DIRECTORATE OF EDUCATION: GNCT OF DELHI
COORDINATION BRANCH: LUCKNOW ROAD: DELHI

No.30-3(17)/Coord/Pay Comm./2008/Part file/9789778/Dated:-25/5/2010

CIRCULAR

Sub:- Additional Relief on death/disability of Government Servants covered by the
new Defined Contribution Pension System and Amendment to Rule 64, 71, 72 &
80 of CCS (Pension) Rules, 1972- regarding.

Please find enclosed herewith copy of Endorsement No.F.14(2)/2006-
Fin(B)/dsfb/1032-1037 dated 12.05.2010 received from Finance (Budget) Department,
GNCT of Delhi enclosing there with following Office Memorandums from Govt. of India:-

<table>
<thead>
<tr>
<th>S. No</th>
<th>Name of the Ministry/ Department</th>
<th>O.M.No. &amp; Date</th>
<th>Subject</th>
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</thead>
</table>
| 1.    | Ministry of Personnel,
       Public Grievances and
       Pensions (Department
       of Personnel & Trg.) |
       No.25014/7
       2010 – AIS
       (II) dated
       7.04.2010 |
       Additional Relief on death/disability of
       Central Civil Government Servants covered
       by the new Defined Contribution Pension
       System (NPS) - regarding. |
| 2.    | Ministry of Finance,
       Department of
       Expenditure |
       No.20/16/1
       998-
P&PW(F)
dated
19.04.2010 |
       Amendment to Rule 64, 71, 72 & 80 of CCS
       (Pension) Rules, 1972- Issue of Notification
       dated 7th April, 2010, published in the
       Gazette of India on 12th April, 2010-
       regarding. |

Encl: As above. (Shashi Kaushal)
Addl. Director of Education (Coord.)

No.30-3(17)/Coord/Circular/2010/9789778/9778/Dated:-25/5/2010
Copy for information and necessary action to:-
1. PS to Pr. Secretary (Education), GNCT of Delhi, Old Secretariat, Delhi
2. PS to Director (Education), Directorate of Education, Delhi.
3. PS to Addl. Director of Education (Admin.), Directorate of Education.
4. PS to Addl. Director of Education (School), Directorate of Education.,
5. PS to Addl. Director of Education (Fin), Directorate of Education, Delhi
6. PS to Addl. Director of Education (ACT), Directorate of Education, Delhi
7. PS to Joint Director of Education (HQ), Directorate of Education, Delhi
8. DCA, Directorate of Education, Old Secretariat, Delhi.
9. All RDES/DDES, Directorate of Education, Delhi
10. All Branches of Headquarter, Directorate of Education, Delhi
11. All Head of Schools, GNCT of Delhi through website of the department.
12. OS (IT) with the request to upload the Circular on the website of the department.

(Shashi Kaushal)
Addl. Director of Education (Coord.)
ENDORSEMENT

A copy of the under mentioned paper is forwarded for information and necessary action to the following:-

1. All Heads of Department, Govt. of N.C.T. of Delhi.
2. All Pay & Accounts Officers, Govt. of N.C.T. of Delhi.
3. Commissioner M.C.D. Town Hall, Chandini Chowk, Delhi.
5. Chief Executive Officer, Delhi Cantonment Board, Delhi.

List of paper forwarded

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<th>O.M. No. And Date</th>
<th>Subject</th>
</tr>
</thead>
</table>
To,

The Chief Secretaries of
All States/Union Territories.

Sub: Additional Relief on death/disability of Central Civil Government servants covered by the new Defined Contribution Pension System (NPS)-regarding.

Sir,

I am directed to say that the Department of Pension & Pensioners' Welfare by its OM No. 38/41/06/P&PW (A) dated 5th May, 2009 (copy enclosed) has issued order regarding additional relief on death/disability of Central Civil Government servants covered by the new Defined Contribution Pension System (NPS).

2. The provisions contained in the aforesaid Office Memorandum of the Department of Pension & Pensioners' Welfare are equally applicable Mutatis-Mutandis to members of All India Services.

Yours faithfully,

(Roli Singh)
Director(Services)

Copy to:
1. The Ministry of Home Affairs (Joint Secretary – Police)
2. The Ministry of Environment & Forests (Joint Secretary, IFS).
3. All Ministries/Departments of Government of India
4. Accountants General of all state Governments
5. NIC, DOP for putting on website vide path (Home page>Circulars/Reports>Services Division)

(Roli Singh)
Director(Services)
Sub: Additional Relief on death/disability of Government servants covered by the new Defined Contribution Pension System (NPS)

The undersigned is directed to say that the pension of the Government servants appointed on or after 1.1.2004 is regulated by the new Defined Contribution Pension System (known as New Pension Scheme), notified by the Ministry of Finance (Department of Economic Affairs) vide their O.M. No. 5/7/2003-ECB 2 PR dated 22.12.2003.

