



THE JAMMU AND KASHMIR  
**CIVIL SERVICE REGULATIONS**

VOLUME I

FIRST EDITION  
**8<sup>TH</sup> REPRINT 1997**

Corrected up to ending December 1997

THE JAMMU AND KASHMIR  
CIVIL SERVICE REGULATIONS.

VOLUME 1

RELATING TO :  
SALARY, LEAVE, PENSION AND  
TRAVELLING ALLOWANCES

FIRST EDITION  
(8TH REPRINT 1997)

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## **PREFACE TO THE FIRST EDITION (REPRINT)**

The edition is essentially a reprint of the First Edition of 'Jammu and Kashmir Civil Service Regulations, 1956' with such adaptations, modifications and additions as have been rendered necessary by amendments issued from time to time to this edition or by constitutional changes. Various gaps in the series of numbers of articles are due to the deletion of original articles, no longer necessary under different orders, the remaining number of articles having been retained intact.

2. This reprint edition is being issued at a time when amendments relating to many other rules are under way but in view of the present demand for up-to-date copies of this compilation further delay in its reprint is not considered desirable.

3. Authority for deletion and new insertions are indicated by footnotes.

(Sd.) P. N. CHAKU,

Secretary to Government,  
Finance Department.

## **PREFACE TO THE FIRST EDITION**

### **(2nd Reprint)**

This reprint of the Jammu and Kashmir Civil Service Regulations incorporates amendments ending June, 1967 and has been printed to meet the growing demand for up-to-date copies of the rules.

2. Errors and omissions, if any, found, may be communicated to the Finance Department for further necessary action.

Dated: 30th June, 1967.

(Sd.) DWARKA NATH,

Secretary to Government,  
Finance Department.

## **PREFACE TO THE FIRST EDITION**

### **(3rd Reprint 1971)**

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(Sd.) VED PRAKASH.

Dated: 1st May, 1971.

Secretary to Government,  
Finance Department.

## **PREFACE TO THE FIRST EDITION**

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This reprint of the Jammu and Kashmir Civil Service Regulations incorporates amendments ending October, 1974 and has been printed to meet the growing demand for up-to-date copies of the rules. A supplement containing amendments ending May, 1975 is also printed separately with the book.

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Dated: 20th June, 1975.

(Sd.) A. M. LANKER

Secretary to Government.  
Finance Department.

## PREFACE TO THE FIRST EDITION

**(5th Reprint 1979)**

This reprint of the Jammu and Kashmir Civil Service Regulations incorporates amendments ending April, 1979 and has been printed to meet the growing demand for up-to-date copies of the rules. A supplement containing amendments ending January, 1980 is also printed separately with the book.

2. Errors and omissions, if any, found, may be communicated to the Finance Department for further necessary action.

Jammu.  
March, 1980.

(Sd.) MOHAMMAD AMIN,  
  
Secretary to Government,  
Finance Department.

## **PREFACE TO THE FIRST EDITION**

**(6th Reprint 1985)**

This reprint edition of the Jammu and Kashmir Civil Service Regulations incorporates, amendments ending May, 1985 and has been printed to meet the growing demand for up-to-date copies of the rules. A supplement containing amendments from June 1985 to end of November, 1985 is appended to the book.

For the sake of convenient handling the book has been bound in Two Volumes. Volume I contains all the substantive rules and Volume II all the Schedules thereof.

Errors and omissions, if any, found, may be communicated to the Finance Department (Codes) for necessary action.

Jammu.  
November, 1985

(Sd.) J. A. KHAN

Commissioner and Secretary to Government,  
Finance Department

## **PREFACE TO THE FIRST EDITION**

**(7th Reprint 1991)**

This reprint edition of the Jammu and Kashmir Civil Service Regulations incorporates amendments ending May, 1991 and has been printed to meet the growing demand for up-to-date copies of the rules.

For the sake of convenient handling the book has been bound in two Volumes. Volume I contains all the substantive rules and Volume II all the Schedules thereof.

Errors and omissions, if any, found, may be communicated to the Finance Department (Codes) for necessary action.

Jammu,  
June, 1991.

(Sd.) J. A. KHAN,

Addl. Chief Secretary,  
Finance Department.

**THE JAMMU AND KASHMIR  
CIVIL SERVICE REGULATIONS**

**VOLUME I**

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*Note:-*For Schedules See Volume II.

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# THE JAMMU AND KASHMIR CIVIL SERVICE REGULATIONS

*Relating to*

## SALARY, LEAVE, PENSION AND TRAVELLING ALLOWANCE

### PART I-PRELIMINARY

#### CHAPTER I-EXTENT OF APPLICATION

I. Short title and commencement -( 1 ) These rules may be called the "Jammu and Kashmir Civil Service Regulations, 1956"

I-A. (a) These Regulations are intended to define the conditions under which Salaries, Leave. Service in the Civil Departments earns pension, Travelling or other Allowances and in what manner they are calculated. They do not deal otherwise than indirectly and incidentally with matters relating to recruitment, promotion, official duties, discipline or the like.

(b) All rules, orders and instructions issued by the Government from time to time and not expressly provided herein shall, in so far as they are not inconsistent with these rules. Continue to be in force until repealed or modified.

Note 1-Military Officers holding civil appointments will be considered civil officers for the purposes of these rules.

<sup>1</sup>Note 2.- The acting allowances, grant of leave and leave allowances, the pension and the travelling allowances of officers whose services are lent to the State by the Government of India will be regulated by the Rules of the respective Governments in India but in the State they receive only the pay or remuneration agreed upon and sanctioned for them by the Government concerned.

<sup>2</sup>Note 3 - Such of the employees of the Government Transport Undertaking as were in service on 9-4-1969 *ie.* the date of permanency of the organisation and who opted to retain their temporary character, will in respect of their fixation of pay, entitlement of leave, admissibility of joining time, T. A. and other allied conditions of service except the pensionary benefits be governed by these Regulations in the same manner as that of permanent Government servants of their corresponding status.

- 
1. Inserted vide F.D. Notification -No. SRO-418 dated 28-8-1970.
  2. Inserted vide ED. Notification No. SRO-669 dated 29-12-1973.

## EXTENT OF APPLICATION

2

[CHAP.I

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2. Any authority vested in or power exercised by Government under these Regulations may, by the order of Government, be delegated to any officer of the Government, and any authority vested in, or power exercisable by a specific officer of the Government under these Regulations may, by an order of Government, be delegated to any other such officer (See Schedule I).

3. The Travelling Allowance Rules in Part VIII under which travelling allowance is admissible apply to all officers in the Civil Departments and Local Funds, except to those who have taken service under a special contract or agreement, which provides for other methods of regulating their Travelling Allowance.

3-A. The salary, leave, joining time, the subsistence allowance, pension, travelling and other allowances and -other conditions of service of the 'officers appointed in service under a special contract or agreement shall be regulated by the terms of their contract as may be subsisting in each individual case.

### **RIGHT OF CHANGING OR INTERPRETING RULES**

4 (a) The Government reserves to itself the right of changing or cancelling the rules in these Regulations from time to time at its discretion and of interpreting their meaning in case of dispute.

It has also right of granting concessions outside the rules in cases where the rules operate harshly or unfairly, or the concession is intended as a special reward in recognition of merit.

(b) An officer's claim to pay and allowances is regulated by the rules in force at the time in respect of which the pay<sup>1</sup> and allowances are earned; to leave by the rules in force at the time the leave is applied for and granted, unless otherwise regulated by any special contract with the Government; to pension by the rules in force at the time when the officer resigns or is discharged from the Service of the Government, but he is not entitled to concessions withdrawn before or made after his resignation or discharge, and to travelling allowance by the rules<sup>1</sup> [in force at the time the journey in respect of which the claim is made; is undertaken]. But for journeys performed, before these rules are enforced, and which would not be claimed under the former practice, no officer will have any title to travelling allowance under the concessions now made in these rules.

<sup>2</sup> **Government** Instructions.-Where a Government servant is confirmed, in a post from a retrospective date he should be deemed to have held the post substantively from such date and benefits if any, by virtue of such

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1. Substituted by F.D. Notification No. SRO-113 dated 15.4.1964 for the words "that maybe in force at the time the claim is made".

2. Inserted by F.D. Notification No.315 dated 18.7.1966.

Confirmation on account of increase in pay and allowances or pension, reckoned under rules in vogue from time to time should be allowed to him notwithstanding the provisions of Art. 4 (b) above.

In respect of leave, the amount of leave due may be recalculated from the retrospective date and after deducting the amount of leave already availed of the balance of credtion the date of confirmation be carried forward. Except for purposes of carry forward of such recalculated credit, no readjustment of any leave already taken is permissible as a consequence of such recalculation. But where, however, any excess leave than admissible under Art. 4 (b) above has already been availed of by a Government servant, owing to mis-calculation or otherwise, the same shall be deemed to have been admissible if on the date of proceeding on such leave it happens to be due, as a result of recalculation subsequent to retrospective confirmation.

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**CHAPTER II-DEFINITIONS**

5. Unless there be something repugnant in the subject or context, the terms defined in this Chapter are used in the Regulations in the sense here explained. When these terms are in the rules, printed in bold type, it is meant that the rules cannot be fully applied without reference to the definition, etc.

6. Absentee means, an officer absent from an appointment on which he has a lien, either on leave or on deputation to another appointment, whether permanent, or temporary, or on special duty unconnected with his own appointment or on joining time during transfer to another appointment, or under suspension.

7. Active Service. Besides time spent on duty, includes privilege leave/earned leave of absence.

8. Actual travelling expenses means the actual cost of locomotion for an officer himself, his servants and personal luggage, including charges for ferry and other tools; but not including charges for hotels, dak bungalows, or refreshments, or for the carriage of stores or conveyances, or for presents to coachmen, nor any allowance for such incidental losses or expenses as the breakage of crockery, the wear and tear of furniture, the entertainments of additional servants and the like.

18-A. An apprentice mean a person deputed for training in a trade or business with a view to employment in Government service, who draws pay at monthly rates from Government during such training but is not employed in or against a substantive vacancy in the cadre of a Department.

9. Average Salary means the average of the salary actually obtained by the officer during so much of the 3 years immediately preceding the day, on which he gives over charge of his office, as he has passed on duty or on privilege leave.

Note 1- In the calculation of "Average Salary" Privilege Leave in case of regular vacations on half pay granted under Articles 150 to 154 is treated as it were full pay;

Note 2 -When Privilege Leave is combined with other leave under Article 130; the calculation is made up to the day preceding the commencement of the Privilege Leave.

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1. Inserted by F. D. Notification 191-F of 1960 dated 3-8-1960.

10. **Calendar months** -The following examples show how a period stated in "Calendar months" should be calculated:

EXAMPLE

A Period of Six Calendar Months.

Beginning on the	-----	Ends on the
21st March	-----	20th September.
31st July	-----	30th January.
31st August	-----	28th (or 29th February in case of leap year).
28th or 29th February	-----	31st August.

11. (a) Camp equipage means the apparatus for moving a camp.

(b) Camp Equipment means tents and the requisites for pitching and furnishing them or where tents are not carried, such articles of camp furniture as it may be necessary in the interest of the public service for a Government servant to take with him on tour.

11-A. Competent authority in relation to the exercise of any power means the authority to which the power is delegated or Government in the absence of any such delegation.

12. Continuous Service and Continuous and Active Service means the Service and Active Service of an officer since his last return from furlough or Extraordinary Leave lasting more than three months; or, if he has not had such leave, since the beginning of his Active Service. No leave may be included in continuous service except the Privilege Leave.

12-A. Controlling Officer means the intermediate controlling officer subordinate to a Head of Department.

(For list of such officers see Appendix 'G' Jammu and Kashmir Budget Manual).

13. "Count" and "Qualify" means to count and qualify for pension from the General Revenues of the State, or for leave of absence, as the case may be.

14. Day means a calendar day, beginning and ending at midnight; but the period, occupied by a journey which begins and ends at headquarters and which does not exceed twenty-four hours, shall be reckoned for all purposes as one day at whatever hours the absence begins or ends.

14-A. Disbursing Officer.-Every Government official who draws money on bills or through cheques from the Treasury is a Disbursing Officer except any Gazetted officer who whilst not being the Head of an Office draws his own pay and allowances only from the Treasury.

(For list of such officers see Appendix C, Kashmir Budget Manual).

14-B. (a) **Duty** includes :-

(i) Service as a probationer provided such service is followed by confirmation.

(ii) Joining time.

(iii) The period of unavoidable detention on the road owing to its being blocked by land slip, snow etc. vide Exception 2 to Article 128.

(iv) Extra privilege leave granted to a Government servant undergoing anti-rabic treatment at a Pasteur institute or centre.

<sup>2</sup>(v) Any period covered by a course of instructions or training which a Government servant appointed substantively or in an officiating capacity or on probation to a post or cadre is permitted to undergo in accordance with the terms of any general or special order of the Government. (This excludes the cases of study leave).

<sup>3</sup>(vi) The personnel of Civil Veterinary Department and of Medical Department shall be treated as on duty for purposes of T.A. pay etc. for the period covered by journey to and from the place of posting to the centre where they may receive treatment provided they come into contact with a rabid or suspected animal or with a case of hydrophobia while actually discharging official duty.

<sup>4</sup>Note :-A competent authority may make officiating promotion in the place of Government servants who are treated as on duty vide sub-clause (v) above. In case of Government servants sent for training or a course of instruction, it is not necessary to create a new post in order to accommodate him during such training or course of instruction, since the very order posting him for training etc. would be considered a sanction in this behalf. All past cases may be decided on this basis.

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1. Inserted by F. D. Notification 337 dated 3-8-1961.

2. Recast vide F. D. Notification SRO-160 dated 17-4-1971.

3. Inserted vide F. D. Notification SRO-226 dated 28-5-1984

4. Inserted by F. D.. Notification SRO-144 dated 23-4-1965.

The competent authority referred to above shall mean the authority which can sanction the deputation of a Government servant for training or a *course* of instruction subject to the condition that he is competent to make the appointments of the particular scale in which the person is appointed, as indicated in Schedule I-B of these Regulations.

(b) A Government servant is also treated as on duty under the circumstances specified below ;

- (i) During the period occupied in attending an obligatory Departmental examination including the time reasonably necessary for the journey to and from the place of examination.
- (ii) During the period actually occupied in attending any examination which must be passed before a person is eligible for a higher subordinate appointment in any branch of his service under the orders of the Administrative Department concerned.
- (iii) During the period of compulsory waiting by him for orders of the competent authority for posting after being relieved from his former post for transfer or on return from leave.
- (iv) During the period occupied in attending the Jammu and Kashmir University Senate and Syndicate meetings or on appointment as Superintendents, Invigilators, and Examiners in science practicals, etc. including the time reasonably necessary for the journey to and from the University.

Note 1.-No leave of any kind can be treated as duty for the purpose of any rule unless the contrary is expressly stated therein.

<sup>1</sup>Note 2.- The circumstances under which any period of suspension, removal or dismissal may count as duty or otherwise for purposes of pay and allowances, increments, leave and pension have been specified in Art. 108 (b).

15. Family includes officer's wives, his legitimate children and stepchildren residing with and wholly dependent on him; and also his parents, sisters and minor brothers, if wholly dependent on and residing with him.

15-A. Fee means a recurring or non-recurring payment to a Government servant from a source other than Consolidated Fund whether made

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1. Inserted by F. D. Notification SRO-311 dated 24-10-1962

directly to the Government servant or indirectly through the intermediary of Government.

16. First appointment includes the appointment of a person not at the time holding any appointment under Government even though he may have previously held such an appointment.

16-A. Foreign service means service in which a Government servant receives his substantive pay with the sanction of Government from any source other than General Revenues of Government.

17. General Revenues includes the revenues of the Government and excludes the revenues of a local fund.

18. Gazetted Officers are those whose appointment and dismissal rests with the Government.

<sup>1</sup>Exception.-Appointment to the posts of Secretaries of District Soldiers, Sailors and Airmen's Board will be made by the President of the Jammu and Kashmir Soldiers, Sailors and Airmen's Board (Governor).

This shall be deemed to have come into effect from 29-2-1968.

19. Service, Cadre, Class, Category and Grade.- The terms are used in the same sense as in the Jammu and Kashmir Civil Services (Classification, Control and Appeal) Rules, 1956.

Note.-Appointments do not belong to the same Class or Grade unless they have been so constituted or recognised by proper authority. A Ministerial Officer may be appointed to act for another Ministerial Officer in the same office whose pay is higher than his own.

19-A. Head of Department means a Head of Department or other officer who submits Budget estimates direct to the Secretariat.

(For list of such officers see Appendix "G" Jammu and Kashmir Budget Manual)

219-B. Hilly Road means a road which besides being hilly is non-motorable.

20. Headquarter.-(i) As a general rule, and subject to any special orders to the contrary in particular cases, the Headquarters of an officer on the staff of the Government as for instance a Secretary or Deputy Chief

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1. Inserted by F. D. Notification SRO-106 dated 3-3-1970.  
2. Inserted by F. D. Notification SRO-180 dated 21-4-1973.

Secretary or a Clerk in a Government Secretariat, are the Headquarters for the time being of the Government.

(ii) The Headquarters of any other officer and his establishment are either the station which has been declared to be his headquarters by Government or in the absence of such declaration, the station where the records of his or their office are kept.

(iii) The Headquarters of a subordinate executive officer, for instance a Ranger, or an Officer-in-Charge Police Chowki are the stations within his jurisdiction which have been declared to be his headquarters by the authority which appoints him.

20-A.' Holiday means holiday prescribed or notified by Government.

<sup>1</sup>20-B. Honorarium means a recurring or non-recurring payment granted to a Government servant from the <sup>2</sup>General Revenues of the State as remuneration for special work of an occasional or intermittent character. .

<sup>3</sup>20-C. Inferior Service means any kind of service which may be specially classed as such by an order of competent authority.

*Note 1-A* list of Government servants specially classed as inferior is given in Schedule II.

*Note 2.*-From the date of issue of SRO-406 dated 10th October, 1966 (viz. 10th October, 1966) the definition of term "Inferior Service" shall except for purposes of its application with reference to proviso to Art. 226 (I) be deemed as deleted.

21. Lien <sup>4</sup>means the title of Government servant to hold substantively, either immediately or on the termination of a period or periods of absence, a permanent post, including a tenure post, to which he has been appointed substantively.

*Note.-Government* may permit a Government servant to retain a lien on a temporary appointment in special cases such as absence, on study or training outside India or deputation to other Governments autonomous bodies like companies and corporations etc. provided the leave and pension contribution from the foreign employer is received and the post on which lien is retained continues to be operative for such period.

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1. Inserted by. F. D. Notification 191-F of 1960 dated 3-8-1960.
  2. Recast by F. D. Notification SRO-268 dated 13-5-1976.
  3. Inserted by F. D. Notification 406 dated 10-10-1966.
  4. Revised by F. D. Notification 191-F of 1960 dated 3-8-1960.

22-A. **Local Allowance.**-A "Local Allowance" is an allowance not specially declared to be "pay" or "salary" given to a Government servant in addition to pay or salary in consideration of exceptional local circumstances such as the unhealthiness or expensiveness of the locality, in which the work is performed.

Note.-Local Allowance includes a 'House Rent Allowance'.

22-B. Subject to the provision of Article 149, a Local Allowance which includes "Frontier Allowance" is paid only to the officer actually present on duty, and is not taken into account in calculating leave allowance or pension.

122-C. Deleted.

222-D. **Deputation Allowance.**-"Deputation Allowance" is an allowance given in addition to pay to a Government servant who is deputed temporarily to work under an employer other than the State Government, like Corporations, Companies, Autonomous Bodies, Central Government or other State Governments.

22-E. **Personl Allowance.**-A "Personal Allowance" is an addition to pay granted to a Government servant.

(a) to save him from loss of substantive pay in respect of a permanent post (other than a post held by him for a limited period) due to revision of pay or to any reduction of such substantive pay otherwise than a disciplinary measure, or

(b) in exceptional circumstances on other personal consideration.

<sup>3</sup>22-F. **Subsistence Allowance** means a monthly allowance granted to a Government servant who is not in receipt of salary or leave allowance.

23. **Local Funds.**-When revenue derived from special sources is devoted to special objects, and not to the general purposes of the administration, it is called a "Local Fund" e.g. the Sanitation Cess and Education Cess Funds are Local Funds.

423-A. Deleted.

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1. Deleted by F. D. Notification SRO-392 dated 28-9-1967.  
2. Recast by F. D. Notification SRO-420 dated 3-8-1979.  
3. Inserted by F. D. Notification 191-F of 1960 dated 3-8-1960.  
4. Deleted by Notification SRO-248 dated 23-4-1979.

24. Medical Officer means:

- (a) Director Health Services, Chief Medical Officer, Superintendents of main Hospitals at Srinagar and Jammu, Specialists, Epidemiologists and Medical Officers in Charge of District Hospitals.
- (b) An Assistant Surgeon: holding registerable qualifications for All India Register, Assistant Surgeons who do not possess registerable qualifications will have to get their certificates countersigned by either the Director Health Services or by a Chief Medical Officer or Superintendent of saddar Hospital.
- (c) For State Officers on leave etc. in India, any Medical Officer not below the rank of Assistant Surgeon Grade I or Assistant Surgeons holding at least registerable qualifications for All India Register. An Officer lower in the above list should not be resorted to when an officer of high qualification is easily accessible.
- (d) For indoor patients in aided Hospitals, any Medical Officer of that Hospital with registerable qualifications.

25. Ministerial Officer means an officer whether Gazetted or not, whose duties are not of an administrative or executive character but who is employed as a member of an office establishment.

Example.-A Registrar, an Accountant or a Clerk is a Ministerial Officer. A Tehsildar, a Police Inspector or a Constable, or a Teacher in a school is not a Ministerial Officer.

<sup>1</sup>25-A. Muffasil allowance means an allowance not specially declared to be "pay" or "salary" given to a Government servant in addition to pay or salary who is posted at places other than the headquarters of the State, Division, District, Tehsil, Municipalities, Town Areas or Notified Areas.

26. Officer.-In these rules the words means any person serving the Government in any capacity.

<sup>2</sup>Note.- The words, 'Official', 'Government servant and Government employee' wherever used in these Regulations shall carry the same definition as that of an 'Officer'.

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1. Inserted by F. D. Notification SRO-257 dated 27-4-1971.

2. Inserted by F. D. Notification SRO-1/62 dated 13-1-1962.

## 27. Pay and Salary ;

<sup>1</sup>(a) "Pay" means the amount drawn monthly by a Government servant<sup>8</sup> as :

(i) the pay, other than special pay or pay granted in view of his personal qualifications, which has been sanctioned for a post held by him substantively or in an officiating capacity;

(ii) special pay and personal pay; and

(iii) any other emoluments which may be specially classed as pay.

(b) "Salary" means the sum of pay<sup>2</sup>[x x x] and acting allowance, or charge allowance under Article<sup>3</sup>[xx x] 85 of Chapter, VIII.

<sup>2</sup>Note 1.-Deleted.

Note 2. "Salary" does not include a Local Allowance, House Rent Allowance<sup>4</sup> [x x x] Deputation Allowance, Travelling Allowance whether daily, monthly or yearly.

Note 3.- The civil proficiency allowance of Policemen and the literary allowance in Excise and Jails Departments is treated as salary of purposes of calculating leave allowance .only.

Note 4. Ration Allowance drawn by a Government servant with effect from 1-1-2004 will be treated as part of pay only for purposes of fixation of initial pay in higher scale to which no such allowance is attached.

<sup>5</sup>Note 5.-Unless otherwise provided in these rules for purposes of fixation of initial pay; special pay granted to a Government servant will not form part of pay.

<sup>6</sup>27 -A. "Special Pay" means an addition of the nature of pay to the emoluments, of a post granted in consideration of :

(a) the specially arduous<sup>7</sup>[nature] or duties; or

(b) a specific addition to the work or responsibility; and includes non-practising allowance granted to Doctors in lieu of private practice. It does not however, form part of the "substantive pay" of a Government servant<sup>8</sup>[X].

I. Recast by F. D. Notification' SRO-589 dated 8-12-1971.

2. Deleted *ibid*.

3. Deleted by F. D. Notification SRO-196 dated 21-5-1981.

4. Deleted by F. D. Notification SRO-392 dated 28-9-1967.

5. Inserted by F. D. Notification SRO-589 dated 8-12-1971.

6. Inserted by F. D. Notification SRO-392 dated 28-9-1967.

7. Substituted by F. D. Notification SRO-248 dated 11-7-1968.

8. Deleted by F. D. Notification Corrigendum No. A/151 (61)-1090 dated 9-9-1981.

<sup>1</sup>(C) Deleted.

<sup>1</sup>[x x x]

<sup>2</sup>27-B. "Substantive pay" means the pay other than special pay, personal pay or emoluments which are specially classed as pay to which a Government servant would be entitled on account of a post to which he has been appointed substantively or by reason of his substantive position in a cadre.

<sup>3</sup>28. Deleted.

<sup>4</sup>29. Deleted.

30. Pension.-Except when the term "Pension" is used in contradistinction to Gratuity, "Pension" includes gratuity.

31. Pensionable Office or Pensionable Service.-Service is said to be "Pensionable" when it qualifies; and an office is said to be "Pensionable" when service therein counts.

<sup>5</sup>31-A. Permanent post means a post carrying a definite rate of pay sanctioned without limit of time.

<sup>5</sup>31-B. Presumptive pay of a post. when used with reference to any particular Government servant, means the pay to which he would be entitled if he held the post substantively and were performing its duties; <sup>6</sup>[XXX] <sup>7</sup>[but does not include special pay unless the Government servant performs or discharges the work or responsibility in consideration of which special pay was sanctioned].

Note 1.-The allowance of an officer, officiating in an appointment, the pay of which is subject to increase upon the passing of an examination or upon the completion of a certain period of service, are calculated upon the pay which he would, from time to time, receive if he held the appointment substantively.

Note 2.-The allowances of an officer, officiating in an appointment, the pay of which has been reduced with effect from next succession thereto, are calculated upon the reduced pay.

<sup>7</sup>Note 3.-Special pay granted to a Government servant who is in receipt of a presumptive pay will not form part of the presumptive pay for

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1. Deleted by F. D. Notification SR0-499 dated 11-9-1979.  
2. Inserted by F. D. Notification SRO-S89 dated 8-12-1971.  
3. Deleted by F. D. Notification No. 191-F of 1960 dated 3-8-1960.  
4. Deleted by F. D. Notification SRQ-S89 dated 8-12-1971.  
5. Inserted by F. D. Notification No. 191-F of 1960 dated 3-8-1960.  
6. Deleted by F. D. Notification SRO-114 dated -15-4.1964.  
7. Inserted by F. D. Notification SRO-392 dated 28-9-1967.

purposes of fixation of initial presumptive pay/pay of a Government servant. But for determination of his leave allowances it will form part of presumptive pay.

31-C. Probationer means a Government servant employed on probation in or against a substantive vacancy in the cadre of a Department. This term does not, however, cover a Government servant who holds substantively a permanent post in a cadre and is merely appointed "on probation" to another post.

Note I.-The status of a probationer is to be considered as having the attributes of a substantive status except where the rules prescribe otherwise.

Note 2.-No person appointed substantively to a permanent post in a cadre is a probationer unless definition conditions of probation have been attached to his appointment such as the condition that he must remain on probation pending the passing of certain examination.

32. Time scale pay means the pay which, subject to the good behaviour and satisfactory work of an officer, rises by fixed and periodical increments from a minimum to a maximum. It includes the pay known as progressive ray.

Note.-For brevity sake, a progressive and Time scale pay is described by three groups of figures namely the minimum, the increment and the maximum, thus Rs. 100-20-200 means a pay rising from Rs. 100 by a yearly increment of Rs. 20 to Rs. 200.

33. Public conveyance means a railway train, boat, tonga, bus or other hired conveyance which plies regularly for conveyance of passengers.

<sup>1</sup>[33-A. Risk Allowance means an allowance granted in consideration of special hazards to which a Government servant is exposed by performance of the duties of his post.

33-B. Record Allowance means an allowance granted to Patwaries of Revenue Department incharge of Patwar Halqas to compensate them for the expenses on purchase of stationery and carriage of record and its up-keep. ]

<sup>2</sup>34. Rule of proportions.--Pension is said to be chargeable according to the "Rule of Proportion", when the pensionary liability among the employing Governments is distributed in proportion to the periods for

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1. Inserted by F.D. Notification; SRO-189 dated 25-4-1973.

2. Recast by F.D Notification SRO-308 dated 20-9-1964.

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which the Government servant concerned has drawn pay or leave salary from each Government *i.e.*, in proportion to the length of service rendered under each Government.

<sup>1</sup>34-A. Temporary post means a post carrying a definite rate of pay sanctioned for a limited time. Such a post can be held <sup>2</sup>[in an officiating capacity].

Note.-For Jammu and Kashmir Civil Service (Temporary Services) Rules, 1961, refer *to* Schedule IX of these Regulations.

<sup>3</sup>34-B. Tenure post means a permanent post which an individual Government servant may not hold for *more* than a limited period.

Note.-In case of doubt, 'Government will decide whether a particular post is or not a tenure post.

34-C. (i) Time Scales are said *to* be identical if the minimum, the maximum, the period of increment and the rate of increment of the time scales are identical.

(ii) A post is said to be on the same time scale as another post on a time scale, if the two time scales are identical and the posts fall within a cadre or a class in a cadre, such class or cadre having been created in order *to* fill all posts involving duties of approximately, the same character or degree of responsibility in a service or establishment or group of establishment; so that the pay of the holder of any particular post is determined by his position in the cadre or class and *not* by the fact that he holds that post.

34-D. Travelling Allowance means an allowance granted to an officer *to* cover the average actual travelling expenses incurred by him in travelling in the interest of Government service.

<sup>4</sup>34-E. Temporary Move Allowance is an allowance granted *to* the Government servants for the dislocation caused to them while being employed in offices, which move periodically with the Headquarters of the Government from Jammu. to Srinagar and *vice versa*.

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1 Substituted by F. D. Notification no. 336-F of 1961 dated 3-8-1961  
2. Recast by F. 'D. Notification No.308 dated 20-9-1964.  
3. Substituted by F. D. Notification No 191-F of 1960 dated 3-8-1960.  
4. Inserted vide F. D. Notification SRO-369 dated 3-7-1979.

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PART II-RULES REGULATING PAY AND ALLOWANCES

CHAPTER III-GENERAL RULES

CONDITIONS OF AGE AND HEALTH

<sup>1</sup>35. Except as provided herein below, no person may be appointed to a post in Government service without the medical certificate from one of either categories of medical officers as detailed under clauses (a & b) of Art. 24 *ibid* A certificate to the effect that the medical certificate in the prescribed form has been obtained in respect of the Government servant should be furnished to audit along with his first pay bill. The procedure to be followed for furnishing of his certificate in respect of 'Gazetted and Non-Gazetted' Officers will be as under :

- (a) In respect of Gazetted Officers certificate furnished by the competent authority to whom the medical certificate has been submitted should be attached to the first pay bill ;
- (b) In respect of Non-Gazetted Officers, the drawing and disbursing officers should furnish such certificates along with first pay bills of the Government servants concerned.

The Government may, in any individual case, in the interests of the Government alone, dispense with the production of the certificate; and may make any -rules it considers necessary for prescribing the particular Medical Officer (or officers), whose certificate is required for appointments to any Office or Department.

<sup>2</sup>Exception.-The production of medical certificate may not be demanded from the handicapped persons who are otherwise eligible for appointment for Government service. Such certificate of being handicapped may be produced by such candidates to the appointing authority/Recruitment Board as the case may be. <sup>3</sup>The certificate of being handicapped will be obtained from the Head of Department of Ophthalmology in the case of blind, Head of Department of Orthopedics in the case of Orthopaedically handicapped and the Head of Department of E. N. T. in the case of deaf and dumb.

This shall be deemed to have come into force from 20th March, 1979.

The term handicapped shall mean a person who is' blind or deaf/dumb or orthopaedically handicapped.

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1. Recast vide F. D. Notification SRO 155 dated 22-4-1968.  
2. Inserted vide F. D. Notification SRO-154 dated 20-3-1979.  
3. Inserted vide F. D. Notification SRO-562 dated 5-10-1979.

(i) **The Blind:** The blind are those who suffer from either of the following :

(a) Total absence of sight.

(b) Visual acuity not exceeding 6/60 or 20/200 (snellen) in the better eye with correcting lenses!.

(c) Limitation of the field/of vision subtending an angle of 20 degrees or worse.

(ii) **The Deaf:-**The deaf are those in whom the sense of hearing is non-functional for ordinary purposes of life. They do not hear, understand sounds at all events with amplified speech. The cases included in this category will be those having hearing loss more than 90 decibels in the better ear (profound impairment) or total loss of hearing in both ears.

(iii) **The Orthopaedically handicapped:-** The Orthopaedically handicapped are those who have a physical defect or deformity which causes an interference with normal functioning of the bones, muscles and joints.

(iv) **Dumb:-**The dumb are those who suffer speech defective and includes persons suffering complete loss of speech.

<sup>1</sup>**Note 1:-**In the case of apprentices and temporary employees the certificate should be obtained in the prescribed form on their first appointment and a certificate to the effect that the medical certificate has been obtained, furnished to the audit office as indicated above at the time of their being made permanent.

<sup>2</sup>**Note 2 :-**Deleted.

35-A. The certificate should be in the Treasury Form No. 49 with suitable modifications where necessary.

<sup>1</sup>**Note 1:-**When an officer, in whom a defect has been noticed by the examining officers, is transferred from one office to another, the duties of which are different in character, a Medical Officer should report whether the defect will materially interfere with the discharge of the new duties of the officer transferred.

<sup>3</sup>[X X X]

<sup>4</sup>35-AA. **Determination of Date of Birth:** -Notwithstanding anything contained in rules 6.4 and 6.5 of the Jammu and Kashmir Financial Code

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1. Recast vide F. D. Notification SRO-155 dated 23-4-1968.

2. Deleted vide F. D. Notification No. 231-F of 1958 dated 10-9-1958.

3. Deleted vide F. D. Notification No. SRO 310-F of 1995 dated 29-11-95.

4. Inserted *ibid*.

Volume I, the following provisions shall apply for determination of Date of Birth recording thereof in reference to the Government servants:-

(a) **Determination of age:**

The date on which a Government Servant attains the age of superannuation shall be determined with reference to the date of birth declared by the Government employee at the time of appointment and accepted by the appointing authority on production, as far as possible, or confirmatory documentary evidence in the following manner :-

- (i) In case of Government employee, where prescribed qualification is matriculation or above, matriculation or equivalent certificate issued by the Jammu and Kashmir Board of School Education or any recognised Board/University wherefrom the employee has passed such examination;
- (ii) In case of Government employees, where prescribed qualification is below matriculation, the school leaving certificate, duly signed by the concerned Head of Govt. School and countersigned by the concerned Gazetted Officer of the Education Department in immediate administrative control of the said Institution (in case the Head of Institution/School is not a Gazetted Officer). Likewise, such certificate (s) issued by the Head of a Government recognised Private Institute/School shall be countersigned by the concerned Gazetted Education Officer, who is in immediate administrative control of Government Institutions in the area, such as Zonal Education Officer.
- (iii) **"Discharge Certificate"** in case of ex-servicemen re-employed in State Service;
- (iv) In case of illiterate persons:-
  1. Extracts from Birth Register duly signed by the concerned Executive Officer of the Municipality, Chairman concerned Notified Area Committee/Town Area Committee, as the case maybe;
  2. In the case of those persons not falling within the Municipal/Notified Area Committee limits, the certificate should be signed by the concerned Tehsildar where the employee resides who will issue the certificate in the prescribed format as per annexure hereto; or

3. A certificate in the above mentioned format issued by a Medical Board of the respective district, where the employee is posted. The Medical Board shall comprise of:

- (i) Chief Medical Officer of the respective district;
- (ii) Radiologist;
- (iii) Dental Surgeon.

**(b) Recording of Date of Birth in the record of service:**

- (i) On production of Date of Birth Certificate by the concerned Government employee in the manner prescribed in clause (a) above, the concerned Head of Office/Drawing and Disbursing Officer under whose signatures the monthly pay bill of the establishment is paid from the treasury, shall record his/her date of birth in the service book or any other record that may be kept in respect of such Government servant with reference to relevant confirmatory documentary evidence;
- (ii) The signature or thumb impressions (in case of illiterate persons) of the concerned Government servant(s) shall be obtained in token of its acceptance as to its correct recording on the first page of relevant service book/record of service by the concerned Head of Office/Drawing and Disbursing Officer at the time of authentication of the entries on the first page of service book/ record of service;
- (iii) An authenticated copy of the confirmatory documentary evidence substantiating the recording of date of birth shall be attached with the service book/record of service to form an inseparable part of the same.

**(c) Alteration of Date of Birth.**

The date of birth so declared by the Government servant and accepted and once recorded by the appropriate authority (as specified in clause (b) above) in the service book or any other record of service of the Government servant, as the case may be, shall not be subject to any alteration, except in the case of a clerical error without the orders of the Government. No alteration of date of birth of a Government servant shall be made by the Government (Administrative Department) unless a request in this regard is made by the concerned Government servant within a period of five years of his/her entry into Government service and it is clearly established that a genuine/ bonafide mistake has occurred.

Provided that in case of Government servant in service on the date of issue of this Notification, a request for alteration of his/her date of birth may be considered by the Government, for reasons to be recorded in writing, if an application to this effect is made within a period of six months from the date of issue of this Notification:

Provided further that the date of birth so altered would not make him/ her ineligible to appear in any school or University/Board or Public Service Commission Examination in which he had appeared or for entry into Government service, on the date on which he first appeared at such examination or on the date on which he entered Government service.

(d) Notwithstanding the provisions contained in clause (c) above regarding alteration of date of birth, Government, however, reserves the right to make a correction in the recorded age of Government servant at any time, against the interests of the Government employee when it is satisfied that the age recorded in his/her service book or in the history of services of the concerned Government servant is incorrect and has been incorrectly recorded with the object that the said Government employee may derive some unfair advantage therefrom;

**Annexure as referred to in Art. 35 (AA) (a) (iv) of Jammu and Kashmir  
Civil Service Regulations.**

AGE CERTIFICATE

Descriptive Roll and Age Certificate of -----  
employed as -----in-----Department.

1. Name of the incumbent -----
2. Father's name -----
3. Residence -----
  - (a) Mohalla or Village -----
  - (b) Tehsil: -----
  - (c) District: -----
4. Height -----
5. Personal mark of identification -----
6. Date of birth by Christian Era -----

7. Grounds on which the correctness of Date of Birth as has been established by the issuing authority -----  
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Signature/Thumb impression  
(in case of illiterate)  
of concerned person,

Signature and official seal of  
Issuing Authority.

#### CONDITIONS OF EMPLOYMENT

35-B. In the case of every new entrant into Government service, the authority empowered to make the appointment should certify that the person appointed is a hereditary State subject. The Accountant General should not pass pay bills of such Government servants without definite orders of Government in absence of a certificate in Treasury Form No. Miscellaneous 51 from the Revenue authorities noted below in whose charge the candidate for Government service resides, to the effect that the candidate is a hereditary State subject within the meaning of Government Order dated 31<sup>st</sup> January, 1927.

- (1) For appointments to the posts carrying pay up to Rs. 50 p. m -Tehsildar.
- (2) For appointment to the posts carrying pay from Rs. 50 p. m. and above-Deputy Commissioner.
- (3) For contracts-Commissioner.

**Note 1.**-If a Deputy Commissioner is not a State subject himself, he shall submit such cases to the next higher authority.

**Note 2.**-For definition of the term 'State Subject' (permanent resident) refer to Appendix XXIII-K.S.R. Vol. II.

**Exception 1.**-Retired Gurkhas enlisted as Chowkidars and Sweepers are exempted from producing State Subject Certificate.

**Exception 2.**-A competent authority may employ non-Gazetted and menial staff temporary without the production of State Subject Certificates.

**Exception 3** .- The Kashmir Trade Commissioner, New Delhi, can appoint non-State subject in his office, in case suitable State subjects may not be available.

**Exception 4**.- The Trade Agents Pathankot and Amritsar are authorised to appoint non-State subjects also on <sup>1</sup>[class IV posts] provided :-

- (a) the previous approval of the Administrative Department Incharge outside Agencies has been obtained in each case, and
- (b) a clear certificate is given in the appointment order to the effect that State subjects are not available.

**Exception 5**.- The restriction of employing State subjects is, relaxed in the case of non-Gazetted staff of Trade Agencies at Calcutta and Bombay.

**Exception 6**.-Demobilised personnel of the defence forces absorbed as constables in Jammu Province Police are exempted from production of State subject certificate.

**Exception 7**.- The Director Tourism is authorised to appoint non-State subjects also on <sup>1</sup>[class IV posts] provided :-

- (a) the previous approval of the Administrative Department has been obtained in each case, and
- (b) a clear certificate is given in the appointment order to the effect that State subjects are not available.

<sup>2</sup>**Exception 8**.- The Director of Horticulture (Planning and Marketing) shall be competent subject to the condition that a clear certificate is given in the appointment order to the effect that State subjects are not available to make appointments of non-State subjects against the posts of orderlies and Chowkidars in the offices of Area Marketing Officers established outside the State in different places of the country under the Department of Horticulture Planning and Marketing.

<sup>3</sup>**Exception 9**.- The Director. Information shall be competent to make appointments of the non-State subject persons against the post of local Language clerks, Despatch riders, Gestetner Assistants and Orderlies in the offices of Kashmir Information Bureau of Bombay and Calcutta.

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1. Substituted for the words "posts classed as inferior" by F. D. Notification SRO-406 dated 10-10-1966

2. Inserted vide F. D. Notification SRO- 795 dated 21-12-1978.

3. Inserted vide F. D. Notification SRO-192 dated 8-4-1980.

<sup>1</sup>**Exception 10.**-The Director Information shall be competent to :-

- (a) make appointments of the non-State subject persons in the office of Kashmir Bureau of Information, Calcutta against the post of Stenotypist subject to the condition that a clear certificate is given in the appointment order that the State subjects are not available ; and
- (b) make appointments of the non-State subject persons against the posts of Drivers and Despatch riders in the Kashmir Bureau of Information, New Delhi.
- 2(C) make appointments of the non-State subject persons against the posts of Drivers in ,the offices of Kashmir Bureau of Information Bombay, Calcutta and Jallandar.

<sup>3</sup>35-c. Every new entrant into Government service should make a declaration in Form (A) given below, about his/her having or not having drawn any Education Loan from the Government for prosecuting a Technical or a Scientific or any other training course or studies. The Head of the Office/Drawing and Disbursing Officer should not draw and disburse the first pay of any such new entrant unless the said declaration is obtained from him/her. The declaration should be obtained in triplicate. One copy of it should be appended to the pay bill in which the first pay of such new entrant is drawn. The second copy should be sent to the Secretary to Government General Department (Training Branch) for being kept in the relevant file. The third copy should be retained by the Head of Office as a part of the personal official record of the new entrant.

#### FORM (A)

*(Refer to Article 35-C)*

#### DECLARATION

*(To be filled in Triplicate)*

I \_\_\_\_\_ S/o \_\_\_\_\_ R/o \_\_\_\_\_  
 having been appointed by the Government as \_\_\_\_\_  
 in \_\_\_\_\_ Department \_\_\_\_\_ vide Order No. \_\_\_\_\_  
 dated \_\_\_\_\_ issued by \_\_\_\_\_  
 under endorsement No. \_\_\_\_\_ dated \_\_\_\_\_ do  
 hereby declare that :-

(a) I have not drawn any Education Loan from Government for

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1. Inserted vide F.D. Notification SRO-524 dated 6-10-1980.  
 2. Inserted vide F.D. Notification SRO-144 dated 14-4-1981.  
 3. Inserted vide F. D. Notification SRO-325 dated 7-10-1988.

prosecuting my Technical or Scientific or any other training course or studies.

'OR

I have drawn an amount of Rs. \_\_\_\_\_  
(Rupees \_\_\_\_\_) as Education Loan for prosecuting my \_\_\_\_\_ Training course/studies, from the Government. The Loan was sanctioned in my favour vide Government Order No. \_\_\_\_\_ dated \_\_\_\_\_ and the same was drawn by me in \_\_\_\_\_ instalments of Rs. \_\_\_\_\_ each over a period of \_\_\_\_\_ Years<sup>2</sup>

Against the said amount of loan I have already repaid an amount of Rs. \_\_\_\_\_ (Rupees \_\_\_\_\_) as per the details enclosed, leaving a balance of Rs. \_\_\_\_\_ (Rupees \_\_\_\_\_) which may be deducted from my monthly pay in the prescribed number of instalments. My Education Loan No. is \_\_\_\_\_

- (b) I understand that if at any time in future, it is proved that any information contained in the above declaration has been wilfully and intentionally suppressed or incorrectly stated, I shall be liable to be removed from the government service after a summary investigation.

36-A. If an officer, who is appointed on a pay not exceeding fifty rupees a month, cannot conveniently appear before a Medical Officer, the Government may accept a certificate in such form as it considers sufficient from any other officer who need not even be a Medical man.

<sup>3</sup>36-B. Deleted.

<sup>4</sup>36-C. No medical certificate is necessary in the case of a Government servant who is appointed afresh in Government service after a break in service not exceeding one year provided such break in service is not due to medical reasons or resignation.

<sup>5</sup>[37. <sup>6</sup>( I) Except in the case of direct recruits to (i) Kashmir Administrative Service (ii) Kashmir Police Service (iii) Kashmir Forest Service

1. Strike off whichever not applicable.

2. The blank space to be used for any other information such as only part drawal of loan etc.

3. Deleted by F.D Notification SRO-406 dated 10-10-1966

4. Inserted vide F. D. Notification No. 202 of 1960 dated 18-9-1960

5. Recast vide F.D. Notification SRO-240 dated 23-6-1971

6. Renumbered vide F. D Notification SRO-23 dated 14-1-1991

(iv) Kashmir Accounts Service, in which case the minimum and maximum age limits for recruitment, will be governed by the recruitment rules of the respective services, the age of direct recruits to Government service in the rest of subordinate and Gazetted Services shall on the first day of January of the year in which the competitive examination is held or the nomination is made in respect of the vacancy to which the direct recruitment is made, shall not be less than 18 years and shall not exceed 30 years.

Provided that the maximum age for such recruitment to the posts shown below does not exceed the limit indicated against each.

**Gazetted Service.**

1. Kashmir Medical Service 32 years

..

**Non-Gazetted**

{	1.1	}	...	28 years
{	2.1			
{	3.1			

ing and  
ent ... 35 years

res s for entry into Government service in  
be relaxed by 5 years.

The age limit may be relaxed by the competent authority].

<sup>2</sup>37. <sup>3</sup>(2) Considering the limitation to which Scheduled Castes candidates are put, the age limit for direct recruitment in their case shall be 32 years against 30 years, except in cases where direct competitions are prescribed and in which case the maximum age limit for such candidates as may have been raised suitably for each service, in the respective recruitment rules, will apply.

<sup>4</sup>37. (3) Notwithstanding anything otherwise contained in Articles 37 (1) and 37 (2) the following maximum age limits shall apply (and shall always be deemed to have applied from 16-12-1988) in respect of direct recruits to Government service in all the subordinate and Gazetted services on the first day of the January of the year in which the competitive

1. Inserted vide F. D. Notification SRO-154 dated 20-3-1979.

2. Inserted vide F. D. Notification SRO-325 dated 31-5-1976.

3 Renumbered/inserted vide F.D. Notification SRO-23 dated 14-1-1991.

4 Inserted *ibid*.

examination is held or nomination is made in respect of the vacancy to which direct recruitment is made :

<u>Category</u>	<u>Maximum age</u>
(i) General candidates	35 years
(ii) Physically handicapped	37 years
(iii) Members of Scheduled Castes and Scheduled Tribes	38 years
(iv) Candidates already in Government service	38 years

Provided that the age limits as shown above against each category may be relaxed by the competent authority in respect of any individual case on the merits of each case:

Provided further that the Government may in respect of any particular service prescribe a different age limit.

**Note 1.**-This limit does not apply to the case of officers, who are engaged for some special period, <sup>1</sup>[x x x] or pensioners re-employed under these Regulations or Military pensioners, re-employed in the Police Department if they are medically fit. <sup>2</sup>[Or to such an employee who is discharged from service on account of reduction of his post and then reemployed by the competent authority],

**Note 2.**-In the case of Excise guards appointed temporarily on Special Patrolling duty on the borders, the restriction of age limits is relaxed subject to the condition that those over-age at the time of enlistment shall not be absorbed permanently in the regular cadre on being discharged from the temporary duty,

**Note 3.**-In case of the work-charged establishment the restriction of age limit should be made applicable at their first appointment to such establishment and not at the time of their being brought on to the regular establishment.

**Note 4.**-Demobilised ex-soldiers of over 30 years of age can be appointed in the Police Department by the Inspector General of Police,

<sup>3</sup>[**Note 5.**- The maximum age limit in respect of an ex-serviceman for employment on any civil post (non-gazetted) and on posts listed in Schedule

1. Deleted vide F. D. Notification SRO-269 dated 8-4-1972.

2. Inserted by F. D. Notification No.211-F of 1961 dated 4-4-1961.

3. Recast by F. D. Notification SRO-301 dated 10-6-1980.

II of Jammu and Kashmir Civil Service Regulations under 'State Government including Rajya Sainik Board shall be 48 years. The relaxed age limit will apply *for* recruitment to posts which are reserved *for* ex-servicemen].

<sup>1</sup>Note 5-A- The maximum age limit in respect of an ex-serviceman/ Commissioned Officer including EC/SSC Officers *for* employment on any civil post (Gazetted) the minimum of the pay scale of which in the revised scale may not be less than Rs. 1500 (and in the pre-revised scales Rs. 900),<sup>11</sup> shall be 38 years.

<sup>0</sup>Note 6.-There should be no age limit *for* retired Army Officers employed on contract basis in the areas where their experience would be of value to the State Government.

<sup>3</sup>Note 7.-In the case *of* initial appointment to Government Service made on the recommendations of the Recruitment Boards, Public Service Commission, or any Selection Committee, the limitations of minimum and maximum age as contained in Article 37, shall be observed with reference to first day of January in which the advertisement notice *for* the post(s) is issued. This shall also apply to pending cases if-any.

#### <sup>4</sup>LIEN ON APPOINTMENT

37-A. Unless in any case it be otherwise provided in these Regulations, a Government servant on substantive appointment to any permanent post acquires a lien on that post and ceases to hold any lien previously acquired on any other post. A Government servant on his substantive appointment to a tenure post may acquire a lien thereon without ceasing his lien on any other permanent post.

37-B. Unless his lien is suspended under Article 37-C *or* transferred under Article 37-H a Government servant holding substantively a permanent post retains a lien on that post :-

- (a) while performing the duties *of* that post;
- (b) while on foreign services or holding a temporary post, or officiating in another post ;
- (c) during joining time on transfer *to* another post, unless he is transferred substantively *to* a post on lower pay in which case his lien is transferred to the new post from the date on which he is relieved of his duties in the old post ;

1. Inserted by F. D. Notification SRO-334 dated 21-7-1984.

2. Inserted by F. D. Notification SRO-368 dated 17-9-1968.

3. Inserted by F.D. Notification SRO-19 dated 25-1-1982.

4. Inserted by F. D. Notification SRO-420 dated 24-12-1962

- (d) while on leave other than refused leave under Article 166-A ;
- (e) while under suspension.

37-C. The competent authority may, if, he thinks fit, suspend the lien of a Government servant on a permanent post which he holds substantively, if-

- (a) he is appointed :
  - (1) in an officiating or substantive capacity to a tenure post, or
  - (2) in an officiating capacity to a permanent post outside the cadre on which he is borne, or
  - (3) provisionally, to a post on which another Government servant would hold a lien had his lien not been suspended under this rule.
- (b) he is transferred to foreign service:

Provided both in cases covered by clause (a) and (b) above there is reason to believe that he will remain absent from the post on which he holds a lien for a period of not less than three years.

Note.-When it is known that a Government servant on transfer to a post outside his cadre is confirmed in that post, his lien on the permanent post shall be terminated in his parent office.

37-D. Notwithstanding anything contained in Article 37-C, a Government servant's lien on a tenure post may in no circumstances be suspended. If he is appointed substantively to another permanent post, his lien on the tenure post must be terminated.

37-E. If a Government' servant's lien on a post is suspended under Article 37-C (a), the post may be filled substantively and the Government servant appointed to hold it substantively shall acquire a lien on it ; provided that the arrangements shall be reversed as soon as the suspended lien revives. .

Note1.-When a post is filled substantively under the above rule, the appointment will be termed a provisional appointment. The Government servant appointed will hold a provisional lien on the post and that lien may be suspended under Article 37-C.

Note 2.-When it is known that a Government servant on transfer to a post outside his cadre (where he has not acquired any lien) is due to retire

on superannuation pension within three years of his transfer, his lien on the permanent post cannot be suspended.

37-F. A Government servant's lien which has been suspended under Article 37-C, shall revive as soon as he reverts to his original appointment.

Note.-Such a Government servant even if he proceeds on leave or is on joining time, before resuming his charge of the former post shall retain his lien against his original post and the arrangements made in this connection shall reverse with effect from the date of his reversion.

A suspended lien shall not revive when the Government servant takes leave and if there is reason to believe that he will on return from leave, continue to be on deputation outside the State or on foreign service or to hold a post in another cadre and the total period of absence on duty will not fall short of three years.

37-G: A Government servant's lien on a post may in no circumstance be terminated even, with his consent, if the result will be to leave him without a lien, or a suspended lien upon a permanent post.

<sup>1</sup>Government Instructions.- The provisions of the above rule apply only so long as a Government servant remains in Government service ;

(a) Where it is proposed to absorb permanently in public interest a Government servant in non-Government service, such as a body corporate, owned or controlled by the Government, the Government servant concerned should be asked to resign his appointment under the Government, with effect from the date of such permanent absorption, and the lien will stand automatically terminated with cessation of Government service.

(b) Such resignation from Government service will be without prejudice to the entitlement of the Government servants to the retirement benefits admissible under Article 185-D, provided the transfer to the Public Sector Undertakings or Government or Semi-Government Corporations is in the public interest.

(c) In all cases where a Government servant is to be absorbed permanently by the foreign employer under his organisation, it would be incumbent on him to consult the parent employer before issuing order absorbing the Government servant permanently in his service. The orders of permanent absorption should be issued only after the resignation of the Government servant has been accepted by the Government and with effect from date of such acceptance.

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1. Inserted vide F. D. Notification SRO-228 dated 30-7-1964.

37-H. Subject to the provisions of Article 37-I a competent authority may transfer to another permanent post in the same cadre the lien of a Government servant who is not performing the duties of the post to which the lien relates even if that lien has been suspended.

Note.-Unless lien of the Government servant is transferred to another post in accordance with the provisions of the above rules, the competent authority shall not fill up substantively even for a time only, an appointment to which an officer, not performing the duties of the post, has a lien under Art. 37-B.

37-I. A competent authority may transfer a Government servant from one post to another, provided that, except:

- (1) on account of inefficiency or misbehaviour,
- (2) on his own request.

a government servant shall not be transferred to or except in a case covered by Article 85 sub-clause (v), appointed to officiate in a post carrying less pay than the pay of the permanent post on which he holds a lien or would hold a lien had his lien not been suspended under Article 37-C.

Note.-Competent authority for purposes of these rules will be the authority competent to make the appointment.

<sup>1</sup>37-J. for retention of lien while taking up military service during the emergency caused by Chinese aggression of October, 1962-See Schedule XIII.

#### DATE OF RECKONING ALLOWANCES

38-(a), unless it be otherwise provided by special rule or contract, the salary of an officer begins when he takes charge of the appointment in respect of which it is earned. If the charge is transferred afternoon, the transfer does not affect allowances until the next day.

Note.-Officiating allowance in non-gazetted ranks to officials of a lower grade officiating in higher grade may, if otherwise admissible under the officiating allowance rules be allowed without actual change of duties, provided duties in the two grades are similar.

(b) If, however, the substantive appointment of an officer is changed While he is officiating in an appointment, or if, while so officiating an officer is appointed, for the first time to some substantive office then, pro-

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1. Inserted vide F. D. Notification SRO-124 dated 22-3-1963.

vided that this tenure of his officiating appointment is not interrupted by his new substantive appointment, he may draw the pay thereof without joining it from the date on which he is appointed thereto, or from any later date on which the substantive office becomes vacant.

Note.-In the case of a non-gazetted officer, if the Administrative Department considers that his failure to join his new appointment owing to a change of his appointment within the prescribed period is due to circumstances beyond his control it may exempt him from the loss of his appointment.

#### CHARGE OF OFFICE

39. Unless for special recorded reasons (which must be of a public nature), the authority under whose orders the transfer takes place, permits or requires it to be made in any particular case, elsewhere, or otherwise, the charge of an office must be made over at its headquarters both the relieving and relieved officers being present.

Note. Deleted (Refer to Note 7 Article 123).

#### PROMOTION DURING LEAVE

40. (a) An officer on long leave, has no claim to substantive promotion. Such promotion, may, however, be given but the promotion has effect from the date on which the officer returns to duty.

(b) If an officer, while absent on "short leave" during which the amount of his leave allowances depends upon the substantive or officiating appointment which he would hold: if present on duty obtains, promotions, substantive or, officiating or an increase of pay or officiating allowance, which involves no change in, or addition to, his duties or responsibilities, the promotion or increase has effect at once.

#### PERSONAL ALLOWANCES

41. Unless in any case it is specially ordered otherwise, a personal allowance should be reduced by any amount by which the recipient's pay or salary may be increased and should cease as soon as his pay or salary is increased by an amount equal to his personal allowance.

Exception 1. The personal allowance fixed under Article 22-E (a) of these Regulations in the revision of salaries of gazetted and non-gazetted officers in Bhadon, 1995 and Baisakh 1996 respectively and therefore is, however, exempted from the operation of this rule.

The pay of officers promoted to higher posts before the date of this order according to the amendment as if the amendment has been introduced on the date of the revision of the salaries but will not entitle such officers to claim difference of pay for the intervening period.

Exception 2.- The above rule will not apply to the personal allowance of Rs. 200 sanctioned in Council Order No. 1055-C of 1940 in favour of Conservators of Forests who were appointed in the Forest Department before 22-8-1938 on their appointments as Conservators substantively or in an officiating capacity. This has effect from the date of Council Order 1055-C of 1940-dated 11-10-1940.

Note.-No personal allowance is allowed to persons who have accepted the maximum of a lower post as an alternative to retrenchment.

141-A. (1) A local allowance may be granted by the Government at such rates and at such places as qualify for it. The factors determining the eligibility for the allowance shall by and large, be the remoteness of the place, its inaccessibility, severe inclement weather conditions, its remaining cut off from the rest of the State for a period of time, its expensiveness, lack and gross inadequacy of medical, educational, residential and other basic amenities of life, its health hazards and similar other rigorous conditions of living.

(2) The grant of local allowance should be reviewed after every 5 years and desirability of its continuance either at the full rate or at reduced rate or its withdrawal should be examined in the context of the improvements made in living and other conditions of the areas over a period of time.

41-AA. In pursuance of the above principles, the rates of local allowance in the following areas are revised/sanctioned as under with effect from 1st April, 1979 :

Rates of Local Allowance

**District Kathua :**

<ul style="list-style-type: none"> <li>(a) Niabat Bani</li> <li>(b) Lohi</li> <li>(c) Malhar</li> <li>(d) Machedi</li> </ul>	}	<sup>2</sup> 45% of basic pay throughout the year
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1. Recast vide F. D. Notification SRO-248 dated 23-4-1979.  
2. Recast vide F. D. Notification SRO-108 dated 30-3-1982.

**District Udhampur:**

(a) Dudoo Basantgarh	}	<sup>1</sup> 45% of basic pay throughout the year
(b) Lander Bhamag Illaqa		
(c) Thakrakote		
(d) Nagete		
(e) Tehsil Mahore		

## District Doda :

		<u>Summer</u>	<u>Winter</u>
(a) Illaqa of Padder in Kishtwar Tehsil	}	<sup>1</sup> 45% of basic pay.	<sup>1</sup> 60% of basic pay.
(b) Niabat Nowgam in Kishtwar Tehsil			
<sup>2</sup> (C) Other areas in Doda District which have been declared as "Backward Areas" as per SRO-394 dated 5-9-1981.		@ 25% of basic pay throughout the year w.e.f. 1-4-1982.	

## District Poonch and Rajouri:

		<u>Summer</u>	<u>Winter</u>
Areas in Poonch and Rajouri District excluding the towns of Poonch and Rajouri and Sunder bani and other Urban areas in the two Districts.	}	<sup>1</sup> 10% of basic pay throughout the year.	

District <sup>3</sup>Ladakh and Kargil :

(a) Zanskar	<sup>1</sup> 60% throughout the year.	
(b) Noyama	<sup>1</sup> 45% of basic pay	<sup>1</sup> 60% of basic pay
(c) Nobra	<sup>1</sup> 45% of basic pay	<sup>1</sup> 60% of basic pay
(d) <sup>3</sup> All other places in the two districts	<sup>1</sup> 30% of basic pay	<sup>1</sup> 45% of basic pay

1. Recast vide F. D. Notification SRO-108 dated 30.3.1982.

2. Inserted *ibid.*

3. Recast vide F. D. Notification SRO-48 dated 21.1.1980.

<sup>1</sup>Note -In Drass Niabat the rate of Local Allowance shall be the same as is applicable for Nobra or Noyama, In Tehsil Kargil the allowance in Illaqs of Pani-Khar, Abran and Tikkat shall be paid at the same rates as admissible for Nobra ,and Noyama,

<sup>2</sup>District Baramullall and Kupwara

	<u>Summer</u>	<u>Winter</u>
(a) Entire Gurez Nibat ...	<sup>1</sup> 45% of basic pay.	<sup>1</sup> 60% of basic pay.
(b) Tangaar Sub-Division ...	<sup>1</sup> 45% of basic pay.	<sup>1</sup> 60% of basic pay,
(c) Keran Illaqs ...	<sup>1</sup> 45% of basic pay.	<sup>1</sup> 60% of basic pay,
(d) Metchil ...	<sup>1</sup> 45% of basic pay.	<sup>1</sup> 60% of basic pay.

<sup>1</sup>Note:-For all India Service Officers the Local Allowance at the reduced rates indicated above shall be calculated on the basis pay plus dearness allowance and additional dearness allowance thereon (as admissible to them at the rates which were notified in respect of July, 1980 installment) so long as their pay scales are not revised.

<sup>1</sup>Government Instructions.- The revised rates of Local Allowance will come into force from 1-4-1982. Till end of March, 1984 the allowance will be drawn on the basic pay at pre-revised rates, and in the ,pre-revised scales. An employee who has been serving, on 1-4-1982 in any area which qualifies for Local Allowance and has or has been deemed to have opted for the revised pay scales shall draw local allowance at the revised rates and the amount payable on this account shall not be less than the amount of the allowance which he was in receipt of on 31-3-1982.

The employees who are posted such areas on are after 1-4-1982 will get the allowance at the revised rates without any special minima.

41-AAA. In regulating local allowance, the following conditions shall be further observed:-

(a) The allowance will be admissible to local and non-local employees alike and shall be admissible to Government servants whether permanent, quasi-permanent or temporary as also to the establishment charged to works and or contingencies. It shall not be admissible to part time Government servants.

<sup>3</sup>(aa) Except as provided in sub-rule (bb) below compensatory allowance shall not be drawn during leave of any kind except casual leave. Similarly the allowance shall not drwn during temporary transfer from an area

1. Inserted via F. D Notification SRO-108 dated 30-3-1982

2. Recast vide F. D Notification SRO-48 dated 28-1-1980.

3. Inserted vide F. D Notification SRO-94 dated 19-3-1984.

which qualifies for compensatory allowance to another area which does not so qualify for the allowance. Temporary transfer shall include transfer of a Government servant from one station to another for a period of less than three months.

<sup>1</sup>(b) Deleted.

(bb) Notwithstanding the provisions of sub-clause (aa) above, in the districts of Leh and Kargil compensatory allowance may be allowed during earned leave up to a maximum of 30 days in a year. For purposes of this sub-rule year will commence from the date of joining the district and the allowance will be admissible only for that portion of earned leave (subject to a maximum of 30 days in a year) which an employee has earned during the period of duty rendered in the district before proceeding on leave. In case of an employee who may cease to earn any further earned leave, because of his having at his credit maximum of 240 days of earned leave the allowance will be allowed during earned leave which he would have otherwise earned in the district but for his having the maximum earned leave at his credit.

<sup>1</sup>(c) (d) Deleted.

(e) Government servants touring the areas (which qualify for the local allowance) from outside the District shall for the period of their halt at such places, be allowed to draw local allowance in addition to T. A. and D. A. admissible to them.

(f) A Government servant in receipt of local allowance shall reside invariably at the place of his posting. In cases where the employee resides away from his place of posting he should not be allowed the allowance. Drawing and Disbursing Officers should record the following certificate on the bills in which local allowance is drawn :-

"Certified that the employees in whose favour local allowance/Border allowance has been billed for reside at the place of posting qualifying for the allowance."

(g) For purposes of grant of local allowance winter shall commence from 1st November of a year and end on 30th April of the year following.

<sup>2</sup>41-8. Deleted.

<sup>3</sup>41-BB. (1) Government servants as are posted within the distance of 8 kms from the Line of Actual Control or at places which are declared by the Government from time to time as qualifying for Border allowance except places listed in Article 41-AA above shall be allowed Border allowance at the rate of 20% of their basic pay.

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1. Deleted vide F. D Notification SRO-108 dated 30-3-1982.

2. Deleted vide F. D Notification SRO-248 dated 23-4-1979

3. Inserted *ibid*.

**Government Instructions.**-Border Allowance shall with effect from 1-4-1982 be allowed at 10% of basic pay in the revised scales. Till end of March, 1982, the allowance will be drawn on the basic pay at pre-revised rates and in the pre-revised scales. A Government servant who has been serving on 1-4-1982 in any area where border allowance is admissible and has opted or is deemed to have opted for the revised scale shall draw the allowance at the revised rates, and the amount payable on this account shall not be less than the amount which he was in receipt of on 31-3-1982. Employees posted to such areas on or after 1-4-1982 will draw the allowance at the revised rates without any special minima.

(2) For purposes of admissibility of Border allowance the fact of a place of posting being situated within a distance of 8 kms from the Line of Actual Control shall be certified by the Deputy Commissioner/Assistant Commissioner of the concerned District. The distance of 8 kms for this purpose shall be reckoned according to the aerial distance.

(3) The terms and conditions for drawal of local allowance as contained at sub-clauses (a), (e) and (f) or Article 41-AAA shall apply *mutatis mutandis* to Border allowance.

<sup>2</sup>41-BBB. The Compensatory Allowance/Border Allowance shall be allowed to Government servants, at the rates given in Annexure to this Chapter (Chapter III).

The revised rates of Compensatory Allowance, contained in the Annexure to this Chapter shall be deemed to have come into force with effect from 1-4-1987 except for those areas of Doda District for which allowance has been granted for the first time vide Government Order No. 195-F of 1987 dated 20-7-1987, in which case the revised rates will have only prospective effect from the date of issue of the order.

All other conditions for grant of these allowances shall be the same as are laid down in Articles 41-A, 41-AA, 41-AAA and 41-BB.

<sup>3</sup>[ 41-C The risk allowance shall be granted at such rates for such categories of employees as may be determined by the Government from time to time.

The allowance shall not be drawn during :

- (a) any kind of leave except casual leave/special casual leave,
- (b) the period of suspension,

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1. Inserted vide..F. D Notification SRO-108 dated 30-3-1982.  
2. Inserted vide F. D Notification SRO-372 dated 20-1987.  
3. Inserted vide F.D notification SRO-189 dated 26-4-1973.

(c) the period of deputation or trainings sponsored by the Government or otherwise which may be treated as duty,

(d) the period of tour outside the headquarters,

the Heads of the Institutions where the concerned employees entitled to the allowance work will certify on their monthly establishment/salary bills that the concerned in whose favour the allowance is drawn were working on the posts to which the allowance is/attached].

41-D. Record Allowance shall be granted at the rates prescribed by the Government from time to time and shall be drawn while on active duty by the concerned in their respective patwar halqas and shall not be allowed during the periods of leave of any kind (except casual leave) or during their period of training, deputation or tour outside their patwar halqas.

<sup>1</sup>41-E. Deleted.

<sup>2</sup>41-F. Deleted.

<sup>2</sup>Drawal of Muffasil Allowance will cease from 1-4-1982. Muffasil Allowance already drawn from 1st January to 31st March, 1982 will not be calculated with reference to the basic pay which may be fixed in the revised scales on 1-1-1982.

41-G. 3(a) Temporary Move Allowance may be granted to the employees who are employed in the office which move with the Headquarters of the Government periodically from Jammu to Srinagar and vice-versa at the uniform rate of Rs. <sup>8</sup>200/- p.m.

This shall come into force from 1-11-1997.

<sup>4</sup>Note. "Basic Pay" for purposes of this rule shall exclude Special pay, D. A., Personal pay and other allowances.

<sup>4</sup>(b) The following conditions shall govern the grant of the allowance :-

<sup>5</sup>(i) The allowance shall be admissible to the employees the maximum of whose scale of pay does not exceed Rs. 1,350/- (Pre-revised scales).

<sup>5</sup>This shall be deemed to have come into effect from 1st July, 1981.

<sup>6</sup>Provided that in the revised scales of pay the allowance shall be admissible to the employees the maximum of whose scale of pay does not exceed Rs. 2030/-.

<sup>7</sup>Provided further that the allowance shall be admissible to all the employees who are employed in the offices which move with the headquarters

1. Deleted vide F. D. Notification SRO-248 dated 23-4-1979.

2. Deleted/inserted vide F. D. Notification SRO-108 dated 30-3-1982.

3. Recast vide F. D. Notification SRO-256 dated 29-11-1994.

4. Recast vide F. D. Notification SRO-369 dated 3-7-1979.

5. Recast vide F. D. Notification SRO-304 dated 2-7-1981.

6. Inserted vide F. D. Notification SRO-108 dated 30-3-1982.

7. Inserted vide F. D. Notification SRO-372 dated 20-7-1987

8. Substituted vide F. D. Notification SRO-407 dated 11-12-1997

periodically from Jammu to Srinagar and vice versa (This shall be effective from 1-7-1987).

- (ii) The allowance shall be admissible to the whole-time Government servants including those borne on contingent paid establishment working in such offices but excluding employees on contract, consolidated rates of pay or part-time employees.
- (iii) The allowance shall be admissible throughout the year.
- (iv) During leave the allowance shall be admissible only in respect of earned leave and limited to a period of 2 months.
- (v) The allowance shall not be admissible during joining time or transfer, if transfer is from a moving to a non-moving office or vice versa. As soon as a Government servant is relieved from a moving office on transfer to a non-moving office the drawal of allowance will cease forth with.
- (vi) If a person is appointed to a moving office or is transferred to a moving office from a non-moving office at the time when the Headquarter of the moving office is in the Division to which the person who is a fresh appointee belongs or in the case .of an in service person the Division in which he is posted, he will not be entitled to draw the allowance till the move of the office from that Division to another Division.

For example if a person who is a fresh recruit belongs to Kashmir Division and is appointed to a moving office when it is headquartered at Srinagar he will not draw the allowance till the date of the move of the office from Srinagar to Jammu. Likewise if a person is transferred from a non-moving office to a moving office within a Division he will not draw the allowance till move of offices from that Division to the other. His title to allowance will commence from the date subsequent to the date of closing of offices at Srinagar, or Jammu as the case may be.

- (vii) A person who may be fresh recruit and is appointed to a moving office in the other Division or in the case of an inservice person who is transferred from non-moving to a moving office, from one Division to another .he will start drawing Temporary Move Allowance from the date of his joining the moving office.
- (viii) This order shall be deemed to have come into effect from 1st of April, 1979. All previous orders issued on the subject from time to time shall be deemed to have been withdrawn.

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<sup>1</sup>Government Instructions:-For drawal of House Rent Allowance in a moving office during leave or on trasfer to moving office or on 1<sup>st</sup> appointment to such office, provisions contained at sub-clauses (iv), (vi) and (vii) of Art. 41-G will apply *mutatis mutandis*.

<sup>2</sup>41-H. State Government employees posted in various offices/Organisations of the State Government outside the State shall be allowed "City Compensatory Allowance" at the rate of 10 per cent of basic pay subject to a maximum of Rs. 125/- p.m. The allowance shall be admissible in Cities other than the Cities declared as "C" Class Cities by the Government of India from time to time. Whereunder the existing orders the allowance is drawn in any of the Cities which fall under the Class "C" category, the same shall be continued to be drawn at such places at the rates prescribed above.

If the amount of allowance payable at 10 per cent of pay happens to be lower than the amount already drawn on the date of issue of these orders, the same shall be protected.

All orders on the subject issued in the past shall be deemed to have been superseded.

<sup>3</sup>Note:-City Compensatory Allowance shall be paid to the State Government Employees posted outside the State in the State Government Offices/ Organisations at the rate of 6% of Basic Pay subject to a maximum of Rs. 125/- p.m. in the revised pay scales with effect from 1-4-1987 subject to the fulfillment of all other conditions prescribed for the grant of this allowance.

<sup>4</sup>If the amount of allowance payable at 6% of pay happens to be less than the amount already drawn on the date of issue of these orders, the same shall be protected.

<sup>5</sup>41-I. Notwithstanding anything contained in Government Instructions below Article 41-G and in Article 41-H the House Rent Allowance and City Compensatory Allowance to all the Government servants shall be regulated as per Jammu and Kashmir Civil Services (House Rent Allowance and City Compensatory Allowance) Rules, 1992 contained in Schedule XXII of these rules.

#### ADVANCES AND THEIR RECOVERY

42. No advance of pay may be made to any Government employee except as provided by the rules in Jammu and Kashmir Financial Code Vol. I.

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1. Inserted vide F.D. Notification SRO-263 dated 22-7-1985.

2. Inserted vide F.D. Notification SRO-212 dated 18-5-1984.

3. Inserted vide F.D. Notification SRO-372 dated 20-7-1987.

4. Inserted vide F.D. Notification SRO-289 dated 2-9-1988.

5. Inserted vide F.D. Notification SRO-76 dated 30-3-1992.

43. Deleted.

#### TRANSFER ON DUTY

44. (a) No officer (unless he has been newly appointed to the Government service) can begin to draw any pay or allowance at any treasury in the State, without producing a last pay certificate from the Treasury where his pay or allowance were last disbursed, or from the Accountant General.

