum.
- 13. Duties of Government employee absent on leave to be discharged by another Government employee ordinarily from same station or district :** The duties of a Government employee absent on leave for a period not exceeding one hundred twenty days shall be discharged by another Government employee in the same station or district. Only in exceptional cases, where there is no Government employee available on the spot, the transfer of a Government employee from another station or district to officiate in consequence of a Government employee being on leave, not exceeding one hundred twenty days, be allowed. In the case of posts held by members of the All India Services, if a member of that service is not available on the spot, a State Service Officer shall be placed in charge of the vacant post.
- 14. Commutation of one kind of leave into another :** (1) At the request of a Government employee, the authority which granted him leave may commute it retrospectively into leave of a different kind which was due and admissible to him at the time the leave was granted, but such commutation shall not be claimed as a matter of right by the Government employee.
- (2) The commutation of one kind of leave into another shall be subject to adjustment of leave salary on the basis of leave finally granted to the Government employee. Any amount paid in excess shall be recovered or any arrears due to him shall be paid.
- Note : Extraordinary leave granted on medical certificate or otherwise may be commuted retrospectively into leave not due subject to the provisions of rule-59.*
- 15. Combination of different kinds of leave :** Except as otherwise provided in these rules, any kind of leave under these rules may be granted in combination with or in continuation of any other kind of leave.
- Explanation : Casual leave which is not recognised as leave under these rules shall not be combined with any other kind of leave admissible under these rules.*
- 16. Maximum period of continuous leave :** Unless Government in view of the exceptional circumstances of the case otherwise determines, no Government employee shall be granted leave of any kind for a continuous period exceeding five years.



- 17. Formal joining of duty at the end of leave with the intention of taking leave again not permitted :** Formal joining of duty at the end of leave with the intention of taking leave again within a few days should not be permitted. The principle on which the requirements of this rule should be enforced is that no deliberate or intentional evasion of the rule should be permitted; but so long as this condition is satisfied, it is at the discretion of the competent authority to grant or refuse the leave.
- 18. Application of rules while on temporary transfer to other Government or on foreign service :** (1) Government employees to whom these rules apply shall continue to be governed by these rules while on temporary transfer to the Central Government or any other State Government or while on foreign service within India.
- (2) A Government employee in foreign service in India should submit his application for leave for a period not exceeding one hundred twenty days to his employer. If the period is in excess of one hundred twenty days, he should submit the application through his employer to the competent authority for sanctioning leave.
- (3) A Government employee in foreign service in India may be granted by his employer, leave for a period not exceeding one hundred twenty days under intimation to the concerned Head of Department/Pay and Accounts Officer provided it is admissible and due. Leave of longer duration shall be granted by the authority which sanctioned the transfer.
- 19. Admissibility of payment of leave salary and reimbursement thereof while in foreign service/completion of his deputation or foreign service :** The foreign employer shall maintain the leave account in respect of the Government employee on deputation or foreign service. The concerned heads of department/Pay and Accounts Officer maintaining service records of the employee shall supply the necessary extract of the leave account to the foreign employer. The foreign employer, on the basis of the extract of the leave account supplied by the Head of Department/Pay and Accounts Officer shall decide the admissibility of leave. He shall make the payment of leave salary to the employee concerned till completion of his deputation or foreign service and claim half yearly reimbursement of the same from the concerned Administrative Department/Head of Department.
- 20. Acceptance of service or employment while on leave :** (1) A Government employee, other than a Government employee who has been permitted to undertake casual literary work or service as an examiner or similar employment, while on leave shall not take up any service or employment elsewhere without previous sanction of the competent authority.
- (2) (a) The leave salary of a Government employee who is permitted to take up employment under a Government or a private employer during leave shall be subject to such conditions as the Government may by order specify.
- (b) A Government employee who is on leave on Medical Certificate shall not be permitted to undertake any service or employment elsewhere during such leave.
- (c) When a Government employee on leave, whether with or without leave salary, is allowed to take up under this rule an employment in another Government office or department, all leave salary shall be *ipso facto* cease on joining the new employment, other than work or service referred to in sub-rule (1) of this rule.
- (3) The provisions of rule 27 of Gujarat Civil Services (General Conditions of Services) Rules, 2002 shall not apply in case of re-employment of a Government employee, to the post other than in his parent department or office and such re-employment shall

be governed as per the terms and conditions of contract entered into by the Government with the Government employee.

- 21. Carry-forward of leave of temporary Government employee with one year's continuous service if appointed within six days of relinquishment of the first appointment :** Whenever a temporary Government employee with at least one year's continuous service is appointed to another permanent or temporary post under Government and the interruption in service between relinquishment of the first appointment and joining the second appointment does not exceed six days, all kinds of leave at his credit in the previous service shall be credited to his leave account in the new service.
- 22. Leave at credit to cease on removal or resignation :** (1) Except as provided in rule-63 and this rule, any claim to leave to the credit of a Government employee, who is dismissed or removed or who resigns from Government service, ceases from the date of such dismissal or removal or resignation, as the case may be.
- (2) A temporary Government employee who is discharged due to reduction of establishment and re-employed, the leave at his credit shall be carried forward provided there is no break in service or the break in service not exceeding thirty days is converted into joining time with or without pay.
- (3) A Government employee, who is removed or dismissed from service but is re-instated on appeal or revision, shall be entitled to count his service prior to dismissal or removal, as the case may be, for leave.
- 23. Counting of previous service towards leave in case of re-employment of a Government Employee retired on compensation or invalid pension :** If a Government employee who is compelled to leave the service on the ground of compensation or invalid pension or gratuity, is re-employed and if his gratuity is thereupon recovered or his pension is held wholly in abeyance, his past services thereby becoming pensionable on ultimate retirement, he may, at the discretion of the authority sanctioning the re-employment and to such extent as that authority may decide, count his former service towards leave.

#### CHAPTER - IV - GRANT OF AND RETURN FROM LEAVE

- 24. Application for leave :** An application for grant or extension of leave shall be made in **Form-1** to the competent authority.
- 25. Leave Account :** A leave account in **Form-2** in respect of each Government employee shall be maintained by the authority who maintains his service records.
- 26. Verification of title to leave :** (1) (a) No leave shall be granted to a Government employee until a report regarding its admissibility has been obtained from the authority maintaining the leave account.
- (b) The competent authority sanctioning the leave to a Government employee shall mention the balance of such leave at his credit in the orders sanctioning earned leave or half pay leave.
- (2) (a) Where there is reason to believe that the obtaining leave admissibility report shall cause undue delay in granting leave, the competent authority may calculate the amount of leave admissible to the Government employee on the basis of available information, and shall provisionally sanction the leave for a period not exceeding sixty days;

- (b) The grant of leave under this sub-rule shall be subject to verification of leave account by the authority maintaining the leave account and modified sanction for the period of leave shall be issued where necessary.

- 27. Authority competent to grant leave :** Except as provided in rule-39 any leave, other than extraordinary leave exceeding nine months and special disability leave, admissible under these rules may be granted to a Government employee by the competent authority or any other authority whose duty is to fill up such vacant post.
- 28. Final sanction of leave to the Head of Department only when admissibility is certified by the Pay and Accounts Officer :** Leave to the Head of Department shall be sanctioned only after the admissibility of the same is certified by the Pay and Accounts Officer. In case of emergency, the Head of Department may be allowed to proceed on leave by the competent authority subject to condition that leave may be finally sanctioned on receipt of the leave admissibility report from the Pay and Accounts Officer.
- 29. Grant of leave and payment of leave salary to a Government employee transferred from one Department or Office to another while on leave or in transit :** The grant of leave or extension of leave and payment of leave salary to a Government employee who is transferred from one Department or Office to another department or office while he is already on leave or in transit from one Department or Office to another, shall *fall upon* the Department or Office from which he is transferred.
- 30. Leave not to be granted in certain circumstances :** Leave shall not be granted to a Government employee whom a competent punishing authority has decided to dismiss, remove or compulsorily retire from Government service.
- 31. Repeated grant of leave on medical certificate within short intervals :** When a Government employee applies for leave on medical certificate within short intervals, the attention of the Medical Board or Government Medical Officer may be drawn with a view to consider the period of absence necessary for his complete recovery.
- 32. Constitution of Medical Board :** (1) The State Government shall constitute a Medical Board at Ahmedabad, Jamnagar, and Vadodara and Surat from time to time for the purpose of carrying out the functions under these rules.
- (2) Such Board shall consist of three registered Medical Practitioners out of whom one shall be the Civil Surgeon of the concerned Civil Hospital, or the senior Professor of Medicine, if the post of Civil Surgeon is not in existence, who shall also be the Chairman of the Board.
- 33. Appearance of a Government employee before the Medical Board :** A Government employee serving in Gujarat shall be required to appear before any of the Medical Board constituted under rule-32, at the discretion of the Competent authority.
- 34. Assembling of Medical Board :** On receipt of the intimation from competent authority that a Government employee requires to be examined by the Medical Board, the Chairman of the said board shall arrange for the assembly of the Board.
- 35. Grant of Leave on Medical Grounds to the Government employee :** Leave on Medical grounds to the Government employee may be granted on production of a Medical Certificate in **Form-3** issued by a Civil Surgeon or an authorised Medical Attendant as defined in sub-rule (3) of rule-2 of the Gujarat State Services (Medical Attendance) Rules, 1988 or the Registered Medical Practitioner.
- 36. Grant of leave on Medical grounds to Class-IV Government employees :** In support of an application for grant or an extension of leave, on medical grounds from a Class IV

Government employee, the authority competent to grant the leave may accept such certificate as it may deem fit.

**37. Conditions governing issue of Medical Certificate :** (1) A Medical Officer shall not recommend the grant of leave in any case in which there appears to be no reasonable prospect that the Government employee concerned will ever be fit to resume his duties and in such cases, the opinion that the Government employee is permanently unfit for Government service shall be recorded in the medical certificate.

(2) The authority competent to grant leave may, at its discretion, secure a second medical opinion by requesting a Government Medical Officer not below the rank of Civil Surgeon, to have the applicant medically examined on the earliest possible date and forward the original medical certificate produced by the applicant to the Medical Officer by whom he is to be re-examined.

(3) The Government Medical Officer referred to in sub-rule (2), shall express an opinion both as regards to the facts of the illness and as regards to the necessity of leave required to be recommended and he shall either require the applicant to appear before him or a Medical Officer nominated by him.

(4) Government employee who has been granted leave on medical certificate shall return to duty only after producing a medical certificate of fitness in **Form-4**. The authority granting the leave may at its discretion require a similar certificate from any Government employee who has been granted leave for reasons of health even though such leave may not have been actually granted on a medical certificate.

*Note : Reciprocal arrangement exists with the Government of Mysore and Maharashtra for free medical examination of the Government employees of the State concerned (including all police personnel) on the following terms and conditions :-*

(i) *This arrangement is made for the purposes of grant or extension of leave, fitness to resume duty on the expiry of leave, and invalidation from Government service.*

(ii) *Medical requisition from the competent authority should be insisted before the medical examination is conducted by the Medical Board or Medical Officer, as the case may be.*

(iii) *Fees prescribed for Medical Examinations conducted in connection with the commutation of pension of State Government pensioners and for issuing of physical fitness certificate for first appointment in Government service have to be borne by the pensioners or candidates themselves as there should not be any free medical examination for those purposes.*

(iv) *No certificate shall be submitted for countersignature without the cognizance of the Head of Office in which the applicant is serving.*

**38. Medical Certificate not to confer right to Leave :** The grant of a medical certificate under these rules shall not confer upon the concerned Government employee any right to proceed on leave. The certificate shall be forwarded to the authority competent to grant the leave and order of that authority shall be awaited.

**39. Leave in case of a Government employee unlikely to return to duty :** (1) When the medical board has reported that there is no reasonable prospect that a particular Government

employee shall ever be fit to return to duty, leave shall not necessarily be refused to such Government employee. The leave may be granted, if due, by the authority competent to grant leave subject to the following conditions :-

- (a) If the Medical Board is unable to say with certainty that the Government employee will never again be fit for service, leave not exceeding twelve months in all may be granted and such leave shall not be extended without further reference to Medical Board;
  - (b) If a Government employee is declared by a Medical Board to be completely and permanently incapacitated for further service, leave or an extension of leave may be granted to him after the report of the Medical Board has been received, provided such leave is due to him and the amount of leave as debited to leave account does not exceed six months from the date of Board's report.
- (2) A Government employee who is declared by a Medical Authority to be completely and permanently incapacitated for further service shall:-
- (a) if he is on duty, be invalided from service from the date of relief of his duties, which shall be arranged without delay on receipt of the report of the Medical Authority. If, however, he is granted leave under sub-rule (1) he shall be invalided from service on the expiry of such leave.
  - (b) if he is already on leave, he shall be invalided from service on the expiry of that leave or extension of leave, if any, granted to him under sub-rule (1).

**40. Commencement and termination of leave :** Except as provided in rule-41, leave ordinarily shall begin on the day on which the transfer of charge is effected and ends on the day preceding that on which the charge is resumed.

**41. Combination of holidays with leave :** (1) When the day, immediately preceding the day on which a Government employee's leave begins or immediately following the day on which his leave expires, is a holiday or one of a series of holidays, the Government employee may be permitted to leave his station at the close of the day before, or return to it on the day following such holidays or series of holidays :

**Provided that -**

- (a) his transfer or assumption of charge does not involve the handing or taking over of securities or of moneys other than a permanent advance;  
*Exception : Forest Officer holding no securities or moneys other than cash balances are exempted from the provisions of this proviso.*
  - (b) his early departure does not entail a correspondingly early transfer from another station of a Government employee to perform his duties, account being taken in this connection only of the substitute who takes the place of the absent Government employee and not of all the Government employees in the chain of arrangements arising from the Government employee absence on leave, **and**
  - (c) the delay in his return does not involve a corresponding delay in the transfer to another station of the Government employee who was performing his duties during his absence or in the discharge from Government service of a person temporarily appointed to it.
- (2) on condition that the departing Government employee remains responsible for the cash in his charge, the Head of Department, in a particular case, may waive the application of clause (a) of the proviso to sub-rule (1).



- (3) unless the authority competent to grant leave in any case otherwise directs -
- (a) if holidays are prefixed to leave, the leave and any consequent rearrangement of pay and allowances shall take effect from the day after the holidays; **and**
  - (b) if holidays are suffixed to leave, the leave is treated as having terminated on, and any consequent re-arrangement of pay and allowances shall take effect from; the day on which the leave would have ended if holidays had not been suffixed.

*Note-1 : A compensatory leave granted in lieu of duty performed by a Government employee on Sunday or a holiday for a full day granted to a Government employee may be treated as a holiday for the above purpose.*

*Note-2 : A Government employee who has availed of half day casual leave and then proceeds on leave from the next day shall be allowed to prefix half day's casual leave to the leave.*

**42. Recall to duty before expiry of leave :** (1) All orders recalling a Government employee to duty before the expiry of his leave shall state whether the return to duty is optional or compulsory;

- (2) Where the return to duty is optional, the Government employee shall not be entitled any concession;
- (3) Where the return to duty is compulsory, the Government employee shall be entitled -
  - (a) if the leave from which he is recalled is in India, to be treated as on duty from the date on which he starts for the station to which he is ordered, and to draw -
    - (i) travelling Allowance under rules made in this behalf for the journey; **and**
    - (ii) leave salary, until he joins his post, at the same rate at which he would have drawn it but for recall to duty.
  - (b) if the leave from which he is recalled is out of India, -
    - (i) to count the time spent on the voyage to India as duty for purpose of calculating leave, and
    - (ii) to receive -
      - (a) leave salary, during the voyage to India and for the period from the date of landing in India to the date of joining his post, at the same rate at which he would have drawn it but for recall to duty;
      - (b) a free passage to India;
      - (c) refund of his passage from India if he has not completed half the period of his leave by the date of leaving for India on recall, or three months, whichever is earlier.

*Note : Orders recalling a Government employee from leave out of India should be communicated to him officially through the High Commissioner for India. The orders of recall should state clearly whether the return is optional or compulsory.*

**43. Return from leave :** (1) A Government employee on leave shall not return to duty before the expiry of the period of leave granted to him unless he is permitted to do so by the authority, authorised to grant leave.

- (2) (a) A Government employee who has been granted leave on Medical ground may not return to duty until he has produced a medical certificate of fitness in **Form-4**.
- (b) The certificate under clause (a) shall be obtained from Medical Authority on whose certificate he was granted leave under rule-35.
- (c) In the case of a Non-gazetted Government employee, the authority under whom the Government employee is employed on return from leave may, at his discretion, accept a certificate signed by a Registered Medical Practitioner.
- (3) (a) A Government employee returning from leave is not entitled, in the absence of specific orders to that effect, to resume, as a matter of course, the post which he held before going on leave.
- (b) Such Government employee shall report his return to duty to the authority, authorized to grant leave or to the authority, if any, specified in the order granting leave and await orders.

*Note-1 : A Government employee suffering from tuberculosis may be allowed to resume duty on the basis of fitness certificate which recommends light work for him.*

*Note-2 : The competent authority should provide for the expected return of Government employees from leave by seeing that the Government employees to be relieved are at Head Quarters in due time to hand over charge.*

- 44. Absence after expiry of leave :** (1) Unless the authority competent to grant leave approves the extension of leave, a Government employee who remains absent shall not be entitled for the leave salary for the period of such absence and that period shall be debited against his leave account as though it were half pay leave, to the extent such leave is due and the period in excess of such leave due being treated as extraordinary leave;
- (2) Willful absence from duty after the expiry of leave shall render a Government employee liable to disciplinary action.
- 45. Leave intervening treated as over-stayed :** The entire period (including Sundays and holidays) intervening between the day on which the Government employee resumes duty shall be treated as over-stayed.

#### CHAPTER - V - KINDS OF LEAVE DUE & ADMISSIBLE

- 46. Earned leave for Government employees Serving in Department other than Vacation Department :** (1) (a) A Government employee who is serving in a Department other than a vacation Department shall be entitled to earned leave at the rate of 15 days for each half year. This shall be credited in advance to the leave account of the Government employee on first January and first July of every year.
- (b) The credits under sub rule (a) shall be reduced by 1/10th of the period of extraordinary leave only availed of during the previous half year, subject to a maximum of 15 days.
- (c) The earned leave at the credit of the Government employee on the close of the half year shall be carried forward to the next half year, subject to the condition



that the earned leave so carried forward plus the credit for that half year shall not exceed three hundred days.

- (2) In case of Government employee who is appointed during the half year, earned leave shall be credited to his leave account at the rate of two and half days for each completed calendar month of service.
- (3) The earned leave at the credit of the Government employee on the close of the half year shall be carried forward to the next half year, subject to the following conditions :-
  - (i) In the case of an employee, having at his credit earned leave of 285 days or less as on 1<sup>st</sup> January or 1<sup>st</sup> July of a year, earned leave of 15 days or proportionately less in respect of retiring persons or those leaving service during the next half year, shall be credited to his leave accounts in advance.
  - (ii) In case of an employee having at his credit the earned leave as on 1<sup>st</sup> January or 1<sup>st</sup> July of 300 days or less, but more than 285 days, credit of earned leave of 15 days shall be kept separately and first adjusted against any earned leave that the Government employee may take during the ensuing half year and the balance if any, credited to the earned leave account at the close of the half year subject to the ceiling of 300 days. If the earned leave taken during the half year is more than 15 days, the amount in excess of 15 days will, however, have to be debited to the leave account.
- (4) The credit for the half year in which a Government employee is due for retirement from service or resigns shall be afforded only at the rate of two and half days per completed calendar month in the half year upto the date of retirement or resignation. If the leave availed of is more than the credit so due to him necessary adjustment shall be made in respect of leave salary over drawn, if any.
- (5) All credit in the leave account shall be made only for complete days, the fraction being rounded off to the nearest day.
- (6) When a Government employee is removed or dismissed from the service or dies while in service, credit of earned leave shall be allowed at the rate of two and half days per completed calendar month in the half year in which he was removed or dismissed from service or dies in service. When the quantum of earned leave is in excess of the leave enjoyed, the overpayment of leave salary shall be recovered.
- (7) For the purpose of this rule a period spent in Foreign service shall count as duty if contribution towards leave salary is paid on account of such period or the recovery thereof is waived.
- (8) Subject to the provisions of sub-rules (4), (9) and (10), the maximum earned leave that may be granted at a time shall be one hundred twenty days.
- (9) Earned leave may be sanctioned ordinarily to a Government employee on not more than three occasions during a calendar year, and the minimum period on each occasion shall not be less than seven days inclusive of holidays allowed to be prefixed or suffixed. If the full period of seven days is not admissible in a given case, the authority sanctioning leave may, at its discretion grant leave for a lesser period.
- (10) Earned leave may be granted to a Government employee who is in Class I or Class II service, for a period exceeding one hundred twenty days, but not exceeding one

hundred eighty days, if the entire leave so granted or any portion thereof is spent outside India, Bangladesh, Bhutan, Burma, Sri Lanka, Nepal and Pakistan :

**Provided** that where earned leave exceeding a period of one hundred twenty days is granted under this sub-rule, the period of such leave spent in India shall not in aggregate exceed the aforesaid limits.

**47. Encashment of earned leave while availing of Leave Travel Concessions :** (1) A Government employee shall be permitted to encash ten days earned leave at the time of availing of Leave Travel Concession, subject to the following conditions :-

- (a) the total leave so encashed during the entire service shall not exceed sixty days in aggregate;
- (b) earned leave of at least an equivalent duration is also availed of simultaneously by the employee;
- (c) a balance of at least thirty days of earned leave is still available to the credit of the employee after taking into account the period of encashment as well as leave;
- (d) the period of leave encashed shall be deducted from the quantum of leave that can be normally encashed by him at the time of superannuation; **and**
- (e) the total encashment of earned leave allowed to an employee under rules-64 and 65 shall not exceed the maximum limit or ceiling of three hundred days or one hundred fifty days, as the case may be.

(2) the sanction to the encashment of earned leave shall be accorded by the leave sanctioning authority.

**48. Vacation Department :** A vacation department is, subject to the exceptions and to the extent stated in Appendix-III, a department or part of a department to which regular vacations are allowed, during which a Government employee serving in the Department is permitted to be absent from duty.

**49. Government employee holding two appointments :** A Government employee holding two appointments, of which one is in a vacation department and one is not, will not be deemed to serve in a vacation department.

**50. Earned leave for persons serving in Vacation Departments :** (1) A Government employee in a vacation department shall not be entitled to any earned leave in respect of duty performed in any year in which he avails himself of the full vacation.

(2) (a) In respect of any year in which a Government employee avails a portion of the vacation, he shall be entitled to earned leave in such proportion of thirty days, as the number of days of vacation not taken bears to the full vacation :

**Provided** that such leave shall not be admissible to a Government employee for the first year of his service and who is not in permanent employment.

(b) If, in any year the Government employee does not avail any vacation, earned leave shall be admissible to him in respect of that year as per rule-46.

**Explanation :** For the purposes of this rule, the term "year" shall be construed as meaning not calendar year but twelve months' actual duty in a vacation department.

**Note :** A Government employee entitled to vacation shall be considered to have availed himself of a vacation or a portion of a vacation unless he has been required by general or special order of head of the department to remain on duty

during such vacation or portion of a vacation; provided that, if he has been prevented by such order from enjoying more than fifteen days' vacation, he shall be considered to have availed himself of no portion of the vacation.

- (3) A Government employee in a vacation Department proceeds on leave before completing a full year of duty, the earned leave admissible to him shall be calculated not with reference to the vacation which fall during the period of actual duty rendered before proceeding on leave but with reference to the vacation that fall during the year commencing from the date on which he completed the previous year of duty.
- 51. Prefix / Suffix of Leave and Holidays to Vacation :** (1) Vacation may be taken in combination with or in continuation of any kind of leave under these rules :
- Provided** that the total duration of vacation and earned leave taken in conjunction, whether the earned leave is taken in combination with or in continuation of other leave or not, shall not exceed the amount of earned leave due and admissible to the Government employee at a time under rule-46.
- (2) Vacation is a holiday for the purpose of rule-41 with the limitation that vacation can be prefixed to leave only if the substitute takes over charge at the end of the vacation, and an absentee may affix vacation to leave only if his substitute is transferred on the expiry of the leave so as not to be on duty in the absentee's post during any portion of the vacation. Vacation may either be prefixed or suffixed to leave, but may not be both prefixed and suffixed, nor may it be interposed between two period of leave.
- 52. Government employee in Vacation Department liable to be recalled at his own expense :** A Government employee serving in a vacation Department who leaves his place of duty during vacation, is liable to be recalled thereto at his own expenses, except when such Government employee had been granted leave with permission to prefix or suffix vacation to his leave.
- 53. Furnishing of certificate to Audit of non-availment of Vacation :** It shall be the duty of the Government employee concerned to furnish a certificate to the Audit Officer, along with a copy of the order of the head of concerned department, that he has not availed a vacation or portion thereof unless he falls under any of the general classes specified below.
- Note : The following Government employees are required by general order of Government to perform duties throughout the vacation, viz.-*
- (i) *Judicial officers under training;*
- (ii) *Head Clerk, Sheristedar or Nazir of a District Court.*
- 54. Government employee precluded from enjoying a part of Vacation :** In the case of a Government employee who is precluded from enjoying a part of the vacation by reason of his transfer, the time actually spent in travelling from one station to another and not the full joining time admissible under the rules shall be added to the period by which he has been prevented from enjoying a vacation by reason of his transfer.
- 55. Termination of period of service on transfer from Vacation Department to Non-Vacation Department :** (1) When a Government employee is transferred from a vacation Department to a non-vacation department, his period of service in the former shall be considered to have terminated with effect from the completion of the last vacation, enjoyed by him.

- (2) When a Government employee is transferred from a non-vacation department to a vacation Department his period of service in the latter will be held to have commenced from the date of his joining the vacation Department.

*Note : In the case of Government employee transferred to a non-Vacation department during the period of vacation the words "last vacation enjoyed by him" occurring in sub-rule (1) of this rule shall be construed as referring to the last vacation fully or partly enjoyed by him.*

**56. Government employee in Vacation Department not entitled to pay if he resigns without previous intimation :**

(1) A Government employee serving in a department to which regular vacation is allowed, who holds only an acting appointment shall not be entitled to any pay for the period of vacation, if he resigns without previous intimation from the day his office reopens for business after the completion of vacation. Similarly a Government serving in a department to which regular vacation is allowed, joins his appointment from extraordinary leave only a day or two previous to the beginning of the vacation, shall not be entitled to pay for the period of vacation if he proceeds again on extra-ordinary leave without returning to duty on the reopening of his office after vacation.

- (2) A teacher in a Government Secondary School or an Assistant Lecturer in a Government College officiating in, or holding a temporary post created against a post substantively vacant, may be granted pay for the period of a vacation provided his services are dispensed with just before the commencement of the vacation and he has already put in service, of not less than eight months during the concerned academic year.

**57. Half pay leave :** (1) (a) Government employee shall be entitled to Half Pay Leave at the rate of ten days for each half year's service. This shall be credited in advance to the leave account of the Government employee on first January and first July of every calendar year.

- (b) If a Government employee is appointed during the half year, Half pay leave shall be credited to his leave account at the rate of 5/3 days for each completed calendar month of service. The Half pay leave at the credit of the Government employee on the close of the half year shall be carried forward to the next half year;
- (c) All credit in the leave account shall be made for complete days, the fraction being rounded of to the nearest day.
- (2) (a) The credit for the half year in which a Government employee is due for retirement from service or resigns shall be afforded only at the rate of 5/3 days per completed calendar month in the half year upto the date of retirement or resignation. If the leave availed of is more than the credit so due to him, necessary adjustment shall be made in respect of leave salary overdrawn, if any;
- (b) When a Government employee is removed or dismissed from the service or dies while in service, credit of Half pay leave shall be allowed at the rate of 5/3 days per completed calendar month in the half year in which he was removed or dismissed from service or dies while in service. When the quantum of Half pay leave is in excess of the leave enjoyed, the over payment of leave salary shall be recovered.

**58. Commuted Leave :** (1) Commuted leave not exceeding half the amount of half pay leave may be granted to a Government employee on medical certificate in **Form-3** from Civil Surgeon or authorized Medical Attendant as defined in sub-rule (3) of rule-2 of the Gujarat State Services (Medical Attendance) Rules, 1988 or the Registered Medical Practitioner subject to the following conditions :-

- (a) the authority, competent to grant leave is satisfied that there are reasonable prospects of the Government employee returning to duty on expiry of the leave;
  - (b) when commuted leave is granted, twice the amount of such leave is debited against the half pay leave due;
  - (c) the authority competent to grant leave obtains an undertaking from the government employee that in the event of his voluntary retirement from service he shall refund the difference between the leave salary drawn during commuted leave and that admissible during half pay leave.
- (2) Commuted Leave Upto 90 days may be allowed during the entire service, without production of medical certificate, where such leave is utilised for an approved course of study whether full time or part time certified to be in the public interest by the leave sanctioning authority.
- (3) Where a Government employee who has been granted commuted leave is permitted to retire voluntarily without returning to duty, the commuted leave shall be treated as half pay leave and the difference between the leave salary in respect of commuted leave and half pay leave shall be recovered;

**Provided** that no such recovery shall be made if the retirement is by reason of ill-health incapacitating the Government employee for further service or in the event of his death.

*Note : Commuted Leave maybe granted at the request of the Government employee even though earned leave is due to him.*

- (4) A Government employee may be granted commuted leave also in case of sickness of any member of his family who is dependent on him on production of medical certificate from the medical officer in the **Form-5**, appended to these rules who is competent to issue such medical certificate in respect of the Government employee himself.
- (5) The minimum period of commuted leave sanctioned to a Government employee on each occasion shall not be less than seven days inclusive of holidays allowed to be prefixed and suffixed. If the full period of seven days is not admissible or the medical officer has certified the necessity of leave less than seven days, the authority sanctioning leave, at its discretion may grant leave for a lesser period.

**59. Leave not due :** (1) Leave not due may be granted to a Government employee in permanent employment subject to the following conditions :-

- (a) the authority competent to grant leave is satisfied that there is reasonable prospect of the Government employee of returning to duty on expiry of the leave.
- (b) Leave not due shall be limited to the half pay leave he is likely to earn thereafter.
- (c) Leave not due during the entire service shall be limited to maximum of three hundred sixty days out of which not more than ninety days at a time and one hundred eighty days in all may be granted without medical certificate;

- (d) Leave not due shall be debited against the half pay leave the Government employee may earn subsequently;
  - (e) The authority competent to grant leave obtains an undertaking from the Government employee that in the event of his resigning or voluntary resignation from service without returning to duty, he shall refund the leave salary paid to him.
- (2)
- (a) Where a Government employee who has been granted leave not due, resigns from service or is at his request permitted to retire voluntarily without returning to duty, the leave not due shall be cancelled, his resignation or retirement taking effect from the date on which such leave had commenced and the leave salary shall be recovered.
  - (b) Where a Government employee who has availed leave not due, returns to duty but resigns or retires from service before he has earned such leave, he shall be required to refund the leave salary to the extent of the leave he has not earned subsequently.
  - (c) If the retirement is voluntary, refund shall be enforced. If it is unavoidable by reasons of ill health incapacitating him from further services, refund may be partly or wholly waived on the merits of each case by the authority competent to permit the Government employee to retire.
- (3) Subject to the provisions contained in sub-rules (1) and (2), leave not due may also be granted to a temporary Government employee who has put in service of not less than five years and who is suffering from T.B., leprosy, cancer or mental illness provided the request for the grant of the same is supported by a Medical Certificates from the competent Medical Authority.

**60. Extraordinary Leave :** (1) Extraordinary Leave not exceeding thirty six months in aggregate during the entire service may be granted to a Government employee in special circumstances :-

- (a) when no other leave is admissible;
  - (b) when other leave is admissible but the Government employee applies in writing for the grant of extraordinary leave;
  - (c) when a break in service of a candidate already allotted to one Department or office under the centralised Recruitment Scheme occurs due to discontinuation of a post when he is required to be re-allotted to other department or office and he has already availed of the earned leave due and admissible to him.
- (2) Unless Government in view of the exceptional circumstances of the case otherwise determines, no Government employee, either permanent or temporary, shall be granted extraordinary leave for a continuous period in excess of the following limits :-
- (a) Nine months; except in the case of the period of suspension converted into extraordinary leave.
  - (b) Twelve months, where the Government employee who has completed one years of continuous service is undergoing treatment for Cancer in an institution recognised for the treatment of such disease or under a Civil Surgeon or a specialist in such disease.



(c) Fifteen months, where the Government employee who has completed one year's continuous service is undergoing treatment for -

- (i) pulmonary tuberculosis or pleurisy of tubercular origin, in a recognised sanatorium ;
- (ii) tuberculosis of any other part of the body by a qualified tuberculosis specialist or a Civil Surgeon ;

*Note : The concession of extraordinary leave upto fifteen months shall be admissible also to a Government employee suffering from pulmonary tuberculosis or pleurisy of tubercular origin who receives treatment at his residence under a tuberculosis specialist recognised as such by the State Administrative Medical Officer concerned and produces a certificate signed by that specialist to the effect that he is under his treatment and that he has reasonable chances of recovery on the expiry of the leave recommended.*

- (3) Two spell of extraordinary leave, if intervened by a spell of vacation or by any other kind of leave, shall be treated as one continuous spell of extraordinary leave.
- (4) The authority competent to grant leave may commute retrospectively period of absence without leave into extraordinary leave.

**61. Leave to a Probationer and an Apprentice :** (1) (a) A probationer shall be entitled to leave under these rules as if he had held his post substantively otherwise than on probation;

(b) If, for any reason, it is proposed to terminate the services of a probationer, any leave which may be granted to him shall not extend -

- (i) beyond the date on which the probation period as already sanctioned or extended expires, **or**
- (ii) beyond any earlier date on which his services are terminated by the orders of an authority competent to appoint him.

(2) An Apprentice shall be entitled to -

- (a) leave on medical ground, leave on leave salary equivalent to half pay for a period not exceeding thirty days in any year of apprenticeship;
- (b) extraordinary leave under rule-60.

*Note : Leave at the credit of a Government employee on the date of his appointment as an apprentice under any Department may be allowed to be carried forward on his appointment to any post on the expiry of the period of apprenticeship.*

**62. Person re-employed after retirement :** In the case of a person re-employed after retirement, the provisions of these rules shall apply as if he had entered Government service for the first time on the date of his re-employment.

**63. Leave beyond the date of compulsory retirement or quitting of service :** (1) Except as provided hereinafter, no leave shall be granted to a Government employee beyond -

- a) the date of his compulsory retirement, or
- b) the date of his final cessation of duties, or



c) the date of his resignation from service.

- (2) Where the service of a Government has been extended in the public interest beyond the date of his compulsory retirement, he may be granted earned leave, subject to maximum of three hundred days.

**64. Cash equivalent to leave salary in respect of leave at the time of cessation of service**

: (1) The authority competent to grant leave shall *suo moto* sanction to a Government employee the cash equivalent to leave salary in respect of the earned leave at his credit subject to a maximum of three hundred days on following occasions :-

- (a) on his retirement on attaining the age of superannuation;
- (b) where the service of a Government employee has been extended in the public interest beyond the date of retirement on superannuation on the expiry of his such extension of service;
- (c) in the case of termination of re-employment after retirement;
- (d) in the case of death of a Government employee while in service, to the family of the deceased;
- (e) in the case of transfer of Government employee to an Industrial Establishment;
- (f) on absorption of a Government employee in the State Public Sector Undertakings, autonomous body wholly or substantially owned or controlled by the Central or State Government.

*Note* : A Government employee who retires from service on attaining the age of compulsory retirement while under suspension shall be paid cash equivalent to leave salary under this rule in respect of the period of earned leave at his credit on the date of his superannuation, **provided** that in the opinion of the authority competent to order reinstatement, the Government employee has been fully exonerated and the suspension was wholly unjustified.

- (2) The cash equivalent of leave salary payable under sub-rule (1) above, shall also include dearness allowance, non-practising allowance and compensatory local allowance admissible on the leave salary at the rates in force on the date on which the Government employee ceases to be in service, and it shall be paid in one lumpsum, as a one time settlement taking a month of thirty days.
- (3) The house rent allowance shall not be included in calculating the cash equivalent of the leave salary under this rule.
- (4) From the cash equivalent so worked out, no deduction shall be made on account of pension and pension equivalent of other retirement benefits.
- (5) For the purpose of this rule a month shall be reckoned as of thirty days irrespective of the month in which the leave is encashed.
- (6) Drawal of leave salary : The leave salary payable under these rules shall be drawn in rupees

**65. Encashment of Leave** : (1) A Government employee who retires or is retired from service by giving notice to Government or he is retired by Government by giving him notice or pay and allowances in lieu of such notice in accordance with the terms and conditions of his service, maybe granted *suo moto* by the authority competent to grant leave, cash equivalent of the leave salary in respect of earned leave at his credit subject to maximum of three hundred days and also in respect of all the half pay leave at his credit provided even if this period (i.e. earned leave plus half pay leave) exceeds the period between the date on which he would have

retired in the normal course of superannuation. The cash equivalent shall be equal to the leave salary as admissible for earned leave and equal to the leave salary as admissible for half pay leave plus dearness allowance and non-practising allowance admissible on that leave salary for the first three hundred days at the rates in force on the date Government employee so retires or is retired from service. The amount so calculated shall be paid in one lump sum as a one time settlement. No house rent allowance or city compensatory allowance shall be payable. The pension and pension equivalent of other retirement benefits and temporary increase in pension shall be deducted from the leave salary paid for the period of half pay leave, if any for which the cash equivalent is payable.

**Provided** that if leave salary for the half pay leave component falls short of pension and pension benefits cash equivalent of half pay leave shall not be granted :

**Provided** further that a Government employee who is retired by Government by giving him pay and allowance in lieu of notice may apply for leave within the period for which such pay and allowances were given, and where he is granted leave, the leave salary shall be allowed only for the period of leave excluding that period for which pay and allowances in lieu of notices have been allowed.

- (2) (i) Where the service of Government employee is terminated by notice or by payment of pay and allowances in lieu of notice or otherwise in accordance with the terms and conditions of his appointments, he may be granted suo moto by the authority competent to grant leave, cash equivalent in respect of earned leave at his credit on the date on which he ceases to be in service subject to a maximum of three hundred days.
  - (ii) If a Government employee resigns or quits service he may be granted suo moto by the authority competent to grant leave, cash equivalent in respect of earned leave at his credit on the date of cessation of service to the extent of half of such leave at his credit, subject to a maximum of one hundred fifty days.
  - (iii) The cash equivalent in respect of cases falling under sub-rules (i) and (ii) above, shall be equal to the leave salary as admissible for earned leave plus dearness allowance and non-practising allowance admissible on that leave salary at the rates in force on the date the Government employee ceases to be in service. The amount so calculated shall be paid in one lump-sum as one time settlement. No city compensatory allowance and house rent allowance shall be payable.
- (3) A Government employee retiring on invalid pension shall be granted by the authority competent to sanction leave, leave salary in respect of the period of half pay leave at his credit on the date of invalid retirement subject to the condition that such half pay leave to be encashed is restricted upto the date of his normal superannuation retirement. The benefit of encashment of earned leave under rule 67 shall also be admissible thereafter.
  - (4) A Government employee who has worked in a vacation department shall also be entitled to encash the earned leave at his credit subject to maximum of three hundred days under the provision of rules-64 and 65. If the earned leave at credit in the leave account of such Government employee is less than three hundred days, half of the half pay leave earned by him for the period of vacation, limited to one hundred fifty days shall be added to, the so as to make the total of three hundred days.

- (5) A re-employed Government employee on his termination of re-employment shall also be entitled to the benefit of sub-rule (1) in respect of the unspent earned leave at his credit subject to a condition that the total earned leave so encashed before and after re-employment does not exceed three hundred days.
- 66. Procedure for making payment of cash equivalent of leave salary :** With a view to enabling the retiring Government employee to receive cash equivalent of leave salary in respect of the unutilised leave without delay, the following procedure shall be followed.
- (1) The authority competent to sanction earned leave shall suo-moto sanction the encashment of earned leave under these Rules after ascertaining the balance due. He shall also ensure that the encashment amount is paid on the day of retirement.
- (2) On receipt of application from the concerned Government employee and after ascertaining the leave at credit the authority competent to sanction half pay leave shall sanction the encashment of said leave under these rules.
- (3) Payment of cash equivalent of leave salary in respect of the unutilised earned leave at the credit of the Government employee shall be made irrespective of whether or not "No Demand Certificate" has been issued.
- 67. Leave Salary :** (1) A Government employee who proceeds on earned leave is entitled to leave salary equal to the pay drawn immediately before proceeding on earned leave.
- (2) A Government employee on half pay leave or leave not due is entitled to leave salary equal to half of the amount specified in sub-rule(1).
- (3) A Government employee on commuted leave is entitled to leave salary equal to the amount admissible under sub-rule (1).
- (4) A Government employee on extraordinary leave is not entitled to any leave salary.
- 68. Advance of leave salary :** A Government employee including a Government employee on foreign service, proceeding on leave for a period of not less than thirty days, may be allowed an advance in lieu of leave salary up to a month's pay and allowances admissible on that leave salary subject to deductions on account of income tax, provident fund, house rent, recovery of advances etc.

#### CHAPTER - VI - SPECIAL KINDS OF LEAVE OTHER THAN STUDY LEAVE

- 69. Maternity leave :** (1) A competent authority may, subject to the provisions of this rule, grant to a female Government employee in permanent employ, who does not have two or more living children at the time the maternity leave asked for, is actually sanctioned; leave for a period of one hundred and thirty five days from the date of its commencement. Such leave shall not be debited to the leave account.
- (2) A female Government employee not in permanent employ who has put in at least one year of continuous service shall also, subject to the provisions of this rule, be eligible for maternity leave referred to in sub-rule (1).
- (3) The leave salary admissible during the period of maternity leave shall be as regulated as follows :-
- (i) In the case of a female Government employee who is permanent or who has put in two or more years' continuous service, the leave salary admissible shall be equal to the pay drawn immediately before proceeding on leave.

- (ii) In the case of a female Government employee who has put in continuous service for a period exceeding one year, but less than two years, the leave salary admissible shall be equal to half the pay drawn immediately before proceeding on leave.
- (4) The leave salary for the period of maternity leave availed of by a female Government employee while on foreign services shall be borne by the foreign employer.
- (5) Head of Department may grant to female Government employee borne on the work-charged establishment who does not have two or more living children on the date of application, maternity leave on leave salary based on the average monthly emoluments earned during the preceding complete twelve months for a period, which may extend upto the end of three months from the date of its commencement or to the end of six weeks from the date of confinement, whichever is earlier. To be eligible for this concession the female Government employee shall have put in continuous service for at least thirty three months (inclusive of any period of authorized leave) on the date of application and shall have to furnish a guarantee with at least one security that she will return to duty for a period of at least six months after the expiry of the leave, if her services are required.
- (6) Maternity leave may be combined with leave of any other kind but any leave applied for in continuation of the former may be granted only if the request is supported by medical opinion as to the probable date of confinement, and an undertaking to the effect that the Government employee shall report the date of confinement supported by a medical certificate. In case of Class IV Government employee in which insistence of a regular medical certificate is likely to cause hardship, the authority competent to grant leave may accept such certificate as it may deem sufficient.
- (7) A female Government employee may be allowed leave of the kind due, including commuted leave, if she so desires, in continuation of the maternity leave, upto a maximum of sixty days without production of a medical certificate.
- 70. Paternity Leave :** A Male Government employee (including an apprentice) with less than two surviving children may be granted paternity leave for a period of 15 days during confinement of his wife. During the period of such leave, he shall be paid leave salary equal to the pay drawn immediately before proceeding on leave. Paternity leave shall not be debited against the leave account and may be combined with any other kind of leave (as in the case of maternity leave). It may not normally be refused under any circumstances.
- 71. Leave in case of miscarriage or abortion :** Leave under rule-69 shall also be admissible to a female Government employee who does not have two or more living children on the date of applicant in case of miscarriage or abortion, including abortion induced under the Medical Termination of Pregnancy Act, 1971, subject to the following conditions :-
- (1) Female Government employee inspite of having any number of surviving children, shall be entitled for, maternity leave not more than forty five days during the entire service in the case of miscarriage or abortion.
- (2) Female Government employee with two or more surviving children shall not be granted maternity leave in case of Medical Termination of Pregnancy (MTP).
- (3) Female Government employee having one child or no children shall be granted maternity leave not more than seven working days in case of medical termination of pregnancy (MTP). Provided the application for the grant of the same if supported by Medical Certificate.
- (4) Maternity Leave in case of Medical Termination of Pregnancy shall be granted only once during five years.
- (5) This Leave shall not be debited in the leave account of the female employees.

**72. Special disability leave for injury intentionally inflicted :** (1) The authority competent to grant leave may grant special disability leave to a Government employee (whether permanent or temporary) who is disabled by injury intentionally inflicted or caused in, or in consequence of, the due performance of his official duties or in consequence of his official position.

(2) Such leave shall not be granted unless the disability manifested itself within three months of the occurrence to which it is attributed and the person disabled acted with the due promptitude in bringing it to notice :

**Provided** that the authority competent to grant leave may, if it is satisfied as to the cause of the disability, permit leave to be granted in cases where the disability manifested itself more than three months after the occurrence of its cause.

(3) The period of leave granted shall be such as is certified by a Medical Board and shall in no case exceed twenty four months.

(4) Special disability leave may be combined with other leave.

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

(6) Special disability leave shall be counted as duty in calculating service qualifying for pension and shall not, except the leave granted under the proviso to clause (b) of sub-rule (7), be debited against the leave account.

(7) Leave salary during such leave shall -

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

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

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

(8) In the case of a person to whom the Workmen's compensation Act, 1923 (8 of 1923) applies, the amount of leave salary payable under this rule shall be reduced by the amount of compensation payable under clause (d) of sub-section (1) of section 4 of the said act.

(9) (a) The provisions of this rule shall apply -

(i) to a Civil employee disabled in consequence of service with a military force, if he is discharged as unfit for further military service, but is not completely and permanently incapacitated for further civil service, **and**

(ii) to a civil employee not so discharged who suffers a disability which is certified by a Medical Board to be directly attributable to his service with military force.

(b) In either case, any period of leave granted to such a person under military rules in respect of that disability shall be reckoned as leave granted under this rule for the purpose of calculating the period admissible.

**73. Special disability leave for accidental injury :** (1) The provisions of rule-72 shall apply also to a Government employee, whether permanent or temporary, who is disabled by injury accidentally incurred in, or in consequence of, the due performance of his official duties, or in consequence of his official position, or by illness incurred in the performance or any particular duty which has the effect of increasing his liability to illness or injury beyond the ordinary risk attaching to the civil post which he holds.

(2) The grant of special disability leave in such case shall be subject to following conditions :-

- (a) That the disability, if due to disease, shall be certified by a Medical Board to be directly due to the performance of the particular duty.
- (b) That, if the Government employee has contracted such disability during service otherwise than with a military force, it must be, in the opinion of the authority competent to sanction leave, exceptional in character or in the circumstances of its occurrence as to justify such unusual treatment as to the grant of this term of leave, and
- (c) That the period of absence recommended by a Medical Board may be covered in part, by leave under this rule and partly by any other leave, and that the amount of special disability leave granted on leave salary equal to that admissible on earned leave shall not exceed one hundred twenty days.

*Note : Special disability leave shall be admissible under this rule only where illness or injury is sustained as a result of a risk which is beyond the ordinary risk attaching to the civil post which a Government employee holds.*

**74. Hospital Leave :** (1) The authority competent to grant leave may grant hospital leave to Class IV Government employees whose duties involve the handling of dangerous machinery, explosive materials, poisonous drugs and the like, or the performance of hazardous tasks, while under medical treatment in a hospital or otherwise, for illness or injury, if such illness or injury is directly due to risks incurred in the course of their official duties.

*Exception : The hospital leave may also be granted on account of ill health to Government employees specified below whose duties expose them to special risk of accident or illness even though the illness or injury may not be directly due to risk incurred in the course of their official duties :-*

- (i) *Police officers, including trainees of a rank not higher than that of Head Constable;*
  - (ii) *Government employees of the Prohibition and Excise Department other than clerical establishments;*
  - (iii) *Forest Subordinates, other than clerks in receipt of pay not exceeding Rs. 4400.*
- (2) Hospital leave shall be granted on the production of medical certificate from an Authorized Medical Attendant.
- (3) Hospital leave may be granted on leave salary equal to that admissible during earned leave or half pay leave and for such period as the authority granting it may consider necessary.



- (4) Hospital leave shall not be debited against the leave account and may be combined with any other leave which may be admissible, provided the total period of leave, after such combination does not exceed 28 months.
- (5) (a) In the case of a person to whom the Workmen's Compensation act, 1923 (8 of 1923) applies, the amount of leave salary payable under this rule shall be reduced by the amount of compensation payable under clause (d) of sub-section (1) of section 4 of the said Act.
- (b) The amount of hospital leave which may be granted to a Government employee is limited to three months on earned leave pay in any period of three years. Hospital leave on half pay counts, for the purpose of this limit, as half the amount of leave on earned leave pay.

*Instruction : There is no objection to grant hospital leave during the first three years of service of the Government employee provided the prescribed limit of three months is not exceeded.*

*Note : The period of "three years" referred to in this rule should at any time be calculated backward from the end of the actual period of the hospital leave proposed to be granted.*

- 75. Seamen's sick Leave :** (1) A Government employee serving as an officer, warrant officer or petty officer on a Government vessel may, while undergoing medical treatment for sickness or injury, either on his vessel or in hospital, be granted leave by an authority competent to grant leave, on leave salary equal to full pay for a period not exceeding six weeks.

**Provided** that such leave shall not be granted if a Government medical officer certifies that the Government employee is malingering or that his ill health is due to drunkenness or similar self-indulgence or to his own action in willfully causing or aggravating the disease or injury.

- (2) A seamen disabled in the exercise of his duty may be allowed leave salary equal to full pay for a maximum period not exceeding three months, if the following conditions are fulfilled, namely :-
- (1) A Government medical officer must certify the disability and the disability must not be due to the seamen's own carelessness or inexperience;
- (2) Such leave is not debited to the leave account.
- (3) In the case of a person to whom the Workmen's Compensation Act, 1923 (8 of 1923) applies, the amount of leave salary payable under this rule shall be reduced by the amount of compensation payable under clause (d) of sub-section (1) of Section-4 of the said Act.

