

GOVERNMENT OF NATIONAL CAPITAL TERRITORY OF DELHI
SERVICES DEPARTMENT (SERVICES-I BRANCH)
DELHI SECRETARIAT, 7TH LEVEL, 'B' WING,
I.P. ESTATE, NEW DELHI - 110002
(<http://services.delhigovt.nic.in>)

Sub: Central Civil Services (Pension) Rules, 2021-reg.

Please find enclosed herewith the copy of notification dated 20.12.2021 w.r.t. Central Civil Services (Pension) Rules, 2021 introduced by Ministry of Personnel, Public Grievances and Pensions, Department of Pension and Pensioners' Welfare.

It is requested to circulate the above said notification among all the departments of Govt. of NCT of Delhi in consultation with Finance Department, GNCTD.

Encl: As above.

an
26/7/22
Section Officer (Services-I)

Section Officer, Coordination Branch, Services Department

U.O. No. 55/10/2021/S-I/178

Dated: 26/07/2022

Sh. Shashi
4/20/22

MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS

(Department of Pension and Pensioners' Welfare)

NOTIFICATION

New Delhi, the 20th December, 2021

G.S.R. 868(E).—In exercise of the powers conferred by the proviso to article 309 and clause (5) of article 148 of the Constitution and after consultation with the Comptroller and Auditor-General of India in relation to persons serving in the Indian Audit and Accounts Department, the President hereby makes the following rules, namely:—

CHAPTER I

Preliminary

1. Short title and commencement.— (1) These rules may be called the Central Civil Services (Pension) Rules, 2021.

(2) They shall come into force with effect from the date of their publication in the Official Gazette.

2. Application .— Save as otherwise provided in these rules, these rules shall apply to the Government servants appointed on or before 31st day of December, 2003, including civilian Government servants in the Defence Services, appointed substantively to civil services and posts in connection with the affairs of the Union which are borne on pensionable establishments, but shall not apply to,—

- (a) railway servants ;
- (b) persons in casual and daily rated employment ;
- (c) persons paid from contingencies ;
- (d) persons entitled to the benefit of a Contributory Provident Fund ;
- (e) members of the All India Services ;
- (f) persons locally recruited for service in diplomatic, consular or other Indian establishments in foreign countries ;
- (g) persons employed on contract except when the contract provides otherwise ; and
- (h) persons whose terms and conditions of service are regulated by or under the provisions of the Constitution or any other law for the time being in force.

Explanation.— These rules shall also apply to,—

(1) a Government servant who was put on induction training on or before 31st day of December, 2003 followed by appointment on regular basis after 31st day of December, 2003:

Provided that completion of the induction training was an essential condition for appointment on regular basis to the post, the Government servant was eligible for a salary or a stipend during the period of such training and the period of training was eligible for being counted as qualifying service in accordance with the provisions of Central Civil Services (Pension) Rules, 1972.

(2) a Government servant who was initially appointed on or before 31st December, 2003,—

- (i) in an establishment or Department of the Central Government whose employees were covered by a pension scheme other than the Central Civil Services (Pension) Rules, 1972; or
- (ii) in a State Government or an autonomous body under the Central Government or State Government having a non-contributory pension scheme similar to the Central Civil Services (Pension) Rules, 1972,

and was subsequently appointed after 31st December, 2003 in an establishment of a Central Government to which these rules apply, subject to the condition that the said Government servant fulfils all other conditions for counting of service rendered in such establishment of the Central Government or State Government or autonomous body, in accordance with these rules or any general or special order issued in this regard.

(3) a Government servant appointed after 31st December, 2003 to a civil service or post in connection with the affairs of the Union, if he fulfils the conditions for coverage under these rules in accordance with any special or general order issued by the Government in this regard.

(4) subject to the provisions of rule 15, persons who were regularly appointed in Government service after 31st December, 2003 but were conferred temporary status on or before 31st December, 2003 in accordance with the "Casual Labourers (Grant of Temporary Status and Regularisation) Scheme of Government of India, 1993" notified by Ministry of Personnel, Public Grievances and Pensions (Department of Personnel and Training) and such temporary status is followed without interruption by regular appointment in Government service.

