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**Simplification of procedures with a view
to eliminating delays in the payment of
superannuation pension and death-
cum-retirement gratuity :**

GOVERNMENT OF MAHARASHTRA

FINANCE DEPARTMENT

CR1980032801

Resolution No. PEN-1079/CR/1727-A/SER-4
Mantralaya, Bombay 400 032, dated 28th March 1980

RESOLUTION

The question of simplifying and expediting the procedure for the sanctioning and grant of pension to State Government employees has been under Government's consideration. Government is pleased to decide that the following modifications in the pension rules contained in Chapter XI of the Bombay Civil Services Rules, Volume I and in the Revised Pension Rules, 1950, contained in Appendix XIV-C of the Bombay Civil Services Rules, Volume II and other relevant orders will come into effect from 1st April 1980, that is, in respect of persons retiring on or after 31st March 1980.

2. **Time table for the work.**—The payment of superannuation pensions should in all cases commence on the first of the month in which they are due. For this purpose, Heads of Offices and others responsible for or connected with pension cases, including those responsible for issuing pension payment orders, will be required to observe the following time-schedule for the various processes leading to the authorisation and payment of pension and gratuity. The Government's intention is that while the preliminary and preparatory work should be commenced sufficiently in advance and adequate time allowed for the various stages and processes of work, these should not be allowed to be unduly prolonged or to become interminable; to obviate this, firm cut-off dates are prescribed for each stage such that when a cut-off date is reached the work will then necessarily proceed to the next stage :—

(a) The Head of Office or other authority responsible for preparing the pension papers will initiate the pension case **two years before the date of retirement** of the Government servant. At this stage, the work will be essentially that of assembling the information necessary for working out the qualifying service (or, at a later date, the calculation of pensionable pay). As most delays in pension cases arise from gaps, deficiencies and imperfections in the service book/records, every effort should be made at this stage to remove these, while at the same time keeping in mind that what is intended is **not** a total overhaul or audit of the entire service book or records, but only a scrutiny limited to the immediate purpose on hand, namely, the preparation of the pension papers. This process should be completed in good time and at any rate **not later than 8 months in advance of the date of retirement** of the Government servant.

(b) On reaching that stage, i.e., **8 months before the retirement date** the actual work of preparation of pension papers, viz., the reckoning of

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qualifying service and the calculation of pensionable pay, should be taken up. Any deficiency or imperfection or omission which still remains in the service records will be ignored at this stage and the determination of the qualifying service will be proceeded with on the basis of entries in the service records, whatever the degree of perfection to which it might have been possible to bring them by that time.

It will not be necessary for a Government servant to submit application for pension in Form No. 15-A presently prescribed under correction slip No. 126 to Bombay Civil Services Rules, Volume II. It will henceforth be the responsibility of the Head of Office concerned to obtain from the retiring Government servant, the particulars as in the revised Form 15-A (*vide* Annexure) eight months before the date of his retirement and to forward the same along with other pension papers to the Audit Office as prescribed in clause (d) below. Government servants who have already applied for pension in the existing Form No. 15-A and whose pension cases are being processed, need not be asked to furnish particulars for pension in the revised form.

(c) **The pensionable pay is determined with reference to pay drawn during the last 10 complete months (and not 36 months as was the practice before 1st March 1979)** (while the period to be taken for average calculations has been reduced, the other provisions of rule 46 of the Revised Pension Rules, 1950, as amended from time to time, will continue to apply *mutatis-mutandis*). This work involves not merely an arithmetical calculation of the average but also a check of the correctness of the pensionable pay which enters into that calculation. The correctness of the pay on the first date of the ten-month period would naturally depend on the correctness of the pay prior to that date. However, any such check of the correctness of past pay whether in the office preparing the pension papers or later in the Audit Office, should **not** become an occasion for an extensive examination going back into the distant past; the check should be the minimum which is absolutely necessary, and it should in any case not go back to a period earlier than a maximum of 24 months preceding the date of retirement.

(d) The process of determining the qualifying service and the average pensionable pay and the admissible pension and gratuity should be positively completed within a period of two months, and the pension papers should be sent to the Audit Office responsible for issuing the pension payment order **not later than six months before the date of retirement**. That office will, after the necessary scrutiny of the papers [limited to the immediate purpose on hand as mentioned in sub-paragraphs (a) and (c) above], issue the pension payment order (including the order for the payment of the death-cum-retirement gratuity) **not later than one month in advance of date of retirement**.

(e) The time-schedule and procedures mentioned above will equally apply *mutatis-mutandis* to the Audit Office to whom the responsibility for the preparation of pension papers in respect of Gazetted Government servants has been entrusted.

