

AZAD GOVERNMENT OF THE STATE OF JAMMU & KASHMIR

CIVIL SERVICES PENSION RULES

CHAPTER I  
GENERAL

Short title:- These rules may be called the Azad Kashmir civil Services

Pension Rules.

Commencement:- These rules shall have effect from 18.3.1969 in respect of Non-Gazetted Government servants and from 1.7.1970 in respect of Gazetted Officers.

Extent of application:- Unless in any case it be otherwise expressly provided, these rules shall apply to:

- (i) all Non-Gazetted Government servants under the Rule-making control of the Azad Government of the State of Jammu and Kashmir who entered Government service on or after 18.3.1969.
- (ii) All Gazetted Government servants under the rule-making control of Azad Government of the State of Jammu and Kashmir who entered Government service on or after 1.7.1970.
- (iii) All Non-Gazetted Government servants who were in service on or before 18.3.1969 and all Gazetted Government servants who were in service on or before 1.7.1970, unless they opt to continue to be governed by the existing rules applicable to them;
- (iv) All pensioners who retired from Government service after 18.3.1969 (in case of Non-Gazetted Government servants) or after 1.7.1970 (in case of Gazetted Government servants), but before the date of publication of these rules, if they opt to be governed by these rules.

Note:- In the case of Government servants or pensioners who were in service on and after the date of commencement of these rules but died before publication of these rules, it will be assumed that they opted for these rules.

Option:- Government servants and pensioners mentioned in

clauses (iii) and (iv) of rules 1.3 above may exercise option within a period of six months from the date of publication of these rules in Azad Kashmir Gazette. The option shall be communicated in writing to the Accountant General Azad Government of the State of Jammu and Kashmir as well as the appointing authority in the case of Gazetted or retired Gazetted officers, and to the appointing authority in the case of Non-Gazetted or retired Non-Gazetted staff, and the option once so exercised shall be final. Government servants who fail to exercise option within the stipulated period shall be assumed to have opted for the Azad Government of the State of Jammu and Kashmir Civil Service

pension rules.

Note:- The Accounts officer should acknowledge the receipt of option Communicated to him by Gazetted officers. These rules shall not apply to:

- (i) Government servants paid from Contingencies or born on Workcharge Establishment.
- (ii) Government servants engaged on contract which contains no stipulation for pension under these rules.
- (iii) any person for whose appointment and conditions of service special provision is made by or under any law for the time being in force.
- (iv) any Government servant or class of Government servants who may be excluded by a competent authority from the application of these rules;
- (v) any Government servant who holds a post which has been declared by a competent authority to be non-pensionable;
- (vi) any person whose whole-time is not retained for public service but is merely paid for work done such as Public Prosecutors and Advocate General not debarred from private practice;
- (vii) any person who is not paid from the Azad Kashmir Government revenues but is paid from a fund held by Government as a Trustee, or from a local fund, or is remunerated by fees for the grant of a tenure of land or any other source of revenue or of a right to collect money.

Definitions:- (i) Unless expressly specified otherwise in these rules the terms "used" in these rules have the same meaning as defined in Azad Kashmir Service Regulations;

(ii) "Pension" except when the term "pension" is used in contradiction to Gratuity, pension includes Gratuity;

(iii) "Class IV Services" Class IV Services means any kind of Service which, may be specifically classed as such by the Government.

(iv) "Superior Service" Superior Service means any kind of service which is not class IV service.

(v) "Ordinary Pension" Ordinary Pension means pension other than extraordinary pensions;

(vi) "Full Pension" Full pension means the amount of ordinary pension admissible including 'th of the surrendered portion of the pension.

(vii) "Pay" Pay means the amount drawn monthly by Government servant as:

(1) the pay other than Special Pay or pay granted in lieu of his personal qualifications, which has been sanctioned for a post held by him substantively or in an officiating capacity, or to which he is entitled by reason of his position in a cadre, and

(2) technical pay, special pay and personal pay; and

(3) any other emoluments which may be specially classed as pay by the President.

In any where pension or gratuity is not admissible under these rules, the competent authority may grant a pension which will, not save in most exceptional circumstances, exceeding Rs. 100/- a month or a Gratuity not exceeding the equivalent value of that amount, provided that general spirit of the rules is observed.

(a) Good conduct is an implied condition of every kind of pension. Government may withhold or withdraw a pension or any part of it if the pensioner be

convicted of serious crime or be found to have been guilty of grave mis-

2.1.

(b)

(c)

### VOLUME III: 1971-1973

conduct either during or after the completion of his service, provided that before any order of this effect is issued, the procedure regarding imposition of the penalty of removal from service shall be followed.

Government reserves to themselves the right of recovery from the pension of Government pensioner on account of losses found in judicial or departmental proceedings to have been caused to Government by the negligence, or fraud of such Government pensioner during his service, provided that such departmental proceedings shall not be instituted after more than a year from the date of retirement of the Government pensioner.

In case the amount of pension granted to a Government servant be afterwards found to be in excess of that to which he is entitled under the rules, he shall be called upon to refund such excess.

No pension may be granted to a Government servant dismissed or removed for misconduct. Corruption, subversive activities or inefficiency, but if he deserves special consideration he may be granted a compassionate allowance not exceeding 2/3 rd of the pension which would have been admissible to him had he retired on invalid pension.

## CHAPTER II

### Service Qualifying for Pension

Conditions of qualifications:- The service of a Government servant does not qualify for pension unless it conforms to the following three conditions:-

First- The service must be under Government.

Second- The service must not be non-pensionable.

Third- The service must be paid by Government from their revenues.

Note:-(1) For the previous service of displaced Government servants who qualifies for pension see Chapter VII.

Note:-(2) Service rendered after retirement on superannuation pension retiring pension shall not count for pension or gratuity.



2.2.

2.3.

24.

