

**GOVERNMENT OF NATIONAL CAPITAL TERRITORY OF DELHI**  
**SERVICES DEPARTMENT: SERVICES-I BRANCH**  
**DELHI SECRETARIAT: 5<sup>TH</sup> LEVEL: B-WING**  
**I.P. ESTATE: NEW DELHI**  
**"http://services.delhigovt.nic.in"**  
**Tel:011 - 23392038**

No.F.8/14/2023/S.I/ 2162-2164

Dated: 29/08/2023

To,

The All ACS/Principal Secretaries/Secretaries/  
Head of Departments  
Government of NCT of Delhi,

**Sub: Forwarding of Gazette Notification & OM issued by DoPT, GoI.**

Sir,

I am directed to forward herewith the following Gazette Notification & OM issued by DoPT, GoI for necessary compliance :-

S. No.	Notification/OM	Subject
1.	Gazette Notification dated 06.07.2023 issued by DoPT, GoI.	Regarding amendment in Rules 2, 3 and 22 of All India Services (Death cum Retirement Benefits) Rules, 1958.
2.	OM No.11020/02/2023-AIS-III dated 09.06.2023 issued by DoPT, GoI.	Regarding Study Leave of AIS officers.

Yours faithfully,



**(AMITABH JOSHI)**  
**DEPUTY SECRETARY (SERVICES)**

No.F.8/14/2023/S.I/ 2162-2164

Dated: 29/08/2023

Copy to:

- (i) The Under Secretary (UTS-I), Ministry of Home Affairs, Government of India, North Block, New Delhi.
- (ii) SO (Coordination), Services Department with the request to upload the same on website of Services Department.



**(AMITABH JOSHI)**  
**DEPUTY SECRETARY (SERVICES)**

## Study Leave - regarding.

**From :** SO UTS I <souts1@mha.gov.in>

**Subject :** Study Leave - regarding.

**To :** Shri Naresh Kumar <csdelhi@nic.in>, Cs miz <Cs\_miz@rediffmail.com>, cs-mizoram <cs-mizoram@nic.in>, cs-jandk <cs-jandk@nic.in>, Dharmendra <cs-arunachal@nic.in>, Chief Secretary Andamans <cs@and.nic.in>, Puneet Kumar Goel IAS Chief Secretary <cs-goa@nic.in>, Mr Rajeev Verma IAS <cs.pon@nic.in>, Dharam Pal <adviser-chd@nic.in>, Shri Amit Singla <devcom-dd@nic.in>, Advisor to LG <advisor-lg-ladakh@gov.in>, Advisor to the Administrator UT <lk-advisor@gov.in>

Wed, Jul 19, 2023 03:10 PM

1 attachment



Respected Sir/ Madam,

Please find the attachment.

Regards,  
Assistant Section Officer  
UTS-I, MHA



वसुधैव कुटुम्बकम्  
ONE EARTH - ONE FAMILY - ONE FUTURE

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No.14016/29/2012.UTS-I(Part-III)

भारत सरकार/Government of India

गृह मंत्रालय/Ministry of Home Affairs

\*\*\*\*\*

North Block, New Delhi  
Dated the 17<sup>th</sup> July, 2023

To,

1. The Chief Secretary, Govt. of NCT of Delhi, New Delhi.
2. The Chief Secretary, Govt. of Mizoram, Aizawl.
3. The Chief Secretary, Govt. of Jammu & Kashmir, Jammu.
4. The Chief Secretary, Govt. of Arunachal Pradesh, Itanagar.
5. The Chief Secretary, Govt. of Andaman and Nicobar Island, Port Blair.
6. The Chief Secretary, Govt. of Goa, Panaji.
7. The Chief Secretary, Govt. of Puducherry.
8. The Advisor to LG, UT of Ladakh.
9. The Advisor to Administrator, Chandigarh.
10. The Advisor to Administrator, DNH & DD.
11. The Advisor to Administrator, Lakshadweep.

**Subject: Study Leave - regarding.**

Sir,

I am directed to forward herewith a copy of DoPT's OM No.11020/02/2023-AIS-III dated 09.06.2023 along with its Annexure/enclosures (copy enclosed) on the subject mentioned above for information and compliance.

Encl: As above.

Yours faithfully,

Rh  
18.7.23

(Rakesh Kumar Singh)

Under Secretary to Govt. of India  
Tel.2309 2688

**Copy to:** Shri Ram Lakhan, Under Secretary, AIS-III, DoPT, North Block, New Delhi w.r.t. above mentioned OM dated 09.06.2023.



22/C

14016/29/2012 (P-III)

C-2809980

No. 11020/02/2023-AIS-III

Government of India

Ministry of Personnel, Public Grievances & Pensions

Department of Personnel & Training

\*\*\*

North Block, New Delhi

Dated the 9<sup>th</sup> June, 2023

Office Memorandum

US(UTS)  
Subject: Study Leave -reg.

The undersigned is directed to refer to the subject above and to say that instances have come to notice of Senior Government officers not conducting themselves fully in consonance with the spirit of the CCS(CCA) Conduct Rules, while on Study Leave, especially abroad.

2. It has been decided to prescribe Guidelines on conduct during Study Leave to be followed strictly by All India Service (AIS) officers. Accordingly, the bond to be executed before proceeding on Study Leave has been revised, where a Member of Service shall, inter-alia, undertake to abide by the AIS (Conduct) Rules, 1968, and Guidelines on conduct during Study Leave contained in the Annexure to the revised Bond. A copy of the letter of even number dated 07.06.2023 issued by this Department to State Governments regarding the revised bond is enclosed herewith for reference.

