

THE
MADRAS SUPPLEMENT

TO THE

CIVIL SERVICE REGULATIONS

(Pension Portions only)

Issued by the Accountant General,

MADRAS.

Fifth Edition (Reprint).



THE MANAGER OF PUBLICATIONS, DELHI,
GOVERNMENT OF INDIA PRESS, NEW DELHI,
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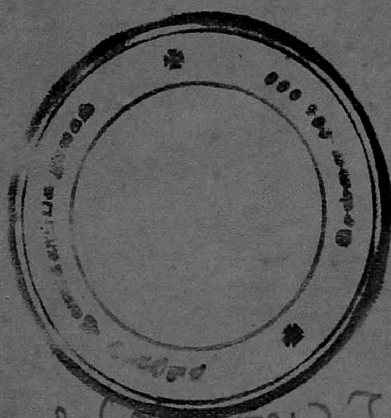
PREFACE.

This volume is merely a reprint of the pension portion of the Fifth Edition of the Madras Supplement to the Civil Service Regulations published in 1918. All orders issued by the Madras Government and other authorities subsequent to 1918 have been included in this reprint so as to make it as complete as possible.

2. Any omissions or mistakes may be brought to the notice of the Accountant-General.

P. K. WATTAL,
Accountant-General.

FORT ST. GEORGE, MADRAS,
Dated November 1937.



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THE MADRAS SUPPLEMENT TO THE CIVIL SERVICE REGULATIONS (PENSION PORTIONS ONLY).

PART I.—PRELIMINARY. CHAPTER I.—GENERAL SCOPE.

[C. S. R.-1 A.]

(1) The provisions of the Civil Service Regulations relating to pensions and such alterations thereof and additions thereto as may be made from time to time by the Secretary of State in Council or the Government of India shall, in so far as they are not inconsistent with any rules that may be made from time to time by the local Government, be deemed to be rules made by the local Government under rules 41, 42 and 44 of the Civil Services (Classification, Control and Appeal) Rules, and shall apply to provincial specialist and subordinate services under their administrative control.

(2) Any powers assigned in these regulations to the Secretary of State in Council, the Secretary of State, the Governor-General in Council, or the Government of India, shall be exercised in respect of members of provincial, specialist and subordinate services by the Governor in Council.

(3) This article shall be deemed to have been made with effect from the 27th May 1930.

(G. O. No. 469-Finance, dated 22nd August 1932. Case Pen. Mis. 3-22 of 1930-33.)

NOTE.—The Government of India have, with the concurrence of the Secretary of State in Council, decided that powers derived from a delegation under Section 96-B of the Government of India Act cannot be exercised by the recipient of the delegated powers with effect from a date earlier than the delegation which date, in the present case is the 27th May 1930.

(Correspondence forwarded with the Government of India, Finance Department, Endt. No. F-7 (23) R-1/31, dated 2nd September 1931, Section VII-A of the Manual of Audit Instructions inserted by C. S. No. 191, dated 2nd November 1931.)

[C. S. R.-4.]

The question whether service in a particular office or department qualifies for pension or not, is determined by rules which were in force at the time such service was rendered, and orders subsequently issued declaring the service to be non-qualifying, are not applied with retrospective effect.

(G. I., F. D., No. 6080-P., dated 8th December 1905.)

CHAPTER II.—DEFINITIONS.**[C. S. R. 5.]**

The existing pension rules must be interpreted in the light of the definitions in the Civil Service Regulations and not in the light of the definitions in the Fundamental Rules.

(G. O. No. Fin. P. 471, dated 29th October 1923.)

[C. S. R. 9.]

The expression "time passed in India, out of employ on subsistence allowance" in Article 9(ii) does not include time spent under suspension adjudged as a penalty.

(Government of India letter No. 1348-Finance and Commerce, dated 20th March 1886.)

PART IV.—ORDINARY PENSIONS.

CHAPTER XV.—GENERAL RULES.

SECTION I.—EXTRACT OF APPLICATION.

[C. S. R.-349A.]

(1) In the list of appointments specified in clause (1) of this Article after the entry relating to the Medical Department, the following entry shall be inserted :—

The Public Health Department.	Assistant Directors of Public Health not belonging to the Indian Medical Service or of the Indian Research Department.
----------------------------------	--

[G. O. No. P.-767-Public (Services), dated 21st July 1931. Case Pen. Mis.-3-9 of 1926-1932.]

(2) The holders of the appointments mentioned below are eligible for the benefits of the new pension rules promulgated by the Government of India, Finance Department in their Resolution No. 1085-E.A., dated 15th November 1919—recorded in G. O. No. 729-Public, dated 15th December 1919 :—

(i) Two appointments of Assistant Commissioners of Police in the Madras City; and

(ii) Assistant to the Deputy Inspector General of Police, Railways and C. I. D.

[G. O. No. 271 Finance (Pension), dated 26th June 1926. Case Pen. Mis.-3-9 of 1926-27.]

(3) In the list of appointments specified in paragraph (1) of this Article, for the entry "Deputy Registrars for the Original and Appellate Sides of the Madras High Court" the following entries shall be substituted, namely—

"Registrar (when not held by a member of the I. C. S.)

Master.

Deputy Registrar.

Assistant Registrars".

[G. O. No. P.-143 Public (Services), dated 7th February 1931. Case Pen. Mis. 3-43 of 1919-35.]

(4) To the list of services and appointments in this Article, the following entry shall be added—

"Administrator General and Official Trustee, Madras".

This amendment applies only to officers appointed on or after 19th January 1937 as Administrator General and Official Trustee, Madras and who are not members of the I. C. S.

[G. O. 62, Finance (Pension), dated 19th January 1937. P. V. Case 6-37 of 36-37.]

SECTION II.—CASES IN WHICH CLAIMS ARE INADMISSIBLE.
SPECIFICATION OF CASES.

[C. S. R. 350.]

As early as 1897 the Government declared certain classes of Government servants ineligible for pension, but till 1910 no general principles had crystallised. After correspondence with the Government of India, G. O. No. 442-Financial, dated 8th October 1910 and G. O. No. 228-Financial, dated 9th May 1911 were issued stating the general considerations which should apply. Pensionary rights and leave and such other privileges need not necessarily be granted to menials employed in Government offices. They come and go as the service and wages suit them, and the terms of their employment vary with the personnel and the times. It is often found difficult to induce them to remain for any length of time in an appointment on a fixed pay, and when vacancies occur substitutes often cannot be obtained for the same remuneration. While respecting vested rights, and recognising exceptions wherever they are found necessary, the Government have from time to time given, as far as practicable lists of the classes of Government servants who are ineligible for pension. A chronological summary of the various orders, classified by departments, is given below :—

I.—1897—1910 (*G. O. No. 489-Pension*), dated 3rd July 1897.

(a) The following posts (with others not specified) in all departments whose whole time services are not retained for the public service are non-pensionable :—

- (1) Lamp Lighters.
- (2) Toties.
- (3) Scavengers.
- (4) Sweepers on less than Rs. 4 per mensem
- (5) Punkah pullers.

(b) "Gardeners" who are menial servants in any department. Overseers employed under the Curator Government Gardens and Parks, the Nilgiris, and European Gardeners recruited under the special conditions of appointment, are not "gardeners" for the purpose of this rule (*G. O. No. 489-Pen.*, dated 21st August 1875 and *G. O. 155-Pen.*, dated 9th April 1910).

(c) Other menial Government servants engaged after 3rd July 1897 who are the incumbents of the following classes of menial offices :—

- (1) Watchmen, Watermen, Cooks in Police Hospitals.

- (2) Cook, Masalchi and Ward cooly in the Jail Department (N. B.—Service of the future incumbents of the class of cooks in other Departments also).
- (3) Iceman, Masalchi, lascar, bathman, bricklayer, puckaly, butcher, carpenter, gardener, bearer, servant, headman, kitchenwoman, blacksmith, nurse's maty, cooly ayah, waterman or waterwoman, barber and cleaning man of the Medical Department (G. O. No. 145-Pen., dated 28th February 1899).
- (4) Male sweepers in the Government Press, Madras (M. G. Endt. No. 4233-1, dated 6th October 1908, communicating G. O. No. 799-Public, dated 28th September 1908).
- (5) Watermen, scavengers, handcartmen and watchmen (except one of the Secretariat offices on Stone House Hill) of the Public Works Department.
- (6) Night peons, masalchis, conductresses, gardeners, water Brahmins, water carriers, watermen and waterwomen of the Education Department.
- (7) Collecting taxidermist, gardeners, water pandal brahmin, night watchman and chockra of the Museum establishment.
- (8) The syces, grass cutters, farrier and chuckler sanctioned for the upkeep of horses belonging to the Police Training School, Vellore. (M. G. No. 1145-Judl., dated 10th July 1906).
- (9) Service as tailor or dhobi (M. G. No. 145-Pen., dated 28th February 1899).
- (10) Establishments paid wholly from the labour transport fund [Section 218 (2) of the Assam Labour and Emigration Act II of 1901 and heads XXVI Emigration fees and 37-Miscellaneous Departments—Emigration Internal] (G. O. No. 626-Pub., dated 26th July 1904).

II.—1910—1920.

The following classes of menials entertained on or after 1st October 1910 are ineligible for pension under the orders promulgated in G. O. No. 442-Financial, dated 8th October 1910. (G. O. No. 228, dated 9th May 1911 emphasises that the list is not exhaustive but that the principle enunciated in the G. O. No. 442 of 8th October 1910 should be extended to all menial servants of the classes mentioned below by whatever designation they may be called). Exceptions recognised by Gov-

ernment have been indicated wherever convenient, but for the general exception see III below :—

*Classes.**Departments attached.*

- | | | |
|--|---|------------------------------|
| (a) 1. Sweepers.
2. Scavengers.
3. Lamp Lighters or Masalchi
4. Toties.
5. Punkah pullers.
6. Cooks.
7. Dhobis.
8. Tailors
9. Gardeners. | } | All Departments and offices. |
|--|---|------------------------------|

- | | |
|--|---|
| (b) 1. Watchmen (including night watchmen or peons). | Police hospitals, Public Works Department excepting the watchmen for the Secretariat Offices and for the Press buildings on the Stone-House Hill. |
|--|---|

Education Department, Government Museum, and the Technical Institutes at Madura and Tinnevely.

Note to item (a) 3.—All masalchis of the Revenue Department and those lamp lighters who were in service on 3rd July 1897 and who were designated as masalchis in G. O. No. 515-Revenue, dated 9th September 1898 hold pensionary rights until they were withdrawn in respect of future incumbents by the orders in G. O. No. 442-Financial, dated 8th October 1910.

(G. O. No. 2322-Revenue Department, dated 2nd December 1930, Finance Department endorsement 39529-1, dated 8th December 1930. Pen. R. 29 of 1930-31.)

Note to item (b) 1.—(1) Caretakers are watchmen, and so the two posts of caretakers of the Residency buildings at Trivandrum and Bolghotty are non-pensionable. (Letter No. 402/27, dated 3rd May 1927, from the Agent to the Governor General, Madras States, Trivandram.)

(2) The two sandspit gardeners at Negapatam and the 3 watchmen at Tuticorin are non-pensionable (G. O. No. 191-Marine, dated 14th June 1912).

Exceptions to item (b) 1.—The following are eligible for pension :—

(i) Watchers (designation to be altered into "peons") in Government Girls Schools (G. O. No. 248-Education, dated 27th April 1911).

(ii) Night watchmen of the Registration Department. (G. O. No. 264-Finance, dated 29th May 1911.)

(iii) Gollahs employed in District Treasuries. (G. O. No. 436-Fin., dated 12th July 1912.)

(iv) Night watchmen and night watchwomen in Government Lunatic Asylum, at Madras, the designation to be altered into "Patrols", and door-keeper in the Leper Hospital, Palliport (designation to be altered into "Peons").

(G. O. No. 431-Fin., dated 12th July 1912.)

(v) Gollahs and watching peons in the Court of Small Causes, Madras (G. O. No. 618-Fin., dated 8th October 1912).

2. Watchmen including water women, water carriers, water-brahmins, and puckalis. Police hospitals, Medical Department, Public Works Department, Educational Department, Government Museum and Veterinary dispensaries.

3. Ward attendants.

Veterinary dispensaries.

4. Ward Coolies.

Jail Department.

5. Icemen.

6. Lascars.

7. Bathmen.

8. Bricklayers.

9. Butchers.

10. Carpenters.

11. Bearers.

12. Servants' headman.

Medical Department.

13. Kitchenwomen.

14. Blacksmiths.

15. Nurse's maties.

16. Coolies.

17. Ayahs.

18. Barbers.

19. Cleaningmen.

Exception to Item 19.—Full time toties in Government Hospitals are entitled to pension from 2nd September 1920 [G. O. Mis. No. 466-L. and M. (Medl.), dated 2nd September 1920, communicated with Finance Endorsement No. 1061-1, dated 20th September 1920 while those in Lunatic Asylums from 4th March 1922 [G. O. No. 402-P. H. (L. S. G.), dated 14th March 1922, communicated in Finance Pension No. 361-1, dated 21st March 1922.]

20. Hand Cartmen.

} Public Works Department.

21. Lascars.

Exception to Item 21.—(i) The lascar in the office of the Agricultural Chemist, Coimbatore (designation to be altered into Laboratory Attendant).

(ii) Lascar, boatmen, lightkeeper at Adirampatnam and flag lascars at Vakalapudi and Ponnani. (G. O. No. 436-Finance, dated 12th July 1912.)

(iii) Minor Irrigation Lascars. (G. O. No. 26-Finance, dated 11th January 1912.)

(iv) Posts of "gate-keepers" and "Office boy" in Public Works Department the latter to be designated as "reference picker", so also the appointment of Press Messenger in the Public Works Department Secretariat. (G. O. No. 27-Fin., dated 11th January 1915 and G. O. No. 716-W., dated 2nd September 1914, communicated with Financial endorsement No. 5802-1, dated 5th September 1914.)

22. Conductresses.

Education Department.

23. Chokra.

Government Museum.

24. Syces.

25. Grass Cutters.

26. Farriers.

27. Chuckler.

} Provincial Police Training
School, Vellore.

Exception.—Bellows boys in Central Recruits School, Vizianagram (G. O. No. 196-Finance, dated 11th March 1913.)

28. Rickshaw coolies.

Sea Customs Office, Madras.

29. Malichowkidars.

(Those appointed on or after 8th August 1910 only), G. O. No. 73-Ecel., dated 8th August 1910. Ecclesiastical Department.

30. Flywheel turner.

Technical Institute, Tinnevely.

31. Chainmen from 1st June 1912 only. Municipal Town Survey establishment.

32. Establishments of Official Receivers.

Within the local limits of the jurisdiction of District Courts.

33. Motor Launch Establishment G. O. No. 151-Marine, dated 11th May 1914 (Pen. Mis. 3-3 of 1914-15).

Office of the Agent for Government Consignments, Madras.

34. Port Gig Establishment (from 4th June 1914, G. O. No. 175-Marine, dated 4th June 1914, Pen. Mis. 3-3 of 1914-15).

Port of Madras.

NOTE.—Service as Elephant's servants in the Agency Tracts (G. O. No. 436-Finance, dated 12th July 1912) is pensionable.

III. The pensionary rights of incumbents mentioned under II, but who were in service on 1st October 1910 have been safeguarded and their names included in the orders quoted below and in other Government orders issued from time to time with reference to paragraph 4 (ii) of G. O. No. 442-Finance, dated 8th October 1910.

G. O. No. 436 Finance, dated 12th July 1912.

507	„	15th August 1912.
804	„	21st December 1912.
196	„	11th March 1913.
27	„	11th January 1915.

IV. The three "Special duty staff nurses" sanctioned in G. O. No. 576-P. H. Mis., dated 31st March 1927 for the X-Ray Institute attached to the General Hospital, Madras are eligible for leave and pension, notwithstanding the fact that they have not been granted all the concessions usually granted to nurses employed in State Hospitals.

(Govt. Memo. No. 4841-2-D.P.H., dated 23rd February 1928. Case Pen. Mis. 3-23 of 1927-28.)

V. With the exception of the following, toties employed in Government Institutions in the City have agreed to forego their rights to pension and preferred the bonus scheme offered in G. O. No. 938-P. H., dated 14th April 1930. No pension will be admissible to persons employed in future. This order takes effect from 1st October 1929.

Name of toties who do not accept the bonus but who wish to retain the pensionary privileges.

(1) *Royapuram Hospital—*

Males	...	1. Raghavan.
		2. Narayadu.
		3. S. Venkataswami.
		4. S. Rosigadu.
		5. S. Chinadu.
		6. N. Chinnadu.
		7. P. Venkataswami.
		8. R. Venkataswami.
		9. Kondadu.
		10. Kotigadu.
		11. Malegadu.
		12. Rosigadu.
		13. S. Kondadu.
		14. Venkatigadu.
		15. Venkatadu.
		16. Peneilligadu.

Females	...	17. C. Audi.
		18. Venkati.
		19. Yegatha.
		20. S. Audi.
		21. S. Poli.
		22. Ponnamma.
		23. Ellamma.
		24. P. Poli.
		25. Saya.
		26. Mangai.

(2) *Government Ophthalmic Hospital Madras—*

1. Polu.

(G. O., No. 938-P.H.M.S., dated 14th April 1930. Case No. Pen. Mis.-3-20 of 1930-31.)

NOTE.—Full time toties in Government Hospitals are entitled to pension from 2nd September 1920 while those in Lunatic Asylums from 4th March 1929. *Vide* exception to item 19 under II.

VI. With the exception of the following, toties employed in Government Institutions in the mofassil have agreed to forego their rights to pension and preferred the bonus scheme offered in G. O. No. 938-P.H., dated 14th April 1930. No pension will be admissible to persons employed in future. This order takes effect from 1st October 1929.

North Arcot District.

Government Hospital, Tirupattur. Maria. (Female).

Chittoor District.

Head Quarters Hospital, Chittoor. (1) Mohammad Sahib. (Male).
(2) Muni. (Female).

Cuddapah District.

Head Quarters Hospital, Cuddapah. Dandu Panchalugadu. (Male).
Government Hospital, Prodattur. Penchalagadu. (Male).

East Godavari District.

Head Quarters Hospital, Cocanada. G. Sathigadu. (Male).

Guntur District.

Head Quarters Hospital, Guntur. 1. R. Guruvada. (Male).
2. A. Dadi. (Male).
3. P. Pothadu. (Male).
4. Ch. Bapadu alias Nagadu. (Male).
5. Bh. Malli. (Female).
6. N. Lakshmi. (Female).
7. Silar Bee. (Female).

Malabar District.

Government Mental Hospital Calicut P. Arikoti.

Nellore District.

Government Hospital, Udayagiri. R. Venkatigadu. (Male).

Salem District.

Government Hospital, Attur. Muthan. (Male).

Vizagapatam District.

King George Hospital, Vizagapatam. 1. Godusuppudi Appala-
swamy. (Male).

2. Madugulappi *alias* Latchi.
(Female).

Mental Hospital, Waltair. 1. R. Polliah. (Male).

2. A. Madewa. (Male).

3. A. Lakshmiah. (Male).

(G. O. No. 938-P.H.-M.S., dated 14th April 1930, S. G.'s letter No. P. 242 H. of 1930, dated 28th October 1930. Case No. Pen. Mis. 3-20 of 1930-31.)

No pension shall attach to the office of Member of the Madras Public Service Commission as such, but in the case of a Member who on the date of his appointment was in the service of the Crown in India, service as Member shall count for pension under the rules applicable to the service to which such Member belongs and shall, unless the Member be a member of the Indian Civil Service or entitled to a pension under Army Regulations, also count (a) in the case of the Chairman, for the higher additional pension and (b) in the case of other Members, for the lower additional pension, under Article 475-A, Civil Service Regulations.

[G. O. No. 816-Public (Reforms), dated 1st May 1936, G. O. No. 636-Public (Reforms), dated 1st April 1937. Case P. V. 6-20 of 36-38.]

[C. S. R. 351.]

SANCTION OF PENSIONS.

Under the rules, as they stand, a pension once sanctioned cannot be reduced or withheld for grave misconduct committed before but discovered after retirement. As a primary precaution, steps should therefore be taken to ensure that a Government servant concerned in any loss or irregularity, which is the subject of an enquiry, is not inadvertently allowed to retire on pension, while the enquiry is in progress and the authority investigating the case should immediately inform the Accounts or Audit Office responsible for reporting on his title to pension and the authority competent to sanction pension. It will be the duty of the latter to make a note of the information and to see that pension is not

sanctioned before either a conclusion is arrived at as regards the Government servant's culpability, or it has been decided by the sanctioning authority that the result of the investigation need not be awaited.

(G. I., F. D., No. D-243-A, dated 21st June 1929 and G. O. No. 597-Finance, dated 16th September 1930 in case Pen. Mis. 3-6 of 1929-30.)

[C. S. R. 353.]

SUSPENSION NOT FOLLOWED BY REINSTATEMENT.

If an officer is suspended and applies for pension without being reinstated, he is not eligible for any pension without the orders of Government.

(G. I., F. D., No. 5373-P., dated 27th November 1899.)

MILITARY SERVICE.

[C. S. R. 356.]

GENERAL.

Verification of previous Military Service of ex-soldiers employed in the Civil Department.

The Government of India have ordered that in future the previous Military service of *ex-soldiers* employed in the Civil Department should be verified by reference to the Military Accounts Department as the responsibility for the verification of such service devolves on that Department, instead of either from the information contained in the discharge certificates of *ex-soldiers* or by reference to the Officer-in-Charge of the Regimental records of the Regimental District concerned.

(G. I., F. D., No. D./1092-R. II/33, dated 11th May 1933 and G. O. No. Ms. 247-Pub. (Police), dated 18th May 1933, G. O. No. 411-Finance (Pension), dated 12th July 1933 and Memo. No. 30444-1, dated 3rd November 1933—Pen. Mis. 3-3 of 1933-34.]

[C. S. R. 356 (old).]

(1) Under Note 5 to the revised Article 356, employees who were in service in the Civil Department on 22nd February 1921, are eligible to count service under the rules in force before that date, where those rules are more advantageous to them.

(2) In ordinary cases military service which has already earned a pension cannot be allowed to count towards civil pension, but in special circumstances the Secretary of State has authorised the Government of India to permit the quite exceptional course of cancelling the Military pension and reviving the service. The Government of India consider that in cases in which the concession is allowed, the rule as to the conditions on which previous Military Service should count should be analogous to those contained in Articles 511—514, Civil Service Regula-

tions, *i.e.*, any gratuity which has been received should be refunded whereas pensions should cease but the amount intermediately drawn need not be refunded.

[Govt. of India, No. F. 91/23-Police, dated 10th October 1923, recorded in G. O. No. 579-Mis. Judicial (Police), dated 29th October 1923.]

(3) Service in the Army Reserve is not pensionable under Military Rules except when the non-commissioned officer or soldier concerned is recalled to the colours before taking his final discharge, and an officer not so recalled can count his service in the Civil Department, while he was in the Army Reserve provided it is otherwise qualifying.

(Govt. of India, No. 6838-P., Finance and Commerce, dated 28th October 1904.)

(4) A person permanently appointed to the Civil Police force or to a post in the Jails Department of an administration subordinate to the Governor General in Council, who before such appointment has served in the reserve of the Indian Army, may, if his Military service, whether or not including service with the colours in addition to service in the reserve was pensionable under military rules but terminated before he had qualified for pension be permitted, at the discretion of the head of the administration and subject to the provisions contained in Article 356, C. S. R. to count for civil pension the whole of his service with the colours, if any, and half his service in the reserve.

[G. I., F. D., Notification No. F. 11 (23)-R-II-35, dated 26th September 1935. Case Pen. Mis. 3-19 of 1929-36.]

(5) The intention of the above rule was to allow half of reserve service to count only in the case of Indian Army Reservists and not in the case of soldiers of the British Army transferred to the Army Reserve in India.

[G. I., F. D., No. F. II-XVII-R-II-34, dated 29th October 1934—G. O. No. 845-Finance (Pension), dated 10th December 1934—G. O. No. 890-Finance (Pension), dated 13th November 1935, case Pen. Mis. 3-19 of 1929-36.]

(6) A soldier clerk can under Note 1 to Article 356 (3) Civil Service Regulations, get the benefit of counting permanent service in a Military Office, but his temporary service will not count under Article 376, Civil Service Regulations, for his officiating service, unless the conditions of Article 371, Civil Service Regulations, are fulfilled.

(L. S. Pen. No. 903, dated 2nd March 1907, and U. O. No. 326, dated 4th November 1908.)

(7) Service rendered by a soldier in any of the following Military offices should be deemed to be service in a Military office for the purposes of calculating service towards civil pension and shall be taken into account accordingly :—

(i) Army Headquarters.

(ii) Northern or Southern Army Office.

(iii) Divisional Office.

(iv) Brigade Office.

(v) The late command. District and first class Station Staff Offices, prior to 1st June 1907.

(C. G. No. 710-A. and A.-346-12, dated 9th October 1912, communicating G. I. No. 1070-P., F. D., dated 9th September 1912.)

(8) Note 1 to Article 356 (3) admits of soldier clerks employed in Military offices who are afterwards employed in Civil Departments, counting their service in Military offices towards civil pension provided they take their discharge from the army within twelve months after joining a Civil appointment. Although the first sentence of the note specifically excludes soldier clerks in Military Offices from the concession granted by Article 356 (3), the remaining two sentences of the note are applicable to such men irrespective of whether they belong to British or Indian Units. As, however, the term "Military Office" can only be applied to an office other than a regimental one, an Indian clerk who is employed in a regimental office and is subsequently selected for employment in a civil department, or in a civil capacity, can only count service for civil pension from the date he joins his civil appointment. The only service that can be reckoned towards civil pension is that rendered in an unattached list appointment or in an appointment which is distinct from a regimental one.

(G. I., F. D., No. 6032-C. S. R., dated 6th October 1911.)

(9) Employment of troops on Railway, Public and Military Works, including roads, under the Railway Administration, the Public Works Department or the Military Works Services shall be regarded as Military duty and British soldiers injured in the performance of such duty shall be regarded as eligible for the grant of disability pensions under Article 1085, Royal Warrant for pay, etc., 1909, the British service share of such pensions being borne by Army Funds.

(Madras Government Public Works No. 165-W., dated 30th January. 1912.)

(10) An Indian Commissioned Officer (including those who are at present in Civil employ) entering civil employ and serving therein for not less than ten years, shall be allowed to count for Civil pensions such period of Military service as he had rendered since the age of twenty-four years, subject to the limitation that the Military service allowed so to count shall in no case exceed ten years.

(G. I., F. D., No. 610-C. S. R., dated 26th June 1913.)

(11) Any Indian Commissioned Officer entering Civil employ in the Provincial Civil Service or in the Police Dept. and serving therein for not less than ten years, shall be allowed to count for Civil pension such period of Military service as he has rendered since the age of twenty-four years, subject to the limitation that the Military service allowed so to count shall in no case exceed ten years. The principle is applicable to all Indian Commissioned Officers who are at present in Civil employ.

(G. I., F. D., No. 774-C. S. R., dated 11th August 1913, Case Pen. Mis. 3-3 of 1913-14.)

12. In relaxation of Article 356 of the Civil Service Regulations, British and Indian *ex*-soldiers employed in the Jail Department are permitted to count previous Military Service as qualifying for Civil pension to the same extent and subject to the same general conditions as those sanctioned by the Secretary of State in the case of *ex*-soldiers serving in the Police Department—*vide* Article 356 (6) of the Civil Service Regulations.

This sanction is subject to the provisions in Article 526 (b) and Article 529 of the Civil Service Regulations.

[G. O. No. 2021, Home (Judicial), 14th August 1920, G. I., H. D. No. 379-Medical, dated 27th April 1920, communicating Secretary of State's sanction, Case No. Pen. Mis. 3-6 of 1920-21.]

(13) All *ex*-soldiers employed in the Medical Department in future who have not already earned a pension in the Military Department are permitted to count their previous service in the Military Department as qualifying for Civil pension.

(G. O. No. Mis. 625-Medl., L. & M., dated 6th November 1920 on G. I., H. D., No. 379-Medl., dated 27th April 1920; Case No. Pen. Mis. 3-14 of 1920-21.)

(14) Note 6 under the old Article 356 Civil Service Regulation does not permit the counting for Civil pension of a period of Military service rendered outside India by officers attached to British Units.

(C. C. A.'s letter No. T. 314-A./60-29, dated 16th May 1929. Case No. Pen. Mis. 3-3 of 1921-29 and Pen. F-3 of 1927-28.)

NOTE 1.—(1) The Secretary of State has decided that *ex*-service members of the Indian Police who were in service on 30th June 1917 or joined that service before the 22nd February 1921 should be allowed to count for civil pension the whole of their military service wherever rendered and that the pensions of any of them which may have been calculated on a less favourable basis should be reassessed, the consequent increase in pension having effect from 30th July 1934.

(2) The above decision will apply to

(a) Officers of police services under the rule-making control of the Governor General in Council or of Minor Local Governments who were in police service on 30th June 1917 or joined such a service before 22nd February 1921 and who retired prior to the enactment of the Civil Services (Classification, etc.) Rules on 27th May 1930, and

(b) Officers of police services under the rule-making control of Provincial Governments who were in police service on 30th June 1917 or joined such a service before 22nd February 1921 and who retired prior to the enactment of the Civil Services (Governors' Provinces) Delegation Rules on 9th March 1926.

(3) The Governor General in Council has extended the above concession to similar officers of police services under his rule-making control, who retired on or after the 27th May 1930.

(4) The charge in respect of the enhanced pension will fall on provincial or central revenues as the case may be.

(G. I., F. D., No. F. 12-XXXIV-R. II/33, dated 27th June 1935. Case P. V. 4-2 of 1935-36.)

(5) It is not the intention that officers concerned who are still in the service of Government should be excluded from the scope of the decision in the above paragraphs or of any corresponding decision which Local Government may make in the matter of extending the concession to officers under their rule making control. Paragraph (3) above should be read as though for the words "who retired on or after" the words

“who retired or may retire on or after” were substituted. The decision of the Governor General in Council takes effect from 30th July 1934, the date from which the concession was granted by the Secretary of State in Council.

[G. I., F. D., No. F. 12-XXXIV-R. II/33, dated 22nd August 1935. Case P. V. 4-2 of 35-36.]

(6) The Madras Government have extended the above concessions to police officers under their rule-making control who retired or retire on or after 9th March 1926. The revised pension will have effect from the 30th July 1934.

[G. O. No. 708-Finance (Pension), dated 17th September 1935. Case P. V. 4-2 of 35-36.]

NOTE 2.—(1) The Secretary of State has decided that *ex-service* men who were serving in the Jail and Medical Departments on 26th March 1920 or who joined those Departments before 22nd February 1921 should also be allowed, with effect from 30th July 1934, the concession given to their confreres in the Police Department from this date *vide* Note 1 above.

(2) The charge in respect of the enhanced pension for military service not paid from Indian Revenues will fall on the Revenues of the Government under which the officer may be re-employed.

(3) The Governor-General in Council has also decided to extend the concession to similar officers of the Jail and Medical Departments under their rule-making control who retired or may retire on or after 27th May 1930.

[G. I., F. D., No. F. 11 11-(2)-R. II/36, dated 8th May 1936, Case P. V. 4-2 of 36-37.]

(4) The Madras Government have extended the above concession to officers under their rule-making control who were in the Jail and Medical Departments on 26th March 1920 or who joined those Departments before 22nd February 1921 and who retired or retire on or after 9th March 1926.

[G. O. No. 601-Finance (Pension), dated 13th July 1936—Case P.V. 4-2 of 36-37.]

(15) It is not necessary that a Government servant who received a gratuity on discharge from Military service should refund that gratuity in order to count towards Civil pension the period of Military Service for which it was paid. *Vide* Note 5 to revised Article 356 and Note 6 to the old Article 356.

(16) (a) The Secretary of State has decided that a civil officer of Government who was granted civil volunteer terms while serving in the Indian Army Reserve of officers during the Great War and who after having been invalided from Military service, was able to return to his Civil employment will be allowed the option of :—

- (1) being treated as regards Military pension as a temporary officer in which case his Military service will count for Civil pension under Civil Rules, or
- (2) being treated, as regards Military pension, as an officer of the regular army, in which case his Military service will not so count.

(b) A Civil Officer serving under the terms referred to in the previous paragraph who is invalided both from Military service and from his Civil appointment, on account of a disability incurred as a result of his Military service, will be allowed to draw the Military pension admissible to a regular Military Officer and also to count the period

of his Military service for Civil pension. This decision has effect from the 3rd February 1925, and any consequential adjustment should be made from that date only.

NOTE.—The rules, etc., for the grant of pensions to temporary officers are laid down in Army Instruction (India), Nos. 893 and 920 as amended by Army Instructions (India), Nos. 992 of 1923 and 607 of 1924. Those for permanent officers are contained in the above mentioned Army Instruction, para. 707, Army Regulations India, Vol. I. (1915) and Army Instructions (India), No. 191 of 1921.

[G. I., H. D., No. F. 371-33-Estt., dated 17th December 1925, G. O. No. 85-Finance (Pension), dated 2nd December 1926. Pen. Mis. 3 11 of 1925—33.]

[C. S. R. 356 (Revised).]

1. (a) The general principle governing the substantive provisions of this article is that though the service conditions for a pension in the Army are different from those in the Civil Department yet this is not a valid ground for not allowing Military service to count for Civil pension. The general limitations to be recognised however are:—

(i) An employee cannot earn two pensions in the same office at the same time, or by the same continuous service, (ii) an employee's service does not in the case of superior service qualify till he has completed 20 years of age, (iii) service which is inferior does not count for pension on the superior scale. (Government of India, Finance Department, letter to the Secretary of State, No. 247, dated 3rd June 1920.)

(b) (i) An officer or soldier of the British Army taking up Civil employment on the terms of this article, would forfeit all claims to pension or gratuity, whether from Indian or Imperial Revenues, in respect of the non-Indian portion of his Military service.

(ii) A soldier who was discharged from the British Army without a pension and was subsequently re-enlisted for service in the British Army in the Great War can count the combined periods of service for Military pension. But such a person, if now in the employment of Indian Government cannot impose any liability on Indian Revenues for the period of his service in the Great War. (Paragraphs 2 and 3 of Secretary of State's Despatch No. 12-Finance, dated 3rd February 1921.)

(2) This article takes effect from 22nd February 1921, the date on which the Secretary of State's sanction was received by the Government of India. (Government of India, Finance Department, No. 359, C. S. R., dated 11th March 1921.)

3 (a) When the military service of an officer is classified as inferior under the provisions of Article 357, C. S. R., so much of it as was rendered after attaining the age of 16 years may be allowed to count for the purpose of civil pension under Article, 356, C. S. R.

[G. I., F. D., Notification No. F. 11-I-R-II/34, dated 4th January 1934.]

(b) The correct procedure when dealing with cases relating to the counting of military service for civil pension is as follows:—

The extent to which service pensionable under the Military rules may be allowed to count as part of subsequent civil service qualifying for pension under the civil rules should be determined in accordance with the provisions of Article 356, C. S. R. read with the rule in (a) above and the classification of such military service should be determined by the principles laid down in Article 357, C. S. R. as explained below:—

- (i) Except to the limited extent indicated in the opening sentence of Article 357, C. S. R. the classification of military service depends not on the character of the subsequent civil employment but on the character of the military appointment in which it was rendered. Military service rendered prior to civil employment has thus to be classified as inferior or superior according as to whether it would have been inferior or superior had it been rendered in a similar appointment pensionable under civil rules.
- (ii) Service as a sepoy or service in any equivalent or higher combatant rank should be treated as "superior" and as a follower as "inferior" whether such service is followed by "superior" or inferior civil service.
- (iii) Service rendered in any other capacity in an appointment under the Defence Department should be treated as "superior" or "inferior" according to the classification of any civil post carrying duties of a similar character.
- (iv) Any doubtful cases should be referred to the Government of India for orders.
- (v) All Royal Indian Navy ratings are enrolled and are viewed as combatants and their service as such will therefore be considered as "superior."