2.5.

2.6.

2.7.

2.8.

2.9.

### VOLUME III: 1971-1973

**Beginning of Service:-** Subject to any special rules, the service of a Government servant begins to qualify for pension when he takes over charge of the post to which he is first appointed.

**Temporary and officiating service:-** Temporary and officiating service shall count for pension as indicated below:-

(i) Government servants borne on temporary establishment who have rendered more than five years continuous temporary service shall count such service for the purpose of pension or gratuity; and

(ii) temporary and officiating service followed by confirmation shall also count for pension or gratuity.

**Service in a temporary post on abolition of a permanent post:-** If a permanent post on which a Government servant holds a lien, is abolished under circumstances entitling him to get a compensation pension or gratuity, his service thereafter in a temporary post under Government qualifies for pension.

**Apprentices and probationers:-** (1) One-half of the period of apprenticeship qualifies for pension.

(2) The service of a probationer who is subsequently confirmed in a permanent post without interruption qualifies for pension.

**Training:-** The time spent by a Government servant in approved training shall count as service qualifying for pension.

**Note:-** The period of training before actual appointment to Government service shall not count for pension.

Leave:- All leave (other than extraordinary leave without allowances) counts as qualifying service for purposes of pension.

Military service:- (1) Military pensionable service rendered after attaining the age of 20 years, which terminates before a pension has been earned in respect of it, when followed by civil pensionable service, counts as part of such service, provided that any bonus or gratuity received in lieu of pension on or since discharge from military service shall be refunded in lump sum or in monthly installments not exceeding 36.

Deputation:- Time spent by a Government servant, holding

2.10.

2.11.

2.12.

3.1.

### VOLUME III: 1971-1973

pensionable post on deputation to (1) another Government (2) foreign service, or (3) service in a temporary or non-pensionable post under Government counts for pension as if it were a time spent under the Government.

**Suspension:-** If a Government servant is suspended from service pending enquiry into his conduct, the period of suspension counts for pension if it is immediately followed by reinstatements, unless the Government servant is reinstated with forfeiture of a part of his pay or allowances for the period of

suspension,

**Forfeiture of past service:-** A Government servant forfeits his past service in the following cases:-

- (a) Resignation of a post unless it is to take up another post service in which counts for pension.
- (b) Removal or dismissal from service.
- (c) Absence from duty without leave.

**Note-** The authority which sanctions the pension may commute retrospectively period of absence without leave into extraordinary leave.

**Condonation of interruptions and deficiencies:-** (1) The Administrative Department may for purpose of pension condone all gaps between periods of service, of a Government servant.

(2) The Administrative Department may condone deficiency in qualifying service for pension up to 6 months provided the service is meritorious, and the condonation, if allowed, will bring the service up to 25 completed years of qualifying service.

### CHAPTER III

Different Kinds of Ordinary Pension and Conditions for their grant.

**Classifications of pension:-** Pensions are divided into four classes:

- (a) Compensation Pension.
- (b) Invalid Pension.





3.2.

3.3.

### VOLUME III: 1971-1973

(c) Superannuation Pension.

(d) Retiring Pension.

Note:- Special additional pension is also granted to certain classes of

Government servants under special circumstances.

Compensation pension:- if a permanent Government servant is selected for discharge owing to the abolition of his permanent post or owing to a change in the nature of the duties of that post, he shall, unless he is appointed to another post the conditions of which are deemed to be at least equivalent to those of his

own, have the option:

(a) of taking any compensation pension and/or gratuity to which he may be

entitled for the service he has already rendered; or

(b) of accepting another post or transfer to another establishment even on a lower pay, if offered and continuing to count his previous service for

pension.

Invalid pension:- (1) An invalid pension is awarded on his retirement from Government service, before reaching the age of superannuation to a Government servant who by bodily or mental infirmity is permanently incapacitated for further service on production of a medical certificate

prescribed in sub-rule (3).

(2) A Government servant who wishes to retire on invalid pension, should apply to his head of Office or Department/ Attached Department who should direct him to present himself before a Medical Board or an Invaliding Committee or a Medical Officer for obtaining a medical certificate of incapa-

city for further service in the following forms:-

"Certificate that I (we) have carefully examined A.B., son of C.D.,

Qe eee ceed the eee His age is by his own statement.... years, I (we) consider A.B., to be completely and permanently incapacitated for further service of any kind (or in the department to which he belongs) in consequence

Of. eee (here state disease or cause).

Note:- (1) If the incapacity does not appear to be complete and permanent, the certificate should be modified accordingly and the following addition should be

made:



3.4.

3.5.

4.1.

#### VOLUME III: 1971-1973

I am (we) are of opinion that A,B is fit for further service of a less laborious character than that which he has been doing (or may after resting FOP eee months, be fit for further service of a less laborious character than that which he has been doing).

Note:-(2) A medical certificate from a Medical Board or an Invaliding Committee shall be required in the case of a gazetted Government servant.

Note:-(3) A Government servant who has submitted a medical certificate of incapacity for further service should be invalidated from service on receipt of the medical certificate, or from the date of expiry of leave if already on leave, or has been granted leave as a special case.

Superannuation Pension:- A superannuation pension is granted to a Government servant who retires or is retired from Government service on or after attaining the age of 55 years in case of superior service or Class IV service followed by superior service, and on or after, attaining the age of 60 years in case of Class IV service.

Retiring Pension:- A retiring pension is granted to a Government servant who:

(i) Opts retire after 25 years qualifying service or such less time as may for

any special class of Government servant be prescribed; or

(ii) is compulsorily retired from service by the authority competent to remove

him from service on grounds of inefficiency, misconduct or corruption.

#### CHAPTER IV

##### Amount of Ordinary Pensions

##### Section I General

(1) The amount of pension that may be granted is determined by length or completed years of qualifying service of a Government servant as set forth in rule 4.4;

(2) pension is fixed in rupees and should be calculated to the

4.2.

