

CENTRAL CIVIL SERVICES (COMMUTATION OF PENSION) RULES, 1981

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CENTRAL CIVIL SERVICES (COMMUTATION OF PENSION) RULES, 1981

In exercise of the power conferred by the proviso to Art. 309 and Cl. (5) of Art. 148 of the Constitution and after consultation with the Comptroller and Auditor General in relation to persons serving in the Indian Audit and Accounts Department, the President hereby makes the following rules, namely :-

CHAPTER 1 Preliminary

1. Short title and commencement :-

- (1) These rules may be called the Central Civil Services (Commutation of Pension) Rules, 1981.
- (2) They shall come into force on the 1st July, 1981.

2. Application :-

¹ These rules shall apply to Government servant appointed on or before the 31st day of December, 2003 who may be entitled to or have been authorised any class of pension referred to in Chapter V of the Central Civil Services (Pension) Rules, 1972.

Substituted for the words "These rules shall apply to Government servants " by Central Civil Services (Commutation of Pension) Amendment Rules, 2003

3. Definitions :-

- (1) In these rules, unless the context otherwise requires:-
 - (a) "accounts officer" means an officer, whatsoever his official designation may be, who maintains the accounts of a Ministry, Department or Office of the Central Government or Union Territory

and includes an Accountant General who is entrusted with the functions of keeping the accounts or part of the accounts of the Central Government or Union Territory;

(b) "applicant" means a Government servant, including a retired Government servant, who applies for commutation of fraction of pension in the prescribed form:

(c) "Chief Administrative Medical Authority" means the medical authority of the State or the Union Territory as specified in the Annexure appended to these rules:

(d) "death-cum-retirement gratuity" means the gratuity payable under sub-rule (1) of rule 50 of the Pension Rules;

(e) "disbursing authority" means :-

(i) branch of a nationalised bank ;or

(ii) treasury including sub-treasury; or

(iii) accounts officer: from where the applicant is receiving pension authorised under the Pension Rules ;

(f) "Form" means a Form appended to these rules;

(g) "Government" means the Central Government ;

(h) "Head of Office" means a gazetted officer referred to in Cl. (1) of sub-rule (1) of Rule 3 of the Pension Rules:

(i) "medical authority" means medical authority referred to in Rule 22;

(j) "pension" means any class of pension including compassionate allowance referred to in Chapter V of the Pension Rules, but does not include extra pension and the amount, by whatever name called, granted by the Government to a pensioner as compensation for higher cost of living;

(k) "Pension Rules" means the Central Civil Services (Pension) Rules, 1972.

(l) "Provisional Pension" means the pension referred to in Rule 64 or rule 69 of the Pension Rules, as the case may be;

(m) "Table" means a Table appended to these rules.

(2) The words and expressions used in these rules, but not defined,

shall have the meanings respectively assigned to them, in the Pension Rules.

CHAPTER 2

General Conditions

4. Restriction on commutation of pension :-

No Government servant against whom departmental or judicial proceedings, as referred to in rule 9 of the Pension Rules, 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 under rule 69 of the Pension Rules or the pension as the case may be, during the pendency of such proceedings.

5. Limit on commutation of pension :-

(1) A Government servant shall be entitled to commute for lump sum payment a fraction not exceeding one-third of his pension. .

(2) In an application for commutation in Form I or, Form 2, as the case may be, an applicant shall indicate the fraction of pension which he desires to commute and may either indicate the maximum limit of one-third of pension or such lower limit as he may desire to commute.

(3) If fraction of pension to be commuted results in fraction of rupee, such fraction of a rupee shall be ignored for the purpose of commutation.