(b) The rules regarding the issue of last pay certificates in connection with the "Transfer on duty" are laid down in the J&K Financial Code Vol. I.

#### PAY OF OFFICERS UNDERGOING TRAINING OR INSTRUCTIONS

44-A. (i) Unless otherwise provided for in these rules, Government servants deputed to receive training in the Training Schools, Colleges, Institutions within the State shall during the period of such training be entitled to receive their pay/presumptive pay which they would have drawn but for their deputation to such training. Substitutes, if any, appointed in their place shall also be entitled to pay of the post.

Note 1:-Officiating arrangements in place of Government servants deputed for training shall not be made when the training period does not exceed 30 days. .

<sup>1</sup>Note 2.-Government servants deputed to receive training in the Training Schools, Colleges and other Institutions within the State, shall be allowed re-imbusement of tuition fee, if any, paid by them during the entire period of their training.

<sup>2</sup>Note .3-Inservice Government employees deputed to training institutions within the State for refresher course or such other short or long term courses and do not form an essential qualification for holding of the *post* to which they stand appointed may be allowed training allowance at the rates indicated below:-

<sup>3</sup>(a) For refresher courses which last for more than 8 weeks the training allowance will be allowed at Rs. 300/- (Rupees three hundred only) per month provided the training institute is outside the city/town of the place of posting or the residence of the trainee.

(b) In the case of refresher courses which last up to 8 weeks the training allowance shall be allowed at a uniform rate of Rs. 10/- (Rupees ten only) per working day irrespective of the fact whether the Institute

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1. Inserted vide F.D. Notification SRO-384 dated 6-6-1972.

2. Inserted vide F.D. Notification SRO-109 dated 21-2-1979.

3. Recast vide F.D. Notification SRO-95 dated 10-3-1997

is situated within or outside 13 kms. from the city or the town limit which is neither the, place of posting nor the place of residence of the Government servant.

Note:- The distance of 13 Kms. or less will for purposes of this rule be reckoned from the place of posting or residence whichever be nearer.

<sup>1</sup>(ii) Deleted.

<sup>2</sup>44-B Deleted.

<sup>2</sup>44-C. Deleted.

<sup>2</sup>44-D. Deleted.

<sup>2</sup>44-E. Deleted.

<sup>3</sup>44-F. Government servants sponsored by the Competent Authority for training courses outside the State but within the country shall be governed by the following terms and conditions:-

(i) Full pay/presumptive pay for the entire period of training studies.

(ii) T. A. (at tour T. A. rates) at the time of joining the institution and discharge therefrom after completion course(s) and resumption of duties. For study tours connected with the training T. A. as admissible for tours under rules will be allowed.

(iii) Tuition fee, if any, payable to the Institutions shall be paid direct to them or reimbursed to the trainee if paid by him.

(iv) Cost of the prescribed books, if any, purchased during the training shall be reimbursable provided the same are deposited after completion of the training with the Head of the Department from which the Government servant proceeded on training and vouchers for cost of the books are produced.

<sup>4</sup>[(iv-a) The Police trainees undergoing training at various institutions outside the State for a duration beyond eight weeks shall be provided board and lodge at the expenses of the Department].

(v) In respect of long. training courses *i.e.* exceeding 8 weeks duration, training allowance will be allowed at the following rates during the

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1. Deleted vide F.D. Notification SRO-499 dated 20-10-1970.  
2. Deleted vide F.D. Notification SRO-314 dated 18-7-1966.  
3. Recast vide F. D. Notification SRO-784 dated 10-12-1976.  
4. Inserted vide F. D. Notification SRO-619 dated 29-11-1980.

period of training including the periods of study tours, if any:-

- |  |                    |
|--|--------------------|
| (i) Officers drawing pay/presumptive pay up to Rs. 500/- p. m.                                 | ... Rs. 100/- p.m. |
| (ii) Officers drawing pay/presumptive pay above Rs. 500/-<br>but not exceeding Rs. 1000/- p.m. | ... Rs. 150/- p.m. |
| (iii) Officers drawing pay/presumptive pay exceeding<br>Rs.1000/-p.m.                          | ...Rs.200/- p.m.   |

<sup>1</sup>(V) (a) Employees who have opted for revised scales of pay (January , 1982) will draw training at the following rates:-

- |   |                                 |
|---|---------------------------------|
| (i) Officers drawing pay up to Rs. 850/p.m.                   | ... <sup>2</sup> Rs. 200/- p.m. |
| (ii) Officers drawing above Rs. 850/and up to Rs. 1600/- p.m. | ... <sup>2</sup> Rs. 300/- p.m. |
| (iii) Above Rs. 1600/- p.m.                                   | ... <sup>2</sup> Rs. 400/- p.m. |

Pending cases if any shall be regulated accordingly.

<sup>3</sup>(v) (b) Employees who have opted for revised scales of pay (April, 1987) will draw training allowance at the following rates:-

- |                                 |                    |
|---------------------------------|--------------------|
| (i) Class I Officers            | ... Rs. 600/- p.m. |
| (ii) Class II Officers          | ... Rs. 450/- p.m. |
| (iii) Class III and IV Officers | ... Rs. 300/- p.m. |

Note:-For classification of officers for this rule refer to Art. 309 of Jammu and Kashmir Civil Service Regulations.

The revised rates shall come into force with effect from 1-8-1987.

Provided that:-

- (a) Where a Government servant is provided free board and lodge at the training institution he will be allowed training allowance at 1/4<sup>th</sup> of the above rate for meeting incidental express.

1. Inserted vide F. D. Notification SRO-236 dated 24-5-1983.

2. Recast vide F. D. Notification SRO-229 dated 25-6-1985.

3. Recast vide F. D. Notification SRO-372 dated 20-7-1987.

- (b) Where either board or lodge alone is provided free of charges the Government servant will be allowed training allowance as 1/2 of the above rates.
- (c) Where board and lodge is allowed against payment the Government servant will be allowed training allowance equal to the amount so paid against production of vouchers plus 1/4th of the training allowance at the above rate to cover incidental charges.
- (d) Where neither board nor lodge is allowed to a Government servant by the Institution the training allowance will be allowed at the above rates and shall be enhanced by 100% in respect of Principal Cities (refer Note 2 below Art. 335) and by 50% in respect of other towns.
  
- (vi) Training courses which do not last beyond a period of 8 weeks will be treated as short training course,<sup>1</sup> [Government servants deputed for such courses if provided free board and lodge or board and lodge against payment (by the Institution) will receive daily allowance at 1/4th of the rates admissible under rules in lieu of training allowance]. In case such employees have to make their own arrangements for board and lodge they may be allowed daily allowance as admissible under rules for tours outside the State except hire conveyance for local journeys. They shall not be required to obtain separate sanction for prolonged halt but the daily allowance will be paid to them at the rates admissible for the prolonged halts outside the State. For study tours during short training courses T. A. as admissible for tour under rules will be allowed.

<sup>2</sup>**Note.**-Where in case of any short training course a trainee is provided free of charges board or lodge alone, he shall be allowed to draw 3/4th of daily allowance in lieu of training allowance.

- (vii) Expenditure in respect of training allowance shall be debitable to the same Head of Account to which pay and allowance of the officer concerned are charged and booked under the object of Expenditure "Travel Expenses".
- (viii)<sup>3</sup> Authority competent to sanction deputation under these rules shall be as shown in Schedules I-C and I-D, where in any case there may be no specific powers delegated to the Administrative Department/Head of Department, the concerned Adminis-

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1. Recast vide F.D. Notification SRO-714 dated 27-12-1977.

2. Inserted vide F.D. Notification SRO-54 dated 2-2-1985.

3. Recast vide F.D. Notification SRO-110 dated 22-2-1979.

trative Department shall, be competent to sanction training courses up to 6 months and beyond that General Department (Trainings) :

<sup>1</sup>Provided that the Medical Education Department will have full powers to sanction deputation of staff of Institute of Medical Sciences, Srinagar for training within the country.

- (ix) Such of the Government servants who on the date of issue of this Notification are already under training sponsored by their Administrative Departments, will have option to be governed by the above terms or to continue to be governed by the pre-amended terms of Art. 44-F. The option shall be exercised by them within a period of two months from the issue of this Notification and the same shall be final when once exercised. Those who do not exercise the option within the said period will be deemed to have opted for the old terms. The option will be addressed to the concerned Heads of Departments who will forward the same to the Accountant General in respect of the Gazetted Officers and retain the same in their offices in respect of the Non-Gazetted trainees.

Pending cases, if any, shall be decided according to the provisions of this Notification.

<sup>2</sup>44-FF. Government servants, in service, who are deputed by the Institute of Medical Sciences, Srinagar for training outside the State (within the country) will during their training <sup>3</sup>[x x x] be allowed rent charges at the following rates for private accommodation which they may have to hire during their study at such places :

- |  |  |
|--|--|
| (a) Officers drawing pay up to Rs. 500 per month                             | Actual amount of rent paid subject to a maximum of Rs. 20 per day. |
| (b) Officers drawing pay above Rs. 500 but not exceeding Rs. 1000 per month. | Actual amount of rent paid subject to a maximum of Rs. 25 per day. |

Provided that the rent allowance will be payable only after production of the rent receipt from the landlord duly attested and a certificate of nonavailability of accommodation from the Institute.

This shall be deemed to have come into effect from 18-12-1980.

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1. Inserted vide F.D. Notification SRO-554 dated 27-9-1979.

2. Inserted vide F.D. Notification SRO-53 dated 10-2-1981.

3. Deleted vide F.D. Notification SRO-232 dated 6-6-1981.

**ANNEXURE TO CHAPTER III (REFER TO ARTICLE 41-BBB)**

**(RATES OF COMPANSATORY ALLOWANCE AND BORDER ALLOWANCE)**

Name of places in the respective Districts	Basic pay up to Rs. 800.	Basic pay From Rs.801 to Rs. 1200	Basic pay from Rs. 1201 to Rs. 1600	Basic pay from Rs. 1601 to Rs. 2000	Basic pay from Rs. 2001 to Rs. 2400	Basic pay from Rs. 2401 to Rs. 2800	Basic pay from Rs.2801 to Rs. 3200	Basic pay from Rs.3201 to Rs 4000	Basic pay from Rs 4001 to Rs. above
1	2	3	4	5	6	7	8	9	10

(A) DISTRICT DODA  
(IN WINTER)

illaqas of Paddar and Niabat Nowgam in Kishtwar Tehsil

DISTRICT LADAKH AND KARGIL

(a) Zanskar (throughout The year)	450	600	750	900	1050	1200	1400	1600	1800
(b) Noyama (winter)									
(c) Nobra (winter)									
(d) Drass (winter)									
(e) Pani-khar (winter)									
(f) Abran (winter)									
(g) Tikkat (winter)									



	1	2	3	4	5	6	7	8	9
10									
DISTRICT BARAMULA AND KUPWARA (IN WINTER)									
(a) Entire Gurez Naibat	450	600	750	900	1050	1200	1400	1600	1800
(b) Tangdar Sub-Division									
(c) Keran Illaqas									
(d) Metchil									
<sup>2</sup> (e) Budnumbal									

(B) DISTRICT KATHUA

- (a) Niabat Bani
  - (b) Lohi
  - (c) Malhar
  - (d) Machedi
- Through  
out the  
Year

DISTRICT UDHAMPUR

- (a) Dudoo
  - Basantgarh
  - (b) Lander
  - Bhamag Illaqa
  - (c) Thakrakote
  - (c) Nagete
  - (d) Tehsil
  - Mahore
- Other  
than  
areas up  
to Gool  
and
- Through  
out the  
year
- Through  
out the  
year
- |     |     |     |     |     |     |     |      |      |
|-----|-----|-----|-----|-----|-----|-----|------|------|
| 350 | 450 | 550 | 650 | 750 | 850 | 950 | 1050 | 1200 |
|-----|-----|-----|-----|-----|-----|-----|------|------|

1. Inserted vide F.D. Notification SRO- 372 dated 20-7-1987  
 2. Inserted vide F.D Notification SRO- 392 dated 12-10-1989.  
 3. Inserted vide Corrigendum No. A/119(87) 1015 dated 13-8-1987.

1	2	3	4	5	6	7	8	9	10	
DISTRICT BARAMULA AND KUPWARA (IN SUMMER)										
(a) Entire Gurej Niabat										
(b) Tangdar Sub-Division										
(c) Keran Illas										
(d) Matchil										
<sup>1</sup> (e) Budnumbal area										
(C) DISTRICT UDHAMPUR										
(a) Nagate	Area up to Gool and									
(b) Tehsil Mahore	Ramban side and ares up to Arnas from Reasi sides Throughout The year	225	300	375	450	525	600	700	800	900
DISTRICT LADAKH AND KARGIL (IN SUMMER)										
All places in the two Districts Other than Zanskar, Nayoma, Nobra, Drass, Pani-Khar , Abran And Tikkat										

1. Inserted vide F.D. Notification SRO-392 dated 12-10-1989  
2. Inserted vide F.D. Corrigendum No. a/119 (87)-1015 dated 13-8-1987

1	2	3	4	5	6	7	8	9	10
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(D) DODA DISTRICT (THROUGHOUT THE YEAR)

All areas in Doda District other than the following:-

(a) Areas within five kilometers of Jammu-Srinagar National Highway.

(b) Areas within five kilometers from the Batote-Doda-Kishtwar Road and Doda-Batote-Sartingal Road and towns of Doda, Bhaderwah, Kishtwar And Tehsil Headquarter Of Thathru.

200	250	300	350	400	450	500	625	750
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(E) DODA DISTRICT (THROUGHOUT THE YEAR)

Areas within five Kilometers From the Batote-Doda-Kishtwar Road and Doda-Batote-Sartingal Road and towns of Doda, Bhaderwah, Kishtwar and Tehsil Headquarter of Thathri.

115	150	190	225	265	300	350	400	405
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1	2	3	4	5	6	7	8	9	10
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(F) DISTRICTS POONCH AND RAJOURI (THROUGHOUT THE YEAR)

Areas of the two Districts (excluding the towns of Poonch, Rajouri, Sunderbani And other Urban Areas) <sup>1</sup> [x x x]	75	100	125	150	175	200	225	250	300
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(G) <sup>2</sup> Border allowance All areas qualifying for Border Allowance.	75	100	125	150	175	200	225	250	300
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*Note:- An Employee who has been serving on 1-4-1987 in any area which qualifies for Local Allowance and has been deemed to Have opted for the revised pay scale shall draw Local Allowance at the revised rates and the amount payable \on this account Shall not be less than the allowance which he was in receipt of on 31-03-1987.*

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1. Deleted vide F.D. Corrigendum No. A/119 (87)-1015 dated 13-8-1987.  
2. Inserted *ibid*.

CHAPTER IV  
ADDITIONS TO SALARY AND DEPUTATIONS  
INCREASE OF SALARY

45. Any increase which would have the effect of raising the salary of a permanent appointment requires the sanction of the Government.

ADDITION TO SALARY

46. Unless in any particular case it be otherwise distinctly provided, the whole-time of a public officer must be held to be paid for by the Government, and he may be employed in any manner required by proper authority within his own branch of duty, without claim for additional remuneration.

**Note.**-See also rules 358 and 359 as well as note thereunder.

47. No honorarium or bonus may be granted to an official without the sanction of the competent authority. The work done must be special and outside the ordinary course of office duties , and it must not interfere with the discharge of those duties.

<sup>1</sup>Note.-Unless otherwise Provided in the rules for any training course, inservice officers who may be required to deliver extension lectures in any regular or refresher training courses arranged by any Department or Training Institute within the State shall be paid Rs. 40/- per lecture as an honorarium.

48. An honorarium, bonus or-.reward will not ordinarily exceed one month's pay of the official except as provided in Article 48-A.

<sup>2</sup>**Government Instructions**-All payments to a Government servant from a source other than the Consolidated Fund of the State (including Consolidated Fund of India or the Consolidated Fund of any other State) whether made directly to him or indirectly through the intermediary of Government are to be treated as fees. Accordingly when a work is assigned to a Government servant by a non-Government party, the payment received by him therefor has to be treated as "fee" irrespective of whether it is received direct from the party through his employer. But when a Government Department undertakes the work for a non-Government Organisation , and, in its return assigns the work to its officials, suited for the purposes, the payment thereof is made to the department in the first instance and forms a part of the

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1. Inserted vide F. D. Notification SRO-599 dated 28-12-1983.

2. Inserted vide F. D. Notification SRO-393 dated 18-8-1973.

Consolidated Fund of the State. The subsequent payments to the officials concerned are, therefore, payments from the Consolidated Fund of the State and should accordingly be classed as "Honorarium".

48-A. Government officers as well as persons who are not public servants are eligible for rewards or remuneration as provided in Schedule III.

49. Any servant of the State is eligible to receive without special permission :-

- (a) the premium awarded for any essay or plan in public competition, or
- (b) any reward offered for the arrest of a criminal or for information or special services in connection with the administration of justice; and also any reward payable in accordance with the provision of any Act or Regulation or Rule framed under such enactments.

50. (a) Any officer may receive a fee from a private person or private body, or a public body whose funds are not administered by the Government for work done for it provided :-

- <sup>1</sup>[(1) he has undertaken the work with the knowledge of his Head of the Office/Department and sanction in writing of the appointing authority;
- (2) that the Head of his Office/Department certifies that it can't be carried out without detriment to his official duties; and
- (3) that the acceptance of the fee and the amount of the fee are approved by the appointing authority.]

(b) When the work undertaken for a private body is such that it must be done during the time which would otherwise be employed in the service of the Government the fee should be credited to the Government, but the authority having power to sanction the appointment may grant to the officer concerned the whole or such portion of the fee realised as it may deem suitable. <sup>2</sup>[xxxx]:

<sup>3</sup>(c) [xxxx].

**Note 1.**-This rule does not apply to Medical Officers who are allowed to accept fees from private persons for professional attendance subject only

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1. Recast vide F. D. Notification SRO-393 dated 8-8-1973.

2. Deleted vide Corrigendum No. A/16 (73)-1057 dated 6-9-1979.

3. Deleted vide F. D. Notification SRO-317 dated 15-6-1979.

to the orders contained in the Government Gazette No.1 dated 3rd Baisakh, 1947.

**Note 2.-** The Registrar or Sub-Registrar registering documents at the residence of persons desiring to present documents for registration, are allowed to receive fees under the following rules :-

(a) A person who by reasons of sickness or bodily infirmity or some other cause is unable to appear in person before the Registrar or Sub-Registrar for registration of documents, shall be required to pay a fee of Rs. 5.

(b) The Registrar or Sub-Registrar shall proceed beyond the limits of his headquarters to register documents provided the person presenting such documents for registration pays travelling expenses to such officer at the rate of annas 4 a mile exclusively of the above fee.

(c) The Registering Officer shall keep the whole of the said travelling expenses plus a moiety of the said fee for himself, the balance being credited to the Government.

<sup>1</sup>**Note 3.-**Government servants require to work as Superintendents, Supervisors, Practical Examiners etc. in connection with the examinations held by the Jammu and Kashmir University or the Board of Secondary Education may receive remuneration from the University/Board for such work with the sanction of the Head of the Department concerned, provided the University/Board has obtained the concurrence of the head of institution officer concerned prior to the offer of an assignment in each case. This will however, not apply to work of confidential nature e.g. setting question papers and/or marking of answer books, for undertaking which outside working hours no sanction will be required.

<sup>2</sup>**Note 4.-**Fees in respect of Government servants attending the meetings or for doing other work in connection with the affairs of statutory organisations, corporate bodies, industrial or commercial undertakings (not departmentally run) will be recoverable only if these are not wholly owned by the State/Central Government but in which State/Central Government funds are invested or which are financed partly by such funds. The case of semi-Government, non-Government institutions, receiving grants from the State/Central Government should, however, be considered on merits in consultation with the Finance Department. No fees or other remuneration should be directly accepted by Government servants unless they are specially permitted to receive such fee under Art. 50 of these rules. This will apply *mutatis mutandis* to AIS 9 officers serving in connection with the affairs of

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1. Recast vide F. D. Notification SRO-56 dated 24-2-1966.

2. Inserted vide F. D. Notification SRO.171 dated 17-5-1968.

the State. Regarding the mode of recovery of the amount of fee refer to Note 3 below Art. 371.

<sup>1</sup>**Note 5.**-Officers nominated from time to time as official Directors of various private or joint sector companies and autonomous bodies including Co-operative Institutions should not accept any fee or honorarium from such autonomous bodies/Institutions over and above the salary and allowances that they are entitled to in Government service or on deputation.

#### PERMANENT APPOINTMENTS

51. No new appointment of a permanent nature can be created without the previous sanction of the Government.

#### PAY OF TEMPORARY POSTS AND DEPUTATIONS

52. Where a temporary post is created which may have to be filled up by a person not already in Government service the pay of the post shall be fixed with reference to the minimum that is necessary to secure the services of a person capable of discharging efficiently the duties of the post.

52-A. When a temporary post is created which may have to be filled up by a person who is already a Government servant, its pay, should be fixed by the Government with due regard to :-

- (a) the character and responsibility of the work to be performed ; and
- (b) the existing pay of Government servants of a status sufficient to warrant their selection for the post.

**Note 1.**-Temporary posts are divided into two categories:-

(a) Posts created to perform the ordinary work for which permanent posts already exist in a cadre, the only distinction being that the new posts are temporary and not permanent, and

(b) Isolated posts created for the performance of special tasks unconnected with the ordinary work which a service, is called upon to perform such as a post on a commission of enquiry.

**Note 2.**-(a) The class of posts mentioned at (a) above shall be considered to be a temporary addition to the- cadre of a service and shall

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1. Inserted vide F. D. Notification SRO-317 dated 15-6-1979.

be in the time scale of the service concerned ordinarily without extra remuneration. Incumbents of these posts shall, therefore, draw their ordinary time scale pay. <sup>1</sup>[xxxx].

(b) For isolated cadre posts it may occasionally be desirable to fix consolidated rates of pay where, however, the post is to be held by members of a service it will ordinarily be preferable to create the post in the time scale of the holders service.

<sup>1</sup>Note 3 to 9 and Govt. Instruction thereunder deleted.

<sup>2</sup>[52-B. (a) The term “deputation” will cover appointments made by transfer of “inservice” Government servants in public interests outside their parent organization on a temporary basis. The deputation may be from one Government Department to another of the State Government or from a Government Department (of the State) to any Corporation, Company, Autonomous Body, Public Sector Undertaking wholly owned and controlled either by the State Government or by the Central Government, or any other State Government in the country. It shall include transfers, made in public interests to Municipalities, Local Bodies, Statutory Bodies and all other Non Government Organizations, bodies and institutions within or outside the State.

(b) Government servants in service who are appointed to posts outside their' parent cadre either by promotion or direct recruitment having competed for such appointment with other candidates whether on a permanent or a temporary basis will not be regarded as on 'deputation'. Permanent transfers from one cadre/Department to another will not also be treated as deputations. Similarly Government servants who seek appointments in Public Sector Undertakings, Corporations, Companies etc. of their own accord, or while on deputation are absorbed permanently in such organisations and institutions will not be treated on deputation.

52-C. All deputation cases involving deputation of Government servants to non-Government Organisations, including Corporations, Companies, Autonomous Bodies etc. within or outside , the State or to Centr\_1 Government or other State Governments \_hall be decided by the concerned Administrative Department on the standard terms and conditions of deputation contained in Schedule XVIII. Any relaxation of the said terms will require prior consultation of the General Department and the Finance Department.

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1. Deleted vide F. D. Notification SRO-420 dated 3-8-1979.

2. Inserted *Ibid*.

In addition to the standard terms the following conditions shall be observed by the competent authorities in regulating cases of deputation:

- (i) The period of deputation in any case should not exceed three years. It may, however, be extended further by one year on the request of the borrowing agency but in any case the total period of deputation shall not exceed a period of 4 years at a time.
- (ii) Deputation allowance may be sanctioned by the Administrative Departments only after obtaining the prior agreement of the General Department (Services) in each individual case as required under Article 52-D-(d).
- (iii) An employee placed on deputation may elect to draw either the pay in the scale of pay of the new posts as may be fixed under the rules or his basic pay in the parent Department plus his personal pay, if any, plus a deputation allowance. For determining the pay under the rules for this purpose in the case of deputation to autonomous bodies etc., it may be presumed that the Government rules apply. The option once exercised shall be final except that on each occasion when such an employee receives proforma promotion in his parent Department or is reverted to a lower grade in the parent Department or is appointed to another grade in the new Department or there is a revision of pay scales in his parent Department a fresh option shall be allowed to him.
- (iv) When a person already on deputation is promoted to a higher post by the borrowing authority the concurrence of the lending authority should be obtained prior to such promotion. After such promotion the person concerned will cease to draw deputation allowance, if any, drawn by him. Such promotion shall not however, confer any rights in the matter of compensation or emoluments on return to the parent organisation.
- (v) Wherever any project allowance or other amenities are given by the appointing authorities to the deputationists besides their pay and the deputation allowance, a report to this effect will invariably be made to the Administrative Department.
- (vi) It should be accepted as a general rule that all deputationists must be considered for promotion in their parent organisation should a vacancy occur. In such event if they are suitable they should be given the promotion and the borrowing agency should either be required to give them the additional pay or to return the officials to their parent Organisation.

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<sup>1</sup>(vii) With a view to ensuring that no employee receives an abnormal pay increase because of his opting for the pay scale of the post held on deputation, the following limitations are prescribed :

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| (a) For employees in receipt of basic pay above Rs. 2200/-.        | 12 <sup>1/2</sup> percent of basic pay or Rs. 330/- whichever is more. |
| (b) For employees in receipt of basic pay above Rs. 1000/-.        | 15 percent of basic pay or Rs. 220/- whichever is more. .              |
| (c) For employees in receipt of basic pay of and below Rs. 1000/-. | 20 percent of basic pay.   |

Basic pay for this purpose shall mean the pay which the Government' servant would draw from time to time in his parent Department but for his deputation.

#### GRANT OF DEPUTATION ALLOWANCE

52-D. (1) Deputation allowance may not be allowed as a matter of course in all cases of deputation. Deputations-which are from one Government Department/Cadre to another will not qualify for Deputations Allowance.

(2) In case of deputations to Corporations\_\_ Companies\_ Statutory Bodies and other Non-Government Organisations wholly owned-and controlled by the State Government, grant .of the allowance .may, however be considered in accordance with the broad principles laid down as under :

- (a) a deputation allowance may be granted where the circumstances of the posting of the persons concerned as a result of deputation to any such Organisation suggests considerable personal inconvenience or additional expenditure *e. g.* having to work at an out of the way place where he normally would not have been required to work, in. his parent Department; or
- (b) where a person has to be selected very carefully for a particular post in any such Organisation in view of the nature of its responsibilities and duties and some recognition of the fact in the form of suitable allowance would be meritted;
- (c) whereas compared to his normal duties in parent department there is considerable increase in duties and responsibilities of a person while on deputation in any such Organisation;

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1. Recast vide F. D. Notification SRO-387 dated 21-12-1988.

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- (d) the question whether the transfer on deputation to any such organisation in future qualifies for deputation allowance shall be determined in each individual case by the General Department (Services).'

(3) Whereunder sub-clause (d) above a person is authorised to draw deputation allowance it shall be allowed subject to the conditions and at the rates given below :

- (a) at 10% of basic pay subject to a maximum of Rs. 1001- P.M. when transfer is within the same station or to a place in his home town or within the radius of 13 Kms. of his home town;
- (b) where the deputation is to a place not covered under (a) above the deputation allowance be allowed at 10% of the basic pay subject to a maximum of Rs. 200/- P.M.;
- (c) deputation allowance shall be treated as pay for purposes of grant of Dearness Allowance, leave salary and T. A.;
- (d) 'Basic Pay' for the above purpose shall mean the pay drawn in the scale of the pay of the substantive appointment held or the pay in the scale of pay of the officiating appointment in an employee's parent cadre;-provided that such officiating appointment was not held' in a tenure post and it was certified by the appointing authority that but for the deputation the employee would-'have continued to hold the officiating appointment indefinitely.

'Personal Pay' if any, drawn by an employee in his parent Department may be allowed in addition. This will not be merged in the deputation allowance but will be merged in other increases in pay *e.g.* increments, or increase of pay by promotion or for any" other reason.

**'Note: 1.** Government servants who are sent on deputation or who were already on deputation on 1-4-1982 and have opted for the revised scales of pay shall draw deputation allowance at 6 (six) per cent of basic pay instead of 10 per cent, as admissible under sub-clauses (a) and (b) above, provided the drawal of deputation allowance has been authorised by the competent authority under a specific order with the prior agreement of the General Department as required under sub-rule (2) above. The maximum limits of Rs. 100/- and Rs. 200/- laid down in sub-clauses (a) and (b) Will however remain intact from 1st January 1982 to end of March,1982 there will be no change in the amount of deputation' allowance

already drawn in the old scale of pay. The amount of deputation allowance drawn on 31-3-1982 shall however be protected in case the same happens to be more than but is admissible at the revised rates in the revised scales of pay w.e.f. 1-4-1982.

**Note 2.**-Government servants who are sent on deputation or who were on deputation on 1-4-1987 and have opted for the revised scales of pay shall draw deputation allowance at the following rates :

- (i) At 5% of Basic Pay subject to a maximum of Rs. 250/- p.m. when transfer is within the same station or to a place in his home town or within the radius of 13 Kms. of his home town.
- (ii) At 10% of Basic Pay subject to a maximum of Rs. 500/- p.m. when transfer is to a place not covered under sub-clause (a) above.

**Explanation.**-Deputation Allowance shall be treated as pay for purpose of grant of Leave Salary and Travelling Allowance only.

<sup>2</sup>Note 3.-- The ceiling of Rs. 300/- of sum of Special pay or N. P. A. plus deputation allowance as indicated in clause (g) of Article 52-D is raised to Rs. 500/-.

This shall be deemed to have come into effect from 1-4-1987.

- (e) the deputation allowance admissible under the previous clauses shall further be so restricted that the basic pay of employee in his parent Department from time to time plus a deputation allowance does not exceed the maximum of the scale of pay of the post held on deputation or where the post on deputation has fixed pay that fixed pay where subsequent to deputation this is not possible by virtue of the basic pay of an employee itself exceeding the maximum of the scale of pay of the post or the fixed pay of the post the deputation of the employee shall be restricted to a period of six months from the date on which his pay thus exceeds such maximum and the employee should be reverted to his parent Department. (Under this clause no deputation allowance will evidently be admissible to an employee from the date his basic pay either equals or exceed the maximum of the scale of the post which he holds on deputation.

- (f) no employee whose basic pay at the time of his' proposed deputation exceeds the maximum of the scale of pay of the new

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1 Inserted vide P.D Notification SRO 372 Dated:-20-07-1987

2 Inserted vide P. D Notification SRO 387 Dated:-21-12-1988

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post or the fixed pay *of* the new post shall ordinarily be deputed to such a post;

- (g) *if* an officer before proceeding on deputation is in receipt *of* special pay or N. P. A. or personal pay in lieu *of* special pay withdrawn, in his parent Department he may continue to draw the same while on deputation, subject to the condition that special pay or N. P. A. plus deputation allowance does not exceed Rs. 300/- P.M. or the maximum *of* the scale *of* pay *of* the post held on deputation or where the post on deputation has fixed pay, the fixed pay, whichever is less;

Drawal *of* N. P. A. will be further subject to the condition that the concerned officer does not practise while on deputation.

- (h) no deputation allowance will be allowed in case where an officer on deputation opts for the pay scale of the post held on deputation.

<sup>1</sup>Government Instructions.-Doubts have been expressed regarding payment *of* dearness allowance and additional dearness allowance on or after 1-1-1982 to a Government servant on deputation with the Central Government or any State Government or any Autonomous Organisation or a Public Sector Undertaking etc. which pay dearness allowance and additional dearness allowance to their employees at the rates prescribed by the Government of India from time to time. Should a deputationist in such a case who has opted to draw pay while on deputation in the pay scale *of* the post held on deputation, which may be different from his own revised pay scale, be allowed to draw dearness allowance and additional dearness allowance in full as admissible to him on the pay drawn by him in the pay scale of the post held on deputation?

It is hereby clarified that no employee while on deputation should draw any unintended benefit as a result of his having opted for the pay scale *of* the post held on deputation. The amount of dearness allowance and additional dearness allowance in such cases will be equal to the total amount *of* dearness allowance and additional dearness allowance admissible from time to time at the rates sanctioned by the borrowing employer minus dearness allowance and additional dearness allowance merged in the pay of the deputationist in his parent Department at the eve of revision *of* 1982, and only the balance amount paid as dearness allowance and additional dearness allowance. Such deputationists who while on deputation draw pay in their own scale *of* pay will draw dearness allowance and additional dearness allowance from time to time as admissible to them in their parent

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1. Inserted vide F. D. Notification SRO-27 dated 18-1-1983.

departments. The amount of merged dearness allowance and additional dearness allowance shall invariably be communicated to the borrowing employer by the parent Department in respect of persons sent on deputation to any such organisation.

#### **DEPUTATIONS FROM OTHER STATE GOVERNMENTS ETC.**

52-E. (I) The deputation of officers to the State Government from the Central Government or other State Governments or from Corporations or Bodies other than those owned and controlled by the State Government, shall be sanctioned by the competent authority prescribed in Schedule Second of the J&K Business Rules.

The terms and conditions of deputation of such officers will be governed by their order of deputation.

(2) Deputations from the State Government to the Central Government or to other State Governments or to Corporations, Companies, Autonomous Bodies etc. other than those owned and controlled by the State Government shall be regulated by the terms and conditions as are mutually settled between the borrowing and lending authorities.

For prescribing the terms from the State Government the standard terms of deputation as contained in Schedule XVIII will be the guiding principles. In all such cases of deputation, the deputation allowance shall be admissible regardless of the limitations contained in Article 52-0 (2) at the 13tes as may be offered by or settled with the borrowing authority subject to the minimum prescribed under Article 52-0 (3).

This order shall come into effect from 1-8-1979 and shall apply to an cases of deputation as are ordered after that date. All officers who may be on deputation on the date of issue of this order will have an option either to opt for these rules or to continue to be governed by the terms and conditions of their deputation as already sanctioned in the favour so long as their period of deputation, if any, indicated in their order of deputation does not expire. In cases where the period of deputation is not indicated the same will be 3 years from the date of commencement of deputation. Extension in the period of deputation, if any, granted after the issue of this order, will be in accordance with terms and conditions of this order read with Schedule XVIII. Option shall be exercised within a period of 3 months from the date of issue of this order and those who do not exercise option within the stipulated time will be deemed to have opted for the terms already sanctioned in their favour. This order shall also apply to all past cases for grant of deputation allowance, if any, pending settlement with the concerned Administrative Department.

53. Temporary appointments and deputations, the cost of which is met from corresponding savings, may be sanctioned by the Government.

<sup>1</sup>53-A. Deleted.

<sup>1</sup>54. Deleted.

<sup>2</sup>55. (a) The officers selected for trainings, fellowship under a sponsored scheme or scholarship with the approval of the State Government besides the training facilities and payments provided in the scheme itself by the foreign authority concerned will also be allowed the following "Local Costs" by the State Government :

(i) The pay of the Officer while he is away on training/fellowship.

(ii) T.A./D.A. from duty station to Airport or port of departure and back on his return.

(iii) In case the particular terms of the fellowship/training, mention any other specific allowance like outfit allowance this could also be permitted to the extent of 3Rs. 1000.00.

Such persons generally will not be allowed transport charges from the airport or port of departure in India to the foreign country. If, however, the host country does not take responsibility to bear such costs the grant of this facility may be considered by the State Government on the merits of a particular case.

(b) The officers who secure scholarship, fellowship etc. or entry into any recognised Institution abroad on their own, will not be entitled to the above concessions. They may however be considered for grant of study leave where it may be due under the study leave rules or in relaxation of rules in exceptional cases where cogent reasons are advanced. These concessions, however, will not be given in such lines where the facilities are available within the country except in special cases where the Government feels that specialisation in that particular profession abroad would be in the best interests of the general public.

(c) Cases where the officer will be deputed for training or technical study in connection with a particular development project or in connection with acquiring particular qualification which they cannot obtain in India and which the State Government consider essential, will be considered on the merits of each case and Government may not pay only the full "Local Costs" but also the cost of training abroad.

(d) In all cases mentioned at (a), (b) and (c) above, the officers before their departure will execute a prescribed agreement binding themselves to serve the Government on their return for at least seven years.

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1. Deleted vide F. D. Notification 191-F of 1960-dated 3-8-1960.

2. Inserted vide F. D. Notification SRO-392 dated 10-6-1972

3. Recast vide F. D. Notification SRO-456 dated 25-8-1980.

(e) In case of default they shall be required to repay to the Government all the costs paid to them in lump sum plus penalty up to 50% of total amount spent by the Government on training.

(f) The Educational loan if any due for repayment at the time of proceeding for further studies/deputation/fellowship etc. shall be repaid by the depute/trainee in accordance with the Educational Loan Rules and Orders issued by the Government from time to time.

(g) All individual cases for selection for training etc. abroad would be initiated by the Administrative Department concerned and placed before the following Committee for consideration/approval. However, to maintain proper co-ordination (and also to watch the recovery of the educational loan) all such cases would be sent to the General Department (Trainings) for obtaining approval of the Chief Minister (as Minister-in-Charge Trainings) and issuing final orders :

1. Chief Secretary/<sup>1</sup>Additional Chief Secretary.
2. Commissioner for Planning and Development.
3. Finance Secretary.
4. Secretary to Government, General Department.
5. Secretary to Government, Administrative Department.

The aforesaid Committee will also function as policy framing Committee and Reviewing Committee in respect of deputations and grant of study leave.

<sup>2</sup>55-A. For regulating the period of service spent on foreign assignments either as on the basis of authorised deputation or otherwise, refer to guidelines contained in Schedule XIX.

#### EPIDEMIC DUTY

255-AA. Deputation Allowance at 20 per cent of their pay shall be given to Medical Officers, Assistant Surgeons Grade II, Compounders, Vaccinators, Sanitary Inspectors, Insect Collectors, Literate Workers, Disinfectors, Laboratory Assistants, Nurses and Dais (with the exception of temporary hands specially employed for Epidemic duties) who are deputed on Epidemic duty whether in Towns or in the Muffasil. The Gazetted and non-Gazetted staff as detailed above belonging to the Epidemic Department will also be entitled to this allowance for the period the Epidemic lasts.

This rule has retrospective effect in respect of Sub-Assistant Surgeons from Baisakh, 2002 to 24-4-1951 and thence forward in respect of Assistant Surgeons Grade II.

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1. Recast vide SRO-299 dated 9-6-1980.

2. Inserted vide F. D. Notification SRO-286 dated 28-6-1984. (Existing Art. 55-A shall be numbered as Art. 55-AA).

## CHAPTER IV-A

## RENT OF GOVERNMENT RESIDENCES.

55-B. The following rules govern the allotment to Government servants for use by them as residences of Buildings owned by Government or such portions thereof as may be made available for the purpose:

## CONDITIONS FOR GRANT OF RENT FREE HOUSES.

- (a) No public building furnished or unfurnished may be occupied as a private residence rent free without the orders of the Government.

<sup>1</sup>**Government Instructions No. 1:-**(i) An officer allotted rent free residential accommodation may be allowed to retain the residence free of rent while on leave up to a maximum period of one month subject to the condition that he is likely to return to the same post from which he proceeds on leave. Where, however, the period of leave granted to such an officer exceeds one month and the officer concerned is permitted to retain the residence by the competent authority during such period, usual rent in accordance with the rules in force shall be recovered for any period of leave exceeding one month.

(ii) A female officer who has been allotted residential accommodation free of rent may be permitted to enjoy the rent free concession during the entire period of maternity leave provided that the accommodation is not required for substitute, if any, engaged during the absence on leave of the officer concerned and she is likely to return to the same post where she proceeds on leave.

(iii) On transfer from one station to another, the officer may be allowed to retain the residence, free of rent for a period of first 15 days and thereafter on payment of rent under these rules but not exceeding two months from the date of handing over charge.

(iv) In the event of death of the officer, his family may be allowed to retain the residence, free of rent for a period of one month from the date of the officer's death and thereafter for a further period of 3 months on payment of rent under these rules.

(v) On resignation, rent free concession to the officer will cease from the date of resignation. However, in the case of dismissal or removal or retirement from service, he may be allowed to retain the residence for a period of one month, free of rent.

(vi) where a Government building is reserved for a particular officer rent free the concessional period mentioned in clauses (i) to (v) above in the

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1. Inserted vide F. D. Notification SRO-321 dated 17-8-1968.

event of leave, transfer, death, resignation etc. of any such officer may not be allowed. The successor Government servant who is entitled to that accommodation will occupy the residence immediately after taking over the charge of such post unless the residence can be spared without any detriment to his interest for his predecessor and/or his family

(vii) The competent authority for purposes of these instructions shall be the Administrative Department incharge of allotment of Government residence.

**<sup>1</sup>Government Instructions No. 2.-A** Government servant may be allowed to retain allotment of Government residential quarter during leave preparatory to retirement or during refused leave. After his retirement a Government servant may be allowed to retain the accommodation for one month. Where the refused leave commences from the date of retirement, the accommodation be allowed to be retained for the period of refused leave or one month after retirement whichever is shorter. In all these cases, rent shall be chargeable at the same rate as applicable immediately prior to his retirement.

#### CAPITAL COST OF RESIDENCE.

(b) For the purpose of assessment of rent, the capital cost of a residence owned by Government shall be either

- (i) the cost of acquiring or constructing the residence and any capital expenditure incurred after acquisition or construction or, when this is not known.
- (ii) the present value of the residence estimated by the competent authority.

**Note.-** The cost of restoration or special repairs shall not be added to the capital cost or present value unless such restoration and repairs add to accommodation and involve replacement of the existing type of work of a more expensive character.

In the case of the buildings of the Forest Department in which the capital cost of the timber used is not known addition of 12 per cent on account of cost of timber shall be made. In the case of such buildings of which actual cost cannot be obtained, the Conservator of Forests shall determine the capital cost.

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I. Inserted vide F. D. Notification SRO-114 dated 17-2-1978.

CAPITAL COST OF RESIDENCES OCCUPIED BY PRIVATE  
PERSONS

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<sup>1</sup>55-BB. Government residential buildings shall not ordinarily be let out to private individuals. When it is in the public interests to do so, the rent to be charged from any such person should be 15% per annum of the capital cost of the building or the rentable value of the building in the locality in which it is situated, whichever be higher. 15% per annum of the capital cost shall also be charged in respect of fittings;

<sup>2</sup>Provided that where in any deserving case charging rent at 15% may apply harshly, the concerned Department (incharge of the residential building) may with the approval of the Chief Minister in co-ordination charge a lesser amount of rent from the tenant.

The requirement of rentable value may be dispensed with, wherein a particular locality, market rate of rent may not be easily assessable. In latter cases the capital cost will be calculated on the present value of the residence estimated by the competent authority.

This will also apply to pending cases of such type, if any with the Departments.

STANDARD RENT AND ASSESSMENT THEREOF.

<sup>3</sup>55-C. (i) The rent payable by the Government servants shall be 6½% per annum of the capital cost of the building or 10% of the emoluments of the officer whichever is less. No rent shall be charged for the land pertaining to the building:

Provided that in respect of officers whose emoluments are Rs. 200 and below per mensem, 7½ % of the emoluments in place of 10 % mentioned above shall apply. Rent of electric fittings shall be charged at 8 per cent per annum. of the capital cost of fitting. No rent on this account shall be charged to the officers enjoying the concession of rent free houses.

**Note 1.**-The emoluments of a Government servant paid at piece work rates shall be determined in such manner as the Government may prescribe.

**Note 2.**-The emoluments of an officer on leave mean the emoluments drawn by him for the last complete month of duty performed by him prior to his departure on leave.

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1. Inserted vide F. D. Notification SRO-41 dated 23-1-1976

2. Inserted vide F. D. Notification SRO-347 dated 9-7-1980.

3. Recast vide F. D. Notification SRO-S22 dated 12-12-1967

<sup>1</sup>**Note 3:-**Emoluments referred to in these rules include

(i) pay/presumptive pay,

(ii) special pay, compensatory and other allowances (other than dearness allowance and travelling allowances) whether drawn from the Consolidated Fund of the State or from a Local Fund,

(iii) all other fixed additions to pay/presumptive pay and allowances received as part of the authorised remuneration for a post,

(iv) pension other than a pension drawn under the provisions of Chapter XIX-A of these rules,

(v) in the case of a Government servant under suspension and in receipt of a subsistence grant the amount of the subsistence grant provided that if such Government servant is subsequently allowed to draw pay/presumptive pay for the period of suspension the difference between the rent recovered on the basis of subsistence grant and the rent due on the basis of the emoluments ultimately drawn shall be recovered from him.

<sup>2</sup>**Explanation.-**Compensatory Allowance drawn in Ladakh District shall not be treated as part of emoluments for purposes of assessment of rent. This shall be deemed to have come into effect from 1-11-1967.

<sup>3</sup>**Note 4.-** The amount of pension to be taken into account will be the amount originally sanctioned i.e. before commutation, if any, and will also include the pension equivalent of death-cum-retirement gratuity and other forms of retirement benefits, if any.

<sup>4</sup>**Note 5.-**When Government residential building is occupied by more than one officer drawing pay above Rs. 400, the rent from each shall be charged at 10% of emoluments or  $6\frac{1}{2}$  % of the capital cost as assessed on the basis of floor area occupied by each such Government servant whichever is less.

<sup>5</sup>**Note 6.-**In the case of a building occupied by a couple both of whom are Government servants rent will be recovered at 10% or  $7\frac{1}{2}$  % of the emoluments of the higher paid official or  $6\frac{1}{2}$  % of the capital cost whichever is less.

This shall be deemed to have come into effect from 1<sup>st</sup> November, 1967.

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1. Inserted vide F. D. Notification SRO-522 dated 12-12-1967.

2. Inserted vide F. D. Notification SRO-110 dated 17-3-1971

3. Inserted vide F. D Notification SRO-522 dated 12-12-1967

4. Recast vide F. D Notification SRO-483 dated 17-12-1968

5. Recast vide F. D. Notification SRO-522 dated 12-12-1967.

<sup>1</sup>(ii) Notwithstanding the provisions contained in these rules the rent with effect from 1st November, 1967 from officials drawing pay/presumptive pay up to Rs. <sup>2</sup>450 per month and sharing accommodation in messes, or family quarters, other than those occupying independent unit of accommodation of more than one roomed sets, shall for the time till pooled rent is fixed for Government accommodation pay rent at 5% of their pay/presumptive pay.

<sup>3</sup>(iii) A Government servant belonging to a moving office who retains under his occupation Government quarters for residential purposes, round the year either at Jammu or at Srinagar shall subject to production of necessary certificate that his child/children had to stay on at Srinagar/Jammu to complete the Educational Session and/or to report for the next session before move of offices to that place, be charged rent at 50% of the prescribed rate for the entire period for which quarter is retained by the officer at such a place other than the headquarter of the Government.

The certificate to be produced shall be either:

- (i) A declaration from the officer himself in case of a Gazetted Officer;
- (ii) In the case of a non-Gazetted official, certificate of a Gazetted Officer; or
- (iii) Certificate from the concerned School/College as an alternative to (i) and (ii) above.

Pending cases if any shall be decided in terms of this notification,

<sup>4</sup>55-D. (i) Notwithstanding anything contained in Art. 55-C (i), (ii) and notes 3,5 and 6 thereunder the rent of Government residential buildings shall from 1-8-1970 be fixed as under :

- (a) For independent accommodation up to two-roomed tenements the rent payable shall be at 5% of the basic pay/presumptive pay or  $6\frac{1}{2}$  % per annum of the capital cost or a flat rate of Rs. 20 and Rs. 40 p.m. for one room tenement and two-roomed tenements respectively, whichever is less. <sup>5</sup>[For accommodation in three roomed tenements' (flats) the rent payable shall be at 10% of the

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1. Inserted vide F. D. Notification SRO-52 dated 2-2-1968.

2. Substitute vide F. D. Notification SRO-255 dated 17-5-1970.

3. Inserted vide F. D. Notification SRO-4 dated 1-1-1986.

4. Inserted vide F. D. Notification SRO-498 dated 20-10-1970.

5. Inserted vide F. D. Notification SRO-487 dated 17.7-1972.

pay/presumptive pay or 6½ % per annum of the capital cost (assessed on the basis of floor area of the flat occupied) or a flat rate of Rs.75 per month whichever is less].

<sup>1</sup>[(b) For shared accommodation by two or more Government servants up to two-roomed tenements the rent payable shall be @ 3% of the basic pay in the case of non-gazetted officials whose basic pay is upto <sup>2</sup>1240 per month and at 5% of the basic pay of the non-gazetted employees whose basic pay is above Rs.<sup>2</sup>1240 per month or 6½ % per annum of the capital cost of the accommodation or a flat rate as indicated in sub-clause (a) above, whichever be. less.

(c) For shared accommodation, in more than two-roomed independent sets and in messes the rent payable shall be at 3% of the basic pay of each non-gazetted occupant in the case of such officials whose basic pay is up to Rs. <sup>2</sup>1240 per month and at 5% of the basic pay of the non-gazetted employees whose basic pay is above Rs. <sup>2</sup>1240 per month or 6½ % per annum of the capital cost as assessed on the basis of floor area occupied by each Government servant (other than in a mess) whichever is less.

(ii) For purposes of this Art. (55-D) "Basic Pay" shall mean pay including officiating pay and the personal pay, if any, drawn by a Government servant and shall exclude special pay, charge allowance and any other allowance drawn by a Government servant.

This shall be deemed to have come into effect retrospectively from 1-7-1972.

(iii) In case of employees who as a result of retrospective application of these rules are entitled to refund of any amount of rent already paid by them, the same will be credited to their account, and adjusted against future recoveries of rent, except in respect of employees who may have been retired or discharged or cease to be allotted Government accommodation in future. In the latter cases the excess amount recovered will be refunded in cash].

(iv) (a) For independent accommodation <sup>3</sup>[XXXX] the rent payable shall be at 10% of the basic pay/presumptive pay of a Government servant or 6½ % of the capital cost or a flat rate of Rs. 250 p.m. whichever is less.

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1. Recast vide F. D. Notification SRO-163 dated 11-4-1974.

2. Substituted vide F. D. Notification SR0-402 dated 18-8-1984.

3. Deleted vide F. D. Notification SR0-487 dated 17-7-1972.

(b) In the case of a couple both of whom are Government servants rent payable will be at the rates indicated in, clauses (a) or (b) of 55-D (i) above as the case may be. For purpose of assessing rent on pay the basic pay/presumptive pay of the higher paid one, alone will be taken into account. '

**'Government Instructions 1:-**Rent payable by Government servants for occupying Government Quarters/Flats with effect from 1st April, 1982 be charged at the following revised rate of pay which they may draw in the revised scale of pay :

<u>Existing rates of rent.</u>	<u>Revised rates of rent.</u>
10% of basic pay.	6% of basic pay.
5% of basic pay.	3% of basic pay.
3% of basic pay.	<sup>2</sup> 1½ % of basic pay.

Flat rates of rent contained in Article 55-D (i) to (iv) shall continue to be in force. Rent from Government servants for the period from 1st January, 1982 to 31st March, 1982 shall be charged on pay drawn in the pre-revised scales at the rates in vogue before 1-4-1982.

<sup>3</sup>**[Government Instructions No. 2.-**Rent payable by Government servants for occupying Government accommodation/flats, with effect from 1st April, 1987 be charged at the following revised rates of pay which they may draw in the revised scale of pay :

<u>Existing rates.</u>	<u>Revised rates.</u>
6% of basic pay.	4% of basic pay.
3% of basic pay.	2% of basic pay.
1½ % of basic pay.	1% of basic pay.

(ii) Flat rates of rent contained in Articles 55-D (i) to (iy) shall continue to be in force.

**Note.-(i)** In order to determine whether a tenement is a one-roomed or two-roomed set only the living rooms, namely drawing room, dining room and bed rooms shall be taken into account and kitchen, store, pantry bathroom and verandah excluded.

1. Inserted vide F. D. Notification SRO-108 dated 30-3-1982.

2. Recast vide F. D. Notification SRO-178 dated 29-4-1982.

3. Inserted vide SRO-372 dated 20-7-1987.

(ii) In case of shared accommodations the share of rent payable each occupant shall be rounded off to the nearest half rupee.]

<sup>1</sup>Deleted.

55-E. (a) Assessment of rent of building of the Forest Department partly used for residential purposes shall be based on certificate of the Conservator of Forests regarding the actual portion of the house-used by an officer.

(b) In addition to the usual rent, an officer occupying a Government house will be required to pay meter hire and the cost of water, electric energy etc., consumed.

#### GARDENS ATTACHED TO BUILDINGS

<sup>2</sup>[55-F. (i) All residential quarters yielding a rent of Rs. 400 p.m. with a minimum of two kanals of land (including lawns and flower beds) will be entitled to a gardener free of charge.

(ii) A group of adjacent buildings not more than four, yielding a rent of Rs. 400 or above per month collectively, and possessing a minimum area of 10 marlas of land as garden (lawns and flower beds) attached to each such building will be entitled to one gardener.

<sup>3</sup>[Officers on deputation to the State from outside who have been allowed rent free accommodation shall be allowed a gardener on group basis free of charges.]

(iii) In respect of rent free buildings a gardener will be made available free of charge only if the building is under' occupation of a Minister, a Minister of State, Dy. Minister or any other dignitary of equal status in whose case the grant of free furnished building is prescribed under any law or statute in force from time to time. Where any such building is occupied by a Government servant on deputation or otherwise, the free services of a gardener will be provided only if the terms of his deputation or appointment make a provision for such services. Failing that, the concerned officer will have to pay for the services of the gardener if he desires to keep one independently <sup>4</sup>[XXXX]. An independent gardener in respect of buildings occupied by Ministers or other equal dignitaries will be allowed only when the area of the land including lawns and flower beds in that building exceed two kanals. Otherwise services of a common gardener for a group of buildings will be made available. <sup>5</sup>[Services of an independent gardener shall be provided free of charges each to the Chief Justice and the Chief Secretary].

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1. Deleted vide F. D. Notification SR0-487 dated 17-7-1972.

2. Recast vide F. D. Notification SR0-294 dated 18-4-1972.

3. Inserted vide F. D. Notification SR0-23 dated 21-1-1975.

4. Deleted *ibid*.

5. Inserted *ibid*.

(iv) The auction proceeds of fruits within the premises of a Government/quarter will be remitted into the Government Treasury by credit to the Account Head concerned. The assessment of fruits etc. will be made by the Agriculture Department and it will be at the option of a Government servant either to keep the fruits against payment as assessed or allow the department to auction it. Vegetables if any produced from the gardens may be retained by the occupants provided the cost of vegetable seed is paid by them. The manner in which the buildings should be grouped for the purposes of providing them a common gardener will be determined by the Director Estates in consultation with the Director, Parks and Gardens. Gardeners will be provided not as a separate attachment to a house but on the principles of functional need.]

#### GENERAL INSTRUCTIONS FOR FURNISHING OF RESIDENTIAL BUILDINGS .

55-G. (i) Some Government Residential Buildings are furnished and some are unfurnished. No house not furnished shall be provided with furniture at any place and all such houses shall be let unfurnished.

<sup>1</sup>(ii) The Estates Department shall arrange to furnish residential house in accordance with the scale.

(iii) the scale of article may be altered with the sanction of Government only when additions and alterations have been made to the building.

(iv) Replacement of an article valuing Rs. 200 and above will require Government sanction.

(v) The officers making use of furniture shall be responsible to its use with reasonable care and for any damage caused to it, other than through ordinary wear and tear.

(vi) No flimsy articles such as curtains or covers for cushions shall be stored or rented out.

(vii) If an officer may require the removing of any article which he does not need, such article will then be removed by the Executive Engineer incharge and no rent will be charged from the date of removal for such article provided that no part of furniture required for complete furnishing of a house which is declared as fully furnished shall be removed merely because it is not required by a particular occupant, if it is not in excess of the scale laid down by Government. If it is removed to suit the convenience of occupant full rent shall still be charged.

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1. Recast vide F. D. Notification SRO-38 dated 1-2-1975.

(viii) Every furnished house will have attached to it a Chowkidar/ Farash paid by the Estates or P. W. D. who will be responsible for the proper custody of the furniture in the house and for the watch and ward of the house when untenanted.

'(ix) Rent on furniture will be charged at 15 per cent per annum of its value subject to the condition that the maximum rent charged on furniture shall not exceed Rs. 50 per month per residential house in all cases.

<sup>2</sup>(X) (a) Notwithstanding the provisions contained in sub-clause (ix) the rent for furniture articles supplied to the Government employees in moving offices by the Estates Department in three-roomed/two roomed /single-room and Mess accommodation will be charged at Rs. 20/-, Rs. 12/-, Rs. 6/- and Rs. 5/- respectively. The scale of furniture for each type of accommodation will be as shown in the sub-joined table :-

Articles of furniture	Three-roomed set (rent Rs. 20/- p.m.)	Two-roomed set (rent Rs. 12/- p.m.)	One-room set (rent Rs. 6/- p.m.)	Mess accommodation (rent Rs. 5/-per head p.m.)
1. Plate form beds	4	3	2	One each
2. Tea Poys	2	1	1	One each
3. Chairs	5	3	1	One each
4. Woollen Drugget				
Cotton Durri	3	2	1	One each
5. Fan	1	1	1	One

**Note.**-In addition to above items curtains for Doors/Windows and Matting to cover blank portions will be supplied according to requirements in each case.

(b) In case any tenant may requisition furniture over and above the prescribed scale and the same is supplied to him, he will be charged 15% of the capital cost per annum of such additional items of furniture as

1. Recast vide F. D. Notification SRO-38 dated 1-2-1975.

2. Inserted vide F. D. Notification SRO-161 dated 16-4-1985.

rent. Similarly if a tenant desires to have furniture less than the prescribed scale for that type of accommodation, he will be charged only for the furniture actually provided to him at the rate of 0.60% p.m. of the value of the furniture. This shall be deemed to have come into effect from 1-5-1983.

. 155-H. Monthly standard rent, however calculated, or residence, furniture, installations (when calculated as a separate item) and other services, when in excess of Rs. 5 but not in excess of Rs. 10 and not in whole rupees may rounded off to the nearest half rupee *i. e.* any fraction of a rupee less than a quarter shall be omitted, any fraction of a quarter and above but less than three quarters of a rupee shall be rounded off to half a rupee and that of three quarters and above to a rupee. The monthly standard rent '11 excess of Rs. 10 and not in whole rupees may be rounded off to the nearest rupee *i. e.* any fraction of less than half a rupee shall be ignored and that of half a rupee and above shall be rounded off to a rupee.

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**CHAPTER V****OFFICIATING ALLOWANCES-GENERAL RULES****SECTION I-DEFINITIONS AND LIMITATIONS****DEFINITIONS**

<sup>1</sup>56. Officiate.-(a) A Government servant officiates in a post when he performs the duties of a post on which another person holds a lien, A competent authority may, if it thinks fit, appoint a Government servant to officiate in a vacant post on which no other Government servant holds a lien.

(b) Officiating Allowance is the allowance given to a Government servant who is appointed to officiate in an appointment of which either there is no holder or of which the holder is an absentee.

**Note 1.**-In certain cases as defined in Article 37-E it is permissible to appoint an officer provisionally substantive instead of appointing him to officiate.

**Note 2.**-It is also permissible, instead of appointing an officer to officiate, to appoint him to be incharge of the current duties of the vacant appointment. In such cases a charge allowance is given as explained in Articles <sup>2</sup>[XXX] 85 to 87,

**Note 3.**--No officiating allowance be paid to a Government servant who officiates in higher appointment for a period not exceeding four weeks; but when the period exceeds 4 weeks. the allowance admissible under the rules will be paid for the whole period.

**Note 4.** The special concession allowed under Notes 2 to 5 of Article 123 should be held to carry with it the authority for officiating appointments. during the transit period involved both ways,

**Note 5.** Officiating arrangements will be admissible in the appointment of- Inspectors. Assistant Police Prosecutors. Sub-Inspectors and Head Constables of Police consequent upon Inspectors. Assistant Police Prosecutors and Sub-Inspectors of Police being ordered or permitted to undergo a course of training at local training school, Phillaur School or any other school.

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1. Substituted vide F D. Notification SRO-I91-F of 1960 dated 3-8-1960 and shall have effect from 1-8-1960.

2. deleted vide E. D. Notification SRO-196 dated 21-5.1981.

**Note 6.**-Officiating arrangements will also be admissible during the period probationary Sub-Inspectors and Inspectors receive the practical training outside the Police Training School. This order has effect from 15th December, 1949.

**Note 7.**-In the Education Department substitute Teachers, Lecturers and Professors employed in temporary arrangement of less than six months duration whose appointment would terminate during the period of vacation, should be discharged before the commencement of the vacation. In exceptional cases a relaxation of this rule may be permitted by the competent authority.

57. <sup>1</sup>[XXX].

58. <sup>2</sup>[XXX].

59. <sup>2</sup>[XXX].

60. <sup>2</sup>[XXX].

61. <sup>2</sup>[XXX].

62. <sup>3</sup>[xxx].

63. <sup>3</sup>[xxx].

64. (a) and (b) <sup>1</sup>[XXX].

## SECTION II-PRIVILEGE LEAVE VACANCIES

65. As a general rule the duties of an officer absent on privilege leave taken separately and not combined with other leave under Article 130, shall be discharged by another officer in the same *Station or District*. Only in *exceptional cases where* there is *absolutely* no officer available on the spot, can the transfer of an officer from another station or district to officiate in consequence of the absence of an officer on privilege leave, be allowed.

**Note.**-Note 3 to Article 56 applies here also.

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1 Deleted vide F. D. Notification SRO-420 dated 24-12-1962.  
2. Deleted. vide F. D. Notification No. 191 of 1 960 dated 3-8-1 960.  
3. Deleted vide F D. Notification SRO-499 dated 11-9-1979.

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CHAPTER VI  
OFFICIATING ALLOWANCE

**RULES FOR CALCULATION**

OFFICER WITH A SUBSTANTIVE APPOINTMENT

<sup>1</sup>66. (1) <sup>2</sup>[x x x] A Government servant who is appointed to officiate in a post shall not draw salary higher than his substantive pay in respect of a permanent post, other than a tenure post, unless the officiating appointment involves the assumption of duties and responsibilities of greater importance than those attaching to the post other than a tenure post, on which he holds a lien or would hold a lien had his lien not been suspended. Provided that Government may exempt from the operations of this rule, any State Civil Service which is not organised on a time scale basis and in which a system of officiating promotion from grade to grade is in force at the time of the coming into force of these Regulations.

(2) For the purposes of this Article, the officiating appointment shall not be deemed to involve the assumption of duties or responsibilities of greater importance if the post to which it is made, is on the same scale of pay as the permanent post, other than a tenure post, on which he holds a lien or would hold a lien had his lien not been suspended, or on a scale of pay identical therewith.

3Note 1.-If a Government servant while officiating in a permanent post or holding a temporary post is appointed to officiate in a substantive post on a higher time scale of pay or to hold a temporary post on a higher time scale of pay, his salary/presumptive pay in the higher post (officiating or temporary) shall be fixed, treating his salary/presumptive pay in the lower officiating or temporary post as substantive pay.

This shall be deemed to have come into effect retrospectively from 1st February, 1961.

Note 2.-If the maximum pay of a post is altered with no change in the rate of increment and the minimum, or where the minimum alone is altered, the maximum and the rate of increment remaining unchanged, the initial pay of the holder should be fixed under Article 77 (a) (ii) and not Article 77 (a) of these Regulations even though the incumbent may be holding the post substantively. In other cases where the scale of pay is changed from a lower to a higher scale either in its entire or in respect of both the minimum! maximum and the rate of increment, or when both the minimum and maximum are raised even without alteration in the rate of increment,

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1. Substituted vide F. D. Notification No. 191-F of 1960 dated 3-8-1960 and shall have effect from 1-8-1960.

2. Deleted vide F. D. Notification SRO-196 dated 21-5-19&.1.

3. Recast vide F. D. Notification SRO-358 dated 26-8-1963.

assumption of duties or responsibilities of greater importance shall be presumed under Article 77 and the Government servant concerned shall on his transfer to the new post draw, under Article 77 (a) (i) of these Regulations, as initial pay the stage of the time-scale next above his substantive pay in respect of the old post.

In doubtful cases, a declaration as to the relative degrees of duties or responsibilities of two posts should be obtained from the administrative Head of the Department or the Government according as the posts are in the same or different Departments.

<sup>1</sup>Deleted.

<sup>2</sup>67. '(a) (i) Subject to the provisions of Article 66 and clause (c) of this Article, a Government servant who is appointed to officiate in a post will draw the presumptive pay of that post.

(it) On an enhancement in the substantive pay, as a result of increment or otherwise, the pay of such Government servant shall be refixed under sub-clause (i) of this clause from the date of such enhancement as if he was appointed to officiate in that post on that date where such refixation is to his advantage:

<sup>3</sup>Provided that the provision of Art. 77-B shall not be applicable in the matter of refixation of pay under clause (ii) above.

(b) When a Government servant officiates in a post the pay of which has been fixed at a rate personal to another Government servant, Government may permit him to draw pay at 3JI-' rate not exceeding the rate so fixed or, if the rate so fixed be a time scale, may grant him initial pay not exceeding the lowest stage of that time scale and future increments not exceeding those of the sanctioned scale.

(c) The authority competent to sanction the officiating arrangement may fix the salary of an officiating Government servant at an amount less than that admissible under these rules.

**Note 1.**-The power conferred by clause (c) of this Article is not exercisable save by a special order passed in an individual case and on the consideration of the facts of that case.

<sup>4</sup>**Note 2**\_-Deleted.

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1. Caption (Officers without li substantive appointment) deleted vide F. D. Notification SR0-280 dated 4-7-1966.

2. Substituted vide F. D. Notification No. 191-F of 1960 dated 3-8-1960 and shall have effect from 1-8-1960.

3. Inserted vide F. D. Notification SR0-280 dated 4-7-1966 and shall have effect from 1-4-1963.

4. Deleted vide Corrigendum No. A/15J(66) 794 dated 10-5-1980.

**Note 3.**-When a Government servant is appointed to officiate in a post on a time scale, but has his salary fixed below the minimum of the time scale under clause (c) of this Article, he shall not be treated as having effectively officiated in that post within the meaning of Article 77 (b) or having rendered duty in it under Article 78. Such a Government servant, on confirmation, shall have his initial pay fixed under Article 77 (b) and draw the next increment after he has put in duty for the usual period required, calculated from the date of his confirmation.

**Note 4.**-Government servants holding appointments in substantive protemporary capacity under the provisions of the old articles 58 to 61 now superseded will be treated as officiating incumbents of such post with effect from 1st August, 1960.

**Note 5.**-Government servants holding appointment in SPT or officiating capacity, before coming into force of these rules viz. 1st August, 1960 will continue to draw the same salary as they were in receipt of or the minimum of the scale of pay, whichever be higher, and the period for which they had been drawing the said rate of salary prior to that date will also count for increment at the stage at which their pay is fixed.

<sup>1</sup>**Note 6.**- The provisions of clause (2) of Article 73 apply here also.

<sup>2</sup>67-A. Notwithstanding the provision contained in these rules the pay and increments of a Government servant whose promotion, or appointment in a substantive or officiating capacity to a post or reversion from a higher to a lower post is later found to be erroneous on the basis of be regulated according to the following provisions :-

(I) The orders or notification of promotion or appointment or reversion should be cancelled as soon as it is brought to the notice of the appointing authority that such a promotion or reversion has resulted from a 'factual error' and the Government servant concerned should, immediately on such cancellation be brought to the position which he would have held but for the incorrect order of promotion or appointment or reversion.

(ii) In the case, however of a Government servant who has been erroneously promoted and confirmed. On that post, action should first be taken for his deconfirmation. The competent authority shall cancel in such cases the order of confirmation if such erroneous orders of confirmation has operated to the prejudice of some identifiable person who would otherwise have been confirmed ;  
if the orders/rules had been correctly applied. The effect of cancellation would be to put the employee in a position of never having been confirmed. It will not have the effect of doing any injustice to the employee whose confirmation is cancelled,

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J. inserted vide F. D. Notification SRO-308 dated 22-10-1962.

2. Inserted vide F. D. Notification SRO-495 dated 6-9-1969.

since he was, under the executive orders or administrative instructions/rules in force, not entitled to confirmation. It would however, be obligatory that a notice to show cause why the orders of confirmation should not be cancelled be given to the affected party,

After deconfirmation the Government servant concerned should be brought down to the position which he would have held but for the erroneous promotion/appointment. Service rendered by the Government servant concerned in the post to which he was wrongly promoted/appointed as a result of the error shall not be reckoned for the purpose of increments or for any other purpose in that grade/post to which he would not normally be entitled but for the erroneous promotion/appointment

- (iii) Any consequential promotion or appointments of other Government servants made on the basis of the incorrect promotion or appointment of a particular Government servant will also be regarded as erroneous and ,such cases also will be regulated on the lines indicated above.
- (iv) Except where the appointing authority is the Government the question whether promotion/appointment/reversion of a particular Government servant to a post was erroneous or not should be decided by an authority next higher than the appointing authority in accordance with the established principles governing promotions/ appointments. Where the appointing authority is the Government itself, the decision shall rest with the Government and shall be final.
- (v) Where a Government servant appointed to a higher post is reverted and subsequently reappointed to that higher post on an appeal or review, he should be brought to the position which he would have held but for the incorrect order of his reversion and for the period his order of erroneous reversion remained in force shall be allowed the difference of pay which he would have otherwise got, had his orders of reversion not been made provided that the post vacated by his reversion had not been filled either permanently in an officiating capacity by any other government etc.

<sup>1</sup>67-B. There is no bar in cancellation of an order of confirmation which is found to be erroneous :-,-,

- (a) An order of confirmation which is clearly contrary to the relevant statutory rules may be cancelled by the competent

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authority straight way. The effect of cancellation would be to put the employee concerned in a position of never having been confirmed.

- (b) An order of confirmation which is contrary to executive orders or administrative instructions may be cancelled by the competent authority if such erroneous order of confirmation has operated to the prejudice of some identifiable person who would otherwise have been confirmed, if the orders had been correctly applied.

A notice to show cause why the orders of confirmation should not be cancelled, shall be given to the affected party in both the types of cases specified above.

Pending cases if any falling under Articles 67-A and 67-B shall be decided according to the above provisions.

68. Deleted. <sup>1</sup>[x x x]

69. Deleted. <sup>1</sup>[x x x]

70. Deleted. <sup>2</sup>[x x x]

70-A. Deleted. <sup>3</sup>[x x x]

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1. Deleted vide F D. Notification No. 191-F of 1960 dated 3-8-1960 and shall have effect from 1-8-1960.

2. Deleted vide F D. Notification No. 238-F of 1960 dated 23-8-1960 and shall have effect from 23-8-1960.

3. Deleted vide F. D. Notification SRO-499 dated 11-9-1979.

## CHAPTER VII

REGULATION OF PAY AND ALLOWANCES IN APPOINTMENT ON  
PROGRESSIVE OR TIME SCALE OF PAY

## LIMITATION

71. (a) Except under special orders to the contrary a progressive or time scale pay shall not rise from the minimum to the maximum by less than five equal yearly instalments.

(b) [xxxx]

## ACCRUAL OF INCREMENT

72. An increment accrues from the date following that on which it is earned'

<sup>2</sup>Provided that a Government servant in service on 1-1-1976 or appointed on or after that date, shall be granted an increment from the first of the month in which it falls due.

<sup>3</sup>73. (1) An increment shall ordinarily be drawn as a matter of course unless it is withheld from a Government servant by a competent authority if his conduct has not been good or work has not been satisfactory. In ordering withholding of an increment or increments the withholding authority shall state the period for which it is withheld and whether the withholding shall have the effect of postponing future increments.

<sup>4</sup>(2) Where the increment of a Government servant in the post in which he is officiating has been withheld under Art. 73 without any reference to the increments that will accrue to him in the post held by him in a substantive capacity, the provisions of clause (a) (ii) of Art. 67 shall not apply before the date from which the order withholding the increment finally ceases to be operative. The Government servant may however, be allowed during the period his increment in the officiating post has been withheld, his substantive pay from time to time if the same happens to be more than the officiating pay. These provisions shall also apply in respect of a Government servant whose pay in the post held by him in an officiating capacity has been withheld at a particular stage or at the efficiency bar stage of the time scale of that post for failure to pass a departmental examination.

**Note 1.**-The above.. rule does not apply to Class 1 Officers mentioned in Schedule 1-A.

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1. Deleted vide F. D. Notification SRO-4 18 dated 28-8-1970.

2. Inserted vide F. D. Notification SRO-157 dated 24-3-1976.

3. Recast vide F. D. Notification No 17-F of 1959 dated 25-2-1959

4. Inserted vide F. D. Notification SRO-308 dated 22-10-1962.

**Note 2**---- In the case of probationary and temporary Assistant Engineers who will draw first increment of Rs. 25 p. m. after completion of first year's probation, the second annual increment of Rs. 25 p.m. raising their pay to Rs. 300 p. m. will not be drawn by them till they are declared to have completed their period of probation satisfactorily and are confirmed.

**Note 3.**-In the case of stoppage of increment, an official will, after the expiry of the ban period be allowed the same pay and allowances as he would have been entitled to if the ban had not been there.

<sup>1</sup>74. Subject to any general or special order that may be made by the Government from time to time a competent authority may grant an advance increment(s) to a Government servant in a time scale of pay.

**Government Instruction No. 1.**-In the case of increment(s) granted in advance it is usually the intention that the officer should be entitled to increment(s) in the same manner as if has he reached his position in the scale in the ordinary course and in the absence of special orders to the contrary he should be placed at exactly the same footing as regards future increments as an officer who has so risen.

**Explanation.**- The advance increments if any granted shall be due from the date of declaration of results in the case of acquisition of higher qualification where advance increment is admissible for acquiring such qualification and from the date of issue of orders in the case it is granted for other purposes like outstanding and meritorious work etc. The next increment after drawal of an advance increment(s), will be due after putting in one full incremental period unless there is any specific stipulation to the contrary regarding preserving the old date of increment

<sup>2</sup>**Government Instruction No. 2.**-An employee shall have an option either to draw advance increment from the date of order or declaration of the result as the case may be or from the date the normal increment falls due. In the former case the next increment will be due after putting in one full incremental year from the date of drawing advance increment. In the latter case the date of increment will not undergo any change.