[G. I., F. D., No. F. 11-(19)-R. II/36, dated 15th July 1936 and G. O. No. 699, Finance (Pension), dated 5th August 1936—Case Pen. Mis. 3-19 of 1919-36.]

If the class of the service pensionable under the Military rules as thus determined under Article 357, is different from the class of the subsequent civil service as determined under Article 396, then Article 398 should be applied for calculation of the amount of pension.

[G. I., F. D., No. F. 11-I-R-II/34, dated 16th January 1934—G. O. No. 69-Finance (Pension), dated 31st January 1934—Case Pen. Mis. 3-19 of 1929-34.]

(4) Service rendered by non-commissioned officers and men of the British Service on the Indian establishment with their units out of India with an expeditionary force may be treated as equivalent to Military

service for purposes of counting for Civil pension under Article 356, Civil Service Regulations.

(G. I., F. D., No. 354-C. S. R., dated 25th April 1922 and G. O. Pen. No. 161, dated 20th May 1922—Pen. Mis. 3-3 of 1921-27.)

(5) The case of *ex*-military men who have rendered service in the British Army elsewhere than in India will be governed by the orders of the Government of India recorded in G. O. No. 274-Finance (Pension), dated 18th October 1921.

(6) Article 356-C. S. R. intends to convey authority to all Military service (continuous or non-continuous) to count as part of the subsequent Civil Service even in cases where the Military service was followed after a lapse of time by the Civil service. Whenever, therefore, an order is passed under Article 356-C. S. R. allowing previous military service to count as part of the service qualifying for Civil pension, it should be taken as carrying with it condonation of breaks, if any, in the Military service, or the break, if any, between the Military service and the Civil Service.

[G. I., F. D., No. F. 12-XXXVI-R. II/33, dated 23rd December 1933—G. O. No. 204-Finance (Pen.), dated 4th April 1934—Case Pen. Mis. 3-19 of 29-34.]

(7) A proposal for the counting of Civil pension under Article 356, C.S.R. of Military service in respect of which a Military pension been earned, should include a full statement of the facts relevant to a decision in particular the pensionary prospects of the officer concerned both if the proposal is sanctioned and if it is not.

[G. O. No. 705-Finance (Pension), dated 20th August 1930 recording G. of I., F. D. endorsement No. F. 43-III-R. II/30, dated 7th August 1920 communicating extract of paragraph 4 of the India Office letter No. 1466/30, dated 18th March 1930. Pen. Mis. 3-19 of 1929-33.]

(8) In cases where *ex*-military men employed in the Civil Department are eligible to count their previous Military service for Civil pension under revised Article 356, Civil Service Regulations, any bonus or gratuity received in lieu of pension on or since discharge from Military service should be refunded in not more than 36 monthly instalments commencing from the date of confirmation in the appointment pensionable under Civil Rules. In the case however of *ex*-military men employed in the Madras City Police who were confirmed prior to the 2nd September 1929, the recovery of bonus or gratuity received for the Military service may be effected in 36 monthly instalments commencing from September 1929.

The above concession will apply also to officers in the mofussil police similarly situated from whom no recoveries have yet been effected.

[G. O. No. Finance (Pension), No. 719, dated 2nd September 1929. G. O. No. Finance 324-Ms., dated 29th April 1930 and case Pen. Mis. 3-19 of 1929-30.]

(9) Refund of gratuities in lieu of pension on or since discharge from Military service by *ex*-soldiers employed in the police.

War gratuity or bonus is quite distinct from a service gratuity, that is, a gratuity granted in lieu of pension, and the former is never mentioned in discharge certificates. At present no entry is required in these certificates, showing the amount of gratuity granted but it often happens that such an entry is made, and in such cases the entry refers to "service gratuity" as distinct from "war gratuity". The present form of discharge certificate for Indian soldiers is under revision and provision will be made in the revised form to show the amount of pension or service gratuity which has been granted. This, however, will not be done in the case of British soldiers whose discharges are carried out under War Office authority. Until such time as the new form for Indian soldiers is in use, it should be ascertained from the officer commanding the unit from which the *ex*-soldier has been discharged whether the latter was granted a service gratuity or not in all cases in which the discharge certificate contains no entry as to the grant of a gratuity.

(G. I., H. D., No. F. 116/11/25-Police, dated 24th March 1926, communicated in G. I.; F. D., No. F. 105-C.S.R./26, dated 3rd April 1926.)

NOTE.—Arrangements have been made by the Government of India for showing in the revised discharge certificates of Indian soldiers and followers which have recently been issued, the amount of "Deferred pay, pension or gratuity" which may be paid on discharge.

[G. O. No. Mis.-605 Finance (Pension), dated 20th August 1928 recording G. of I. letter No. F. 116/I/28-Police, dated 23rd July 1928. Case Pen. Mis. 3-3 of 1921-29.]

(10) When once the full repayment of Military gratuity is made to Government, the Government servant acquires the privilege of counting the Military service for Civil pension and getting a higher pension than that he would otherwise be entitled to, with the corresponding liability of losing the gratuity if he does not live to earn a pension or is dismissed from service. This privilege and liability go together and when once the full repayment of gratuity to Government is made and the privilege has accrued and operated for some time, the transaction must be regarded as closed and it is not open to the officer to claim a refund of the gratuity afterwards.

[G. O. No. Ms. 187-Finance (Pension), dated 27th February 1931—Case No. Pen. Mis. 3-19 of 1929-30.]

(11) It is permissible under Article 356, C.S.R. to allow military service interspersed between two periods of civil service to count for civil pension provided that the conditions laid down in that article are otherwise fulfilled. The share of pension proportionate to military service in such cases will be borne by the Army Department. Before orders are passed by the Local Government the military service and the amount of gratuity paid should be verified by the Controller of Military Accounts concerned—*vide* Home Department letters No. F. 100-11-33-Police, dated 28th April 1933 and 30th September 1933.

[G. I., F. D., No. D. 1799-R. II-34, dated 10th July 1934 and G. O. 472-Finance (Pension), dated 30th July 1934—Case Pen. Mis. 3-19 of 29-35.]

(12) The decision of the Government of India in the case of Military Officers who are placed on the unemployed list and who obtain further employment under any Government or Administration is contained in the ruling under C.S.R. 526 (a).

WAR SERVICE COUNTING FOR CIVIL PENSION.

[C. S. R. 357-A.]

Concessions have been sanctioned to the following classes of officers in respect of their service with His Majesty's forces in the Great War of 1914. "Service with His Majesty's Forces" shall mean "any whole-time enlisted or commissioned service between 4th August 1914 and 31st August 1921 the official dates of the beginning and end of the War."

[G. I., F. D., No. 42-C.S.R., dated 12th January 1924.]

(1) Officers belonging to service other than All-India services.

(2) Officers of the Indian Army Reserve.

I.—*Officers of other than All-India Services.*

1. The concessions in Article 357-A, C.S.R. in respect of pensions have been allowed to such persons who after having rendered Military service during the War are employed in Civil Department of Government and are not eligible for the concessions sanctioned for the candidates for various Imperial Services and Departments who rendered service with His Majesty's Forces during the War. The term "Military Service" includes service in the Navy and Air Force and is not restricted to Land Forces (Army) only.

(Auditor General's letter No. 46-A./182-22, dated 12th January 1923. Case Pen. Mis.-3-7 of 1922-23.)

2. (a) Service paid from Army or Marine or Air Force Funds even though it qualifies for pension under Civil Service Regulations is not Civil employ within the meaning of the above Government of India orders—*Vide* Auditor General's decision No. 1071-A./184-22, dated 27th October 1923.

(b) The official dates of the beginning and end of the Great War are 4th August 1914 to 31st August 1921.

(G. I., F. D., No. 42-C.S.R., dated 12th January 1924.)

3. Civil employees who, prior to their Civil employment, rendered service in the Military Department even though that service was in a civil capacity shall be allowed to count that previous service for Civil pension either under Article 356 of the Civil Service Regulations (old or revised) if such previous service is pensionable under Military Rules, or under the orders recorded in G. O. No. 274 Finance (Pension), dated 18th October 1921.

(A. G.'s decision dated 12th July 1928 and C. M. A., Poona, letter No. M.R.-65504/5689, dated 11th December 1923. Case Pen. Mis. 3-3 of 1921—32.)

3-A. The concession of counting former military service under Article 356 or 357-A, C.S.R., is applicable only to such service as was regulated under the Military Rules. The "War service" rendered by civilians as such do not come within the purview of these rules.

(G. I., decision extracted from the U. O. Notes in Case P. V. 6-8 of 1935-36.)

4. The Government of India have decided that in the case of services in which no minimum age is fixed for recruitment, the rule in Article 357-A, C.S.R. should be interpreted as follows :—

- (a) War service rendered after the age of 20 should be allowed to count for Civil pension on the superior scale, if the war service was superior.
- (b) War service rendered after the age of 16 should be allowed to count for civil pension on the inferior scale, if the war service was inferior.
- (c) War service of the superior category rendered at any age should be allowed to count for compensation gratuity on the superior scale.

(G. I., F. D., No. F. 12-XVI-R. II/33, dated 24th August 1933. Case Pen. Mis. 3-14 of 1933-34.)

5. It has been held by the Government of India with the concurrence of the Auditor General that the words "which does not ordinarily qualify for a service pension under military rules" in Article 357-A, C. S. R., include "service which did not qualify for a service pension" and that therefore a civil employee to whom the provisions of Article 357-A apply, who enlisted for service during the Great War and who left the Army on demobilisation at the end of that War, is entitled subject to the conditions in the Article, to count such military service for Civil pension irrespective of whether it was pensionable or not under the military rules. Such title is subject to the proviso that a military pension had not, as a matter of fact, been earned in respect of it in conjunction with other military service rendered before or after the Great War, *c.f.* in this connection Note 1 under Article 356. This decision applies only in the cases of civil employees who have retired (or will retire) on or after the 28th May 1929, the date from which the rule in Article 357-A took effect.

[G. I., No. F. 11-XV-R. II/34, dated 6th September 1934—G. O. No. 646-Fin. (Pen.), dated 29th September 1934, Case P. V. 5-1 of 1934-35.]

6. The Government of India in consultation with the Auditor-General have ruled that the words "Civil employment" in Article 357-A, Civil Service Regulations, should be regarded as including "Civil re-employment" *i.e.*, a Government servant who had rendered a period of civil service prior to his military service in the Great War is not debarred from the scope of Article 357-A, Civil Service Regulations, merely

because of the fact of his having rendered such civil service prior to military service.

[G. I., F. D., No. F. 11-(4)-R. II/35, dated 15th February 1935, G. O. No. 190-Fin. (Pen.) dated 6th March 1935. Case P. V. 5-1 of 1934-35.]

7. (1) In the case of a civil employee who had rendered satisfactory paid military service in the Great War in addition to military service pensionable under the Military Rules before or after such War service but who did not earn a pension by his War service in conjunction with his other military service, the Government of India have decided that that portion of the military service which was rendered before or after the War service should be dealt with in accordance with the provisions of Article 356, C.S.R. The war service portion (*i.e.*, the period of service rendered between 4th August 1914 and 31st August 1921) should, however, be dealt with under Article 356 or 357-A, C.S.R. whichever may be more advantageous to the officer concerned. So far as this period is concerned, the officer should be allowed an option between the application of the one or the other Article, subject, of course, to the limitations prescribed in the respective Articles. If the war service is counted under Article 356 the whole of it will count, but if under Article 357-A, only completed years up to a maximum of 4 years; and in the latter case the residue of war service cannot then be counted under Article 356. The option should be based on the assumption that the local Government would give the maximum benefits permissible under Article 356. If a Local Government is, in exercise of its discretion, not prepared to give the maximum under that Article, it should inform the officer as to what it is prepared to allow before he is asked to opt.

(2) If the entire military service including war service is dealt with under Article 356, C.S.R., the whole of the gratuity received *in lieu of pension* (but not that portion given as a reward for war service) will have to be refunded by the officer concerned. If, however, the portion which was war service is dealt with under Article 357-A, C.S.R., and the rest of the military service before or after the war under Article 356 *ibid*, the amount of gratuity which the officer will refund in respect of the latter portion should bear the same proportion to the total amount of gratuity received *in lieu of pension* as the period dealt with under Article 356 bears to the total period of military service including the period of war service.

(3) For the purposes of the above instructions, it is immaterial whether or not there was a break between the war service and the other military service.

(4) These orders apply only to Civil employees who have retired or may retire on or after the 28th May 1929, the date from which the rule in Article 357-A, C.S.R., took effect, and any cases which have been

disposed of in accordance with any other interpretation should be re-examined and revised orders issued, if necessary.

[G. I., F. D., No. F. 11 (24)-R. II-35, dated 3rd October 1935, recorded in G. O. No. 209-Fin. (Pen.), dated 9th March 1936. Case P. V. 5-1 of 1935-36.]

8. (a) With reference to the Government of India orders in paragraph 7 above, the Madras Government have directed that officers may be asked to exercise the option of their paid military service in the Great War rendered between 4th August 1914 to 31st August 1921, being dealt with under Article 356 or 357-A, Civil Service Regulations on the assumption that the Government would give them the maximum benefits permissible under Article 356.

(b) The Madras Government have considered the question as to the authorities who should pass orders in cases falling under Article 357-A, Civil Service Regulations and have decided that no special orders are necessary. But Heads of Departments and other officers responsible for the record of service should, by reference to the Controller of Military Accounts concerned, verify whether the periods of war service claimed were periods of satisfactory paid military service within the meaning of Article 357-A, Civil Service Regulations and record the same in the service book or communicate it to the Accountant General in the case of Gazetted Officers.

(c) Cases where it is proposed to allow military service to count for civil pension under Article 356 Civil Service Regulations should, as hitherto, be submitted for the orders of Government through the Accountant General.

[G. O. No. 209-Finance (Pension), dated 9th March 1936. Case P. V. 5-1 of 1934-36.]

9. In cases where the inclusion of Military Service referred to in Article 357-A, Civil Service Regulations, enables a Civil employee to earn a pension, while its exclusion secures him a gratuity only, the Madras Government considered that it is open to him to forego the Military Service with a view to get a lump sum gratuity instead of a monthly pension, as in their opinion the counting of Military Service under Article 357-A, Civil Service Regulations, is a concession shown to Civil employees to be availed of at their option and it is open to a pensioner to refuse what was intended to benefit him if his advantage lies elsewhere. Article 471, Civil Service Regulations, does not apply to such cases.

These orders will apply to Government servants under the rule making control of the Madras Government only.

[G. O. No. 526-Finance (Pension), dated 20th June 1936, and Memo. No. Finance (Pension) 24659-Pen.-2, dated 21st September 1936. Case P. V. 5-2 of 36-37.]

10. It has been decided by the Government of India that two or more periods of war service rendered between the 4th August 1914 and the 31st August 1921 can be added together and the total war service

counted towards Civil Pension subject to the conditions of Article 357-A, Civil Service Regulations, without any need for condoning the break between these periods.

[G. I., F. D., No. F. 77 (28)-R. II/36, dated 24th September 1936. G. O. No. 880-Finance (Pension), dated 12th October 1936. Case P. V. 5-1 of 1934-37.]

11. When it is proposed to count towards civil pension a period of military service the whole of which was rendered during the Great War *i.e.*, between the 4th August 1914 and the 31st August 1921, the case should be dealt with under Article 357-A, C.S.R. in accordance with the orders contained in paragraph 2 of the Government of India, No. F. 11-XV-R. II/34 dated 6th September 1934. The option of counting a period of war service under either article 356 or 357-A has been given only in cases where such service was rendered in conjunction with other military service and not in cases where military service was rendered exclusively during the Great War.

[G. I., F. D., letter No. F. 11 (18)-R. II/37, dated 27th July 1937 to the Govt. of Madras, Finance Department, communicated with the latter's Memo. No. 22778-Pen.-1, dated 11th August 1937. Case P. V. 5-1 of 1934-37.]

II.—*Officers of the Indian Army Reserve.*

In modification of Army Department letters No. A.-16848-9 (A.G.-14), dated 20th August 1925 and No. A./16848/13 (A.G.-14), dated 19th January 1926 the Government of India have decided with the approval of the Secretary of State to allow all Civil Officers of Government who were permitted to join the I. A. R. O. under the terms of Army Department Notification No. 60-A., dated 15th January 1915 and who were invalided from the Reserve as a result of their service with it, to count that service as service for pension under Civil Rules without prejudice to their eligibility for Military pensions as for regular officers of the Indian Army under the above notification and Indian Army Order No. 539, dated 5th October 1914, relating to service during the Great War in the I. A. R. O.

[G. I., A. D., letter No. B.-4770/1 (A.G.-14), dated 24th June 1929, to the Adjutant General in India communicated in F. D. No. F. 15/VII/R.-II, dated 11th July 1929. Case Pen. Mis. 3-11 of 1925-1930.]

Rulings as regards sick leave taken by the officers mentioned above when serving in His Majesty's Forces—during the Great War, 1914.

Sick leave taken by a civil officer who served with the Forces during the Great War (other than the 3 months absence on full pay allowed to officers wounded or invalided) will count for pension up to a maximum of two years (as in the case of special disability leave) irrespective of whether he was eventually invalided from Military service or not. If he was invalided from Military service, any such period of sick leave allowed to count for pension should be deducted from any period of disability leave that might otherwise be admissible to him on his release from Military service. Pensioners who retired before 28th August 1925,

who have reason to think that their pension will be increased by the concession sanctioned above should make an application for re-calculation of their pensions to the authority which sanctioned their pension. Any increase of pension which may be admissible as a result of the concession will have effect from 4th August 1914.

[G. I., F. D., No. F. 21-II-C.S.R./24, dated 28th August 1925 and F. 6-VIII/R-II/32, dated 3rd March 1932. Case Pen. Mis-3-11 of 1925-32.]

NOTE.—Pension includes proportionate pension on premature retirement.

(G. I., F. D., No. F. 249-C.S.R., dated 18th June 1926.)

CHAPTER XVI.—CONDITIONS OF QUALIFYING SERVICE.**SECTION I.—DEFINITION OF QUALIFYING SERVICE.****BEGINNING OF SERVICE.****[C. S. R.-358.]**

1. In the case of an officer whose year and the month of birth are known, but not the exact date, the 16th of the month should be treated as the date of birth. When the year of birth is known but not the month and date, the 1st July of the year should be taken.

[G. O. No. 550-Pen., dated 24th August 1900 and subsidiary Rule 6 under F. R.-74 (a) (IV), Annexure II—Part III.]

2. Officers appointed to the Indian Forest Service in England from 1922 onwards count their service for pension from the date of landing in India or from the 1st October of the year of appointment, whichever is earlier.

[India Office No. C. & R.-1544, dated 13th June 1933 and letter No. 225 (Forests), dated 3rd August 1922, from the Department of Revenue and Agriculture, to the Under Secretary of State for India, received with G. I., F. D., No. 1116-E.A., dated 16th August 1922, Assam.]

3. The establishment for the preparation of the rainfall and weekly meteorological report and daily weather report is non-pensionable.

(G. I., R. A. Dept., No. 1247-27-3, dated 18th May 1896.)

CONDITIONS OF QUALIFICATIONS.**[C. S. R. 361-A.]**

1. The object of this article is to provide for cases in which an officer has rendered temporary service followed by permanent service, or has rendered a long period of temporary service and has been left in indigent circumstances in his old age, but not to a case in which an officer has first rendered permanent service followed after a long interval by a short temporary service. The combination of the permanent and temporary service in the latter case is opposed to the spirit of Article 361-A. C. S. R.

(G. I., E. & H. No. 77, dated 1st February 1922—Case Pen. M.-98 of 1921-22.)

2. (a) Members of the manufactory establishments employed in the Jails in the Madras Presidency count their non-pensionable service as service qualifying towards pension.

[G. I., H. D. (Judicial) No. 103, dated 7th May 1920 communicated in G. I., F. D., No. 747-C.S.R., dated 13th May 1920—Case Pen. Mis. 3-4 of 1920-21.]

This concession does not however apply to such of the new entrants as are in receipt of revised scales of pay sanctioned in G. O. No. 2818 Law (General) dated 9th September 1925 and their services will be non-pensionable. The revised scales of pay should not also be applied to the

existing incumbents whose services are pensionable, specific sanction of Government being required for this purpose in any individual case.

[G. O. Mis. 2818-Law (General), dated 9th September 1925.]

The above orders do not, however, apply to clerical establishments in the manufactory department which will continue to be pensionable.

[G. O. No. Mis. 955-Law (General), dated 24th March 1937.]

(b) A list of members of the manufactory establishments of Jails who are entitled to pensionary privileges is given below :—

Jail.	Post.	Names.
1. The Penitentiary, Madras .	Carpenter Foreman .	Mohamed Abdul Karim,
2. Central Jail, Rajahmundry	Do. .	A. Bangariah.
3. Do. Coimbatore .	Weaving Jobbar .	Abdul Samad Sahib.
4. Do. do. .	Do. .	R. Narayana Rao.
5. Do. do. .	Do. .	Ramaswami Goundan.
6. Do. do. .	Tailor Foreman .	Ayyavu Chettiar.
7. Do. do. .	Fireman .	Venkataswamy.

(I. G.'s letter No. 12562, dated 3rd August 1933, filed in Pen. Case R.-118 of 1931-32.)

3. (a) The service of one carpenter in the following jails is pensionable :—

Cannanore, Trichinopoly, Rajahmundry, Vellore, Coimbatore, Vizagapatam, Tanjore Borstal Institute and the Madras Penitentiary.

Government have sanctioned one additional carpenter on a revised scale of pay in each of the above jails but these appointments will be non-pensionable. Existing incumbents who are entitled to pension do not get the benefit of the revised scale of pay and Government sanction is necessary if it is proposed to extend it to any individual case.

[G. O. No. Mis. 2818-Law (General), dated 9th September 1925. Case T. M. 25-14 of 1925-26.]

(b) Service of carpenter foreman in the Central Jails, Trichinopoly and Coimbatore is temporary and non-pensionable.

[G. O. No. 3796-Mis. (Law) (General), dated 10th December 1926.]

4. The services of the employees in the Tuberculosis Institute, Madras, prior to its transfer to Government do not count for pension.

[G. O. No. 1306-P. H. (L. S. G.), dated 6th August 1923.]

5. (a) Temporary service in the Co-operative Department of all non-gazetted staff confirmed subsequent to 14th November 1923 (the date of confirmation of certain proportion of the existing staff in the Co-operative Department) will count for pension provided it is followed without interruption by qualifying service, *i.e.*, service in a permanent appointment. Officiating service in a permanent post (except in cases covered by Article 371-C. S. R.) or in a temporary post will not qualify for pension. Such officiating service will not, however, be considered as an interruption of service for the grant of the above concession, which will apply only to officers who retire on or after 26th October 1932.

[G. O. No. 1395-Ms., Development, dated 26th October 1932—in Case Pen. Mis. 3-6 of 32-33. Pen. 3-3 of 1924-25.]

(b) In the case however of the men who were confirmed on 14th November 1923, the date of confirmation of a certain portion of the then existing staff of subordinates in the Co-operative Department, all their past service in the Co-operative Department prior to confirmation, will count for pension provided it is followed without interruption by qualifying service, i.e., by service in a permanent appointment without regard to the restriction imposed in the second sentence of paragraph 5 (a) above.

(G. O. No. Press 1211-Development, dated 2nd July 1934. Pen. Mis. 3-3 of 1924-25 and P. V. 6-33 of 36-37.)

6. (a) If under Rule 3 of the Civil Services (Classification, Control and Appeal) Rules these rules apply to the work charged establishments in the P. W. D. it is open to the Local Government under Rule 4 of the Classification Rules to exclude these establishments from the operation of the Classification Rules. If the Classification Rules do not apply to these establishments, the Statutory Rules, such as the Fundamental Rules, and the C. S. R. framed by the Local Government do not necessarily apply to them. Their conditions of service should be regulated by the Local Government by means of contracts, executive orders, or extra Statutory Rules and it would be open to the Local Government to apply the Fundamental Rules and the C. S. R. to such establishments as extra Statutory Rules.

(b) If the Classification Rules do not apply to the work charged establishments, Article 361-A, C. S. R. can be applied to them by the Local Government as an extra Statutory Rule.

(c) Similarly paragraph 61 of the Madras Public Works Department Code can be applied to them as an extra Statutory Rule, but not as a Statutory Rule, having the force of law. A relaxation of this rule would be within the competence of the Local Government and outside the purview of Rule 12 of the Classification Rules.

[Auditor-General's letter No. 146-A. (144-33), dated 20th September 1933—Case Pen. Mis. 3-9 of 1933-34.]

(d) Members on the work-charged establishment should be considered as employed only occasionally and therefore they are not governed by the Civil Services (Classification, Control and Appeal) Rules under Rule 3 of those rules.

[G. O. No. Ms. 1593-Public (Services), dated 1st October 1936—Case T. 12-Jails 1-1-7 of 1934-35-36-37 and Pen. Mis. 3-9 of 1933-34-37.]

7. The promotion of deserving maistries to the temporary as opposed to the work charged establishment has been authorised by Government with a view to permit the better men of the class being granted such privileges in respect of leave, etc. as are admissible to the temporary servants generally. Maistries so promoted to the temporary establishment may be employed on works and the debit of their pay to 'works' during their period of employment on 'works' is

a matter of mere accounting procedure. As the leave, travelling allowance and other allowances of these men during the period they are so employed on 'works' are still regulated by the rules applicable to the temporary establishments, the concessions of Article 361-A, C. S. R. are applicable to them in respect of the above service.

(G. O. No. 1583-W. P. W., dated 4th November 1921 and Government Memorandum No. 26883-Pen.-2, dated 19th October 1936—Pen. Case R.-147 of 35-36.)

SECTION II.—FIRST CONDITION.

[C. S. R.-367.]

1. Madras Body Guard.—The services of the following men rendered in the Jodhpur Sardar Rissala under the Jodhpur Durbar prior to their enlistment in the Madras Body Guard are allowed as a special case to count towards their pensionable service in the Body Guard and their entire pensionary charges are debitable to the Madras Provincial Revenues.

Regiment. No.	Rank.	Name.	Remark.
1. 67	Lance Daffadar	Gaid Singh.	
2. 123	Sowar	Madu Singh.	

2. The Government of India have decided that a proportionate share of the pensionary charges in respect of the undermentioned personnel of H. E. the Governor's Body Guard on account of the services rendered by them in the 27th Light Cavalry and Jodhpur Sardar Rissala prior to 14th May 1920 will be borne by Central Revenues.

Regiment No.	Rank.	Name.
1. 33	Lance Daffadar	Sardar Singh.
2. ..	Sowar	Ganpat Singh.
3. ..	Jamadar	Dhul Singh.

[G. O. No. 127 Pub. (Pol.), dated 25th July 1934, G. O. No. 220-Pub. (Pol.), dated 6th November 1933, G. O. No. Ms.-18-Pub. (Pol.), dated 25th January 1933, G. O. No. 14-Pub. (Pol.), dated 23rd January 1935—Case Pen. Mis.-3-5 of 1928—33.]

SECTION III.—SECOND CONDITION.

[C. S. R.-370.]

(1) Periods of plague duty rendered by officers subsequently admitted to the Indian Medical Service are allowed to count for pension.

(S. of S.'s Despatch No. 71-Finl., dated 5th June 1905, received with Government of India, No. 3807-P., F. D., dated 26th June 1908.)

(2) The principles underlying the rule contained in Article 370, Civil Service Regulations, are :—

- (i) When posts sanctioned temporarily in the first instance are subsequently made permanent, the whole temporary service of the officer or officers in the temporarily or experimentally created posts may count for pension.
- (ii) The same appointment on the same establishment must be transferred from the temporary to the permanent footing in order to secure the benefit of this article; an officer may not count service in a temporary establishment merely by reason of his being transferred thence to another and a permanent establishment. It is clear, therefore, that an officer employed temporarily in a particular appointment has no claim to count such temporary service for pension on transfer to a permanent appointment of a different character.
- (iii) An officer transferred from a temporary to a permanent establishment may count his service on the temporary establishment if that establishment becomes permanent after his transfer.

(G. I., F. D., No. 4824-C.S.R., dated 7th August 1911 and G. O. No. 1070-W., P. W. D., dated 16th August 1917 communicated with Madras Government Financial No. 6070-A. of 25th August 1917—Pen. Mis.-3-28 of 1917-18.)

- (iv) The holder of a temporary post supplementing a permanent cadre of posts of the same kind and carrying parallel duties, though actually employed on work properly pertaining to a permanent post in that cadre should still be considered to have rendered service in the temporary post.
- (v) When some of several temporary posts supplementing a permanent cadre as in (iv) above are converted into permanent posts and permanent promotion to these posts is made according to seniority or by selection, the Government servants actually so promoted should be considered as the holders of the temporary posts which have been converted, and should be allowed to count their temporary service rendered in the posts.

[G. I., F. D., No. F-11-II/R-II/34, dated 19th February 1934, and Auditor General's letter No. 30-A./18-33, dated 7th February 1934, G. O. No. 266-Finance (Pen.), dated 1st May 1934—Case No. Pen. Mis. 3-32 of 1933-34.]

(3) Officers appointed temporarily to the Indian Educational Service are permitted, on subsequent confirmation, to count such temporary service for pension.

(S. of S.'s Despatch No. 152-Pub., dated 23rd August 1912 communicated with G. I., F. D. No. 533-C.S.R., dated 13th September 1912.)

(4) The services rendered in temporary appointments created for the upkeep of Minor Irrigation works in the Presidency qualify for

pension when eventually the persons who held such temporary appointments are absorbed in the permanent staff as vacancies occur.

[S. of S.'s Despatch No. 39 (P. W.), dated 20th August 1915, communicated with G. I., F. D. No. 1037-C.S.R., dated 9th September 1915, G. O. No. 2230-Rev., dated 2nd October 1915—Pen. Mis.-3-12 of 1915-16.]

(5) Service rendered by Civil Assistant Surgeons as temporary officers in the Indian Medical Service, whether before or after the 1st September 1921 (the date from which the revised terms for temporary Indian Medical Service officers prescribed in Army Instruction India No. 284 of 1922 had effect) counts for pension under Civil Rules on their reversion to Civil employment.

[G. O. No. 3046-L.S.G. (P. H.), dated 17th December 1929—Case Pen. Mis.-3-35 1929-30.]

[C. S. R. 371.]

(1) An officer without a substantive appointment may count a service qualifying for pension his officiating service in a vacant appointment or in an appointment the permanent incumbent of which does not draw part of the pay or count service, if he is without interruption appointed subsequently in an appointment other than that in which he was officiating.

(2) An officer without a substantive appointment may count his officiating service if he officiates continuously in vacancies fulfilling the conditions of Article 371 but caused by the absence of different substantive incumbents, and is eventually appointed substantively without interruption in an *appointment of the same class* though not necessarily in any of the vacancies in which he has been officiating.

(3) The officiating service of an officer in an appointment not vacant or the permanent incumbent of which draws part of the pay or count service, does not involve forfeiture of previous officiating services, which did fulfil the conditions of Article 371, Civil Service Regulation.

(4) When it is found impossible to determine with certainty the nature of the vacancies in which an officer has officiated the Local Government may allow him the benefit of Article 371, Civil Service Regulations.

(G. I., F. D., No. 3084-P., dated 13th May 1904.)

(5) Munsiffs are allowed to count as service qualifying for pension the periods, whether continuous or not, during which they have held temporary appointments or acting appointments prior to confirmation.

(G. O. No. 333-Judl., dated 8th March 1909. Pen. Mis.-3-2 of 1908-10 and Pen. Mis.-3-15 of 1929-30. G. I., H. D. No. 732, dated 22nd July 1916, copy received with F. D. No. 733-C.S.R., dated 7th July 1916, Bengal.)

(6) The Heads of offices should invariably give necessary particulars with reference to Articles 370 and 371, C. S. R. with a view to enable the audit office to decide later on by reference merely to such

necessary correction slips are being issued by the Accountant-General to the Madras Supplement of the Civil Service Regulations.

(By Order of His Excellency the Governor)

V.V. Subrahmanyam,
Deputy Secretary to Government.

To the Accountant-General, Madras.

" All Heads of Departments (including Collectors and District Judges).

" the Departments of the Secretariat.

Copy to the Secretary, Madras Public Service Commission.

(True Copy)

Forwarded/ By Order /

N.S./31.1.

Superintendent.

GOVERNMENT OF MADRAS.

Abstract.

Pension - question whether service rendered in a Foreign service vacancy counts for pension - Position clarified.
=====

FINANCE DEPARTMENT.

G.O. Ms. No. 95 dated 30th January 1945.

Read the following:--

From the Accountant-General, No.P.V.33-44-45-3185, dated 6th January 1945.

ORDER:--

The question was recently referred to the Auditor General whether the service of an officer acting in a vacancy caused by the transfer of the permanent incumbent on foreign service counts for pension. The Auditor-General has explained that if pensionary contribution is recovered from the foreign employer, the service of the acting incumbent counts for pension irrespective of the fact whether he is acting in the vacancy in an officiating capacity or in a provisionally substantive capacity under Fundamental Rule 14(d). If he is merely officiating, the service counts for pension - directly under Article 371; if he is acting in the post in a provisionally substantive capacity, the service qualifies under the relevant provisions of other articles of the Civil Service Regulations applicable to the substantive holder of a permanent post. The above decision is communicated to all Heads of Departments for information and guidance. The

particularly whether the temporary or officiating service will qualify for pension or not, for example in the case of officiating service the nature of the vacancy in which the Government servant officiated and in the case of temporary service, whether the temporary post was subsequently made permanent should be stated.

[G. I., F. D. letter No. D./7869-F., dated 1st December 1930, to the Auditor General, copy received under Endt. No. D-7869, dated 1st December 1930. G. O. No. 55-Finance, dated 23rd January 1931, Subsidiary Rule 6 under Rule 74 (a) (iv)—Annexure II—Part III.]

Deputation of Officers on military duty during the Great War.

(7) Officiating service rendered in a sub-protem vacancy caused by a military officer holding a civil appointment being detached from his department for the performance of military duties in connection with the Great War under the Government of India, Home Department Circular letter No. 415-426, dated 2nd February 1915 should be treated under Article 371, Civil Service Regulations, in precisely the same manner as ordinary officiating service and the question whether it counts for pension or not depends on whether the permanent incumbent in fact counted service in the post during the period for which he was detached from it.

(G. I., F. D., No. F. 11-XXIX-R. II/34, dated 23rd November 1934—Case P. V. C-28 of 1934-35.)

Apprentices and probationers.

[C. S. R.-372.]

The leave and apprentice reserve sanctioned for Civil Account Offices prior to 4th November 1919 is composed of (1) 8 per cent. absentee reservists and (2) 5 per cent. apprentice reservists. The former form a part of the permanent strength of the office and their service therefore qualifies for pension, but the latter are outside the permanent list and their service does not qualify. (After the revision of 4th November 1919 the reserve has been added to the sanctioned strength and there are no apprentices.)

(G. I., F. D. No. 2950-P., dated 29th May 1906.)

[C. S. R.-373.]

1. On being confirmed in his appointment, a probationer of the Indian Agricultural Service will become eligible, as from the date of his arrival in India, for pension, under the regulations applicable to the Department. These regulations are liable to be modified by the Government of India from time to time.

(G. I., Revenue and Agricultural Department Circular No. 757-197, dated 24th June 1921, received with G. I., F. D. No. 1353-E.A., dated 1st July 1921 in case G. A.-40-1 of 1921-22.)

2. A candidate under training at the Dehra Dun College for direct appointment to the Provincial Forest Service but who is appointed permanently to that service before attaining the age of 23 may be allowed to count as service towards pension any period of training or probation served after attaining that age.

(G. I., F. D., No. 298-E.B., dated 5th July 1912 in case G. A.-12-3 of 1909-1913 and G. O. No. 423-Financial, dated 31st May 1919 in case G. A.-12-3 of 1917-20.)