4.3.

#### VOLUME III: 1971-1973

nearest paisa.

If the service of a Government servant has not been thoroughly satisfactory the authority sanctioning the pension may make such reduction as it may think proper of the amount of pension.

#### SECTION II

##### Amount of full Pension

Amount of full pension:- (1) After a qualifying service of not less than 10 years, full superannuation, retiring, invalid or compensation pension may be granted not exceeding the maximum limits prescribed below:-

Completed years Scale of pension Maximum limits  
or qualifying expressed as of pensions per  
service fraction of annum  
average  
emoluments

10 10/50 250

11 11/50 275

12 12/50 300

13 13/50 325

14 14/50 350

15 15/50 375

16 16/50 430

17 17/50 485

18 18/50 540

19 19/50 595

20 20/50 650

21 21/50 695

22 22/50 740

23 23/50 785

24 24/50 830

25 25/50 875

26 26/50 900

27 27/50 925

28 28/50 950

29 29/50 975

30 and above. 30/50 1,000

Note- Any amount in excess of Rs. 600 P.M. calculated in accordance with the scale shown in column (2) of this Table shall be reduced by 50% and the maximum limits shown in column (3) shall be applied thereafter.

387

## VOLUME III: 1971-1973

(2) The term average emoluments of a Government servant means the average of the pay that he drew, or would have drawn had he not been on leave with leave salary or on Joining time or under suspension which is not adjudged as a penalty, during the last 3 years immediately before his retirement. If during the last 3 years of his service a Government servant has been absent from duty on leave without pay or has been under suspension as a form of penalty, the periods so passed should be disregarded in the calculation of the average

emoluments and an equal period before the three years should be included.

## SECTION III

## A-Gratuity and Pension Benefits

(1) Every Government servant in pensionable service shall surrender "th of the full monthly pension admissible to him under the rule 4.3.

(2) In the case of a Government servant who has rendered 5 years service or more but less than 10 years qualifying service, a gratuity equal to 10 months emoluments subject to a maximum of Rs. 10,000, shall be granted to him on retirement or to his family in the case of his death while in service.

(3) In the event of retirement or death of a Government servant who has rendered qualifying service for 10 years or more:

(a) A gratuity shall be granted to him or to his family in the case of his death calculated at the following rate for each rupee of his pension surrendered

under sub-rule (1) above.

If qualifying service is 10 years or more 140  
but less than 15 years.

If qualifying service is 15 years or more 130  
but less than 20 years.

If qualifying service is 20 years or more 120  
but less than 25 years.

If qualifying service is 25 year or more 120

(b) In the event of his death before retirement payment shall be made to his family for 5 years at the rate of 50 per cent of the

## VOLUME III: 1971-1973

full pension calculated as in sub-rule (3) and in the case of death after but within 5 years of retirement payment shall be made to his family at the rate of 50 per cent of the reduced pension i.e. the amount of pension remaining after surrendering 'th thereof under sub-rule (1) above and after commutation, if any, for the unexpired portion of 5 years.

(4) In the event of death before retirement pension for the purposes of this rule shall be calculated as if the Government servant retired on invalid pension on the date of his death but it shall be admissible from the day following the death of the Government servant.

Note:-(1) The commutation of pension subject to the general limitation will be allowed up to half of full pension.

Note:-(2) The gratuity payable in lieu of 'th of the pension surrendered is exempt from Income-tax.

Note:-(3) Gratuity payable under sub-rule (3) (a) of this rule should be worked out on the fraction of a rupee of the surrendered pension calculated 10 the nearest Paise.

Note:-(4) Anticipatory pension will also be admissible to the family of the Government servant in the event of his death before retirement. In such cases the gratuity admissible to the family under sub-rule (3) (a) of this rule will be calculated on 25 per cent of the amount of pension on which the anticipatory pension to the family is based.

Note:-(5) This rule will also apply to the compassionate allowance.

## B-GRATUITY

(1) The term "family" for the purpose of payment of gratuity under this section shall include the following relatives of the Government servants:

- (a) Wife or wives, in the case of a male Government servant;
- (b) Husband in the case of a female Government servant;
- (c) Children of the Government servant;



(d) Widow or widows and children of a deceased son of the Government servant,

Note:- (i) A Child means a legitimate child or an "adopted child" if under the personal law of the Government servant concerned adoption is legally recognised as conferring the status of a natural child.

Note:- (ii) If it is proved that the wife has been judicially separated from the Government servant, or has ceased under the customary law of the community to which she belongs to be entitled to maintenance, she will no longer be deemed to be a member of the family unless the Government servant has himself intimated in writing to the Accountant General/head of the Office that she will continue to be so regarded.

Note:- (iii) In the case of a female Government servant if the wife intimates in writing to the Accountant General/Head of the Office that her husband should not be included as a member of family, then he will no longer be considered a member of the family unless subsequently she cancels in writing her intimation excluding him.

(2) A Government servant may, as soon as he/she completes 5 years qualifying service, make a nomination centering on one or more members of his/her family, or if he/she has no family, on one or more persons, the right to receive any gratuity that may be sanctioned under rule 4.4. and any gratuity which having become admissible to him/her has not been paid to him/her before death.

Explanation:- It is not mandatory for a Government servant to make a nomination.

(3) A nomination in favour of a person not a member of the family made when the Government servant had no family shall lapse on the Government servants acquiring family.

(4) If a Government servant nominates more persons than one under sub-rule (2) above, he/she shall specify in the nomination the amount or share payable to each nominee in such manner as to dispose of the whole amount of gratuity mentioned therein.