The option once exercised shall be final.

Pending cases if any, will also be decided accordingly.

<sup>1</sup>**Government Instruction No. 3.**Where in any Case a Government servant in whose favour advance increment(s) may have been sanctioned and has reached the maximum of the time scale he will be allowed the

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1 Recast vide F D Notification SRO-265 dated 24-6-1981

2 Inserted vide F D Notification SRO-235 dated 24-5-1983

3. Inserted vide F. D Notification SRO-53 1 dated 18-10-1984.

same despite of his having reached the maximum of his pay scale. The amount to be reckoned at the rate of last increment shall be treated as "personal pay" not to be absorbed in future increments. It shall be treated as part of pay for all purposes including the pay fixation on account of revision of pay scales or promotion to the higher grade or a post.

<sup>1</sup>Government Instruction No. 4.-Grant of advance increments should be resorted to as an award for persistent and long term outstanding performances. Devotion to duties and excellence in the performance on any individual occasion should not be rewarded by grant of advance increment but by other means like issue of commendatory certificate/or a cash award.

<sup>2</sup>Government Instruction No. 5-(*Grant of Special Increment for undergoing Sterilisation Operation*).-As an incentive to promote the small family norms, the Government employees who undergo sterilisation operation may be granted one special increment in the form of personal pay not to be absorbed in future increase in pay either in the same post or on promotion to higher post. The grant of concession will be subject to the following conditions:

- (a) The rate of personal pay would be equal to the amount of the next increment due at the time of grant of the concession and will remain fixed during the entire service. In the case of person drawing pay at the maximum the rate of personal pay would be equal to the amount of the increment last drawn.
- (b) The employee must be within the reproductive age group. **In** the case of a male Government employee this would mean that he should not be over 50 years and his wife should be between 20 to 45 years of age. In the case of female Government employee, she must not be above 45 years and her husband must not be over 50 years of age.
- (c) The benefit shall be available only to those employees who have two or three living children at the time of undergoing sterilisation operation.
- (d) The sterilisation operation should be conducted in and the sterilisation certificate issued by the Central Government Hospital/ State Government Hospital/Clinic. Where this may not be possible, such a certificate from a Voluntary Institution getting grants from the Government of India/State Government for conducting sterilisation operations or any other Institutions approved/recognised

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1. Inserted vide I. D. Notification SRO-128 dated 5-4-1988.

2. Inserted vide F. D. Notification SRO-94 dated 1-3-1989.

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by the Central/State Government for the purpose, will also be acceptable. Certificate issued by the Voluntary Organisation Institutions would also be acceptable for availing the benefit provided the same are duly countersigned by a Civil Surgeon or District Medical Officer.

- (e) The sterilisation operation can be undergone either by the State Government employee Or his/her spouse provided the conditions at clause (b) to (d) above are fulfilled.
- (t) The special increment to be granted in the shape of personal pay is not to be taken into account for fixation of pay on promotion. The idea is that the benefit of personal pay should continue to be available at the same rate even after promotion.
- (g) The benefit of the special increment would be allowed even if the employee is held up at the Efficiency Bar stage of his time scale. Since the benefit is to be allowed in the shape of personal pay, the grant of the same should not amount to the crossing of Efficiency Bar by the employee concerned.
- (h) Once the employee gets the benefit of special increment at a particular rate, he would continue to draw the same even if he is reduced to a lower stage in his time scale of pay or reduced to a lower service, grade or post by way of penalty under J&K C.S. (C.C.A. Rules).
- (i) During suspension the Government servant draws subsistence allowance only. There would therefore, be no question to grant him the benefit of special increment if he becomes entitled to that when he is placed under suspension. However if he qualifies for the benefit before he is placed under suspension, the personal pay would be taken into account in the computation of subsistence allowance.
- (j) During regular leave, the Government servant draws leave salary. Therefore he would not be given the benefit of special increment during the leave period. However if he qualifies for the benefit before he proceeds on leave, the special Increment would be taken into account in the computation of leave salary.
- (k) If a training for which a Government servant is deputed is in the public interest and he gets pay and allowances of the post from which he is sent on training, the benefit of personal pay would be admissible.

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- (l) When an official qualifies for the special increment while serving outside the cadre on deputation/foreign service or transfer, the rate of special increment to be given in the form of personal pay would be determined with reference to employee's parent grade only whether he draws his grade pay plus deputation allowance or pay in the scale of deputation post. No deputation allowance would be admissible on personal pay.
- (m) The employee would continue to draw the special increment at the same quantum on his reversion from a deputation post or on reversion from a higher official appointment.
- (n) The personal pay would be admissible over and above the other cash incentives.
- (o) For administrative convenience, the benefit should be allowed from the first, of the month following the date of sterilisation.
- (p) The personal pay can be drawn by either the husband or the wife (when both husband and wife are Government employees) and there is no objection to the choice being left to them, so that they can choose the higher of the two increments available to them.
- (q) The personal pay can be sanctioned by the Head of the office by issue of a suitable office order after satisfying himself that the conditions prescribed are fulfilled.
- (r) As hysterectomy is purely health measure, it cannot be brought under the purview of these rules.
- (s) The special increment may be allowed in all cases of sterilisation where the couple had twins after the birth of their first two children although the number of children becomes four.
- (t) Persons who have undergone sterilisation before the date of issue of these rules and have undergone sterilisation again after the date of issue of these rules because the earlier operation turned out to be failure will not be eligible for the incentive, as the action for sterilisation as initiated prior to the issue of these rules.
- (u) The authorities issuing the sterilisation certificate are expected to satisfy themselves about the complete absence of sperms before issue of the certificate.
- (v) In case of recanalisation the special increment may be withdrawn from the date of recanalisation.

(w) The following standard formats are prescribed to secure undertaking from the Government employees, claiming the incentives :

STERILISATION CERTIFICATE

I, I, Dr ..... hereby certify that I have conducted  
Vasectomy/Tubectomy operation of Shri/Smt.....  
..... Husband/wife of Shri/Smt.....  
..... employee as..... in;  
at ..... on.....

2. A sperm count was taken on ..... and  
on the basis thereof it is certified that the Vasectomy operation has been  
completely successful.

Signature.....

Undertaking to be given by all Government employees.

A- I. I My spouse have/has undergone Vasectomy/Tubectomy operation  
at ..... on.....  
Necessary sterilisation certificate issued by.....  
..... is enclosed. In case I/my spouse  
have/has to take resort to recanalisation for any reason whatsoever I  
undertake to report this fact forthwith to the Government.

2. I also certify that my wife Smt.....  
is not pregnant on this date.

B. \*I certify that my wife/husband is not a Government servant.

\*\*I certify that my wife/husband who is also a Government servant has  
not claimed the incentive increment for adopting small family norms.

Signature.....

**Note 1.**--Score out the certificate either at \*or\*\* above not applicable.

**Note 2.**-- The certificate at \*\*above shall be attested by the Head of  
Office of the spouse.

74-A. Deleted.

74-B. Deleted.

<sup>1</sup>74-C. - **Stagnation Personal Pay.**-Government servants who have been stagnating or may hereafter stagnate at the maximum of their pay scales for 3 years or more shall be granted a "Personal Pay" equivalent to the rate of the increment last drawn by them in their existing scales.

(i) The following conditions shall regulate the grant of "Stagnation Personal Pay" :

- (a) For purposes of this Article "Personal Pay" shall mean Stagnation Personal Pay.
- (b) The benefit of personal pay shall be applicable to the employees the maximum of whose scale of pay does not exceed. Rs. 950/- p.m.
- (c) The element of 'Personal Pay' shall be taken into account for all purposes i.e. for calculation of D.A., T. A., Leave Salary, Pension etc.
- (d) The three years period shall be calculated from the date of reaching the maximum of pay scale. For example if "A" has reached the maximum of the pay scale on 1st July, 1976 he will be entitled to the personal pay with effect from 1st July, 1979.
- (e) If a Government servant is on leave on the date he becomes eligible for the personal pay it will be effective from the date of his return to duty from leave.
- (f) In computing the period of 3 years for the purpose, all periods of leave, including extraordinary leave without allowances, joining time, taken from the date of reaching the maximum of the scale will be reckoned towards determining the period of 3 years.
- (g) There will be no objection either to allow two 'personal pays' (one for stagnation and the other for a different purpose) to a Government servant, or to allow drawal of personal pay as well as "Special Pay"
- (h) Government servants who are on deputation and who have opted for the pay scale of the post held on deputation, shall not be allowed the benefit of 'personal pay' in case they complete 3 years at the maximum of their parent scale while on deputation. The benefit of the personal pay will accrue to them only after their reversion to parent service.

- <sup>1</sup>(i) "Personal Pay" shall not be taken into account for purpose of pay fixation under rules. However, the pay in the higher post shall be fixed at the stage next above the stage in amount arrived at after adding stagnation personal pay to the amount of pay drawn in the lower scale.

This shall be deemed to have come into effect from 1-1-1982.

- U) The benefit of 'stagnation personal pay' would be available also to those employees who after officiating in higher posts for short periods are reverted to their original posts in which they had stagnated for more than 3 years in all, subject to its being ensured that the official concerned is substantive in the lower post or otherwise would have continued to officiate in the lower post, but for promotion to the higher post.

This order shall be deemed to have come into effect on 1-4-1979. Government servants who had reached the maximum of their pay scale and stagnated at it for 3 years or more on 1-4-1979, or before that date will draw the personal pay, from 1-4-1979.

- 1) <sup>2</sup>74-CC. An employee, in any scale of pay, who may stagnate after 1 st January, 1982, at the maximum of the revised pay scale, shall be allowed stagnation increment as under :

- |   |   |
|---|---|
| (a) 1st stagnation increment beyond the maximum.    | After having stagnated for one year at the maximum of the revised scale.  |
| (b) Second stagnation increment beyond the maximum. | After having stagnated for further two years subsequent to the receipt of first stagnation increment at (a) above.                |
| (c) 3rd stagnation increment beyond the maximum.    | After having stagnated for further period of two years subsequent to the receipt of second stagnation increment as per (b) above. |

Other terms and conditions for regulating the stagnation increment(s) will be the same as contained in Article 74-C.

1. Recast vide F. D. Notification SRO-52 dated 29.1-1987.

2. Inserted vide F. D. Notification SRO.108 dated 30-3-1982.

'Art. 74-CC0C. An employee in any scale of pay who may stagnate after 1st April, 1987 at the maximum of the revised pay scale shall be allowed one stagnation increment on completion of every two years at the maximum of the respective scales subject to a maximum of three such increments.

<sup>2</sup>**Government Instructions.**- The benefit of stagnation increment shall be restricted up to the pay scale of Rs. 4300-5700 only.

#### REGULATION IN CASE OF REDUCTION

<sup>3</sup>75. The authority which orders the transfer of a Government servant as a penalty from a higher to a lower grade or post may allow him to draw any pay, not exceeding the maximum of the lower grade or post, which it may think proper provided that the pay allowed to be drawn by a Government servant under this rule shall not exceed the pay which he would have drawn by the operation of Art. 77 read with clause (ij) of Art. 78 or clause (a) of Art. 79 as the case may be.

Once the pay is fixed in the lower post in the manner indicated above, the regulations of increments in the lower post will be made under the normal rules unless the increment in the lower post also is withheld.

If a Government servant is reduced as a measure of penalty to a lower stage in his time scale, the authority ordering such reduction shall state the period for which it shall be effective and whether on restoration, the period of reduction shall operate to postpone future increments and, if so, to what extent.

Explanation:

- (a) Every order passed by a competent authority imposing on a Government servant the penalty of reduction to a lower stage:: in a time-scale should indicate :
  - (i) the date from which it will take effect and the period (in terms of years and months) for which the penalty shall be operative;
  - (ij) the stage in the time-scale (in terms of rupees) to which the Government servant is reduced; and
  - (iii) the extent (,!n terms of years and months), if any, to which the period referred to at (i) above should operate to postpone future increments.

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1. Inserted vide F. D. Notification SRO-372 dated 20-7-1987.

2. Inserted vide F. D. Notification SRO-362 dated 30-9-1989.

3. Recast vide F. D. Notification 338-F of 1961 dated 23-10-1961.

It should be noted that reduction to a lower stage in a time scale is not permissible under the rules either for an unspecified period or as a permanent measure. Also when a Government servant is reduced to a particular stage, his pay will remain constant at that stage for the entire period of reduction. The period to be specified under (iii) should in no case exceed the period specified under (i)

(b) The question as to what should be the pay of a Government servant on the expiry of the period of reduction should be decided as follows:

- (i) If the order of reduction lays down that the period of reduction shall not operate to postpone future increments, the Government servant should be allowed the pay which he would have drawn in the normal course but for the reduction. If, however, the pay drawn by him immediately before reduction was below the efficiency bar, he should not be allowed to cross the bar except in accordance with the provisions of Article 76;
- (ii) If the order specifies that the period of reduction was to operate to postpone future increments for any specified period, the pay of the Government servant shall be fixed in accordance with (i) above but after treating the period for which the increments were to be postponed as not counting for increments.

<sup>1</sup> If a Government servant is reduced as a measure of penalty to a lower service, grade or post or to a lower time-scale the authority ordering the reduction may or may not specify the period for which the reduction shall be effective; but, where the period is specified, that authority shall also state whether on restoration, the period of reduction shall operate to postpone future increments, and, if so, to what extent.

**Explanation.**-If a Government servant is reduced as a measure of penalty to a lower grade or post, the authority ordering the reduction, or may not specify the period for which the reduction shall be effective, but where the period is specified, that authority shall also state whether on restoration, the period of reduction shall operate to postpone future increments, and if so, to what extent. Where the period of reduction is specified in the order of penalty, the Government servant concerned shall be automatically restored to his old post after the expiry of the specified period.

The question as to what should be the pay of a Government servant on restoration to the higher post/grade, in cases where the period of reduction is specified, shall be decided as follows

- (i) if the order of reduction lays down that the period shall not operate to postpone future increments, the Government servant shall be

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<sup>1</sup> recast vide F. D. Notification 338.F of 1961 dated 23-10-1961

allowed the pay which he would have drawn in the normal course but for his reduction to the lower post. If the pay drawn by him immediately before reduction was below the efficiency bar, he shall not be allowed to cross the bar except in accordance with the provisions of Art. 76 ;

- (ii) if the order lays down that the period of reduction shall operate to postpone his future increments, for any specified period which shall not exceed the period of reduction to the lower post/grade, the pay of the Government servant on restoration shall be fixed in accordance with (i) above but after treating the period for which increments are to be postponed as not counting for increments.

In cases where the reduction to the lower post/grade is for an unspecified period, if and when the Government servant is re-appointed to the higher post in the normal course, the pay in the higher post will be regulated only in accordance with the normal rules relating to pay fixation. .

*7S-A.* Where an order of penalty of withholding of increment of a Government servant or his reduction to a lower service, grade or post, or to a lower time scale, or to lower stage in time scale, is set aside or modified by a competent authority on appeal or review, the pay of the Government servant shall notwithstanding anything contained in these rules be regulated in the following manner :

- (a) If the said order is set aside, he shall be given for the period such order has been in force, the difference between the pay to which he would have been entitled had that order not been made and the pay he had actually drawn ;
- (b) If the said order is modified, the pay shall be regulated as if the order as so modified had been made in the first instance.

Explanation.-If the pay drawn by a Government servant in respect of any period prior to the issue of the orders of the competent authority under the rule is revised, the leave salary and allowances (other than traveling allowance) if any admissible to him during that period shall be revised on the basis of the revised pay.

<sup>2</sup>Note.-A permanent post vacated by reduction of a Government servant to a lower service, grade or post or to a lower time-scale should not be filled up substantively until the expiry of a period of one year from the date of such reduction.

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1. Inserted vide F. D. Notification 338 -F of 1961 dated 23-10-1961. 2.  
Inserted vide F. D. Notification SRO-304 dated 22-10-1962.

Where, on the expiry of the period of one year, the permanent post is filled up and the original incumbent of the post is reinstated thereafter he shall be accommodated against any post which may be substantively vacant in the grade to which his previous substantive post belonged.

. If there is no such vacant post, he should be accommodated against a supernumerary post which should be created in this grade with proper sanction subject to its being terminable on the occurrence of the first substantive vacancy in that grade.

76. When an efficiency bar is prescribed in a time scale, the increment next above the bar shall not be given to a Government servant without the specific sanction of the competent authority

<sup>1</sup>**Government Instruction No. 1.**-A doubt has been expressed that if a person held up at efficiency bar owing to his C. Rs. for the last three years not being consistently good, should be made to wait for a further period of three years, after which date his case for crossing efficiency bar be taken up or the same be reviewed after passing of one year from the date of stoppage at the bar. It has been decided that the cases of all officers held up at an efficiency bar shall be reviewed annually with a view to determine whether the quality of their work has improved and whether the defects for which they were stopped at the bar have been remedied to an extent sufficient to warrant removal of the bar.

<sup>2</sup>**Government Instruction No. 2.**-(a) In respect of a State Government servant on deputation to Central Government and drawing pay in the State Government scale plus deputation allowance, the competent authority to sanction the crossing of efficiency bar of such Government servants shall be the State Government. Where however such a Government servant draws pay in the scale of the post held by him on deputation under the Central Government the competent authority under the Central Government shall decide about his crossing efficiency bar in the Central scale of pay and inform the State Government of the decision taken. This will apply *mutatis mutandis* to Central Government servants on deputation to the State.

(b) The procedure outlined in (a) above will apply equally to the Government servants on deputation from one Department to another Department/Foreign service, within the State.

<sup>3</sup>**Government Instruction No. 3.**-Delays in sanctioning of the crossing of the efficiency bar are highly inconvenient and objectionable. A Government servant should apply to the authority competent to sanction his efficiency bar six months in advance from the due date and the concerned authority

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1. Recast vide F. D. Notification SRO-168 dated 14-4-1973.

2. Inserted vide F. D. Notification SRO-317 dated 16-6-1969.

3. Inserted vide F. D. Notification SRO-S04 dated 11-10-1973.

shall process the case of the official so as to ensure that sanction to crossing of efficiency bar is issued on the due date. Where a Government servant is found to be ineligible to cross the efficiency bar the competent authority shall issue necessary orders to that effect and review his case annually as indicated in Government Instruction No. 1 above. Where, however, owing to reasons beyond control of the competent authority it may not be in a position to issue the sanction on the due date it shall ensure that such orders are issued within three months of the due date of crossing the efficiency bar and if that may not be possible it shall report to the next higher authority (unless the sanctioning authority is the Administrative Department) the reasons for delay in the issue of the sanction and the next higher authority shall take a decision on the matter within another three months period and communicate it to the sanctioning authority for appropriate action. A decision regarding the crossing of efficiency bar or otherwise of a Government servant, should positively be issued within six months of the date on which it normally fell due.

### INITIAL PAY

177. The initial substantive pay of a Government servant who is appointed substantively to a post on a time scale of pay is regulated as follows ;

- (a) If he holds a lien on a permanent post, other than a tenure post, or would hold a lien on such a post had his lien not been suspended ;
  - (i) When appointment to the new post involves the assumption of duties and responsibilities of greater importance (as interpreted for the purposes of Article 66) than those attaching to such permanent post, he will draw as initial pay the stage of the time scale next above his substantive pay in respect of the old post;
  - (ii) When appointment to the new post does not involve such assumption, he will draw as initial pay the stage of the time scale which is equal to his substantive pay in respect of the old post, or, if there is no such stage, the stage next below that pay plus personal allowance equal to the difference, and in either case will continue to draw that pay until such time as he would have received an increment in the time scale of the old post or for the period after which an increment is earned in the time scale of the new post, whichever is less. But if the minimum pay of the time scale of the new post is higher than his substantive pay in respect of the old post, he will draw that minimum as initial pay;

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<sup>1</sup> Substituted vide F. D. Notification 191-F of 1960 dated 3-08-1960 have effect from 1-8-1960.

(iii) When appointment to the new post is made on his own request and the maximum pay in the time scale of that post is less than his substantive pay in respect of the old post, he will draw that maximum as initial pay.

(b) If the conditions prescribed in clause (a) are not fulfilled, he will draw as initial pay the minimum of the time scale;

Provided, both in cases covered by clause (a) and in cases, other than cases of re-employment after resignation or removal or dismissal from the public service covered by clause (b), that if he either :

(1) has previously held substantively or officiated in

(i) the same post, or

<sup>1</sup>(ii) a permanent post other than a tenure post or temporary post, on an identical time scale, or

<sup>2</sup>(iii) Deleted.

(2) is appointed substantively to a tenure post on a time scale. identical with that of another tenure post which he has previously held substantively 1) or in which he has previously officiated, then the initial pay shall not be less than the pay or salary, which he drew on the last such occasion, and he shall count the period during which he drew, that pay or salary on such last and any previous occasions for increment in the stage of the time scale equivalent to that pay or salary.

<sup>3</sup>**Government Instructions.**-For purposes of Art. 77 the term "a post" will also include a post which when previously held by a Government servant either in officiating or substantive capacity was in a time-scale different from one at the time of his re-appointment to that post, the old time-scale having been replaced by new time-scale as a result of revision of pay or otherwise.

The initial pay of an official in this case, if he had prior to the introduction of a new time-scale drawn salary or pay equal to a stage, or intermediate between two stages, in the revised time salary scale, shall be fixed at the salary or pay last drawn and the period during which it was drawn may be counted for increment in the same stage, or if the salary or pay was intermediate between two stages in the lower stage of the revised scale.

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1. Recast vide F. D. Notification SRO-397 dated 21-9-1963 and shall have effect from 1-2-1961.

2. Deleted *ibid*.

3. Inserted vide F. D. Notification SRO-320 dated 9-8-1967.

The above provisions will not be applicable to posts the pay of which has been reduced.

This shall be deemed to have come into effect from 1-4-1962.

Note I.-Reversion to the ordinary cadre of service from a tenure post included in that cadre or from a tenure or a special post not included in it, does not constitute "Substantive appointment to a post" for the purposes of Art. 77.

Note 2.-The expression "if he holds a lien on a permanent post" occurring in clause (a) of Article 77 is held to include the lien on a permanent post to which a Government servant is appointed in a provisional substantive capacity under Article 37-E and the expression substantive pay in respect of the old post occurring in that Article should be held to include his substantive pay in respect of that provisional substantive appointment.

Article 77 (a) should, therefore be held to permit the substantive pay in respect of a provisional substantive appointment being taken into account in determining his initial pay in another post to which he is appointed. When the initial pay of a Government servant in a post is thus fixed, it will not be effected even if during the tenure of his appointment to that post he reverts from his provisional appointment.

**Note 3.**-See Note 3 under: article 67(c) *ibid.*

**Note 4.**-Note 1 to Article 66 is applicable here also.

**Note 5.**-The personal allowance, mentioned in clause (a) (ii) of this Article should be given to a Government servant only for the purpose of initial pay and not at any subsequent stage in the time-scale in which the Government servant might draw less pay than he would draw had he remained in the old scale. Accordingly, when the next increment in the timescale of either the new or the old post falls due, the Government servant should draw the next increment in the time scale of the new post, and forthwith lose the personal allowance and all connection with the timescale of his old post.

**Note 6.**-For the purposes of Article 77, a temporary post on a certain rate of pay (fixed or time-scale) which is converted into a permanent post on a different rate of pay is not the 'same post' as the permanent post even though the duties remain the same. In other words, in view of Article 34-A, the temporary post is to be regarded as having ceased to exist and to have been replaced by the permanent post. The incumbent of the temporary post is thus entitled only to the pay of the permanent Post, if it is on a fixed rate of pay or to the minimum of the time-scale of the permanent

post if it is on a time-scale unless his case is covered by the concession admissible under Note 4.

**Note 7.**-In the case of a Government servant appointed substantively to a post in which he had previously officiated and whose present substantive pay is the same as the pay which he drew when last officiating, the initial pay should be fixed with reference to his substantive pay in respect of the old post. Accordingly, when a Government servant is appointed to a post substantively while officiating in it, he is entitled to have his pay fixed a new with reference to his substantive pay at the time in respect of his old permanent post.

**Note 8.**-Such outside M.B.B.S. Doctors in the grade of 300-30-420-EB35-700 as are imported in the State and appointed on aggremental basis may be allowed the initial pay of Rs. 350 to Rs. 400. This will have effect from 31st December, 1954 i.e. the date of issue of Cabinet Order 1937-C of 1954.

<sup>1</sup>**Note 9.**-For Military Service during emergency (Chinese aggression 1962) see Schedule XIII.

<sup>2</sup>**Note 10.**-In case of an officiating Government servant who is appointed to officiate in a higher post, his pay is fixed article Art. 77 read with Art. 67 (a) (i) and Note 1 below Art. 66 treating his officiating pay in the lower post as substantive.

<sup>3</sup>77-A. Government may make rule laying down the pay and allowances or stipend admissible to any particular class of probationers or apprentices. and such rules will govern such class of probationers or apprentices Government can also lay down, in case of any particular class of Government servants deputed for training, whether such Government servants should get their full salary during such course of training or any reduced salary.

<sup>4</sup>**Note I.**-Deleted.

<sup>2</sup>**Note 2.**-For apprentices in the Accountancy Training School, see separate set of rules sanctioned by the Government in this behalf as contained in Schedule. XI of these Regulations.

<sup>4</sup>**Note 3.**-Deleted.

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1. Inserted vide F. D. Notification SRO-124 dated 22-3-1963.
  2. Inserted vide F. D. Notification SRO-280 dated 4-7-1966 and shall have effect from 1-4-1963.
  3. Inserted vide F. D. Notification SRO-191-F of 1960 dated 3-8-1960.
  4. Deleted vide F. D. Notification SRO-108 dated 30-3-1982.
  5. Substituted vide F. D. Notification SRO-257 dated 29-5-1970.

**Note.-Deleted.**

<sup>1</sup>Note.-(Pay fixation on upgradation *of* posts).

- (a) In case the minimum *of* the upgraded pay scale is higher than the pay drawn in the existing pay scales, the pay be fixed at that minimum;
- (b) In case the pay drawn in the existing pay scale coincides with the stage *of* pay in the upgraded pay scale, the pay be fixed at the same stage;
- (c) In case the pay in the existing scale is drawn at a stage falling between the two stages *of* the pay in the upgraded pay scale, the pay be fixed at the next higher stage;
- (d) The date *of* increment in all the above three cases shall remain unchanged except where the pay in the pre-upgraded scale was drawn at the maximum thereof. In the latter case next increment in the pay scale *of* the upgraded post shall be drawn 'after the full incremental period (one year) reckoning from the date *of* upgradation.

<sup>2</sup>**Government Instruction No. 1.**-Cases may arise where a Government servant promoted to a higher post before 1-4-1963 draws a lower rate *of* pay in that post than another, junior to him in the lower grade but promoted to another identical posts on or after 1-4-1963. This may be because the pay *of* the junior official has been fixed in accordance with the provisions *of* the above rule.

In order to remove this anomaly, the pay *of* the senior officer in the higher post should be stepped up to a figure equal to the pay as fixed for the junior officer in that higher post. The stepping up should be done with effect from the date *of* promotion *of* the junior official subject to the following conditions :

- (a) both the junior and senior officers should belong to the same cadre and the posts in which they have been promoted should be identical and in the same cadre;
- (b) the scales *of* the lower and higher posts in which they are entitled to draw pay should be identical; and
- (c) the anomaly should be directly as a result *of* the application of Article 77-8. For example if even in the lower post the junior officer draws from time to time a higher rate *of* pay than the senior

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1. Inserted vide F. D. Notification SRO-S9 dated 20-1-1995

2. Inserted vide F.D Notification SRO 105 dated:-3-3-1970

by virtue of fixation of pay under the normal rules or any advance increment granted to him, the provisions of these instructions shall not be invoked 1" step up the pay of the senior officers.

<sup>1</sup>The next increment of the senior officer (whose pay has been so fixed) will be drawn on completion of the requisite qualifying service (i.e. one full incremental period) from the date of- refixation.

<sup>2</sup>Provided that the next increment of the senior officer who had applied for the stepping up of his pay before 10-9-1985 but the order of whose stepping up of his pay has been issued by the competent authority thereafter will be drawn on the date on which it would have fallen due but for the refixation of pay.

This shall be deemed to have come into effect from 10-9-1985.

In respect of cases which on the date of issue of this notification were pending with the Accountant General or with the Departments concerned the benefit of these instructions shall apply retrospectively from 1-4-1963 i.e. the date when Article 77-B was introduced, In all other cases the fixation shall be made retrospectively from 1-4-1963 under these instruction but actual benefit shall accrue from the date of issue of this notification

<sup>3</sup>Government Instruction No.2-Dovemment Instruction No. I above shall apply equally to the cases of seniors drawing less pay than juniors in respect of promotion occurring on or after 1-4-1963.

**Government instruction No.3.**where a revesion of pay is concurrent with placement of an officer in the selection grade, involving assumption of duties and "responsibilities of greater importance (as per Note 2 to Art 66) the *Provision* be fixed under the provisions of article 77-B, read with instruction their under.

This "shall be deemed to have come into effect from 1-1-1973 but pending cases either with the Accountant General or the Administrative Departments will be finalised accordingly.

<sup>5</sup>**Government. Instruction No. 4.**-In the case of a Government servant stepping up *"of* pay shall be exercised by the concerned Administrative Department with prior agreement of the General Department.

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1. Recast vide F. D. Notification SRO-340 dated 1(-)-9-1985

2. Inserted vide F, D. Notification SRO-2S1 dated 8.4-191n.

3. Inserted vide F, D. Notification SRO-140 dated 2.4.1973

4. Inserted vide F. D. Notification, SR().S1'j dated IS.IO"1969

5. Inserted vide F. D. Notification SRO-56' dated 29-11-1975.

'Deleted.

<sup>2</sup>Government Instruction No. 6.-(a) Cases have come to the notice of the Government in which Government servants defer promotion intentionally under one or the other pretext till the increment in the lower grade falls due. This has resulted in the pay of juniors in many cases overstepping their seniors.

No deferment of promotion shall be allowed unless in any case the Government servant's increment in the lower grade falls due within a week of the date of issue of orders of his promotion and the deferment does not result in the increase of junior's pay over his senior:

<sup>3</sup>Provided that a Government employee shall be allowed to defer his promotion till end of the month in which he is promoted, irrespective of the date of issue of his promotion order in the said month, in case his increment in the lower post falls due on 1st of month following the month in which he is promoted.

This shall be deemed to have come into force with effect from 1-6-1996.

(b) To set right past cases of a junior having drawn more pay than his senior, as a result of deferring promotion, the junior shall be treated to have joined the higher post on the date on which the person senior to him and promoted along with him under one and the same order, joined the higher post. Juniors pay be fixed in the higher post accordingly from that date. The effect of increase in pay as a result of promotion should be allowed to him from the date he actually took over.

This shall be deemed to have come into effect from 10-11-1971 the date of issue of General Department Circular No, GD (KAS) 162/69/89 dated 10-11-1971.

The recovery of excess pay if any involved in such cases as a result of retrospective re-fixation of pay shall be treated as waived.

<sup>4</sup>**Government Instruction No. 7.**-Pay of a Government servant who is placed in a selection grade shall be fixed in the selection grade under the provisions of Art. 77-B

<sup>5</sup>77-C. Notwithstanding anything contained in these rules, initial pay of State Administrative/Police Service Officers in select lists, appointed to

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1. Deleted vide F. D, Notification SRO-92 dated 1-3-1989

2. Inserted vide F. D. Notification SRO-140 dated 14-3-1979,

3, Proviso added vide F.D, Notification SRO-380 dated 21-11-1997.

4, Inserted vide F. O, Notification SRO-85 dated 20-2-1987,

5. Inserted vide F. D, Notification SRO-579 dated 15-10-1969.

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non-cadre posts declared equivalent to cadre posts (I. A. S.II. P. S.) shall be fixed in accordance with the principles laid down in section I of Schedule II of the Indian Administrative/Police Service (Pay) Rules, 1954 as the case may be.

This will have effect from 19-10-1968.

<sup>1</sup>77-0. (i) Notwithstanding anything contained in these rules, the following provision shall govern the pay of a Government servant who is appointed to another service/cadre or department on direct recruitment basis :

(a) he shall draw pay at the minimum of the time scale or at the probationary stage of the time scale of the service/or post as the case maybe:

Provided that where a Government servant has immediately before such appointment been holding a post in a substantive capacity and was drawing pay therein equal to or more than the minimum of the time scale of the service/post his initial pay at the time of his appointment to the new service/post shall be regulated under Art 77(a) (ii) read with Art. 67(a)(ii):

. Provided further that in respect of the Government servant who immediately before such appointment has been holding a post in an officiating capacity and has been drawing his presumptive pay equal to or higher than the minimum of the time scale, his initial pay at the time of his appointment .to the new service/post shall be regulated under Art, 77(a) (ii) treating his presumptive pay as substantive pay for purposes of such fixation alone. He shall not however be allowed the benefit of Art. 67(a) (ii):

Provided also that the benefit of this rule shall not be available to a person who at the time of his appointment to the new service/post was holding a post on adhoc basis or was working against a leave/suspension or any other short term vacancy:

Provided also that the benefit of this rule shall not be available to a person who is appointed to a lower post in another service/cadre or department on direct recruitment basis. For this purpose a post in another department shall be considered to be a lower post if two factors out of three in the pay scale go down on the analogy of Note 2 below Art. 66,

(b) After fixing the initial pay under (a) above, drawal of next increment or any subsequent increment or increments during the period of probation and fixation of pay on confirmation after completion of the period of

probation shall be regulated in accordance with the rules relating to the service/department in which appointment has been made.

(ii) The provisions contained in sub-rule (i) shall apply *mutatis mutandis* to cases of Government servant appointed on probation (on trial) with definite conditions against temporary posts in an other service/department where recruitment to permanent posts of such service/department is made as probationers except that in such cases the fixation of pay in the manner indicated in clause (i) (a) shall be done under Art. 67(a) (i).

(iii) The benefit of protection of pay as indicated above shall not in any case entitle the Government servants concerned to draw the joining time pay and/or transfer on tour T. A. for joining the new post. The transit or preparation days if any involved in such cases shall be treated as leave whatever kind due except casual leave.

Pending cases, if any on the date of issue of these orders shall be decided accordingly.

<sup>1</sup> **Note.**-Inservice teachers who are appointed as lecturers (direct recruits) in between August, 1969 and July, 1974 and who on such appointment were allowed pay at the minimum of lecturers grade, will have their pay refixed under the provisions of Article 77-D (I), 2[subject to the condition that arrears will be payable w. e. f. 18-7-1974 i.e. the date of issue of SRO346 dated 18-7-1974 or from the date they have taken over as such whichever is later.]

### SERVICE AND PAY COUNTING FOR INCREMENT

78. Service counts for increment as below :

- (i) Duty in a post to which a time scale applies counts for increment in that time scale.
- (ii) Officiating service in another post, service in a temporary post and leave with allowances count for increments in time scale applicable to the post on which the Government servant concerned holds a lien or would hold a lien, if it were not suspended. However, competent authority may allow a Government servant to count for increment leave without pay, if it is satisfied that the leave was taken on account of illness or some other cause beyond the control of the Government servant concerned, <sup>3</sup>[or for prosecuting higher scientific and technical studies].

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1. Inserted vide F. D. Notification SRO-649 dated 15-11-1977.

2. Recast vide F. D. Notification SRO-366 dated 11-7-1980.

3. Inserted vide F. D. Notification SRO-461 dated 27-4-1971.

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<sup>1</sup>**Note 1.**-Leave with allowance shall count for increment in the time scale applicable to a post in which a Government servant was officiating at the time he proceeded on leave and would have continued to officiate but for his proceeding on leave.

For this purpose a certificate that the Government servant concerned would have continued to officiate in that post but for his proceeding on leave, is necessary in the case of a temporary/officiating Government servant.

In the case of a Government servant proceeding on leave where no officiating arrangement is made in the leave vacancy and the Government servant concerned returns to the same post after expiry of the leave, the certificate mentioned above may be issued by the leave sanctioning authority. In another cases the certificate shall be issued by the appointing authority.

This has effect from 1-8-1960.

<sup>2</sup>**Note 2.-** Time passed under suspension adjudged as penalty does not count for increment unless the authority who reinstates the officer expressly declares that period shall count.

<sup>3</sup>**Government Instruction.**-Doubts have been expressed if service rendered on *ad hoc* basis counts for increments when followed by regular appointment is hereby clarified that *ad hoc* appointments where made on or after 1-4-1979 should be on a consolidated salary which will be equal to the minimum of the scale of pay of the post to which *ad hoc* appointment is made. No increments be allowed to be drawn during *ad hoc* service, or such service should not be allowed to be counted for increments after regular appointment.

Cases decided otherwise in the past shall not be re-opened.

79. (a) If a Government servant while officiating a post on a timescale or holding a post on a time-scale is appointed to officiate in a higher post, his officiating service in the higher post shall if he is reappointed to the lower post count for increments in the time scale applicable to such lower post.

... (b)

Foreign service counts for increments in the time-scale applicable to

- (i) the post in Government service on which the Government servant concerned holds a lien or would hold a lien if it were not suspended;

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1. Substituted vide F.D Notification SRO-268 dated 29-9-1962.

2. Inserted vide F D. Notification SRO-311 dated 24-10-1962.

3. Inserted vide F D. Notification SRO-229 dated 13-4-1979,

- (ii) a post to which the Government servant might receive officiating promotion for the duration of such promotions.

I(C) Military Service (Chinese aggression 1962). See Schedule XIII.

2(d) In cases other than those falling under clause (a) above if a Government servant while officiating in a higher post is subsequently transferred/reverted/appointed to a lower post (which may or may not have been held by him previously) without any breach in his services for reasons other than as a measure of disciplinary action, In completed years of service in the higher post will count for purposes of increments in the lower post to which he is appointed or reverted. But initial *pay* shall not exceed pay last drawn in the higher post.

80. <sup>3</sup>[ x x x ]

80 -A. <sup>3</sup>[ x x x ]

81. <sup>4</sup>[ x x x ]

82. The incumbent of an appointment, the pay of which is changed shall be treated as if he were transferred to a new appointment on the new pay; provided that he may at his option retain his old pay until the date on which he earns his next or any subsequent increment in the old scale or until he vacates his post or ceases to draw pay on that time-scale <sup>5</sup>[x x x]. The option once exercised shall be final.

83. <sup>0</sup>Deleted.

#### OFFICERS UNDER TRAINING

<sup>7</sup>84. (a) Government officials with substantive appointment in time scale pay who are, in the interest of the Government, selected to undergo a course of training may count the time spent under training as service qualifying for increment of pay and draw the increment falling due during such training period; provided that if they fail to pass the examination on completion of training their future increment shall be postponed by the period of training. On passing the examination, however, within the prescribed limit of chances such increments will be allowed as if they had never been postponed.

1. Inserted vide F. D. Notification SRO-124 dated 22-3-1963.

2. Inserted vide F. D. Notification SRO-589 dated 8-12-1971

3. Deleted vide F. D. Notification 191-F of 1960 dated 3-8-1960

4. Deleted vide F. D. Notification 338-F of dated 23-10-1961

5 Deleted vide F, D. Notification SRO-280 dated 4-7-1966 and shall have effect from 1-4-1963..

6. Deleted vide F. D. Notification SRO-311 dated 24-10-1962

7 Recast vide F. D. Notification SRO-277 dated 28-07-1965,

(b) In the case of temporary employees, the authority sanctioning the deputation of the trainees shall state in the order sanctioning the deputation whether the period of training shall be counted as service qualifying for increment of pay, taking into account the period of temporary service put in by him before training as well as the possibility of his continuing in service after the period of training. The sanctioning authority shall also state in the order the condition if any, subject to which the period of training shall count as service qualifying for increment i. e. whether any examination has to be passed within a prescribed time limit. When a condition for passing an examination has been laid down by the sanctioning authority, the same procedure as for a Government official with substantive appointment shall be applied in regard to sanctioning increments. This shall have effect from 6-8-1962.

**Note 1.**-Teachers who at the end of their training are placed under out compartment and who come successful in the compartment test or tests will be considered to have passed the examination within the prescribed time.

This is applicable to teachers of Education Department only.

<sup>1</sup>**Note 2.**- The Teachers in the Education Department may be deputed for receiving training in the following courses of art and other allied subjects or similar other courses, which may be declared by the Government from time to time as recognised courses of training in their case. Their increments during the said period of training will be regulated under Article 84 ;

1. Art training.
2. Craft training.
3. N. F. C. training.
4. Training courses offered by I. T. I. various trades.

This shall be deemed to have come into effect retrospectively.

<sup>2</sup>(C) Notwithstanding anything contained in sub-clauses (a) and (b) above, the increment of a Government servant who fails to complete the training Course successfully within the prescribed number of chances shall not be postponed if the failure in the training course also deprives him of promotion to the higher scale.

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I. Inserted vide F. D. Notification SRO -342 dated 12-7.1973

2. Inserted vide F. D. Notification SRO-477 dated 25-11-1985

## CHAPTER VIII

**COMBINATION OF APPOINTMENTS AND SALARIES****CHARGE OF CURRENT DUTIES**

<sup>1</sup>85. (1) A Government servant may be

- (a) assigned the charge of another post in addition to his own duties or
- (b) appointed to be in charge of a higher post independent of his own duties.

(2) The case falling under (i) (a) above may be of one of the following nature

:

- (i) where an employee is assigned the charge of an additional post either identical or higher, in the same office or a different office simply to discharge its current routine duties; or
- (ii) where the additional charge is assigned to another identical or equivalent post not in the same office and additional charge so assigned involves full duties and responsibilities of the post; or
- (iii) where the additional charge of an identical or equivalent post involves full responsibilities of the post in the same office and there being no possibility of the work of the other post being distributed amongst others; or
- (iv) where the additional charge is allowed of a higher post in the same or different office and the Government servant holds the plenary responsibility for the duties of additional post; or
- (v) where the additional charge is allowed of a lower office/post in the same or different office.

(3) The cases falling under (1) (b) above may be of one of the following nature :

- (i) where for administrative reasons or non-completion of formalities for appointment to the higher post, a person cannot be appointed to that post formally and is appointed in his own pay and grade to be in charge of the higher post and required to discharge full duties and responsibilities of the post either in the same office or in a different office, in the same cadre/line of promotion or in a different cadre/line of promotion.

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<sup>1</sup> Recast vide F. D. Notification SRO-499 dated 11-9-1979.

FORM-III

*Form of the clause to be inserted in Insurance Policies. It is hereby declared and agreed that Shri.....*

.....(the owner of the motor car hereinafter referred to as the insured in the Schedule to this Policy) has hypothecated the car to the Governor of Jammu and Kashmir, as security for advance for the purchase of motor car and it is further declared and agreed that the said Governor is interested in moneys which but for this endorsement would be payable to the said Shri.....(the insured under this Policy) in respect of the loss or damage to the said motorcar (which loss or damage is not made good by repair, reinstatement or replacement) and such moneys shall be paid to the Governor of Jammu and Kashmir as long as he is the mortgagee of the motor car and his receipt shall be full and final discharge to the Company in respect of such loss or damage.

2. Save as by this endorsement expressly agreed, nothing herein shall modify or affect the rights or liabilities of the insured or the Company respectively under or in connection with this Policy or any term, provision or condition thereof.

*Law and Parliamentary Affairs Department Notification SRO-448 dated: the 7th September, 1987.*-In exercise of the powers conferred by Section 5 of the Jammu and Kashmir Legislative Council Chairman's (Emoluments) Act, 1962, Section 3-B of the Jammu and Kashmir Legislative Assembly (Speaker's Emoluments) Act, 1956, Section 3-C of the Jammu and Kashmir Deputy Sepeaker's and Deputy Chairman's (Emoluments) Act 1956 and in supersession of notification SRO-348 dated: 23-7-1975, the Governor is pleased to make the following Rules; namely:

1. *Short title and commencement:* (1) These Rules may be called the Chairman's, Speaker's, Deputy Chairman's and Deputy Speaker's (Sumptuary and Constituency Allowances) Rules, 1987.

(2) These Rules shall be deemed to have come into force from 1st day of July, 1987.

2. In these rules unless there is anything repugnant to the subject or context:

(a) "Sumptuary Allowance" means an allowance granted to meet expenses on any informal or casual entertainment provided by the Chairman, Speaker, Deputy Chairman or Deputy Speaker, as the case may be, day to day, at his residence or outside his headquarters in the interest of maintaining public relations and promoting the interest of the State. It shall be exclusive of any such entertainment which the Chairman/Speaker/Deputy Chairman/Deputy Speaker may require to be arranged through Tawaza or otherwise on any important occasion, such as a conference, visit of any important dignitary or any other occasion of special character. It shall be exclusive also of casual entertainment provided in the office premises.

3. (i) The Chairman and the Speaker shall be entitled to draw monthly allowance of I[Rs.5000/-]

(ii) The Deputy Chairman and the Deputy Speaker shall be entitled to draw monthly allowance of, I [Rs. 4000/-]

(iii) The Chairman, Speaker, Deputy Chairman and Deputy Speaker shall also be entitled to receive a constituency allowance at the rate of, I[Rs. 5000/-P.M.]

4. (1) The allowances shall be drawn monthly together with the salary and on each such bill in which the allowance is claimed, the Chairman, Speaker, Deputy Chairman, or the Deputy Speaker, as the case may be, shall record a certificate to the effect that these have been spent for the purpose for which these are permissible and that these have not been preferred from any other source.

(2) Such Certificate shall be conclusive and it shall not be necessary to maintain any account thereof.

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1. Substituted by SRO-130 dated: 4-4-1997.

THE MINISTERS' AND PRESIDING OFFICERS'  
MEDICAL FACILITIES ACT, 1975

(ACT NO. XXII OF 1975)

CONTENTS

Section.

1. Short title.
2. Definitions.
3. Facilities for Medical Treatment.
4. Power of the Governor to apply Act to other persons.

Amendment made after 1975 by the Act No's:

THE MINISTERS AND PRESIDING OFFICERS  
MEDICAL FACILITIES ACT, 1975

(Act No. XXII of 1975)

*(Received the assent of the Governor on 19th August, 1975 and published in the Government Gazette dated: 20th August, 1975.)*

*An Act to provide for the medical facilities to Ministers' and the Presiding Officers'.*

Be it enacted by the Jammu and Kashmir State Legislative in the Twenty Sixth Year of the Republic of India as follows :

1. *Short title.* -This Act may be called the Ministers' and Presiding Officers' Medical Facilities Act, 1975.

2. *Definitions.* -In this Act unless the context otherwise requires,

(a) 'Family' means the wife or husband, children and step-children of a Minister or a Presiding Officer wholly dependant upon him or her, as the case may be ;

(b) Ministers' includes a Minister of State, a Deputy Minister and Chief Parliamentary Secretary;

(c) 'Presiding Officer' means

(i) Chairman or Deputy Chairman of the Legislative Council; and

(ii) Speaker or Deputy Speaker of the Legislative Assembly.

3. *Facilities for medical treatment.* -Every Minister and Presiding Officer and the members of their families shall be entitled to such facilities for medical treatment and for accommodation in hospitals as may, from time to time, be prescribed by rules made by the Governor in this behalf.

4. *Power of the Governor to apply Act to other persons.* - The Governor may by notification in the Government Gazette, direct that the provisions of this Act and of the rule made there under shall, with such exceptions, adaptations or modifications as may be considered necessary, apply to any person holding office whose rank in the opinion of the Governor entitles him to the facilities for medical treatment provided by or under this Act.

THE JAMMU AND KASHMIR MINISTERS' AND  
PRESIDING OFFICERS' MEDICAL FACILITIES ACT, 1975

(ACT NO. XXII OF 1975)

Ministers' and Presiding Officers' Medical Facilities Rules, 1975

*Parliamentary Affairs Department Notification SRO-418 dated: 9th September, 1975.*-In exercise of the powers conferred by section 3 of the Ministers' and Presiding Officers' Medical Facilities Act, 1975, the Governor hereby makes the following rules, namely :-

1. *Short title and commencement.*-( 1) These rules may be called the Ministers' and Presiding Officers' Medical Facilities Rules, 1975.

(2) These shall come into force with effect from the date these are published in the Government Gazette.

2. *Definitions.*-All words and expressions used in these rules, shall have the same meaning as is assigned to them in the Ministers' and Presiding Officers' Medical Facilities Act, 1975.

3. *Facilities for Medical treatment etc.*, -Every Minister and Presiding Officer and the members of their families shall be entitled to the same facilities for medical treatment and accommodation in hospitals as are admissible to the Judges of the High Court of the State under the rules applicable to them.

THE SALARIES AND ALLOWANCES OF MEMBERS' OF THE JAMMU  
AND KASHMIR STATE LEGISLATURE ACT, 1960

(ACT NO XIX OF 1960)

CONTENTS

Section:

1. Short title and commencement
2. Definitions
3. Salaries and Daily Allowances
4. Travelling Allowances
- 4-A. Conveyance Allowance
- 4-AA. Travelling Allowances
5. Daily Allowance, etc, for intervals
- 5-A. Daily Allowance for the period of absence
6. Allowance for non-members
7. Certificate for T.A. and D.A.
8. Bill for a claim how to be prepared
9. Post audit and T.A. Bills
10. Amenities.

Amendments made by Act Nos:

- |                  |                   |
|------------------|-------------------|
| 1. IV of 1961    | 2. XXXVII of 1963 |
| 3. II of 1964    | 4. IX of 1964     |
| 5. XIII of 1965  | 6. XXXII of 1968  |
| 7. IV of 1969    | 8. IV of 1973     |
| 9. XXI of 1975   | 10. XVI of 1976   |
| 11. XIII of 1980 | 12. VII of 1985   |
| 13. X of 1987    | 14. V of 1988     |
| 15. XIV of 1997  | 16. XI of 1998    |

SALARIES AND ALLOWANCES OF THE MEMBERS OF THE  
JAMMU AND KASHMIR STATE LEGISLATURE ACT, 1960.

(ACT NO. XIX OF 1960.)

*[Received the assent of the Sadar-i-Riyasat on 14th April, 1960 and published in Government Gazette dated: 29th April, 1960.]*

An Act to provide for the Salaries and Allowances of the Members of the Jammu and Kashmir State Legislature.

Be it enacted by the Jammu and Kashmir State Legislature in the eleventh year of the Republic of India as follows:

I. *Short title and commencement.*-(1) This Act may be called the Salaries and Allowances of Members of the Jammu and Kashmir State Legislature Act, 1960.

(2) It shall come into force on the 26th January, 1960.

2. *Definitions.*-In this Act

(a) 'Committee' means a Committee of either House of the Jammu and Kashmir State Legislature, and includes a Joint Committee of both Houses <sup>1</sup>[or a Consultative Committee constituted by the Government; ]

(b) 'Member' means a member of either House of the Jammu and Kashmir State Legislature, but does not include a Minister, a State Minister or a Deputy Minister;

(c) "New Member" means a member who takes his seat in either House of the Jammu and Kashmir State Legislature after the commencement of this Act and includes a member who is re-elected or renominated;

(d) "Period of residence on duty" means the period during which a member resides at a place where a session of a House of the Jammu and Kashmir State Legislature or a sitting of a Committee is held or where any other business connected with his duties as such member is transacted, for the purpose of attending such session or sitting or for the purpose of attending to such other business and includes, in the case of a session of a House of the Jammu and Kashmir State Legislature or sitting of a Committee, a period of such residence, not exceeding one day, immediately preceding the commencement of the session or the sitting of a Committee, as the case may be, and a period of such residence not exceeding one day, immediately succeeding the end of the session or a sitting of the Committee as the case may be.

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1. Inserted *vide* Act, XVI of 1976.

1 [*Exception.*-*'Period of residence on duty'* will however include-

- (i) the period for which a member is prevented from leaving his abode to attend the session of either House of the State Legislature or any sitting thereof or the sitting of any Committee, owing to the circumstances beyond his control. Such a Member shall be entitled to daily allowance for the period under this Act;
- (ii) the period for which a member is held up on the way. to attend such a (session or meeting owing to circumstances beyond-his control. Such a member shall be entitled to travelling allowance and daily allowance for the period under this Act :

Provided that the Speaker of the Legislative Assembly or the Chairman of the Legislative Council, as the case may be, is satisfied as to existence of these circumstances. ]

*Explanation.*-A member who ordinarily resides at a place where a session of a House of the Jammu and Kashmir State Legislature or a sitting of a Committee, is held, shall for the duration of session or sitting 2[ (including one day immediately preceding and one day immediately succeeding)] be deemed to reside at such place for the purpose of attending such session or sitting.

3[(e) Omitted.]

3. *Salaries and daily allowances.*-(1) There shall be paid to each member of the State Legislature a salary at the rate of 4[*four thousand*] rupees per mensem :

Provided that where a member fails to attend at least 90 per centum of the total number of the meetings held in any month or 5[if elected or nominated during the course of a month], fails to attend at least 90 per centum of the total number of meetings held in that month subsequent to the date on which he takes his oath, he shall not be paid any salary for that month unless he satisfies the Speaker of the Legislative Assembly or the Chairman of the Legislative Council, as the case may be, that he was prevented by reasons of ill- health or sufficient cause from attending the required number of the meetings.

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1. Substituted *vide* Act XIII of 1980 w.e.f. 1-4-1980.

2. Substituted *vide* Act XXI of 1975 w.e.f. 1-7-1975.

3. Omitted by Act XXXVII of 1963 w.e.f. 26-1-1960.

4. Substituted *by* Act XIV of 1997 w.e.f. 9-10-1996.

5. Substituted *vide* Act XXXVII of 1963.

1[(I-A.) The salary referred to in sub-section (1) shall accrue to a member from the date on which he is declared duly elected or in the case of a member nominated by the 2[the Governor] to fill a seat in the Legislative Council, from the date on which he is nominated or, if such declaration or nomination is made before the vacancy occurs, from the date of occurrence of the vacancy:

Provided that the salary shall not be paid until member has made and subscribed the oath of affirmation referred to in section 64 of the Constitution of Jammu and Kashmir :]

3[Provided further that in case of a general election for the new Legislative Assembly if held during the term of old Legislative Assembly and the results whereof are declared before the expiration of the term of old Legislative Assembly, the members' of the new Legislative Assembly shall get their salary from the date when the new Legislative Assembly is declared to have been constituted through a notification in the Government Gazette.]

4[2. There shall be paid to each Member of Legislature a daily allowance at the rate of two hundred and fifty rupees for attending session of the Legislature or meetings of the Committee.]

(3) Notwithstanding anything herein before contained salary shall be paid to a member in respect of any period during which he remains in detention under any law for the time being in force.

4. *Travelling Allowance.*--{1} A member of the State Legislature shall be entitled to the following rates of travelling allowance and daily allowance in respect of a journey to attend a session of either House of the State legislature or a sitting of a Committee or for transacting any other business connected with the duties as such member :

(a) *Journey by Road*--5[Road mileage by the shortest route at the rate of 6[seventy-five paise] per Km. between the usual place of residence of a member and the place where a session of either House of the State Legislative or a meeting of a Committee is held or such other business is conducted provided the journey is not within the radius of eight miles of the place where either House of the State Legislature meets or such other business is transacted.

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1. Inserted *vide* Act XXXVII of 1963 w.e.f. 26-1-1960.

2. Substituted by the Constitution of Jammu and Kashmir (Sixth Amendment) Act, 1965 for Sadar-i-Riyasat.

3. Inserted *vide* Act XVI of 1976.

4. Substituted by Act XIV of 1997 s-2. (w.e.f. 9-10-1996)

5. Substituted *vide* Act XVI of 1976.

6. Substituted *vide* Act XIII of 1980 w.e.f. 1-4-1980.

(b) *Journey by Air.* -A member who performs the journey by air.

1 [(i) from one place to another place in the State excepting from and to Frontier District through a neighboring State shall be entitled to draw travelling allowance at one and one half times the standard fare for such air journey;]

(ii) from any place within the State from where he is deputed to any place outside the State shall be entitled to draw travelling allowance equivalent to one and one-fourth of the standard air fare;

(Hi) 2[from Frontier District to any other part of the State through neighbouring State or vice versa, shall be entitled to draw Travelling Allowance at the standard fare plus Rs. 150/- as incidental charges for such air journey plus mileage for the part journey by road.

*Explanation-*The rate for such air journey shall also be applicable to air journey from Pathankot to Nobra and vice versa.]

(c) 3 [*Journey by Rail.*-A member who performs the journey by rail shall be entitled to draw the railway fare of one and one-half of the 1st class or actual fare of the 1st class air conditioned railway coach.]

1 [(d) *Journey by road between places connected by rail.*-A member who performs a journey by road between the places connected by rail either wholly or in part may draw road mileage referred to in clause (a) in place of the Travelling Allowance which would have been admissible to him had he travelled by rail :

Provided that the total amount of Travelling Allowance drawn by such member for the entire journey shall not exceed the amount which would have been admissible to him had he performed such journey by rail.]

4[(1-a) If a member or any delegation of members required under orders of the Speaker of the Legislative Assembly or the Chairman of the Legislative Council, as the case may be, to visit a place or places outside the State in the discharge of his duties as a member of committee of a delegation, he shall be entitled to Travelling Allowance in accordance with sub-section (1) of this section and for halts at such place or places Daily Allowance at the rate specified in sub-section (2) section3:

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1. Substituted vide Act XVI of 1976.

2. Substituted vide XVI of 1976.

3. Substituted vide Act XIII of 1980 w.e.f. 1-4-1980.

4. Substituted vide IXVI of 1976.

Provided that for halts at l[places outside the State] he shall be entitled to 75% increase over the Daily Allowance rate admissible under section 3.]

(2) In calculating allowance for journeys by road fraction of a Kilometre shall be omitted from the total of a bill *for* anyone journey but not from the various items which make up the bill.

2[4-A. *Conveyance, telephone and medical allowance.*-Every member shall be paid

(a) constituency conveyance allowance at the rate of 3[five thousand rupees] per month ;

(b) telephone allowance at the rate of 3[three thousand rupees] per month; and

(c) medical allowance at the rate of 3[three hundred rupees] per month :]

Provided that a member shall also be entitled to such medical facilities including reimbursement of the expenditure incurred in connection with his medical treatment outside the State as may be prescribed by rules by the Governor.]

4[4-AA *Travelling Allowances.*-Every member and/or any other member of his/her family, shall be entitled to travel at any time by such mode of transport and up to such distance in a financial year, as may be prescribed by the Government, from time to time.

5[ 5. *Daily allowance etc. for intervals.* -( 1 ) Notwithstanding anything contained in sub-section (2) of section 3. a member shall be entitled to draw daily allowance for

(i) the period of adjournment intervening the continuous sittings of a session of the House when such an adjournment is not of more than 7 days:

Provided that where such a member return to his usual place of residence or his constituency during such adjournment, he shall be entitled to draw Daily Allowance or Travelling Allowance for going to and coming back from that place, whichever is less;

(ii) the period of adjournment of not more than 1 days intervening the continuous sittings of a meeting of the Committee :

Provided that where such a member returns to his usual place of residence or his constituency during such adjournment, he shall be entitled to draw Daily Allowance or Travelling Allowance for going to and coming back from that place, whichever is less;

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1. Substituted by Act XIII of 1980

2. Substituted vide Act VII of 1985.

3. Substituted vide Act XIV of 1997,S.2,(w. c. f. 9-10-1996)

4. Substituted vide Act XI of 1998.

5. Inserted by Act, XVI of 1976.

(iii) the date fixed for the commencement of a session or sitting of a Committee, which is declared a public holiday and the meeting takes place on the next working day ; provided that such a member has 'not received a communication of such postponement or has not been informed about it otherwise and has presented himself at the place of meeting on such day.

(2) When there is an interval of not more than a week between the termination of the meetings of the session and the commencement of those of another session at the same place which a member is required to attend and when such member remains 'at the place during the interval he shall be entitled to draw daily allowance for such period of residence on duty or draw travelling allowance for going to and coming back from his usual place of residence, whichever is less.

(3) Any member may stay on at the place of meeting after the close of the session if he is unable to return to his usual place of residence on account of conditions and circumstances beyond his control and where the Speaker of the Legislative Assembly or the Chairman of the Legislative Council, as the case may be, is satisfied that such a prolonged stay is justifiable the member shall be entitled to draw a daily allowance at the rate of thirty rupees for the first three days of his stay only:

Provided that a member from the frontier district shall also be entitled to a daily allowance of forty rupees for the days of prolonged stay beyond the expiry of first three days:

Provided further that a member from the frontier district shall produce a certificate from the Ladakh Affairs Department that the prolonged stay was due to the blockade or road and non-availability of air seat.

1 [5-A. *Daily Allowance for the period of absence.* -If a member has been ordered to absent himself from a meeting or meetings of the Legislative Assembly or the Legislative Council as the case may be, under the Rules of Procedure and Conduct of Business of the respective Houses of the State Legislature, for the time being in force, he shall not be entitled to get Daily Allowance for such period of absence. ]

6. *Allowance for non-members.* -The allowance for non-members elected or nominated to Committees set up by either House of the State Legislature shall be the same as for the members of either House of the State Legislature.

7. *Certificate for T. A. & D. A.* -A member who claims any travelling or daily allowance under this Act shall support his claim by recording a certificate on the concerned bill in the following form :-

"Certified that no amount has been claimed for this journey period in the bill drawn from any other source or previously."

1[8. *Bill for claim, how to be prepared-(1)* A bill for a claim for Travelling and Daily Allowance under this Act, shall be prepared in duplicate on printed form as may be prescribed by the Legislature Secretariat to be obtained from the Office of the Secretary of either House of the State Legislature and to be returned to him duly filled in and signed and receipted one copy whereof shall be kept for office record and reference. The dates of journey shall be entered in the prescribed columns of the bill. In case the claim for return journey is also made, a certificate to the effect that the journey as claimed for has actually been performed on such date be furnished to the Office of the Secretary of either House of the State Legislature for onward transmission to the audit office for purposes of adjustment.

(2) The bill, referred to in sub-section (1) shall be paid before audit after a preliminary check by the office of either House of the State Legislature either in cash or through a cheque or by means of payment order endorsed in the name of officer of the Treasury at which the member desires to receive payment. The said bill, shall be countersigned by the Speaker of the Legislative Assembly or the Chairman of the Legislative Council, as the case may be, or during their absence from the Headquarters by the Deputy Speaker of the Legislative Assembly or the Deputy Chairman of the Legislative Council, as the case may be, before payment.

(3) All the Travelling Allowance and Daily Allowance bills of the members shall be post audited immediately after payment thereof, objections, if any, shall be intimated to the member by the audit office not later than three months from the date of the encashment of such a bill.]

9.2[Omitted.]

3 [10. *Amenities. -(1)* A member shall be entitled to such facilities for housing as may be prescribed by rules by the 4[Governor] in this behalf.]

(2) 5[Omitted.]

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1. Substituted vide Act XVI of w. e. f. 1-4-1976.

2. Omitted by *ibid.*

3. Inserted by Act II of 1964.

4. Substituted by Constitution of Jammu and Kashmir (Sixth Amendment) Act, 1965.

5. Omitted vide Act VII of 1985.

SALARIES AND ALLOWANCES OF THE MEMBERS OF THE JAMMU  
AND KASHMIR STATE LEGISLATURE ACT, 1960

(ACT NO. XIX OF 1960)

Date of enforcement of (Amendment) Act No. XIII of 1965.

*Notification 1SRO-218 dated: 19th June, 1965*-In exercise of the powers conferred by sub-section (2) of section 1 of the Salaries and Allowances of Members of the Jammu and Kashmir State Legislature (Amendment) Act, 1965 (XIII of 1965), the Government hereby appoints the 1st day of March, 1965 as the date from which the said Act shall come into force.

THE RESIDENTIAL ACCOMMODATION OF THE MEMBERS' OF  
THE JAMMU AND KASHMIR STATE LEGISLATURE RULES, 1973

*Department of Parliamentary Affairs* Notification SRO-599 dated: 30th November, 1973.-In exercise of the powers conferred by section 10 of the Salaries and Allowances of Members of the Jammu and Kashmir State Legislature Act, 1960 (XIX of 1960) the Governor hereby makes the following rules, namely :

1. *Short title and commencement.* –(I) These rules may be called the Residential Accommodation of the Members' of the Jammu and Kashmir State Legislature Rules, 1973.

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

2. *Definitions.*-In these rules, unless is anything repugnant in the subject or context,

(a) 'Act means the Salaries and Allowances of Members' of the Jammu and Kashmir State Legislature Act, 1960 ;

(b) 'Business connected with his duties as a Member' Means any business arising out of Parliamentary duties and includes participation in the business of various Committees, Commissions, Boards or Study Teams constituted, formed or appointed by the House or its Presiding Officer or by the Government;

(c) 'Day' means a .day according to Gregorian Calendar ;

(d) 'Family' means husband, wife children, step-children, parents, minor brothers and sisters residing with, and wholly dependant on, a Member;

(e) 'Government means the Government of Jammu and Kashmir ;

(f) 'House' means a House of the Jammu and Kashmir State Legislature ;

(g) 'Month' means a month reckoned according to the Gregorian Calendar;

(h) 'Secretary' means the Secretary of either House of the Jammu and Kashmir State Legislature and includes a Deputy Secretary and Under Secretary ;

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1. SRO-599 of 1973 published in Government Gazette dated: 30-11-1973.

(i) All the words and expressions used in these rules and defined shall have the same meaning as assigned to them in the Act.

3. *Residential accommodation on daily basis*-A member shall temporarily be provided with accommodation in Legislators Hostel Srinagar/Jammu or in any other building declared by the Government for the purpose, three days before the commencement and three days after the close of the business connected with his duties as such member. The rates of rent to be charged for such accommodation shall be as under:

(i) Single room	Rs. 2/- per diem	}	Inclusive of water and electric charges; Provided electric energy is not used for cooking and heating purpose.
(ii) Double room	Rs. 2/- per diem		
(iii) Family suites	Rs. 5/- per diem		

4. *Allotment of Government quarters on monthly rent*,-Accommodation required for a period of not less than four months may, subject to availability, be allotted at Srinagar or Jammu to a member. The rent for such accommodation shall be charged 1 [at the rate of 10% of the monthly salary]exclusive of electric and water charges;

2[Provided that-

- (i) where a furnished accommodation is allotted to a member, the total rent payable by him shall be at the rate of 12.5% of his monthly salary exclusive of electric and water charges;
- (ii) a member who has been allotted accommodation either at Srinagar or at Jammu or both or is in occupation of his own house, shall not be entitled to allotment of accommodation in the Legislators Hostel at the place concerned at the rent concessions; and
- (iii) before allotment is made to a member in the Legislators Hostel a declaration shall be taken from him that he does not own any accommodation of his own at the place concerned, the occupation or use of which is open to him.]

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1. Substituted by SROD-94 dated ; 24-2-1975 for "on the basis of standard rent fixed by the Public Works Department ",  
 2. Proviso inserted *ibid* (w. e. f. 30-11-1973)

5. *Recovery of rent.*-The rent and other charges due from a member shall be paid by him in cash and in case of default, the Secretary shall deduct the same from his allowances as and when requisition is made by the department or the agency to whom the building belongs.

6. *Application for residential accommodation.*-All applications for accommodation in the Legislators Hostel Jammu/Srinagar or in any other building declared by the Government for residence of members or in Government Quarters shall be made in the prescribed Form 'A'.

7. *Reservations of accommodation on daily basis.* -(1) Applications for reservation of accommodation in the Legislators Hostel, Jammu/Srinagar or in any other building declared by the Government for accommodation of members shall be made in writing to the Secretary of the House one week before the commencement of the business connected with their duties as members. All such applications shall specify the time and date from which and the period for which the accommodation is required.

(2) The rent for accommodation shall be charged from the date from which it is reserved by the member.

(3) The accommodation, if not, occupied within three days from the date of reservation, may be allotted to any other member who may be on the waiting list.

(4) No fresh reservation for accommodation shall be made till the member occupying it vacates the same. The rent shall be charged from the member at full rates after the concessional period expires.

(5) Rent for accommodation in the Legislators Hostel Jammu/Srinagar shall be charged at concessional rates from the members of other State Legislatures and the staff accompanying them, while on visit to the State of Jammu and Kashmir.

8. *Conditions of allotment.*-Before the allotment of a Government quarter on monthly rental basis is made, an allottee shall have to execute an agreement which shall *inter alia* contain the following conditions ;

(a) that the allottee shall use the quarter only for himself and his family and shall not sublet it ;

(b) no guest shall stay with the allottee. In case, however, a member wants to accommodate his guest in the Legislators Hostel at Jammu or Srinagar, he may have a room reserved for him at usual hostel rent subject to the availability of accommodation;

(c) that the allottee shall abide by- the rules for the time being in force in respect of sanitation, maintenance and proper preservation of the quarter;

(d) the member against whom there are arrears of rent, shall not be allotted any accommodation until the arrears are cleared.

9. *Arrival and Departure Register*-In the case of accommodation provided on daily basis the member shall enter his name with details of date and hour of arrival and departure in the register maintained for the purpose.

10. *Contravention of Rules*.-If an allottee contravenes any of the provisions of these rules, the matter shall be referred to the Speaker or the Chairman of the House who may take such action as he may deem fit.

11. *Rent for furniture* -No rent shall be charged for furniture supplied in Government Quarters in accordance with the scale prescribed in Form 'B'. Rent for extra furniture requisitioned by the member shall be charged at 15% per annum of, the capital cost of furniture. The supply of extra furniture will, however, depend upon availability :

Provided that the Chairman Public Accounts Committee or the Chairman Estimates Committee shall not be required to pay rent for extra furniture supplied to him.

12. *Telephone facilities*.-The Government may provide public telephones at the Legislators Hostels which can be used by the members free of cost only for local calls. The members may, however, use such telephones for trunk calls on payment of charges. Members who desire to have individual connections shall be given the necessary priority but the cost there for shall be borne by them.

13. *Recovery of outstanding rent* .-The arrears of rent outstanding against a member before the commencement of these rules, shall be recovered by the Secretary from his allowances at 10% in addition to the monthly current payment of rent.

14. *Accommodation in the Dak Bungalows and Tourist Centres*.-Accommodation in the Oak Bungalows and Tourist Centres under the control of the Government at places other than Srinagar and Jammu may be provided to a member when he travels on business connected with his duties as such member at the rate of 50% of the standard rent.

**FORM "A"**

Form of application for accommodation for residential purposes .in the Legislators Hostel at Srinagar/Jammu any other building declared by the Government for residence of members or in Government Quarters.

To

.....

.....

.....

I hereby apply for Government residential accommodation.

1. Full name (Block letters)
2. Constituency with permanent address
3. Present Address
4. Salary and allowances
- 5; Date on which accommodation is required (inclusive)
6. Order of preference of floor and room
7. Whether prior reservation is required
8. Specify whether single room, double room or family suite is required

Certified that I have read the Residential Accommodation of the Members' of J & K State Legislature Rules, 1973 and declare that the particulars given by me are correct and that the allotment to be made to me or already made to me shall be subject to these rules and subsequent amendments, if any, thereto. I also undertake not to sublet the residence wholly or in part when it is no longer required by me or I cease to be entitled to it. I shall be responsible for handing over its vacant possession to the officer incharge of the building or any other authorised representative of the Department concerned in Srinagar and Jammu under intimation to the Assembly/Council Secretary and until such vacant possession is delivered, rent and other charges in respect of residence shall be recoverable from me.

I agree to pay the rent for the accommodation either directly in cash or by deduction from my allowances.

Signature  
MLA/MLC

Dated :

**FORM-B**

List of furniture to be supplied free of rent in Government residences for  
MLAs/MLCs

S. No.	Article of Furniture	Single room	Double room	Family suites	Family quarters
1.	Newar Bed or Hard Bed.	1	2	4	4
2.	Writing table	1	1	1	1
3.	Tea table	1	1	1	2
4.	Side table	1	2	2	2
5.	Chairs	2	4	6	6
6.	Easy chairs	1	2	2	2
7.	G. I. Buckets	1	2	2	2
8.	Carpet Durri	1	1	3	3
9.	Mugs	2	2	2	2
10.	Dressing table	1	1	2	2
11.	Almirahs	1	1	2	2
12.	Table lamp	1	1	1	1
13.	Foot mats	1	2	3	4
14.	Jugs	1	2	2	2

Pardhas in doors and windows with pardha and cleats will also be provided to the number of doors and windows in the rooms free of rent.

THE MEDICAL ATTENDANCE RULES OF THE MEMBERS' OF JAMMU  
AND KASHMIR STATE LEGISLATURE, 1986

*Law Department (Parliamentary Affairs Branch Notification SRO- 468.*

*.dated: 21st July, 1986.-In exercise of the powers conferred by proviso to Section 4-A of the Salaries and Allowances of Members' of the Jammu and Kashmir State Legislature, Act, 1960 (XIX of 1960), the Governor hereby makes the following rules, namely ;*

1. *Short title and commencement.-(1) These rules may be called the Medical Attendance Rules of the Members of Jammu and Kashmir State Legislature, 1986.*

(2) *These shall be deemed to have come into force on the 1st day of January, 1985.]*

*Definition:-(a) "Governor" means the Governor of Jammu and Kashmir State ;*

(b) *"Director of Health Services" means the Head of the Medical Department of the Kashmir and Jammu Provinces of the Jammu and Kashmir State, as the case may be ;*

(c) *"Principal Medical College" means the Principal of Medical College of Jammu and Srinagar as the case may be ;*

(d) *"Government Hospital" means a Medical Institution maintained by Government for purpose of medical attendance/treatment and includes a Hospital or institution recognised by the Government for this purpose ;*

(e) *"Medical Officer" means a Medical Officer of a Government Medical Institution;*

(f) *"Member" means a Member of either House of the Jammu and Kashmir State Legislature.*

(3) *Medical Treatment outside the State.- 2["Treatment outside the State including providing of artificial limbs, if not, available within the State, may, on the recommendations of the Director General Health Services or Director Health Services or the Principal of a Medical College of the State, be allowed to a member with the prior sanction of the Speaker, Legislative Assembly or the Chairman,*

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1. Substituted by SRO-284 dated: 13-5-1987.

2. Substituted *ibid*.

Legislative Council, as the case may be, and the expenses incurred therein shall be re-imbursable as under.]