6. Commutation of pension to become absolute :-

(1) The commutation of pension shall become absolute in the case of an applicant referred to:-

(i) in sub-rule (2) of rule 13. on the date on which the application in Form 1 is received by the Head of Office;

(ii) in Chapter IV, on the date on which the medical authority signs the medical report in Part III of Form 4: Provided that:-

(a) in the case of an applicant who is drawing this pension from a treasury or accounts officer, the reduction in the amount of pension on account of commutation shall be operative from the date of receipt of the commuted value of pension or at the end of three months after issue of authority by the Accounts Officer for the

payment of commuted value of pension, whichever is earlier, and

(b) in the case of an applicant 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 date on which the commuted value of pension is credited by the bank to the applicant's account to which pension is being credited.

(2) In the case of an applicant referred to in rule 9 or rule 10, 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 Cl. (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 applicant or the commuted value was credited to the applicant's account shall be entered in both halves of the Pension Payment Order by the disbursing authority under intimation to the accounts officer who authorised the payment of commuted value of pension.

7. Death of an applicant before receiving the commuted value :-

If an applicant dies without receiving the commuted value on or after the date on which commutation became absolute, the commuted value shall be paid to his heirs.

8. Calculation of commuted value of pension : :-

The lumpsum payable to an applicant shall be calculated in accordance with the Table of the values prescribed from time to time and applicable to the applicant on the date on which the commutation becomes absolute.

9. Commutation of provisional pension: :-

(1) A Government servant to whom, pending assessment of final pension, provisional pension has been sanctioned under Rule 64 of the Pension Rules, shall be eligible to commute a fraction of such provisional pension subject to the limit specified in rule 5.

(2) For the purpose of commutation of provisional pension, the provisions of Chapter III or Chapter IV, as the case may be, shall apply.

(3) The provisions of this sub-rule shall apply to an applicant who for the purpose of commutation of provisional pension is governed

by Chapter IV of these rules:-

(i) where an applicant desires to commute a fraction of his provisional pension which works out to be not exceeding one hundred rupees per mensem and in whose case it is expected that the amount which he would be entitled to commute when the final amount of pension has been authorised would exceed one hundred rupees per mensem, his application shall be deemed, for the purpose of rule 22, to be for commutation of amount exceeding one hundred rupees per mensem.

(ii)

(a) Where the applicant does not indicate the possibility of his entitlement to commutation of pension exceeding one hundred rupees per mensem on the determination of final pension due to him he shall be treated as having applied for commutation of pension not exceeding one hundred rupees per mensem.

(b) If on the determination of final pension, the applicant becomes entitled to commute his pension upto one hundred rupees per mensem, he shall not be required to undergo medical examination for payment to him of the difference between the commuted value of the pension originally commuted and the pension commuted subsequently.

(c) If on the determination of final pension, the applicant becomes entitled to commute a sum exceeding one hundred rupees, he shall, for commutation of pension exceeding rupees one hundred, be required to apply afresh in Form 2.

10. Retrospective revision of final pension :-

An applicant who has commuted a fraction of his final pension and after commutation his pension has been revised and enhanced retrospectively as a result of Government's decision, the applicant shall be paid the difference between the commuted value determined with reference to 'enhance pension and the commuted value already authorised. For the payment of difference the applicant shall not be required to apply afresh : Provided that in the case of an applicant who has commuted a fraction of his original pension not exceeding rupees one hundred after being declared fit by a Civil Surgeon or a District Medical Officer and as a result of retrospective enhancement of pension, he becomes eligible to commute an amount exceeding one hundred rupees per mensem. he shall be allowed the difference between the commuted

value of one hundred rupees per mensem and the commuted value of the fraction of the original pension without further medical examination. The commutation of any further amount beyond rupees one hundred per mensem shall be treated as fresh commutation and allowed subject to examination by a Medical Board.

CHAPTER 3

Commutation of Pension without Medical Examination

11. Scope :-

The provision of this Chapter shall apply to an applicant who is eligible to commute a fraction of his pension without medical examination.