- 76. T.B./Cancer/Leprosy Leave :** A Government employee suffering from T.B., Cancer or Leprosy shall also be entitled to leave as per Rules regarding grant of concessions to Government employee suffering from Tuberculosis/Cancer/Leprosy as prescribed by Government in Health and Family Welfare Department from time to time.

#### CHAPTER - VII - STUDY LEAVE

- 77. Conditions for grant of study leave :** (1) Subject to the conditions specified in this Chapter, study leave may be granted to a Government employee with due regard to the exigencies of public service to enable him to undergo, in or out of India, a special course of study consisting

of higher studies or specialised training in a professional or a technical subject having a direct and close connection with the sphere of his duty.

- (2) Study leave may also be granted -
- (a) for a course of training or study tour in which a Government employee may not attend a regular academic or semi-academic course if the course of training or the study tour is certified to be of definite advantage to Government from the point of view of public interest and is related to sphere of duties of the Government employee;
  - (b) for the purpose of studies connected with the frame work or background of public administration subject to the conditions that -
    - (i) the particular study or study tour should be approved by the authority competent to grant leave,
    - (ii) the Government employee should be required to submit, on his return, a full report on the work done by him while on study leave; and
  - (c) for the studies which may not be closely or directly connected with the work of a Government employee, but which are capable of widening his knowledge in a manner likely to improve his abilities as a Government employee and to equip him better to collaborate with those employed in other branches of the public service.
- (3) Study leave shall not be granted unless -
- (a) It is certified by the authority competent to grant leave that the proposed course of study or training shall be of definite advantage from the point of view of public interest;
  - (b) It is for prosecution of studies in subjects other than academic or literary subjects; and
  - (c) The Department of Economic Affairs of the Ministry of Finance, Government of India agrees to the release of foreign exchange involved in the grant of study leave, if such leave is out of India.
- (4) Study leave out of India shall not be granted for the prosecution of studies in subjects for which adequate facilities exist in India or under any of the schemes administered by the Department of Economic Affairs of the Ministry of Finance or by the Ministry of Education, Government of India.
- (5) Study leave shall not ordinarily be granted to a Government employee -
- (a) who has rendered less than five years' service under the Government; **or**
  - (b) who does not hold a gazetted post under the Government; **or**
  - (c) who is due to retire, or has the option to retire, from the Government service within the years of the date on which he is expected to return to duty after the expiry of the leave.
- (6) Study leave shall not be granted to a Government employee with such frequency as to remove him from contact with his regular work or to cause cadre disbursed owing to his absence on leave.

**78. Maximum period of study leave ;** The maximum period of study leave, which may be granted to a Government employee, shall be -

- (a) ordinarily twelve months at any one time which shall not be exceeded save for exceptional reasons; **and**

- (b) during his entire service, twenty-four months in all (inclusive of study leave granted under any other rules).

*Note : The limit of twenty four months of absence includes the period of vacation.*

**79. Authority competent to sanction on study leave :** Study leave shall be granted to a government employee by the Government in Administrative Department under which the Government employee is serving, in consultation with the Finance Department.

**80. Application for study leave : (1)** (a) Every application for study leave shall be submitted through proper channel to the authority competent to grant leave.

- (b) The course or courses of study contemplated by the Government employee and any examination which he proposes to undergo shall be clearly specified in such application.

- (2) Where it is not possible for the Government employee to give full details in his application, or if, after leaving India he is to make any change in the program which has been approved in India, he shall submit the particulars as soon as possible to the Head of the Mission or the authority competent to grant leave, as the case may be and shall not, unless prepared to do so at his own risk, commence the course of study or incur any expenses in connection therewith until he receives the approval of the authority competent to grant the study leave for the course.

**81. Submission of application for study leave and grant of such leave :** (1) Except as otherwise provided in these rules, all applications for study leave shall be submitted to the Government through the prescribed channel and the course or courses of study contemplated and any examination which the Government employee proposes to undergo shall be clearly specified therein. If the course of study is out of India, the administrative department concerned shall forward to the Head of Mission, if there is an Indian Mission in that country, a copy of the approved program of study.

- (2) The administrative department concerned shall inform the Head of Mission of the particulars of the course.

- (3) On completion of a course of study a certificate in the proper form (which may be obtained from the Head of Mission) together with certificates of examinations passed or special courses of study undertaken of the course, remarks, if any, of the authority in charge of a course of study, shall be forwarded to the Head of Mission concerned. When the study leave has been taken in India or any other country where there is no Indian Mission such certificate shall be forwarded to the Administrative Department concerned.

**82. Accounting of study leave and combination with other leave :** (1) Study leave shall not be debited against the leave account of the Government employee.

- (2) Study leave may be combined with other kinds of leave, but in no case shall be granted in combination with leave, other than extraordinary leave, involving a total absence of more than twenty eight months from the regular duties of the Government employee.

- (3) A Government employee granted study leave in combination with any other leave may, if he so desires, commence his study before the end of other leave but the period of such leave coinciding with the course of study shall not count as study leave.

*Note : The limit of twenty eight month's absence in sub-rule 2 includes the period of vacation.*

- 83. Regulation of study leave extending beyond course of study :** When the course of study falls short of study leave granted to a Government employee, he shall resume duty on the conclusion of the course of study, unless the previous sanction of the authority competent to grant leave has been obtained to treat the period of shortfall as ordinary leave.
- 84. Leave salary during study leave :** (1) During study leave, a Government employee shall draw leave salary equal to the amount admissible during half pay leave.
- (2) The rate of exchange prescribed by the Union Government for the conversion of leave salary (other than admissible during the first one hundred twenty days of earned leave) shall apply to the leave salary during study leave.
- 85. Conditions for grant of study allowance :** (1) A study allowance shall be granted to a Government employee who has been granted study leave for the period spent in prosecuting a definite course of study at a recognised institution or in any definite tour of inspection of any special class of work, as well as for the period covered by any examination at the end of the course of study.
- (2) Where a Government employee has been permitted to receive and retain, in addition to his leave salary, any scholarship or stipend that may be awarded to him from a Government or non-Government source, or any other remuneration in respect of any part-time employment,
- (a) no study allowance shall be admissible in case the net amount of such scholarship or stipend or remuneration (arrived at by deducting the cost of fees, if any, paid by the Government employee, from the value of scholarship or stipend or remuneration) exceeds the amount of study allowance otherwise admissible,
- (b) in case the net amount of scholarship or stipend or remuneration is less than the study allowance otherwise admissible, the difference between the value of the net scholarship or stipend or any other remuneration in respect of any part-time employment and the study allowance may be granted by the authority competent to grant leave.
- (3) Study allowance shall not be granted for any period during which a Government employee interrupts his course of study to suit his own convenience :
- Provided** that the authority competent to grant leave or the Head of Mission may authorise the grant of study allowance for a period not exceeding fourteen days at a time during such interruption if it was due to sickness.
- (4) The period for which study allowance may be granted shall not exceed twenty four months in all.
- (5) Study allowance shall also be allowed for the entire period of vacation during the course of study subject to the conditions that -
- (a) the Government employee attends during vacation any special course of study or practical training under the direction of the Government or the authority competent to grant leave, as the case may be; or
- (b) in the absence of any such direction, he produces satisfactory evidence before the Head of Mission or the authority competent to grant leave, as the case may be, that he has continued his studies during the vacation :
- Provided** that in respect of vacation falling at the end of the course of study it shall be allowed for a maximum period of 14 days.
- Note : The period of vacation during which study allowance is drawn shall be taken into account in calculating the maximum period of twenty four months for which study allowance is admissible.*

**86. Rates of study allowance :** (1) The rates of study allowance shall be as follows namely :-

<b>Name of country</b>	<b>Study allowance per diem.</b>
Australia	12£ (Sterling)
Continent of Europe	1£ (Sterling)
India	Half of the full daily allowance to which the Government employee would have been entitled under the Gujarat Civil Services (Travelling Allowance) Rules, 2002, if he were on tour to the place of study.
New Zeland	12£ (Sterling)
United Kingdom	16£ (Sterling)
United States of America	30\$ (Dollar)

(2) The rates of study allowance to be granted to a Government employee who avail study leave in other countries shall be such as may specially be determined by the Government in each case.

(3) In case where a place of study and place of duty are same, the Government employee shall be entitled to leave salary plus the study allowance which shall not together exceed the pay that he would have otherwise drawn had he been on duty.

**87. Procedure for payment of study allowance :** (1) In the case of Gazetted Government employee, the payment of study allowance shall be subject to the furnishing of a certificate by the Government employee to the effect that he is not in receipt of any scholarship or stipend or any other remuneration in respect of any part-time employment.

(2) In the case of non-Gazetted Government employee, to whom study leave has been granted in relaxation of the provision of clause (b) of sub-rule (5) of rule-77, such a certificate as is referred to in sub-rule (1) shall be obtained from him by the drawing officer and the same shall be enclosed along with the bill for the drawal of study allowance.

(3) Study allowance shall be paid at the end of every month provisionally subject to an undertaking in writing being obtained from the Government employee that he would refund to the Government any over payment consequent on his failure to produce the required certificate of attendance or on his failure to satisfy the authority competent to grant leave about the proper utilization of the time spent for which study allowance is claimed.

(4) (a) In the case of a definite course of study at a recognized institution, the study allowance shall be payable by the authority competent to grant leave, if the study leave availed of is in India or in a country where there is no Indian Mission, and by the Head of the Mission in other cases, on claim submitted by proper certificate of attendance.

(b) The certificate of attendance required to be submitted in support of the claims for study allowance shall be forwarded at the end of the term if the Government employee is undergoing study in an educational institution or at intervals not exceeding three months if he is undergoing study at any other institution.

(5) (a) When the programme of study approved does not include, or does not consist entirely of such a course of study, the Government employee shall submit to the authority competent to grant leave direct or through the Head of the Mission a diary showing how his time has been spent and a report indicating fully the nature of the methods and operations which have been studied and including suggestions as to the possibility of adopting such methods or operations to conditions obtaining in India.



- (b) The authority competent to grant leave shall decide whether the diary and report show that the time of the Government employee was utilised properly and shall determine accordingly for what period study allowance may be granted.

**88. Admissibility of allowances in addition to study allowances :** No allowance of any kind other than the study allowance or the travelling allowance, where specifically sanctioned under rule-85 shall be admissible to a Government employee in respect of the period of study leave granted to him.

**89. Travelling allowance during study leave :** A Government employee to whom study leave has been granted shall not ordinarily be paid travelling allowance but the Government may in exceptional circumstances sanction the payment of such allowance.

**90. Cost of fees for study :** A Government employee to whom study leave has been granted shall ordinarily be required to meet the cost of fees paid for the study but in exceptional cases, the Government may sanction the payment of such fees :

**Provided** that in no case shall the cost of fees be paid to a Government employee who is in receipt of scholarship or stipend from whatever source or who is permitted to receive or retain, in addition to his leave salary, any remuneration in respect of part-time employment.

**91. Resignation or retirement after study leave :** (1) If a Government employee resigns or retires from service or otherwise quits service without returning to duty after completion of study leave or within a period of three years after such return to duty, he shall be required to refund -

(1) (a) the actual amount of leave salary, study allowance, cost of fees, travelling and other expenses, if any, incurred by the Government, and

(1) (b) double the amount, if any, of the cost incurred by other agencies, such as foreign Governments, Foundations and Trusts in connection with the course of study, together with interest hereon at rates for the time being in force on Government loans, from the date of demand, before his resignation is accepted or permission to retire is granted or his quitting service otherwise:

**Provided** that nothing in this rule shall apply –

(i) to a Government employee who, after return to duty from study leave, is permitted to retire from service on medical grounds; **or**

(ii) to a Government employee who after return to duty from study leave, is deputed to serve in any statutory or autonomous body or institution under the control of the Government and is subsequently permitted to retire from service under the Government with a view to his permanent absorption in the said statutory or autonomous body or institution in the public interest.

(2) (a) The study leave availed of by such Government employee shall be converted into regular leave standing at his credit on the date on which the study leave commenced, any regular leave taken in continuation of study leave being suitably adjusted for the purpose and the balance of the period of study leave, if any, which cannot be so converted, shall be treated as extraordinary leave.

(b) In addition to the amount to be refunded by the Government employee under sub-rule(1), he shall be required to refund any, excess of leave salary actually drawn over the leave salary admissible on conversion of the study leave.

**92. Execution of Bond :** (1) Every Government employee in permanent employ who has been granted study leave or extension of such leave shall be required to execute a bond as given



in **Form-6** or **Form-7** as the case may be, annexed, to these rules before the study leave or extension of such leave granted to him commences. If study leave or extension of such leave is granted to a Government employee not in permanent employ the bond shall be executed as given in **Form-8** or **Form-9**, as the case may be, annexed to these rules.

(2) The authority sanctioning the study leave shall send to the audit officer concerned or the Pay and Accounts Officer a certificate to the effect that the Government employee has executed the requisite bond.

**93. Commencement of Course of Study during other than study leave :-** A Government employee may, subject to the approval of the proper authority being obtained as required under rule-77 undertake or commence a course of study during earned leave, and subject to rule-85 draw study allowance in respect thereof.

**94. Counting of Study Leave for promotion, Pension, Seniority, Leave and increments :**

(1) Study leave shall count as service for the purpose of promotion, pension, seniority, leave and increments.

(2) The period spent on study leave shall not count for earning leave other than half pay leave under these rules.

#### CHAPTER - VIII - MISCELLANEOUS

**95. Temporary and officiating service taken into account for leave purposes :** Temporary and officiating service, rendered under the Central Government or any State Government, shall if followed by confirmation under the Government of Gujarat without interruption of duty, be taken into account for the purpose of the leave account provided that under the rules laid down by the other Government such service would have counted had the Government employee in question continued in the service of the Government without a break of service till confirmation and provided that the other Government treats in a similar manner temporary and officiating service rendered under the Government of Gujarat.

**96. Leave to Advocate General :** The Advocate General may be granted leave as follows, if his pay is fixed at a definite rate but his whole time is not retained for the service of Government :-

(a) leave on full pay during the vacation of the High Court, provided that no extra expense is thereby caused to Government. Such leave will be counted as duty.

(b) half pay leave for not more than six months once only in his service after six years of duty.

(c) half pay leave on medical certificate subject to a maximum of twelve months during the whole service, and when the maximum period of twelve months is exhausted, and further leave on medical certificate not exceeding six months in all in exceptional cases on the recommendation of a medical board.

(d) on the conditions prescribed in rule-60 extraordinary leave.

(e) leave under any one of the clauses of these rules may be combined with leave under any other clause.

**97. Grant of leave to Government employees appointed on contract Basis :** A Government employee appointed on contract basis shall not be entitled to any kind of leave under these rules.

**98. Leave to Government employees remunerated by honoraria :** A Government employee remunerated by honoraria may be granted half pay leave on the terms laid down in rule-96, provided that he makes satisfactory arrangements for the performance of his duties, that no

extra expense is caused to Government and that during the said half pay leave, the whole of honoraria is paid to the person who officiates in his post.

*Exception : This rule does not apply to Honorary Professors and Honorary Lecturers in the Medical Department.*

**99. Leave to Government employees in non-continuous and part-time service :** (1) No leave, except on half pay, shall be granted to the following:-

- (i) part-time lecturers in regional languages;
  - (ii) part-time Professors and lecturers in the Medical Department who are remunerated wholly by pay.
  - (iii) part-time staff employed in the several offices under the Commissioner of Labour,
  - (iv) part-time Professors, Assistant Professors, Lecturers and teachers.
- (2) Half pay leave admissible under sub-rule (1) shall be allowed at the rate of 15 days for each year of duty.

*Note : The term "each year of duty" in this rule means a year comprising of 365 days of actual duty which may spread over a number of months.*

- (3) The maximum amount of half pay leave to be granted at any one of time under sub-rule (1) shall be limited to ninety days on condition that such leave has been earned.
- (4) Officers serving in the vacation Department will be allowed to prefix or affix half pay leave to a vacation but not both. They will be allowed full pay during vacation, which will be counted as duty provided that no extra expenditure is thereby caused to Government.

*Note : In case where a Government employee has been allowed to prefix half pay leave to a vacation but is unable to resume duties for the circumstances beyond his control the competent authority, on the merits of the case, and at its discretion, condone such an irregularity, as a special case.*

- (5) Half pay leave will also be granted to officers mentioned in clause (ii) of sub-rule (1) if taken elsewhere in India, Sri Lanka, Nepal, Burma or Aden for purposes of study on the conditions that they will undertake to continue to serve Government on return from half pay leave for a period upto a maximum of five years if so desired by them and that in the event of default they shall reimburse to Government all amounts received by them during the period of half pay leave.
- (6) The half pay leave shall, in no case, extend beyond the tenure of the appointment.
- (7) Half pay leave cannot be claimed as of right.

**100. Leave to Boring Mechanics Mukadams and Trained Coolies :** Boring Mechanics, Mukadams and Trained Coolies, employed in the Agricultural Department for boring work, may be granted :-

- (1) leave upto one eleventh of the period spent on duty, subject to a maximum of sixty days at a time, on monthly leave allowance equal to the earnings prior to proceeding on leave; and
- (2) leave on medical certificate on half the above allowance for a further one-eleventh of the period spent on duty, provided that not less than five years' duty has been done by them.

**CHAPTER - IX - REPEAL AND SAVINGS**

**101. Repeal and Savings :** The Bombay Civil Services Rules, 1959 (as adapted by Government of Gujarat) so far as they relate to Leave are hereby repealed :

**Provided** that such repeal shall not affect the previous operation of the rules so repealed or anything done or any action taken there under.

**By order and in the name of the Governor of Gujarat.**

**(SUDHIR MANKAD)**

**Principal Secretary to Government.**

**APPENDIX – I****[See Rule - 7 & 8]*****Authorities to whom powers under the Gujarat Civil Services  
(Leave) Rules, 2002 have been delegated***

<b>Sr. No.</b>	<b>No. of Rule</b>	<b>Nature of Power</b>	<b>Authority to whom the powers are delegated</b>	<b>Scope</b>	<b>Remarks</b>	<b>Comment</b>
<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>6</b>	<b>7</b>
1.	9(23)(e)	Powers to regularise the period of compulsory waiting to 'duty'.	Administrative Departments	Upto a period of fifteen days	Upto a period of fifteen days	Upto a period of fifteen days
2.	9(34)	Declaring an officer as Head of Department.	Administrative Departments	Full powers subject to observation of the following conditions: 1. The officer should be the Head of an identifiable organisation 2. The minimum of the pay scale of the officer should not be less than that of the Deputy Secretary to Government. 3. These powers should be exercised only by the Secretary of the Administrative Department.		
3.	9(52)	To make officiating appointment for a period not exceeding two months.	All Gazetted Heads of Offices.	Government employees holding Class III posts under their control.	Appointments should be made from the approved list of candidates if there be any and all appointment should be reported immediately to the appointing authority.	

Sr. No.	No. of Rule	Nature of Power	Authority to whom the powers are delegated	Scope	Remarks	Comment
1	2	3	4	5	6	7
4.	9(52)	To make officiating appointments for a period not exceeding twelve months.	All Heads of Departments.	Government employees holding Class II posts under their control.	<p>1. Appointments should be made in accordance with approved recruitment rules.</p> <p>2. Appointments otherwise than by promotion or transfer should be made by means of advertisements.</p> <p>3. Appointment should be reported immediately to the Government.</p> <p>4. Appointments should be made on the minimum of the scale of pay for direct recruitment.</p> <p>5. Appointments by promotion should be made from Government employees in the approved select list if any.</p>	
5.	9(52)	To make officiating appointment for a period not exceeding twelve months.	<p>1. Director of Education</p> <p>2. Director of Technical Education</p> <p>3. Commissioner of Health, Medical Services &amp; Medical Education.</p>	Government employees under their control holding Class I posts and performing duties in connection with teaching.	Same conditions as in the case of item 4 above.	

Sr. No.	No. of Rule	Nature of Power	Authority to whom the powers are delegated	Scope	Remarks	Comment
1	2	3	4	5	6	7
6.	9(52)	To make officiating appointment in place of Government employees deputed for training.	Any authority having power to make appointments during leave vacancies.	All Government employees under their control.	Same conditions as in the case of item 4 above.	
7.	9(60)	Powers to sanction pension	(1) Administrative Departments of Sachivalaya  (2) All Heads of Departments  (3) Appointing Authority	Full powers  - do -  - do -	In respect of Heads of Department  In respect of all class one and two officers excluding Heads of Department  In respect of all class three and four Government employees	
8.	27	(i) Power to grant earned leave or half pay leave or commuted leave due and admissible  (ii) Power to sanction extraordinary leave	Administrative Departments, Heads of Departments and Heads of Offices  - do -	Due and admissible under these rules  Upto 540 days	Provided the total of earned leave and half pay leave and commuted leave does not exceed 240 days  Subject to the condition that if it is combined with earned leave and/or half pay leave and/or commuted leave, the total duration of such leave does not exceed 400 days	



Sr. No.	No. of Rule	Nature of Power	Authority to whom the powers are delegated	Scope	Remarks	Comment
1	2	3	4	5	6	7
		(iii) Power to sanction extraordinary leave	Administrative Department	(1) When the total exceeds 540 days (2) When the total in combination with earned leave and/or half pay leave, and/or commuted leave exceeds 400 days	With the concurrence of the Finance Department	
		(iv) Power to sanction special disability leave and hospital leave	Administrative Department	Admissible under rules	With the concurrence of the Finance Department	
9.	39	Power to grant leave to a Government employee who is declared by a Medical Authority to be completely and permanently incapacitated for further service.	Officer competent to sanction his pension.	Full powers.		
10.	44	Power to extend leave of a Government employee who remains absent after the end of his leave.	The authority which granted the leave.	Full powers provided that the Government employee on leave will on his return be under the authority's administrative control.		

Sr. No.	No. of Rule	Nature of Power	Authority to whom the powers are delegated	Scope	Remarks	Comment
1	2	3	4	5	6	7
11.	69	Power to grant Maternity leave	Heads of offices	Female Government employees employed under them.		
12.	72 & 73	Power to grant special disability leave for injury intentionally inflicted or for accidental injury.	Secretaries of Departments.	Full Powers.		
13.	75	Power to grant leave on account of ill-health to officers on Government vessels while undergoing medical treatment.	Any authority competent to grant leave under rule 37.	Full Powers.		

**APPENDIX - II****[See Rule - 9 (34)]**

*List of Officers who are deemed as Heads of Department for the purpose of various sets of the Gujarat Civil Service Rules, 2002*

**1.0 AGRICULTURE, CO-OPERATION & RURAL DEVELOPMENT DEPARTMENT :**

- 1.1 Secretary to Government.
- 1.2 Director of Agriculture.
- 1.3 Director of Animal Husbandry.
- 1.4 Director of Sugar
- 1.5 Director of Co-operative Societies.
- 1.6 President, Gujarat State Co-operative Tribunal.
- 1.7 Director of Horticulture.

**2.0 EDUCATION DEPARTMENT :**

- 2.1 Secretary (Education) to Government.
- 2.2 Secretary (Technical and Higher Education)
- 2.3 Commissioner of Higher Education
- 2.4 Commissioner of Mid-day-Meals and Schools)
- 2.5 Director of Primary Education
- 2.6 Director of Technical Education
- 2.7 Director of N.C.C.
- 2.8 Director of State Project Gujarat Primary Education Council
- 2.9 Director of Gujarat Council Education Research & Training
- 2.10 Director of Literacy and Continuing Education
- 2.11 Chairman, Gujarat Secondary Education on Board
- 2.12 Gujarat Primary Education Tribunal, Ahmedabad
- 2.13 Director Gujarat Education Technology Bhavan
- 2.14 Chairman, Gujarat State Examination Board
- 2.15 Director of State Project
- 2.16 Chairman, Technical Examination Board

**3.0 ENERGY AND PETROCHEMICAL DEPARTMENT :**

- 3.1 Secretary to Government.
- 3.2 Chief Electrical Inspector and Collector of Electricity Duty.
- 3.3 Secretary, Gujarat Electricity Regulatory Commission.
- 3.4 Director of Petroleum.

**4.0 FINANCE DEPARTMENT :**

- 4.1 Secretary to Government.
- 4.2 Director of Accounts and Treasuries
- 4.3 Commissioner of Sales Tax.
- 4.4 President, Gujarat Sales Tax Tribunal
- 4.5 Director of Insurance.
- 4.6 Director of Pension and Provident Fund.

**5.0 FOOD, CIVIL SUPPLIES AND CONSUMER AFFAIRS DEPARTMENT :**

- 5.1 Secretary to Government.
- 5.2 Director of Civil Supplies.
- 5.3 Director of Food.
- 5.4 Food and Civil Supplies Controller.
- 5.5 The Registrar, Consumer Disputes Redressal Commission.
- 5.6 Controller of Weights & Measures.

**6.0 FOREST AND ENVIRONMENT DEPARTMENT :**

- 6.1 Secretary to Government.
- 6.2 Principal Chief Conservator of Forests.
- 6.3 Conservator of Forests.

**7.0 GENERAL ADMINISTRATION DEPARTMENT :**

- 7.1 Secretary to Government.
- 7.2 Secretary to Governor.
- 7.3 Comptroller to the Governor
- 7.4 Commissioner of Inquiries and Member Secretary, Concurrent Vigilance Cell
- 7.5 Director, Directorate of Economics & Statistics
- 7.6 Director of Evaluation
- 7.7 Secretary, Gujarat Public Service Commission
- 7.8 Secretary, Subordinate Staff Selection Board
- 7.9 Chief Editor, Gujarat District Gazetteers
- 7.10 Director of Languages
- 7.11 Commissioner of Training and Director, Sardar Patel Institute of Public Administration
- 7.12 Resident Commissioner, New Delhi
- 7.13 Secretary, Gujarat Civil Services Tribunal
- 7.14 Registrar, Office of Hon'ble Lokayukta
- 7.15 Secretary, State Election Commission

**8.0 HEALTH AND FAMILY WELFARE DEPARTMENT :**

- 8.1 Secretary to Government.
- 8.2 Commissioner of Health, Medical and Medical Education
- 8.3 Additional Director (Health) Office of the Commissioner of the Health, Medical Services and Medical Education
- 8.4 Additional Director (Medical) Office of the Commissioner of Health, Medical Services and Medical Education
- 8.5 Additional Director (Medical Education) Office of the Commissioner of Health, Medical Services and Medical Education
- 8.6 Director of Medical Services (E.S.I. Scheme)
- 8.7 Director of Indian System of Medicine and Homeopathy
- 8.8 Commissioner of Food & Drugs Control Administration
- 8.9 Director of Stock Holding Central Medical Stores Organization

**9.0 HOME DEPARTMENT :**

- 9.1 Secretary to Government.

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- 9.2    Director General and Inspector General of Police
  - 9.3    Cammandant General Home Gards
  - 9.4    Additional Inspector General of Police, Police Computer Center
  - 9.5    Inspector General of Prisons.
  - 9.6    Director of Transport
  - 9.7    Secretary, Gujarat Vigilance Commission
  - 9.8    Director of Sainik Welfare
  - 9.9    Director of civil Defence
  - 9.10   Director of Forensic Science Laboratory
  - 9.11   Additional Director General of Police Public Prosecution,
  - 9.12   Commissioner and Additional Director General of Police, Prohibition & Excise
  - 9.13   Director General of Police & Director, Anti-Corruption Bureau
- 10.0   INDUSTRIES AND MINES DEPARTMENT**
- 10.1   Secretary to Government.
  - 10.2   Industries Commissioner
  - 10.3   Commissioner of Cottage Industries
  - 10.4   Commissioner of Geology and Mining
  - 10.5   Director of Government Printing & Stationery
  - 10.6   Commissioner of Tourism
  - 10.7   Commissioner of Payment
  - 10.8   Commissioner of Trade & Commerce
- 11.0   INFORMATION AND BROADCASTING DEPARTMENT**
- 11.1   Secretary to Government
  - 11.2   Director of Information
  - 11.3   Commissioner of Entertainment Tax
- 12.0   NARMADA AND WATER RESOURCES DEPARTMENT :**
- 12.1   Secretary to Government.
  - 12.2   Chief Engineers
  - 12.3   Superintending Engineers of Circles
  - 12.4   Superintendign Engineers of Water Resources Investigation Circles
  - 12.5   Area Development Commissioner
  - 12.6   Additional Collectors (Irrigation)
  - 12.7   Director, Gujarat Engineering Research Institute
  - 12.8   Chief Controller of Accounts (Narmada Project)
- 13.0   LABOUR AND EMPLOYMENT DEPARTMENT :**
- 13.1   Secretary to Government.
  - 13.2   Commissioner of Labour
  - 13.3   Commissioner of Rural Labour
  - 13.4   Director of Employment and Training
  - 13.5   Registrar, Industrial Court and Wage Boards
  - 13.6   Registrar of Labour Court

**14.0 LEGAL DEPARTMENT :**

- 14.1 Secretary to Government.
- 14.2 Advocate General
- 14.3 Charity Commissioner
- 14.4 Chief Judge of Court of Small Causes
- 14.5 Chief Magistrate for the City of Ahmedabad
- 14.6 District and Session Judges
- 14.7 Official Trustee and Administrator General
- 14.8 Principal Judge, City Civil and Sessions Court
- 14.9 Registrar, Gujarat High Court
- 14.10 Member Secretary, Gujarat State Legal Services Authority.
- 14.11 Principal Judge, Family Court
- 14.12 Inspecting Officer (Court Fees) and Ex-Officio Chief Inspector (Court Fees)
- 14.13 Registrar, Gujarat Public Works Contract Disputes Arbitration Tribunal.

**15.0 PANCHAYAT RURAL HOUSING AND RURAL DEVELOPMENT DEPARTMENT :**

- 15.1 Secretary to Government.
- 15.2 Development Commissioner
- 15.3 The Gram Vikas Commissioner
- 15.4 The Gujarat Panchayat Service Selection Board
- 15.5 Director of State Institute of Rural Development and Panchayati Raj
- 15.6 Commissioner of Rural Development

**16.0 LEGISLATIVE AND PARLIAMENTARY AFFAIRS DEPARTMENT :**

- 16.1 Secretary to Government.

**17.0 PORTS AND FISHERIES DEPARTMENT :**

- 17.1 Secretary to Government.
- 17.2 Commissioner of Fisheries

**18.0 REVENUE DEPARTMENT :**

- 18.1 Secretary to Government.
- 18.2 District Collectors
- 18.3 Commissioner of Land Reforms
- 18.4 President, Gujarat Revenue Tribunal
- 18.5 Director of Relief
- 18.6 Secretary (Appeals)
- 18.7 Settlement Commissioner and Director of Land Records



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- 18.8 Superintendent of Stamps
- 18.9 Inspector General of Registration
- 19.0 ROADS AND BUILDINGS DEPARTMENT :**
- 19.1 Secretary to Government
- 19.2 Chief Engineer
- 19.3 Chief Architectural and Town Planner
- 19.4 (C.E. & S.P.) Director Staff Training College
- 19.5 Controller of Accommodation
- 19.6 Director of Parks and Gardens
- 19.7 Superintending Engineers of Circles
- 20.0 SOCIAL JUSTICE AND EMPOWERMENT DEPARTMENT :**
- 20.1 Secretary to Government.
- 20.2 Director of Social Defence
- 20.3 Director of Scheduled Caste Welfare
- 20.4 Director of Developing Caste welfer
- 20.5 Commissioner of Disability
- 21.0 URBAN DEVELOPMENT AND URBAN HOUSING DEPARTMENT :**
- 21.1 Secretary to Government.
- 21.2 Chief Town Planner
- 21.3 Director of Municipalities
- 22.0 SPORTS, YOUTH AND CULTURAL ACTIVITIES DEPARTMENT :**
- 22.1 Secretary to Government.
- 22.2 Commissioner of Youth Services and Cultural Activities
- 22.3 Director of Museums
- 22.4 Director of Archaeology
- 22.5 Director of Archieves
- 22.6 Director of Library
- 22.7 Director General, Sports Authority of Gujarat.
- 23.0 WOMEN & CHILD DEVELOPMENT DEPARTMENT :**
- 23.1 Secretary to Government.
- 23.2 Commissioner Women & Child Development
- 24.0 SCIENCE AND TECHNOLOGY DEPARATMENT :**
- 24.1 Secretary to Government.
- 25.0 GUJARAT LEGISLATURE SECRETARIATE :**
- 25.1 Secretary to Gujarat Legislature Secretariat

**APPENDIX - III****(See Rule - 39)*****List of Government employees serving in  
Vacation/Non-Vacation Department***

The following classes of Government employees serve in Vacation Departments when the conditions of rule 5 are fulfilled :-

**1 (a) Under the Education Department :-**

All Government employees of the Education Department including the staff in schools and colleges, except administrative and Inspecting Officers and their establishment.

**Note :** The following classes of Government employees should be treated as belonging to a Non-Vacation Department :-

- (i) Clerks and other ministerial employees in all Educational Institutions including colleges,
- (ii) Librarians, Assistant Librarians in all Educational institutions including colleges;
- (iii) Registrars of Government Colleges;
- (iv) Such Class IV employees as are attached to the offices of the Educational Institutions;

**3. Under the Directorate of Health, Medical, Medical Education and Research -**

- (a) Full-time teaching staff working at Government Medical Colleges;

Except -

- (i) Officer holding the post of Principal of the College,
- (ii) Professor of Pathology;
- (iii) Lecturer in Pathology;
- (iv) Lecturer in Bacteriology;
- (v) Senior-most Junior Lecturer in Pathology; and
- (vi) Senior-most Junior Lecturer in Bacteriology

**Note :** The following full-time teaching staff appointed at Government Dental College and Hospital, should be treated as belonging to a Non-Vacation Department :-

- (i) Professor of Dentistry and Dental Surgeon;
- (ii) Lecturer in Dentistry;
- (iii) Full-time Demonstrator in Dentistry.

**4. Under the Directorate of Ayurveda -**

- (a) The following posts at Government Ayurvedic College :-

- (i) Lecturer in Anatomy, Bacteriology and Hygiene.
- (ii) Lecturer in Drayaguna and Rasashastra.
- (iii) Junior Flecturer in Rog-Nidan.
- (iv) Lecturer in Physics, Chemistry and Biology.
- (v) Demonstrator in Anatomy.
- (vi) Demonstrator in Physiology.

- (vii) Demonstrator in Pathology.
- (viii) Demonstrator in Dravyaguna and Resashastra.
- (ix) Demonstrator in Physics, Chemistry and Biology.

**Note :** The following posts at the Government Ayurvedic College should be treated as belonging to Non-Vacation Department :-

- (i) Principal-cum-Superintendent.
- (ii) Professor in Physiology, Biochemistry and Pathology.
- (iii) Lecturer in Clinical Medicine, Pharmacology and Materia Medica.
- (iv) Professor, Sharir and shalya Shalakya.
- (v) Professor, Doshadhatu Mala Vidnyan and Rog Nidan.
- (vi) Professor, Dravyaguna and Rasashastra (Pharmacist).
- (vii) Professor in Kayachikitsa.
- (viii) Professor in Kaumar Bharitya.

#### 4. Under Judicial Department –

All Judicial Officers and their office establishments including class IV Government employees except District and Sessions Judges, Assistant Judges holding appellate powers, Joint and Additional Sessions Judges and Principal Judges of the City Civil and Sessions Court, Ahmedabad.

**Note-1 :** The Judges and Staff of the Labour Courts should be treated as belonging to a Non-Vacation Department.

**Note-2 :** The posts of Adjudicators (Industrial Tribunals) should be treated as belonging to a Non-Vacation Department.

**Note-3 :** The Civil Judge-cum-Magistrates should be treated as belonging to a Vacation department.

**Note-4 :** The posts of Chief Metropolitan Magistrate.

Additional Chief Metropolitan Magistrate and Metropolitan Magistrate should be treated as belonging to a Non-Vacation Department.

#### 5. Under the Police Department –

Those members of the staff attached to the Police Training College who are allowed regular Vacations.

**Note :** The Assistant Superintendents of Police, Deputy Superintendents of Police and Language Master at Police Training College, do not serve in a Vacation Department. But the Inspector and Sub-Inspectors undergoing training at the college serve in a Vacation Department.

#### 6. Under the Directorate of Fisheries –

The staff attached to Government Fisheries Schools (except Class IV staff).

### FORM – 1

(See Rule-24)

#### *Application for leave or for extension of leave*

1. Name of applicant :
2. Post held :
3. Department, Office and Section :
4. Pay :

5. House rent and other compensatory allowances drawn in the present post. :
6. Nature and period of leave :
7. Sundays and holidays, if any, proposed to be prefixed/suffixed to leave :
8. Grounds on which leave is applied for :
9. Date of return from last leave, and the nature and period of that leave :
10. Address during leave period :
11. \* In the event of my resignation or voluntary retirement from service, I undertake to refund :-
  - (i) the difference between the leave salary drawn during commuted leave and that admissible during half pay leave, which would not have been admissible, had sub-rule (1) of rule 57 not been applied.
  - (ii) The leave salary drawn during leave not due which would not have been admissible had sub-rule (1) of rule 59 not been applied.
12. \* I certify that I do not have two or more living children on the date of this application.
- \* **Score out whichever be not applicable.**
13. Remarks and/or recommendation of the Controlling Officer.  
**Signature (with date)**  
**Designation.**
14. Orders of the authority competent to grant leave.  
**Signature (with date)**  
**Designation.**
- \* If the applicant is drawing any compensatory allowance, it should also be indicated in the orders whether on the expiry of leave, the Government employee is likely to return to the same post or to another post carrying similar allowance. :  
**Signature of Applicant**  
**(With date)**

**FORM – 2****(See Rule-25)*****Leave Account*****FORM – 3****(See Rule-35 & 36)*****Medical certificate for Government employees recommended  
leave or extension of leave or commutation of leave***

Statement of the case of \_\_\_\_\_Name (to be filled in by the applicant in the presence of the Civil Surgeon or authorized Medical Attendant. Appointment held

-----  
 Age \_\_\_\_\_

Total Service \_\_\_\_\_

Previous periods of leave of absence on medical certificate \_\_\_\_\_

Habits \_\_\_\_\_

Disease \_\_\_\_\_

I \_\_\_\_\_Civil Surgeon/Medical Officer of \_\_\_\_\_

After careful personal examination of the case hereby certify that Shri/Smt./Kumari

-----

Is in a bad state of health and I solemnly and sincerely declare that according to the best of my judgement a period of absence from duty is essentially necessary for the recovery of his/her health and recommend that he/she may be granted leave for \_\_\_\_\_ with effect from \_\_\_\_\_

**Civil Surgeon/Authorized  
Medical attendant/  
Registered Medical  
Practitioner.**

**Note :** This form should be adhered to as closely as possible and should be filled in after the signature of the Government employee has been taken. The certifying officer is not at liberty to certify that the Government employee requires a change from or to a particular locality or that he is not fit to proceed to a particular locality. Such certificates should only be given at the explicit desire of the administrative authority concerned to whom it is open to decide, when an application on such grounds has been made to him, whether the applicant should go before a Medical Board to decide the question of his/her fitness for service.

\* This sentence should either be modified by scoring out the irrelevant words or altogether scored out according as the period of leave recommended is upto two months or exceeds that period.

#### FORM – 4

(See Rule-37 (4) & 58 (3))

##### *Medical certificate of fitness to return to duty*

Signature of Government employee \_\_\_\_\_

We the members of Medical Boards

I \_\_\_\_\_ Civil Surgeon/Authorized Medical Attendant/  
Registered Medical Practitioner, do hereby certify that we/I have carefully examined Shri/Shrimati/  
Kumari \_\_\_\_\_ whose signature is given above, and find that  
he/she has recovered from his/her illness and is now fit to resume duties in Government service.  
We/I examined the original medical certificate(s) and statement(s) of the case (or certified copies  
thereof) on which leave was granted or extended and have taken these into consideration in arriv-  
ing at our/my decision.

**Civil Surgeon/  
Authorized Medical Attendant/  
Registered Medical Practitioner.**

**Dated .....**

**Note :** The original medical certificate(s) and statement(s) of the case on which the leave was originally granted or extended shall be produced before the authority required to issue the above certificate.

#### FORM – 5

(See Rule-58 (4))

##### *Medical Certificate for commuted leave on the ground of sickness of a family member of a Government employee*

This is to certify that \_\_\_\_\_ days of leave would be necessary for Shri / Shrimati /  
Kumari \_\_\_\_\_ serving in \_\_\_\_\_

Office / Department for looking after the health of his / her wife / husband / Legitimate and step son / daughter / unmarried sister / brother / father / mother who is suffering from \_\_\_\_\_ and is under my treatment.

**EARNEDLEAVE**

Particulars of services in the celender half year		Completed months of service in the half year	E. L. credited at the beginning of half year	No. of days of extra-ordinary leave (Col. 36) availed of during the previous celender half year	E. L. to be deducted (1/10th of the period in Col. 5)	Total E. L. at credit in days (Col. 4 + 11 - 6)	Leave Taken			Balance of E. L. on return from leave (Col. 7-10)	No. & Date of Order sanctioning the Leave	Signature of Head of Office
From	To						From	To	No. of days			
1	2	3	4	5	6	7	8	9	10	11	12	13

**HALF PAYLEAVE (On Private affairs and MC including commuted leave and Leave Not Due)**

Length of Service			Credit of Leave		Leave Taken Against the earning of half pay			Commutated Leave on Medical Certificate on Full Pay or without Medical Certificate for approved study in the interest of the Board *			Commutated leave converted to half pay leave (Twice of 11)	Balance (Col. 5 - 8 - 12)	No. & Date of Order sanctioning the Leave	Signature of Head of Office
From	To	Completed months of service in the celender half year	HPL credited at the beginning of half year	Leave at Credit (Col. 4 + 24)	From	To	No. of days	From	To	No. of days				
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15

**\* Limited to commuted leave of 90 days representing 180 days of Half Pay Leave during the entire service**



**FORM – 2**  
**(See Rule-25)**  
**Leave Account (Continue)**

**HALF PAY LEAVE (On Private affairs and M C including commuted leave and Leave Not Due) (Cont.)**

						L. N. D. Limited to 360 days in entire Service				
Commuted leave on medical certificate on full pay			Limited to 180 days on H.P.L. Converted to 90 days commuted leave in entire service			Total of leave not due (Col. 18 + 21)	Total half pay leave taken (Col. 12 + 22)	Balance of half pay leave on return from leave (Col. 5 - 23)	No. & Date of Order sanctioning the Leave	Signature of Head of Office
From	To	No. of days	From	To	No. of days					
16	17	18	19	20	21	22	23	24	25	26

**Extraordinary Leave & Other kinds of Leave taken during the service**

Kind of Leave	Duration of Leave			No. & Date of Order sanctioning the Leave	Remarks	Signature of Head of Office
	From	To	No. of days			
1	2	3	4	5	6	7

Civil Surgeon

Staff Surgeon

Authorised Medical attendant

Registered Medical Practitioner

**FORM - 6****(See Rule-92)*****Bond to be executed by a Government Employee in permanent employ, when proceeding on Study Leave***

KNOW ALL MEN BY THESE PRESENTS THAT I \_\_\_\_\_ resident of \_\_\_\_\_ in the district of \_\_\_\_\_ at present employed as \_\_\_\_\_ in the Department/Office of \_\_\_\_\_ do hereby bind myself and my heirs executors and administrators to pay to the Governor of Gujarat (hereinafter called the Government) on demand the sum of Rs \_\_\_\_\_ (Rupees \_\_\_\_\_) together with interest thereon from the date of demand at Government rates for the time being in force on Government loans if payment is made in a country other than India the equivalent of the said amount in the currency of that country converted at the official rate of exchange between that country converted at the official rate of exchange between that country and India AND TOGETHER with all costs between attorney and client and all charges and expenses that shall or may have been incurred by the Government -

Signed and dated this \_\_\_\_\_ Day of \_\_\_\_\_ two thousand \_\_\_\_\_

Signature \_\_\_\_\_

Witness \_\_\_\_\_ (1)

Witness \_\_\_\_\_ (2)

WHEREAS I, \_\_\_\_\_ am granted study leave by Government.

AND WHEREAS for the better protection of the Government I have agreed to execute this bond with such condition as here under is written;

Now, the condition of above written obligation is that in the event of my resigning or retiring from service without returning to duty after the expiry of termination of the period of study leave or at any time within a period of three years after my return to duty I shall forthwith pay to the Government or as may be directed by the Government on demand the said sum of Rs. \_\_\_\_\_ (Rupees \_\_\_\_\_) together with interest thereon from the date of demand at Government rates for the time being in force on Government loans.

AND upon my making such payment the above written obligation shall be avoid and of no effect otherwise it shall be and remain in full force and virtue.

The Government of Gujarat have agreed to bear the stamp duty payable on this bond.

Signed and delivered by \_\_\_\_\_ in the presence of Witness.

(1)

(2)

**ACCEPTED****For and on behalf of the Governor of Gujarat.****FORM - 7****(See Rule-92)*****Bond to be executed by a Government employee in permanent employ, when granted extension of Study Leave***

KNOW ALL MEN BY REPRESENTS THAT I \_\_\_\_\_ resident of \_\_\_\_\_ in the District of \_\_\_\_\_ in the District of \_\_\_\_\_ at present employed as \_\_\_\_\_ the Department/Office of \_\_\_\_\_ do hereby bind myself and my heirs, executors and administrators to

the Governor of Gujarat (hereinafter called "the Government") on demand the sum of Rs. \_\_\_\_\_ (Rupees \_\_\_\_\_) together with interest thereon from the date of demand at Government rates for the time being in force on Government loans, or, if payment is made in country other than India, the equivalent of the said amount in the currency of that country converted at the official rate of exchange between that Country and India AND TOGETHER with all costs between attorney and client and all charges and expenses that shall or may have been incurred by the Government.

Signed and dated this \_\_\_\_\_ Day of \_\_\_\_\_ two thousand \_\_\_\_\_

WHEREAS I \_\_\_\_\_ was granted study leave by Government for the period from \_\_\_\_\_ to \_\_\_\_\_ in consideration of which I executed a bond dated \_\_\_\_\_ for Rs \_\_\_\_\_ (Rupees \_\_\_\_\_) in favour of the Governor of Gujarat.

AND WHEREAS the extension of study leave has been granted to me at my request until \_\_\_\_\_

AND WHEREAS for the better protection of the Government I have agreed to execute this bond with such condition as hereunder is written.

NOW THE CONDITIONS OF THE ABOVE WRITTEN OBLIGATION IS THAT in the event of my failing to resume duty, or otherwise quitting resigning or retiring service without returning to duty after the expiry or termination of the period of study leave so extended or any time within a period of three years after my return to duty I shall forthwith pay to the Government or as may be directed by the Government on demand the said sum of Rs \_\_\_\_\_ (Rupees \_\_\_\_\_) together with interest thereon from the date of demand at Government rates for the time being in force on Government loans.

AND UPON MY making such payment the above written obligation shall be void and of no effect otherwise it shall be and remain in full force and virtue.

The Government of Gujarat have agreed to bear the stamp duty payable on this bond.

Signed and delivered by \_\_\_\_\_ in the presence of

Witness

(1)

(2)

### ACCEPTED

For and on behalf of the Governor of Gujarat.

FORM - 8

(See Rule-92)

#### *Bond to be executed by a Government employee not in permanent employ, when proceeding on study leave*

KNOW ALL MEN BY THESE PRESENTS THAT WE \_\_\_\_\_ resident of \_\_\_\_\_ in the District of \_\_\_\_\_ at present employed as \_\_\_\_\_ in the Department/Office \_\_\_\_\_ (herein after called "the obligor") and Shri \_\_\_\_\_ son of \_\_\_\_\_ and Shri \_\_\_\_\_ son of \_\_\_\_\_ of \_\_\_\_\_ (herein after called the sureties) do hereby jointly and severally bind ourselves and our respective heirs, executors and administrators to pay to the Governor of Gujarat (herein after called "the Government") on demand the sum of Rs \_\_\_\_\_ (Rupees \_\_\_\_\_) together with interest thereon from the date

of demand at Government rates for the time being in force on Government loans or, its payment is made in a country other than India, the equivalent of the said amount in the currency of that country converted at the official rate of exchange between that country and India AND TOGETHER with all costs between attorney and client and all charges and expenses that shall or may have been incurred by the Government.

Signed and dated this \_\_\_\_\_ Day of \_\_\_\_\_ two thousand \_\_\_\_\_

Signature of the Obligor.

Sureties \_\_\_\_\_(1)

Sureties \_\_\_\_\_(2)

Witness \_\_\_\_\_(1)

Witness \_\_\_\_\_(2)

Whereas the obligor is granted study leave by the Government :

AND WHEREAS for the better protection of the Government the obligor has agreed to execute this bond of the above bounden \_\_\_\_\_.

NOW THE CONDITION ON THE ABOVE WRITTEN OBLIGATION IS THAT in the event of the obligor Shri \_\_\_\_\_ resigning from service without returning to duty after the expiry or termination of the period of study leave or at any time within a period of three years after his return to duty the obligor and the sureties shall forth with pay to the Government or as may be directed by the Government on demand the said sum of Rs \_\_\_\_\_ (Rupees \_\_\_\_\_) together with interest thereon from the date of demand at Government rates for the time being in force on Government loan.

AND upon the obligor Shri \_\_\_\_\_ and, of Shri \_\_\_\_\_ and or Shri \_\_\_\_\_ the sureties aforesaid making such payment the above written obligation shall be void and of no effect otherwise it shall be and remain in full force and virtue :

PROVIDED ALWAYS that the liability of the sureties hereunder shall not be impaired or discharged by reason of time being granted or by any for bearance, act or omission of the Government or any person authorized by them (whether with or without the consent or knowledge of the sureties) not shall it be necessary for the Government to sue the obligor before suing the sureties.

Shri \_\_\_\_\_ and Shri \_\_\_\_\_ or any of them for amounts due hereunder.

The Government of Gujarat have agreed to bear the stamp duty payable on this bond.