(5) A Government servant may provide in a nomination:

VOLUME III: 1971-1973

(a) in respect of any specified nominee, that in the event of his/her predeceasing the Government servant the right conferred upon that nominee in sub-rule (2) above shall pass to such other member or members of the Government servant's 'family' as may be specified in the nomination;

(b) that the nomination shall become void in the event of happening of a contingency specified therein.

(6) Every nomination shall be in Form IV (Pen.), or Form 2 (Pen.) as may be appropriate in the circumstances of the case;

(7) A government servant may, at any time, cancel a nomination by sending notice in writing to the appropriate authority, and send a fresh nomination if he/she so desires, along with such notice.

(8) Immediately on the death of a nominee in respect of whom no special provision has been made in the nomination under sub-rule (5) (a) above or on the occurrence of any event by reason of which the nomination become void under sub-rule (3) or sub-rule (5) above, the Government servant shall send to the appropriate authority a notice in writing formally cancelling, the nomination together with a fresh nomination, if any.

(9) Every nomination made, and every notice of cancellation given by a Government servant under this rule shall be sent by the Government servant to Accountant General as well as to the Appointing Authority in the case of a Gazetted Officer and to the Head "of his/her office in the case of a Non-Gazetted officer. Immediately on receipt of a nomination from a Non-Gazetted Government servant, the Head of the Office shall countersign indicating the date of receipt and keep it in his custody.

(10) Every nomination made and every notice of cancellation given by a Government servant shall, to the extent that it is valid, take effect from the date of which it is received by the authority mentioned in sub-rule (9) above.

When the amount of gratuity has become payable, it shall be the duty of the Accountant General to make payment according to the following procedure:-

(a) The amount of the gratuity or any part thereof to which the nomination relates, shall become payable to his/her nominee

(b

(c

(d

LS

NS)

Rev]

VOLUME III: 1971-1973

or nominees in the proportion specified in the nomination.

If nomination relates only to a part of the amount of the gratuity, the part which it does not relate shall be distributed equally only among the members of the family other than the nominees;

If no valid nomination subsists, the whole amount of the gratuity shall become payable to the members of his/her family in equal shares;

Provided that in case of (b) above no share shall be payable to:

(i) sons who have attained the age of 24 years;

(ii) sons of a deceased son who have attained the age of 24 years;

(iii) married daughters whose husbands are alive; and

(iv) married daughters of a deceased son whose husbands are alive;

if there is any member of the family other than those specified in sub-clauses (i) (ii) (iii) and (v) above;

Provided further that the widow or widows and the child or children of a deceased son shall receive between them in equal parts only the share which that son would have received if he had survived that Government servant and had been exempted from the operation of the first proviso.

when the Government servant leaves no family and the whole or part of the gratuity is not covered by valid nomination, the amount of gratuity shall be payable to the following surviving relatives, if any, of the Government servant in equal shares;-

(1) brothers below the age of 21 years;

(2) unmarried and widowed sister;

(3) father, and

392

4.7.

4.8.

#### VOLUME III: 1971-1973

(4) mother.

Note:- In the absence of any other eligible claimant gratuity would be payable to the sons and daughters of the deceased Government servant in equal shares even if the sons are over 24 years old and the daughters are married and their husbands are alive.

No gratuity will be payable by Government after the death of a Government servant if he/she does not leave a valid nomination or a family as defined in sub-rule (1) or rule 4.5. or an eligible dependent relative or relatives specified in clause (d) of rule 4.5.

#### C-FAMILY PENSION

(1) family for the purpose of payment of family pension shall be as defined in sub-rule (1) of rule 4.5. It shall also include the Government servant's relatives mentioned in clause (d) of rule 4.6;

(2) (A) A family pension sanctioned under this section shall be allowed as under:-

(i) (a) To the widow of the deceased, if the deceased is a male Government servant, or to the husband, if the deceased is a female Government servant.

(b) If the Government servant had more than one wife, and the number of his surviving widows and children do not exceed 4, the pension shall be divided equally among the surviving widows and eligible children. If the number of surviving widows and children together is more than 4, the pension shall be divided in the following manner viz, each surviving widow shall get th of the pension and the balance (if any) shall be divided equally among the surviving eligible children. Distribution in the above manner shall also take place whenever the Government servant leaves behind — surviving children of a wife that has predeceased him in addition to the widow and her children, if any.

(c

NS)

In the case of a female Government servant leaving behind children from a former marriage in addition to her husband and children by her surviving



husband, the amount of pension shall be divided equally among the husband and all eligible children. In case the total number of beneficiaries exceeds four, the husband shall be allowed "th of the pension and the remaining amount distributed equally among the eligible children.

(ii) failing a widow or husband, as the case may be, the pension shall be divided equal among the surviving sons

not above 24 years and un-married daughters.

Note:- In working out the" share of the various heirs under sub-clause.

(A) (i) and (ii), the amount should be calculated to the nearest paisa.

(iii) Failing (i) and (ii), to the eldest widowed daughter.

(iv) Failing (i) to (iii), to the oldest widow of a deceased of the Government servant.

(v) Failing (i) to (iv), to the eldest surviving son of a deceased son of the Government servant.

(vi) Failing (i) to (v), to the eldest unmarried daughter of deceased son the Government servant.

(B) If the family pension is not payable under clause (A), it may be granted:

(i) to the father;

(ii) failing the father, to the mother;

(iii) failing the father and the mother, to the eldest surviving brother below the age of 21 years;

(iv) Failing (i) to (iii), to the eldest surviving unmarried sister; if the eldest sister marries or dies then the next eldest;

(v) failing (1) to (iv), to the eldest surviving widowed sister.

(3) No family pension shall be payable under this section:

(a) to an unmarried female member of a Government servant's family in the event of her marriage.

(b) to a widowed female member of a Government servant's family in the event of her remarriage.

(c) to the brother of a Government servant on his attaining the age of 21 years.

(d) to a person who is not member of a Government servant's family.