12. Eligibility :-

An applicant who is authorised :

(i) a superannuation pension under Rule 35 of the Pension Rules; or

(ii) a retiring pension under Rule 36 of the Pension Rules; or

(iii) a pension on absorption in, or under a corporation, or company or body in terms of Rule 37 of the Pension Rules and who elects to receive monthly pension and death-cum-retirement-gratuity; or

(iv) a compensation pension on abolition of permanent post under Rule 39 of the Pension Rules; or

(v) a pension in whole, or in part on the finalisation of the departmental or judicial proceedings referred to in Rule 9 of the Pension Rules and issue of final orders thereon; . shall, subject to the limit in Rule 5, be eligible to commute a fraction of his pension without medical examination: Provided that he applies for commutation of pension in Form 1, in accordance with the provisions of Rule 13. Note:-Pension referred to in Cl. (i). Clause (ii) and Cl. (iv) shall include the provisional pension sanctioned under Rule 64 of the Pension-Rules.

13. Application for commutation of pension :-

(1) An applicant, who is in receipt of any pension referred to in Rule 12 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 1. after the date of his

retirement:

(b) ensure that the application in Form 1 duly completed, is delivered to the Head of Office as early as possible but not later than one year of the date of his retirement. Provided that in the case of an applicant :-

(a) referred to in Cl. (iii) of rule 12, 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 the issue of the retirement orders:

(b) referred to in Cl. (v) of rule 12, 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) An applicant who applies for commutation of pension within one year of the date of his retirement but his application in Form 1 is received by the Head of Office after one year of the date of his retirement, shall not be eligible to get his pension commuted without medical examination. Such an applicant, if he desires to commute a fraction of his pension shall apply a fresh in Form 2 in accordance with the procedure laid down in Chapter IV.

14. Action to be taken by the Head of Office on application for commutation of pension :-

(1) The Head of Office on receipt of application in Form 1 under sub-rule (1) of rule 13, shall :-

(a) initial the Form indicating the date of its receipt :

(b) acknowledge immediately the receipt of Form 1 in Part II of that Form and despatch the same to the applicant;

(c) take immediate action to complete Part III of Form 1 and forward the same to the accounts officer after retaining one copy for his record.

(2) In case application in Form 1 is received by the Head of office under sub-rule (1) or rule 13 after one year of the date of retirement of the applicant, the Head of Office shall inform the applicant 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 a fresh in Form 2 so that arrangements for medical examination are made in accordance with the procedure laid down in Chapter IV.

15. Authorization of commuted value by the accounts officer :-

(1) The accounts officer on receipt of Form 1 from the Head of Office shall verify that-

(a) information furnished by the Head of Officer in Part III of Form 1 is correct ;

(b) the applicant is eligible to commute a fraction of his pension without medical examination;

(c) the commuted value of pension has been determined correctly by the Head of Office.

(2) The accounts officer after necessary verification of the information furnished in Form 1 shall-

(a) issue authority for the payment of 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) of rule 6 so that the disbursing authority may make entry in the Pension Payment Order regarding the date on which the amount of pension is to be reduced on account of commuted part of pension ;

(c) endorse to the applicant a copy of the authority referred to in Cl. (a) with the instruction that he should collect the commuted value of pension from the disbursing authority.

16. Authorization of the commuted value of a fraction of provisional pension :-

(1) If pending determination of final pension, the Head of Office has sanctioned provisional pension to a Government servant under rule 64 of the Pension Rules and such a Government servant has applied for commutation of provisional pension in accordance with the provisions of rule 9, the Head of Office on receipt of Form 1 shall-

(a) take action as provided in sub-rule (1) of rule 14 and forward

Form 1 to the accounts officer along with the duly completed pension papers referred to in rule 61 of the Pension Rules, in case pension papers have not already been forwarded to the accounts officer ;

(b) request the accounts officer to verify the correctness of the amount of provisional pension and the amount of the commuted value of the fraction of the provisional pension as determined part III of Form 1.

(2) The accounts officer on receipt of Form 1 under sub-rule (1), shall verify the correctness of the amount of provisional pension and, make further verification as provided in sub-rule (1) of rule 15.