3. Accordingly, all the Cadre Controlling Authorities may incorporate similar provisions in the Bonds prescribed for Study Leave purposes, in respect of services under their control. They may further satisfy themselves regarding the suitability of the Member of Service before taking a final decision on their applications.

4. Action taken in this regard may please be intimated to the Training Division, DoP&T at the earliest.

5. This issues with the approval of Competent Authority.

Encl: as stated.

Ram Lakhan

(Ram Lakhan)

Under Secretary to the Government of India

Tel. No. 011-23093479

To,

All Cadre Controlling Authorities in Central Ministries/Departments.

Copy to:

The Joint Secretary (Trg.), Training Division, DoP&T.

20/C

No. 11020/02/2023-AIS-III  
Government of India  
Ministry of Personnel, Public Grievances & Pensions  
Department of Personnel & Training

\*\*\*

North Block, New Delhi  
Dated the 7<sup>th</sup> June, 2023

To,

Chief Secretaries of all the State Governments;

**Subject: Execution of Bond for availing Study Leave under AIS (Study Leave) Regulations, 1960.**

Sir / Madam,

I am directed to refer to the provisions of Regulations 9(i) of the AIS (Study Leave) Regulations, 1960, regarding execution of a bond by Member of Service before proceeding on Study Leave.

2. Instances have come to notice of certain All India Service officers not conducting themselves fully in consonance with the spirit of the AIS (Conduct) Rules, 1968 while on study leave.


3. It is, therefore, appropriate that Guidelines on conduct during Study Leave to be scrupulously adhered to by AIS officers be prescribed. The bond to be executed before proceeding on Study Leave has accordingly been revised, where a Member of Service shall, inter-alia, undertake to abide by the All India Services (Conduct) Rules, 1968 and the Guidelines on conduct during Study Leave contained in the Annexure to the revised bond.

4. Before forwarding the proposal of ex-India Study Leave of any Member of Service to the Central Government, the State Governments shall satisfy themselves that the Member of Service fulfills all requisite conditions for grant of study leave. They will also exercise due diligence to ensure that the proposed study course is relevant to the officer's area of work and future career growth and is in public interest, before seeking approval of the Central Government under AIS (Study Leave) Regulations, 1960. State Governments may also like to satisfy themselves regarding the suitability of the Member of Service before forwarding proposals for consideration of the Central Government.

5. The State Governments are also advised to ensure that the Member of Service is properly briefed before he / she proceeds on Study Leave.

6. This issues with the approval of Competent Authority.

Yours Faithfully,

 07/06/23  
(Ram Lakhan)

Under Secretary to the Government of India  
Tel. No. 23093479

Copy to: 1. The Secretary, Ministry of Home Affairs, North Block, New Delhi.

2. The Secretary, Ministry of Environment, Forest and Climate Change, Indira Paryavaran Bhawan, New Delhi.



APPENDIX 'A.I'  
[See Regulation 9(i)]

*Bond to be executed by the member of the Service granted extension of study leave.*

KNOW ALL MEN BY THESE PRESENTS THAT I ..... resident of..... in the District of..... at present employed as..... in the Ministry of..... Government of India/under the Government of ..... do hereby bind myself, my heirs, executors and administrators to pay to the President of India (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 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.

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 conditions as hereunder is written.

NOW THE CONDITION OF THE ABOVE WRITTEN OBLIGATION IS THAT in the event of my failing to resume duty or resigning or retiring from service or otherwise quitting service without returning to duty after the expiry or termination of the period of study leave or failing to complete the course of study or at any time within a period of three years/five 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..... only) together with interest thereon from the date of demand at Government rates for the time being in force on Government loans.

NOW FURTHER THE CONDITION OF THE ABOVE WRITTEN OBLIGATION IS THAT the period of my bond mandating putting in service for the period as specified above, after expiry of the study leave availed by me, shall be extended by a comparable period, equivalent to the aggregate periods of leave of any kind availed by me, during the currency of the bond period.

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

**I understand that the AIS (Conduct) Rules, 1968, continue to be applicable to me in letter and spirit. I undertake that I will also strictly comply with the Guidelines on conduct during Study Leave as annexed to this Bond. I am fully aware that in case I am found in violation of the Conduct Rules or the Guidelines on conduct during Study Leave as prescribed, I shall be liable for disciplinary action to be initiated against me.**

I also hereby undertake that I understand that, in case of violation of the Conduct Rules or the said Guidelines, further consequential action may also lie against me including such violation being taken into account during the process of empanelment in Central Government, being re-called from Study Leave and/or debarment from future Study Leave and optional training programs.

The Bond shall in all respects be governed by the laws of India for the time being in force and the rights and liabilities hereunder shall, where necessary, be accordingly determined by the appropriate Courts of India.

Signed and dated this.....day of .....two thousand.....

Signed and delivered by .....

In the presence of .....

Witnesses: 1 .....

2 .....

ACCEPTED  
For and on behalf of the  
President of India/the Governor

**Explanation:** The term currency of bond means the period during which the liability of the member of the Service is activated and the right of the Government is alive to claim the predetermined and stipulated amounts from the member of the Service who fails to discharge his obligation.