Signed and delivered by the obligor above named Shri \_\_\_\_\_ in the presence of \_\_\_\_\_ signed and delivered by surety above named Shri \_\_\_\_\_ in the presence \_\_\_\_\_ of \_\_\_\_\_ signed and delivered by the surety above named Shri \_\_\_\_\_ in the presence of \_\_\_\_\_

**ACCEPTED**

**For and on behalf of the Governor of Gujarat.**

**FORM – 9**  
(See Rule-92)

***Bond to be executed by a Government employee not in permanent employ, when granted extension of study leave***

KNOW ALL MEN BY THESE PRESENTS THAT WE \_\_\_\_\_ residents of \_\_\_\_\_ in the District of \_\_\_\_\_ at present employed as in the Department/Office of \_\_\_\_\_ (hereinafter called “the obligor”) (and Shri \_\_\_\_\_ son of \_\_\_\_\_ hereinafter called the sureties) do hereby jointly and severally bind ourselves and our respective heirs, executors and administrators to pay to the Governor of Gujarat (hereinafter called “the Government”) on demand the sum of Rs \_\_\_\_\_ (Rupees \_\_\_\_\_) together with interest thereon from the date of demand at Government rates for the time being in force on Government loans or, if payment is made in a country other than India, the equivalent at the said amount in the currency of that country converted at the official rate of exchange between that country and India AND TOGETHER WITH all costs between attorney and client and all charges and expenses that shall or may have been incurred by the Government.

Signed and dated this \_\_\_\_\_ Day of \_\_\_\_\_ two thousand \_\_\_\_\_

WHEREAS the obligor was granted study leave by the Government for the period from \_\_\_\_\_ to \_\_\_\_\_ in consideration of which he executed a bond dated \_\_\_\_\_ for Rs. \_\_\_\_\_ Rupees \_\_\_\_\_) in favour of the Governor of Gujarat.

AND WHEREAS the extension of study leave has been granted to the obligor at his request until \_\_\_\_\_ the obligor has agreed to execute this bond with such condition as hereunder is written :

AND WHEREAS THE SAID SURETIES have agreed to execute this bond as sureties on behalf of the above bounden \_\_\_\_\_.

NOW THE CONDITION OF THE ABOVE WRITTEN OBLIGATION IS THAT in the event of the obligor Shri \_\_\_\_\_ failing to resume duty resigning from service without returning to duty after the expiry or termination of the period of study leave so extended or at any time within a period of three years after his return to duty the obligor and the sureties shall forthwith pay to the Government or as may be directed by the Government on demand the said sum of Rs \_\_\_\_\_ (Rupees \_\_\_\_\_) together with interest thereon from the date of demand at Government rates for the time being in force on Government loans.

And upon the obligor Shri \_\_\_\_\_ and, Shri \_\_\_\_\_ and, or Shri \_\_\_\_\_ the sureties aforesaid making such payment the above written obligation shall be void and of no effect otherwise it shall be and remain in full force and virtue.

PROVIDED ALWAYS that the liability of the sureties hereunder shall not be impaired or discharged by reason of time being granted or by any forbearance, act or omission of the Government or any person authorized by them (whether with or without the consent or knowledge of the sureties) not shall it be necessary for the Government to sue the obligor before suing the sureties Shri \_\_\_\_\_ and Shri \_\_\_\_\_ or any of them for amounts due hereunder.

The Government of Gujarat have agreed to bear the stamp duty payable on this bond -

WITNESS WHEREOF \_\_\_\_\_ the Government employee above has signed these presents the day months and year first above written.

And sealed and delivered by \_\_\_\_\_ in the presence of :

- 1.
- 2.

**Accepted for and behalf of the Governor of Gujarat by**

**FINAL DRAFT**

**NOTIFICATION**

**THE GUJARAT CIVIL SERVICES  
(LEAVE) RULES, 2002**

**FINANCE DEPARTMENT****NOTIFICATION****Sachivalaya, Gandhinagar.****Dated the, 15-11-2002*****Constitution of India***

No. : GN-35-GCS/102001/1217/CH In exercise of the powers conferred by the proviso to Article-309 of the Constitution of India, the Governor of Gujarat hereby makes the following rules, namely :-

**CHAPTER - I – GENERAL**

- 1. Short Title and Commencement :** (1) These rules may be called the “**Gujarat Civil Services (Pension) Rules**” 2002.  
(2) They shall come into force on and from the date of their publication in the Official Gazette.
- 2. Extent of application :** Except where it is otherwise expressly or impliedly provided, these rules shall apply to -
  - (a) all members of services and holders of posts whose conditions of service; the Government of Gujarat is competent to prescribe, **and**
  - (b) the person in respect of whose service conditions, pay and allowances and pension or any of them, special provision has been made under an agreement, in respect of any matter not covered by the provisions of such agreement.
- 3. Right to Interpret :** If any question relating to the interpretation of these rules arises, it shall be referred to the State Government in Finance Department whose decision thereon shall be final.
- 4. Power to Relax :** Where the Government is of opinion that the operation of any of these rules may cause undue hardship to any person or class of persons, it may, by written order, for reasons to be recorded in writing, relax the requirements of that rule to such extent and subject to such conditions as it may consider necessary for dealing with the case in a just and equitable manner :  
**Provided** that no such order shall be made except with the prior concurrence of the Finance Department.
- 5. Validity of terms of contract :** The terms and conditions of a specific contract enforceable at law entered into by the Government with any person relating to service shall prevail over the provisions of these rules.
- 6. Regulation of claims to pension or Family Pension :** (1) Any claim to pension or a class of pension shall be regulated by the provisions of these rules in force at the time when a Government employee retires or is retired or is discharged or dies, as the case may be;  
**Provided** that, if during his service, changes disadvantageous to him are introduced in the rules, to which he became subject on entry into the service of Government, his pension shall not be less than that which would have been admissible but for the introduction of such changes.  
(2) The day on which a Government employee retires or is retired or is discharged or is allowed to resign from service, as the case may be, shall be treated as his last working day. The date of death shall also be treated as working day;  
**Provided** that in the case of a Government employee who is retired prematurely or



who retires voluntarily under sub-rule (4) and (5) of rule 10 or rule 46, as the case may be, the date of retirement shall be treated as a non-working day.

7. **Exercise and delegation of powers :** (1) The nature of powers specified in column 3 of **Appendix-I**, annexed to these rules shall be exercised by the authority specified in Column-4 to the extent specified in column 5 thereof.
- (2) Subject to the provision of sub-rule (1), the powers under these rules shall not be exercised or delegated except in consultation with the Finance Department.
- Provided** that the Finance Department may, by general or special order, specify the cases or class of cases in which it shall not be necessary to consult it.
8. **Reasons for concessions to be communicated to Audit Officer :** When a competent authority, to whom the powers are delegated under **Appendix-I** other than the Government, communicates to the Audit Officer an order granting concessions under these rules to any Government employee in cases in which it is directed that the reasons therefore should be recorded, it shall at the same time forward to audit officer a copy of reasons.

## CHAPTER - II DEFINITIONS

9. Unless the context otherwise requires -
- (1) **“Actual travelling expenses”** means the actual cost of transporting a Government employee with his domestic employees and personal luggage, including charges for ferry and other tolls, if paid, and for carriage of camp equipment, if necessary and does not include charges for accommodation in hotels and traveller's bungalows, or for refreshments, or for the carriage of stores or conveyances or for presents to drivers and like or any allowance for incidental losses or expenses such as the breakage of crockery, wear and tear of furniture, and the employment of additional domestic employees.
- (2) **“Allotment”** means grant of licence to a Government employee to occupy a residential accommodation owned, leased or requisitioned by Government or a portion thereof for his use as residence.
- (3) **“Annexure”** means annexure appended to these rules.
- (4) **“Appendix”** means appendix appended to these rules.
- (5) **“Appointing Authority”** means the authority which is competent to make appointment to the service or post from which the Government employee seeks retirement.
- (6) **“Apprentice”** means a person deputed for training in a trade or business with a view to employment in Government service, who is paid at monthly rates by Government during such training but is not employed in or against a substantive vacancy in the cadre of a department.
- (7) **“Audit Officer”** means an Accounts Officer or Audit Officer appointed by the Comptroller and Auditor General of India whatever his official designation, in whose circle of audit a public servant is serving, or (in respect to verification of service) has served.
- (8) **“Cadre”** means the strength of a service or a part of a service sanctioned as a separate unit.
- (9) **“Camp Equipage”** means an apparatus for moving a camp.

**Note :** This definition distinctly shows that nothing is meant except moving apparatus or "carriage" which can only include baggage-camels, pack bullocks, carts, (together with the coolies who carry camp equipment and necessary bullocks, or horses etc.) drivers of the bullocks etc., coolies who carry camp equipments, and possibly employees employed as tent pitchers, but does not include private or extra employees.

- (10) **"Camp Equipment"** means an apparatus for moving a camp and includes tents and the requisites for pitching and furnishing them, or, where tents are not carried, such articles of camp furniture as it may be necessary in the interests of public service for a Government employee to take with him on tour.
- (11) **"Class-IV service"** means service performed by a Government employee on a post classified as Class-IV services and such other unclassified Non-gazetted posts the maximum of the scale of which does not exceed Rs. 4000/-.
- Note : This service has been defined as 'Inferior Service' under Clause (ii) of rule-2 of Gujarat Civil Services Classification and Recruitment (General) Rules, 1967.*
- (12) **"Compensatory Allowance"** means an allowance granted to meet personal expenditure necessitated by the special circumstances in which duty is performed and includes travelling allowance.
- (13) **"Competent Authority"** means in relation to the exercise of any power, means Government, or any authority to which the power is delegated by or under these rules.
- (14) **"Consolidated Fund of India or the State or the Union Territory"** All revenues received by the Government of India, all loans raised by that Government by the issue of treasury bills, loans or ways and means advances and all moneys received by that Government in repayment of loans shall form one consolidated fund to be entitled "the Consolidated Fund of India" and all revenues received by the Government of a State/ Union Territory, all loans raised by that Government/Union Territory by the issue of treasury bills, loans or ways and means advances and all moneys received by that Government/Union Territory in repayment of loans shall form one consolidated fund to be entitled "the Consolidated Fund of the State/Consolidated Fund of the Union Territory".
- (15) **"Constitution"** means the Constitution of India.
- (16) **"Conveyance Allowance"** means an allowance granted to a Government employee, whose pay has not been fixed with special reference to the expenditure likely to be incurred upon touring in the performance of his duties and whose duties involve an extraordinary amount of travelling within a limited area.
- (17) **"Date of first appointment"** means the date on which the Government employee assumes the duties of his first post in Government service, or, if this be earlier, the date of his assumption of any duty which is treated as service counting for pension.
- (18) **"Daily Allowance"** means an allowance granted to a Government employee for each day of his absence from headquarters, which is intended to cover the ordinary daily expenses incurred by a Government employee in consequence of such absence.
- (19) **"Day"** means the period beginning from a midnight and ending with the next midnight.
- (20) **"Death-cum-Retirement Gratuity"** means the gratuity payable under rule-81 of Gujarat Civil Services (Pension) Rules, 2002.
- (21) **"Director of Pension and Provident Fund"** means the Director of Pension and Provident Fund or any other officer for the time being authorised to discharge the duties and functions of or on his behalf and it includes District Assistant Examiner in

respect of the sanction of the retirement benefits to Class-IV employees.

(22) **“Disbursing Authority for Pension”** means (i) branch of a Nationalised Bank or (ii) treasury including sub-treasury, and pension payment office from where the retired Government employee is receiving pension authorised under the Gujarat Civil Services (Pension) Rules, 2002.

(23) **“Duty”** Duty includes -

- (a) service as a probationer;
- (b) joining time;
- (c) a course of instructions or training authorised by or under the orders of Government;

**Note 1 :** The time reasonably required for the journeys between the place of training and the station from which a Government employee proceeds in order to undergo training, is part of the period of training.

**Note 2 :** The period spent by candidates at the Police Training College or School, for training and the interval between the satisfactory completion of the course and their assumption of duty should be regarded as duty for the purpose of this rule.

**Note 3 :** The period spent by candidates in the Prohibition and Excise Department for training and interval between the completion of the course and their assumption of duty, should be regarded as duty for the purpose of this rule.

**Note 4 :** When one or more holidays follow the period of training, the training period may be deemed to have been extended to cover such holidays.

(d) the period occupied -

- (i) in appearing for a language examination prescribed by Government at which a Government employee has been granted permission to appear,
- (ii) in attending an obligatory departmental examination,
- (iii) in attending an examination which a Government employee must pass to become eligible for a higher post in any branch of the Public Service, including the time reasonably necessary for going to and from the place of examination.

This concession should not be allowed more than twice for each obligatory examination.

**Note :** If an examination is taken immediately before leave, the leave shall be held to have commenced from the date following that of the completion of the examination. In cases where an examination is taken in interruption of leave or immediately after leave, the time occupied in appearing for the examination, including the time necessary for going to and from the place of examination, shall be treated not as duty but as leave.

(e) The period for which a Government employee is required to wait compulsorily until receipt of his posting orders in the cases mentioned below :-

- (i) whose orders of transfer are held in abeyance, cancelled or modified while in transit, or
- (ii) who, on return from leave or deputation or on abolition of the post held by him, has to await receipt of posting orders, or

- (iii) who, on arrival at the headquarters of the post to which he is posted is not in a position to take charge of the post from the Government employee to be relieved.

The period availed of to resume duties after the receipt of posting orders shall not exceed the joining time admissible under the rules and shall be treated as continuation of the period of compulsory waiting.

- (f) the period intervening between the date on which a Government employee is engaged temporarily for special or other duty and the date on which he takes over charge, provided the period does not exceed the joining time that would be permissible to a Government employee entitled to joining time.
- (g) the period spent by Government employee on training mentioned below :-
- (i) annual training courses of instruction or military service in accordance with the regulations framed under Territorial Army Act, 1948.
- (ii) On Home Guard training or Home Guard duties with permission of the Head of office.
- (iii) in training or in the camp in accordance with the rules of the National Cadet Corps and also such period of the vacations as are spent by National Cadet Corps Officers (Senior Division) who are Government employees holding officiating charge of units during the absence of regular Commanding Officers.
- (iv) training at a Boy Scouts' camp;
- Note :** No travelling or halting allowance shall be admissible in respect of this duty.
- (h) the period spent by a Government employee where he is summoned by Court of Law whether criminal or civil or by a court of martial or by a authority constituted under any law, to give evidence regarding facts which came to his knowledge in the discharge of his public duties or to produce official documents in a civil suit.
- (i) the period spent by a Government employee in connection with work on the various University bodies in the Gujarat State -
- (a) as representatives of Government or ex-officio,
- (b) by virtue of his official position such as Principal of a College, and
- (c) for attending the meeting of a Board of Studies.

**(24) "Emoluments" means -**

- (i) Pay,
- (ii) payments from the Consolidated Fund of India or of the State or of the Union Territory and only that portion of the fees received by a Government employee which he is allowed to retain under the rules, if such payments or fees are received in the shape of a fixed addition to monthly pay and allowance as part of the authorised remuneration of a post.
- (iii) compensatory allowances other than travelling allowance, uniform allowance, clothing allowance, outfit allowance, special outfit allowance, uniform grant and grant for horse and saddlery whether drawn from the Consolidated Fund of India or of the State, or of the Union Territory.
- (iv) Pension and pension equivalent of death-cum-retirement gratuity except the following :-

(a) wound or injury pension and Family Pensions drawn under the provisions of Gujarat Civil Services (Pension) Rules, 2002.

(b) compensation received under the Workmen's Compensation Act, 1923.

**Note :** The word "Pension" means the full sanctioned pension prior to commutation.

(v) in the case of a Government employee under suspension and in receipt of a subsistence allowance, the amount of the subsistence allowance

**Provided** that, if such Government employee is subsequently allowed to draw pay for a period of suspension, the difference between the house rent recovered on the basis of the subsistence allowance and the house rent due on the basis of the emoluments ultimately drawn shall be recovered from him:

**Provided** further that if such Government employee is subsequently reinstated and the period of suspension is treated as leave, the difference between the house rent recovered on the basis of the subsistence allowance and the house rent due on the basis of emoluments defined in Note-2 below shall be recovered from him.

**Note 1 :** Allowances attached to the President's Police and Fire Services Medal, the Police Medal, or the Indian Order of Merit, Param Vir Chakra, Maha Vir Chakra, Vir Chakra are not included in the emoluments.

**Note 2 :** The emoluments of a Government employee on leave mean the emoluments drawn by him for the last complete calendar month of duty performed by him prior to his departure on leave.

(25) **"Executive Engineer"** means an officer appointed as such and incharge of the different types of Government residential accommodation and includes any other officer to whom the powers are delegated by the Government in respect of Gujarat Civil Services (Occupation of Residential Accommodation) Rules, 2002.

(26) **"Family"** means a Government employee's wife or husband, as the case may be, residing with the Government employee and legitimate children and step-children residing with and wholly dependent upon the Government employee. It includes, in addition, parents, sisters and minor brothers if residing with and wholly dependent upon the Government employee.

**Note 1 :** Not more than one wife is included in the term "family" for the purpose of these rules.

**Note 2 :** An adopted child shall be considered to be legitimate child if, under the personal law of the Government employee, adoption is legally recognised as conferring on it the status of a natural child.

**Note 3 :** A legitimate child or step child/parent/sister/minor brother who resides with the Government employee and whose income from all sources including pension (inclusive of temporary increase in pension) does not exceed Rs. 500 p.m. may be deemed to be "wholly dependent" upon the Government employee.

(27) **"Fee"** means a recurring or non-recurring payment to a Government employee from a source other than the Consolidated Fund of India or the Consolidated Fund of a State or the Consolidated Fund of a Union Territory, whether made directly to the Government employee or indirectly through the intermediary of Government, but does not include-

- (i) unearned income such as income from property, dividends, and interest on securities; and
- (ii) income from literary, cultural, or artistic, scientific or technological efforts if such efforts are not aided by the knowledge acquired by the Government employee in the course of his service.

**Note 1 :** The above definition is not applicable to the fees payable from the Consolidated Fund under the Gujarat Law Officers (Appointment and Condition of Services) Rules, 1965.

**Note 2 :** When a Government Department undertakes the work for a non-Government organisation and, in its turn, assign the work to its official, suited for the purpose, the payment therefore is made to the Department in the first instance and forms a part of the revenue of Government. The subsequent payments to the official concerned are, therefore, payments from the Consolidated Funds of Government and should accordingly be classed as honorarium.

- (28) **“First Appointment”** means the appointment of a person who is not holding any appointment under Government, even though he may have previously held such an appointment.
- (29) **“Flat Rate Rent”** means a monthly rate of flat rate rent to be recovered from a Government employee for the authorised occupation of Government residential accommodation. The rates for the same shall be as laid down in rule-18 the Gujarat Civil Services (Occupation of Government Residential Accommodation) Rules, 2002 as amended from time to time.
- (30) **“Foreign Service”** means service in which a Government employee receives his pay with the sanction of Government from any source other than the Consolidated Fund of India or of a State, or of a Union Territory.
- (31) **“Form”** means a form appended to these rules.
- (32) **“Gazetted Government employee”** is one who is a member of an All India Service or State Service or a person appointed in accordance with the terms of a contract or agreement and whose appointment is gazetted by Government. Members of the Subordinate Civil Services, whose appointments are Gazetted by Heads of Departments and who are Non- gazetted Government employees. Notifications investing Government employees with powers under different Acts, in order that the Courts may take judicial cognisance of them, do not constitute the persons invested with such powers as Gazetted Government employees within the meaning of this sub rule.

**Provided** that in respect of any category of Government employees in whose case the conditions of this clause have not been fulfilled, Government may by order treat them as Gazetted Government employees for the purposes stated in the said order.

**Exception :** Officers whose appointments to Class II services or posts are made by the Heads of Departments or Heads of Offices subordinate to them and are not published in the Gazette should be treated as Gazetted Government employees.

- (33) **“Government”** unless the context otherwise requires in respect of anything done or to be done after the commencement of the Constitution, shall mean the Government of Gujarat.



- (34) **“Head of Departments”** this term includes the officers from Appendix-II who have been declared as such or any others officers whom Government may from time to time declare to be Heads of Departments.
- (35) **“Head of Office”** means a Gazetted officer declared as such by Government and includes such other authority or person whom the competent authority may by order, specify as Head of Office.
- (36) **“Head-Quarters”** means the station which has been or may be declared to be the headquarters of a Government employee by the appointing authority or a competent authority, or in the absence of such declaration the station where the records of his office are generally kept.
- (37) **“Holiday”** means -
- (a) a holiday declared or notified under Negotiable Instruments Act, 1881; **and**
  - (b) in relation to any particular office, a day on which such office is ordered by Government, or by a duly constituted authority, by notification in the Gazette or otherwise, to be closed for the transaction of Government business without reserve or qualification.
- (38) **“Honorarium”** means a recurring or non-recurring payment sanctioned to a Government employee from the Consolidated Fund of India or the Consolidated Fund of the State or of a Union Territory as remuneration for special work of an occasional character.
- (39) **“House Rent Allowance”** means a monthly allowance towards defraying house rent granted to a Government employee in locations where such rents are high or granted in lieu of free residential accommodation.
- (40) **“Joining Time”** means the time allowed to a Government employee to join a new post or to travel to or from a station to which he is posted.
- (41) **“Leave”** means permission to remain absent from duty granted by a competent authority under the Gujarat Civil Services (Leave) Rules, 2002.
- (42) **“Leave Salary”** means the monthly amount paid by Government to a Government employee on leave.
- (43) **“Lien”** means the title of a Government employee to hold substantively, either immediately or on the termination of a period or periods of absence, a permanent post, including a tenure post, to which he has been appointed substantively.
- (44) **“Local Allowance”** is an allowance granted on account of the expensiveness or unhealthiness of an area. It is admissible to Government employees who have their headquarters within the area for which it is sanctioned and not to Government employees merely travelling in that area.
- (45) **“Medical Authority”** means Civil Surgeon/Superintendent of Civil Hospital or as the case may be the Medical Board.
- (46) **“Medical Board”** means a board constituted under Rule 13 of Gujarat Civil Services (General Condition of Services) Rules, 2002.
- (47) **“Mileage Allowance”** means an allowance calculated on the distance travelled and given to a Government employee to meet the cost of a particular journey. It can be drawn in the form of rail fare, bus or road mileage of the journey performed by road.
- (48) **“Ministerial employee”** means a Government employee of Class III services, whose duties are entirely clerical and any other class of employees specially declared as such by Government.



- (49) **“Minor”** means a person who has not completed the age of eighteen years.
- (50) **“Month”** means a calendar month. In calculating a period expressed in terms of months and days complete calendar months, irrespective of the number of days in each, should first be calculated and thereafter the odd number of days should be calculated subsequently.

**Instruction :** Calculations of period expressed in terms of months and days shall be made as under :-

- (a) To calculate 3 months and 20 days on and from the 25th January, the following method should be adopted :-

	Y.	M.	D.
25th January to 31st January	0	0	07
February to April	0	3	00
1st May to 13th May	0	0	13
<b>Total</b>	<b>0</b>	<b>3</b>	<b>20</b>

- (b) The period commencing on 30th January, and ending with 2nd March should be deemed as 1 month and 4 days as indicated below :-

	Y.	M.	D.
30th January to 31 January	0	0	2
February	0	1	0
1st March to 2nd March	0	0	2
<b>Total</b>	<b>0</b>	<b>1</b>	<b>4</b>

- (51) **“Non-Official Member”** means any person other than a Government employee who is required to attend a meeting or conference of a Commission of Inquiry or of a Board or of a Corporation or Committee or is required to perform any public duties in an honorary capacity.
- (52) **“Officiate”** means Government employee who officiates in a post when he performs the duties of a post on which another person holds a lien. A competent authority, may if it thinks fit, appoint a Government employee to officiate in a vacant post on which no other Government employee holds a lien.
- (53) **“Pay”** means the basic pay in the revised scales of pay prescribed under the Gujarat Civil Services (Revision of Pay) Rules, 1998 and includes stagnation increments.
- (54) **“Permanent Travelling Allowance”** means a monthly travelling allowance granted by Government to a Government employee whose duties require him to travel extensively. Such an allowances is granted in lieu of all other forms of travelling allowance for journeys within the Government employee's sphere of duty and is drawn all the year round whether the Government employee is absent from his headquarters or not.
- (55) **“Pension”** means any class of service pension including compensation pension referred to in rule 44 of Gujarat Civil Services (Pension) Rules, 2002 and gratuity but does not include temporary increase/dearness relief, granted by Government to a pensioner as compensation for higher cost of living.
- (56) **“Pensionable Pay”** means the average pay earned by a Government employee during the last ten months service as per provisions contained in rule 43 of the Gujarat Civil Service (Pension) Rules, 2002.

- (57) **“Pensioner”** means a retired Government employee who has been granted pension.
- (58) **“Pension Payment Office”** means an office declared as such for making payment to the pensioners and includes treasury and sub-treasuries.
- (59) **“Pension Payment Order”** means an order in a form approved by Government for sanctioning the payment of pension, to be issued by the Director of Pension and Provident Fund.
- (60) **“Pension Sanctioning Authority”** means a competent authority of the Government to whom the powers to sanction pension have been delegated.
- (61) **“Permanent Post”** means a post carrying a definite rate of pay sanctioned without limit of time.
- (62) **“Pay and Accounts Officer”** means the officer entrusted with pay and accounts functions of State transactions arising in Ahmedabad and Gandhinagar.
- (63) **“Personal Pay”** means additional pay granted to a Government employee -
- (a) to save him from a loss of substantive pay in respect of a permanent post other than a tenure post due to a revision of pay or due to any reduction of such substantive pay otherwise than as a disciplinary measure; or
- (b) in exceptional circumstances, on other personal considerations.
- (64) **“Presumptive Pay”** of a post, when used with reference to any particular Government employee, means the pay to which he would be entitled if he held the post substantively and was performing its duties; but it does not include special pay unless the Government employee performs or discharges the work or responsibility, in consideration of which special pay was sanctioned.
- (65) **“Probationer”** means a Government employee on probation in or against a substantive or temporary vacancy in the cadre of a department.
- Note 1 :** No person appointed substantively to a permanent post in a cadre is a probationer, unless definite conditions of probation have been attached to his appointment.
- Note 2 :** A Government employee (other than one who holds substantively a permanent post) appointed on promotion to a temporary post will be treated for all purposes as a temporary Government employee.
- Note 3 :** The status of a probationer is to be considered as having the attributes of a substantive status except where the rules prescribe otherwise.
- (66) **“Public Account of India or the State”** means all other public moneys excluding those referred to in sub-rule (14) received by or on behalf of the Government of India or the Government of a State.
- (67) **“Public Conveyance”** means a train, steamer, aircraft or other conveyance which plies regularly, though not necessarily at fixed intervals, a regular course for the conveyance of passengers and does not deviate therefrom according to the wishes of the passengers.
- (68) **“Qualifying Service”** means service rendered while on duty or otherwise which may be taken in account for the purpose of pension and gratuity admissible under Gujarat Civil Services (Pension) Rules.
- (69) **“Registered Medical Practitioner”** means a medical practitioner registered under the Gujarat Medical Council Act, 1967 or the Gujarat Medical Practitioner Act, 1963

or a practitioner registered and entered in the Register maintained under the Gujarat Homeopathic Act, 1963 (Guj.XXXVI of 1963) or any other law corresponding thereto and in force in the State of Gujarat, or the respective Medical Registration Acts, of the several State Governments.

- (70) **“Rent”** means a monthly rate of compensation made by Government employee or a person not in Government service to Government for the use and possession of residential accommodation allotted or leased to him.
- (71) **“Residential Accommodation”** means building, bungalow, quarter or flat owned by Government and allotted for residential purpose. It also includes building, bungalow, quarter or flat hired, requisitioned or leased by the Government for the said purpose.  
**Note :** Requisitioned means requisitioned under the provisions of Requisition and Acquisition of Immovable Property Act, 1952.
- (72) **“Selection Grade”** means a scale of pay which has been sanctioned specifically as a selection grade by an order of Government.
- (73) **“Service Book”** means service book and includes service roll, if any.
- (74) **“Special Pay”** means an addition, of the nature of pay, to the emoluments of a post or of a Government employee granted in consideration of -  
(a) the specially arduous nature of duties,  
(b) a specific addition to the work or responsibility.
- (75) **“Sphere of duty”** means the area to which the duties of a Government employee are confined.
- (76) **“Standard Rent”** means a monthly rate of standard rent for different types of residential accommodation as laid down in rule-18 of the Gujarat Civil Services (Occupation of Government Residential Accommodation) Rule, 2002.
- (77) **“Subsistence Allowance”** means a monthly allowance granted to a Government employee who is not in receipt of pay or leave salary.
- (78) **“Substantive Pay”** means the pay other than special pay, personal pay which a Government employee is entitled on account of a post to which he has been appointed substantively or by reasons of his substantive position in a cadre.
- (79) **“Superintending Engineer”** means an officer appointed as such and to whom the powers are delegated by Government under the relevant rules.
- (80) **“Superior Service”** means any kind of service not being Class IV service.
- (81) **“Table”** means a table appended to these rules.
- (82) **“Temporary Post”** means a post carrying a definite rate of pay sanctioned for a limited time.

**Note :** Substantive appointments to temporary posts should be made in a limited number of cases only, as for example, when posts are, to all intents and purposes, quasi-permanent or when they have been sanctioned for a period of not less than, or there is reason to believe that they will not terminate within a period of, three years. In all other cases, appointments on temporary posts should be made in an officiating capacity only.

- (83) **“Temporary Transfer”** means a transfer to duty in another station which is expressed to be for a period not exceeding one hundred twenty days. For the purpose of these rules it includes deputation. Subject to the limit of four months, the title to compensatory allowance, if the temporary duty is subsequently extended beyond four months in all, will remain intact up to the date of the orders of the extension.

- (84) **“Tenure Post”** means a permanent post which an individual Government employee may not hold, for more than a limited period without re-appointment.

**Note :** The following posts have been declared by Government to be tenure posts :-

		<b>Period of Tenure (Years)</b>	
(1)	Chief Engineer in the Gujarat Service of Engineers (Class-I)	-	5
(2)	Three posts of Assistant Directors of Social Welfare	-	3
(3)	All technical posts of Under Secretaries and Deputy Secretaries in the Public Works Department.	-	5
(4)	The following posts in the Legal Department :		
	(i) Deputy Secretaries (Three posts)	-	3
	(ii) Solicitor and Ex-officio Deputy Secretary to Government Ex-Officer (one post)	-	3
	(iii) Special Officer and Ex-officio Under Secretary to Government (one post)	-	3
(5)	Nineteen cadre posts of Deputy Secretaries in the Secretariat Department excluding posts of Deputy Secretaries in the Legal Department and technical posts in the Public Works Department.	-	5
(6)	Eight posts of Under Secretaries out of the total number of temporary and permanent posts on the Secretariat cadre excluding post of Under Secretaries on the Legal side of the Legal Department and Technical posts in the Public Works Department.	-	5

Provided that where a tenure post of an Under Secretary or a Deputy Secretary is held by a Secretariat Officer, such post shall, so long it is held by such officer, cease to be a tenure post.

- (85) **“Time-Scale Pay”** means pay which, subject to any conditions prescribed in these rules, rises by periodical increments from a minimum to a maximum.

**Note-1 :** Time scales are said to be identical if the minimum, the maximum, the period of increment and the rate of increment of the time-scales are identical.

**Note-2 :** A post is said to be on the same time-scale as another post on a time scale if the two time-scales are identical and the posts fall within a cadre or a class in a cadre, such cadre or class having been created in order to fill all posts involving duties of approximately the same character or degree of responsibility in a service or establishment or group of establishments; so that the pay of the holder of any particular post is determined by his position in the cadre or class and not by the fact that he holds that post.

- (86) **“Transfer”** means the movement of a Government employee from one headquarter station in which he is employed to another such station, either -

(a) to take up the duties of a new post; or

- (b) in consequence of a change of his headquarters.
- (87) **“Transit Time”** means the actual time required to reach the destination of tour from the headquarters or from one outstation to another outstation by the ordinary mode of travel.
- (88) **“Travelling Allowance”** means an allowance granted to a Government employee to cover the expenses which he incurs in travelling in the interest of the public service. It includes allowance granted for the maintenance of conveyance.
- (89) **“Treasury”** means the treasury established at the headquarters of a district and includes a sub-treasury / Pay and Accounts office.

### CHAPTER - III

#### RETIREMENT

**10. Age of retirement :** (1) Except as provided in this rule, every Government employee, other than a Class IV employee, shall retire from service on the afternoon of the last day of the month in which he attains the age of fifty-eight years. The Government employee may be retained in service beyond the age of fifty-eight years only with the previous sanction of the Government in the public interest, the reasons for it shall be recorded in writing.

- (2) A Government employee in Class IV service shall retire from service on the afternoon of the last day of the month in which he attains the age of sixty years. The Government employee may be retained in service beyond the age of sixty years only with the previous sanction of Government.

**Explanation :** For the purpose of sub-rules (1) and (2), a Government employee whose date of birth is the 1st day of a month shall retire from service on the afternoon of the last day of the same month in which he attains the age of fifty-eight years or sixty years, as the case may be.

- (3) The following conditions are applicable to particular services :-
- a) Except as otherwise provided in this sub-clause, a holder of the post of the Chief Judge of the Court of Small Causes, Ahmedabad, or the Chief Metropolitan Magistrate for Metropolitan area of the city of Ahmedabad, whether he is recruited directly or is promoted from subordinate post, shall ordinarily be retained in service till the age of sixty years, if he continues efficient upto that age, otherwise he may be required to retire on attaining the age of fifty-eight years or at any time thereafter.
  - b) The Principal Judge, Ahmedabad City Civil and Sessions Court, shall be required to retire on attaining the age of sixty years.
  - c) Except as otherwise provided in this sub-clause, Government employees in the Gujarat Services of Engineers, Class-I, shall retire on attaining the age of fifty-eight years and may be required by the Government to retire on attaining the age of fifty years if they have not reached to the rank of Superintending Engineer.
  - d) (i) Subject to the requirements of this sub-clause as to reappointment, the Government may, in special circumstances, which should be recorded in writing, grant an extension of service not exceeding three months, to a Chief Engineer.

- (ii) No Chief Engineer shall, without re-appointment, hold the post for more than five years, but re-appointment to the post may be made as often and in each case for such period not exceeding five years, as the Government may decide, provided that the term of reappointment shall not extend more than three months beyond the date on which he attains the age of fifty-eight years. (Officiating service, unless followed by confirmation without interruption in such service, does not count towards the period of five years mentioned in this sub-clause).
- e) Government employee who while in Government service is appointed as Chairman or Member of the Gujarat Public Service Commission, shall hold office for a term of six years from the date on which he enters upon his office or until he attains the age of sixty-two years, whichever is earlier, as laid down in Article-316 (2) of the Constitution of India; even though he attains the age of compulsory retirement according to the service to which he belonged during his tenure as Chairman or Member of the Commission.
- (4) Notwithstanding anything contained in sub-rule (1) of this rule, the appointing authority, if it is of the opinion that it is in the public interest so to do, by giving him three months' pay and allowances have the absolute right to retire-
- (a) any Gazetted Government employee working under the State Government :-
- (i) if he had entered Government service before attaining the age of thirty-five years, after he has attained the age of fifty years, **and**
- (ii) in any other case, after he has attained the age of fifty five years,
- (b) any Government employee who holds a post in any other service of the State either pensionable or non-pensionable, after he has attained the age of fifty-five years;

**Note :** For the purposes of sub-clause (a) of sub-rule (4), the age of entry into Government service or recruitment in Government service shall be the age at which a Government employee was appointed to a full time post and not to a part time or honorary post.

- (5) Notwithstanding anything contained in sub-rules (1) and (2) of this rule, any Government employee may, by giving notice of not less than three months in writing to the appropriate authority, retire, in case of a Government employee :-
- (i) referred to in sub-rule (4) (a) (i), after he has attained the age of fifty years,
- (ii) referred to in sub-rule (4) (a) (ii) and 4 (b) after he has attained the age of fifty-five years;

**Explanation-1 :** For the purposes of sub-rules (4) and (5) “Appointing authority” means the authority which has power to make substantive appointment to the post or service from which the Government employee retires, or wants to retire;

**Explanation-2 :** For the purpose of sub-rule (5) three months' notice may be given either before or after the Government employee attains the age of fifty or fifty-five years but before he attains the age of fifty-seven years, provided that the retirement takes place after he has attained the age of fifty or fifty-five years, as the case may be;



**Explanation-3 :** In computing the notice period of three months referred to in sub- rule (5) the date of service of notice and the date of its expiry shall be excluded.

**Provided** that it shall be open to the appointing authority to withhold permission to retire to a Government employee who is under suspension, or against whom departmental proceedings are pending or contemplated and who seeks to retire under this sub- rule.

- 11. Retirement according to the character of the post held in an officiating capacity and not the post held in a substantive capacity :** When a Government employee holding a permanent post substantively, is officiating on another post, rule 10 shall be applied according to the character of the post on which he is officiating and not according to the character of the permanent post held substantively by him. Thus the date of compulsory retirement of the substantive holder of a post in Class IV service, who is officiating in a post not included in that service, is the date on which he attains the age of fifty-eight years. If such person desires to be governed under sub-rule (2) of rule 10, he shall be required to be reverted to a post in Class IV service before he attains the age of fifty-eight years.
- 12. Extension in service beyond the age of superannuation :** Notwithstanding anything contained in sub-rule (1) of rule 10 Government may grant an extension of service to any Government employee beyond the age of superannuation, in the public interest reasons of which shall be recorded in writing.  
**Note :** Extension should not be granted beyond the age of sixty years, except in very rare and exceptional circumstances.
- 13. Application of rule-10 to re-employed Government Employees :** Rule-10 shall also be applicable to re-employed personnel who have retired before reaching the age of superannuation and the rules in Chapter VII are subject to conditions laid down in rule 10. Rule 185 from the nature of its concession and conditions, puts the re-employment of a person in receipt of a superannuation and or retiring pension in a special class outside the purview of rule-10 and subject to the conditions stated in the rule itself which shall be required to be observed with every renewal of sanction.
- 14. Review of cases before superannuation or on expiry of the extension period of service :** The case of each Government employee shall be taken up for examination when he is approaching the age of superannuation and before the expiry of each extension of service. Extensions may not be granted for any period exceeding one year at one time, the first extension being given generally up to the end of the financial year. In cases in which it is proposed to grant extension of service, reports shall be made to Government at least two months before the necessity for sanction or fresh sanction arises.
- 15. Claim for compensation for retirement not be entertained :** No Claim for compensation from a Government employee who is required to retire under the provisions of rule 10 will be entertained.
- 16. When extension is refused, Government employee is continued till relieved by his successor :** When Government employee has been refused an extension of service, he may, in the absence of specific order to the contrary, be allowed to continue in service until he is relieved by his successor.



**Note :** In cases, however, where an extension of service has been applied for and granted and no further extension is asked for and sanctioned, the Government employee must be held to cease to be in the service of Government and to be entitled to no pay from the date of the expiration of the period for which the extension was granted. It is for the officer under whom the Government employee, to whom the extension has been given, is serving, to take timely measures to ensure, as far as in him lies, that another Government Employee shall be available to take over charge from the time-expired Government employee on the date on which the extension given terminates.

- 17. Promotion not be given when a Government employee is on extension of service :** Without the previous sanction of Government, no promotion, whether officiating or substantive, and whether in a permanent or in a temporary establishment, shall be given to a Government employee who is under extension. This does not debar such a Government employee from earning an increment, if the pay of the appointment held by him is on a time-scale.
- 18. Removal or compulsory retirement from service for misconduct, insolvency or inefficiency :** A competent authority may remove any Government employee subject to these rules from Government service, or may require him to retire from it, on the ground of misconduct, insolvency or inefficiency :

**Provided** that before any such order is issued, the procedure referred to in rules 9 and 10 of the Gujarat Civil Services (Discipline and Appeal) Rules 1971, shall be followed.

**Note :** Except where it is expressly stated otherwise, 'removal' includes the case of a Government employee who has been asked to retire under this rule.

#### CHAPTER - IV

#### GENERAL CONDITIONS

- 19. Limitations on number of pensions :** (1) A Government employee shall not earn two pensions in the same service or post at the same time or for the same continuous service.  
(2) A Government employee, who has retired on a Superannuation Pension or Retiring Pension, and subsequently re-employed, shall not be entitled to a separate pension or gratuity for the period of his re-employment.
- 20. Admissibility of Wound or Injury Pension :** The rules from 69 to 76 which govern the grant of Wound or Injury Pension on account of injuries, apply to all persons employed in civil services whether permanently, temporarily, or even casually, and whether remunerated by fixed pay or at piece-work-rates.
- 21. Sanction of pension in special circumstances :** In case where a pension is not admissible under any specific provision of these rules, Government may sanction pension which shall not, save in the most exceptional circumstances, exceed the monthly minimum pension as fixed by Government from time to time, or of a gratuity not exceeding the equivalent, calculated in accordance with the table prescribed under rule 100 of the value of such a pension, if the sanction is not inconsistent with the provisions of the rules.  
**Explanation :** Pension sanctioned under this rule need not be given any special name. It may be styled as 'Invalid', 'Retiring', or 'Superannuation', in accordance with the circumstances of each case.
- 22. Pension not exchangeable but gratuity may be exchanged for annuity :** (1) A Government employee eligible for a pension is not entitled to exchange it for a gratuity.

- (2) If a Government employee is eligible under these rules for a gratuity only, Government may at its discretion, if the expectation of life of the Government employee is reported by competent medical authority to be equal to the average, convert the gratuity into an annuity. The amount of the annuity shall be calculated with reference to the table of present values prescribed by Government under rule 100.

**23. Pension subject to good conduct :** (1) Future good conduct shall be an implied condition of every grant of pension. Government may, by order in writing, withhold or withdraw a pension or part thereof, whether permanently or for a specified period, if the pensioner is convicted of a serious crime or is found guilty of grave misconduct :

**Provided** that where a part of pension is withheld or withdrawn, the amount of remaining pension can be reduced below the minimum pension as fixed by Government.

- (2) Where a pensioner is convicted of a serious crime by a court of law, action under sub-rule (1) shall be taken in the light of the judgement of the court relating to such conviction.
- (3) In a case not falling under sub-rule (2), if Government considers that the pensioner is prima facie guilty of grave misconduct, it shall, before passing an order under sub-rule (1), follow the procedure as laid down in rules 9 and 10 of the Gujarat Civil Service (Discipline and Appeal) Rules, 1971 for imposing a major penalty.
- (4) The Gujarat Public Service Commission shall be consulted before an order under sub-rule (1) is passed in respect of officers holding posts within their purview.

**Explanation :** In this rule :-

- (a) the expression 'serious crime' includes a crime involving an offence under the Official Secrets Act, 1923 (Act XIX of 1923),
- (b) the expression 'grave misconduct' includes the communication or disclosure of any secret official code or password or any sketch, plan, model, article, note, document or information, such as is mentioned in section 5 of the Official Secrets Act, 1923 (Act XIX of 1923) (which was obtained while holding office under the Government) so as to prejudicially affect the interests of the general public or the security of the State.

**24. Right of Government to withhold or withdraw pension :** (1) Government may, by order in writing, withhold or withdraw a pension or any part of it, whether permanently or for a specified period, and also order the recovery from such pension, the whole or part of any pecuniary loss caused to Government, if, in any departmental or judicial proceedings, the pensioner is found guilty of grave misconduct or negligence during the period of his service including service rendered upon re-employment after retirement :

**Provided** that the Gujarat Public Service Commission shall be consulted before any final order is passed in respect of officers holding posts within their purview :

**Provided** further that where a part of pension is withheld or withdrawn, the amount of remaining pension can be reduced below the minimum fixed by Government.

- (2) (a) The departmental proceedings referred to in sub-rule (1), if instituted while the Government employee was in service whether before his retirement or during his re-employment, shall, after the final retirement of the Government employee, be deemed to be proceedings under this rule and shall be continued and concluded by the authority by which they were commenced in the same

manner as if the Government employee had continued in service.

- (b) The departmental proceedings, if not instituted while the Government employee was in service, whether before his retirement or during his re-employment-
- (i) shall not be instituted save with the sanction of the Governor,
  - (ii) shall not be in respect of any event which took place more than four years before such institution, **and**
  - (iii) shall be conducted by such authority and at such place as the Government may direct and in accordance with the procedure applicable to the departmental proceedings in which an order of dismissal from service could be made in relation to the Government employee during his service.
- (3) In case of a Government employee who has retired on attaining the age of superannuation or otherwise and against whom any departmental or judicial proceedings are instituted or where departmental proceedings are continued under sub-rule (2), a provisional pension as provided in rule 144 to 146 shall be sanctioned.
- (4) Where Government decides not to withhold or withdraw pension but orders recovery of pecuniary loss from pension, the recovery shall not, subject to the provision of sub-rule (1) of this rule, ordinarily be made at a rate exceeding one-third of the pension admissible on the date of retirement of a Government employee.
- (5) For the purpose of this rule :-
- (a) departmental proceedings shall be deemed to be instituted on the date on which the statement of charges is issued to the Government employee or pensioner, or if the Government employee has been placed under suspension from an earlier date, on such date, **and**
  - (b) judicial proceedings shall be deemed to be instituted -
    - (i) in case of criminal proceedings, on the date on which the complaint or report is made by a police officer of which the Magistrate takes cognizance, **and**
    - (ii) in case of civil proceedings, on the date of presenting the plaint in the court.

#### CHAPTER - V

#### QUALIFYING SERVICE

**25. Qualifying Service :** Subject to the provisions of these rules, qualifying service of a Government employee, means and includes -

- (i) all service including service on probation rendered on a regular establishment in any capacity whether, temporary or permanent, interrupted or continuous but it shall not include -
  - (a) service in non-pensionable establishment,
  - (b) service paid from contingences,
  - (c) service rendered in daily rated establishment,
  - (d) actual periods of break in service if any, between spell of service,
  - (e) service prior to resignation, removal or dismissal,
  - (f) service as an apprentice,
  - (g) service on fixed pay basis, **and**

- (h) service on contract basis.
- (ii) all service rendered in work charged establishment provided that the total service put in, as such is five years or more,
- (iii) foreign service,
- (iv) vacation taken by Government employee in vacation department,
- (v) all periods of leave including extraordinary leave upto a maximum of thirty six months during entire service,
- (vi) addition to qualifying service admissible under rule-37,
- (vii) services rendered as Kotwal by a Government employee after regular appointment in the regular time scale.
- (viii) services rendered as full time attendant by a Government employee before his regular appointment in class IV service, and
- (ix) services rendered under Central Government/Central Government Autonomous bodies having pension scheme, by a Government employee who is absorbed in Government.
- (x) Pensionable service rendered by an employee in a grant-in-aid institution the pension liability in respect of which is borne by the Government to the extent as may be ordered by the Government from time to time.
- 26. Conditions subject to which service qualifies :** (1) The service of a Government employee shall not qualify unless his duties, pay and allowances are regulated by the Government or under conditions determined by the Government.
- (2) For the purposes of sub-rule (1) the expression 'service' means service under Government and paid by Government from the Consolidated Fund of State.
- 27. Age after which service counts for pension :** Service rendered by a Government employee after attaining the age of eighteen years shall only be counted for pension.
- 28. Counting of pre-retirement civil service in the cases of re-employed Government employees :** (1) A Government employee who has retired on Compensation Pension or Invalid Pension or compensation gratuity or invalid gratuity, is re-employed and appointed to a service or post to which these rules apply, may exercise option either-
- (a) to continue to draw the pension or retain the gratuity sanctioned for his earlier service, and in such case his former service shall not be counted as qualifying service, **or**
- (b) to cease to draw his pension and refund-
- (i) the pension already drawn after re-employment,
- (ii) the value received for the commutation of part of pension, **and**
- (iii) the amount of death-cum- retirement gratuity including service gratuity, if any, and count the previous service as qualifying service :
- Provided that -**
- (i) the pension drawn prior to the date of re-employment shall not be required to be refunded,
- (ii) the element of pension which was ignored for fixation of his pay shall be refunded by him :
- (2) The appointing authority shall alongwith the order of appointment require in writing the Government employee to exercise the option under sub-rule (1) within three months

of the date of issue of such order or if he is on leave on that day within three months of his return from leave whichever is later, and shall also bring to his notice that if no option is exercised within the period referred to above, he shall be deemed to have opted for clause (a) of sub-rule (1).

- (3) In case of a Government employee who opts for clause (a) of sub-rule (1), the pension or gratuity admissible for his subsequent service is subject to the limitation that service gratuity or the commuted value of the pension and death-cum-retirement gratuity, if any, shall not be greater than the difference between the value of the pension and death-cum-retirement gratuity, if any, that would be admissible at the time of the Government employee's final retirement if the two periods of service were combined and the value of retirement benefits have already been granted to him for the previous service.

**Explanation :** The commuted value of pension shall be calculated in accordance with the Table prescribed under rule 100 applicable at the time of second or final retirement.

- (4) (a) A Government employee who opts for clause (b) of sub-rule (1) shall be required to refund the gratuity (Compensation or Invalid) received in respect of his earlier service, in monthly installments not exceeding thirty-six in number, the first instalment beginning from the month following the month in which he exercised the option.
- (b) The right to count previous service as qualifying service shall not be revived until the whole amount is refunded.
- (5) In case of a Government employee, who, having elected to refund the gratuity, dies before the entire amount is refunded, the amount of unrefunded gratuity (Compensation or Invalid) shall be adjusted against the death- cum-retirement gratuity which may become payable to his family.

**29. Cases in which Military service to be counted as service for pension :** A competent authority may by general or special order direct that the Military service performed by a Government employee, after attaining the age of eighteen years, who before entering civil services was in Military Services but did not earn a pension in Military Services, shall be treated as service qualifying for pension. In issuing such an order, the appointing authority shall specify the method by which the amount of service shall be calculated and may impose such conditions which it may think fit :

**Provided that -**

- (1) the Military service must have been pensionable under military rules;
- (2) the Military service must have been paid from Consolidated Fund of India or of State or pensionary contribution for that service must have been received by Consolidated Fund of India or State, **and**
- (3) if the service is treated as service qualifying for civil pension, any bonus or gratuity received in lieu of pension or since discharge from Military service must be refunded in not more than thirty six monthly installments from such date as the appointing authority may direct.