(3) The accounts officer after necessary verification of the amount of the provisional pension and the amount of the commuted value shall-

(a) issue authority for the payment of commuted value of pension to the Head of Office with the remarks that the commuted value may be drawn and disbursed to the applicant under intimation to him ;

(b) draw the attention of the Head of Office to the proviso to sub-rule 6 so that the Head of Office may make reduction in the amount of provisional pension on account of commutation accordingly ; and

(c) endorse to the applicant a copy of the authority referred to in Ct. (a) with the instructions that he should pursue the matter with the Head of Office.

(4) The Head of Office on receipt of authority from the accounts officer under sub- rule (3), shall draw the amount of commuted value of pension and disburse the same to the applicant under intimation to the accounts officer.

(5)

(a) The accounts officer shall on final assessment of pension :-

(a) issue authority to the disbursing authority for the payment of the difference between the commuted value so determined and the commuted value already paid by the Head of Office.

(b) make entry in the pension Payment Order to be issued on the

cessation of the payment of the provisional pension by the Head of Office, the fact of the payment of the commuted value of provisional pension by the Head of office and also indicate the date from which the payment of the residuary pension shall commence.

CHAPTER 4

Commutation of pension after medical examination

17. Scope :-

The provisions of this chapter shall apply to an applicant who is eligible to commute fraction of his pension after medical examination.

18. Eligibility :-

An applicant who- -

- (i) retires on invalid pension under rule 38 of the Pension Rules; or
- (ii) on absorption in or under a corporation or company or body corporate or incorporate elects the alternative of receiving the death-cum-retirement gratuity and a lump sum in lieu of pension in terms of rule 37 of the Pension Rules; or
- (iii) is compulsorily retired from service as penalty and is granted pension under scale 40 of the Pension Rules; or
- (iv) is in receipt of compassionate allowance under rule 41 of the Pension Rules; or
- (v) has retired from service on one of the pensions referred to in rule 12 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 5 after he has been declared fit by the appropriate medical authority.

19. Application for commutation of pension :-

An applicant referred to in rule 18 shall apply to the Head of Office in Form 2 for commutation of a fraction of his pension including provisional pension sanctioned under rule 64 of the Pension Rules.

20. Action to be taken by the Head of Office on application for commutation of pension :-

(1) The Head of Office on receipt of application in Part I of Form 2 under rule 19 shall-

- (a) acknowledge immediately the receipt of Form 2 in Part II of

that Form and despatch the same to the applicant ;

(b) forward Form 2 in original to the accounts officer in Part III of that Form with the request that Part IV of that Form may be completed immediately and returned to him as early as possible so that action for getting the applicant examined by the appropriate medical authority is taken.

(2) The accounts officer on receipt of Form 2 from the Head of Office under sub-rule (1) shall complete Part IV of that Form and transmit the same to the Head of Office as early as possible.

(3) The Head of Office on receipt of Form 2 from the Accounts Office under sub-rule (2) shall address in Form 3 the Chief Administrative Medical Authority of the State or Union Territory as specified in the Annexure where the applicant desires to be medically examined and forward to him the following documents :-

(i) Form 2 with Part IV of that Form duly completed in original :

(ii) two copies of the applicant's photograph of which one shall be an attested copy;

(iii) a copy of Form 4 with a spare copy of Part III of that Form :

(iv) report or statement of the applicant's case to be 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 3 addressed to the Chief Administrative Medical Authority shall be endorsed to the applicant and the accounts officer by the Head of Office.

21. Action to be taken by the Chief Administrative Medical Authority :-

(1) The Chief Administrative Medical Authority on receipt of documents referred to in sub-rule (3) of rule 20 shall-

(a) arrange as far as possible for the medical examination of the applicant by the medical authority of the nearest available station indicated by the applicant in Form 2:

(b) transmit the documents referred to in sub-rule (3) of rule 20 to the medical authority with the direction to examine the applicant as

provided in rule 25 ;

(c) inform the applicant as to where and when he should appear for medical examination or if necessary direct the medical authority to communicate to the applicant the date and time of such examination.