(I) Actual expenses of the journey.

(a) road/railway with an attendant, if accompanying of an attendant is certified to be necessary by the Director of Health Services or the Principal, Medical College of the State, by the class to which a Member is entitled under the Salaries and Allowances of Members' of the Jammu and Kashmir State Legislature Act, 1960; or

(b) air, in case of ailment of a serious nature, if the Director of Health Services or the Principal Medical College of the State justifies for reasons to be recorded in writing that the Member cannot travel by road. In such a case the attendant, if accompanying the Member, shall be entitled to such fare as is admissible to him for the journey undertaken by road/railway.

(c) if any Member travels in a Taxi from Srinagar to Jammu or *vice versa* he shall be allowed the mileage which he would otherwise be entitled to under the normal rules.

(II) re-imbusement of .

(a) operation charges in Hospital.

(b) Expenditure incurred on pathological Bacteriological, Radiological and other method of examination/investigation or treatment like electronic therapy etc.

(c) Consultation fee, if any, paid under Hospital rules and cost of medicines purchased from the market on production of vouchers duly certified by the competent authority of the concerned Hospital/Medical Institution;

(d) all other hospital charges in general wards

(e) board, lodging and transport expenses up to a maximum of Rs. 30/- per diem for the actual period of stay in the event of outdoor treatment only.

1["The Speaker, Legislative Assembly or Chairman, Legislative Council, as the case may be, may sanction an advance, not more than 75% of the anticipated expenditure approximately assessed by the concerned Medical Officer/Director Health Services/ Principal Medical College, to a Member for treatment outside the State as admissible under rule 3. The Member on his return from outside the State renders accounts to the respective Secretariat of the Legislature for adjustment of the advance paid to him".]

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1. Substituted by SRO- 284 dated: 13-5-1987.

*Law Department Notification SR0-520. Dated: 10th November, 1987.*-In exercise of the powers conferred by section 5-B of Salaries and Allowances of Members of the Jammu and Kashmir State Legislature Act, 1960 (XIX of 1960), the Governor is pleased to make the following rules, namely:

1. (1) These rules may be called the Motor Car Advance (to Members of the Jammu and Kashmir State Legislature) Rules, 1987.

(2) They shall come into force from the date of issue of this notification.

2. A member of the Jammu and Kashmir State Legislature ('hereinafter referred to as the member) may be allowed an advance for the purchase of a *motor* car and such advance shall be equal to the cost of the Car or 2[Rs. 2. 50 lacs] whichever may be less.

3. The car advance shall be an interest bearing one and shall be treated as an advance recoverable. The 1[ rate of interest shall be 4% per annum :]

Provided that no car advance shall be sanctioned in favour of a member whose remaining term as such member is less than one year or who has already purchased the car.

4. (1) A member shall make an application in form 'A' of these rules to the Presiding Officer of the House of which he is member, for the advance for the purchase of a *Motor* Car. The Speaker or the Chairman, as the case may be, shall be the competent authority to sanction the advance for purchase of motor car.

(2) When an advance for the purchase of Motor Car is sanctioned, the purchase of the *Motor* Car shall be effected within two months from the date on which the money is drawn from the treasury unless the period is extended, otherwise the amount of the Car advance drawn with interest thereon for two months shall be forthwith refunded to Government.

*Note 1* :-Application for car advance may be made well in time and sanctioned by the competent authority as soon as possible. The advance may, however, be drawn only after the Member has received a written assurance from the dealer that the supply is likely to be available within two months and a certificate to this effect is recorded on the bill for the advance. In the event of any delay in the supply of *Motor* Car as referred to above, the member concerned may apply for extension of the time limit within the permissible period of two months and seek permission for retaining the advance for a further period of another month. Each such request should be supported with a letter from the dealer concerned, indicating the likely period of supply and will be considered on its own merits.

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1. Substituted by SRO-215 dated: 23-6-1988. (w.e.f 10-11-1987).

2. Substituted by SRO-133 dated: 4-4-1997.

*Note 2* :-In case the member fails to purchase a Motor Car within two months or it comes to the knowledge of the concerned Presiding Officer that the member has not purchased the car within two months, he shall be liable to pay the balance amount in lump sum with a rate of interest at 5% in addition to the interest chargeable under rule 3 of these roles:

Provided that where the period of two months has been extended, the additional interest shall be charged from the date following that on which the extended period expired.

1 [Recovery of the Car advance alongwith interest (shall be made in monthly installments of 2[Rs. 2000/-] from the salary bills of the member:

Provided that at the time he ceases to be a member, the said advance alongwith interest shall be deducted from his monthly pension at the rate of 2[Rs. 1500/-.]

6. After the Car Advance has been sanctioned in favour of the member, a copy of the sanction order shall be forwarded to the concerned Treasury Officer for making recovery of the installments from the salary bill of the concerned member.

7. At the time of drawing the advance, the member shall execute an agreement in Form 'I' appended to these roles and on completing the purchase he shall further execute a bond in Form 'II' appended to these roles, hypothecating the Motor Car to the Governor as security for the advance.

8. (1) the car shall be insured and the amount for which the car is insured during any period shall not be less than the outstanding balance at the beginning of that period and the insurance shall be renewed from time to time until the advance has completely been repaid. The insurance premium shall be paid for by the Member.

(2) Insurance cover notes and insurance policy shall be sent to the Secretary of the concerned House for deposit in safe custody.

*Note:-* The insurance policy shall be accompanied by an undertaking from the insurance company as in Form 'III' appended to these roles.

9. Except when the member has liquidated the advance in full, the previous sanction of the competent authority i.e. Speaker or the Chairman, as the case may be, shall be necessary to the sale of the Car owned by a member under these roles.

10. When the Car is sold before liquidation of the advance in full, the sale proceeds shall be applied, so far as may be necessary, towards the repayment of the

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1. Substituted by SRO-549 dated: 11-12-1987.

2. Substituted by SRO-366 dated: 11-11-1997



outstanding advance and the balance out of the advance, if any, shall be paid from the monthly salary subject to the conditions of repayment indicated in rule 5.

11. In case of death, resignation or disqualification by process of law of a member before the liquidation of the advance, the member or his legal heirs, successors as the case may be, shall be liable to pay the balance amount.

12. In case a member does not become entitled to pension under **JAMMU AND KASHMIR STATE LEGISLATURE MEMBERS' PENSION ACT, 1984**, the amount shall be recovered from him/his legal heirs, successors in such monthly installment as may be determined by the Chairman or the Speaker, as the case may be.

13. In case a member has received the Car advance under any law or rule for the time being in force, he shall not be entitled for Car Advance under these rules,

FORM "A"

APPLICATION FOR ADVANCE FOR THE PURCHASE OF MOTORCAR

- 1. Name of applicant. \_\_\_\_\_
- 2. Whether member of Legislative  
Assembly/ Member of Legislative  
Council. \_\_\_\_\_
- 3. PermanentAddress: \_\_\_\_\_
  - a. Village and Mohalla. \_\_\_\_\_
  - b. Tehsil. \_\_\_\_\_
  - c. District \_\_\_\_\_
- 4. Total emoluments. \_\_\_\_\_
- 5. Anticipated price of Motor Car. \_\_\_\_\_
- 6. Amount of advance required. \_\_\_\_\_
- 7. Date of expiry of the term. \_\_\_\_\_
- 8. Whether the intention is to  
purchase a new or an old Motor Car. \_\_\_\_\_
- 9. A Certified that the information  
given above is complete and  
true. \_\_\_\_\_

B. Certified that I have not taken delivery of the Motor Car on account of which I apply for the advance. That I shall purchase and take possession of the Motor Car before the expiry of two months from the date of drawal of the advance, and that I shall insure it from the date of taking delivery of it.

Signature of the Applicant.

Dated:

## FORM-"I"

FORM OF AGREEMENT TO BE EXECUTED AT  
THE TIME OF DRAWING AN ADVANCE FOR  
THE PURCHASE OF  
MOTOR CAR

An agreement made this \_\_\_\_\_ day of \_\_\_\_\_  
between Shri \_\_\_\_\_ -(hereinafter called the borrower  
which expression shall include his legal representatives and assignees) of the one  
part and the Governor) of Jammu and Kashmir (hereinafter called the Governor) of  
the other part ;

Whereas, the borrower has under the provisions of the Motor Car Advance (to  
Members' of the Jammu and Kashmir State Legislature) Rules, 1987 applied for an advance  
of Rs. \_\_\_\_\_.(Rupees \_\_\_\_\_) only for  
the purchase of Motor Car ; and

Whereas vide order No. \_\_\_\_\_ dated : \_\_\_\_\_  
the car advance has been sanctioned in favour of the borrower on terms and condi-  
tions hereinafter contained;

Now it is hereby agreed between the parties hereto that in consideration of  
the sum of Rs. \_\_\_\_\_(Rupees \_\_\_\_\_)only paid by  
the Governor to the borrower (the receipt of which the borrower here acknowl-  
edges), the borrower hereby agrees:

i) to pay to the Governor the said amount with interest calculated according to the  
said rules by monthly deduction from his emoluments/pension as provided for by the said  
rules and hereby authorises the Governor to make such deductions;

ii) to pay the entire amount alongwith the interest outstanding against him on the  
date he ceases to be a Member of the 'State Legislature or the advance along with interest  
shall be deducted from his monthly pension at such installments as is provided in the rules  
and hereby authorise the Governor to make such deduction;

iii) within one month from the date of these presents, to expend full amount of the  
said loan in the purchase of a Motor Car or if the actual price paid is less than the loan, to  
repay the difference to the Governor forthwith ;

iv) to execute a document hypothecating the said motor car to the Governor as  
security for the amount lent to the borrower as aforesaid and interest in the form provided  
by the said rules;

AND IT IS HEREBY LASTLY agreed and declared that if the motor car is not purchased and hypothecated as aforesaid within two months from the date of these presents the whole amount of the loan and interest accrued thereon shall immediately become due and payable.

IN WITNESS WHEREOF the borrower has hereinto set his hand the day and year first before written.

Signed by Shri \_\_\_\_\_ )  
\_\_\_\_\_ )

Witness 1 \_\_\_\_\_

Witness 2 \_\_\_\_\_

Signed for and on behalf of  
the Governor.

Secretary to Government  
Parliamentary Affairs Department.

Witness 1. \_\_\_\_\_

Witness 2. \_\_\_\_\_

## FORM-"II"

## FORM OF MORTGAGE BOND FOR MOTOR CAR ADVANCE

This indenture made this \_\_\_\_\_ day of \_\_\_\_\_ between Shri \_\_\_\_\_ (hereinafter called the 'borrower' which expression shall include his heirs, administrators, executors and legal representatives) of the one part and the Governor of Jammu and Kashmir (hereinafter called the Governor) of the other part;

WHEREAS, the borrower has applied for and has been granted an advance of Rupees \_\_\_\_\_ to purchase a motor car on the terms and conditions provided in the Motor Car Advance (to Members, of the Jammu and Kashmir State Legislature) Rules, 1987 (hereinafter referred to as the said rules); and

WHEREAS, one of the conditions upon which the said advance has been / was granted to the borrower is/was that the borrower will/would hypothecate the said motor car to the Governor as security for the amount lent to the borrower; and

WHEREAS, the borrower has purchased with or partly with the amount so advanced as aforesaid the motor car particulars whereof are set out in the schedule hereunder written;

NOW, this indenture witnesseth that in pursuance of the said agreement and for the consideration aforesaid the borrower doth hereby convenent to pay to the Governor the sum of Rupees \_\_\_\_\_ aforesaid of the balance thereof remaining unpaid at the date of these presents by equal payment of Rupees \_\_\_\_\_ each on every month and will pay interest on the sum for the time being remaining due and owing, calculated according to the said rules and the borrower both agree that such payments may be recovered by monthly deductions from his salary in the manner provided by the said rules, and in case he ceases to be a member, the entire amount along with the interest outstanding against him on that day shall be deducted from his monthly pension at the rate of Rupees \_\_\_\_\_ per month and in further pursuance of the said agreement the borrower doth hereby assign and transfer unto the Governor the motor car the particulars whereof are set out in the schedule hereunder written by way of security for the said advance and the interest thereon as required by the said rules;

AND THE BORROWER, both hereby agree and declare that he has paid in full the purchase price of the said motor car and that the same is his absolute property and that he has not pledged and so long as any money remains payable to the Governor in respect of the said advance will not pledged or part with property in or possession of the said motor car:

PROVIDED ALWAYS, and it is hereby agreed and declared that, if any, of the said installments of principal or interest shall not be paid or recovered in the manner aforesaid within ten days after the same are due or if the borrower shall sell or pledge or part with the property in or possession of the said motor car or make any composition or arrangement with his creditors with respect to this motor car or if any, person shall take proceedings in execution of any decree or judgement against the borrower with respect to this Motor Car, the whole of the said principal sum which shall then be remaining due and unpaid together with interest thereon calculated as aforesaid shall forthwith become payable;

AND IT IS HEREBY AGREED, and declared that the governor may on the happening of any of the events hereinbefore mentioned seize and take possession of the said Motor Car and either remain in possession thereof without removing the same or else may remove and sell the said motor car either by public auction or private contract and may, out of the said money retain the balance of the said advance then remaining unpaid and any interest due thereon calculated as aforesaid and all costs, charges, expenses and payments properly incurred or made in maintaining, defending or realising his rights hereunder and shall pay over the surplus, if any, to the borrower, his executors, administrators or personal representatives :

PROVIDED FURTHER THAT, the aforesaid power of taking possession or selling of the said motor car shall not prejudice the right of the Governor to sue the borrower or his personal representatives for the said balance remaining due and interest or in the case of the motor car being sold the amount by which the net proceeds fall short of the amount owing;

AND THE BORROWER HEREBY, further agrees that so long as any moneys are remaining due and owing to the Governor, he, the borrower will insure and keep insured the said motor car against loss or damage by fire, theft or accident with an Insurance Company;

AND THE BORROWER HEREBY further agrees that he will not permit or suffer the said motor car to be destroyed or injured or to deteriorate in a greater degree than it would deteriorate by reasonable wear and tear thereof and further that in the event of any damage or accident happening to the said motor car the borrower will forthwith have the same repaired and make good.

## THE SCHEDULE

Description of Motor Car.  
 Maker's name. Description.  
 No. of cylinders.  
 Engine number.  
 Chassis No.  
 Cost Price.

*In Witness whereof* the said (borrower's name),

and

\_\_\_\_\_ for and on behalf of the Governor have hereunto set their respective hands the day and year first above written.

Signed by the Said

Shri \_\_\_\_\_  
 \_\_\_\_\_

Signed by name and description  
 for and on behalf of the Govern-  
 ment

In the presence at

1. \_\_\_\_\_

2. \_\_\_\_\_

Secretary to Government  
 Parliamentary Affairs Department.

## FORM-"III"

## FORM OF THE CLAUSE TO BE INSERTED IN INSURANCE

IT IS HEREBY DECLARED AND AGREED that Shri \_\_\_\_\_  
\_\_\_\_\_ (the owner of the motor car hereinafter  
referred to as the insured in the Schedule to this policy) has hypothecated the car to the  
governor as security for advance for the purchase of motor car and it is further  
declared and agreed that the said Governor is interested in moneys which but for  
this endorsement would be payable to the said Shri \_\_\_\_\_  
\_\_\_\_\_ (the insured under this policy) in respect of the  
loss or damage to the said motor car (which loss or damage is not made good by  
repair, reinstatement or replacement) and such moneys shall be paid to the Gover-  
nor of Jammu and Kashmir as long as they are the mortgagees of the Motor Car  
and their receipt shall be full and final discharge to the company in respect of such  
loss or damage.

2. Save as by this endorsement expressly agreed, nothing herein shall modify or  
affect the rights or liabilities of the insured or the company respectively under or in  
connection with this policy or any term, provision or condition thereof.

\_\_\_\_\_  
Insurance Company\_\_\_\_\_

Dated:

THE HOUSING LOAN (TO MEMBERS' OF THE JAMMU AND KASHMIR  
STATE LAGISLATURE) RULES, 1988.

*Law Department Notification SRO-306 Dated: 22nd September, 1988.*-In exercise of the powers conferred by section 10 of Salaries and Allowances of Members of the Jammu and Kashmir State Legislature Act. 1960 (XIX of 1960), the Governor is pleased to make the following rules, namely:

1. (i) These rules may be called the Housing Loan (to Members, of the Jammu and Kashmir State Legislature) Rules, 1988 ;

(ii) They shall come into force from the date of issue of this notification.

2. A member of the Jammu and Kashmir State Legislature (here-in-after referred to as the member) may be allowed a Housing Loan of 1[Rs. 2.50 lakhs] for construction of a House:

Provided that in case the member does not avail the Car Advance admissible under Motor Car Advance (to Members, of Jammu and Kashmir State Legislature) Rules, 1987, he may be allowed a Housing Loan of Rs.2 lakhs in case he furnishes a certificate from the competent authority to that effect and in no case the two loans shall exceed 1[Rs. 5 lakhs.]

3. The loan shall be an interest bearing one and shall be treated as a loan recoverable. The rate of interest shall be 4% per annum:

4. (i) A member desiring to obtain Housing Loan shall make an application in form 'A' in triplicate, complete in all respects to the presiding Officer of the House of which he is member. He shall also furnish an affidavit to the effect that he has not availed himself of any Housing Loan under any scheme of the State Government. In case he has availed such loan under any scheme of State Government the same has been liquidated in full and nothing is outstanding against him on the date of submission of application under these rules.

(ii) On receipt of the application for Housing Loan, the Speaker or the Chairman, as the case may be, shall after satisfying himself that the application is complete in all respects and the member is eligible for grant of Housing Loan, record a certificate in Form-I and forward the same to the Administrative Department in the Civil Secretariat.

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1. Substituted by SRO-132 dated: 4-4-97.

## SECTION II-PRIVILEGE LEAVE-ORDINARY RULES

### TEMPORARY SERVICE

134. The privilege leave admissible to a Government servant who has only a temporary or officiating appointment on the regular establishment is 1/11th of the period spent on duty provided that when the privilege leave due amounts to 30 days he ceases to earn such leave.

**Note 1.** -This rule does not apply to employees of Public Works Department holding substantive appointment on the permanent scale, but not yet made permanent pension able.

**Note 2.** -If such an officer is appointed to a permanent office without interruption of his service, his temporary or officiating service may be treated as duty qualifying for privilege leave.

**Note 3.** - The employees in the Electric Department who have retained their work charge pay on coming to regular establishment may be allowed privilege leave under these Regulations as a special case; provided the Government does not incur any extra cost during such leave and the leave allowance granted to them is limited to the minimum of the corresponding permanent scale plus one-half of the difference between the pay actually drawn and such minimum.

**Note 4.**-Permanent employees of the Food Supplies Department be allowed leave under these Regulations like permanent employees of other permanent departments of the Government.

134-A. In the case of regular temporary establishment paid from contingencies or engaged on daily or monthly wages system, privilege leave may be granted only when no extra charge is imposed on the State. The privilege leave admissible will be 1/11th of the period spent on duty provided that when it amounts to 30 days it will cease to be earned.

The benefit of this Article can be allowed to the employees engaged on work-charged establishment also.

### AMOUNT EARNED.

135. The amount of privilege leave earned by an officer is one-eleventh part of the time during which he was on' duty without interruption; provided that no privilege leave can be earned by an officer by duty performed, while four months such leave is due to him, and that whenever duty is interrupted; all claims to privilege leave, previously earned is forfeited. Absence on privilege leave though not counting as duty, is not an interruption of duty within the meaning of this Article.

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**CALCULATION**

136. The calculation must be made as follows:

One calendar month for every 11 complete calendar months of duty and one day for every) 1 days of the balance.

**QUALIFYING SERVICE**

137. When an officer is first appointed to the Government service, service qualifying for privilege leave does not begin until he takes over charge of the office to which he is appointed (See Article 38).

138. The leave is earned by uninterrupted duty.

**LIMIT**

139. The amount of privilege leave admissible at one time is limited to four calendar months.

**AMOUNT DUE**

140. The privilege leave due to an officer is the privilege leave, which he has earned since the last interruption of duty, less the period during which he has been absent on privilege leave (Articles 135 and 141).

**INTERRUPTION OF DUTY CAUSED BY ABSENCE**

141. If an officer remains absent after the end of privilege leave or joining time, his duty is interrupted within the meaning of Articles 135 to 141 and 144 nor does the period of overstayal count as duty in the latter case. But if the Administrative Department and, in the case of non-gazetted officers, the Immediate Head of the Department or Officer, considers that his default was due to circumstances beyond his control, the penalty may be remitted.

<sup>1</sup>142. Deleted.

<sup>1</sup>143. Deleted.

**CONDITION OF GRANT**

144. Subject to the exigencies of the public service, an officer may be granted the whole or any, part of the privilege leave due to him.

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<sup>1</sup> Deleted vide F.D. Notification SRO-31 I dated.24-10-1962.

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LEAVE ALLOWANCE

<sup>1</sup>145. Except as provided in Articles 147 to 149 and 150 an officer on privilege leave is entitled to a leave allowance equal to salary or the presumptive pay as the case may be which he would receive if he were on duty in the appointment from which he proceeded on leave and he is entitled to this allowance even though another officer be appointed to act for him.

Note.- If, however the Government servant was officiating in a higher appointment at the time of proceeding on leave, the leave allowances equal to the salary or presumptive pay as the case may be of that appointment will be restricted to the period, so long as it is not resumed by another Government servant having a lien on higher appointment.

Government Instructions.-For purposes of above note leave sanctioning authorities should furnish a certificate that the post held by the Government servant in temporary/officiating capacity at the time of proceeding on leave would not be or was not resumed, as the certificate, is furnished at the time of sanction or at the expiry of leave, during the leave period by a Government servant having a lien on it. The certificate may either be recorded in the sanction to the grant of leave or may be furnished to audit on the expiry of the leave as may be convenient.

146. Deleted.

147. If an officer on transfer from one appointment to another obtains privilege leave without joining his new office, his leave allowance shall not be less than it would have been if he had joined his new office before taking leave; provided that the rate of pay attached to the new appointment is not different from and higher than the rate of pay attached to the old appointment. When, however, the transfer involves an increase in the officer's duties or responsibilities, and is to an office on a different and higher rate of pay from that drawn by the officer in the old office, the officer shall not draw the higher rate of salary until he actually joins his new office.

148. If privilege leave is granted to an officer who holds an appointment sanctioned only for a limited time and for a special purpose, he is not entitled, during privilege leave, to any special allowance attached to the appointment.

## LOCAL AND OTHER ALLOWANCES HOW AFFECTED

149. A local allowance attached to an appointment may be drawn by an officer-who takes <sup>2</sup>[x x x] leave from the post to which the allowance is attached or if he is transferred there from for not more than 4 months to another post, as

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1. Substituted vide F.D. Notification SRO.205 dated 9-5-1963.
  2. Deleted vide F. D. Notification SRO-60 dated 18-03-1964.

well as by the Government servant performing temporarily the duties of the post to which the allowance is attached; provided that

- (i) the authority sanctioning the leave or transfer certifies that the Government servant is likely to return on the expiry of his leave or temporary duty to the post to which the allowance is attached or another post carrying a similar allowance; and
- (ii) the Government servant certifies that he will continue to incur the whole or a considerable part *or* the expense<sup>3</sup> to meet which the allowance was granted.

A house rent allowance may be drawn by an officer on leave or transfer in the circumstances specified above; provided that he certifies that his previous rate of expenditure for a house continues during his absence and that, he places his house free of rent at the disposal of the Government servant, if any, who officiates in his post. The officiating Government servant cannot in such cases draw the house rent allowance attached to the post. If however, the officiating Government servant for a reason which the authority sanctioning the leave considers to be sufficient refuses the accommodation placed at his disposal, he and not the absentee will draw the allowance.

<sup>1</sup>Note.-' Local allowance' shall not be admissible during leave or temporary transfer, with effect from 1 -4- 1982.

### SECTION III-PRIVILEGE LEAVE IN CASE OF REGULAR VACATONS

150. Privilege leave to officers enjoying regular vacations, such as in the Education Department, shall not be admissible except in case of urgent necessity, when it can be granted on half <sup>2</sup>[of the salary or the presumptive pay as the case may be]. <sup>3</sup>[It can be combined with vacation either at the beginning or at the end thereof subject to the condition that the total period of privilege leave granted plus vacation does not exceed four months at a time.

Pending cases, if any, may be decided accordingly].

**Note:-** This Article will not apply in the case of Maternity Leave (*See Article 157-C*).

**Note 2.-**No privilege leave can be earned by an officer during the year he enjoys annual winter vacation in the Police Training School.

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1. Inserted vide F.D. Notification SRO-108 dated 30-3-1982.  
 2. Substituted for the words "pay only" vide F. D, Notification SRO-205 dated 9-5-1963 and shall be deemed to have effect from 1-8-1960.  
 3. Recast vide F.D. Notification SRO-65 dated 4-2-1974.

<sup>1</sup>Note 3-Note <sup>2</sup>[and Government Instructions] below Article 145 apply.

151. The preceding Article does not apply to the case of an officer who is, by general or special orders of the competent authority, prevented from availing himself of the vacation or vacations, by reason of his having to remain at his post on duty. In such a case, privilege leave may be granted under the ordinary rules; provided always that the leave shall not in any case be combined with vacation.

152. Article 150 does not also apply to the case of an officer whose work requires him to remain at his station for a portion of the vacation. Such an officer is eligible for privilege leave under ordinary rules, provided he has not been absent from his station for more than 5 days of the vacation. If he has been absent for more than 15 days, his title to privilege leave will be regulated by Articles 150 and 153.

**Note.**-Absence on duty whether within or out of jurisdiction, is not absence from station for the purposes of this Article.

153. An officer who/ is, by competent authority, debarred from enjoying a part only of a periodical vacation, may, during privilege leave subsequently taken, draw his full salary for a period bearing the same proportion, if the vacation be annual, to a month, or if it be half-yearly, to half a month, as the time spent on duty during the vacation bears to the whole vacation.

153-A. An officer transferred from a non-vacation to a vacation department can take the privilege leave which was at his credit at the time of such transfer; provided that the allowances during such privilege leave shall not exceed the allowances which would have been admissible if he had taken the leave immediately before being transferred.

**Note.**-When an officer who has accumulated privilege leave in a non-vacation department is transferred to vacation department, he loses his right to claim privilege leave and becomes subject to the rule that privilege leave can only be granted in cases of urgent necessity.

153-B. (a) An officer transferred from a vacation to a non-vacation Department counts his service for privilege leave under the ordinary rules from the date from which the last vacation in the former Department ended.

(b) If, however, he had at his credit at the time of his transfer any privilege leave on full salary admissible to him under Articles 151 to 153-A, the amount of such privilege leave shall be added to the privilege leave calculated under clause (a) above.

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1. Inserted vide F.D. Notification SRO-205 dated 9-5-1963 and shall be deemed to have come into effect from 1-8-1960.

2. Recast vide F. D. Notification SRO-615 dated 13-5-1969.

153-C. The reckoning under Articles 153-A and 153-8 shall not in any case extend backwards over an interruption of duty.

<sup>1</sup>*Government Instructions.-Doubts* have been expressed if a person on transfer from a vacation to non-vacation department or otherwise, when he has earned four months privilege leave on half pay, can earn privilege leave on full pay in face of provisions of Art. 135, which provides that no privilege leave can be earned by an officer by duty performed while four months privilege leave is due to him.

Normally provisions of Art. 135 are attractable in such a case, but reading Note I below Art. 153 (c) together with Art. 153, the intention obviously appears to allow accumulation of privilege leave on full pay in non-vacation department or in vacation department even when four months privilege leave on half pay is already at the credit of the Government servant. The credit of half pay leave will get reduced by the amount privilege leave of full pay is earned.

The above Government instructions shall be deemed to have always existed in the rules but cases decided otherwise in the past before 1-1-1978 shall not be re-opened.

**Note 1.**-An officer who is transferred from a vacation department to a non-vacation Department after enjoying the vacation, carries with him title to privilege leave on full pay calculated only on that part of his service in the Vacation Department passed after the last vacation enjoyed in that department but if is transferred before enjoying the vacation he counts for his privilege leave on full pay his service from the date on which the last vacation ended.

**Note 2.**-Privilege leave on full pay earned by an officer in the vacation department may be added to privilege leave earned in the non-vacation department.

154. Officers to whom privilege leave under the ordinary rules and condition is not admissible (Article 150), may combine vacation with long leave (either at the beginning or end thereof), on the same conditions as those on which other officers are allowed to combine privilege leave under Article 130.

Note.-Note 2 to Article 106 applies here also.

#### <sup>2</sup>COMMUTATION OF HALF PAY LEAVE'

154-A. Teachers in the Education Department (Schools and Colleges) may be allowed to commute the privilege leave earned by them on half pay, into leave on full pay, subject to the following conditions:

- (a) Privilege leave on half pay at the credit may be commuted into the half the leave on full pay;
- (b) the leave so commuted shall not accumulate beyond 15 days in a year and if it is not availed of during the year in which it is

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1. Inserted vide F.D. Notification SRO-150 dated 16-3-1979.  
2. Inserted vide F. D. Notification SRO-316 dated 3-7-1994.

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earned the un-availed part may be carried over to the next year only as a half pay leave subject to usual rules of accumulation of half pay leave;

- (c) the commutation of leave shall be allowed only on the grounds of illness and the production of a medical certificate will be insisted only if the leave required is beyond 5 days or when such leave is extended beyond 5 days;
- (d) the commuted leave shall not be allowed when casual leave is due. It shall not be allowed to be combined with vacations or casual leave or leave of any other kind due;

<sup>1</sup>*Note.-* The benefit of commutation of leave will be admissible to the teaching staff in institutions even other than Schools and Colleges, like Medical College, Polytechnics, Crafts Centres and the like institutions which enjoy vacations. Laboratory Assistants. Laboratory Bearers and Attendants who remain attached to the teachers in these institutions will also be entitled to the benefits of commutation.

#### **SECTION IV-Deleted**

155. Deleted

156. Deleted

157. Deleted

#### **SECTION V-MATERNITY LEAVE**

**157-A.** A competent authority may grant to a female Government servant maternity leave on full pay for a period which may extend up to the end of two months from the date of its commencement or to the end of one month from the date of confinement whichever be earlier.

**Note 1.-**Maternity leave may also be granted in the case of miscarriage including abortion subject to the conditions that-

- (a) Leave does not exceed six weeks, and
- (b) The application for leave is supported by a certificate from an authorised medical attendant.

*Note 2.-*Such leave will not be debited against the leave earned otherwise.

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1. Inserted vide F. D. Notification SRO-406 dated 3-7-1976.

*Note 3.*- Temporary regular female servants paid from contingencies or engaged on daily or monthly wages system may be granted maternity leave for three weeks during the period of confinement. No extra expenditure will however be admissible during such leave.

<sup>1</sup>**Government instructions.**- Temporary female Government servants other than those referred to in Note 3 above shall be entitled to maternity leave like permanent female Government servants.

<sup>2</sup>157-8. Maternity leave may be granted in combination with leave of any kind due. Leave of whatever kind due applied for in continuation of the maternity leave up to a maximum of 60 days may be granted without the production of a medical certificate.

157-C. Maternity leave may be combined with vacation or holidays if circumstances make such a course unavoidable.

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1. Inserted vide F.D. Notification SRO-7 dated 14-1-1964.

2. Recast vide F. D. Notification SRO-467 dated 9-8-1978.

**CHAPTER. XIII**

## LONG LEAVE

**SECTION I-EXTENT OF APPLICATION**

158. The rules in this chapter apply fully to all officers in the case of leave on medical certificate but in the case of other kinds of leave only to those officers who have substantive appointments on permanent establishments under the Government.

Note.-Employees of the Public Works Department holding substantive appointment on the permanent scale, but *no yet* made permanent pensionable may be considered as on permanent establishment for the purpose of this rule.

<sup>1</sup>159. Deleted.

**SECTION II-LONG LEAVE**

## LEAVE ON MEDICAL CERTIFICATE

160. Leave on Medical Certificate may be granted for three years in all but not for more than 2 years at one time, and no officer can have leave on Medical Certificate out of India more than twice.

**Note 1.**-Save as provided in Note under Article 158, an officer who has a temporary or officiating appointment only may be allowed leave under this Article up to 1/11th of the period spent on duty restricted to 3 months, if no substitute is required, or if his duties can be provided for without additional expenses.

**Note 2.**-A temporary Government servant <sup>2</sup>[x x x x] who contracts tuberculosis and undergoes treatment in a recognised sanatorium may be allowed in addition to the above amount of leave, extraordinary leave without allowances up to maximum period of twelve months on any occasion subject to the following conditions :

- (i) the appointment or post from which the Government servant proceeds on leave is likely to last till his return to duty;
- (ii) the extraordinary leave shall be granted subject to production of certificate from the Medical Officer-in-charge of the sanatorium specifying the period for which leave is recommended ; and
- (iii) the Medical Officer in recommending leave shall bear in mind the provisions of Art. 272-A *ibid*.

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1. Deleted vide F. D. Notification 191-F of 1960 dated 3-8-1960.

2. The words "superior or inferior" deleted vide F. D. Notification 406 dated 10.10.1966.

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**LEAVE ON PRIVATE AFFAIRS**

161. Leave on private affairs for six months may be granted to an officer, who has not had furlough, after six year's service and repeated after intervals of 6 years.

**Note 1.-** Leave on Private Affairs does not accumulate and cannot be taken in installments.

**Note 2.-** No leave except privilege leave counts as service for leave on private affairs.

**FURLOUGH**

162. Furlough maybe granted as follows :

- (a) After 10 year's service-One year or any less period; and thereafter at intervals of not less than 8 years, one year or such other period as together with all periods already spent on Furlough may not exceed 2 years; or
- (b) After 18 year's service-Two years or any less period; and thereafter, at intervals of not less than 8 years, any such period as together with all periods already spent on Furlough may not exceed 2 years.

Provided that :-

- (i) the service for Furlough of an officer who has had leave on private affairs, counts only from the date of his last return from such leave;
- (ii) the aggregate amount of Furlough, or of Furlough and leave on private affairs taken together, shall not exceed 2 years;
- (iii) an interval of not less than 18 months has elapsed between last return from privilege leave of over 6 week's duration, whether taken by itself or combined with leave on Medical Certificate and Furlough or privilege leave if any, with which the Furlough is combined.

**Note 1.-**Leave on Medical Certificate in excess of one year shall not count for furlough,

<sup>1</sup>**Note 2.-** The period of suspension followed by reinstatement, where only a portion of pay is allowed for the period of suspension, though not by itself counting for furlough will not constitute an interruption for purposes of service counting for furlough and private affairs.

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1. Inserted vide F.D. Notification SRO-311 dated 24-10-1962.

### STUDY LEAVE

162-A. Leave may be granted to Government servants under the rules as detailed in Schedule IV to enable them to study Scientific, Technical problems or any other problems of a similar nature or to undergo Special Courses of Instructions in any subject. Such leave will not affect aJ1Y leave otherwise earned.

### DISABILITY LEAVE

162-B. (i) A competent authority may grant special disability leave to a Government servant who is disabled by injury intentionally inflicted or caused or in consequence of the due performance of his official position.

(ii) Such leave shall not be granted unless the disability manifested itself within 3 months of the occurrence to which it is attributed and the person disabled brought it to notice with due promptitude.

(Hi) The period of leave granted shall be such as is certified by a Medical Board to be necessary. Extension can be allowed on certificate of a Medical Officer and the total period of leave shall in no case exceed six months.

<sup>1</sup>Explanation.-"Medical Board" should consist of three members including the members who should be the Director of Health Services/Adviser Medical Education as the case may be or in his absence Superintendent of a State Civil Hospital. The other two members will be nominated by the Director Health Services/Adviser Medical Education. In respect of Jammu and Srinagar cities the President of the Board shall be the Adviser Medical Education and in respect of other places the Director Health Services.

(iv) Such leave can be combined with leave of any other kind.

(v) Such leave may be granted more than once if the disability is aggravated or reproduced in similar circumstances at a later date but not more than six months leave can be granted in consequence of anyone disability.

(vi) Such leave shall be counted as duty in calculating service for pension only.

(vii) Leave salary during such leave shall be equal to full emoluments, horse allowance and other allowances to which an officer would be entitled as if he were on privilege leave for this period <sup>2</sup>in vacation departments the official enjoying regular vacations, when proceeding on disability leave, shall be entitled to the leave salary equal to full emoluments to which an officer in a .non-vacation department is entitled to, during such leave.

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1. Recast vide F.D. Notification SRO-346 dated 12-7-1973.

2. Inserted vide F. D. Notification SRO-113 dated 8.3.1977.

(viii) Special disability leave thus granted to a Government servant shall not affect the amount of leave at the credit of a Government servant.

<sup>1</sup>162-C. The provisions of Art. 162-B may be extended to a Government servant who incurs illness in the performance of any particular duty which has the effect of increasing his liability to illness or injury beyond the ordinary risk attaching to the post which he holds, or who contracts any particular illness which has the effect of causing any disability in him, attributable by the Medical Board to the topography of the place of posting.

#### LEAVE WITHOUT ALLOWANCES

163. Extraordinary leave without allowances may in case of necessity and when no other leave is by rule admissible, be granted for such time as may be necessary. Time spent on leave under this Article does not count as service for other leave. Subject to the provisions of Article 113 there is no limit to the length or frequency of leave under this Article. It may not be granted in combination with the grant of other leave, except as provided in Article 130. But it may be granted in continuation of other leave if circumstances arise which prevent the return of the officer to duty and which in the opinion of the Government or the authority empowered to grant leave, are such as to justify the concession. No officer is entitled to extraordinary leave.

<sup>2</sup>**Note 1.**-Save as provided in Note to Article 158, an officer who has a temporary or officiating appointment only may at the discretion of the officer competent to grant leave to men of corresponding rank with permanent appointments be allowed leave under this Article, for not more than three months. .

<sup>2</sup>**Note 2.**- The Education Department is authorized to grant leave without allowances beyond three months, but not exceeding a total period of two years in relaxation of Note I above, in favour of the inservice officiating/temporary B. Sc. Demonstrators for the period they undergo M. Sc. Course. This will be allowed in respect of such Demonstrators only as are in service on the date of issue of the order.

<sup>3</sup>**Note 3.**--'Temporary B. Sc. teachers in service, in the Schools Department who may intend to undergo, as private candidate M. Sc. course be allowed by the Administrative Department leave without allowances exceeding 3 months but not beyond a period of two years, in relaxation of Note I above. Acquisition of Post-Graduate qualifications by them, will not, however entitle them to any higher grade or pay other than what is admissible in the normal course under rules.

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1. Inserted vide F.D. Notification SRO-362 dated 6-8-1975.
  2. Numbered as Note 1 vide F. D. Notification SRO 249 dated 18-8-1964 and Note 2 added thereunder.
  3. Inserted vide F. D. Notification SRO-300 dated 28-6-1975.

<sup>1</sup>**Note 4.-** The wives of Defence services personnel who may be serving in Civil Services in temporary capacity may be allowed extraordinary leave without allowances up to six months at a time during the period their husbands main posted to family stations other than the one where their wives may be Irving. The concerned will rejoin their duty soon after their husband are posted back to non-family stations/operational area or within six months from e date of proceeding on leave whichever is earlier. The fact of posting at a family station and the period of such posting shall be got certified from the concerned Army quarters.

<sup>2</sup>**Government Institutions.-**No period of un-authorized leave or absence may be treated as Extraordinary Leave without allowances when a Government servant has at his credit earned leave. Where it is the intention of 'e competent authority not to allow the concerned Government servant any pay and allowances for the period of un-authorized absence the said period may be treated as 'Dies-non' (not qualifying for any remuneration). The 'Diesnon' in such cases shall not disturb the title of earned leave nor shall it constitute an interruption for service qualifying for pension, leave and increment.

**Explanation.-** The import of term Dies-non is that-

- (a) it does not qualify for any remuneration (pay and allowances).
- (b) it does not/count for pension.
- (c) it does not count for increment.
- (d) it does not cause any interruption for leave earned up to the date preceding that on which the period of 'Dies-non' has commenced unless it is the intention of the competent authority to have such period of leave forfeited in which case mention. about it should be made in the order itself.
- (e) it does not cause any interruption for the past service qualifying for pension.

#### LEAVE ALLOWANCES

164. (a) An officer on leave on Medical Certificate under Article 160 is entitled to half of his average salary for the first year of each period of such e but not for more than two years in all. For the relit of his leave under Article 160, he is entitled to a quarter of his average salary.

<sup>3</sup>[A temporary Government servant who proceeds on leave. on Medical Certificate shall be entitled to half of his average presumptive pay].

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1. Inserted vide F.D. Notification SRO-613 dated 13-11-1979.  
2. Recast vide F. D. Notification SRO-321 dated 7-12-1995  
3. Inserted vide F. D. Notification SRO-392 dated 28-9-1967.

(b) An officer on furlough or on leave on private affairs is entitled to half of his average salary.

(c) But whenever an officer whose appointment is not gazetted takes leave for not more than one month or whenever such an officer's salary '[presumptive pay] is less than Rs. 300, <sup>1</sup>[his special pay/presumptive pay (not salary)] when he gives up office is taken in lieu of average salary.

#### **LEAVE ALLOWANCES TO GOVERNMENT SERVANTS SUFFERING FROM TUBERCULOSIS OR CANCER**

<sup>2</sup>162-A. (a) A Government servant holding a permanent or a temporary post will, when suffering from Tuberculosis or Cancer, be entitled to leave allowances equal to his salary/presumptive pay for such period for which such leave is admissible on medical certificate under these Regulations.

<sup>3</sup>**Note.**-Leave allowance as specified above shall be granted to a Government servant having a temporary service of not less than one year's duration and if sick leave is otherwise admissible to him, even if a substitute is engaged in his place, or if additional expenses are incurred to provide for his duties.

(b) Leave allowance equal to full salary will be admissible to a Government servant on a certificate issued by the Government T. B. Specialist in the case of Tuberculosis patients and by a Physician Specialist, Superintendent of Sadler Hospital/Deputy Director Health Services, in the case of Cancer patients after proper examination of the patient by him to the effect that such Government servant is suffering from T. B. or Cancer.

(c) In the case of a Government servant who may not be able to find accommodation in a T. B. Hospital or T. B. Sanatorium or as indoor patient in other hospitals, in the case of Cancer patients, leave allowance equal to his salary will be admissible after the first year of such leave on a renewed certificate of T. B. Specialist in the case of T. B. patients and by a Physician Specialist, Superintendent of Sadler Hospital/Deputy Director Health Services, in the case of Cancer patients to the effect that the Government servant concerned needs treatment for T. B./Cancer as the case may be beyond the first year also.

<sup>4</sup>**Note.**- The provisions contained at Article 164-A will apply mutatis mutandis to Government employees whose kidney is transplanted. In such cases the leave will be sanctioned on the certificate of a Medical Officer of the rank of or equivalent to A-Grade Specialist or above.

Pending cases, if any, will be decided accordingly.

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1. Inserted vide F.D. Notification SRO-80 dated 10-2-1972.

2. Inserted vide F. D. Notification 155-F of 1957 dated 16-5-1957, 172-F of 1958 dated 7-5-1958 and No. 191-F of 1958 dated 17-6-1958.

3. Inserted vide F. D. Notification SRO-3 dated 5-1-1965.

4. Inserted vide F. D. Notification SRO-102 dated 15-2-1975.

165. (a) Half average salary is always subject to a maximum of Rs.750/- a month.

(b) One quarter average salary is always subject to a maximum of Rs. 375 a month.

#### LEAVE AFTER 55 YEARS OF AGE

166. An officer in superior service is eligible after he attains the age of 55 years for privilege leave, for any leave on private affairs (Article 161) to which he may be otherwise entitled, and also for leave without allowances, under Article 163, provided that the total leave granted, whether on private affairs or without allowances, does not exceed six months in all, and for no other kind of leave <sup>1</sup>[x x x x].

*166-A.* Leave due to an officer shall lapse on the date on which he must compulsorily retire; provided that if in sufficient time, before that date he has (1) formally applied for leave and been refused it, (2) ascertained in writing from the sanctioning authority that leave if applied for would not be granted, in either case the ground of refusal being the requirements of the public service, then the officer may be granted, after the date of retirement the amount of leave so refused subject to a maximum of <sup>2</sup>[6] months, the condition of admissibility of the leave being applied otherwise as in ordinary cases. <sup>3</sup>The powers to declare that the leave if applied for would not be granted, and/or to refuse leave preparatory to retirement and sanction the same after retirement vest in the Government:

<sup>4</sup>Provided further that an officer, whose service has been extended in the interests of the public service beyond the date of his compulsory retirement will earn for the period of extension, leave as admissible under Article 135.

The leave earned may be granted to him as under :-

(i) during the period of extension the leave due in respect of such extension and to the extent necessary, the leave due to him under the preceding proviso had-he-retired on the date of compulsory retirement;

(ii) after the expiry of the period of extension:

(a) the earned leave which could have been granted to him under the preceding proviso, had he retired on the date of compulsory retirement, less by the amount of such leave availed of during the period of extension; and

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1. Deleted vide F.D. Notification SRO-59 dated 18-3-1964.  
 2. Substituted vide F. D. Notification-SRO-58 dated 18-3-1964.  
 3. Recast vide F. D. Notification SRO-244 dated 25-6-1971.  
 4. Inserted vide F. D. Notification SRO-59 dated 18-3-1969.

- (b) any leave earned during the period of extension as has been formally applied for as preparatory to final cessation of his duties in sufficient time before that date and been refused, or ascertained in writing from the sanctioning authority that leave if applied for would not be granted, in either case the ground of refusal being the requirements of the public service.

This kind of leave and the total period which he may take on each occasion shall be regulated under Art. 166.

**<sup>1</sup>Government Instructions:**--One of the requirements of the rule for refusal of leave preparatory to retirement is that it should be applied for in sufficient time before the date of compulsory retirement. In order to enable the competent authority sufficient time to examine a request for leave preparatory to retirement it has been decided that application for leave preparatory to retirement should be submitted at least two months in advance of the date of which the concerned Government servant desires to proceed on leave.

*Note.-(a)* There is no bar to the refused leave being granted to a Government servant who has been offered re-employment after retirement from Government service. Such a Government servant may avail of the refused leave either:

- (i) immediately after the date of compulsory retirement or on the expiry of the period of extension and he may take up re-employment concurrently with such leave; or
- (ii) during the period of re-employment, but not concurrently with re-employment e.g. when refused leave is availed of by a Government servant during the period of re-employment and he does not perform duty simultaneously as in sub-clause (i) above; or
- (iii) on the termination of the period of re-employment.

(b) Where leave is availed of immediately after the date of compulsory retirement or on the expiry of the period of extension of service and the Government servant takes up re-employment concurrently with such leaves, the leave salary shall be restricted to the amount of the leave salary admissible in respect of leave on half average salary in addition to the pay of post. In cases where leave is availed of during the period of re-employment but not concurrently with re-employment, or on the termination of the period of re-employment, the leave salary shall be the same as would have been admissible

in the normal course but for re-employment reduced by the amount of pension or other retirement benefits.

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I. Inserted vide F.D. Notification SRO-448 dated 6-9-1974

<sup>1</sup>(c) The grant of refused leave after the date of compulsory retirement all not be treated as carrying with it automatic extension of service and the Government servant shall cease to retain lien on his permanent post or any other post during the period of such leave. When a Government servant is granted refused leave, beyond the date of compulsory retirement, or the expiry an extension of service, he shall be deemed *for* purposes of pensionary benefits to have retired from service on the date of his compulsory retirement, on the expiry of the extension *of* service, as the case may be, and shall become eligible *for* all pensionary benefits *from* such date. The leave salary admissible in such cases during the period of refused leave will be the same admissible in the normal course but reduced by the amount of pension and pension equivalent of other benefits.

d) A Government servant may be permitted to avail of the refused leave either in whole or in part at any time during the period of re-employment though leave earned during the period of re-employment is at his credit, if such course is to his advantage. The leave salary will be the same as admissible under sub-clause (b) above. But he will not be entitled to draw his employment pay in addition to leave salary during the period of refused leave so availed of.

The grant of refused leave during the period of re-employment will, ever, be conditional on the re-employing authority being able to grant of the refused leave during the period of re-employment.

**Government Instructions.-** This shall have *effect* from 17th October, 1962 the cases pertaining to the period prior to this date shall be governed by the rules which existed at the time of a Government servant's proceeding on refused leave.

<sup>2</sup>166-B. A Government servant who has been served a notice *for retirement* under Article 226 (2) or 226 (3) or who serves a notice *for voluntary retirement* under Article 230 may be granted leave due and admissible to him which may extend beyond the date on which he retires. 1 service, but not extending beyond date on which he attains the age of compulsory retirement:

Provided that a Government servant who is retired by Government by giving him pay and allowances in lieu of notice may apply, for leave within the period for which such pay and allowances were given and where he is granted, the leave salary shall be allowed only for the period excluding the period for which pay and allowances in lieu of notice have been allowed. From the leave salary, the amount of pension equivalent to gratuity shall be deducted.

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1. Inserted vide F.D. Notification SRO-321 dated 30-9-1964.

2. Inserted vide F. D. Notification SRO-289 dated 9-6-1977.

<sup>1</sup>166.C (1) A Government servant may be paid cash equivalent of leave salary in respect of period of privilege leave at his credit at the time of retirement on superannuation.

(2) This concession will be subject to the following conditions:

(i) the payment of cash equivalent of leave salary shall be limited to a maximum of 120 days of privilege leave;

(ii) the cash equivalent of leave salary thus admissible will become payable on retirement and will be paid in one lump sum as a one time settlement ;

(iii) Cash payment will be equal to leave salary admissible for privilege leave and dearness allowance admissible on the leave salary at the rates in vogue on the date of retirement. No other allowances like compensatory allowance, border allowance, mufasil allowance, house rent allowance or any other allowances will be admissible as part of leave salary

<sup>2</sup>(iv) Deleted

(v) The authority competent to grant leave shall *suo moto*, issue order granting cash of equivalent of privilege leave at credit on the date of retirement.

(vi) These rules will not be applicable in the following cases :-

(a) Pre-mature/voluntary retirement under Arts. 226 (2) or 226 (3) and Art. 230 *ibid.* or any other corresponding rule; and

(b) *persons who are* compulsorily retired as a measure of punishment.

<sup>3</sup>*Note-1- This shall be deemed to have come into effect on 1-1-1978 and shall apply tot Government servants who may have retired on 31-12-1977 or thereafter. Those who have been granted extension after their retirement from the said date will also get the benefit of this rule, after the date of final retirement on expiry of extension to the extent of privilege leave at credit on the date of superannuation plus the leave on during the period of extension reduced by privilege leave availed of during such period subject to a maximum of 120 days. Those who attained the age of superannuation before 31-12-1977 and were on extension of service thereafter will not get any benefit of this rule. Refusal of leave as preparatory to retirement as contained in Art.*

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1. Inserted vide F.D. Notification SRO-312 dated 8-6-1978.

2. Deleted vide F D Notification SRO-679 dated 24-10- 1978.

3. Numbered as Note 1 vide F. D Notification SRO-130 dated 6-4-1984.

166-A is no longer necessary. A Government servant can also avail of as leave preparatory to retirement or part of privilege leave at his credit. In that case, he will be allowed benefit of these orders for the privilege leave that remains at credit on the date of retirement in accordance with the provisions contained above.

<sup>1</sup>*Note 2.*-Refer also sub-clause (v) of rule 37 (2) of the Jammu and Kashmir Civil Service Leave Rules. 1979

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<sup>1</sup> Added as Note 2 vide. F. D. Notification SRO-130 dated 6-4-1984.

**PART IV-PENSION RULES****Chapter XIV-General Rules****SECTION 1-EXTENT OF APPLICATION.**

167 These rules apply to all Government officials serving In the Civil, Public Works, or other Government Departments, exceptu

(1) Officers whose services have been lent to the State by the Union Government or State Governments as their claims are governed by the rules in the respective Governments.

<sup>1</sup>(2) Deleted

(3) Revenue Patwaries who retired prior to 15th Baisakh, 1987 will get rewards under special rules given in Schedule V; for Revenue Patwaries and Girdawars who retire with effect from 15th Baisakh, 1987 or after, rules as given in this Part will apply

(4) The service of Irrigation Patwaries retired on or after 19th September, 1935/3rd Assuj, 1997 is permanent and pensionable from the date of discontinuance of bonus viz, 1<sup>st</sup> Katik, 1989 subject to the proviso that only that portion of the service will count towards pension in respect of which no bonus has been allowed.

(5) The official of the late ruling family who retired from the private department prior to 20th June, 1949 w ill be subject to pension rules under these Regulations while those who retired after that date will be entitled to pension from the State for service in the private department up to 20th June, 1949 and for subsequent service their pension liability will be borne *by* the Privy Purse of His Highness, according to the rule of proportion (See Article 34).

<sup>2</sup>Such permanent employees of the Private Domains of the Ex-Maharaja who were transferred to the establishment of the Regent from 20-6-1949 to 17-11-1952 will count their service during the period of Regency also for pension from the State Government.

This shall be deemed to have come into effect from 8-4-1958.

<sup>1</sup>*Nate 1.*-In case of mixed service, the pension will be regulated under the rules and paid by that Department in which the greater part of the qualifying

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1 Deleted vide F- D Notification SRO-418 dated 28-8-1970

2 Inserted vide F, D- Notification SRO-395 dated 8-8-1970

3 Inserted vide F. D- Notification SRO-249 dated 12-8-1964.

pensionable service has been performed, provided further that 'notwithstanding the provision contained in Art. 260 (b) in the case of employees who have put in greater part of the service in the Army Department of the State prior to its integration but whose services were as a result of integration placed at the disposal of the State Government, the service put in by them in the Army Department shall be taken into account for calculating their pension at the time of their retirement from service in the State.

This will have retrospective effect.

<sup>2</sup>Note 2:-Service rendered by the permanent members of the household staff of the Governor's household establishment shall count towards gratuity pension and other retirement benefits in the same manner and under the same conditions, as that of service qualifying for pension rendered by Government employees.

The appointment of household staff to the various posts in Raj Bhavan shall be made in the Office of the Secretary to Governor against supernumerary posts created *for* the purpose. Such staff shall be placed on deputation in the household establishment of the Governor without recovery of leave and pensionary contribution and without any payment or deputation allowance to the employees. The pay and allowances of the household staff of the Governor will continue to be met from the provision in Second Schedule of the Constitution of Jammu and Kashmir for "Staff and Household", The expenditure on pensionary charges of such staff will, however, be charged on the "Consolidated Fund" of the State.

The number of supernumerary posts created in the Governor's Secretariat for the purpose, shall always remain confined to the statutory provision for "Staff and Household" made in the Second Schedule of the Constitution of Jammu and Kashmir as amended from time to time and shall be exhibited in the annual budget estimates.

The personnel appointed against these posts shall be treated on regular service of the household establishment and treated as "permanent members" of the service for purposes of these rules.

This shall be deemed to have come into force from 22-6-1961 but no past cases of pension of the household establishment which may have been decided otherwise shall be re-opened.

<sup>3</sup>Principles regulating apportionment of pensionary charges in respect of the Government servants having mixed service in the

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1. Inserted vide F.D. Notification SRO-29 dated 24-1-1967 effective retrospectively from 13-5-1954

2. Inserted vide F. D. Notification SRO-215 dated 1-6-1967

3. Inserted vide F. D Notification SRO-511 dated 26-7-1972.

Municipalities/Town/Notified Area Committee and the State Government:

For purposes of this Note the term "Local Body" will mean a Town Area/Notified Area Municipality:-

Note 3:- Notwithstanding anything contained in Note I above, the incidence of pensionary charges, in respect of cases where mixed service between a Local Body and the State Government is involved and no pension contribution for the purpose has been paid will be determined as under :

- (i) If the net qualifying service under the Local Body and the State Government is less than 10 years in each case, but 10 years or more when taken together, the total of the two will be taken as qualifying service for determining the pensionary benefits which will be regulated in accordance with the rules applicable to the Local Bodies. The pension so determined will be apportioned between the State Government and the Local Body in accordance with the rule of proportion.
- (ii) Where the net qualifying service under the Local Body IS 10 years or more and under the State Government less than 10 years or *vice versa* the pension will be regulated under the rules of the service in which the greater portion of the qualifying pensionary service has been rendered and the amount of pensionary benefits apportioned between the State Government and the Local Body in accordance with the rule of proportion.
- (iii) In cases which are not covered by sub-clauses (i) and (ii) above the incidence of pensionary charges in respect of mixed service in the Local Bodies and the State Government will be regulated separately in accordance with the rules applicable to the Local Bodies or to the State Government for the period of qualifying service rendered under each, provided the total qualifying service will be limited to 30 years and the qualifying service reckoned for allowing pensionary benefits under the State rules and the rules of the Local Bodies, will bear the same proportion to the actual net qualifying service rendered under each as the total net qualifying service bears to 30 years. Where however, any such pensioner gets full pensionary benefits either in Local Bodies or under the State rules, no extra pensionary benefits will accrue to him in respect of other portion of his service. Pensionary benefits payable under State rules will be debited to State Government and those payable under rules of Local Bodies will be debitable to respective pension fund of the concerned body For determining pensionary emoluments in such cases the emoluments qualifying for pension drawn during the last three years/one year of service before retirement as the case may be should be taken into account.

- (iv) D. A. on pension will be calculated separately on the two pensions subject to the ceiling of D. A. that would be admissible in accordance with the orders applicable to the service in which greater portion of qualifying service has been rendered and it will be debitable proportionately amongst the State Government and the Local Bodies.

The above principles will have effective from 1-4-1965 in cases of mixed services between Municipality and the State Government and w.e.f. 1-1-1966 in cases of Town/Notified Area Committee and the State Government.

<sup>1</sup>Note 4. In case of mixed service on work charged establishment and regular temporary establishment refer to Note 1 below rule 15 of the Jammu and Kashmir Work Charged Employees Service Rules, 1972.

<sup>2</sup>Note 5. The principles for apportionment of pensionary charges contained in Note 3 shall not however apply in respect of payment of family pension. Family pension in such cases shall be authorised by the employee where the deceased served last whether the death be while in service or after retirement.

168. Further good conduct is an implied condition of every grant of a pension. The Government reserves to itself the right of withholding or withdrawing a pension. if a pensioner be convicted of serious crime or be guilty of grave misconduct.

Further, the grant will be subject to the condition that the pensioner does not engage himself in any contract, lease or any profession which has anything to do with the Department or Departments of the State wherein he served prior to his retirement.

168-A. The Government reserves to itself the right to order the recovery from the pension of an officer of any amount on account of losses found in Judicial or Departmental proceedings to have been caused to Government by the negligence or fraud of such officer during his service provided that-

- (a) such Departmental proceedings if not instituted while the officer was on duty--
  - (i) shall not be instituted save with the sanction of Government;
  - (ii) shall be instituted before the officer's retirement from service or within a year from the date on which he was last on duty, whichever is later;
  - (iii) shall be in respect of an event which took place not more than one year before the date on which the officer was last on duty; and

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1. Inserted vide F.D. Notification SRO-508 dated 31-8-1977.

2. Inserted vide F. D. Notification SRO-230 dated 28-5-1984.

(iv) shall be conducted by such authority and in such places as the Government may direct;

(b) all such departmental proceedings shall be conducted if the officer concerned so requests in accordance with the procedure applicable to departmental proceedings on which an order of dismissal from service may be made; and

(c) such judicial proceedings if not instituted while the officer was on duty, shall have been instituted in accordance with sub-clauses (ii) and (iii) of clause (a) above.

<sup>1</sup>168-AA (1) It shall be the duty of every retiring Government servant to clear all Government dues before the date of his retirement.

(2) Where a retiring Government servant does not clear the Government dues and such dues are ascertainable;

(a) an equivalent cash deposit may be taken from him; or

(b) Out of the gratuity payable to him an amount equal to that recoverable on account of ascertainable Government dues shall be deducted therefrom.

Explanation,- The expression "ascertainable Government dues" includes balance of house building advance (other than loan under Low/Middle Income Group/Housing Schemes) or conveyance advance such as Motor Car/Scooter/Motor Cycle/Bicycle etc. or short term advances like festival advance, advance pay/To A. and similar other advances, recovery as a punitive measure in order to make good the loss caused to Government as a result of negligence or fraud on the part of the Government servant while he was in service, recovery on account of over issues of pay, allowances, or leave salary, arrears of rent and other charges pertaining deductible at source to occupation of Government accommodation, arrears of income tax.

(3) A no demand certificate to be furnished by a Government servant shall only in respect of Government dues referred to in "explanation" above. No such certificate has to be obtained in respect of dues like water tax, electricity dues to Municipality or Co-operative Societies, sums due from the officer to an autonomous organisation, rent due from the Officer to Evacuee Property Department on account of any residential accommodation allotted to him on permanent basis, which he will continue to occupy even after retirement.

Government Instruction No. 3.-(a) For adjustment of Government dues pertaining to occupation of Government accommodation the Head of Office will write to the Director Estates/Chief Engineer R & B at least two years before the anticipated date of retirement of a Government servant for issue of No Demand Certificate :-

The Directorate of Estates/Chief Engineer R& B will scrutinize its records and inform the Head of Office eight months before the date

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1. Inserted vide F. D. Notification 45 dated 28-1-1980 read with Corrigen No. A/60 (78)-91 dated 18-1-1985.

of retirement of the Government servant if any outstanding dues were recoverable from the Government servant on that date for the occupation of Government accommodation in respect of any period prior to that date. If no intimation regarding outstanding dues is received by the Head of Office, the presumption would be that nothing was recoverable from the Government servant in respect of any past period and issue of final pension payment order and order for payment of gratuity shall not be delayed on this account.

- (ii) The Head of Office shall ensure that rent for the next eight months i.e. up to the date of retirement is recovered every month from the pay and allowances of the Government servant or is remitted by the concerned Government servant to Estates/or P. W. Department direct under intimation to his Head of Office. .
  - (iii) Where the Directorate of Estates or the P. W. Department intimate the amount of Government dues recoverable in respect of any period mentioned at (i) above, the Head of Office shall ensure that the dues are recovered out of the gratuity before its payment is authorised.
  - (iv) A Government servant is eligible to retain Government accommodation for the permissible period of one month beyond the date of his retirement on the payment of usual rent as he was paying before retirement. The Directorate of Estates or the P. W. Department as the case may be will also intimate to the Head of Office the amount of rent in respect of the said permissible period of one month which shall be recovered from the amount of death-cum-retirement gratuity together with the dues intimated under (i) and (ii) above.
- (b) Adjustment of dues other than pertaining to Government accommodation: .

In respect of Government dues other than pertaining to Government accommodation steps should be taken to ascertain or assess the outstanding dues when the processing of pension papers is taken up, two years prior to the retirement date. As the next stage of the actual preparation of pension papers is reached only after a year and four months i.e. eight months before retirement, there is ample time for ascertaining all kinds of Government dues. Once that stage is reached, any further probing of records for recoveries due shall cover only a limited period i.e. not more than two years before the date of retirement. It should thus be quite possible for the Head of Office, to ascertain or assess all the dues, particularly those pertaining to long-term advances such as house building or conveyance advances, over payment of pay and allowances and such other dues, prior to the prescribed deadline for the issue of the pension payment/gratuity payment order or the provisional pension/gratuity order. The pension papers should clearly indicate the total amount of outstanding dues which should be recovered out of the death-cum-retirement gratuity before authority for the payment of gratuity (whether final or provisional) is,

issued, and if, after the pension papers have been transmitted to the office responsible for issuing the pension payment order, additional recoveries to be made from the gratuity come to notice, the fact shall be promptly reported to that office. In a case where no major recoveries are due but 10% of the gratuity or Rs. 1,000/- has been withheld because there might be unassessed Government dues or because the gratuity has been provisionally paid or because last pay certificate has not been received the withheld amount shall automatically become payable on the expiry of the six months after retirement. The authority issuing the pension and gratuity payment orders shall indicate in the orders granting a provisional gratuity (or the final gratuity payment order) itself the amount of gratuity withheld and add further that the withheld amount shall be released by the officer disbursing the pension without further instructions on the expiry of the period of six months from the date of retirement, unless instructions for the recovery of a specified sum or sums from the withheld amount are issued within the aforesaid period.

<sup>1</sup>Government Instruction No. 2.- (a) Drawing and Disbursing Officer/ Treasury Officers *must* forward the Last Pay Certificate of the retiring Government servant on the day the pay and allowances up to the date of retirement are paid to the Government servant. In case they are not in a position to indicate the entire outstanding dues against the Government servant on the reverse of L. P. C. they may indicate the details of the outstanding dues as may be known to them as per their books on the date of retirement.

(b) In case where Last Pay Certificate is not received, the Accountant General need withhold Rs. 1,000/- or 10% of the gratuity whichever is *less* and release the G. P. O. He will however ensure that the dues already intimated to him by the Head of Office etc. are duly recovered.

(c) In case the Head of Office do not indicate the details of dues to be recovered from the retiring Government servant or do not suggest withholding of a specified amount and also do not indicate that the Government dues are being assessed and will be intimated separately it will be presumed by the Accountant General that there were no dues recoverable from Government servant in respect of period prior to the date of forwarding the application. In case the Accountant General does not receive any further information in the No Demand Certificate by the due date of issue of PPO/GPO, he will release authorities after withholding over and above the amount withheld for L.P.C. another 10% of gratuity or Rs. 1,000/- whichever is *less*. This withheld amount will also be released by him after the expiry of prescribed period of six months without any exception under intimation to the Head of Office, Administrative Department, Finance Department and the Chief Secretary.

(d) As regards recoveries outstanding on long and short-term loans the detailed accounts of which are maintained by the Accountant General, the Accountant General may post the recoveries for the last six months provisionally on the basis of deduction certificates furnished by the Head of

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1. Inserted vide SRO-619 dated 01-10-1986.

Office or from the details in the L. P. C. in the broadsheet and finalise the pension case. (If possible Accountant General may also verify the recoveries from the paid vouchers which are invariably received in his office and are undergoing other processes before reaching loan group). If in any stray case it is found that the deduction certificate given by the Head of Office was not actually correct, the officer furnishing the certificate be held responsible for the amount due to the Government.

<sup>1</sup>168-8. In cases not governed by the provisions of rule 168-A, the following rules shall govern the recoveries from pension and compassionate allowances:

- (1) A claim may become known and the question of recovery may arise
  - (A) When the calculation of pension is being made and before the pension is actually sanctioned; or
  - (B) After the pension has been sanctioned.
- (2) The claim and the recovery may be one or other of the following-
  - (a) Recovery as a punitive measure in order to make good the loss caused to Government as a result of negligence or fraud on the part of the person concerned while he was in service.
  - (b) Recovery of other Government dues such as over-issues of pay, allowances or leave salary or admitted and obvious dues such as house rent, life insurance premia, outstanding motor-car, house building, travelling and other advances.
  - (c) Recovery of non-Government dues.
- (3) In cases falling under clause (1) (A) above, none of the recoveries mentioned in clauses 2 (a) to (c) above may be effected by a reduction of the pension about to be sanctioned except in the following circumstances :
  - (a) When the service of a Government servant can be held to have been not thoroughly satisfactory, a reduction in the amount of pension may be made under Article 234 by a competent authority although no direct penal recovery from pension is permissible.
  - (b) When the pensioner, by request made or consent given, has agreed that the recovery may be made. If such request is not made or consent is not given by the pensioner, even sums admittedly due

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1. Substituted vide F. D. Notification SRO-400 dated 10-12-1962.

to Government such as house rent, outstanding advances etc. may not be recovered from pension.

- (4) In cases falling under clause (1) (B) above, none of the recoveries mentioned in clause (2) (a) to (c) above may be effected by deduction from the pension already sanctioned, except at the request or with the express consent of the pensioner. In cases where the pensioner does not agree to recovery being made even of sums admittedly due to Government, the executive authorities concerned would have to consider whether they should not try to effect the recovery otherwise than from pension, for example by going to a court of law, if necessary.

Note.--(a) Unless otherwise provided by rules relating to house building advances and other housing loans every effort should be made to settle and recover before the date of retirement sums due to Government from a retiring Government servant *e.g.* over issues of pay, allowances or leave salary, or admitted or obvious dues such as house rent, life insurance premia, outstanding balance of various advances etc.

(b) A no demand certificate should be issued in the form referred to in Art. 289-A, and at no cost its issue be delayed and if any dues remain unassessed and unrealised on the date of retirement of a Government servant, any of the following Courses may be adopted:

- (i) The retiring Government servant may be asked to furnish a surety of a suitable permanent Government servant in Surety Bond (Form 2) prescribed in Schedule XII which will be accepted by the authority competent to sanction pension on behalf of the Governor.
- (ii) If the retiring Government servant is unable or unwilling to furnish a surety, a suitable cash deposit not exceeding the estimated amount of the outstanding dues plus 25 per cent thereof may be taken from him till the outstanding dues are assessed and adjusted.

If the surety is found acceptable or cash deposit taken, the payment of his pension or gratuity or his last claim for pay etc., and the issue of last pay certificate should not be withheld.

(c) Efforts should be made to assess and adjust the recoverable dues within a period of 3 months from the date of retirement *of* the Government servant concerned. In any case the cash deposit should not be held back or the surety bond over beyond a period of two years after retirement of the Government servant. If some dues recoverable from a retired Government servant come to light more than two years after his retirement, by which time normally the surety would have been released, or the cash deposit would have been refunded,

the question whether recovery of the irrecoverable amount should be waived or the recovery made from the Government servant responsible *for* not assessing and effecting the recovery in time should be considered on merits.

<sup>1</sup>Government Instruction No. 1.-The term "suitable" permanent Government servant referred to above shall mean a Government servant holding a substantive appointment on a permanent post, of an equivalent or a higher status.

While forwarding the Surety Bond to the Accountant General with pension papers/last salary claim in the case of Gazetted Officers the pension sanctioning authority should certify that necessary Surety Bond in lieu of no demand certificate has been obtained from Shri .....who is permanent and that it has been examined and found in order and accepted on behalf of the Governor.

**2Government Instruction No. 2.**-A surety bond remains current *for* a period of two years only; and if the required 'No Demand Certificate' is not obtained by a pensioner who has furnished a surety bond in lieu thereof within the said period of two years, he can *offer* a fresh surety bond along with a personal bond, as otherwise he cannot get his pension provided delay in issue of 'No Demand Certificate' may not be attributable to the pensioner.

<sup>3</sup>**Government Instruction No. 3.**-In terms of Government Instruction below Article 234 the requirement of the administrative sanction has been dispensed with and therefore, the pension sanctioning authority has no role to pay in the processing and finalising pension cases. The authority preparing the pension case shall be responsible *for* the processing and finalising pension cases. Henceforth that authority shall also be the authority competent to accept the surety bond *for* and on behalf of the Governor.

<sup>4</sup>168-C. In the case of a Government servant who retires on or after 1st May, 1971 it shall be presumed that there is no claim against the Government servant if none is made within six months after his retirement. After the lapse of this period any deposit or surety or gratuity withheld *for* meeting Government dues shall be released. Where a no demand certificate in favour of a Government servant has not been issued within six months after his retirement, it shall be presumed that there is no outstanding against him and finalisation of his pension case shall be processed accordingly. If some dues recoverable from a retired Government servant come to light more than six months after his retirement by which time normally the surety/withheld gratuity, would have been released, or the cash deposit would have been refunded, the question whether the recovery of the irrecoverable amount should be made from the Government servant responsible *for* not assessing and

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1. Inserted vide F. D. Notification SRO-287 dated 10-9-1964.

2. Inserted vide F. D. Notification SRO-291 dated 18-6-1974.

3. Inserted vide F. D. Notification SRO-45 dated 28-1-1980.

4. Inserted vide F. D. Notification SRO-193 dated 24-5-1971

affecting the recovery in time or through the legal procedure should be considered on merits. In no case shall the dues of the Government be allowed to lapse. In respect of dues of any Department concerned with renting of Government buildings the period of six months shall be reckoned from the date of retirement of the officer or the date of complete vacation of Government accommodation whichever is later.

<sup>1</sup>168-D(1) Where any departmental or judicial proceeding is instituted under Art. 168-A or where departmental proceeding is continued under clause (a) of proviso thereto against an officer who has retired on attaining the age of compulsory retirement or otherwise, he shall be paid during the period commencing from the date of his retirement to the date on which, upon conclusion of such proceedings final orders are passed, a provisional pension not exceeding the maximum pension which would have been admissible on the basis of his qualifying service up to the date of retirement or if he was under suspension on the date of retirement, up to the date immediately preceding the, date on which he was placed under suspension, but no gratuity or death-cum-retirement gratuity shall be paid to him until the conclusion of such proceeding and the issue of final orders thereof.

(2) Payment of provisional pension made under clause (1) above shall be adjusted against the final retirement benefits sanctioned to such officer upon conclusion of the aforesaid proceeding but no recovery shall be made where the pension finally sanctioned is less than the provisional pension or the pension is reduced, withheld either permanently or for a- specified period.

*Note.-* The grant of pension under this Article shall not prejudice operation of Articles 233 and 234, when final pension is sanctioned upon conclusion of the proceeding.

<sup>2</sup>*Government Instruction No. 1--(i)* The payment of provisional pension is mandatory. Even in cases where the departmental proceedings instituted against a Government servant were for a major penalty and in which ultimately no pension might become payable on the conclusion of the proceedings after his retirement the provisional pension cannot be denied to the retired Government servant till conclusion of proceedings.

(ii) Provisional pension paid under these rules will remain provisional so long as the departmental proceedings are not finalized.

(iii) In the case of provisional pension. Pension sanctioning authority has no discretion to pay less than the maximum pension, which would otherwise be admissible to the Government servant. In all such cases hundred percent pension which would be admissible to the Government servant had he retired in the normal course should be authorised Death-cum-Retirement Gratuity will remain stopped till conclusion of the proceedings.

Pending cases if any shall be decided accordingly.

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1. Inserted vide F. D. Notification SRO-320 dated 2-7-1971.

2. Inserted vide F. D. Notification SRO-514 dated 17-9-1979.

<sup>1</sup>**Government Instructions No.2.**--Where a retired Government servant who is in receipt of provisional pension dies before the conclusion of the departmental/judicial proceeding instituted against him he should be treated as if exonerated of all charges leveled against him, and the period of suspension, if any preceding his retirement shall be treated as period spent on duty, and Death-cum-Retirement Gratuity and the arrears pay/ cash in lieu of leave salary or increase in pension as a result of treating the period of suspension as duty or any other benefit if any due, shall be released in full, in the same manner in which it would have been granted had the person retired in the normal course without there having been any departmental/judicial proceeding instituted against him.