**Explanation-1 :** An order under this rule shall be communicated to the Controller of Defence Accounts concerned who will be requested to calculate the exact amount to be recovered and communicate it to the Director of Pension and Provident Fund who shall make the recoveries in as many installments as may be directed in the order.

**Explanation-2 :** Period of Leave taken in Military service which was not counted as service under those rules before the Government employee became subject to the Civil Services leave rules shall not be treated as service for the purposes of this rule.

**Explanation-3 :** It shall be permissible to allow Military service interposed between two periods of civil service to count for civil pension, provided that the conditions laid down in this rule are fulfilled.

**Explanation-4 :** Approved war service or military service shall be required to be verified in the **Form-1** from the Military authorities concerned.

**Explanation-5 :** Temporary Military service rendered by a Government employee with an interruption between the Military and Civil service shall be treated as qualifying service under rule-25. The Government employee shall be required to refund the service gratuity, if any, received by him in respect of Military service rendered by him, before he is allowed to count that service towards civil pension.

- 30. Counting of periods of suspension :** Time passed by a Government employee under suspension pending inquiry into conduct shall count as qualifying service where, on conclusion of such inquiry, he has been fully exonerated or the suspension is held to be wholly unjustified, in other cases, the period of suspension, shall not count unless the authority competent to pass orders under the rule governing such cases expressly declares that it shall count to such extent as the competent authority may declare.

**Note :** In absence of specific indication to the contrary in the service record, the period of suspension shall be taken into account towards the qualifying service.

- 31. Counting of past service on reinstatement :** (1) A Government employee who is dismissed, removed or compulsorily retired from the service, but is reinstated on order in appeal or review, shall be entitled to count his past service as qualifying service.
- (2) The period of interruption in service between the date of dismissal, removal or compulsory retirement, as the case may be, and the date of reinstatement, and the period of suspension, if any, shall not be counted as qualifying service unless regularised as duty or leave by a specific order of the authority which passed the order of reinstatement.

- 32. Forfeiture of service on dismissal or removal :** Dismissal of a Government employee from a service or post entails forfeiture of his past service. Removal of a Government employee from service or post entails forfeiture of his past service unless specific entries to the contrary are made in the service records.

- 33. Forfeiture of service on resignation :** A Government employee who is reappointed to Government service after resignation of his own accord shall not be entitled to count the service rendered by him prior to the date of resignation towards qualifying service.

**Exception :** Where the Government employee had good reasons for resigning from service in the first instance or if he was compelled by reasons beyond his control (for example due to illness) to quit the service before due date of retirement, Government may consider to permit him to count certain past pensionable service for the purpose of pension.



- 34. Interruption in service :** (1) Unless there are specific entries regarding break in service in the service record of the Government employee, all service from the date of entry to the date of retirement shall be treated as continuous - subject to the condition that in case if there is interruption in service of a period of more than three months, the entire interruption shall be disregarded while working out the qualifying service, interruption upto three months being treated as qualifying service.
- (2) All unauthorised absences not regularised by grant of leave and all leave of any kind granted for a continuous period exceeding five years shall constitute a brake in service and shall be dealt with as per sub-rule (1).
- 35. Period of non-employment on non-continuous post :** If a Government employee is serving in an establishment the duties of which are not continuous but are limited to a certain fixed period in each year, the period during which the establishment is not employed shall be treated as service qualifying for pension :
- Provided** that it shall not be so treated unless the Government employee is on actual duty-
- (a) on the date on which the establishment is discharged prior to such period on completion of this work, and
- (b) on the date on which he is re-employed after the expiry of such period.
- Note :** This rule does not apply to service in a vacation department, referred to in rule-48 of the Gujarat Civil Services (Leave) Rules, 2002 and Appendix-III thereof.
- 36. Non-Pensionable service, counting for pension :** Government may by general or special order permit service other than pensionable service, for performing which a Government employee is paid from Consolidated Fund of State to be treated as duty for the purpose of counting pension. In issuing such an order Government shall specify the method by which the period of duty shall be calculated and may impose any condition which it thinks fit.
- 37. Addition to qualifying service for Superannuation pension :** (1) Government employees whole pensionable service has been rendered on one or the other of the posts or service mentioned below and whose qualifying service for pension is not less than ten years, may add to their services qualifying for Superannuation Pension, the number of years by which their age on appointment exceeded twenty five years subject to maximum addition of ten years :-
- (i) Assistant Judges.
- (ii) Metropolitan Magistrates for the city of Ahmedabad (including the Chief Metropolitan Magistrates.)
- (iii) Judges of small Causes Court, Ahmedabad. (including the Chief Judge.)
- (iv) District and Sessions Judges.
- (v) Civil Judges, Senior and Junior Division, and the Resident Magistrates directly recruited from the Bar.
- (vi) President and Members of the Industrial Courts.
- (vii) Adjudicators and Members of Industrial Tribunals.
- (viii) Administrator General and Official Trustee.
- (ix) Judges of the Ahmedabad City Civil Court, including the Principal Judge, appointed directly from Bar.
- (2) Government employees whose whole pensionable service has been rendered on one or the other of the posts or service mentioned in sub-rule (1) above and who are appointed directly from the Bar after attaining such an age which does not enable them to complete requisite number of years of qualifying service to receive recurring pension, may add to their service qualifying for superannuation pension, number of years as mentioned below :-

Completed years age on first appointment from the Bar.	Actual qualifying service on Superannuation age		Additional qualifying service under this rule	Total Service for Pension	
	60 Yrs.	58 Yrs.		60 Yrs.	58 Yrs.
1	2	3	4	5	6
49	11	9	5	-	14
50	10	8	5	-	13
51	09	7	5	14	12
52	08	6	5	13	11
53	07	5	5	12	10
54	06	4	5	11	-
55	05	3	5	10	-

**38. Condonation of deficiency and addition in service :** Government may, for reasons to be recorded in writing :-

- (1) condone a deficiency, which may not ordinarily exceed one year, in the period of service qualifying for pension performed by a Government employee in order to qualify him to receive a Retiring Pension or to receive a pension as distinct from a gratuity; or
- (2) make an addition, which may not ordinarily exceed one year, to the period of service qualifying for pension, performed by a retiring Government employee which under the provisions of these rules may be counted for pension.

**Explanation-1 :** The power under sub-rule (2) shall be exercised only in respect of Class-IV Government employees retiring on Invalid or Compensation Pension.

**Explanation-2 :** The power of Government under this rule may be exercised by the pension sanctioning authority provided that the period of deficiency to be condoned or addition to be made does not exceed three months.

**39. Non-pensionable service :** Notwithstanding any thing contained in rule 25, the following shall not be pensionable service :-

- (a) Government employees who are paid for services rendered for Government but who are not retained for whole time in the public service,
- (b) Government employees who are not in receipt of pay but are remunerated by honoraria,
- (c) Government employees holding posts which have been declared to be non-pensionable,
- (d) Holders of all tenure posts in the Medical Department, whether private practice is allowed to them or not, when they do not have an active or suspended lien on any other permanent posts under Government.

**40. Power of Government to declare any service as non-pensionable :** Government may declare that service in any post or establishment created after the commencement of these rules or the service of future incumbents of existing posts shall not be qualifying service for the purpose of pension.

- 41. Service cost recovered from third party :** The fact that the whole or part of pay of a Government employee in pensionable service is recovered by Government from a third party, does not operate to render his service other than pensionable, if the Government employee is appointed, controlled and paid by Government.

**Explanation :** "Third Party" means the other bodies whose works are undertaken by the Roads and Buildings Department and which are termed as "deposit works" or "third party works" and the provision for which exists in the P.W.D. manual.

- 42. Verification of qualifying service after twenty years of qualifying service :** (1) When a Government employee completes twenty years' of qualifying service, the Head of Department in the case of a Gazetted officer or the Head Office in the case of a Non-gazetted Government employee in consultation with the Director of Pension & Provident Fund, shall, in accordance with the rules for the time being in force, verify the service rendered by such a Government employee, determine the qualifying service and communicate to him in **Form-2** the period of qualifying service so determined. The verification so carried out shall be subject to final verification of qualifying service to be made at the time of retirement of the Government employee.

(2) Notwithstanding anything contained in sub-rule (1) where a Government employee is transferred to another department from a temporary department or on account of the closure of the department he had been previously serving or because the post he held had been declared surplus, the verification of his service may be done whenever such event occurs.

(3) The verification done under sub-rules (1) and (2) shall be treated as final and shall not be reopened except when necessitated by a subsequent change in the rules and orders governing the conditions under which the service qualifies for the purpose of pension.

## CHAPTER - VI

### PENSIONABLE PAY

- 43. Pensionable Pay :** (1) The 'Pensionable Pay' means the average pay earned by a Government employee during the last ten months' service.

(2) For the purpose of sub-rule (1) 'pay' means pay as defined in rule-9 (53) drawn by a Government employee in officiating or substantive capacity on permanent/or temporary or tenure post.

**Explanation-1 :** If a Government employee immediately before his retirement or death while in service or having been absent from duty on leave for which leave salary is payable or having been suspended had been reinstated without forfeiture of service, the pay which he would have drawn had he not been absent from duty or suspended, shall be the pay for the purposes of this rule.

**Provided** that any increase in pay (other than the increment referred to in Explanation-4 below) which is not actually drawn shall not form part of this pay.

**Explanation-2 :** If, during the last ten months of his service, a Government employee had been absent from duty on extraordinary leave, or had been under suspension, the period whereof does not count as service, the aforesaid period of leave or suspension shall be disregarded in the calculation of the pensionable pay and equal period before the ten months shall be included.

**Explanation-3 :** If a Government employee immediately before his retirement or death while in service had been absent from duty on extraordinary leave or had been

under suspension, the period whereof does not count as service, the pay which he draw immediately before proceeding on such leave or being placed under suspension shall be the pay for the purposes of this rule.

**Explanation-4 :** If a Government employee immediately before his retirement or death while in service was on leave other than extraordinary leave and earned an increment which was not withheld during the first six months of the period of leave, such increment, though not actually drawn, shall form part of his pensionable pay.

**Explanation-5 :** However it will be open to any Government employee to exercise an option, which shall be final, within one month from the date of his retirement to have his pension revised-recalculated on the basis of thirty six months' or twenty months' average 'pay' as may be beneficial to him.

**Explanation-6 :** The pay drawn by a Government employee while on foreign service shall not count for pension. In such a case the pay which the Government employee would have drawn under the Government had he not been sent on foreign service, shall alone be taken into account while calculating pensionable pay.

**Explanation-7 :** Where a pensioner who is re-employed in Government service, elects in terms of clause (a) of sub-rule (1) of rule 28 to retain his pension for earlier service and whose pay on re-employment has been reduced by an amount not exceeding his pension, the element of pension by which his pay is reduced shall be treated as pay for calculation of pensionable pay.

#### CHAPTER - VII

#### CLASSES OF PENSIONS AND CONDITIONS FOR GRANTS OF PENSION

**44. Different classes of pensions :** The following classes of pension or family pension is admissible to the Government employees or their families :-

- (1) *Superannuation Pension*, means a pension granted to a Government employee who retires from Government service at an age of fifty-eight years or sixty years as the case may be.
- (2) *Retiring Pension*, means a pension granted to a Government employee who retires voluntarily on completion of twenty/twenty-five/thirty years' qualifying service or who is required by the appointing authority to retire in the public interest, but before attaining the age of superannuation.
- (3) *Invalid Pension*, means a pension granted to a Government employee who retires from Government service, on account of mental or bodily infirmity before attaining the age of superannuation.
- (4) *Compensation Pension*, means a pension granted to a Government employee who is discharged from Government service otherwise than on medical certificate and for no fault of his own, before attaining the age of Superannuation.
- (5) *Wound or Injury Pension*, means pension granted to a Government employee wounded or injured while in Government service.
- (6) *Compassionate Pension*, means a pension granted to a Government employee who is removed from Government service for misconduct, insolvency, or inefficiency.

- (7) *Family Pension*, means Family Pension, admissible and granted under Chapter-IX or X of these rules to the family of the deceased Government employee.

(1) **SUPERANNUATION PENSION**

45. **Superannuation Pension** : A Government employee who retires on his attaining age of superannuation as provided in rule-10 shall be granted a Superannuation Pension.

(2) **RETIRING PENSION**

46. **Retiring Pension** : A Retiring Pension shall be granted to a Government employee who voluntarily retires, or is retired, before attaining the age of superannuation in accordance with the provisions contained in of rule 10 or rules 47 to 51.

47. **Retirement on completion of thirty years' qualifying service** : (1) A Government employee may retire at any time after completion of thirty years' qualifying service, or he may be required by the appointing authority not lower in rank than that of appointing authority to retire in the public interest :

**Provided** that -

- (a) a Government employee shall give a notice of atleast three months in writing to the appointing authority before the date on which he intends to retire; **or**
- (b) the appointing authority shall give a notice of atleast three months in writing to a Government employee before the date on which he is required to retire in the public interest.
- (2) A Government employee, who has elected to retire under this rule and has given the necessary notice to that effect to the appointing authority, shall not be allowed to withdraw his voluntary retirement subsequently except with the approval of the appointing authority :

**Provided** that the request for withdrawal shall be made before the intended date of his retirement.

**Explanation** : Qualifying service of thirty years referred in sub-rule (1) means qualifying service excluding extra ordinary leave sanctioned in the entire service of an employee.

48. **Retirement on completion of twenty years' qualifying service** : (1) A Government employee on completion of twenty years' qualifying service, may, by giving notice of not less than three months in writing to the appointing authority, retire from service.

- (2) The notice of voluntary retirement given under sub-rule (1) shall require acceptance by the appointing authority:

**Provided** that where the appointing authority does not refuse to grant the permission for retirement before the expiry of the period specified in the said notice, the retirement shall become effective from the date of expiry of the said period.

- (3) The qualifying service as on the date of intended retirement of the Government employee retiring under this rule shall be increased by a period not exceeding five years, subject to the condition that the total qualifying service rendered by the Government employee does not in any case exceed thirty years :

**Provided** that the total qualifying service after allowing the increase under this sub-rule shall not exceed the qualifying service which the Government employee would have had, if he had retired voluntarily at the lowest age limit for voluntary retirement prescribed under sub- rule (5) of rule 10.

- (4) (a) A Government employee referred to in sub-rule (1) may make a request in writing to the appointing authority to accept notice of voluntary retirement of less than three months giving reasons thereof;
- (b) On receipt of a request under clause (a), the Head of Department in case of Class-IV employee and the Head of Administrative Department concerned in case of other employees, subject to the provisions of sub-rule (2), may consider such request for the curtailment of the period of notice of three months on merits and if it is satisfied that there is no departmental inquiry pending or contemplated against the Government employee, may relax the requirement of notice of three months on the condition that the Government employee shall not apply for commutation of a part of his pension before the expiry of the period of notice of three months.

- (5) A Government employee, who has elected to retire under this rule and has given the notice to that effect as required under these rules to the appointing authority, shall not be allowed to withdraw such notice except with the approval of the appointing authority :

**Provided** that the request for withdrawal of notice shall be made before the intended date of his retirement.

- (6) The pension and death-cum-retirement gratuity of the Government employee retiring under this rule shall be based on the pay as defined under rule-9 (53) read with rule-43 and the increase not exceeding five years in his qualifying service shall not entitle him to any notional fixation or addition of pay for the purposes of calculating pension and gratuity.

- (7) This rule shall not apply to a Government employee who retires from Government service for being absorbed permanently in an autonomous body or a public sector undertaking to which he is on deputation at the time of seeking voluntary retirement.

**Explanation-1 :** For the purpose of this rule the expression “appointing authority” shall mean the authority which is competent to make substantive appointment to the service or post from which the Government employee seeks voluntary retirement.

**Explanation-2 :** Qualifying service of twenty years referred in sub-rule (1) means qualifying service excluding the notional service added under sub-rule (3) and also extra ordinary leave sanctioned in the entire service of an employee.

- 49. Voluntary retirement on completion of twenty five years’ qualifying service :** (1) A Government employee at any time after completion of twenty-five years’ qualifying service, may, by giving notice of not less than three months in writing to the appointing authority, retire from service;

- (2) The notice of voluntary retirement given under sub-rule (1) shall require acceptance by the appointing authority :

**Provided** that where the appointing authority does not refuse to grant the permission for retirement before the expiry of the period specified in the said notice, the retirement shall become effective from the date of expiry of the said period.

- (3) The qualifying service as on the date of intended retirement of the Government employee retiring under this rule shall be increased by a period not exceeding five years, subject to the condition that the total qualifying service rendered by the



Government employee does not in any case exceed thirty three years :

**Provided** that the total qualifying service after allowing the increase under this sub-rule shall not exceed the qualifying service which the Government employee would have had, if he had retired on reaching the age of superannuation as prescribed under sub-rule (1) of rule 10.

- (4) a) A Government employee referred to in sub-rule (1) may make request in writing to the appointing authority to accept notice of voluntary retirement of less than three months by giving reasons therefore;
- b) On receipt of a request under clause (a), the Head of Department in case of Class-IV employee and the head of Administrative Department concerned in case of other employees, subject to the provisions of sub-rule (2), may consider such request for the curtailment of the period of notice of three months on merits and if it is satisfied that there is no departmental inquiry pending or contemplated against the Government employee, may relax the requirement of notice of three months on the condition that the Government employee shall not apply for commutation of a part of his pension before the expiry of the period of notice of three months.

- (5) A Government employee, who has elected to retire under this rule and has given the notice to that effect as required under these rules to the appointing authority, shall not be allowed to withdraw such notice except with approval of the appointing authority :

**Provided** that the request for withdrawal of notice shall be made before the intended date of his retirement.

- (6) The pension and death-cum-retirement gratuity of the Government employee retiring under this rule shall be based on the pay as defined under rule-9 (53) read with rule 43 and the increase not exceeding five years in his qualifying service under sub-rule (3) shall entitle him for the notional pay during these notional years of qualifying service in the pay scale in existence on the actual date of retirement for the purposes of calculating pension and death-cum-retirement gratuity.

**Provided** that in case of the Government employee retiring from a post occupied by him as a result of leave vacancy, deputation vacancy, fortuitous promotion etc., or from a temporary post sanctioned for a limited period, the appointing authority shall require to issue a certificate in **Form No. 3**.

- (7) This rule shall not apply to a Government Employee who retires from Government service under rule 51 for being absorbed permanently in a public sector undertaking to which he is on deputation at the time of seeking voluntary retirement.

**Explanation-1 :** For the purpose of this rule the expression “appointing authority” shall mean the authority which is competent to make substantive appointment to the service or post from which the Government employee seeks voluntary retirement.

**Explanation-2 :** Qualifying service of twenty five years referred in sub-rule (1) means qualifying service excluding the notional service added under sub-rule (3) and also extra ordinary leave sanctioned in the entire service of an employee.

- 50. General Conditions for voluntary retiring Government employees :** (1) Before issuing the orders allowing a Government employee to retire voluntarily under rule 47 or 49, the

appointing authority shall get the qualifying service put in by the Government employee verified by the Director of Pension and Provident Fund, Gujarat State.

- (2) Except without permission from the Government, the Government employee who has retired voluntarily under rule 48 or 49 shall not be re-employed under any of the following :-
- (i) State/Central Government Office,
  - (ii) Municipal Corporation,
  - (iii) Municipality,
  - (iv) Panchayat,
  - (v) Grant-in-aid institution (including colleges) in Gujarat.
- (3) The voluntary retirement of the Lecturers of Government Colleges under rule-48 or 49 shall be subject to the following further conditions :-
- (i) The pension of the lecturer shall be fixed in two manners -
    - (a) without benefits of rule 48 or 49 (as the case may be), and
    - (b) with benefits of the said rules (as the case may be) with a condition in the Pension Payment Order that the extra benefits occurring under the rule 48 or 49 (as the case may be) shall be withdrawn if he joins any University or Institution affiliated to any University in Gujarat.
  - (ii) All Universities/affiliated Institution to any University of the State shall intimate the Commissioner of Higher Education as and when they employ any retired college lecturer.
  - (iii) On receipt of such intimation from the University/Institution, the Commissioner of Higher Education shall arrange to issue an order to the effect that the retired lecturer's pension shall be permanently reduced and refixed at the lower amount. However, the pension drawn at higher rate before getting re-employed shall not be recovered. The concerned pension disbursing authority on receipt of such order from the Commissioner of Higher Education shall pay to the retired lecturer only such amount as mentioned in the order.
  - (iv) During this re-employment the pay of the retired lecturers shall be fixed in accordance with rule-172 in Chapter-XVIII of these rules.
- (4) The employees retiring on voluntary basis shall be required to follow the above instructions scrupulously and breach of the same will be viewed seriously by the Government.

**51. Pension on absorption in or under a public sector undertaking :** (1) A permanent Government employee who while on deputation is permitted to be absorbed in a service or post in a public sector undertaking, if such absorption is declared by the Government to be in the public interest, be deemed to have retired from service from the date of such absorption and shall be eligible to receive retirement benefits which he may have elected or deemed to have elected from the date from which the pro-rata pension gratuity, etc. would be disburseable as under :-

- (a) The pro-rata pension and death-cum-retirement gratuity shall be based on the length of his qualifying service under Government till the date of absorption. The pension will be calculated on the basis of pensionable pay for thirty six months preceding the date of absorption and the death-cum-retirement gratuity on the basis of the pay drawn immediately before absorption.

- (b) In case where a Government employee at the time of absorption has less than ten years' service and is not entitled to pension, he will only be eligible for proportionate service gratuity in lieu of pension and to death-cum-retirement gratuity based on length of service.
- (c) The amounts of pension/gratuity and the death-cum-retirement gratuity would be concurrently worked out and will be intimated to the Government employee as well as to the concerned organisation as and when the Government employee is absorbed.
- (d) The Government employee shall in addition to the death-cum-retirement gratuity be granted, on an application made in this behalf, a lump sum amount not exceeding the commuted value of forty percent of his pension as may be admissible to him in accordance with the provisions of Chapter XI and XII of these Rules. No medical examination of the Government employee shall be necessary for granting the commuted value of pension.
- (2) The payment of retirement benefits under sub rule (1) shall also be subject to following conditions, namely :-
- (a) The total gratuity admissible in respect of service rendered under the Government and that under the concerned public sector undertaking should not exceed the amount that would have been admissible had the Government employee continued in Government service and retired on the same pay which he drew on retirement from the concerned public sector undertaking.
- (b) (i) The benefit of family pension under Chapter-X of these rules shall be admissible only to the families of those who are actually in receipt of pension from the State Government, after their absorption in the public sector undertaking referred to in this rule. This benefit shall not be admissible to the families of those who got only the service gratuity.
- (ii) Family Pension shall be admissible from only one source either from the State Government or the public sector undertaking referred to in this rule in case such public sector undertaking has a similar scheme for payment of Family Pension. The beneficiary shall be given option to choose either of the two schemes.
- (iii) Grant of Family Pension shall be subject to other conditions specified in Chapter-X of these rules.
- (iv) It shall be the responsibility of pension sanctioning authority to process the claim of Family Pension. He shall forward the claim of Family Pension after verifying that there exists no scheme for grant of Family Pension to the families of Government employee already absorbed in the public sector undertaking.
- (c) Any further changes in pension rules after the permanent absorption of a Government Employee in a concerned public sector undertaking shall not be extended to him :
- Provided** that in case of retrospective effect of such rules, he shall be entitled for the same.

- (d) Public sector undertaking shall in respect of the Government employee who opt for absorption take over the liability in regard to earned leave that optee has to his credit at the time of leaving Government service and in return the Government shall pay to the public sector undertaking a lump sum amount equal to leave salary for earned leave due to the Government employee on the date of his permanent absorption. While issuing the final sanction for the absorption of the optee in the public sector undertaking, the administrative department concerned shall also incorporate the provision with regard to such refund. Once the liability on account of earned leave at the credit of Government employee on the date of absorption is discharged, there shall not be any further liability of the State Government in respect of any encashment of leave thereafter.
- (3) A permanent Government employee who has applied directly in respect to an advertisement and has been appointed in public sector undertaking wholly or substantially financed by Government, on his permanent absorption in such organisation shall be entitled to benefits under these rules except carry forward of leave.
- (4) The cases governed under these orders shall be decided by the concerned Administrative Department in consultation with the Finance Department.
- (5) The pay of the Government employee absorbed in the public sector undertaking shall be regulated as per rule-172.
- (6) The Orders regarding absorption of the Government employee in the public sector undertaking shall be made in **Form-4**.
- (7) The provisions contained in this rule shall also be applicable to the Government employees who are absorbed in Autonomous Body or Municipal Corporation in the State of Gujarat.

### (3) INVALID PENSION

- 52. Conditions for grant of Invalid Pension :** (1) An Invalid Pension shall be granted to a Government employee, who has completed ten years of qualified service and permitted to retire from Government service before reaching the age of superannuation, on production of a medical certificate in the **Form-5** to the effect that he is by mental or bodily infirmity incapacitated for Government service or for a particular branch of Government service to which he belongs.
- (2) Appointing Authority shall have powers to refer a Government employee to the Medical Board for opinion as to whether he is by mental or bodily infirmity incapacitated for Government service or for a particular branch of Government service to which he belongs.
- 53. Non-admissibility of Invalid pension when discharged on grounds other than infirmity :** A Government employee discharged from Government service on grounds other than grounds of infirmity shall not be eligible for an Invalid Pension, even on production of medical evidence of incapacity for Government service.
- 54. Non-admissibility of Invalid Pension if incapacity is due to irregular or intemperate habits :** An Invalid Pension shall not be granted to a Government employee whose incapacity is directly due to irregular or intemperate habits. If incapacity has not been directly caused by such habits but has been accelerated or aggravated by them, the competent authority shall decide the amount of reduction in the pension.

- 55. Submission of medical certificate for Invalid Pension :** An application for an Invalid Pension from a Government employee who is less than sixty years of age if he is in Class IV service or fifty eight years of age in other cases shall be supported by the requisite medical certificate in **Form-5**; but, if omission has been made in this respect, the appointing authority may accept a certificate bearing a later date.
- 56. Medical certificate of unfitness for further service :** (1) A medical certificate of unfitness for further service produced by a Government employee shall be accompanied, if possible by a succinct statement of the medical case and of the treatment adopted and, except as provided in sub-rule (2) of this rule, shall be in **Form-5**.
- (2) If the incapacity does not appear to be complete and permanent, the certificate shall be modified accordingly, and given in **Form-6** if justified by the facts of the case.
- (3) The object of the medical certificate prescribed under sub-rule (1) and (2) to the effect that the Government employee is completely and permanently incapacitated for further service in the department to which he belongs or of the alternative certificate (of partial incapacity) in the foregoing sub-rules is that a Government employee may, if possible, be employed even on lower pay, so that the expense of pensioning him may be avoided. The competent authority while granting Invalid Pension shall consider this and if there be no means of employing him even on lower pay, then he may be granted Invalid Pension, but it shall be considered whether in view of his capacity for partially earning a living, it is necessary to grant him the full pension admissible under these rules.
- (4) If the certifying medical authority is unable to discover any specific disease of the government employee, considers him to be incapacitated for further service by general disability while still under the age of fifty-eight/sixty years, it shall give detailed reasons for its opinion, and in that case a second medical opinion shall, if possible, be obtained.
- (5) A simple certificate that inefficiency is due to old age or to natural decay from advancing years, shall not be sufficient in the case of an employee whose recorded age is less than fifty eight/sixty years; but a medical authority may, when certifying that the employee is incapacitated for further service by general disability, state its reasons for believing the age to be understated.
- 57. Authorities empowered to sign the medical certificate of incapacity for further service :** A medical certificate of incapacity for further service shall if granted in India, be signed by the Medical Board, constituted under rule-13 of the Gujarat Civil Services (General Conditions of Service) Rules, 2002 :
- Provided** that the certificate of Civil Surgeon or Superintendent of Civil Hospital, as the case may be, shall be valid, in case of Class-IV employees and also in case of other employees, if in the opinion of a Civil Surgeon or the Superintendent of Civil Hospital, as the case may be, the Government employee cannot without grave risk of serious injury to his health, present himself before the Medical Board. It shall be recorded in writing with reasons therefor, and shall be countersigned by the Additional Director of Medical Services.
- 58. Decision to be communicated to the Government employee retired on Invalid Pension and giving him an opportunity to appeal to Medical Appeal Board :** (1) If the appointing authority comes to the conclusion on the report of a Medical Officer or any of the Medical Boards that a Government employee should be retired on Invalid Pension, it shall inform the Government employee that he has been declared to be completely and permanently



incapacitated for further service and that it is proposed to invalidate him and shall be informed that, if he so desires, he may, within one month, submit to the said authority a request to be examined by a Medical Appeal Board, supported by -

- (a) prima facie evidence that good ground for an appeal exists, **and**
- (b) accompanied by a treasury receipt for Rs. 250 credited as non-refundable fees.

The Government employee shall also be informed that the appeal cannot be claimed as of right but that, if an application as above be made, it will be considered. The Government employee concerned shall also be informed of the arrangements regarding the constitution of the Appeal Board as provided in rule-59, but he shall not be informed of the reasons which led the Medical Officer or the standing Medical Board to recommend his invalidation.

- (2) Appeals presented within the prescribed period shall be forwarded to the concerned Administrative Department and if the Administrative Department of the Government after consultation with the Commissioner of Health and Medical Services and Health and Family Welfare Department holds that a sufficiently strong case for review has not been made out, the application for hearing the appeal shall be rejected. If, however, the department after such consultation, holds that a prima facie case for review by an Medical Appeal Board has been made out, the appeal shall be referred to a Medical Appeal Board.

**59. Medical Appeal Board to hear appeals :** (1) In case of Government employees in the Class-III and Class-IV services when the appeal is from a decision of a Civil Surgeon or Superintendent of Civil Hospital, the case of Government employee concerned shall be placed before a standing Medical Board constituted under rule-13 of the Gujarat Civil Services (General Conditions of Service) Rules, 2002. The Civil Surgeon/Superintendent of the Civil Hospital from whose decision the appeal is made shall not be the President or a member of the Board.

- (2) In case of the officers of the State Service, a special Medical Appeal Board shall be constituted which shall hear an appeal from a decision of any of the standing Medical Boards.

**Provided** that no Medical Officer who first recommended the invalidation of the Government employee or who sat either as Chairman or as member of the standing Medical Board shall be a member of the Medical Board or of the Medical Appeal Board, as the case may be to which the appeal is referred. The Commissioner of Health and Medical Services shall not be a member of the said Board and Government in the Health and Family Welfare Department shall decide in each case who should constitute the Medical Appeal Board.

**60. Constitution of Medical Board for Invalid Pension for Government employee while on leave out of India :** When a Government employee on leave out of India applies for Invalid Pension his medical examination shall be arranged through the Indian Mission abroad, the Surgeon and an Ophthalmologist, each of them having the status of a consultant. The services of doctors approved for the officers and staff of the Mission concerned shall be utilised for this purpose provided they fulfil above conditions. A lady doctor shall be included as a member of the Medical Board whenever a woman candidate is to be examined. The provisions of rules-56, 61 and 62 shall be brought to the notice of the Board and a medical certificate shall be issued in **Form-5 or Form-6**. The total expenditure in this regard shall be borne by the concerned Government employee.



**61. Medical Certificate of incapacity not to be issued without the knowledge of the Head of Office :** Serious illness of a Government employee may be an excuse for placing him under treatment but not for giving him a certificate of a permanent incapacity for further service without the knowledge of the appointing authority and without having received authority from the Department or Office to which the Government employee belongs.

**62. Conditions subject to which Medical Certificate of incapacity accepted on refusal of Government employee to undergo an operation :** A Medical certificate of incapacity for further service in consequence of rapture or some such disease, for which the examining Medical Officer recommends an operation, but the Government employee does not submit to an operation, should not be accepted without question. In such cases the medical report should state the findings on the following issues :-

- (a) Is the Government employee at present incapacitated for service ?
- (b) Does the expert medical testimony indicate that an operation would offer a reasonable probability of removing his incapacity ?
- (c) Does the Government employee refuse to undergo the operation ?
- (d) In the ordinary acceptance of the term, would the operation be dangerous ?

**Explanation :** It is not entirely equitable to deprive men, whose ignorance leads them to reject the relief they might derive from an operation, of the whole pension which they have already earned, but the amount of pension to be granted shall be varied in accordance with the medical report. Men of this class will thus be offered a further inducement to submit to an operation and shall not be retired until they have had an opportunity of considering the alternatives which confront them.

**63. Authorisation from Head of Office for examining the Government employee for incapacity :** A medical certificate of incapacity for further service shall not be granted in India unless the employee produces a letter showing that the appointing authority is aware of his intention to appear before the medical authority. That authority shall be supplied by the appointing authority with a statement of the pensioner's age as it appears from his service book or from other official records.

**64. Cessation of duty on production of a medical certificate of incapacity :** A Government employee who has submitted under rule-55 a medical certificate of incapacity for further service shall if he is on duty, be invalidated from service from the date he is relieved from his duties, which shall be arranged without delay on receipt of the medical certificate, or, if he is granted leave under rule-39 of Gujarat Civil Services (Leave) Rules, 2002 on the expiry of such leave. If he is on leave at the time of submission of the medical certificate, he shall be invalidated from service on the expiry of that leave or extension of leave, if any, granted to him under the said rule 39.

**Explanation :** The period allowed for arranging the relief of a Government employee from duty who is incapacitated for further service of any kind should not exceed seven days from the date of the medical certificate. A departure from this rule shall not be made without extraordinary reasons which shall be reported to Government for approval. Without special orders from Government, service rendered after the period of seven days from the date of such medical certificate, shall not be counted for the purpose of pension.

#### (4) COMPENSATION PENSION

**65. Conditions for grant of compensation pension :** If a Government employee is selected for discharge owing to the abolition of his permanent post or owing to a change in the nature

of the duties of that 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 :** Before a pension is granted to a Government employee under this rule, it shall be carefully considered whether he can be appointed to a another post, the conditions of which are equal to the present post held by him and if it is not possible to do so the reasons therefore, shall be recorded in writing.

- 66. Drawal of Compensation Pension in foreign service :** A Government employee who is in foreign service shall be held to have lost his lien in Government service from the date on which the post held by him in Government service is abolished, and no leave salary or pension contributions shall be received after that date. He shall be treated as having retired from Government service from that date, and shall be permitted to draw the Compensation Pension to which he is entitled in addition to the pay which he receives at that time from his foreign employer.
- 67. Additional gratuity in addition to Compensation Pension when notice of discharge is not given :** (1) If in any case three months' notice of his intended discharge has not been given to a Government employee discharged from Government service in the circumstances mentioned in rule-65, he may be granted in addition to the Compensation Pension or gratuity admissible under the rules, an additional gratuity not exceeding his emoluments for the period by which the notice given to him falls short of three months. For the purpose of this rule, emoluments mean the pay or leave salary, or both, which the Government employee would have received during the period in question, had notice not been given to him.
- (2) If an additional gratuity is granted to a Government employee under sub-rule (1), his Compensation Pension shall not become payable until the expiry of the period covered by the gratuity.
- 68. Final pension not to be less than the Compensation Pension :** If a Government employee, who is entitled to Compensation Pension, but ceases to draw any part of pension and his previous service is counted for pension, and accepts another post in Government service and subsequently he becomes entitle to receive pension of any kind, the amount of such pension shall not be less than that of the Compensation Pension which he could have claimed if he had not accepted the post.

#### (5) WOUND OR INJURY PENSION

- 69. Procedure for Wound or Injury Pension :** (1) When an application for wound or injury pension is received, the Head of the Department or Office in which the pensioner is employed shall hold a formal inquiry taking evidence so as to the circumstances in which the wound or injury was received.
- (2) He shall then submit the application in **Form-7**, through proper channel to the appointing authority along with a statement of circumstances of the case and his own prayer / request.
- (3) The Head of Department or Head of Office shall then arrange for the examination of the pensioner by a Medical authority mentioned in rule 57, and shall refer the case to

the said authority with a full statement of the points on which a report from the said authority is desired.

- (4) On receipt of the report of the Medical authority the competent authority shall, if it considers that pension should be granted, forward the application along with the accompaniments to the Director of Pension & Provident Fund.

**70. Conditions for grant of production of medical certificate for Wound or Injury Pension :** A Wound or Injury Pension may be granted on the production of a medical certificate in **Form-8** or on the production of a certificate from a Medical authority provided in rule-57, that the wound or injury is so severe as to justify the grant of pension, even though the Government employee concerned may not be permanently incapacitated for further service as a result of wound or injury.

**71. Temporary grant of Wound or Injury Pension and its subsequent extension :** A Wound or Injury Pension shall be granted not necessarily for the life time of the pensioner but for such period as Government may decide. If such pension is granted temporarily in the first instance, it may subsequently be extended for such further period as may be considered necessary depending upon the continuance of the disability and its severity.

**72. Wound or Injury Pension depends on the continuance of disability :** A Wound or Injury Pension, except when it is sanctioned for life, shall depend on the continuance of the disability. The payment shall be subject to the production of a medical certificate, once in three years, from the Civil Surgeon or Superintendent of the Civil Hospital or a Medical Board in accordance with the provisions of rule-70. Where the disability has disappeared or become less, Government may pass such orders regarding its continuance as are deemed fit.

**73. Conditions for grant of Wound or Injury Pension :** Government may grant Wound or Injury Pension to a Government employee who is wounded or injured under any of the following conditions :-

- (a) while serving in a civil capacity in circumstances justifying his presence with a military force, if his presence with the force can reasonably be held to be wholly or in part due to the fact that he is at the time a Government employee in civil employ,
- (b) while serving in a military capacity with a military force, either because he has been called out on actual military service as a member of the Territorial Army or in other circumstances justifying his presence with the force,
- (c) while performing any particular duty which has the effect of increasing his liability to injury beyond the ordinary risk of the post which he holds.

**Note 1 :** The performance by a Medical Officer of an operation of a venereal of septicaemic patient, or the attendance by a nurse or a medical subordinate upon such a patient, or the employment of a Magistrate or Police Officer in the suppression of a riot or disturbance, is duty involving extraordinary bodily risk for the purpose of this rule.

**Note 2 :** Government do not recognise a claim on account of an injury resulting from an ordinary accident met with by a Government employee on duty.

**Note 3 :** A Officer travelling on duty by air should be regarded as exposed to special risks of office for the purpose of this rule.

**74. Exceptional cases for grant of Wound or Injury Pension :** Government may, in exceptional cases when the conditions of rule 73 (c) are not strictly fulfilled, sanction the

grant of a wound or Injury Pension to a Government employee who -

- (a) is injured in or in consequence of the due performance of his official duties or because of his official position, **or**
- (b) sustains serious injury to his health in execution of the official duties.

**75. Admissibility of other pension in addition to Wound or Injury Pension :** If a Government employee is permanently incapacitated for Government service by a wound, injury or disability in respect of which a Wound or Injury Pension or gratuity is granted to him under these rules, he shall be granted on retirement in addition to such pension or gratuity any other pension or gratuity for which he is eligible under these rules.

**76. Grant of Wound or Injury Pension to whom Workmen's Compensation Act, 1923 applies :** In case of a person to whom Workmen's Compensation Act, 1923 applies :-

- (a) a pension or gratuity shall be paid under the provisions of rules 69 to 75 only if Government consider that the compensation payable under the Act is inadequate in a particular case; and
- (b) the amount of pension or gratuity paid to any such person shall not exceed the difference between the amount otherwise admissible under these rules and the amount of compensation payable under the Act.

#### (6) COMPASSIONATE PENSION

**77. Grant of Compassionate Pension :** (1) A Government employee who is removed or required to retire from Government service for misconduct or insolvency shall be granted no pension other than a Compassionate Pension.

- (2) A Government employee who is removed or required to retire from Government service on the ground of inefficiency, shall, if he be eligible for a superannuation, or retiring pension, be granted such pension. If he is not eligible for a Retiring or Superannuation pension he shall be granted no pension other than a Compassionate Pension.

**78. Grant of Compassionate pension in deserving cases by Government :** (1) When a Government employee is removed or required to retire from Government service for misconduct or insolvency or is removed or required to retire from Government service on grounds of inefficiency before he is eligible for a Retiring or Superannuation Pension, Government may, if the case is considered deserving of special treatment, sanction the grant to him of a Compassionate pension.

- (2) A dismissed Government employee is not eligible for Compassionate Pension.

**79. Amount of Compassionate Pension to be fixed by Government in each case :** The amount of Compassionate Pension granted to a Government employee under rule-78 shall be such as Government may fix in each case :

**Provided** that,

- (a) When a Government employee is removed from Government service for insolvency, inefficiency or misconduct, it shall not exceed two-thirds of the invalid pension which would have been admissible to him had he retired on a medical certificate; and
- (b) When a Government employee is required to retire from service for insolvency, inefficiency or misconduct, it shall be at a rate not less than two-thirds of and not more

than full invalid pension admissible to him on the date of his compulsory retirement, had he retired on medical certificate.

**Note :** The pension sanctioned under this rule shall not be reduced below the minimum pension as fixed by the Government.

### CHAPTER - VIII

#### REGULATION OF AMOUNT OF PENSIONS AND GRATUITY

**80. Amount of Service Gratuity/Pension :** (1) In the case of a Government employee retiring on Superannuation, Retiring, Invalid, Wound and Injury or Compensation Pension before completing qualifying service of ten years, the amount of service gratuity shall be one month's 'pay' for each completed year of service.

(2) (a) In the case of a Government employee retiring on Superannuation, Retiring, Invalid or Compensation Pension in accordance with the provisions of these rules after completing qualifying service of not less than thirty-three years, the amount of pension shall be fifty per cent of the pensionable pay subject to minimum amount of Rs. 1275 and maximum amount of Rs. 13000.

**Provided** that the full pension in no case shall be less than 50 percent of the minimum of the revised scale of pay introduced with effect from 1<sup>st</sup> January, 1996 for the post held by the employee at the time of retirement.

(b) In the case of a Government employee retiring on Superannuation, Retiring, Invalid or Compensation Pension in accordance with the provisions of these rules before completing qualifying service of thirty-three years but after completing qualifying service of the ten years, the amount of pension shall be proportionate to the amount of pension under clause (a) and in no case the amount shall be less than minimum.

(3) In calculating the length of qualifying service, fraction of a year equal to six months and above shall be treated as a complete year and reckoned as qualifying service.

(4) The amount of pension finally determined under clause (a) or clause (b) of sub-rule (2), shall be expressed in whole rupees and where the pension contains a fraction of a rupee it shall be rounded off to the next higher rupee.

**Note :** The pay for the purpose of service gratuity admissible under sub-rule (1) shall be the last drawn pay plus dearness allowance admissible on the date of actual retirement.

**81. Death-Cum-Retirement Gratuity :** (1) (a) A Government employee, who has become eligible for service gratuity or pension under rule 80 shall, on his retirement, be granted death-cum-retirement gratuity equal to one half of his pay last drawn for each completed year of qualifying service, subject to a maximum of 16.1/2 times the pay.

(b) If a Government employee dies while in service the amount of death-gratuity determined as under shall be paid to his family in the manner mentioned in sub-rule (1) of rule 83.

	Completed year of qualifying service	Amount of Death-Gratuity
(1)	Less than one year's service	Two months' pay
(2)	One year or more but less than five years	Six months' pay
(3)	Five years or more but less than twenty years	Twelve months' pay
(4)	Twenty years or more	One month's pay for each completed year of service limited to thirty three pays.

**Provided** that the amount of death-cum-retirement gratuity and death gratuity payable under this rule shall in no case, exceed rupees three lacs and fifty thousands.

- (2) If a Government employee, who has become eligible for a service gratuity or pension, dies within five years from the date of his retirement from service including compulsory retirement and the sums actually received by him at the time of his death on account of such gratuity or pension including temporary increase in pension, together with the death-cum-retirement gratuity admissible under sub-rule (1) and the commuted value of any portion of pension commuted by him, are less than the amount equal to 12 times of his pay, a residuary gratuity equal to the deficiency may be granted to his family in the manner indicated in sub-rule (1) of rule 83.

**Note :** The pay for the purpose of sub-rule (1) shall be the last drawn pay plus dearness allowance admissible on the date of actual retirement/death.

**82. Family for the payment of death-cum-retirement gratuity :** For the purpose of rules-81 and 83 to 85 'family', in relation to a Government employee, means -

**Group-1**

- (1) wife in the case of male Government employee.
- (2) husband, in the case of a female Government employee,
- (3) unmarried sons,
- (4) married sons,
- (5) unmarried daughters,
- (6) married daughters,
- (7) widowed daughters,
- (8) widow of the predeceased sons,
- (9) children of a predeceased son,

**Group-2**

- (10) brothers below the age of eighteen years,
- (11) unmarried sisters
- (12) widow sisters,
- (13) father, **and**
- (14) mother.

**Note-1 :** Sons/Daughters include step/adopted sons/daughters.

**Note-2 :** Brothers/Sisters include step brothers/sisters.

**83. Persons to whom gratuity is payable :** (1) (a) The gratuity payable under rule-81 (1) (b) shall be paid to the person or persons in favour of whom the nomination is made under rule-85.

- (b) If there is no such nomination or if the nomination made does not subsist, the gratuity shall be paid in the following manner:-

- (i) in case there are one or more surviving members of the family from Group-1 referred to in rule- 82, to all such members in equal shares;
- (ii) in case there are no such surviving members of the family as shown in sub-clause (i) above, but there are one or more members from members of the family from Group-2 referred to in rule-82, to all such members in equal shares.



- (2) If a Government employee dies after retirement without receiving the death-cum-retirement gratuity admissible under sub-rule (1) of rule 81, the same shall be disbursed to the family in the manner shown in sub-rule (1).
- (3) The right of female member of the family, or that of brother, of a Government employee who dies while in service or after retirement, to receive the share of gratuity shall not be affected if the female member marries or re-marries or the brother attains the age of eighteen years, after the death of the Government employee and before receiving her or his share of the gratuity.
- (4) Where gratuity is granted to a minor member of the family of the deceased Government employee, it shall be payable to the guardian on behalf of the minor after the guardian executes an indemnity bond in **Form-9** and furnishes an affidavit about guardianship.

**Explanation :** Hindu or a Christian mother being natural guardian, shall not be required to execute any indemnity bond or affidavit.

**84. Payment of gratuity when no nomination exists :** Where a Government employee dies while in service or after retirement without receiving the amount of gratuity/death-cum-retirement gratuity and leaves behind no family and -

- (a) has made no nomination, **or**
- (b) the nomination made does not subsist,

- the said amount in respect of such Government employee shall be payable to the individual in whose favour the heirship certificate has been given by the court.

**85. Nominations :** (1) A Government employee shall, on his initial appointment in a service or post, make a nomination in forms as prescribed by the Government and as may be appropriate in the circumstances of the case, conferring on one or more persons the right to receive the death-cum-retirement gratuity payable under rule-81.

**Provided** that if at the time of making the nomination -

- (i) the Government employee has a family members from Group-1 referred to in rule-82, the nomination shall not be in favour of any person or persons other than the members of his family of the said group; **or**
- (ii) the Government employee has no member of the family from Group-1 referred to in rule-82, the nomination may be made in favour of a member of family from Group-2 failing which in favour of a person or persons, or a body of individuals, whether incorporated or not.

**Explanation :** For the purpose of convenience the nomination forms are laid down and issued by Government vide Finance Department Government Resolution No. DPP/1099/496/945 (4)/P, Dated 23-6-2000.

- (2) If a Government employee nominates more than one person under sub-rule (1), he shall specify in the nomination the amount of share payable to each of the nominees in such manner as to cover the entire amount of gratuity.
- (3) A Government employee may provide in the nomination -
  - (i) that in respect of any specified nominee who dies before the death of Government employee, or who dies after the death of the Government employee but before receiving the payment of gratuity, the right conferred on that nominee shall pass to such other person as may be specified in the nomination :

**Provided** that if at the time of making the nomination, the Government employee has a family consisting of more than one member, the person so specified shall not be a person other than a member of his family :

- (ii) that the nomination shall become invalid in the event of the happening of the contingency provided therein.
- (4) The nomination made by a Government employee in favour of a member of the family from Group-2 referred to in rule-82, who has no family member of Group-1 at the time of making it, shall become invalid in the event of the Government employee subsequently acquiring a family from Group-1 or an additional member in the family from the said group as the case may be.
- (5) The nomination made by a Government employee under proviso (ii) to rule-85 (1) in favour of a person or persons who are not the members of family from Group-1 or 2 referred to in rule-82 at the time of making it, shall become invalid in the event of the Government employee subsequently acquiring a member of family from either Group-1 or 2 or an additional member in the family from the said group/s as the case may be.
- (6) A Government employee may, at any time, cancel a nomination by sending a notice in writing to the Head of Office in case he is a non-Gazetted Government employee, to the Head of Department if he is a Gazetted Officer and to the Pay and Accounts Officer if he is a Head of Department :  
**Provided** that he shall along with such notice, send a fresh nomination made in accordance with this rule.
- (7) Immediately on the death of a nominee in respect of whom no special provision has been made in the nomination under clause (i) of sub-rule (3) or on the occurrence of any event by reason of which the nomination becomes invalid in pursuance of clause (ii) of that sub- rule, the Government employee shall send to the Head of Office, a notice in writing cancelling the nomination together with a fresh nomination made in accordance with this rule.
- (8) (a) Every nomination made (including every notice of cancellation, if any, given) by a Government employee under this rule shall be sent -
  - (i) if the Government employee is Gazetted Officer to the Head of Department concerned; and
  - (ii) if the Government officer is the Head of Department to the Pay & Accounts Officer, Gandhinagar.
  - (iii) in any other case, to the Head of Office.
- (b) The Head of Department or Head of Office or the Pay and Accounts Officer, as the case may be, shall, immediately on receipt of the nomination referred to in clause (a), countersign it indicating the date of receipt and keep it under his custody.
- (c) (i) The Head of Office may authorise his subordinate Gazetted Officers to countersign the nomination forms of Non-gazetted Government employees
- (ii) Suitable entry regarding receipt of nomination shall be made in the service book of the Government employee.

- (9) Every nomination made, and every notice of cancellation given, by a Government employee shall, to the extent that it is valid, take effect from the date on which it is received by the Head of Department / Head of Office or Pay and Accounts Officer as the case may be.