(2) In fixing the date of medical examination, it shall be insured that the medical examination is held, as far as possible, before the date of applicant's next birthday.

22. Medical Authority :-

(1) Save as otherwise provided in sub-rule (2), the medical authority shall be a Medical Board, where an applicant for commutation of pension :-

(a) seeks commutation of invalid pension, or

(b) seeks commutation of pension other than invalid pension but the amount of pension to be commuted together with the amount or amounts previously commuted exceeds one hundred rupees per mensem, or

(c) has been refused commutation on medical grounds or, if he having once declined to accept commutation on the basis of addition of or years to his actual age recommended by the medical authority, applied for a second medical examination in accordance with the provisions of rule 26 and rule 27.

(2) In any other case not covered by sub-ruled), the medical authority shall be a Medical Officer not lower in status than that of a Civil Surgeon or a District Medical Officer.

23. Fee for medical examination to be borne by the applicant :-

The applicant shall be required to pay for medical examination such fee as may be specified by the Central Government.

24. Failure to appear before medical authority :-

(1) If the applicant after receipt of communication from the Chief Administrative Medical Authority or the medical authority referred to in Cl. (c) of sub-rule (1) of rule 21 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 applicant 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 Cl. (b) of sub-rule (1) of rule 21.

(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.

25. Procedure for Medical Examination :-

(1) The medical authority shall

(a) obtain from the applicant a statement in Part I of Form 4 duly signed by the applicant in its presence :

(b) subject the applicant to medical examination and enter the result thereof in Part II, of Form 4 ;

(c) attest the unattested copy of the photograph of the applicant :

(d) complete the certificate contained in Part III of Form 4 :
Provided that where-

(i) an applicant has been granted invalid pension, or

(ii) an applicant has previously commuted a part of his pension, or

(iii) an applicant has been refused commutation on medical grounds, or

(iv) an applicant 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-4, take into consideration the statement of the medical case of the applicant.

(2) After complying with the requirements of sub-rule (1), the medical authority shall without delay forward to the accounts officer who has already completed Part IV of Form 2, the following documents, namely :-

(a) Form 2 in original.

(b) attested copy of the applicant's photograph,

(c) Form 4 in original, and

(d) a certified copy of Form 4 to the Head of Office who has countersigned Part IV of Form 2.

(3) The medical authority shall also send to the applicant a certified copy of Part III of Form 4.

26. Second Medical Examination :-

(1) Subject to the provisions of rule 27, the medical examination in the case of an applicant referred to in Cl. (c) of sub-rule (1) of rule 22 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 applicant desires to be re-examined on the expiry of the period specified in sub-rule (1), the examination shall be by a Medical Board at his own expense. For this, purpose, he shall address a letter to the Head of Office with the request that arrangement for his re-examination be a Medical Board may be made. He shall indicate in the letter :-

(i) the medical authority which examined him earlier, and the date on which such examination took place.

(ii) the place where he was examined.

(iii) the opinion of the medical authority.

(iv) the date of birth and the date of retirement.

(v) designation of the post held at the time of retirement,

(vi) the amount of pension authorised.

(vii) the fraction of pension which was originally applied for commutation.

(3) The Head of Office on receipt of letter under sub-rule (2) shall address the Chief Administrative Medical Authority for arranging re-examination of the applicant by a Medical Board and forward the following documents to such authority :-

(i) letter in original received from the applicant,

(ii) the certified copy of Form 4 received earlier by the Head of Office from the medical authority under Cl. (d) of sub-rule (2) of rule 25.

(4) The Chief Administrative Authority on receipt of the communication from the Head of Office under sub-rule (3) shall inform the applicant as to where and when he should appear for medical examination before the Medical Board or if necessary direct

the Medical Board to communicate to the applicant the place, date and time of such examination.