## SECTION-II CASES IN WHICH CLAIMS ARE INADMISSIBLE

### SPECIFICATION OF CASES

169. In the following cases, no claim to pension is admissible:-

- (a) When an officer is appointed *for* a limited time only or for a specified duty, on the completion of which he is to be discharged.
- (b) When a person is employed temporarily on monthly wages without specified limit of time or duty; but a month/ Es notice of discharge should be given to such a person and his wages must be paid *for* any period by which such notice falls short of a month.
- (c) When a person /Es whole time is not retained *for* the Government service, but he is merely paid *for* work done *for* the Government, such as Public Prosecutor, etc.
- (d) When a public servant holds some other pensionable office, he earns no pension in respect of an office of the kind mentioned in clause (c) or in respect of duties paid for by a Local Allowance.

### MISCONDUCT OR INEFFICIENCY

170. Pension may not be granted to an officer whom it is desired to remove *for* misconduct, insolvency or inefficiency, but to officer so removed, compassionate allowance may be granted by Government in special cases, provided that the allowance granted to my officer shall not exceed two-third of the pension which would have been admissible to him if he had retired on Medical Certificate.

(See also Note under Article 233)

<sup>2</sup>170-A Deleted.

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1. Inserted vide F. D. Notification SRO-188 dated 12-5-1981.

2. Deleted vide General Department Notification SRO-175 dated 13-8-1962

### CLAIMS OF WIDOWS

171. (a) It being the duty of every Government Officer himself to provide for his family, the Government recognizes no claim by a widow on account of the services of her husband and is almost invariably under painful necessity of rejecting recommendations made in contravention of this rule.

(b) The submission of such recommendations save under very extraordinary circumstances is disapproved as calculated only to give rise to hopes which cannot be fulfilled. Cases for relief of families of Government servants left in indigent circumstances through the premature death of Government servants will be considered on their own merits under the rules contained in Schedule VI.

*Note.*- The above rules apply also to the deserving cases of widows or other dependants of work-charge employees of the Public Works and Electrical Departments who may have died in execution of Government duty by causes beyond their control.

### LIMITATIONS

172. An officer cannot earn two pensions in the same office at the same time or by the same continuous service.

173. <sup>1</sup>[Except as provided in Article 177] two officers may not simultaneously count service in respect of the same office.

## CHAPTER XV

## CONDITIONS OF QUALIFYING SERVICE

**SECTION I-DEFINITION OF QUALIFYING SERVICE**

## BEGINNING OF SERVICE

174. (a) Except for Compensation gratuity, an officer's service does not, in the case of superior service, qualify till he has completed 118 years of age.

(b) In other cases the service of every officer begins when he takes charge of the office to which he is first appointed.

(c) In the case of 2[Government servant] to whom proviso to Article 226 (1) applies service counts after the age of 16 years.

## CONDITIONS OF QUALIFICATION

175. <sup>3</sup> [Except as provided in Article 177] the service of an officer does not qualify for pension, unless it fulfils the following three conditions;

First- The service must be under the State.

Second-The employment must be substantive and permanent.

Third-The service must be paid by the Government.

These three conditions are fully explained in the following Sections.

<sup>4</sup>*Note.-In* respect of the 2nd condition proviso below Article 177 also refers.

**SECTION II-FIRST CONDITION**

## SERVICE UNDER GOVERNMENT

176. The service of an officer does not qualify unless he is appointed and his duties and pay are regulated by the Government or under conditions determined by the Government.

**SECTION III-SECOND CONDITION**

## GENERAL PRINCIPLES

<sup>5</sup>177. Service does not qualify unless the officer holds substantive office on a permanent establishment:

Provided that in case of a Government servant retiring from service on or after 1st January, 1962 if he was holding a substantive office on a permanent

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1. Recast vide F. D. Notification SRO-110 dated 10-03-1983.

2. Substituted for the words "superior service" vide F. D. Notification SRO-406 dated 10-10-1966.

3. Inserted vide F. D. Notification SRO-321 dated 29-10-1962.

4. Inserted vide F. D. Notification SRO-319 dated 30-06-1973.

5. Recast vide F. D. Notification SRO-640 dated 14-9-1972.

establishment on the date of his retirement, temporary, officiating including temporary service on <sup>1</sup>temporary establishment/Department, S. P. T., or quasi-permanent service followed without interruption by confirmation in the same or another post shall count in full as qualifying service, except in respect of:

- (i) periods of service paid on work charge establishment, and
- (ii) periods of service paid from contingencies:

Provided further that in case of continuous quasi-permanent service of 5 years or more, a Government servant who may not have been confirmed on any post before the date of his retirement (including retirement on invalid pension) shall be entitled to count the entire period of quasi-permanent service and the continuous temporary service whether on pensionable or <sup>1</sup>temporary establishments/Department (excluding non-pensionable establishments mentioned above) preceding his quasi-permanency, towards service qualifying for pension and he shall be eligible for pensionary benefits as if the entire period of temporary service and the quasi-permanent service were permanent and pensionable.

2(i) Provided also that a temporary Government servant' who on his retirement from service on attaining the age of superannuation or on his being declared permanently incapacitated for further Government service by the appropriate medical authority or who on his death while in service, has rendered temporary service of not less than 20 years, shall for purposes of all pensionary benefits, be treated to have held a permanent pensionable post in a substantive capacity immediately before his retirement or death as the case may be.

Pending cases if any shall be regulated accordingly.

<sup>3</sup>177-A. Notwithstanding anything contained in Art. 177, a work charged employee/whole time contingent paid staff including daily rated worker(s) [excluding casual/seasonal worker(s)] who is/are brought on regular establishment and retires/retire without having been declared substantive or quasi-permanent, shall be allowed to count 50% of his/her work charged/contingent paid service as qualifying for pension together with the period of service rendered in regular establishment. If the total of two spells is 20 years or more, he will be eligible for pension under the preceding proviso.

This shall have effect from the & date of issue of O.M. No. A/36 (94)-1152 dated 29-12-1995.

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1.Substituted vide F. D, Notification SRO-319 dated 30-06-1973.

2.Recast vide F.D Notification SRO-281 dated 15-04-1986.

3.Recast vide F. D. Notification SRO-154 dated 28-04-1997.

178. Notwithstanding the provisions of Article 177 an officer transferred from a temporary to a permanent appointment can count his service in the temporary office if, though at first created experimentally or temporarily, it eventually becomes permanent.

179. Notwithstanding the provisions of Article 177 an officer, without a substantive appointment officiating in an office which is vacant, or the permanent incumbent of which does not draw any part of the pay or count service, may, if he is confirmed without interruption in his service, count his officiating service.

#### APPRENTICES

180. Service as an apprentice does not qualify.

<sup>1</sup>Note.-An apprentice made to undergo training before his regular - appointment in Government service in non-Gazetted capacity may be allowed to count the training period <sup>2</sup>[x x x] as service qualifying for pension provided the training was completed successfully and the person has been put on regular service, without any break, between such regular and stipendiary service.

#### PROBATIONERS

181. The service of an probationer who holds a substantive office and draws substantive pay qualifies. So does that of an officer who is on probation for a substantive office, if he is employed in a vacancy reserved for him, pending probation, and in which no other officer simultaneously counts service.

182. Time spent by Police Probationers while in course of training will count as service for pension, provided they pass their examination.

<sup>3</sup>183. Similarly time spent by an officer holding substantive office under Government in settlement training or other institutions within or outside the State, will count as service for pension, provided he passes- the examination, if any, within the prescribed limit.

#### PERMANENT OFFICER DEPUTED

184. An officer on a permanent establishment detached on temporary duty under the State on the understanding that, when the temporary duty ceases, he will return to the permanent establishment counts his detailed service (See Article 245).

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1. Inserted vide F. D. Notification SRO-285 dated 28-6-1984.

2. Deleted vide F. D. Notification SRO-18 dated 14-1-1987.

3. Substituted vide F. D. Notification 174-F of 1960 dated 4-8-1960.

## OFFICERS LENT TO OTHER EMPLOYERS

185. The service of an officer may be lent temporarily to other employers *e.g.* Government of the Union or of any State or any Local Body with the sanction of the competent authority provided

(a) the officer has rendered five years service <sup>1</sup>[x x x] and

(b) <sup>2</sup>[Unless otherwise provided in these rules] contributed for pension and leave allowance is paid by each employer <sup>3</sup>[at the rates indicated herein below]. The competent authority may relax condition (a) in exceptional cases. If the officer belongs to a graded service or is on a progressive or time-scale of pay, contribution is payable on that pay to which he has attained or is promoted from time to time under Government rules. If any of these conditions is not fulfilled, the period spent under such employers, except in the case of service taken during leave with allowances under Article 112(c), will not count, for pension or leave and will constitute an interruption of service for leave under these Regulations. The officer so lent shall be said to be in foreign service.

<sup>4</sup>The rates of monthly contribution payable during active foreign service for leave salary shall be 11 % of pay drawn in foreign service whereas for pension it shall be determined according to the length of service as per following table:

TABLE

<u>Length of Service</u>	<u>Amount of pension contribution</u>
0-1 year	5% <sup>5</sup> Of maximum of the scale held substantively or in an officiating capacity immediately before his deputation, or the maximum of the scale to which he may be provided in his parent cadre on proforma basis from time to time while continuing on deputation.  The contribution shall also be leviable on the amount of special pay, Dearness Pay and other allowances, if any, drawn by the officer, which" qualify for pensionary emoluments.
1-2 years	5% do.
2-3 years	5% do.

1.The words "qualifying for pension" deleted vide F. D. Notification SRO-405 dated 6-2-1963.

2.Inserted vide F. D. Notification SRO-31 8 dated 30-09-1964.

3.Substituted for the words "equal to '14th of the pay drawn immediately before transfer" vide F. D. Notification SRO-161 dated 14-4-1966.

4.Inserted *ibid*.

5.Recast vide F. D. Notification SRO-751 dated 23-10-1972.

<u>Length of Service</u>	<u>Amount of pension contribution</u>	
3-4 years	6%	<sup>1</sup> Of maximum of the scale held substantively or in an officiating capacity immediately before his deputation, or the maximum of the scale to which he may be provided in his parent cadre on proforma basis from time to time while continuing on deputation. The contribution shall also be leviable on the amount of special pay, Dearness Pay and other allowances, if any, drawn by the officer, which qualify for pensionary emoluments.
4-5 years	6%	do.
5-6 years	7%	do.
6-7 years	7%	do.
7-8 years	8%	do.
8-9 years	8%	do,
9- 10 years	9%	do.
10-11 years	9%	do.
11-12 years	10%	do.
12-13 years	10%	do.
13-14 years	10%	do.
14-15 years	11%	do.
15-16 years	11%	do.
16-17 years	12%	do.
17-18 years	12%	do.
18-19 years	13%	do.
19-20 years	13%	do.
20-21 years	14%	do.
21-22 years	14%	do.
22-23 years	15%	do.
23-24 years	15%	do.
24-25 years	15%	do.
25-26 years	16%	do.
26-27 years	16%	do.

Length of ServiceAmount of pension contribution

27-28 years	17%	<sup>1</sup> Of maximum of the scale held substantively or in an officiating capacity immediately before his deputation, or the maximum of the scale to which he may be provided in his parent cadre on proforma basis from time to time while continuing on deputation. The contribution shall also be leviable on the amount of special pay, Dearness Pay and other allowances, if any, drawn by the officer, which qualify for pensionary emoluments.
28-29 years	17%	do.
Over 29 years	18%	do.

<sup>2</sup>Note 1: The term 'active foreign service' for the purposes of this rule is intended to include the period of joining time which may be allowed to an officer both on the occasion of his proceeding to and reverting from foreign service and accordingly contributions are leviable in respect of such periods.

<sup>2</sup>Note 2- 'Length of Service' referred to in above rule means the total period running from the date from which service for pension commences or is likely to commence, including service counting for pension under Articles 178 and 179 *ibid.*

<sup>3</sup>Note 3.-Contribution for leave and pension due on behalf of Government servant in foreign service, may be recovered once in a year at the end of the financial year (instead of every month) or at the end of a foreign service, if the term of deputation on foreign service comes to an end before the end of a financial year. In case the total amount of contribution is not paid within 15 days from the end of the period following that for which it is due interest at the rate of 6% per annum will be charged on the amount held in arrears up to the date on which it is finally paid. Service in the Private Domains will not be treated as foreign service and no pension contribution is to be Incurred.

**Government Instructions:** With a view to facilitate the recovery of foreign service contributions in time and thereby avoiding payment of the penal interest thereon and in order, to ensure prompt and regular recovery to avoid complications at the time of settlement of pension cases, it is ordered that all the terms and conditions of the Government servant's transfer to foreign service must be settled well in advance in consultation with the foreign

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1. Recast vide F. D. Notification SRO-751 dated: 23-10-1972.

2. Inserted vide F. D. Notification S.R.O.-161 dated 14-04-3.1996.

3. Recast vide F. D. Notification SRO-124 dated 19-3-1975.

4. Inserted vide F. D. Notification 403-F of 1961 dated 14-10-1961

employer and communicated to the foreign employer, the Accounts Officer and the Government servant concerned before the Government servant is released to take up the foreign service.

Further, the authorities competent to sanction the transfer of a Government servant to foreign service should also include the following as an additional term in the orders sanctioning the transfer of Government servants on foreign service.

<sup>1</sup>The foreign employer/ Government, servant, shall pay leave salary, and pension contribution within fifteen days from the financial year or at the end of the foreign service if the term of deputation on foreign service comes to an end before the end of the financial year at Rs.....per month and the amount of contribution shall be credited under the Head "66 Contributions and Recoveries towards pension and other Benefits".

The rate mentioned above shall be treated as provisional pending confirmation by the Audit Officer and will be subject to changes adjustment retrospectively as and when the Government servant's, substantive pay is increased with the grant of increment or promotion from time to time which should be notified under due intimation to the Audit Officer and the foreign employer, The provisional rules of leave salary and pension contributions will be calculated by the authority sanctioning the transfer on the basis of the pay drawn by the Government servant at the time such transfer is sanctioned. While communicating the provisional rates of contributions the fact that the contribution, should be paid promptly subject to, adjustment and alterations in accordance with the final rates, as may be necessary after intimation of final rates by the Audit officer and that penal interest is leviable for delays in their payment, may also be indicated by the sanctioning authorities,

**Note 4.**--In future, cases 'of leave and pension contribution will finally be disposed of by a competent, authority so far as the rules are strictly followed and no special treatment outside the rules is accorded in any individual case. Cases in which special concessions are proposed to be given or which are not covered by the existing rules will continue to be submitted to Government for sanction as usual.

<sup>2</sup>**Note 5.**--In relaxation of the above provisions, recovery of leave and pension contribution in case of Government servants on deputation to Evacuee property Department shall not be made. This shall apply to all previous cases where recovery has not been made so far, but cases decided otherwise need not be reopened. The Leave salary in case of such Government servants shall be paid by the department where the government servants takes the leave.

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1. Recast vide F.D. Notification S.R.O- 124 dated: 19-03-1975.

2. Inserted vide F.D. Notification S.R.O-138 dated: 21-04-1965.

<sup>1</sup>Note 6.- The incidence of leave salary and pension between the Central and State Government shall be governed by the Rules contained in Appendix 3 to Account Code Vol. I (relevant extracts reproduced in Schedule XVI).

This shall be given effect from the date of order (*viz.* 30-9-1964) and past cases of deputation need not be re-opened. In the case of continuing deputations, these rules shall apply from the date of their coming in force.

<sup>2</sup>**Government Instruction-** The allocation of leave salary and pension contribution between Central and State Governments is dispensed with as specified below;

- (a) Leave Salary:- The existing system of allocation of sharing of the liability on account of leave salary contribution by the Central Government to State Government or *vice-versa* will be dispensed with. The liability of leave salary will be borne in full by the Department from which the Government servant proceeds on leave whether it may be his parent department or a borrowing department with whom he is on deputation.
- (b) Pension:- The liability for pension including gratuity will be borne in full by the Central/State Government to which the Government servant permanently belongs at the time of retirement. No recovery of proportionate pension will be made from Central/State Government under whom he had served.
- (c) Contributory Provident Fund:- The liability' for Government contribution will be borne by the parent Department of the Centre or State Government and no share of the contribution will be recovered from any borrowing Department.

These orders take effect from 1-4-1987 and will apply to all cases of leave salary and pension contribution sanctioned on or after that date.

<sup>3</sup>Note 7:- The incidence of leave salary and pension between the Government of Jammu and Kashmir and the Governments of Punjab, Madhya Pradesh, Maharashtra, Gujrat, Mysore, Madras, Nagaland, <sup>4</sup>[AndhTa Pradesh], <sup>5</sup>[Assam, West Bengal, Bihar, Kerala, Haryana, Rajasthan, Uttar Pradesh] and Orissa shall be governed by the Rules contained in Appendix 3 to Account Code Volume I (relevant extract reproduced in Schedule XVI).

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1.Inserted vide F. D. Notification SRO-318 dated 30-09-1964.

2.Inserted vide F. D. Notification SRO-217 dated 25-6-1990.

3.Inserted vide F. D. Notification SRO-383 dated 15-9-1966 and SRO-462 dated 6-12-1966.

4.Inserted vide F. D. Notification SRO-58 dated 9-2-1962.

5.Inserted vide f. D. Notification SRO-658 dated 4..10-1976.

<sup>1</sup>Government Instruction below *Note 6* above apply here also.

185-A. (i) An officer transferred *to* foreign service remains subject *to* the general disciplinary rules *of* the Government.

(ii) A Government servant reverts from foreign service on the date on which he takes charge *of* his post in Government service, provided that if he takes leave before rejoining his post, his reversion shall take effect from the date to be decided by the Administrative Department concerned in consultation with the Finance Department.

(iii) The salary *of* an officer appointed *to* act in a sanctioned appointment in foreign service and the joining time and transit pay *of* an officer proceeding to or returning from foreign service are regulated in accordance with the rules contained in these Regulations.

185-B. (i) A Government servant in foreign service draws salary from his foreign employers and contribution is paid *to* the Government from the date on which he relinquishes charge *of* his post in Government service.

An officer reverting *to* duty under Government ceases *to* draw salary from the foreign employer and contribution is discontinued from the date *of* reversion. The travelling allowance *of* an officer both when proceeding till transfer *to* foreign service and when reverting *to* duty under the Government, shall be borne by the foreign employers.

<sup>2</sup>(ii) Contribution is not payable during leave while in foreign service. An officer in foreign service will draw leave allowance from his parent Department calculated on the pay which he would draw in the Government from time to time had he *not* been deputed on foreign service.

Where any compensatory allowance is drawn by such Government servant under the foreign employer the same shall be drawn by him if permissible under Art. 149 *ibid* from his foreign employer.

<sup>3</sup>**Government Instructions**-Notwithstanding anything contained in Article 185-B it is ordered that for purpose of drawn *of* leave salary by a Government servant while on deputation with foreign employer, the latter will maintain leave account *of* the Government servant concerned. An extract *of* the leave account shall be supplied to the be foreign employer by the parent Department *of* the deputations. The fore employer windlasses the leave admissible to the Government servant concerned and sanction it under intimation to the parent Department *of* the Government servant. The payment *of* leave salary will be made by the foreign, employer. The latter will claim the

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1. Inserted vide F. D. Notification SRO-217 dated 25-6-1990.

2. Inserted vide F. D. Notification SRO-161 dated 14-4-1966.

3. Inserted vide F. D. Notification SRO-277 dated 1-7-1992.

reimbursement of leave salary from the concerned State Government half yearly. The foreign employer will send to the parent department of the deputationist the claim for leave salary reimbursement duly supported with details regarding nature and period of leave sanctioned, rate of leave salary and the amount paid to the deputationist. The half yearly reimbursement should be in respect of the period from 1st April to 30th September and 1st October to 31<sup>st</sup> March.

The parent Department should verify the claim preferred by the foreign employer and arrange reimbursement of the amount within a month from the receipt of the claim,

<sup>1</sup>Note. 1- The words "pay or salary" as levied in Articles 185, 185-A and 185-B shall mean presumptive pay in case of Government servants who do not hold any substantive appointment

<sup>2</sup>Note-2 Government servant who proceeds on transfer from one foreign employer to another, without reverting to Government service, his transit pay and allowances and transfer travelling allowance shall be borne by the foreign employer to whom the employee proceeds on transfer.

185-C When an addition is made to a regular establishment on the condition that the cost shall be recovered from the persons for whose benefit the establishment is created, recoveries shall be made under the following rules: -

- (i) The amount to be recovered shall be the sanctioned cost of the service and shall not vary with the actual expenditure of the month.
- (ii) The cost of service shall include contribution at rates laid down in Art. 185 and the contribution shall be calculated on the sanctioned rates of pay of the members of the establishment.

<sup>3</sup>Government Instruction:- 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 services is reckoned as qualifying service. However, the Government servant is sometimes put to considerable difficulty because of defective or incomplete record maintained by Administrative/Accounts Offices. In such cases while he could be reasonably asked to show that he had indeed made the contribution the administrative authority should show a spirit of reasonableness and accommodation in evaluating and accepting such evidence.

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1. Inserted vide F.D Notification SRO-45 dated 6-2-1963.

2. Inserted vide F.D Notification SRO-406 dated 29.7.1969.

3. Inserted vide F.D Notification SRO-45 dated 28-1-1980.

as he is able to put forward, and not insist rigidly on formal proof with reference to service or accounts records for maintenance of which the Government servant is not responsible.

Where however, the responsibility for making pension contribution 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 finalisation of pension papers.

#### **PERMANENT ABSORPTION UNDER THE FOREIGN EMPLOYER**

<sup>1</sup>185-D. <sup>2</sup>(1) Where the permanent transfer from Government service to an autonomous body is in the public interest and the transfer is to a Government or Quasi-Government Corporation and not to a private institution, a Government servant may in lieu of his having rendered service qualifying for pension under the Government be allowed an amount equal to what Government would have contributed had the officer been on Contributory Provident Fund terms under Government together with simple interest thereon at two per cent for the period of his pensionable service under Government, may be credited to his Contributory Provident Fund Account with the autonomous body as an opening balance on the date of permanent absorption and Government's liability in respect of the officers pensionable service under them treated as extinguished by this payment.

This concession may not be claimed as a matter of right but may be sanctioned at the discretion of Government in consultation with the Finance Department in individual cases where it is merited.

<sup>3</sup>185-D. <sup>2</sup>(II) The State Government have entered into a reciprocal arrangement with the Government of India according to which in the case of State Government servants who are absorbed permanently in a Central Government/Public Sector Undertaking/Autonomous body, the pensionary liability for their past service, if any qualifying for pension, shall be undertaken by the State Government in the same manner as is admissible under Article 185-D <sup>2</sup>(1) to State Government servants on their permanent absorption in a Corporation / body wholly owned and controlled by the State Government. In case of Central Government employee absorbed permanently in a Public Sector Undertaking/Autonomous Body under the State Government's control the liability for his past service if any qualifying for pension under the Central Government rules shall be borne by the Government of India.

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1. Inserted vide F D. Notification SRO-228 dated 30-7-1964.

2. Renumbered vide F D. Notification SRO-157 dated 10-5-1991.

3. Inserted vide F D. Notification SRO-221 dated 19-4-1980.

<sup>1</sup>185-D <sup>2</sup>(111) (I) Notwithstanding anything contained in Art. 185-D <sup>2</sup>(I) where a permanent Government servant while on deputation is permanently absorbed in public interest and with the prior permission from his parent Department in a Public Sector Undertaking/Autonomous Body which does not have a pension scheme, such a Government servant, has an option to be exercised by him within six months of his absorption for either of the alternatives indicated below:

- (a) Receiving a monthly pension and gratuity;
- (b) Receiving a gratuity and a lump sum amount in lieu of pension worked out with reference to commutation table obtaining on the date from which the pension could be disbursable;
- (c) The pro-rata benefit becomes payable from the date from which the employee could have retired voluntarily from service (i.e. on attaining the age of 45 years or completing 20 years of service) or from the date of absorption whichever is later;
- (d) From the date the pro-rata retirement benefits become payable the pay of the employee in the new organisation may be fixed as on reemployment of a pensioner, by reducing the pay suitably;
- (e) For the period of service rendered in Public Sector Undertaking/Autonomous Body after absorption the absorbed officer will be entitled to all the benefits admissible to other corresponding employees of the Organisation.

The above entitlements are also applicable to a permanent Government servant who may seek an employment in the Public Sector Undertaking or an Autonomous Body of his own with prior permission of the Government. A permanent Government servant for purposes of this rule will also include a Government servant having rendered five years or more quasi-permanent service or 20 years or more temporary service and is otherwise, eligible for drawl of pension

(2) A permanent or temporary Government servant who may have before his appointment in an autonomous body (having a pension scheme) rendered 2; vice in the State Government and sought appointment in the autonomous body with prior permission of the Government and has been absorbed in such body in the public interests or has been permanently transferred to that body in the public interests be allowed to count the service rendered in the State Government as qualifying for pension provided that in the autonomous body he becomes entitled to pension under rules. The service

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1. Inserted vide SRO-413 dated 28-8-1984.

2. Renumbered vide SRO-157 dated 10-5-1991.

rendered in the State will be added to his service in the autonomous body only after he has acquired a pensionable status in that organisation. He will then earn pension for the entire service i.e. service rendered in the State followed by the service in the autonomous body and draw pension from the latter. This arrangement will also be applicable on reciprocal basis where a person has been absorbed permanently in Government service from an autonomous body having pensionable scheme provided he acquires a pensionable status in the State Government.

<sup>1</sup>185-D <sup>2</sup>(IV) Notwithstanding anything contained in Art. 185-D <sup>2</sup>(I) to 185-D <sup>2</sup>(III) the pensionary benefits in respect of Government servants who are transferred to an Autonomous Body/Public Sector Undertaking on the conversion of a Government Department/Office into an autonomous body or public undertaking shall be governed by the following conditions:-

- (a) The permanent Government servant shall have an option to retain the pensionary benefits available to him under the Government rules or be governed by the rules of the Public Sector Undertaking/ Autonomous Body. The option shall also be available to quasi-permanent and temporary employees after they have been confirmed in the Autonomous Body/Public Sector Undertaking.
- (b) The Government servants who opt to be governed by the pensionary benefits available under the Government shall at the time of their retirement be entitled to pension etc. in accordance with the State Government rules in force at that time.
- (c) The Government servants who opt to be governed by the rules of the Autonomous Body or Public Undertaking shall become liable to the rules of the Autonomous Body/Undertaking from the date of their transfer. For the service under the Government they will receive the following retirement benefits:
  - (i) Permanent Government servants who have completed 10 years or more service will receive pro-rata retirement benefits.
  - (ii) Permanent Government servants with less than 10 years service, quasi-permanent and temporary/employees shall be entitled to Provident Fund Contribution for the period of their service under the Government with simple interest at the rate of 6% per annum as opening balance in the C. P. Fund Account with the Undertaking.
- (d) The retirement benefits would become payable either from the earliest date from which Government servant could have retired voluntarily

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1. Inserted vide F.D. Notification SRO-662 dated 14-10-1986.

2. Renumbered vide SRO-157 dated 10-5-1991.

under the rules applicable to him (except under the scheme of voluntarily retirement on completion of 20 years of qualifying service) or from the date of transfer to the Undertaking/ Corporation whichever is later.

- (e) If on conversion, an autonomous body adopts pension scheme as applicable to Government servant the service under the Government will qualify towards pension under the autonomous body instead of the benefits mentioned above.

<sup>1</sup>185-D (V) Notwithstanding anything contained in Article 185-D (I) 185-D (II) and 185-D (III), the cases of permanent absorption of Government employees in Autonomous/ Statutory bodies and in Public Sector Undertakings shall be dealt with as under :-

#### A-CASES OF AUTONOMOUS/STATUTORY BODIES EXCLUDING PUBLIC SECTOR UNDERTAKINGS

- (a) In case of absorption in Autonomous Bodies having a Pension Scheme (*and vice versa*).
- (i) Where a Government servant borne on a pensionable establishment is allowed to be absorbed in an autonomous body the service rendered by him under the Government shall be allowed to be counted towards pension under the autonomous body irrespective of whether the employee was temporary or permanent in Government. The pensionary benefits will however accrue only if the temporary service is followed by confirmation. If he retires as a temporary employee in an autonomous body he will get terminal benefits as are normally available to a temporary employee under the Government. The same procedure will apply in the case of employees of the autonomous bodies who are permanently absorbed under the Government.

The Government/Autonomous Body will discharge its pensionary liability by paying in lump sum as a one time payment the pro-rata pension/service gratuity/terminal gratuity and O. C. R. G. for the service rendered up to the date of absorption in the Autonomous Body' Government as the case may be. Lump sum amount of the pro-rata pension will be determined with reference to commutation table laid down in the commutation rules as amended from time to time.

<sup>2</sup>[Notwithstanding anything contained in this rule. the pension of an employee who has retired or may hereafter retire from an Autonomous/Statutory Body, having a pension scheme and who immediately before his absorption in the said Autonomous/Statutory

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1. Inserted vide F.D. Notification SRO-157 dated 10-5-1991

2. Inserted vide F.D. Notif: 81ion SRO-48 dated 3-3-1994

Body has rendered a definite period of service under the Government be settled by the concerned Autonomous/Statutory Body after taking into account the aggregate period of his service without insisting on payment by the Government the share of retirement benefits for the period of his service rendered by him under the Government. In such a case the reimbursement of the requisite amount on account of pro-rata retirement benefits shall be claimed subsequently from the concerned Government Department in the shape of additional Grant-in-Aid. The settlement of pension case of such an employee in the said manner (that is after taking into account the portion of the service rendered by him in the Government) by the Autonomous/Statutory Body shall be subject to the following conditions :

- (a) The Autonomous/Statutory Body concerned shall satisfy itself completely that the employee is entitled to count the period of his service rendered by him under the Government and for that purpose obtain from the Government all the relevant Government orders or/ and written communications or/and the certificates issued by the Government with regard to his absorption in the Autonomous/ Statutory Body.
- (b) An undertaking is obtained from the retiring/retired employee that in the event of the period of his service rendered by him in the Government subsequently not found as counting for pro-rata retirement benefits, the additional retirement benefits allowed to him on account of such portion of his service shall be refunded by him in one lump-sum to the Autonomous/Statutory Body.
- (c) The above procedure shall apply to those State Autonomous/Statutory Bodies only which have a pension scheme and also to those of them which may introduce a pension scheme hereafter regardless of date of absorption in such an outside Body.

The aforesaid procedure shall also apply *mutatis mutandis* on reciprocal basis in respect of Government employees who may have rendered a definite period (If service under any of the aforementioned State Autonomous/ Statutory Body before his absorption in a Government Department. In such a case full pensionary benefits shall be paid by the Government and reimbursement of the requisite amount claimed subsequently from the concerned Autonomous/Statutory Body by way of short disbursement of the Grant-in-Aid to that extent.

Note: The Government servants on their immediate absorption in an Autonomous Body are required to sever their connection with the Government and for this purpose they may have to tender the resignation in so far as Government service is concerned.

Tendering of resignation in such cases will be a technical requirement for taking up employment in an Autonomous/Statutory Body and shall not mean forfeiture of past service in the Government for purpose of these rules.

This shall be applicable from the date and in the same manner as laid down in sub-clause (e) of Rule *ibid* viz. Art. 185-D (V)-A(c)]

- (ii) A Government employee with C. P. Fund benefits on permanent absorption in an autonomous body will have the option either to receive C. P. Fund benefits which have accrued to him from the Government and start his service afresh in that body or choose to count service rendered in Government as qualifying service for pension in autonomous body in lieu of foregoing Government's share of C. P. Fund contributions with interests which will be paid to the, concerned autonomous body by the concerned Government. Department. The option shall be exercised within one year from the date of absorption. If no option is exercised within the stipulated period, the employee shall be deemed to have opted to receive C. P. Fund benefits. The option once exercised shall be final.
  
- (b) In case of absorption in Autonomous Bodies not having Pension Scheme and *vice versa*
  
- (i) A permanent Government employee borne on pensionable establishment on absorption under such autonomous body will be eligible for pro-rata retirement benefits. In case of temporary employees, the terminal\ gratuity as may be admissible under the rules would be actually payable to the individual on the date when the Pro-rata benefits to permanent employees become payable. However in case of absorption of a Government servant with the C. P. Fund benefits in such an Autonomous Organisation, the amount of his subscriptions and Government contribution if any together with interest shall be transferred to his new P.F. Account with the consent of that body.
  
- (ii) An employee of an autonomous body on permanent absorption under the Government will have the option either to receive C. P. Fund benefits which have accrued to him from the Autonomous Body and start his fresh service in Government or choose to count service rendered in that body as qualifying service for pension in Government by foregoing employer's share of P. Fund contribution with interests thereon, which will be paid to the concerned Government Department by the Autonomous Body. The option shall be exercised within one year from the date of absorption. If no option is exercised within stipulated period, employees shall be

deemed to have opted to receive C. P. Fund benefits. The option once exercised shall be final.

(c) The procedure prescribed in (a) and (b) above shall apply *mutatis mutandis* in respect of employees going from one autonomous body to another.

(d) The State Government having entered into a reciprocal arrangement with Government of India according to which the provisions of (a), (b), and (c) above shall apply in respect of employees of Central Government absorbed in State Autonomous Bodies, and employees of Central Autonomous Bodies absorbed in State Government and State Autonomous Bodies and *vice versa*, pension liability in respect of employees of State Government and State Autonomous Bodies absorbed in Central Autonomous Bodies and employees of State Autonomous Bodies absorbed in Central Government shall be undertaken by the State Government on reciprocal basis with Government of India.

(e) The provisions of this section (Section-A) of these rules shall be applicable to the employees who have been in service of Government/Autonomous Body as on 20-3-1987. (The Government employees and employees of Autonomous Bodies, who were in service as on 20-3-1987 in the Autonomous Bodies and the Government will be covered by these rules regardless of the date of permanent absorption). However, cases already decided shall not be reopened.

Note 1.-For purpose of these rules (in Autonomous Body will mean a body which is financed wholly or substantially from Cess or Government grants. "Substantially" means that more than 50 per cent of the expenditure of the Autonomous Body is met through Cess or Government grants. Autonomous Body includes a Statutory Body or a University but does not include a Public Undertaking.

Note 2.-Only such service which qualifies for pension under the relevant rules of Government/Autonomous Body shall be taken into account for purpose of these rules.

#### B-CASES OF PUBLIC SFCTOR UNDERTAKINGS:.

(a) A permanent Government servant on absorption in a Public Sector Undertaking shall have an option 10 be exercised by him within six months of his absorption for either of the alternatives indicated below :--

- (i) Receiving monthly pension and gratuity;
- (ii) Receiving a gratuity and lump sum amount in lieu of pension worked out with reference to commutation table obtaining on the date from which pension could be disbursable.

Where no option is exercised within the stipulated period the officer will automatically be governed by alternative (ii) above. Option once exercised shall be final. The option shall be exercised in writing and communicated by the Government servant to the Undertaking.

(b) The amount of pension/gratuity and D.C.R.G. shall be concurrently worked out and intimated to the Government servant concerned as well as to the Undertaking as and then an office is absorbed.

(c) In case where a Government servant at the time of absorption has less than ten years service and is not entitled to pension, the question of proportionate pension will not arise. He will only be eligible to proportionate Service Gratuity in lieu of pension and D. C. R. G. based on length of service.

(d) The pro rata benefits shall become payable from the date from which the employee could have retired voluntarily from service (i.e. on attaining the age of 45 years or completing 20 years of service) or from the date of absorption whichever is later.

(e) For the period of service rendered Public Sector Undertaking after absorption the absorbed officer shall be entitled to all the benefits admissible to other corresponding employees of the Organisation.

(f) Cases of resignation from Public Undertaking will for the purpose of these orders be treated as resignation from Government service entailing forfeiture of earlier service under Government and loss of the pensionary benefits under these orders.

(g) The total gratuity admissible in respect of the service rendered under the Government and that under the public undertaking should not exceed that amount that would have been admissible had the Government servant continued in Government service and retired on the same pay, which he drew on retirement from the Public Undertaking.

(h) Any further liberalisation of pension rules decided upon by Government after the permanent absorption of Government servant in a Public Undertaking would not be extended to him. However the benefit of further liberalisation in pension shall also be allowed to a Government servant after his permanent absorption if, in any case, such liberalisation is sanctioned retrospectively with *effect* from the date prior to the date of such absorption.

(i) Procedure as applies to Government servants who retire in normal course may apply *mutatis mutandis* in case of Government servants who were absorbed in the public interest in Public Sector Undertaking.

(j) The above entitlements are also applicable to a permanent Government servant who may seek an employment in the Public Sector Undertaking of his own with prior permission of the Government.

(k) No relief (dearness allowance and medical allowance) on pension shall be admissible to Government servant who opts for pro rata monthly pension as per (a) above during his service in the Public Sector Undertaking.

(l) The aforementioned provisions shall apply mutatis mutandis in the case of absorption of permanent State Government employee in the Central Public Sector Undertakings on reciprocal basis.

(m) The provisions of this Section (Section-B) of this rule shall be applicable to the Government servants who have been permanently absorbed in Public Sector Undertakings and are in service therein on the date of issue of these orders regardless of the date of their permanent absorption therein. Cases already decided shall not be reopened.

Note.-A permanent Government servant for purpose of this rule (Section-B) will also include a Government servant having rendered 5 year or more quasi-permanent service or 20 years or more temporary service and. is otherwise eligible for drawl of pension.

#### PERMANENT ABSORPTION UNDER THE CENTRAL GOVERNMENT

<sup>1</sup>185-E. The State Government have entered into a reciprocal arrangement with the Government of India for allocation of pensionary liability in respect of temporary service rendered under the Government of India and the State Government.

Temporary State Government servants on deputation to the Centre on absorption under the Government of India with the prior concurrence of the State Government will be allowed to count the period of continuous temporary service under the State Government immediately preceding the service under the Central Government for purposes of pensionary benefits admissible under the rules of the Central Government. The pensionary liability will be shared between the Centre and State Government on the basis of length of qualifying service rendered under each of them. This benefit will not be allowed to those who secure jobs at the Centre on their own volition in response to advertisements or circulars including those of Union Public Service Commission. This agreement will apply equally in the case of temporary Central Government servants on deputation to the State.

<sup>2</sup>185-F. The State Government have entered into a reciprocal arrangement with the Government of Maharashtra that the rules contained in Appendix 3 to Account Code Volume I. relating to incidence of transit pay and allowance leave salary and pension shall apply even in cases where a

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1.Insened vide F. D. Notification SRO-412 dated 30-07-1969.

2.Insened vide F. D. Notification SRO-77 dated 22-2-1971.

Government servant belonging to one State service is appointed to a post through open competition in other State service provided that the Government servant is not required to resign his previous appointment and the Government under whom he was employed prior to his appointment agree to retain his lien until he is finally absorbed by the latter Government.

#### SUBSTANTIVE OFFICE ABOLISHED

186. If the substantive office of an officer is abolished within the meaning of Article 207 and the officer is placed on special duty his service on special duty qualifies, provided it is really special and not merely a transfer to a temporary appointment which happens to be vacant (See Article 246).

#### SETTLEMENT DEPARTMENT

<sup>1</sup>187. Service in the Settlement Department after 1st April, 1954 qualifies provided it is followed without interruption by qualifying service in the same or some other Department.

Service prior to 1st April, 1954 qualifies to the extent indicated in Notes 1 and 2 infra.

Note 1--From 12th June, 1908/31<sup>st</sup> Jeth, 1965 the following posts have been declared to be pensionable :

I. Settlement Commissioner's Office-

- (a) Personal Assistant.
- (b) All clerical appointments.
- (c) Jamadars, Orderlies and Frashes.

2. Settlement Officers, Assistant Settlement Officers and their office establishment detailed below:

- (a) All clerical appointments.
- (b) Jamadars and Orderlies.

- 3. Settlement Tehsildars.
- 4. Settlement Naib-Tehsildars.
- 5. Munsarims.

6. From the 14th October, 1913/the 29th Assuj, 1970 Nazirs in the Settlement and Moharirs of the Settlement Tehsildars.

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1. Recast vide F. D. Notification SRO-47 dated 11-2-1965

Service in these posts qualifies from the dates mentioned above or from any previous date from which incumbents on this date may have been serving substantively and without interruption in one or other of them. The officers brought under reduction before this date cannot have the benefit of this rule and no officer of the Settlement Department will be eligible for compensation pension under Chapter XVII Section II without special sanction of the Government for which special reasons will have to be recorded.

Note. 2.-All new hands entertained for settlement work within the provision allowed after the reduction of Settlement Department from 1-7-1987 corresponding to 13-10-1930 will be considered to have joined on non-pensionable posts and this Article shall not be applicable to their case. Claims to compensation pension will, however, be considered on the merit of each case, under this Article.

### SECTION IV-THIRD CONDITION

#### SOURCES OF REMUNERATION

188. Service which fulfils the conditions of the preceding Articles (from 176) qualifies, if paid from the General Revenue of the Government Service paid from any other source does not qualify, although it may fulfill all the conditions required above.

Note 1.-When Government servants are transferred along with their posts to Municipalities, the municipal service will count for pension alongwith the previous service under Government as a special case, provided the posts held by such Government servants are also transferred to the Municipalities. The pension will be chargeable proportionately to the Government Exchequer and the Municipalities.

Note 2.-Sanitation Fund employees working in various Government offices are declared pensionable by debit to General Revenues on recovery of leave and pension contribution from the Cess Fund.

#### <sup>1</sup>SECTION V-DELETED

<sup>2</sup>189. Deleted.

<sup>2</sup>190. Deleted.

<sup>2</sup>190-A. Deleted.

191. Deleted.

192. Deleted.

<sup>2</sup>193. Deleted.

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1.The caption against section viz. distinction between superior and inferior service-deleted vide F. D. Notification SRO-406 dated 10-10-1966.

2.Deleted *ibid.*

## CHAPTER XVI

## RULES FOR RECKONING SERVICE

## SECTION I-PERIODS OF LEAVE

<sup>1</sup>[ X X X ]

194. (a) Except as provided in Article 194 (b), time passed on leave other than privilege leave does not count <sup>2</sup>[ x x x ]

(b) In the case of officers retired on or after 28th March, 1918/16th Chet 1974, time passed on leave with allowances counts as service as follows;

If the total service of the officer 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
15 years	1 year	1 year
20 years	2 years	1 year
25 years	3 years	1 year
30 years	4 years	2 years
35 years	5 years	2 years

Note.- The period in columns 2 and 3 are not cumulative, that is, an officer may not count two years' leave in 15 years' service or more than 4 years' leave in 30 years' service. The maximum amount of leave both in and out of India which may be counted as that shown in column 2.

<sup>3</sup>(c) notwithstanding anything contained in clause (b) above in respect of Government servants retiring from service on or after 1st January, 1962, time passed on leave with allowances counts as service in full.

<sup>4</sup>[X X x]

<sup>5</sup>(d) Extraordinary leave without allowances may be allowed to count at the discretion of the appointing authority in the following circumstances namely:-

- (i) If it is taken on medical certificate;
- (ii) If it is taken due to inability of the person concerned to join or rejoin duty due to civil commotion or natural calamity provided he has no other type of leave to his credit; and

1. The caption "Superior service" over Article 194 deleted vide F. D. Notification SRO-406 dated 10-10-1966.

2. The words as "Superior service" deleted *ibid*.

3. Inserted vide F. D. Notification SRO-321 dated 19-10-1962.

4. The caption "Inferior service" over Article 195 deleted vide F. D. Notification SRO-406 dated 10-10-1966.

5. Inserted vide F. D. Notification SRO-461 dated 29-4-1971.

(iii) If it is taken for prosecuting higher scientific and technical studies.

<sup>1</sup>Government Instruction.--Extraordinary Leave taken on grounds other than specified in clause (d) is treated as non-qualifying and therefore, a definite entry is to be made in the service records to that effect. Entries regarding service being qualifying or otherwise should 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 up to 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) the 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.

<sup>2</sup>195. Deleted.

<sup>2</sup>196. Deleted.

## SECTION II-SUSPENSION, RESIGNATION, BREAKS AND DEFICIENCIES IN SERVICE

### PERIOD OF SUSPENSION

<sup>1</sup>197. Time passed under suspension, pending enquiry into conduct, counts if the official suspended is acquitted honourably of the charges levelled against him and is reinstated without any forfeiture of any part of his allowances whatsoever for the period of suspension.

198. Time passed under suspension adjudged as specific penalty *does not count*.

Government Instruction.--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/ records 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.

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1. Inserted vide F. D. Notification SRO-45 dated 28-1-1980.

2. Deleted vide F. D. Notification SRO-406 dated 10-10-1966.

3. Recast vide F. D. Notification SRO-311 dated 24-10-1962.

199. If an officer, who has been suspended pending enquiry into his conduct, is reinstated but with forfeiture of any part of his allowances for the period of suspension, this period does not count unless the authority who reinstates the officer expressly declares at the time that the period shall count.

#### RESIGNATION AND DISMISSALS

200. Resignation of the public service or removal from it for misconduct, insolvency, inefficiency not due to age or failure to pass a prescribed examination, entails forfeiture of past service.

201. Resignation of an appointment to take up another appointment in which service counts, is not to be held to be a resignation of the Government service, provided the consent of the former departmental superior is obtained to accepting, such employment.

<sup>1</sup>202. (a) A Government servant who is dismissed, or removed from Public Service, but is reinstated on appeal or revision, is entitled to count his past service.

(b) The period of break in service between the date of dismissal, or removal, as the case may be, and the date of reinstatement, and the period of suspension (if any) shall not count unless regularised as duty or leave by a specific order of the authority which passed the order of reinstatement.

<sup>2</sup>(C) All past cases shall be regularised in accordance with the above provisions.

#### INTERRUPTIONS

203. An interruption in the service of an officer entails forfeiture of his past service, except in the following cases, namely :

(a) Authorised leave of absence;

(b) Unauthorised absence in continuation of authorised leave of absence, so long as the office of the absentee is not substantively filled; if his office is substantively filled, the past service of the absentee is forfeited:

Provided that if the absentee is subsequently reinstated, the authority whose duty is to make the appointment within three months or the Administrative Department concerned with the consent of Finance Department within a year from the end of the authorised leave of absence may declare, in an order to be communicated to the *Accountant General* that his previous service or any part of it shall not be forfeited;

(c) Suspension immediately followed by reinstatement, which need not be to the same office

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1. Recast vide F. D. Notification SRO-112 dated 15-4-1966.

2. inserted vide F.D. notification SRO-82 dated 10-3-1965.

(d) Abolition of office or loss of appointment owing to reduction in establishment;

(e) Transfer to non-qualifying service in an establishment under Government control-The transfer must be made by competent authority and for the benefit of the Government. An officer who voluntarily resigns qualifying service cannot claim the benefit of this exception;

(f) Time occupied in transit from one appointment to another:

Provided that the officer is transferred under the orders of a competent authority, or if he is a *non-gazetted officer*, with the *consent* of the Head of his old office.

204. The authority competent to sanction pension may commute retrospectively period of absence without leave into leave without allowances (*See Article 129*).

#### CONDONATION OF INTERRUPTION AND DEFICIENCIES

205. (a) Interruptions or breaks in service may be condoned by the Government at its option on the merits of each case but, generally speaking interruptions or break in service exceeding 12 months will not be condoned unless there are very *special reasons* for them.

(b) See Art. 232-A.

(c) See Art. 268-B. also.

<sup>3</sup>Government Instruction.-In the absence of a specific indication to the contrary in the service records, an interruption between two spells of service rendered under the 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.

#### ADDITION TO QUALIFYING SERVICE WHEN A GOVT. SERVANT IS DECLARED SURPLUS

<sup>4</sup>205-A, A Government servant who after having been declared surplus to the establishment, in which he was serving and transferred to the Central Pool Of

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1. Recast Vide F.D. Notification SRO-35 dated 30-1-1984.

2. Inserted Vide F.D. Notification SRO-619 dated 1-10-1986.

3. Inserted Vide F.D. Notification SRO-45 dated 28-1-1980.

4. Inserted Vide F.D. Notification SRO-450 dated 22-7-1976.

Surplus personnel, which will be under the control of the General Department (Services), opts to retire voluntarily within two months of his transfer to the pool and is permitted to retire by the Government in the General Department, shall be entitled to the following retirement benefits:-

- (i) the service qualifying for retirement benefits will be enhanced by addition of 5 years if the continuous service rendered by him is not less than 15 years.
- (ii) the resultant length of service after taking aforesaid addition into account will in no case be more than the service the officer could have counted had he retired on due date of superannuation, and
- (iii) the retirement benefits will be calculated after taking into account the additional years of service mentioned above, on the emoluments qualifying for pension before such retirement.

## CHAPTER-XVII

## CONDITIONS OF GRANT OF PENSION

## SECTION I-CLASSIFICATION OF PENSION

<sup>1</sup>206. Pensions for superior and inferior services are divided into four classes, as follows:-

- (i) Compensation pensions.
- (ii) Invalid pensions.
- (iii) Superannuation <sup>2</sup>[and special] pensions.
- (iv) Retiring pensions.

## SECTION II-COMPENSATION PENSION

## EXPLANATION

207. If an officer is selected for discharge owing to the abolition of his permanent post he shall, unless he is appointed to another post the conditions of which are deemed to be at least equal to those of his own, have the option--

- (a) of taking any compensation pension or gratuity to which he may be entitled for the service he has rendered: or
- (b) of accepting another appointment on such pay as may be offered and continuing to count his previous service for pension.

208. Deleted.

## SELECTION OF DISCHARGE

209. Whenever upon reduction of an establishment it is necessary to discharge one or more members thereof, the selection of officers to be discharged should *prima facie* be so made that the least charge for compensation pension will be incurred.

210. The discharge of one officer to make room for another better qualified is not the abolition of an appointment within the meaning of Article 207: the abolition must produce a real saving to the Government. Particulars of the saving affected should be clearly set forth in every application for Compensation pension. The saving should always exceed the cost of pension, otherwise, it may perhaps be better to postpone the reduction of establishment or abolition of appointment.

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1.Substituted Vide F.D. Notification 276-F of 1961 dated 12-7-1961.

2.Inserted Vide F.D. Notification SRO-175 dated 13-8-1962.

## RESTRICTIONS

211. No pension is admissible to an officer for the loss of an appointment on discharge after the completion of a specified term of service.

212. No *pension* may be awarded for the loss of a *Local Allowance*.

213. Deleted.

214. Deleted.

## SECTION III-INVALID PENSIONS

## CONDITIONS OF GRANT

215. An invalid pension is awarded, on his retirement from the Government service to an officer who, by bodily or mental infirmity, is permanently incapacitated--

(i) for the Government service, or

(ii) for a particular branch of it to which he belongs.

## RULES OF MEDICAL CERTIFICATES

216. A Government servant may retire voluntarily or be retired compulsorily on an invalid pension under the orders of competent authority after he has attained the age of superannuation and no medical certificate is necessary in such cases. A certificate by a Medical Officer will, however, be necessary in cases where his age is less than 55 years. Similarly in the case of a Government servant to whom, proviso to Art. 226 (I) applies it will be sufficient for the Head of office to which the officer to be retired belongs to certify to the officer's incapacity for further service, when he attains the age of 60 years. When such an officer is below 60 years of age, incapacity for service must be established by a Medical Certificate attested by the Superintendent of Civil Hospital at headquarters of the Government or Deputy Director Health Services of the Province in which the officer to be retired is serving.

217. If the pension applied for exceeds Rs. 50 a month a certificate by the Superintendent of a State Civil Hospital or Deputy Director Health Services is not sufficient when without undue inconvenience the applicant in service can appear before the Director of Health Services. Jammu and Kashmir Government who will examine the applicant again and countersign the certificate granted by the Superintendent of a State Civil hospital or Deputy Director Health Services.

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1. Recast vide F.D. Notification SRO-406 dated 10-10-1966.

<sup>1</sup>Note.-In respect of the employees belonging to Jammu and Srinagar Cities the certificate will be countersigned by the Adviser Medical Education and in respect of other places by the Director Health Services.

218. A simple certificate that inefficiency is due to old age or natural decay from advancing years, is not sufficient in the case of an officer whose recorded age is less than 55 years. In such a case the cause of inefficiency must be exactly stated or if this is impossible, detailed reasons for the opinion should be given.

#### FORM OF MEDICAL CERTIFICATE

219. (a) The form of Medical Certificate to be given respecting an officer applying for pension is as follows :-

"Certified that I have carefully examined A. B. son of C. D. a .....in the ....., ...Department. His age is, by his own statement..... years and by appearance about .....years. I 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..... (*here state disease or cause*). His incapacity does not appear to me to have been caused by irregular or intemperate habits."

If the incapacity does not appear to be complete and permanent, the certificate should be modified accordingly and the following addition should be made).

"(I am 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 for .....months be fit for further service of a less laborious character than that which he has been doing)".

(b) The object of the second alternative certificate (of partial incapacity) is that an officer should if possible, be employed even on lower pay so that the expenses of pensioning him may be avoided.

If there be no means of employing-him even on lower pay, then he may be admitted to *pension*; but it should be considered whether, in view of his capacity for partially earning a living, it is necessary to grant him the full pension admissible under rule.

#### RESTRICTIONS

220. An officer discharged on other grounds has no claim under Article 215 even if he can produce medical evidence of incapacity for further service.

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1. Recast vide F. D. Notification SRO-346 dated 12-7-1973.

221. (a) In case of an officer being permanently incapacitated under clause (ii) of Article 215 for the particular branch of service to which he belongs, every effort should be made to find other employment suited to his particular capacity.

(b) If the incapacity is the result of *irregular or intemperate habits*, no pension can be granted.

#### APPLICANT TO BE DISCHARGED

222. An officer who has submitted under Article 216 a Medical Certificate of incapacity for further service, must not be retained in active service pending a decision on his application for pension, nor can he obtain leave of absence.

223. An inferior servant who, in the opinion of the Head of his office is fit for light work, may be retained in employment till his pension is sanctioned; provided that his place is not filled up till he retires and that his service counts only to the date of his Medical Certificate.

224. Article 222 refers only to the retention in acting service of an officer who has furnished a Medical Certificate in support of an application for Invalid Pension or Gratuity while in service. The retirement of an officer who is absent on leave other than Privilege leave, when such certificate is submitted, may have effect from the termination of his leave and the officer may continue to draw leave allowance to the end of his leave.

#### SECTION IV-SUPERANNUATION AND SPECIAL PENSION

##### EXPLANATION

225. A Superannuation Pension is granted to an officer entitled or compelled by rule to retire at a particular age.

1225-A. A special pension may be granted to an officer retired under the provisions of Article 226(2).

2226. <sup>3</sup>[(1) An officer shall retire compulsorily on his attaining the age of 55 years, unless the competent authority considers him efficient and permits him to remain in service]. He may, however, be retained in service after the date of compulsory retirement with the sanction of the Government on public grounds which must be recorded in writing but he must not be retained after the age of 60 years except in very special circumstances:

Provided that the Government servants who were in service on 10-10-1966 and were treated inferior as per Schedule II, will retire on attaining the age of 60 years.

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1. Inserted vide F. D. Notification SRO-175 dated 13-8-1962.

2. Recast vide F. D. Notification SRO-406 dated 10-10-1966.

3. Recast vide F. D. Notification SRO-45 dated 28-1-1980.

<sup>1</sup>Provided further that a Government servant in service on 1-1-1987 or appointed on or after that date shall retire on his attaining the age of 58 years."

<sup>2</sup>Provided further that the retirement of a Government employee in service on 1-1-1976 or appointed on or after that date, shall take effect from the afternoon of last day of 1110nth in which the employee concerned attains the age of superannuation instead of the actual date of his superannuation.

Provided further that: -

<sup>3</sup>[(1) Subject to provisions of sub-clause (2) a member of the State-Judicial Service shall retire from service in the afternoon of the last day of the month in which he attains the age of 60 years:

(2) The High Court shall assess and value the record of the Judicial Officers for his continued utility before he attains the age of 58 years by following the procedure for compulsory retirement under the service rules applicable to him and if he is not found fit and eligible he will compulsory retire on his attaining the age of 58 years.

This shall be deemed to have come into effect from 31-12-1992].

*Note.-Government* servants including those on deputation who may have retired to between 1-1-1976 and the date of issue of this Notification or who may have proceeded on leave preparatory to retirement extending beyond 1-1-1976 shall be treated to have retired or shall retire on the last day of the month in which their retirement fell/falls due and pay dues for the balance period (from the date of actual retirement to the last day of month) shall be paid to them from the departments/foreign employer, wherefrom they retired or proceeded on leave preparatory to retirement.

*Explanation I* :-For purposes of this rule an employee whose date of birth falls on first day of any month will attain the age of superannuation on the afternoon of the last day of the preceding month.

<sup>4</sup>*Explanation II* :-In the case of extension of service the Government servant will retire at the end of the period of extension and not at the end of the month in which the extension ends.

<sup>5</sup>*Government/ Instruction No. 1*:-Retirement of a Government servant is automatic on attaining the age of compulsory retirement and in absence of specific orders to the contrary by the competent authority a Government servant must retire on due date.

It is the responsibility of the administrative authorities concerned to ensure that the Government servants under their control so retire. The date of

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1. Inserted vide F. D. Notification SRO-10 dated 5-1-1987.  
2. Inserted vide F. D. Notification SRO-157 dated 24-3-1976.  
3. Inserted vide F. D. Notification SRO-333 dated 22-12-1995.  
4. Inserted vide F. D. Notification SRO-614 dated 26-9-1978.  
5. Inserted vide F. D. Notification SRO-45 dated 28-1-1980.

compulsory retirement of a Government servant is known in advance and there should be no question of (failure to make arrangements for his relief sufficiently in advance and complete any formalities required in that behalf. For this purpose, the authorities concerned should maintain a proper record of the date of retirement of the Government servants working under them and take such appropriate action as may be necessary for their retirement on the due dates.

At the same time, a Government servant cannot take advantage, of the non-receipt of formal orders regarding his relief etc. to say that he has been granted an extension of service, If the Government servant desires to take any leave preparatory to retirement he will naturally apply for it in good time. If not, he should bring the fact that he is attaining the age of superannuation or completing the period of service after which he has to retire, to the notice of the office in which he is serving or if he is himself the head of the office to that of his immediate superior. Unless he receives specific orders that he should continue in service, he should make over charge on the due date to the head of the office (or such officer) as may be nominated by the latter or if he is himself the head of the office to the next senior most officer in the office who would normally be placed in charge of the office in his absence.

<sup>1</sup>Government Instruction No. 2.-In spite of clear provisions in the rules with regard to retirement of Government servants cases of overstayal In service beyond the date of superannuation come to the notice of Government from time to time. The Departments generally propose treatment of such period of overstayal as extension/re-employment on the plea that the date of birth was not recorded in service book because of non-availability of requisite certificates or date of birth originally recorded in service book has been tempered with subsequently or there has been an error of judgement in treating an employee as an inferior under the first proviso below Art. 226(1) etc. etc. There is an alarming increase in number of such cases and every time Government is compelled to accord sanction with a' view that the retiree does not suffer for the apathy shown by the concerned administrative authority in appreciation and application of the rules governing the age of retirement, as it becomes a *fait accompli* and erring officer escapes accountability. It is accordingly emphasised that the instructions laid down in Government Instruction No. 1 above should be followed strictly by all the administrative authorities concerned. The cases of overstayal beyond the date of superannuation involving collusive or contrived motives on the part of the Head of Office or any other higher officer should be identified and suitable action (including recovery of excess payments made as a result of such irregularities) taken against such officers to arrest such irregularities. The cases of wilful temperings in the dates of birth involving moral turpitude on the part of the concerned Government servant should be identified and referred

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1. Inserted vide F. D. Notification SRO-127 dated 5-4-1988.

to Director General of Police for getting these investigated by a Special Cell and severe disciplinary action taken against defaulter to prove as a deterrent. The intention of these instructions being to avoid hardship to which some retiring Government servants are put because of non-settlement of their pension cases for years together on account of dispute over the correct date of retirement etc. the same shall be read with existing provisions of Art. 168-D and Art. 284-A and the Government Instructions thereunder.

<sup>1</sup>*Government Instruction No. 3.-A* question has been raised regarding the procedure to be followed for relinquishment of charge of office in the case of a retiring Government servant when the day on which he is due to retire happens to be closed holiday or a transit day (s) in respect of a moving office. A Government servant shall retire from service with effect from the afternoon of the last day of the month in which his/her date of retirement falls, the retiring Government servant should formally relinquish charge of office on the afternoon of that day itself even if it happens to be a closed holiday.

In cases in which handing over of cash, stores, etc. is involved or when handing over of charge on a holiday or a Sunday may not be possible, the charge may be made over by the retiring officer (to the relieving officer or, in the absence of the relieving officer to the next senior officer present in office) on the close of the previous working day. The relinquishment of charge in such cases shall be deemed to have been made on the last day of service.

<sup>2</sup>226. (2) Notwithstanding anything contained in these Regulations Government may, if it is of the opinion that it is in the public interest to do so, require any Government servant other than the one working on a post which is included in Schedule II of these Rules, to retire at any time after he has completed 22 years/44 completed six monthly periods of qualifying service or on attaining 48 years of age; provided that the appropriate authority shall give in this behalf a notice (in one of the forms prescribed in annexures A and B hereto as the case may be), to the Government servant at least 3 months before the date on which he is required to retire or 3 months of pay and allowance in lieu of such notice. Such a Government servant shall be granted pensionary benefits admissible under these rules on the basis of qualifying service put in by him on the date of such retirement.

<sup>3</sup>*Exp/anation.-A* Government servant who is retired immediately after allowing him pay and allowances in lieu of notice will be entitled to pension from the date of such retirement and the pension shall not be deferred till after the expiry of the three months for which he is paid pay and allowances.

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1. Inserted vide F. D. Notification SRO-45 dated 28-1-1980.

2. Recast vide F. D. Notification SRO-450 dated 22-7-1976.

3. Inserted vide F. D. Notification SRO-289 dated 9-6-1977.

1226. (3) Notwithstanding anything contained in clause (2), Government may, if, it is of the opinion that it is in the public interest to do so retire a temporary Government servant [other than the one working on the posts which are included in the Schedule II of these rules] who is not governed by any pension rules at any time after completion of 22 years/44 completed six monthly periods of service or on attaining 48 years of age, after giving a notice in writing to the Government servant at least 3 months before the date on which he is required to retire or 3 months pay and allowances in lieu of such notice. Such officer may be granted terminal gratuity as may be admissible to him under Jammu and Kashmir Civil Service (Temporary Service) Rules, 1961 :

Provided that nothing contained in these rules shall fetter the discretion of the appointing authority to terminate at any time the service of any such temporary Government servant under rule 5 of the Jammu and Kashmir Civil Service (Temporary Service) Rules 1961 :

<sup>2</sup>Note 1.-Recommendations for extension should be put forward subject to Medical Certificate of physical fitness by a competent medical authority.

<sup>2</sup>Note 2.-For the purpose of arriving at the date of superannuation in Gregorian era in the case of Government servants whose date of birth has originally been recorded in Bikrami era, the date of superannuation in Bikrami era shall be converted into Gregorian date by deducting 56 years 8 months and 18 days from the former.

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1. Recast vide F. D. Notification SRO-450 dated 22-7-1976.

2. Renumbered vide F. D. Notification SRO-89 dated 28-2-1968.

<sup>1</sup>[Annexure A--See Art. 226 (2) & (3)]

Order

Whereas the Government is of the opinion that it is in the public interest to do so.

Now, therefore, in exercise of the powers conferred by Art. 226(2)/226(3) of the Jammu and Kashmir Civil Service Regulations, the Government hereby gives notice to.....Name..... (Designation) that he having already attained/on attaining/having completed.....years/on completing.....years the age/service on.....shall retire from service with effect from the forenoon of..... or from the date of expiry of three months, completed from the date of service of this notice on him whichever is later.

By order of the Government of Jammu and Kashmir.

Signature.

Designation.

Acknowledgement

To \_\_\_\_\_  
\_\_\_\_\_

I..... now holding the post of.....hereby acknowledge the receipt of the original notice of the order of retirement as aforesaid.

Countersigned	(Sd.).....
Name	Name
Designation	Designation
Place	Place
Date	Date

1. Inserted vide F. D. Notification SRO-450 dated 22-7-1976.

[Annexure B-See Art. 226 (2) & (3)]

Order

Whereas the Government is of the opinion that it is in the public interest to do so

Now, therefore, in exercise of the powers conferred by Art. 226(2)/226(3) of the Jammu and Kashmir Civil Service Regulations, the Government hereby gives notice to ..... Name .....(Designation) that he having already attained.....years of age or rendered.....years of service, shall retire from service with effect from forenoon of.....

He is allowed three months pay and allowances in lieu of three months notice

By order of the Government of Jammu and Kashmir.

Signature.

Designation.

Acknowledgement

To \_\_\_\_\_

\_\_\_\_\_

I.....now holding the post of ..... hereby acknowledge the receipt of the original notice of the order of retirement as aforesaid.

Countersigned	(Sd.).....
Name	Name
Designation	Designation
Place	Place
Date	Date

<sup>2</sup>227. Except in the case of Government servants to whom proviso to Article 226(1) applies, Government may permit a non-gazetted official serving in any Department subordinate to it to remain in service; provided that he continues to

1. Inserted vide F. D. Notification SRO-450 dated 22-7-1976.  
2. Recast vide F. D. Notification SRO-406 dated 10-10-1966.

efficient for a definite period up to, but not beyond 60 years or compel him to retire at the age of 55 years, or on the expiry of any further period up to which service has been extended, or before the expiry of such further period, if he ceases to be efficient. Each such officer's case must be taken up when he is 55 years old and on the expiry of each extension of service.

#### PROCEDURE

Note:--Deleted.

<sup>1</sup>228. Deleted.

<sup>2</sup>229. Deleted.

#### SECTION V--RETIRING PENSION

##### EXPLANATION

<sup>3</sup>230. (i) A Government servant including the one listed in Schedule II of these rules may voluntarily retire from service any time after completing 20 years/40 completed six monthly periods of qualifying service or 45 years of age, provided that he shall give in this behalf a notice in writing to the appointing authority at least 3 months before the date on which he wants to retire. Such an officer shall be granted five years addition to the qualifying service as may have put in by him, on the date he wants to retire, provided that his past record of service has been clean in the opinion of the appointing authority. Where in any such case addition in qualifying service is granted, pensionary benefits will be calculated on the basis of service as he would have put in had he retired at the normal age of superannuation (namely 55 years) or the service put in including five years addition whichever may be earlier.

<sup>4</sup>Explanation.--In the case of Government servants (Class IV) (Refer Schedule II) who were in service on 10-10-1966, and retire voluntarily as such the term "normal superannuation age" referred to in clause (i) above means "60 years" and not "55 years."

(ii) Notwithstanding the provisions contained in Article 242 and Notes thereunder, pension and/or Death-cum-Retirement Gratuity etc. in respect of voluntarily retirements <sup>5</sup>[on or] after 1-4-1982 will be calculated on the assumed pay which the concerned would have drawn (in the scale held by him at the

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1. Deleted vide F.D. Notification SRO-400 dated 10-12-1962.  
2. Deleted vide F. D. Notification SRO-89 dated-28-2-1968  
3. Recast vide F. D. Notification SRO-108 dated 30-3-1982.  
4. Inserted vide F. D. Notification SRO-384 dared 25-6-1986.  
5. Corrigendum No. A/8 (84) 296 dated 16-4-1986.

time of voluntary retirement) had he continued till the age of superannuation or for the service added to his qualifying service whichever be earlier. If in determining of the assumed pay there is an Efficiency Bar the same shall be deemed to have been crossed on the due date:

Provided further that the right conferred under this article shall not be available to an officer who has been placed under suspension/or against whom any enquiry or any investigation is pending or is contemplated on any charge of administrative or criminal nature.

<sup>1</sup>Provided further that the concession of treating a Government servant to have crossed the Efficiency Bar for calculation of his assumed pay shall not be available to a Government servant who has been held up at an Efficiency Bar because of his failure to pass an obligatory departmental examination or to undergo an obligatory course of training/instructions, and the same is attributable to his culpable negligence to prepare himself for such an examination or to his willful reluctance to undergo such course of training/ instructions as the case may be.

Note 1.--A Government servant who opts for voluntary retirement after <sup>2</sup>twenty years qualifying service will not, be permitted to retire under this Article until after the fact that the Government servant has completed <sup>2</sup>20 years qualifying service has been verified in consultation with the Accountant General.

Note 2.--A Government servant who has elected to retire under this Article and has given necessary intimation to that effect to the competent authority shall be precluded for withdrawing his election subsequently except with the specific approval of the authority competent to fill the appointment, provided his request for withdrawal is made within the intended date of retirement and he is in a position to establish that there has been a material change in the circumstances in consideration or which the notice was originally given.

<sup>3</sup>Note 3.-- The provisions of Article 230 shall apply *mutatis mutandis* in respect of temporary Government servants whose service -are not pensionable and for whom terminal gratuity is prescribed. They shall also be given the benefit of addition of <sup>2</sup>[5 years] service in the calculation of terminal gratuity subject to their having a clean record of service, which fact shall be certified by the competent authority to be specified.

<sup>2</sup>Note 4.--Deleted.

<sup>4</sup>Note 5.—A Government servant cannot retire voluntarily from the State Government with the, intention of getting himself absorbed permanently in an

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I. Inserted vide F. D. Notification SRO-26 dated 20-1-1987.

2. Recast/Deleted vide F. D. Notification SRO-108 dated 30-3-1982.

3. Inserted vide F. D. Notification SRO-450 dated 22-7-1976.

4. Inserted vide F. D. Notification SRO-413 dated 28-8-1984.

autonomous body, which may be having a pension scheme and there by earn. another pension for the service rendered in the autonomous body after having retired voluntarily from the State Government. In such cases a Government servant may get himself permanently absorbed in an autonomous body having pension scheme, and he may draw pension from the organisation last served. The pension payable shall be shared proportionately by the autonomous body and the State Government. Pending cases if any of the above nature with the autonomous body wholly owned or controlled by the State Government will be decided accordingly.

<sup>1</sup>Note 6.--See sub-clause (d) of Art. 185-D (IV) also.

<sup>2</sup>Note 7.--The case of overstayal in service beyond the intended/elected date of voluntary retirement (except those covered under the provisions of Note 2 above) involving collusive or contrived motives on the part of the Head of Office or any other higher officer should be identified and suitable action (including recovery of excess payments made as a result of such overstayal) taken against such officers to arrest such irregularities.

<sup>3</sup>Note 8.--Notwithstanding anything contained in Note 5 above, the provisions of this rule (Art. 230) shall not be applicable to the Government servants who are absorbed in the Autonomous/Statutory Bodies and Public Sector Undertakings owned and controlled by State/Central Government. Such cases shall be decided under Art. 185-D (V). All pending cases shall be decided accordingly.

231. Deleted.

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1. Inserted vide F. D. Notification SRO-662 dated 14-10-1986.

2. Inserted vide F. D. Notification SRO-127 dated 5-4-1988.

3. Inserted vide F. D. Notification SRO-157 dated 10-5-1991.

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CHAPTER--XVIII

AMOUNT OF PENSION

SECTION I--GENERAL RULES

AMOUNT HOW REGULATED

<sup>1</sup>232. The amount of pension that may be granted is determined by length of service in accordance with Articles 236 to 240-A. Fractions of year are not taken into account in the calculation of any pension admissible to an officer under Articles 236 to 240, but in the case of officers to whom Article 240-A applies six monthly periods of service shall be taken into account in calculation of pension.

Note.-Pension may be calculated to the nearest Paise.

<sup>2</sup>232-A. For determining the service qualifying for pension, six monthly periods of service are taken into account. Where in addition to the six monthly periods of service there may be a fraction of three months or more but less than six months, the same shall be taken as one six monthly period of service. Where the fraction is of less than three months duration the same shall be ignored from reckoning as period qualifying for service.

AWARD OF FULL PENSION

233. The full pension admissible under these Rules is not given as a matter of course or unless the service rendered has been really approved.

Note 1.--The Government makes it known to every employee that in future, pension shall *not* be granted as a matter of course but only for honest service, and every officer will be held responsible to see that no recommendations for award of pension is made in favour of any dishonest official.

<sup>3</sup>Note 2.-- The Head of the Department should be careful in giving certificates to their subordinates removed from service to state the whole truth in respect of character and cause of dismissal or resignation of appointment is suppression of true reason for which the subordinate has been removed from his appointment may obviously be injurious to the interest of public service.

Note 3.-- The officer so removed may be granted compassionate allowance under Article 170 of these Regulations in special cases, provided the allowance granted to any officer shall not exceed two-third of the pension which would have been admissible to him if he had retired on medical certificate.

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1. Inserted vide F. D. Notification SRO-57 dated 24-2-1966.

2. Inserted vide F. D. Notification SRO-35 dated 3-1-1984.

3. Inserted vide F. D. Notification SRO-400 dated 10-12-1962.

Note 4.--All Heads of Departments should In future when an application is made for compassionate allowance for a Government servant removed in the circumstances above mentioned, carefully explain :-

- (a) Why the case is deserving of special consideration?
- (b) What are the reasons for recommending maximum allowance admissible.

<sup>1</sup>234. If the service has not been thorough satisfactory, the pension sanctioning authority may make such reduction in the amount of pensionary benefits as it thinks proper:

Provided that, such authority shall give a reasonable opportunity to the official to put forward his defense or facts in extenuation before imposing any cut in pensionary benefits:

<sup>2</sup>Provided further that subject to Articles 168-A and 168-8, the pension sanctioned under these rules shall not be reduced although proof of the service having not been satisfactory may come to the notice of pension sanctioning authority subsequent to the sanction of pension.

<sup>3</sup>Government Instruction.--It has been noticed that the submission of pension papers to the pension sanctioning 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 finalisation of pension cases. The requirement of administrative sanction to pension which is referred to in Article 168,B, 287-B etc. is therefore, 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 pension sanctioning authority.

However, the intention behind the provisions of Articles 233, 234 is not proposed to be given up. Recourse to the provisions contained in these Articles will obviously be had only in exceptional cases and for this purpose it is not considered necessary to submit all pension cases to the pension sanctioning authority or subject them to a process of administrative sanction. Instead at the time when the preparation of pension paper is taken up i.e. eight 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).