**CHAPTER - IX  
DELETED**

**86. DELETED**

**CHAPTER - X  
FAMILY PENSION SCHEME, 1972**

**87. Applicability :** The provisions of this chapter shall apply -

- (a) to a Government employee who has entered the service in a pensionable establishment on or after the 1st June, 1971, **and**
- (b) to a Government employee who was in service on the 1st June, 1971 and has opted for this Family Pension Scheme, 1972.
- (c) All cases of the family pension to the family of a deceased Government employee or of a deceased pensioner, pending before the commencement of these rules shall be regulated in accordance with the rules/orders in existence at the relevant time.

**88. Terms used in this chapter :** For the purposes of this chapter -

- (a) "family", in relation to a Government employee means -
- (i) wife in the case of a male Government employee or husband in the case of a female Government employee, even if the marriage took place before or after retirement of the Government employee;
- (ii) a judicially separated wife or husband, provided that the marriage took place before the retirement of the Government employee.
- (iii) son or daughter who has not attained the age of twenty-five years including such son and daughter adopted legally before retirement and son or daughter born after retirement from the marriage which took place after retirement.
- (iv) Parents who were wholly dependent on the Government servant when he/she was alive, provided the deceased employee had left behind neither a widow nor a child at the time of his / her death.
- (b) "pay" means the basic pay drawn by the Government employee at the time of retirement or death while in service.

**89. Details of Family to be furnished by Government employee :** (1) (i) As soon as the Government employee enters Government service, he shall give details of his family in **Form-13** to the Pay and Accounts Officer if he is Head of Department or to the Head of Department if he is a Gazetted Officer or to the Head of Office if he is a Non-gazetted Government employee.

- (ii) if the Government employee had no family, he shall furnish the details in **Form-13** as soon as he acquires a family.
- (2) The Government employee shall communicate to the Pay and Accounts Officer or Head of Department or Head Office, as the case may be, any subsequent change in the size of his family, including the fact of marriage of his child.

- (3) The Pay and Accounts Officers or Head of Department or Head of Office shall, on receipt of the said **Form-13**, paste it in the service book of the Government employee concerned and acknowledge the receipt of the said **Form-13** and all further communications received from the Government employee in this behalf.
- (4) The Pay and Accounts Officers or Head of Department or the Head of Office as the case may be, on receipt of communication from the Government employee regarding any change in the size of family shall incorporate such a change in **Form-13**.

**90. Amount of Family Pension :** (1) (i) Where a Government employee, dies while in service the rate of family pension payable to the family shall be equal to 50 per cent of the pay last drawn and the amount so admissible shall be payable from the date following the date of death of the Government employee, for a period of seven years, or for a period upto the date on which the deceased Government employee would have attained the age of 65 years had he survived, whichever period is less;

- (ii) In case the event of death of a Government employee after retirement, the family pension as determined under sub-clause (i) shall be payable for a period of seven years, or for a period up to the date on which the retired deceased Government employee would have attained the age of 65 years had he survived, whichever is less :

**Provided** that in no case the amount of family pension determined under sub-clause (ii) of this clause shall exceed the pension authorised on retirement from Government service :

**Provided** further that in no case the amount of family pension shall be less than thirty percent of the pay last drawn by the Government employee.

**Explanation :** For the purpose of this sub-clause, pension sanctioned on retirement includes the part of the pension which the retired Government employee may have commuted before death.

- (2) After the expiry of the period referred to in sub-rule (1), the family in receipt of Family Pension under that clause, shall be entitled to Family Pension at the rate of thirty percent of the pay last drawn by the Government employee.
- (3) The amount of Family Pension shall be fixed at monthly rates and be shown in whole rupees and where the Family Pension contains a fraction of a rupee, it shall be rounded off to the next higher rupee.

**91. Family Pension to whom payable :** (1) The period for which family pension is payable shall be as follows :-

- (i) In the case of a widow or widower, until the date of death or remarriage, whichever is earlier;
- (ii) in the case of son, until he attains the age of twenty-five years or until he gets married, whichever is earlier; **and**
- (iii) in the case of an unmarried daughter, until she attains the age of twenty-five years or until she gets married, whichever is earlier;
- (2) (i) where the Family Pension is payable to more than one widows then, the Family Pension shall be paid to the widows in equal shares;
- (ii) on the death of a widow, her share of the Family Pension shall become payable to her eligible child. In case of such child becoming ineligible to get the share

of Family Pension, the same shall be payable to the surviving widow/widow or/ and their children in equal shares.

**Provided** that if the widow is not survived by any child her share of the Family Pension shall be payable to other widows in equal shares. If there is one such widow full amount of family pension shall be payable to her.

- (3) Where the deceased Government employee or pensioner is survived by a widow but has left behind eligible child or children from another wife who is not alive, the eligible child or children shall be entitled to the share of Family Pension which the mother would have received if she had been alive at the time of the death of the Government employee or pensioner.
- (4) Where a deceased Government employee or pensioner leaves behind more than one child, the eldest eligible child shall be entitled to the family pension for the period mentioned in clause (ii) or clause (iii) of sub-rule (1), as the case may be and after the expiry of that period the next child shall become eligible for the grant of Family Pension.
- (5) Where a deceased Government employee or pensioner leaves behind him/her no eligible child, the family pension shall be paid to his/her parents. The income criterion and certain other eligibility conditions for the grant of family pension to the dependent parents of the deceased Government employee shall be as under :-
  - (i) Parents who were wholly dependent on the deceased Government servant when he/she was alive will only be entitled to family pension.
  - (ii) The deceased employee had left behind him/her neither widow/widower or a child at the time of his/her death.
  - (iii) The family pension wherever admissible to parents, the mother will receive the pension first and after her death the father will receive the family pension.
  - (iv) The income criteria will be that their earning is not more than Rs. 2550 per month.
  - (v) They will have to produce an annual certificate to the effect that their earning is not more than Rs. 2550 per month.
  - (vi) It will be the responsibility of the pension sanctioning authorities concerned to satisfy themselves, based on a scrutiny of the service records and other relevant documents, that the parents were, in fact, wholly dependent on the deceased Government servant when he/she was alive and that he/she has not left behind any of the other specified beneficiaries who have a prior claim to the family pension.
  - (vii) The parents will get Family Pension at the rate of 30% of the basic pay of the deceased employee, subject to a minimum of Rs. 1275 per month.
- (6) In case both wife and husband are Government employees and are governed by the provisions of this rule and one of them dies while in service or after retirement, the family pension in respect of the deceased shall become payable to the surviving husband or wife and in the event of death of the husband or wife, the surviving child or children shall be granted two family pensions in respect of the deceased parents.
- (7) Except as provided in sub-rule (2), the Family Pension shall not be payable to more than one member of the family at the same time;

- (8) If deceased Government employee or pensioner leaves behind a widow or widower, the Family Pension shall become payable to the widow or widower, failing which to the eligible child;
- (9) If sons and unmarried daughters are alive, unmarried daughters shall not be eligible for Family Pension unless the youngest son attains the age of twenty five years and thereby becomes ineligible for the grant of Family Pension.

**92. Payment of Family Pension to a minor :** Where Family Pension is granted under this rule to a minor, it shall be payable to the guardian on behalf of the minor, after the guardian executes an indemnity bond in **Form-12** and furnishes an affidavit about guardianship.

**Note :** Hindu or a Christian mother being a natural guardian, shall not be required to execute an indemnity bond or affidavit.

**93. Payment of Family Pension to mentally retarded, blind etc. children :** Without prejudice to the provisions contained in rule-91, if the son or daughter of a Government's employee born before or after retirement, from the marriage which took place before or after his retirement is suffering from any disorder or disability of mind or is physically crippled or disabled or is blind so as to render him or her unable to earn a living even after attaining the age of twenty-five years the family pension shall be payable to such son or daughter for life subject to the following conditions, namely :-

- (1) the handicap is of such a nature as to prevent him or her from earning his or her livelihood and the same shall be evidenced by a certificate obtained from a Medical Officer not below the rank of a Civil Surgeon or Superintendent of Civil Hospital setting out, as far as possible, the exact mental or physical condition of the child;
  - (i) if such son or daughter is one among two or more children of the Government employee, the family pension shall be initially payable to the children in the order set out in sub-rule (9) of rule-91, until the last minor child attains the age of twenty-five and thereafter the Family Pension shall be resumed in favour of the son or daughter suffering from disorder or disability of mind or who is physically crippled or disabled or blind and shall be payable to him/her for life;
  - (ii) if there are more than one such son or daughter suffering from disorder or disability of mind or who are physically crippled or disabled or blind the family pension shall be paid in the following order namely :-
    - (a) firstly to the son, and if there are more than one son, the younger of them will get the family pension only after the lifetime of the elder;
    - (b) secondly, to the daughter, and if there are more than one daughter, the younger of them will get the Family Pension only after the life time of the elder;
  - (iii) the family pension shall be paid to such son or daughter through the guardian as if he or she were a minor;
  - (iv) before allowing the Family Pension for life to any such son or daughter, the sanctioning authority shall satisfy itself that the person receiving the Family Pension as guardian of such son or daughter shall produce every three years a certificate from a Medical Officer not below the rank of a Civil Surgeon/ Superintendent of Civil Hospital to the effect that he or she continues to suffer from disorder or disability of mind or continue to be physically crippled or disabled.



- (v) Where the names of eligible children have not been mentioned in the Pension Payment Order and the child is post retiral one or post retiral manifestation of disability of the child, the pensioner, if so he/she so desires can furnish the list of eligible children to the pension sanctioning authority inter-alia indicating whether any child is handicapped or not. Receipt of this may be acknowledged by the pension sanctioning authority mentioning the details of eligible children taken on record. This acknowledgement may be preserved by members of the family of the pensioner for production at the time of claim for family pension in their own turn to the pension sanctioning authority. In case of mentally retarded children or minor children who would draw pension through guardian, the responsibility of producing this acknowledgement will, however, not be a pre-condition to the processing of claims for family pension.

**Explanation :**

- (a) Disability or blindness which manifests itself before the retirement or after the death of the Government employee while in service but before the son/daughter attained the age of twenty-five years shall be taken into account for the purpose of grant of Family Pension under this sub-rule.
- (b) A son or daughter shall become ineligible for Family Pension under this sub-rule from the date he or she gets married.
- (c) The Family Pension payable to such a son or daughter shall be stopped if he or she starts earning his/her livelihood.
- (d) In such cases it shall be the duty of the guardian to furnish a certificate to the Treasury or Bank, as the case may be, every month that (i) he or she has not started earning his/her livelihood, and (ii) he or she has not yet married.
- (2) they are already not in receipt of any pension or are eligible therefor, under any other rules of any other State Government or the Central Government and/or a public sector undertaking or Autonomous body under the State Government or Central Government

**94. Temporary Increase on Family Pension :** The temporary increase in pension, sanctioned by Government from time to time shall be payable to the family in receipt of a family pension under this rule.

**95. Relief in the case of death of pensioner in receipt of service pension :** (1) In case of death of a pensioner who is in receipt of a service pension, a lump sum amount equal to one months' pension shall be payable to a nominee, who has been nominated by the pensioner under this rule.

**Note :** The term 'Pension' shall mean the actual amount of pension together with the temporary increase actually admissible to the pensioner on the date of his death.

- (2) A Government employee who is to retire shall make a nomination in the form prescribed by the Government and submit the same to the Director of Pension and Provident Fund alongwith the pension papers. This form shall form part of the Pension Payment Order. The pensioner shall revise the nomination in a case where the nominee or/and alternate nominee expires before his death or is not likely to be available in India.

- (3) The nominee or the alternate nominee, as the case may be, shall furnish the certificate of death alongwith the application in **Form-14** to the Treasury officer concerned while claiming the amount.
- (4) The Treasury Officer concerned shall arrange the payment of the amount to the nominee or where the nominee is expired, to the alternate nominee, as far as possible on the same day of the death of the pensioner, or on the next working day immediately following the day of death of the pensioner.
- (5) In case of pensioner who dies without executing a nomination as required under this rule the amount payable shall be paid to the person entitled to receive family pension, under rule-91 or otherwise to the relatives of deceased pensioner's family in the order of priority mentioned in sub-rule-6.
- (6) In cases where the pensioner, the nominee and alternate nominee dies simultaneously either in an accident or in air crash etc. or the nominee and the alternate nominee expires before the death of the pensioner and the pensioner dies without making revised nomination, the amount shall be paid to the person entitled to receive family pension under rule-91, or otherwise to the relatives of the family of deceased pensioner's family in the following order of priority :-
  - (a) wife (in the case of male Government employee),
  - (b) husband (in the case of female Government employee),
  - (c) sons,
  - (d) unmarried & widowed daughters,
  - (e) father,
  - (f) mother,
  - (g) sons of predeceased son,
  - (h) married daughter,
  - (i) brothers.

## CHAPTER - XI

### COMMUTATION OF PENSION - GENERAL CONDITIONS

- 96. Restriction on commutation of pension :** No Government employee, against whom departmental or judicial proceedings have been instituted before the date of his retirement, or the pensioner against whom such proceedings are instituted after the date of his retirement, shall be eligible to commute a fraction of his provisional pension authorised or the pension, as the case may be, during the pendency of such proceedings.
- 97. Limit on commutation of pension :** (1) A Government employee shall be entitled to commute for a lump sum payment, a fraction not exceeding forty percent of his pension.
  - (2) Application for commutation in **Form-15** or as the case may be, **Form-16** shall contain particular fraction of pension which he desires to commute and may either mention the maximum limit of forty percent of pension or such lower percentage as he may desire to commute.
  - (3) Fraction of a rupee shall be ignored for the purpose of commutation of pension.
- 98. Commutation of Pension to become absolute :** (1) The commutation of pension shall become absolute in the case of a pensioner referred to :-
  - (i) in sub-rule (1) of rule 106 on the date on which the application in **Form-15** is received by the Head of Office;

- (ii) in sub-rule (3) of rule 106 on the date following the date of retirement;
- (iii) in Chapter-XIII of these rules, from the date of receipt of commuted value of pension by the pensioner or three months after the issue of authority by the Director of Pension and Provident Fund, whichever is earlier.

**Provided that :**

- (a) in case of a pensioner who is drawing his pension from a Treasury, the reduction in the amount of pension on account of commutation shall be operative from the first date of the month after the receipt of the commuted value of pension or from the first day of the month after the end of three months after issue of authority by the Director of Pension & Provident Fund informing the pensioner to collect the commuted value of pension, whichever is earlier, **and**
  - (b) in case of a pensioner who is drawing pension from a branch of a nationalised bank, the reduction in the amount of pension on account of commutation shall be operative from the first date of the month after the month in which the commuted value of pension is credited by the bank to the pensioner's account to which pension is being credited.
- (2) In case of a pensioner referred to in rule 103, the commuted value is paid in two stages. The reduction in the amount of pension shall be made from the respective dates of the payments as laid down in clause (a) or clause (b) of the proviso to sub-rule (1).
- (3) The date on which the payment of the commuted value of pension was made to the pensioner or the commuted value was credited in the pensioner's account, shall be entered in both halves of the Pension Payment Order by the disbursing authority under intimation to the Director of Pension & Provident Fund who has authorised the payment of commuted value of pension.

**99. Death of a pensioner before receiving the commuted value :** In case a pensioner dies without receiving the commuted value on or after the date on which commutation became absolute, the commuted value shall be paid to his/her heirs.

**100. Calculation of commuted value of pension :** (1) The lump sum payable to a pensioner shall be calculated in accordance with the formula shown in the TABLE prescribed and applicable to the pensioner on the date on which the commutation becomes final.

- (2) A Commutation once applied for and given effect to cannot be rescinded. Portion of a pension commuted cannot be restored on refund of its capitalised value.

**101. Restoration of commuted portion of pension fifteen years after retirement :** (1) The pensioner who has commuted a portion of his pension shall have the same restored after completion of fifteen years from the date of retirement if commutation is simultaneous with retirement. In other cases the commuted portion of pension shall be restored after fifteen years from the date of commutation i.e. from the date on which reduction in pension became effective on account of commutation.

- (2) A pensioner eligible for restoration of commuted portion of pension under sub-rule (1) shall apply to the Treasury Officer/Sub-Treasury Officer in **Form-17**. The Treasury Officer/Sub-Treasury Officer shall restore the commuted portion of pension on the basis of details of commutation available on pension payment order and make payment

accordingly. If the pensioner is drawing pension through a nationalised bank, the Treasury Officer/Sub-Treasury Officer shall obtain original 'Disburser's Half' from the Bank and restore the commuted portion of pension. In cases where the Pension Payment Order does not mention the amount of commuted portion of pension, the Treasury Officer/Sub-Treasury Officer shall obtain the required details from the authority who had issued the same.

- 102. Commutation of Provisional Pension not permitted :** A Government employee to whom pending assessment of final pension, provisional pension has been sanctioned under rules-142 to 145, shall not be eligible to commute a fraction of provisional pension under rule 97.
- 103. Restrospective revision of final pension :** A pensioner who has commuted a fraction of his final pension and after commutation, his pension has been revised and enhanced retrospectively, he shall be paid, the difference between the commuted value determined with reference to enhanced pension and the commuted value already authorised. The pensioner shall not be required to apply afresh for the payment of difference.

#### CHAPTER - XII

#### COMMUTATION OF PENSION WITHOUT MEDICAL EXAMINATION

- 104. Scope :** The provisions of this Chapter shall apply to pensioner who is eligible to commute a fraction of his pension without medical examination.

- 105. Eligibility :** A pensioner who is authorised :-

- i) Superannuation Pension under rule-45; **or**
- ii) a Retiring Pension under rule 46 or 47 or 48 or 49; **or**
- iii) a pension on absorption in public sector undertaking under rule 51 and who receives monthly pension and death-cum-retirement gratuity; **or**
- iv) a Compensation Pension on abolition of permanent post under rule 65, **or**
- v) a pension in whole or in part on the finalisation of the departmental or judicial proceedings and issue of final orders thereon shall, subject to the limit laid down in rule 97, be eligible to commute a fraction of his pension without medical examination :

**Provided** that he applies for commutation of pension in **Form-15** in accordance with the provisions of rule 106.

**Note :** Pension referred to in clause (i), clause (ii) and clause (iv) shall not include a provisional pension sanctioned under rule.

- 106. Application for commutation of pension :** (1) A pensioner, who is in receipt of any pension referred to in rule-105 and desires to commute a fraction of that pension any time after the date following the date of his retirement from service but before the expiry of one year from the date of retirement, shall :-

- (a) apply to the Head of Office in **Form-15** after the date of his retirement;
- (b) ensure that the application in **Form-15**, duly completed is delivered to the Head of Office as early as possible but not later than one year from the date of his retirement;

**Provided** that in the case of a pensioner :-

- i) referred to in clause (iii) of rule 105, where order retiring him from Government service had been issued from a retrospective date, the period of one year referred to in this sub-rule shall reckon from the date of issue of the retirement orders;

- ii) referred to in clause (v) of rule 105 the period of one year referred to in this sub-rule shall reckon from the date of the issue of the orders consequent on the finalisation of the departmental or judicial proceedings.
- (2) A pensioner who applies for commutation of pension within one year of the date of his retirement but his application in **Form-15** is received by the pension sanctioning authority after one year from the date of his retirement shall not be eligible to get his pension commuted without medical examination. Such a pensioner, if he desires to commute a fraction of his pension, shall apply afresh in **Form-16** in accordance with the procedure laid down in Chapter-XII.
- (3) A Government employee who is due to retire on superannuation and desires payment of the commuted value of pension being authorised at the time of issue of the Pension Order, shall be eligible to apply for commutation of a fraction of pension in **Form-15** alongwith pension papers prior to the date of retirement.
- (4) The Government shall have no liability for the payment of the commuted value of pension if the Government employee dies before the date of superannuation or forfeits claim of pension before retirement.
- 107. Action to be taken by the Pension Sanctioning Authority on application for commutation of pension if received after issue of pension payment order :** (1) The Pension Sanctioning Authority on receipt of application for commutation of pension in **Form-15** under rule 106 after the issue of pension payment order shall -
- (a) initial the Form indicating the date of its receipt;
- (b) take immediate action to fill in part-II of **Form-15** and forward the same to the Director of Pension and Provident Fund after retaining one copy for his record.
- (c) acknowledge immediately the receipt of **Form-15** in part-III of that Form and despatch the same to the pensioner.
- (2) In case application in **Form-15** is received by the Pension Sanctioning Authority under sub-rule (1) of rule 106 after one year of the date of retirement of the pensioner, the Head of Office shall inform the pensioner that :-
- (a) he shall not be eligible to commute a fraction of pension without medical examination;
- (b) if he desires to get a fraction of the pension commuted, he should apply afresh in **Form-16** so that arrangement for medical examination is made in accordance with the procedure laid down in Chapter-XIII.
- 108. Action to be taken by Pension Sanctioning Authority on application for commutation of pension if received one year before the date of retirement alongwith pension papers or separately before the issue of pension payment order :** The Pension Sanctioning Authority on receipt of application in **Form-15** under sub-rule (1) of rule 107 shall -
- (a) Initial the Form indicating the date of its receipt;
- (b) Acknowledge immediately the receipt of **Form-15** in part-II of that Form and despatch the same to the pensioner.
- (c) take immediate action to complete Part-III of the said **Form-15** and forward the same to the Director of Pension and Provident Fund along with pension papers or separately in continuation of forwarding of the same to the Director of Pension and Provident Fund and retain one copy of the same in his Office.

**109. Authorisation of commuted value of Pension by Director of Pension and Provident Fund on application of commutation of pension received by head of office after issue of pension payment order :** (1) On receipt of **Form-15** from the Pension Sanctioning Authority the Director of Pension and Provident Fund shall verify that :-

- (a) information furnished by the Pension Sanctioning Authority is correct;
  - (b) the pensioner is eligible to commute a fraction of his pension without medical examination; **and**
  - (c) the commuted value of pension has been determined correctly by the Head of Office.
- (2) The Director of Pension and Provident Fund after verification of the information furnished in **Form-15** shall :-
- (a) issue authority for the payment commuted value of pension to the disbursing authority concerned;
  - (b) draw the attention of the disbursing authority concerned to the proviso to sub-rule (1) and sub-rule (3) of rule 98 so that the disbursing authority may make entry in both the halves of the Pension Payment Order regarding the date on which the amount of pension is reduced on account of commuted part of pension;
  - (c) endorse to the pensioner a copy of the authority referred to in clause (a) with the instructions that he shall collect the commuted value of pension from the disbursing authority.

**110. Authorisation of commuted value by the Director of Pension and Provident Fund on application for commutation of pension received by Pension Sanctioning Authority along with pension papers before one year of the date of retirement and before issue of pension payment order :** (1) On receipt of **Form-15** from the Pension Sanctioning Authority, the Director of Pension and Provident Fund shall ascertain and verify whether the amount of Superannuation Pension of the pensioner has been calculated correctly and shall take necessary action, if not taken, to finalise the amount of pension, so that the Pension Payment Order is issued before one month of the date of retirement of the Government employee.

- (2) (i) The Director of Pension and Provident Fund after verification of the information in **Form-15**, shall specify in both the halves of the Pension Payment Order :-
- (a) the amount of pension;
  - (b) the commuted value of pension;
  - (c) the date from which the commuted value becomes payable.
- (ii) The Director of Pension and Provident Fund shall intimate to the pensioner the date on which the Pension Payment Order has been despatched to the Disbursing Authority with instruction that the pensioner shall collect the commuted value from that authority.
- (iii) The Director of Pension and Provident Fund while forwarding the Pension Payment Order to the Disbursing Authority concerned, shall draw attention of the said authority towards the proviso to sub-rule (1) and sub-rule (3) of rule 98 so that the Disbursing Authority may make an entry in both the halves of



Pension Payment Order regarding date on which the amount of pension is reduced on account of commuted portion of pension.

- (iv) The Director of Pension and Provident Fund shall also request the Disbursing Authority to intimate the date on which the payment of the commuted value has been made to the pensioner.

**111. Commutation of pension of a Government employee against whom departmental or judicial proceedings are initiated :** A Government employee against whom departmental or judicial proceedings have been initiated before the date of his retirement or the pensioner against whom, such proceedings are initiated after retirement shall, on Government decision on such proceedings be allowed to commute the portion of pension as per rule 97 without medical examination subject to the following conditions namely :-

- (i) The commutation shall be allowed on the final amount of pension sanctioned.
- (ii) if the Government employee/Pensioner has applied for commutation of pension before decision of such proceedings, the commuted value shall be worked out with reference to his age shown in Table on the date of such application or date of retirement whichever is later.
- (iii) if the Government employee/Pensioner applies for commutation of pension within one year after the decision of such proceedings, the commuted value shall be worked out with reference to his age on the date of such application.

### CHAPTER - XIII

#### COMMUTATION OF PENSION AFTER MEDICAL EXAMINATION

**112. Scope :** The provisions of this Chapter shall apply to a pensioner who is eligible to commute a fraction of his pension after medical examination.

**113. Eligibility :** A pensioner who -

- (i) retires on Invalid Pension under rule-52;
- (ii) is in receipt of Compassionate Pension under rule-77;
- (iii) has retired from service and granted pension referred to in rule 105 but his application for commutation has not been received by the Head of Office within one year of his retirement.

- shall be eligible to commute a fraction of his pension subject to the limit specified in rule 97 after he has been declared fit by the appropriate medical authority.

**114. Application for commutation of pension :** A pensioner referred to in rule 113 shall apply to the Head of Office in **Form-16** for commutation of fraction of his pension.

**115. Action to be taken by the Head of Office on application for commutation of pension :** (1) The Head of Office on receipt of an application in Part-I of **Form-16** under rule 114 shall -

- (a) acknowledge immediately the receipt of **Form-16** in Part-II of that Form and despatch the same to the pensioner;
- (b) forward **Form-16** in original to the Director of Pension and Provident Fund vide part-III of that Form duly signed with the request that part-IV may be filled up and returned immediately to him so that action for getting the

pensioner examined by the appropriate medical authority is taken.

- (2) The Director of Pension and Provident Fund on receipt of **Form-16** from the Head of office under sub-rule (i) shall fill up part-IV of the form and transmit the same to the Head of Office at the earliest.
- (3) The Head of Office on receipt of **Form-16** from the Director of Pension and Provident Fund under sub-rule (2) shall address in **Form-18** to the Medical Board/Civil Surgeon/ Superintendent of Civil Hospital, as the case may be, where the pensioner desires to be medically examined and forward the following documents to him :-
  - (i) **Form-16** in original with part-IV of that form duly filled up;
  - (ii) two copies of the pensioner's photograph of which one shall be an attested copy;
  - (iii) a copy of **Form-19** with a spare copy of part-III of that form;
  - (iv) report or statement of the pensioner's case if he has been granted Invalid Pension or has previously commuted a part of his pension or declined to accept commutation on the basis of an addition of years to his actual age or has been refused commutation on medical grounds.
- (4) A copy of letter in **Form-18** addressed to the medical authority as referred to in sub-rule (3) shall be endorsed to the pensioner and the Director of Pension and Provident Fund by the Head of Office.

**116. Action to be taken by medical authority :** (1) The medical authority on receipt of documents referred to in sub-rule (3) of rule 115 shall -

- (a) arrange as far as possible for the medical examination of the applicant by the medical authority at the nearest available station indicated by the pensioner in **Form-16**.
  - (b) transmit the documents referred to in sub-rule (3) of rule 115 to the medical authority with the a request to examine the pensioner as provided in rule-120;
  - (c) inform the pensioner as to where and when he should appear for medical examination or, if necessary request the medical authority to communicate to the pensioner the date and time of such examination.
- (2) It shall be ensured that the medical examination is done, as far as possible, before the date of pensioner's next birthday.

**117. Medical authority :** (1) Save as otherwise provided in sub-rule (2), the medical authority shall be Medical Board, where a pensioner for commutation of pension -

- (a) seeks commutation of Invalid Pension,
  - (b) seeks commutation of pension other than Invalid Pension but the amount of pension to be commuted exceeds eight hundred rupees per month; **or**
  - (c) has been refused commutation on medical grounds or if he having once declined to accept commutation on the basis of addition of years to his actual age recommended by the medical authority, has applied for a second medical examination in accordance with the provision of rules 121 and 122
- (2) In any other cases not covered by sub-rule (1), the medical authority shall be a Medical Officer not lower in rank than that of a Civil Surgeon/Superintendent of Civil Hospital.

- 118. Fees for medical examination to be borne by the pensioner :** The pensioner shall be required to pay for medical examination such fee as may be prescribed by the State Government.
- 119. Failure to appear before medical board :** (1) If the pensioner after receipt of communication from the appropriate medical authority referred to in clause (c) of sub-rule (1) of rule 116, fails to appear for medical examination before the medical authority on the date and time communicated to him (including any change therein either at the request of the pensioner or due to administrative reasons) and there is no reasonable ground for his failure, the medical authority shall report the fact to the Head of Office concerned and return to him the documents received under clause (b) of sub-rule (1) of rule 116.
- (2) With the return of documents to the Head of Office under sub-rule (1), the application for commutation shall be treated as having been withdrawn.
- 120. Procedure for medical examination :** (1) The medical authority shall -
- (a) obtain from the pensioner a statement in part-I of **Form-19** duly signed by the pensioner in his presence;
  - (b) enter the result thereof in part-II of **Form-19** after medical examination of the pensioner;
  - (c) attest the unattested copy of the photograph of the pensioner;
  - (d) complete the certificate contained in part-III of **Form-19** provided that where -
    - (i) a pensioner has been granted Invalid pension, **or**
    - (ii) a pensioner has previously commuted a part of his pension, **or**
    - (iii) a pensioner has been refused commutation on medical grounds, **or**
    - (iv) a pensioner had declined to accept the commutation on the basis of addition of years to his actual age;the medical authority shall, before completing the certificate contained in Part-III of **Form-19**, take into consideration the statement of the medical case of the pensioner.
- (2) After complying with the requirements of sub-rule (1), the medical authority shall immediately forward to the Director of Pension and Provident Fund who has already completed Part-IV of the form the following documents, namely :-
- (a) **Form-16** in original;
  - (b) attested copy of the pensioner's photograph;
  - (c) **Form-19** in original; **and**
  - (d) a certified copy of **Form-19** to the Head of Office who has countersigned Part IV of **Form-16**.
- (3) The medical authority shall also send to the pensioner a certified copy of Part-III of **Form 19**.
- 121. Second medical examination :** (1) Subject to the provisions of rule 122, the medical examination in case of a pensioner referred to in clause(c) of sub-rule (1) of rule 117 shall take place after the expiry of a period of not less than one year from the date of the first medical examination.
- (2) If the pensioner desires to be re-examined on the expiry of the period specified in sub-rule (1), the examination shall be done by a Medical Board at his own expense. For

this purpose, he shall address a letter to the Head of Office with a request that arrangements for his re-examination by a Medical Board may be made. He shall indicate in the letter -

- (a) the medical authority which examined him earlier and the date on which such examination took place,
  - (b) the place where he was examined,
  - (c) the opinion of the medical authority,
  - (d) the date of birth and the date of retirement,
  - (e) designation of the post held at the time of retirement.
  - (f) the amount of pension authorised,
  - (g) the fraction of pension which was originally applied for commutation.
- (3) On receipt of letter under sub-rule (2) the Head of Office shall address the medical authority for arranging re-examination of the pensioner by a Medical Board and forward the following documents to such authority -
- (a) original letter received from the pensioner;
  - (b) the certified copy of **Form-19** received earlier by the Head of Office from the medical authority under clause (d) of sub-rule (2) of rule 120.
- (4) On receipt of the communication from the Head of Office under sub-rule (3) the medical authority shall inform the pensioner as to where and when he should appear for medical examination before the Medical Board or if necessary request the Medical Board to communicate to the pensioner the place, date and time of such examination.
- (5) The pensioner after the receipt of communication under sub-rule (4) shall appear before the Medical Board at the place and on the date and time communicated to him.
- (6) The Medical Board shall examine the pensioner and if after the examination, it is of the view that the earlier opinion of the medical authority needs no revision or modification shall record its opinion and communicate the same to the Head of Office under intimation to the pensioner. The documents received by the Medical Board under sub-rule (3) shall also be returned to the Head of Office.
- (7) If as a result of the opinion of the Medical Board, received under sub-rule (6) the pensioner becomes eligible to commute a fraction of pension originally applied for, the Head of Office shall determine the commuted value in accordance formula shown with in the Table applicable on the date, the Medical Board recorded it opinion. The Head of Office thereafter shall request the Director of Pension and Provident Fund to take further action for the authorisation of the commuted value and forward the following documents to him :-
- (i) original letter received from the pensioner under sub-rule (2);
  - (ii) the opinion of the Medical Board received under sub-rule (6);
  - (iii) calculation sheet showing the commuted value determined with reference to the revised or modified opinion of the Medical Board.
- (8) On receipt of the documents under sub-rule (7) the Director of Pension and Provident Fund shall verify the correctness of the commuted value determined by the Head of Office and shall authorise the commuted value to the pensioner under intimation to the Head of Office.

**122. Appeal against the findings of medical authority :** (1) Notwithstanding anything contained in rule 121, a pensioner referred to in clause (c) of sub-rule (1) of rule 117 shall be eligible for second medical examination before the expiry of the period specified in sub-rule (1) of rule 121, if he feels that the medical authority in refusing commutation on medical grounds or making addition of years to his actual age has committed an error of judgement. Such a pensioner may, within one month of the receipt of the certified copy in Part-III of **Form-19** from the medical authority, prefer an appeal by addressing a letter to the Head of Office that the opinion of the medical authority may be got reviewed by another medical authority mentioned in sub-rule (2) at his own expense. Such appeal shall contain the following details :-

- (a) the medical authority which had examined him earlier and the date on which the examination took place;
  - (b) the place where he was examined;
  - (c) the opinion of the medical authority;
  - (d) the date of birth and the date of retirement;
  - (e) designation of the post held at the time of retirement;
  - (f) the amount of pension authorised;
  - (g) the fraction of pension which was originally applied for commutation.
- (2) In case a pensioner referred to in sub-rule (1) -
- (a) was examined previously by a Medical Officer, not lower in rank than of that Civil Surgeon/Superintendent of Civil Hospital, he shall be re-examined by a Medical Board, **or**
  - (b) was previously examined by a Medical Board, he shall be re-examined by a second Medical Board, the members of which shall be different from those of the first Medical Board.
- (3) The Head Office shall, within one month of the receipt of the letter under sub-rule (1), take steps for arranging the re-examination of the pensioner. For this purpose, he shall address the medical authority, where the pensioner was examined previously. He shall, while addressing the medical authority, invite his attention to the provisions of sub-rule (2) and forward the following documents :-
- (a) original letter received from the pensioner;
  - (b) certified copy of **Form-19** received earlier by the Head of Office from the medical authority under clause (d) of sub-rule (2) of rule 120.
- (4) The medical authority on receipt of communication from the Head of Office under sub rule (3) shall arrange for the second medical examination of the pensioner by a Medical Board which shall be constituted in accordance with the provisions of sub-rule (2). The medical authority shall, thereafter, inform the pensioner the place, date and time to appear for medical examination before the Medical Board or, if necessary, direct the Medical Board to communicate to the pensioner the place, date and time of such examination.
- (5) The pensioner on receipt of communication under sub-rule (4) shall appear for the medical examination before the Medical Board on the date and time, communicated to him.

- (6) The Medical Board shall examine the pensioner and if, it is of the view that the earlier opinion of the medical authority needs no revision or modification or needs revision or modification, shall record its opinion and communicate the same to the Head of Office under intimation to the pensioner and the findings of the Medical Board shall be binding on the pensioner.
- (7) If the Medical Board in the second medical examination of the pensioner sets aside or modifies the opinion of the first medical authority, the findings of the Medical Board shall be deemed to be operative from the date on which the first medical authority recorded its opinion and the claim of the pensioner for commutation shall be settled accordingly.
- (8) Nothing contained in this rule shall apply to a pensioner in whose case that medical authority as a result of the first medical examination had directed that the pensioner's age for the purpose of commutation should be assumed to be greater than his actual age, and the pensioner received the commuted value with reference to the enhanced age.

**123. Withdrawal of application :** (1) The pensioner may after giving a notice in writing, to the Pension Sanctioning Authority, withdraw his application at any time before subjecting himself to the medical examination before the medical authority but in no case after he has appeared before such authority.

- (2) In case the medical authority directs that the pensioner's age for the purpose of commutation shall be assumed to be greater than his actual age, the pensioner may -
  - (a) by giving notice in writing to the Head of office withdraw his application within fourteen days from the date on which he received the certified copy of Part-III of **Form-19** and endorse a copy of notice to the Director, Pension and Provident Fund, **or**
  - (b) request the Head of Office within the period specified in clause (a) under intimation to the Director, Pension and Provident Fund that he may be permitted to reduce the amount of pension already applied for commutation to an amount to be indicated by the pensioner.
- (3) Where a request for withdrawal has not been made by the pensioner within the time specified in clause (a) of sub-rule (2), it shall be presumed that he has accepted the findings of the medical authority and the Director of Pension and Provident Fund shall take action to authorise the payment of commuted value of pension.
- (4) If a request for reduction in the amount of pension to be commuted is made as provided in clause (b) of sub-rule (2), the Director of Pension and Provident Fund shall authorise the payment of commuted value of pension with reference to the reduced amount.
- (5) If the pensioner is informed by the Director of Pension and Provident Fund under rule 124 that on account of modification of the Table, the commuted value becoming payable to the pensioner will be less than the value communicated to him in **Form-16**, it shall be open to the pensioner to withdraw his application by a written notice addressed to the Director of Pension and Provident Fund and the pensioner shall endorse a copy of the notice to the Head of Office within fourteen days of the date on which he receives intimation of such modification.



- 124. Modification in the value specified in the Table :** (1) In case the value specified in the Table is modified at any time before the commutation becomes absolute in terms of clause (iii) of sub-rule (1) of rule 98, the payment shall be made in accordance with the value so modified.
- (2) Where the commuted value calculated with reference to the Table as modified, is less favourable than the value determined with reference to the Table before it was so modified, the Director of Pension and Provident Fund, shall,
- (a) inform the pensioner of the revised value and communicate to him the provisions of sub-rule (5) of rule-123, **and**
- (b) endorse to the Head of Office a copy of the communication issued under clause (a).
- 125. Authorisation of payment of commuted value by the Director of Pension and Provident Fund :** (1) Subject to the provisions of sub-rules (2) and (3) of rule-123 the Director of Pension and Provident Fund on receipt of the documents referred to in sub-rule (2) of rule-120, from the medical authority shall, without delay issue an order to the disbursing authority concerned and furnish to it the following particulars and documents namely :-
- (i) the amount of pension commuted, the amount of commuted value of pension and the date on which the commutation became absolute;
- (ii) the amount of residuary pension;
- (iii) Original **Form-19**;
- (iv) copy of the pensioner's photograph as attested by the medical authority.
- (2) The Director of Pension and Provident Fund shall also -
- (a) bring to the notice of disbursing authority the provisions of the proviso to rule 98 regarding the date on which the amount of original pension should be reduced;
- (b) endorse to the pensioner a copy of the order issued under sub-rule (1) with the remarks that he should collect the commuted value from the disbursing authority; and
- (c) bring to the notice of the pensioner the provisions of the proviso to sub-rule (1) of rule 98.

#### CHAPTER - XIV

##### DETERMINATION AND AUTHORISATION OF THE AMOUNTS OF PENSION AND GRATUITY

- 126. Register of retiring Government employees :** (1) Every pension sanctioning authority shall maintain a separate register for Gazetted & Non-Gazetted Government employees superannuating within next five calender years in **Form-20** having separate page allotted for each calender year. The register shall be brought up to date before 31st July each year by ensuring the correctness of all entries therein in respect of next five calender years.
- (2) The entries in the register shall also be made in respective year as and when -
- (1) a Government employee is transferred to/from another office.
- (2) a Government employee retires/dies before the date of his superannuation.
- (3) orders granting provisional/final pension/gratuity are issued.

- (3) The pension sanctioning authority shall have monthly review of the register.
- (4) The maintenance of this register shall be scrutinized by all Heads of Department during the yearly inspection of their subordinate offices and the vigilance cell of the Finance Department during its visit shall verify such registers.

**127. Preparation of the list of Government employees to retire/already retired :** (1) Each head of office shall prepare as on 1st August each year a list of all Government employees who are due to retire within next twenty four months of that date.

- (2) Each head of office shall also prepare on the first of August a list of Government employees who have already retired/died before the end of July and in whose case the pension/gratuity payment orders are not issued.
- (3) A copy of the lists referred to in sub-rules (1) and (2) shall be attached to the pay bill of establishment for the month of August. The same shall be detached by the Pay and Accounts Officer / Treasury and sent to the Director of Pension and Provident Fund.

**128. Time schedule for the processing the pension papers of the Government employees :** The schedule for the preparation and finalisation of the pension cases of Government employee shall be as under :-

- (i) The work of preparation of pension papers shall be initiated by the pension sanctioning authority prior to twenty four months of the date of superannuation of the Government employee. In case of a death of a Government employee while in service or in case of his retirement before the date of superannuation, the work shall be immediately initiated on occurrence of death or the date of retirement of the Government employee before superannuation is known.
- (ii) Pension papers shall sent to the Director of Pension & Provident Fund twelve months before the date of retirement.
- (iii) Director of Pension & Provident Fund shall ensure the issue of Pension Payment Order and Death-cum-Retirement gratuity order etc., six months before the actual date of retirement of the Government employee and send the same to the concerned treasury officer.

**129. Recovery of leave salary and pension contribution in respect of foreign service :** In case of foreign service, the question of recovery of leave salary and pension contribution shall not be raised at the time of finalisation of pension and if any portion has remained to be recovered, action to recover shall be taken up separately. If however, pension and leave salary contribution during the period of foreign service were payable by the Government employee, it shall be certified that the same has been recovered and if amount remains outstanding, it shall be shown as Government dues recoverable from death-cum-retirement gratuity.

**130. Verification of Pay Fixation :** While preparing pension papers the verification of only last pay revision and recording of the same in the service book shall be sufficient.

**131. Verification of Service :** (1) The Pension Sanctioning Authority shall verify the service book of the Government employee and satisfy himself as to the certificates of verification for the entire service and continuity of entire past service are recorded therein. It shall also ensure correctness of all the entries in the service book for the last two years and their attestation.

- (2) In respect of the unverified portion or portions of service, he shall arrange to verify

the same from the pay bills, acquittance rolls or other relevant records, and record the necessary certificates in the service book.

- (3) If it is not possible to verify the service for any period in the manner specified in sub-rule (1) and sub-rule (2), that period of service having been rendered by the Government employee in another Office or Department, it shall be verified from the Head of Office in which the Government employee is stated to have served during that period for the purpose of verification.
- (4) If it is not possible to verify any portion of service rendered by a Government employee in the manner specified in sub-rule (1), (2), or (3), he shall be required to file a written affidavit on plain paper stating that he had in fact rendered that period of service, and shall, at the foot of the affidavit, make and subscribe to a declaration as to the truth of that affidavit, and shall, in support of such declaration, produce all documentary evidence and furnish all information which is available with him.
- (5) The Head of Office shall, after taking into consideration the facts in the written affidavit and the evidence produced and the information furnished by the Government employee in support of the said period of service, admit that portion of service as having been rendered for the purpose of calculating the pension.

**132. Making good omission in the Service Book :** (1) The Pension Sanctioning Authority while scrutinising the certificates of verification of service, shall also identify other omissions, imperfections or deficiencies if any, which have a direct bearing on the determination of 'Pensionable Pay' and the service qualifying for pension.

- (2) Effort shall be made to complete the verification of service, in the manner as provided in rule 131 and to make good omissions, imperfections or deficiencies referred to in sub-rule (1). Any omissions, imperfections or deficiencies including the portion of service shown as unverified in the service book which it has not been possible to verify in accordance with the procedure laid down in rule 131 shall be ignored and service qualifying for pension shall be determined on the basis of the entries in the service book.

**133. Assessment of Government dues from the retiring Government employee :** (1) The Pension Sanctioning Authority shall require to ascertain and assess Government dues, payable by a Government employee due for retirement.

- (2) The Government dues as ascertained and assessed by the pension sanctioning authority which remain outstanding till the date of retirement of the Government employee, shall be adjusted against the amount of the death-cum-retirement gratuity payable to him.
- (3) The expression 'Government dues' includes -
  - (a) dues pertaining to Government residential accommodation including arrears of rent, if any;
  - (b) dues other than those pertaining to Government residential accommodation, namely balance of house building or conveyance or any other advance, overpayment of pay and allowances or leave salary and arrears of income-tax deduction at source under the Income Tax Act, 1961 (43 of 1961).
- (4) In respect of long term advances viz. House Building Advance, Advance for the purchase of conveyance -

- (i) No Due Certificate given by the concerned Head of Office based on the Last Pay Certificate shall be considered sufficient for finalisation of the pension cases;
- (ii) If the Pension Sanctioning Authority himself is the Government employee for whom no due certificate is to be given, such No Due Certificate shall also be issued by him in his capacity as such but it shall be countersigned by his next higher officer.
- (iii) In case outstanding dues are found later by the Pension Sanctioning Authority or other concerned authority; the amount so found shall be recovered by the concerned Department/Office before releasing the mortgage deed of concerned property.

**134. Recovery and adjustment of dues other than dues pertaining to Government residential accommodation :** (1) For the dues other than the dues pertaining to occupation of Government residential accommodation as referred to in clause (b) of sub-rule (3) of rule 133, the pension sanctioning authority shall take steps to assess the dues other than Income-tax deduction two years before the date on which a Government employee is due to retire on superannuation;

- (2) The assessment of Government dues referred to in sub-rule (1) shall be completed by the Head of Office twelve months prior to the date of the retirement of the Government employee.
- (3) The dues as assessed under sub-rule (2) including those dues which come to notice subsequently and which remain outstanding till the date of retirement of the Government employee, shall be adjusted against the amount of death-cum-retirement gratuity payable to the Government employee on his retirement.
- (4) After ascertaining and assessing the Government dues which still remain outstanding on the date of retirement of a Government employee, the Pension Sanctioning Authority shall show them as recoverable Government dues in the last pay certificate.
- (5) A certificate regarding Government dues outstanding from the Government employee on the date of retirement shall be attached to the pension papers of the Government employee while forwarding the same to the Director of Pension and Provident Fund.

**135. No demand certificate for occupation of Government residential accommodation :** (1) The pension sanctioning authority shall give a certificate after verification of his own records or with reference to the records of his subordinate offices that the rent for the Government residential accommodation occupied by the retiring Government employee during the last three years has been recovered. This certificate shall be treated as final for the finalisation of pension case so far as the recovery of rent from the retiring Government employee occupying Government residential accommodation is concerned.

- (2) The retiring Government employee shall also give an undertaking that if arrears of rent in respect of Government residential accommodation occupied by him before retirement is detected subsequently, the same shall be recovered from the amount of Temporary Increase on pension payable to him.

**136. Obtaining particulars by the Pension Sanctioning Authority :** The Pension Sanctioning Authority shall obtain from the Government employee various particulars in **Form-21**, duly completed twenty four months prior to the date of retirement of the Government employee.

- (2) Procedure under rule 128 to 134 shall be completed twelve months before the date of retirement of the Government employee.
- 137. Completion of pension papers :** The Pension Sectioning Authority shall complete Part I of **Form-21** not later than twelve months before the date of retirement of the Government employee.
- 138. Forwarding of pension papers to Director of Pension and Provident Fund :** (1) The Pension Sanctioning Authority shall forward to the Director of Pension and Provident Fund **Form-21** with a covering letter along with service book of the Government employee duly completed, up-to-date, and any other documents relied upon for the verification of service. After complying with the requirement of rules 128 to 134 and rule 139 (1).
- (2) The Pension Sanctioning Authority shall send the pension papers in duplicate to the Director of Pension and Provident Fund in case the payment is desired in another audit circle.
- (3) The papers referred to in sub-rule (1) shall be forwarded to the Director of Pension and Provident Fund not later than twelve months before the date of retirement of Government employee.

**Explanation : "Pension Papers"** means a set of various forms as applicable to the pensioner and prescribed in these rules. For the purpose of convenience the same are consolidated and issued by the Government in Finance Department vide Circular No. DPP-1099-496-949 (8)-P, Dated 23-3-2000 as amended from time to time.

- 139. No departmental inquiry / No Event Certificate :** (1) The Pension Sanctioning Authority shall issue "No Department Inquiry" certificate on the date on which the pension papers are sent to the Director of Pension and Provident Fund. This certificate shall include the position as obtaining of that date.
- (2) After forwarding the pension papers to the Director of Pension and Provident Fund the Pension Sanctioning Authority shall verify that no departmental inquiry or other inquiry has been initiated and that no events has occurred till the date of the retirement of the Government employee, which would have bearing on his eligibility for pensionary benefits and the quantum of such benefits. The certificate in **Form-22** shall be issued after due verification and a copy of the same be given to the retiring Government employee on the last day of his service to enable him to present the same to the treasury officer while drawing his / her first claim of pension and / or death-retirement gratuity.
- 140. Last Pay Certificate :** The Director of Pension and Provident Fund shall finalise the pension case of the retiring/retired Government employee without waiting for his 'Last pay certificate'. The Head of Office or Department from which the Government employee has retired shall issue the last pay certificate to the retiring/retired Government employee immediately after the payment of his last month's salary. The said 'Last Pay Certificate' shall be produced by the pensioner while drawing his pension/death-cum-retirement gratuity for the first time from the treasury.
- 141. Reference to Director of Pension and Provident Fund regarding occurrence of any event affecting pension :** If, after the pension papers have been forwarded to the Director of Pension and Provident Fund within the period specified in sub-rule (3) of rule 138, any event occurs which has a bearing on the amount of pensionary benefits admissible to the Government employee it shall be immediately intimated to the Director of Pension and

Provident Fund by the Pension Sanctioning Authority.