3. Probationary Deputy Collectors in Madras are permitted to count their probationary service for pension under Article 373, Civil Service Regulations as during such service they hold a substantive office and draw substantive pay.

(G. O. No. 790-Revenue, dated 16th March 1922—Case G. A.-8-3 of 1911-12 and Pen. Mis.-3-15 of 1916-17.)

4. Service as a probationary nurse (nurse pupil) does not count for pension.

(S. G.'s letter Ref. 19-4-A., dated 21st March 1932—Pen. Case S. 216 of 1931-32.)

Permanent officer deputed.

[C. S. R. 376.]

1. A permanent officer doing temporary duty counts his detached service in respect of his permanent appointment and not in respect of his temporary duty—see Article 490.

(G. I., No. 1009-P. Financial, dated 3rd March 1897.)

2. When, however, the lien of an officer on his substantive appointment is suspended under the orders of the competent authority he counts service for pension in respect of the quasi-permanent appointment he actually holds, and consequently his *locum tenens* counts service in respect of his substantive provisional appointment.

(G. I., F. D. No. 5040-P., dated 8th September 1905.)

3. When a temporary appointment subsequently becomes permanent, it should be treated as retrospectively permanent from its beginning. A permanent officer holding the temporary appointment should therefore count service but not emoluments for purposes of pension in respect of that appointment and his *locum tenens* will count service under Article 371, Civil Service Regulations, in the appointment vacated by the officer.

[(G. I., F. D., No. 632-P., dated 4th February 1909.) *Vide* also Auditor General's letter No. 565-Code/1061-E.-24, dated 4th July 1925. G. O. No. 378-Finance (Pension), dated 29th September 1925—Case Pen. Mis.-3-8 of 1925-26.]

4. The period spent on duty by members of the establishments employed in hospitals and hospital ships with an expeditionary force out of India may be allowed to count for pension.

(G. I., F. D., No. 226-C.S.R., dated 10th March 1916.)

5. This article applies also to the case of an officer detached on temporary duty to a permanent non-pensionable establishment, if the following conditions are satisfied.

- (i) that the duty is temporary as far as the individual officer is concerned.
- (ii) that the intention is that he is to return to his permanent appointment.
- (iii) that his emoluments during the period are calculated on the pay of his permanent post, *i.e.*, that he is not permitted to draw a rate of pay or enjoy other amenities which have been given to compensate for the fact that the post is non-pensionable.

6. The expression "temporary duty" occurring in this article means "duty in a temporary post".

(G. I., F. D., No. 385-C.S.R./26, dated 8th February 1927 and para. 1 of Sec. III of Manual of Audit Instructions.)

7. The period of deputation out of India of the following officers serving either directly under the Government of India or under Local Government, for the study of the Russian Language will count as Indian duty for and pension :—

- (i) Officers of the I. C. S.
- (ii) Officers of the Indian Police.
- (iii) Military Officers in permanent Civil or Political employ.
- (iv) I. M. S. Officers in civil employ.

N.B.—The rules will come into force six months after the date of notification noted below as authority.

(Government of India, Department of Education, etc., Notification No. F-77-13/33-E., dated 1st February 1934—Case P. V.-6-1 of 34-35.)

Piece Work.

[C. S. R.-380.]

1. Services of copyist attenders employed in the Civil Courts both in the mofussil and in the city have been declared pensionable in the inferior scale but not that of copyists. The present incumbents count their total qualifying service for pension.

[G. O. No. 2697-Law (General), dated 25th September 1925—Case Pen. Mis.-3-14 of 1925-26.]

2. The strength of the permanent piece work establishments in the Government Press, Madras, is fixed at 448 for the present. All men employed in excess of this number should be treated as temporary and casual employees.

(G. O. No. 190-Pub., dated 8th March 1910. G. O. No. 717-Fin., dated 12th July 1921, filed in Pen. Case No. D-8 of 1928-29.)

3. A piece work compositor in the Government press, Madras, can in addition to Sundays and other holidays admissible to employees in the Press, count as service qualifying for pension any period of authorised casual leave without allowances actually taken by him subject to a maximum of 15 days in a year.

(G. O. No. 305-Ms. Finance, dated 17th November 1927. Case Pen. Mis. 3-11 of 1927-28.)

Surveys and Settlements.

[C. S. R. 381.]

1. All Settlement service even if paid from contingent grant followed without interruption by qualifying service counts.

(G. I., F. D., No. 85-P., dated 6th January 1908.)

2. Services rendered in the Madras Forest Settlement, is not to be regarded as settlement duty within the meaning of Article 381, Civil Service Regulations, but as temporary duty falling within the scope of Article 77, Civil Service Regulations.

3. Temporary employees in the departments under the control of the Local Government mentioned in Article 381 (a) of the Civil Service Regulations should be treated as "merely temporary engaged". No claim for pension should therefore be admitted to them under Article 381 (a).

(G. O. No. Mis.-722-Finance (Pension), dated 16th October 1928 and case No. Pen. Mis. 3-15 of 1928-29.)

4. In the case of deputations of Survey employees to special duty within the Survey Department, the employees so deputed are paid and controlled like other servants of Government in that Department and no distinction need therefore be made for purposes of Article 381 (b) of the C. S. R. between these temporary subordinates and those serving temporarily in the Survey Department proper.

(G. O. No. 745-Rev., dated 21st February 1918, copy filed in Case Pen. V-73 of 1932-33.)

5. The practice of the past in the Settlement Department whereby officiating service in permanent posts has been allowed to count for pension has been regularised by the Local Government up to 1st July 1929 after which date officiating service will not count for pension even if followed by permanent service, except under the provisions of Article 371 C. S. R.

(G. O. No. 1010-Rev., dated 21st May 1929—Case Pen. Mis. 3-7 of 1929-30 and Pen. R.-102 of 1928-29.)

6. The concession granted to the subordinates of the Settlement Department in the above paragraph has been extended to the subordinates of the Survey Department also till 1st February 1930.

(G. O. No. 2656-Revenue, dated 20th December 1929, Case Pen. Mis. 3-7 of 1929-30.)

7. In applying the provisions of Article 381 (b), Civil Service Regulations and analogous provisions enabling temporary service to be counted for pension, the term "interruption" occurring in those provisions should be construed as referring only to interruptions other than those specified in Article 420 C. S. R. Past cases need not be re-opened as the above orders apply to cases in which pensions have not been finally sanctioned on the date of the orders leading to the above rule.

[G. O. No. 825-Finance (Pension), dated 23rd October 1935—Case P. V. 1-3 of 1934-35.]

SECTION IV.—THIRD CONDITION.

FEES AND COMMISSIONS.

[C. S. R. 392 to 396.]

Service paid from fees and commissions in addition to pay from the general revenues qualifies under Article 392, but fees and commissions should not be included in pay to determine, with reference to Article 396, whether the service is superior or inferior.

(G. I., F. D., No. 544, dated 4th February 1886.)

SECTION V.—DISTINCTION BETWEEN SUPERIOR AND INFERIOR SERVICE.

SUPERIOR SERVICE.

[C. S. R. 396.]

1. The period during which an officer holding a substantive appointment, which is pensionable on the superior scale, officiates in an appointment which is pensionable on the inferior scale, should be reckoned as superior service.

(G. I., F. D., No. 6435-P., dated 5th December 1902.)

2. (a) The services of shroffs employed in the Public Works Department on pay of Rs. 10 and less a month are governed by the ordinary rules and, as their real duties are inferior they are not entitled to the privileges specially accorded to shroffs in the Revenue Department, Madras.

(G. I., F. D., No. 2032-P., dated 2nd May 1895.)

(b) The services of shroffs employed in the Salt Department of the Madras Presidency are pensionable on the superior scale.

(c) All shroffs in the Revenue Department in Madras, even though their pay may not exceed Rs. 10 are superior servants.

(G. I., No. 859-P. F. D., dated 13th February 1906.)

(d) The service of all shroffs in Mysore including those on pay of less than Rs. 15 but more than Rs. 10 a month is superior within the meaning of Article 396, Civil Service Regulations.

(G. I., No. 3294-P. Fin., dated 23rd May 1904.)

(e) The service of all grades of Forest Guards in the Madras Presidency on pay exceeding Rs. 20 per mensem should be treated as superior.

(G. No. No. 1509-Rev., dated 26th May 1914, communicated with Finance Endorsement No. 4000-1, dated 17th June 1914, G. O. No. 599-Rev., dated 9th December 1922. Pen. Mis. 3-8. of 1927-28. Pen. Mis. 3-2 of 1913-15.)

NOTE.—Officers who begin service as Forest Guards on the inferior scale and subsequently rise to appointments in Superior Service in or above the ranks of Forest Guards count their whole service as superior.

(f) Hea.l Warders of Jails in the Madras Presidency will be allowed to count the whole of their service, *i.e.*, including their service as warders for pension on superior scale.

(G. O. No. 1816-Judl., dated 26th August 1914. Pen. Mis. 3-14 of 1914-15.)

3. When the pensionary status of an appointment is changed from "Inferior" to "Superior", it is to be assumed that the change has retrospective effect, unless there are specific orders to the contrary.

[G. I., No. 2117-C.S.R., F. D., dated 10th March 1912 and No. F. 12-II-R. II/34, dated 10th May 1934, G. O. No. 350-Fin. (Pen.), dated 1st June 1934. Case P. V. 1-1 of 1934-35.]

4. The preventive peons of the Madras Custom House have been redesignated as "Tide-Waiters" so as to enable them to continue in the Superior Service with retrospective effect from 1st November 1920.

(G. I., Department of Commerce, No. 5308, dated 31st August 1921.)

5. The services of the three anatomical attendants of the Medical School, Royapuram, will be classed as superior with reference to G. O. No. 808-Financial, dated 4th September 1920.

(Para. 2 of G. O. No. 819-P.H. Mis., dated 14th July 1921.)

6. The appointment of attender in the office of the Assistant Archæological Superintendent for Epigraphy shall be classed as superior for all purposes of the Civil Service Regulations.

[G. O. No. 165-Finance (Sep. Rev.), dated 16th September 1921.]

7. The appointment of Maistris and Assistant Maistris employed in the School of Arts, Madras, are classed as superior for all purposes of the Civil Service Regulations.

(G. O. No. 36-Finance, dated 14th January 1921.)

8. The appointments shown in the list below shall be classed as superior for all purposes of the Civil Service Regulations in cases in which the pay of the appointment exceeds Rs. 15 a month :—

- (i) Attenders in the Secretariat, in the offices of the Board of Revenue and of the Superintendent, Archæological Survey in the Government Oriental Manuscripts Library and in the Presidency and Medical Colleges, Madras.
- (ii) The Chemical Attendant and the bacterial vaccine attendant in the King Institute, Guindy, anatomical and laboratory attendants in the Medical College, Madras, the anatomical attendant in the Medical School, Royapuram, and Laboratory attendants in the Scientific sections of the Agricultural College, Coimbatore.

- (iii) Petty officers in the Salt, Abkari and Customs Department.
- (iv) The Sergeant attached to the office of the Board of Revenue (Land Revenue).
- (v) The Shed-keeper at the King Institute, Guindy.
- (vi) Anicut Maistris in the Public Works Department.
- (vii) (a) Demonstration Maistris in the Agricultural Department.
(b) Weaving Maistris, Blacksmiths and Mechanics in the Department of Industries.
- (viii) Matrons, nurses, midwives, female dressers and theatre assistants in the Medical Department.
- (ix) Jail Warders (see note 2 below).
- (x) Fieldmen in the Piscicultural Section of the Fisheries Department.
- (xi) The driver and the syrang attached to the Sea Customs Office, Madras.
- (xii) The Council dubash in the Chief Secretariat.

(G. O. No. 808-Financial, dated 4th September 1920 and G. O. Mis. No. 969-Financial, dated 15th November 1920. Case No. Pen. Mis.-3-13 of 1920-21.)

NOTE 1.—The orders in the G. O. quoted above should be given effect to from the date of the G. O., i.e., from 4th September 1920. Cases already sanctioned in which retrospective effect was given to the orders in the above G. O. need not, however, be reopened in consequence of this decision.

[G. O. No. 387-Fin. (Pen.), dated 3rd June 1937. Case P. V. 6-6 of 1937-38.]

NOTE 2.—The attenders and attendants specified in items (i) and (ii) above, who were in the scale of Rs. 20—1 (biennial)—25 with the exception of those employed in laboratories and libraries, and those in the lower scale of Rs. 15—20 in the Madras City—and Rs. 12—18 in the Mufassal were with effect from 10th September 1927 classed as peons. The rights to superior pension of the attenders and attendants, who were in service on or before the 10th September 1927 will not be affected by these orders and they shall be entitled to count their service for pension on the superior scale if they were entitled to so count their service on or before that date.

[G. O. No. 842-Public, dated 10th September 1927 and G. O. No. Ms.-456, Finance (Pension), dated 24th June 1937—Case T. M. 23-68 of 1927-28 and P. V. 6-26 of 1936-37.]

NOTE 3.—The temporary additions to pay sanctioned in G. O. No. 780-Financial, dated 28th August 1920 should not be treated as part of the pay of the appointment for the purpose of classifying appointments as superior.

(G. O. No. 281-Fin., dated 23rd March 1921. Case T. M.-23-97 of 1920-21.)

NOTE 4.—It was not the intention of Government to withdraw by their orders in G. O. No. 808-Finance, dated 4th September 1920, the concession granted in G. O. No. 1-Home (Judicial), dated 1st January 1920 to warders in the Jail Department of counting all their services for pension on the superior scale. The orders in G. O. No. 1-Home (Judicial), dated 1st January 1920 will not apply to the Warders employed in the Sub-Jails under the control of the District Magistrates, who are on the scale of pay of peons.

(The five special Sub-Jails at Russelkonda, Koraput, Nellore, Mangalore and Calicut are under the control of the Inspector General of Prisons—Inspector General's letter No. C./106, dated 1st February 1927.)

[Government Memorandum No. 9716-2-Finance (Pension), Department, dated 2nd April 1927. Case Pen. Mis.-3-27 of 1926-28.]

NOTE 5.—The service of warders attached to the Sub-Jails at Salem and Kokkarakulam will be treated as superior service for purposes of pension so long as the posts are held by warders of the Jail Department.

[G. O. No. Ms.-4305-Law (General), dated 1st December 1932. Case Pen. Mis.-3-8 of 1932-33.]

9. The appointment of attenders in the Madras Record Office shall be classed as superior for all purposes of the Civil Service Regulations in cases in which the pay of the appointment exceeds Rs. 15 a month.

(G. O. No. 971-Financial, dated 16th November 1920. Case Pen. Mis.-3-13 of 1920-21.)

10. The Surgeon General is authorised to designate two of the Ward attendants drawing more than Rs. 15 each per mensem in each of the hospitals noted below at Madras as theatre assistants for purposes of G. O. No. 808-Financial, dated 4th September 1920 :—

Government Ophthalmic Hospital, Madras.

Government General Hospital, Madras.

Government Royapettah Hospital, Madras.

(G. O. No. Mis.-643-Medl., L. & M., dated 15th November 1920. Case No. Pen. Mis.-3-13 of 1920-21.)

11. The service of fieldmen in the Piscicultural Section of the Fisheries Department is superior for purposes of the Civil Service Regulations.

12. The service of the anatomical attendant at the Medical School, Royapuram, on pay exceeding Rs. 10 per mensem should be classified as superior for purposes of pension.

[G. O. No. Mis.-3643-Rev., dated 8th November 1918, communicated in Financial endorsement No. 9797-1, dated 11th November 1918. G. O. No. Misc.-457-L. & M. (Medical), dated 6th November 1917, communicated in Financial Endorsement No. 8253-1, dated 9th November 1917. Pen. Mis.-3-31 of 1917-18.]

13. The service of Canning Overseer in the Fisheries Department should be treated as superior.

[G. O. Mis. No. 1640-Rev. (Spl.), dated 11th September 1920, communicated with Financial Endorsement No. 3213-A.I., dated 11th September 1920, Fishery Case, Malabar.]

14. The attenders of the office of the Accountant General, Madras, on a pay exceeding Rs. 15 per mensem shall be classed as superior for all purposes of the Civil Service Regulations.

(G. I., F. D., No. 412-F.E., dated 16th February 1921. Case No. Pen. Mis.-3-13 of 1920-21.)

15. Under Article 396, Civil Service Regulations, the two attenders of the Examiner of Local Fund Accounts, Madras, drawing more than Rs. 15 per mensem shall be classed as superior for all purposes of the Civil Service Regulations.

(G. O. No. 272-F. D., dated 22nd March 1921. Case L. A. 1-89 of 1920-21.)

16. The service of female searchers in the Kandamangalam, Sannamangalam and Madalapet Sayer Stations of the Salt Department on pay exceeding Rs. 10 a month counts for pension on the superior scale.

(G. O. No. 260-Pen., dated 2nd May 1904.)

17. The service of a compounder in the Medical Department, whose pay is progressive rising from a minimum below Rs. 10 to a maximum

above that amount, should be treated as inferior till his pay exceeds Rs. 10 a month.

(Govt. of India letter No. 5496-P., F. D., dated 28th October 1901.)

18. The entire service, including that rendered as keeper or warder, of the headkeeper in the Lunatic Asylum, Calicut, and the head warder in the Lunatic Asylum, Vizagapatam, counts as superior for purposes of pension.

[G. O. No. 103-L. & M. (Medical), dated 12th October 1916, communicated with Financial Endorsement No. 6093-1, dated 21st October 1916. Pen. Mis. No. 3-1 of 1916-17.]

19. The Government direct that the services of 1st class attendants employed in Mental Hospitals, be treated as superior for purposes of pension. The 2nd class attendants in all Mental Hospitals will remain in inferior service.

(i) Those (specified below) who were in receipt of pay exceeding Rs. 10 per mensem on 19th March 1919 will continue to enjoy the pensionary privileges to which they were entitled prior to that date.

(ii) Existing incumbents of posts on Rs. 20—1 (biennial)—25 in Madras who have already become entitled to superior pensionary privileges under G. O. No. 49-P.H., dated 8th January 1926, will continue to be in superior service.

Mental Hospital, Madras.

1. S. Munuswami.
2. Kassim Sahib.
3. Nayanakkanu.
4. Anthony.
5. Dhanapal.
6. Kathian.
7. Ramalingam.
8. Kanikkam.
9. Abdul Khadir.
10. Manikkam.
11. Kanni I.
12. T. Abbu II.
13. Abdul Ahmed Khan.
14. Raghavan.

Mental Hospital, Waltair.

1. V. Audianna.
2. B. Sanyasi.

Mental Hospital, Calicut.

1. N. Chathukutti.
2. A. Kuttappan.
3. A. Kanaran.
4. A. Moothoran.
5. T. Unnikutty.
6. K. Simon.
7. N. Parachoty.

[G. O. No. Mis. 49-P.H., L. S. G., dated 8th January 1926. Case Pen. Mis. 3-1 of 1924-26, G. O. No. 952 (P. H.) Mis. L. S. G., dated 8th April 1929. Case No. Pen. Mis. 3-3 of 1929-30.]

20. The Government direct that the petty officers employed in the Fish Curing Yard of the Fisheries Department should be classed as superior for all purposes of the Civil Service Regulations.

[G. O. No. 263-Mis. Fin. (Pen.), dated 30th April 1928, Pen. Mis. 3-4 of 1928-29.]

21. The Government direct that the services of the boatmen, lascars and bargemen on Rs. 25 and Rs. 28 per mensem employed under the Deputy Port Conservator, Madras, be treated as "Superior" under Article 396 of the Civil Service Regulations.

(G. O. No. 206-Mis. Financial, dated 8th April 1929. Case Pen. Mis. 3-1 of 1929-30.)

22. The service of machine-minders in the Government Press, Madras, whose pay was revised to Rs. 20—1—30, should, after revision be treated as superior.

[G. O. No. Ms.-265-Finance (Pension), dated 3rd April 1930. Case Pen. T-26 of 1929-30.]

23. The appointment of Record Attender in the Resident's Office, Bangalore in the scale of Rs. 25—1—35 has been transferred from the inferior to the superior grade.

(Proceedings of the Hon'ble the Resident in Mysore No. 8079, dated 29th November 1932. Case No. Bang. 1-3 of 1932-33.)

24. Press employees, viz., Binders, Layers on, Forme carriers, and Roller casters on Rs. 15—1—20 after the recent revision of their pay are declared inferior servants, as the duties attached to the above posts are mechanical.

[M. G. Memo. No. 41010-G. & P.-2, Finance (Pension), dated 1st July 1929. Pen. M.-53 of 1928-29 and S. 219 of 1930-31.]

NOTE.—The appointments of copy holders in the Government Press, Madras on Rs. 15—1—20 old scale (new scale Rs. 15—2/2—17—1/2—19) should be classed as superior for purposes of pension.

(G. O. No. 346-Finance, dated 20th May 1935. Case P. V. of 1935-36.)

25. Services of Minor Irrigation Maistries on pay exceeding Rs. 10 a month should be treated as superior for pension.

[G. O. No. 892-Finance (Pension), dated 15th November 1935. Case P. V. 6-29 of 1935-36.]

Service partly inferior and partly superior.

[C. S. R.-398.]

1. The case of an officer who has rendered thirty years' qualifying service in the inferior scale in addition to qualifying service of less than ten years in the superior scale falls under clause (a) and not under clause (b) of this article and he is entitled to a pension only under clause (a).

(Govt. of India, No. 29941P. F. D., dated 29th June 1895.)

(See also under Article 471.)

2. The power possessed by a local Government regarding the condonation of deficiencies in service, under Article 423 (2) may be exercised in cases in which the amount of pension or gratuity is regulated by Article 398.

[See also under Article 440 as to the applicability of that Article to cases falling under Article 398 (b).]

(G. I., No. 5379-P., Finance Department, dated 21st December 1896.)

3. The concessions allowed by Articles 423 (3) and 398 cannot be combined, and if an officer elects to count the superior and inferior portions of his service separately, the portions of the service counting for pension under the superior and inferior scales should be the portions actually passed in service, and not periods calculated by first applying the rule regarding condonation of deficiency in superior service in consideration of additional inferior service.

(G. I., No. 1757-P. F. D., dated 18th April 1896, G. O. No. 374-Pen., dated 14th May 1896.)

4. An officer claiming a superannuation pension for his superior service under Article 464 can, under Article 398, also be granted a separate invalid gratuity for his inferior service previously rendered by him, without submitting a medical certificate of unfitness for further service.

(G. I., No. 1194-P. F. D., dated 17th March 1896—*Vide* also Article 460-C.S.R.)

5. In the case of a press servant whose service qualifies under Article 380, Civil Service Regulations, a gratuity under Article 398 should be calculated on the superior scale on the average earnings of the last six months while in superior service, and that on the inferior scale on the average earnings of the last six months while in inferior service.

(G. I., F. D., No. 4092-P., dated 28th July 1896.)

6. The provisions of Article 398 of the Civil Service Regulations are waived in favour of officers who begin service as forest guards on the inferior scale and subsequently rise to appointments in superior service in or above the rank of forest guard.

This concession will not, however, apply to the case where a forest guard, after promotion to superior grade, is reduced from the superior

grade to inferior grade as a specific punishment. In such a case, the actual periods of reduction should be treated as inferior service only for purposes of pension.

[Government, Finance (Pension) Department Memorandum No. 23180, Pension-2, dated 31st August 1936, Case No. P. V. 6-32 of 1936-37.]

(G. I., No. 337-C.S.R., F. D., dated 19th March 1915 and Madras Government, Financial Dept. endorsement No. 3559-1, dated 12th June 1915, Pen. Mis. 3-2 of 1913-15.)

7. A superior servant reduced temporarily for a specified period to the inferior grade who takes leave for a period extending beyond the date of expiry of the period of reduction and retires on the expiry of the leave without actually rejoining duty should be considered for the purpose of Article 398, C. S. R., as having regained his superior status after the expiry of the period of reduction, which is not affected by the non-payment of enhanced leave salary for the portion of leave intervening between the date of expiry of the reduction, since the amount of leave salary always depends on the rate of pay drawn at the time of going on leave and the date of actual retirement.

[Madras Government Memorandum No. 6399-2-Finance (Pension), dated 28th March 1933, filed in Pen. Case E. 1 of 1931-32.]

8. The last sentence of Article 398 refers to clause (b) and not to clause (a) of Article 398.

(G. I., F. D., 719-P., dated 9th February 1900.)

CHAPTER XVII.—RULES FOR RECKONING SERVICE.**SECTION I.—SPECIAL ADDITIONS.****[C. S. R.-404-A.]**

1. (a) The Government have extended to the following Gazetted posts in the High Court, the concessions admissible under Article 404A, C.S.R. of adding to the service qualifying for superannuation pension (but not for any other class of pension) the actual period not exceeding five years by which the age of the holder of the post when recruited direct exceeded twenty-five years.

- (1) Registrar (when not held by a member of the I.C.S.).
- (2) Master (formerly designated by Registrar, Original Side).
- (3) Deputy Registrar, Appellate Side.
- (4) First Assistant Registrar, Original Side.
- (5) Second Assistant Registrar, Original Side.
- (6) Assistant Registrar, Appellate Side.

[G. O. No. 3712-Ms. Law (General), dated 2nd September 1930 and G. O. No. P. 143-Public (Services), dated 7th February 1931, case Pen. Mis.-3-43 of 1919-35.]

(b) The Government have directed that the post of the Secretary to Government Legal Department and Remembrancer of Legal Affairs, Madras, shall be added to the list of services and appointments referred to in Article 404-A, C. S. R.

[G. O. No. Ms.-229, Finance (Pension), dated 23rd March 1937—P. V. Case 6-2 of 37-38.]

(c) To the list of services and appointments in Article 404-A the following entry shall be added—

“Administrator General and Official Trustee, Madras.”

This Amendment applies only to officers appointed on or after 19th January 1937 as Administrator General and Official Trustee, Madras, and who are not members of the I.C.S.

[G. O. No. 62, Finance (Pension), dated 19th January 1937, P. V. Case 6-37 of 36-37.]

(d) In Article 404-A, Civil Service Regulations, for the second sentence commencing with the words “This concession will not be granted to individual officers” and ending with the words “other than those included above”, the following sentences shall be substituted:—

“Civil Assistant Surgeons in the Madras Medical Department recruited on or after 1st November 1928 may similarly add to their service the actual period, not exceeding 2 years, by which their age at recruitment exceeded 25 years and Assistant Directors of Public Health not belonging to the Indian Medical Service, or the Indian Research Department

may similarly add to their service the actual period, not exceeding one year if recruited before 1st November 1928 and 3 years if recruited on or after that date, by which their age at recruitment exceeded 25 years. These concessions will not be granted to individual officers appointed at an age exceeding 25 years to Departments or appointments other than those included above.

[G. O. No. P-767-Public (Services), dated 21st July 1931. Case Pen. Mis. 3-9 of 1926-32.]

2. The post of Principal, Law College, Madras, carries the same pensionary concessions as have been allowed to members of the Indian Educational Service, *i.e.*, the post is taken as included in Article 404-A, Civil Service Regulations.

3. Civilian officers directly appointed to Medical Professorships, Chemical Examinerships or Alienists' posts whose age at the time of appointment exceeds 25 years and who, prior to such appointment were not members of any service will be eligible for the concession admissible under Article 404-A, Civil Service Regulations.

This concession may be applied with retrospective effect from 23rd July 1913.

(G. I., F. D., No. F. 41-C.S.R., dated 3rd October 1924. Pen. Mis. 3-19 of 1924-25.)

4. The Auditor General has decided with the concurrence of the Government of India that an officer of the Education Department whose first appointment to the Government service was not to the Indian or Provincial Educational Service cannot as a matter of course, get the benefit of Article 404-A, Civil Service Regulations, as a direct recruit from the commencement of his service even though the post to which he was first appointed was subsequently merged in the Indian or Provincial Educational Service.

(Auditor General's No. T-105-85-A-25, dated 29th April 1925, P. V. 1-1 of 1936-37.)

5. If an officer's previous service under a local body and his subsequent service under Government is treated as a single service qualifying for a single pension to be borne by the two authorities according to the Rule of Proportions, the concession of this Article is not admissible to him.

(G. I., F. D., No. 941-C.S.R., dated 29th September 1913, to the M. G. Pen. G. 52 of 1913-14 and Case Pen. Mis. 3-31 of 1933-34.)

6. The benefit of the concession referred to in this Article will be given only to those officers who are recruited directly to the posts mentioned therein and not to those who are subsequently promoted to such posts.

[G. I., Dept. of Industries, No. A-53, dated 10th November 1921 recorded in G. O. No. Mis. 336-Finance (Pension), dated 21st November 1921. Pen. Mis. 3-43 of 1919-1934.]

SECTION II.—PERIODS OF LEAVE.

SUPERIOR SERVICE.

[C. S. R. 407.]

1. The extent to which leave taken under the Fundamental Rules shall count for pension under the rules now in force for the calculation of pensions is determined in accordance with the following rules :—

(1) Any period of leave on average pay not exceeding four months the first four months of any period of leave on average pay in excess of four months, or any longer period to which Government servants may be entitled under the operation of the Note under Rule 81 (b) of the Fundamental Rules shall count as privilege leave whether in the calculation of pensions, proportionate pensions or additional pensions.

(2) Any other period of leave during which leave salary is drawn shall count as leave with allowances.

[G. I., F. D., No. 1260-C.S.R., dated 21st December 1921 recorded in G. O. No. 3-Finance (Pension), dated 11th January 1922. Pen. Mis. 3-17 of 1921—1924.]

2. The rule in clause (1) above should be applied in its literal sense. It is not necessary that the four months' leave on average pay referred to in this rule should be the amount that should be admissible as privilege leave under the conditions laid down in the Civil Service Regulations. In cases where leave on half average pay intervenes two periods of leave on average pay, the two periods of leave on average pay should be treated as one continuous spell of leave on average pay in order to determine whether the whole or the first four months of the leave should be treated as privilege leave for purposes of pension.

(Auditor General's endorsement No. 96-A-327-23, dated 28th January 1924, in case Pen. Mis. 3-17 of 1921-1924.)

3. In the case of a Government servant on leave on the 1st January 1922 who exercises the option of cancelling the unexpired portion of his leave and taking the balance of leave under the Fundamental Rules, it has been decided that the period of leave which shall count as privilege leave in the calculation of pensions shall be that which is credited as privilege leave in the leave account made up to the 1st January 1922.

(G. I., F. D. Resolution No. 1157-C.S.R., dated 6th July 1923. Pen. Mis. 3-17 of 1921—1924.)

4. An officer of a vacation department can count for pension so much of any leave on average pay taken in combination with vacation as will make his total vacation and leave on average pay equal to four months.

[Auditor General's endorsement No. 45-V.A.-340-22, dated 17th January 1923 recorded in G. O. No. 59-Finance (Pension), dated 5th February 1923. Pen. Mis. 3-17 of 1921—1924.]

5. In the case of leave on average pay alternated with deputation out of India, the leave on average pay should not be split up into different periods separated by deputation but treated as one continuous spell of leave and not more than 4 months in all will count for pension.

(G. I., F. D., No. F.-252-C.S.R./26, dated 19th August 1926. Pen. Mis. 3-16 of 1926-27.)

6. Study leave granted under Appendix 32, Civil Service Regulations counts for ordinary pension irrespective of the provisions of Article 408, Civil Service Regulations.

[G. I., F. D., No. 505-C.S.R., dated 30th May 1922 and G. I., F. D. Telegram, dated 13th February 1926. G. O. No. 207-Fin. (Pen.), dated 15th June 1922. Case Pen. Mis. 3-17 of 1921-24.]

Subsidiary rules, orders, etc., under the Revised Leave Rules.

7. The extent to which leave taken by Government servants governed by the Revised Leave Rules of the Government of India shall count for pension under the rules in the Civil Service Regulations, is determined in accordance with the following rules:—

- (i) Any period of “earned leave” shall count as “privilege leave” in the calculation of service for pensions and additional pensions;
- (ii) Any other period of leave during which leave salary is drawn, shall count as leave with allowances;
- (iii) Earned leave alternating with deputation out of India shall not be split up into different periods separated by deputation but treated as one continuous spell of leave and not more than 90 days in all shall count for pension; and
- (iv) Study leave shall count as service for pension.

[G. I., F. D., Resolution No. F. 6-(12)-R. II/35, dated 21st February 1935—Case P. V. 6-36 of 1934-35.]

8. The extent to which leave taken by Government servants governed by the Madras Leave Rules 1933 shall count for pension under the rules in the Civil Service Regulations is as follows:—

- (i) Any period of “earned leave” not exceeding 90 days shall count as “Privilege leave” in the calculation of service for pensions and additional pensions.
- (ii) Any other period of leave during which leave salary is drawn shall count as leave with allowances.
- (iii) Earned leave alternating with deputation out of India shall not be split up into different periods separated by deputation but treated as one continuous spell of leave and not more than 90 days in all shall count for pension.
- (iv) Study leave shall count as service for pension.

[G. O. No. 277-Finance (Pension), dated 10th April 1935—Case P. V. 6-36 of 1934-35.]

[C. S. R.-408.]

1. Leave granted under Articles 336 to 338 of the Civil Service Regulations may be treated as qualifying for pension under the provisions of Article 408, Civil Service Regulations, even though under the operation of Article 335, Civil Service Regulations, no leave allowance is drawn.

(G. I., No. 627-P. Finance and Commerce, dated 4th February 1905.)

2. The term "commencement of service" in note 2 under this Article means "actual commencement of service qualifying for pension in India".

(G. I., No. 537-T. I., F. D., dated 7th March 1906.)

If by special contract, an addition of British Service or an addition of a number of years is made to the actual Indian service, the service in India only will be taken into consideration in determining total service as used in this note.

3. Hospital, maternity and seamen's sick leave on leave salary equal to full or average pay granted under the Fundamental Rules to Government servants who retire on or after 2nd May 1928, shall count as privilege leave in the calculation of pension to the extent that ordinary leave on leave salary equal to average pay counts under Rule 1 of Government of India Resolution No. 1260-C. S. R., dated 21st December 1921. Hospital leave on leave salary equal to half average pay shall count as leave with allowances under Rule 2 of the same resolution of Government of India.

The above do not apply to such leave granted under the Civil Service Regulations nor to leave granted under the Fundamental Rules to officers retired before 2nd May 1928.

The above orders are in fact an interpretation of the expression "leave on average pay" occurring in the Government of India Resolution No. 1260-C. S. R., dated 21st December 1921, quoted as an authority under paragraph 1 of the rulings under Article 407, C. S. R. Hence when Hospital, Maternity or Seamen's sick leave on full or average pay (except of course, such leave as special disability leave, for which special provision exists), exceeds four months, the first four months only of the entire spell of leave should be counted as privilege leave for purposes of pension.

(Auditor General's letter No. T-1398-A-11-28, dated 27th September 1928, filed in Pen. Mis. 3-6 of 1928.)

[G. I., No. F./9-VI/R.II, dated 2nd May 1928; G. O. No. 445-Finance (Pension), dated 27th June 1928, G. O. No. 810-Finance (Pension), dated 23rd November 1928.]

4. War service concessions granted to the various services and departments will not be included in total service for the purposes of this Article.

5. A piece work compositor in the Government Press, Madras, shall, in addition to Sundays and other holidays admissible to employees

in the Press, be permitted to count as service qualifying for pension the period of authorised casual leave without allowances actually taken by him subject to a maximum of 15 days in a year.

(G. O. No. 805-Mis. Finance, dated 17th November 1927. Pen. Mis. 3-11 of 1927-28.)

6. The Government of India have decided that non-qualifying service allowed to count for pension under Article 361-A of the Civil Service Regulations should not be taken into account for the purpose of Article 408 *ibid* unless such service is treated as permanent for the purpose of leave also and that "total service" in the latter article does not include the period added to service qualifying for pension under Articles 403, 404 and 404-A, C. S. R.