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1.Recast vide F D. Notification SRO-615 dated 18-12-1974

2.Recast vide F. D Notification SRO-23 dated 9-1-1978.

3 Inserted vide F. D. Notification SRO-45 dated 28-1-1980.

In the absence of 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 of granting less than the full admissible pension/gratuity the procedure laid down in Article 234 should be followed and this process should be positively completed before the deadline for sending the pension papers to the authority responsible for issuing the pension payment order is reached i. e. earlier than six months prior to the retirement date. Reduction in pension shall be communicated in Form 6.

Where the responsibility for preparing the pension papers rests with an authority other than the Head of the Office concerned, it shall be the responsibility of the Head of the Office or that of the next higher authority, where the pension case is that of Head of the Office himself to ascertain in advance from the appointing authority and communicate to the authority responsible for preparing the pension papers any intention to grant less than the full admissible pension/gratuity not later than six months prior to the retirement date. When no such intimation has been received the authority responsible for preparing pension papers will process the pension case on the assumption that full admissible pension and gratuity may be granted.

#### LIMITATION

235. An officer entitled to a pension may not take gratuity instead of pension.

#### SECTION II-AMOUNT OF SUPERIOR <sup>1</sup>(AND INFERIOR) PENSION

##### AMOUNT ADMISSIBLE

<sup>2</sup>236. The amount of superior pension in respect of Government servants who retired before 1st April, 1965 shall be regulated by the length of service as follows: -

- (a) After a service of less than 10 years, a gratuity not exceeding one month's emoluments. for each completed year of service. If the emoluments of the officer have been reduced during the last three years of his service, otherwise than as a penalty, average emoluments may, at the discretion of the Administrative Department concerned (provided Finance Department has no objection), be substituted for emoluments.

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1. Inserted vide F. D. Notification SRO-57 dated 24-2-1966.

2. Recast *ibid*.

(b) After a service of not less than 10 years, a pension not exceeding the following amounts :-

Years of completed service	Scale of pension of average emoluments	<i>Minimum limit of pension</i>	
		per annum	per month
		Rs.	Rs.
10	10 Sixtieth	1,920	160
11	11	2,112	176
12	12	2,304	192
13	13	2,496	208
14	14	2,688	224
15	15	2,880	240
16	16	3,072	256
17	17	3,264	272
18	18	3,456	288
19	19	3,648	304
20	20	3,840	320
21	21	4,032	336
22	22	4,224	352
23	23	4,416	368
24	24	4,9°8	384
25	30	4,800	400
and above			

Note 1--In the case of officers whose average emoluments on retirement are not less than Rs. 1,000 per mensem the maximum pension for a service of 25 years and over may be raised up to Rs. 450 per mensem.

Note 2.--For the precise meaning of "Average emoluments" Articles 241 and 243 should be referred to.

237. Deleted.

238. Deleted.

<sup>1</sup>[ x x x x x ]

1. The caption "Section III--Amount of Inferior Pension" deleted vide F. D. Notification SRO-57 dated 24-2-1966.

239. For inferior service <sup>1</sup>[in respect of Government servants who retired before 1st April, 1965] pension may, subject to the conditions laid down in Articles 207 to 224 be granted as follows :-

(a) (I) Compensation and invalid gratuity to employees of all Government Departments, except Police, who retire on or after 5th December, 1916 2nd Poh., 1973-

- |  |       |                |
|--|-------|----------------|
| (i) after service of less than 5 years                                 | ..... | Nil            |
| (ii) after a service of not less than 5 years but less than 10 years   | ..... | 3 month's pay. |
| (iii) after a service of not less than 10 years, but less 15 years     | ..... | 4 month's pay. |
| (iv) after a service of not less than 15 years, but less than 20 years |       | 5 month's pay. |
| (v) Deleted.   |       |                |

Police employees and Jail Warders retired on or after 5th December, 1916/2nd Poh., 1973 and 17th January, 1935/4th Magh, 1991 respectively "(this will not apply to Police Constables and Jail Warders retired on or after 1st Baisakh, 2003 and 30th December, 1954 respectively, who have been classed as superior for purpose of Pension irrespective of their rate of pay)" :-

- |   |  |                |
|---|--|----------------|
| (i) after service of less than 5 years  |  | Nil            |
| (ii) after a service of not less .than 5 years, but less than 10 years  |  | 3 month's pay. |
| (iii) after a service of 119t less than 10 years, but less than 15 years  |  | 6 month's pay. |
| (iv) with effect from 6th Sawan, 1995 or 15 years complete service, a pension of 15/60th or 1/4th average emoluments restricted to Rs. 3 per mensem to be increased by 20 P. for each further complete year of service until at 30 years restricted to the maximum of Rs. 6 per mensem. |  |                |

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1. Inserted vide F. D. Notification SRO-57 dated 24-2-1966.

<sup>1</sup>(b) After a service of 20 years and above, a Government servant inferior service of a Civil Department will be eligible to a monthly pension under the civil rules according to the scale given below :-

No. of years completed qualifying service	Scale of pension
20 years	.... 20/60th of average emoluments <sup>2</sup>
21 years	... 21/60th of average emolutaion <sup>2</sup>
22 years and so on	... 22/60th of average emoluments <sup>2</sup>
25 years	..., 25/60th of average emoluments <sup>2</sup>
30 years and above	... 30/60th of average emoluments <sup>2</sup>

After a service of not less than 20 years, but Jess than 25 years, Military followers i. e. Tailors, Cooks, Water Carriers, Saddlers, Farriers, Sweepers, Smiths, Mochies and Carpenters will be entitled to a gratuity equal to six month's pay. But when service is 25 years, they will be eligible to a monthly pension of Rs. 6 p. m.

(This order will have effect from 1st April, 1957).

If the emoluments of an officer have been reduced during the last three years of his service otherwise than as penalty, his gratuity may, at the discretion of the competent authority be calculated upon the average emoluments during the last three years of his service.

<sup>3</sup>240. Deleted.

### SECTION III-AMOUNT OF PENSION (REVISED)

240-A. (1) The amount of superannuation, retiring, compensation and invalid pension and compensation and invalid gratuity in respect of Government

1.Revised vide F. D. Notification Government Order No. 156-F of 1957 dated 16-5-1957 and shall have effect from 1-4-1957.

2. Substituted vide F. D. Notification SRO-57 dated 6-2-1963.

3. Deleted vide F. D. Government Order No. 156 of 1957 dated 16-5-1957.

servants who retire on or after 1st April, 1965 will be the appropriate amount noted below :-

Completed six monthly periods of qualifying service	Scale of gratuity or pension	Maximum pension 10 rupees per annum	Maximum pension in rupees per month
	<b>(a) Gratuity-</b>		
1	1/2months emoluments		
2	1 do.		
3	1 <sup>1/2</sup> do.		
4	2 <sup>1/2</sup> do.		
5	2 do.		
6	3 do.		
7	3 <sup>1/2</sup> do.		
8	4 do.		
9	4 <sup>1/8</sup> do.		
10	4 <sup>3/4</sup> do.		
11	5 <sup>1/8</sup> do.		
12	5 <sup>1/2</sup> do.		
13	5 <sup>7/8</sup> do.		
14	6 <sup>1/4</sup> do.		
15	6 <sup>5/8</sup> do.		
16	7 do.		
17	7 <sup>3/8</sup> do.		
18	7 <sup>3/4</sup> do.		
19	8 <sup>1/8</sup> do.		
	<b>(b) Pension--</b>		
20	10/80ths of average emoluments	2,160	180
21	10 <sup>1/2</sup> /80ths of average emoluments	2,268	189
22	11/80ths do.	2,376	198
23	11 <sup>1/2</sup> /80ths do.	2,484	207

Completed six monthly periods of qualifying service	Scale of gratuity or pension	Maximum pension in rupees per annum	Maximum pension in rupees per month
24	12/80ths of average emoluments	2,592	216
25	12 <sup>1/2</sup> /80ths do.	2,700	225
26	13/80ths do.	2,808	234
27	13 <sup>1/2</sup> /80ths do.	2,916	243
28	14/80ths do.	3,024	252
29	14 <sup>1/2</sup> /80ths do.	3,132	261
30	15/80ths do.	3,240	270
31	15 <sup>1/2</sup> /80ths do.	3,348	279
32	16/80ths do.	3,456	288
33	16 <sup>1/2</sup> /80ths do.	3,564	297
34	17/80ths do.	3,672	306
35	17 <sup>1/2</sup> /80ths do.	3,780	315
36	18/80ths do.	3,888	324
37	18 <sup>1/2</sup> /80ths do.	3,996	333
38	19/80ths do.	4,104	342
39	19 <sup>1/2</sup> /80ths do.	4,212	351
40	20/80ths do.	4,320	360
41	20 <sup>1/2</sup> /80ths do.	4,428	369
42	21/80ths do.	4,536	378
43	21 <sup>1/2</sup> /80ths do.	4,644	387
44	22/80ths do.	4,752	396
45	22 <sup>1/2</sup> /80ths do.	4,860	405
46	23/80ths do.	4,968	414
47	23 <sup>1/2</sup> /80ths do.	5,076	423
48	24/80ths do.	5,184	432
49	24 <sup>1/2</sup> /80ths do.	5,292	441
50	25/80ths do.	5,400	450

Completed six monthly periods of qualifying service	Scale of gratuity or pension		Maximum pension In rupees per annum	Maximum pension In rupees per month
51	25 <sup>1/2</sup> /80ths	of average emoluments	5,508	459
52	26/80ths	do.	5,616	468
53	26 <sup>1/2</sup> /80ths	do.	5,724	477
54	27/80ths	do.	5,832	486
55	27 <sup>1/2</sup> /80ths	do.	5,940	495
56	28/80ths	do.	6,048	504
57	28 <sup>1/2</sup> /80ths	do.	6,156	513
58	29/80ths	do.	6,264	522
59	29 <sup>1/2</sup> /80ths	do.	6,372	531
60 and above	30/80ths	do.	6,480	540

Note 1.--Government servants in service on 31st March, 1965 shall have the option to claim pension either under Article 236 or 239 as the case may be, or under Art. 240-A. Government servants who shall claim their pension under Articles 236 and 239 cannot take the benefit of Article 240-8. The option in the case of gazetted officers shall be sent to Audit Office and in the case of non-gazetted officers, it shall be intimated to pension sanctioning authority within six months or before the officer retires from service whichever is earlier from the date of insertion of Articles 240-A to 240-C. Those who fail to exercise option within stipulated time shall be deemed to have opted for Art. 240-A. Option once exercised shall be final.

<sup>1</sup>Note I-A.-Government servants who die while in service on or after 1-4-1965, but before the date of issue of SRO-57 dated 24-2-1966, shall be deemed to have opted for their pension being fixed under Art. 240-A.

Note 2.--In case of officers who have retired between 1-4-1965 and the date of insertion of Articles 240-A to 240-C, the option whether they want to be governed by the new rules or they would continue to draw the pension as fixed or to be fixed under old rules, shall be exercised within a period of six months from the date of insertion of Articles 240-A to 240-C. In case the option is not exercised within this period, the cases shall not be reopened

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1. Inserted vide F. D. Notification SRO-97 dated 25-2-1967.

and it will be presumed that they want to be governed by old rules. The option will be addressed by them to the pension sanctioning authority or to the Audit Office as is prescribed in Note 1 above for those in active service.

**Note 3.**—In the case of pensioners who retired after 1-4-1965 but breathed their last before the date of insertion of Articles 240-A to 240-C, the amount of pension shall be refixed on a request of their legal heirs, and the amount of gratuity payable under rules will be paid to them and excess in pension drawn up to the date of death adjusted from the gratuity.

<sup>1</sup>240-AA. In respect of Government servants who retire on or after 1<sup>st</sup> day of January, 1976 the amount of superannuation, retiring, compensation and invalid pension and compensation and invalid gratuity will be the appropriate amount noted below :--

Completed six. monthly periods of qualifying Service	Scale of gratuity or pension	Maximum pension in rupees per Annum	Maximum pension in rupees per mensem
	2	3	4
	(a) Gratuity-		
	Yz month's emoluments		
2	1 do.		
3	1Y2 do.		
4	2 do.		
5	2Yz do.		
6	3 do.		
7	W2 do.		
8	4 do.		
9	43/, do.		
10	4 do.		
11	51/, do.		
12	5Y2 do.		
13	5', do.		

<sup>1</sup> Inserted vide r. D. Notification SRO-157 dated 24.3.1976.

	2	3	4
14	6lf.months emoluments		
15	6s/ 8 do.		
16	7 do.		
17	73/ 8 do.		
13	73/ 4 do.		
19	81/ 8 do.		
	(b) Pension-		
20	10/80ths of average emoluments	3000	250.00
21	101/2/80ths do.	3150	262.50
22	11/80ths do.	3300	275.00
23	111/2/80ths do.	3450	287.50
24	12/80ths do.	3600	300.00
25	121/2/80ths do.	3750	312.50
26	13/80ths do	3900	325.00
27	131/2/80ths do.	4050	337.50
28	14/80ths do.	4200	351}.00
29	141/2/80ths do.	4350	362.50
30	15/80ths do.	4500	375.00
31	151/2/80ths do.	4650	387.50
32	16/80ths do.	4800	400.00
33	161/2/80ths do.	4950	412.50
34	17/80ths do.	5100	425.00
35	171/2/80ths do.	5250	437.50
36	18/80ths do.	5400	450.00
37	181/28/0ths do.	5550	462.50
38	19/80ths do.	5700	475.00
39	191/2/80ths do.	5850	487.50

	2	3	4
40	20/80ths of average emoluments	6000	500.00
41	20 1/2/80ths do.	6150	512.50
42	21/80ths do.	6300	525.00
43	21 1/2/80ths do.	6450	537.50
44	22/80ths do.	6600	550.00
45	22 1/2/80ths do.	6750	562.50
46	23/80ths do.	6900	575.00
47	23 1/2/80ths do.	7050	587.50
48	24/80ths do.	7200	600.00
49	24 1/2/80ths do.	7350	612.50
50	25/80ths do.	7500	625.00
51	25 1/2/80ths do.	7650	637.50
52	26/80ths do.	7800	650.00
53	26 1/2/80ths do.	7950	662.50
54	27/80ths do.	8100	675.00
55	27 1/2/80ths do.	8250	687.50
56	28/80ths do.	8400	700.00
57	28 1/2/80ths do.	8550	712.50
58	29/80ths do.	8700	725.00
59	29 1/2/80ths do.	8850	737.50
60 and above	30/80ths do.	9000	750.00

Note.- The amount of pension shall be fixed at monthly rates and be expressed in whole rupees and where the pension contains a fraction of a rupee it shall be rounded off to the next higher rupee:

Provided that in no case, a pension in excess of the maximum pension prescribed under this rule shall be allowed.

**Note 2.**—Government servants in service who may have earlier opted for claiming pension under Article 236 or 239 of Jammu and Kashmir Civil Service Regulations as the case may be, shall have fresh option to claim pension either under the old Rules or under the new Rules introduced vide SRO-157 of 24-3-1976, as amended from time to time.

The option in the case of Gazetted Officers shall be sent to the Audit Office and in the case of Non-Gazetted Officers, it shall be intimated to the pension sanctioning authority, within 6 months from the issue of this order or before the officer retires from service whichever is earlier. Option once exercised shall be final.

<sup>2</sup>240-AAA. Notwithstanding anything contained in Articles 240-A and 240AA with regard to fixation of pension and the maximum limits thereof the amount of superannuation, special retiring, compensation and invalid pension in respect of Government servants who retire on or after 31<sup>st</sup> March, 1979 shall be appropriate to the amount given hereunder :-

Amount of monthly pension

(i) Up to first Rs. 1000 of the average emoluments reckonable for pension.	50% of the average emoluments.
(ii) Nev Rs. 500 of the average emoluments reckonable for pension.	45% of the average emoluments.
(i) Balance of average emoluments reckonable for pension.	40% of the average emoluments subject to overall ceiling as per Note 2 below.

**Note 1.**—The amount of pension arrived at on the basis of above slabs will be related to the maximum qualifying service of 30 years. For Government servants - who at the time of retirement, have rendered qualifying service of 10 years or more but less than 30 years, the amount of their pension will be such proportion of the maximum admissible pension as the qualifying service rendered by them bears to the maximum qualifying service of 30 years. A few illustrations are given below :-

Illustrations :

Average emoluments	Pension on 30 years of service	Proportionate pension for 26 years of service
(i) Rs. 1000	Rs.500	$500 \times \frac{26}{30} =$ Rs. 433.33 or Rs. 434.00

1. Inserted vide F. D. Notification SRO-440 dated 11-7-1977.

2. Inserted vide F. D Notification SRO-586 dated 23-10-1979.

Average emoluments	Pension on 30 years of service	Proportionate pension for 26 years of service
(ii) Rs. 1300	First Rs. 1000@ 50% Rs. 500.00 Next Rs. 300@ 45% Rs. 135.00	$635 \times 26 / 30 =$ Rs. 550.33 or Rs. 551.00
	Total            635.00	
(iii) Rs. 1800	First Rs. 1000@ 50% Rs. 500.00 Next Rs. 500@ 45% Rs. 225.00 Balance Rs. 300@ 40% Rs 120.00	$845 \times 26 / 30 =$ Rs. 732.33 or Rs. 733.00
	Total            845.00	
(iv) Rs. 2300	First Rs. 1000@ 50% Rs. 500.00 Next Rs. 500@ 45% Rs. 225.00 Balance Rs. 800@ 40% Rs 320.00	$1045 \times 26 / 30 =$ Rs. 905.66 or Rs. 906.00
	Total            1045.00	

**Note 2,-** The pension as determined in accordance with the above slab plus maximum relief (Dearness Allowance) on pension as admissible w.e.f. 1<sup>st</sup> April, 1979 will be subject to overall ceiling of Rs. 1200/- per month. If pension itself exceeds Rs. 1200/- per month, then the maximum pension for full service of 30 years will be restricted to Rs. 1200/- per month and no dearness allowance will be payable up to price index level of Rs. 328.

<sup>1</sup>**Note 2-A.**—Government employees who retire on or after 31-1-1982 and have opted or are deemed to have opted for the revised scales of pay, will draw pension admissible under rules subject to a maximum of Rs. 1,500 per month including dearness allowance on pension (released including February, 1981 instalment of D. A. on pension).

**Note 3.**—The provisions regarding admissibility of service gratuity, death-cum-retirement gratuity, determination of average emoluments, service qualifying for pension including the provisions for treating completed six monthly periods of service as qualifying and fraction of a rupee being rounded off to next higher rupee and family pension will continue to be applicable equally in the case of Government Servants whose pension is determined under these rules.

I. Inserted vide F. D. Notification SRO-108 dated 30-3-1982.

<sup>1</sup>**Note 4.-**In the case of Government servants retiring on or after 31<sup>st</sup> March, 1985 there will be no ceiling on the amount of pension.

<sup>2</sup>240-AAAA. (i) Notwithstanding anything contained in Articles 240-A, 240AA, 240-AAA, with regard to fixation of pension and;’ maximum limits thereof, the amount of superannuation, Special Retiring, Compensation and Invalid .Pension in respect of Government servants who opted for revised pay scales of 1-4-1987 and retire on or after 1-4-1987 shall be calculated as under :-

- |   |   |
|---|---|
| (a) Service gratuity for qualifying service of less than 20 completed six monthly periods of completed six monthly periods service. | ½ month’s emolument for every completed six monthly period of service   |
| (b) Pension for twenty completed six monthly periods of qualifying service or more.   | 50% of average emoluments in all cases. The amount of pension so arrived at will be related to the maximum qualifying service of 33 years:-For Government servants who at the time of retirement have rendered qualifying service often years or more but less than 33 years, the amount of pension will be such proportion of the maximum admissible pension as the qualifying service rendered by them bears to the maximum qualifying service of 33 years. The pension under this rule shall be subject to a minimum of Rs. 325/- and maximum of Rs. 2850/-. |

<sup>3</sup>**Note.-**The minimum ceiling of pension shall w. e. f. 1-4-1992 in respect of all the pensioners including the existing pensioners, be raised from Rs. 325 to Rs. 375 per month. The maximum ceiling of pension shall in respect of Government employees who may retire on or after 1-4-1992, be raised from Rs. 2850 to Rs. 3750 per month. .

(ii) Where pension has been provisionally sanctioned in cases occurring on or after 1-4-1987, the same shall be revised in terms of this rule. In cases where pension has been finally sanctioned under the pre-revised rules and if it happens to be more beneficial than the pension becoming due under this rule, the pension already’ sanctioned shall not be revised to the disadvantage of the pensioner.

(iii) Dearness Allowance on pension in respect of those who retire on or after 1-4-1987 shall be allowed at the rates which may be notified by the Government from time to time.

1. Inserted vide F. D. Notification SRO-383 dated 3-10-1985.

2. Inserted vide F. D. Notification SRO-129 dated 5-4-1988.

3. Inserted vide F. D. Notification SRO-77 dated 30-3-1992.

**SECTION III-A-DEATH-CUM-RETIREMENT GRATUITY**

<sup>1</sup>240-8. (i) A Government servant who has completed five years qualifying service may be granted an additional gratuity not exceeding the amount specified in sub-rule (iii), when he retires from service and is eligible for a gratuity or pension under Art. 240-A or <sup>2</sup>240-AA.

(ii) If a Government servant (to whom Art. 240-A or <sup>2</sup>240-AA above applies) who has completed five years qualifying service dies while in service, a gratuity not exceeding the amount specified in sub-rule (iii) may be paid to the person or persons on whom the right to receive the gratuity is conferred under clause (iii) of Art. 240-C

(iii) The amount of gratuity will be one-fourth of the emoluments of a Government servant for each completed six monthly period of qualifying service subject to a maximum of 1.5 times the emoluments. In the event of death of an officer while in service, the gratuity will be subject to a minimum of 12 times the emoluments of the Government servant at the time of his death.

Provided that in no case it shall exceed Rs. 24,000.

(iv) If a Government servant who has become eligible for a pension or gratuity under Art. 240-A or Art. 240-AA dies within five years from the date of retirement, and the sums actually received by him before death on account of such gratuity or pension together with the gratuity granted under sub-rule (i) and the commuted value of any portion of pension commuted by him are less than an amount equal to 12 times his emoluments a gratuity equal to the deficiency may be granted to the person or persons specified in sub-rule (ii).

**Note.**—For purposes of calculating the “sum” actually received by a pensioner under the above rules, the dearness allowance already drawn by him, in addition to pension and gratuity shall also be taken into consideration.

<sup>3</sup>Government Instructions :-

(i) Rate of Death Gratuity for permanent employees with less than 5 years qualifying service.

The family of a permanent Government servant who died before completing 5 years qualifying service will also be eligible for a gratuity equal to 6 times the emoluments of the Government servant at the time of his death, except in cases in which death occurs in the first year of service when the gratuity admissible will be equal to two months emoluments.

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1. Inserted vide F. D. Notification SRO-57 dated 24-2-1966 effective from 1-4-1965.

2. Inserted vide F. D. Notification SRO-157 dated 24-3-1976.

3. Inserted vide F. D. Notification SRO-131 dated 12.3.1969.

(ii) Recovery of Government dues from Death-cum-Retirement Gratuity permissible without consent.

As the Death-cum-Retirement Gratuity admissible under these rules is in the nature of a gift, it is permissible to make the recovery of Government dues (other than those the recovery of which is regulated according to agreement of loans/ advances for specific purposes like Low/Middle Income Group Housing Loans which carry the Government dues even beyond retirement/death) from the Death-cum-Retirement Gratuity due in respect of a Government servant even without obtaining his consent or without obtaining the consent of the members of his family in the case of deceased officer, as the case may be.

<sup>1</sup>240-88. (a) A Government servant who has completed 5 years of qualifying service may, on his retirement on 01 after 1-4-1937 be granted retirement gratuity equal to 1/4<sup>th</sup> of his emoluments for each completed *six monthly* period of qualifying service subject to a maximum of 16 1/2 times the emoluments, provided that the amount of retirement gratuity payable shall in no case exceed Rs. 80,000/

(b) In the event of death in harness on or after 1-4-1987 death gratuity shall be admissible at the following rates .-

Length of qualifying service	Rate of gratuity
(i) Less than 1 year of qualifying service.	2 times of emoluments.
(ii) One year or more but less than 5 years.	6 times of emoluments.
(iii) Five years or more but less than 20 years.	12 times of emoluments.
(iv) Twenty years or more.	Y, of emoluments for every, completed <i>six</i> monthly period of qualifying service, subject to a maximum of 33 times emoluments.

Provided that the amount of gratuity shall in no case exceed Rs. 80,000/-.

**Note 1.**—The existing ceiling of Rs. 3500/- on reckonable emoluments for calculating retirement/death gratuity is dispensed with. There will be no ceiling on reckonable emoluments for calculating retirement/death gratuity under this rule on or after 1-4-1987. “Emoluments” for purpose of this rule will mean the “Basic Pay”. ( See proviso to Art. 241-B also).

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1. Inserted vide F. D. Notification SRO-179 dated 5-4-1988.

**Note 2.**—The provisions of this rule shall apply to Government servants who have opted or are deemed to have opted for the Revised Pay Scales of 1-4-1987.

**Note 3.**—Sub-para (ii) of Art. 240-AAAA applies here also, *mutatis mltandis*.

**Note 4.**—The over-all ceiling of Death-cum-Retirement Gratuity in respect of a Government servant who may retire or die while in service, on or after 1-4-1992, shall be Rs. 1,00,000/- (Rupees one lakh).

<sup>2</sup>Provided that w.e.f. 1-4-1995, the overall ceiling of Death-cum-Retirement Gratuity shall be Rs. 2.50 lakhs.

<sup>3</sup>**Note 5.**—In case of Government servants who retire or die on or after 1-1-1995 a portion of dearness allowance i.e. 20% of basic pay drawn by them at the time of retirement/death shall be treated as dearness pay for reckoning Death/Retirement Gratuity irrespective of different pay ranges existing for payment of dearness allowance. This dearness pay will count only for reckoning emoluments (as defined in Note (I) below Art. 240-88 above) for the purpose of Retirement/Death Gratuity and for no other purpose. There will, however, be no change in the existing limit of gratuity i. e. 16Y2 times of emoluments or Rs. one lakh whichever is less.

<sup>2</sup>**Note 6.**— With effect from 1-4-1995, the dearness allowance as indicated below shall be treated as dearness pay for reckoning emoluments for the purpose of Retirement Gratuity/Death Gratuity :-

Pay Range	Dearness Allowance to be added to pay for calculation of gratuity
1. Basic pay up to Rs.3500/- P.M.	97% of pay
2. Basic pay above Rs. 3500/- P.M. and up to Rs. 6000/- P.M.	73% of pay subject to a minimum of Rs. 3395/
3. Basic pay above Rs. 6000/- P.M.	63% of pay subject to a minimum of Rs. 4380/

1. Inserted vide F. D. Notification SRO- 77 dated 30-.3-1992

2. Inserted vide F. D. Notification SRO-258 dated 29.-9-1995

3. Inserted vide F. D. Notification SRO-26 dated 9-2..1995

240-C. (i) The emoluments for the purpose of Art. 240-13, will be subject to a maximum of Rs. 1,500 per mensem and means the emoluments as defined in Articles 241, 241-A and 241-A (I) which the Government servant was receiving immediately before retirement (or death) ; provided that if the emolument of a Government servant have been reduced during the last three years of his service otherwise than as a penalty, 'average emoluments' as defined in *Art.* 242 may at the discretion of the authority which has power to sanction the pension in the ordinary course, be treated as emoluments.

I(ii) The term "family" for the purpose of Art. 240-13 shall mean :-

- (a) Wife, in the case of a male officer.
- (b) Husband, in the case of a female officer.
- © Sons.
- (d) Unmarried and widowed daughters (including step-children and adopted children).
- (e) Brothers below the age of 18 years and un-married and widowed sisters.
- (t) Father.
- (g) Mother.
- (h) /Married daughters, and
- (i) Children of a pre-deceased son.

(iii) Nominations and award<sup>5</sup> of gratuity under Art 240-B (ii) shall be made in accordance with the procedure laid down vide rules 13 to 19 of the "Family Pension-cum-Gratuity Rules" contained in Schedule XV of these Regulations.

<sup>2</sup>240-CC. The various maxima in respect of Death-cum-Retirement Gratuity prescribed in Art. 240-13 and 240-C are modified as under in respect of Government servants who retire on or after 1-1-1976 :-

- (a) The amount of gratuity shall be subject to a maximum of 16 times the emoluments as against 15 times prescribed in sub-clause (iii) of Article 240-8.
- (b) The maximum amount of gratuity shall be Rs. 25.000 as against Rs. 24.000 prescribed-in proviso below sub-clause (iii) of Art. 240-8.

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1. Recast vide F. D. Notification SRO-856 dated 28-12-1972.

2. Inserted vide F. D. Notification SRO-157 dated 24-3-1976.

© The emoluments for purposes of Death-cum-Retirement Gratuity will be subject to a maximum of Rs. 1,800 per mensem as against Rs. 1,500 prescribed in Art. 240-C (i).

<sup>1</sup>240-CCC. The various maxima in respect of Death-cum-Retirement Gratuity prescribed under Article 240-CC are modified as under. In respect of Government servants who retire on or after 31-1-1982 in the revised scales of pay :-

- (a) The amount of gratuity shall be subject to a maximum of 16 times the emoluments as heretofore.
- (b) The maximum amount of gratuity shall be Rs. 28,000 as against Rs. 25,000.

© The emoluments for purpose of Death-cum-Retirement Gratuity will be subject to a maximum of Rs. 2,200 as against Rs. 1,800 per month.

<sup>2</sup>**Note 1.**—In the case of Government servants retiring on or after 31<sup>st</sup> March, 1985 the amount of Death-cum-Retirement Gratuity shall be calculated after taking into account the elements of D. A., A. D. A and Ad-hoc D. A. upto an average index level of 568 (i.e. D. A., A. D. A. and Ad-hoc D. A. released including that of November, 1984 instalment). The maximum amount of gratuity in such cases is raised from Rs. 28,000/- to Rs. 40,000/-. The emoluments for purpose of calculation of Death-cum-Retirement Gratuity will be subject to a maximum of Rs. 3,500/- as against the earlier ceiling of Rs. 2,200/-.

<sup>3</sup>**Note 2.**—The provisions of Note I above shall apply mutatis mutandis in respect of permanent pensionable employees of State Road Transport Corporation (erstwhile employees of the Government Transport Undertaking) in so far as the Cost of Living Allowance (COLA) released in their favour up to and including 1-1-1985 instalment is concerned.

### **SECTION III-B—PROCEDURE FOR PAYMENT OF DEATH-CUM-RETIREMENT GRATUITY**

<sup>4</sup>240-0. When the gratuity is payable to the Government servant on his retirement.

On receipt of the certificate of the Accountant General on the pension application (Form 3) the competent authority, who will be the same as the authority competent to sanction the pension of the Government servant concerned may formally sanction the gratuity.

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1. Inserted vide F. D. Notification SRO-108 dated 30-3-1982.

2. Inserted vide F. D. Notification SRO-383 dated 3-10-1985.

3. Inserted vide F. D. Notification SRO-383 dated 25-6-1986.

4. Inserted vide F. D. Notification SRO-157 dated 24-3-1976.

**Note.**- The procedure prescribed in Art. 292 in regard to the anticipatory payments of pensions may be followed in the case of anticipatory payment of Death-cum-Retirement Gratuity also.

<sup>1</sup>240-E. When the gratuity is payable to the nominee or a family member of the Government servant who dies while in service.

If the Government servant has executed a nomination in the prescribed (Forms A and B of Schedule XV) and the nomination subsists, the Head. of the Office/Department should, on receipt of the death report of the Government servant draw up a statement of his services on the 2<sup>nd</sup> page of the pension application form. If the Government servant dies without making a nomination conferring on one or more of the relatives named in Art. 240-C (ii) the right to receive the amount of death-cum-retirement gratuity, it shall be paid in equal shares to those surviving members of Government servant's family as detailed in sub-clauses (a) to (d) of Art. 240-C (ii) except widowed daughters. Where there are no such surviving members, but there is/are surviving widowed daughter(s) and/or one or more members of the family of the Government servant who belong to category (e) to (i) of Art. 240-C (ii) the gratuity. may be paid to all such persons in equal shares. In such cases (where there is no nomination) the Head of the Office/Department will draw the statement of service on receipt of an application for the gratuity from the claimants entitled to receive the payment. The statement of services along with the provisional recommendations of the competent 'authority as to the amount of gratuity proposed to be paid (and the name and address of the person or persons to whom it is to be paid together with the nomination form, in the case of a non-gazetted Government servant) shall be forwarded to the Accountant General *for* verification. After obtaining the certificate of verification (and ascertaining from the Accountant General the details as to the nominee or nominees if the deceased is a Gazetted Government servant) formal sanction to the payment of the gratuity may be accorded by the competent authority, who will be the same as the authority competent to sanction the pension of the Government servant. The sanction should indicate the name, address and the relationship to the deceased Government servant of the person or persons to whom the gratuity is to be paid and the amount to be paid to each of them. The Accountant General will then arrange for the disbursement of the amount.

<sup>2</sup>Note.—Deleted.

<sup>3</sup>240-EE (I) If a Government servant dies after retirement without receiving the gratuity admissible under Article 240-B, the gratuity shall be disbursed to the family in the manner indicated in Article 240-E.

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1. Recast vide F. D. Notification SRO-856 dated 28-12-1972.

2. Deleted vide F. D. Notification SRO-234 dated 10-4-1979.

3. Inserted *ibid*.

(2) The right of a female member of the family or that of a brother of a Government servant who dies while in service or after retirement to receive the share of gratuity shall not be effected if the female member marries or remarries or the brother attains the age of 18 years after the death of the Government servant and before receiving her or his share of the gratuity.

Pending cases if any shall be decided accordingly.

**<sup>1</sup>240-F. When the gratuity is payable in cases of death within 5 years from the date of retirement under Art. 240-B (iv).**

In such a case the service of the Government servant would have been verified, and in other respects the procedure indicated in Art. 240-E above may be followed.

**<sup>2</sup>240-G. Payment of death gratuity to minors.**

The amount of Death-cum-Retirement Gratuity when payable to a minor or minors may be paid to them through their natural guardian and in the absence of a natural guardian, to the person who furnishes a guardianship certificate. However, payment of Death-cum-Retirement Gratuity to the extent of <sup>3</sup>Rs. 10,000 (or the first 3Rs. 10,000 where the amount payable exceeds 3Rs. 10,000) in favour of a minor may be made to his/her guardian, in the absence of a natural guardian without the production of a formal guardianship certificate, but subject to the production of an indemnity bond with suitable sureties to the satisfaction of the 'sanctioning authority. The balance in excess of <sup>3</sup>Rs. 10,000 if any would become payable on 'he production of a certificate of guardianship.

It is essential, however, that there should be adequate *prima facie* grounds for making payments as in above para to the person claiming it. Such ground can exist only if he is shown by a sworn declaration to be *de facto* guardian and his *bona fides* have been ascertained. Even if a guardian has not yet been appointed by the court, if the minor and his property are in the custody of some person such person is in law a *de facto* guardian. The authorities making the payment should, therefore require the person who comes forward to claim payment on behalf of the minor, to satisfy them by an affidavit that he is in charge of the property of the minor and is looking after it or that, if the minor has no property other than the gratuity, the minor is in his custody and care. The affidavit so to be produced is in addition to the indemnity bond with suitable sureties.

Pending cases, if any with the Audit may be disposed or accordingly.

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I. Inserted vide F. D. Notification SRO-57 dated 24-2-1966 effective from 1-4-1965.

2. Inserted vide F. D. Notification SRO-856 dated 28-12-1972. .

3. Recast vide F. D. Notification SRO-225 dated 28-6-1990.

<sup>1</sup>**Government Instructions.**—Cut off dates for processing of pension cases at various levels are prescribed in Article 284-A. Action on preparation of pension cases has to be initiated two years preceding the date of retirement of a Government servant. The rules emphasise the desirability of authorising payment of pension immediately on retirement of a Government servant.

Delay in authorisation of pension and death-cum-retirement gratuity should be depreciated as a fundamental principle. Where, however, authorisation of payment of death-cum-retirement gratuity has been delayed beyond three months from the date of retirement of Government servant or from the date of death (if the death occurs while in service) and it is established beyond doubt that the delay was not attributable to the pensioner or to the beneficiary (in the case of death of a Government servant) but is due to administrative lapse or for reasons beyond the control of the Government servant or the beneficiary concerned interest may be allowed on delayed payments of gratuity <sup>2</sup>(at the rates as may be prescribed by the Government from time to time) for the period beyond three months after the gratuity becomes due and would be payable till the end of the month preceding the month in which the payment is actually made. Each case of payment of interest shall be considered by the Administrative Department in consultation with the Finance Department and the payment of interest will be sanctioned by the Government in the Administrative Department concerned.

<sup>3</sup>“In all cases where the payment of interest has been sanctioned by the Government in Administrative Department such Department shall fix the responsibility and take disciplinary action against the Government servant(s) who are found responsible for the delay in the payment of gratuity”.

Where disciplinary or Judicial proceedings against a Government servant are pending on the date of his retirement provisional pension is authorised under Article 168-B. No gratuity is paid in such cases until the conclusion of the proceedings and the issue of final orders thereon. The gratuity if allowed to be drawn by the competent authority on the conclusion of the proceedings will be deemed to have fallen due on the date of issue of the orders by the competent authority.

<sup>4</sup>Where, however, in any such case, on the conclusion of proceedings a person is fully exonerated of the charges levelled against him, interest on delayed payment of Death-cum-Retirement Gratuity may also be allowed in that case in accordance with the aforesaid instructions. Gratuity in such cases<sup>7</sup> will be deemed to have fallen due on the date following the date of retirement for the purpose of payment of interest on delayed payment of gratuity. No interest shall however be allowed \_o such Government servants who die during the pendency of judicial/ disciplinary proceedings against them and against whom such proceedings are consequently dropped.

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1. Inserted vide F. D. Notification SRO-157 dated 27-3-1980.

2. Recast vide F. D. Notification SRO-198 dated 29-5-1985.

3. Inserted vide F. D. Notification SRO.547 dated 2-9-1986.

4. Inserted vide F. D. Notification SRO-418 dated 6-8-1988.

Interest will not be payable where the payment of arrears of gratuity may become due as a result of enhancement of the emoluments after retirement or liberalisations made in the rules from a date prior to the date of retirement of the Government servant.

These orders shall take effect from the date of issue of this notification. The cases of those Government servants, who retired/died while in service before this date would also be covered if D. C. R. G. has not been paid as on the date of issue of this notification and there has been delay in its payment beyond three months of the date of their retirement/death but the interest would be payable in such case: only from the date of the issue of this notification or three months from the date of retirement/death whichever date is later.

#### SECTION IV-ALLOWANCES RECKONED FOR PENSION

##### EMOLUMENTS AND AVERAGE EMOLUMENTS

241. The term "*Emoluments*" means the emoluments which the officer was receiving immediately before retirement and includes-

- (a) Pay;
- (b) Personal allowance;
- © Acting allowances of an officer without substantive appointment if the acting service counts under Article 179 and allowances drawn by an officer appointed provisionary or substantively *protempore* to an office which is substantively vacant and on which no officer has a lien, or to an office, temporary vacant in consequence of the absence of the permanent incumbent on leave without allowances, or on transfer under Article 185.

<sup>1</sup>241-A. In respect of officers retiring from service on or after 1<sup>st</sup> January, 1962, the term 'emoluments' when used in this part of the Regulations means the emoluments which the officer was receiving immediately before his retirement and includes :-

- (a) substantive pay in respect of a permanent post other than a tenure post held in a substantive capacity ;
- (b) personal allowance which is granted in lieu of loss of substantive pay in respect of permanent post other than a tenure post;

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1. Inserted vide F. D. Notification SRO-321 dated 27-10-1962.

<sup>1</sup>© special pay, if :-

- (i) the special pay has been sanctioned permanently i.e. without limit of time, and
- (ii) drawn in a permanent post which is held by the individual concerned in a substantive capacity.

<sup>2</sup>However when certain posts in a cadre have special pay attached to them permanently, it will count in full for pension if the holder of the post (whether that post is temporary or permanent) to which special pay is attached is permanent in that cadre.

## (d) one-half of :-

- (i) the difference between the substantive pay and the pay actually drawn in higher officiating or temporary appointments.
- (ii) <sup>3</sup>pay drawn in temporary or officiating appointment.
- <sup>4</sup>(iii) the difference between the substantive pay and the pay actually drawn in higher tenure appointment(s) whether held in substantive or officiating capacity, provided that service in tenure appointment(s) does not qualify for the grant of special additional pension.

<sup>1</sup>(iv) special pay not covered by clause © above.

<sup>5</sup>**Note I.**—The Government of Jammu and Kashmir have entered into a reciprocal arrangement with the Government of India in regard to the counting of emoluments drawn by officers while on deputation from State Government to the Government of India and vice versa for the purpose of pension. The effect of the arrangement will be as follows :-

In case of deputation of State Government employees to the Central Government, the question whether any part of deputation special pay received by such an employee will count for pension will be decided by the State Government with reference to these rules. If for proper application of these rules any question arises regarding exact nature and classification of the deputation special pay,

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1. Inserted vide F. O. Notification SRO-392 dated 28-9-1967 and shall be effective from 1-4-1967 in respect of Article 241-A.  
 2. Inserted vide F. D. Notification SRO-589 dated 8-12-1971 effective from 1-4-1967.  
 3. Recast ibid.  
 4. Inserted vide F. D. Notification SRO-114 dated 15-4-1964.  
 5. Inserted vide F. O. Notification SRO-391 dated 3-10-1968.

the State Government will consult the Government of India, about the precise reasons for which the additional remuneration was granted. Similarly when a State Government employee on deputation to the Central Government holds a temporary or officiating appointment on a regular time scale, the question whether any part of difference between the pay, which he actually draws while on deputation and that which he would have drawn from the State Government but for his deputation should count for pension, will be decided by the State Government with reference to these rules. The same arrangement will apply in reverse in the case of Central Government employees who are sent on deputation to the State Government. This shall be deemed to have come into effect retrospectively from 30-9-1964.

Allocation of pensionary liabilities between the Central Government and State Government in these cases will be made in accordance with Note 6 below Art. 185.

<sup>1</sup>**Note 2.**--Officers who continued to draw old dearness allowance on 1-4-1962 and thereafter, because of the fact that their scales of pay were not revised on that date, shall count the said dearness allowance in full towards emoluments qualifying for pension, provided that on the date of their retirement they all along continued to draw the old dearness allowance as was in vogue on 31-3-1962, separately in addition to other dearness allowances sanctioned thereafter from time to time.

This shall be deemed to have come into effect from 1-8-1972.

<sup>2</sup>**Government Instructions.**-In reckoning last one year's average emoluments of a Government servant who retired on or after 1-4-1967, the duty allowance/ special pay, if any, drawn by him during the last one year of his service, shall form part of his pensionary emoluments.

<sup>3</sup>241-A. (I) If an officer holding a permanent post in substantive capacity :-

- <sup>4</sup>(a) officiates in a higher permanent post or holds a higher temporary post whether borne on pensionable or s temporary establishment department continuously for not less than three years and retires or dies while so officiating or holding the higher post, or
- (b) is confirmed in such higher permanent post at any time during the last three years of his service after having officiated in that *post* continuously for three years or more.

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1. Recast vide F. D. Notification SRO-752 dated 23-10-1972.

2. Inserted vide F. D. Notification SRO-396 dated 8-8-1970.

3. Inserted vide F. D. Notification SRO-114 dated 15-4-1964.

4. Recast vide F. D. Notification SRO-633 dated 12.9.1972 effective from 1-1-1972.

5. Recast vide F. D. Notification SRO-2 dated 2-1-1974: .

His emoluments for pension in respect of the higher post for any period beyond three years continuous service in that post shall be determined as if he held in substantive capacity a permanent post on a time scale identical with that of the higher post.

For purposes of computing the length of continuous service in respect of the higher post under the above rules all kinds of leave, all periods during which an officer officiated in a permanent post or held a temporary post on identical or higher time-scale and the time spent on deputation and foreign service shall be included, provided that it is certified that but for his proceeding on leave or serving in other post(s) or going on deputation or foreign service, as the case may be, the officer concerned would have officiated in or held the higher post.

This shall apply to Government servants retiring from service on or after 1st January, 1962.

<sup>1</sup>**Government Instructions.**—If the pay drawn in an officiating post beyond three years is treated as if drawn in a substantive post the same treatment will be accorded to the special pay drawn while so officiating.

**Note 1.**—If immediately before his retirement an officer has been absent from duty on leave with allowances the benefit of higher officiating or temporary pay shall be given only if it is certified that he would have continued to hold the higher officiating or temporary appointment but for his proceeding on leave.

**Note 2.**—In cases where a Government servant in quasi-permanent service is appointed substantively to a permanent post any time during the last three years of his service, the emoluments drawn by him in quasi-permanent capacity during the period he was not holding a permanent post shall be treated as if drawn in a permanent post held in a substantive capacity.

<sup>2</sup>**Note 3.**—A Government servant who retires while on deputation with the organisation of SSB (Government of India) or reverts to State service from there during the last one year preceding his retirement, will count in full towards pensionary emoluments, the deputation special pay, if any drawn while on deputation. Allocation of pensionary liability in such cases between the State and the Centre will be in accordance with the rules contained in Appendix <sup>3</sup>Account Code Volume I.

<sup>4</sup>241-B. Notwithstanding anything contained in Articles 241, 241-A, 214-A (I), the expression “Emoluments” shall in respect of a Government servant who retires on or after 1-1-1978 mean “Pay” as defined in Article 27 (a) of these

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1. Inserted vide F. D. Notification SRO-589 dated 8-12-1971.

2. Inserted vide F. D. Notification SRO-846 dated 19-12-1972.

3. Inserted vide F. D. Notification SRO-129 dated 5-4-1988.

4. Inserted vide F. D. Notification SRO-311 dated 8-6-1978 effective from 1-1-1978

rules, which a Government servant was receiving immediately before his retirement or on the date of his death.

<sup>1</sup>”Provided that the expression “Emoluments” shall, in respect of a Government servant who retires or dies while in service on or after 1-4-1987, mean basic pay, as defined in Article 27 (a) (i) of these rules which a Government servant was in receipt of immediately before his retirement or on the date of death, as the case may be, in the revised pay scales introduced under the Jammu and Kashmir Civil Services (Revised Pay) Rules, 1987”.

<sup>2</sup>The term “Basic Pay” wherever appearing In proviso below Article 241-B, Note 1 below sub-clause (b) of Article 240-BB, sub-clause (ij) below Article 242-B and in Column 2 of table below Rule 20-A of Family Pension Rules (Schedule XV) shall include “Stagnation Personal Pay” as admissible in terms of Art. 74-CCC of J & K Civil Service Regulations Volume 1.

This shall be deemed to have come into effect from 1-4-1987.

**Note 1.**—Where a Government servant immediately before his retirement or death while in service had proceeded on leave for which leave salary is payable after having held a higher appointment whether in an officiating or temporary capacity, the benefit of emoluments drawn in such higher appointment shall be given only if it is certified that the Government servant would have continued to hold the higher appointment but for proceeding on leave.

**Note 2.**-Pay drawn by a Government servant in tenure appointment shall be treated as emoluments:

Provided that the service in tenure appointment does not qualify for the grant of additional pension.

(b) Pay drawn by a Government servant while on foreign service shall not be treated as emoluments but the pay which he would have drawn under the Government had he not been on foreign service shall alone be treated as emoluments.

**Note 3.**-See also Notes 1 to 3 below Article 242.

242. The term “Average emoluments” <sup>3</sup>in respect of Government servants who retire on or after 1-4-1965, means the average calculated upon the last one year of service:

Provided that in respect of Government servants who retire on or after 1-1-1976 the term “Average Emoluments” shall mean the average calculated upon the last ten months of service.

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1. Inserted vide F. D. Notification SRO-129 dated 5-4-1988.

2. Inserted vide F. D. Notification SRO-329 dated 23-11-1990.

3. Inserted vide F. D. Notification SRO-194 dated 15-5-1967 effective retrospective from 1-4-1965

**Government Instructions.**—With effect from 1<sup>st</sup> January, 1976 the average emoluments are determined with reference to emoluments drawn during the last ten complete months. This work involves not merely an arithmetical calculation of the average emoluments but also a check of the correctness of the emoluments which enter into the calculation. The correctness of the emoluments on the first date of the ten months period would naturally depend on the correctness of the emoluments prior to this date. However, any such check of the correctness of past emoluments, whether in the office preparing the pension papers or latter in the office responsible for issuing the pension payment order, 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 twentyfour months preceding the date of retirement.

**Note 1.**—If during the last <sup>2</sup>one year or <sup>3</sup>[ten months] of his service, an officer has been absent from duty on leave without allowance or having been suspended, has been reinstated without forfeiture of service, his emoluments, for the purposes ascertaining the average, should be taken at what they would have been, had he not been absent from duty or suspended: Provided always that his pension *must* not be increased on account of increase in pay not actually drawn.

**Note 2.**—If during the last <sup>2</sup>one year or <sup>3</sup>[ten months] of his service, an officer has been absent from duty on leave without allowances (not counting for pension) or suspended under such circumstances that the period of suspension does not count as service, the period so passed should be disregarded in the calculation of the average, an equal period before the <sup>2</sup>one year or <sup>3</sup>[ten months] being included.

**Note 3.**—Excepting as provided in Notes 1 and 2 above, only emoluments actually received can be included in the calculation. For example, when an officer is allowed to count time retrospectively towards increase of pay, but does not received retrospectively the intermediate periodical increments, these intermediate increments are not reckoned in the calculations.

<sup>4</sup>**Note 4.**—(i) Government servants who have retired or may retire in between 31-1-1982 and 30<sup>th</sup> September, 1982, and have opted for the revised scales of pay shall count the amount of Dearness Allowance, Additional Dearness Allowance which has been merged with their pay while fixing their pay in the revised scale, towards pensionary emoluments for a full period of 10 months preceding their date of retirement regardless of the actual period of service put

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1. Inserted vide F. D. Notification SRO-45 dated 28-1-1980.

2. Inserted vide F. D. Notification SRO-194 dated 15.5-1967 effective from 1-4-1965.

3. Inserted vide F. D. Notification SRO-157 dated 24-3-1976 effective from 1-1-1976.

4. Inserted vide F. D. Notification SRO-108 dated 30-3.1982.

in by them in the revised scales after 1<sup>st</sup> January, 1982 to their date of retirement. For example, if a Government servant has retired on 28<sup>th</sup> February, 1982 and has opted for the revised scale of pay, the amount of merged D. A. and A. D. A. in his pay as a result of revision will be added for full ten months to his average emoluments for calculating of pension.

(ii) D. A. on pension to Government servants retiring on or after 31-1-1982 will be drawn at rates to be notified separately.

**Note 5.**—In case of a Government servant who was on earned leave during the last ten months of his service and earned increment which was not withheld such increment though not actually drawn shall be included in the average emoluments:

Provided that the increment was earned during the currency of the earned leave not exceeding 120 days or during first 120 days of earned leave where such leave was for more than four months in combination of other leaves.

**Note 6.**—Cases may arise where a Government servant might have been placed under suspension before the general revision of pay scales viz. 1-1-1982 and has been reinstated after the general revision and the orders of reinstatement state that the period of suspension would count as duty for all purposes but the pay and allowances in respect of the period of the suspension would be restricted to the subsistence allowance already drawn. If in any such case the benefit of fixation in the revised scale may have been ordered to be allowed notionally without any arrears the notional pay in the revised pay scales so allowed may be taken into account while reckoning the average emoluments of pension for the last ten months though it may not have actually been drawn.

<sup>2</sup>242. In the case of Government servants who retire on or after 31<sup>st</sup> March, 1985 the average emoluments for purposes of reckoning of pension or service gratuity shall include D. A., A. D. A. and Ad-hoc D. A. up to average index level of 568 (*i.e.*, installments of D. A., A. D. A. and Ad-hoc D. A. released including that for November, 1984). In their case the D.A., A. D. A. and Ad-hoc D. A. shall be treated as Dearness Pay with effect from the date from which these are sanctioned.

However, where the amount of pension so calculated results in less as compared to the total amount of pension plus D. A. on pension admissible to the pensioners who have retired on or after 31-1-1982 but before 31-3-1985, the loss will be made up by the grant of personal pension to the individual concerned. Personal pension so allowed will not be taken into account for the purposes of determining the commuted value of pension and D. A. on pension.

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1. Inserted vide F. D. Notification SRO-126 dated 25-3-1983.

2. Inserted vide F. D. Notification SRO-383 dated 3-10-1985.

To the pensioners retired on or after 31-3-1985 no D. A. on pension which as been released in the past till November, 1984 (including the instalment of November, 1984) will be allowed. Instalments of D. A on pension released for January, 1985 and thereafter only, will, however, be admissible.

<sup>1</sup>**Note.**—The above provisions shall apply mutatis mutandis in respect of permanent pensionable employees of State Road Transport Corporation (erstwhile employees of Government Transport Undertaking) in so far as the cost of living allowance (COLA) released in their favour up to and including 1-1-1985 instalment is concerned.

<sup>2</sup>242-8. In the case of Government servants who have opted for revised scales of pay promulgated with effect from 1-4-1987 and retire within 10 months from the date of coming over to the revised scale, average emoluments for ten months period preceding retirement shall be calculated by taking into account emoluments as under :-

- (i) For the period during which pay is drawn in pre-revised scale, the average emoluments shall be calculated on the basic pay and Special Pay, Personal Pay plus actual D. A, AD.A, Ad-hoc D.A appropriate to the basic pay at the rates in force on 31-3-1987, excluding ADA and Ad.hoc DA instalments released with effect from 1-4-1986, 1-6-1986 and 1-7-1986, sanctioned vide Government Order No. 160-GR/F of 1986 dated 30-7-1986 and No. 26-F of 1987 dated 27-1-1987.
- (ii) For the period during which pay is drawn in the revised scale, the average emoluments shall be calculated on the basic pay in the revised scale.

<sup>2</sup>242-C. (a) Government servants retiring between 1-4-1987 and 30-4-1988 shall be given an option to retain the pre-revised scale of pay and have their pension and DCRG calculated under the rules in force before 1-4-1987. Government employees who have already exercised their option in favour of the revised scales of pay shall be given another opportunity to re-opt pre-revised scale of pay from 1-4-1987 : provided they refund to the Government the excess pay and allowances drawn by them as result of coming over to the revised scale of pay. The pension and D. C. R. G. in such cases shall be regulated as follows :-

- (i) The term “emoluments” shall mean the pay as defined in Art. 27 (a) and will include DA, ADA, Ad-hoc ADA up to average CPI 568 in terms of Art. 242-A of the said rules introduced vide SRO-383 dated 3-10-1985.

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1 Inserted vide F. D. Notification SRO-383 dated 25-6-1986

2. Inserted vide F. D. Notification SRO-129 dated 5-4-1988.

(ii) Pension shall be calculated at 50% of average emoluments. To the pension so calculated DA beyond CPI 568 (instalment of November, 1984) and up to CPI 608 (instalment - of January, 1986) at the rates contained under category 'F' of Ready Reckoner annexed to Government Order No. 47-GR/F of 1986 dated 21-4-1986 shall be added. The amount so arrived at will be regarded as pension..

(iii) Personal pension if any in terms of Art. 242-A introduced vide SRO-383 dated 3-10-1985 shall be allowed where due but this will continue to be a separate element, and will continue to be excluded from calculation of DA as at present.

(iv) DCRG will be admissible with reference to emoluments at (i) above under the orders in force immediately before coming into effect of these provisions. The maximum reckonable emoluments shall be Rs. 3,500/-. The maximum amount of gratuity shall not exceed Rs. 40,000/-.

(v) Family Pension shall be allowed in accordance with the orders applicable prior to issue of these orders and shall be, calculated with reference to the basic pay in the pre-revised scale. To the family pension so calculated DA from average CPI at the rates contained under Category 'D' of the ready Reckoner annexed to Government, Order No.47-GR/F of 1986 dated 21-4-1986 shall be added. The amount so arrived shall be regarded as the family pension for regulating payment of QA, with effect from 1-4-1987.

**Note.-** The option referred to above may have to be exercised within three months of the date of issue of these orders. In case the employees have already come over to the revised scales of pay and do not exercise any option to go back to the pre-revised scales of pay in terms of these provisions, it may be deemed that they have accepted their pension and other retirement benefits, to be calculated in terms of the revised provisions with reference to their basic pay in the revised scales introduced under Jammu and Kashmir Civil Service Pay) Rules, 1987.

(b) In the case of persons who retain pre 1-4-1987 pay scale and retire/die subsequent to 30-4-1988, the retirement benefit shall be allowed under the revised rules and emoluments for this purpose will mean basic pay plus DA, ADA, Ad-hoc DA admissible appropriate to the basic pay at the rates in force on 31-3-1987 excluding ADA/Ad-hoc DA instalments released with effect from 1-4-1986, 1-6-1986 and 1-7-1986 vide Government orders No. 160-GR/F of 1986 dated 30-7-1986 and No. 26-F of 1987 dated 27-1-1987.

**ALLOWANCES WHICH DO NOT COUNT**

243. An officer can not count the following allowances :-

- (1) Local Allowance including allowances given for duties performed in addition to the work of a regular appointment;
- (2) House-rent allowance or estimated value of free quarters;
- (3) Compensation for dearness of provisions.

**NET EMOLUMENTS TAKEN**

244. Any part of an officer's pay or emoluments, which is specially intended to provide for expenses incidental to his duty, must be excluded e. g.

- (i) When an officer's pay is intended partly to cover the expenses of his providing or keeping a horse, his pay must be taken at what it would be if it was not intended to cover such expenses; or again.
- (ii) When a consolidated pay specially includes tentage, travelling allowance or house rent, these must be deducted

245. When service on temporary duty counts for pension under Article 184, the pay of the permanent appointment held by the officer and not that drawn in respect of temporary duty, is taken into consideration in determining the amount of pension.

246. The preceding Article does not apply to an officer deputed on abolition of his appointment to special duty (Article 186) or to an officer who, when his appointment was abolished was on special duty, in these cases the full allowances are counted.

**COMBINATION OF APPOINTMENTS**

247. If an officer has held more than one appointment in respect of each of which, if he had held it separately and alone, pension would have been admissible to him, the pension admissible to him is the sum of the several pensions which would have been admissible to him if he had held each office separately and alone. The consolidated pension thus admissible is subject to the limitation prescribed in Article 236.

248. An officer is not entitled for service in an office conjointly with another office, to any pension which would not have been admissible to him if he had held the office separately and alone.

**SECTION V-COMMUTED VALUE OF PENSION**

248-A. The rules regarding 'Civil Pension'. (Commutations) are contained in Schedule X of these Regulations.

## CHAPTER XIX

**SECTION I-SPECIAL RULES FOR PURELY  
COMMERCIAL DEPARTMENTS**

249. Service in Departments such as the Sericulture, Wine Manufacturing, Silk Weaving, Mulberry Culture or other purely Commercial Departments does not count for pension. This is subject to the following exceptions, namely:-

- (i) Officers who were already in these departments or joined them from other departments (in which their service qualified) previous to 20<sup>th</sup> June, 1906/7<sup>th</sup> Har, 1963, the date from which the new Pension Rules came into force, may be considered as continuing in qualifying service provided they get no commission under the departmental rules.
- (ii) Clerical establishments in these departments may be considered -in qualifying service, provided they draw no commission.
- (iii) The service rendered with effect from 1<sup>st</sup> Katik, 1995 by the peons in the Sericulture and Mulberry Culture Departments will qualify for pension in the case of persons retired on or after 19-12-1939/4-9-1996.
- (iv) The service rendered with effect from 1<sup>st</sup> Katik, 1995 by such of the Sericulture employees in service on or after 27-10-1942/ 11- 7-1949 as had on 1<sup>st</sup> Katik, 1995 completed 15 years continuous service will qualify for pension, provided they refund (a) the amount of commission without interest drawn by them from 1-7-1986, and (b) the share of Government contribution to their Contributory Provident Fund from 1-7-1995 together with the interest calculated thereon and credited to their account.
- (v) The service of such of the Seed Examiners in 30-2-50 (revised 45-2-65) grade of the Sericulture and Mulberry Culture Departments as have on 1<sup>st</sup> Katik, 1995 completed 15 years continuous service' be treated superior for purposes of pension and the benefit of pension as provided in exception (iv) above be extended to them subject to the condition laid down therein.
- (vi) All new entrants from 24-4-1956 as well as employees working on that date viz. 24-4-1956 in the Sericulture and Mulberry

Culture Win be pensionable with the proviso that such of the existing employees

- (a) Who opt for pension will have to refund all emoluments received by them in the past in the shape of the commission or Government contribution on account of C. P. Fund, and
- (b) Who chose to continue to avail of the benefits of the Contributory Provident Fund will not be entitled to pension.

Such of the employees who retired prior to 24-4-1956 will be dealt with under sub-clause (iv) above.

## CHAPTER XIX-A

## WOUND AND OTHER EXTRAORDINARY PENSIONS

**SECTION I-GENERAL RULES**

249-A. The rules in this Chapter apply to all persons employed permanently in civil capacity in the service of Government, provided that an award shall be paid under the provisions of this Chapter only when the Government consider that the compensation if payable under the Compassionate Fund Rules (See Schedule VI) is, in the particular case, inadequate.

249-B. Government do not bind themselves to grant a pension or gratuity in every case or if they grant a pension, to grant it for life.

249-C. Every grant of pension under this Chapter is subject to the provisions of Article 168.

249-D. In cases where considerable delay has occurred in applying for an extraordinary pension, the grant if any, will take effect only from the date/ of report of the Medical Board or, in the Case of a family pension, from such date as the Government may decide. Otherwise the grant may be made with effect from the date of wound, injury or death.

249-E. If an officer is incapacitated for further civil service in consequence of a wound, injury or disability, in respect of which an extraordinary gratuity or pension is awarded to him under the provisions of this Chapter, he will be eligible to receive, in addition to such extraordinary gratuity or pension, any ordinary civil pension or gratuity for which he may be eligible under these Regulations.

**SECTION II-WOUNDS, INJURIES OR OTHER DISABILITIES  
SUSTAINED OTHERWISE THAN ON SERVICE WITH A  
MILITARY FORCE**

249-F. (a) The rules in this section provide for the grant of a pension or a gratuity to an officer in civil employ who is injured and to the family of such an officer who is killed or dies of injuries received in the execution of public duty in circumstances other than those of military service.

**Note.**-Military officers in the civil employ who receive wounds or injuries in discharge of civil duties and the families of those officers who die of such wounds or injuries will be dealt with under the rules in this section.

(b) No gratuity or pension shall be sanctioned under these rules except after necessary medical report and the report of the Audit Office have been

obtained, provided that if the officer lost his life in circumstances which render it impossible to procure a medical report, reliable evidence of the actual occurrence of death may be accepted in lieu thereof.

249-G. (a) When a claim for an extraordinary pension or gratuity under these rules, arises, the Head of the Department or of the office in which the deceased or the injured officer was employed will get a report from the local Revenue Officers on the following points :-

- (i) the circumstances in which the injury was received or the life lost;
- (ii) in the case of death, the relationship and the pecuniary circumstances of the claimants.

(b) He will then submit the case with a statement of the circumstances and his recommendations through the usual channel to the Administrative Department concerned. The applications should be in the Form given below, suitable modifications being made in the heading and other columns of the Form in the case of an officer disabled for further service through wound or injury.

**Application for an Extraordinary Pension/Gratuity for the family of late .....killed/died in the execution of duty.**

- (1) Name.
- (2) Residence showing Mohalla or Village, Tehsil or Distt. ---
- (3) Age.
- (4) Health, Height.
- (5) Race, Caste or Sect.
- (6) Mark of identification.
- (7) Present occupation Description of Claimant and pecuniary circumstances.
- (8) Degree of relationship to deceased.
- (9) Name.
- (10) Occupation and
- (11) service. Length. of service.
- (12) Last pay.
- (13) Nature of injury causing
- (14) Amount of pension/gratuity proposed.
- (15) Proposed condition of the grant.
- (16) Date from which pension is to commence.
- (17) Remarks.

{	(Name	Date of birth by Christian era.
	(Sons.	
	(18) (Widows.	
	(Daughters.	
	(Father.	
	(Mother.	

Place.....

Date.....

Signature of the Head of  
Office or Department.

**Note.**—If the deceased has left no son, widow, daughter, father or mother surviving him, the word “None” or “dead”, should be entered opposite to each relation.

249-H. Grant of pension or gratuity under these rules requires Government sanction and may be made only when injury-or death is met in the performance of any particular duty which has the effect of increasing the officer’s liability to injury or death beyond the ordinary risk of the civil- appointment held by him. No claims shall be admitted on account to loss of the life or bodily injury resulting from an accident to which an officer may be liable under the ordinary conditions of civil-life or in connection with the ordinary discharge of his duty.

249-1. If in the circumstances described in the preceding Article it be decided to award a gratuity or pension to a civil officer or his family and the injury or death in respect of which the grant is to be made has been caused otherwise than on service with a Military Force, the amount of the award shall be as prescribed below :-

**A—Non-Gazetted Officers**

- (i) Wound or injury pension                      1/3<sup>rd</sup> of pay subject to a maximum of Rs. 10 p.m.
- (ii) Family pension                                      ½ of pay subject to a maximum of Rs. 25 p.m.

**B-Gazetted Officers**

- (i) Wound or injury pension                      1/3<sup>rd</sup> of pay subject to a maximum of Rs. 20 p.m.
- (ii) Family pension                                      ... ½ of pay subject to a maximum of Rs. 50 p.m.

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249-J. Government may award extraordinary pension or gratuities in special cases where the condition\_ of Article 249-H are not strictly fulfilled, as for instance, when an officer is killed or injured in or in consequences of the due performance of his official duties or because of his official positions.

249-K. If the circumstance described in Article 240-1 it be decided to award a pension or gratuity to a civil officer or his family, the amount of the award shall be fixed by the Government in consultation with the Finance Department, with reference to the character and service of the officer, the nature of the risk undergone and his conduct in accepting it and the pecuniary circumstances and prospects of the claimant, the maximum award being that which would be admissible in a corresponding case falling under Article 249.R The conditions of the award shall ordinarily be the same as those prescribed for a corresponding case under the Article, but the Government may modify these at their discretion *e. g.* they may award gratuity in lieu of pension or *vice versa* if they think that this would be the benefit of the recipient or :desirable on grounds of administrative convenience.

249-L. Subject only to such conditions as they may impose, the Government may grant to an officer, who has been severely injured or has contracted a serious disease in the execution of public duty, or to the family of an officer who has died from the effects of such injury or disease, and extraordinary pension not exceeding Rs. 10 a month in the case of Non-Gazetted officers and Rs. 20 a month in the case of Gazetted Officers or a gratuity not exceeding the equivalent of that amount or Rs. 500, whichever may be greater.

**Note 1.**—For the purpose of awarding a family pension under these rules, the term “family” includes only wife, legitimate child, father or mother, minor brothers or sister dependent upon the deceased for support.

**Note 2.**—The pension under these rules will be allotted-

- (a) to the eldest surviving son for the support of the family;
- (b) failing a son, to the eldest widow for the same purpose;
- © failing both sons and widows, to the eldest surviving unmarried daughter for the same purpose;
- (d) these failing to the father for the same purpose;
- (e) failing (a) to (d) above to the mother for the same purpose;
- (t) failing all these, to the eldest minor brother or sister, if wholly dependent upon the deceased.

Note 3--The pension to a male is tenable as follows :-

- (a) if the pensioner is under 6 years, till he is 18 years old;
- (b) if not under 6 but under 50 years, for 12 years;
- (c) if not under 50 ; for life.

Note 4--The pension to a female is for life or until marriage.

249-M. The Administrative Departments are hereby vested with powers to grant family pension or gratuity, as the case may be, in favour of the dependents of Government employees who were killed or are reported missing as a result of the raids on the State and dependents of such other Government employees as died in the communal disturbances of 1947 and 1948, subject to the following conditions and rules, namely:

(a) (i) The maximum family pension admissible to the dependents of a Gazetted officer and non-Gazetted official will not exceed Rs. 50 and Rs. 25 p.m. respectively.

(ii) The services of an inferior servant will be eligible to receive a maximum lump sum gratuity of Rs. 100 in each case.

(iii) The grant of the pension or gratuity will be admissible only in cases in which pecuniary conditions of the dependents warrant the provision of relief by the Government.

(iv) The pension or gratuity will be payable to the widow or the minor children of the deceased official or his widow mother if she was dependent for her maintenance on him, or to any of these as the case may be, and not to any other relative of the deceased.

(v) In the case of a widow, the pension will be tenable during her lifetime or till her re-marriage.

(vi) In the case of a minor, the pension will be payable only up to the date on which the eldest son attains the age of 21 years.

(vii) In the case of minors, none of whom is a male child, the pension will continue to be paid until they are all married.

(viii) Where the pension is to be drawn by more than one person, it will be distributed among them in equal proportion and will lapse to the Government to the extent of the share of any of the beneficiaries who dies, re-marriage or attains the age of majority.

(ix) The grant of pension will not be admissible to dependents of the deceased officials who might have migrated to Pakistan.

(x) No pension or gratuity under this order will be sanctioned except under the written orders of the Administrative Department concerned which will be issued after an enquiry is instituted in each case by the Deputy Commissioner concerned who will record a certificate in respect of the age of the claimant or claimants and verify that they are the real dependents of the deceased and that their pecuniary condition warrants the provision of relief.

(b) The above concessions will also apply to Government servants who might have been serving in Poonch and Chenani Jagirs during the raids but will not apply to the personnel of Jammu and Kashmir Militia whose cases are covered by separate rules.

Note:-- The relief granted under the above rules shall take effect from the date of the said order. viz. 10th November, 1951.

PENSION AWARD TO FAMILIES OF GOVERNMENT SERVANTS WHO  
DIE AS A RESULT OF ACTION AGAINST HOSTILES;TERRORISTS  
DACOITS ETC. ETC.

249-M (A), Notwithstanding anything contained in the rules relating to D. C. R. G. and the Family Pension Rules a1 contained in Schedule XV, Government servants including personnel of Police who are killed or get permanently incapacitated/disabled in course of performance of duty which by its nature is exposed to risk of life like getting electrocuted while working in a Power House or are killed or disabled permanently as a result of action by armed hostiles, anti-social elements, extremists, dacoits, smugglers etc. etc. be allowed the benefit of pensionary awards as under :-

<sup>2</sup>(a) In the case of permanent disability the pension (monthly pension) shall be allowed at the rate of full pay (basic pay) that the official was in receipt of on the date preceding that on which he has been allowed to retire because of the said disability, for a period of 7 years or up to the date he would have attained the age of superannuation, whichever is earlier. After that the pension shall be paid at the rate at which it would have been paid had he retired on the normal date of superannuation, computed on emoluments qualifying for pension at the time of disability. D. C. R. G. in such cases shall be what the concerned would have drawn had he retired in the normal course on attaining the superannuation age to be computed on emoluments qualifying for pension at the time of disability.

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1. Recast vide F. D. Notification SRO.570 dated 10-9-1986.
  2. Recast vide SRO-369 dated 6-12-1988.

- (b) In the case of death, family pension shall be payable to the beneficiaries at the rate equal to the last pay drawn by the deceased Government servant before his death for a period of seven years from the date following the date of death or for the period up to the date on which the deceased Government servant would have attained the age of superannuation whichever is earlier. After the tenability of family pension at enhanced rates (equal 10 last pay drawn) is over the rate of family pension shall be equal to the pension that the deceased would have been entitled to on the basis of the emoluments on the date of his death but counting service up to the date on which he would have retired in the normal course.
- (c) In case where the recipient of family pension is a widow, children allowance at Rs. 100/- p m. per child up to the age of 23 years or the date of his/her employment or joining any bus mess or vocation or marriage whichever is earlier shall be payable to her after the widow ceases to draw pension at the enhanced rates under sub-clause (b) above. Where the family pension admissible under sub-clause (b) above is authorised to children through their legal guardian for the reason of their being motherless or after re-marriage of the widow, no children allowance shall be payable.
- (d) In addition to family pension admissible under (b) above  
D. C. R. G. shall be payable as may be admissible under rules.
- (e) Family pension/pension under these rules shall be allowed only in case of such death or disablement which is caused by actual operation. The illustrations of cases which would not attract the provisions of these rules are contained in Annexure hereto.
- It) In addition to above benefits ex-gratia relief shall be admissible as under to all categories of employees who die or are permanently disabled while performing their duties as a result of violence or being exposed to risk of life etc. etc. as the case may be:--
- |                              |      |             |
|------------------------------|------|-------------|
| (i) In the case of death.    | ---- | Rs. 20,000  |
| (ii) Permanently disability. | ---- | Rs. 10,000. |
- (x x x x x)
- (g) These rules shall also apply to Police personnel who are killed while performing field duty or are permanently incapacitated/disabled. The ex-gratia relief in their case (as already sanctioned vide

Government Order No. 116-F of 1982 dated 30-3-1982 read with Order No. 165-GR/F of 1986 dated 31-7-1986) shall be as under :-

(i) In the case of death.	----	Rs. 1,00,000.
(ii) Permanently incapacitated/ disabled	----	Rs. 20,000.
(iii) Partially disabled	----	Rs. 7,500.

<sup>1</sup> "These rates of ex-gratia relief shall also apply to the personnel of Fire Services who may be killed or get permanently incapacitated/ disabled while performing their duties."

- (h) Pension in such cases shall be sanctioned by the Administrative Department on the merits of each case, the stringent financial condition of the beneficiary being the main guiding principle.
- (i) For processing of pension/family pension cases under these rules and for payments admissible to minors the procedure prescribed under rules in the normal course shall be followed.

Past cases already decided shall not be reopened.

#### ANNEXURE

#### "Actual Operation"

Illustration No. I.--Officers of Forest/Sales Tax/Excise/Police proceed carry out a paid. If on the way, any member of the team meets with an accident while travelling in a Public/Private/Official Vehicle or otherwise, the family shall not be allowed the benefit of these orders as the injury/death in such cases is not due to any actual operation.