(4) A family pension awarded under this section shall not be payable to more than one member of a Government servant's family at the same time except as provided for in sub-clause (A) (i) and (ii) of sub-rule (2) above.

(5) (a) If the pension ceases to be granted before the expiry of the period for which it is admissible on death or marriage of the recipient or on account of other causes to persons falling under sub-clauses (A) (i) and (ii) of sub-rule (2) above, the amount shall be granted to other recipients in equal shares.

(b)

LS

If a family pension awarded under this section other than that mentioned in clause (A) (i) and (ii) of sub-rule (2) of this rule ceases to be payable before the expiry of the period up to which it is admissible on account of death or marriage of the recipient or other causes, it shall be regranted to the person next lower in order mentioned in sub-rule (2).

(6) Government shall have discretion to make such modification in the mode of allotment or conditions set forth in sub-rules (2) to (5) above as they may consider desirable to suit the special circumstances of the beneficiaries.

(7) A family pension sanctioned under this section shall be payable in addition to any extraordinary pension or gratuity that may be payable to the members of a Government servant's family under any other rules in force for the time being.

(8) Future good conduct of the recipient is an implied condition of every grant of a family pension under this section.



4.9.

5.1.

5.2.

#### VOLUME III: 1971-1973

#### D-GENERAL

(i) The rules which apply to the grant of ordinary pension to Government servants shall also apply in respect of gratuity and pension that may be sanctioned in favour of their families under this section in so far as such rules are not inconsistent with the provisions of this section.

(ii) Government shall have the right to effect recovery from such gratuity or pension in the same circumstances as recoveries can be effected from ordinary pension and gratuity granted to Government servants.

(iii) A gratuity or pension to the family may be sanctioned under this section by the authority competent to sanction pension to the Government servant concerned after giving the regard to the provisions of Rule 4.2.

Note:- The sanctioning authority may allow the payment of family pension and/or shares of gratuity admissible to minor children of a deceased Government servant to their mother. In case the mother is not alive or wife judicially separated from the Government servant in his life time, the sanctioning authority may nominate any suitable person to be the guardian of such minor children for the purpose of receiving payment of pension and/or shares of gratuity on their behalf. In case the deceased Government servant was a female, the sanctioning authority may under similar circumstances allow the payment of pension and/or shares of gratuity of minor children of the deceased to their father, or if the father be not alive to such guardian as may be appointed by the sanctioning authority.

#### CHAPTER V

##### Applications for Grant of pension

All authorities dealing with applications for pensions under these rules should bear in mind that delay in the payment of pensions involves peculiar hardship. It is essential to ensure, therefore, that a Government servant begins to receive his pension; on the date on which it becomes due.

The responsibility for initiation and completion of pension papers is that of the Head of Department Attached Department

## VOLUME III: 1971-1973

concerned in the case of gazetted Officers, and of the Head of Office concerned in the case of non-gazetted Government servants. The action should be initiated one year before a Government servant is due to retire, so that pension may be sanctioned a month before the date of his retirement. For this purpose every Government servant should be asked to submit his pension application in Form 3 (Pen.) 6 months in advance of the date of his retirement provided that:

in cases in which the date of retirement cannot be foreseen 6 months in advance, the Government servant may be asked to submit his pension application immediately after the date of his retirement is known.

"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 to the orders which may be passed there on".

(2) The Head of Department/Attached Department/Office concerned shall, certify in the pension application form whether the character, conduct and past services of the Government servant concerned are such as to entitle him to the favourable consideration of Government. He shall also record there his own opinion whether the service claimed has been established and should be admitted or not.

(3) All periods of leave, suspension, etc, which are not reckoned as service qualifying for pension shall be carefully recorded on the form.

(4) If that application is for an invalid pension, the requisite medical certificate shall be attached to the application.

(1) After completing the application in the manner prescribed in the preceding rule it shall be forwarded along with the necessary documents to the Audit Officer through the authority empowered to sanction the pension.

(2) The applicant for pension gratuity shall submit the last pay certificate and No demand certificate as soon as possible after the submission of the application for pension gratuity. The Audit Officer shall not issue the pension gratuity payment order until

VOLUME III: 1971-1973

these certificates have been received by him.

(3) The authority competent to sanction the pension shall record on the application after due consideration of the facts of the case his provisional recommendation shall whether the pension claimed should be admitted or not.

(1) The non-gazetted service of a Government servant in the application form shall be verified by the Head of Office concerned from official records, for example service book or roll, pay bill or acquittance rolls, etc.

(2) If it be found impossible to verify the service otherwise a written statement of the applicant shall be taken on plain paper, and such collateral evidence as may be procurable shall be collected, for instance, certificates given by an officer to a subordinate on his leaving the office and the testimony of contemporary Government servants.

Note:- The power to admit service verified under this clause may be exercised by all authorities empowered to sanction pension.

(3) In cases where some portion of pensionable service was rendered in occupied Jammu and Kashmir State but certificate of local verification of service was not recorded in the service book for any particular period, steps shall be taken to verify that service from available records, if any, such as personal files, gradation lists, pay bills, acquittance rolls etc. Where none of the records are available, a written statement of the Government servant concerned should be taken on a plain paper accompanied by the testimony of contemporary Government servants as in sub-rule (2) above. Such declaration should be placed on record in service book in lieu of local verification for service for that period.

(4) The Head of Office/Department/Attached Department concerned shall then arrange with the applicant all the documents relied upon for the verification, of non-gazetted service claimed in such manner that they can be conveniently consulted, and forward them together with the Government servant's service book or service roll as the case may be, and the state;? 'ant in the second page of the pension application form duly completed up-to-date (and the last pay certificate, if necessary) through the authority empowered to sanction the

5.6.

5.7.

5.8.

5.9.

6.1.

#### VOLUME III: 1971-1973

pension to the Audit Officer.