Guidelines on conduct during Study Leave

1. The Member of Service proceeding on Study Leave is expected to display exemplary conduct and to strictly abide by the provisions of AIS (Conduct) Rules, 1968, in letter and spirit, during the period of the Study Leave.
2. The Member of Service is expected to display a level of maturity and sensitivity befitting a senior officer of the Government.
3. The Member of Service is expected to exercise discretion in his/her interactions with foreign nationals and/or mission and in his/her interactions on social media.
4. The Member of Service shall take proper briefing from the Cadre Controlling Authority / State Government concerned before proceeding on study leave.
5. The Member of Service shall not overstay beyond the period of the approved leave.
6. The Member of Service shall submit a detailed report to the Cadre Controlling Authority after completion of the training / course.

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**Notification dated 06.07.2023 regarding amendment in Rule 2, 3 and 22 of All India Services (Death-cum-Retirement Benefits) Rules, 1958.**

**From :** Shreya Goyal <shreya.goyal@gov.in>

Mon, Jul 17, 2023 02:20 PM

**Subject :** Notification dated 06.07.2023 regarding amendment in Rule 2, 3 and 22 of All India Services (Death-cum-Retirement Benefits) Rules, 1958.



**To :** Advisor to LG <advisor-lg-ladakh@gov.in>, cs-jandk <cs-jandk@nic.in>, Mr Rajeev Verma IAS <cs.pon@nic.in>, Praful Patel <lk-admin@nic.in>, Shri Naresh Kumar <csdelhi@nic.in>, Administrator DNH DD <administrator-dd-dnh@nic.in>, ADMR CHD <admr-chd@nic.in>, Chief Secretary Andamans <cs-andaman@nic.in>, Shri H K Dwivedi <cs-westbengal@nic.in>, chief secretary <cs-uttaranchal@nic.in>, CHIEF SECRETARY GoUP <csup@nic.in>, cs-tripura <cs-tripura@nic.in>, CS Telangana <cs@telangana.gov.in>, cs@tn.gov.in, Vijay Bhushan Pathak <cs-skm@hub.nic.in>, csraj@rajasthan.gov.in, Chief Secretary Punjab <cs@punjab.gov.in>, Shri Pradeep Kumar Jena <csori@nic.in>, Jan e Alam, Chief Secretary Nagaland <csngl@nic.in>, cs-mizoram <cs-mizoram@nic.in>, cso-meg <cso-meg@nic.in>, cs-manipur <cs-manipur@nic.in>, cs@maharashtra.gov.in, chiefsecy@maharashtra.gov.in, Iqbal Singh Bains <cs@mp.nic.in>, DR VENU V IAS <chiefsecy@kerala.gov.in>, cs@karnataka.gov.in, Shri Sukhdev Singh <cs-jharkhand@nic.in>, Prabodh Saxena <cs-hp@nic.in>, Sanjeev Kaushal, IAS <cs@hry.nic.in>, chiefsecretary@gujarat.gov.in, cs@guj@gujarat.gov.in, Puneet Kumar Goel IAS Chief Secretary <cs-go@nic.in>, Chief Secretary Office <csoffice.cg@gov.in>, PABAN KUMAR BORTHAKUR, IAS <cs-assam@nic.in>, Chief Secretary Bihar <cs-bihar@nic.in>, Dharmendra <CS-arunachal@nic.in>, Dr K. S. Jawahar Reddy, IAS <cs@ap.gov.in>

**Cc :** PANKAJ KUMAR <pankaj.kgupta@gov.in>

Sir/Madam,

The proposal for amendment in Rules 2, 3 and 22 of AIS (DCRB) Rules, 1958 has been notified in the Gazette of India. A copy of the Notification dated 06.07.2023 is attached for information.

Regards,

Shreya Goyal  
ASO, AIS-II (Pension),  
DoP&T, North Block, New Delhi

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भारत 2023 INDIA

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# भारत का राजपत्र The Gazette of India

सी.जी.-डी.एल.-अ.-06072023-247112  
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असाधारण  
EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (i)  
PART II—Section 3—Sub-section (i)

प्राधिकार से प्रकाशित  
PUBLISHED BY AUTHORITY

सं. 390]  
No. 390]

नई दिल्ली, बृहस्पतिवार, जुलाई 6, 2023/आषाढ़ 15, 1945  
NEW DELHI, THURSDAY, JULY 6, 2023/ASHADHA 15, 1945

कार्मिक, लोक शिकायत और पेंशन मंत्रालय  
(कार्मिक और प्रशिक्षण विभाग)

अधिसूचना

नई दिल्ली, 6 जुलाई, 2023

सा.का.नि. 487(अ).—अखिल भारतीय सेवा अधिनियम, 1951 (1951 का 61) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्र सरकार संबंधित राज्यों की सरकारों से परामर्श करने के पश्चात एतद्वारा अखिल भारतीय सेवा (मृत्यु-सह-सेवानिवृत्ति लाभ) नियमावली, 1958 में संशोधन करने के लिए निम्नलिखित नियम बनाती है, अर्थात् :-

- (1) इन नियमों को अखिल भारतीय सेवा (मृत्यु-सह सेवानिवृत्ति लाभ) संशोधन नियमावली, 2023 कहा जाएगा।  
(2) ये राजपत्र में इनके प्रकाशन की तारीख से लागू होंगे।
- अखिल भारतीय सेवा (मृत्यु-सह-सेवानिवृत्ति लाभ) नियमावली, 1958 (इसके बाद उक्त नियमों के रूप में संदर्भित) में, नियम 2 में, उप-नियम (1) में, खंड (कक) में, टिप्पणी (viii) के स्थान पर निम्नलिखित टिप्पणी प्रतिस्थापित की जाएगी, अर्थात् :-