Illustration No. II.--A team of Police/Armed Police members is deployed on duty during an agitation. The agitation does not turn violent but the civil servant dies because of say, heart failure, and not due to any attack by the crowd. The widow of such a civil servant shall not be entitled to the benefits of these orders.

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1. Deleted/inserted vide F. D. Notification SRO-223 dated 1-6-1989.

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<sup>1</sup>CHAPTER XIX--BEX-GRATIA PAYMENTS FOR TRAVELLING BY SERVICE AIRCRAFTS ON  
DUTY

<sup>1</sup>249-N. The families of Government servants involved in fatal accident while travelling as passengers by service aircrafts in the course of performance of their official duties, shall be given *ex-gratia* payment up to <sup>2</sup>Rs. one lakh in addition to the benefits admissible to such Government servants under normal Pension Rules. This payment would be of a purely *ex-gratia* nature and will be sanctioned in each case by the Administrative Department with the concurrence of the Finance Department.

3EX-GRATIA PAYMENT OF RELIEF TO THE BENEFICIARIES OF  
THE GOVERNMENT SERVANTS REPORTED MISSING

<sup>3</sup>249-0. A competent authority may sanction payment of relief on monthly basis at the rate restricted to family pension to the beneficiaries of such Government servant who while in service or after retirement are reported missing and the fact of their death is not for obvious reasons established. The tenability of the relief in such cases will last so long as the concerned Government servant/pensioner continues to be untraced. In the event of return of a Government servant/pensioner or his getting traced the relief drawn by the beneficiary shall be refundable in lump.

A beneficiary who claims relief under these rules shall indemnify the Government for refund of the amount on return of the Government servant/pensioner.

The fact about the missing of a Government servant/pensioner shall be certified by a Police officer not below the rank of Deputy Inspector General and at each occasion when payment of relief is made at the treasury to the beneficiary a certificate that the concerned Government servant/pensioner has not been traced will be obtained from a Gazetted Officer of the area to which the missing person belongs. The bond of indemnity prescribed above shall be in Form 5 of Schedule XII. The authority to sanction relief under these rules shall be the Administrative Department and the rules of procedure as apply to normal Family Pension Cases shall equally apply in such cases.

In respect of Government servants who are reported missing while in service, no Death-cum-Retirement Gratuity will be payable till death is established. Past cases, if any, pending shall be regulated accordingly.

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1. Inserted vide f. D. Notification SRO-473 dated 14.12-1966.
2. Recast vide F. D. Notification SRO-51 dated 24-1-1979.
3. Inserted vide F. D. Notification SRO-607 dated 16-12-1971.

<sup>1</sup>249-P. Notwithstanding anything contained in Art. 249-O and other allied rules, when an employee disappears leaving family, the family can be paid in the first Instance the amount of salary due, leave encashment due and the amount of G. P. Fund having regard to the nomination made by the employee. After lapse of a period of one year, other benefits like D. C R. G., family pension may also be granted to the family. This is subject to the fulfilment of conditions laid down below :-

- (a) The family must lodge a report with the concerned Police Station and obtain 3 report that the employee has not been traced after all efforts had been made by the Police.
- (b) An indemnity bond should be obtained from the nominee/dependents of the employee that all payments be adjusted against the payments dues to the employee in case he appears on the scene and makes any claim.
- (c) These payments may be sanctioned by the concerned Administrative Department after observing the above formalities.
- (d) The Head of the Office will assess\_ all Government dues outstanding against the Government servant concerned and effect recovery in accordance with rules and any other instructions in force in effecting recovery of Government dues. .
- (e) The family can apply to the Head Office of the Government Servant for grant of family pension and D. C. R. G. after one year from the date of disappearance of the Government servant in accordance with the prescribed procedure for sanction of family pension and D. C. R. G. In case the disbursement of D. C. R. G. is not effected within 3 months if the date of application, the interest shall be paid at the rates admissible and responsibility for the delay fixed.
- <sup>2</sup>(f) All past cases already decided under the provisions of Art. 249-0 and In respect of which the beneficiaries were in receipt of relief admissible thereunder on 10-4-1987. shall be processed under these rules. No arrears on this account shall be allowed. Dearness Allowance on family pension shall be allowed only with effect from 10-4-1987.

Pending cases as on 10-4-1987 either with the Departments for Accountant General shall also be decided accordingly.

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1. Inserted vide F. D. Notification SRO-255 dated 10-4-1987.

2. Inserted vide F. D. Notification SRO-388 dated 21-12-1988.

## CHAPTER XX

## RE-EMPLOYMENT OF PENSIONERS

## SECTION 1--CIVIL PENSIONERS

## NOTICE OF RE-EMPLOYMENT

250. The following Rules require in certain cases deductions to be made\_ from the pensions or salaries of re-employed officers. When a person who was formerly in State employ, is re-employed whether temporarily or permanently, the authority re-appointing him shall specially state in the order of re-appointment whether he received any gratuity, bonus, pension on retirement, and shall communicate a copy of this order to the Accountant General, and if necessary, direct that the proper deductions be made.

Note:-"Authority" in the above Article shall mean the Government.

## AFTER COMPENSATION GRATUITY

251. An officer who has obtained a compensation gratuity, if re-employed in qualifying service may either retain his gratuity, in which case his former service will not count for future pension, or refund it and count his former service.

252. The intention to refund must be stated immediately on re-employment; but the refund may be made by monthly installment of not less than 1/3rd of the officer's salary, and also not less than the whole gratuity divided by the number of months which have elapsed since the end of the service for which the gratuity was given. The right to count previous service does not revive till the whole amount is refunded.

253. The attention of every officer who is re-employed should be specially called to the preceding Article by the authority re-employing him, and whenever he becomes aware of such appointment, by the Accountant General; but the failure of such authority to do this will not be admitted as a ground for allowing the refund at a later date.

## AFTER COMPENSATION PENSION

254. An officer who has obtained a compensation pension, if re-employed, may retain his pension in addition to his pay, provided that if he is re-employed in a post paid from general revenues, the pension shall remain wholly or partly in abeyance if the sum of pension and the initial pay on re-employment exceeds his substantive pay at the time of his discharge *i. e.* an officer can draw so much of pension only as will make his initial pay plus pension equal to his

substantive pay at the time of his discharge. Once the pension has *been* fixed in conformity with the above condition the Officer shall be entitled to receive the benefits of Increments in his new scale or promotion to another scale or post without a further corresponding reduction in pension, nor shall the amount of pension so fixed be varied during leave, In the case, however, of a pensioner re-employed in either a permanent or a temporary, appointment for *bona fide* temporary duty lasting for not more than a year, the Government may allow the pension to be drawn in whole or in part even though the sum total of pay and pension exceeds his substantive pay at the time of his discharge.

<sup>1</sup>Note 1:-Restrictions in this Article do not apply to Government servants who draw a pension of Rs.25 p.m. or below and have retired before attaining the age of 55 years. In the case of pensions who retire before 55 years age and whose pensions exceeds Rs. 25, of their pensions shall be ignored in fixing their pay on re-employment.

Note 2:-The substantive pay at the time of discharge will in the case of an officer discharged before 1-5-2010 but not earlier than 1-1-2009 and re-employed after that date, be the initial pay in the corresponding revised scale which he would have been entitled to in accordance with the provisions of C. O. No. 1188-C of 1953 dated 26-9-1953 if he had continued in service. The initial pay in such cases will be fixed with reference to the emoluments actually drawn on the date of discharge and the number of increments admissible determined by the length of service excluding non-qualifying service as also the gap between discharge and re-employment.

255. If the re-employment is in qualifying service, he may either retain his pension (subject to the proviso above stated), in which case his former service will not count for future pension, or cease to draw any part of his pension and count his previous service. Pension intermediately drawn need not be refunded. .

Note:-An officer counts his previous service under the preceding Article if on re-employment his pension remains wholly in abeyance under the proviso to Article 254.

256. If an officer does not, within 3 months from the date of his re-employment, exercise the option conceded by Articles 254 and 255 of ceasing to draw pension and counting his former service, he may not thereafter do so without the special permission of the Government.

257. Deleted,

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1. Recast vide F, D. Notification SRO-48 dated 11-2-1965,

### AFTER INVALID PENSION

258. There is no bar to the re-employment of an officer who has regained health after obtaining invalid pension or if any officer is invalidated as being incapacitated for employment in a particular branch of the service, to his re-employment in some other branch of service. The rules in such a case as to refunding gratuity, drawing pension and counting service are the same as in the case of re-employment after compensation pension.

### AFTER SUPERANNUATION AND RETIRING PENSIONS

259. An officer who is in receipt of superannuation or retiring pension shall not be re-employed or continue to be employed in service paid from general revenues or from a local fund except on public grounds.

Sanction to re-employment or extension of the term of employment may be given by the Government.

### FIXATION OF PAY OF RE-EMPLOYED PENSIONERS

<sup>1</sup>259-A. The following procedure should be adopted in fixing the pay of pensioners re-employed in Government service on or after 8th August, 1963.

Whether retired on superannuation or retiring pension.

(a) The initial pay, on re-employment should be fixed at the minimum of the scale of pay prescribed for the post in which an individual is re-employed.

In case where it is felt that the fixation of initial pay of the re-employed Government servant at the minimum of the prescribed 'pay scale will cause undue hardship, the pay may be fixed at a higher stage by allowing one increment for each year of service which the officer has rendered before retirement in a post not lower than that in which he is re-employed.

(b) In addition to (a) above the Government servant may be permitted to draw separately any pension sanctioned to him provided that the total amount of initial pay as at (a) above, plus the amount of pension <sup>2</sup>[and-pension equivalent of gratuity which an officer receives on retirement] does not exceed the pay he drew immediately before his retirement.

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I. Recast vide F. D. Notification SRO-383 dated 4-9-1963, SRO-412 dated 14-12-1964 and SRO-48 dated 11-12-1965.

2. Inserted vide F. D. Notification SRO-459 dated 30-11-1966, and shall have effect from 1-4-1965.

(c) In all cases where the limit prescribed in clause (b) is exceeded, the pension may be paid in full and the necessary adjustment made in the pay so as to ensure that the total of pay and pensionary benefits is within the prescribed limits. Where, after the pay is fixed at the minimum or any higher stage it is reduced below the minimum as a result of the said adjustment, increase in pay may be allowed after each year of service at the rates of increments admissible, as if the pay has been fixed at the minimum or the higher stage as the case may be.

(d) In cases where the minimum pay of the post in which the officer is re-employed is more than the last pay drawn, the Government servant concerned may be allowed the minimum of the prescribed scale of the post less pension,

(e) Once the initial pay of a re-employed pensioner has been fixed in the manner indicated above, he may be allowed to draw normal increment in the time-scale of the post, to which he is appointed,

Government Instructions:-During the period of extraordinary leave, an officer whose pension has been held in abeyance will be allowed to draw only an amount equivalent to the pension, which was held in abeyance.

Note 1:-The substantive pay at the time of discharge will in the case of an officer discharged before 1-5-2010, but not earlier than 1-1-2009 and re-employed after that date, be the initial pay in corresponding revised scale which he would have been entitled to in accordance with the provisions of Cabinet Order No. 1188-C of 1953 dated 26-9-1953 if he had continued in service. The initial pay in such cases will be fixed with reference to the emoluments actually drawn on the date of discharge and the number of increments admissible determined by the length of service excluding non-qualifying service as also the gap between the discharge and re-employment.

<sup>1</sup>Note 1-A:-For purposes of determining the monthly value of the lump sum gratuity which an officer receives on retirement, the table of commutation pension as may be current on the date of re-employment of a retired Government servant will apply, the age of the person concerned being taken as the age next birthday after retirement from Government service.

**Note 2:-**Pay drawn immediately before retirement will be taken to be substantive pay. Pay drawn in an officiating appointment may be taken into account if it was drawn continuously for at least one year before retirement.

Note 3:-Except in the case of re-employment after resignation, removal

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I. Inserted vide F. D. Notification SRO-459 dated 30-11-1966 and shall have effect from 1-4 -1965.

or dismissal the pay of persons' re-employed in Government service after retirement without earning any pension or gratuity or other retirement benefits should be fixed under the provisions contained above.

Note 4:-<sup>7</sup>Where the employment is in a service paid from a local fund, the authority determining the limits prescribed in clause (c) of this rule shall be either-- \_\_\_\_ .

(i) the authority administering the local fund if so empowered by Government by special or general orders in this behalf;

(ii) in any other case, the Government or any other authority as the Government may prescribe.

<sup>1</sup>Note 5:-DeJeted.

Note 6:-These rules shall apply mutatis mutandis to employees who are re-employed after having retired from Government concerns availing Contributory Provident Fund benefits.

<sup>2</sup>Government Instruction:-(a) In fixing the initial pay of re-employed pensioners the pension equivalent of gratuity shall not be taken into account for fixation of pay in re-employed post with effect from 1-4-1989. This shall also be applicable to pensioners who had already been re-employed prior to 1-4-1989 and in whose case pension equivalent of gratuity has been taken into account for initial pay fixation. Their pay shall be refixed with effect from 1-4-1989 by ignoring the element of pension equivalent of gratuity.

(b) The pay plus pension shall *not* exceed <sup>1</sup>[Rs. 8000/-] re-employed post.

<sup>4</sup>259-B. The restriction in Article 259-A that initial pay on re-employment plus pension and pension equivalent of gratuity should not exceed the last pay drawn, may subject to the following conditions be relaxed by the competent authority in respect of a such re-employed pensioner who at the time of his retirement from service was in a lower grade as compared to the revised grade of such post at the time of his re-employment, "such post" shall include the same post which the pensioner held at the time of his retirement or a post equivalent to or higher than the post held previously while in service-

(a) Initial pay on re-employment plus gross pension/pension equivalent to other retirement benefits should not exceed the pay last drawn before retirement by more than Rs. 250.

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1. Debted VIde: F. D. Notlfication SRO-31B d81r:O 15 -1979.

2. Inserted vide F. D. Notification SRO-273 dated 24-8-1990.

3. Substituted vide F. D. Notification SRO-128 dated 6-7-1994.

4. Inserted vide F. D. Notification SRO-66 dated 4-2-1972.

(b) The total of initial pay on re-employment plus gross pension/pension equivalent of other retirement benefits should not exceed Rs. 1,000.

(c) The officer has retired on superannuation pension:

Provided that where an officer has retired before the revision of salary in 1962 the limit of Rs. 250 in clause (a) may be raised to Rs. 350 per month.

<sup>1</sup>259-C. Notwithstanding anything contained in Art. 259-A, 259-B and other allied rules, for fixation of pay on re-employment of civil pensioners who retire before attaining the age of 55 years, the pension as indicated below may be ignored for fixing their pay on re-employment-

(a) In the case of officers holding Group 'A' posts at the time of their retirement, the first <sup>2</sup>Rs. 500 of their pension.

(b) In the case of officers holding Group 'B' or lower posts at the time of their retirement, the entire pension.

Note 1.--The pension for the purpose shall include pension equivalent of gratuity and other forms of retirement benefits.

Note 2.--For purposes of these rules the classification of the Government servants shall be as under :-

Group 'A':

Posts in the revised pay scales of which the minimum is Rs. 1900/- or above.

Group 'B'

Posts in the revised pay scales which are in between Rs. 1500-1900.

(c) In the case of civil pensioners who were on re-employment on the date of issue of this amendment the pay may be re-fixed in the manner indicated above with immediate effect provided they opt for it. If they so opt their pay shall be re-fixed afresh as if they have been re-employed for the first time from the date of coming in to effect of this amendment. The option shall be exercised in writing within a period of six months from the date of issue of the order. Option once exercised shall be final.

<sup>3</sup>Note 3--The provisions of Government Instruction below Note 6 of Art, 259-a applies here also.

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1. Inserted vide F. D. Notification SRO-602 dated 29-11-1984.

2. Recast vide F. D. Notification SRO-623 dated 1-10-1986.

3. Inserted vide F. D. Notification SRO-273 dated 24-8-1990.

## SECTION II--OTHER PENSIONERS

## MILITARY PENSIONERS

1260. Except where it is otherwise expressly provided, the rules in Section-I do not apply to a Military Officer, departmental officer, warrant or non-commissioned officer or soldier, who is taken into or allowed to continue in civil employ after he has been granted a pension under military rules. The claims of such a Government servant to pay in the Civil Department are governed by Article 260-A. His pension for service in the Civil Department will not be affected by his military pension. <sup>2</sup>[Such a Government servant shall not, however, be eligible for being declared quasi-permanent under the Jammu and Kashmir Civil Service (Temporary Service) Rules, 1961, Schedule IX].

<sup>3</sup>260-A. (a) When a person formerly in Military service obtains employment in a Civil Department after having been granted a military pension, he shall continue to draw his military pension and the authority appointing him in the civil employment shall take into account the amount of pension and such portion of it as may have been commuted in fixing his pay and allowances in the post. <sup>4</sup>The pay/presumptive pay at the time of appointment will be fixed in accordance with the provisions of Article 259-A. Once the pay/presumptive pay is so fixed, increment will fall due in normal course.

Note--Articles 260 and 260-A with notes there under as recast/inserted vide F. D. Notification SRO-29 dated 24-1-1967 shall have effect from 13-5-1954, but past cases which have already been decided on the date of issue of the Notification are not to be re-opened.

(b) A Military Officer, Departmental Officer, Warrant or Non-Commissioned Officer or soldier who is granted a pension under military rules while he is in civil employ shall draw such pension while he is in civil employ, but the authority appointing him shall take into account the amount of pension and such portion of it as may have been commuted in fixing his pay and allowances in the past and reduce his pay/presumptive pay by the amount of military pension with effect from the date such pension is granted.

<sup>5</sup>

Note 1--DELETED

Note 2--Wound or extraordinary pension should be reduced or terminated only in virtue of the conditions of its award and should not be affected by the pensioner's re-employment in the Government service.

1. Deleted vide F. D. Notification SRO dated 30-5-1977.

2. In substitution of the earlier provision which read as :-

"See also note 2 below Rule 3 of Jammu and Kashmir Civil Service (Temporary Service) Rules, 1961--Schedule IX".

3. Inserted vide Notification SRO-29 dated 24-1-1967.

4. Recast vide F. D. Notification SRO-642 dated 9-10-1978.

5. Deleted vide F. D. Notification SRO-318 dated 15-6-1979.

Note 3--Whenever a military pensioner is re-employed or continued in employment after being granted a military pension, in a civil capacity a certificate shall be attached with the first pay bill to the effect that the pay has been fixed with due regard to the provisions of Art. 260-A.

Note 4--A reservist while still a reservist is not a pensioner. As reserve pay is not pension it is not affected by any of the restrictions laid down in Art. 260-A.

<sup>1</sup>Note 5--Deleted

<sup>2</sup>260-AA. In the case of pensioners drawing Civil or Military pension including J&K Militia pensioners, who retire *before* 55 years of age except on voluntary or invalid pension and whose pension does not exceed Rs. 125/- the full amount of their pension and of those whose pension exceeds Rs. 125/- p. m. the first Rs. 125/- of their pension shall be ignored in fixing their pay and allowances in the Civil Departments.

The pension for the purpose of these orders includes pension equivalent of gratuity and other retirement benefits. The in-service re-employed pensioners (Civil/Military Pensioners) may be given option for refixation of their initial pay in accordance with the provisions of this rule. The option should be exercised within 3 months from the date of issue of this Notification. The option once exercised shall be final.

<sup>3</sup>260-B. Notwithstanding anything contained in Art. 260-AA and other allied rules, in fixing of pay on re-employment of ex-servicemen who retire before attaining the age of 55 years, the pension as indicated below may be Ignored for fixing their pay on re-employment--

(a) In the case of serving officers the first <sup>4</sup>Rs. 500 of pension;

(b) In the case of persons below the commissioned rank officers the entire Pension;

Note--The pension for the purpose shall include pension equivalent of gratuity and other forms of retirement benefits.

(c) In the case of ex-servicemen who were already on re-employment on the date of issue of this amendment the pay may be refixed in the manner indicated above with immediate *effect* provided they opt for it. If they so opt their pay should be refixed as if they have been re-employed for the first time from the date of coming into effect of this amendment. The option should be exercised in writing within a period of six months from the date of issue of this order. Option once exercised shall be treated as final.

<sup>5</sup>Note--The provisions of Government Instruction below Note 6 of Art 259-A applies here also.

1. Deleted vide F. D. Notification SRO-252 dated 30-5-1977.

2. Inserted vide F D. Notification SRO-318 dated 15-6-1979

3. Inserted vide F. D. Notification SRO-4-1 dated 6-2-1984

4. Recast vide F. D Notification SRO-623 dated 1-10-1986.

5. Inserted vide F. D. Notification SRO-273 dated 2-1-8-1910.

## SECTION III-PENSION FOR NEW SERVICE

## WHEN ADMISSIBLE

261. Except as provided in Article 260, an officer, who having been discharged with a *pension*, is subsequently re-employed, may not count his new service for a separate *pension*. Pension (if any) is admissible only for the new service combined with the old, the whole being counted as one service.

262. If an officer who has obtained a compensation or invalid pension is re-employed in pension able service and retains the pension, the pension or gratuity admissible for his subsequent service is subject to the following limitation, namely, that the gratuity or capital value of the pension shall not be greater than the difference between the value of the pension that would be admissible at the time of the officer's final retirement and the value of the pension already granted for the previous service if the two periods of the service were combined.

Note: --Note under Article 263 applies here also.

## WHEN GRATUITY IS NOT REFUNDED

<sup>1</sup>263. If a gratuity received for the earlier service has not been refunded, gratuity or pension (as the case may be) may be allowed for the subsequent service on the condition that the amount of such gratuity or the capital value of such pension plus the amount of the previous gratuity shall not exceed the amount of gratuity or the capital value of the pension that would have been admissible had the gratuity received for the earlier period been refunded; if it does exceed, the excess must be disallowed.

Note,-- The value or capital value of a pension shall be calculated in accordance with the table prescribed under the Civil Pension Commutation Rules, sanctioned under Government Order No. I61-F of 1960-dated 8th June 1960 as amended from time to time, and contained in Schedule X of these Regulations.

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1. Inserted vide F. D. "Notification" SRO-389-F of 1961 dated 23-10-1961.

## PART V--RECORD OF SERVICE

## CHAPTER XXI

## GENERAL RULES SECTION

## I-GAZETTED OFFICERS

264. A record of the service of Gazetted Officers is maintained by the Accountant General who audits the salaries. When a Lent Officer is reverted to his appointment in the Government of India, a copy of his Service Register will be sent by the Audit Officer to the Accountant or Comptroller General accounting for the contribution.

## SECTION II--NON-GAZETTED OFFICERS

## SERVICE BOOKS AND SERVICE ROLLS

265. With the exceptions noted below, every non-gazetted officer holding a substantive appointment on a permanent establishment, is required to keep up a Service Book (Treasury Form No. 60), in which every step in his official life, in minute detail, should be recorded. It should show changes in pay, leave taken, transfer, deputation and suspension, and other interruptions in service, in detail, with duration of each duly contemporaneously attested by the Head of the office. If the officer is himself the Head of the office, the contemporaneous attestation should be made by his immediate superior. The following are the exceptions referred to-

- (i) Police officers, for whom a special form of character rolls has been prescribed by the concerned Administrative Department.
- (ii) Menial and Inferior servants of such large establishment as Gardeners, Boatmen, Sweepers and Mates in the Municipality and Syces, etc., in the Stables and Baggikhana who are constantly leaving the service either of their own accord or are dismissed for sundry faults, for whom Service Rolls (Treasury Form No. 57 and S5), have been prescribed.

<sup>1</sup>Note--For instructions regarding maintenance of Service Books of Civil Government servants permitted to take up military service during the emergency, see Schedule XIII.

266. A service book is supplied [free of cost], to every officer on his *first appointment*. It is kept in the custody of the Head of the office under whose signature the monthly pay bill of the establishment is paid from the Treasury. When an employee is transferred to another office, his service book should be sent to the Head of the office to which he is transferred and not made over to him, nor should it be given to him when proceeding on leave.

<sup>1</sup> Inserted vide F. D. Notification SRO-384 dated 15-1-1966.

2. Substituted for words (at his own cost) vide F. D. Notification SRO-327 dated 26-7-1961 and shall have effect from 15-8-1964.

When a non-gazetted officer is officiating in a gazetted appointment, his service book should be kept by the Head Of the office to which such officer permanently belongs, but when he is confirmed in such appointment., his service book should be forwarded to the Accountant General for record in his office. '[The service book should not be made over to the Government servant concerned on his retirement or his discharge or resignation. A certified copy of the service book may however be supplied to a Government servant who asks for it on quitting Government service by retirement, discharge or resignation on payment of copying fee of Rs. 5/- of which a proper note shall be kept in the original service book].

2Note--(I) A copy of the orders sanctioning a Government servant's transfer to foreign service must always be communicated to the Accountant General by the authority by whom the transfer is sanctioned. The Government servant himself should, without delay, communicate a copy to the officer who audits his pay and take necessary instructions.

(ii) If a non-gazetted Government servant is transferred to Foreign Service. The Accountant General of the State in which he was permanently employed at the time of his transfer to foreign service, will, on receipt of the service book form the head of the office concerned have noted in it, the order sanctioning the transfer, the effect of the transfer in regard to leave admissible during foreign service and any other particulars which he may consider to be necessary. On the Government servant's retransfer to Government service, the Accountant General will again have noted in the service book, all necessary particulars concerned with the foreign service including the fact of recovery of leave and pension contribution. In fact, all entries relating to the time spent in foreign service should be attested by the Audit Officer. This procedure has been laid down with a view to avoiding complication at the time of verification of pension and to effect prompt recovery of leave and pension contribution etc. etc.

#### RESPONSIBILITIES FOR ENTRIES

267. It is the duty of every officer to see that his service book is properly kept up, and that all corrections in it are properly attested. If the book is not carefully kept up, difficulties may arise as to the verification of service, when the officer applies for pension.

268. Personal certificates of character should not ordinarily be entered in the service book; but if any officer is reduced to a lower substantive appointment, the cause of the reduction should always be stated in brief.

3268-A. There is no objection to a Government servant keeping duplicate copy of his service book with himself. It may contain all the entries as in the

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1. Substituted vide F. D. Notification SRO-30 dated 20-1-1981.  
2. Inserted vide F. D. Notification No. 288-F of 1961-dated 19-7-1961. 3.  
3. Inserted vide F. D. Notification SRO-30 dated 20-1-1981.

original service book duly attested. In the event of loss of the original service book, the duplicate service book if available and in order may be made use of.

1268-8. Events like spells of extra-ordinary leave, period spent on training, period of suspension, period of interruption between the date of dismissal, removal or compulsory retirement and re-instatement on appeal etc. period of interruption between the date of resignation and date of order passed by the appointing authority, allowing a person to withdraw resignation, unauthorized absence, participation in strike, over stayel of joining time etc. having bearing on the total qualifying service of a Government servant shall be noted on a separate page to be earmarked for the purpose in the Service Book with clear remarks by the concerned Head of Office or other competent authority whether these will or will not count for pension.

(For this purpose separate page in distinct colour shall be placed at the beginning of the Service Book).

## PART VI-PROCEDURE RELATING TO LEAVE

## CHAPTER XXII

## APPLICATION FOR AND GRANT OF LEAVE

## SECTION I--APPLICATION

269. Application for leave should be submitted to, and the leave be granted by, the officer competent to sanction it.

270. When a Gazetted Officer applies for leave, he should quote the Article or Section of these Regulations under which he considers himself entitled to the leave. The application should be made only in the prescribed form. In the case of non-gazetted officers, the Service Book should be carefully examined and these rules referred to, before the application is sanctioned with a view to ascertaining the admissibility or otherwise of the leave applied for.

Note--A Gazetted Government servant desirous of discontinuing subscription to the General Provident Fund during his leave should intimate his wishes in the matter to the Accountant General (Jammu and Kashmir) before proceeding on leave.

## PRIVILEGE LEAVE

271. An officer applying for privilege leave must, except when the leave is combined with other leave under Article 130, record a declaration that he has no intention of taking furlough or leave on private affairs for three months after his return to duty. Though not absolutely debarred by the declaration from applying for permission to take such leave within 3 months, he should if he does so, explain his change of mind.

Note-- This Article does not apply to officers who either under the superannuation rules or their contract of service, have to retire on or within 3 months of expiry of such leave.

## MEDICAL CERTIFICATE

272. An application from an officer for leave or extension, or commutation of leave on Medical Certificate, must be accompanied by a certificate from a *Medical Officer* specifying the nature of illness and the reasons why leave is indispensable.

272-A. Medical Officers are debarred from recommending grant of sick leave in any case in which there appears to be no reasonable prospects that the officer concerned will ever be fit to return to duty. In such a case the opinion that the officer is permanently unfit for service under the State, should be recorded in the Medical Certificate.

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1. Inserted vide F. D. Notification SRO—426 dated 21-12-1964.

272-B. All certificates of the *Medical Officers* should contain proviso that no recommendation in them shall be evidence of a claim to any leave which may not be admissible to an officer under the terms of his contract or the rules to which he is subject.

## SECTION H--GRANT OF LEAVE

### GENERAL RULES

273. Leave may be granted with retrospective effect from the date on which it is admissible.

274. Leave other than casual granted to an officer must begin within 35 days of the date of its grant.

### GAZETTED OFFICERS

275. The authority granting leave to a Gazetted Officer must first obtain a report from the Accountant General that the leave is admissible. If the leave is granted, the orders must be communicated to the Accountant General and Gazetted Officer.

<sup>1</sup>Note 1--In respect of Government officers who on being transferred to the Central/other State Government as a temporary measure come under the audit control of the Accountant General, Central Revenue/Accountant General of the respective State/Pay and Accounts Officer concerned, as the case may be, but continue to be governed by these Leave Rules, the reporting of admissibility of leave to such officers shall also be done by the Accountant General (Jammu and Kashmir). For this purpose, the officer should submit his application for leave in duplicate to the Accountant General (Jammu and Kashmir) who should after duly recording the necessary certificate on the application return one copy of it to the officer concerned direct and other to the Accountant General/Pay Accounts Officer under whose audit control the officer temporarily works, indicating at the same time the leave allowances to which the officer shall be entitled or the lines on which the leave allowances are to be calculated.

<sup>1</sup>Note 2--No leave shall be sanctioned to a Military Officer in Civil employ, whether he is subject to Military Leave Rules or the Civil Leave Rules, before a report is received from the Accountant General (Jammu and Kashmir).

<sup>2</sup>Note 3--Except in cases covered by Notes 1 and 2 above, the leave sanctioning authority may calculate the amount of leave on long or short leave admissible to the officer and issue provisional sanction without waiting for the

1. Inserted vide F. D Notification SRO-426 dated 21-12-1964.

2. Inserted vide F. D Notification SRO-83 dated 10-3-1965.

admissibility report from the Audit. Such sanction will be subject to verification by Audit. The Accountant General on receipt of the sanction will issue the leave salary slip in respect of long or a short leave due and for the rest of the period, if any, request the leave sanctioning authority to modify the sanction, if necessary. In either case i.e. where the leave sanctioned by the leave sanctioning authority is found to be admissible or where the leave sanctioned by the leave sanctioning authority is not found completely admissible and a modified sanction for the period for which the officer is not eligible is necessary, the Accountant General should report on the title to the leave of the officer immediately on receipt of the provisional sanction besides issuing the leave salary slip as stated above.

#### NON-GAZETTED OFFICERS

276. (a) The Accountant General is not required to submit any report on the title to leave of an applicant who is not a Gazetted Officer.

<sup>1</sup>(b) The title to leave in respect of non-gazetted Government servants is verified by the heads of offices concerned. For this purpose, the heads of offices will maintain a proper leave account of each such Government servant in the *Performa* given in Schedule VIII to these Regulations. The *Performa* will form part of the service book of the Government servant concerned.

<sup>2</sup>(C) When the application is for study leave or other leave specifically granted for purposes of study in or outside the State the authority sanctioning the leave should obtain a certificate of admissibility from the Accountant General (Jammu and Kashmir) before sanctioning the leave.

<sup>2</sup>(d) In the case of Government servants transferred as a temporary measure under the Central/other State Government the authority competent to sanction the leave may get a certificate of admissibility of leave under these rules from the Accountant General (Jammu and Kashmir) when there is genuine cause of doubt.

. 277. Deleted.

#### GOVERNMENT SERVANTS IN FOREIGN SERVICE

2277-A. In the case of a Government servant lent to a foreign employer/on foreign service in the State leave cannot be sanctioned until the Accountant General (Jammu and Kashmir) has certified the amount of leave and the leave salary admissible.

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1 Inserted vide F. D. Notification No. 251 -F of 1960 dated 28-12-1960.

2. Inserted vide F. D. Notification SRO-426 dated 21-12-1964

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**CHAPTER XXIII--P A YMENT OF LEAVE ALLOWANCES****PLACE OF PAYMENT**

278. Leave allowances are payable after the end of each calendar month; but an officer may, at his option, take payment by money' order in which case money order commission will be deducted from his allowance.

<sup>1</sup>279. A Gazetted Government servant (except those attached to moving offices, who can operate on either of the two Sadder Treasuries) should draw his leave salary from the treasury (Chest in the case of Forest Department) from which he was drawing his pay immediately before proceeding on leave. In case where a period of leave is followed by transfer, such portion of the leave salary as could not be drawn at the old station may, however, be drawn at the treasury or chest from which pay in respect of the new post is drawn.

He should make his own arrangements where necessary for getting his leave salary remitted to him.

<sup>1</sup>Note 1-- The Accountant General (Jammu and Kashmir) may authorise a gazetted Government servant to draw leave salary at a place other than he was drawing his pay immediately before his proceeding on leave if the leave has to be availed of outside the State but within Union Territory. If during such leave the Government servant subsequently desires to change the office at which he receives payment of his leave salary he must obtain a new certificate from the Accountant General (Jammu and Kashmir) within whose jurisdiction his leave salary was last paid.

<sup>1</sup>Note 2--Before returning to duty a Government servant who has drawn his leave salary outside the State (in India), should obtain a last pay certificate from the Accountant General within whose jurisdiction his leave salary was last paid and deliver it to the Accountant General (Jammu and Kashmir) who audits his pay, without such certificate he cannot obtain payment of any arrears of leave salary or pay due to him.

<sup>1</sup>Note 3--A Gazetted Government servant on leave preparatory to retirement or on refused leave under Art. 166-A or any other corresponding rule or such other leave on the expiry of which he is not expected to return to duty, should record a certificate on the leave salary bill that during the period for which leave salary is drawn he was not re-employed under Government, local fund or private employer.

In the case of non-gazetted Government servants, similar certificate should be recorded by the drawing officers on the bills in which the leave salary is drawn after obtaining declarations regarding non-employment from them.

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I. Recast vide F, D. Notification SRO-125 dated 6-7-1962, 2. Inserted vide. F D, Notification SRO--t26 dated 21-12-196-t.

280. If a Gazetted Officer signs his bill himself, he must either appear in person at the place of payment or furnish a life certificate signed by a responsible officer of the Government or some other well-known and trustworthy person. If he draws his allowances through an authorized agent, the agent, whether he has or has not a power of authority, must either furnish a life certificate as aforesaid or execute a bond to refund over payment. A life certificate may be given periodically, a bond given to cover intermediate payments not supported by the life certificate.

<sup>1</sup>Note 1--If a life certificate cannot be furnished, a bond executed by a recognized bank, agency, firm may be accepted and a life certificate or bond should be submitted to the Accountant General with the salary bill in usual course.

<sup>1</sup>Note 2--Payment of leave salary of a Gazetted Government servant requires authority of the Accountant General.

<sup>2</sup>Note 3--If it becomes necessary to amend a leave salary certificate, issued by the Accountant General (Jammu and Kashmir) in pursuance of Note 2 above it shall take form of a short corrigendum worded so as to show only the particular item or items in which alterations have been made; this corrigendum shall be forwarded by the Accountant General (Jammu and Kashmir) at the earliest possible date to the authority to whom the original leave salary certificate was sent. Every correct leave salary certificate whether original or duplicate should be marked "Amended certificate".

<sup>2</sup>Note 4--An Officiating Gazetted Government servant who holds an active or suspended lien on a non-gazetted post, will retain his gazetted status for all purposes (e. g. for issue of notifications, drawal of leave salary and allowances, grant or extension of leave on medical certificate etc.) during the period of leave taken by him including extensions, if any, but before resuming duty as a non-gazetted officer. The authority sanctioning the leave should in such cases intimate the fact to the head of the office where the Government servant is permanently borne, sufficiently in advance to enable the latter to make the necessary consequential arrangements.

281. The proper stamp duty upon the bonds executed under the preceding Article is that chargeable upon the Indemnity Bonds according to the First Schedule of the Stamp Act in force in the State for the time being.

282. The leave allowances of non-gazetted officer on leave can be drawn only at the treasury or at the Chest where his salary is paid, and under the signature of the Head of his office who is responsible for any over charges; no other security is required. The Head of the office must satisfy

1. Recast vide F. D. Notification SRO-124 dated 6-7-1962.

2. Inserted vide F. D. Notification SRO-426 dated 21-12-1964.

himself that the absentee is alive; and may remit the leave allowances at the expense of the recipient.

283. Deleted.

#### LEA VE OUTSIDE INDIA

1283-A. A Government servant who proceeds abroad on leave and is entitled or authorized to draw his leave salary abroad should be given leave salary certificate by the Accountant General (Jammu and Kashmir) as soon as the grant of leave is gazetted or otherwise notified to him, to enable him to draw leave salary from the High Commissioner for India in U. K. or Indian Embassy/ Mission etc. in other countries, as the case may be. A copy of this certificate should be furnished to the High Commissioner for India in U. K. or the Indian Embassy etc. concerned, the copy being routed through the Accountant General Central Revenue in the latter case.

(a) To enable the Accountant-General (Jammu and Kashmir) to prepare the leave salary certificate, a Government servant who proceeds on leave abroad should communicate necessary information to the Accountant General (Jammu and Kashmir) which he may require in this behalf.

(b) Separate leave salary certificate shall be issued in respect of periods of leave spent in India and abroad.

(c) Pay and allowance up to the date of relief as well as leave salary for the period of leave spent in India will continue to be paid in arrears through the disbursing officer from whom the Government servant draws his pay and allowances. The leave salary in foreign currency will be payable from the date on which the Government servant leaves India and proceeds to the foreign country. For this purpose the Accountant General (Jammu and Kashmir) will cause leave salary certificate to be sent to the address specified by the Government servant.

(d) A memorandum of information for the guidance of Government servant proceeding on leave out of India shall be supplied to each Government servant proceeding on leave out of India by the Accountant General (Jammu and Kashmir) soon as the grant of leave is gazetted or otherwise notified to him.

(e) A Government servant who was on leave abroad, must on return to India, attach his copy of the Last Pay Certificate obtained from the Mission abroad, to the first pay bill he presents. to the disbursing officer in India.

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I. Recast vide F. D. Notification SRO-124 dated 6-7-1962:

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PART VII--PROCEDURE RELATING TO PENSIONS

CHAPTER XXIV

APPLICATION FOR AND GRANT OF PENSIONS

SECTION I--GENERAL

284. Every Government servant gazetted or non-gazetted shall submit a formal application for pension in Form 1. He should, in his own interest, submit his formal application for pension to the authority specified in Article 287 or 288 as the case may be, 18 months in advance of the date of his actual or anticipated retirement provided that-

- (i) in cases in which the date of retirement cannot be foreseen 18 months in advance, the application shall be submitted immediately after the date of retirement is settled; and
- (ii) a Government servant proceeding on leave preparatory to retirement in excess of 18 months shall submit the application at the time of proceeding on such leave.

<sup>1</sup>Government Instruction--As a measure of simplification, it will not be necessary for a Government servant to submit application for pension in *Form 1 (old)*. It will henceforth be the responsibility of the officer concerned with the preparation of pension case to obtain from the retiring Government servant the particulars as in Form 5 eight months before the date of his retirement and to forward the same along with other pension papers to the office which is to issue the pension payment order six months before the date of retirement of the Government servant concerned. Government servants who have already applied for pension in the Old Form 1 and whose pension cases are being processed, need not be asked to furnish particulars for pension in the revised Form 5.

<sup>1</sup>Note 1.--This rule is intended to obviate delay in settlement of claims for pension and to ensure that a Government servant may not retire under the misapprehension that he has earned a pension which is subsequently found to be inadmissible. There is indeed no limitation on the period after retirement within which an application for pension or gratuity must be submitted, but the pension shall commence from the date of retirement.

Note 2--Authority competent to sanction a pension to the deceased Government servant, had he made a formal application before death may relax the provisions of the above Article, and sanction pension and/or gratuity to

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1. Inserted vide F. D. Notification SRO-45 dated 28-1-1980.

2. Recast vide F. Q. Notification SRO-588 dated 19-12-1975.

the Government servant from the date of retirement up to and inclusive of the date of his death as if he had made a formal application for the same before he retired, provided that the time-lag between the retirement and the death does not exceed six months. Cases in which the time-lag exceeds six months should, however, be referred to the Finance Department for a decision. A pension and/or gratuity sanctioned in accordance with these provisions may be paid to the heirs of the deceased in accordance with the normal provisions of the rules.

<sup>1</sup>Note 3-Notwithstanding the provisions contained in Art. 284 regarding initiating of a pension case 18 months in advance of the date of retirement of an official, the Audit Officer concerned in the case of a gazetted Government servant or the Head of Office in consultation with the Audit Officer concerned in the case of non-gazetted Government servant, shall, in accordance with the rules for the time being in force verify the service of a Government servant when he completes 25 years of service, determine the qualifying service and communicate to him the period of qualifying service so determined ;

Provided that any such verification shall be subject to final verification of qualifying service which shall be made at the time of retirement of the Government servant.

<sup>2</sup>284-A. All authorities dealing with applications for pension under these Regulations should bear in mind that delay in the payment of pension involves pecuniary hardship. It is essential to ensure, therefore, that a Government servant begins to receive his pension on the date on which it becomes due.

<sup>3</sup>Government Instruction:--(a) The payment of superannuation pension should in all cases commence on the first of the month in which it is due. For this purpose, Heads of office 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 authorization 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 so that when a cut off date is reached, the work will then necessarily proceed to the next stage.

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(b) The Heads of office or other authority responsible for preparing the

1. Inserted vide F. D. Notification SRO-622 dated 8-12-1973.
2. Recast vide F. D. Notification SRO-400 dated 11-12-1962.
3. Inserted vide F. D. Notification SRO-45 dated 28-1-1980.

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 for average emoluments). As most delays in pension cases arise from gaps, deficiencies and imperfections in the service book/records, every efforts 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 eight months in advance of the date of retirement of the Government servant.

(c) On reaching that stage i. e. eight months before-the retirement date the actual work of preparation of pension-papers viz. the reckoning of qualifying service and the calculation of average emoluments, 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.

(d) The process of determining the qualifying service and the average emoluments 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 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) to (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) If, after the pension papers have been forwarded to the officer responsible for issuing the pension payment order in accordance with the provisions of paragraph (d) above any event occurs which has a bearing on the amount of pension admissible, the fact shall be promptly reported to the office responsible for issuing the pension and gratuity payment order.

(f) In spite of every effort imperfections may remain in the records and procedures but that it would be unfair to a retiring Government servant if he had to suffer because of the lapse of those responsible for the proper maintenance of service records, the fact that under the new procedures the presumption will be in favour of the Government servant if the records are incomplete or deficient in any manner underlines the importance of ensuring the proper, regular and timely completion of all the service and account!! records by the

Offices concerned, so as to minimize the occasion. for making such presumption. If in future service records are found to be incomplete or imperfect at the time of processing and finalizing pension cases, those cases will not be delayed but the officials responsible for the maintenance of the records will be held accountable for any deficiencies, failure or omissions therein and action will be initiated against them. The Heads of Departments will ensure that these directions are complied with.

In order to ensure that the payment of pension should in all cases, commence on the first of the month in which it is due it has been decided that the progress of the pension cases should be watched by the Heads of Offices and the Heads of the Departments by means of monthly and quarterly statements so that the various cut off dates laid above are strictly followed.

284-B. In respect of Government servants who retire on 31-12-1979 after that date and others have already retired but whose pension cases have not been prepared and sent to Audit till the date of issue of these orders, nothing contained in Articles 287, 288 and 289 of these rules with regard to the procedure for preparation of their pension cases and forms for application for pension or gratuity and formal application (Forms 1 and 3 Schedule XII) shall apply to them. Henceforth the Heads of Offices shall in accordance with the time-table indicated in Government Instruction below Article 284-A submit the applications for assessment/authorization of pension and gratuity in Form 7 (contained in Schedule XII) to the Audit Office. Other matters of procedure and verification of service etc. contained in Articles 287 to 289 so far as these are not inconsistent with Government Instruction below Article 284-A and Article 234 will continue to apply as heretofore.

<sup>2</sup>Preparation of list of Government servants due for retirement.

285. (a) (1) Every Head of the Department shall have a list prepared every six months that is on the 1st January and 1st July, each year of all Gazetted and non-Gazetted Government servants who are due to retire within the next 24 to 30 months of the date.

<sup>3</sup>The list be prepared in triplicate and should contain the following:-

- (i) Name of the Government servant.
- (ii) Designation of the Government servant.
- (iii) Date of birth.

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1. Inserted vide F. D. Notification SRO-45 dated 28-1-1980.

2. Recast vide F. D. Notification SRO-45 dated 28-1-1980.

3. Added vide F. D. Notification SRO-619 dated 1-10-1986.

(iv) Date of retirement.

(v) No. and date of sanction and the amount of loan, if taken by the Government servant, whether recovery of installments and/or interest thereon is still being made from the Government servant on the date of retirement.

(2) A copy of every list referred to in sub-rule (1) shall be supplied to the Audit Officer concerned not later than the 31st January, or the 31st July, as the case may be of that year.

(3) In the case of a Government servant retiring for reasons other than by way of superannuation, the Head of the Department shall promptly inform the Audit Officer as soon as the impending retirement becomes known to him.

Note 1--Although Public Prosecutors are not whole-time servants, yet their names should appear in this list.

Note 2--In the case of an officer whose year of birth is known but not the exact date, the 1st July should be treated as the date of birth for the purposes of determining the date on which the officer concerned should be held to have attained the age of 55 years. In case, however, the month of birth, but not the exact date is known the 16th day of the month should be treated as the date of the officer's birth.

Note 3--If a Government servant is only able to state his approximate age his date of birth may be assumed to be corresponding date after deducting the number of years representing his age from his d. of appointment

Note 4--In the case of Government servants '[to whom proviso to Art. 226 (I) applies] the Head of the office competent to sanction their retirement in the ordinary course, will be responsible to see that no unauthorized retention in service beyond the age of 60 years is allowed.

[ X X X ]

(b) The Head of Department shall draw attention to every such Government servant to the provisions of Articles 284 and 284-A and advise him to make a formal application 18 months in advance of the date of his anticipated retirement in order to avoid possibility of any delay in the commencement of his pension.

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1. Substituted for the words "in inferior service" vide F. D. Notification SRO-406 dated 10.10-1966.

2. Deleted vide F. D. Notification SRO-45 dated 28.1.1980.

(c) Every Head of the Department shall see that the pension cases are disposed of promptly and got finally settled with the least possible delay.

1286. (a) Questions affecting the pension or pensionable service of an officer which for their decision depend on circumstances known at the time shall be considered as soon as they arise. Any question which for its decision depends on possible circumstances that may arise in future or on hypothetical conditions may be raised or discussed as soon as the permissible period for submission of formal application for pension under Art. 284 begins.

(b) Except in cases covered by the first sentence of the preceding Article or in individual cases under special orders of the Government, an Audit Officer may not give advice upon any quest on connected with the claim of a Government servant to pension until the permissible period prescribed in Article 284 for the submission of formal application for pension begins.

## SECTION H--APPLICATION

### A-GAZETTED GOVERNMENT SERVANTS

<sup>2</sup>287. (i) The formal application for pension in Form I as required under Art. 284, shall be submitted by a Gazetted Government servant to his pension sanctioning authority, who immediately on its receipt will forward it to the Audit Officer, with the request for processing the preparation of pension papers of the concerned official. Even where no formal application has been received, the pension sanctioning authority shall be responsible to request the Accountant General 18 months before the retirement of the Gazetted Government servant, to have his pension paper processed. For any delay in requesting Accountant General before the period of 18 months the defaulters shall be liable of disciplinary action.

(ii) Where a Gazetted Officer intends to proceed on invalid pension he shall with his application attach the requisite medical certificate. If the medical examination of the official was not conducted on the date on which he ceased to perform duty, the authority competent to sanction the pension may accept a medical certificate bearing a later date.

(iii) All periods of leave, suspension etc. which are not reckoned as service shall be carefully recorded on Form 3 by the Accountant General.

<sup>3</sup>287-A. (i) The Accountant General on receipt of a request from the

1. Recast vide F. D. Notification SRO-400 dated 11-12-1962.

2. Recast vide F. D. Notification SRO-194 dated 15-5-1967 effective retrospectively from 1-4-1965.

3. Recast vide F. D. Notification SRO-194 dated 15-5-1967 effective retrospectively from 1-4-1965.

pension sanctioning authority shall draw up the application in Form 3 and call for all data, documents, service records, sanctions copy of orders. if any required by him for completion of pages first and second of the form (except items 14, 16, 17, 17(a) and 1.8 on the 1st page) from the pension sanctioning authority.

(ii) In the case of a Gazetted Government servant part of whose service has been rendered in non-gazetted posts, the service book recording service of non-gazetted service shall be forwarded to the Accountant General, duly verified, by the pension sanctioning authority 18 months before the retirement date as required vide Art. 287 (i).

'287-B. (a) After completing the application in Form 3 in respect of history of services and reporting the total period of qualifying service accepted for purposes of pension/gratuity, the same shall be forwarded to pension sanctioning authority for his orders on pages 3 and 4 (part).

(b) (i) The Heads of Departments shall sanction pension of all Gazetted Government servants subordinate to them, and of the Heads of Departments, pension shall be sanctioned by the Administrative Department concerned.

(ii) On receipt of the pension application (Form 3) nom the Accountant General by the pension sanctioning authority, it shall certify on page 3 of the form whether the character, conduct and past services of the official are such as to entitle him to the favorable consideration for grant of pension and also record necessary explanation of any suspension. Degradation etc., if any, suffered by the official during his service. He shall also record therein his own opinion whether the service claimed has been established and should be admitted or not. Such authority shall, after due consideration of the facts of the case and having due regard to the provisions of Articles 233 and 234, record on 3rd page of the application its orders as to whether the service has been satisfactory and is approved for the grant of full <sup>2</sup>[pensionary benefits] admissible under the rules or whether the same has not been thoroughly satisfactory and what reduction for that reason be made from the full[pensionary benefits] admissible under the rules.

(c) (i) The pension sanctioning authority has the special responsibility of ensuring that the pension papers received from the Accountant General are returned to him with its orders and making or causing to make necessary entries against items 14, 16, 17, 17 (a) and 18 on 1st page, and attesting that page, in time enough to enable him to issue the pension payment order not later than the date on which the Government servant is due to retire.

(ii) If the applicant for pension is no longer in active service a Last Pay

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1. Recast vide F. D. Notification SRO-194 dated 15-5-1967 effective retrospectively from 1-4-1965.

2. Substituted and deleted vide Notification SRO-61S dated 18-12-1974.

Certificate shall be attached to the application. In other cases the Last Pay Certificate shall separately be furnished to the Audit Office, immediately after his retirement. In case of anticipatory pensions however, the production of Last Pay Certificate shall not be necessary.

Note.-Note below Art. 289-A applies here also.

<sup>1</sup>287-c. In the case of officers to whom the provisions of Article 168-0 apply the pension sanctioning authority will not pass any orders on Form 3 of the pension application, with regard to the character, conduct and past service. In such cases the pension sanctioning authority shall state in Form 3 the fact of departmental or judicial proceedings having been instituted against the retired officer and recommend grant of provisional pension as admissible under Article 168-0. Upon conclusion of the proceedings and after final orders thereon are passed the pension sanctioning authority shall communicate to the Accountant General his recommendations with regard to the character, conduct his past services of the retired officer in terms of sub-clause (ii) of Article 287-B (b).

After receipt of such recommendations the Accountant General shall issue final authority for payment of pension and/or death-cum-retirement gratuity in favour of the retired officer.

<sup>2</sup>287-0. Notwithstanding anything contained in Articles 287, 287-A to 287-C the pension sanctioning authority in the case of a Government servant who is retired under Art. 226 (2) will not be required to record on the pension application of any such Government servant remarks regarding service being satisfactory and approved for the grant of full pension. The order-cum-notice, sanctioning retirement of such Government servant shall be treated as order sanctioning pension and no separate orders on pension application shall be required in this behalf.

<sup>3</sup>Note.--Article 287-0 shall be deemed to have come into effect from 1-7-1975.

#### B--NON-GAZETTED GOVERNMENT SERVANTS

<sup>4</sup>288. A non-Gazetted Government servant submits application a formal for pension in Form 1 to the Head of the Office.

<sup>4</sup>288-A. On receipt of the formal application, the Head of the Office shall immediately prepare a statement of the applicant's service in the second page

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I. Inserted vide F. D. Notification SRO-320 dated 22-7-1971. 2.

Inserted vide F. D. Notification SRO-450 dated 22-7-1976. 3.

Inserted vide F. D. Notification SRO- 78 dated 6-2-1978.

4. Recast vide F. D. Notification SRO-194 dated 15-5-1967 effective retrospectively from 1-4-1965.

of Form 3 and arrange to verify it according to the following procedure :-

(a) (i) In the case of a Government servant for whom service book is maintained if the service has been partly inferior (regarding which service records of the Audit Office are sometimes incomplete) all the information procurable shall first be gathered from official records. In respect of superior service, it will be sufficient to gather, in the first place only such information as is easily procurable. The information thus received shall then be forwarded to the Audit Officer along with the statement. The Audit Officer shall check the statement from his office records.

(ii) If there is any discrepancy, the Audit Officer shall detail the nature of such discrepancy; for instance, that the post which the applicant is stated to have filled during a certain period as shown in the Audit Office records to have been filled by another person. The authority submitting the statement shall settle such discrepancy to the satisfaction of the Audit Officer before allowing the disputable service to count for pension.

(iii) If the service claimed cannot be wholly verified from the records of the Audit Office the Daftar-i-Dewani or from the Treasury records, reference shall be made to the Head of the Office in which the applicant is shown to have served during the period in doubt, unless the service in question has already been verified and certificate of verification recorded in the service book.

(iv) Continuity of service should be determined on the basis of collateral evidence, steps being taken to verify as far as possible service in respect of the first year and the last three years. Verification of service in respect of the first year may be done with the help of service books, audit registers, acquittance rolls or original bills, if traceable. When such records are not available, the statement of the officer preparing the pension claim will be accepted regarding the commencement of service, who may be asked to indicate the source, wherefrom the date of commencement of service was obtained by him and verification may be done with the source indicated, if possible. No further verification need be made where a claim is supported by collateral evidence of contemporaries.

In cases where the leave records are not available or have not been maintained properly, so as to be susceptible of being taken into account for working out the net qualifying service for purposes of pension, the following principles may be adopted :-

(I) The privilege leave earned by such employees during the period of service in respect of which leave accounts are not available or have not been maintained properly, leave may be calculated as admissible under rules, and half of the leave so calculated should be assumed to have been enjoyed by

the employees concerned. The balance of leave at credit at the end of such period should not in any case exceed 1/2 of the leave which can be accumulated under rules. As regards leave of other kinds, it should be assumed that the employee has not enjoyed such leave. The statement of leave required in connection with the pension of an employee should be prepared accordingly.

(2) In respect of Government servants in vacation department, the presumption should be that the vacation was fully enjoyed except where there is definite evidence to the contrary.

(b) In the case of a Government servant for whom a service roll is maintained under Article 265 the services, unless have already been verified and a certificate of verification recorded on the service roll, shall be verified with reference to pay bills, acquittance rolls or other relevant records the procedure prescribed in sub-clause (iv) of clause (a) being adopted, where necessary.

Note I.-The power to admit service verified under clause (a) (iv) above may be exercised by all subordinate authorities that are empowered to sanction pension under these rules.

Note 2.-In April every year the service books should be taken up for verification from acquittance rolls by the Head of the Office, who should after satisfying himself that the services of the Government servant concerned are correctly recorded -in each service book, record a certificate of verification of service in the service book. Thereafter, every Head of Office should furnish to his next superior officer a certificate by the end of May every year to the effect that the service of all non-gazetted staff under him has been verified and a certificate of verification recorded in the respective service books.

If in any case, it is found necessary at the time of retirement to make references to more than one authority, a separate verification memorandum should to save time, be sent out to each authority concerned simultaneously instead of sending the service book itself to them one after the other. On return the verification memorandum can be pasted in the service book against the relevant entries.

<sup>1</sup>[The certificate of verification to be recorded by the Heads of Offices in the service books, as referred to in para I above, will be in the following form :-

Service verified up to ..... (date) from ..... (the record from which the verification is made)].

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I. Inserted vide F. D. Notification SRO-391 dated 21-11-1964.

(Note 2-A.--After every 5 years the concerned Head of Office shall verify the service rendered by the Government servant with reference to pay acquittance rolls and other relevant records and record a certificate in appropriate pages of the service book to the effect that the service rendered by the officer during the period (to be specified) has been verified and it qualifies for pension with exception of the spell (to be specified) if any, (For this purpose separate page in distinct colour shall be placed at the beginning of the service book).

The above service verification shall be in addition to provisions laid down Note 2 above.

**Note 3:**--The documents produced as collateral evidence, as certificates such those given by an officer to the subordinate on his leaving the office Irshads and the testimony of contemporary Government servants referred to above, should actually have been issued during the period for which the service of officer is declared to be unverifiable. Certificates etc. given by retired, gazetted Officers after the lapse of several years should not be accepted as proper evidence.

<sup>1</sup> **288-B.** The preparation of the service statement and the verification of service in the manner set out in the preceding Article shall be undertaken the Head of the Office 18 months before the date on which a Government servant is due to retire on superannuation or on the date on which he proceeds leave preparatory to retirement, whichever is earlier and shall not be delayed till the officer has actually submitted the formal application for pension.

<sup>3</sup>[**Note.**--The Head of the Department/Office (as the case may be) should ensure completion of the pension application in all respects within two weeks time and forward the same to Audit Office 18 months before the date of the retirement of the applicant. In the event of delay in forwarding the pension application to the Accountant General by specified time as indicated above and failure to pursue these cases to finality disciplinary action shall be taken against the defaulter].

!289. (a) (i) After completing the verification in the manner indicated in ! 288-A, the Head of the Office shall draw up application in Form 3. This had been done irrespective of the fact whether a formal application for pension had been received from the Government servant or not. If at the time, the application in Form 3 is drawn up a formal application from the Government 'ant has not yet been received, entries against items 14, 16, 17 and 18 on first page of Form 3 shall not be filled up at that stage. The relevant entries shall be made soon after the formal application is received However, if by

1. Inserted F. D. Notification SRO-619 dated 1-10-1986

2. Recast vide F. D. Notification SRO-400 dated 11-12-1962

3. Inserted vide F. D. Notification SRO-180 dated 26-5-1965.

the time the formal application is received the application in Form 3 has already been sent to the Audit Officer, the formal application shall immediately be forwarded to the Audit Officer who will complete the necessary entries.

(ii) The Head of the Office shall also follow the direction contained in clauses . (ii) [and (iii) of Article 287 and Article 287-B (b) (ii)].

(iii) In any case in which it becomes necessary to resort to the procedure prescribed in sub-clause (iv) of clause (a) of Article 288-A, he shall record on the application the exact nature of the investigation made and the conclusion arrived at.

(b) He shall then arrange, with the application, all the documents relied upon for the verification of the service claimed in such manner that they can be conveniently consulted, and forward them with the Government servant's service book, or service roll, as the case may be, and the statements in the second page of Form 3 duly completed up to date [and the last pay certificate if necessary .....see Article 287-B (c) (ii) *ibid*] through the authority empowered to sanction the pension to the Audit Officer.

(c) The authority competent to sanction the pension shall follow the . procedure in clause (c) of Article 287-B (b) (ii).

<sup>2</sup>Note 1.--The provisions of Art. 287-C shall apply *mutatis mutandis* in the case of retired non-gazetted Government servants.

All past cases pending finalisation with the Accountant General and or the pension sanctioning authorities shall be regulated in terms of this notification.

<sup>3</sup>[Note 2.--Provisions of Art. 287-D shall *mutatis mutandis* apply to non gazetted Government servants also.

<sup>4</sup>289. The pension papers of a Government servant after these are completed in accordance with the provisions of the preceding rules shall be forwarded to the Accountant General under a covering letter in Form 8 accompanied by the following documents :

1. Form 7 (Form for Assessing of Pension/Gratuity) with details of service.

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1. Substituted vide F. D. Notification SRO-194 dated 15-5-1967 effective from 1-4-1965. retrospectively
  2. Inserted vide F. D. Notification SRO-320 dated 22-7-1971.
  3. Inserted vide F. D. Notification SRO-450 dated 22-7-1976.
  4. Recast vide F. D. Notification SRO-45 dated 28-1-1980.

2. Medical certificate for invalidation (if the claim is for invalid pension).
3. Service Book duly completed.
4. Brief statement leading to reinstatement of the Government servant in case the Government servant has been reinstated after having been suspended, compulsorily retired, removed or dismissed from service.
5. Form 6 (Order intimating reduction in pension).
6. (a) Two specimen signatures duly attested by a Gazetted Government servant.

*OR*

In the case of pensioner who is illiterate enough to sign his name two slips bearing the left thumb and finger impressions duly attested by a Gazetted Government servant; and

(b) three copies of the passport size photographs containing the wife and husband either jointly or separately duly attested;

(c) two slips showing the particulars of height and identification marks duly attested.

7. Application in Form 5.
8. Explanation for delay, if any, for forwarding to Accountant General in Form 7 not before six months of the date of retirement of the Government servant.
9. Declaration from the pensioner in terms of Article 291 (I).
10. Address of the Government servant after retirement.

Note.--Portions not applicable may be scored out.

<sup>1</sup>290. (!) On receipt of the pension papers passed on to him under the provisions of Article 287-B or 289, the Audit Officer shall apply the requisite checks and record his Audit endorsement on the third page of the application in Form 3, showing the total period of qualifying service which has been verified and accepted for the grant of pension or gratuity, the amount and the date

I. Recast vide F. D. Notification SRO-400 dated 11-12-1962.

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from which it is admissible, etc. .... He shall thereafter prepare the pension payment orders on the basis of the orders of the pension sanctioning authority and the audit enfacement, but shall not issue it Jllore than a fortnight in advance of the date on which the Government servant is due to retire. The fact of issue of the pension payment order shall be promptly reported to the pension sanctioning authority, and the pension papers which are no longer required returned to him. The Audit Office shall append to the PPO the Pension Calculation Sheet in the Form prescribed at the end of Chapter XXIV. The Pension Calculation Sheet shall be prepared in triplicate and a copy will be pasted with each half of the PPO and one copy retained in Audit Office.

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1. Insened vide SRO-158 dated 10-3-1986.

**FORM OF PENSION CALCULATION SHEET.**

1. Name of the pensioner. \_\_\_\_\_
2. Designation of the post from which retired. \_\_\_\_\_
3. Department/Office last served. \_\_\_\_\_
4. Date of birth (in figures and words). \_\_\_\_\_
5. Date of retirement on superannuation! voluntary/invalid etc. \_\_\_\_\_
6. Rules under which pensionary benefits were settled. \_\_\_\_\_
7. Qualifying service for pension. \_\_\_\_\_
8. Emoluments drawn during last ten months (along with pay scales). \_\_\_\_\_
9. Computation of average emoluments on which pension fixed. \_\_\_\_\_
10. (a) Amount of service pension. \_\_\_\_\_  
(b) Amount of family pension. \_\_\_\_\_
11. P.. P. O. No. \_\_\_\_\_
12. Treasury on which PPO issued. \_\_\_\_\_
13. Details of computation of pension: \_\_\_\_\_  
(a) Percentage amount of monthly pension commuted. \_\_\_\_\_  
(b) Amount of commuted value of pension authorised. \_\_\_\_\_
14. Amount of Death-cum-Retirement Gratuity sanctioned. \_\_\_\_\_
15. Remarks. \_\_\_\_\_

Place \_\_\_\_\_

Date \_\_\_\_\_

Accounts Officer.

Note.-- The first page of application for pension photographs facsimile signatures, thumb and finger impressions, declaration for non-receipt of pension, L. P. C. and such other certificates/declarations as are needed *for* audit purposes may be retained in the Audit Office.

<sup>1</sup>Note 2.--Where it is not possible *for* Audit Office in spite of its best efforts to verify the service up to 31-3-1962 with reference to Annual Establishment Returns or other Audit Office records such as Audit Registers, pay bills etc. the service should be deemed to have been verified with reference to the Acquittance Rolls except in cases where the entries in the service books are *prima facie* incorrect.

(2) If the pension is to be paid in another circle of audit, the Audit Officer shall send a copy of the pension application with the orders *of* the sanctioning authority and his audit enfacement, along with the last pay certificate, if received, to the Audit Officer of that circle who shall prepare the necessary pension payment order and take further action as indicated in clause (I) above.

Note.--If the pension papers are plainly incorrect or incomplete, the Audit Officer shall return them promptly for correction or explanation.

(3) The Audit Officer shall record briefly in the second page of Form 3 his reasons for disallowing any service claimed. Any other disallowances should be recorded in the Audit enfacement on the 3rd page with reasons therefor.

<sup>2</sup>291. (1) Should the amount of pension granted to a Government servant be afterwards found to be in excess of that to which he is entitled under these regulations, he shall be called upon to refund such excess.

Note.--For the purpose of this Article, a declaration in Form A (given below) shall be obtained from the retiring Government servant by the authority sanctioning pension, before the pension is sanctioned. Similarly that authority shall obtain a declaration in Form B (given below) from a member of the family or legal heir or heirs of the deceased pensioner, before sanctioning arrears of pension or gratuity.

FORM A

(To be .signed by a retiring Government servant)

Whereas 'the..... (here state the designation of the officer sanctioning the pension/gratuity) has consented to grant me the sum of Rs..... per month as the amount *of* my pension with

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1. Inserted vide F. D. Notification SRO- 194 dated 15-5-1967 effective retrospectively from 1-4-1965.  
2. Recast vide F. D. Notification SRO-400 dated 11-12-1962.

effect from ..... I hereby acknowledge that in accepting the said amount (s), I fully understand that pension/gratuity is subject to revision on the same being found to be in excess of that to which I am entitled under the rules, and I promise to refund any amount paid to me in excess of that to which I may be eventually found entitled.

- |   |   |
|---|---|
| 1. Signature<br>Address and occupation of<br>witness. | Signature of the<br>Government servant. |
| 2. Signature<br>Address and occupation of witness..   |   |

The declaration should be witnessed by two persons of respectability in the town, village or Mohalla in which the applicant resides.

#### FORM B

(To be signed by the legal heirs or members of the family of a  
deceased pensioner)

Whereas the .....(here state the designation of officer 'sanctioning the arrears of pension or gratuity) has consented to grant me the sun of Rs .....being the amount of arrears of pension or gratuity due to Shri/Shrimati.....(here give the name and designation of the deceased pensioner), I hereby acknowledge that in accepting the amount(s) indicated above, I fully understand that the arrears of pension or gratuity due to late Shri/Shrimati..... is subject to revision on the same being found to be in excess of that to which I am entitled under the rules and I promise to base no objection to such revision. I further promise to refund any amount paid to in excess of that to which I may be eventually found entitled.

Signature of the beneficiary.

1. Signature  
Address and occupation of witness.
2. Signature  
Address and occupation of witness.

Separate declaration should be filled in by each beneficiary.

Declaration should be witnessed by two persons of respectability in the town, village or Mohalla in which the applicant resides.

2. (a) In cases where a portion of qualifying service at the end has remained unverified at the time of issue of the pension payment order by the Audit Officer,

due to the fact that the pension application was sent to the Audit Officer before his date of retirement, the Audit Officer will authorise the pension provisionally in the first instance.

(b) If after the pension application in Form 3 has been forwarded to the Audit Officer, any event occurs which has a bearing on the amount of pension admissible, the fact shall be promptly reported to the Audit Officer by the pension sanctioning authority. If no such event has occurred a report to that effect together with a certificate as to the satisfactory nature of the service rendered by the Government servant after the pension application was originally forwarded shall be sent to the Audit Office within a week from the date on which the Government servant retires. At the same time details of any Government dues outstanding against the Government servant and the steps taken to safeguard the interest of the Government in this behalf shall also be intimated to the Audit Officer.

(3) When a Government servant has retired from service, if he was a Gazetted Officer, a notification in the Gazette or if he was a non-gazetted official, an order shall be issued specifying the actual date of retirement within

a week of such date and a copy of every such order shall be forwarded to the Audit Officer immediately.

.Note.--For Forms 1 to 4 refer to Schedule XII of these Regulations.

## CHAPTER XXV

## PAYMENT OF PENSION

ANTICIPATORY PENSION <sup>1</sup>[TO GAZETTED OFFICERS]

292. (a) When a gazetted officer retires before the necessary enquiries preliminary to the settlement of the amount of his pension can be completed, the Accountant General may upon a declaration, in the form given below by the officer, sanction the immediate disbursement of the pension to which after the most careful summary investigation that he can make without delay, he believes the officer likely to be entitled :-

"Declaration-Whereas the Accountant General has consented provisionally to advance to me the sum of Rs ..... a month in anticipation of completion of the enquiries necessary to enable the Government to fix the amount of my pension; I hereby acknowledge that in accepting this advance, I fully understand that my pension is subject to revision on the completion of necessary formal enquiries and I promise to base no objection to such revision on the ground that the provisional pension now to be paid to me exceeds the pension to which I may be eventually found entitled. I further promise to repay any amount advanced to me in excess of pension to which I may be eventually found entitled."

(b) If the Accountant General thinks it likely the officer would be found entitled to a gratuity only, one-sixth of the amount of such probable gratuity may, upon a similar declaration, be disbursed to him monthly until the amount is finally settled.

(c) The settlement of such provisional payment should be made so as to admit of their disbursement not later than three months after the officer has ceased to hold the post.

(d) If upon the completion of regular investigation, it be found that the pension thus summarily assigned differs from the pension finally settled, the difference must be adjusted in the first subsequent payments.

(e) To enable the Accountant General to exercise the jurisdiction thus entrusted to him, the Head of the Office-or Department from which the officer is removed should furnish to the Accountant General as soon as possible after it becomes known to him that the officer must retire and without waiting for his actual retirement, the fullest information that can be obtained regarding the officer's service without correspondence which must cause delay.

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<sup>1</sup> Inserted vide F. D. Notification SRD-194 dated 15-5-1967 effective retrospectively from 1-4-1965.

(f) This information is to be furnished in anticipation of regular investigation required, by Article 289 which also should on no account be delayed until the officer has actually retired.

(g) An officers should bear in mind that delay in the payment of pension may involve pecuniary hardship and everything should be done to prevent or shorten to the utmost such delays.

#### ANTICIPATORY PENSION TO NON-GAZETTED GOVERNMENT SERVANTS.

<sup>1</sup>292-A. When a non-gazetted officer retires before the necessary enquiries preliminary to the settlement of his pension can be completed the pension sanctioning authority may upon a declaration, in the form given below Art. 292. (a) by the officer sanction the immediate disbursement of the pension up to 75% of the amount of pension to which after the most careful summary investigation that he can make without delay, he believes the official likely to be entitled. The payment of such pension shall be made by the head of office from which the official retires and shall subsequently be adjusted by the Accountant General when authority for full pension is issued. The pension so. drawn by the head of office shall be charged to 65--Pensions and Other Retirement Benefits.

Note 1.-For the words "Accountant General" in the declaration below Art. 292 (a) for purposes of Art. 292-A, the designation of pension sanctioning authority should be indicated.

Note 2.-Provisions of Art. 292 (b) to (g) will apply mutatis mutandis in this case also.

I.

#### ASSUMPTIVE PENSION.

292-AA. Assumptive pension, equal to 80% of the pension and/or gratuity including 'Death-curn-Retirement Gratuity' normally admissible under rules, may be authorised by the Accountant General in respect of retired Government servants (Gazetted or non-Gazetted) or others who die, while in service whose sanction to pension or pension cases are not received duly completed in the Audit by the date of their retirement or within three months of death while in service. The pension in such cases win be assumed provisionally on the basis of data whatever available in Audit, subject to adjustment on final verification and completions ;

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I. Inserted vide F. D. Notification SR0-194 dated 15-5-1967 effective retrospectively from 1-4-1965,

Provided that no such authority shall be issued by the Audit in the case of :-

- (i) any such retired Government servant in whose case the pension sanctioning authority or any authority higher to that has for reasons to be recorded, advised the Accountant General in advance for stoppage of pension.
- (ii) any retired employee whom provisional pension has been/is granted under Art 168-D, and
- (iii) any such retired official who has been authorised anticipatory pension under Art. 292 or 292-A ;

Provided further that from the amount of assumed gratuity amounts if any, recoverable, from the concerned either as per the books of the Accountant General and/or as intimated to the latter by the Department, shall be recovered and only the net amount paid to the pensioner.

Note.--Nothing contained in Arts. 292 and 292-A shall apply to Government servants who retire, on or after 1-6-1976, except that Declaration prescribed in Art. 292 (a) shall mutatis mutandis apply to "Assumptive pension".

Government Instructions.- The above provisions are made effective from 1st June, 1976 in order to enable the pension sanctioning authorities to inform the Accountant General by that time about the stoppage of pension or recoveries if any required to be made, in respect of any person, who may have already retired from service before the date of issue of this notification or immediately thereafter. In future, such advice to the Accountant General shall be communicated well before the date of retirement of the concerned Government servant. The concerned departmental officers shall be held responsible for any loss to Government which may arise as a result of release of Assumptive Pension/ Gratuity by the Accountant General under the above rule.

292-B. No formal sanction to the grant of pension beyond the orders for grant of pension on Form 3 (page 3) and an order of retirement as per Art. 291 (3) shall be required. The orders of pension sanctioning authority on page 3 of Form 3 will be deemed as formal sanction to the payment of pension that becomes due to the pensioner and a final Pension Payment Order in case of pension and pay order in case of gratuity issued by the Accountant General on the Government Treasury nearest the home of pensioner or gratuitant.

292-C. The pension pay order will be issued in two halves, one half of which will be kept by the Treasury Officer concerned and the other half will be made over by him to the pensioner after obtaining his signature on the Treasury Officer's half in his own presence.