- 142. Provisional payment of pension and gratuity :** (1) The Pension Sanctioning Authority shall adhere to the procedure laid down in rules 128 to 138. In cases where, in spite of following the procedure laid down in rule 128 to 138, it may not be possible for the Pension Sanctioning Authority to forward the pension papers referred to in rule 138 to the Director of Pension and Provident Fund within the period prescribed or where the pension papers have been forwarded to the Director of Pension and Provident Fund within the prescribed period but the Director of Pension and Provident Fund may have returned the pension papers to the Pension Sanctioning Authority for elucidating further information before issue of pension payment order and order for the payment of gratuity where in case departmental or judicial proceedings are not pending against the retiring/retired Government employee and if the pension sanctioning authority is of the opinion that a Government employee is likely to retire before his pension and gratuity or both, can be finally assessed and settled in accordance with the provisions of these rules, he shall without any delay, take steps to determine the qualifying years of service and the pensionable pay after summary investigations.

**Explanation :** For this purpose, he shall -

- (i) rely upon such information as may be available in the official records, and in pension papers,
  - (ii) if necessary, call for from the retiring Government employee a written statement stating the total length of qualifying service including details of pay drawn during the last ten months of service but excluding the breaks and other non-qualifying period of service.
- (2) The written statements as referred to Explanation (ii) above shall be signed by the Government employee alongwith declaration as to the truth of the statement.
  - (3) The Pension Sanctioning Authority shall thereafter determine the qualifying years of service and the pensionable pay in accordance with the information available in the official records and the information obtained from the retiring Government employee under sub-rule (1). He shall, then, determine the amount of pension and the amount of death-cum-retirement gratuity.

- 143. Sanction of provisional payment of pension and death-cum-retirement gratuity in case where departmental or judicial proceedings are not pending :** After the amount of pension and gratuity have been determined under sub-rule (3), of rule 142 the Pension Sanctioning Authority shall take action as follows :-

- (1) If departmental inquiry or judicial proceedings are not pending or initiated against the retiring / retired Government employee prior to his retirement, he shall issue a sanction order sanctioning provisional payment of pension and death-cum-retirement gratuity authorising -
  - (i) 100 per cent of pension as determined under sub-rule (3) of rule 142 as provisional pension from the date of retirement of the Government employee; and
  - (ii) 100 per cent of the gratuity as provisional gratuity as determined under sub-rule (3) of rule 142 subject to withholding ten per cent of gratuity or one thousand rupees, whichever is less.



**144. Sanction of provisional payment of pension and gratuity where charge sheet is not issued or judicial proceedings are not instituted in respect of the Government employee against whom the departmental inquiry is pending :** In case of a Government employee against whom the departmental inquiry is initiated but charge sheet is not issued or judicial proceedings are not instituted prior to retirement, the Pension Sanctioning Authority shall accord sanction to the provisional payment of pension and death-cum-retirement gratuity as under :-

- (a) pension equal to the maximum pension which would have been admissible on the basis of qualifying service upto the date of retirement of the Government employee, or if he was under suspension on the date of retirement upto the date immediately preceding the date on which he was placed under suspension. The amount of pension shall be determined as per sub-rule (3) of rule 142. The provisional payment shall be continued till the date on which final order are passed, after the conclusion of the departmental inquiry or judicial proceedings.
- (b) ninety percent of the amount of death-cum-retirement gratuity determined under sub-rule (3) of rule 142, subject to withholding ten per cent of gratuity or fifteen thousand rupees whichever is less.

**145. Provisional payment of pension and gratuity where charge sheet is issued or judicial proceedings are instituted in respect of the Government employee against whom the departmental inquiry is pending :** (1) In case of a Government employee against whom the Departmental Inquiry is initiated or prosecution is granted (i.e. charge- sheet is issued or FIR is filed, as the case may be) prior to retirement, but the departmental inquiry or prosecution, is not concluded (i.e. the order of the competent authority on the report of the inquiry officer is not issued or the judgement of trial court is not delivered, as the case may be), the Pension Sanctioning Authority shall sanction provisional payment of full amount of pension as determined under sub-rule (3) of rule 142. No provisional payment of death-cum-retirement gratuity shall be sanctioned.

- (2) In case of a Government employee against whom the Departmental Inquiry is initiated or prosecution is granted (i.e. charge sheet is issued or FIR is filed, as the case may be) prior to retirement, but the departmental inquiry or prosecution, is not concluded (i.e. the order of the competent authority on the report of the inquiry officer's not issued or the judgement of trial court is not delivered, as the case may be), and two years have lapsed since the date of retirement, the Pension Sanctioning Authority shall sanction the provisional payment of pension and death-cum-retirement gratuity as under :-
  - (i) 100 per cent of pension as determined under sub-rule (3) of rule 142 if the same is not sanctioned under sub-rule (1).
  - (ii) 100 per cent of gratuity as determined under sub-rule (3) of rule 142 subject to withholding of after 10 per cent or fifteen thousand rupees which ever is less.

**146. Conditions for the payment of provisional pension :** The conditions for the provisional payments of pension and gratuity shall be as under :-

- (1) Sanction for the provisional payment of pension shall be given only in cases of Superannuation, Retiring (including pension sanctioned on voluntary retirement), and Invalid pension and death-cum-retirement gratuity.

- (2) Sanction for the provisional payment of Compensatory and Wound and Injury pension shall not be given.
- (3) The Pension Sanctioning Authority shall mention the amount recoverable from the gratuity under rule 133 in the sanction order.
- (4) The amount of provisional pension and death-cum-retirement gratuity shall be paid from the treasury/sub-treasury mentioned in the sanction order. The pensioner shall not be entitled to have the payment transferred to any other treasury/sub-treasury.
- (5) The amount of provisional pension and gratuity payable under sub-rule (4) shall, if necessary, be revised after the completion of the detailed scrutiny of the records.
- (6) The payment of provisional pension shall continue till final payment of pension is authorised by the Director of Pension and Provident Fund.
- (7) If the amount of provisional pension and/or death-cum-retirement gratuity disbursed to a Government employee under rules-142 or 143 or 144 or 154 is, on its final assessment, found to be in excess of the final assessment by the Director of Pension & Provident Fund, it shall be open to the Pension Disbursing Authority to adjust the excess amount of pension out of gratuity withheld under rule-143 or 144 or 154 or recover the excess amount of pension in instalments by making short payments of the pension payable in future.
- (8) Payment of provisional pension made under rule-145 shall be adjusted against final retirement benefits sanctioned to such Government employee upon conclusion of such proceeding but no recovery shall be made where the pension finally sanctioned is less than the provisional pension or the pension is reduced or withheld either permanently or for a specified period.

**147. Date of retirement to be notified :** After the retirement of a Government employee from service a notification to that effect in case of a Gazetted Officer and an office order in the case of a Non-gazetted Government employee, shall be issued within a week of such date specifying the date of retirement and a copy of such notification or office order, as the case may be, shall be forwarded to Director of Pension and Provident Fund.

**148. Revision of pension after authorisation :** (1) Subject to the provisions of rules 23 and 24, pension once authorised after final assessment shall not be revised to the disadvantage of the Government employee, unless such revision becomes necessary on account of detection of a clerical error subsequently :

**Provided** that no revision of pension to the disadvantage of the pensioner shall be ordered by the Pension Sanctioning Authority without the concurrence of the Finance Department, if the clerical error is detected after a period of two years from the date of authorisation of pension.

- (2) A notice shall be served by the Pension Sanctioning Authority to the retired Government employee requiring him to refund the excess payment of pension within a period of two months from the date of receipt of notice by him for the purpose of sub-rule (1).
- (3) In case the Government employee fails to comply with the notice, the Pension Sanctioning Authority shall, by order in writing, direct that such excess payment, shall

be adjusted in installments by short payments of Temporary Increase of pension in future, in one or more instalments, as the Pension Sanctioning Authority may direct.

#### CHAPTER - XV

### DETERMINATION AND AUTHORISATION OF THE AMOUNT OF FAMILY PENSION AND GRATUITY IN CASE OF DEATH OF GOVERNMENT EMPLOYEES WHILE IN SERVICE

- 149. Claims for Family Pension and gratuity in case of death while in service :** (1) Where the Head of Office has received an intimation about the death of a Government employee while in service, it shall be communicated to the Pension Sanctioning Authority if he himself is not a Pension Sanctioning Authority. The Pension Sanctioning Authority shall ascertain the amount of the death gratuity or family pension or both payable to the family of the deceased Government employee.
- (2) (a) Where the family of the deceased Government employee is eligible for the death gratuity under sub-rule (1) of rule-81, the Pension Sanctioning Authority shall ascertain-
- (i) if the deceased Government employee had nominated any person or persons to receive the gratuity; **and**
- (ii) if the deceased Government employee had not made any nomination or the nomination made does not subsist, the person or persons to whom the gratuity may be payable.
- (b) The Pension Sanctioning Authority shall, require the concerned person in **Form-23** or **Form-24**, as the case may be appropriate, for making a claim in **Form-25**.
- (3) Where the family of the deceased Government employee is eligible under rule-91 for the Family Pension :-
- (a) the Pension Sanctioning Authority shall address the widow or widower in **Form-26** for making a claim in **Form-27**; and
- (b) where the deceased Government employee is survived only by a child or children, the guardian of such child or children may submit a claim in **Form-27** to the Pension Sanctioning Authority :
- Provided** that the guardian shall not be required to submit a claim in the said Form on behalf of a child if the child has attained the age of eighteen years and such child may himself or herself submit a claim in the said **Form-27**.
- (4) Where the family of the deceased Government employee is eligible for family pension under rule-86 the Pension Sanctioning Authority shall ascertain -
- (i) if the deceased Government employee had nominated a member of his family to receive the payment of Family Pension; **and**
- (ii) where the deceased Government employee had not made any nomination or the nomination made does not subsist, the person to whom the Family Pension, may be payable.

**150. Completion of Pension Papers :** (1) (a) The Pension Sanctioning Authority while obtaining claim or claims from the family under rule 149 shall also undertake the completion of Pension Papers. It shall be completed within one month of the date on which intimation regarding the date of death of the Government employee is received.

- (b) The Pension Sanctioning Authority shall satisfy from the service book of the deceased Government employee as to whether certificates of verification for the entire service are recorded therein.
  - (c) The Pension Sanctioning Authority shall accept the unverified portion of service if any, as verified from the service book. For this purpose, the Pension Sanctioning Authority may rely on any other relevant material to which he may have ready access. While accepting the unverified portion of service, the Pension Sanctioning Authority shall ensure that service was not forfeited on account of dismissal, removal or resignation from service.
- (2) (a) The Pension Sanctioning Authority shall verify the correctness of pay for a maximum period of one year preceding the date of death of the Government employee, for the purpose of determination of pay for Family Pension and death-cum-retirement gratuity.
- (b) In case of Government employee on extraordinary leave on the date of death, the correctness of the pay for a maximum period of one year which he drew preceding the date of the commencement of the extraordinary leave, shall be verified.
- (3) The process of determination of qualifying service, pensionable pay, the amount of family pension and death gratuity shall be completed within one month of the receipt of intimation regarding the date of death of the Government employee.

**151. Determination of the amount of Family Pension and gratuity in case of incomplete service records :** In case where the service book is not maintained properly and it is not possible for the Pension Sanctioning Authority to accept the unverified portion of service as verified on the basis of entries in the service book, the Pension Sanctioning Authority shall not proceed with the verification of the entire spell of service. The verification of service in such a case shall be limited to the following spells of service :-

- (a) For the purpose of Family Pension Scheme, 1972 pay for the last year of service shall be verified and accepted by the Pension Sanctioning Authority and the amount of Family Pension shall be determined under sub-rule (2) and sub-rule (3) of rule 90.
- (b) The procedure for determination of the amount of family pension in accordance with the provisions of sub-rules (1) to (4) of rule-149 shall be completed within one month from the receipt of intimation of death of the Government employee.
- (c) For the purpose of death gratuity -
  - (i) In case of deceased Government employee having more than five years of qualifying service but less than twenty years of qualifying service, on the date of his death and the spell of last five years' service has been verified and accepted by the Pension Sanctioning Authority, the amount of death gratuity shall be as provided in clause (b) of sub-rule (1) of rule-81.
  - (ii) In case of deceased Government employee having more than twenty years of service and the entire service is not capable of being verified and accepted, but

the service for the last five years has been verified and accepted under sub-clause (i), the family of the deceased Government employee shall be allowed, on provisional basis, the death gratuity equal to twelve times of the pay last drawn. Final amount of the gratuity shall be determined by the Pension Sanctioning Authority on the acceptance and verification of the entire spell of service which shall be completed by the Pension Sanctioning Authority within a period of six months from the date on which the authority for the payment of provisional gratuity was issued. The balance, if any, becoming payable as a result of determination of the final amount of death gratuity shall then be authorised to the beneficiaries through the Director of Pension and Provident Fund.

**152. Non-availability of service record of the deceased Government employee :** In case of non availability of service book of a Government employee died while in service, the family pension and death gratuity shall be calculated without verification of service, provided that it is ascertained that he has rendered qualifying service to be eligible for family pension or death gratuity. The qualifying service shall be ascertained from the records available with the pension sanctioning authority, (e.g.) office copy of the pay bills, personal files, etc. A certificate to the effect along with the pension papers shall be sent to the Director of Pension and Provident Fund.

**153. Forwarding the papers to the Director of Pension and Provident Fund :** (1) On receipt of claims, the Pension Sanctioning Authority shall send it in original to the Director of Pension and Provident Fund with a covering letter along with the Government employee's service book duly completed and any other documents relied upon for the verification of the service claimed of shall be completed within one month of the receipt from claim by the Pension Sanctioning Authority.

(2) If the payment is desired in another Audit Circle, Pension Papers referred to in sub-rule (2) of rule-138 shall be sent in duplicate to the Director of Pension and Provident Fund.

(3) The Pension Sanctioning Authority shall draw the attention of the Director of Pension and Provident Fund to the of Government dues outstanding against the deceased Government employee, namely :-

(a) Government dues as ascertained and assessed under rule 156 and recoverable out of the gratuity before payment is authorised.

(b) amount of gratuity to be held over partly for adjustment of Government dues which have not been assessed so far and partly as a margin for adjustment in light of final determination of the amount of gratuity.

(c) the maximum amount of gratuity to be held over for the purpose of clause (b) shall be limited to ten percent of the amount of gratuity or rupees one thousand, whichever is less.

**154. Sanction of Provisional Family Pension and gratuity :** (1) If it is not possible for the Pension Sanctioning Authority to forward the pension papers to the Director of Pension and Provident Fund as per rule 153 even after following the procedure as laid down in rule 149 to 152 or where the pension papers have been forwarded to the Director of Pension and Provident Fund within the prescribed period but the Director of Pension and Provident Fund may have returned the same for further information before the issue of Pension Payment Order; the Pension Sanctioning Authority shall sanction provisional Family Pension not

exceeding the maximum Family Pension. He shall, after retaining ten percent or rupees one thousand, whichever is less, to meet with the unascertained Government dues, and shall also sanction the provisional payment of death gratuity under rule 81. For this purpose, the Pension Sanctioning Authority shall adopt the following procedure namely -

- (a) he shall issue a sanction order in favour of the claimant or claimants endorsing a copy thereof to the Director of Pension and Provident Fund showing the amount of provisional family pension and provisional gratuity,
  - (b) he shall mention in the sanction order the amount recoverable out of the gratuity under sub-rule (2) of rule 133.
- (2) The payment of provisional Family Pension and gratuity shall be subject to the conditions laid down in rule 146.

**155. Authorisation of the final pension and gratuity by the Director of Pension and Provident Fund :** (1) On receipt of the documents referred to in sub-rule (1) of rule 153, the Director of Pension and Provident Fund after verification shall assess the amount of Family Pension and gratuity :-

- (2) (a) If the family pensions is payable in Gujarat State, the Director of Pension and Provident Fund shall prepare the Pension Payment Order.
  - (b) The payment of provisional Family Pension shall be discontinued from the date on which the payment of final family pension is made.
- (3) (a) The Director of Pension and Provident Fund shall determine the amount of the gratuity after adjusting the amount of Government dues, if any, outstanding against the deceased Government employee.
- (b) The Director of Pension and Provident Fund shall inform the Pension Sanctioning Authority, the amount of balance of the gratuity determined under clause (a) to be drawn and disbursed by the Pension Disbursing Authority to the person or persons to whom the provisional gratuity, if any has been paid.
- (c) The amount of gratuity withheld under rule-154 shall be adjusted against the outstanding dues mentioned in rule 156 by the Pension Disbursing Authority and the balance, if any, refunded to the person or persons to whom gratuity has been paid.
- (4) the Director of Pension and Provident Fund shall inform to the Pension Sanctioning Authority about issuance of Pension Payment Order and return the documents which are no longer required.
- (5) If the amount of provisional family pension as sanctioned under rule-154 is found to be in excess of the final pension assessed by the Director of Pension & Provident Fund, it shall be open to the Pension Disbursing Authority to adjust the excess amount in instalments by short payments of family pension payable in future.

**156. Adjustment of Government dues :** The Pension Sanctioning Authority shall within one month of the receipt of intimation regarding the death of a Government employee, take steps to ascertain if any dues as referred to in rule 133 to 135 were recoverable from the deceased Government employee and such dues shall be recovered from the amount of death gratuity payable to the family of the deceased Government employee.

**157. Payment of Family Pension and death gratuity when a Government employee dies while on deputation :** (1) In case of a Government employee who dies while on deputation



to another Department/Office, action to authorise Family Pension and death gratuity in accordance with the provisions of this Chapter shall be taken by the Pension Sanctioning Authority of the borrowing Department.

- (2) In case of a Government employee who dies while on deputation to a Central Government or while on foreign service, action to authorise the payments of Family Pension and death gratuity in accordance with the provisions of this Chapter shall be taken by the Pension Sanctioning Authority which sanctioned the deputation of the Government employee to the Central Government or to the foreign service.

#### CHAPTER - XVI

#### SANCTION OF FAMILY PENSION AND RESIDUARY GRATUITY IN CASE OF DECEASED PENSIONERS

#### 158. Sanction of Family Pension and residuary gratuity on the death of a pensioner : (1)

Where the Head of Office has received an intimation regarding the death of a retired Government employee who was in receipt of pension, he shall inform the Pension Sanctioning Authority about the same if he himself is not a Pension Sanctioning Authority. The Pension Sanctioning Authority shall ascertain whether any Family Pension or residuary gratuity or both are payable in respect of the deceased pensioner:-

**Provided** that the Pension Sanctioning Authority, may, when he considers it necessary so to do, consult the Director of Pension and Provident Fund.

- (2) (a) (i) If the deceased pensioner is survived by a widow or widower who is eligible for the grant of Family Pension Scheme, 1972 under rule-91, the amount of Family Pension as mentioned in the Pension Payment Order shall be payable to the widow or widower, as the case may be, from the day following the date of death of the pensioner.
- (ii) On receipt of an application from the widow or widower, the Treasury Officer from whom the deceased pensioner has drawn his or her pension, shall authorise the payment of Family Pension to the widow or widower, as the case may be.
- (b) (i) Where the deceased pensioner is survived by child or children, the guardian of the child or children may submit a claim in **Form-27** to the Pension Sanctioning Authority for payment of Family Pension :
- Provided** that the guardian shall not be required to submit a claim in the said Form on behalf of the son or unmarried daughter if he or she has attained the age of eighteen years and such a person may himself or herself submit a claim in the said Form.
- (ii) On receipt of a claim from the guardian, the Pension Sanctioning Authority shall sanction the Family Pension under Family Pension Rules, 1972 in **Form-31**.
- (c) (i) Where a widow or widower in receipt of Family Pension remarries and has, at the time of remarriage, child or children from the former spouse who is or are eligible for Family Pension the remarried individual shall be eligible to draw the Family Pension on behalf of such child or

children, if such individual continues to be the guardian of such child or children.

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

- (a) a declaration that the pensioner continues to be guardian of such child or children;
- (b) the date of remarriage;
- (c) the name and date of birth of the child or children from the former spouse;
- (d) the Treasury from where payment of Family Pension on behalf of such child or children is desired to be drawn;
- (e) postal address of the pensioner.

(iii) If the remarried individual has, for any reason, ceased to be the guardian of such child or children, the Family Pension shall be payable to the person entitled to act as guardian of such child or children under the law for the time being in force and such person may submit a claim in **Form-27** to the Head of Office for the payment of Family Pension.

**Provided** that the son or unmarried daughter if he or she has attained the age of eighteen years shall require himself or herself to submit a claim in the said Form.

(iv) On receipt of the claim referred to in sub-clause (iii) the Pension Sanctioning Authority shall sanction Family Pension in **Form-32**.

(d) (i) Where a widow or widower in receipt of Family Pension dies and leaves behind child or children who is or are eligible for Family Pension the guardian may submit a claim in **Form-27** to the Pension Sanctioning Authority for the payment of Family Pension :

**Provided** that the son or unmarried daughter if he or she has attained the age of eighteen years shall require himself or herself to submit claim in the said Form.

(ii) On receipt of a claim referred to in sub-rule (d) (i) above the Pension Sanctioning Authority shall sanction Family Pension in **Form-31**.

(3) Where on the death of a retired Government employee a residuary gratuity becomes payable to the family of the deceased under sub- rule (2) of rule 81, the Pension Sanctioning Authority shall sanction its payment on receipt of a claim or claims in **Form-33** from the person or persons eligible to receive the residuary gratuity.

**159. Authorisation of payment of pension and residuary gratuity by Director of Pension and Provident Fund :** On receipt of the sanction under rule 158 regarding the payment of Family Pension or of residuary gratuity or of both; the Director of Pension and Provident Fund shall authorise the payment of the same.

**CHAPTER - XVII****PAYMENT OF PENSIONS**

- 160. Date from which pension becomes payable :** (1) Except in case of a Government employee to whom the provisions of rule 51 apply and subject to the provisions of rules 24 and 142 a pension other than Family Pension shall become payable from the date on which a Government employee ceases to be borne on the establishment.
- (2) Pension under Family Pension Scheme, 1972 shall be payable for the day on which its recipient dies.
- 161. Procedure for payment of pension to a lunatic :** When any sum is payable by Government in respect of pension or gratuity to any person and such person is certified to be lunatic by a Magistrate the, procedure laid down in Section-95 (1) of the Indian Lunacy Act, 1912 (Act IV of 1912) shall be followed.
- 162. Date of commencement of payment of Wound or Injury Pension and the Family Pension :** A Wound or Injury Pension shall be payable from the date of the Wound or Injury and a family pension from the day following the death of the Government employee, provided -
- (i) that, if the grant of the pension is regulated by Army Regulations, it shall take effect from the date therein prescribed; **and**
- (ii) that, if considerable delay has occurred in making application for a Wound or Injury Pension, it shall be payable from the date of report on the case by the Medical Board unless in exceptional circumstances Government otherwise direct.
- 163. Need for medical certificate for payment of Wound or Injury Pension :** In case of a Wound or Injury Pension sanctioned under rule 71, it shall be responsibility of the officer disbursing the pension to see that the medical certificate referred to in rule 72 is produced every three years.
- 164. Currency in which pension is payable :** All pensions including gratuities admissible under these rules shall be payable in rupees in India only.
- 165. Manner of payment of gratuity and pension :** (1) Except as otherwise provided in these rules, a gratuity shall be paid in lump sum in whole rupees, fifty paise and above being rounded off to next higher rupee.
- (2) A pension fixed at monthly rates shall be payable monthly on or after the first day of the following month.
- Note :** Government may issue orders for the payment of pension of a particular month during the said month.
- 166. Payment of arrears of pension on the death of a pensioner :** (1) On the death of a pensioner payment of any arrears actually due to him may be made to his/her heirs, if they apply for payment within one year from the date of his death. If the application is made later, payment shall not be made without the sanction of the Pension Sanctioning Authority which shall be obtained through the Director of Pension and Provident Fund.
- Note :** The period of one year shall be reckoned from the date of the death of the pensioner or from the date of issue of orders sanctioning the pension or arrears of pension, whichever is later.
- (2) Subject to the provisions of sub-rule (1), payment of arrears due to a deceased pensioner may be made to his/her heirs as follows -

- (i) When the amount due does not exceed rupees one lac payment may be made under the orders of the competent authority who will make such enquiries into the rights and title of the claimants as he may deem fit.

**Explanation :** The words 'competent authority' in this rule shall mean -

- (a) In case of deceased pensioner, who was a non-Gazetted Government employee at the time of retirement; the 'Pension Sanctioning Authority' who drew the pay and allowances of the person concerned before retirement and if the pensioner died after commencement of the payment of the pension to him, the 'Collector' of the district in which the treasury from which the amount of pension was last drawn by him is situated provided that in respect of non-Gazetted Government employees of Departments which have ceased to exist, the 'Collector' of the District concerned shall be treated as competent authority.
- (b) In the case of a deceased pensioner, who was a Gazetted Officer at the time of retirement, the 'Head of Department' concerned and if the pensioner died after commencement of the payment of the pension to him, the 'Collector' of the district in which the treasury from which the amount of pension was last drawn by him is situated; and
- (c) In case of a deceased pensioner, who was the Head of Department at the time of retirement the 'Administrative Department' concerned in the Sachivalaya.
- (d) In case where the amount of arrears of pension does not exceed rupees five hundred the 'Mamlatdar' of the taluka in which the treasury/sub-treasury from which the amount of pension was last drawn by the deceased pensioner is situated.
- (ii) When the amount due exceeds rupees one lac payment may be made under the orders of Government on the execution of an indemnity bond with such sureties as Government may require, if they are satisfied of the right and title of the claimant and consider that undue delay and hardship would be caused by insistence on the production of letter of administration.

**167. Application of Treasury Rules :** Save as otherwise provided in these rules, the Treasury Rules shall apply in regard to the procedure of payment -

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

#### CHAPTER - XVIII

#### RE-EMPLOYMENT OF PENSIONERS

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

**169. Declaration by the re-employed pensioner about amount of pension and gratuity or bonus :** When a person, who was formerly in the civil or military employment of any Government in India, obtains re-employment, whether temporarily or permanently, in Government service, it shall be incumbent on him to declare to the appointing authority the amount of any gratuity, bonus or pension granted to him in respect of the previous employment. The authority re-appointing him shall specifically state in the order of re-appointment whether any deduction is to be made from pay as required by the rules in this Chapter and shall communicate a copy of the order to the Director of Pension and Provident Fund and the Pension Disbursing Authority.

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

**170. Provisions of this Chapter to be brought to the notice of the re- employed pensioner :** The attention of every person who is re-employed should be specially called to the provisions of this Chapter by the authority re-employing him, and, whenever he becomes aware of such an appointment, but the failure of such authority to do this will not be admitted as a ground for condoning any breach of the rules contained in this Chapter.

**171. Wound or Injury or Disability Pension awarded under Military rules to be continued :** Notwithstanding anything contained in the rules in this Chapter, a Wound or Injury Pension sanctioned under rules 69 to 76 and a Wound or Injury or Disability Pension or an addition to pension on account of disability awarded under the Military rules shall continue to be drawn by a retired Government employee, civil or Military, during re-employment or continued employment, and shall be subject only to the conditions of its award. The amount of such pension or addition to pension shall not be taken into account when fixing the pay during re-employment or continued employment.

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

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

**172. Fixation of pay on re-employment of Civil/Military pensioners in receipt of superannuation/retiring pension :** (1) A person who is in receipt of a Superannuation or Retiring pension shall not be re-employed or continued to be re-employed in the service paid from the Consolidated Fund of India or of State except on public interest and in a purely temporary capacity.

(2) The appointing authority which is competent to re-employ a pensioner shall fix the pay on re-employment.

(3) The conditions governing the fixation of pay of a pensioner in receipt of superannuation/retiring pension and who is re-employed in the service of the Government shall be as under :-

(i) Pension drawn by the following pensioners retired before attaining the age of fifty five years shall be fully ignored :-

(i) Ex-service man who held non-commissioned post.

- (ii) Civil pensioners who held the post other than Class-I post at the time of retirement.
- (ii) Pension upto rupees one thousand five hundred per month drawn by the pensioners other than those referred to in sub-rule (1) and who had retired before attaining the age of fifty five years shall be ignored.
- (iii) Pension drawn by the pensioners retired on attaining the age of fifty five years or thereafter shall be deducted.
- (iv) Pension equivalent of Death-cum-retirement gratuity shall be fully ignored.
- (v) The pay of the re-employed pensioners shall be allowed only in the scale of the post of re-employment. No protection of last pay drawn before retirement will be allowed.
- (vi) In all cases where the pension is fully ignored in terms of sub- rule (1), the initial pay shall be fixed at the minimum of pay-scale of the post of re-employment.
- (vii) In cases where the pension is not fully ignored, the pay or re-employment shall be fixed at the same stage, as the last pay drawn before retirement. If there is no such stage in pay scale of the post of re-employment the pay shall be fixed at the stage below that stage.
- (viii) If the maximum pay of the re-employment post is less than last pay drawn, the pay shall be fixed at the maximum of the pay scale of the post for re-employment.
- (ix) If the minimum pay of the post of the re-employment is more than the last pay drawn, the pay shall be fixed at minimum of the pay-scale of the post of re-employment.
- (x) The re-employed pensioners, shall retain and draw their pension and other retired benefits but temporary increase on pension shall not be admissible for the period of re-employment.

**173. Fixation of pay on re-employment of pensioners in receipt of compensation/invalid pension :** Fixation of pay on re-employment of pensioners in receipt of compensation/invalid pension shall also be governed by conditions laid down in rule-172 subject to the condition that if the re-employment is in qualifying service he may either retain his pension and forfeit his claim to count the past service for the purpose of pension or cease to draw pension and count his past services for the purpose of pension. In case he chooses the later option, the pension drawn between the date of invalid or compensation retirement and the date of re-employment shall not be recovered. In case the re- employed pensioner elects to count his previous service, foregoing his entire pension and death-cum-retirement gratuity, his pay shall be fixed as if he was not in receipt of pension.

**174. Fixation of pay on re-employment of short service commissioned or and Emergency Commission Officers :** Short service commissioned officers and Emergency Commissioned Officers who joined pre-commissioned training or were commissioned after 10th January, 1968, may on their appointment in Government service to unreserved vacancies be granted advance increments equal to number of completed years of service rendered by them in Armed Forces. The pay so arrived at shall not, however, exceed the last pay drawn by them in the Armed Forces.

**175. Fixation of pay of re-employed pensioners on transfer or promotion :** After fixation of pay of re-employed person in the manner laid down in these rules, the pay of re-employed



pensioner on their promotion/demotion shall be fixed as per the provision contained in Gujarat Civil Services (Pay) Rules, 2002 as amended from time to time without deducting pension, if any. The deductible part of pension shall be deducted after the fixation on promotion/demotion is done, subject to condition that the pay plus pension shall not exceed at any time rupees twenty six thousand per month.

- 176. Drawal of Increments by re-employed pensioners :** After pay is fixed in the manner indicated in rule the re-employed pensioner shall be allowed to draw normal increments in the time scale of the post of re-employment provided that the pay plus gross pension does not at any time exceed rupees twenty six thousand per month.
- 177. Grant of allowances to re-employed pensioners :** The re-employed pensioners shall be eligible for allowances based on pay as fixed on re-employment. Pay for the grant of allowances shall be the pay before deducting pension if any deductible in the given case. He may retain his pension but no temporary increase on pension shall be admissible to the re-employed pensioner.
- 178. Admissibility of leave to re-employed pensioners :** The re-employed persons shall be continued to be governed under the provisions contained in Gujarat Civil Services (Leave) Rules, 2002.
- 179. Admissibility of Gratuity Death-cum-retirement Gratuity to the re-employed pensioners :** The re-employed pensioners shall not be eligible for death-cum-retirement gratuity for the period of re-employment except in case of those military personnels who opt for counting their past services for the purpose of pension and forego pensionary benefits in term of rule.
- 180. Special provisions for Ex-combatant Clerks and Ex-storesmen in Armed Forces :** (1) The post of Ex-combatant clerk shall be considered on par with Junior Clerk or Lower Division Clerks in civil department. Similarly, the post of Ex-storesmen shall be considered on par with storemen in Civil post and hence Ex-combatant clerks and Ex-storesmen on their re-employment to the post of Junior Clerk/Lower Division Clerk and storemen respectively in Civil Post shall be given benefit of their past services for the purpose of protection of pay. Accordingly their initial pay shall be fixed in the time scale of the post of re-employment taking into consideration the increments earned by rendering completed years of service in the Armed Forces. In other words, he shall be given advance increment equal to number of completed years of service rendered in the Armed Forces. This provision has to be exercised by invoking the provisions contained in rule-42 of the Gujarat State Civil (Pay) Rules, 2002.
- (2) The above benefit shall be given to such of the re-employed Ex- combatant clerks/Ex-storesmen who exercises option to get benefit of this provision envisaged in sub-rule (1). The option from such re- employed employees shall be obtained within three months from the date of their re-employment.
- (3) The re-employed employee who opts to get benefit of the provisions contained in this rule, their pension shall be deducted from the pay fixed by ignoring Rs. 15 thereof. In other words, the re- employed employee opting for these benefits will not get benefit of the non deduction of pension while fixing the pay on re-employment as envisaged in rule -.
- (4) If the resultant amount does not correspond to stage in the scale of the post of re-employment the pay shall be fixed at the next lower stage and the difference shall be allowed as personal pay to be absorbed in future increments.

- (5) Where the pay in such cases is fixed below the minimum of the scale of the post of re-employment as a result of adjustment of amount of pension in exceed of Rs. 15/- per month, increases in pay shall be allowed after each year of service at the rate of increment admissible as if the pay has been fixed at the minimum till he reaches the minimum of the scale. Thereafter, the increments may be drawn in usual manner.
- 181. Correct determination of pay of re-employed pensioner :** For the correct determination of pay the information such as pay last drawn; special pay if any; gross pension prior to receiving commutation of pension; amount of death-cum-Retirement Gratuity or other gratuity admissible under the rules applicable to the incumbent; shall be obtained from the authority which authorised the pensionary benefits. In respect of the employees who were working under the Government of Gujarat prior to retirement, such information may be obtained from the Director of Pension and Provident Fund.
- 182. Powers to fix pay on re-employment :** The Head of Departments under whom the re-employed retired non-gazetted employee is appointed shall be competent authority to fix the pay on re-employment. In case of retired Gazetted officers, the powers shall be exercised by the concerned Administrative Department.
- 183. Grant of provisional pay :** Pending the fixation of pay under these rules the Heads of Department shall authorise provisional pay for a maximum period of two months to a re-employed pensioner provided the pensioner gives an undertaking to refund any amount that might be overpaid as a result of provisional payment of pay on re-employment.
- 184. Appointment of pensioners on honorarium basis :** The appointment of pensioners on honorarium basis without benefits of dearness allowance, increments, rent allowance, leave etc., shall not be treated as re-employment of pensioner under this chapter.
- 185. Gross amount of pension to be taken into account while fixing pay :** (1) In case of a pensioner who is re-employed in Government service and who commuted a portion of his pension after such employment, the amount of pension which the pensioner is entitled to draw under the rules in this Chapter shall be the amount to which he would have been entitled had there been no commutation, less the amount commuted.
- (2) In the case of a pensioner a portion of whose pension has been commuted before re-employment the original amount of the pension shall be taken into consideration in fixing the total receipts during re-employment or continued employment and not merely the non-commuted pension.
- (3) In case of a re-employed pensioner whose pension is held wholly in abeyance during such re-employment and who commutes a portion of his pension during this period, his pay during re-employment shall be reduced by the amount of pension commuted with effect from the date on which the commutation becomes absolute. In case of a pensioner whose pension is held partly in abeyance during such re-employment, and who during this period commutes a portion of his pension in excess of the amount actually drawn, his pay during re-employment shall be reduced, with effect from the date on which the commutation becomes absolute, by an amount representing the difference between the portion of pension commuted and the portion of pension drawn until the commutation.
- 186. Application of rule-28 to re-employed pensioner :** Rule 28 shall be applicable only in case the Government service previous to re-employment has been under the Government of Gujarat.

- 187. Fixation of pay of re-employed pensioner drawing pension from another Government or Panchayat :** When a person who is drawing his pension from another Government or from a Panchayat is re-employed in the service of the Government of Gujarat, the authority competent to fix the pay and allowances of the appointment in which the pensioner is re-employed, shall take the amount of pension into account in fixing the pay to be allowed to him and shall fix the initial pay in such a manner that the sum total of the initial pay plus pension does not exceed his substantive pay at the time of his retirement.
- 188. Non application of rules to Military Warrant or non-Commissioned pensioners on re-employment under Civil Service :** Except where it is otherwise expressly provided, the rules in this Chapter shall not apply to Military officer, warrant or non-commissioned Officer or soldier who is taken into or allowed to continue in civil service after he has been granted a pension under Military service rules. His pension for service in the Civil Department will not be affected by his pension in Military service.
- 189. Commercial employment after retirement :** (1) If a pensioner who, immediately before his retirement was a member of, or has held in an officiating capacity, a post in the State Service, Class I or Gujarat Sales Tax Service Class-I or II, wishes to accept any commercial employment before the expiry of two years from the date of his retirement, he shall obtain the previous sanction of the Government to such acceptance. Such sanction shall be accorded by the Administrative Department of Government.
- (2) On an application made by a pensioner in **Form-34** and subject to the provisions of sub-rule (3), the Government may, by order in writing, grant permission, subject to such conditions, if any, as it may deem necessary, or refuse permission for reasons to be recorded in the order, to such pensioner to take up the commercial employment.
- (3) In granting or refusing permission under sub-rule (2) to a pensioner for taking up any commercial employment, the Government shall have regard to the following factors, namely :-
- (a) the nature of employment proposed to be taken up and the antecedents of the employer;
  - (b) whether his duties in the employment which he proposes to take up might be such as to bring him into conflict with the interest of Government;
  - (c) whether the pensioner while in service had any such dealing with a employer under whom he proposes to seek employment as might afford a reasonable basis for the suspicion that such pensioner had shown favour to such employer;
  - (d) whether the duties of the commercial employment proposed involve liaison or contact work with Government departments;
  - (e) whether his commercial duties will be such that his previous official position or knowledge or experience under Government could be used to give the proposed employer an unfair advantage;
  - (f) the emoluments offered by the proposed employer; and
  - (g) other relevant factors.
- (4) Where within a period of ninety days of the date of receipt of an application under sub-rule (3), the Government does not refuse to grant the permission applied for or does not communicate such refusal to the pensioner, it shall be deemed to have granted the permission by Government.

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

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

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

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

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

- (i) the financial position of the pensioner concerned;
  - (ii) the nature of, and the emoluments from, the commercial employment taken up by the pensioner concerned; and
  - (iii) other relevant factors.
- (7) Every order passed by the Government under this rule shall be communicated to the pensioner concerned.
- (8) In this rule, -
- (a) the expression “commercial employment” means-
    - (i) an employment in any capacity including that of an agent under a company, co-operative society, firm, or individual engaged in trading, commercial, industrial, financial or professional business and includes also a directorship of such company and partnership of such firm, but does not include employment under a body corporate, wholly or substantially owned or controlled by the Government;
    - (ii) setting up practice, either independently or as a partner of a firm, as adviser or consultant in matters in respect of which the pensioner -
      - (A) has no professional qualifications and the matters in respect of which the practice is to be set up or is carried on, has relevancy to his official knowledge or experience; **or**
      - (B) has professional qualifications but the matters in respect of which such practice is to be set up are such as are likely to give his clients an unfair advantage by reason of his previous official position; **or**

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

**Explanation :** For the purposes of this clause “employment under a co-operative society” includes the holding of any office, whether elective or otherwise, such as that of President, Chairman, Manager, Secretary, Treasurer and the like, by whatever name called in such society.

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

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

(2) This rule shall apply to every pensioner referred to in sub-rule (1) of rule-189.

**Explanation :** For the purposes of this rule, the expression “employment under any Government outside India” includes employment under a local authority or Corporation or any other Institution or Organisation which functions under the supervision or control of a Government outside India, (or an employment under an International Organisation of which the Government of India is not a member.)

#### CHAPTER - XIX

#### TEMPORARY INCREASE / DEARNESS RELIEF ON PENSION

**191. Temporary increase/dearness relief on pension :** All pensioners shall, in addition to pension be entitled to temporary increase/dearness relief on pension as may be sanctioned by the Government from time to time.

#### CHAPTER - XX

#### REPEAL AND SAVINGS

**192. Repeal and Savings :** (1) The Bombay Civil Services Rules, 1959 (as adapted by Government of Gujarat) so far as they relate to Pension are hereby repealed :

**Provided** that such repeal shall not affect the previous operation of the rules so repealed or anything done or any action taken there under.

(2) Notwithstanding such cease of operation -

(a) every form regarding the details of family of a Government employee for the purpose of Family Pension under GRFD No. FPS-1071-J, Dt. 1-1-72; which a Government employee had made or given under the repealed rules or orders shall be deemed to have been made or given under the corresponding provisions of these rules;

(b) the details regarding family of a Government employee for the purpose of Family Pension under the Scheme sanctioned vide GRFD No. FPS-1071-J, Dt.

1-1-72 required to be made or given by a Government employee under the repealed rules but not made or given before the commencement of these rules shall be made or given after such commencement in accordance with the provisions of these rules;

- (c) any case which pertains to the authorisation of pension to a Government employee who had retired before the commencement of these rules and is pending before such commencement shall be disposed of in accordance with the provisions of the repealed rules as if these rules had not been made;
- (d) any case which pertains to the authorisation of death-cum- retirement gratuity and Family Pension to the family of a deceased Government employee or of a deceased pensioner and is pending before the commencement of these rules shall be disposed of in accordance with the provisions of the repealed rules as if these rules had not been made;
- (e) subject to the provisions of clauses (c) and (d), anything done or any action taken under the old rule shall be deemed to have been done or taken under the corresponding provisions of these rules.

**By order and in the name of the Governor of Gujarat.**

**(SUDHIR MANKAD)**

**Principal Secretary to Government.**



**APPENDIX – I****[See Rule - 7 & 8]*****Authorities to whom powers under the Gujarat Civil Services  
(Pension) Rules, 2002 have been delegated***

<b>Sr. No.</b>	<b>No. of Rule</b>	<b>Nature of Power</b>	<b>Authority to whom the powers are delegated</b>	<b>Scope</b>	<b>Remarks</b>	<b>Comment</b>
<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>6</b>	<b>7</b>
1.	9(23)(f)	Powers to regularise the period of compulsory waiting to 'duty'.	Administrative Departments	Upto a period of fifteen days	Upto a period of fifteen days	Upto a period of fifteen days
2.	9(34)	Declaring an officer as Head of Department.	Administrative Departments	Full powers subject to observation of the following conditions: 1. The officer should be the Head of an identifiable organisation 2. The minimum of the pay scale of the officer should not be less than that of the Deputy Secretary to Government. 3. These powers should be exercised only by the Secretary of the Administrative Department.		
3.	9(52)	To make officiating appointment for a period not exceeding two months.	All Gazetted Heads of Offices.	Government employees holding Class III posts under their control.	Appointments should be made from the approved list of candidates if there be any and all appointment should be reported immediately to the appointing authority.	

Sr. No.	No. of Rule	Nature of Power	Authority to whom the powers are delegated	Scope	Remarks	Comment
1	2	3	4	5	6	7
4.	9(52)	To make officiating appointments for a period not exceeding twelve months.	All Heads of Departments.	Government employees holding Class II posts under their control.	<p>1. Appointments should be made in accordance with approved recruitment rules.</p> <p>2. Appointments otherwise than by promotion or transfer should be made by means of advertisements.</p> <p>3. Appointment should be reported immediately to the Government.</p> <p>4. Appointments should be made on the minimum of the scale of pay for direct recruitment.</p> <p>5. Appointments by promotion should be made from Government employees in the approved select list if any.</p>	
5.	9(52)	To make officiating appointment for a period not exceeding twelve months.	<p>1. Director of Education</p> <p>2. Director of Technical Education</p> <p>3. Commissioner of Health, Medical Services &amp; Medical Education.</p>	Government employees under their control holding Class I posts and performing duties in connection with teaching.	Same conditions as in the case of item 4 above.	

Sr. No.	No. of Rule	Nature of Power	Authority to whom the powers are delegated	Scope	Remarks	Comment
1	2	3	4	5	6	7
6.	9(52)	To make officiating appointment in place of Government employees deputed for training.	Any authority having power to make appointments during leave vacancies.	All Government employees under their control.	Same conditions as in the case of item 4 above.	
7.	9(60)	Powers to sanction pension	(1) Administrative Departments of Sachivalaya (2) All Heads of Departments (3) Appointing Authority	Full powers - do - - do -	In respect of Heads of Department In respect of all class one and two officers excluding Heads of Department In respect of all class three and four Government employees	
8.	154	Powers to sanction provisional Family Pension and Gratuity	(1) Administrative Departments of Sachivalaya (2) All heads of Departments (3) Head of Office	Full Powers - do - - do -	In respect of Heads of Department In respect of all class one and two officers excluding Heads of Department In respect of all class three and four Government employees	

Sr. No.	No. of Rule	Nature of Power	Authority to whom the powers are delegated	Scope	Remarks	Comment
1	2	3	4	5	6	7
9.	172 (2)	Powers to re-employ pensioner (a) To gazetted posts both in Class I and Class II.  (b) To Non-gazetted class III posts.	(1) Administrative Departments of Sachivalaya in consultation with General Administration Department.  (2) All Heads of Department.	Full powers	In post to which they are competent to make appointment provided that the age on re-employment does not exceed 60 years.	Provided the re-employment is not beyond the age of 60 years and that the pay on re-employment is fixed according to rules.  - do -
10.	189	Powers to grant permission for acceptance of commercial employment after retirement	Administrative Departments of Sachivalaya in consultation with General Administration Department. and Finance Department.	Full powers	Subject to the fulfillment of criteria laid down in the rule 189(3).	

**APPENDIX - II****[See Rule - 9 (34)]**

*List of Officers who are deemed as Heads of Department for the purpose of various sets of the Gujarat Civil Service Rules, 2002*

**1.0 AGRICULTURE, CO-OPERATION & RURAL DEVELOPMENT DEPARTMENT :**

- 1.1 Secretary to Government.
- 1.2 Director of Agriculture.
- 1.3 Director of Animal Husbandry.
- 1.4 Director of Sugar
- 1.5 Director of Co-operative Societies.
- 1.6 President, Gujarat State Co-operative Tribunal.
- 1.7 Director of Horticulture.

**2.0 EDUCATION DEPARTMENT :**

- 2.1 Secretary (Education) to Government.
- 2.2 Secretary (Technical and Higher Education)
- 2.3 Commissioner of Higher Education
- 2.4 Commissioner of Mid-day-Meals and Schools)
- 2.5 Director of Primary Education
- 2.6 Director of Technical Education
- 2.7 Director of N.C.C.
- 2.8 Director of State Project Gujarat Primary Education Council
- 2.9 Director of Gujarat Council Education Research & Training
- 2.10 Director of Literacy and Continuing Education
- 2.11 Chairman, Gujarat Secondary Education on Board
- 2.12 Gujarat Primary Education Tribunal, Ahmedabad
- 2.13 Director Gujarat Education Technology Bhavan
- 2.14 Chairman, Gujarat State Examination Board
- 2.15 Director of State Project
- 2.16 Chairman, Technical Examination Board

**3.0 ENERGY AND PETROCHEMICAL DEPARTMENT :**

- 3.1 Secretary to Government.
- 3.2 Chief Electrical Inspector and Collector of Electricity Duty.
- 3.3 Secretary, Gujarat Electricity Regulatory Commission.
- 3.4 Director of Petroleum.

**4.0 FINANCE DEPARTMENT :**

- 4.1 Secretary to Government.
- 4.2 Director of Accounts and Treasuries
- 4.3 Commissioner of Sales Tax.
- 4.4 President, Gujarat Sales Tax Tribunal
- 4.5 Director of Insurance.
- 4.6 Director of Pension and Provident Fund.

**5.0 FOOD, CIVIL SUPPLIES AND CONSUMER AFFAIRS DEPARTMENT :**

- 5.1 Secretary to Government.
- 5.2 Director of Civil Supplies.
- 5.3 Director of Food.
- 5.4 Food and Civil Supplies Controller.
- 5.5 The Registrar, Consumer Disputes Redressal Commission.
- 5.6 Controller of Weights & Measures.

**6.0 FOREST AND ENVIRONMENT DEPARTMENT :**

- 6.1 Secretary to Government.
- 6.2 Principal Chief Conservator of Forests.
- 6.3 Conservator of Forests.

**7.0 GENERAL ADMINISTRATION DEPARTMENT :**

- 7.1 Secretary to Government.
- 7.2 Secretary to Governor.
- 7.3 Comptroller to the Governor
- 7.4 Commissioner of Inquiries and Member Secretary, Concurrent Vigilance Cell
- 7.5 Director, Directorate of Economics & Statistics
- 7.6 Director of Evaluation
- 7.7 Secretary, Gujarat Public Service Commission
- 7.8 Secretary, Subordinate Staff Selection Board
- 7.9 Chief Editor, Gujarat District Gazetteers
- 7.10 Director of Languages
- 7.11 Commissioner of Training and Director, Sardar Patel Institute of Public Administration
- 7.12 Resident Commissioner, New Delhi
- 7.13 Secretary, Gujarat Civil Services Tribunal
- 7.14 Registrar, Office of Hon'ble Lokayukta
- 7.15 Secretary, State Election Commission

**8.0 HEALTH AND FAMILY WELFARE DEPARTMENT :**

- 8.1 Secretary to Government.
- 8.2 Commissioner of Health, Medical and Medical Education
- 8.3 Additional Director (Health) Office of the Commissioner of the Health, Medical Services and Medical Education
- 8.4 Additional Director (Medical) Office of the Commissioner of Health, Medical Services and Medical Education
- 8.5 Additional Director (Medical Education) Office of the Commissioner of Health, Medical Services and Medical Education
- 8.6 Director of Medical Services (E.S.I. Scheme)
- 8.7 Director of Indian System of Medicine and Homeopathy
- 8.8 Commissioner of Food & Drugs Control Administration
- 8.9 Director of Stock Holding Central Medical Stores Organization

**9.0 HOME DEPARTMENT :**

- 9.1 Secretary to Government.