“(viii) जहां सेवा का कोई सदस्य अपनी सेवानिवृत्ति से या सेवा में रहते हुए मृत्यु से ठीक पहले छुट्टी पर था, और उसने ऐसी वेतनवृद्धि अर्जित करी थी जिसे रोका नहीं गया था, ऐसी वेतन वृद्धि को, जो वस्तुतः न ली गई हो, उसकी परिलब्धियों या औसत परिलब्धियों में शामिल किया जाएगा।”

- उक्त नियमों में, नियम 3 के स्थान पर निम्नलिखित नियम प्रतिस्थापित किया जाएगा, अर्थात् :-

“3. सामान्य शर्तें - (1) भविष्य में अच्छा आचरण पेंशन के प्रत्येक भुगतान (ग्रांट) और इन नियमों के तहत उसे जारी रखने की एक विवक्षित शर्त होगी।



- (2) यदि सेवानिवृत्ति के बाद कोई पेंशनभोगी किसी गंभीर अपराध के लिए सिद्धदोष ठहराया गया है या किसी गंभीर कदाचार का दोषी पाया गया है, तो केंद्र सरकार, राज्य सरकार से निर्दिष्ट किए जाने या अन्यथा, किसी विनिर्दिष्ट अवधि या अनिश्चित काल के लिए, पेंशन या उसके किसी भाग को रोक या प्रत्याहृत कर सकती है:

बशर्ते कि संघ लोक सेवा आयोग से परामर्श किए बिना ऐसा कोई आदेश पारित नहीं किया जाएगा।

बशर्ते कि आगे कि जहां पेंशन का एक भाग रोक लिया या प्रत्याहृत किया जाता है, ऐसी पेंशन की राशि न्यूनतम पेंशन की राशि से कम नहीं की जाएगी।

- (3) जहाँ किसी पेंशनभोगी को न्यायालय द्वारा किसी गंभीर अपराध का दोषी ठहराया जाता है, वहाँ उप-नियम (2) के अधीन ऐसी दोषसिद्धि से संबंधित न्यायालय के निर्णय के आलोक में कार्रवाई की जाएगी।

- (4) उप-नियम (3) के अधीन न आने वाले मामले में, यदि केन्द्र सरकार यह समझती है कि पेंशनभोगी प्रथम दृष्टया गंभीर कदाचार का दोषी है, तो वह उप-नियम (2) के अधीन आदेश पारित करने से पूर्व, -

- (क) पेंशनभोगी को एक नोटिस देगी जिसमें उसके विरुद्ध की जाने वाली प्रस्तावित कार्रवाई और उस आधार को विनिर्दिष्ट किया जाए जिस पर कार्रवाई किए जाने का प्रस्ताव है, और उसे नोटिस प्राप्त होने के पंद्रह दिनों के भीतर, या केंद्र सरकार की अनुमति से ऐसी अवधि तक जो कि 15 दिनों से अधिक न बढ़ाई गई हो के भीतर, ऐसा अभ्यावेदन प्रस्तुत करे जो वह प्रस्ताव के विरुद्ध करना चाहे; और

(ख) खंड (क) के अधीन पेंशनभोगी द्वारा प्रस्तुत अभ्यावेदन, यदि कोई हो, पर विचार किया जाए।

- (5) उप-नियम (2) के अधीन पेंशन के सम्पूर्ण या किसी भाग को रोकने या प्रत्याहरण के किसी प्रश्न पर केन्द्र सरकार का निर्णय अंतिम होगा।

- (6)(क) उप-नियम (4) के उपबंधों के प्रति पूर्वाग्रह के बिना, सेवा का कोई भी सदस्य, जिसने सूचना का अधिकार अधिनियम, 2005 (2005 का 22) की दूसरी अनुसूची में शामिल किसी आसूचना या सुरक्षा संबंधी संगठन में कार्य किया है, ऐसे संगठन के प्रमुख की पूर्व अनुमति के बिना सेवानिवृत्त होने के पश्चात् निम्नलिखित से संबंधित किसी सामग्री का कोई प्रकाशन नहीं करेगा जो इन तक सीमित न हो, -

- (i) संगठन का अधिकार क्षेत्र, जिसमें किसी भी कार्मिक और उसके पदनाम के बारे में कोई संदर्भ या जानकारी, और उस संगठन में काम करने के आधार पर प्राप्त विशेषज्ञता या ज्ञान शामिल है; और
- (ii) ऐसी संवेदनशील जानकारी, जिसका प्रकटीकरण भारत की संप्रभुता और अखंडता, राज्य की सुरक्षा, सामरिक, वैज्ञानिक या आर्थिक हितों या किसी विदेशी राज्य के साथ संबंधों को प्रतिकूल रूप से प्रभावित करेगा, या जिससे अपराध का उद्दीपन हो।

- (ख) सेवाओं का वह सदस्य जिसने सूचना का अधिकार अधिनियम, 2005 (2005 का 22) की दूसरी अनुसूची में शामिल किसी आसूचना या सुरक्षा संबंधी संगठन में कार्य किया है, खंड (क) में विनिर्दिष्ट प्रतिबंध के संबंध में अनुसूची 'ड' में किए गए प्रावधान के अनुसार वचन-बंध देगा और सेवाओं के सेवानिवृत्त सदस्य की ओर से इस तरह के वचन-बंध का पालन करने में किसी भी विफलता को इस नियम के तहत गंभीर कदाचार माना जाएगा।