(2) Whenever in the case of a Government servant the President passes an order (whether original, appellate or in exercise of power of review) awarding a pension less than the full superannuation pension admissible under these rules, the Union Public Service Commission shall be consulted before such order is passed.

Explanation.- For the purpose of this sub-rule, the expression "pension" includes retirement gratuity.

(3) The order regarding the quantum of pension and gratuity to be granted under sub-rule (1) may be issued simultaneous with the order of imposition of penalty of compulsory retirement. Where such an order regarding the quantum of pension and gratuity to be granted under sub-rule (1) is not issued simultaneous with the order of imposition of penalty of compulsory retirement, a provisional pension and a provisional gratuity at a rate of two-thirds of full superannuation pension and gratuity shall be sanctioned to the Government servant immediately.

(4) Where a provisional pension and a provisional gratuity is sanctioned to the Government servant under sub-rule (3), order for grant of final pension and gratuity under sub-rule (1) shall be issued in consultation with Union Public Service Commission, where necessary, not later than three months after the date of issue of the order imposing the penalty of compulsory retirement and the provisional pension shall continue to be paid till the payment of final pension and gratuity in accordance with the order issued under sub-rule (1).

(5) A pension or provisional pension granted or awarded under sub-rule (1) or, as the case may be, under sub-rule (2), shall not be less than the amount of minimum pension mentioned in rule 44.

41. Compassionate allowance.- (1) A Government servant who is dismissed or removed from service shall forfeit his pension and gratuity:

Provided that the authority competent to dismiss or remove him from service may, if the case is deserving of special consideration, sanction a compassionate allowance not exceeding two - thirds of pension or gratuity or both which would have been admissible to him if he had retired on superannuation pension.

(2) The competent authority shall, either on its own or after taking into consideration the representation of the Government servant, if any, examine whether any compassionate allowance is to be granted and take a decision in this regard in accordance with the proviso to sub-rule (1) not later than three months after the date of issue of the order imposing the penalty of dismissal or removal from service.

(3) The competent authority shall consider,-

(a) each case of dismissal and removal from service on its merit to decide whether the case deserves of special consideration for sanction of a compassionate allowance and, if so, the quantum thereof.

(b) the actual misconduct which occasioned the penalty of dismissal or removal from service and the kind of service rendered by the Government servant.

(c) in exceptional circumstances, factors like family members dependent on the Government servant along with other relevant factors.

(4) Where an order imposing the penalty of dismissal or removal from service was issued before the date of commencement of these rules and the competent authority, at that time, did not examine or decide whether or not any compassionate allowance was to be granted in that case, that authority shall take a decision in this regard not later than six months from the date of commencement of these rules.

(5) No compassionate allowance shall be sanctioned after the expiry of the aforesaid period of six months, to a Government servant on whom a penalty of dismissal or removal from service was imposed before the date of commencement of these rules.

(6) A compassionate allowance sanctioned under the proviso to sub-rule (1) shall not be less than the amount of minimum pension under rule 44.

CHAPTER VI

Premature Retirement and Voluntary Retirement

42. Retirement on completion of thirty years' qualifying service.- (1) At any time after a Government servant has completed a qualifying service of thirty years, he may be required by the appointing authority to retire in the public interest and in the case of such retirement, the Government servant shall be entitled to a retiring pension calculated in accordance with rule 44.

(2) The appointing authority may give a notice in writing to a Government servant at least three months before the date on which he is required to retire in the public interest or three months' pay and allowances in lieu of such notice.

(3) For retirement of a Government servant under this rule, the same procedure, as laid down by Department of Personnel and Training for retirement under rule 56 of the Fundamental Rules, 1922 shall be applicable.

Explanation.- For the purpose of this rule the expression 'appointing authority' shall mean the authority which is competent to make appointments to the service or post from which the Government servant retires.