[G. I., F. D., No. F-6-LXXXIX-R.II/33, dated 17th November 1933 and G. O. No. 316-Finance (Pension), dated 30th November 1933. Case Pen. Mis. 3-23 of 1933-34.]

7. A period of Military service which has been allowed to count as part of service qualifying for pension under Civil Rules under Article 356, C. S. R., should be included in total service for the purpose of Article 408, C. S. R. Privilege leave and other leave with allowance taken during the period of Military service will count for pension under Articles 407 and 408 of the Civil Service Regulations respectively like corresponding leave taken under Civil Leave Rules.

[G. I., F. D., No. F./12-IV-R.II/32, dated 7th March 1932. G. O. No. 173-Finance (Pension), dated 22nd April 1932. Case Pen. Mis. 3-16 of 1930-32.]

8. It has been decided by the Government of India that leave granted by foreign employers out of India to Government servants lent to them *vide* F. R. 123 (a) should be treated as leave and not as duty. Any such leave, if taken on full or average pay or equivalent terms should, up to a limit of four months on any one occasion be treated as privilege leave for the purpose of Article 407, C. S. R., and all other leave with leave allowances should be dealt with as in Article 408, C. S. R.

[G. I., F. D. letter No. F. I. (9) R. I.-32, dated 18th February 1932. G. O. No. Ms.-90-Finance (Pension), dated 1st March 1932. Case Pen. Mis. 3-20 of 1931-32.]

9. When particulars of leave taken during Military service are not available from records, the procedure outlined in Madras Government Order No. 255, Finance (Pension), dated 29th April 1933 (confidential), should be followed.

(Case Pen. Mis. 3-16 of 1930-32.)

10. Sick leave taken by an officer during Military Service will count for pension as well as proportionate pension up to a maximum of 2 years (as in the case of special disability leave) irrespective of whether he was eventually invalided from Military Service or not. If he was invalided from Military Service, any such period of sick leave allowed to count for pension should be deducted from any period of disability leave that might otherwise be admissible to him on his release from Military service.

This concession will have effect from the commencement of the Great War, *viz.*, 4th August 1914.

(G. I., F. D., No. 249-C.S.R./26, dated 18th August 1926, Auditor General's No. 525-A., 53-26, dated 3rd September 1926, and G. I., F. D., Resolution No. F-6-VIII-R. II/32, dated 3rd March 1932. Pen. Mis. 3-11 of 1925-34.)

[C. S. R.-411.]

1. The various kinds of training referred to in Annexure 1 to the Fundamental Rules and Subsidiary Rules issued by the Madras Government have been ordered to be treated as on duty.

2. Any Provincial Forest Service Probationer who has not been appointed permanently to Government service before attaining the age of 23 will count as service towards pension any period of training or probationary service undergone after he attained that age.

(G. O. No. 423-Financial, dated 31st May 1919 in case of G. A.-12-3 of 1917-20.)

3. Service of a Government servant in the Indian Defence Force will count for pension.

(G. O. No. 1425-Public, dated 5th December 1917. Pen. Mis. 3-41 of 1917-18.)

4. Time spent by Government servants in training in the old Agricultural College, Madras, may be counted as service qualifying for pension.

[G. O. No. 613-Finance (Pension), dated 16th September 1933. Case Pen. Mis. 3-17 of 1933-34.]

Inferior Service.

[C. S. R.-414.]

1. An inferior servant belonging to a season establishment who is on leave without allowances for a period covering that during which the establishment is employed as well as that during which the establishment is not employed, is not entitled to the concession of counting the whole period of leave without allowances as service for pension under Article 414. He can count only so much of the period as fulfils the conditions laid down in Article 369.

(G. I., No. 7820-P. Fin. and Commerce, dated 13th December 1904.)

2. The amount of privilege leave that might have been given to an inferior servant under this article should be calculated on his net service after deducting long leave of all sorts actually taken from the total service.

(G. I. No. 2017-P., F. D., dated 12th April 1905.)

3. In determining the periods of leave without allowances enjoyed by an inferior servant, to be reckoned as service qualifying for pension, each period should not be taken by itself, but all the leave taken with or without allowance should be added together and so much of it as

does not exceed the leave that might have been granted with allowances under the rules treated as qualifying service and the remainder if any, rejected as non-qualifying.

(G. I., No. 8147-P., F. D., dated 26th December 1904.)

4. Article 414 does not refer to "Hospital leave" admissible.

(G. I., F. D., No. 3920, dated 26th September 1892.)

5. An inferior Government servant can count leave with and without allowances as qualifying for pension up to the amount of leave "earned" under Chapters XII and XIV, C. S. R.

(Auditor General's letter No. T.75-A./25-33, dated 26th April 1933. Case Pen. Mis. 3-12 of 1933-34.)

SECTION III.—RESIGNATION AND DISMISSAL.

[C. S. R.-418.]

Removal or discharge from office arises from such a cause as unfitness for the duty, and does not entail further consequences. It is no bar to reappointment to another office for which he may be fit or to future re-employment. The effect of dismissal is to preclude re-employment. Ordinary cases of dismissal of non-gazetted officers need not be notified in the Government Gazette. The sanction of the Local Government should always be required to the re-employment of persons dismissed.

(G. I., H. D., No. C-918-P., dated 15th June 1905, cited in G. R., G. D., No. 3493, dated 22nd September 1895.)

Interruptions.

[C. S. R.-420.]

1. An officer who is discharged on the abolition of an appointment is entitled to the benefit of clause (d) of Article 420, Civil Service Regulations, even though the appointment abolished may not have been that which he held or even one of the particular establishment on which he was actually serving.

(G. I., No. 5594-P.-F. D., dated 9th September 1907.)

2. A period of overstay of leave does not count for pension.

(Para. 1-A of Section III of Manual of Audit Instructions.)

3. This article is applicable to temporary as well as to permanent service, provided such temporary service, is service which qualifies for pension.

NOTE.—The Madras Government have declared that the above orders will apply to cases in which pensions have not been finally sanctioned. Cases finally disposed of before the date of the orders leading to the above rule should not be re-opened.

[G. I., F. D., No. F. II (20)-R. II/35, dated 15th July 1935 to Madras Government, G. O. No. M.S.-825-Finance (Pension), dated 23rd October 1935—Case P. V. 1-3 of 1934-35.]

[C. S. R.-421.]

The power of commuting retrospectively periods of absence without leave into leave without allowances is absolute and is not limited to the provisions of Article 306. Civil Service Regulations of Fundamental Rule 85 (a); in other words such commutation is permissible even when other leave was admissible to the Government servant concerned at the time his absence without leave commenced.

(Auditor General's letter No. 63-A/17-35, dated 22nd March 1935, G. O. No. 255-Finance, dated 12th April 1935. Case P. V. 1-1 of 1935-36 and T. M. 10-2 of 1935-36.)

Condonation of Interruptions and Deficiencies.

[C. S. R.-422.]

1. The powers of condonation specified in Article 422 carry with them the power of reviving service rendered prior to interruptions, but forfeited under Article 418 (a).

(G. I., No. 5469-P.-F. D., dated 23rd December 1897.)

2. An interruption between an officer's non-qualifying service in the Settlement Department and his subsequent qualifying service can be condoned under this Article.

(G. I., F. D., No. 100-C.S.R., dated 23rd January 1918, communicating Government of India, Department of Revenue and Agriculture, No. 813, dated 6th December 1917. Pen. Mis. 3-44 of 1917-18.)

The Government however reserve to themselves the power to condone an interruption between an officer's non-qualifying service in the Survey or Settlement Department and his subsequent qualifying service under Article 381 (b), C. S. R., in order to make the former service qualifying.

[G. O. No. Ms.-1041-Finance (Pension), dated 9th December 1929. Case Pen. S-8 of 1929-30.]

The above order will have effect from the date of its issue on 9th December 1929.

[G. O. No. Ms.-169-Finance (Pension), dated 4th March 1930. Case Pen. K-74 of 1929-30.]

NOTE.—Sanction of Government is necessary only in cases where interruptions in temporary service in the Survey and Settlement Departments not falling under Article 420-C.S.R., have to be condoned under Article 422, Civil Service Regulations.

[G. O. No. 823-Finance (Pension), dated 23rd October 1935—Case P. V. 1-3 of 1934-35.]

3. It has been decided by the Auditor General with the concurrence of the Government of India that an interruption between an officer's non-qualifying service and his subsequent qualifying service can, under Article 422, C. S. R., be condoned in order to make the former service qualifying for pension under Articles 370, 371 and 381 (c) *ibid.* This decision is based on the principle underlying the ruling in Government of India, Revenue and Agriculture Department

letter No. 813, dated 6th December 1917, which is already applied to cases falling under Article 381 (b)—*viz.*, that if an interruption is condoned under Article 422, it is reasonable to hold that there is no interruption and the service therefore becomes continuous.

(Auditor General's letter No. 52-A/14-34, dated 8th March 1934—Case Pen. Mis. 3-29 of 33-34.)

[C. S. R.-423.]

1. The term 'pension' which occurs in Article 423, C. S. R., is not used there in contradiction to "gratuity" but includes it—*vide* Article 41, C. S. R.

(G. I., F. D., No. 1824-1-F., M. G., dated 8th April 1914 and G. I., F. D., No. 1194-C. S. R., dated 23rd October 1915, India Supplement.)

2. The word "deficiency" includes not merely the period by which an officer's qualifying service falls short of the *minimum* length of qualifying service, which would entitle him to a pension, but should be read as including the difference between the total amount of his service qualifying for pension and the total length of service necessary to earn the *maximum* amount of pension admissible under the rules.

(G. I., No. 4169-P-F. D., dated 16th August 1900.)

3. Article 423 is not intended to be used merely to allow Government servants to retire on full pension voluntarily a little sooner than they otherwise could.

(G. O. No. 551-Edl., dated 30th September 1901, communicating Government of India, Home Department, letter No. 389, dated 14th September 1901.)

4. Presidents, District Boards, can condone deficiencies in service under Article 423 (i), C. S. R., in the case of Local Fund servants whose pensions they are competent to sanction.

(G. O. No. Ms. 623-Finance (Pension), dated 6th August 1929. Case Pen. Mis. 3-9 of 1929-30.)

NOTE.—The powers referred to in this paragraph have been withdrawn so far as pensions to the employees of the late Taluk Boards are concerned. Any cases of hardship (*e.g.*, where a deficiency of few days might result in disproportionate reduction of pension) may, however, be submitted for the orders of Government.

(G. O. No. 1510-L. & M., L. S. G., dated 15th April 1935. Case P. V. 6-37 of 1934-35.)

5. (1) The discretion allowed by Sub-Rule 25 (c) of Annexure II, Part I, of the F. R. may be exercised only in the case of Government servants who are sent before a competent medical authority for grant of leave and the latter certified them to be completely and permanently incapacitated for further service.

(Pen. Mis. 3-8 of 1930-31 and copy of G. O. filed in Case S. 110 of 1933-34.)

(2) A Head of a Department exercising the discretion allowed by Subsidiary Rule 25 (c) of Annexure II—Part I of F. R. is not at the same time competent to allow a further addition to qualifying service

for pension by condoning deficiency under Article 423 (1), C. S. R., but should submit such cases to Government through the Accountant General for their orders.

[G. O. No. 576-Ms. Finance (Pension), dated 17th July 1930. Case Pen. Mis. 3-8 of 1930-31. Case Pen. S. 110 of 1933-34.]

6. (a) When condonation is allowed under Article 423 (2), C. S. R., there is no technical bar to the concurrent grant of a gratuity for the inferior portion of service under Article 398 (b). If satisfactory reasons exist (*i.e.*, premature invaliding or compulsory retirement owing to reduction, etc.), for condoning the deficiency in superior service, independently of the co-existence of inferior service, condonation may properly be sanctioned under Article 423 (2) without forfeiture of gratuity. If, however, the sole reason for condonation is the fact of inferior service in addition, condonation may be sanctioned only under Article 423 (3) and no gratuity is admissible in respect of any portion of the inferior service.

(C. C. A.'s letter No. T. 1397-N.G.E./64/30, dated 18th September 1930. Case Pen. Mis. 3-14 of 1930-31.)

(b) The circumstances in which the deficiency is condoned should be indicated in the order sanctioning the condonation.

[G. O. No. 941-Finance (Pension), dated 28th October 1930. Case Pen. Mis. 3-14 of 1930-31.]

CHAPTER XVIII.—CONDITIONS OF GRANT OF PENSION.**SECTION II.—COMPENSATION PENSION.**

[C. S. R.-426.]

(1) A reduction in the number of men paid for piece-work and treated as having held a substantive office under Article 380 should be considered as an abolition of their appointments, and the savings may, in such cases, be calculated on the average earnings of the last six months as laid down in rule 1 under Article 486, Civil Service Regulations.

(G. I., No. 661-P., F. D., dated 29th October 1903.)

(2) An officer in foreign service should be held to have lost his lien from the date on which his post in British service was abolished and no contribution could be received after that date. He should be regarded as having retired from Government service from that date and he should thereafter be permitted to draw the pension to which he is entitled in addition to the pay which he receives at the time from his foreign employer.

(G. I., F. D., No. 880-E. C., dated 11th March 1907 conveyed in G. I., F. D.-3444-P., dated 3rd June 1907.)

(3) When an officer is transferred from pensionable Government service to a non-pensionable establishment, he cannot be granted any pension or gratuity admissible to him for the qualifying portion of his service until he actually retires from the public service, that is, from the non-pensionable establishment to which he belongs.

(G. I., F. D., No. 1941-P., dated 30th March 1908.)

(4) If an officer is transferred to a non-qualifying appointment in the interest of the public service and under orders of a competent authority, he is entitled to a compensation pension if discharged on abolition of that non-qualifying appointment.

(G. I., F. D., No. 490, dated 21st April 1928.)

Selection for Discharge.

[C. S. R.-428.]

It is within the power of the Local Government when one out of two or more settlement establishments is to be abolished, to regard all the establishments in question as a whole for the purpose of selecting the particular individuals who are to be retired, provided the principle upon which the selection is based is that laid down in this article.

(G. I., F. D., No. 395, dated 25th January 1897.)

Notice of Discharge.

[C. S. R.-436.]

A permanent servant of Government who is served with notice of discharge shall suffer no reduction in his total emoluments for three months counting from the date of the notice.

(G. I., No. 3422-P., F. D., dated 18th August 1893.)

Example.—An officer on furlough up to 3rd July 1892, served with notice of discharge on the 9th May 1892, should be allowed furlough allowance up to 3rd July 1892, and thereafter full pay up to 8th August 1892.

(G. I., No. 142-A.E.-P.W.D., dated 12th June 1893.)

SECTION III.—INVALID PENSION.

[C. S. R.-441.]

The Secretary of State has observed that it would have been more satisfactory if arrangements had been made for the medical examination of the officer by official medical officers, *e.g.*, through the representative of the Ministry of Pensions in New Zealand rather than that the officer should have been allowed to select his own examiners, a procedure which is obviously open to grave abuse. The Secretary of State has accordingly requested that this procedure may be adopted in any similar cases that may arise in the future.

[G. O. Mis. 187-Finance (Pension), dated 26th June 1925. Case Pen. Mis. 3-7 of 1925-26.]

Rules regarding Medical Certificates.

[C. S. R.-442.]

1. The Medical Certificate referred to in this Article should invariably be drawn up in Medical Form No. 1-27 (Civil Medical Form No. 32).

[G. O. No. 818-Finance (Pension), dated 16th September 1931. Case Pen. Mis. 3-16 of 1931-32.]

2. The Government of India have decided that the system of taking finger prints by medical officers on the medical certificates in the case of invalid pensions and commutation of pension should remain in force.

(G. I., F. D., letter No. F-67-R. I.-28, dated 17th September 1928.)

3. All non-Indian Medical Service Medical Officers who are in charge of Central Jails as Superintendents have the status of Civil Surgeons and may therefore be considered as competent to grant certificates of unfitness for further service under Article 442, Civil Service Regulations.

[G. O. No. 2484-Law (General), dated 22nd June 1931. Case Pen. C.-20 of 1931-32.]

4. Commissioned Medical Officers, District Medical Officers and Civil Surgeons are alone authorised to grant certificates of unfitness for further service.

(G. O. No. 767-Pub., dated 24th July 1896.)

5. The countersignature of the Surgeon-General in the invalid certificates of an officer serving in the mofussil is not necessary. But all cases in which the Medical Officer certifies that the incapacity of an officer is due to irregular or intemperate habits, should be submitted to Government through the proper channel together with the opinion of the Surgeon-General for the orders of Government.

(G. O. No. 526-Pen., dated 16th July 1914. Pen. Mis. 1-1 of 1908—15.)

6. The Local Government may dispense with a medical certificate of incapacity for further service in a case of gratuity and sanction the application.

(G. I., R. & A. Dept., No. 1599-22, dated 11th August 1900, communicated with G. I., F. D., No. 40-P.-4227, dated 22nd August 1901.)

7. All non-gazetted Government servants as to whose fitness for further service there may be doubt, should, unless they happen to be absent in other districts on long leave, be sent for examination before the District Medical Officer of the district in which they are serving. Where a Government servant's jurisdiction falls within more than one Revenue district, he may be required to appear before the District Medical Officer of such district as may be departmentally convenient. If, in special cases, this procedure has necessarily to be departed from, the reasons therefor should be recorded in writing and communicated to the Commissioned Medical Officer who is asked to examine the applicant.

(G. O. No. 128-P., dated 28th February 1912.)

8. Invaliding medical certificates under this article should be given by medical officers registered under Medical Registration Act, 1914, and if any doubt arises in a particular case, it should be referred to the Surgeon-General for decision or countersignature.

9. The Chief Medical Officer, Lady Willingdon Leper Settlement, Tirumani, is deemed to be a Civil Surgeon for the purpose of granting invaliding certificates to Government servants under his treatment for leprosy. The Medical Certificates in these cases should also be countersigned by the Surgeon-General.

(G. O. No. 363-Finance, dated 27th June 1932. Case Pen. Mis. 3-18 of 1932-33.)

10. If an officer dies after retirement before being invalided by a Medical Board, it is within the power of the Local Government to sanction the payment of a gratuity to the heirs of the deceased under Government of India, Finance Department Resolution No. 5102-E.-X., dated 25th October 1895.

(G. I., F. D., No. 4362-P., dated 22nd October 1899.)

11. The Medical Superintendent, Union Mission Tuberculosis Sanatorium, Madanapalle, is deemed to be a Civil Surgeon for granting invaliding certificates to Government servants under his treatment for tuberculosis provided that he is registered under the Madras Medical Registration Act, 1914. The invaliding certificates should be countersigned by the Surgeon General.

[G. O., No. 94-Finance (Pension), dated 15th February 1934. Case Pen. Mis. 3-23 of 1933-34.]

12. It has been decided by the Madras Government that, pending the revision of the pension rules and in accordance with the practice hitherto followed, F. R. 56 (a) should not be applied to Government servants whose service is treated as inferior for pension, though they are treated as superior under Fundamental Rule. They will be eligible for retention in service as long as they are physically fit.

[G. O. No. Ms.-162-Finance (Pen.), dated 13th March 1934—Case No. Pen. Mis.-3-30 of 33-34.]

[C. S. R.-446.]

In the case of officers of the All-India and Central Services whose invaliding is recommended by the India Office Medical Board, the question of invaliding will be dealt with by the India Office.

(Letter from the Chief Accounting Officer to the High Commissioner for India to the Secretary to the Government of India, No. A.R.-328/96, dated 25th November 1926, forwarded under G. I., F. D., No. F./427-C.S.R./26, dated 18th January 1927.)

Restrictions.

[C. S. R.-454.]

1. The mere fact that an officer has suffered from syphilis is not sufficient to bring him under the operation of this article, provided there is nothing against his character in other respects. In the event of his retirement being necessitated by such cause, the record of his service should be examined. The presumption may be against the officer, but it should not be accepted as other than a presumption and should be viewed as capable of being completely rebutted by the general evidence as to character and conduct.

(G. I., No. 4421-F. D., dated 8th November 1884, to the Govt. of Punjab, G. O. No. 730-Pen., dated 6th November 1900.)

2. It is for the authority, which is empowered to sanction his pension or gratuity, to decide whether the incapacity is the result of irregular or intemperate habits. The audit officer should certify the applicant's title to pension or gratuity with some such proviso as the following:—"Provided that the sanctioning authority is of opinion, on consideration of the medical certificate and other evidence as to habits and character, that the incapacity has not been proved to be caused by irregular or intemperate habits".

(G. I., F. D., No. 5031-P., dated 31st August 1908.)

3. (a) A Government servant reported to be suffering from Leprosy or Syphilis should not at once be invalided but should be granted such leave as may be necessary, but not exceeding the amount to his credit to enable him to undergo proper treatment and he should be invalided from service in the former case only if after undergoing the treatment for the full period of the leave to his credit he is still certified to be infected with the disease, and in the latter case only if he refuses to undergo the treatment prescribed by competent medical authority or if such authority considers the treatment has failed.

(b) The following instructions have also been issued by Government for the guidance of medical officers in cases of Syphilis and Leprosy :—

- (i) Syphilis and Leprosy are amenable to treatment.
- (ii) A Government servant reported to be suffering from the diseases need not necessarily be invalided from service.
- (iii) He may be granted such leave as is necessary but not exceeding the amount which he has to his credit in order to enable him to undergo proper treatment.
- (iv) A Government servant who is suffering from these diseases and who refuses to undergo the treatment prescribed by competent medical authority or where such authority considers that the treatment has failed, is liable to be invalided from service.
- (v) The question of the grant of an invalid pension will be decided on the merits of the case.
- (vi) A Government servant who has been granted leave to undergo treatment for Syphilis should be allowed to return to duty only on the production of a certificate from the Director of the King Institute, Guindy, or other recognised laboratory, that his Wasserman reaction has been negative for two consecutive examinations made at an interval of three months or, if the head of office is satisfied that adequate facilities for continued treatment exist at the station to which the individual is posted. In the case of Government servants under the treatment of a Government Medical Officer, the Wasserman test will be conducted free of charge at a Government laboratory.

(c) If however, he actually undergoes the treatment prescribed while under regular leave due, there is no objection to the grant of leave not due in continuation thereof.

Applicant to be discharged.**[C. S. R.-455.]**

A special report should be made to Government in all cases whether the service after the date of the Medical Certificate is allowed to count for pension or not.

[G. O., No. Ms. 1010-Finance (Pension), dated 14th November 1936. Case P. V. 6-30 of 1936-37.]

[C. S. R.-457.]

In the case of an officer invalided while absent on leave the period intervening between the date of the medical certificate and the actual date of retirement (which must not go beyond the end of his leave), should count as leave.

(G. I., F. D., No. 1827-F., dated 27th March 1906.)

SECTION IV.—SUPERANNUATION PENSION.**[C. S. R.-459.]**

1. An officer in superior service who retires after the age of 55 years may be granted a retiring pension, if he has fulfilled the conditions necessary to render him eligible for such a pension.

(G. I., No. 3466-P., F. D., dated 12th August 1896.)

2. The provisions of Article 459, Civil Service Regulations, are applicable to officers in the late Public Works Accounts Branch who have been transferred to the Indian Finance Department as a result of amalgamation. All officers in the amalgamated department, both present incumbents and future entrants are thus brought under the operation of this article.

(Secretary of State's Despatch No. 19-Financial, dated 24th February 1911, communicated with Government of India, No. 1763-F.E., Finance Department, dated 21st March 1911.)

3. The provisions of Article 459 of the Civil Service Regulations are applicable to Assistant Secretaries in the Public Works Secretariats of Provincial Governments who are ordinarily selected from a ministerial establishment and are not members of a graded service.

(Secretary of State's Despatch No. 32, dated 21st June 1912, communicated with G. O. No. 1056-W., dated 2nd August 1912.)

4. The Government have sanctioned the exemption of Church clerks from the operation of Article 459 of the Civil Service Regulations and their retention in service so long as they discharge their duties to the satisfaction of the Chaplains and Church Committees.

[G. O. No. 69-Pub. (Eccl.), dated 2nd October 1916.]

5. (a) Any matron or assistant matron of Asiatic or non-Asiatic domicile either recruited in India or in England should vacate her

appointment on the completion of 55 years of age, and any ward sister of Asiatic or non-Asiatic domicile either recruited in India or in England should vacate her appointment on the completion of 52 years of age.

[G. O. No. 529-Education and Public Health Department, dated 25th May 1936 and G. O. No. 1145-Public (Services), dated 26th June 1936. Case No. P. V. 6-28 of 1936-37.]

(b) The orders contained in clause (a) above do not apply to ward sisters recruited in India on or before 25th June 1936.

[G. O. No. 1587-Public (Services), dated 30th September 1936. Case No. P. V. 6-28 of 1936-37.]

[C. S. R.-463.]

The statement of non-gazetted Officers over 55 or 60 has been discontinued under the orders of the Madras Government.

(Government Finance Memo. 4927-B-1-1, dated 20th July 1923.)

SECTION V.—RETIRING PENSION.

[C. S. R.-465.]

1. An officer whose services have been lent to an Indian State and who is contributing to Government on account of his pension is not entitled on the ground that he has put in more than 30 years' pensionable service to retire on a pension without prejudice to his continuation in the employment of the Indian State, and until he actually retires from service within the meaning of Article 465, the question of granting him a retiring pension does not arise.

(G. I., No. 750-G., Foreign, dated 29th April 1895, in G. O. No. 319-Pol., dated 15th May 1895.)

2. An officer who has reached the age of superannuation can exercise the right to retire at his option; but an officer who has not reached the prescribed age, although he has qualified for pension under Article 465 of the Civil Service Regulations, is on a different footing. Unless the contrary is definitely laid down in an agreement made with the officer or in standing orders relating to his particular service, the latter is bound to obey the orders of Government, if, in the interests of the public service, they require him to serve for a longer period than that qualifying for pension, and if he disobeys such orders he is subject to such penalties as the Government may choose to impose.

(G. I., No. 94-C.S.R., dated 30th January 1917, Pen. Mis. 3-21 of 1916-17.)

[C. S. R.-465-A.]

1. The right conferred by Note 1 to Article 465-A is intended to be exercised only against an officer whose efficiency is impaired but against whom it is not desirable to make formal charges of inefficiency, or who has ceased to be fully efficient but not to such degree as to warrant his retirement on compassionate allowances. It is not the intention to use

the provision of the Note as a financial weapon, that is to say, the provision should be used only in the case of officers who are considered unfit for retention on personal as opposed to financial grounds.

2. The word "Government" in Note 1 should be interpreted to mean "the authority which has the power of removing the officer concerned from service under the Civil Services (Classification, etc.) Rules".

3. The Note only applies to officers mentioned in Article 349-A, C. S. R.

[G. I., F. D. No. E-6/L. XXXV-R./33, dated 1st November 1933, and G. O. No. 826-Fin. (Pens.), dated 5th December 1933. Case Pen. Mis. 3-43 of 1919-33.]

Combined appointments.

[C. S. R.-467.]

The rule that an officer holding two appointments may not retire on pension from one only is based upon the principle that superannuation pensions should not be given to officers who are sufficiently efficient for the discharge of their duties, and that any arrangement which encourages officers to seek superannuation while they are or can make themselves efficient causes unnecessary expense to Government.

(G. L. No. 2470-P., Finance, dated 24th May 1895.)

CHAPTER XIX.—AMOUNT OF PENSIONS.**[C. S. R.-468.]**

In calculating the length of service and adding together broken periods of a month, a month should always be taken to consist of 30 days only irrespective of the actual number of days contained in each month.

(G. O. No. 863-Pen., dated 8th July 1887.)

[C. S. R.-468-A.]

1. The rule regarding the rounding off of pensions to the nearest anna is applicable to pensions debitable to a foreign employer under Article 389 (a) or any other rule of the Civil Service Regulations.

[G. I., No. 521-C.S.R., dated 8th June 1917, recorded in G. O. No. 175, Financial (Pension), dated 30th June 1917. Pen. Mis. 3-12 of 1917-18.]

2. Rule regarding the calculation of pensions to the nearest complete anna, pies being omitted, is of general application.

Maximum pension of Rs. 416-10-8 per mensem is payable at Rs. 416-11-0 per mensem.

(Auditor General's letter Nos. 549-A. & A.-267-15, dated 1st June 1915.)

Award of full pension.**[C. S. R.-470.]**

1. The power to reduce pension has not been delegated by Government to subordinate authorities.

[G. O. No. 133-Financial (Pension), dated 16th March 1920 in Case Pen. S.-127 of 1919-20.]

2. With reference to Article 470 (b) of the Civil Service Regulations, if the authority or officer empowered in para. 1 *supra* considers that it is open to question whether the full pension admissible under Regulations should be granted to an officer owing to his unsatisfactory character and conduct, the pension application shall be submitted to the Government for orders with a concise statement of the unfavourable circumstances appearing against that officer and a sufficient explanation thereof to enable the Government to form an opinion as to the propriety of reducing the pension.

(G. O. No. 526-Pen., dated 16th July 1914, and No. 746-Pen., dated 14th November 1914. Pen. Mis. 1-1 of 1908-15.)

3. For instructions regarding the grant of full pension in cases where losses are caused to Government as a result of negligence or fraud on the part of the person concerned while in service, etc., attention is invited to [G. O. No. 845 Fin. (Pen.), dated 29th October 1935. Case (P. V. 6—5 of 1935-36.)]

Limitations.**[C. S. R.-471.]**

Article 471 applies to cases coming under Article 398, even to the extent of cancelling the choice conferred by that article. For instance,

if by his inferior service an officer has earned a pension on the inferior scale, he cannot, instead of it, take a gratuity on the superior scale for the superior service, but his case must be dealt with under Article 398 (a). Again if the superior service entitles an officer to a pension on the superior scale, he cannot elect to count the whole service (superior and inferior) as inferior towards a gratuity on the inferior scale.

(G. I., No. 2994-P., F. D., dated 29th June 1895.)

[C. S. R.-474.]

1. Rules 13 and 14 of the Superior Civil Services Rules apply to all members of the services and substantive holders of appointment specified in Schedule V appended to those Rules whether they have or have not elected the pension rules of 1919.

(Auditor General's No. T-85/80-A-25, dated 27th April 1925. Manual of Audit Instructions.)

2. The officers mentioned below will be eligible for pension at the rates prescribed for officers of the Superior Services in Rules 13 (a) and 14 of the Superior Civil Services Rules as the Local Government have relaxed the provisions of Articles 474 and 474-A, C. S. R., in their favour under Rule 12 of the Civil Services (Classification, etc.) Rules.

1. Mr. A. H. Harper	Assistant Commissioner of Excise.
2. Mr. H. J. Gasson	Ditto ditto.
3. Mr. S. Duncan	Assistant Superintendent of Stationery and Stamps.
4. Mr. F. E. Hitchin	Superintendent, Central Jail.
5. Mr. C. R. Porrett	Adviser to Government on Manual training.
6. Mr. K. S. Kurtis	Assistant Director of Survey.
7. Mr. K. N. Narasinma Acharya	Ditto ditto.

[G. O. No. P. 674 Public (Services), dated 10th August 1933. Case Pen. Mis. 3-18 of 1924-33.]

3. With effect from 13th July 1930, the Secretary of State sanctioned the removal of the post of Registrar, High Court, Madras from the cadre of the I. C. S. and thereupon it became permissible to appoint either a member of the I.C.S. or a person not belonging to that service to the post. The Madras Government have declared that the substantive holders of the post of Registrar who are not members of an All-India Service shall be eligible to draw pension at the rates specified in rules 13(a) and 14 of the Superior Civil Services Rules.

[G. O. No. 1991-Law (General), dated 12th June 1935, Finance Department endorsement No. 19032-1, dated 19th June 1935. Case Pen. Mis. 3-18 of 24-36.]

Scale of pension for non-commissioned officers and men of His Excellency the Governor's Band, Madras.

4. (1) For the purpose of this scheme the Band shall be graded as under :—

- (1) Band Sergeant.
- (2) Sergeants.
- (3) Privates.

(2) (a) *Existing incumbents* :—On discharge at his own request after 21 years' service, a member of the Band will be eligible for pension as follows :—

	Rs. A. P.
Band Sergeant	2 8 0 per diem.
Sergeant having served the last eight years at least as such	2 0 0 „
Sergeant not having served the last eight years as such, but disabled by wounds received in actual service and distinguished for good conduct	2 0 0 „
Sergeant of less than eight years' service as such and not disabled by wounds	1 0 0 „
Private	1 0 0 „

(b) *Future incumbents* :—Half average emoluments.

NOTE.—The term "Average emoluments" means the average of the emoluments during the last three years of service.

(3) A total service of 21 years is necessary to give a right to pension, but if invalided on account of medical unfitness due to causes beyond his control after 10 years' service, a member of the Band will be eligible for pension at the following rates :—

(a) *Existing incumbents* :—

	Rs. A. P.
Band Sergeant	1 5 4 per diem.
Sergeant when holding that rank	1 0 0 „
Private	0 12 0 „

(b) *Future incumbents* :—

Years of completed service.	Scale of pension.
10	10-forty-seconds of average emoluments.
11	11 do. do.
12	12 do. do.
13	13 do. do.
14	14 do. do.
15	15 do. do.
16	16 do. do.
17	17 do. do.
18	18 do. do.
19	19 do. do.
20	20 do. do.
21	21 do. do.

(4) Qualifying service for pension commences after the age of 18 years. Time passed as furlough and leave with allowances counts as service as follows :—

If the total service of a bandsman is not less than	He counts as service a period of leave out of India not exceeding	He counts as service a period of leave in India not exceeding
10 years.	1 year.	1 year.
16 „	2 years.	1 „
21 „	3 „	2 years.

NOTE 1.—The periods in columns 2 and 3 are not cumulative, that is, a bandsman may not count one year's leave in 10 years' service or more than 3 years' leave in 21 years' service. The maximum amount of leave in and out of India which may be counted is that shown in column 2.

NOTE 2.—Total service in this rule means total service reckoning from the date of commencement of service qualifying for pension and includes periods of leave.

NOTE 3.—For the purpose of this rule Ceylon and the Straits Settlements are not held to be out of India.

(5) A soldier re-engaged to complete 21 years, or re-enlisted to complete a term of service which with former colour service makes a total of at least 21 years, if he is allowed to take his discharge permanently after 14 years at his own request, may be granted a pension if eligible, assessed as above but with a reduction of 10 per cent.

(6) If discharged for inefficiency after 14 years and less than 21 years, he may be granted a pension at such rates not exceeding 90 per cent. of the rate as assessed above, as the Military Secretary may approve according to the merits of each case.

(7) In the case of re-enlisted soldiers, past service will not count if there has been an interval of more than 5 years.

NOTE.—The N. C. O.'s and men are brought under the Civil Service Regulations only for the purpose of pension, but for leave and disciplinary purposes they remain military, and the existing system of preparing pay bills, maintenance of conduct sheets, etc., will continue.

(G. O. No. 206-Political, dated 5th December 1924—Case Pen. Mis. 3-12 of 1924-25.)

NOTE 1.—The above scale of pension will have effect from 29th August 1924.

(Govt. Memo. No. 2375-2-Political, dated 10th January 1925—Case Pen. Mis. 3-12 of 1924-25.)

NOTE 2.—Service as "Pupil" on the establishment of H. E. the Governor's Band shall count as service qualifying for pension.

[G. O. No. 419-Fin. (Pension), dated 27th May 1929—Case Pen. Mis. 3-11 of 1928-29.]

[C. S. R.-475-A.]

1. (a) Members of the Executive Council of the Governor-General or of a Local Government, whose service qualifies for pension under Article 452-A of the Civil Service Regulations and Chief Secretaries to Local

Governments who do not belong to the Indian Civil Service are eligible for the upper grade of additional pension in Schedule A attached to Article 475-A, Civil Service Regulations.

(b) Other Secretaries will be eligible for the lower grade additional pension only.