- (ग) खंड (ख) में निर्दिष्ट संगठन से, प्रतिनियुक्ति पूरी होने पर या अन्यथा, स्थानान्तरित सेवा के किसी सदस्य के मामले में स्थानान्तरण के समय सेवा सदस्य से अपेक्षित वचनबंध की एक प्रति सेवा सदस्य की सेवा पुस्तिका में रखी जाएगी और इस आशय की प्रविष्टि सेवा पुस्तिका में की जाएगी और वचनबंध की दूसरी प्रति रिकॉर्ड के लिए उपरोक्त संगठन में रखी जाएगी।

- (7) ऐसे संगठन के प्रमुख को यह विनिश्चय करने का अधिकार दिया जाएगा कि प्रकाशन के लिए प्रस्तावित सामग्री संवेदनशील या गैर-संवेदनशील है, और क्या यह संगठन के अधिकार क्षेत्र में आती है।

- (8) उप-नियम (2) के अधीन केंद्र सरकार द्वारा पारित आदेश के विरुद्ध अपील राष्ट्रपति को की जा सकेगी और राष्ट्रपति, संघ लोक सेवा आयोग के परामर्श से, अपील पर ऐसे आदेश पारित करेगा जो उचित समझे।

**स्पष्टीकरण**— इस नियम के प्रयोजनार्थ, -

- (क) 'पेंशन' पद में कुटुंब पेंशन शामिल है और 'पेंशनभोगी' पद में कुटुंब पेंशनभोगी शामिल है;



- (ख) 'गंभीर अपराध' पद में शासकीय गुप्त बात अधिनियम, 1923 (1923 का 19) के तहत अपराध शामिल है;
- (ग) 'गंभीर कदाचार' पद में आधिकारिक गोपनीयता अधिनियम, 1923 (1923 का 19) की धारा 5 में उल्लिखित किसी भी गुप्त आधिकारिक कोड या पासवर्ड या किसी भी रेखांक, प्रतिमान, मॉडल, लेख, नोट, दस्तावेज या जानकारी का संचार या प्रकटीकरण शामिल है, (जो सरकार के अधीन पद धारण करते हुए प्राप्त किया गया था) जिससे जनसाधारण के हितों या राष्ट्र की सुरक्षा को प्रतिकूल रूप से प्रभावित किया जा सके;
- (घ) 'प्रकाशन' पद में प्रेस या इलेक्ट्रॉनिक मीडिया के लिए संचार या किसी भी पुस्तक, पत्र, पैम्फलेट, पोस्टर या अन्य दस्तावेज का किसी भी रूप में प्रकाशन शामिल है;
- (ङ) 'सूचना' पद में किसी भी रूप में कोई भी सामग्री शामिल है जिसमें सेवा के दौरान सेवा के सदस्य द्वारा धारित या इसकी पहुँच में रखे गए रिकॉर्ड, दस्तावेज, ज्ञापन, ई-मेल, राय, सलाह, प्रेस विज्ञप्ति, परिपत्र, आदेश, लॉगबुक, अनुबंध, रिपोर्ट, कागजात, नमूने, मॉडल और किसी भी इलेक्ट्रॉनिक रूप में डेटा सामग्री शामिल है।"

#### 4. उक्त नियमों में, नियम 22 में,-

##### (i) उप नियम 7 में,-

(क) स्पष्टीकरण 1 में, निम्नलिखित परन्तुक अंतःस्थापित किया जाएगा, अर्थात:-

"बशर्ते कि तलाकशुदा बेटी को कुटुंब पेंशन तलाक की तारीख से देय होगी यदि सेवा के सदस्य या पेंशनभोगी या उसके पति या पत्नी के जीवनकाल के दौरान तलाक की कार्यवाही सक्षम अदालत में दायर की गई थी, लेकिन तलाक उनकी मृत्यु के बाद हुआ था।";

(ख) स्पष्टीकरण 4 में, निम्नलिखित परन्तुक अंतःस्थापित किया जाएगा, नामतः :-

"बशर्ते कि मानसिक या शारीरिक विकलांगता से पीड़ित बच्चे या भाई-बहन को अपनी आजीविका अर्जित नहीं करने वाला माना जाएगा, यदि कुटुंब पेंशन के अलावा अन्य स्रोतों से उसकी कुल आय उप-नियम (2) के तहत संबंधित सेवा के सदस्य या पेंशनभोगी की मृत्यु पर देय कुटुंब पेंशन और उस पर स्वीकार्य महंगाई राहत से कम है।";

(ग) स्पष्टीकरण 6 का लोप हो जाएगा ;

##### (ii) उप-नियम 17 के स्थान पर निम्नलिखित उप-नियम रखा जाएगा, नामतः :-

(17)(क) यदि कोई व्यक्ति, जो किसी सेवा के सदस्य की सेवा में रहते हुए मृत्यु की स्थिति में, इस नियम के तहत कुटुंब पेंशन प्राप्त करने का पात्र है और उस पर सेवा के सदस्य की हत्या करने या ऐसे किसी अपराध को करने के दुष्प्रेरण का आरोप लगाया गया है, तो ऐसे व्यक्ति के विरुद्ध संस्थित आपराधिक कार्यवाई की समाप्ति तक उसे कुटुंब पेंशन का संदाय नहीं किया जाएगा;