On receipt of the pension papers the Audit Officer shall apply the requisite checks, If in cases in which the authority competent to sanction the pension has recorded its provisional recommendation under sub-rule (3) of rule 5.4. the Audit Officer finds that the claim is in order, he shall prepare the pension payment order forthwith in Form 4 (Pen.) but shall not issue it more than a fortnight in advance of the date on which the Government servant is due to retire, intimating the fact of issue to that authority. In other cases he shall certify as to the correctness of the calculations of service and pension, and return the pension papers to the authority competent to sanction the pension with a report on the claim for pension and the rules applicable to the case. He shall retain the last pay certificate unless the pension is to be paid in another circle of audit in which case he shall forward the certificate to the Audit Office of that circle along with a copy of the orders sanctioning the pension.

(1) A pension/gratuity which is certified by the Audit Officer shall be sanctioned by the authority competent to sanction the pension.

(2) Orders sanctioning the pension may issue not more than one month in advance of the due date of retirement and the Audit Officer may issue the pension/pension payment order not more than a fortnight in advance thereof to the Treasury Officer who is to pay the pension/gratuity.

Date of commencement of pension:- Apart from special orders, an ordinary pension is payable from the date on which the pensioner ceases to be in Government service. A gratuity (other than anticipatory gratuity) shall be paid in a single sum.

Place of Payment:- A pension/gratuity is payable in rupees at any Government Treasury in Azad Kashmir.

#### CHAPTER VI

##### Anticipation Pension/Gratuity

When a Government servant is likely to retire before his pension can be finally assessed and sanctioned in accordance with the

tules, the authority competent to sanction pension may sanction

6.2.

6.3.

6.4.

6.5.

#### VOLUME III: 1971-1973

an anticipatory pension in the manner shown below:

(i) Where pension does not exceed Rs. 100 per mensem, the anticipatory pension may be allowed in full on the basis of the calculations made by the authority sanctioning the pension.

Note:- The authority responsible for sanctioning the pension and the Audit Officer concerned should finalize the pension case quickly so that there is no excess payment, and if any, it is adjusted as quickly as possible.

(ii) In case where the pension exceeds Rs. 100 per mensem, the anticipatory pension is to be restricted to 4/5th of the amount calculated during the initial period of 3 months. After three months full amount admissible as calculated shall be paid even if the case is not finalized.

Note:- If the pension papers are not verified by the Audit Officer till one month before the retirement of the Government servant in question, the action as in rule above shall be taken by the sanctioning authority.

The payment of anticipatory pension shall be made only after the declaration given in Form 5 (Pen) has been obtained duly signed from the retiring Government servant.

The authority sanctioning pension shall ensure that pension is finally sanctioned as soon as possible.

The letter sanctioning the anticipatory pension in Form 5 (Pen) shall be addressed by the sanctioning authority to the Audit Officer. A copy of the sanctioning letter shall also be endorsed to the retiring Government servant and the Treasury Officer of the Treasury at which the pension is to be drawn.

This letter will constitute sufficient authority for drawal of anticipatory pension at the Treasury in question pending finalisation of the pension case. The pension payment orders appended to such letter should be dealt with in accordance with the instructions contained in West Pakistan Subsidiary Treasury rules and a Register of anticipatory pension payment order maintained in the same form prescribed for regular pensions.

Note:- Before forwarding pension papers to the Audit Officer



6.6.

6.7.

6.8.

#### VOLUME III: 1971-1973

for scrutiny the sanctioning authority should enter brief particulars of the case in a register to be maintained specially for this purpose. The register should indicate the name of the Government servant due to retire the date of his retirement and the amount of pension due to him as per details passed on to the Audit Officer.

If the authority competent to sanction pension considers it likely that in a case contemplated in Rule 6.1. above, the Government servant would be entitled to a gratuity, one-sixth of 65 per cent of the amount of such probable gratuity should, upon a similar declaration be disbursed to him monthly for a maximum period of six months until the amount is finally settled. Rule 6.2.to 6.4. above would mutatis mutandis apply in such cases.

The payment of the anticipatory pension/gratuity shall be arranged to that it is not delayed beyond the first day of month following the month in which the Government servant is due to retire.

If, upon the completion of regular investigation, it be found that pension. This summarily assigned differs from the pension finally settled, the difference must be adjusted in the first subsequent payment. Further, if anticipatory gratuity proves to be larger than the amount round actually due upon completion of the enquiries, the Government servant shall be required to refund any excels actually paid to him.

#### CHAPTER VII

##### Grant of Pensionary Benefits to Displaced Government Servants

71.

7.2.

7.3.

A displaced Government servant who migrated to Pakistan or Azad Kashmir Territory prior to 31-12-1961 shall be entitled to count his previous service to words pension under Azad Government of the State of Jammu and Kashmir provided the service rendered by him under Dogra Regime was pensionable under the rules of that Government.

Leave taken with or without allowances during the service with Dogra Regime shall be counted towards pension in accordance



with rules enforce in Azad Kashmir.

The break in service occurring between termination of employment under the Dogra Regime and first appointment in

401

74,

75.

7.6.

8.1.

8.2.

#### VOLUME III: 1971-1973

Azad Kashmir shall be treated as condoned.

(a) A displaced Government servant claiming the benefit of his previous pensionable service should furnish a statement showing the details of the service to the authority competent to sanction his pension in Azad Kashmir. The statement should be accompanied by a documentary evidence such as Service book, extract from History sheet or other equivalent record.

(b) A statement of leave taken on full pay or half average pay or without pay, unless this information is already available in service record.

(c) A certificate that no pension in respect of previous service was sanctioned.

(i) In case the records mentioned at 'A' in sub-rule (1) are not available a written statement of the Government servant concerned should be taken on plain paper accompanied by the testimony of the two contemporary Government officers duly attested by a Magistrate 1<sup>st</sup> class.