- 9.2 Director General and Inspector General of Police
  - 9.3 Cammandant General Home Gards
  - 9.4 Additional Inspector General of Police, Police Computer Center
  - 9.5 Inspector General of Prisons.
  - 9.6 Director of Transport
  - 9.7 Secretary, Gujarat Vigilance Commission
  - 9.8 Director of Sainik Welfare
  - 9.9 Director of civil Defence
  - 9.10 Director of Forensic Science Laboratory
  - 9.11 Additional Director General of Police Public Prosecution,
  - 9.12 Commissioner and Additional Director General of Police, Prohibition & Excise
  - 9.13 Director General of Police & Director, Anti-Corruption Bureau
- 10.0 INDUSTRIES AND MINES DEPARTMENT**
- 10.1 Secretary to Government.
  - 10.2 Industries Commissioner
  - 10.3 Commissioner of Cottage Industries
  - 10.4 Commissioner of Geology and Mining
  - 10.5 Director of Government Printing & Stationery
  - 10.6 Commissioner of Tourism
  - 10.7 Commissioner of Payment
  - 10.8 Commissioner of Trade & Commerce
- 11.0 INFORMATION AND BROADCASTING DEPARTMENT**
- 11.1 Secretary to Government
  - 11.2 Director of Information
  - 11.3 Commissioner of Entertainment Tax
- 12.0 NARMADA AND WATER RESOURCES DEPARTMENT :**
- 12.1 Secretary to Government.
  - 12.2 Chief Engineers
  - 12.3 Superintending Engineers of Circles
  - 12.4 Superintendign Engineers of Water Resources Investigation Circles
  - 12.5 Area Development Commissioner
  - 12.6 Additional Collectors (Irrigation)
  - 12.7 Director, Gujarat Engineering Research Institute
  - 12.8 Chief Controller of Accounts (Narmada Project)
- 13.0 LABOUR AND EMPLOYMENT DEPARTMENT :**
- 13.1 Secretary to Government.
  - 13.2 Commissioner of Labour
  - 13.3 Commissioner of Rural Labour
  - 13.4 Director of Employment and Training
  - 13.5 Registrar, Industrial Court and Wage Boards
  - 13.6 Registrar of Labour Court

**14.0 LEGAL DEPARTMENT :**

- 14.1 Secretary to Government.
- 14.2 Advocate General
- 14.3 Charity Commissioner
- 14.4 Chief Judge of Court of Small Causes
- 14.5 Chief Magistrate for the City of Ahmedabad
- 14.6 District and Session Judges
- 14.7 Official Trustee and Administrator General
- 14.8 Principal Judge, City Civil and Sessions Court
- 14.9 Registrar, Gujarat High Court
- 14.10 Member Secretary, Gujarat State Legal Services Authority.
- 14.11 Principal Judge, Family Court
- 14.12 Inspecting Officer (Court Fees) and Ex-Officio Chief Inspector (Court Fees)
- 14.13 Registrar, Gujarat Public Works Contract Disputes Arbitration Tribunal.

**15.0 PANCHAYAT RURAL HOUSING AND RURAL DEVELOPMENT DEPARTMENT :**

- 15.1 Secretary to Government.
- 15.2 Development Commissioner
- 15.3 The Gram Vikas Commissioner
- 15.4 The Gujarat Panchayat Service Selection Board
- 15.5 Director of State Institute of Rural Development and Panchayati Raj
- 15.6 Commissioner of Rural Development

**16.0 LEGISLATIVE AND PARLIAMENTARY AFFAIRS DEPARTMENT :**

- 16.1 Secretary to Government.

**17.0 PORTS AND FISHERIES DEPARTMENT :**

- 17.1 Secretary to Government.
- 17.2 Commissioner of Fisheries

**18.0 REVENUE DEPARTMENT :**

- 18.1 Secretary to Government.
- 18.2 District Collectors
- 18.3 Commissioner of Land Reforms
- 18.4 President, Gujarat Revenue Tribunal
- 18.5 Director of Relief
- 18.6 Secretary (Appeals)
- 18.7 Settlement Commissioner and Director of Land Records
- 18.8 Superintendent of Stamps
- 18.9 Inspector General of Registration

**19.0 ROADS AND BUILDINGS DEPARTMENT :**

- 19.1 Secretary to Government
- 19.2 Chief Engineer
- 19.3 Chief Architectural and Town Planner

PART IV-A]	GUJARAT GOVERNMENT GAZETTE, EX., 12-11-2002	314-300
19.4	(C.E. & S.P.) Director Staff Training College	
19.5	Controller of Accommodation	
19.6	Director of Parks and Gardens	
19.7	Superintending Engineers of Circles	
<b>20.0</b>	<b>SOCIAL JUSTICE AND EMPOWERMENT DEPARTMENT :</b>	
20.1	Secretary to Government.	
20.2	Director of Social Defence	
20.3	Director of Scheduled Caste Welfare	
20.4	Director of Developing Caste welfer	
20.5	Commissioner of Disability	
<b>21.0</b>	<b>URBAN DEVELOPMENT AND URBAN HOUSING DEPARTMENT :</b>	
21.1	Secretary to Government.	
21.2	Chief Town Planner	
21.3	Director of Municipalities	
<b>22.0</b>	<b>SPORTS, YOUTH AND CULTURAL ACTIVITIES DEPARTMENT :</b>	
22.1	Secretary to Government.	
22.2	Commissioner of Youth Services and Cultural Activities	
22.3	Director of Museums	
22.4	Director of Archaeology	
22.5	Director of Archieves	
22.6	Director of Library	
22.7	Director General, Sports Authority of Gujarat.	
<b>23.0</b>	<b>WOMEN &amp; CHILD DEVELOPMENT DEPARTMENT :</b>	
23.1	Secretary to Government.	
23.2	Commissioner Women & Child Development	
<b>24.0</b>	<b>SCIENCE AND TECHNOLOGY DEPARATMENT :</b>	
24.1	Secretary to Government.	
<b>25.0</b>	<b>GUJARAT LEGISLATURE SECRETARIATE :</b>	
25.1	Secretary to Gujarat Legislature Secretariat	

**TABLE**  
[See Rule - 100]

*Commutation Value for a pension of rupee one per annum*

Age (See notes under this table)	Commutation Value express as number of years' purchase	Age (See notes under this table)	Commutation Value express as number of years' purchase
1	2	1	2
29	17.93	58	10.78
30	17.78	59	10.46
31	17.62	60	10.13
32	17.46	61	9.81
33	17.29	62	9.48
34	17.11	63	9.15
35	16.92	64	8.82
36	16.72	65	8.50
37	16.52	66	8.17
38	16.31	67	7.85
39	16.09	68	7.53
40	15.87	69	7.22
41	15.64	70	6.91
42	15.40	71	6.60
43	15.15	72	6.30
44	14.90	73	6.01
45	14.61	74	5.72
46	14.37	75	5.44
47	14.10	76	5.17
48	13.82	77	4.90
49	13.54	78	4.65
50	13.25	79	4.40
51	12.95	80	4.17
52	12.66	81	3.94
53	12.35	82	3.72
54	12.05	83	3.52
55	11.73	84	3.32
56	11.42	85	3.13
57	11.10		

**TABLE****[See Rule - 100]*****Commutation Value for a pension of rupee one per annum (Cont.)*****NOTES :**

- Note 1 :** The age in respect of the Government employee sanctioned commuted value of pension without medical examination under chapter X of the Gujarat Civil Services (pension) Rules shall be the age nearer to his birth day.
- Note 2 :** The age in respect of the Government employee sanctioned commuted value of pension with medical examination under chapter XI of the Gujarat Civil Services (pension) Rule shall be the age nearer to the date of signature of the Medical Certificate.
- Note 3 :** The age in respect of the Government employee sanctioned commuted value of pension with Medical examination under chapter XI of the Gujarat Civil Services (Pension) Rules with load of years, shall be the age nearer to the date of Medical Certificate increased by the number of loaded years as shown in the Medical Certificate.

**FINAL DRAFT**

**NOTIFICATION**

**THE GUJARAT CIVIL SERVICES  
(PENSION)  
RULES, 2002**



**FINAL DRAFT**

**NOTIFICATION**

**THE GUJARAT CIVIL SERVICES  
(PENSION)  
RULES, 2002**

**FORMS**

**FORM - 1**

*[See explanation 4 below Rule-29]*

**FORM OF VERIFICATION OF APPROVED  
WAR SERVICE OR MILITARY SERVICE**

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

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

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

**OR**

- (b) had he only earned a service gratuity in lieu of which a service element of disability pension has been granted to him. If so, what was the amount of service gratuity.
9. Whether he was paid from the Indian Revenues throughout.
10. Whether the pensionary contribution has been recovered and credited to Indian Revenues for the period of his service out of India. From                      To

**The Gujarat Civil Services (Pension) Rules, 2002 - FORMS**

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***FORM - 1 (Continued)***

- |   |      |    |
|---|------|----|
| <b>11.</b> Non-qualifying service, if any   | From | To |
| <b>12.</b> Period of paid satisfactory Military service.  | From | To |
| <b>13.</b> Whether the Military Service was superior or inferior.   |      |    |
| <b>14.</b> Length of War Service..  | From | To |
| <b>15.</b> Amount of service gratuity paid for the period of War Service indicated in the preceding item. |      |    |
| <b>16.</b> Amount of War Gratuity paid for the period of War Service.                                     |      |    |
| <b>17.</b> Period and nature of leave (other than casual leave) availed of during military service.       |      |    |

**(Signature of the concerned Record Officer)**

**Station :**

**Dated :**

**Countersigned**

**Station :**

**Dated :**

**Controller of Defence Accounts/PAO (OR).**

**The Gujarat Civil Services (Pension) Rules, 2002 - FORMS**

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**FORM - 2**

**[See sub-rule (1) of Rule-42]**

**FORM OF CERTIFICATE OF VERIFICATION  
OF SERVICE FOR PENSION**

No. \_\_\_\_\_  
Government of Gujarat  
Department/Office \_\_\_\_\_  
Date \_\_\_\_\_

**M E M O R A N D U M**

It is certified, in consultation with the Director of Pension and Provident Fund, that Shri/Smt./Kum. \_\_\_\_\_ designation \_\_\_\_\_ has completed a qualifying service of \_\_\_\_\_ years \_\_\_\_\_ months and \_\_\_\_\_ days as on \_\_\_\_\_ (date) as per details given below. The service has been verified on the basis of his service documents and in accordance with the rules regarding qualifying service in force at present. The verification of service under sub-rules (1) and (2) of rule 42 of the Gujarat Civil Services (Pension) Rules, 2002 shall be treated as final and shall not be re-opened except when necessitated by a subsequent change in the rules and orders governing the conditions under which the service qualifies for pension.

**Details of Qualifying Service**

---

	<b>From</b>	<b>To</b>
1.		
2.		
3.		
4.		

---

To

Shri \_\_\_\_\_

Name and designation

**Signature of Head of Office/Department.**

***FORM - 3***

***[See proviso to sub-rule (6) of Rule - 49]***

***CERTIFICATE IN RESPECT OF  
VOLUNTARY RETIREMENT***

Certified that Shri/Smt./Kum. \_\_\_\_\_  
(Name and Designation) who has been permitted to retire under rule 49 of the Gujarat Civil Services (Pension) Rule 2002 would have -

- (a) continued to hold the officiating post or posts in the cadre.
- (b) continued to draw the increments including stagnation increments, if any, falling due during the notional period of qualifying service.

**APPOINTING AUTHORITY**

**FORM - 4**

[See Rule - 51 (6)]

**DRAFT ORDER OF PERMANENT ABSORPTION IN  
PUBLIC SECTOR UNDERTAKING**

No\_\_\_\_\_

Government of Gujarat

\_\_\_\_\_Department

Date\_\_\_\_\_

To,

(Name of the Organisation in which absorption has taken place)

**Subject :** Permanent absorption of Shri/Smt./Kum.\_\_\_\_\_  
(Name and Designation) In\_\_\_\_\_ (Name of organisation)

**Sir,**

I am directed to refer to your Letter No\_\_\_\_\_ dated\_\_\_\_\_ on the above subject, and to convey the sanction of the Government to the permanent absorption of (Name and Designation)\_\_\_\_\_ in\_\_\_\_\_ (Name of Organisation) on his/her/own volition/in the public interest (strike out whichever is not applicable) with effect from the date and on the principal terms and conditions as indicated hereafter :-

**(i) Date of the effect :**

The permanent absorption shall have effect from\_\_\_\_\_ (date)  
Forenoon/afternoon.

**(ii) Pension/Gratuity :**

On his/her permanent absorption in\_\_\_\_\_ (Name of organisation)Shri/Smt./Kum.\_\_\_\_\_ shall be eligible for prorata Pension and death-cum-retirement gratuity based on the length of his/her qualifying service under the Government of Gujarat till the date of his/her permanent absorption in\_\_\_\_\_ (Name of Organisation) as admissible under the rules applicable to employees of the State Government in force on the above mentioned date.

**(iii) Calculation of prorata retirement benefits :**

The prorata death-cum-retirement gratuity and pension will be calculated respectively on the basis of Pensionable pay as defined in rule 43 of the Gujarat Civil Services (Pension) Rules, 2002 as amended from time to time but up to the date of his/her absorption.



**The Gujarat Civil Services (Pension) Rules, 2002 - FORMS**

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**FORM - 4 (Continued)**

**(iv) Date of Payment of prorata Retirement Benefits :**

The amounts of prorata pension and death-cum-retirement gratuity which will be worked out and intimated to Shri/Smt./Kum. \_\_\_\_\_ as well as to \_\_\_\_\_ (Organisation) would be disbursed to the employee from date of his/her permanent absorption in the \_\_\_\_\_ (Name of Organisation)

**(v) Commutation :**

If Shri/Smt./Kum. \_\_\_\_\_ wishes to commute a portion of his/her pension, such commutation will be regulated in accordance with the State Government Rules in force at the time of his/her permanent absorption in \_\_\_\_\_ (Name of Organisation).

**(vi) Limitation as to the total of gratuity :**

The total gratuity admissible in respect of the service rendered under the Government of Gujarat and that under the..... (Name of organisation) shall not exceed the amount that would have been admissible, had Shri/Smt./Kum. \_\_\_\_\_ continued in Government service and retired on the same pay which/he/she drew on retirement from \_\_\_\_\_ (Organisation)

**(vii) Family Pension admissibility from one source only :**

(1) On his/her permanent absorption in \_\_\_\_\_ (Organisation) Shri/Smt./Kum. \_\_\_\_\_'s family will be eligible for family pension as admissible under the State Government Rules, if there is no family pension scheme in \_\_\_\_\_ (Organisation).

**OR**

If the officer does not become eligible to join family pension scheme in \_\_\_\_\_ (Organisation).

(2) Family Pension will be admissible only from one source i.e. either from the State Government or from the autonomous body in case such organisation has a scheme for payment of family pension.

**(viii) Effect of Liberalisation of Pension/Gratuity Rules after absorption :**

Any further liberalisation of Pension/Gratuity Rules decided upon by the Government of Gujarat in respect of employees of the State Government after the permanent absorption of Shri/Smt./Kum. \_\_\_\_\_ in \_\_\_\_\_ (organisation) will not be extended to him/her.

**(ix) Fixation of pay on absorption :**

The pay of Shri/Smt./Kum. \_\_\_\_\_ will be fixed on absorption as a re-employed pensioner with effect from the date he/she becomes entitled to draw the prorata retirement benefits as per rule-51 of these rules as amended from time to time.

**FORM - 4 (Continued)**

**(x) Effect of Resignation :**

If Shri/Smt./Kum.\_\_\_\_\_ resigns from\_\_\_\_\_ (Organisation) his/her resignation for purposes of these orders will be treated as resignation from Government service, entailing forfeiture of earlier service under Government and loss of pensionary benefits including gratuity under these orders. An undertaking in two copies to this effect will have to be obtained from the Government employee so absorbed and same will be retained in the (administrative Department) and (strike out which is not applicable) the (Organisation) in which he/she is permanently absorbed.

**(xi) Leave :**

The carry-forward of leave on average pay/earned leave in the case of Shri/Smt./Kum.\_\_\_\_\_ on his/her permanent absorption in\_\_\_\_\_ (organisation) will be regulated in accordance with the provisions of Clause (d) of sub-rule (2) of rule 51. Accordingly, the benefit is available only if the Government employee is absorbed in public interest. (Strike out whichever is not applicable) Since in this case the absorption is in the public interest the earned as on the date of his/her permanent absorption will be communicated separately. Since in this case the absorption is not in the public interest Shri/Smt./Kum. will not be eligible for the benefit of carry-forward of leave. (strike out whichever is not applicable)

**(xii) Benefits after permanent absorption :**

For the period of service rendered by Shri/Smt./Kum.\_\_\_\_\_ in\_\_\_\_\_ (organisation) from the date of permanent absorption, he/she will be entitled to all the benefits admissible to the corresponding employees of the said organisation and continue to be governed by its rules in all respects.

**(xiii) Provident Fund :**

The amount of subscription together with interest thereon standing to the credit of Shri/Smt./Kum.\_\_\_\_\_ in the General Provident Fund account will be transferred to his / her new Provident Fund Account under\_\_\_\_\_ (Organisation) with its consent. Once such a transfer of Provident Fund Balance has taken place Shri/Smt./Kum.\_\_\_\_\_ will be subject to the Provident Fund Rules of\_\_\_\_\_ (Organisation) and not to the Provident Fund Rules of the Government of Gujarat.

***FORM - 4 (Continued)***

**(xiv) Interpretation :**

In case any doubt or difference of opinion arises regarding interpretation of the terms and conditions set out in this order, the matter shall be referred to the Finance Department through the concerned Administrative Department whose decision shall be final.

**Yours faithfully,**

**Officer Competent to issue the sanction  
from the Concerned Department**

**Copy forwarded for necessary action to :**

1. Director of Pension and Provident Fund, Ahmedabad.
2. The Pay and Accounts Officers
3. District Treasury Officer
4. Employee concerned
5. Select File
6. (Any other necessary endorsement may be made here)

**Officer Competent to issue the sanction  
from the Concerned Department.**

**FORM - 5**

*[See Rules - 52, 55, 56 (1) & 60]*

**FORM OF MEDICAL CERTIFICATE OF  
UNFITNESS FOR FURTHER SERVICE**

"Certified that I/We have carefully examined Shri/Smt./Kum. \_\_\_\_\_  
of the \_\_\_\_\_ Department \_\_\_\_\_ service. His/Her age is by  
his/her own statement \_\_\_\_\_ years and by appearance about \_\_\_\_\_  
years. I/We consider Shri/Smt./Kum. \_\_\_\_\_  
to be completely and permanently incapacitated for further service of any kind in the  
department to which he/she belongs in consequence of \_\_\_\_\_." \*

**Medical Authority.**

\* **Here state the disease or cause**

**FORM - 6**

*[See Rules 56 (2) & 60]*

**FORM OF MEDICAL CERTIFICATE OF  
PARTIAL UNFITNESS FOR SERVICE**

"Certified that I/We have carefully examined Shri/Smt./Kum. \_\_\_\_\_  
of the \_\_\_\_\_ Department \_\_\_\_\_ Service.  
His/Her age is by his/her own statement \_\_\_\_\_ years and by  
appearance about \_\_\_\_\_ years.

I am/We are of opinion that Shri/Smt./Kum. \_\_\_\_\_  
is fit after resting \_\_\_\_\_ months for service of a less  
laborious character than that which he/she has been performing.

**Medical Authority.**

**FORM - 7**

**[See Rule - 69 (2)]**

**FORM OF APPLICATION FOR  
WOUND OR INJURY PENSION**

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

**Place :**

**Date :**

**Date on which the applicant  
applied for pension :**

**Signature of the applicant.**

**Signature of the Head of Office.**

**FORM - 8**

*(See Rule - 70)*

**FORM OF CERTIFICATE FROM MEDICAL BOARD IN  
CONNECTION WITH WOUND OR INJURY PENSION**

**(To be used in all cases of wounds or injuries,  
whether received in action or not)**

(For preparing this report, see instructions at the end of the Form)

PROCEEDINGS OF A MEDICAL BOARD assembled by order of \_\_\_\_\_

For the purpose of examining and reporting on the present state of the wound or injury sustained by \_\_\_\_\_ at (place of injury) \_\_\_\_\_ on the (date of injury, etc.) \_\_\_\_\_

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

-----  
-----  
-----  
-----

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

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

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

---

<i>Replies</i>		
<i>As to 1st wound or injury</i>	<i>As to 2nd wound or injury (if any)</i>	<i>As to 3rd wound or injury (if any)</i>

---

**A - Received in action**

1. Has the Government employee lost an eye or a limb, or has he permanently lost the use of an eye or a limb, or is the injury, equivalent to the loss of a limb, and permanent, or likely to be permanent ?



**FORM - 8 (Continued)**

2. If the case does not come under the category 1 -
  - (a) Was the injury, in the first instance, very severe in character ?
  - (b) Are its effects still very severe ?
3. If the case is classified under category 2, are the effects of the injury permanent, or likely to be permanent ?
4. Injuries that do not come under the above categories should be classified here, making use of the following terms :-  
Severe or slight and permanent or not permanent, as the case may be.

**B. Sustained otherwise than in action.**

1. (a) Has the Government employee lost an eye or a limb or the use of a limb, or (b) is the injury equivalent to the loss of a limb, (c) is it permanent or likely to be permanent ?
2. If the injury does not come under category 1 (a), is it of a very serious nature in its present effects, and (b) is it permanent or likely to be permanent ?
3. If the injury does not come under category 1 or 2, is it severe and permanent in character?
4. If the injury does not come under category 1, 2 or 3 it should be classified here, making use of one of the following terms :- Severe, but not permanent ; or, slight and permanent, or not permanent, as the case may be.

**Signatures**.....  
.....

**Station :** .....

**Date :** .....

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

*FORM - 8 (Continued)*

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

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

**FORM - 9**

*[See Rule 83 (4)]*

**FORM OF INDEMNITY BOND TO BE EXECUTED BY THE  
PERSON CLAIMING THE AMOUNT OF DEATH-CUM-  
RETIREMENT GRATUITY ON BEHALF OF DECEASED  
GOVERNMENT EMPLOYEE WHO CLAIMS TO BE A  
GUARDIAN OF THE MINOR LEGAL HEIR (S)**

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

Signed this \_\_\_\_\_ day of \_\_\_\_\_ 20 \_\_\_\_\_  
WHEREAS, Shri \_\_\_\_\_ was at the time of his  
death in the employment of / in receipt of pension from Government of Gujarat  
(hereinafter referred to as the Government").

AND WHEREAS the said \_\_\_\_\_ died on \_\_\_\_\_ the days  
of \_\_\_\_\_ 20 \_\_\_\_\_ and there upon a sum of rupees \_\_\_\_\_ became  
payable to the heirs of the deceased as death-cum-retirement gratuity in respect of the  
service rendered by the deceased to the Government.

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

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

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

**The Gujarat Civil Services (Pension) Rules, 2002 - FORMS**

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***FORM - 9 (Continued)***

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

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

IN WITNESS to the above written bond and the condition therefor I/We \_\_\_\_\_ and \_\_\_\_\_ (Name(s) of surety/sureties) \_\_\_\_\_ hereunto set our respective hands this \_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_\_.

Signed and delivered by the claimant above names Shri \_\_\_\_\_ in the presence of -

1. \_\_\_\_\_
2. \_\_\_\_\_

Signed and delivered by the Surety/Sureties above named Shri \_\_\_\_\_ in the presence of -

1. \_\_\_\_\_
2. \_\_\_\_\_

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

*FORM - 10*

**DELETED**

*FORM - 11*

**DELETED**

**FORM - 12**

**[See Rule 92]**

**FORM OF INDEMNITY BOND TO BE EXECUTED  
BY THE PERSON CLAIMING THE AMOUNT OF  
FAMILY PENSION ON BEHALF OF MINOR**

THIS DEED made this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_\_  
between\* Governor of Gujarat \_\_\_\_\_ and defacto guardian of \_\_\_\_\_  
(Name of minor) Son/Daughter of \_\_\_\_\_ a minor under the age of 18 years  
under the\*\* \_\_\_\_\_ Law of Guardianship by which he is governed  
hereinafter referred to as "the Bounden" (which expression shall unless excluded by or  
it be repugnant to the context or meaning thereof be deemed to include his/her heirs,  
executors and administrators of the one part and the Governor of Gujarat hereinafter  
referred to as the "Government" (which expression shall unless excluded by or it be  
repugnant to the context or meaning thereof be deeded to include his successors and  
assignees) on the other part.

WHEREAS, \_\_\_\_\_ (Name of deceased) was at the time of his/her death  
in the employment of Government in the \_\_\_\_\_ department, Government of  
Gujarat as \_\_\_\_\_ (Designation held by the deceased at the  
time of his/here death). AND WHEREAS, the said \_\_\_\_\_  
(Name of the deceased) (hereinafter referred to as "the deceased") died testate/intestate  
at \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_\_ leaving him/  
her surviving\*\*\* \_\_\_\_\_ and the said + \_\_\_\_\_ a minor under the age  
of 18 years (hereinafter referred to as "the minor") as his/her only heirs according to  
++ \_\_\_\_\_ law by which he/she was governed.

AND WHEREAS THE Bounden is the+++ \_\_\_\_\_ of the deceased and a defacto  
guardian of the minor under the \_\_\_\_\_ @ Law of Guardianship by which the  
minor is governed and has voluntarily placed himself/herself in charge of the person and  
property of the minor.

*Note :*

- \* *Here insert name of de-facto guardian of the minor children and his/her relationship with the minor.*
- \*\* *Here mention the personal law by which minor is governed.*
- \*\*\* *Give names of major children of the deceased.*
- + *Name of minor child.*
- ++ *Name of religion of the deceased.*
- +++ *Here mention relationship of the de facto guardian with the deceased.*
- @ *Here mention personal law by which the minor is governed.*

**The Gujarat Civil Services (Pension) Rules, 2002 - FORMS**

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**FORM - 12 (Continued)**

AND WHEREAS family pension of Rs. \_\_\_\_\_ p.m. is admissible under the relevant rules to the minor as the minor son/daughter of the deceased for a period commencing from \_\_\_\_\_ the \_\_\_\_\_ day of \_\_\_\_\_ 20 \_\_\_\_\_ to the \_\_\_\_\_ day of @@ \_\_\_\_\_ 20 \_\_\_\_\_ (or till the date her marriage @@@ whichever is earlier.)

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

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

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

SIGNED AND DELIVERED By the written named Bounden Shri/ Shrimati \_\_\_\_\_ in the presence of -

(1) \_\_\_\_\_

(2) \_\_\_\_\_

---

@@ *This date should be the day on which the minor attains the age of eighteen and in case of a minor of whose person or property or both have placed in charge of a guardian appointed by the Court or of whose property superintendence is assumed by a Court of Wards attains the age of twenty-one.*

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



**The Gujarat Civil Services (Pension) Rules, 2002 - FORMS**

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**FORM - 13**

**[See Rule 89]**

**DETAILS OF FAMILY**

Name of the Government employee :

Designation :

Date of Birth :

Date of appointment :

Details of the members of my family as on

Sr. No.	Name of the members of family	Date of Birth	Relationship with the Government employee	Signature of the Head of Office	Remarks
1	2	3	4	5	6
1.					
2.					
3.					
4.					
5.					
6.					
7.					
8.					
9.					

I hereby undertake to keep the above particulars upto date by notifying to the Head of Office/Department of any addition or alteration.

**Place :**

**Dated the** \_\_\_\_\_

**Signature of Government Employee.**

*Note-1 Family for this purpose means a family as defined in clause (a) of sub-rule (ii) of rule-89 of the Gujarat Civil Services (Pension) Rules 2002.*

*Note-2 Wife and Husband shall include respectively judicially separated wife and husband.*

**FORM - 14**

**[See Rule 95 (3)]**

**APPLICATION FOR RELIEF IN CASE OF DEATH OF A  
PENSIONER IN RECEIPT OF SERVICE PENSION**

From :

To  
The Treasury Officer

**Sub : Relief in case of death of a pensioner in receipt of service pension**

**Dear Sir,**

Shri\_\_\_\_\_ who was receiving service pension from\_\_\_\_\_ treasury/sub-treasury/Bank under pension payment order No.\_\_\_\_\_ dated \_\_\_\_\_ has expired on\_\_\_\_\_ (date).

A certificate of death is enclosed. As the pensioner has made a nomination for the payment of relief admissible under rule-95 (1) of the Gujarat Civil Services (Pension) Rules, 2002 in my favour, I shall be thankful if the payment of the said amount of relief is made to me.

**Date :**

**Place :**

**Signature of the nominee or alternate nominee :**

**The Gujarat Civil Services (Pension) Rules, 2002 - FORMS**

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**FORM - 15**

*[See Rules - 97 (2), 98 & 106 to 110]*

**FORM OF APPLICATION FOR COMMUTATION OF PENSION  
WITHOUT MEDICAL EXAMINATION BY AN APPLICANT  
REFERRED TO IN RULE 97 (2) OF THE GUJARAT CIVIL  
SERVICES (PENSION) RULES, 2002**

*(To be submitted in duplicate)*

**PART - I**

To,

The \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(here indicate the designation and full address of the Pension Sanctioning Authority)

**Subject : Commutation of Pension without medical examination**

Sir,

I desire to commute a fraction of my pension as indicated below in accordance with the provisions contained in Gujarat Civil Service (Pension) Rules, 2002. The necessary particulars are furnished below :-

- |     |  |   |
|-----|--|---|
| 1.  | Name (In block letters)  | : |
| 2.  | Father's Name/Husbands Name  | : |
| 3.  | Designation at the time of retirement  | : |
| 4.  | Name of Office/Department<br>in which employed   | : |
| 5.  | Date of Birth (By Christian era)   | : |
| 6.  | (a) Nature of retirement   | : |
|     | (b) Date of retirement   | : |
| 7.  | Class of Pension   | : |
| 8.  | Amount of pension authorised (in case<br>final amount of pension has not been<br>authorised) | : |
| 9.* | Fraction of pension proposed<br>to be commuted   | : |

---

\* *The applicant should indicate the fraction of the amount of monthly pension (subject to maximum of forty percent thereof) which he desires to commute and not the amount in rupees.*

**The Gujarat Civil Services (Pension) Rules, 2002 - FORMS**

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**FORM - 15 (Continued)**

10. Number and date of the pension  
Payment order, if issued :
- \* \* 11. Disbursing authority for payment of pension -  
(a) Treasury/Sub-Treasury (Name and  
complete address of the Treasury/  
Sub-Treasury to be indicated) :  
(b) (i) Branch of the Nationalised Bank  
with complete postal address.  
(ii) Bank Account number to which monthly  
pension is being credited each month.

**Place :**

**Date :**

**Signature :**

**Postal Address.....**

.....

.....

*Note : The payment of commuted value of pension shall be made through the disbursing authority from which pension is being drawn. It is not open to an applicant to draw the commuted value of pension from a disbursing authority other than the disbursing authority from which pension is being drawn.*

\*\* *Score out which is not applicable.*

**PART - II**  
**ACKNOWLEDGEMENT**

Received from Shri/Smt./Kum. \_\_\_\_\_ (Name)  
(former designation) application in Part-I of Form-15 for the commutation of a fraction  
of pension without medical examination.

**Place :**

**Date :**

**Signature :**

**Head of Office :**

**The Gujarat Civil Services (Pension) Rules, 2002 - FORMS**

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***FORM - 15 (Continued)***

***PART - III***

1. Forwarded to the Director of Pension and Provident Fund, Gandhinagar with the remarks that-
  - (i) The particulars furnished by the applicant in Part-I have been verified and are correct;
  - (ii) the applicant is eligible to get a fraction of his pension commuted without medical examination;
  - (iii) the commuted value of pension determined with reference to the Table applicable at present comes to Rs. \_\_\_\_\_; **and**
  - (iv) the amount of residuary pension after commutation will be Rs. \_\_\_\_\_.
2. It is requested that further action to authorise the payment of the amount of commuted value of pension may be taken as per rule-108 of the Gujarat Civil Services (Pension) Rules, 2002.
3. The receipt of Part-I of this Form-15 has been acknowledged in Part-II which has been forwarded separately to the applicant on \_\_\_\_\_.

**Place :**

**Date :**

**Signature :**

**Head of Office :**

**The Gujarat Civil Services (Pension) Rules, 2002 - FORMS**

---

**FORM - 16**

**[See Rules - 97 (2), 106 (2), 107 (2), 114, 115, 116, 120 (2) & 123 (5)]**

**FORM OF APPLICATION FOR COMMUTATION OF  
PENSION AFTER MEDICAL EXAMINATION BY AN  
APPLICANT REFERRED TO IN RULE 97 (2) OF THE  
GUJARAT CIVIL SERVICES (PENSION) RULES, 2002**

**(To be submitted in duplicate)**

**PART - I**

To,  
The \_\_\_\_\_  
\_\_\_\_\_

Photo of  
the  
Applicant

(here indicate the designation and full address of the Pension Sanctioning Authority)

**Subject : Commutation of Pension after medical examination**

Sir,

I desire to commute a fraction of my pension in accordance with the provisions contained in Gujarat Civil Service (Pension) Rules, 2002. An attested copy of my photograph is pasted on the application and an unattested copy is enclosed. The necessary particulars are furnished below :-

1. Name (In block letters) :
2. Father's Name/Husband's Name :
3. Designation at the time of retirement :
4. Name of Office/Department  
in which employed
5. Date of Birth (By Christian era) :
6. (a) Date of retirement :
7. Class of Pension (See Chapter-VII  
Gujarat Civil Services (Pension)  
Rules 2002) :
8. Amount of pension authorised :

**The Gujarat Civil Services (Pension) Rules, 2002 - FORMS**

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**FORM - 16 (Continued)**

- \* **9.** Fraction of pension proposed to be commuted:
- 10.** Number and date of the pension Payment order, if issued :
- \* \* **11.** Disbursing authority for payment of pension -  
(a) Treasury/Sub-Treasury (Name and complete address of the Treasury/ Sub-Treasury to be indicated) :  
(b) (i) Branch of the Nationalised Bank with complete postal address.  
(ii) Bank Account number to which monthly pension is being credited each month.
- 12.** Approximate date from which commutation is desired to have effect :
- 13.** The amount of pension already commuted, if any. :
- 14.** Preference for station where medical examination is desired to take place. :

**Place :**

**Date :**

**Signature :**

**Postal Address.....**

.....

.....

*Note : The payment of commuted value of pension shall be made through the disbursing authority from which pension is being drawn. It is not open to an applicant to draw the commuted value of pension from a disbursing authority other than the disbursing authority from which pension is being drawn.*

\* *The applicant should indicate the fraction of the amount of monthly pension (subject to maximum of forty percent thereof) which he desires to commute and not the amount in rupees.*

\*\* *Score out which is not applicable.*



**FORM - 16 (Continued)**

**PART - II**

**ACKNOWLEDGEMENT**

Received from Shri/Smt./Kum. \_\_\_\_\_ (Name)  
(former designation) application in Part-I of Form-16 for the commutation of a fraction  
of pension after medical examination.

**Place :**

**Date :**

**Signature :**

**Head of Office :**

**PART - III**

**Forwarded** to the Director of Pension & Provident Fund, Gandhinagar with the  
remarks that the particulars furnished by the applicant in Part-I of Form-16 have been  
verified and are correct and the applicant is eligible to get a fraction of his pension  
commuted after medical examination.

2. It is requested that Part-IV of this Form may be completed and returned to this  
office as early as possible.

**Place :**

**Date :**

**Signature.**

**Head of Office.**

**The Gujarat Civil Services (Pension) Rules, 2002 - FORMS**

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**FORM - 16 (Continued)**

**PART - IV**

**(To be completed by the Director of Pension and Provident Fund)**

1. Name of the applicant :
  2. Date of birth (by Christian era) :
  3. Date of retirement :
  4. Amount of pension including provisional pension, if final pension is not authorised :
  5. Class of Pension (See Chapter VII of Gujarat Civil Services (Pension) Rules, 2002) :
  6. Amount of pension desired to be commuted.
- 

		on the basis of		
		Normal age	Added Years	
			1 Year	2 Year
		Rs.	Rs.	Rs.
7.	(i) Sum payable if commutation becomes absolute before the applicant's next birthday, which falls on_____			
	(ii) Sum payable if commutation becomes absolute after the applicant's next birthday, which falls on_____			
8.	The Head of Account to which Finance Department, Demand No._____the commuted value is debitable Pensions and other. Retirement-Benefits-B-Commuted value of Pensions.			
9.	Number of enclosure, if any			

**Place :**

**Date :**

**Signature and Designation of the Officer.**

**Countersigned**

**Head of Office**

**Full Address.....**

.....

**FORM - 17**

**[See Rule - 101 (2)]**

**APPLICATION FOR RESTORATION OF  
COMMUTED PORTION OF PENSION**

Form :

Address :

Date :

To,

The Treasury Officer/Sub-Treasury Officer,

**Sub : Restoration of commuted portion of pension after fifteen years**

Sir,

Kindly restore my commuted portion of pension in terms of Rule-101 of the Gujarat Civil Services (Pension) Rules, 2002.

Requisite particulars are given below :-

- (1) Name (In Block Letters) :
- (2) Date of Retirement :
- (3) Date from which reduced pension is received :
- (4) Pension Payment Order No. and Date :
- (5) Amount of Original pension sanctioned :
- (6) Amount of commuted portion of pension :
- (7) Authority authorising pension :
- (8) Name of Treasury/Pension Disbursing Authority :

**Signature of Pensioner**

**Verified details**

**Treasury Officer / Sub-Treasury Officer /  
Pension Disbursing Authority.**

**FORM - 18**

**[See Rule - 115 (3) & (4)]**

**FORM OF LETTER TO THE MEDICAL AUTHORITY**

No. \_\_\_\_\_  
Government of Gujarat,  
\_\_\_\_\_ Department/Office,  
Dated the \_\_\_\_\_

To,

\_\_\_\_\_  
\_\_\_\_\_

**Subject : Medical examination for commutation of pension**

Sir,

Shri/Smt./Kum. \_\_\_\_\_ (designation) who retired \_\_\_\_\_ from service on \_\_\_\_\_ as \_\_\_\_\_ has applied for commuting a fraction of his/her pension for a lump sum payment. The following documents are forwarded herewith :-

- (a) Application in Form-16 in original together with -
  - (i) an unattested copy of the applicant's photograph;
  - (ii) Part-IV of Form-16 in original duly completed by the Director of Pension and Provident Fund.
- (b) A copy of Form-19 with a spare copy of Part-III of that Form.
- (c) Report or the statement of the applicant's case if he has been granted invalid pension or has previously commuted a fraction of his pension or declined to accept commutation on the basis of addition of years to his/her actual age or has been refused commutation on medical grounds.

2. It terms of rule-117 of the Gujarat Civil Services Pension Rules, 2002, Shri/Smt./Kum. \_\_\_\_\_ should be examined by a Medical Board/Civil Surgeon/Superintendent of Civil Hospital. It is requested that arrangements may be made to get Shri/Smt./Kum. \_\_\_\_\_ examined as expeditiously as possible before his/her next birthday which falls on \_\_\_\_\_

3. It is requested that arrangements for medical examination by the medical authority indicated in paragraph-2 above may be made at the nearest available station mentioned by Shri/Smt./Kum. \_\_\_\_\_ in his/her application in Form-16. The attention of the medical authority is drawn to the provisions of rule-120 of the Gujarat Civil Services (Pension) Rules, 2002.

4. It is requested that Shri/Smt./Kum. \_\_\_\_\_ may be informed direct under intimation to this Department/Office as to where and when he/she should appear before the appropriate authority for medical examination. A copy of this letter is being endorsed to him/her so that he/she may comply with your instructions on hearing from you.

**The Gujarat Civil Services (Pension) Rules, 2002 - FORMS**

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**FORM - 18 (Continued)**

5. The receipt of this letter may please be acknowledged.

**Yours faithfully,  
Head of Office**

Copy forwarded to Shri/Smt./Kum. \_\_\_\_\_ (here give complete postal address) with the remarks that subject to the medical authority recommending commutation, he/she will on the basis of the report of the Director of Pension & Provident Fund be eligible for the lump sum payment in lieu of the amount of pension to be commuted as follows :-

---

	<b>on the basis of</b>		
	<b>Normal age</b>	<b>Added Years</b>	
		<b>1 Year</b>	<b>2 Year</b>
	<b>Rs.</b>	<b>Rs.</b>	<b>Rs.</b>
<b>(i)</b> Sum payable if commutation becomes absolute before the applicant's next birthday, which falls on _____			
<b>(ii)</b> Sum payable if commutation becomes absolute after the applicant's next birthday, which falls on _____			

The Table of the present value, on the basis of which the calculation by the Director of Pension and Provident Fund has been made, is subject to alteration at any time without notice and consequently the basis are liable to revision before payment is made. The sum payable will be the sum appropriate to the applicant's age on his/her nearer birth day after the date on which the commutation becomes absolute or if the medical authority directs that years will be added to that age, to the consequent assumed age.

Shri/Smt./Kum. \_\_\_\_\_ should report for medical examination to the medical authority directly on hearing from \_\_\_\_\_. He/She should take with him/her the enclosed Form-19 with the particulars required in Part-I completed except the signature or thumb or finger impressions.

**Place :**

**Date :**

**Signature  
Head of Office**

Copy forwarded to the Director of Pension and Provident Fund \_\_\_\_\_ (here indicate address) \_\_\_\_\_ with reference to his letter number \_\_\_\_\_ dated \_\_\_\_\_.

**Signature  
Head of Office**

**The Gujarat Civil Services (Pension) Rules, 2002 - FORMS**

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**FORM - 19**

*[See Rules - 115, 120 to 123 & 125]*

**FORM OF MEDICAL EXAMINATION  
BY THE MEDICAL AUTHORITY**

**PART - I**

(The applicant must complete this statement prior to his/her examination by the \_\_\_\_\_ (Here enter the medical authority) and must sign the declaration appended thereto in the presence of that authority.)

1. Name of the applicant (in block letters) :
2. Date of Birth (By Christian era) :
3. Place of Birth :
4. Particulars regarding parents, brothers and sisters -

---

Father's age if living and state of health	Fathers age at death and cause of death	Number of brothers living, their ages and state of health and death	Number of brothers dead, their ages at death and cause of death
(1)	(2)	(3)	(4)

---

---

Mother's age if living and state of health	Mothers age at death and cause of death	Number of sisters living, their ages and state of health	Number of sisters dead, their ages at death and cause of death
(5)	(6)	(7)	(8)

---

***FORM - 19 (Continued)***

5. Have you ever been examined-
  - (a) for Life Insurance, or/and
  - (b) by any Government Medical Officer or Medical Board ?
6. Have you been granted or considered for grant of Invalid pension ? If so, state the ground thereof.
7. Have you ever been granted leave on medical certificate during the last five years ? If so, state periods of leave and nature of illness.
8. Have you ever-
  - (a) had small-pox, intermittent or any other fever, enlargement or suppuration of glands, spitting of blood, asthma, inflammation of lungs, pleurisy, hears disease, fainting attacks, rheumatism, appendicitis, epilepsy, insanity or other nervous disease, discharge from or other disease of the ear, syphilis or gonorrhoea, or
  - (b) had any other disease or injury which required confinement to bed, or
  - (c) undergone any surgical operation, or
  - (d) suffered from any illness, wound or injury sustained while on active service, or
  - (e) presence of albumen or sugar in urine.'
9. Present state of health :
  - (a) Have you a hernia ?
  - (b) Have you varicocele, varicose vein or piles ?
  - (c) Is your hearing in each ear good ?
  - (d) Is your vision in each eye good (with or without glasses) ?
  - (e) Have you any congenial or acquired malformation, defect or deformity ?
  - (f) Have you lost or gained weight markedly during the last three years ?
  - (g) Have you been under treatment of any doctor within the last three months and nature of illness for which such treatment was taken ?



**FORM - 19 (Continued)**

**DECLARATION BY APPLICANT**

I declare all the above answers to be, to the best of my belief, true and correct.

I am fully aware that by willfully making a false statement or concealing a relevant fact, I shall incur the risk of losing the commutation, I have applied for and or having my pension withheld or withdrawn under rule 24 of the Gujarat Civil Services (Pension) Rules, 2002.

Applicant's signature or thumb impression in case of illiterate applicant.

Signed in presence of.....

Signature and designation of Medical authority.

**PART - II**

**(To be filled in by the examining medical authority)**

1. Apparent Age
2. Height
3. Weight
4. Describe any scars or identifying marks of the applicant.
5. Pulse rate-
  - (a) Sitting
  - (b) StandingWhat is the Character of Pulse ?
6. Blood pressure-
  - (a) Systolic
  - (b) Diastolic
7. Is there any evidence of disease of the main organs ?
  - (a) Heart
  - (b) Lungs
  - (c) Liver
  - (d) Spleen
  - (e) Kidney

**The Gujarat Civil Services (Pension) Rules, 2002 - FORMS**

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***FORM - 19 (Continued)***

8. Investigations-
- (i) Urine (State Specific gravity)
  - (ii) Blood
  - (iii) X-Ray Chest
  - (iv) E.C.G.
9. Has the applicant a hernia ? If so, state the kind and if reducible.
10. Any additional finding

***PART - III***

I/We have carefully examined Shri/Shrimati/Kum.\_\_\_\_\_ and/am/are of opinion that He/She is in good bodily health and has the prospect of an average duration of life.

**OR**

He/She is not in good bodily health and is not a fit subject for commutation.

**OR**

Although he/she is suffering from\_\_\_\_\_ he/she is considered a fit subject for commutation but his/her age for the purpose of commutation i.e. the age at next birthday, should be taken to be\_\_\_\_\_ (in words) years more than his/her actual age.

**Place :**

**Date :**

**Signature and designation of examining Medical Authority.**

**The Gujarat Civil Services (Pension) Rules, 2002 - FORMS**

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**FORM - 20**

**[See Rule 126 (1)]**

**REGISTER OF GOVERNMENT EMPLOYEES  
SUPERANNUATING DURING THE YEAR\_\_\_\_\_**

---

Sr. No.	Name of Government employee (Surname first)	Designation	Birth Date
1	2	3	4

---

---

Date of retirement	Nature of retirement	Office in which working at the time of death or retirement
5	6	7

---

---

Date on which action initiated to prepare pension papers	No. and date of letter sending pension papers to the Director of Pension and Provident Fund	No. and date of sanction of pension payment order	Remarks
8	9	10	11

---

**FORM - 21**

**[See Rules - 136, 137 & 138]**

**PARTICULARS TO BE OBTAINED BY THE PENSION  
SANCTIONING AUTHORITY FROM THE RETIRING  
GOVERNMENT EMPLOYEE TWENTY FOUR MONTHS  
BEFORE THE DATE OF HIS/HER RETIREMENT**

1. Name of the Government Employee :
2. (a) Date of birth in figures :  
(b) Date of birth in words :
3. Date of entry in Government Service :
4. Date of Retirement :
5. Nature of Retirement :
6. Three specimen signatures (to be furnished in a separate sheet) duly attested by a Gazetted Government Employee :
7. \*\* Three copies of passport size joint photograph+ with wife or husband (To be attested by the Head of Office)

---

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

\*\* Three copies of the passport size photograph of self only need be furnished if the Government employee is governed by Chapter-IX of the Gujarat Civil Services (Pension) Rules, 2002 and is unmarried or a widower or widow.

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

**The Gujarat Civil Services (Pension) Rules, 2002 - FORMS**

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**FORM - 21 (Continued)**

8. Two slips showing the particulars of height and personal @ identification marks duly attested by a Gazetted Officer :
9. Present address with pincode :
10. # Address after retirement with pincode.
11. Name of the Government Treasury/ Sub-Treasury through which the pension is to be drawn. :
12. @@ Details of the family in Form-13.
13. I have already made/not made a nomination for the receipt of the amount of gratuity/ death-cum-retirement gratuity in case of my death before the actual receipt of for said amount.  
However, I now enclose fresh nomination.

**Place :**

**Dated the**

**Signature**

**Designation Department/Office.**

- \_\_\_\_\_
- @ Specify a few conspicuous marks, not less than two, if possible.
- # Any subsequent change of address should be notified to the Head of Office.
- @@ Applicable only where Chapter-X of the Gujarat Civil Services (Pension) Rules, 2002 applies to the Government employee.

**C E R T I F I C A T E**

I Shri/Smt./Kum.\_\_\_\_\_ hereby certify that :-

- (i) there are no Government dues outstanding against me except those shown by the pension sanction authority in the pension papers and in case any Government dues are found to be outstanding subsequently after my retirement, I undertake to pay the same by way of recovery from my Pension/Gratuity.
- (ii) I was allotted Government residential accommodation while I was performing my duties as \_\_\_\_\_ at \_\_\_\_\_. The rent for the said residential accommodation due as per rules has been deducted from my salary, Still, however, if any amount is found to be due from me, I hereby undertake to pay the same by way of recovery form my pension.

**The Gujarat Civil Services (Pension) Rules, 2002 - FORMS**

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**FORM - 22**

**[See Rule - 139 (2)]**

**NO EVENT CERTIFICATE**

Certified that after forwarding the pension papers of Shri/Smt./Kum. \_\_\_\_\_ on \_\_\_\_\_ to the Director of Pension and Provident Fund, no department inquiry or other inquiry has been initiated and that no events have also occurred till the date of his/her retirement which would have bearing on his/her eligibility for pensionary benefits and the quantum of such benefits.

2. A provisional pension of Rs. \_\_\_\_\_ has been sanctioned from \_\_\_\_\_ treasury vide this office order No. \_\_\_\_\_ dated \_\_\_\_\_.

**Place :**

**Date :**

**Pension Sanctioning Authority.**

**FORM - 23**

**[See Rule - 149 (2) (b)]**

**FORM OF LETTER TO THE MEMBER OR MEMBERS OF  
THE FAMILY OF A DECEASED GOVERNMENT EMPLOYEE  
WHERE VALID NOMINATION FOR THE GRANT OF  
THE DEATH-CUM-RETIREMENT GRATUITY EXISTS**

No. \_\_\_\_\_

Government of Gujarat

Department/Office \_\_\_\_\_

Dated the \_\_\_\_\_

To,

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Subject :** payment of death-cum-retirement gratuity in respect of the late  
Shri/Smt. \_\_\_\_\_

Sir/Madam,

I am directed to state that in terms of the nomination made by the late Shri/Smt.  
\_\_\_\_\_ (designation) in the Office/Department  
of \_\_\_\_\_ a death-cum-retirement gratuity is payable to his/her nominee(s).  
A copy of the said nomination is enclosed herewith.