(ख) खंड (क) के अधीन किसी व्यक्ति को कुटुंब पेंशन का भुगतान न किए जाने की अवधि के दौरान, परिवार के अन्य पात्र सदस्य, यदि कोई हो, को सेवा के सदस्य की मृत्यु की तारीख के बाद की तारीख से कुटुंब पेंशन का भुगतान किया जाएगा:

बशर्ते कि यदि सेवा के सदस्य के पति/पत्नी पर सेवा के सदस्य की हत्या करने या किसी ऐसे अपराध को करने के दुष्प्रेरण का आरोप लगाया जाता है और कुटुंब पेंशन के लिए पात्र परिवार का दूसरा सदस्य सेवा के मृतक सदस्य का अवयस्क बच्चा है, तो ऐसे अवयस्क बच्चे को कुटुंब पेंशन यथाविधि नियुक्त संरक्षक के माध्यम से देय होगी, और अवयस्क बच्चे के माता या पिता कुटुंब पेंशन के आहरण के उद्देश्य से संरक्षक नहीं माने जाएंगे;

(ग) यदि खंड (क) में निर्दिष्ट आपराधिक कार्यवाही के समापन पर संबंधित व्यक्ति-

(i) यदि सेवा के सदस्य की हत्या या हत्या करने के दुष्प्रेरण के लिए दोषी ठहराया जाता है, तो ऐसे व्यक्ति को कुटुंब पेंशन प्राप्त करने से वंचित कर दिया जाएगा, जिसका संदाय परिवार के अन्य पात्र सदस्य, यदि कोई हो, को जारी रहेगा;

12/c

- (ii) यदि सेवा के सदस्य की हत्या या हत्या करने के दुष्प्रेरण के आरोप से दोषमुक्त कर दिया जाता है, तो उसे दोषमुक्ति की तारीख से कुटुंब पेंशन देय होगी और परिवार के अन्य सदस्य को कुटुंब पेंशन उस तारीख से बंद कर दी जाएगी:

बशर्ते कि यदि परिवार का कोई अन्य सदस्य पात्र नहीं था या संबंधित व्यक्ति के दोषमुक्त होने की तारीख से पहले परिवार के अन्य पात्र सदस्य को कुटुंब पेंशन देय नहीं थी, तो ऐसे व्यक्ति को कुटुंब पेंशन सेवा के सदस्य की मृत्यु की तारीख के बाद की तारीख से या उस तारीख से देय होगी जिस तारीख को कुटुंब पेंशन परिवार के अन्य पात्र सदस्य को मिलनी बंद हो गई थी।

- (घ) खंड (क) और खंड (ग) के उपबन्ध सेवा के किसी सदस्य की सेवानिवृत्ति के बाद उसकी मृत्यु पर देय होने वाली कुटुंब पेंशन के लिए भी लागू होंगे।

**स्पष्टीकरण-** इस उप-नियम के प्रयोजनार्थ, सेवा के सदस्य की हत्या या हत्या के लिए दुष्प्रेरित करने के आरोप में आत्महत्या द्वारा मृत्यु के लिए दुष्प्रेरित करने का आरोप शामिल होगा।

- (iii) उप-नियम 20 में, खंड (ग) में, उपखंड (ii) के बाद, निम्नलिखित उप-खंड अंतःस्थापित किया जाएगा, अर्थात् :-

"(iii) यदि जहां सेवा के किसी सदस्य की मृत्यु, दंड की अवधि के दौरान, हो जाती है, जिसका प्रभाव केवल उस दंड की अवधि के दौरान उसके वेतन को कम करने का है और जिसकी समाप्ति पर उक्त दंड के किसी भी प्रभाव के बिना उसे अनुज्ञेय वेतन वापस मिल जाता है, तो इस तरह के दंड के प्रभाव की उपेक्षा करते हुए, औसत परिलब्धियाँ निर्धारित करने के लिए उसकी मृत्यु की तारीख पर या उसकी सेवा के अंतिम दस महीनों के दौरान की कल्पित (नोशनल) वेतन को ध्यान में रखा जाएगा।"

5. उक्त नियमों में, अनुसूची 'ठ' के बाद, निम्नलिखित अनुसूची अंतःस्थापित की जाएगी, अर्थात् :-

#### "अनुसूची 'ड'"

#### [नियम 3(6)(ख) देखें]

किसी भी आसूचना या सुरक्षा से संबंधित संगठन में कार्य कर चुके सेवा के सदस्यों द्वारा वचनबंध

मैं, ....., जिसने (संगठन का नाम) ..... में दिनांक ..... से ..... तक की अवधि के लिए ..... के पद पर कार्य किया है, एतद्वारा सत्यनिष्ठा से घोषणा करता हूँ कि सेवा में रहते हुए या मेरी सेवानिवृत्ति के बाद, सक्षम प्राधिकारी के पूर्वानुमोदन के बिना, मैं ऐसी कोई भी सूचना या सामग्री या जानकारी प्रकाशित नहीं करूंगा जो संगठन के कार्य क्षेत्र से संबंधित है और उक्त संगठन में मेरे कार्य के आधार पर प्राप्त की गई है। यह घोषणा यथास्थिति, सुसंगत आचरण नियमों, पेंशन नियमों, शासकीय गुप्त बातों या राष्ट्रीय सुरक्षा संबंधित अपराधों से संबंधित कानूनों और आसूचना संगठनों (अधिकारों का प्रतिबंध) अधिनियम, 1985 (1985 का 58), के निबंधनों के अनुसार मेरी जिम्मेदारियों और दायित्वों के बावजूद है। आगे, मैं सहमत हूँ कि मेरे द्वारा उपरोक्त वचनबंध की किसी भी विफलता की स्थिति में, सरकार का निर्णय कि क्या इससे उपर्युक्त पहलुओं पर प्रतिकूल प्रभाव पड़ने की संभावना है, मेरे लिए बाध्यकारी होगा।