(c) The Government of India are pleased to rule that the claims to higher grade pension should be protected in the case of officers who have served, whether in an officiating or a substantive capacity, as Secretaries between 16th July 1921 and 23rd May 1930 or are so serving on the latter date in respect of all periods of such service after 16th July 1921, including periods subsequent to the date of these orders, (*i.e.*, they should be granted the upper grade additional pension). They see, however, no necessity to protect the pensionary claims of those already in service, who may serve as Secretaries in future.

[G. I., F. D., No. 781-C.S.R., dated 16th July 1921. G. O. No. 170-Finance (Pension), dated 4th August 1921. G. I., F. D., F-292-C.S.R./27, dated 29th July 1927, recorded in G. O. No. Mis-793-Public (Confidential), dated 29th August 1927. G. I., F. D., No. F. 6-II/R.II/29, dated 23rd May 1930. G. O. No. 771-Ms., Public (Special), dated 25th June 1930. Case Pen. Mis. 3-43 of 1919-34.]

2. A question having arisen as to the counting, for the special additional pension of the periods during which Mr. H..... an officer of the Indian Audit and Accounts Service was allowed officiating pay of class I of the service while holding the post of the Audit Officer of a Project, a post declared to be a special post for the purpose of the second proviso to the Fundamental Rule 30 (1), the Government of India decided that the grant to Mr. H..... of the pay of class I during the periods in question implied the grant to him also of officiating promotion to that class and that as the periods do not include any period prior to the date on which the words "be given any officiating promotion..... and may thereupon" were inserted in the second proviso to F. R. 30 (1) the officiating service of Mr. H..... automatically counts, under Article 644 (b) of the C. S. R. for the lower grade additional pension, without any special sanction of the Governor General.

[G. I., F. D., letter No. F. 23 (3)-Ex. I/34, dated 16th January 1934, to the Auditor-General. Pen. Mis. 3-43 of 1919-34. New Pension rules case.]

3. Officers of the Indian Agricultural Service and the Civil Veterinary Department holding appointments the minimum substantive pay of which is not less than Rs. 1,250 a month, exclusive of overseas allowances, will be eligible for a lower grade additional pension.

The effect of these orders is that service in the selection grade of the Agricultural and Civil Veterinary Department and service as Veterinary Adviser after completion of 15 years' service in the latter department will count for the additional pension.

[G. I. (R. & A.), Circular No. 1701-39, dated 22nd October 1920, communicated with F. D. endorsement No. 2001-C.S.R., dated 1st November 1920; G. O. No. 2602-Rev., dated 20th October 1920, Case Pen. Mis. 3-43 of 1919-34.]

4. The post of Principal, Law College, Madras, carries the same pensionary concessions as have been allowed to members of the Indian Educational Service, *viz.*—

(a) The lower grade additional pension under Article 475-A of the Civil Service Regulations for the service on pay, excluding overseas pay of more than Rs. 1,250 a month.

(b) The benefit of the new pension rules in Articles 465-A and 474-A (ii) of the Civil Service Regulations.

(G. I., F. D., No. 1220-E.A., dated 7th June 1921.)

5. The Government of India have held that service in a temporary post counts for the special additional pension under Article 475-A, Civil Service Regulations, provided that the temporary post carries similar duties and the same rate of pay as a permanent post.

(G. I., Dept. of I. & L., Public Works Branch, No. E. 64, dated 22nd September 1925, Case Pen. Mis. 3-34 of 1926-27.)

6. The Government of India have ruled that the new pension rules must be accepted or rejected in their entirety and that officers electing to remain under the provisions of the old rules cannot therefore be admitted to the benefits of the special additional pensions provided in the new rules.

(G. I., F. D., Endt. No. 904-C.S.R., dated 3rd June 1920, Pen. Mis. 3-43 of 1919—1934.)

(G. O. No. 178-Mis. Public Dept., dated 1st March 1927, Pen. Mis. 3-18 of 1924—34.)

7. In the list of appointments carrying special additional pensions in the lower grade in Article 475-A, Civil Service Regulations, the following entry shall be inserted :—

(a) Examiner of Local Fund Accounts, Madras (except when held by class II Officers of the Indian Audit and Accounts Service).

This amendment shall take effect from 12th December 1928.

[G. O. No. 280 Fin. (Pen.), dated 5th April 1930—Case Pen. H. 15 of 1928-29.]

(b) Secretary to Government, Legal Department and Remembrancer of Legal Affairs, Madras.

[G. O. No. Ms. 229-Finance (Pension), dated 23rd March 1937—P. V. Case 6-2 of 37-38.]

(c) In the entry relating to the Chief Judge of Small Cause Court in a Presidency town or in Rangoon after the words 'Presidency Town' the words 'except Madras' shall be inserted.

This amendment applies only to officers appointed on or after 19th January 1937 and who are not members of the I. C. S.

[G. O. No. 62, Finance (Pension), dated 19th January 1937, P. V. Case 6-37 of 36-37.]

8. It has been decided by the Auditor General with the concurrence of the Government of India that periods of joining time availed of by an officer on transfer from one qualifying post to another such post which

he held in an officiating capacity should be allowed to count as effective service in a qualifying post for purposes of special additional pension only if the competent authority certifies that, had the officer not been on joining time, he would have held either the new or the old qualifying post.

(Auditor General's letter No. 119-A./107-34, dated 27th July 1934. Case P. V. 6-13 of 34-35.)

The Madras Government have stated that the Departments of the Secretariat will see that the necessary certificates are issued in proper time, so that they may be appended to the pension applications of officers concerned in order to enable the Accountant General to furnish a definite report on the amount of special additional pension admissible in each case.

[G. O. No. 590-Finance (Pension), dated 8th September 1934.]

9. It has been decided by the Secretary of State that any representation made by a retired officer against the refusal of special additional pension should be regarded as a statutory appeal and that it is permissible to grant a reduced special additional pension.

(G. I., F. D., No. D./914-R. II/36, dated 7th May 1936, Case P. V. 6-7 of 1936-37.)

10. For special additional pension admissible to Members of the Madras Public Service Commission, please see paragraph under C. S. R. 350.

11. The Madras Government have directed that the holder of the post of Registrar, High Court, Madras, other than a member of the Indian Civil Service, if appointed prior to 14th July 1934, shall be eligible for the lower grade special additional pension specified in Article 475-A, Civil Service Regulations, subject to the conditions stated in that Article.

[G. O. No. 688-Finance (Pension), dated 1st August 1936—Case P. V. 6-21 of 1936-37.]

[C. S. R.-475-B.]

Each year in sub-clause (ii) of clause (i) of this Article means "each completed year".

[G. I., F. D., No. D./1846-R. II, dated 17th July 1930. Case Pen. Mis. 3-9 of 1930-31.]

SECTION III.—AMOUNT OF INFERIOR PENSION.

[C. S. R.-481.]

1. The following has been inserted as item (3-A) in clause (b) of Article 481, Civil Service Regulations:—

(3-A). Chobdars and Duffadars employed in the Secretariats of the

Government of Madras including the Executive Council Dubash :—

Pay at the date of retirement.	Pension.
Less than Rs. 22 a month	*Rs. 8 per mensem.
Rs. 22 or Rs. 23 a month	*Rs. 9 per mensem.
Rs. 24 or more a month	*Rs. 10 per mensem.

*This pension is inclusive of the addition to small pensions admissible under G. O. No. 487-Finance (Pension), dated 14th October 1926.

[G. O. No. 663-Public (Services), dated 15th June 1931. Case Pen. Mis. 3-9 of 1926-32.]

NOTE.—The above orders will not apply to the Legislative Council Office.

[Memo. No. 2191-4, dated 10th December 1935 from the Madras Government, Law (Legislative) Department—Case P. V. 6-35 of 1935-36.]

2. For calculating pension on the inferior scale, of Press servants whose service qualifies for pension under Article 380 of the Civil Service Regulations, pay means the average earnings of the last six months in inferior service.

(G. I., F. D., No. 4336-P., dated 9th September 1895, Assam.)

(Rule 1 under Article 486-C.S.R.)

3. In the case of an inferior servant of the above class who is on leave without allowances during a portion of the last six months, the average should be struck by dividing the actual earnings of the last six months by the actual number of the months on duty excluding the period of leave without allowances.

(Case Pen. N. 61 of 1909-10-11.)

4. Attenders in the Secretariats of the Local Government (Madras) correspond to Daftaries referred to in Article 481 (b) 2 (i), C. S. R. Attenders transferred from the Secretariat to the Madras Record Office are also eligible for the special rate of pension mentioned in the above article.

(G. O. 260-Financial, dated 30th April 1907, and G. O. No. 52-Public, dated 12th January 1914 in Case Pen. Mis. 3-13 of 1913-14.)

5. Pensioners in receipt of inferior pensions are eligible for an increase of Rs. 2 per mensem subject to the condition that the pension together with the increase shall in no case exceed one half the pay drawn at the time of retirement.

Provided that this rule shall not apply to the inferior servants who are granted the rates of pension specified in item (3-A) of paragraph (b) of this article.

6. The increase of pension in the case of a pensioner, who is in receipt of separate pensions from the Civil and Military Departments will be assessed on combined pension either under the Civil scale or the Military scale whichever is more favourable to the pensioner.

[G. O. No. 420, Finance (Pension), dated 21st May 1936, Case P. V. 6-22 of 1936-37.]

SECTION IV.—ALLOWANCES RECKONED FOR PENSION.

Emoluments and average employments.**[C. S. R.-486.]**

1. The fees paid for overtime work to Customs, etc., establishment in connection with the landing and shipping of goods are of the nature of local allowances and do not count for pension.

(G. I., No. 2629-P.-F. D., dated 6th June 1900.)

2. Personal allowances granted for loss of acting allowance by the introduction of the time scale of pay count for pension.

(G. I., No. 12-C.S.R., dated 7th January 1915. Pen. Mis. 3-16 of 1914-15.)

3. The definition of the "term emoluments" as used in clause (c) of this Article applies to the case of gratuity only, and not to a pension. In cases in which fees or commission are drawn in addition to pay, pension should be calculated on "average emoluments" as defined in Article 487.

(G. I., No. 4633-F. D., dated 27th October 1893.)

4. The fees earned by a Nazir appointed to the management of an estate under the Guardian and Wards Act of 1890, the Indian Trust Act of 1882, the Indian Succession Act of 1865, the Lunacy (District Court) Act of 1858 and Bombay Regulation VIII of 1827, do not count for pension.

(G. O. No. 1466-Judl., dated 16th September 1912.)

5. In the case of a Government servant who, while holding a substantive post on a permanent establishment, is appointed to officiate in a permanent post, which is substantively vacant, or which is temporarily vacant in consequence of the absence of the substantive incumbent on extraordinary leave, or on transfer to foreign service and who is allowed to draw enhanced pay or salary under the Civil Service Regulations for officiating in the latter post, the difference between the substantive pay and officiating pay or salary counts as emoluments for pension. This decision takes effect from 11th September 1920.

[G. I., F. D., No. 16-C.S.R./26, dated 22nd January 1926 and G. O. No. 128-Finance (Pension), dated 2nd March 1926 in case Pen. Mis. 3-2 of 1925-27.]

6. Overseas pay, Judicial pay, Language pay and Technical pay are not of the nature of duty allowances. These are regarded as "Pay" for all purposes. They should not, therefore, be included in the calculation of average emoluments, if they are drawn on account of the officiating post unless the conditions prescribed in paragraph 5 above are satisfied.

(Case Pen. Mis. 3-4 of 1926-27.)

7. The current rate of exchange, as defined in Article 343, Account Code, will be adopted for the conversion of Sterling Overseas pay into rupees for the purpose of calculating average emoluments for pension.

[G. I., F. D., No. F./182-C.S.R./26, dated 13th August 1926 and G. O. No. Mis.-434-Finance (Pension), dated 23rd September 1926 in Case Pen. Mis. 3-15 of 1926-27.]

8. The sanctioned special pays in clauses I to IV of the Madras Manual of Special Pay and Allowances count for pension as they are of the nature of duty allowances.

9. When the lien of a Government servant upon his substantive appointment is suspended under Fundamental Rule 13, the increased remuneration of all Government servants, whose appointments are made provisionally substantive in the resulting chain of vacancies, are reckoned as part of average emoluments for the purpose of calculating pension.

(G. I., F. D., No. 1098-C.S.R., dated 18th December 1918 and G. O. No. 1028-Financial, dated 27th December 1918 in Case Pen. Mis. 3-43 of 1917-30.)

10. The special pay of Rs. 10 a month sanctioned in G. O. No. 1233-Judicial, dated 4th November 1922 to Head constables in the Madras City Police counts for pension.

[G. O. No. Ms.-847-Finance (Pension), dated 14th October 1929 in case Pen. M.-33 of 1929-30.]

11. The "Special pay granted on account of unhealthiness of locality" should be classed as "Duty allowance" for the purposes of Article 486 (j) of the C. S. R. and should therefore count as "emoluments" for pension, whether the officer who drew it held the post to which it was attached, in a substantive or in an officiating capacity.

(Controller of Civil Accounts letter No. 311-A./236-29, dated 29th November 1929. Case Pen. Mis. 3-3 of 1927-30.)

12. In the case of an officer who was lent to foreign service before 5th September 1928 or whose term was extended before that date, his average emoluments should be calculated on the foreign service pay until the period of his foreign service originally sanctioned expires and in the case of an officer who was lent to foreign service before 5th September 1928 and whose original term expires within 3 years from that date, his average emoluments should be calculated partly on foreign service pay and partly on British pay.

[G. I., F. D., No. F. 1 (26)-R. I/33, dated 15th January 1934 and No. F. 1 (12)-R. I/34, dated 13th March 1934. Case Pen. Mis. 3-9 of 1932-33.]

13. The special pay granted to individuals in the past, out of the lump allotment placed at the disposal of the Accountant-General, should be allowed to count in the calculation of pension. If, in any case, the special pay was not granted monthly or on a monthly basis, then the lump sum payments should be divided by the period for which it was granted, in order to arrive at a monthly rate for the calculation of pension.

(C. C. A.'s letter No. 173-A./20-31, dated 21st July 1931. Case Pen. Mis. 3-12 of 1931-32.)

Classification of observatory allowances drawn by part time observers.

14. It has been decided by the Government of India that the local allowances drawn by part time observers holding substantive appointment in Government service should be treated as "remunerative" local allowance which should count towards leave allowances and pensions.

(G. I., Revenue and Agriculture Deptt. letter No. 156/75-2, dated 28th January 1916.)

15. The allowances attached to the King's Police Medal and the Indian Police Medal should not be merged in the salary of the recipients of the Medals for purposes of calculating their pension.

[G. I., H. D. No. F. 25/5/35.—Police Communicated with G. I., F. D. No. D/865-R. 1, dated 27th April 1935. G. O. No. 251 Public (Police), dated 30th April 1935. Case P. V. 6-2 of 1935-36.]

16. Rule 2 to Article 486, C. S. R. was introduced so as to provide that an officer with a substantive appointment who before retirement officiates in a higher appointment or holds a higher temporary appointment may count towards pension either the emoluments which would be taken into account in the higher appointment under *the article* or the emoluments which would have been taken into account had the officer remained in his substantive appointment, whichever are more favourable to him. The emoluments which can be taken into account under Article 486 in the case of an officer officiating in a higher permanent appointment are not only the emoluments referred to in clause (h) of that Article but also those referred to in clause (j) thereof. The substantive holder of a permanent post who holds a temporary post is likely to draw under Article 76-C, C. S. R. deputation (duty) allowance (*i.e.*, special pay) which counts for pension under Article 486(i). The intention underlying rule 2 to Article 486, C. S. R. is that an officer's pension should not be adversely affected by his appointment to a higher post.

[G. I., F. D., letter No. F. 11-(14)-R. II/36, dated 16th June 1936 to the Government of Madras communicated with No. F. 11 (14)-R. II/36, dated 9th July 1936—P. V. Case 6-8 of 35-37.]

17. The Auditor-General with the concurrence of the Government of India has stated that the additional pay received under Fundamental Rule 49 (b) cannot be taken into account in calculating the pension as it cannot be treated either as connected with the officiating appointment or as "duty allowance" for "increase of work and responsibility" (under Article 23-C., Civil Service Regulations) either in the substantive or officiating appointment.

The position under the Civil Service Regulations is that, in a case of combination of appointment, the pension which would have been admissible to a Government Servant in respect of each appointment if he had held it separately and alone has to be calculated separately (*cf.*, Article 492, C. S. R.) and consequently in calculating pension admissible in respect of any one appointment, "emoluments" received in respect of more than one appointment cannot be taken into account.

It is for this reason that for the purpose of calculating pension in respect of one appointment the "allowance" admissible under Article 162(ii), C. S. R. [on which F. R. 49 (b) is based] in respect of the other additional appointments held is not included as "emoluments" in Article 486, C. S. R.

(Auditor-General's letter No. 123-A/31-37, dated 5th April 1937—Case P. V. 6-8 of 35-37.)

[C. S. R.-487.]

1. In the case of an officer who has submitted a medical certificate of incapacity for further service while on leave other than privilege leave, the period of leave up to the date of its termination when that is later than the date of the medical certificate should be taken into account for the purpose of calculating average emoluments.

(G. I., No. 5179-P.-Finance, dated 10th December 1896.)

2. In calculating the average earnings under Article 486 (c) of the Civil Service Regulations, in the case of a Sub-Registrar on fixed pay and in receipt of a commission on registration fees and who was on leave during the last six months of his service, the principle of rule 1 to this article should be applied.

(G. I., letter No. 6422-P.-F. D., dated 20th November 1905.)

3. (a) In cases in which an officer is remunerated at different rates during the last three years of his service by fixed pay and piece rates, average emoluments should be calculated on the last 72 months' service according to Rule 4 under this article.

(G. I., No. 7479-P.-F. D., dated 10th December 1903.)

(b) The service of a piece work employee in press establishment during such time as he was on fixed pay during the last 72 months, should be disregarded; his piecework earnings during the rest of the period being divided by the period during which he was actually remunerated at piecework rates.

(c) In cases where a piece work employee retires on a date other than the first day of a month and broken periods of a month have consequently to be taken into account in calculating pension, average emoluments should be calculated on the earnings of the last 72 complete months, ending on the last day of the month immediately preceding that in which the officer retires from the service, the "month" referred to being, not necessarily the calendar month but the month for which the accounts of piece workers' earnings are made out, namely, from one date in a calendar month to the corresponding date of the next calendar month.

(d) In cases where leave without allowances, or suspension, occurs during the last 72 months' service, an equal period of qualifying service rendered immediately before the period should be taken into account in accordance with the principle laid down in Rule 2 under this article.

(G. I., No. 5862-P.-F. D., dated 21st October 1908.)

4. An Officer promoted from lower to higher pay while on furlough or other leave on which he would not receive the benefit of enhanced pay till he returned to duty, cannot, if he retires with gratuity without rejoining his appointment, claim the benefit of gratuity, calculated on the pay to which he was promoted while on furlough or other leave, as described above.

(G. I., No. 1300-F. D., dated 7th June 1883.)

5. The increment which is drawn by an officer on return from leave but which he would have drawn had he not been on leave cannot be included in his "Emoluments" prior to the date with effect from which he actually drew it.

(G. I., No. 2960-P., F. D., dated 14th May 1907.)

6. The average emoluments of an officer, paid by commission who was on temporary duty for any period during the last three years of his service, should be calculated on his actual earnings in his substantive appointment during so much of the three years divided by the period for which he was in his substantive appointment, his service on temporary duty being disregarded.

(G. I., No. 3090-P., F. D., dated 24th May 1907.)

7. The calculation of average emoluments for pension should be based on the actual number of days contained in each month.

(Case Pen. Mis. 3-27 of 1927-28.)

8. For purposes of calculation of average emoluments under this Article, an increase of pay which took effect during the currency of privilege leave combined with furlough during the last three years of service and was actually drawn by a Government servant as part of his privilege leave allowances under Article 60, C. S. R. is not an "increase in pay not actually drawn" within the meaning of proviso (a) to Rule 1 under this Article. The rate of pay during the furlough portion to be taken into account for the calculation of "average emoluments" would be what the Government servant would have drawn had he been on duty, *i.e.*, based on the increased rate of pay drawn during the privilege leave portion of the combined leave.

(Paragraph 4 on page 36 of the Manual of Audit Instructions, 1926.)

9. (a) Periods of joining time which fall within the last 3 years of a Government servant's service should form part of the 3 years for the purpose of "average emoluments".

(b) In cases of joining time falling under clauses (a) and (c) of F. R. 107, where the pay of a particular post is drawn, the actual "emoluments" (not the actual joining time allowance) drawn should be taken for the purpose of average emoluments. In cases of joining time falling under clause (b) (ii) of F. R. 107 during which leave salary is drawn, and in cases falling under clause (b) (i) of, and Note (2) to F. R. 107, during which no pay or leave

salary is drawn the pay (*i.e.*, emoluments) which would have been drawn (but for a rule or order not allowing it) if the Government servant had not been on joining time should be taken into account in the calculation of "average emoluments".

(Auditor General's letter No. 110-A./102-34, dated 27th July 1934 Case P. V. 6-10 of 34-35, paragraph 4-B of the Manual of Audit Instructions.)

10. The Government of India have ruled that the concession of treating employment in an Indian State during leave preparatory to retirement as private employment should not be granted to officers who are already in foreign service and propose to continue on duty in the service of the same employer during the leave.

[G. I., F. D. No. F. I. (45) R. I./31, dated 21st December 1931, recorded in G. O. No. Ms.-18-F. D., dated 21st January 1932. Case Pen. C. Mis. 3-10 of 1931-32.]

11. If an officer holding substantively a qualifying post is promoted to another vacant qualifying post subject to the condition of his undergoing a probation therein, the full pension admissible should not be granted as a matter of course, when such an officer has been reverted within the three years preceding retirement or has retired before confirmation. Cases in which a reduction of pension is recommended on the ground that the service of the officer during probation was not satisfactory should be submitted to Government with the pension papers for orders. Cases where full pension admissible is considered justifiable need not be so submitted.

[G. O. No. 234-Finance (Pension), dated 6th July 1923 in case Pen. Mis. 3-19 of 1922-23.]

[G. O. No. 524-Finance (Pension), dated 1st October 1932 in case Pen. Mis. 3-7 of 1932-33.]

12. The Auditor General has decided with the concurrence of the Government of India that in the case of an officer who has less than 3 years' service in the Civil Department and who has been allowed to count Military service for Civil pension under Article 356, C. S. R. the average emoluments for pension should be calculated on the basis of pay drawn by him in the Civil and Military Departments during the last 3 years of his service and the break between the Military service and the Civil service should be disregarded and an equal period before the 3 years should be included on the analogy of Rule 2 under this article.

(C. C. A.'s letter No. 43/A./252-31, dated 8/10th February 1932. Case Pen. Mis. 3-26 of 1931-32.)

13. The Auditor General with the concurrence of the Government of India has decided that in cases where leave with allowances occurs during the last 72 months' service of a piece worker employed in a Government Press, the principle of Rule 1 under this article should be applied in calculating his average emoluments for pension and his wages or earnings at full class rates may be taken into account for the period of leave on average and half average pay for this purpose.

This decision takes effect from 10th June 1931.

(Letter No. 331-Endt.-263-30, dated 19th June 1931 from the Asstt. Director of Commercial Audit No. 2 Circle, Calcutta forwarding a copy of his letter to the Comptroller, Assam. Case Pen. Mis. 3-8 of 1931-32.)

14. It has been decided by the Auditor General with the concurrence of the Government of India that, in the case of a Government servant on leave during the last 3 years of his service, the special pay of the nature of duty allowance or deputation (duty) allowance should count towards pension in respect of all leave with allowances whether on average pay or otherwise, provided there is no doubt that the officer would have drawn the special pay had he remained on duty and the Head of the Department makes a declaration to this effect.

(Auditor General's letter No. 193-A/62-36, dated 17th April 1936—Case P. V. 6-6 of 1936-37.)

15. The Auditor General has decided that the meaning of Rule 1 under this article is that pension cannot be increased on account of an increase of pay which might or would have accrued during an officer's leave but which was not actually drawn until the officer returned to duty. The proviso (a) under Rule 1 means that benefit should not be given of increments actually accrued, but not drawn during leave.

(Auditor General's letter No. T.-1067-289-A.-25, dated 22nd September 1925—Bengal.)

16. In the case of a Press employee borne on the permanent peace establishment and transferred to a temporary salaried establishment on fixed pay before retirement, the Government of India ordered that the pension should be calculated on his average earnings in the piece establishment, leaving out the period during which he was on fixed pay in the temporary establishment.

(G. I., F. D. letter No. 640-C.S.R., dated 1st June 1921.)

17. In the case of a Government servant whose pay had been reduced for a specific period as a penalty and who proceeded on leave during this period and retired after the expiry of the leave and after termination of the period of reduction, it has been decided that a penalty intended to have a temporary effect ought not to be allowed to influence the average emoluments for pension during the period subsequent to the termination of that penalty, in as much as, the words "increase in pay" in Rule 1 under this article do not necessarily include restoration to a rate of pay as a result of the termination of a period of punishment.

[G. O. No. 476 Fin. (Pens.), dated 4th June 1936, Case P. V. 6-12 of 36-37 and case Pen. E. 1 of 1931-32.]

18. In the case of an officer on leave during the last 3 years of his service no lien in the post to which special pay is attached is necessary within the meaning of this article to count that special pay for pension.

(Auditor General's letter No. 1759-N.G.E.-33, dated 20th November 1933 copy filed in Case Pen. Mis. 3-15 of 1932-33.)

19. In the case of an officer whose temporary service counts for pension under Article 381(b), C. S. R. and who draws pay during the last three years partly in such temporary and partly in permanent service, the pay drawn partly in the temporary and partly in permanent service may be taken into account for the calculation of average emoluments.

[M. G. Finance (Pen.), Dept. Memo. No. 5077-Pen.-1, dated 8th March 1937. Case Pen. G.-61 of 1936-37.]

20. In the case of an officer who takes leave in continuation of foreign service preparatory to retirement and who is definitely reverted from the beginning of the leave, the increase in pay in British Service accruing during foreign service should be held to have been actually drawn by him and should, therefore, be taken into account in the calculation of average emoluments for the period of leave. Rules 1 and 3 under this Article that increase in pay not actually drawn should not be reckoned in the calculation do not apply to this case.

(A. G.'s decision dated 7th August 1934 confirmed in the Ar. Gl.'s letter No. 160-A./238-34, dated 7th December 1934. Case P. V. 6-15 of 1934-35.)

[C. S. R.-490.]

1. This Article applies even when the Government servant's lien on his substantive appointment is suspended under Fundamental Rule 13.

[Auditor General's letter No. 565/Code/1001-E./24, dated 4th July 1925 and G. O. No. Misc. 378-Finance (Pension), dated 29th September 1925 in case Pen. Mis. 3-8 of 1925-26.]

2. The Madras Government have framed the following rule which shall be deemed to have been made and come into force on and from 15th August 1931 :—

Rule.

Notwithstanding anything contained in the C. S. R. as applicable to Provincial, Specialist or Subordinate Services, the pay drawn by an officer in permanent service in respect of any post—

- (i) which was, or may become, substantively vacant; and
- (ii) which was, or may be made temporary by the operation of sub-clause (b) of clause (1) of the rule published with Public (Services) Department Notification No. 56, dated 8th April 1932 at page 691 of Part I of the Fort St. George Gazette, dated 19th April 1932 [G. O. No. 542, Public (Services), dated 8th April 1932] shall, during the period such post remained or may remain temporary or any portion of such period, as the case may be, be taken into account in calculating the average emoluments of such officer for the purpose of reckoning his pension.

Explanation.—For the purpose of this rule, an officer is said to be in permanent service if he holds substantively a permanent post in the service of Government.

[G. O. No. 811-Public (Services), dated 4th August 1934—Case Pen. Mis. 3-28 of 1931-34.]

NOTE.—Government have ordered that only the officiating pay drawn by persons appointed directly to posts which became temporary under the orders in G. O. No. 542-Public (Services), dated 8th April 1932 will count for average emoluments for pension and not that drawn by persons coming in the chain of arrangements.

[M. G. Fin. (Pen.), Memorandum No. 2886 Pen.-3, dated 25th March 1935—Case Pen. Mis. 3-28 of 31-34.]

CHAPTER XX.—SPECIAL RULES FOR THE POLICE.
[C. S. R.-503.]

1. The Police Officers both in the City of Madras and the mofussil whose rank at the time of retirement is that of a constable may be permitted to count for pension service after the age of 18 years. The constables also who were in service before 1st March 1921, the date of revision of pay of the constabulary, and retired as 3rd grade Head Constables, will be allowed the privilege mentioned above as a personal concession. This takes effect from 9th March 1926.

[G. O. No. Mis. 545-Finance (Pension), dated 1st November 1926 in case Pen. Mis. 3-9 of 1926-27.]

2. Those men in the Madras City Police previous to 30th December 1921 who were debarred from enjoying the concession admissible under the note of this Article on account of the recent increase in their pay are allowed this concession.

(G. I., H. D., F. 443-Police, dated 6th March 1922 and G. O. No. 422-Judl., dated 27th March 1922 in Case Pen. Mis. 3-18 of 1921-22.)

3. In the case of a Police Officer on pay not exceeding Rs. 10 a month, whose service is pensionable under scale B of this article and who afterwards is transferred to an appointment in Superior Service outside the Police Department, the Police service should be treated as "superior".

(G. I., No. 6307-Finance and Commerce, dated 5th October 1904.)

4. The note to Article 503, Scale B should be interpreted to mean that a service of 25 years exclusively in the Madras City Police is required to qualify for voluntary retirement without the production of a medical certificate.

(G. O. No. 891, Finance (Pension), dated 13th November 1935—Case P. V. 6-11 of 1935-36.)

CHAPTER XXI.—RE-EMPLOYMENT OF PENSIONERS.

SECTION I.—GENERAL.

Notice of Re-employment.

[C. S. R.-510.]

1. The rules do apply to copyists' establishments attached to Courts, but not to an establishment paid from the Suitors' Fund.

2. The rules regarding re-employment of pensioners do not apply to men employed on work as coolies and paid daily hire, but do apply to men in employment on monthly rates of pay on a temporary or permanent establishment—*Vide* also note 1 under Article 514, Civil Service Regulations.

(G. O. No. 444-Pension, dated 28th April 1890.)

Re-employment of a pensioner as a Minister.

3. The question whether the pension of a person appointed as a Minister should or should not remain in abeyance, should be decided with reference to the rules in the Government of India Act, 1935 and not with reference to those in the Civil Service Regulations. So long as no act is passed by the Provincial Legislature as contemplated under Section 51(3) of the Act, determining the salaries of Ministers or so long as such an Act, if passed, does not provide specifically for the non-drawal of pension in addition to their salaries, the Ministers who are also Government Pensioners are entitled to draw their pensions in addition to their salaries fixed by the Governor or by the Legislature as the case may be.

(Auditor-General's Endorsement No. 697-Reforms/56-36, dated 8th June 1937—Case P. A.-Genl. 9-12 of 37-38.)

SECTION II.—CIVIL PENSIONERS.

[C. S. R.-511—519.]

1. A compassionate allowance is, to all intents and purposes, a pension, and the rules regarding the re-employment of pensioners are therefore equally applicable to the case of persons in receipt of a compassionate allowance.

(G. I., F. D., No. 104, dated 6th January 1883, G. I., F. D., No. 1063, dated 26th February 1883.)

2. If a pensioner who retired on a compensation or invalid pension is re-employed in a post paid from General Revenues the sum total of the pension and the initial pay on re-employment should not exceed the substantive pay at the time of discharge—*vide* Articles 514 and 519, Civil Service Regulations.

NOTE.—This restriction does not apply to persons in receipt of Political and Revenue pensions, nor does it apply to a superannuation or retiring pensioner. In this case, he can draw both pension and pay without the restriction as to total emoluments with the sanction of the competent authority under Articles 520 and 521, Civil Service Regulations.

Power to fix emoluments to Re-employed pensioners drawing Compensation pension.

3. Under note (4) to Article 514 of the Civil Service Regulations the power to permit re-employed pensioners to draw pension in addition to pay, irrespective of the amount of such pension, subject only to the condition that the appointment is *bona fide* temporary lasting for not more than a year, has been delegated by the Madras Government to the officers specified in class A of the Annexure to this Chapter.

4. This power is exercisable only in respect of pensioners whose re-employment the officers specified are authorised to order.

(G. O. 523-Financial, dated 24th June 1918.)

After superannuation or Retiring pension.

[C. S. R.-520 and 521.]

1. Articles 520 and 521 of the Civil Service Regulations relating to the re-employment of superannuation or retiring pensioners do not apply to posts in hereditary village offices.

(G. I., No. 327-61-2, dated 8th February 1901 and G. O. No. 462-Pension, dated 24th July 1901.)

2. Under Article 520(iii) of the Civil Service Regulations the power to sanction the re-employment or continued employment of persons in receipt of a superannuation or a retiring pension in establishments under their control has been delegated to all the heads of departments and offices specified in Classes A and B of the Annexure to this Chapter under the administrative control of the Local Government.

3. In the case of a pensioner drawing a pension of more than Rs. 10 per mensem, the head of a department or a lower authority to whom the power to re-employ pensioners has been delegated under Article 520(iii), Civil Service Regulations, may re-employ the pensioner (even though it is not *bona fide* temporary duty) by reducing his pension to Rs. 10 a month under Article 521, Civil Service Regulations.

[Govt. Memo. 38806-1-Finance (Pension) Department, dated 7th December 1927, Case Pen. Mis. 12-11 of 1927-28.]

4. The restrictions contained in Article 520, Civil Service Regulations, shall not apply to re-employment by local boards and municipalities, provided that, in cases other than those covered by note 2 under Article 521 of the Civil Service Regulations, the Collector of the District in which the pensioner is re-employed shall determine whether the pension shall be wholly or partly held in abeyance if the sum of the pension and the pay on re-employment exceeds the pay drawn by the pensioner at the time of retirement.

[G. O. No. 663-Finance (Pension), dated 13th August 1929—Case No. Pen. Mis. 12-6 of 1929-30.]

5. The orders in the above paragraph shall also apply with effect from 13th August 1929 to re-employment of pensioners in receipt of superannuation or retiring pension under the Corporation of Madras. The Collector of Madras will be the authority competent to determine whether the pension should be wholly or partly held in abeyance if the sum of the pension and the pay drawn by the pensioner on re-employment exceeds the pay drawn by the pensioner at the time of retirement.

[G. O. No. Ms. 85-Finance (Pension), dated 22nd January 1931. Pen. Mis. Case 12 of 1930-31.]

Re-employment of pensioners in Allopathic dispensaries in rural areas.

6. A pensioned Sub-Assistant Surgeon, who has undertaken to set up practice in a rural area in accordance with the scheme for medical relief approved in G. O. No. 1522-P.H., dated 22nd October 1924 and who receives a subsidy granted for the purpose need not be treated as a "re-employed pensioner" for purposes of Article 520, Civil Service Regulations.

(Govt. Memo. No. 33095-1, F. D., dated 6th October 1925—Case Pen. Mis. 12-5 of 1925-26.)

Re-employment of pensioners under the Madras University.

7. The Madras University is not a Local authority nor the University Fund a Local Fund within the meaning of Article 218 of the Civil Account Code, Volume 1. The re-employment of pensioners under the Madras University does not require the sanction of Government or any lower authority under Article 520 of the Civil Service Regulations.

(G. I., Dept. of Edn. Endorsement No. 491-Edn., dated 18th February 1928 and G. O., No. Mis. 406-Edn., dated 28th February 1928—Case Pen. 4-5 of 1927-28.)

ANNEXURE.

CENTRAL DEPARTMENT (AGENCY).

Class A.

1. The Right Reverend the Lord Bishop of Madras.
2. The Senior Chaplain, Church of Scotland.

Class B.

3. The Venerable the Archdeacon.

PROVINCIAL DEPARTMENT.

Class A.