(5) The applicant 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 applicant and if after the examination it is of the view that the earlier opinion of the medical authority needs no revision or modification or needs revisions or modification shall record its opinion and communicate the same to the Head of Office under intimation to the applicant. 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 by the Head of Office under sub-rule (6), the applicant becomes eligible to commute a fraction of pension originally applied for, the Head of Office shall determine the commuted value with reference to the Table applicable on the date. the Medical Board recorded its opinion. The Head of Office thereafter shall request the Accounts Officer to take further action for the authorisation of the commuted value and forward the following documents to him :-

(i) letter in original received from the applicant under sub-rule (2),

(ii) the opinion of the Medical Board received under sub-rule (6) in original,

(iii) calculation sheet showing the commuted value determined with reference to the revised or modified opinion of the Medical Board.

(8) The Accounts Officer on receipt of the documents under sub-rule (7) shall verify the correctness of the commuted value determined by the Head of Office and thereafter take action to authorise the commuted value to the applicant under intimation to the Head of Office.

27. Appeal against the Findings of medical authority :-

(1) Notwithstanding anything contained in rule 26, an applicant referred to in Cl. (c) of sub-rule (1) of sub-rule 22 shall be eligible for second medical examination before the expiry of the period specified in sub-rule (1) of rule 26 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

judgment. Such an applicant may, within one month of the receipt of the certified copy of Part III of Form 4, 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. He shall also indicate in the letter-

(i) the medical authority which had examined him earlier and the date on which the examination took place.

(ii) the place where he was examined.

(iii) the opinion of the medical authority.

(iv) the date of birth and the date of retirement.

(v) designation of the post held at the time of retirement.

(vi) the amount of pension authorised.

(vii) the fraction of pension which was originally applied for commutation.

(2) In case an applicant referred to in sub-rule (1)-

(i) was examined previously by a Medical Officer, not lower in status than Civil Surgeon or a District Medical Officer, he shall be re-examined by a Medical Board, or

(ii) 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 of Office shall, within one month of the receipt of letter under sub-rule (1), take steps for arranging the re-examination of the applicant. For this purpose, he shall address the Chief Administrative Medical Authority, where the applicant was examined previously. He shall, while addressing the Chief Administrative Medical Authority invite his attention to the provisions of sub-rule (2) and forward to it the following documents:-

(i) letter received from the applicant in original.

(ii) certified copy of Form 4 received earlier by the Head of Office from the medical authority under Cl. (d) of sub-rule (2) of rule 25.

(4) The Chief Administrative Medical Authority on receipt of

communication from the Head of Office under sub-rule (3) shall arrange for the second medical examination of the applicant by a medical Board which shall be constituted in accordance with the provisions of sub-rule (2). The Chief Administrative Medical Authority, shall, thereafter inform the applicant as to where and when he should appear for medical examination before the Medical Board or if necessary direct the Medical Board to communicate to the applicant the place, date and time of such examination.

(5) The applicant on receipt of the 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 applicant and if after the examination, 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 applicant and the Findings of the Medical Board shall be binding on the applicant.

(7) If the Medical Board as a result of the second medical examination of the applicant, sets aside or modifies the opinion of the first medical authority, the findings of the Medical Board shall be deemed to have come into force on the date on which the first medical authority recorded its opinion and the claim of the applicant for commutation shall be settled accordingly.

(8) Nothing contained in this rule shall apply to an applicant in whose case the medical authority as a result of the first medical examination had directed that the applicant's age for the purpose of commutation should be assumed to be greater than his actual age, and the applicant received the commuted value with reference to the enhanced age.