2. I am to request that a claim for the grant of the gratuity may be submitted by you  
in the enclosed Form-25.

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

**Yours faithfully,**

**Pension Sanctioning Authority.**



The Gujarat Civil Services (Pension) Rules, 2002 - FORMS

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**FORM - 24**

*[See Rule - 149 (2) (b)]*

**FORM OF LETTER TO THE MEMBER OR MEMBERS OF  
THE FAMILY OF A DECEASED GOVERNMENT EMPLOYEE  
WHERE VALID NOMINATION FOR THE GRANT OF THE  
DEATH-CUM-RETIREMENT GRATUITY DOES NOT EXISTS**

No. \_\_\_\_\_

Government of Gujarat

Department/Office \_\_\_\_\_

Dated the \_\_\_\_\_

To,

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Subject :** payment of death-cum-retirement gratuity in respect of the late  
Shri/Smt. \_\_\_\_\_

Sir/Madam,

I am directed to state that in terms of rule-83 of the Gujarat Civil Services (Pension) Rules, 2002 a death-cum-retirement gratuity is payable to the following members of the family of late Shri/Shrimati \_\_\_\_\_ (Designation), in the Office/Department of \_\_\_\_\_ in equal shares :

- (i) Wife/Husband (including judicially separated wife/husband)
  - (ii) Sons & Unmarried daughters including step children and adopted children.
2. In the event of there being no surviving members of the family as indicated above, the gratuity will be payable to the following members of the family in equal shares :
- (i) Widowed daughters (including step daughters and adopted daughters)
  - (ii) Father & Mother including adoptive parents in case of individuals whose personal law permits adoption.
  - (iii) Brother below the age of eighteen years and unmarried widowed sisters including step brothers and step sisters.
  - (iv) Married daughters, **and**
  - (v) Children of a pre-deceased son.
3. It is requested that a claim for the payment of gratuity may be submitted in the enclosed Form-25 as soon as possible.

**Your faithfully,**

**Pension Sanctioning Authority.**

**FORM - 25**

**[See Rule - 149 (2) (b)]**

**FORM OF APPLICATION FOR THE GRANT OF  
DEATH-CUM-RETIREMENT GRATUITY ON  
THE DEATH OF A GOVERNMENT EMPLOYEE**

**(To be signed by each of the claimant and in case the claimant is minor,  
the Form should be filled in by the guardian on his/her behalf.**

**Where there are more than one minor, the guardian should claim  
gratuity in one Form on their behalf).**

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

Sr. No.	Name	Age	Relation with the deceased Government employee	Postal Address
1	2	3	4	5
1.				
2.				
3.				
4.				
5.				

- (ii) Relationship of the guardian with minor.

**The Gujarat Civil Services (Pension) Rules, 2002 - FORMS**

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**FORM - 25 (Continued)**

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

**DECLARATION**

I/We hereby declare that I/We have not applied/claimed/received any gratuity or death-cum-retirement gratuity for the service or part of service rendered by the above named Government employee nor shall I/We apply for the same without referring to this application and orders issued thereon.

**Signature/Thumb impression \*  
of the claimant/guardian.**

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

(To be furnished in a separate sheet.)

- 8.+ Attested by -

	<b>Name</b>	<b>Full Address</b>	<b>Signature</b>
(i)	_____	_____	_____
	_____		
	_____		
(ii)	_____	_____	_____
	_____		
	_____		
<b>10.</b>	<b>Witness -</b>		
(i)	_____	_____	_____
	_____		
	_____		
(ii)	_____	_____	_____
	_____		
	_____		

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

+ (Attestation should be done by two Gazetted Government employees or by two or more person of respectability in the town, taluka or village in which the applicant resides.

**FORM - 26**

**[See Rule 149 (3) (a)]**

**FORM OF LETTER TO THE WIDOW/WIDOWER OF  
A DECEASED GOVERNMENT EMPLOYEE FOR  
GRANT OF FAMILY PENSION UNDER  
FAMILY PENSION SCHEME, 1972**

No. \_\_\_\_\_

Government of Gujarat

Department/Office \_\_\_\_\_

Dated the \_\_\_\_\_

To,

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Subject :** Payment of Family Pension under Family Pension Scheme,  
1972 in respect of late Shri/Shrimati \_\_\_\_\_

Sir/Madam,

I am directed to state that under Chapter-X of the Gujarat Civil Services (Pension) Rules, 2002, a Family Pension is payable to you as widow/widower of the late Shri/Shrimati \_\_\_\_\_ (Designation) who was working in the office/Department of \_\_\_\_\_.

2. You are advised that a claim for the grant of Family Pension may be submitted in the enclosed **Form-27**.
3. The Family Pension, will be payable till your death or re-marriage, whichever event occurs earlier. In the event of your death or re-marriage, the Family Pension shall be granted to the child or children, if any, through the guardian.

**Your faithfully,**

**Pension Sanctioning Authority.**

**The Gujarat Civil Services (Pension) Rules, 2002 - FORMS**

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**FORM - 27**

*[See Rules 149 (3) (a), 149 (3) (b), 158 (c) (iii), 158 (3) (b) & 158 (d) (i)]*

**FORM OF APPLICATION FOR THE GRANT  
OF FAMILY PENSION UNDER FAMILY PENSION  
SCHEME, 1972 ON THE DEATH OF A GOVERNMENT  
EMPLOYEE WHILE IN SERVICE**

1. Name of the applicant in full -
  - (i) Widow/Widower
  - (ii) Guardian if the deceased person is survived by child or children.
2. Date of death of the Government employee.
3. Office/Department in which the deceased Government employee served last.
4. Name and age of surviving widow(s) widower and children of the deceased Government employee.

---

Sr. No.	Name	Relationship with the deceased person	Date of Birth by Christian era	Remarks
1	2	3	4	5
1.				
2.				
3.				
4.				
5.				
6.				

---

5. If the applicant is guardian, his date of birth and relationship with the deceased Government employee.
6. Full address of applicant.
7. Place of payment of pension and gratuity (Government Treasury, or Branch of Public Sector Bank.)
8. Enclosures : (Specimen of forms are enclosed) :-
  - (i) Two specimen signatures of the applicant, duly attested (to be furnished in duplicate).
  - (ii) Two copies of passport size photograph of the applicant duly attested.

**The Gujarat Civil Services (Pension) Rules, 2002 - FORMS**

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**FORM - 27 (Continued)**

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

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

**10.** Attested by -

	<b>Name</b>	<b>Full Address</b>	<b>Signature</b>
(i)	_____	_____	_____
	_____		
	_____		
(ii)	_____	_____	_____
	_____		
	_____		

**11.** Witness -

(i)	_____	_____	_____
	_____		
	_____		
(ii)	_____	_____	_____
	_____		
	_____		

*Note :* (Attestation should be done by two Gazetted Government employees or by two or more person of respectability in the town, taluka or village in which the applicant resides.

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

**The Gujarat Civil Services (Pension) Rules, 2002 - FORMS**

**FORM - 27 (Continued)**

In the case of re-marriage of the widow while applying for family pension on behalf of the minor child, the widow should furnish :-

- (i) the date of her re-marriage;
- (ii) name of the Treasury at which payment is desired; **and**
- (iii) her full address in the application for Family Pension.

It is not necessary to furnish a fresh application nor the documents as they are already available with the pension papers on which Family Pension was originally admitted to her.

**Enclosures of Form - 25**

**(Under item No. 9)**

**(I) SPECIMEN SIGNATURE SLIP**

Specimen Signature of (1).....  
(2).....  
(3).....

Thumb impression \*

Certified that the above specimen signature / thumb impression \* was taken in my presence.

**Dated**..... **Signature**.....  
**Name**.....  
**Designation**.....  
**(Of the pension sanctioning authority)**

**(II) PENSIONER'S / GUARDIAN'S PHOTOGRAPH**



Signature / thumb impression of the Pensioner.....  
Certified that the signature and the photograph are those of.....

**Dated**..... **Signature**.....  
**Name**.....  
**Designation**.....  
**(Of the pension sanctioning authority)**

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



The Gujarat Civil Services (Pension) Rules, 2002 - FORMS

*FORM - 27 (Continued)*

*(III) THE THUMB AND FINGER IMPRESSION CARD*

---

<b>Little Finger</b>	<b>Ring Finger</b>	<b>Middle Finger</b>	<b>Fore Finger</b>	<b>Thumb</b>
--------------------------	------------------------	--------------------------	------------------------	--------------

---

---

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

**Dated**..... **Signature**.....  
**Name**.....  
**Designation**.....  
**(Of the pension sanctioning authority)**

*(IV) DESCRIPTIVE ROLL*

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

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

**Dated**..... **Signature**.....  
**Name**.....  
**Designation**.....  
**(Of the pension sanctioning authority)**

*FORM - 28*

**DELETED**

*FORM - 29*

**DELETED**

*FORM - 30*

**DELETED**

**FORM - 31**

*[See Rules 158 (3) (b) (ii) & 158 (d) (ii)]*

**FORM OF ORDER SANCTIONING FAMILY PENSION  
UNDER FAMILY PENSION SCHEME, 1972 TO THE CHILD  
OR CHILDREN OF A RETIRED GOVERNMENT EMPLOYEE  
WHO DIES AFTER RETIREMENT BUT DOES NOT  
LEAVE BEHIND A WIDOW OR WIDOWER.**

No. \_\_\_\_\_  
Government of Gujarat  
Department/Office \_\_\_\_\_  
Dated the \_\_\_\_\_

To,  
The Director of Pension and Provident Fund

Subject : Grant of Family Pension under Family Pension Scheme, 1972 to the  
child/children of Late Shri/Smt. \_\_\_\_\_  
Holder of P.P.O. No. \_\_\_\_\_

Sir,

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

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

Sr. No.	Name	Son/Daughter	Date of Birth in Christian era.	Date from which family pension under Family Pension, 1972 ceases to be payable
1	2	3	4	5

- 1.
- 2.
- 3.
- 4.
- 5.

\*\* See next page

**The Gujarat Civil Services (Pension) Rules, 2002 - FORMS**

---

**FORM - 31 (Continued)**

3. In terms of rule-91 of the Gujarat Civil Services (Pension) Rules, 2002 the amount of family pension under Family Pension Scheme, 1972 has become payable to the children in the order mentioned above. The Family Pension will be payable on behalf of the minor to Shri/Shrimati\_\_\_\_\_ who is the guardian.
4. Sanction for the grant of Family Pension of Rs.\_\_\_\_\_ per month to the children mentioned above is hereby accorded. The family pension under Family Pension Scheme, 1972 will take effect from\_\_\_\_\_ and subject to the provisions of Chapter-X of the Gujarat Civil Services (Pension) Rules, 2002 will be tenable till\_\_\_\_\_.
5. The amount of family pension under Family Pension Scheme, 1972 is debitable to the Budget Head\_\_\_\_\_.
6. Attention is invited to the information furnished in the list of enclosures.
7. The receipt of the letter may kindly be acknowledged and this Department/Office be informed that instructions for the payment of family pension under Family Pension Scheme, 1972 to the guardian have been issued to the disbursing authority concerned.

**Yours faithfully,**

**Head of Office**

---

\*\* The names of children should be mentioned in the order of eligibility mentioned in rule-91 of the Gujarat Civil Services (Pension) Rules, 2002, children born before or after as a result of marriage which took place before the retirement of the Government employee or children adopted legally before retirement should only be included.

**List of Enclosures -**

1. Service Book.
  2. Permanent address of the guardian.
  3. Place of payment (Government Treasury, or Branch of Public Sector Bank)
  4. Three Specimen signature and left hand thumb and finger impressions \* of the claimant or guardian duly attested.
  5. Three attested copies of passport size photograph of the guardian.
  6. Descriptive roll of the guardian, duly attested.
- \* To be furnished in the case of the guardian who is not literate enough to sign his or her name.

**FORM - 32**

[See Rule 158 (3) (C) (iv)]

**FORM OF ORDER SANCTIONING FAMILY PENSION UNDER  
FAMILY PENSION SCHEME, 1972 TO THE CHILD OR CHILDREN  
ON THE DEATH OR RE-MARRIAGE OF A WIDOW/WIDOWER  
WHO WAS IN RECEIPT OF FAMILY PENSION, 1972**

No. \_\_\_\_\_

Government of Gujarat

Department/Office \_\_\_\_\_

Dated the \_\_\_\_\_

To,

The Director of Pension and Provident Fund

\_\_\_\_\_  
\_\_\_\_\_

**Subject : Grant of Family Pension under Family Pension Scheme, 1972 to the  
child/children of Late Shri/Smt. \_\_\_\_\_  
Holder of P.P.O. No. \_\_\_\_\_**

Sir,

I am directed to state that Shri/Shrimati \_\_\_\_\_  
formerly working as \_\_\_\_\_ in this Department was authorised pension of  
Rs. \_\_\_\_\_ with effect from \_\_\_\_\_ on his/her retirement from service.

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

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

Sr. No.	Name	Son/Daughter	Date of Birth in Christian era.	Date from which family pension under Family Pension, 1972 ceases to be payable
---------	------	--------------	------------------------------------	---

- 1.
- 2.
- 3.
- 4.
- 5.

---

\*\* See next page

**The Gujarat Civil Services (Pension) Rules, 2002 - FORMS**

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**FORM - 32 (Continued)**

4. In terms of provision contain in Chapter-X of the Gujarat Civil Services (Pension) Rules, 2002 the amount of family pension under Family Pension Scheme, 1972 has become payable to the children in the order mentioned above. The family pension under Family Pension Scheme, 1972 will be payable on behalf of the minor to Shri/Shrimati \_\_\_\_\_ who is the guardian.
5. Sanction for the grant of family pension under Family Pension Scheme, 1972 of Rs. \_\_\_\_\_ per month to the children mentioned above is hereby accorded. The family pension under Family Pension Scheme, 1972 will take effect from \_\_\_\_\_ and subject to the provisions of rule-91 of Gujarat Civil Services (Pension) Rules, 2002 will be tenable till \_\_\_\_\_.
6. The amount of family pension under Family Pension Scheme, 1972 is debitable to the Budget Head \_\_\_\_\_.
7. Attention is invited to the information furnished in the list of enclosures.
8. The receipt of the letter may kindly be acknowledged and this Department/Office informed that instructions for the payment of family pension under Family Pension Scheme, 1972 to the guardian have been issued to the disbursing authority concerned.

**Yours faithfully,**

**Head of Office**

---

\*\* The names of children should be mentioned in the order of eligibility mentioned in rule-91 of the Gujarat Civil Services (Pension) Rules, 2002, children born before or after as a result of marriage which took place before the retirement of the Government employee or children adopted legally before retirement should only be included.

**List of Enclosures -**

1. Service Book.
  2. Permanent address of the guardian.
  3. Place of payment (Government Treasury, or Branch of Public Sector Bank)
  4. Three Specimen signature and left hand thumb and finger impressions \* of the claimant or guardian duly attested.
  5. Three attested copies of passport size photograph of the guardian.
  6. Descriptive roll of the guaridan, duly attested.
- \* To be furnished in the case of the guardian who is not literate enough to sign his or her name.

**FORM - 33**

**(See Rule - 158 (4))**

**FORM OF APPLICATION FOR THE GRANT OF  
RESIDUARY \*GRATUITY ON THE DEATH OF A PENSIONER**

**(To be filled in separately by each applicant)**

1. Name of the applicant in full.
2. (i) Name of the guardian in case the applicant is a minor.  
(ii) Name of the deceased pensioner.
3. Office/Department in which the deceased pensioner served last.
4. Date of death of the pensioner.
5. Date of retirement of the deceased pensioner.
6. Amount of monthly \*\* pension (including temporary increase or relief, if any sanctioned to deceased pensioner.
7. Amount of death-cum-retirement gratuity received by the deceased pensioner.
8. The amount of \*\* Pension (including temporary increase or relief, if any) drawn by the deceased till the date of death.
9. If the deceased had commuted a portion of pension before his death, the value of the pension.
10. Total of Item Nos. 8, 9, and 10.
11. Amount of death-cum-retirement gratuity equal to 12 times of the pay.

---

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

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



**The Gujarat Civil Services (Pension) Rules, 2002 - FORMS**

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**FORM - 33 (Continued)**

12. The amount of residuary gratuity claimed i.e. the difference between the amount shown against item 12 and item 11.
13. Relationship of the applicant with the deceased pensioner.
14. Date of Birth of the applicant.
15. Name of the Government Treasury from which pension was drawn.
16. Full address of the applicant.
17. Signature or thumb impression of the applicant (To be furnished in a separate sheet duly @ attested.)
18. Attested by -

	<b>Name</b>	<b>Full Address</b>	<b>Signature</b>
(i)	----- ----- -----	----- ----- -----	----- ----- -----
(ii)	----- ----- -----	----- ----- -----	----- ----- -----
<b>19.</b>	<b>Witness -</b>		
(i)	----- ----- -----	----- ----- -----	----- ----- -----
(ii)	----- ----- -----	----- ----- -----	----- ----- -----

---

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

**The Gujarat Civil Services (Pension) Rules, 2002 - FORMS**

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**FORM - 34**

*[See Rule - 189 (2)]*

**FORM OF APPLICATION FOR PERMISSION TO  
ACCEPT COMMERCIAL EMPLOYMENT WITHIN  
A PERIOD OF TWO YEARS AFTER RETIREMENT**

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

---

Name of Department/Office	Post held	Duration	
		From	To

---

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

---

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

---

7. Details regarding commercial employment proposed to be taken up :
  - (a) Name of the firm/company/Co-operative Society etc.
  - (b) Whether the official had, during his official carrier, any dealings with the firm etc.

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

**The Gujarat Civil Services (Pension) Rules, 2002 - FORMS**

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***FORM - 34 (Continued)***

- (c) Duration of service of the official dealings with the firm.
  - (d) Name of job/post offered.
  - (e) Whether post was advertised, if not, how was officer made.
  - (f) Description of the duties of the job/post.
  - (g) Does it involve liaison/contract work with Government Department.
  - (h) Remuneration offered for the post/job.
8. Any information which the applicant desires to furnish in support of his request.

**Station :**

**Date :**

**Signature of the retired officer.**

**NOTIFICATION**  
Finance Department  
Sachivalaya, Gandhinagar.  
Dated the 19<sup>th</sup> August, 2016.

CONSTITUTION  
OF INDIA.

No. (GN-49) PGR-102016-2- Pay Cell:- In exercise of the powers conferred by the proviso to article 309 of the Constitution of India, the Governor of Gujarat hereby makes the following rules, namely:-

**1. Short title and commencement.-**

- (1) These rules may be called the Gujarat Civil Services (Revision of Pay) Rules, 2016.
- (2) They shall be deemed to have come into force on the 1<sup>st</sup> January, 2016.

**2. Categories of Government employees to whom the rules apply.-**

- (1) Save as otherwise provided by or under these rules, they shall apply to persons appointed to civil services and posts in connection with the affairs of the State of Gujarat.
- (2) **These rules shall not apply to:-**
  - (i) persons not in whole-time employment;
  - (ii) persons paid out of contingencies;
  - (iii) persons paid otherwise than on a monthly basis, including those paid only on a piece-rate basis;
  - (iv) persons appointed on work charged establishment or on daily rate basis or persons employed casually except where in case of such persons, the Government by order published in the *Official Gazette*, provides otherwise;
  - (v) persons employed on contract except where the contract provides otherwise;
  - (vi) persons re-employed in Government service who are in receipt of superannuation or retiring pension irrespective of whether such pension is paid from the Consolidated Fund of the State or not;
  - (vii) persons employed on consolidated pay system or fixed pay system;
  - (viii) any other class or category of persons whom the Government may, by order, specifically exclude from the operation of all or any of the provisions of these rules.

**3. Definitions:-** In these rules, unless the context otherwise requires –

- (i) **“existing basic pay”** means pay drawn in the prescribed existing pay band and grade pay or pay in the existing scale, but does not include any other type of pay such as special pay, etc.;
- (ii) **“existing Pay Band and Grade Pay”** in relation to a Government employee means the Pay Band and the Grade Pay applicable to the post held by the Government employee as on the date immediately before the notification of these rules whether in a substantive capacity or in officiating capacity;

(iii) **“existing scale”** in relation to a Government employee means the pay scale applicable to the post held by the Government employee as on the date immediately before the notification of these rules in the Higher Administrative Grade, whether in a substantive or officiating capacity;

(iv) **“existing Pay Structure”** in relation to a Government employee means the present system of Pay band and Grade pay or the Pay Scale applicable to the post held by the Government employee as on the date immediately before the coming into force of these rules whether in a substantive or officiating capacity.

**Explanation.** -The expressions “existing basic pay”, “existing Pay Band and Grade Pay” and “existing scale”, in respect of a Government employee, who on the 1<sup>st</sup> day of January, 2016 was on deputation out of India or on leave or on foreign service, or who would have on that date officiated in one or more lower posts but for his officiating in a higher post, shall mean such basic pay, pay band and Grade Pay or scale in relation to the post which he would have held but for his being on deputation out of India or on leave or on foreign service or officiating in a higher post, as the case may be;

(v) **“Government”** means the Government of Gujarat;

(vi) **“existing emolument”** mean the sum of (i) existing basic pay and (ii) existing dearness allowance at index average as on 1st day of January, 2016;

(vii) **“Pay Matrix”** means Matrix specified in Part A of the Schedule, with Levels of pay arranged in vertical cells as assigned to corresponding existing Pay Band and Grade Pay or scale;

(viii) **“Level”** in the Pay Matrix shall mean the Level corresponding to the existing Pay Band and Grade Pay or scale specified in Part A of the Schedule;

(ix) **“pay in the Level”** means pay drawn in the appropriate Cell of the Level as specified in Part A of the Schedule;

(x) **“revised pay structure”** in relation to a post means the Pay Matrix and the Levels specified therein corresponding to the existing Pay Band and Grade Pay or scale of the post unless a different revised Level is notified separately for that post;

(xi) **“basic pay”** in the revised pay structure means the pay drawn in the prescribed Level in the Pay Matrix;

(xii) **“revised emoluments”** means the pay in the Level of a Government employee in the revised pay structure; and

(xiii) **“Schedule”** means a schedule appended to these rules.

**4. Level of posts.**– The Level of posts shall be determined in accordance with the various Levels as assigned to the corresponding existing Pay Band and Grade Pay or scale as specified in the Pay Matrix.

**5. Drawal of pay in the revised pay structure.**— Save as otherwise provided in these rules, a Government employee shall draw pay in the Level in the revised pay structure applicable to the post to which he is appointed:

Provided that a Government employee may elect to continue to draw pay in the existing pay structure until the date on which he earns his next or any subsequent increment in the existing pay structure or until he vacates his post or ceases to draw pay in the existing pay structure:

Provided further that in cases where a Government employee has been placed in a higher grade pay or scale between 1st day of January, 2016 and the date of notification of these rules on account of promotion or upgradation, the Government employee may elect to switch over to the revised pay structure from the date of such promotion or upgradation, as the case may be.

**Explanation 1.-** The option to retain the existing pay structure under the provisos to this rule shall be admissible only in respect of one existing Pay Band and Grade Pay or scale.

**Explanation 2.-** The aforesaid option shall not be admissible to any person appointed to a post for the first time in Government service or by transfer from another post on or after the 1st day of January, 2016, and he shall be allowed pay only in the revised pay structure.

**Explanation 3.-** Where a Government employee exercises the option under the provisos to this rule to retain the existing pay structure of a post held by him in an officiating capacity on a regular basis for the purpose of regulation of pay in that pay structure under Rules 11 and 13 of Gujarat Civil Services(Pay) Rules, 2002, or under any other rule or order applicable to that post, his substantive pay shall be substantive pay which he would have drawn had he retained the existing pay structure in respect of the permanent post on which he holds a lien or would have held a lien had his lien not been suspended or the pay of the officiating post which has acquired the character of substantive pay in accordance with any order for the time being in force, whichever is higher.

**6. Exercise of Option.-**

- (1) The option under the provisos to rule 5 shall be exercised in writing in the Annexure-I appended to these rules so as to reach the authority mentioned in sub-rule(2) within three months of the date of notification of these rules or where any revision in the existing pay structure is made by any order subsequent to the date of notification of these rules, within three months of the date of such order:

Provided that in the case of a Government employee who is, on the date of such notification or, as the case may be, date of such order, out of India on leave or deputation or foreign service or active service, the said option shall be exercised in writing so as to reach the said authority within three months of the date of his taking charge of his post in India:

Provided further that where a Government employee is under suspension on the 1<sup>st</sup> day of January, 2016, the option may be exercised within three months of the date of his return to his duty if that date is later than the date prescribed in this sub-rule.

- (2) The option referred to in sub-rule (1) shall be communicated by the Government employee to:-

- (i) the Pay and Accounts Officer, Gandhinagar or Ahmedabad, as the case may be, if such Government Employee is a Head of Department;
- (ii) the Head of Department if such Government employee is a Gazetted officer other than a Head of Department;
- (iii) the Head of Department or the Head of Office under which the Government employee is posted, if such Government employee is a non-Gazetted officer.
- (3) If the intimation regarding option is not received by the authority within the time limit specified in sub-rule (1), the Government employee shall be deemed to have elected to be governed by the revised pay structure with effect from the 1<sup>st</sup> day of January, 2016.
- (4) The option once exercised shall be final.

*Note 1.* - Persons whose services were terminated on or after 1<sup>st</sup> January, 2016 and who could not exercise the option within the prescribed time limit, on account of discharge on the expiry of the sanctioned posts, resignation, dismissal or discharge on disciplinary grounds, shall be entitled to exercise option under sub rule (1).

*Note 2.*- Persons who have died on or after 1<sup>st</sup> day of January, 2016 and could not exercise the option within the prescribed time-limit are deemed to have opted for the revised pay structure on and from the 1<sup>st</sup> day of January, 2016 or such later date as is most beneficial to their dependents, if the revised pay structure is more favourable and in such cases, necessary action for payment of arrears shall be taken by the Head of Office.

*Note 3.* - Persons who were on earned leave or any other leave on 1<sup>st</sup> day of January, 2016 which entitled them to leave salary shall be entitled to exercise option under sub rule(1).

## 7. Fixation of pay in the revised pay structure.-

(1) The pay of a Government employee who elects, or is deemed to have elected under rule 6 to be governed by the revised pay structure on and from the 1<sup>st</sup> day of January, 2016, shall, unless in any case the Government by special order otherwise directs, be fixed separately in respect of his substantive pay in the permanent post on which he holds a lien or would have held a lien if such lien had not been suspended, and in respect of his pay in the officiating post held by him, in the following manner, namely:-

(A) in the case of all employees-

(i) the pay in the applicable Level in the **Pay Matrix** shall be the pay obtained by multiplying the existing basic pay by a **factor of 2.57**, rounded off to the nearest rupee and the figure so arrived at will be located in that Level in the Pay Matrix and if such an identical figure corresponds to any Cell in the applicable Level of the Pay Matrix, the same shall be the pay, and if no such Cell is available in the applicable Level, the pay shall be fixed at the immediate next higher Cell in that applicable Level of the Pay Matrix.



**Illustration:**

1.	Existing Pay Band : PB-1	<b>Pay Band</b>	<b>5200-20200</b>				
2.	Existing Grade Pay : 2400						
3.	Existing Pay in Pay Band : 10160						
4.	Existing Basic Pay:12560 (10160+2400)``	<b>Grade Pay</b>	<b>1800</b>	<b>1900</b>	<b>2000</b>	<b>2400</b>	<b>2800</b>
5.	Pay after multiplication by a fitment factor of 2.57 : $12560 \times 2.57 = 32279.20$ (rounded off to 32279)	<b>Levels</b>	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>
6.	Level corresponding to GP 2400 : Level 4	1	18000	19900	21700	25500	29200
7.	Revised Pay in Pay Matrix (either equal to or next higher to 32279 in Level 4) : 32300.	2	18500	20500	22400	26300	30100
		3	19100	21100	23100	27100	31000
		4	19700	21700	23800	27900	31900
		5	20300	22400	24500	28700	32900
		6	20900	23100	25200	29600	33900
		7	21500	23800	26000	30500	34900
		8	22100	24500	26800	31400	35900
		9	22800	25200	27600	<b>32300</b>	37000
		10	23500	26000	28400	33300	38100
		11	24200	26800	29300	34300	39200

(ii) if the minimum pay or the first Cell in the applicable Level is more than the amount arrived at as per sub-clause (i) above, the pay shall be fixed at minimum pay or the first Cell of that applicable Level.

(B) In case of medical officers in respect of whom Non-Practicing Allowance (NPA) is admissible, the pay in the revised pay structure shall be fixed in the following manner.

(i) the existing basic pay shall be multiplied by a factor of 2.57 and the figure so arrived at shall be added to by an amount equivalent to Dearness Allowance on the pre-revised Non-Practicing Allowance admissible as on 1st day of January, 2016 The figure so arrived at will be located in that Level in the Pay Matrix and if such an identical figure corresponds to any Cell in the applicable Level of the Pay Matrix, the same shall be the pay, and if no such Cell is available in the applicable Level, the pay shall be fixed at the immediate next higher Cell in that applicable Level of the Pay Matrix.

(ii) The pay so fixed under sub-clause (i) shall be added by the pre-revised Non Practicing Allowance admissible on the existing basic pay until further decision on the revised rates of Non Practicing Allowance.

**Illustration:**

1.	Existing Pay Band : PB-3				
2.	Existing Grade Pay : 5400				
3.	Existing pay in Pay Band : 15600	<b>Pay Band</b>	<b>15600-39100</b>		
4.	Existing Basic Pay : 21000				
5.	25% NPA on Basic Pay : 5250	<b>Grade Pay</b>	<b>5400</b>	<b>6600</b>	<b>7600</b>
6.	DA on NPA@ 125% : 6563	<b>Levels</b>	<b>10</b>	<b>11</b>	<b>12</b>
7.	Pay after multiplication by a fitment factor of 2.57: 21000 x 2.57 = 53970	1	56100	67700	78800
8.	DA on NPA : 6563 (125% of 5250)	2	57800	69700	81200
9.	Sum of serial number 7 and 8 = 60533	3	59500	71800	83600
10.	Level corresponding to Grade Pay 5400 (PB-3) : Level 10	4	<b>61300</b>	74000	86100
11.	Revised Pay in Pay Matrix (either equal to or next higher to 60540 in Level 10) : 61300	5	63100	76200	88700
12.	Pre-revised Non Practicing Allowance : 5250				
13.	Revised Pay + pre-revised Non Practicing Allowance : 66550	6	65000	78500	91400

- (2) A Government employee who is on leave on the 1st day of January, 2016 and is entitled to leave salary shall be entitled to pay in the revised pay structure from 1st day of January, 2016 or the date of option for the revised pay structure.
- (3) A government employee, who is on study leave on the 1st day of January, 2016 shall be entitled to the pay in the revised pay structure from 1st day of January, 2016 or the date of option.
- (4) A Government employee under suspension shall continue to draw subsistence allowance based on existing pay structure and his pay in the revised pay structure shall be subject to the final order on the pending disciplinary proceedings.
- (5) Where the existing emoluments exceed the revised emoluments in the case of any Government employee, the difference shall be allowed as personal pay to be absorbed in future increases in pay.
- (6) Where in the fixation of pay under sub-rule (1), the pay of a Government employee, who, in the existing pay structure, was drawing immediately before the 1st day of January, 2016 more pay than another Government employee junior to him in the same cadre, gets fixed in the revised pay structure in a Cell lower than that of such junior, his pay shall be stepped up to the same Cell in the revised pay structure as that of the junior.
- (7) Where a Government employee is in receipt of personal pay immediately before the date of notification of these rules, which together with his existing emoluments

exceed the revised emoluments, then the difference representing such excess shall be allowed to such Government employee as personal pay to be absorbed in future increase in pay.

- (8) (i) In cases where a senior Government employee promoted to a higher post before the 1st day of January, 2016 draws less pay in the revised pay structure than his junior who is promoted to the higher post on or after the 1st day of January, 2016, the pay of senior Government employee in the revised pay structure shall be stepped up to an amount equal to the pay as fixed for his junior in that higher post and such stepping up shall be done with effect from the date of promotion of the junior Government employee subject to the fulfillment of the following conditions, namely:-
- (a) both the junior and the senior Government employees belong to the same cadre and the posts in which they have been promoted are identical in the same cadre;
  - (b) the existing pay structure and the revised pay structure of the lower and higher posts in which they are entitled to draw pay are identical;
  - (c) the senior Government employees at the time of promotion are drawing equal or more pay than the junior;
  - (d) the anomaly is directly as a result of the application of the provisions of Rules 11 and 13 of the Gujarat Civil Services(Pay) Rule, 2002 or any other rule or order regulating pay fixation on such promotion in the revised pay structure:

Provided that if the junior officer was drawing more pay in the existing pay structure than the senior by virtue of any advance increments granted to him, the provisions of this sub- rule shall not be invoked to step up the pay of the senior employee.

- (ii) The order relating to re-fixation of the pay of the senior officer in accordance with the clause (i) shall be issued under Rule 11 and Rule 13 of the Gujarat Civil Services (Pay) Rules, 2002 and the senior officer shall be entitled to the next increment on completion of his required qualifying service with effect from the date of re-fixation of pay.
- (9) Subject to the provisions of rule 5, if the pay as fixed in the officiating post under sub-rule (1) is lower than the pay fixed in the substantive post, the former shall be fixed at the same stage as the substantive pay.

**8. Fixation of pay of employees appointed by direct recruitment on or after 1st day of January, 2016.-** The pay of employees appointed by direct recruitment on or after 1st day of January, 2016 shall be fixed at the minimum pay or the first Cell in the Level, applicable to the post to which such employees are appointed:

Provided that where the existing pay of such employee appointed on or after 1st day of January, 2016 and before the date of notification of these rules, has already been fixed in the existing pay structure and if his existing emoluments happen to exceed the minimum pay or the first Cell in the Level, as applicable to the post to which he is appointed on or after 1st day of January, 2016, such difference shall be paid as personal pay to be absorbed in future increments in pay.

**9. Increments in Pay Matrix.**—The increment shall be as specified in the vertical Cells of the applicable Level in the Pay Matrix.

**Illustration:**

An employee in the Basic Pay of 32300 in Level 4 will move vertically down the same Level in the cells and on grant of increment, his basic pay will be 33300.	<b>Pay Band</b>	<b>5200-20200</b>				
	<b>Grade Pay</b>	<b>1800</b>	<b>1900</b>	<b>2000</b>	<b>2400</b>	<b>2800</b>
	<b>Levels</b>	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>
	1	18000	19900	21700	25500	29200
	2	18500	20500	22400	26300	30100
	3	19100	21100	23100	27100	31000
	4	19700	21700	23800	27900	31900
	5	20300	22400	24500	28700	32900
	6	20900	23100	25200	29600	33900
	7	21500	23800	26000	30500	34900
	8	22100	24500	26800	31400	35900
	9	22800	25200	27600	<b>32300</b>	37000
				↓		
10	23500	26000	28400	<b>33300</b>	38100	
11	24200	26800	29300	34300	39200	

**10. Date of next increment in revised pay structure:-**

(1) There shall be two dates for grant of increment namely, 1st January and 1st July of every year, instead of existing date of 1st July:

Provided that an employee shall be entitled to only one annual increment either on 1st January or 1st July depending on the date of his appointment, promotion or grant of financial upgradation under Higher Pay Scale Scheme.

(2) The increment in respect of an employee appointed or promoted or granted financial upgradation under Higher Pay Scale Scheme during the period between the 2nd day of January and 1st day of July (both inclusive) shall be granted on 1st day of January and the increment in respect of an employee appointed or promoted or granted financial upgradation under Higher Pay Scale Scheme during the period between the 2nd day of July and 1st day of January (both inclusive) shall be granted on 1st day of July.

**Illustration:**

(a) In case of an employee appointed or promoted in the normal hierarchy or granted financial upgradation under Higher Pay Scale Scheme during the period between the 2nd day of July, 2016 and the 1st day of January, 2017, the first increment shall accrue on the 1st day of July, 2017 and thereafter it shall accrue after one year on annual basis.

(b) In case of an employee appointed or promoted in the normal hierarchy or granted financial upgradation under Higher Pay Scale Scheme during the period between 2nd day of January, 2016 and 1st day of July, 2016, who did not draw any increment on 1st day of

July, 2016, the next increment shall accrue on 1st day of January, 2017 and thereafter it shall accrue after one year on annual basis:

Provided that in the case of employees whose pay in the revised pay structure has been fixed as on 1st day of January, the next increment in the Level in which the pay was so fixed as on 1st day of January, 2016 shall accrue on 1st day of July, 2016:

Provided further that the next increment after drawal of increment on 1st day of July, 2016 shall accrue on 1st day of July, 2017.

**11. Revision of pay from a date subsequent to 1st day of January, 2016.**—Where a Government employee who continues to draw his pay in the existing pay structure is brought over to the revised pay structure from a date later than 1st day of January, 2016, his pay in the revised pay structure shall be fixed in the manner prescribed in accordance with clause (A) of sub-rule (1) of rule 7.

**12. Fixation of pay on promotion or granted financial upgradation under Higher Pay Scale Scheme on or after 1st day of January, 2016.**—The fixation of pay in case of promotion from one Level to another in the revised pay structure shall be made in the following manner, namely:-

(i) One increment shall be given in the Level from which the employee is promoted and he shall be placed at a Cell equal to the figure so arrived at in the Level of the post to which promoted and if no such Cell is available in the Level to which promoted, he shall be placed at the next higher Cell in that Level.

Illustration:

1.	Level in the revised pay structure : Level 4	Pay Band	5200-20200						
			Grade Pay	1800	1900	2000	2400	2800	
2.	Basic Pay in the revised pay structure : 28700								
3.	Granted promotion/ financial upgradation under Higher Pay Scale (HPS) Scheme in Level 5	Levels	1	2	3	4	5		
		1	18000	19900	21700	25500	29200		
4.	Pay after giving one increment in Level 4 : 29600	2	18500	20500	22400	26300	<b>30100</b>		
		3	19100	21100	23100	27100	31000		
5.	Pay in the upgraded Level i.e. Level 5 : 30100 (either equal to or next higher to 29600 in Level 5)	4	19700	21700	23800	27900	31900		
		5	20300	22400	24500	<b>28700</b>	32900		
		6	20900	23100	25200	<b>29600</b>	33900		
		7	21500	23800	26000	30500	34900		

(ii) In the case of Government employees receiving Non Practicing Allowance, their basic pay plus Non Practicing Allowance shall not exceed the average of basic pay of the revised scale applicable to the Apex Level and the Level of the Chief Secretary.

**13. Mode of payment of arrears of pay.**—The arrears shall be paid after the Government decision in this regard and orders will be issued separately.

**Explanation.-** For the purpose of this rule, “arrears of pay” in relation to a Government employee, means the difference between:-

- (i) the aggregate of the pay and dearness allowance to which he is entitled on account of the revision of his pay under these rules for the relevant period; and
- (ii) the aggregate of the pay and dearness allowance to which he would have been entitled (whether such pay and dearness allowance had been received or not) for that period had his pay and allowances not been so revised.

**14. Overriding effect of rules.**— The provisions of the Gujarat Civil Services Rules, 2002; the Gujarat Civil Services (Revision of Pay) Rules, 1961; the Gujarat Civil Services (Revision of Pay) Rules, 1969; the Gujarat Civil Services (Revision of Pay) Rules, 1975; the Gujarat Civil Services (Revision of Pay) Rules, 1987, the Gujarat Civil Services (Revision of Pay) Rules, 1998; and the Gujarat Civil Services (Revision of Pay) Rules, 2009 shall not, save as otherwise provided in these rules, apply to cases where pay is regulated under these rules, to the extent they are inconsistent with these rules.

**15. Power to relax.**—Where the Government is satisfied that the operation of all or any of the provisions of these rules causes undue hardship in any particular case, the Government, may by order, dispense with or relax the requirements of that rule to such extent and subject to such conditions as, the Government may consider necessary for dealing with the case in a just and equitable manner.

**16. Interpretation.**—If any question arises relating to the interpretation of any of the provisions of these rules, it shall be referred to the Government for decision.

**Schedule**  
**[see rule 3(vii) and 7]**  
**Part-A**  
**Pay Matrix**

Pay Band	4440-7440			5200-20200					9300-34800				15600-39100			37400-67000			67000-79000	80000	
	Grade Pay	1300	1400	1650	1800	1900	2000	2400	2800	4200	4400	4600	5400	5400	6600	7600	8700	8900	10000	HAG	CS
Level	IS-1	IS-2	IS-3	1	2	3	4	5	6	7	8	9 @	10 #	11	12	13	13A	14	15	16	
Cell																					
1	14800	15000	15700	18000	19900	21700	25500	29200	35400	39900	44900	53100	56100	67700	78800	118500	131100	144200	182200	225000	
2	15200	15500	16200	18500	20500	22400	26300	30100	36500	41100	46200	54700	57800	69700	81200	122100	135000	148500	187700		
3	15700	16000	16700	19100	21100	23100	27100	31000	37600	42300	47600	56300	59500	71800	83600	125800	139100	153000	193300		
4	16200	16500	17200	19700	21700	23800	27900	31900	38700	43600	49000	58000	61300	74000	86100	129600	143300	157600	199100		
5	16700	17000	17700	20300	22400	24500	28700	32900	39900	44900	50500	59700	63100	76200	88700	133500	147600	162300	205100		
6	17200	17500	18200	20900	23100	25200	29600	33900	41100	46200	52000	61500	65000	78500	91400	137500	152000	167200	211300		
7	17700	18000	18700	21500	23800	26000	30500	34900	42300	47600	53600	63300	67000	80900	94100	141600	156600	172200	217600		
8	18200	18500	19300	22100	24500	26800	31400	35900	43600	49000	55200	65200	69000	83300	96900	145800	161300	177400	224100		
9	18700	19100	19900	22800	25200	27600	32300	37000	44900	50500	56900	67200	71100	85800	99800	150200	166100	182700			
10	19300	19700	20500	23500	26000	28400	33300	38100	46200	52000	58600	69200	73200	88400	102800	154700	171100	188200			
11	19900	20300	21100	24200	26800	29300	34300	39200	47600	53600	60400	71300	75400	91100	105900	159300	176200	193800			
12	20500	20900	21700	24900	27600	30200	35300	40400	49000	55200	62200	73400	77700	93800	109100	164100	181500	199600			
13	21100	21500	22400	25600	28400	31100	36400	41600	50500	56900	64100	75600	80000	96600	112400	169000	186900	205600			
14	21700	22100	23100	26400	29300	32000	37500	42800	52000	58600	66000	77900	82400	99500	115800	174100	192500	211800			
15	22400	22800	23800	27200	30200	33000	38600	44100	53600	60400	68000	80200	84900	102500	119300	179300	198300	218200			
16	23100	23500	24500	28000	31100	34000	39800	45400	55200	62200	70000	82600	87400	105600	122900	184700	204200				
17	23800	24200	25200	28800	32000	35000	41000	46800	56900	64100	72100	85100	90000	108800	126600	190200	210300				
18	24500	24900	26000	29700	33000	36100	42200	48200	58600	66000	74300	87700	92700	112100	130400	195900	216600				
19	25200	25600	26800	30600	34000	37200	43500	49600	60400	68000	76500	90300	95500	115500	134300	201800					
20	26000	26400	27600	31500	35000	38300	44800	51100	62200	70000	78800	93000	98400	119000	138300	207900					



Pay Band	4440-7440			5200-20200					9300-34800				15600-39100			37400-67000			67000-79000	80000
	Grade Pay	1300	1400	1650	1800	1900	2000	2400	2800	4200	4400	4600	5400	5400	6600	7600	8700	8900	10000	HAG
Level	IS-1	IS-2	IS-3	1	2	3	4	5	6	7	8	9 @	10 #	11	12	13	13A	14	15	16
Cell																				
21	26800	27200	28400	32400	36100	39400	46100	52600	64100	72100	81200	95800	101400	122600	142400	214100				
22	27600	28000	29300	33400	37200	40600	47500	54200	66000	74300	83600	98700	104400	126300	146700					
23	28400	28800	30200	34400	38300	41800	48900	55800	68000	76500	86100	101700	107500	130100	151100					
24	29300	29700	31100	35400	39400	43100	50400	57500	70000	78800	88700	104800	110700	134000	155600					
25	30200	30600	32000	36500	40600	44400	51900	59200	72100	81200	91400	107900	114000	138000	160300					
26	31100	31500	33000	37600	41800	45700	53500	61000	74300	83600	94100	111100	117400	142100	165100					
27	32000	32400	34000	38700	43100	47100	55100	62800	76500	86100	96900	114400	120900	146400	170100					
28	33000	33400	35000	39900	44400	48500	56800	64700	78800	88700	99800	117800	124500	150800	175200					
29	34000	34400	36100	41100	45700	50000	58500	66600	81200	91400	102800	121300	128200	155300	180500					
30	35000	35400	37200	42300	47100	51500	60300	68600	83600	94100	105900	124900	132000	160000	185900					
31	36100	36500	38300	43600	48500	53000	62100	70700	86100	96900	109100	128600	136000	164800	191500					
32	37200	37600	39400	44900	50000	54600	64000	72800	88700	99800	112400	132500	140100	169700	197200					
33	38300	38700	40600	46200	51500	56200	65900	75000	91400	102800	115800	136500	144300	174800	203100					
34	39400	39900	41800	47600	53000	57900	67900	77300	94100	105900	119300	140600	148600	180000	209200					
35	40600	41100	43100	49000	54600	59600	69900	79600	96900	109100	122900	144800	153100	185400						
36	41800	42300	44400	50500	56200	61400	72000	82000	99800	112400	126600	149100	157700	191000						
37	43100	43600	45700	52000	57900	63200	74200	84500	102800	115800	130400	153600	162400	196700						
38	44400	44900	47100	53600	59600	65100	76400	87000	105900	119300	134300	158200	167300	202600						
39	45700	46200	48500	55200	61400	67100	78700	89600	109100	122900	138300	162900	172300	208700						
40	47100	47600	50000	56900	63200	69100	81100	92300	112400	126600	142400	167800	177500							

@ If the post belongs to Class-II cadre then applicable Level-9

# If the post belongs to Class-I cadre then applicable Level-10

**Annexure-I**  
Form No.1

**FORM OF OPTION**

[See rule 6 ]

\*1. I,.....hereby elect the revised pay structure with effect from 1st January, 2016.

\*2. I,.....hereby elect to continue on Pay Band and Grade Pay of my substantive / officiating post mentioned below until:

\* the date of my next increment / the date of my subsequent increment raising my pay to Rs.\_\_\_\_\_/ I vacate or cease to draw pay in the existing pay structure / the date of my promotion/financial upgradation to the post of\_\_\_\_\_.

Existing Pay Band and Grade Pay\_\_\_

Signature.....

Name.....

Date:

Place:

Office in which employed.....

Signed before me.

Signature

Head of office(in case of non-gazetted Government employee)

Signature

Another Gazetted Officer(in case of Gazetted Government Employee)

.....  
Received above declaration

Signature

Pay and Account officer/Head of Office

\* To be strike out, if not applicable.

## Annexure-II

**UNDERTAKING**

I hereby undertake that in the event of my pay having been fixed in a manner contrary to the provisions contained in these Rules, as detected subsequently, any excess payment so made shall be refunded by me to the Government either by adjustment against future payments due to me or otherwise.

Signature \_\_\_\_\_

Name \_\_\_\_\_

Designation \_\_\_\_\_

**Date:**

Palace:

Office in which employed

Signed before me

Signature

Head of office (in case of Non-Gazetted Government Employee)

Signature

Another Gazetted Officer (in case of Gazetted officer)

**MEMORANDUM EXPLANATORY TO THE GUJARAT CIVIL SERVICES (REVISION OF PAY) RULES, 2016**

**Rule 1-** This rule is self-explanatory.

**Rule 2-** This rule lays down the categories of employees to whom the rules apply. Except for the categories excluded under clause (2), the rules are applicable to all persons appointed to Civil Services and posts in connection with the affairs of the State of Gujarat.

Provided that Pay of the Direct recruits who enter service on the basis of Recruitment Rules, which specifically provide for grant of fixed pay during an initial period of certain years, shall be fixed as above, only after the completion of such fixed pay period stipulated in the respective Recruitment Rules.

**Rule 3 and 4-** These rules are self-explanatory.

**Rule 5-** The intention is that all Government employees should be brought over to the revised pay structure except those who elect to draw pay in existing pay structure. The Government employees who exercise the option to continue in the existing pay structure will continue to draw the dearness allowance at the rates in force on 1st January, 2016. If a Government employee is holding permanent post in a substantive capacity and officiating in a higher post, or would have officiated in one or more posts but for his being on deputation etc., he has the option to retain the existing pay structure only in respect of one scale. Such a Government employee may retain the existing scale applicable to a permanent post or any one of the officiating posts. In respect of the remaining posts he will necessarily have to be brought over to the revised pay structure.

**Rule 6-** This rule prescribes the manner in which option has to be exercised and also the authority who shall be apprised of such option. The option has to be exercised in the form appended to the rules. It should be noted that it is not sufficient for a Government employee to exercise the option within the specified time limit but also to ensure that it reaches the prescribed authority within the time limit. In the case of persons who are outside India at the time of notification of these rules, the period within which the option has to be exercised is three months from the date they take over charge of the post in India. In the case of Government employees the revised pay structure of whose posts are announced subsequent to the date of issue of these rules, the period of three months will run from the date of such announcement.

Persons who have retired between 1st January 2016 and the date of notification of these rules are also eligible to exercise option.


**Rule 7-** This rule deals with the actual fixation of pay in the existing scales on 1st January, 2016 and is self explanatory. The benefit of this rule is not admissible in cases where a Government employee has elected the revised pay structure in respect of his substantive post, but has retained the existing scale in respect of an officiating post.

**Rule 8-** This rule prescribes the method of fixation of pay of employees appointed on direct recruitment on or after 1st day of January, 2016.

**Rule 9 and 10-** These rules prescribe the manner in which the next increment in the new pay structure shall be regulated.

**Rules 11 to 16-** These rules are self-explanatory.

By order and in the name of the Governor of Gujarat

  
Mona Khandhar  
Secretary (E.A.)  
Finance Department