1. The Director of Public Instruction.
 2. The Hon'ble the Chief Justice of the High Court of Judicature.
 3. The Advocate General.
 4. The Inspector General of Police.
 5. The Inspector General of Prisons.
 6. The Inspector General of Registration.
 7. The Administrator General and the Official Trustee.
 8. The Presidency Port Officer.
 9. The Chairman, Madras Port Trust (only so far as the administration of the Madras Port Fund is concerned).
 10. The Secretaries and Joint Secretaries to Government (in respect of their office establishments).
- (The Chief Secretary is also the head of department for the Government Press and the Record Office and the Revenue Secretary is the head of department for the Government Cinchona Plantations).
11. The Surgeon General.
 12. The Chief Engineers, P. W. D.
 13. The Board of Revenue (all departments),
 14. The Chief Conservator of Forests.
 15. The Director of Agriculture.

Class B.

16. District and Sessions Judges.
17. The Chief Judge, Court of Small Causes.
18. The Judge, City Civil Court.
19. The Chief Presidency Magistrate.
20. The Commissioner of Police, Madras.
21. The Director of Public Health.
22. Superintending Engineers.
23. Collectors of Districts.
24. The Director of Industries,
25. Conservators of Forests.
26. The Director of Survey.
27. The Registrar of Co-operative Societies.

[C. S. R.-526-A.]

Military Officers placed on the unemployed list under Army Instructions (India) No. 82 of 1934.

C. S. R. 526 (a).—The Government of India have, with the approval of the Secretary of State, decided that Military officers who are placed on the unemployed list under Army Instruction (India) No. 82 of 1934 and who obtain further employment under any Government or Administration will not count the period spent on the unemployed list in civil employment for a separate civil pension as such period will count for military pension under paragraph 4(d)(i) of Army Instruction (India) No. 82 of 1934.

(G. I., Army Department No. 08325 (M. S. 3), dated 9th July 1935, Case P. V. 4-3 of 35-36.)

[Communicated in the G. I., F. D., No. F. 6 (62)-R. II/35, dated 4th November 1935.]

(G. I., D. D., No. 08325/M.S.-3, dated 11th September 1936, communicated with the Ar. G.'s endt. No. 308-A./72-35, dated 24th September 1936 and G. I., F. D. endt. No. D. 2285-R. II/36, dated 3rd October 1936. Case P. V. 4-3 of 35-36-37.)

SECTION IV.—PENSION FOR NEW SERVICE.

[C. S. R.-530.]

The omission of the illustration under this article from the C. S. R. (5th Edition, 3rd Reprint) was not intended to alter the principle of calculation and the capital value of the pension granted for the previous service should, therefore, continue to be calculated on the basis of the age of the officer on the date of final retirement from service.

[G. I., F. D., No. F. 6 (4)-R. II/34, dated 20th January 1934. Case Pen. Mis. 3-19 of 1933-34.]

The illustration is reproduced below for facility of reference.

Illustration.—A who had retired at the age of forty after eighteen years' service on a compensation pension of Rs. 90 (his salary having been Rs. 300) was re-employed after six years in an appointment on Rs. 200 continuing to draw his pension and finally retired at the age of fifty-five. For the second period of service the gratuity ordinarily admissible would be Rs. 1,800. But if the two periods were combined, the pension admissible would be Rs. 100. The difference between the value of this pension and of the pension previously granted, at the age of fifty-five is, as per table of commutation values, Rs. 1,122. The gratuity must therefore be reduced to Rs. 1,122.

(C. S. R. V. Edn. 2nd Reprint corrected up to 15th November 1917.)

**CHAPTER XXII.—THE GOVERNOR-GENERAL, GOVERNORS,
LIEUTENANT-GOVERNORS AND MEMBERS OF COUN-
CIL.****[C. S. R.-542-A.]**

Clause (2) of this article lays down the extent to which the concession of a special additional pension in respect of the service as Member of Council may be allowed when the officer retires before completing his five years' tenure of office. The additional pension is earned by service as Member, and once it has been earned, it is not affected by any leave that may be taken before actual retirement.

(Auditor General's letter No. 314-A./63-24, dated 22nd April 1924. G. A. 2-1 of 1924-25-26.)

Part IV.] RETIRING PENSIONS OF THE CHIEF JUSTICES, ETC [Chap. XXIII.

CHAPTER XXIII.—RULES FIXING THE RETIRING PENSIONS OF THE CHIEF JUSTICES AND OTHER JUDGES ON THE HIGH COURT.

[C. S. R.-543.]

1. (a) The specific sanction of the Secretary of State is not required for the grant of pensions to individual judges of the Indian High Courts in accordance with the scale prescribed in the rules fixing such pensions.

(b) The Local Government are competent to sanction the pension of High Court Judges.

(G. I., F. D., No. F. 27-V.-C.S.R./27, dated 1st July 1927. Case Pen. Mis. 3-7 of 1927-28.)

2. A High Court Judge, when appointed, is required to agree to resign his appointment on attaining the age of 60 years and he must therefore compulsorily vacate his office in conformity with his own undertaking. Leave under F. R. 86 is not admissible to a High Court Judge after he has vacated his office, as such grant of leave after his attainment of 60 years of age would involve the grant of extension of service as High Court Judge. The Government of India can extend the service of a High Court Judge only when such an extension of service is in the public interest (*Vide* Secretary of State's Public Despatch No. 21, dated 22nd February 1918). It cannot be said to be in the public interest to sanction an extension of service beyond the age of 60 years merely in order to allow an officer to take leave or to complete pensionable service.

(G. I., F. D., Telegram 1588-C.S.R., dated 7th September 1920. Auditor General's Endt. No. 317 A-56-25, dated 5th May 1925. Audit Manual.)

3. The Government of India have authority to retain a Judge in the public interest and that alone up to the age of 61.

(G. I., F. D., No. F. 19-IX-C.S.R./26, dated 29th November 1926. G. A.-16-3 of 1926-27.)

4. The pensions of High Court Judges who are members of the Indian Civil Service shown in the last column of the table in rule 24 are Judicial pensions granted in addition to annuity and the amount of the annuity admissible should be calculated with reference to the officer's whole service including service as a High Court Judge.

(Auditor General's letter No. 593-P./A., and A., dated 3rd August 1921; Case G. A.-16-2 of 1920-21-22.)

CHAPTER XXIV.—BARRISTER AND PLEADER APPOINTMENTS.

[C. S. R.-547.]

((a) In clause (a)—

(1) in the entry relating to the First Judges of Small Cause Courts of Presidency towns, after the words 'Presidency towns' the words 'except Madras' shall be added and

(2) the entry "Administrator General and Official Trustee, Madras," shall be omitted; and

(b) in clause (b) in the entry relating to the Chief Judges of Small Cause Courts of Presidency towns, after the words "Presidency towns" the words "except Madras" shall be added.

This amendment applies only to officers appointed on or after 19th January 1937.

[G. O. No. 62-Finance (Pension), dated 19th January 1937, P. V. case 6-37 of 36-37.]

[C. S. R.-549.]

1. The following has been substituted for Article 549 (b) of the Civil Service Regulations :—

"The actual service of the officers referred to in Article 547 includes, besides time spent on duty whether in substantive or acting service, one month or the period actually taken, whichever is less, of each period of leave on full allowances taken under Fundamental Rule 98, subsidiary leave, and periods of vacation during which the officer is not on furlough or extraordinary leave."

(G. O. No. Mis. 1259-Public, dated 2nd December 1927. Case Pen. Mis. 3-32 of 1926-28.)

2. When the holder of the post of Chief Judge, Court of Small Causes, Madras is not entitled to pension under articles 547 and 549 (a) he is eligible for the pension specified in rules 13 and 14 of the Superior Civil Services Rules and also for the special additional pension in the lower grade under Article 475A, C. S. R. The Madras Government have directed that in respect of officers appointed on or after 19th January 1937; the entry in schedule V to the Superior Civil Services Rules relating to the Chief Judges of Small Cause Courts of Presidency towns and Rangoon not pensionable under Article 549 C. S. R. shall be construed as if the expression 'except Madras' had been inserted after the words 'Presidency towns'.

[G. O. No. 62-Finance (Pension), dated 19th January 1937, P. V. case 6-37 of 36-37.]

CHAPTER XXV.—MEMBERS OF THE INDIAN CIVIL SERVICE.

[C. S. R.-561 and 564.]

The Auditor General has held that study leave is not "active service" within the meaning of Articles 8 and 9 C. S. R. and cannot count for annuity under Article 561 C. S. R. Rule 11 of the Study leave rules permits study leave to count as service for pension but not as "active service" for annuity.

This principle will apply in reckoning active service under Article 564 C. S. R. also.

[Auditor General's letter 59-A./184-34, dated 15th March 1935 filed in case Pen. Mis. 3-13 (1) of 1921-37 and Auditor General's letter 293-A./183-37, dated 16th September 1937 filed in G. A. Case 11-20 of 1937-38.]

PART V.—RULES APPLICABLE TO SPECIAL DEPARTMENT
OR SPECIAL OFFICERS.

CHAPTER XXVII.—ECCLESIASTICAL OFFICERS.

SECTION III.—CHAPLAINS.

Rights and Title to Pension.

[C. S. R.-599.]

A Chaplain retiring in England after a short period of service should obtain a satisfactory certificate of character from the Bishop of the Diocese in which he has served to entitle him to receive gratuity.

(M. G. O. No. 50-Eccl., dated 17th July 1897, communicating Government of India. letter No. 239-H. D., dated 24th June 1897.)

CHAPTER XXX.—CIVIL ENGINEERS AND TELEGRAPHS OFFICERS.

[C. S. R.-627.]

It has been decided by the Secretary of State that such of the officers as were re-appointed by him to the several services on the recommendation of the Lee Commission have the status of officers appointed by him and they must be regarded as being entitled to all the rights and privileges attached to such status.

[G. I., F. D., No. F. 126-R.I./29, dated 5th October 1929. G. O. No. 1229-Public (Services), dated 25th November 1929. Case Pen. Mis. 3-18 of 1924—30.]

[C. S. R.-642.]

This article applies to those who have not elected the new pension rules of 1919.

[C. S. R.-643.]

1. This article applies to those who have not elected the new pension rules of 1919.

2. An Engineer Officer who was appointed Superintending Engineer 1st Class, before the introduction of the time-scale of pay sanctioned for Superintending Engineers with effect from 30th August 1919, counts his service from the date of his appointment as Superintending Engineer, 1st Class, for the purpose of special additional pension admissible under Article 643, Civil Service Regulations, irrespective of what his pay may be under the time scale of pay.

(G. I., F. D., No. 1869-C.S.R., dated 13th October 1920 forwarding letter of the G. I., P. W. D., No. 620, dated 5th October 1920, to the Government of the U. P. of Agra and Oudh.)

[C. S. R.-644.]

1. The Secretary of State has sanctioned the proposal to allow acting service in privilege leave vacancies to qualify for the special additional pension admissible under Articles 642 and 643 of the Civil Service Regulations.

(Secretary of State's Financial No. 13, dated 27th February 1919 with G. I., F. D. No. 361-C.S.R., dated 28th April 1919.)

2. The phrase "periods of such service passed on privilege leave" occurring in clause (b) of Article 644, C.S.R., should be interpreted to mean that for a period of privilege leave (or the first four months of leave on average pay) to count for additional pension it should be in evidence

that, had the officer not been on leave he would have been officiating or holding the temporary post. This formula may be adopted until the new pension rules (the Fundamental Pension Rules) are promulgated.

(C. C. A.'s letter No. 35-A./321-29, dated 6th February 1929. Case No. Pen. Mis. 3-27 of 1928-29.)

NOTE.—It has been ruled by the Controller of Civil Accounts that the object in laying down the above formula was nothing more than to bridge the gulf created by the promulgation of the Fundamental Leave Rules without a corresponding change in the pension rules of the Civil Service Regulations. The intention is merely to conserve the concessions that were already admissible under the Civil Service Regulations and not to grant any new concessions which would not be admissible even if the rules in the C. S. R. continued in force.

(C. C. A.'s letter No. 123-A.-321-28, dated 14th May 1929. Pen. Mis. 3-27 of 1928—30.)

PART VI.—WOUND AND OTHER EXTRAORDINARY
PENSIONS.

CHAPTER XXXVIII.—WOUND AND OTHER EXTRAORDINARY
PENSIONS.

SECTION I.—GENERAL RULES.

[C. S. R.-728.]

1. An extraordinary pension or gratuity may be granted to a Government Servant, under Chapter XXXVIII of the C. S. R., even if he is not invalided from service as a result of the disability on account of which the award is made.

[G. I., F. D. Memorandum to the Auditor-General No. F./1-1/R.II./1928, dated 26th September 1928, recorded in G. O. No. 723-Finance (Pension), dated 16th October 1928. Pen. Mis. 3-20 of 1928-29.]

2. The proceedings of the Medical Board in regard to cases of wound and other extraordinary pensions under this Chapter should be drawn up in Army Form A., 45-A.

[G. I., F. D., No. D./3235-R.II./29, dated 27th May 1929. G. O. No. Ms.-673-Finance (Pension), dated 16th August 1929. Case Pen. Mis. 3-14 of 1929-30.]

[C. S. R.-733.]

Power delegated to Provincial Governments to sanction pensions and gratuities outside the rules to officers injured or to families of officers killed as the result of anarchist outrages or generally in consequence of service rendered to the State or owing to their official position, has been cancelled as it has been decided by the Secretary of State, that the matter being one of conditions of service within the meaning of Section 96-B of the Government of India Act, a delegation not of power to make rules but to act outside the rules is *ultra-vires* of that section. He has therefore decided so far as the services under his control are concerned to make such awards himself in exercise of the power conferred upon him by sub-section (5).

(G. I., F. D., letter No. F./5/III-R-1932, dated 13th February 1932. Case Pen. Mis. 3-12 of 1921-32.)

[C. S. R.-738-A.]

An award under any of the alternatives of Article 744, Civil Service Regulations should be regarded for the purposes of this Article as an award under the provisions of this Chapter.

(G. I., F. D. No. F. 206-C.S.R./25, dated 9th December 1925 in case Pen. Mis. 3-5 of 1922—1926.)

[C. S. R.-740.]

The reference to the Army Regulations, India, Volume I in Article 740 Civil Service Regulations, has, and is intended to have continued

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force and the grant of wound pension under that article should be regulated by the rules in those Regulations, *viz.*, the old rules in Part II of Pay and Allowance Regulations of the Army in India and not by the new rules laid down in the Pension Regulations.

(G. I., F. D. No. F. S. XXVI--R. II/30, dated 7th January 1931; Case P. V. 6-32 of 1935-36.)

SECTION II.—WOUNDS, INJURIES OR OTHER DISABILITIES SUSTAINED BY A CIVIL OFFICER WHILE SERVING WITH A MILITARY FORCE.

[C. S. R.-741 and 742.]

In cases in which a pension granted to a female child is tenable either until she attains a certain age or until her marriage, the term "Marriage" should, in the absence of special orders to the contrary, be taken to mean the date on which the girl is placed under her husband's protection.

[G. O. No. Mis. 613-Finance (Pension), dated 9th June 1927 in case Pen. Mis. 12-1 of 1927-28.]

[C. S. R.-741A.]

This article applies both to cases in which the disability giving rise to the invaliding was due to service rendered during the period of the Great War and in Post War times.

[G. I., F. D. No. F. 96-C.S.R./25, dated 8th May 1925 and G. O. No. 147-Mis. Finance (Pension), dated 4th June 1925 in case Pen. Mis. 3-5 of 1922-26.]

SECTION III.—WOUNDS, INJURIES OR OTHER DISABILITIES SUSTAINED OTHERWISE THAN ON SERVICE WITH A MILITARY FORCE.

[C. S. R.-746-B.]

1. This Article does not apply to cases of policemen dying of cholera contracted during employment on the duty of enforcing sanitary measures in infected villages; but if, in any special case, the Head of the Department should think fit to make a recommendation for the grant of a gratuity to the family of a policeman dying of cholera while on sanitary duty, full particulars of the case should be submitted to the Local Government.

(G. I., No. 324-F.D., dated 11th July 1893.)

2. Policemen who die of plague contracted in the execution of their duties in plague stricken localities may be considered as having been killed in the execution of duty attended with extraordinary bodily risk within the meaning of this Article provided that care be taken strictly

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to limit the grant of pensions to cases where men are sent to duty entailing imminent risk from plague. The concession is applicable to families of policemen dying of plague while on plague duty in all provinces in which plague is or may become prevalent.

(G. I., No. 4516-P., F. D., dated 13th September 1900. G. O. No. 894-Judl., dated 30th June 1900.)

3. The existing practice under which it is necessary for an audit officer in reporting on claims of extraordinary pensions under the rules to express an opinion upon the question whether or not injury or death was met with in the performance of a duty attended with extraordinary bodily risk within the meaning of this Article, should not be altered.

(G. I. No. 4521-Fin. and Com., dated 20th July 1904.)

4. The Secretary of State has declared it to be his intention to give full powers as regards grants to persons not in Government service while retaining certain restrictions in respect of families of Government servants.

(Telegram from the Secretary of State No. 6555, dated 30th December 1921.)

5. The normal risk of an officer on duty cannot be considered extraordinary and the fact that an extraordinary danger suddenly intervened will not necessarily bring the case under this article. The presence or absence of extraordinary bodily risk is a question on which the audit officer must satisfy himself before he accepts the sanction of the Local Government under this Article.

(Copy of G. I., No. 5886-158, dated 18th August 1910-Corr. and Ind. Deptt., communicated with G. I. No. 4485-P., dated 26th August 1910, Finance Department.)

6. In the case of officers dying of plague contracted on duty connected with plague, where the duty arising in connection with the plague is clearly outside the scope of the appointment held by the officer dying from the disease, and the circumstances of his family are such as to justify the grant, the Government of India may sanction pensions to the families of such officers.

(Secretary of State's Despatch No. 1915, dated 17th November 1898, and G. I., F. D. No. 1959, dated 16th June 1899.)

7. Syphilitic infection contracted in the performance of duty may, if it is reported by a medical board to be likely to be permanent, be *ipso facto* regarded as of a very serious nature for the purpose of the grant of injury pension under paragraphs 470 and 528 of Pay and Allowance Regulations of the Army in India, Part II.

[G. I. No. 616-C.S.R., dated 30th June 1917 and G. O. No. 338-L. & M. (Medl.), dated 4th August 1917. Pen. Mis. 3-15 of 1917-18.]

8. Injury or death met with by Police Officers who are engaged in operations of exceptional risk such as the dispersal of unlawful assemblies, suppression of riots, or the arrest of dangerous criminals may be brought under this chapter.

(G. I., H. E. No. F. I. XV-23, dated 19th December 1923 in case Pen. Mis. 3-5 of 1922-23.)

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[C. S. R.-746-C.]

In special cases the family pension may be granted at a rate not exceeding one half of the officer's officiating pay at the time of injury or death.

This takes effect from 1st January 1927.

(G. O. No. 227-Public, dated 27th February 1929. Case Pen. Mis. 3-9 of 1926-29.)

[C. S. R.-746-E.]

1. The Secretary of State has ruled that deaths or injuries caused by terrorists should be treated as if received "in action" and in such cases the maximum amount of compensation admissible under the rules in the Royal Warrant and Pay and Allowances Regulations should invariably be awarded.

[G. I., F. No. D./2375-R.II./33, dated 6th September 1933, recorded in G. O. No. 640-Finance (Pension), dated 2nd October 1933. Case Pen. Mis. 3-18 of 1933-34.]

2. The Government of India are of opinion that, so long as the fanatics are not held to be insane, there is no reason for differentiating between deaths and injuries caused by fanatics and those caused by terrorists. The ruling in the India Office letter No. F.-4116/33, dated 8th August 1933 recorded in G. O. No. 640-Finance (Pension), dated 2nd October 1933, should therefore be held to cover deaths or injuries caused by fanatics. Deaths or injuries caused by insane people will, however, in each case, be decided on their merits.

[G. I., F. D. No. F. 5-XI-R.II./33, dated 20th December 1933, G. O. No. 11-Finance (Pension), dated 3rd January 1934. Case Pen. Mis. 3-18 of 1933-34.]

[C. S. R.-747.]

1. A Local Government is competent to grant an extraordinary pension or gratuity within the limit prescribed in this article, to an officer, who contracts venereal disease in the execution of the Public duty.

(Controller of Civil Account's letter No. 565-A./279-27, dated 25th November 1927. Case Pen. Mis. 3-14 of 1927-28.)

NOTE.—A police officer killed by one of his own side and not by a dacoit does not in any way alter the fact that he was killed in the execution of his duty and that such a case falls within the scope of Article 747-C.S.R. and may be disposed of by the Local Government under Article 733 *idem*.

(Auditor General's U. O. I. No. 275-A./451-23, dated 21st November 1923.)

2. (a) It has been decided by the Auditor General with the concurrence of the Government of India that recourse should be had to the special provisions of Article 924 (b) C. S. R. only if the essential conditions prescribed in the other rule or rules which should ordinarily govern that type of case appear to be substantially satisfied. In dealing with a case which should ordinarily be governed by the provisions of Article 747, the provisions of Article 924 (b) should not be resorted to unless

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there is a reasonable belief that the requirements of the former article have been fulfilled though there is no definite proof of such fulfilment.

(b) The Government of India have separately held that the main criterion for determining whether a certain class of cases can be brought within the scope of Article 747 C. S. R. or not is to be found in the answer to the following question: "Did the loss of life result from an injury or disease to which a private citizen of the same social class, pursuing his normal vocation at the same time and place, would have been equally liable?" If the answer is "yes", the claim is inadmissible. For a claim to satisfy the implied conditions of that article it must be established that the Government servant in question ran a risk substantially enhanced in kind or degree by the nature, conditions or obligations of his employment under Government and there must be reasonably good grounds for attributing the injury or disease specifically to that enhancement (Government of India, Department of Industries and Labour (Posts and Telegraph Branch) letter No. 31 P. T. C., dated the 21st March 1929 to the Director General, Posts and Telegraphs). This condition cannot, however, be regarded as the only test which can be applied and in fact it is only possible to decide concrete cases in the light of previous practice and with special reference to the particular circumstances of each.

(Auditor General's letter No. T. 227-A/47-34, dated 31st May 1934 to Accountant General, United Provinces, copy to this office. Case P. V. 1-2 of 34-35.)

CHAPTER XLII.—SERVICE UNDER LOCAL FUNDS.

SECTION I.—PENSIONS.

Pensions Charged to Local Funds.

[C. S. R.-799.]

1. In the case of menial servants in the pensionable service of the Cochin and Travancore Darbars who are taken on as members of the pensionable Residency menial establishment paid from Indian Funds, their pensionable service rendered under the Darbar may be combined with the pensionable service rendered under the Government of India, and the pension or gratuity for which they would ultimately qualify should be shared between the Indian Government and the Darbar according to the rule of proportions.

(G. I. No. 3627-P.F.D., dated 29th June 1909, M. G. No. 333-Pen., dated 7th July 1909.)

2. If, in the case of pensions ordinarily debitable according to the *Rule of Proportions* as between Central Revenues and Mysore State Revenues, the share of pension payable from one source is very small, the entire pension may conveniently be borne by the other source under the principle in this article, as the inconvenience otherwise involved is incommensurate with the economy effected.

(G. I. letter No. 1676-127-2, dated 15th February 1905, Dept. of Rev. and Agri. Case Pen. E. 11 of 1915-16.)

3. In the case of pensions debitable according to the Rule of Proportions, when the share of pension payable by either source does not exceed Re. 1, the other source will bear the whole charge.

(*Vide* Note 3 under Article 45 of the Civil Service Regulations.)

4. In a case in which two District Funds are jointly liable for more than one-fourth of a pension, each of the two should contribute proportionately.

(G. I., F. D. No. 4629-P., dated 11th October 1899.)

RULES REGULATING THE GRANT OF PENSIONS TO SERVANTS OF MUNICIPAL COUNCILS.

[C. S. R.-800.]

1. All the members of the pensionable establishment of a Government school employed in such school at the time of its transfer to Municipal Councils will be held to be still rendering service qualifying for pension from Government under Article 804.

2. Other servants of Municipal Councils are not, in any case, entitled to pension as a matter of right, but the Government will be prepared to consider, on their merits, applications from Municipal Councils for gratuities on retirement, in individual cases of long and good service, provided that the amount of such gratuities shall, in no case, exceed the sum to which, under the Civil Service Regulations or such other rules as may be, for the time being in force, the recipient would have been entitled, if his service had been service under Government.

3. All servants of Governments other than those referred to in 1 above, transferred from qualifying service to service under a Municipal Council, are entitled to claim payment by such Municipal Council of the usual contribution to Government in order to maintain their claim to pension eventually from State Funds.

4. No scheme for the establishment of any pension or Provident Fund under the District Municipalities Act shall be adopted by any Municipal Council without the previous sanction of Government.

(G. O. No. 1874-L. & M., dated 7th August 1891.)

5. Service in the clerical and menial establishments of the University of Madras is pensionable from the University Fee Fund but the Government is not responsible for the sanction or continuation of such pensions.

(G. O. No. 52-Edl., dated 1st February 1901. G. O. No. 240-Edl., dated 6th May 1910.)

6. The power conferred under Section 29 (1) (d) of the Secunderabad Cantonment Code, 1903 as amended by the Notification of the Government of India in the Foreign Department, No. 4609-1-B., dated 9th October 1903, permitting the grant of pensions to employees of the Cantonment Funds at Secunderabad should not be exercised in the case of future employees engaged after the date of this letter (*viz.*, 4th November 1905) and their service will not qualify for pension.

(G. I. For. Dept. No. 4633-1-B., dated 4th November 1905.)

7. The provisions of Article 800, Civil Service Regulations apply to the employees of the Civil Hospital, Secunderabad who are paid from the Civil Hospital Fund.

(Letter No. 973-A., dated 9th February 1914, from the Resident, Hyderabad, bearing Endt. No. T. M.-162, dated 8th May 1914, of the C. I. T., Calcutta. Pen. Mis. 3-3 of 1914-15.)

[C. S. R.-801.]

1. Service in establishments paid from the Madras Coast-Lights Fund qualifies for pension from the 1st April 1904 and service in establishments paid from the Pilotage, Landing, Shipping Fees and Pier Funds, from the 1st April 1905.

(G. I. letter No. 4433-P., dated 7th August 1905, Fin. Dept. forwarding a copy of G. I. letter No. 3934-1-2, dated 31st July 1905, Dept. of Commerce and Industry.)

2. Rule 1 under this article is not applicable in the case of a Municipal employee for part of whose service contribution was paid under Article 802, Civil Service Regulations, and a pension cannot therefore be sanctioned which is chargeable to Government and the Municipality according to the *Rule of Proportions*.

(C. G.'s No. 515-AAA/7-16, dated 31st May 1916. Pen. Mis. 3-3 of 1916-17.)

3. The Rule of Proportions is applied only in cases where officers are transferred in the interests of the service from Government employment to service under Excluded Local Funds and *vice versa*; where an officer is not transferred but resigns the one service to take up other, the Rule of Proportions should not be applied, but separate pension may be given for the different services.

(G. I. No. 2753-P., F. D., dated 6th June 1900.)

4. The Rule of Proportions is applicable to the pensions of the employees of the Corporation of Madras transferred to Government service along with the Royapettah Hospital in respect of their service under the Corporation of Madras prior to 1st October 1919.

(G. O. Mis. No. 697-Medl. L. & M., dated 13th December 1920, communicated with the Fl. Endt., No. 4495-A. I., dated 17th December 1920; Case No. Pen. Mis. 3-29 of 1918-19-20-21.)

5. The Government of Madras sanctioned the transfer of the officers of the Madras Jail Department whose names are noted below for service under the Hon'ble the Resident at Hyderabad in the Secunderabad District Jail :—

1. Muhammad Yousuf Sahib, Probationary Deputy Jailor, Central Jail, Coimbatore.
2. S. A. Padbanabha Iyer, Clerk, Central Jail, Coimbatore.
3. Abdul Rahman, Chief Head Warder, District Jail, Cuddalore.

The pensionary charges on account of the officers at the time of their retirement should be met from the general revenues and Secunderabad Local Abkari Fund according to the Rule of Proportions under Rule 1 of this article.

[G. O. No. 1944-Law (General), dated 7th August 1923 in case Pen. Mis. 3-11 of 1923-24.]

6. (a) For the grant of pensions to employees at the Secunderabad Local Fund, that Fund may be treated as an Incorporated Local Fund.

(b) In the case of an officer, part of whose service qualifies for pension from the General Revenues and part from the Abkari Fund (Secunderabad Local Abkari Fund) the total pension admissible should be charged to both the sources according to the Rule of Proportions, however small the portion chargeable to either source may be.

(G. I., F. D. 794-C.S.R., dated 19th November 1922)

(G. I., F. D. 1001, dated 17th February 1882)

(c) This rule applies to compassionate allowance also, provided that if such portion does not exceed one rupee the other source shall bear the entire charge.

7. An officer does not forfeit his previous qualifying service under Government by taking leave without pay and taking up appointment in a Municipality with the knowledge of his superiors. No contribution can be taken in this case as the appointment was not made with the consent of the Government.

(G. I., F. D. 3774, dated 12th July 1888.)

8. (a) The application of the Rule of Proportions has been sanctioned for the combined service in the Residency Bazaars Local Fund and Hyderabad Railway Police.

(b) The Resident at Hyderabad is competent to dispose of such cases in future without reference to the Government of India.

(G. I., F. D. 4515-P., dated 31st July 1908.)

9. When a Government Officer is compulsorily transferred to an appointment paid by a Local Fund, and is subsequently dismissed therefrom, he has no claim to a pension or gratuity; but if the Local Government consider that he is deserving of a compassionate allowance, it may award a pension not exceeding that which could have been granted as a compensation pension on the termination of the officer's service under Government.

(G. I. No. 8190-P., F. D., dated 19th February 1896.)

PENSIONS FROM GENERAL REVENUES.

A Local Fund cannot contribute for Individual Employees.

[C. S. R.-802.]

1. There is no authority for receiving pensionary contributions, arrear or otherwise from a Local body for individual employees selected from among its establishment. The rule in this article authorises the Local Government to permit the Administrators of a Local Fund to contribute for pensions from the General Revenues, for the whole of its permanent employees or for any specified classes of them. It is intended that the contributions should be calculated upon the total of the sanctioned salaries of the appointments in respect of which they are paid, without reference to the question whether the particular individuals who at any time hold the appointments are rendering qualifying service or not. The effect of a transfer to service under a Local Fund in the case of any particular individual is, therefore, that his service under the Local Fund will qualify for a pension from General Revenues if the appointment to which he is transferred is one of a class for which contributions are paid, whether his previous service under Government was qualifying or not; but it will not qualify if the appointment does not belong to such a class.

(G. I. No. 1282-P., Fin. and Com., dated 20th March 1899.)

2. For the purposes of this Article audit by the Examiner of Local Fund Accounts may be regarded as audit by Government.

3. The reporting on applications for pensions should, however, be undertaken by the Accountant-General's office, and the annual establishment returns should, therefore, be recorded in that office.

4. If an officer, whose service is pensionable under the provisions of Article 802, Civil Service Regulations, is detached on temporary duty to a non-pensionable post or to a post under the same or a different Local Board, which is non-pensionable under that article, he counts his detached service under Article 376, Civil Service Regulations.

(G. O. No. 564-L., dated 25th May 1905 and G. O. No. 43-L. Mis., dated 16th January 1905.)

5. Pensionary contribution is payable by the Local Body concerned on the personal allowances paid to its employees in addition to the contribution fixed for the scales of pay of their posts.

[M. G. Fin. (Pen.), Memo. No. 12206-1, dated 20th April 1936. Case P. C. 6-3 of 36-37.]

[C. S. R.-804.]

As amended by the Madras Government.

Teachers and other members of the pensionable establishment of a Government School, who are transferred with the school to which they belong for service under a Local Board or Municipal Council continue to render service qualifying for pension payable by the Local Government irrespectively of the institution in which they are employed on similar duty, provided such institution is under the control of the same Local Board or Municipal Council.

(G. O. No. 141-Pub., dated 17th February 1928. Case Pen. Mis. 3-20 of 1927-28.)

NOTE 1.—If the pay of an officer is increased after he is transferred with the school to which he belongs, to service under Local Boards, the Audit Officer will submit an alternative report as to the pension admissible on the basis of the pay enjoyed at transfer and at retirement, and in each case the Director of Public Instruction will make his recommendation for the grant of the higher or lower pension as may be deemed suitable for the sanction of the Local Government.

[G. O. No. 17, Fin. (Pen.), dated 9th January 1920 in case Pen. Mis. 3-35 of 1919-20.]

NOTE 2.—The Accountant General is authorised to admit, in future, without submitting each individual case for the orders of Government, the following emoluments in the calculation of pension under this article :—

- (1) The allowance of Rs. 4 per mensem originally granted under G. O. No. 226-Law (Education), dated 27th February 1922 as a compensation for the increased cost of living and continued ever since in the form of an allowance.
- (2) Such portion of the increase of pay between the date of transfer of the employee's services to the local body and the date of his retirement, as represents the increase granted in lieu of the allowance mentioned in (1) and the increase granted under G. O. No. 1164-Law (Education), dated 3rd October 1922 as compensation for the abolition of capitation allowance.

[G. O. No. 178-Mis. Fin. (G. & P.), dated 25th February 1929, filed in case Pen. S. 93 of 1928-29.]

NOTE 3.—The orders in paragraph 4 of G. O. No. 766 Finance (Retrenchment) dated 14th December 1931 and G. O. No. 1494 Local Self Government (L. & M.), dated 26th April 1932, should not be applied to employees who are eligible for pension from General Revenues under Article 804, Civil Service Regulations (i.e., average emoluments for pension should be calculated on cut pay).

[G. O. No. 904-Finance (Pension), dated 22nd November 1935—Case Pen. R. 132 of 34-35.]

Part X.] APPLICATIONS FOR AND GRANT OF PENSIONS. [Chap. XLVII.**PART X.—PROCEDURE RELATING TO PENSIONS.****CHAPTER XLVII.—APPLICATIONS FOR AND GRANT OF PENSIONS.****SECTION I.—APPLICATIONS.****Non-gazetted Officers—Preliminary Verification.****[C. S. R.-905.]**

It has been decided by the Government of India that the relevant provisions of the C. S. R. relating to matters of procedure in regard to the payment of pension, etc., shall continue to be applied to Judges of High Courts.

(G. I., H. D., letter No. F. 102/26-Judl., dated 7th June 1927 to the Government of Bombay. Case Pen. Mis. 3-15 of 1933-34.)

[C. S. R.-908.]

1. Whenever an officer of the Land Revenue Department employed in an office subordinate to a Divisional Officer applies for pension, or whenever it is thought desirable to retire him, the immediate head of his office should prepare a draft application for pension and forward it with the officer's service register through the Divisional Officer to the Treasury Deputy Collector who, after due scrutiny and such further enquiry as may be necessary, will return the service register to the Divisional Officer certifying that all information is ready for the immediate completion of the pension application. Then, and not till then, may the retirement of the officer be recommended or his application for pension be accepted. In either case the Divisional Officer will at once address the Collector for orders. On receipt of the Divisional Officer's communication the Collector will pass final orders as to the date from which the officer should retire or be pensioned which order will be communicated to the Divisional Officer to be given effect to and to the Treasury Deputy Collector for the preparation of the final application for pension and for its submission to the Collector for signature. This procedure will prevent delay in the submission of pension applications and guard against officers being retired who may have yet a few months to complete service entitling them to a higher rate of pension.

(G. O. No. 530-P., dated 14th July 1897.)

2. In regard to periods of service which cannot be verified from office records, such as pay bills, acquittance rolls, etc., an affidavit of the officer concerned and evidence of his contemporary employees should be taken as occasion arises and attached to the service book, with the opinion of the then head of office, as to whether the period in question should be admitted or not.

Non-gazetted Officers—Formal Application.**[C. S. R.-910.]**

I. Before despatching an application for pension or gratuity to the Accountant General, the head of an office should satisfy himself that the application has been prepared in conformity with the instructions below :—

(1) *Affidavit and evidence of contemporary employees* should be submitted for such periods of service as are not verifiable from records.

