

## **CENTRAL CIVIL SERVICES (EXTRAORDINARY PENSION) RULES**

### CONTENTS

1. Short title
2. Applicability
3. Definitions
- 3A. Disablement/Death
4. Sanction for grant of award
5. Effect of award or other pension
6. Cases where no award to be made
7. Currency for payment
8. Percentage of disability
9. Disablement due to Government service
10. Death due to Government service
11. Award to father/mother
12. Family pension
- 12A. Remarriage by widow
13. Procedure

## **CENTRAL CIVIL SERVICES (EXTRAORDINARY PENSION) RULES**

### CENTRAL CIVIL SERVICES (EXTRAORDINARY PENSION) RULES

#### **1. Short title :-**

These rules may be called the Central Civil Services (Extraordinary Pension) Rules.

#### **2. Applicability :-**

These rules shall apply to all persons paid from Civil Estimates, other than those to whom the Workmen's Compensation Act, 1923 (VIII of 1923), applies, whether their appointment is permanent or temporary, on the scale of pay or fixed pay or piece-work rates who are under the rule making control of the Governor-General, and who entered or enter service under the Central Government on or after the 1st April, 1937, or who having entered such service before the 1st April, 1937, did not hold a lien or a suspended lien on a permanent post on that date.

Note:- No award shall be made under these rules in respect of a civilian officer who is deputed on foreign service under UN. bodies

on or after 1st January, 1958 and who is allowed to join the U.N. Joint Staff Pension Fund as an "Associate Member".

### **3. Definitions :-**

For the purpose of these rules unless there is anything repugnant in the subject or context-

(1) "accident" means-

(i) a sudden and unavoidable mishap; or

(ii) a mishap due to an act of devotion to duty in an emergency arising otherwise than by violence out of and in the course of service;

(2) "date of injury" means-

(i) in the case of accident or violence, the actual date on which the injury is suffered or such date, not being later than the date of the report of the Medical Board, as the President may fix; and

(ii) in the case of disease, the date on which the Medical Board reports or such earlier date as may be fixed by the President with due regard to the opinion of the Medical Board;

(3) "injury" means-

(i) an injury as is mentioned in Schedule I hereto annexed Permanent Total Disablement shall be deemed to result from every injury specified in Part I of Schedule I or from any combination of injuries in Part II of that Schedule where the aggregate percentage of loss of earning capacity (percentage of disability) amounts to cent per cent or more. Every injury specified in Part II of Schedule I shall be made to result in Permanent Partial Disablement.

(4) "disease" means- a disease as is mentioned in Schedule I-A hereto annexed.

(5) "pay" means- the pay as defined in Rule 9 (21) of the Fundamental Rules, which a person was drawing on the date of his death or injury : Provided that in the case of a person remunerated by piece work rates, pay means the average earnings of the last six months ending with the date of his death or injury.

(6) Deleted.

(7) Deleted.

(8) "Violence" means- the act of person who inflicts an injury on a Government servant-

(i) by assaulting or resisting him in the discharge of his duties, or in order to deter or prevent him from performing his duties, or

(ii) because of anything done or attempted to be done by such Government servant or by any other public servant in the lawful discharge of his duty as such, or

(iii) because of his official position.

**3A. Disablement/Death :-**

(1)

(a) Disablement shall be accepted as due to Government service provided that it is certified that it is due to wound, injury or disease which-

(i) is attributable to Government service, or

(ii) existed before or arose during Government service and has been and remains aggravated thereby.

(b) Death shall be accepted as due to Government service provided it is certified that it was due to or hastened by-

(i) a wound, injury or disease which was attributable to Government service, or

(ii) the aggravation by Government service of a wound, injury or disease which existed before or arose during Government service.

2. There shall be a causal connection between-

(a) disablement and Government service, and

(b) death and Government service ; for attributability or aggravation to be conceded. Guidelines in this regard are given in the Appendix which shall be treated as part and parcel of these Rules. Clarification:- It will be seen from the new (revised) Forms 'C', 'D', and 'E', that these forms of medical certificates have been so designed that they would indicate whether the entitlement criteria laid down in new Rule 3A have been satisfied or not, and therefore, normally, no other separate certificates in that behalf may be necessary. It is essential for the Administrative Officer as well as the Audit Officer (PAO) concerned to satisfy themselves that

the death/disability is, in fact, attributable to or aggravated by the Government service which alone makes in E. O. E Award admissible and for that purpose, it is essential for both of these authorities to satisfy themselves in that behalf and certify the nexus and causal connection between disablement and Government service or between death and Government service (as the case may be), in any particular case, as laid down in the new Rule 3A on the basis of the medical and other documents regarding the case. If a Government servant had died in such circumstances and that a medical report could not be secured, even then, nexus and the causal connection between death and Government service has to be established before conceding acceptance of death due to Government 3 service.

3. Notwithstanding anything contained in these rules, the degree of default or contributory negligence on the part of a Government servant may be consideration in making an award under these rules in favour of such Government servant, but shall not be taken into account where such award is made in favour of the family of such Government servant.

**4. Sanction for grant of award :-**

No award shall be made under these rules except with the sanction of the President.

**5. Effect of award or other pension :-**

Except as otherwise provided in these rules, an award made under these rules shall not affect any other pension or gratuity for which the Government servant concerned or his family may be eligible under any other rules for the time being in force ; and the pension granted under the provisions of these rules shall not be taken into account in fixing the pay of pensioner in his continued employment or re-employment in Government service.

**6. Cases where no award to be made :-**

No award shall be made in respect of

(i) an injury sustained more than five years before the date of application ; or

(ii) death which occurred more than seven years-

(a) after the injury due to violence or accident was sustained ; or

(b) after the Government servant was medically reported as unfit

for duty on account of the disease of which he died.