The authority competent to sanction the pension should check the statement and forward it to the Accountant General after authentication.

The prescribed check of pensionable service against Establishment Return is specifically waived in the case of displaced Government servants in respect of service rendered by, them under Dogra Regime.

#### CHAPTER VIII

##### Commutation of Civil Pension

A competent authority may sanction the commutation for lump sum payment of a portion not exceeding one half (including 'th of the surrendered portion) of any pension which has been or is about to be granted under these rules.

(1) An application for commutation should be submitted in Part I of Form 6 (Pen) through the Head of the office in which the

applicant is or was employed or if he is or was himself the Head

402

8.3.

8.4.

#### VOLUME III: 1971-1973

of the Office through the Head of the Department/Attached Department.

(2) The Head of the Office or the Head of the Department/Attached Department shall forward the applications to the Accountant General.

(3) The Accountant General shall complete Part II of Form 7 (Pen) without delay and transmit it to the authority competent to sanction the commutation.

(1) The authority competent to sanction commutation shall thereupon accord its administrative sanction in Part III of Form 6 (Pen) and transmit to the applicant on Form 7 (Pen) a certified copy of the Accounts Officer's certificate contained in Part II of Form 6 (Pen) of lump sum payable on commutation and one copy reported by the proper medical authority to be fit subject for commutation and one copy of Form 8 (Pen) Part I of which is to be filled in by the applicant before his medical examination and handed to the medical authority.

(2) The sanctioning authority shall further instruct the applicant to appear for examination before the said medical authority within three months from the date of its order, or if he has applied for commutation in advance of the date of his retirement, within three months of the date, but in no case earlier than the actual date of retirement.

(3) The sanctioning authority shall forward to the Health Department in original the completed Form 6 (Pen) together with a copy of Form 8 (Pen) and an extra copy of Part III of that form; and if the applicant has been granted an invalid pension, or has previously commuted any portion of the pension or declined to accept commutation on the basis of an addition of years to his actual age, or has been refused commutation on medical grounds, copies of the previous medical reports of statement of his case.

The Health Department shall arrange for the medical examination of the applicant by the proper medical authority at the nearest available station to that named by the applicant in Part I of form 6 (Pen) and as early as possible within the period prescribed and inform the applicant direct. The form and other documents should be transmitted by the Health Department to the examining medical authority.

8.5.

8.6.

#### VOLUME III: 1971-1973

Note:- The term 'medical authority' means (i) the Standing Medical Board or the Standing Invaliding Committee in the case of Gazetted Government servants and also in the case of Non Gazetted Government servants drawing pay not less than Rs. 400 at the time of retirement; and

(ii) the Medical Superintendent District Health Officer in the case of all other Non-Gazetted Government Servants.

(1) The medical authority after obtaining from the applicant, a statement in Part I of Form 8 (Pen) (which must be signed in its presence) shall subject him to a strict examination enter the results in Part II and complete the certificate contained in Part III of Form 8 (Pen) and in the case of Non-Gazetted Government servants other than those specially exempted by Government, obtain in its presence the left hand thumb and finger impressions.

(2) If the examination is conducted by a single medical officer, the applicant shall himself pay the medical officer's fee for examination.

If he is examined by a medical board or committee he shall pay a fee of Rs.4 into a Government treasury and make over the receipt for the fee to the Medical Board or committee before examination together with an additional fee of Rs. 12 in cash to be retained and divided by the members of the Board of the committee as the case may be, among themselves.

Note:- No fee will be payable for medical examination in case the full pension, of the applicant does not or is not likely to exceed Rs. 100 per mensem.

(3) The medical authority shall without delay forward the completed Form 6 (Pen) and 8 (Pen) in original to the Accounts Officer who gave the certificate contained in part II of Form 6 (Pen) regarding the Commutation amount admissible to the applicant, and certified copy of the completed Form 8 (Pen) to the sanctioning authority. A certified copy of the medical certificate in Part III of Form 8 (Pen) should be given to the applicant on the spot after medical examination.

If the medical examination does not take place within the period prescribed in the sanctioning order, or if the applicant does not appear for examination before the medical authority within the

8.7.

8.8.

8.9.

#### VOLUME III: 1971-1973

prescribed period the sanctioning authority may renew administrative sanction for a further period of three months without obtaining a fresh application for commutation of pension. The applicant may without obtaining a fresh application for (1) commutation of pension. The applicant may withdraw his application by written notice despatched at any time before the medical examination is due to take place, but his option shall expire on his appearance before a medical authority, provided that if the medical authority direct that his age for the purpose of commutation shall be assumed to be greater than his actual age, the applicant may withdraw his application by written notice despatched within two weeks from the date on which he receives intimation of the received sum payable on commutation, or, if the sum is already stated in the sanctioning order, within the finding of the medical authority. If the applicant does not withdraw in writing his application within period of two weeks prescribed above he shall be assumed to have accepted the sum offered.

Subject to the provisions contained in rule 8.8 and to the withdrawal of an application under rule 8.6. the commutation shall become absolute, that is, the title to receive the commuted portion of the pension shall cease and the title to receive the commuted value shall accrue on the date on which the medical authority signs the medical certificate.

If the applicant makes any statement found to be false within his knowledge or willfully suppresses any material fact in answer to any question written or oral put to him in connection with his medical examination, the sanctioning authority may cancel the sanction at any time before payment is actually made; and such a statement or suppression may be treated as grave misconduct for the purpose of rule 1.8.

(1) The Accountant General on receipt of the completed Forms 6 (Pen) and 8 (Pan) shall arrange forthwith for the payment of the appropriate commuted value and for the corresponding reduction of the pension. He shall also forward to the disbursing officer Form 8 (Pen) containing the signature and thumbs impressions of Non-Gazetted Government servants, taken in the presence of the medical authority, with introductions that they should be verified with those received with the pension payment order.