2. On introduction of the New Pension Scheme, among others, the Central Civil Services (Pension) Rules, 1972 and the Central Civil Services (Extraordinary Pension) Rules were amended on 30.12.2003. Under the amended Rules, the benefits of Invalid Pension/Disability Pension and Family Pension/Extraordinary Family Pension/Liberalized Pensionary Award relief are not available to the Government servants appointed on or after 1.1.2004.

3. Ministry of Finance (Department of Economic Affairs) has subsequently clarified that the New Pension Scheme is a replacement for only pension under normal circumstances and family pension in case of death of employees after retirement.

4. A High Level Task Force (HLTF) constituted by the Government has recommended certain additional benefits that can be provided on death or discharge on invalidation/disability of a Government servant covered by the New Pension Scheme. It is likely to take some time before the Rules regulating these benefits under the New Pension System are put in place.

5. Meanwhile, considering the hardships being faced by the employees appointed on or after 1.1.2004 who are discharged on invalidation/disability and by the families of such employees who have died during service since 1.1.2004, the President is pleased to extend the following benefits to Central Civil Government Servants covered by the New Pension Scheme, on provisional basis till further orders:

(i) Retirement from Government service on invalidation not attributable to Government duty.
(i) Invalid Pension calculated in terms of Rule 38 and Rule 49 of the Central Civil Services (Pension) Rules, 1972.
(ii) Retirement gratuity calculated in terms of Rule 50 of the Central Civil Services (Pension) Rules, 1972.

(II) Death in service not attributable to Government duty:

(i) Family Pension (including enhanced family pension) computed in terms of Rule 54 of the Central Civil Services (Pension) Rules, 1972.
(ii) Death gratuity computed in terms of Rule 50 of the Central Civil Services (Pension) Rules, 1972.

(III) Discharge from Government service due to disease/injury attributable to Government duty

(i) Disability Pension computed in terms of the Central Civil Services (Extraordinary Pension) Rules.
(ii) Retirement gratuity computed in terms of the Central Civil Services (Extraordinary Pension) Rules read with Rule 50 of the Central Civil Services (Pension) Rules, 1972.

(IV) Death in service attributable to Government duty:

(i) Extraordinary Family Pension computed in terms of Central Civil Services (Extraordinary Pension) Rules and Scheme for Liberalised Pensionary Awards.
(ii) Death gratuity computed in terms of Rule 50 of the Central Civil Services (Pension) Rules, 1972.

The employee/ his family will also be paid Dearness Pension/Dearness Relief admissible from time to time in addition to the above benefits, on provisional basis.

6. The above provisional payments will be adjusted against the payments to be made in accordance with the Rules framed on the recommendations of the HLTF and recoveries, if any, will be made from the future payments to be made on the basis of those rules.

7. The recommendations of the HLTF envisage payment of various benefits on death/discharge of a Government employee after adjustment of the monthly-annuitised pension from the accumulated funds in the NPS Account of the employee. Therefore, no payment of monthly-annuitised pension will be made to the employee/family of the employee during the period he/she is in receipt of the provisional benefits mentioned in para 5 above.

Please visit: http://pensionersportal.gov.in
8. In cases where, on discharge/death of the employee, the amount of accumulated funds in the NPS Account have been paid to the employee/family of the employee, the amount of monthly-annuitised pension from the date of discharge/death will be worked out in accordance with the rules/regulations to be notified by the Department of Financial Services/PFRDA and the same will be adjusted against the payment of benefits/relief after the notified rules in this respect are in place.

9. These instructions will be applicable to those Government servants who joined Government service on or after 1.1.2004 and will take effect from the same date i.e. 1.1.2004.

10. This Order issues with the concurrence of Ministry of Finance (Department of Expenditure) vide their U.O. No. 127/EV/2009 dated 13.4.2009.

(M.P. Singh)
Director

1. All Ministries/ Departments of Government of India
2. As per standard mailing list
OFFICE MEMORANDUM


The undersigned is directed to enclose a copy of Notification No. S.O. 829 (E) dated 7th April, 2010, published in the Gazette of India on 12th April, 2010 on the subject cited above and to request that the contents thereof may please be brought to the notice of all offices/employees under their control for information and compliance.

Encl: as above

(Sripti P. Ghosh)
Director
Tel: 24624802

To,

All Ministries/Departments of the Government of India as per standard distribution list.

Copy to President’s Secretariat, Vice President’s Secretariat, Prime Minister’s Office, Cabinet Secretariat, Supreme Court of India, C&AG, UPSC, etc. as per standard endorsement list.
MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES
AND PENSIONS

(Department of Pension and Pensioners’ Welfare)

NOTIFICATION

New Delhi, the 7th April, 2010

S.O. 829(E).—In exercise of the powers conferred by the proviso to article 309 and clause (5) of article 148 of the Constitution and after consultation with the Comptroller and Auditor-General of India in relation to persons serving in the Indian Audit and Accounts Department, the President hereby makes the following rules further to amend the Central Civil Services (Pension) Rules, 1972, namely:—

1. (1) These rules may be called the Central Civil Services (Pension) (Amendment) Rules, 2010.