43. Retirement on completion of twenty years' qualifying service.- (1) At any time after a Government servant has completed twenty years' qualifying service, he may, by giving notice of not less than three months in writing to the appointing authority, retire from service and in the case of such retirement the Government servant shall be entitled to a retiring pension calculated in accordance with rule 44:

Provided that before giving notice of voluntary retirement, a Government servant shall request the appropriate administrative authority for a certificate regarding completion of qualifying service of twenty years on the intended date of retirement and the administrative authority shall issue the required certificate within fifteen days of such request by the Government servant and if no such certificate is issued by the administrative authority within the prescribed period of fifteen days, the Government servant may give the notice of voluntary retirement without such certificate:

Provided further that before accepting the notice for voluntary retirement and passing orders in this regard, the appointing authority shall satisfy itself that the Government servant has completed the qualifying service of twenty years:

Provided also that this sub-rule shall not apply to a Government servant, including scientist or technical expert who is,-

- (i) on assignments under the Indian Technical and Economic Cooperation (ITEC) Programme of the Ministry of External Affairs and other aid programmes: or
- (ii) posted abroad in foreign based offices of the Ministries or Departments; or
- (iii) on a specific contract assignment to a foreign Government,

unless, after having been transferred to India, he has resumed the charge of the post in India and served for a period of not less than one year:

Provided also that a Government servant shall be eligible to retire under this rule only if he has completed or will complete a qualifying service of twenty years on the intended date of retirement and the provision in sub-rule (7) of rule 44 for treating fraction of a year equal to three months and above as a completed six monthly period, shall not be applicable for the purpose of determining the qualifying service under this rule.

(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) It shall be open to the appropriate appointing authority to withhold permission to a Government servant who seeks to retire under this rule in the following circumstances,-

- (i) If the Government servant is under suspension; or
- (ii) If a charge sheet has been issued and the disciplinary proceedings are pending; or
- (iii) If judicial proceedings on charges which may amount to grave misconduct, are pending:

Provided that in cases where the appointing authority proposes to accept the notice of voluntary retirement in spite of the circumstances referred to in this sub-rule, approval of President shall be obtained.

Explanation.- For the purpose of this sub-rule, judicial proceedings shall be deemed to be pending, if a complaint or report of a police officer, of which the Magistrate takes cognizance, has been made or filed in a criminal proceedings.

(4) (a) Government servant 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 therefor.

(b) On receipt of a request under clause (a), the appointing authority, 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 the curtailment of the period of notice will not cause any administrative inconvenience, the appointing authority may relax the requirement of notice of three months on the condition that the Government servant shall not apply for commutation of a part of his pension before the expiry of the period of notice of three months.

(5) If a Government servant acquiring a disability, where the provisions of section 20 of the Rights of Persons with Disabilities Act, 2016 (49 of 2016) are applicable, gives a notice of voluntary retirement under this rule, the Government servant shall be advised that he has the option of continuing in service with the same pay scale and service benefits which he is otherwise entitled to and in case the Government servant does not withdraw the notice for voluntary retirement, his request for voluntary retirement may be processed.

(6) Government servant, who has elected to retire under this rule and has given the necessary notice to that effect to the appointing authority, shall be precluded from withdrawing his notice except with the specific approval of such authority:

Provided that the request for withdrawal shall be made not less than fifteen days before the intended date of voluntary retirement.

(7) This rule shall not apply to a Government servant who —

(a) retires under the Special Voluntary Retirement Scheme relating to voluntary retirement of surplus employees; or

(b) 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 or for joining an autonomous body or a public sector undertaking on immediate absorption basis.

Explanation.— For the purpose of this rule the expression “appointing authority” shall mean the authority which is competent to make appointments to the service or post from which the Government servant seeks voluntary retirement.

CHAPTER VII

Regulation of pension and gratuity

44. Amount of Pension.— (1) A Government servant, who retires under rule 33, rule 34, rule 35, rule 36, rule 37, rule 38 or rule 39, after completing a qualifying service of not less than ten years, shall become eligible for grant of a pension calculated at fifty per cent of emoluments or average emoluments, whichever is more beneficial to him, subject to a minimum of nine thousand rupees per month and maximum of one lakh twenty-five thousand rupees per month:

Provided that a Government servant who retires under rule 39 before completing a qualifying service of ten years but fulfils the conditions mentioned in sub-rule (9) of rule 39, shall also be eligible for an invalid pension calculated at fifty per cent of emoluments or average emoluments, whichever is more beneficial to him and the condition of completion of minimum qualifying service of ten years shall not be applicable for grant of pension in his case.