2. मुझे पता है कि सुसंगत पेंशन नियमों के बंधनों के अनुसार, जो पेंशन मुझे सेवानिवृत्ति के पश्चात देय होगी, इस वचनबंध की किसी भी विफलता के लिए, पूर्ण या आंशिक रूप से रोकी या वापस ली जा सकती है।

सेवा के सदस्य के हस्ताक्षर

स्थान: \_\_\_\_\_

तिथि: \_\_\_\_\_ "

[फा. सं. 29018/01/2023-एआईएस-II (पेंशन)]

कुलदीप चौधरी, अवर सचिव (एआईएस-II)

**नोट :** प्रधान नियमों को भारत के राजपत्र में दिनांक 18 अगस्त, 1958 की अधिसूचना सं. सा.का.नि. 728 (असाधारण), भाग II धारा 3 उप-धारा (i) के माध्यम से प्रकाशित किया गया था और अंतिम बार दिनांक 09 मार्च, 2022 की अधिसूचना संख्या सा.का.नि. 177(अ), भाग II धारा 3 उप-धारा (i) के माध्यम से संशोधित किया गया था।



## MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS

(Department of Personnel and Training)

## NOTIFICATION

New Delhi, the 6th July, 2023

**G.S.R. 487(E).**—In exercise of the powers conferred by sub-section (1) of section 3 of the All India Services Act, 1951 (61 of 1951), the Central Government, after consultation with the Governments of the States concerned, hereby makes the following rules to amend the All India Services (Death-cum-Retirement Benefits) Rules, 1958, namely: —

1. (1) These rules may be called the All India Services (Death-cum-Retirement Benefits) Amendment Rules, 2023.

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

2. In the All India Services (Death-cum-Retirement Benefits) Rules, 1958 (hereinafter referred to as the said rules), in rule 2, in sub-rule (1), in clause (aa), for the Note (viii), the following Note shall be substituted, namely:—

“(viii) Where a member of service, immediately before his retirement or death while in service, was on leave, and earned an increment which was not withheld, such increment, though not actually drawn, shall be included in his emoluments or average emoluments.”

3. In the said rules, for rule 3, the following rule shall be substituted, namely:—

“3. General Conditions – (1) Future good conduct shall be an implied condition of every grant of pension and its continuance under these rules.

(2) The Central Government may withhold or withdraw a pension or a part thereof, for a specified period or indefinitely, either on a reference from the State Government concerned or otherwise, if after retirement, a pensioner is convicted of a serious crime or be guilty of grave misconduct:

Provided that no such order shall be passed without consulting the Union Public Service Commission.

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

(3) Where a pensioner is convicted of a serious crime by a Court of Law, action under sub-rule (2) shall be taken in the light of the judgment of the court relating to such conviction.

(4) In a case not falling under sub-rule (3), if the Central Government considers that the pensioner is *prima facie* guilty of grave misconduct, he shall, before passing an order under sub-rule (2), -

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

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

(5) The decision of the Central Government on any question of withholding or withdrawing the whole or any part of the pension under sub-rule (2) shall be final.

(6)(a) Without prejudice to the provisions of sub-rule (4), no member of service who has worked in any Intelligence or Security-related organisation included in the Second Schedule to the Right to Information Act, 2005 (22 of 2005), shall, without prior clearance from the Head of such Organisation, make any publication after retirement of any material relating to, but not limited to, -

(i) domain of the organisation, including any reference or information about any personnel and his designation, and expertise or knowledge gained by virtue of working in that organisation; and

(ii) sensitive information, the disclosure of which would prejudicially affect the sovereignty and integrity of India, the security, strategic, scientific or economic interests of the State or relation with a foreign State, or which would lead to incitement of an offence.

(b) the member of services who have worked in any intelligence or security-related organisation included in the Second Schedule to the Right to Information Act, 2005 (22 of 2005) shall give an undertaking as provided in **Schedule 'M'** in regard to the restriction specified in clause (a) and any failure to observe such an undertaking on the part of retired member of services shall be treated as grave misconduct under this rule.



- (c) in the case of a member of service transferred out of an organisation referred to in clause (b) on completion of deputation or otherwise, the required undertaking, in duplicate, shall be obtained from the member of service at the time of transfer and one copy of the undertaking shall be kept in the service book of the member of service and an entry to this effect shall be made in the service book and the other copy of the undertaking shall be kept in the aforesaid organisation for record.
- (7) The Head of such Organisation shall be vested with the authority to decide as to whether the proposed material for publication is sensitive or non-sensitive, and whether it falls in the domain of the organisation.
- (8) An appeal against an order passed by the Central Government under sub-rule (2) shall lie to the President and the President shall, in consultation with the Union Public Service Commission, pass such orders on the appeal as may be deemed fit.