28. Withdrawal of application :-

(1) The applicant may after giving notice in writing, to the Head of the Office, withdraw his application at any time before subjecting himself to 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 applicant's age for the purpose of commutation shall be assumed to be greater than his actual age, the applicant may.--

(a) by giving notice in writing to the Head of Office withdraw his application within fourteen days from the date on which he receives the certified copy of Part III of Form 4 and endorse a copy of notice to the accounts officer, or

(b) request the Head of Office within the period specified in Cl. (a) under intimation to the accounts officer that he may be permitted to reduce the amount of pension already applied for commutation to an amount to be indicated by the applicant.

(3) Where a request for withdrawal has not been made by the applicant within the time specified in Cl. (a) of sub-rule (2), it shall be presumed that he has accepted the findings of the medical authority and the accounts officer 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 Cl. (b) of sub-rule (2), the accounts officer shall authorise the payment of commuted value of pension with reference to the reduced amount.

(5) If the applicant is informed by the accounts officer under rule 29 that on account of modification of the Table, the commuted value becoming payable to the applicant will be less than the value communicated to him in Form 3, it shall be open to the applicant to withdraw his application by a written notice addressed to the accounts officer and the applicant 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.

29. 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 Cl. (ii) of sub-rule (1) of rule 6, 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 accounts officer, shall.-

(a) inform the applicant of the revised value and communicate to him the provisions of sub-rule (5) of rule 28, and the endorse to the Head of Office a copy of the communication issued under Cl.

(a).

30. Authorisation of payment of commuted value by the accounts officer :-

(1) Subject to the provisions of sub-rule (2) and sub-rule (3) of rule 28, the accounts officer on receipt of the documents referred to in sub-rule (2) of rule 25, 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) Form 4 in original,

(iv) copy of the applicant's photograph as attested by the medical authority.

(2) The accounts officer shall also.-

(a) bring to the notice of disbursing authority the provisions of the proviso to Rule 6 regarding the date on which the amount of original reason should be reduced:

(b) endorsed to the applicant 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 applicant the provisions of the Proviso to sub-rule (1) of rule 6.

31. Final assessment of provisional pension :-

(1) An applicant referred to in sub-rule (3) of rule 9 to whom the commuted value of the fraction of the provisional pension has been paid by the Head of Office, shall on final assessment of the pension, be paid by the accounts officer, the difference between the commuted value so determined and the commuted value already paid : Provided that where an applicant has been examined by a Medical Officer for the commutation of a fraction of provisional pension and such an applicant on assessment of final pension becomes eligible to commute an amount exceeding one hundred rupees per mensem, he shall be allowed the different between the

commuted value of one hundred rupees per mensem and the commuted value of the fraction of the provisional pension without further medical examination but the payment of the commuted value of pension exceeding one hundred rupees per mensem shall be made if the applicant applies afresh for medical examination as provided in Cl. (c) of sub-rule (3) of rule 9 and he is declared fit by a Medical Board.

(2) The commuted value of the fraction of provisional pension as indicated in the endorsement in Form 4 addressed to the applicant and forwarded under sub-rule (4) of rule 20 shall be deemed to have been amended with the issue of an authority by the accounts officer for the payment of difference between the commuted value of the fraction of the final pension and the fraction of the provisional pension.

CHAPTER 5

Miscellaneous

32. Interpretation :-

Where any doubt arises as to the interpretation of these rules, it shall be referred to the Government in the Department of Personnel and Administrative Reforms for decision.

33. 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 Personnel and Administrative Reforms.

34. Repeal and savings :-

(1) On the commencement of these rules, every rule, regulation or order including Office Memoranda (hereinafter referred to in this rule as the old rule) in force immediately before such commencement shall, in so far as it provides for all of the matters contained in these rules, cease to operate.

(2) Notwithstanding such cesser of operation-

(a) any application for commutation of pension which is pending before the commencement of these rules shall be disposed of in accordance with the provisions of old rules as if these rules had not been made; and

(b) subject to the provisions of Cl. (a), anything done or any action taken under the old rules shall be deemed to have been done or taken under the corresponding provisions of these rules.