(2) A Government servant, who retires under any of the rules referred to in sub-rule (1) but has not become eligible for grant of pension in accordance with that sub-rule, shall be eligible for grant of a service gratuity.

The amount of service gratuity in such cases shall be calculated at the rate of half month's emoluments for every completed six monthly period of qualifying service.

(3) In case the emoluments of a Government servant have been reduced during the last ten months of his service, average emoluments as referred to in rule 32 shall be treated as emoluments for the purpose of sub-rule (2) and the dearness allowance admissible on the date of retirement shall also be treated as part of emoluments.

(4)(a) Where a Government servant is compulsorily retired from service after completing a qualifying service of not less than ten years and has become eligible for grant of compulsory retirement pension under rule 40, the amount of compulsory retirement pension shall be such portion or percentage of the superannuation pension calculated under sub-rule (1), as the competent authority may sanction under rule 40.

(b) A Government servant, who is compulsorily retired from service before completing a qualifying service of ten years, shall be eligible for grant of a compulsory retirement service gratuity under rule 40 and the amount of service gratuity in such cases shall be such portion or percentage of the superannuation service gratuity calculated under sub-rule (2), as the competent authority may sanction under rule 40.

(5)(a) Where a Government servant is dismissed or removed from service after having completed a qualifying service of not less than ten years and is sanctioned a compassionate allowance under rule 41, the amount of compassionate allowance shall be such portion or percentage of the pension which would have been admissible to him if he had retired on superannuation pension, as the competent authority may sanction under rule 41.

(b) A Government servant, who is dismissed or removed from service before completing a qualifying service of ten years and is sanctioned a compassionate allowance under Rule 41, the amount of compassionate allowance in such cases shall be such portion or percentage of the service gratuity which would have been admissible to him if he had retired on superannuation service gratuity, as the competent authority may sanction under rule 41.

(6) After completion of eighty years of age or above by a retired Government servant, in addition to a pension or a compassionate allowance admissible under this rule, additional pension or additional compassionate allowance shall be payable to the retired Government servant in the following manner, namely:—

CHAPTER XIV

Miscellaneous

85. Interpretation.— Where any doubt arises as to the interpretation of these rules, it shall be referred, for decision, to the Government in the Department of Pension and Pensioners' Welfare or the Department of Personnel and Training, depending upon the rule or the subject on which a decision is required and the Department which is concerned with that rule or subject.

86. Power to relax.— Where any Ministry or Department of the Government is satisfied that the operation of any of these rules causes undue hardship in any particular case, that Ministry or Department, as the case may be, may, by order for reasons to be recorded in writing, dispense with or relax the requirements of that rule to such extent and subject to such exceptions and 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 concurrence of the Department of Pension and Pensioners' Welfare or the Department of Personnel and Training, depending upon the rule or the subject on which a relaxation is required and the Department which is concerned with that rule or subject.

87. Repeal and Saving.— (1) On the commencement of these rules, every rule [including Central Civil Services (Pension) Rules, 1972], regulation or order including Office Memorandum (hereinafter referred to in this rule as the old rule) in force immediately before such commencement shall, in so far as it provides for any of the matters contained in these rules, cease to operate.

(2) Notwithstanding such cesser of operation,—

(a)(i) every nomination for the payment of gratuity; and

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

(iii) every formal application for the sanction of pension,

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

(b) any nomination for the payment of gratuity or any form regarding the details of family of a Government servant for the purpose of Family Pension required to be made or given by a government servant under the old rule but not made or given before the commencement of these rules shall be made or given after such commencement in accordance with the provisions of these rules.

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

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

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

[F. No. 38/3/2017-P&PW(A)]

SANJIV NARAIN MATHUR, Jt. Secy.