(f) In those cases in which the retirement of a Government servant takes place earlier than the normal date of compulsory retirement either

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in pursuance of the provisions of Bombay Civil Services Rule 161(c-1) or (c-2) or because of the deemed retirement in terms of Government Resolution, Finance Department, No. PEN 1067/49/67-X, dated the 17th October 1967, read with Government Resolution, Finance Department, No. PEN 1072/59/G. of I./72/S-2, dated the 25th April 1973, on the grounds of permanent absorption in a Public Sector Undertaking, the nature of the retirement would preclude advance action in regard to the pension case. In such cases too, the pension case would have to be processed very expeditiously, and instruction in this regard will be issued separately.

3. Extraordinary leave and suspension.—(a) Under note 6 below rule 41 of the Revised Pension Rules, 1950, introduced under correction slip No. 255, extraordinary leave availed of by a Government servant counts as service qualifying for pension. Sometimes extraordinary leave is granted to a Government servant on the condition that it will not count as service qualifying for pension. Entries regarding service not qualifying for pension are required to be made simultaneously with the event. Even where this is not done, it should still be possible to rectify the omission during the period allowed for preparatory action, i.e., from two years in advance of the retirement date upto eight months before retirement. At the end of that period, however [i.e., when the actual preparation of the pension papers is taken in hand as laid down in paragraph 2(b) above], no further inquiry into past events or check of past records should be undertaken. Specific entries in the service records regarding non-qualifying periods will be taken note of and such periods excluded from the service. All spells of extraordinary leave not covered by such specific entries will be deemed to be qualifying service.

(b) Similarly, rule 243 of the Bombay Civil Services Rules, Volume I, requires that in cases other than those in which suspension has been held to be wholly unjustified, the competent authority should at the appropriate time declare whether and to what extent the period of suspension will count towards the qualifying service. Specific entries in this regard in the service book/record will be taken note of at the time of reckoning qualifying service. In the absence of any specific entry, period of suspension shall be taken as counting towards the qualifying service.

4. Breaks in service.—In the absence of a specific indication to the contrary in the service records, an interruption between two spells of service rendered under the State Government will be treated as automatically condoned and the pre-interruption service treated as qualifying service for pension, except where it is otherwise known that the interruption was caused by resignation, dismissal or removal from service or participation in a strike. The period of interruption itself will under no circumstances be reckoned as qualifying service for pension.

5. Deputation/Foreign service.—(a) There are some cases in which in accordance with the terms of deputation/foreign service, it is the responsibility and liability of the Government servant himself to maintain the continuity of pensionable service by the payment of pension contributions. In such cases, it will be necessary to ascertain whether the recoveries have been made, before the period of foreign service is reckoned as qualifying

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service. However, the Government servant is sometimes put to considerable difficulty because of defective or incomplete record maintenance by the administrative/Audit Offices. In such cases, while he could be reasonably asked to show that he had indeed made the contributions, the administrative authority should show a spirit of reasonableness and accommodation in evaluating and accepting such evidence as he is able to put forward, and not insist rigidly on formal proof with reference to service or accounts records for the maintenance of which the Government servant is not responsible.

(b) Where, however, the responsibility for making pension contributions is that of the borrowing organisation and where either some of the contributions have not been recovered or the records in respect of the recoveries of such contributions are incomplete, while the authorities concerned should pursue the matter with the borrowing organisation separately for appropriate action, this should have no bearing on the processing and finalization of pension papers.

6. **Administrative sanction to pension and the concept of approved service.**—(a) It has been noticed that the submission of pension papers to the Head of the Department or Appointing Authority for administrative sanction to pension with reference to a concept of approved service, though this is largely a formality in the vast majority of cases, nevertheless leads to a good deal of delay in the finalization of pension cases. **It has, therefore, been decided that the requirement of an administrative sanction to pension, which is referred to in a number of places in the pension chapter of the Bombay Civil Services Rules, should be dispensed with.** The determination of pension will hereafter be merely a matter of calculation in accordance with the rules, and the pension papers need not be submitted to the Head of the Department or the Appointing Authority.

(b) However, the intention behind the provision in rule 188 of the Bombay Civil Services Rules under which less than the full admissible quantum of pension/gratuity can be granted after a summary procedure in a particular case on the grounds of unsatisfactory service or conduct, is not proposed to be given up. Recourse to this provision will obviously be had only in exceptional cases and for this purpose it is not considered necessary to submit all pension cases to the Head of the Department or the Appointing Authority or subject them to a process of administrative sanction. Instead, at the time when the preparation of pension papers is taken up, i.e., 8 months prior to the retirement date, the Head of the Office should address a separate inquiry to the Appointing Authority whether there is any intention to grant less than full pension or to institute any proceedings. (The pension papers need not be sent to that Authority for this purpose.) In the absence of a reply to this inquiry, the authority preparing the pension papers should assume that there is no intention to grant less than full pension/gratuity and should process the pension papers accordingly so as to transmit them by the prescribed deadline to the authority responsible for issuing the pension payment order. If, on the other hand, the appointing authority does decide that there is a case for granting less than the full admissible pension/gratuity the process should be positively completed before the deadline for sending the pension papers to the Audit Office is reached, i.e., earlier than six months prior to the retirement date.