### **7. Currency for payment :-**

All awards under these rules shall be made in India in rupees unless the payee resides permanently, and desires payment to be made, in a country in which the rupee is not legal tender. In the latter case the amount of the award shall be paid in sterling at the exchange rate is 6d to the rupees.

### **8. Percentage of disability :-**

(1) The percentage of disability due to an injury or injuries shall be as specified in Schedule I hereto annexed, or failing that, as certified by the Medical Authority.

(2) The percentage of disability due to a disease or diseases specified in Schedule 1- A, hereto annexed, shall be as certified by the Medical Authority.

### **9. Disablement due to Government service :-**

(1) When disablement of a Government servant is conceded as due to Government service in terms of Rule 3A, he shall be awarded disability pension in terms of sub-rule (2) or (3) or lump sum compensation in terms of sub-rule (4) of this Rule in accordance with the percentage of disability (suffered by him) as certified by the Medical Authority concerned.

(2) If the Government servant is boarded out of Government service on account of his disablement, the quantum of disability pension for cent per cent disability shall be as specified in Schedule II hereto annexed. The quantum of disability pension for lower percentage of disability shall be, "proportionately lower". (The minima and the maxima given in Schedule II are applicable only for arriving at the monthly disability pension for cent per cent disability and are not applicable in respect of percentage of disability lower than cent per cent).

(3) If the Government servant is boarded out of Government service on account of such disablement, and further if, the percentage of his permanent disability as certified by the Medical Authority is not less than 60% his monthly disability pension shall be related to the family pension admissible to the widow (in case he had died instead of being disabled) in the manner laid down in O.M. No. 23 (15)-EV (A) Pt. IV, dated the 20th January, 1978.

(4) If the Government servant is retained in service in spite of such disablement, he shall be paid a compensation in lump sum (in lieu of the disability pension) on the basis of the disability pension admissible to him in accordance with the provision of sub-rule (2) of this rule, by arriving at the capitalized value of such disability pension with references to the Commutation Table, in force from time to time.

**10. Death due to Government service :-**

When death of Government servant is conceded as due to Government service in terms of Rule 3A, his widow and children shall be awarded pensionary benefits in accordance with Schedule III hereto annexed. Note:- If a Government servant dies leaving behind two or more widows, the pension admissible, under this rule to the widow shall be divided equally among all the widows.

**11. Award to father/mother :-**

(1) If the deceased Government servant has left neither a widow nor a child, an award may be made to his father and his mother individually or jointly and in the absence of the father and the mother to minor brothers and sisters, individually or collectively, if they were largely dependent on the Government servant for support and are in pecuniary need: Provided that the total amount of the awards shall not exceed one-half of the pension that would have been admissible to the widow under Rule 10: Provided further that each minor brother's and sister's share shall not exceed the amount of pension specified in Schedule III for a "child who is not motherless".

(2) Any award made under sub-rule (1) of this rule will, in the event of an improvement in the pecuniary circumstances of the pensioner, be subject to review in such manner as the President may by order prescribe

Note:- If any of the widows, children, father, mother, minor brothers or sisters is denied any share in the property of the Government servant under a will or deed made by him, such person shall be ineligible to receive any award under these rules and the benefit will pass on to the next person eligible.

**12. Family pension :-**

(1) A family pension will take effect from the day following the death of the Government servant or from such other date as the

President may decide.

(2) A family pension will ordinarily be tenable-

(i) in the case of a widow or mother until death or re-marriage, whichever occurs earlier;

(ii) in the case of minor son, or minor brother, until he attains the age of twenty-one ;

(iii) in the case of an unmarried daughter or minor sister, until, marriage or until she attains the age of twenty-four, whichever occurs earlier ;

(iv) in the case of a father, life.

Note:- The family pension of a widow will cease on re-marriage ; but when such remarriage is annulled by divorce, desertion or death of the second husband, her pension may be restored upon proof that she is in necessitous circumstances and otherwise deserving.

**12A. Remarriage by widow :-**

Notwithstanding anything contained in clause (i) of sub-rule (2) of Rule 12, a widow of an employee who re-marries her deceased husband's brother and continues to live a communal life with, or contributes to the support of the other dependants of the deceased shall not be disqualified for the grant of extraordinary pension, otherwise admissible to her under these rules.

**13. Procedure :-**

In respect of matters of procedure all awards under these rules are subject to any procedure rules relating to ordinary pensions for the time being in force, to the extent that such procedure rules are applicable and are not inconsistent with these rules.

(2) Not printed.

(3) Not printed.

(4) When a claim for any disability pension or family pension arises, the Head of the Office or the Department in which the injury or the deceased Government servant was employed will forward the claim through the usual channel to the Government of India with the following documents:-

(i) A full statement of circumstances in which the injury was received, the disease was contracted or the death occurred.

(ii) The allocation for disability pension in Form 'A' or as the case may be, the application for family pension in Form 'B' of the Forms set forth in Schedule IV

(iii) In the case of an injury of Government servant or one who has contracted a disease a medical report in Form 'C' of the Forms set forth in Schedule IV. In the case of a deceased Government servant a medical report as to the death or reliable evidence as to the actual occurrence of death if the Government servant lost his life in such circumstances that a medical report cannot be secured.

(iv) A report of the Accounts Officer concerned as to whether an award is admissible under the rules and, if so, of what amount.

(5) Where the Governments are satisfied on the evidence placed before them by a Government servant in respect of whom a medical report for the purpose of grant of disability or other extraordinary pension has been received by them, of the possibility of an error of judgment in the decision of the Medical Board which examined him, the Government may direct a second Medical Board consisting of members other than those who constituted the first Medical Board to examine the officer and submit a report to the Government in the matter; pension shall be granted to the officer in accordance with the decision of the second Medical Board.