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

2. In the Central Civil Services (Pension) Rules, 1972 (hereinafter referred to as the said rules), in rule 64, in sub-rule (4), in clause (a), in sub-clause (ii), for the words “ten per cent of gratuity or one thousand rupees, whichever
is less", the words "ten per cent of gratuity" shall be substituted.

3. In rule 71 of the said rules, in sub-rule (3), in clause (a), after the words "licence fee", the following shall be inserted, namely:

"as well as damages (for the occupation of the Government accommodation beyond the permissible period after the date of retirement of allottee)"

4. In rule 72 of the said rules,

(a) in sub-rule (5), for the words "ten per cent of gratuity or one thousand rupees, whichever is less", the words "ten per cent of gratuity" shall be substituted.

(b) for sub-rule (6), the following sub-rules shall be substituted, namely:

"(6) The recovery of licence fee (where it is not possible for the Directorate of Estates to determine the outstanding licence fee) as well as damages (for the occupation of the Government accommodation beyond the permissible period after the date of retirement of allottee) shall be the responsibility of the Directorate of Estates and the withheld amount of gratuity under sub-rule (5) above, the retiring Government employees, who are in occupation of Government accommodation, shall be paid immediately on production of "No Demand Certificate" from the Directorate of Estates after actual vacation of the Government accommodation;

(7) The Directorate of Estates shall ensure that "No Demand Certificate" shall be given to the Government employee within a period of fourteen days from the actual date of vacation of the Government accommodation and the allottee shall be entitled to payment of interest (at the rate applicable to General Provident Fund deposit determined from time to time by the Government of India) on the excess withheld amount of gratuity which is required to be refunded, after adjusting the arrears of licence fee and damages, if any, payable by the allottee and the interest shall be payable by the Directorate of Estates through the concerned Accounts Officer of the Government employee from the actual date of vacation of the Government accommodation up to the date of refund of excess withheld amount of gratuity;

(8) On account of licence fee or damages remaining unpaid after adjustment from the withheld amount of gratuity mentioned under sub-rule (5) above, may be ordered to be recovered by the Directorate of Estates through the concerned Accounts Officer from the Dearness Relief without the consent of the pensioners and in such cases no Dearness Relief shall be disbursed until full recovery of such dues has been made."

5. In rule 80 of the said rules, in sub-rule (4), in clause (c), for the words "ten per cent of the amount of gratuity or rupees one thousand, whichever is less", the words "ten per cent of the amount of gratuity" shall be substituted.

6. In rule 80-C of the said rules, in sub-rule (1), in clause (v), for the words "ten per cent of the death gratuity or one thousand rupees, whichever is less", the words "ten per cent of death gratuity" shall be substituted.

[F. No. 20/16/1998-R&PW (F)]

TRIPTI P. GHOSH, Director

Note: The Principal rules were published vide number S.O. 934, dated the 1st April, 1972. The Fourth Edition of the rules corrected up to July, 1988 was published in the year of 1988. The said rules were subsequently amended vide notifications given below:

1. S.O. 254, dated the 4th February, 1989
2. S.O. 970, dated the 6th May, 1989
3. S.O. 2467, dated the 7th October, 1989
4. S.O. 899, dated the 14th April, 1990
5. S.O. 1454, dated the 26th May, 1990
6. S.O. 2329, dated the 8th September, 1990
7. S.O. 3269, dated the 8th December, 1990
8. S.O. 3270, dated the 8th December, 1990
9. S.O. 3273, dated the 8th December, 1990
10. S.O. 409, dated the 9th December, 1991
11. S.O. 464, dated the 16th February, 1991
12. S.O. 2287, dated the 7th September, 1991
13. S.O. 2740, dated the 2nd November, 1991
14. GSR. 677, dated the 7th December, 1991
15. GSR. 399, dated the 1st February, 1992
16. GSR. 55, dated the 15th February, 1992
17. GSR. 570, dated the 19th December, 1992
18. S.O. 258, dated the 13th February, 1993
19. S.O. 1673, dated the 7th August, 1993
20. GSR. 419, dated the 11th September, 1993
21. S.O. 1884, dated the 25th September, 1993
22. GSR. 389(E), dated the 18th April, 1994
23. S.O. 1775, dated the 19th July, 1997
24. S.O. 259, dated the 30th January, 1999
25. S.O. 904(E), dated the 30th September, 2000
26. S.O. 717(E), dated the 27th July, 2001
27. G.S.R. 75(E), dated the 1st February, 2002
28. S.O. 4000, dated the 28th December, 2002
29. S.O. 860(E), dated the 28th July, 2003
30. S.O. 1483(E), dated the 30th December, 2003
31. S.O. 1487(E), dated the 14th October, 2005
32. G.S.R. 723(E), dated the 23rd November, 2006
33. S.O. 1821(E), dated the 25th October, 2007
34. G.S.R. 258(E), dated the 31st March, 2008
35. S.O. 1028(E), dated the 25th April, 2008.