(2) *Affidavit and evidence of contemporary employees* should state in full detail, (i) whether applicant was in permanent employ, and (ii) whether there were any breaks in the service or any leave granted.

(3) *Age*.—When year of birth is known and not the month and date, the 1st July of the year should be assumed; when the month is known and not the precise date, the 16th of the month should be assumed.

(G. O. No. 550-Pen., dated 24th August 1900.)

(4) *Age* as given in the service book, if subsequently amended, should be supported by an order of Government or other competent authority approving the alteration.

(G. I. No. 7455-P., F. D., dated 24th December 1907.)

(5) *Age* of incapacity to continue in service—superior 55 and inferior 60.

(6) *Alterations*.—Make in red ink and initial.

(7) *Application*.—Items 1 to 4 and 14 of Form No. 25, Civil Service Regulations, items 1 and 11 of Form No. 26 and items 1, 4, 8 and 14 of Form No. 22 should be entered in block capitals.

[G. O., No. 439-Fin. (Pension), dated 23rd October 1924.]

(8) *Application*.—Two spare copies of the applicant's specimen signature should be furnished along with the application.

[G. O., No. 439-Fin. (Pension), dated 23rd October 1924.]

NOTE.—The specimen signatures referred to above should be duly attested by the head of the office.

(Pen. Mis. 3-15/79, dated 20th April 1926.)

(9) *Application*.—(a) It will be permissible in future for officers taking leave preparatory to retirement to submit their formal application for pension on proceeding on leave if they specifically declare that they propose to retire at the end of their leave. If the proposed date of retirement is definitely known, Audit Officers will verify the

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service wherever necessary and send their final report to the sanctioning authority. The pension may be sanctioned not more than one month before the date from which it is to take effect.

(b) When an officer is appointed direct from the Army to an appointment from which he will retire on a Civil pension, his Military service should be verified forthwith and the details handed over to the Civil Audit and Accounts Officer.

(c) The immediate verification of such military service should also be made in the case of Civil Officers now in the service who have had previous Military service whether prior to taking up a Civil appointment or during the Great War.

[G. O. No. 410-Fin. (Pension), dated 15th September 1924.]

(10) *Application*.—A certificate as follows should be furnished with each pension application:—

“I hereby declare that I have neither applied for nor received any pension or gratuity in respect of any portion of the service included in this application and in respect of which pension or gratuity is claimed herein, nor shall I submit an application hereafter without quoting a reference to this application and the orders which may be passed thereon.”

If the applicant has already received a gratuity or is in receipt of a pension, whether the gratuity or pension is granted in lieu of Civil pension or not, the certificate should be suitably modified so as to include the following particulars:—

- (a) Nature and amount of pension,
- (b) The period of service in respect of which it is paid, and
- (c) By whom it is paid.

[G. I. letters No. F.210-C.S.R./24, dated 18th October 1926, and F.347-C.S.R./27, dated 6th September 1927, recorded respectively in G. O. 694-Finance (Pension), dated 9th December 1926 and G. O. 927-Finance (Pension), dated 23rd September 1927. Case Pen. Mis. 3-19 of 1926-28.]

(11) *Average emoluments*.—Append a memorandum of calculation with reference to Articles 486 to 488, C. S. R. The calculation of average emoluments should be based on the actual number of days contained in each month.

(Case Pen. Mis. 3-27 of 1927-28.)

(12) *Character and conduct*.—State merely good, bad, fair or indifferent without remarks, which should be added only when absolutely necessary to a right understanding of the case.

(13) *Compensation pension* owing to reduction of establishment.—State why employment not found elsewhere and what the amount of savings effected is.

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- (14) *Delay*.—Explain any delay beyond a month in the submission of the application.

NOTE.—In every case in which an interval of more than six months occurs between the date of retirement of a subordinate and the issue of a pension order, a report shall, after the issue of the order, be submitted to Government by the Audit Officer concerned with the explanations of all officers or authorities responsible for the delay.

(G. O. No. 581-Pen., dated 29th October 1909.)

NOTE 2.—On a reference made by this office regarding the discontinuance of the above report the Madras Government have stated that they consider that the review by them of individual cases in which great delays occur still continues to be necessary in view of the fact that delays in the disposal of pension applications do not show any marked diminution.

[G. O. No. 62-Finance (Pension), dated 26th January 1934. Case Pen. Mis. 3-27 of 1933-34.]

- (15) *Foreign service* should, in every case, be supported by the Government Order sanctioning the transfer and a memorandum of the contributions paid.
- (16) *Gratuity*.—Inferior servants having sufficient superior service for pension are entitled to gratuity for inferior service though retired at 55 years of age.
- (17) *Gratuity*.—Inferior servants are entitled to separate gratuity for superior service in addition to gratuity for inferior service.
- (18) *Gratuity*.—Inferior servants adding superior service to inferior for combined pension are not entitled to gratuity for the former.
- (19) *History of service*.—Give date, month and year of the various appointments, promotions and cessations. For the purpose of adding together broken periods a month is reckoned as thirty days.
- (20) *History of service*.—When the applicant is acting, state his substantive appointment.
- (21) *History of service*.—Acting promotions need not be shown except in the case of officers whose allowance counts for pension under clause (h) of Article 486 of the Civil Service Regulations.
- (22) *History of service*.—All periods not reckoned as service should be distinguished and reasons for their exclusion given in the remarks column.
- (23) *Identification marks*.—Specify a few conspicuous marks, not less than four if possible.
- (24) *Leave irregularly granted*.—State officers responsible and amount of allowances overdrawn.

NOTE.—Leave erroneously granted to an officer prior to his retirement should if possible be retrospectively commuted into such leave as was admissible under the rules at the time he proceeded on leave.

(G. I. No. 5665-C.S.R., F. D., dated 31st October 1910.)

- (25) *Leave to inferior servants.*—Under Article 414, C. S. R., an inferior Government servant can count leave with and without allowances as qualifying service for pension up to the amount of leave “earned” under Chapters XII and XIV of the C. S. R.

(Auditor General's letter No. T.-75-A./25-33, dated 26th April 1933. Case Pen. Mis. 3-12 of 1933-34.)

- (26) *Leave of all kinds* (save privilege and casual) to be entered in detail.
- (27) *Leave to inferior servants without allowances.*—When treated as qualifying, specify (a) extent to which it could have been granted with allowances; (b) extent to which leave with allowances taken; and (c) the leave taken without allowances.
- (28) *Medical Certificate*: if granted after applicant has ceased to do duty, state cause of delay.
- (29) *Medical Certificate.*—Give reasons in case of retention in service after the grant of the certificate.
- (30) *Medical Certificate* should invariably accompany the application for an invalid pension.
- (31) *Medical Certificate* should state particulars required under Article 443 (b) in respect of applicant under 55 years, and the explanation of the head of the office should be given under head 5 on the third page of the application.
- (32) *Medical Certificate* should be granted only by Commissioned Medical Officers, District Medical Officers and Civil Surgeons and not by a Warrant Medical Officer, a Civil Apothecary or an Assistant or a Sub-Assistant Surgeon.
- (33) *Medical Certificate.*—The certifying officer should be one belonging to the same district, otherwise an explanation should be given.
- (34) *Name.*—Specify, in full, house, or country name of applicant and his father.
- (35) *Name.*—When initials or name of applicant are incorrectly given in the various records consulted, mention fact in forwarding the application, to avoid unnecessary references from the Accountant General.
- (36) *Probation.*—It should be stated whether the applicant was appointed on probation in a vacancy reserved for him pending completion of probationary period and whether he drew substantive pay during the above period.
- (37) *Resignation of service.*—The head of the office should state its cause when it involves a break of service.

(38) *Resignation of service.*—The head of the office should also state (1) whether he is in favour of condonation of such break, and (2) if he is, whether with or without a reduction of the pension or gratuity, otherwise admissible.

(39) *Retirement date.*—Service book, application and last pay certificate should correspond.

(40) *Retiring pension.*—An officer over 55 years of age need not necessarily be recommended for superannuation pension, if entitled to retiring or invalid pension.

(41) *Sanction.*—Opinion of sanctioning authority that the pension or gratuity claimed should be admitted should be recorded with reference to note (2) to Article 918 (b) to facilitate prompt issue of pension payment order.

(G. O. 551-Pen., dated 27th December 1915. Pen. Mis. 3-1 of 1915-17.)

(42) *Service.*—Cause of its termination in each appointment should be entered in service book and attested.

(43) *Service in an officiating appointment.*—If counting, state (1) whether the appointment was fully vacant, (2) whether another counted service during the period; and (3) how the original vacancy occurred, if the applicant came in a chain of arrangements.

(44) *Service in temporary post.*—State always whether or not the applicant retained a right to revert to his substantive appointment furnishing a copy of the Departmental Order.

(45) *Service book.*—State reason for omission of signature of the head of the office or that of the applicant in any case.

(46) *Superannuation.*—If ordered by Government, quote its order, number and date against head 5 in the third page of the application.

(47) *Suspension or dismissal.*—When the order does not contain full particulars, a brief statement thereof should be appended. If the order itself is not forthcoming a summary of available evidence should be sent with the application.

(48) *Transfer from qualifying to non-qualifying service under Government* should be supported by a copy of the authority, stating whether transfer was voluntary or made under competent authority.

(49) *Verification.*—In the column "how verified" in the history of services, note the class of records against the entries, such as pay bills, acquittance rolls, etc.

NOTE.—If certificates of verification of the service of an applicant for pension have been recorded in the service book from year to year, the periods of such service need not again be verified from pay bills, acquittance rolls, etc., at the time of preparation of his pension application.

(G. O. No. 613-Pen., dated 21st October 1912.)

(50) *Verification*.—When the fact of service in another office is not satisfactorily attested in the service book, a duly certified abstract from the head of that office should accompany the application.

(51) *Vernacular entries* should be accompanied by translations in English.

NOTE.—These directions will not in any way render a study of the Civil Service Regulations unnecessary.

Officer unfit for further service.

II. Where the immediate head of an office subordinate to the Divisional Officer finds an officer unfit for service and his examination by a medical officer is considered imperative, he should at once report the fact to the Divisional Officer forwarding a draft application for pension or gratuity, as the case may be, along with the service register. The Divisional Officer will forthwith send them to the Treasury Deputy Collector, who, after such further inquiry (if any) as may be necessary, should certify that the pension or gratuity application is ready for signature. On receipt of this certificate (but not till then) the Divisional Officer will address the Medical Officer requesting him to examine the officer and furnish him (the Divisional Officer) with a certificate as to his fitness or otherwise for further service. A copy of his letter to the Medical Officer should be sent to the Treasury Deputy Collector through the Collector. Immediately on receipt of the Medical Officer's certificate, the Divisional Officer will issue the necessary orders in case the officer is declared fit. In case the certificate declares him to be unfit for further service, the Divisional Officer will, without delay, forward it to the Treasury Deputy Collector through the Collector who will pass orders for the immediate preparation of the final application for pension or gratuity and communicate them to the Divisional Officer, so that effect may be given thereto by dispensing with the officer's services from the date of the medical certificate. The Treasury Deputy Collector will, without delay, prepare the pension or gratuity application and obtain the Collector's signature to it. As soon as the pension or gratuity application is submitted to the Accountant General, the Treasury Deputy Collector will inform the Divisional Officer. The Divisional Officer will if in any case there appears to be undue delay in the submission of the pension application (*i.e.*, if the Treasury Deputy Collector delays more than a month in informing him) invite the attention of the Treasury Deputy Collector to the delay in order to avoid the chance of a pension application being mislaid.

III. This procedure should be strictly observed, so that in future there may be no delay in the submission of pension applications to Government. The Collector should warn all Tahsildars, Deputy Tahsildars and Taluk Head Accountants that he will hold them personally responsible for neglect or disobedience in respect of these orders.

IV. This procedure should be followed also by officers of the other departments. The heads of these departments should nominate some officer of their respective departments for the due performance of the duties described in paragraph II above in lieu of the Treasury Deputy Collector, and should also define for their respective departments the term "Head of the office" as used in these rules.

V. The Heads of Departments have been requested personally to carry out the instructions issued in G. O. No. 38-Finance (Pension), dated 6th March 1919. They are required to give particular attention to the question of the scrutiny and periodical inspection of service books, and to punish suitably officers who fail to attend to their duties in this connection, as the delay in the disposal of applications for pension is apt to inflict extreme hardship upon deserving Government officers on their retirement.

[G. O. No. 246-Fin. (Pension), dated 11th July 1923.]

VI. To prevent delay in payment of a compassionate allowance to officers removed from service owing to delay in the submission of a formal application for admission to pension, the Government of India have decided that the following procedure should be adopted in future in cases relating to officers subject to the rule making control of the Secretary of State in Council and the Governor General in Council:—

(1) On receipt of the orders of the competent authority removing an officer from service for misconduct, insolvency or inefficiency, the head of the office, if he proposes to recommend the grant of a compassionate allowance should fill in the first page of the application for pension in Form 25, or the first and second pages of Form 26 (in Appendices to the C. S. R.) as the case may be, and send it to the Audit Officer concerned for report on the title to pension. The head of the office should not wait for an application in Form 26 signed by the officer.

(2) If the competent authority in issuing orders of removal states that a certain proportion of the invalid pension is to be granted as compassionate allowance no further sanction to pension is necessary and all that is required is that the Audit Officer should certify to the admissibility of the pension on a pension application completed and signed by the head of the office as provided in (1) above.

(G. I., F. D., No. F.-3-X-R. II/34, dated 3rd May 1934—Case P. V.-6-5 of 34-35.)

NOTE.—The Madras Government do not propose to make any change in the procedure followed in the grant of compassionate allowances to members of Provincial, Subordinate and Specialist services.

[G. O. No. 525-Finance (Pen.), dated 11th August 1934 filed in P. V. 6-5 of 34-35.]

[C. S. R.-911.]

If an applicant for pension or gratuity is dead at the time of submission of his pension application, or if he be insane and incapable of managing his affairs himself, the facts should be stated on the 3rd page of the application.

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Applications for pension from Deputy Collectors should be submitted to the Accountant General through the Board of Revenue, Land Revenue and Settlement.

[G. O. No. 224-Fin. (Pen.), dated 20th July 1925. Pen. Mis. 3-16 of 1925-26. G. O. No. Mis. 564-Fin. (Pension), dated 1st December 1925.]

*Submission to Government.***[C. S. R.-914.]**

1. The head of a department or office may, unless he has good reason for supporting it, would an application for a pension or gratuity which is by rule inadmissible. Where the power to sanction pensions has been delegated, the delegation should be held to include power to refuse a pension, subject to the applicant's right of subsequent appeal.

[G. O. No. 482-Fl. (Pension), dated 16th November 1920. Case No. Pen. Mis. 3-14 of 1920-21.]

2. In the case of police officers of rank not higher than head constables, the Inspector General of Police, may, without previous reference to the Audit Officer, allow claims to pension for the period only of continuous and verified service in the force in which at the time of application they are serving and if the pension is admissible under the strict letter of the rules. A report with the necessary particulars of identification will be made to the Accountant General. All other claims will be treated under the ordinary rules.

(C. S. R., Appendix 1, Part III, entry No. 40.)

*Premature Applications.***[C. S. R.-915 and 916.]**

Questions affecting pensions or pensionable service such as the following might be raised and considered as soon as they arise, instead of being postponed until the officer concerned retires or is about to retire.

- (1) Eligibility for new pension rules. (Article 349-A, C. S. R.)
- (2) Counting of military service for pension. (Articles 356 and 357-A, C. S. R.)
- (3) Counting of service for superior pension. (Articles 398 and 399, C. S. R.)
- (4) Counting of the period spent in training for pension. (Article 411, C. S. R.)
- (5) Counting of the period of suspension for pension. (Article 417, C. S. R.)

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- (6) Counting of past service of a dismissed officer re-instated. (Article 419, C. S. R.)
- (7) Commutation of periods of absence without leave into leave without allowances. (Article 421, C. S. R.)
- (8) Condonation of interruption in service. (Article 422, C. S. R.)
- (9) Eligibility for special additional pension. (Articles 475 and 475-A, C. S. R.).

[G. I., F. D., No. F. 6 (37)-R. II/36, dated 7th May 1936. G. O. No. 798-Finance (Pension), dated 11th September 1936. Case P V. 6-9 of 1936-37.]

[C. S. R.-916.]

A Government servant who desires to take leave preparatory to retirement should be treated as "about to retire" for the purpose of this article.

(Auditor General's letter No. 2-Admn.-1035-E.-26, dated 6th January 1927. Pen. Mis. 3-22 of 1926-27.)

SECTION II.—POWERS OF SANCTION.**[C. S. R.-918.]**

1. Cases in which any apparent objection to the grant of pension exists or any concession which is not within the powers of the authority or officer sanctioning the pension is prayed for or recommended, should continue to be submitted through the proper channel for the orders of the Government.

2. Where an officer has charge under different designations of more than one office as is the case, for instance, with the Director of Public Instruction as Commissioner for Government Examinations and certain Collectors as Political Agents, the powers granted to him in sanctioning pensions extend to all the offices of which he holds charge.

(G. O. No. 269-Pen., dated 3rd June 1910.)

3. Presidents of District Boards may sanction pension or gratuity admissible under Rule 93 of the Local Boards Manual to Local Fund servants whose appointments do not require the sanction of Government, provided that such claims are certified by the Accountant General to be admissible under the strict letter of the Civil Service Regulations.

(G. O. No. 460-L., dated 8th April 1910.)

4. This ruling does not refer to applications for gratuities in special cases falling under Rule 103 of the Local Boards Manual. Applications of this kind should, when they are beyond the sanctioning powers of the President, District Board, be submitted to Government in the Local Administration Department direct.

(G. O. No. 924-L., dated 30th July 1910.)

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5. The Government of India have ruled that the officer who has the authority to fill the appointment referred to in this Article need not necessarily be a Government servant and that the non-official President of a District Board will be competent to sanction pensions in the case of officers whose appointments, he is competent to fill up provided that the pension is certified by the responsible audit officer to be clearly and strictly admissible under rule.

(G. I., Dept. of Edn., No. 27, dated 5th November 1919, communicated in G. I., F. D., No. 1425-C.S.R., dated 2nd December 1919.)

6. The orders contained to G. O. Nos. 261-Pension of 21st April 1908 and 1909-Pension of 14th November 1907 merely prescribe that a pension may be sanctioned by certain officers in cases in which a responsible audit officer certifies it to be admissible under rule; they do not require that the Audit Officers should report on claims to pension which heretofore they have not reported on.

(G. I., No. 3944-P., F. D., dated 7th July 1908. G. O. No. 454-P., dated 20th July 1908.)

7. Officers competent to sanction pensions to their subordinates are informed that, though Article 373 of the Civil Service Regulations enables an officer holding substantively a qualifying post who has been promoted towards the close of his service to another vacant qualifying post subject to the condition of his undergoing a probation therein to count for pension the service and the pay drawn in the latter post, the full pension admissible should not be granted as a matter of course when such an officer has been reverted within the three years preceding retirement or has retired before confirmation. Cases in which a reduction of pension is recommended on the ground that the service of the officer during probation was not satisfactory should be submitted to Government with the pension papers for orders. Cases where full pension admissible is considered justifiable need not be so submitted.

[G. O. No. 584-Finance (Pen.), dated 1st October 1932, case Pen. Mis. 3-7 of 1932-33.]

SECTION III.—ANTICIPATORY PENSIONS.

Prevention of delay.

[C. S. R.-929.]

Pension applications should not be treated as papers which may be dealt with in ordinary course; but their disposal as well as subsequent references, if any, from the Accountant General or any other officer, should be regarded as urgent.

(G. O. No. 530-P., dated 14th July 1897.)

CHAPTER XLVIII.—PAYMENT OF PENSIONS.

SECTION II.—PAYMENTS IN INDIA.

Payment to Mysore, Travancore and Cochin Service pensioners from Government Treasuries.

[C. S. R.-939 Note.]

1. The Government of India have sanctioned the proposal of the Resident in Mysore that the Mysore State may be exempted from the operation of the ruling restricting the payment of pensions from Government Treasuries on behalf of Native States.

(G. I., F. D., No. 1471, dated 19th June 1885.)

2. The Government of India have sanctioned, as a special case, the request preferred by the Travancore and Cochin Durbars, that pensioners of the two States residing in the Madras Presidency may be permitted to draw their pensions from the British Treasuries nearest to their place of residence, the payments being subsequently recovered from the States.

(G. I., No. 3871-P., dated 30th July 1909 and G. O. No. 343-Pol., dated 4th August 1909—Case Pen. Mis. 12-3 of 1909-10.)

NOTE.—The transfer of payment of these pensions outside Madras Presidency is not admissible.

(Letter Pen. Mis. 1210-21, dated 15th April 1926—Case Pen. Mis. 12-61 of 1926-27.)

3. The Governor General in Council has sanctioned as a special case, in relaxation of the provisions of Note 1 under this article, the payment of pension to Civil pensioners of the Kashmir State residing in the Civil and Military Station, Bangalore at the British Indian Treasuries nearest to their places of residence, the payments being recovered from the Kashmir Government through the Accountant General, Punjab.

[G. I., F. D., letter No. F. 8 (2)-R. II/37, dated 26th May 1937—Case P. A. 9-14 of 36-37-38.]

Procedure relating to the payment of Hyderabad pensions from the British Treasuries.

4. The Accountant General, Hyderabad, will furnish the Accountant General in whose jurisdiction the pension is payable, with such particulars as are required by the latter, to arrange for its payment and to audit it finally. Pension payment orders should be issued in Form No. 27 of the Civil Service Regulations, and the procedure as regards identification, manner of payment, transfer of payment to another treasury in British India, renewal of payment orders, lapse and forfeiture, etc., should be the same as in the case of a British Indian Pensioner.

(Comptroller General's letter No. 624-A. & A./K. W.-797, dated 8th August 1919 and Accountant General's order, dated 17th September 1919—Case Pen. Mis. 4-1 of 1920-21.)

Procedure in cases of Suspicious Life Certificates.

[C. S. R.-949-C.]

Whenever any doubts are entertained in regard to a life certificate submitted under Article 949(c), Civil Service Regulations, the pensioner may be called upon to furnish such information and evidence as will satisfy the Accountant-General that the signature to the certificate is authentic. In cases where the pensioner resides out of India it would be well to ascertain if possible why the pension is drawn in India.

(G. I., F. D., No. 521, dated 31st January 1888.)

Deceased Pensioners.

[C. S. R.-959.]

Unpaid pension due to a deceased Government pensioner is movable property within the meaning of section 30 of the Madras City Police Act III of 1888, and can be paid to the Commissioner of Police if a pensioner dies intestate.

(Government Solicitor, No. 358, dated 8th July 1895.)

XVIIIth List of Corrections to the Madras Supplement to Civil Service Regulations.

No. 1.

Page 11—

Article 350 C. S. R.

Paragraph VII as numbered by C. S. No. 1 of XVII list, dated 8th July 1940—

Insert the following as a note under this paragraph :—

NOTE.—When an Officer appointed by the Secretary of State or the Secretary of State in Council other than a member of the I. C. S. who is not eligible for any special additional pension or is eligible only for the lower additional pension in respect of his post in the regular line is appointed as a member or chairman of a Public Service Commission under Section 265 of the Government of India Act 1935, the sanction of the Secretary of State is necessary to the grant to him of the special additional pension on a scale higher than that admissible to him in his regular line. The rules in the Madras Public Service Commission, Regulations, 1937, should be read subject to the limitation mentioned above.

G. I., H. D., letter No. 35/31/39-Estts., dated 20th July 1940 in case G.A. 6-4 of 1940-41.]

[XVIIIth List No. 1, dated 8th October 1940.]

No. 2.

Page 11—

Article 350 C. S. R.

Insert the following as paragraph X under this Article :—

X. If a Government servant is transferred from a permanent pensionable post to a permanent non-pensionable post carrying Contributory Provident Fund benefits, special orders of Government are necessary to protect the pensionary rights of the officer.

(G. O. No. Ms. 1474, Development, dated 24th June 1940. Case C. P. F. 11-1 of 1940-41 and Finance Endorsement No. 24091/Pen-1, dated 2nd July 1940.)

[XVIIIth List No. 2, dated 8th October 1940.]

No. 3.

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Article 369 C. S. R.

Insert the following as paragraph 1 under a new heading "Article 369 Civil Service Regulations" :—

1. Continuity of service in seasonal establishment and counting of 'out of employ' periods.

If a Government servant employed in a seasonal establishment was not on actual duty when the establishment was discharged or on the first day on which the establishment was again re-employed, his absence on the days on which the establishment was employed will constitute a break in service which requires to be condoned by the competent authority under Article 422 Civil Service Regulations to make the previous service qualifying.

Price anna 1 or 1½d.

The off-season spell occurring between two seasonal periods during which a Government servant was employed without 'break' as defined above, will count for pension under this Article even though he may be employed during that off-season in non-qualifying officiating vacancies.

(Deputy Accountant General's orders, dated 7th August 1940 ; File P. V. Rules and orders of 1940-41.)

[XVIIIth List No. 3, dated 8th October 1940.]

No. 4.

Pages 37-42—

Article 396 C. S. R.

Paragraph 8 under this Article—

(i) *Delete* item (XIII) under this para. inserted by correction slip No. 4 of 1st list.

(ii) *Insert* the following as paragraph 41 under this Article :—

41. All service in posts of technicians, laboratory attendants and telephone attender sanctioned after 4th September 1920, and all service in posts of laboratory supervisors sanctioned before 4th September 1920 in the King Institute, Guindy, are superior for the purposes of pension. Cases in which pensions were sanctioned before 5th March 1938 [date of G. O. No. 218 Finance (Pension)] should not, however, be reopened].

[G. O. No. Ms. 300 Finance (Pension), dated 20th May 1940 ; File P. V. (Rules and Orders) of 1940-41.]

[XVIIIth List No. 4, dated 8th October 1940.]

No. 5.

Pages 37-42—

Article 396 C. S. R.

Insert the following as paragraph 42 under this Article :—

42. Nine posts of ward attenders, and one post of carpenter in the Serum Institute, Madras, which were made permanent in G. O., No. 967 Development, dated 15th April 1939 have been classed as superior for purposes of pension with effect from 7th August 1940.

[G. O., No. Ms. 477, Finance (Pension), dated 7th August 1940 ; File P. V. Rules and orders of 1940-41.]

[XVIIIth List No. 5, dated 8th October 1940.]

No. 6.

Page 42—

Article 396 C. S. R.

Insert the following as paragraph 43 under this Article :—

43. The posts of attenders in the Offices of the Deputy Inspectors of Schools and Sub-Assistant Inspectresses of Schools have been classed as superior for purposes of pension with effect from 23rd August 1940.

[G. O. No. Ms. 528, Finance (Pension), dated 23rd August 1940 ; File P. V. Rules and orders of 1940-41.]

[XVIIIth List No. 6, dated 8th October 1940.]

No. 7.

Page 58—

Article 442, C. S. R.

Insert the following as para. 4 (A) under this Article :—

Honorary Surgeons and Physicians may issue certificates, invaliding for further service, Government servants who are patients in their wards on receipt of a requisition from the Heads of Offices or Departments to which the Government servants belong.

Such invaliding certificates issued in Madras city should be countersigned by the Surgeon General.

[Rule 12 of the rules appended to G. O. No. 3600-P. H., dated 23rd December 1937 (G. A. No. 9-28 of 1937-39 and telephone message, dated 2nd September 1940 from the Surgeon General with the Government of Madras); File P. V. Rules and orders of 1940-41.]

[XVIIIth List No. 7, dated 8th October 1940.]

No. 8.

Page 78—

Article 487, C. S. R.

Insert the following as Note under paragraph 14 :—

' NOTE.—In the case of officers who worked under Heads of Departments other than the department in which they are permanently borne, *e.g.*, Deputy Collectors working under Heads of Departments other than the Board of Revenue, the declaration should be issued by the Head of the Department under whom they were actually working. '

[Madras Government, Finance (Pension) Memorandum No. 23498-Pen-2, dated 13th July 1940; P. V. File Rules and orders of 1940-41.]

[XVIIIth List No. 8, dated 8th October 1940.]

OFFICE OF THE ACCOUNTANT GENERAL,
FORT ST. GEORGE, MADRAS.

}

V. S. SUNDARAM,
Accountant General.

XXIII List of Corrections to the Madras Supplement to C. S. R.

No. 1.

Page 11, Article 350, C. S. R.—Insert the following as paragraph XIII under the Article :—

XIII. Sri M. V. Mangrulkar, Lecturer in Pathology and Bacteriology, Madras Veterinary College, has been admitted, as a special case, to the contributory provident fund (Madras). He will therefore not be eligible for pension.

(G. O. No. Mis. 1409-Development, dated the 5th August 1941, Finance Department endorsement No. 23822-Pen. 1, dated the 11th August 1941. Case Fds.-11-2 of 1940-41.)

[XXIII List, No. 1, dated the 5th January 1942.]

No. 2.

Page 27, Article 358, C. S. R.—Insert the following as paragraphs 2 and 2-A under the Article :—

2. When a Government servant under the control of the Madras Government, who has no previous military service, states on recruitment only his age, but not the year of his birth, the year should be arrived at by deducting from the year of recruitment the stated age and then the date of birth should be taken as the 1st July of that year.

(Madras Government, Finance Department, Memorandum No. 40249-2-C. S. R., dated the 1st December 1941, P. V. R. & O. file of 1941-42.)

In the case of Government servants under the Government of India the date of birth is fixed as in the case of persons with previous military service—*vide* sub paragraph to paragraph 2-A below :—

2-A. When a military employee is transferred to a Civil Department whether under the Madras Government or the Government of India and assumes a civilian status, the date of birth to be entered in his service book should be the date stated by him at the time of attestation.

(G. O. No. Mis. 411-Finance (Pension), dated the 24th September 1923, recording Government of India letter No. 1450-C. S. R., dated the 24th August 1923. Case Pen. Mis. 3-14 of 1923-24.)

Price anna 1 or 1½d.

When the documents referring to the previous military service of an individual do not give the definite date of birth but only the age stated at the time of attestation, he should be assumed to have completed the stated age on the date of attestation, *e. g.*, if an *ex*-soldier was enrolled on 1st January 1910, and if, on that date, his age was stated to be 18, his date of birth should be taken as 1st January 1892. This procedure will apply to cases arising on or after 20th May 1938, in the case of Central Government servants and on or after 27th June 1938, in the case of Madras Government servants.

(Government of India, Finance Department, letter No. F. 6 (23) R. 11/38, dated the 20th May 1938, and G. O. No. 227-Finance, dated the 27th June 1938. Case P. V. 6-16/38-39.)

[XXIII List, No. 2, dated the 5th January 1942.]

No. 3.

Pages 37-42, Article 396, C. S. R.—Insert the following as a Note under paragraph 30 under the Article as introduced by Correction Slip No. 7, dated the 11th October 1938 :—

NOTE.—P. Seethapathy Naidu, attender in the Office of the Registrar-General of Births, Deaths and Marriages, has, however, elected to remain in inferior service. The option thus exercised is final.

(G. O. No. Mis-733, Finance (Pension), dated the 27th November 1941, and letter No. C. 153-1, dated the 13th December 1941, from the Registrar-General of Births, Deaths and Marriages. P. V. R. & O. file of 1941-42.)

[XXIII List No. 3, dated the 5th January 1942.]

No. 4.

Page 42, Article 396, C. S. R.—Insert the following as paragraph 49 under the Article :—

49. The post of wiremen, assistant drivers, assistant gas maker and mortuary attendants in the Government General Hospital, Madras, have been classed as superior for purposes of pension with effect from 14th October 1941, the date of the order quoted below.

(G. O. No. Mis. 620-Finance (Pension), dated the 14th October 1941. P. V. Rules and Orders file of 1941-42.)

[XXIII List, No. 4, dated the 5th January 1942.]

No. 5.

Page 52, Article 420, C. S. R.—Insert the following as paragraph 4 under the Article :—

Overstayal of joining time.

4. Overstayal of joining time is not covered by any of the exceptions specified in Article 420, Civil Service Regulations. An overstayal of joining time, therefore, entails forfeiture of past service, under the rule as it stands, unless it is regularised, say, by extension of joining time, or condonation of the interruption under Article 422, Civil Service Regulations or conversion of the entire period of absence, i.e., joining time and its overstayal, into any leave to which the officer may be entitled under the rules.

(Letter No. T. 452-A.-145-41, dated the 8th July 1941, from the Auditor General of India to the Accountant General, Central Provinces and Berar, copy received with the latter's endorsement No. P. 50-1/4778, dated the 27th November 1941. P. V. R. & O. file of 1941-42.)

[XXIII List, No. 5, dated the 5th January 1942.]

No. 6.

Page 58, Article 442, C. S. R.—Insert the following as paragraph 4-B under the Article :—

Invaliding Certificates granted by the Residency Surgeon, Trivandrum.

4-B. The Residency Surgeon, Trivandrum, is deemed to be a Civil Surgeon for the purpose of granting certificates of unfitness for further service. Such certificates need not be countersigned by the Surgeon General. But all cases in which it is certified that the incapacity is due to irregular or intemperate habits should be submitted to Government for orders through the proper channel, together with the opinion of the Surgeon General.

(G. O. No. 747-Finance (Pension), dated the 5th December 1941. P. V. R. & O. file of 1941-42.)

[XXIII List, No. 6, dated the 5th January 1942.]

No. 7.

Page 58, Article 442, C. S. R.—Insert the following as paragraph 5-B under the Article :—

5-B. In the case of a Government servant serving in the presidency town the medical certificate invaliding him should be signed or countersigned by the Surgeon General. If the certificate is granted by a

medical officer in charge of a district on account of the fact that he was spending his leave in that district, the certificate so granted should be got countersigned by the Surgeon General.

(A. G.'s orders, dated the 16th August 1941. Case D.2/41-42.)

[XXIII List, No. 7, dated the 5th January 1942.]

No. 8.

Page 72, Article 486, C. S. R.—Insert the following as a Note under paragraph 5 under the Article :—

NOTE.—In cases where the conditions of Article 486 (h), Civil Service Regulations, are fulfilled the concession of counting officiating allowances as emoluments for pension is admissible to Provincial Service Officers officiating in All India Services posts. This decision issues with the concurrence of the Government of India.

(Letter No. 430-A/186-41, dated 14th November 1941, from the Auditor General of India to the Accountant General, United Provinces, copy received with Auditor General's endorsement No. 431-A/186-41, dated the 14th November 1941. P. V. Rules and Orders file of 1941-42.)

[XXIII List, No. 8, dated the 5th January 1942.]

OFFICE OF THE ACCOUNTANT GENERAL,
FORT ST. GEORGE, MADRAS ;
Dated the 5th January 1942.

J. SANTOS,
Accountant General.

26th List of Corrections to the Madras Supplement to the Civil Service Regulations.

No. 1. *Page 114, Article 924 (b) C. S. R.*—Insert the following as a paragraph under this article :—

The Government of India have decided that all pensions sanctioned on or after 28th May 1942, under Article 924(b) C. S. R., should be sanctioned with reference to the prevailing cost of living and that no temporary increase in pension with reference to G. I. Resolution No. 55 C. S. R., dated the 14th January 1921, should be allowed.

(Letter No. F. 7-(1)-R. II-42, Government of India, Finance Department, Simla, dated the 28th May 1942, forwarded with endorsement No. 315-A-137-41, dated the 5th June 1942 of the Auditor-General of India. P. V. Rules and Orders, file 1 of 1942-43.)

[26th List of Correction Slip No. 1, dated the 8th October 1942.]

No. 2. *Page 114, Article 924 (b) C. S. R.*—Insert the following as paragraph 1 (b) renumbering the existing paragraph as 1 (a) :—

1. (b) The decision of the Government of India contained in sub-paragraph (a) above will apply to pensions sanctioned by the Madras Government under this article.

(G. O. No. 338-Ms.-Finance (Pension) Department, dated the 15th July 1942. P. V. Rules and Orders, file 1 of 1942-43.)