(2) If the applicant on receipt of the sanctioning order withdraws



the application within the period prescribed in rule 8.6. he should intimate his intention in writing to the Accountant General direct and to the sanctioning authority simultaneously.

(3) The payment of the commuted value shall be made in rupees in Azad Kashmir as expeditiously as possible, but in the case of an impaired life no payment shall be made till either a written acceptance of the commutation has been received or the period within which the application for the commutation may be withdrawn has expired whatever the date of actual payment the amount paid and the effect upon the pension shall be the same if the commuted value were paid on the date on which commutation became absolute. If the commuted portion of the pension has been drawn after the date on which the commutation became absolute, the amount drawn shall be deducted from the amount payable in commutation.

If pensioner part of whose pension has been commuted, dies on or after the date on which the commutation became absolute but before receiving the commutation value, this value shall be paid to his family or eligible relatives in the same manner as gratuity is payable under rules 4.5. and 4.6.

The lump sum payable on commutation shall be calculated in accordance with the table of present values given below:

#### TABLE FOR CALCULATING THE COMMUTED VALUE OF PENSIONS

Age next birthday Commutation value  
expressed as number  
of years purchase.

18	we ve see 22.70
19	we ve see 22.60
20	we ve see 22.40
21	we ve see 22.20
22	we ve see 21.99
23	we ve see 21.79
24	we ve see 21.57
25	we ve see 21.35
26	we ve see 21.13
27	we ve see 20.90
28	we ve see 20.66
29	we ve see 20.42
30	we ve see 20.18



VOLUME III: 1971-1973

407

19.93  
19.67  
19.41  
19.14  
18.86  
18.58  
18.29  
17.99  
17.69  
17.38  
17.07  
16.74  
16.41  
16.07  
15.73  
15.37  
15.01  
14.64  
14.27  
13.90  
13.51  
13.13  
12.74  
12.34  
11.95  
11.55  
11.15  
10.76  
10.36  
9.97  
9.58  
9.20  
8.82  
8.45  
8.08  
7.72  
7.37  
7.02  
6.68  
6.35  
6.03  
5.72  
5.42  
5.12  
4.84

16 a \_ we 4.57  
71 a a we 431  
78 a a we 4.06  
79 a a we 3.83  
80 a a we 3.61  
81 a a we 3.40  
82 a a we 3.21  
83 a a we 3.03  
84 a a we 2.88  
85 a \_ we 2.75  
86 a a we 2.63  
87 a a we 2.51  
88 a a we 2.39  
89 a a we 2.28  
90 a a we 2.17  
91 a a we 2,05  
92 a a we 1.93  
93 a a we 1.70  
94 a \_ we 1.62

#### CHAPTER IX

##### Extraordinary Pension

(a) The rules of this chapter apply to all pensions in civil employ of the Provincial Government, whether their employment is permanent, temporary or casual and whether remunerated by fixed pay or by piece work rates; provided that in case of a person to whom, the Workman's Compensation Act, 1923, applies:

(1) an award shall be paid under the provisions of this chapter only if the authority competent to sanction it considers that the compensation payable under the Act is in the particular case inadequate; and

(2

YS

the amount of award paid to any Such person shall not exceed the difference between the amount otherwise admissible under the rules of this chapter the amount of compensation payable under the Act.

(b) Pay for the purpose of this chapter means the pay which a person was drawing on the date of his death or injury, provided that in the case of a person remunerated by piece

work rates, pay means the average earning of the last six month ending with the date of his death or injury.

The extraordinary pension may be granted to a Government servant even if he is not invalided from service as a result of the disability on account of which the award is made. The grant of extraordinary pension to a Government servant is no bar to the grant of any ordinary civil pension or gratuity for which he may be eligible under the rules.

Every grant of extraordinary pension under this Chapter is subject to the provision of rule 1.8.

In case where considerable delay has occurred in applying for an extraordinary pension, the grant, if any will take effect only from the date of the report by the Medical Board, or, in the case of family pension from such date as the sanctioning authority may decide. Otherwise the grant may be made with effect from the date of wound, injury or death. The family pension granted to a posthumous child should commence from the date of his/her birth.

No extraordinary pension shall be sanctioned by a competent authority except with the prior concurrence of Finance Department.

An injury pension to a Government servant, or in case of his death, a family pension may be sanctioned under any of the following conditions on the merits of each case upto half the amount of pay or Rs. 500 per mensem, whichever is less subject to the minimum of Rs. 100 per mensem or the amount of pay whichever is less.

A Government servant, who receives injury (including wound) or is killed:

while performing any particular duty which has the effect of increasing his liability to injury beyond the ordinary risk of the post which he holds.

For extraordinary family pension, the provision or ordinary family pension shall be applicable to the extent that they are not

inconsistent with the rules in this Chapter.

When a claim for any injury pension or family pension arises,

VOLUME III: 1971-1973

the Head of the Department Attached Department/Office in which the injured or deceased Government servant was employed, shall forward the claim through the usual channel to the Finance Department with the following documents:

- (1) A full statement of circumstance in which the injury was received, the disease was contracted or the death occurred.
- (2) The application for injury pension in Form 9 (Pen) or the application for family pension in Form; 10 (Pen).
- (3) In the case of an injured Government Servant or one who has contracted disease a medical report in Form 11 (Pen). In the case of a deceased Government Servant, medical report as to the death or reliable evidence as to the actual occurrence of death, if the Government servant lost his life in such circumstances that a medical report cannot be secured.

In making an award under this Chapter, the competent authority may take into consideration, the degree of default or contributory negligence on the part of the Government servant who sustains an injury or dies as a result of an injury or is killed.

All awards under this Chapter shall be made in Azad Kashmir in Rupees.