**Explanation** - For the purpose of this rule, -

- (a) the expression 'pension' includes family pension and the expression 'pensioner' includes family pensioner;
- (b) the expression 'serious crime' includes a crime involving an offence under the Official Secrets Act, 1923 (19 of 1923);
- (c) 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 (19 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;
- (d) the expression 'publication' includes communication to the press or electronic media or publication of any book, letter, pamphlet, poster or other document, in any form;
- (e) the expression 'information' includes any material in any form including records, documents, memos, e-mails, opinion, advice, press releases, circulars, orders, logbooks, contracts, reports, papers, samples, models and data material in any electronic form held or accessed by the member of service while in service."

4. In the said rules, in rule 22, -

(i) in sub-rule 7, -

(a) in *Explanation 1*, the following proviso shall be inserted, namely:-

"Provided that the family pension shall be payable to a divorced daughter from the date of divorce if the divorce proceedings were filed in a competent court during the life time of the member of service or pensioner or his or her spouse but the divorce took place after their death.";

(b) in *Explanation 4*, the following proviso shall be inserted, namely:-

"Provided that a child or sibling suffering from a mental or physical disability shall be deemed to be not earning his or her livelihood, if his or her overall income from sources other than family pension is less than the entitled family pension under sub-rule (2) and the dearness relief admissible thereon, payable on death of the member of service or pensioner concerned.";

(c) *Explanation 6* shall be omitted;

(ii) for sub-rule 17, the following sub-rule shall be substituted, namely:-

"(17)(a) If a person, who in the event of death of a member of service while in service, is eligible to receive family pension under this rule and is charged with the offence of murdering the member of service or for abetting in the commission of such an offence, the family pension shall not be paid to such a person till the conclusion of the criminal proceedings instituted against him;

(b) during the period the family pension is not paid to a person under clause (a), the family pension shall be paid to other eligible member of the family, if any, from the date following the date of death of the member of service:

Provided that if the spouse of the member of service is charged with the offence of murdering the member of service or for abetting in the commission of such an offence and the other member of the family eligible for family pension is a minor child of the deceased member of service, the family pension to such minor child shall be payable through a duly appointed guardian, and such mother or father of the minor child shall not act as guardian for the purpose of drawal of family pension;



(c) If on the conclusion of the criminal proceedings referred to in clause (a), the person concerned-

- (i) is convicted for the murder or abetting in the murder of the member of service, such a person shall be debarred from receiving the family pension which shall be continued to be paid to other eligible member of the family, if any, from the date of death of the member of service;
- (ii) is acquitted of the charge of murder or abetting in the murder of the member of service, the family pension shall become payable to such a person from the date of such acquittal and the family pension to other member of the family shall be discontinued from that date:

Provided that if there was no other eligible member of the family or the family pension ceased to be payable to the other eligible member of the family before the date of acquittal of the person concerned, the family pension shall be payable to such a person from the date following the date of death of the member of service or from the date on which family pension ceased to be payable to the other eligible member of the family, as the case may be.

(d) the provisions of clause (a) and clause (c) shall also apply for the family pension becoming payable on the death of a member of service after his retirement.

**Explanation-** For the purpose of this sub-rule, the charge of murdering or abetting in the murder of member of service will include the charge of abetting death by suicide."

(iii) in sub-rule 20, in clause (c), after sub-clause (ii), the following sub-clause shall be inserted, namely:-

"(iii) where a member of service dies during the currency of a penalty which has the effect of reducing his pay only during the currency of that penalty and on expiry of which he would have regained the pay admissible to him without any impact of the said penalty, the notional pay on the date of death or during the last ten months of his service ignoring the effect of such penalty shall be taken into account for determining the average emoluments."

5. In the said Rules, after "Schedule L", the following Schedule shall be inserted, namely:-

#### "Schedule M

[See rule 3(6)(b)]

#### **Undertaking by Members of Service who have worked in any Intelligence or Security-related Organization**

I, \_\_\_\_\_, have worked in (Name of Organization) on the post of \_\_\_\_\_, for the period from \_\_\_\_\_ to \_\_\_\_\_, do hereby solemnly declare that, save with prior approval of the Competent Authority, I shall not publish in any manner, while in service or after my retirement, any information or material or knowledge which is related to the domain of the organization and obtained by virtue of my working in the said Organization. This declaration is notwithstanding my responsibilities and liability, in terms of the relevant conduct rules, pension rules, laws dealing with offences relating to official secrets or national security and Intelligent Organisations (Restriction of Rights) Act, 1985 (58 of 1985), as the case may be. I further agree that in the event of any failure of the above undertaking by me, the decision of the Government as to whether it was likely to prejudicially affect the aspects stated above shall be binding on me.

2. I am aware that the pension which may be granted to me after retirement, in terms of the relevant pension rules, can be withheld or withdrawn, in full or part, for any failure of this undertaking given.

Signature of the Member of Service

Place: \_\_\_\_\_

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

[F.No.29018/01/2023-AIS-II(Pension)]

KULDEEP CHAUDHARY, Under Secy. (AIS-II)

**Note :** The principal rules were published in the Gazette of India vide Notification No. G.S.R. 728(Extraordinary), Part II Section 3 Sub-section (i) dated the 18<sup>th</sup> August, 1958 and were last amended vide Notification No. G.S.R. 177 (E), Part II Section 3 Sub-section (i) dated the 09<sup>th</sup> March, 2022.