[26th List of Correction Slip No. 2, dated the 8th October 1942.]

No. 3. *Page 11, Article 350, C.S.R.*—Insert the following as No. 1, numbering the note inserted by Correction Slip No. 1 of XVIII List, dated the 8th October 1940, as "Note 2":—

Paragraph VII as numbered by Correction Slip No. 1 of XVII List, dated the 8th July 1940.

NOTE 1.—The intention of regulation 9 of the Public Service Commission Regulations, 1937, is that in respect of non-officials including Government pensioners appointed to the Commission, no pension shall attach to the office of Chairman or Member as such, but in the case of officers who were in service at the date of their appointment to the Commission, service as Chairman, or Member shall count for pension though they may not retain a lien on their previous pensionable posts.

(Madras Government, Public Services Department, Memoranda Nos. 8816-6, dated the 2nd August 1941 and 12254/42-4, dated the 18th May 1942, filed in case P. V. Mis. 3 of 1941-42-43.)

[26th List of Correction Slip No. 3, dated the 8th October 1942.]

No. 4. *Pages 37-42, Article 396 C. S. R.*—Insert the following as Note under this paragraph :—

Paragraph 26 as inserted by Correction Slip No. 2, dated the 11th October 1938.

NOTE.—Such of the attenders of the Central Survey Office, as were in service on the date of issue of G. O. No. Ms. 6-Finance (Pension), dated the 4th January 1938, should be given the option of choosing in writing, to continue to have their service treated as inferior for purposes of pension, thereby being eligible for retention in service up to 60 years and above. The option once exercised will be final.

(G. O. No. Ms. 1049-Rev. Dept., dated the 5th May 1942, communicated with endorsement No. 1460 (Pen.)-1, dated the 15th May 1942 of the Finance (Pension) Dept. Case P. V. R. and O. 4 of 1941-43.)

[26th List of Correction Slip No. 4, dated the 8th October 1942.]

No. 5. *Page 94, Article 723 C. S. R.*—Add the following as a Note under paragraph 1 under this article as introduced by Correction Slip XIII List, (4) dated the 5-10-1939. :—

NOTE.—The rules in paragraph 1 above are extended to corresponding classes of persons under the rule-making control of the Crown Representative, i.e., excluding those who but for the passing of the Government India Act, 1935, would have remained under the rule-making control of the Secretary of State.

(His Excellency Crown Representative's No. F. 31 (4)-E/42, dated the 7th February 1942 and Memorandum No. F. 31 (4)-E/42, dated the 13th July 1942, (P. V. R. and file 1 of 1942-43.)

[26th List of Correction Slip No. 5, dated the 8th October 1942.]

No. 6. Pages 37-42, Article 396 C. S. R.—Insert the following as paragraph 51 under the article :—

51. The posts of attenders in the Arts and Professional colleges, office of the Inspectress of European Schools, Madras, Office of the Registrar of Books, Madras, and the Government Oriental Manuscripts Library, Madras, have been classed as 'Superior' for purposes of pension with effect, from 2nd March 1942.

NOTE.—Such of the attenders in the offices mentioned in paragraph 51 above as were in service on the date of issue of G. O. No. Ms. 101, Finance (Pension) Department, dated the 2nd March 1942 should be given the option of choosing in writing to continue to have their service treated as inferior for purposes of pension thereby being eligible for retention in service up to 60 years and above. The option once exercised is final.

(G. O. No. Ms. 101-Finance (Pension) Department), dated the 2nd March 1942, P. V. R. and O., file 1-4 of 1941-43.)

[26th List of Correction Slip No. 6, dated the 8th October 1943.]

No. 7. Page 62, C. S. R. 465.—Insert the following immediately below the existing heading "Section V—Retiring Pension" :—

Article 465 as amended by the Madras Government.

(1) A retiring pension is granted to an officer who is permitted to retire after completing qualifying superior service for thirty years or such less time as may for any special class of officers be prescribed.

(2) "A retiring pension is also granted to a member of a subordinate service who is required to retire on the ground of inefficiency after completing qualifying superior service for 25 years or more.

The power to retire a member of a subordinate service under this clause is exercisable by the authority competent to fill the appointment held by the officer. The officer concerned shall be given a reasonable opportunity to show cause against the proposal to retire him before an order of compulsory retirement is passed and he shall also be allowed a right of appeal against such an order. The appellate authority shall be the authority competent to entertain appeals against removal from service."

These amendments also apply to members of subordinate services now in service under the rule-making control of the Madras Government.

(G. O. No. 176-Finance (Pension) Department, dated the 27th March 1942, P. V. R. and O., file 1-1 of 1942-43.)

[26th List of Correction Slip No. 7, dated the 8th October 1942.]

No. 8. Page 65, C. S. R. 474.—Insert the following above the existing paragraphs under this article :—

Amendments to the Civil Service Regulations made by the Madras Government.

To Article 474 (b) of the said Regulations the following proviso shall be added, namely :—

"Provided that a member of a subordinate service who is required to retire on the ground of inefficiency after completing qualifying superior service for 25 years or more shall be eligible for a pension not exceeding the scale prescribed in Article 474-A. (ii) (a) "

The amendment will also apply to members of subordinate services now in service under the rule-making control of the Madras Government.

(G. O. No. 176-Finance (Pension) Department, dated the 27th March 1942, P. V. R. and O., file 1-1 of 1942-43.)

[26th List of Correction Slip No. 8, dated the 8th October 1942.]

No. 9. Page 116, Appendix 1.—"The Central Civil Services (Extraordinary Pension) Rules—

Quote the following as an additional authority under Appendix I as introduced by Correction Slip 25th List No. 1, dated the 7th July 1942 :—

(H. E. Crown Representative No. F. 31 (4)-E/42, dated the 24th July 1942. P. V. R. and O., file 1 of 1942-43.)

[26th List of Correction Slip No. 9, dated the 8th October 1942.]

No. 10. Page 51, Article 411 C. S. R.—Insert the following as paragraph 5 under this article :—

5. Training of all kinds counts as service for the purpose of pension in the case of subordinate officers of the Police Department.

(G. O. No. 329-Financial, dated the 24th May 1917, quoted in Appendix D to the Madras Supplement to the Civil Service Regulations, 5th Edition, 1918, P. V. R. and O., file 1-1-1942-43.)

[26th List of Correction Slip No. 10, dated the 8th October 1942.]

No. 11. Page 94, Article 728 C. S. R.—Insert the following as paragraph 5 under the article :—

5. The Central Civil Services (War Injuries Pension) Rules, 1942, promulgated by the Government of India, have been reproduced as Appendix 6 to the supplement.

NOTE.—The provisions contained in the rules mentioned in paragraph 5 above have been extended *mutatis mutandis* to corresponding classes of persons under the rule-making control of the Crown Representative, i.e., excluding those who but for the passing of the Government of India Act, 1935, would have remained under the rule-making control of the Secretary of State.

(Government of India, Finance Department, Notification No. F. 18 (4)-W/42, dated the 11th June 1942, Crown Representative No. F. 31 (20)-242, dated the 10th July 1942, R. O., file 1 of 1942-43.)

[26th List of Correction Slip No. 11, dated the 8th October 1942.]

No. 12. Page 116.—Insert the following as Appendix 6 to the Madras Supplement to the Civil Service Regulations :—

APPENDIX 6.

The Central Civil Services (War Injuries Pension) Rules, 1942, (Vide paragraph 5 under Article 728 C. S. R.).

1. These rules may be called the *Central Civil Services (War Injuries Pension) Rules, 1942*.

2. In these rules—

“duty” has the meaning assigned to that expression in Rule 9 of the Fundamental Rules ;

“War injury” * has the meaning assigned to that expression in section 2 of the War Injuries Ordinance, 1941 (No. VII of 1941).

“War injury” means a physical injury—

(a) caused by—

(i) the discharge of any missile (including liquids and gas), or

(ii) the use of any weapon, explosive or other noxious thing, or

(iii) the doing of any other injurious act, either by the enemy or in combating the enemy or in repelling an imagined attack by the enemy ; or

(b) caused by the impact on any person or property of any enemy aircraft, or any aircraft belonging to or held by any person on behalf of or for the benefit of His Majesty or any allied power, or any part of, or anything dropped from, any such aircraft.

3. Where a person to whom the Central Civil Services (Extraordinary Pension) Rules apply sustains a war injury while on duty, or dies of a war injury so sustained, awards shall be made in accordance with the provisions of those rules as if the injury were received as a result of risk of office :

Provided that if the authority making an award is satisfied that the war injury has been received as a result of “Special risk” as defined in Rule 3 of the said rules, the award shall be made in accordance with the provisions of those rules as if the injury were received as a special risk of office.

4. Where a person to whom the rules in Chapter XXXVIII of the Civil Service Regulations apply sustains a war injury while on duty otherwise than on service with a military force, or dies of a war injury so sustained, awards shall be made in accordance with the provisions of those rules as if the injury were received in the performance of a duty which had the effect of increasing his liability to injury or death beyond the ordinary risk of the civil appointment held by him.

5. Nothing in these rules shall be deemed to authorise or require the making, in respect of the same injury,—

(a) of an award under Rule 3 of these rules as well as an award under the Central Civil Services (Extraordinary Pension) Rules ; or

(b) of an award under Rule 4 of these rules as well as an award under Chapter XXXVIII of the Civil Service Regulations.

(Government of India, Finance Department, Notification No. F. 18 (4)-W/42, dated the 11th June 1942, P. V. R. and O., file 1 of 1942-43.)

[26th List of Correction Slip No. 12, dated the 8th October 1942.]

OFFICE OF THE ACCOUNTANT-GENERAL,
MADRAS AT BANGALORE ;
Dated 1943.

(Sd.) T. R. SADASIVAM,
Accountant-General.

27th List of Corrections to the Madras Supplement to the Civil Service Regulations.

No. 1. *Page 35, Article 376 C. S. R.*—Insert the following as paragraph 13 under this Article:—

Indian Army Reservists in Civil employ.

13. As under military rules the entire period spent by a reservist in reserve (including the period spent in training) counts for *military* pension, the question of counting the whole or a part of this period towards *civil* pension does not arise.

(G. O. No. Ms.-2571 Public (War) Department, dated the 21st August 1942, P. V. R. & O., file 1 of 1942-43.)

[27th List of Corrections, Slip No. 1, dated the January 1943.]

No. 2. *Page 42, Article 396 C. S. R.*—Insert the following as paragraph 23(b) renumbering the existing paragraph as 23(a):—

23(b) The post of a senior attender on a pay of Rs. 20—1—35 in the Madras States Agency Office, Trivandrum, is transferred from the inferior to the Superior Category. This decision will apply also to the Senior attender, S. Rama Ayyar.

(Memorandum No. F. 22(12) E-42, dated the 21st August 1942 of H. E. The Crown Representative P. V. R. & O., file 1-4 of 1941-43.)

[27th List of Corrections, Slip No. 2, dated the January 1943.]

No. 3. *Page 94, Article 728 C. S. R.*—Insert the following as paragraph 6 under the Article.

Paragraph 6.—Disability pension—Auxiliary Nursing Staff employed on Civil Defence duties.

6. If a member of the Auxiliary Nursing Staff, India, employed in civil defence is retired on account of a disability attributable to service, such member may be granted a disability pension at the rate of Rs. 45 a month for total disability and a proportionate rate for less disability down to 20 per cent. The rate and continuance of the disability pension shall depend on the degree and duration of the disablement. No disability pension shall be admissible for a disability of less than 20 per cent.

A member who voluntarily relinquishes her appointment or who is discharged for misconduct shall not be eligible for disability pension.

If a member who is in receipt of a disability pension refuses unreasonably to undergo an operation or other medical treatment which in the opinion of the regulated medical authority would reduce the degree of disablement, the disability pension may be forfeited or reduced at the discretion of the Government of India.

A member of the Auxiliary Nursing Staff who prior to her transfer to Auxiliary Nursing Staff was governed in the matter of extraordinary pensions by Chapter XXXVIII C. S. R., will have the option of electing to draw disability pension under the Provisions of this paragraph or under the Central Civil Services (War Injuries Pension) Rules 1942.

(Government of India, Finance Department No. (F.1.) 1(187)-W/42, dated the 6th October 1942, forwarding Government of India, Civil Defence Department No. 9-2/42-M. A. R. P., dated the 25th September 1942—Amendment to the Annexure to the Civil Defence Department, letter No. 78/184/41-A. R. P., dated the 2nd March 1942—T. 3. A. R. P. 1942-43.)

[27th List of Corrections, Slip No. 3, dated the January 1943.]

No. 4. *Page 65, Article 474 C. S. R.*—Substitute the following for the second sentence in paragraph 3 below Article 474, Civil Service Regulations:—

The Hon'ble the Chief Justice, Madras, has with the approval of His Excellency the Governor, declared, that the Registrar of the High Court, Madras, as a full member of the service, shall be eligible for pension at the rates specified in rules 13(a) and 14 of the Superior Civil Service Rules—*Vide*, rule 16 of the Madras High Court Service Rules framed by the Chief Justice.

(G. O. Ms. No. 1360, Home Department, dated the 31st March 1942—Case T. 6. P. A.-3-1 of 1942-43.)

[27th List of Corrections, Slip No. 4, dated the January 1943.]

No. 5. *Page 90*—Insert the following as a new paragraph:—

-C. S. R. 551.—In the case of an I. C. S. Probationer trained in India the date on which he joins his appointment or the date on which he reports his arrival at the headquarters of his

Province for the purpose of joining his post should be treated as the date of first arrival in India.

(Government of India, Home Department letter No. 35/44/41-Establishment, dated the 3rd September 1942, addressed to Provincial Governments. G. A. Case, 6th October 1941-43.]

[27th List of Corrections, Slip No. 5, dated the January 1943.]

No. 6. Page 94, Article 728 C. S. R.—Insert the following as paragraph 7 under this article:—

7. The rules contained in Chapter XXXVIII of the Civil Service Regulations and those in the Central Civil Services (Extraordinary Pension) Rules will apply to the Vizagapatam and Cochin Port employees in the event of their sustaining war injuries.

(Government of India, Department of War Transport 10-P, (107) 42, dated the 8th October 1942—R. and O. file 1 of 1942-43.)

[27th List of Corrections, Slip No. 6, dated the January 1943.]

No. 7. Page 52, Article 420 C. S. R.—Substitute the following for the existing paragraph 4, under the article as introduced by Correction Slip XXIII, List No. 5, dated the 2nd January 1942:—

4. Overstayal of joining time is not covered by any of the exceptions specified in Article 420, Civil Service Regulations. An Overstayal of joining time, therefore, entails forfeiture of past service under the rule as it stands unless it is regularised, say, by extension of joining time, or condonation of the interruption under Article 422, Civil Service Regulations or by grantings Leave on Average Pay to cover the period of overstayal, the officer being deemed to have proceeded on leave from the date of relief at the old station and then to have availed himself of the joining time under Fundamental Rule 105(b).

(i) The entire period of absence, i.e., joining time and its overstayal would, however, require to be regularised by conversion into any leave to which the officer may be entitled under the rules, only in cases where leave entitling an Officer to joining time at the end of it cannot be granted to cover the period of overstayal.

As regards powers of the Provincial Government to condone interruptions in the pensionable service of Secretary of State's Officers—*Vide* paragraph 5 under Article 422, Civil Service Regulations.

(Letter No. T. 452-A-145-41, dated the 8th July 1941, from the Auditor General of India to the Accountant General, Central Province and Berar, copy received with the letters Endorsement No. P. 50-1-4778, dated the 27th November 1941 and Madras Government U. O. Note No. 100-3 C. S. R., dated the 12th February 1942 of the Finance (C. S. R.), Department Case P. V. R. & O.—3 of 1941-42, and this office U. O. reply No. P. V. R. & O.—3-1101, dated the 26th June 1942.)

[27th List of Corrections, Slip No. 7, dated the January 1943.]

No. 8. Page 64, Article 470 C. S. R.—Insert the following as paragraph 4 under Article 470 C. S. R.:—

4. In the case of an officer appointed by the Secretary of State retiring after 1st April 1937, the award of a pension less than the maximum pension allowable under the rules cannot under Section 247(6) of the Government of India, Act, 1935, be made without the consent of the Secretary of State. The term "maximum pension allowable under rules" within the meaning of this section must be taken to mean the maximum which can be allowed, if any discretion left to the Provincial Government is exercised *in favour* of the officer, and not any reduced amount which the Provincial Government can allow in any particular case by exercising the discretion against the Officer, e.g. the discretion to decide whether the Officer has rendered approved or satisfactory service for the purposes of Article 470(b) and 643 C. S. R. This ruling does not however, apply to decisions involving acts of grace (e.g., the condoning of a deficiency in service) or doubtful points concerning the nature of a Government servant's service (e.g., whether a particular period of temporary or Officiating service does or does not count for pension). These and other corresponding questions may be decided by the Competent authorities under the rules as they stand.

(Auditor General's U. O. I. No. 152-A/223-37, dated the 10th March 1938. P. V. Case, 6-28 of 1937-38 and 1939-40.)

[27th List of Corrections, Slip No. 8, dated the January 1943.]

No. 9. Page 116, Appendix 5.—Insert the following as Note 5 in this Appendix:—

NOTE 5.—If during the period of 'one year immediately before retirement' referred to in rule 3(a) a Government servant has been absent from duty on leave without allowances the period of such leave should be disregarded in the calculation of the average, an equal period before the one year being included against Rule 2 below Article 487 Civil Service Regulations.

(Government Memorandum No. 17874/42-1—Finance (Pension), dated the 27th October 1942—P. V. File R. & O. of 1942-43.)

[27th List of Corrections, Slip No. 9, dated the January 1943.]

No. 10. Page 53, Article 422 C. S. R.—Insert the following as paragraph 5, under this article :—

Powers of Governments in India to condone interruptions in the pensionable service of Secretary of State's Officers.

5. The exercise of Powers by the Provincial Government in the matter of condonation of of interruptions in service should properly be treated as an "act of discretion" rather than an "act of grace" particularly for the reason that an interruption in service, if not condoned, involves a forfeiture of past service and would thus result in a diminution in pension.

According to the literal interpretation of Article 422 Civil Service Regulations a Government in India is competent to exercise the power under this article, but since this will be an "act of discretion" on the part of the Government it will be permissible for it to do so only if its decision is *in favour* of the Officer. If otherwise, the consent of the Secretary of State is required under Section 247(6) of the Government of India Act of 1935 as a decision taken by it which will result in any diminution of the pension that will be admissible had condonation been sanctioned unconditionally, would mean an "award of a pension less than the maximum pension allowable under rules"—*Vide* also paragraph 4, under Article 470, Civil Service Regulations.

This view has the concurrence of the Government of India.

(Auditor General's U. O. Reply I, No. 759-A-197-42, dated the 26th September 1942. P. V. R. & O.—1-1 of 1941-43.)

[27th List of Corrections, Slip No. 10, dated the January 1943.]

No. 11. Page 35, Article 376 C. S. R.—Insert the following as paragraph 14 under this article :—

Civil Pioneer Force.

14. Under rule 13 of the Civil Pioneer Force Rules; service in the Force is non-pensionable. In the case of an enrolled person who at the time of his enrolment was in the permanent service of the Crown, the service with the Force will count as service for pension.

(G. I., Department of Labour, P. F. 41, dated the 28th October 1942, T. M. No. 7-1 of 1942-43, P. V. R. & O. File 1942-43.)

[27th List of Corrections, Slip No. 11, dated the January 1943.]

No. 12. Page 116, Appendix 5.—Insert the following as Note 6 in this Appendix :—

NOTE 6.—If the date of birth of a person in the non-pensionable service cannot be correctly ascertained even by adopting the procedure laid down under Fundamental Rule, he may be sent to a Government Medical Officer, for estimating his age.

(P. W. D.—Memorandum No. 3478 IV/42-1, dated the 30th October 1942, P. V. R. & O. file 41 of 1941-42-43.)

[27th List of Corrections Slip, No. 12, dated the January 1943.]

No. 13. Page 116, Appendix 5.—Substitute the following for the existing Note 3 in this Appendix :—

NOTE 3.—In the case of Government servant who officiated in a pensionable post but retired without being eligible for pension and who was subsequently employed in a non-pensionable post, his former officiating service in the pensionable post may be combined with his subsequent service in the non-pensionable post for the purpose of grant of gratuity under the Retiring and Invalid Gratuities (Non-pensionable Service) Rules, 1941.

(Finance Endorsement 9253-Pen-1, dated the 5th August 1942, on G. O. No. 1658-Revenue, dated the 29th July 1942—Pension Verification Case B-24/42-43 and B-52 of 1941-42).

[27th List of Corrections, Slip No. 13, dated the January 1943.]

No. 14. Page 116, Appendix.—Add the following as a sub-paragraph in Note 2, inserted by C. S. No. 8 of XXIV List, dated 12th May 1942 :—

NOTE 2.—"In the case, however, of a person who is re-employed in non-pensionable service after having been granted a gratuity, Civil or Military, for his previous service in pensionable establishment he will be eligible for a gratuity under the Madras Retiring and Invalid Gratuities (Non-pensionable Establishment) Rules 1941 in respect of his service subsequent to re-employment. His service in pensionable establishment prior to re-employment will be ignored for the purpose of determining the amount of gratuity admissible under these rules."

(G. O. No. 159-Fin. (Pension), dated the 25th March 1942, (P. V. R. & O. 1942-43).)

[27th List of Corrections, Slip No. 14, dated the January 1943.]

OFFICE OF THE ACCOUNTANT-GENERAL,
MADRAS, AT BANGALORE;
Dated.....194 . }

MGIPC—S5—IV-6-22—6-1-44—1,500..

T. R. SADASIVAM,
Accountant-General.

28th List of Corrections to the Madras Supplement to the Civil Service Regulations (Pension portions only).

No. 1. Page 58, Article 442 C. S. R.—Insert the following as paragraph 4-C under this article:—

4-C. The Governor General has decided that certificates granted for the purpose of Article 442(d) by a District Medical Officer of the Mysore State who is in possession of any of the qualifications included in the schedule to the Indian Medical Council Act, 1933 (XXVII of 1933) may be accepted.

[Finance Officer's (Communications/Postal)—Endt. No. E.S.B.-61-7-38; dated the 11th October 1939 (copy in P. V. case A.-79 of 1942-43.)]

[28th List of Corrections, Slip No. 1, dated the 12th July 1943.]

No. 2. Page 35, Article 376 C. S. R.—Insert the following as sub-paragraph to Paragraph 13 introduced by Correction Slip No. 1, dated the 6th January 1943 of 27th list:—

The above decision will apply also to Royal Indian Fleet Reservists, as under Naval Rules the entire period spent by a reservist in reserve (including the period spent in training) counts for Naval Pension.

[G. O. Ms. No. 3432-Public (War) Department, dated the 26th October 1942—P. V. R. and O.—1-1 of 1942-43.]

[28th List of Corrections, Slip No. 2, dated the 12th July 1943.]

No. 3. Page 84, Article 520 C. S. R.—(i) Substitute the following for the existing paragraph 7:—

7. The Government of India have, in consultation with the Auditor General of India, decided that all Indian Universities incorporated by Law for the time being in force in British India are, for the purpose of Article 520 of the Civil Service Regulations, "Local Funds" as defined in Article 33 of the Civil Service Regulations.

(G. I., Department of Edn., Health and Lands letter No. F.-14-14/41-E, dated the 13th November 1942, communicated with Madras Government Order Ms. No. 24-Edn., Education and Public Health Department, dated the 5th January 1943, filed in case No. T.M.-15-36 of 1942-43.)

[28th List of Corrections, Slip No. 3, dated the 12th July 1943.]

No. 4. Page 84, Article 520 C. S. R.—(ii) Insert the following as a new paragraph 8:—

8. The Government of India have decided that the proper authority to accord sanction under Article 520, Civil Service Regulations, to the re-employment of a retired officer who was previously under the rule-making control of the Secretary of State is now the Governor General in Council or the Provincial Government concerned according as the post previously held by the officer is in the Central or the Provincial field.

(G. I., Dept. of Edn., Health and Lands letter No. F.-14-14/41-E, dated the 13th November 1942, communicated with Madras Government Order No. Ms.-24-Edn. (E. P. H. Dept.), dated the 5th January 1943, filed in case T. M. 15-36 of 1942-43.)

[28th List of Corrections Slip No. 4, dated the 12th July 1943.]

No. 5. Page 28, Article 361-A C. S. R.—Insert the following as item No. 8 under paragraph 2(b) of this article:—

Jail.	Post.	Names.
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8. Central Jail, Coimbatore	Boiler attendant	M. Kuppaswami Mudaliar.
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(G. O. No. Ms.-4406—Home Deptt., dated the 27th November 1942, communicated with Finance endorsement No. 22184-E-II-1, dated the 4th December 1942 and letter from Inspector General of Prisons R. O. C.-710-B-2-43, dated the 20th February 1943, P. V. R. and O. file 1 of 1942-43.)

[28th List of Corrections, Slip No. 5, dated the 12th July 1943.]

No. 6. Page 52, Article 420 C. S. R.—Insert the following as a note to paragraph 4 under this article as inserted by correction slip No. 5, XXIII List, dated the 5th January 1942.

NOTE.—It has been decided by the Madras Government that in cases where a Government servant is subjected to the penalty under Fundamental Rule 108 for overstaying of joining time specific orders should be issued in each case condoning the interruption under Article 422, C. S. R.

The interruption in service caused by overstaying of joining time in all past cases has also been condoned for purposes of pension.

[G. O. No. 398-Ms. Fin., dated the 6th April 1943—(R. and O. file No. 3-41-42-43.)]

[28th List of Corrections, Slip No. 6, dated the 12th July 1943.]

Price anna 1 or 1½d.

No. 7. Page 94, Article 728 C. S. R.—Insert the following as paragraph 8 under this article :—

8. War Injuries Pension Rules, Madras, applicable to Government servants under the rule-making control of the Madras Government are reproduced in Appendix 7.

Page 116.—Insert the following as Appendix 7.

APPENDIX 7.

War Injuries Pension Rules (*vide* paragraph 8 under Article 728, C. S. R.)

RULES.

1. These rules may be called the War Injuries Pension Rules, Madras.
2. In these rules—
 - (i) “Duty” has the meaning assigned to that expression in rule 9 of the Fundamental Rules; and
 - (ii) “War injury” has the meaning assigned to that expression in Section 2 of the War Injuries Ordinance, 1941 (Ordinance No. VII of 1941), namely a physical injury—
 - (a) caused by—
 - (i) the discharge of any missile (including liquids and gas), or
 - (ii) the use of any weapon, explosive or other noxious thing, or
 - (iii) the doing of any other injurious act, either by the enemy or in combating the enemy or in repelling an imagined attack by the enemy, or
 - (b) caused by the impact on any person or property of any enemy aircraft, or any aircraft belonging to or held by any person on behalf of or for the benefit of His Majesty or any allied power, or any part of or anything dropped from any such aircraft.
 3. Where a member of the Police Force, to whom the Extraordinary Pension Rules, Madras, apply sustains a war injury while on duty or dies of a war injury so sustained, awards shall be made in accordance with the provisions of those rules as if the injury were received as a result of special risk of office.
 4. Where a person other than a member of the Police Force to whom the Extraordinary Pension Rules, Madras, apply sustains a war injury while on duty, or dies of a war injury so sustained, awards shall be made in accordance with the provisions of those rules as if the injury were received as a result of risk of office :

Provided that if the Provincial Government are satisfied that the war injury has been received as a result of “special risk” as defined in rule 3 of the said rules, the award shall be made in accordance with the provisions of those rules as if the injury were received as a special risk of office.
 5. Nothing in these rules shall be deemed to authorize or require the making, in respect of the same injury, of an award under rule 3 or 4 of these rules as well as an award under the Extraordinary Pension Rules, Madras.
 6. An award under rule 3/rule 4 of these rules or under the War Injuries Scheme, 1942, shall not affect any pension or gratuity for which the Government servant concerned or his family may be eligible under the Civil Service Regulations.
 7. Any Government servant who may be eligible for relief under the War Injuries Scheme, 1942, as a gainfully occupied person shall be entitled to receive the pension or allowance under that scheme to the extent to which it exceeds the pension or allowance admissible under these rules.

EXPLANATORY MEMORANDUM.

The Government of India have framed, under the War Injuries Ordinance, a scheme known as the War Injuries Scheme, 1942, which provides for the grant of relief to all gainfully occupied persons who sustain a war injury. This scheme is in the nature of minimum relief and makes no distinction between Government servants and any other gainfully occupied persons sustaining a war injury. It is felt that Civil Government servants should not be worse off than military personnel who are entitled, under the rules applicable to their case, to extraordinary pensions even when injured outside field areas. It has accordingly been decided that Provincial Government servants receiving war injuries while on duty should be governed by the Extraordinary Pension Rules, Madras. For war injuries received otherwise than “on duty” such Government servants will, like other gainfully occupied persons, be governed by the War Injuries Scheme.

2. In this connection it is important to note that the term “while on duty” occurring in the War Injuries Pension Rules has been used in the broadest sense of the term. The concession in these rules will therefore not be limited only to those who are actually at work at their place of employment at the time of sustaining a war injury, but all Government servants who are on duty and not on leave other than casual leave, at the time of sustaining the injury (whether within or outside working hours) will be eligible for relief under the War Injuries Pension Rules. Thus a person travelling on a tour of duty or a person on deputation or foreign service will not be ineligible for the benefits under these rules.

3. In the case of members of the Police Force, a war injury sustained while on duty will be regarded as having been received as a result of special risk of office—see rule 3 of the War Injuries Pension Rules, Madras.

4. A Government servant to whom the War Injuries Pension Rules, Madras, apply would be entitled to the benefits of the Extraordinary Pension Rules, Madras. In accordance with rule 33 of the War Injuries Scheme, however, any person who may be eligible for relief thereunder as a gainfully

occupied person is entitled to receive the pension or allowance under that scheme to the extent to which it exceeds the pension or relief under the War Injuries Pension Rules—see rule 7 of the War Injuries Pension Rules, Madras. In this connection attention is also invited to rule 6 of the War Injuries Pension Rules, Madras, wherein it has been laid down that the extraordinary pension or gratuity which may be awarded to a Government servant is in addition to the ordinary pension or gratuity for which he may be eligible under the normal conditions of his service.

5. The procedure for settling claims will be that, when a Government servant sustains a war injury or dies as a result of such injury, a claim will be submitted by the head of the department or office in which the Government servant was serving to the Provincial Government in the Finance (Pension) Department as prescribed in rule 13(4) of the Extraordinary Pension Rules, Madras. In case where some delay or difficulty is anticipated in the submission of the complete records required for settlement of the claim, the head of the department concerned may himself sanction the immediate payment of an amount not exceeding 50 per cent. of the monthly amount which he considers will be payable under the rules, provided that provisional payments are not continued for more than three months after the date of injury or death and undertakings for recovery or adjustment are received from the Government servant or the beneficiaries concerned.

6. The incidence of the cost of these extraordinary pensions will be in accordance with rule 10 of Part B—IV of Appendix III of the Madras Account Code, Volume I. As an exception to this rule, the amount of pension or allowance which is admissible under the War Injuries Scheme in excess of that admissible under these rules shall in accordance with rule 33 of that scheme be borne by the Central Government and charged to the head "64-B Civil Defence".

7. In the case of Government servants who are proceeding or are already on foreign service, departments of the Secretariat and heads of departments are requested to make it one of the conditions of such service that the foreign employers will be held fully liable for the payment of any allowance or pension that may be admissible under the War Injuries Pension Rules, Madras, if the injury is sustained or death occurs while the Government servant is in foreign employ.

8. The expenditure involved in the payment of claims under these rules will be charged to the head "55.—Superannuation Allowances and Pensions" under a new sub-head "War Injury Pensions".

[G. O. No. 671-Finance Pension, dated the 15th December 1942—P. V. Rules and Orders—Case 1 of 1942-43.]

[28th List of Corrections, Slip No. 7, dated the 12th July 1943.]

No. 8. Page 94, paragraph 9, Article 728 C. S. R.—Insert the following as paragraph 9 under the article:—

9. The Government of India have decided that the rules contained in Chapter XXXVIII of the Civil Service Regulations apply to the Vizagapatam and Cochin Port employees who were borne on the permanent establishment before 1st April 1937. They have also extended the Central Civil Services (Extraordinary Pension) Rules to the Port employees who entered service on or after 1st April 1937 or who having entered service before that date did not hold a lien or a suspended lien on permanent posts on that date.

[Government of India, War Transport Department letter No. 19-P (107) 42, dated the 18th January 1943—P. V. Rules and Orders, file No. 1 of 1942-43.]

[28th List of Corrections, Slip No. 8, dated the 12th July 1943.]

No. 9. Page 38, Article 396 C. S. R.—In paragraph 2(f) inserted by Correction Slip No. 2, XXI List, dated 5th July 1941, insert "18" after the "Rs." in the first line.

Page 72.—For the word "Employments" occurring in the heading at the top of this page, substitute the word "emoluments".

(P. V. R. and O. File No. 1 of 1942-43.)

[28th List of Corrections, Slip No. 9, dated the 12th July 1943.]

No. 10. Page 75, Article 486 C. S. R.—Insert the following as paragraph 19 under this article:—

19. The temporary additional pay sanctioned in Government order No. 3093-Home, dated the 28th August 1942 to the non-gazetted ranks of the police force for the duration of the war should not be reckoned as emoluments for purposes of pension.

[G. O. No. P-41 (Home), dated the 7th January 1943, Finance Endorsement No. 932-E-1, dated the 12th January 1943.—T-8, Police Case No. 1-5 of 1942-43.]

[28th List of Corrections, Slip No. 10, dated the 12th July 1943.]

No. 11. *Page 62, Article 465 C. S. R.*—Insert the following as a note below the article as amended by Correction Slip 26th list No. 7, dated the 8th October 1942 :—

NOTE.—In cases where Government servants are discharged on pension for inefficiency, the preparation of the pension applications should be proceeded with, without waiting for the expiry of the appeal time. But in cases where an appeal has actually been filed, the preparation of the pension application may be postponed until the appeal has been disposed of.

(G. O. Ms. No. 842-Home, dated the 13th April 1943—P. V. R. and O./1-1/42-43.)

[28th List of Corrections, Slip No. 11, dated the 12th July 1943.]

No. 12. *Page 116, Appendix 5.*—Insert the following as Note 7 in this Appendix :—

NOTE 7.—Dhobies in Government Hospitals who are whole time employees will be eligible for gratuities under G. O. No. 498-Finance (Pension), dated the 22nd August 1941.

(G. O. No. 5391-Public Health, dated the 5th February 1943, filed in case P. V. M.-19-42-43.)

[28th List of Corrections, Slip No. 12, dated the 12th July 1943.]

No. 13. *Page 54, Article 423 C. S. R.*—Insert the following above the existing paragraphs under this article :—

Article 423 as amended by the Madras Government.

423 (1) Upon any conditions which it may think fit to impose the authority competent to sanction the pension of an officer may condone a deficiency of three months in his qualifying service.

(2) The Government may similarly condone a deficiency not exceeding 12 months provided that Heads of Departments as defined in the Fundamental Rules may condone a deficiency not exceeding 12 months in the case of non-gazetted subordinates under them.

NOTE.—The delegation to Heads of Departments is subject to the conditions prescribed in Finance (Pension) Memorandum No. 37173/Pen.-2, dated the 6th October 1939, which are reproduced in paragraph 8 below. Cases in which the conditions prescribed in the Memorandum are not satisfied should be submitted for the orders of the Government.

[G. O. Ms. No. 437-Finance (Pension), dated the 12th May 1943—P. V. R. and O., File No. 1-1 of 1943-44.]

[28th List of Corrections, Slip No. 13, dated the 12th July 1943.]

OFFICE OF THE ACCOUNTANT-GENERAL,
MADRAS AT BANGALORE;
Dated 194 }.

(Sd.) T. R. SADASIVAM,

Accountant General.