292-0. The pensioner must present his half at the Treasury on each occasion he wishes to draw his pension, in order that a record of the payment may be made thereon in the space provided for the purpose on the back of the pension pay order.

292-E. No pension should be drawn (till the claimant appears) and placed i\_ deposit on the ground of the absence of a payee or any other reason.

293. (a) A pensioner is required to append to his bill a certificate follows :-

[(i) I declare that I have not received any remuneration for serving in any capacity either under the State or under a Local fund during the period for which the amount of pension claimed in this bill is due.

'(ii) ,\_ declare that I have not taken up commercial employment in terms of Art. 293-A.

(b) In the case of a pensioner permitted to draw pension after re-employment, this Article should be modified in accordance with sanction.

## 2[COMMERCIAL EMPLOYMENT AFTER RETIREMENT]

<sup>3</sup>[293-A. If a pensioner retiring from a post the pay of which is more than Rs. 2,000 p. m. or which may be in a scale of pay the maximum whereof exceeds that amount, wishes to accept a commercial employment before the expiry of two years form the date of his retirement he should apply in the form contained in annexure to chapter xxv to the appointing authority for prior sanction of such acceptance]. No pension shall be payable to any such pensioner who accepts a commercial employment without prior sanction in respect of any period for which he is so employed within first two years of his retirement.

The term 'commercial employment' for purposes of this rule, shall mean an employment in any capacity including that of, an agent under a company, Co-operative Society, firm or individual engaged in trade commercial, industrial, financial or professional business and includes also a Directorship of such I company and partnership of such rum but excludes employment under a body' corporate owned or controlled by the Government. The said term includes self-employment as consu!tant in fields for which the retired officer is not professionally qualified and which are directly. relatable to retired officer's official knowledge and experience\_

1. Recast vide F. D. Notification SR0-97 dated 10-3-1971.

2. Inserted *ibid*

3. Recast vide F. D. Notification SRO-I88 dated 16-5-1985.

The authority competent to sanction acceptance of employment within first two years of the retirement shall *for* purposes of this rule be the authority which is competent to appoint the officer on the post from which he retired].

<sup>1</sup>294. Deleted.

<sup>2</sup>294-A. When any sum is payable in respect of pension, or gratuity to any person by Government and the person to whom the sum is payable is certified to be lunatic, the authority competent to sanction the pension or gratuity may ask the Accountant General to pay, so much of the said sum as he thinks fit, to the person having charge of lunatic and pay the balance, if any, or such part thereof as he thinks fit, *for* the maintenance of such members of the lunatic's family as are dependent on him *for* maintenance. In the case of minor dependents, their guardian, who will be specified by the authority sanctioning the pension will be entitled to receive pension on their behalf. The certificate of the Medical Officer-in-Charge of the Medical Hospital will be required in case a lunatic is admitted to that hospital while that of a magistrate in other cases. The condition of attaching a life certificate will apply to the pension bill of the lunatic also.

This has effect from 1st July, 1957.

295. Payment of pension can be made from a Government Treasury but pensioners residing in other parts of Indian Union can draw their pensions from treasuries outside the State.

#### TRANSFER OF PENSION FROM ONE STATE TREASURY TO ANOTHER

296. The Accountant General may, on application and on sufficient cause being shown, permit the transfer of a pension from one Government Treasury to another. Such application should be made by the pensioner to the Accountant General through the Treasury Officer concerned. Both halves of the pay order should be forwarded by the Treasury Officer to the Accountant General, in order that the pension pay order *may* be amended or a fresh pay order be issued, if necessary, by the Accountant General and the one submitted cancelled.

#### RENEWAL OF PENSION PAYMENT ORDER

297. when the space provided on the reverse of a Pension Pay Order for recording the payments is filled up, or when the pensioners's half is tom or rendered useless, the Pension Payment Order may be renewed by the Treasury Officer without a reference to the Audit Office. The renewed Pension Payment Order should bear the old number and date and Facsimile of Signature The old Pension. Payment Order should be retained by the Treasury Officer.

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I. Deleted vide F. D. Notification SRO-96 dated 11-2-1972. 2.

Inserted vide Government Order No. 6-F of 1958 dated 4-1-1958.

298. When the pensioner's half is stated to have been lost, the Treasury Officer will renew the Pension Payment Order on a renewed fee of fifty: paise in each case which should be paid into the Treasury and the Treasury Receipt should be attached to the application for renewal.

299. The Treasury Officer at the time of payment of a pension, will record the payment on the reverse of both halves of the order under his initials.

#### LAPSES AND FORFEITURES

<sup>1</sup>300. Unless the Government by general or special orders direct otherwise a pension remaining undrawn for more than one year shall cease to be payable by the Disbursing Officer. If the pensioner afterwards appears, or a claim is presented on his behalf, the Disbursing Officer may make the payment, but the arrears cannot be paid without the previous sanction of the authority which had sanctioned the pension :-

(i) if the pension in arrears is to be paid for the first time, or

(ii) if the amount of arrears exceeds Rs. 1,000.

<sup>1</sup>301. Where, however, a pension remains undrawn for three years, it shall not be paid without the authority of the Accountant General.

#### ATTACHMENT OF PENSION BY PROCESS OF COURT

302. <sup>2</sup>[Except as provided in Articles 168-A and 168-B] all pensions payable under these rules shall not be liable to seizure, attachment or sequestration by process of any Court in the Government at the instance of a creditor for any demand against the pensioner or in satisfaction of a decree or order of any such Court.

<sup>3</sup>303. (1) On the death of a pensioner, payment of any arrears actually due may be made to his heirs up to and including the date of his death on surrender of pensioner's half of the pension pay order, provided that they apply within one year of his death. It cannot be passed thereafter without the sanction of the authority by whom the pension was sanctioned to be obtained through the Accountant General:

Provided further that the arrears do not exceed one hundred rupees and the case presents no peculiar features, the Accountant General may pass the arrears on his own authority.

(2) Any person claiming as the heir of the deceased pensioner shall be required to produce the pensioner's half of the pay order or if no pension pay

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1. Inserted vide F. D. Notification SRO-159 dated 14-4-1966.

2. Inserted vide F. D. Notification SRO-42 dated 6-2-1963.

3. Substituted under F. D. Notification SRO-321 dated 29-10-1962.

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order has been issued, the copy of the order in which sanction of the pension was communicated to the pensioner or his heirs.

(3) After payment of the arrears of pension<sup>111</sup>, the pension pay order shall be returned to the Accountant General with a report of the date of the death of the pensioner.

<sup>1</sup>303-A. Subject to the proviso to Article 303, the arrears of pension of a deceased pensioner may be paid to the heirs of the deceased without the production of the usual legal authority to the extent of Rs. 1,000 under the orders of the Deputy Commissioner or other officers responsible for payment after such enquiry into the rights and the title of the claimant as may be deemed sufficient; provided that the heirs to whom such payment is made may be required to execute a bond with or without a surety on the sum so paid to him to indemnify any person subsequently found entitled to that amount. Arrears exceeding Rs. 1,000 may be paid under the Orders of the Government on the execution of an indemnity bond, with such sureties as it may require, if it is satisfied about the right and title of the claimant and considers that undue delay and hardship would be caused by insisting on the production of a succession certificate. Provided that in any case of a doubt, as to the legal heir of a person to receive such payment, payment may be made only on the production of a succession certificate.

<sup>2</sup>303-B. Notwithstanding anything contained in Art. 303 (1) on the death of a pensioner, payment of pension to his beneficiaries shall be made for the entire month in which death of the pensioner takes place. Family pension, if any, due will be payable from the first of the month following the month in which death takes place.

<sup>3</sup>303-C. A Government servant who is due to retire shall within three months of his retirement or immediately after retirement make a nomination in the Form annexed to this Chapter for authorisation of arrears of pension in the event of his death before receiving his pension. The nomination Form shall be placed on record with the Head of Office, who forwarded the pension case to the Accountant General.

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I. Substituted under F. D. Notification SR0-321 dated 29-10-1962.

II. 2. Inserted vide F. D. Notification SRO-37 dated 30-1-1984.

111 Inserted vide F. D. Notification SRO-244 dated 31-3-1986

FORM " A" (NOMINATION FORM)

.., ."

(Through Head of Office)

Sir,

I .....hear by nominate the

(name of the pensioner in block letters)

person named below for payment of arrears of pension

name and address of. the nominee	Relation with pensioner	date of birth
1	2	3
<u>If nominee is minor</u>		
Name and address of person who may receive the said pension during nominee's minority.		
4	5	6

"

Date of birth .if the other nominee] is minor.	name and address of person who may receive the pension during the other nominees minority	contingency on happing on which nomination shall become invalid.
7	8	9

Yours faithfully,

Place \_\_\_\_\_

Date \_\_\_\_\_

signature (or thumb impression  
if illiterate)

I

witness : signatur \_\_\_\_\_ name of pensioner \_\_\_\_\_

name and address \_\_\_\_\_ address \_\_\_\_\_

signature of pension disbursing authority/head office.

Acknowledgement to be sent by the pension disbursing authority/head of office  
Certified that application/nomination has been received from

\_\_\_\_\_ (name of pensioner) whose address

is \_\_\_\_\_

PLACE \_\_\_\_\_

DATE \_\_\_\_\_

signature of pension disbursing  
authority/head of office.

Full address :

## 'ANNEXURE 'A'

*[Referred 10 in Arl. 293-AJ*

Form of application for permission to State Services Officers to accept commercial employment within a period two years after retirement.

1. Name of the officer (in block letters).
2. Date of retirement.
3. Particulars of the Department! Offices in which the officer served during the last 5 years preceding retirement (with duration).

Name of Department Office	Post held	Duration From To
4. Post held at the time of retirement and period for which held.		
5. Pay scale of the post and pay drawn by the officer at the time of retirement.		
6. Pensionary benefits. Pension expected/sanctioned(Commutation if any should be mentioned)		
7. Details regarding commercial employment proposed to be taken up :-		Gratuity if any.
(a) Name of the firm/company/ Co-operative Society etc.		
(b) Products being manufactured by the firm/type of business carried out by the firm etc.		

- 
- (c) Whether the official had during his official career any dealings with the firm etc.
- (d) Duration and nature of the..., official dealings with the firm.
- (e) Name of job/post offered.
- (t) Whether post as advertised, if not, how was offer plade (attach newspaper cutting of the advertisement and a copy of the offer of appointment, if any).
- (g) Description of the duties of the job/post.
- (h) Remuneration offered' for post/job.
- (i) If proposing to set up a practice, indicate :-

(a) Professional qualifications in the field of practice;

(b) Nature of proposed practice.

8. Any information which the applicant desired to furnish in support of his request.

9. Declaration:

I hereby declare that-

- (i) the employment which I propose to take up will not bring me into conflict with Government;

(ii) my commercial duties will not be such that my previous official position or knowledge or experience under government could be used to give my proposed employer an unfair advantage;

(iii) my commercial duties will not involve liaison or contract with the government department.

Dated:

signature of the applicant,  
Address.

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PART VIII-RULES RELATING TO TRAVELLING

ALLOWANCES

CHAPTER XXVI

DEFINITIONS AND GENERAL RULES

SECTION I-PRINCIPLES OF CALCULATION

DEFINITIONS

304. Travelling allowance is given to an officer to cover the average actual traveling expense incurred by him in traveling in the interests of Government service.

305. It is a fundamental principle that the allowance is not to be a source of profit and save as especially provided in these Regulations, no allowances are granted to meet the expenses of the families of officers accompanying them when traveling on duty.

It is also expected that officers when traveling on duty will be as economical in the matter of charges which have to be borne by the Government as they would be if traveling at their own expenses.

Note 1. -Except when an order implies a change of duties the traveling allowance of an officer who is promoted or reverted with retrospective effect should not be revised in respect of the period intervening between the date of promotion or reversion and that on which it is notified.

Note 2. – Traveling allowance claims for tour journeys prior to 1996-97 will lapse to Government.

Note 3. – The tour programme should not be so arranged that only the places connected by motorable road are inspected and that outlying and inaccessible places are neglected.

Places inspected once should not ordinarily be visited again within a reasonable period unless special circumstances arise.

Note 4.- the provision of these rules relating to T.A. in favour of inferior and non-gazetted Government servants may be relaxed by the competent authority.

ROUTE FOR CALCULATION OF TRAVELLING ALLOWANCE

306. (a) For this purpose, a journey between two stations shall be held to be performed by the shortest of two or more practicable routes or by the cheapest of such routes as may be equally short.

(b) The shortest route is that by which the traveller can most speedily reach his destination by the ordinary modes of travelling.

(c) If an officer travels by a route which is not the shortest, but which is cheaper than the shortest, his travelling allowance is calculated by the route by which he makes the journey.

(d) The Government may for special reasons permit mileage allowance to be calculated on a route other than the shortest or cheapest; provided that a journey is actually performed by that route.

307. The point in a station at which a journey shall be held to commence or end shall be the chief public officer or building in that station, or in the case of journeys on tour except at headquarters, the farthest point reached on inspection.

#### FREE MEANS OF LOCOMOTION.

308. (a) A Government servant who travels by a car or any other kind of conveyance which belongs to him or is hired by him; may draw full travelling allowance under the rules.

<sup>1</sup>Note.--When two or more Government servants travel by sharing the hire charges of a conveyance, each one of them may draw full road mileage as admissible under the rules. Again, when two or more Government servants travel in a conveyance belonging to one of them, the Government servant owning the conveyance may draw T. A. as if he travelled alone and the other Government servant or servants may draw daily allowance only provided such Government servant or servants incur sufficient expenditure to justify drawal of daily allowance under Article 329 but in case such Government servant or servants spend nothing at all during the course of such journey, they may not be paid anything vide Article 305 "*ibid*".

(b) When a Government servant travels by a car or any other kind of conveyance which does not belong to him and is not hired by him, he will only be entitled to draw daily allowance.

(c) When a Government servant who is supplied with means of conveyance without charge returns to his headquarters on the same day, daily allowance, if admissible under rules, will be calculated as follows :-

<sup>2</sup>(i) If the absence from Headquarter on the day of departure or arrival does not exceed 6 hours. 1/4.th of daily allowance.

1. Inserted vide F. D. Notification SRO.201-F of 1960 dated 18-8-1960.

2. Inserted as per Addendum to Notification SRD-372 dated 20-7-1987 issued vide F. Deptts. endstt.No. A/108(87)-11-1456 dated 12-10-1987.

<sup>1</sup>(ii) If the absence from Headquarters does not exceed 12 hours. 1/2th daily allowance.

(iii) If the absence from Headquarters exceeds 12 hours. Full daily allowance.

<sup>2</sup>(iv) Deleted.

<sup>3</sup>Note.--The chauffeurs of a Motor Car supplied at the expense of Government when making a journey by road on the Motor Car in his charge shall be entitled to T. A. as per clause (c) above.

(d) For journeys made partly by his own or hired conveyance and partly by a conveyance which may be borrowed or provided at the expense of Government, a Local Fund authority or Court of Wards, Estate. A Government servant may draw travelling allowance according to clauses (a) and (b) above for each kind of journey as a separate journey subject to the condition that the total allowance would not exceed the amount to which he would be entitled if the whole distance had been travelled in his own or hired car or conveyance.

Explanation.-A hired car would include a car borrowed by the officer but of which all the cost of propulsion is paid by him.

<sup>4</sup>[ X X X ]

<sup>4</sup>Exception 2.--An officer who is provided with State boats and boatmen may not charge any Travelling Allowance.

<sup>4</sup>[ X X X ]

308-A. When actual expenses are claimed under these Regulations or under any special orders of Government, they should be supported by details sufficient to indicate their nature and supporting vouchers as far as possible.

<sup>5</sup>308-8. An officer who, under orders of the competent authority, is in the public interest required to cancel the railway/air seat already booked, is entitled to claim the cancellation charges provided he furnishes a certificate of cancellation from the concerned transporters.

1. Recast vide F. D. Notification SRO-180 dated 21-4-1973.

2. Deleted *ibid*.

3. Inserted vide F. D. Notification SRO-352 dated 18-11-1970.

4. Exception No.1 deleted vide SRO-532 dated 18-11-1970. Exception No.3 deleted vide SRO-180 dated 21-4-1973.

5. Inserted vide F. D. Notification SRO-526 dated 27-12-1965.

## SECTION 11--CLASSIFICATION OF OFFICERS

## GENERAL CLASSIFICATIONS.

<sup>1</sup>309. With effect from 1-8-1987 Government servants shall be divided into the following classes for purposes of regulating their T. A. :-

- |   |            |
|---|------------|
| (i) Officers drawing <sup>2</sup> Basic Pay of more than Rs. 2700/    | Class I.   |
| (ii) Officers drawing <sup>2</sup> Basic Pay of Rs. 2001 to Rs. 2700/ | Class II.  |
| (iii) Officers drawing <sup>2</sup> Basic Pay of Rs. 901 to Rs. 2000/ | Class III. |
| (iv) Officers drawing <sup>2</sup> Basic Pay upto Rs. 900/- .         | Class IV.  |

**Note 1.**--So long as the pay scales of All India Service Officers serving in connection with the affairs of the State are not revised an amount of Rs. 600 should be added to the salary of the officers in the senior scale and above that and Rs. 450 in the case of officers in the junior scale for purposes of determining their classification under the above slabs.

<sup>2</sup>**Note 2.**--So long as the pay scales of the Assistant Professors and Lecturers (Faculty members) of the Institute of Medical Sciences Srinagar are not revised an amount of Rs. 600/- should be added notionally to their pay for purpose of determining their classification for T. A. under the above slabs.

309-A. All claims for travelling allowance should be based on the salary actually drawn by an officer at the time to which the claim relates, irrespective of the maximum rate of pay to which officers on progressive scale of pay may subsequently be entitled.

309-B: Part-time, honorary or non-Government servants or those who are remunerated wholly or partly by fees work, rank for purposes of travelling allowance for Government duty performed under orders of competent authority in such grade, as the Government may with due regard to their status declare.

Note.-Retired Government servants rank for purpose of travelling allowance for journey undertaken in the interest of Government in such class as the competent authority may, with due regard to each individual case declare, provided that the class is not higher than the one to which such an officer belonged at the time of his retirement.

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1. Inserted vide F. D. Notification SRO-372 dated 20-7-1987. 2.

Inserted vide F. D. Notification SRO-386 dated 15-7-1983.

309-c. For purposes of travelling allowance, the classification of re-employed pensioners will be determined on the following basis :-

- (i) Where the pension is held in abeyance during the period of re-employment, the class of the re-employed pensioner shall be determined in accordance with the pay actually received from time to time.
- (ii) Where the pension is allowed to be drawn in addition to pay the re-employed pensioner, shall be deemed to be in receipt of actual pay equivalent to his re-employed pay plus pension subject to the proviso that if the sum of such pay plus pension exceeds the pay of the post, if it is on a fixed rate of pay, or the maximum pay of the post' it is on a time-scale of pay such excess shall be ignored.
- (iii) On pay alone in respect of Military pensioners whose pay on employment in a civil post is fixed without taking into account the military pension, or whose pay on re-employment is fixed without taking into account the military pension under Note 1 below Article 260-A.
- (iv) On pay alone in respect of civil pensioners whose pension is not taken into account as per Art. 259-c\_ .

Note 1.--For the purpose of these rules, the amount of pension to be taken into account will be the amount originally sanctioned *i e.* before commutation, if any, and will also include the pension equivalent of retirement gratuity, if any, received by an officer on retirement.

Note 2.--Past cases of T. A. of re-employed pensioners if decided on any different basis will not be re-opened.

310. An officer during transfer from one appointment in one class to an appointment in another class is held to belong to the lower class.

#### TEMPORARY EMPLOYEES

311. A person employed temporarily by competent authority is entitled to travelling allowance under the rules applicable to officers of corresponding rank with permanent appointments.

<sup>2</sup>312. Deleted.

<sup>2</sup>313. Deleted.

<sup>1</sup> Inserted vide F. D. Notification SRO-189 dated 15-5-1967.

<sup>2</sup> Deleted vide F.D Notification SRO-499 dated 11-9-1979

## CHAPTER XXVII

## MILEAGE ALLOWANCES

## EXPLANATION

313--A. The rules in this Chapter prescribe the method of calculating travelling allowance. Travelling allowances are regulated by (a) the class of an officer, (b) kind of travelling, (c) purpose of journey; but this Chapter treats (a) and (b) only, therefore, the succeeding Chapters must also be referred to for a definition of the circumstances (journeys) under which the title to the allowance accrues.

<sup>1</sup>313-8. An employee is required to travel by the class of accommodation for which T. A. is admissible to him. If he travels in a lower class of accommodation he shall be entitled to the fare of the class in which he actually travels plus the incidental expenses admissible under the rules.

<sup>1</sup>Government Instructions.--It is the duty of a Government employee on tour to give correct particulars of the journeys undertaken by him and claim the allowance at correct rates. The suppression of any material information on his part will be regarded as a breach of discipline, rendering him liable to disciplinary action. It is equally the responsibility of the controlling officer to ensure at the time of countersignature of the T. A. bills that such information is not withheld and T. A. is drawn correctly. All officers who are entitled to travel by 1st Class or by ACC shall obtain a receipt from the Railway regarding their having purchased a ticket for the class of accommodation by which they travel (except in the case of journeys made in 3rd Class) and enclose the receipt to their T. A. bill, in absence of which the claim will not be entertainable for payment.

## -SECTION I-TRAVELLING BY RAILWAY

<sup>2</sup>314-(a) Mileage allowance on journey by Railway will be admissible under :-

- |  |   |
|--|---|
| (i) Officers drawing Basic Pay of Rs. 4100/- P. M. and above.                            | A. C. 1st Class.  |
| (ii) Officers drawing Basic Pay of Rs. 2700/- P. M. and above and upto Rs. 4099/- P. M.  | A. C. 2--Tier Sleeper/First Class.  |
| (iii) Officers drawing Basic Pay of Rs. 1700/- P. M. and above and upto Rs. 2699/- P. M. | 1st Class/A. C. Chair Car (A. C. 2 Tier when 1st Class! A. C. Chair Car is not available in direct train.). |
| (iv) Officers drawing Basic Pay below Rs. 1700/- P. M.                                   | 2nd Class Sleeper.  |

I. Recast vide F. D. Notification SRO-I80 dated 21-4.1973. .

Recast vide F. D. Notification SRO-194 dated 1-12-1993.

(b) Charges for reservation of railway seats/berths shall be reimbursable.

(c) In addition to the fare prescribed above, the Government servants shall be allowed the incidental expenses equivalent to the daily allowance admissible for one full day's halt. In case of journeys exceeding 24 hours, one additional daily allowance shall be allowed for the journey of each 24 hours or part thereof.

<sup>1</sup>Exception No. L--A Minister may authorise his PRO/Private Secretary or Security Officer to accompany him by the same class of Railway by which the Minister travels.

<sup>2</sup>Exception No. 2.--Private Secretary (or the P. A.) to the Governor and A. D. C. to Governor when accompanying the Governor on tour outside the State shall be entitled to travel by the same class of railway by which the Governor travels and be entitled to draw the railway fare and incidentals admissible under rules.

<sup>3</sup>Exception No. 3.--All Government servants who are entitled to travel on tour by 1st class in Railway shall also be entitled to travel by II AC two tier where any of the direct train connecting the two stations, by shortest route, has no provision for 1st class.

<sup>4</sup>315. Deleted.

316. When through booking involves the payment, for part of a journey, of fares, for a class higher than that to which the Government servant concerned is entitled, he may draw mileage allowance based on the higher rates for that part of the journey.

<sup>5</sup>316-A. Mileage allowance by Sea.

- |   |  |
|---|--|
| (a) A Government servant entitled to A. C. C. accommodation Railway.  | Highest class of accommodation available in the Ship/Steamer.  |
| (b) Government servant entitled to First Class Railway accommodation. | If there are two or more classes on the Steamer/ship the higher class other than the one 'for (a) above. |

L Recast vide F. D. Notification SRO-108 dated 30-3-1982.

2. Inserted vide F. D. Notification SRO-25 I dated 30-5-1977.

Inserted vide F. D. Notification SRO-545 dated 8-12-1987.

4 Deleted vide F. D. Notification SRO-180 dated 21-4-1973.

Inserted vide F. D. Notification SRO-31 dated 25-1-1984

(c) Government servants entitled to  
2nd Class of Railway  
accommodation.

**If** there be two classes only the  
lower class and if there be more  
than two classes, the lowest class.

IN case where the steamer/ship company has two rates of fare one  
Inclusive and one exclusive of diet, the word "fare" should be held to mean  
Fare exclusive of diet.

In case where a class has two or more rates the term "entitled class" should  
Be held to mean lower or lowest rate of an entitled class.

## SECTION II – TRAVELLING BY ROAD

## DEFINITION

317 Travelling by road includes travelling by boat.

## MILEAGE RATE

<sup>1</sup>318 (a) For journeys by road between the places which are linked by regular bus services or by rail, if the journey is undertaken by regular bus service an officer on tour shall be allowed 1 1/2 times standard fare (by "A" Class bus if more than one class of buses ply on such routes) plus daily allowance on the day of travel to cover the incidental expenses as under :

- <sup>2</sup>(i) If absence from Headquarter on the day of departure or arrival does not exceed 6 hours ¼ Daily allowance
- (ii) If absence from Headquarter on the day of departure or arrival does not exceed 12 hours ½ Daily allowance Full
- (iii) If such absence exceeds 12 hours. daily allowance.

Day shall mean a calendar day beginning and ending at midnight.

<sup>3</sup>Note <sup>4</sup>1 :-Officers entitled to travel by 1st Class Railway or above may travel in deluxe bus service of the Road Transport Corporation between Srinagar and Jammu or vice versa. For such journeys the Government servant shall be allowed the actual fare on production of the ticket plus the daily allowance on the day of travel to cover incidental expenses.

<sup>5</sup>Note 2 :-Officers drawing basic pay of Rs. 4100/- p. m. or above may travel by A. C. Bus service. For such journeys they shall be allowed the actual fare on production of the ticket, plus the daily allowance on the day of travel to cover incidental expenses.

<sup>6</sup>(b) For journey or part of a journey on roads not covered by regular bus service including pony tracks the mileage allowance will be as under ;

Class I and II	50 Paise per Km.
Class III and IV	30 Paise per Km.

1. Recast vide F. D. Notification SRO-180 dated 21-4-1973

2. Inserted vide F. D Notification SRO-372 dated 20-7-1987.

3. Inserted vide F. D Notification SRO-464 dated 26-8-1980.

4. Renumbered vide F D. Notification SRO-194 dated 1-12-1993.

5. Inserted *ibid*.

6. Recast vide F.D. Notification SRO-108 dated 30-3-1982.

For such journey in Ladakh and Kargil Districts the mileage allowance shall be increased by 50%.

<sup>1</sup>Where in any case the amount of pony charges actually paid may be higher than what is admissible at the rates prescribed above, the Government employee may charge actual expenses against proper receipt which should among other things give the details such as distance covered, station from and to travelled and date of travel etc. A certificate of a Revenue Officer not below the rank of a Tehsildar of the area visited regarding the correctness of the rates charged should be obtained by the concerned employee. In addition to actual expenses incidental equal to one daily allowance will be admissible if the period involved in journey on anyone day is 12 hours or more and half daily allowance where it may be less than 12 hours.

<sup>2</sup>Note 1.-Deleted.

<sup>2</sup>Note 2.-Deleted.

<sup>3</sup>Note 3.--Where a Government servant travels in his own conveyance, mileage allowance shall be regulated as under :

(i) Motor Car	Re 1/- per Km
(ii) Motor Cycle	35 Paise per Km.
(iii) Scooter	30 Paise per Km.

<sup>4</sup>319. In calculating travelling allowance of mileage rates fractions of a mile/kilometre must be omitted from the total of each bill.

#### SPECIAL CONVEYANCE

320. When an officer of a class lower than the III is required by a prior order of his superior officer to travel by any special means of conveyance the cost of which exceeds the allowance or conveyance admissible to such officer, the actual cost of transit by such means may be drawn in lieu of the allowance admissible, on a certificate that the use of the special mean of conveyance was absolutely necessary and specifying the circumstances which rendered it necessary.

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1. Inserted vide F. D. Notification SRO-385 dard 15-7-1983.

2. Deleted vide F. D. Notification SRO-180 dated 21-4-1973.

3. Recast vide F.D.Notification SRO-108 dated 30-3-1982.

4. Inserted vide G. O. No. 8-F of 1960 dated 9-1-1960.

## CHAPTER XXVII-A

## SECTION III-JOURNEY BY AIR/JOURNEYS ON TOUR

<sup>1</sup>320-A. No official whose basic pay be less than Rs. 3500/- per month shall be entitled to travel by air on tour within the State.

<sup>1</sup>Exception 1.-Officers in Ladakh/Kargil District who are ineligible to travel by air under Art. 320-A may be permitted by the concerned Deputy Commissioner to undertake air journey from and to Leh/Kargil within the State during the period for which passes to these areas remain closed. The concerned Deputy Commissioner will exercise the powers subject to fulfilment of the following conditions:

- (a) Air journey is permitted in rare cases of great urgency and reasons thereof recorded in each sanction.
- (b) Not more than five persons from the ineligible category are permitted to travel by air in a month from the entire district.
- (c) The powers are exercised during winter months only when passes remain closed.

<sup>3</sup>Exception 2.-A Private Secretary/PRO/Security Officer of a Minister <sup>4</sup>[or Chief Justice] may travel by air within or outside the State when he is required the Minister to accompany him by air while on tour.

<sup>5</sup>Exception 3.- The Chairman of the Public Service Commission shall be competent to allow officers/officials to undertake journey by air only in emergent cases relating to the conduct of examination(s) subject to the condition that confirmation of the Administrative Department (General department) is obtained in every such case.

<sup>6</sup>Exception 4.- The Ladakh Autonomous Hill Development Council, Leh shall have full powers to authorise such 'transferred employees' of the Council to travel by air within the State as are not otherwise entitled to the same- in terms of relevant State Rules.

<sup>1</sup>320-B. Officers drawing basic pay of Rs. 4100/- p. m. and above shall be entitled to travel by air for journeys outside the State.

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1 Recast vide F. D. Notification SRO-194 dated 1-12-1993.

2. Inserted vide F. D. Notification SRO-486 dated 28-10-1981.

3. Inserted vide F. D. Notification SRO-108 dated 30-3-1982.

4. Inserted vide F. D. Notification SRO-701 dated 28-12-1984.

5. Inserted vide F. D. Notification SRO-482 dated 22-9-1983.

6. Inserted vide F. D. Notification SRO-119 dated 2-4-1996.

Note 1.-In case of urgency in the interest of public service a Government servant who is not entitled to travel by air, may do so, within or outside the State, with the sanction of the concerned Administrative Department.

<sup>1</sup>Note 2.-Project Adviser, Institute of Medical Sciences, Srinagar shall be competent to permit air travel to officers and staff subordinate to him, outside the State (but within country) provided such travel is considered in the interest of public service.

<sup>2</sup>320-c. State Government servants who are authorised to travel by air on duty within or outside the State, but within India at Government expenses, shall be entitled to travel by economy class, where two classes of accommodation are available on the Air Lines for journey. However officers of an above the rank of Additional Chief Secretary to Government, when travelling on duty *may* at their discretion travel by Executive Business Class.

#### TRAVELLING ALLOWANCE

<sup>3</sup>320-D. (a) Government servant eligible to travel by air within the State shall be entitled to 'actual standard air fare plus incidentals equal to 1/3rd of the air fare subject to the maximum of Rs. 40/-. The incidentals will include charges for surface travel from Air Lines Office to Air Port and *vice versa*. He will also be entitled to the reimbursement of insurance premium for a sum of Rs. 50,000 paid to Insurance Companies in case of all journeys by air.

(b) If return tickets are available and if the officer concerned expects to return by air, the travelling allowance admissible will be returned fare plus two-third or one-half of the standard fare. as the case may be.

Note 1.-A certificate to the effect that the return ticket was not available or that the officer did not expect for reasons to be stated to return by air, when buying the ticket for forward journey, should be recorded on the bill in case separate fares are charged for forward and return journeys.

<sup>4</sup>Note 2.-Deleted.

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1. Inserted vide F. D. Notification SRO-202 dated 6-4-1978.
  2. Article 320-C inserted vide F. D. Notification SRO-203 dated 9-6-1997.
  3. Recast vide F. D. Notification SRO-108 dated 30-3-1982.
  4. Deleted vide F. D. Notification SRO-164 dated 26-8-1980.

<sup>1</sup>**Note 3.**-On the day of Air Travel outside the State the amount of incidental expenses will be Rs. 40/- or the amount of actual expenses incurred on surface transport from city to Airport and Airport to city office whichever may be higher for each single air journey between the starting station and the destination even if the journey between these stations involves more than one Air Service. However, if any official duty is required to be performed by the touring officer at the place of termination of one service before he avails himself of another service, each of the journey from the starting station to that intermediate station and from the latter to the destination should be treated as a single air journey for the purpose of aforesaid limit of incidental expenses.

For air journeys outside the State servant making use of Government vehicle both at the place of departure and arrival, shall not be allowed any incidental expenses. Where use of a vehicle is made at the place of departure or arrival alone 50 per cent of incidental expenses or surface transport charges actually paid, whichever is higher shall be allowed.

Reimbursement of extra luggage charges by air in case of carriage of Government records (by Air) shall be admissible subject to production of freight voucher and furnishing of a certificate of the countersigning authority that the extra freight was paid for carrying the Government records.

<sup>1</sup>**Government Instruction No. 1.**-The amount of Rs. 40/- payable on account of incidentals under Article 320-D for journey by air within the State is intended to cover incidental expenses of the air journey. On the day of air travel within the State an officer who may have made use of a Government vehicle for journey from his Headquarter to the Airport at the place of departure and also from Airport to office at the place of arrival, no incidental expenses shall be allowed. Where however the use of Government vehicle is made either at the place of arrival, or at the place of departure alone then 50 per cent of incidental expenses shall be allowed. The officer who may not use Government vehicle at the place of arrival and departure shall be allowed incidental charges admissible under rules.

<sup>2</sup>In addition to above, a Government servant shall be entitled to D. A. on the day of air travel within the State as under :

- (i) If absence from headquarter on the day of departure or arrival does not exceed 6 hours. .... <sup>3</sup>[1/4 of daily allowance].

I. Recast vide F. D. Notification SRO-473 dated 25-7-1986.  
 2. Recast as per Addendum to Notification SRO-372 dated 20-7-1987 issued vide f. D. Endstt. No. A/108(87)-II-1456 dated 12-10-1987.  
 3. Addendum issued vide F. D. Endstt. No. A/108(87)-11/1100 dated 30-12-1994.

- (ii) If absence from headquarter on the day of departure or arrival does not exceed 12 hours. .... 1/2 D. A.
- (iii) If absence exceeds 12 hours ..... Full D. A.

<sup>1</sup>Government Instruction No. 2.-(a) It occasionally happens that on a day when an officer is scheduled to travel by air from Srinagar to Jammu or vice versa the flight is cancelled but the Government servant's presence at the destination is necessary and the departure may not possibly be postponed or rescheduled. On such occasions the officer should share a taxi with others by taking a single seat and he will be entitled to hire actually paid subject to the maximum of air fare plus incidentals which he would get otherwise but for the cancellation of flight.

(b) A Government servant entitled to travel by air within the State may when an air seat is not available travel by sharing a seat in a taxi and charge actual taxi hire paid subject to the same not exceeding the air fare plus incidentals otherwise admissible for air travel.

<sup>2</sup>Note 4.-Deleted.

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- I. Inserted vide F. D. Notification SRO-464 dated 26-6-1968.
- II. Deleted ibid.

## CHAPTER XXVIII

## TRAVELLING ALLOWANCE FOR JOURNEYS ON TOUR

## SECTION. I-GENERAL RULES

## TITLE TO ALLOWANCE

321. An officer other than one of those referred to in Article 322 travelling on duty within the jurisdiction, or under proper authority beyond the circle of his ordinary jurisdiction is entitled to travelling allowance which may be either

- (a) a permanent monthly allowance under Articles 324 to 327 ;
- (b) a conveyance allowance under Article 328 ;
- (c) a daily allowance (Article 329 to 335), but this may be exchanged for mileage or railway fare under Article 337, or actual travelling expenses under Articles 320 and 337-A.

321-A. Rules governing travelling allowance of Ministers for journeys on tour are sanctioned separately.

321-B. Rules governing travelling allowance of Deputy Ministers for journeys undertaken by them are sanctioned separately.

Note.-Carriage of tents (Article 324), if admissible to an officer or allowed by the Government, will be drawn in addition to (a) and (b).

322. The undermentioned officers whose pay has been fixed so as to compensate them for the cost of ordinary journeys within their respective jurisdictions, are not entitled to any travelling allowance for journeys performed within their respective jurisdictions or ranges; but when proceeding under proper authority beyond their jurisdictions or ranges, they can draw travelling allowance under ordinary rules for the entire journey including such part thereof as lies within their jurisdiction :

(I) All Police officers below the rank of Deputy Superintendent, excepting

<sup>1</sup>(a) Deleted.

<sup>1</sup>(b) Deleted.

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1. Deleted vide F. D, Notification SRO-520 dated 31-7-1972.

<sup>1</sup>(C) Deleted.

<sup>1</sup>(d) Deleted.

<sup>2</sup>(e) The S. H. os. and Inspectors of Police will be allowed daily allowance for halts within their jurisdiction subject to the following conditions :

(i) the halt is beyond a radius of 13 Kms. of the headquarters and involves a night stay,

(ii) the night stay follows absence of eight hours from the headquarters

(2) Deputy Commissioner's establishment, excepting

(a) Saddar Qanungos who are allowed 37 Paise per diem when out on tour in connection with **girdawari** work and 50 Paise per diem when travelling in the hill tracts noted below :

For purposes of this rule night stay shall be deemed to commence from 8 P.

M.

(iii) where the night stay follows an absence of less than eight hours but more than four hours from the headquarters, only half D. A. shall be admissible,

(iv) for night halt following less than four hours absence no daily allowance is admissible.

(i) Gilgit and Leh Districts.

(ii) Karnah and Kishtwar Tehsils.

(iii) Hilly and difficult mountain tracts only of Ramban Tehsil, Gulabgarh and Paddar Sub-Divisions.

(iv) Gurez and Sonamarg.

(b) Establishment as per camp scale provided under Article 322-A.

(c) Any member of Deputy Commissioner's office travelling on detached duty within the district jurisdiction under proper authority subject to bills for such journeys being countersigned by the Commissioner.

(3) Tehsil establishment excepting-one *moharrir* who accompanies the Tehsildar or Naib- Teh\_ildars when on tour is allowed daily allowance under ordinary rules and in cases where the Deputy Commissioner certifies the necessity, one extra *mohariir* for the Tehsildar.

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I. Deleted vide F. D. Notification SRO-520 dated 31-7-1972.

II. Inserted *ibid.*

(4) Settlement Field Establishment.

(5) (a) In all circles, Forest except those on special duty as well as those attached as Assistants to Range Officers, where work necessitates their keeping a pony who shall receive travelling allowance at ordinary rates for journeys performed within their jurisdiction, the allowance is subject to the condition that the Divisional Officer shall furnish a certificate on their travelling allowance bills to the effect that the Forester's duties were of a nature to require him to keep a pony and that a pony was in fact kept by him during the period to which the bill refers.

(b) Forest Guards in all circles.

(c) Watchers and malies of the Pyrethrum Division of the Forest, Department.

Note 1.-Grazing Girdawars are treated as foresters *for* purposes of travelling allowance.

Note 2.-Foresters working in the Research Division of the Working Plan Circle are exempted from keeping ponies. This shall have effect *from* 5th May, 1930/23rd Baisakh, 1987.

Note 3.- With effect from 11-9-1942/27-5-1999 the restriction regarding the production of a certificate of possessing a pony by Foresters before travelling allowance is granted to' them is waived in the case of those employed on Working Plans Work.

Note 4.-Girdawars in the Grazing, Regulations and Control Branch, like Foresters employed on the Working Plan and Research Work, be exempted *from* production of pony certificate.

Note 5.-Assistant Drug Supervisors and Jamadars of the Pyrethrum Division of the Forest Department are exempted *from* production of pony certificate. This order shall have effect *from* 1st Baisakh, 1998.

Note 6.-Foresters, Forest Guards, Girdawars and Surveyors of the Forest Department of demarcation work will be exempted *from* the restrictions travelling allowance within respective jurisdiction or ranges and will be entitled to travelling allowance admissible under rules. This has effect *from* 25-11-1955.

<sup>1</sup>The past cases, if any, pending shall be regulated accordingly and T. A. allowed to such officials in the past is also hereby regularised.

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1. Inserted vide F. D. Notification SRO-98 dated 10-3-1971.

(6) Process-servers <sup>1</sup>[ x x X x ]

(7) Public Works Department petty establishment engaged for service on surveys and surveyors.

(8) Assistant Inspectors of Excise are allowed horse allowance for journey within their range and are allowed travelling allowance in addition when travelling on tour beyond their range.

Note 1.-Officers who get travelling allowance under the above rules get daily allowance only whether journey exceeds 20 miles or 32 kilometres a day or not, provided they travel, more than 8 miles or 13 kilometres from the headquarters.

Note 2.- The members of the Police or Revenue Departments attached to Anaritnag District will draw ordinary travelling allowance when proceeding on duty beyond Pahalgam with Shri Amarnathji Pilgrimage.

(9) (a) A Girdawar of Farms Department is allowed 37 paise per diem as daily allowance for the journeys performed by him in the Districts of Jammu and Srinagar excepting Rakhs Baniyari, Brah, Khundru and Bandipur where he is allowed to draw mileage.

(b) When he is detailed in the Districts other than those of Srinagar or Jammu he will get travelling allowance.

(10) (a) Shajra-kashes of Farms Department may be allowed 2S Paise per diem as daily allowance for the journeys performed by them in the Districts of Jammu and Srinagar beyond 10 miles or 16 kilometres from their headquarters and ordinary mileage allowance for journeys to Baniyari, Brah, Khundru and Bandipur.

(b) When they are detailed in the Districts other than those of Srinagar and Jammu they will get travelling allowance admissible to an officer of Class IV.

<sup>2</sup>Government Instructions.-All the employees who under the provision of Art, 322 are debarred from claiming T. A. for journeys performed within their jurisdiction, shall notwithstanding the provisions contained therein draw daily allowance for journeys within their jurisdiction subject to the fulfillment of conditions and according to the norms laid down in sub rule (e) of Art, 322(1).

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1. Deleted vide F. D. Notification SRO-324 dated 31-5-1976 effective from 1-2-1972.

2. Inserted vide F. D. Notification SRO-364 dated 23-7-1973:



Exception 1.-One clerk also is permitted in the case of Gazetted Officers of Judicial and Revenue Department, <sup>1</sup>[ x x x x ] Grazing Inspectors and Kuth Supervisors of Forest Department when they go out to hear cases on spot.

Exception 2.-In other cases, a clerk can accompany will the special sanction of the Head of the Department (Class 1) which, however, shall happen in really exceptional cases.

<sup>2</sup>Exception 3.- The Range Officers of the Forest Department are permitted to take one clerk and one orderly.

<sup>3</sup>This be deemed to have come into force from 1<sup>st</sup> day of May, 1958.

(5) Non-Gazetted Touring Officers.	Naib- Tehsildars, Mulberry Assistants, Co-operative Inspectors, Veterinary Assistants, Police Inspectors and Game Inspectors are included in this category. Other touring officers also can be included in this category with the sanction, general or special, of the Head of the Department of Class I in each case.
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Relaxation.-A competent authority may relex the above rule in individual cases for special occasions when the ordinary camp scale fixed is considered inadequate f{T the special kind of work, the officer has to undertake on particular tour or tours.

Note 1.-The camp scale fixed above indicates the maximum limit. Touring Officers are, however, free to take with them officials of lower ranks or use even a smaller scale according to the nature of tour and amount of work to be done on a particular occasion.

Note 2.-Personal orderlies drawn from regular ranks such as Head Constables and Foot Constables attached to Gazetted Officers and Inspectors of the Police Department can be substituted in whole or in part for the menial strength fixed as above.

Note 3.-Officers who have farashes also sanctioned for their offices and who are to go out for long tours with necessary camp equipage can\_ take them in addition to the menial strength fixed for them.

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1. The words (and Range Officers) deleted vide F. D. Notification SRO-294 dated 4-8-1965.

2. Inserted vide F. D. Notification SRO-294 dated 4-8-1965.

3. Inserted vide F. D. Notification SRO-54 dated 24-2-1966.

Note 4.- The above rule does not apply to officers who are not ordinary touring officers. They can, whenever, deputed for some special Government work, take the minimum establishment required for the performance of such duty, for instance, Audit Officer of Excise Revenue Audit who has to take the minimum number of clerks required to complete checking at an Excise post within the shortest time possible.

Note 5.- The camp scale fixed above is for purely ordinary and normal tours, it does not include journeys undertaken for special and detached duties, for instance, journeys made by the staff of the Sericulture and Mulberry Culture Departments in connection with annual seed distribution or supervision of rearing operations or by the cashier of the Public Works Department going to out stations for making disbursements to the daily labour, etc. or by the Gazetted staff of the Medical Department when making visits to rural areas, etc. for which accompanying of technical staff such as Compounders, Nurses, Surgical Assistant, etc, is necessary. In such cases minimum number of executive, ministerial and menial staff required may be taken along,

#### TENTS AND TENTAGE ALLOWANCE

323. No tentage allowance is ordinarily granted as tents are purchased by the Departments which use them and charges for carriage of tents so provided can be drawn on contingent bills, but the following rules apply to such drawals :

- (a) when Government tents are used only for office purposes by any officer on tour, they should be carried at Government expenses;
- (b) when they are used partly for office and partly for private purposes, the officer so using them must pay half the cost of carriage;
- (c) when they are used wholly for private purposes the officer so using them must pay the whole cost of their carriage;

for carriage a camp equipment during their tours, the following cooliage may be allowed to the Police Officers:

Superintendent of Police	.....	8	Mazdoors,
Deputy Superintendent of Police	.....	6	“
Inspectors of Police	..	3	“
Sub-Inspectors of Police	.....	2	“
Head Constable.....		1	Mazdoor

Note 1.-This rule is intended for journeys on tour only and does not apply to inferior servants.

Note 2.--A certificate should be furnished in support of charges under this rule.

## SECTION II - PERMANENT ALLOWANCE

### CONDITION OF GRANT

324. A permanent monthly travelling allowance is granted in lieu of all other travelling allowances except carriage of tents used only for office purposes [*see Article 323 (a)*] for journeys within an officer's circle of duty, and is drawn all the year round, whether the officer entitled to it. is at the time absent from his headquarters or not. An officer drawing this allowance must submit a monthly journal to the Head of his Department.

<sup>1</sup>Note.-For journeys undertaken in connection with Elections to Legislature the Tehsildars and Naib- Tehsildars may draw ordinary travelling allowance at the rates admissible under rules in place of permanent monthly allowance (fixed T. A.) sanctioned for them under Article 324 read with Appendix XI-B of K. S. Rs. Vol. II.

### CONDITIONS UNDER WHICH EXCHANGEABLE

325. An officer in receipt of a permanent monthly allowance may, when proceeding under proper authority beyond his jurisdiction, exchange his permanent allowance for the entire journey including such part of it as is within his jurisdiction, for the allowances admissible under Articles 32 I, 322, and 337 (journeys on tour), the daily allowance being taken to be one-thirtieth of the permanent monthly allowance.

### NOT DRAWN DURING LEAVE, ETC.

<sup>2</sup>326. (1) A permanent travelling allowance shall not be drawn during leave of any description, temporary transfer or joining time, or unless in any case it be otherwise expressly provided in these Regulations, any period for which travelling allowance' of any other kind is drawn.

(2) The permanent travelling allowance shall not be admissible during holidays prefixed or suffixed to leave or joining time under Articles 123 and 124 of these Regulations and the period of temporary transfer.

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1. Inserted vide F. D. Notification SRO-455-F of 1961 dated 28-12-1961.

2 Substituted vide F. D. Notification No. SRO-344 dated 16-11-1962.

Explanation 1.-for the purpose of this Article and Article 328 the expression 'travelling allowance' includes besides daily allowance, mileage allowance, etc. free use of Government conveyance or payment by the Government of cost of propulsion of the conveyance used.

Explanation 2.-For the purposes of this Article and Article 328 the expression 'temporary transfer' shall mean a transfer not lasting beyond four months and in which case it is certified by the authority sanctioning the transfer that the Government servant is likely on the expiry of the temporary duty, to return to the station from which he is transferred.

327. Officers in receipt of permanent monthly allowance should deduct from their bills the value of the fares for any journeys for which they have used a free Government conveyance (*see also Article 308*) and the allowances are not admissible for any period during which the officer is entertained as guest of the Government.

### SECTION III-CONVEYANCE AND HORSE ALLOWANCE

328. (1) Except as otherwise provided in these Regulations, a conveyance or horse allowance sanctioned by the Government by a general or special order may be drawn throughout the year. Such allowance shall not cease to be drawn during absence for headquarters and may be drawn in addition to any other travelling allowance otherwise admissible under these Regulations.

<sup>1</sup>(2) A conveyance allowance or horse allowance shall not be allowed during joining time, leave of any description, any period of temporary transfer, or during holidays prefixed or suffixed to leave, joining time, or temporary transfer.

This shall be deemed to have come into force from 16-11-1962.

<sup>2</sup>(3)

<sup>2</sup>(4)

<sup>2</sup>(5)

<sup>2</sup>(6)

<sup>2</sup>[Exception].

- 
1. Inserted vide F. D. Notification No.6 dated 14-1-1964.
  2. Deleted vide F. D. Notification SRO-427 dated 6-8-1969.

<sup>1</sup>328-A. The general principals governing the grant of conveyance allowance and the rates of allowances for maintenance of different kinds of conveyances are set hereunder:

### <sup>2</sup>RATES

Average monthly travel on office duty	Rates of conveyance allowance for journey by	
	Own Car	Own Motor Cycle/Scooter
1	2	3
200 to 300 Kms.	Rs. 100/- P. M.	Rs. 50/- P. M.
Above 300 Kms.	Rs. 250/- P. M.	Rs. 75/- P. M.

This shall be deemed to have come into force from 1-4-1979.

### CONDITIONS

(i) (a) No allowance shall be admissible unless the average monthly running on duty within 13 kilometres radius of the headquarter is more than 200 kilometres. Journeys between residence and normal place of work shall not be reckoned as running on official duty.

(b) Save as otherwise provided in these rules journeys performed by foot or on bicycle shall not qualify for the grant of allowance under these rules.

(c) Unless the Government may by a special or general order relax the pay ceiling for owning a conveyance, allowance at rates prescribed in columns 2 and 3 of the table shall not be admissible where the pay or presumptive pay of a Government servant:

(i) claiming car allowance is less than <sup>3</sup>Rs. 3500/- p. m. ; and

(ii) claiming motor cycle/scooter allowance is less than <sup>3</sup>Rs. 1100 p. m.

<sup>3</sup>Note.- The revised ceilings shall come into effect from 1-8-1987. Such of the employees who were drawing the Conveyance Allowance under these rules but would cease to draw the same as a result of revision of the ceiling laid therein shall continue to draw the same if they are entitled to it otherwise.

1. Recast vide F. D. Notification SRO-427 dated 6-8-1969

2. Recast vide F. D. Notification SRO-504 dated 13-9-1979

3. Inserted/Recast vide F. D. Notification SRO-372 dated 20-7-1987.

(d) No allowance shall be admissible during any period of more than 15 days at a time during which a Government servant in receipt of the allowance does not maintain a motor car, motor cycle/scooter or the motor car, motor cycle/scooter maintained by him remains out of order or is not used for official journeys for any other reason.

(e) Drawal of the allowance at the rates shown in the table is subject to the Government servant owning and maintaining a conveyance in good running condition and using it for all official journeys for which the allowance is granted.

(t) Allowance granted under these rules will cover all journeys by road on official duty within the local jurisdiction of the Government servant, for which no daily/mileage allowance is admissible, provided that daily mileage allowance will be admissible to a Government servant as under for journeys beyond and outside a radius of 13 kilometres from his usual place of work :

- (1) If the journey is performed by rail or air, the allowance may be drawn in addition to the travelling allowance i. e. daily allowance and/or mileage allowance admissible to him under the rules;
- (2) If the journey is performed by road, he may at his option exchange his conveyance allowance at the rate of 1/30th for each day, for any travelling allowance i. e. daily allowance and/or mileage allowance that may be admissible to him under the rules;
- (3) If the journey is performed partly by rail or air and partly by road, conveyance allowance may be drawn in addition to the travelling allowance admissible for the portion of the journey performed by rail or air and the officer may at his option exchange his conveyance allowance at the rate of 1/30th for each day, for any travelling allowance that may be admissible for the portion of the journey by road.

<sup>1</sup>Government Instructions.-Doubts have been expressed as regards the regulation of conveyance allowance as per sub-para (2) above on a day on which daily allowance/mileage is drawn by an officer in receipt of conveyance allowance. It is clarified that the restriction for exchanging of conveyance allowance for daily allowance/mileage under sub-para (2) above is intended to apply only in case of journeys which may have been performed outside the radius of 13 Kms. from the headquarters by the concerned in his own car. Accordingly the drawal of conveyance allowance

will not be restricted on a day on which daily allowance/mileage is drawn for journeys outside 13 Kms. radius in Government conveyance/hired conveyance.

(g) For the initial fixation of allowance under these rules a Government servant claiming the allowance should be required to maintain a log book of journey on duty qualifying for the grant of allowance for a minimum period of three months. The Controlling Officer shall scrutinize the log book as frequently as possible during this period not less than once in a fortnight. A longer period may be prescribed by the sanctioning authority at its discretion. The log book shall contain the following particulars :

- (a) the distance travelled daily on official duty ;
- (b) places visited with distance covered and purpose of each visit;
- (c) the mode of conveyance maintained/used.

The sanctioning authority shall satisfy itself from the data in the log book that the average monthly distance travelled by the Government servant makes him eligible for conveyance allowance. It may then sanction an allowance at the appropriate rate from the date of maintenance of log book.

Note.-Only journeys within 13 Kms. of the place of work at the headquarters qualify for inclusion in the log book provided such journeys are (a) within the local jurisdiction of the Government servant concerned, and (b) otherwise qualify for this purpose in terms of para I(a) above.

(h) Once the amount of allowance is fixed in accordance with these provisions, it will not be necessary for an officer to maintain the log book for purposes of drawing the allowance from month to month unless the controlling officer so desires. The allowance may be drawn during the currency of a sanction so long as the controlling officer is satisfied that there has been no change in the nature of duties of the Government servant or the extent of his touring to justify the withdrawal of or a reduction in the rate of the allowance. A certificate to this effect shall be <sup>1</sup>[recorded by the concerned officer in his pay bills for the months of January, April, July and October in each year].

(i) All allowances under these rules shall be granted for a period not exceeding two years at a time and its continuance shall be reviewed at the end' of each such period. The review should be made in accordance with the procedure laid down <sup>2</sup>[in sub-clause (h) above].

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1. Recast vide F. D. Notification SRO-371 dated 20-8-1971.

2. Recast vide F. D. Notification SRO-394 dated 8-8-1970.

(j) Past cases which have not been regulated under these rules will be reviewed at the end of 3 years from the date of sanction. If this period has already expired, the review shall take place within 6 months of the issue of these rules and unless the allowance is re-sanctioned after review, its payment will be stopped '[At the time of review the controlling officer shall see that the nature of duties of the concerned officer, and/or his jurisdiction or the extent of his touring has not changed as to justify a cut or withdrawal of the allowance. Where, however, any such officer desires to have his conveyance allowance increased within the limits admissible under these rules, owing to change in the nature of his duties or extent of touring within the local jurisdiction, he shall have to maintain a log book as required in the case of initial fixation in accordance with instructions contained in these rules.

This shall be deemed to have come into effect from 1-1-1970] ;

Provided that in the case of such officers who on the date of coming into effect of these rules are in receipt of conveyance (car) allowance and draw their pay/presumptive pay at a rate less than Rs. 1240 p. m. the payment of the conveyance allowance will be forthwith stopped as long as the Government does not by I special order relax in their case the condition laid down in sub-clause (c) above.

Note.-Controlling Officers for purposes of these rules shall be Administrative Departments in the case of Heads of Departments and other officers under their direct control and Class I and II officers in respect of Government servants working under them.

328-B. Horse and Cycle Allowance to Police personnel and horse allowance to Excise Department personnel, if any, shall be regulated by terms and conditions as may be laid down by the Government under a special or general order.

328-c. Where the competent authority is satisfied that the duties assigned to a post require extensive touring at or near the headquarters and the maintenance of a bicycle is essential for the purposes it may attach to that post a bicycle allowance @ Rs. 2[ I 0] p. m. subject to the following conditions :

- (a) The official concerned who claims the allowance maintains and uses his own cycle for official journeys.
- (b) The allowance will not be admissible during joining time leave and temporary transfer or during holidays prefixed to leave and holidays suffixed to leave and joining time.

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1. Recast vide F. D. Notification SRO-394 dated. 8-8-1970.

2. Recast vide F. D. Notification SRO-180 dated 21-4-1978.

- (c) For any period of more than one month at a time during which a Government servant in receipt of cycle allowance does not maintain a cycle or the cycle maintained by him remains out of order or is not used for official journeys for any other reason, the cycle allowance will not be admissible.
- (d) The cycle allowance under these rules shall be granted by the sanctioning authority for a period not exceeding two years at a time and its continuance shall be reviewed sufficiently, in advance of the expiry of such period.

<sup>1</sup>328-0. Officers (Gazetted) who are in receipt of conveyance allowance shall record the following certificate on their monthly salary bills:

- (a) there has been no change in the nature of my duties or the extent or touring so as to justify reduction or withdrawal of the conveyance allowance,
- (b) the allowance has not been charged for any -day or a portion of a day on which) daily allowance and/or mileage as admissible under rules has been drawn for journeys by road beyond and outside a radius of 13 Kms. from the headquarters <sup>2</sup>[in my own car] and

(c) I own a conveyance and have maintained it during the period billed for and I did not use any Government conveyance for official purpose within a radius of 13 Kms. from my headquarters.

In respect of non-gazetted officers in receipt of conveyance allowance the above certificate shall be recorded by the concerned drawing officer on the monthly establishment pay bills.

<sup>3</sup>328-E. "Notwithstanding anything contained in Art. 328-A to 328-D conveyance allowance may be granted to a Government servant who is blind or orthopaedically handicapped at the rate of 5% of basic pay subject to minimum of Rs. 75/- and maximum of Rs. 100/- P. M. subject to fulfilment of the following conditions with effect from 1-8-1993."

- <sup>4</sup>(i) An orthopaedically handicapped Government servant shall be eligible for conveyance allowance if he/she has a minimum of 40% permanent partial disability of either upper or lower limbs

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1. Inserted, vide F. D. Notification SRO-63 dated 4-2-1972.

2. Inserted vide F. D. Notification SRO-342 dated 3-7-1973.

3. Recast vide F. D. Notification SRO-193 dated 1-12-1993.

4. Recast vide F. D. Notification SRO-280 dated 30-5-1980.

or 50% permanent partial disability of both upper and lower limbs together. For purposes of estimation of disability the standards as contained in the manual for orthopaedic surgeon in evaluating permanent physical impairment brought out by the American Academy of Orthopaedic Surgeons U. S. A. and published on their behalf by Artificial Limbs Manufacturing Corporation of India, shall apply.

(ii) The conveyance allowance will be admissible to the orthopaedically handicapped Government servant on the recommendation of the Head of Orthopaedics Department of a Government Hospital.

(iii) In the case of a blind Government servant the allowance shall be admissible on the recommendation of the Head of Ophthalmological Department of a Government Hospital..

(iv) The.. allowance win not be admissible during any kind of leave (except casual leave) joining time or suspension.

(a) The conveyance allowance under these rules shall be sanctioned by the concerned Head of Department. The Head of Department shall be responsible to refer the application of the concerned Government servant to the Medical Authorities indicated above.

(b) The allowance shall be granted from the date the recommendations of the concerned Medical Authority is received by the Head of the Department.

(c) In cases where handicapped employees are referred by Heads of Departments concerned to Government Civil Hospitals located at stations outside their headquarters for getting recommendations for grant of conveyance allowance they may be re-imbursed the actual travelling expenses subject to a maximum of T. A. admissible for a journey on tour without any daily allowance for the period of journey and for halts. The period spent on journeys, as also at the hospitals, shall however be treated as duty.

## SECTION IV-DAILY ALLOWANCES-CONDITIONS

## CONDITIONS OF GRANT

329. A daily allowance is intended to cover the ordinary daily charges of an officer on tour; it is drawn only during absence from headquarters on duty, including the period of halts on duty; or on an authorised holiday during such absence.

<sup>1</sup>Note I.-Absence from Headquarters on account of road blocked certified by P. W. D. during the period of tour shall be treated as period of halt on duty.

<sup>2</sup>Note 2.- The period of perforced halts due to non-availability of air lift while on tour to and from Leh, during the period the Srinagar-Leh road remains closed shall be treated as period of halt on duty, on the certificate of the concerned service of the I. A. C. or the Defence Authorities operating on the route.

330. <sup>3</sup>[Save as otherwise provided in these rules] <sup>4</sup>[ x x x x ] daily allowance is inadmissible for a day for which actual travelling allowance or any kind of travelling allowance is drawn.

<sup>5</sup>Exception.-Officers of Class I and II when travelling by their own car shall in addition to the mileage allowance, if any, admissible be allowed a daily allowance, on the day of travel on onward journey, if they spend the night following the day of journey, outside their Headquarters.

331. No travelling allowance, other than a permanent monthly allowance, is admissible for any day on which an officer does not reach a distance exceeding 8 miles or 13 kilometres from the headquarters, or return thereto from a distance exceeding 8 miles or 13 kilometres.

<sup>6</sup>Exception I.-A Government servant (Gazetted or non-Gazetted) who may be despatched on duty to a place at some distance from his office or is summoned to his office by a special order of the Head of Office within or outside the hours of duty, the expenditure if any incurred by him as conveyance hire may be reimbursed to him and charged to "Travel Expenses" provided that :

- (a) the place visited on official duty from his office is more than one Km.-One way;

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1. Recast vide F. D. Notification SRO-317 dated 18-7-1966.

2. Inserted vide F. D. Notification SRO-597 dated 23-10-1969.

3. Inserted vide F. D. Notification SRO-180 dated 21-4-1973.

4. The words "Excepting the inferior servants" deleted vide F. D. Notification SRO.406 dated 10-10-1966.

5. Inserted vide F. D. Notification SRO-489 dated 8-10-1970.

6. Recast vide F. D. Notification SRO-420 dated 12-7-1976

- (b) if more than one officer are required to proceed to a particular place on official duty, they should share the taxi or other conveyance as far as possible,
- (c) the controlling officer shall certify that the staff car could not be made available' for the journey performed,
- (d) the amount of Taxi hire or other conveyance reimbursed to a Gazetted Officer and to a Non-Gazetted Officer shall not exceed Rs. 5.00 and Rs. 3.00 respectively, at a time, subject to a ceiling of Rs. 30 p. m.
- (e) the cheaper conveyance plying on the route has been hired and the journey performed by the shortest route, and
- (t) the Government servant concerned is not entitled to draw T. A. under the ordinary rules for the journey and that he is not allowed any special remuneration or compensation for the performance' of the duty which necessitated the journey.

'Exception 2.-Where the distance travelled is longer and the charges ordinarily payable for that are more than the ceilings of conveyance hire fixed in Exception No. I, the actual amount paid by the officer may be reimbursed on production of vouchers containing among other things the purpose of journey, distance covered and the urgency involved.

For performance of local journeys Auto Rikshaws/Three Wheelers should be generally used.

Note 1.-Nothing contained in the Exception above will apply to field officers whose duty is such that they have to keep moving out-doors in connection with performance of their duty or to others who draw any conveyance allowance or fixed T. A.

<sup>1</sup>Note 2.-In case of a Government servant who is on tour in the cities of Jammu or Srinagar, the conveyance hire actually incurred, subject to the following ceilings may be reimbursed provided he does not make use of any Government vehicle or the vehicle of a Corporation or an autonomous body etc.  
;

Class I and II Officers	... Rs. 20/- per day.
Class III Officers	.... Rs. 12/- per day.
Class IV Officers	... Rs. 8/- per day.

These rates will be effective from 1-8-1987.

1. Inserted vide F. D. Notification SRO-228 dated 18-5-1983.
2. Recast vide F. D. Notification SRO-372 dated 20-7-1987.

## HALTS DURING TOUR

332. A daily allowance may not be drawn for more than ten days of halt at one place. The competent authority may exempt any officer from the operation of this rule in special cases in which it is satisfied that the prolonged halt was necessary in the interest of public service; and

- (a) that it was necessary to maintain camp equipage, or
- (b) that the officer was put to extra expenses by his halt after the first ten days.

Note 1.-Non-Gazetted Officers of the <sup>1</sup>[x x x] Forest Department <sup>2</sup>[ x x X x ] are exempted from the operation of this rule.

Note 2.-Assistant Surgeons may be granted an allowance of Rs. 1 .50 per diem in addition to pay for the period (not exceeding 3 months) during which they stay at the college to undergo Post-Graduate Course.

<sup>3</sup>Note 3.-Unless otherwise provided in these Regulations, a Government servant who while halting on duty has, under the orders of the competent authority, to prolong his halt at an out station other than at a principal town shall be paid daily allowance at the following rates :

- (i) For 1st 10 days of halt                      ...Full rate of daily allowance.
- (ii) For the next 20 days of halt              ...3/4th of the full rate.
- (iii) For subsequent days                      1/2 of the full rate.

Provided that the total number of halts during a half-year shall not exceed 90 days.

Each half-year shall be reckoned from 1st April to 30th September and the 1st October to 31st March. A halt commencing in one half-year and extending into the next shall be treated as continuous for purpose of the rates permissible under this note. The duration of such halt falling within each half-year shall count towards the maximum period of 90 days, laid down above. In a case, however, in which a halt commencing in one half-year during which the Government servant had already drawn daily allowance for 90 days, extends into another half-year, the period, if any, falling in the first half-year, during which he could not draw any daily allowance will be subject to provisions of Art. 333 be treated as an interruption for the purpose of determining the rate of daily allowance during the second half-year.

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1. The words "Mineral Survey Department and "deleted vide F. D. Notification SRO-152 dated 20-3-1969.

2. The words "and all inferior servants" deleted vide F. D. Notification SRO-406 dated 10-10-1966.

3. Inserted vide F. D. Notification SRO-318 dated 18-7-1966.

For purpose of the above note a halt on tour shall be treated as continuous unless interrupted by absence on duty for a period of not less than 7 nights.

<sup>1</sup>Note 4.-Notwithstanding the provisions contained in the foregoing Notes:

(a) Jammu and Srinagar cities will be the Headquarters of the Field Staff of the Directorate of Geology and Mining working in Jammu and Kashmir Provinces respectively; and

(b) Daily allowance shall be admissible to the Field Staff at the following rates :

#### GAZETTED OFFICERS

- (i) 1st 10 days                      Full rates.
- (ii) Next 40 days                    3/4th of full rate.
- (iii) Thereafter at half of full rate total  
halts limited to 90 days in all.

#### NON-GAZETTED

At full rate up to 180 days at a time.

#### CLASS IV SERVANTS

At full rates irrespective of the duration of the halt for the entire period.

This shall be deemed to have come into effect from 26-5-1965.

333. An officer who remains more than ten days halted at a place may after he ceases to draw the daily allowance, draw travelling allowance under the ordinary rules for any journey made on one day from and to the halting place, if he reaches a point more than eight miles or 13 kilometres distance from it. A halt is not interrupted for the purpose of these rules by an absence on duty from the place of halting for less than three nights.

Note.-A period of leave (including casual leave) for which no daily allowance is admissible availed of by a Government servant while on tour does not constitute a break in continuity of a halt and should therefore be included in computing the first 10 days halt.

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1. Inserted vide F. D. Notification SRO-152 dated 20-3-1969.

<sup>1</sup>Government Instructions.- The sanction of the competent authority for admitting daily allowance in excess of 10 days would be necessary only when the number of full daily allowance <sup>2</sup>[drawn inclusive of the half daily allowance] drawn under Note 4 below Art. 337 exceeds ten, but the daily or half daily allowance, if any admissible for the days of travel covered by Art. 333 should be excluded in calculating 10 days allowances.

#### HEADQUARTERS

334. The Government may determine, in case of doubt what are the headquarters of any officer serving under it (*See Article 20*).

#### SECTION V-DAILY ALLOWANCE-RATES

<sup>3</sup>335. With effect from 1-8-1987 the rates of Daily Allowance shall be as under :

Class of Government servants	Rate of Daily Allowance
Class 1	Rs. 48.00
Class II	. ... Rs. 36.00
Class III	... Rs. 24.00
Class IV	... Rs. 20.00

The daily allowance rates in Jammu and Srinagar Cities shall be 50 per cent more than normal rates indicated above.

Note I.-Halting allowance is inadmissible to work charge establishment.

Exception 1.-The temporary establishment of the Forest Department charged to Head "A Conservancy and Works" be exempted from the operation of Note 1 to this Article.

Exception 2.- The work-charge employees of the Kishtwar Irrigation Division created under C. O. No. 1404-C of 1950 dated 4-12-1950 be exempted from the operation of Note 1 above.

<sup>4</sup>Exception 3.-Deleted.

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1. Inserted vide F. D. Notification SRO-318 dated 18-7-1966.

2. Inserted vide F. D. Corrigendum No. A/5 (61)-127 dated 15-5-1968.

3. Recast vide F. D. Notification SRO-372 dated 20-7-1987.

4. Deleted vide F. D. Notification SRO-108 dated 30-3-1982.

Note 2.-<sup>1</sup>[All officers, when halting on duty in the principal towns outside the State, will draw an increase of 100% over the above rates, if such town is Classified as "A" Class by the Government of India and an increase of 75% over the above rates in case of other principal towns]. For the purpose of this rule, the principal towns are Bombay, Calcutta, Madras; Delhi, Simla, Amritsar, Pathankot, Allahabad, Lucknow, Patna, Nagpur, Cuttack, Shilong, Ahmedabad, Visakhapatnam, Banaras, Alligarh, Cochin, Trivendrum, Hyderabad, Baroda, Jaipur, Bangalore, Poona, Agra, Kanpur, Ambala, Jalandhar, Dehra Dun, Chandigarh, <sup>2</sup>[Bhopal], <sup>3</sup>[Ranchi], <sup>4</sup>[Musori] and such other towns as may, from time to time be declared to be the principal towns.

<sup>5</sup>Explanation.-For purposes of Note: the following places shall be treated as 'A' Class Cities :

Delhi, Hyderabad, <sup>6</sup>[Ahmedabad] , Bangalore, Bombay, Madras and Calcutta.

<sup>7</sup>Pending cases, if any, shall be decided accordingly. Cases already decided need not be re-opened].

<sup>8</sup>Note 2-A.-Unless otherwise provided in these rules, a Government servant who while halting on duty has, under the orders of the competent authority, to prolong his halt at a principal town, shall be paid daily allowance at the full rate for the first 30 days, at 3/4th of the full rate for the next 20 days and at 1/2 of the full rate thereafter, provided that the total number of days in any half-year for which daily allowance is drawn, does not exceed 90 days.

<sup>9</sup>Note 2-B.-Government servants visiting places outside the State other than 'A' Class Cities or principal towns, shall be entitled to the increase of 50% of the rates of daily allowance admissible under rules.

Note 3.-A Government servant who while on tour in India, is allowed free board and lodging at the expense of the Government or the State visited, is entitled to draw only 1/2 the daily allowance ordinarily admissible to him at the station concerned <sup>10</sup>where board or lodge, alone is allowed free of charge, the official may be allowed 3/4th of the daily allowance ordinarily admissible to him].

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1. Recast vide F. D. Notification SRO-180 dated 21-4-1973.

2. Inserted vide F. D. Notification SRO-9 dated 9-1-1963.

3. Inserted vide F. D. Notification SRO-474 dated 6-9-1969.

4. Inserted vide F. D. Notification SRO-714 dated 27-12-1977.

5. Inserted vide F. D. Notification SRO-464 dated 26-8-1980.

6. Recast vide Corrigendum No. A/17 (73)-326 dated 24-2-1981.

7. Inserted vide F. D. Notification SRO-4 dated 5-1-1965.

8. Inserted vide F. D. Notification SRO-53 dated 23-1-1969.

9. Inserted vide F. D. Notification SRO-464 dated 26-8-1980.

10. Inserted vide F. D. Notification SRO-40 dated 30-1-1971.

<sup>1</sup>Note 4.-Deleted.

<sup>2</sup>Note 5.-(1) Government servants on tour outside the State may be allowed reimbursement of conveyance hire actually incurred up to a maximum as indicated below :

<sup>3</sup>(a) 'A' Class Cities (Refer Explanation below Note (2) of Art, 235 for list of 'A' Class Cities)

Class I and II Officers Rs. 45/- per day.

Class III Officers Rs. 30/- per day.

Class IV Officers Rs. 10/- per day.

<sup>3</sup>(b) Other Cities Capital/  
Principal towns outside  
the State.

Class I and II Officers Rs. 30/- per day.

Class III Officers Rs. 15/- per day.

Class IV Officers Rs. 10/- per day.

Subject to the condition that they do not make free use of the conveyance of the department/State, Corporation etc. visited or the staff car of the Resident Commission or-Trade Agency at the place of halt, which fact shall be certified by the concerned on the claim of reimbursement.

(2) Where Government conveyance is placed at disposal of the officer for local travel in Delhi and other 'A' Class Cities:

(i) They will pay for the use of the conveyance at the rate of Re. 0.60 Paise per Km. for attending official work at such place. This would be reimbursed to them up to a maximum of Rs. 20 per day.

(ii) Where Government conveyance is provided to officers for travel from air port/railway station to city or *vice versa*, they will be paid for the distance covered at the rate of Re. 0.60 Paise per Km. out of the incidentals admissible to them.

1. Deleted vide F. D. Notification SRO-489 dated 6-9-1979.

2. Recast vide F. D. Notification SRO-108 dated 30-3-1982.

3. Recast vide F. D. Notification SRO-372 dated 20-7-1987.

<sup>1</sup>Note 6.-Where under these rules an amount equal to daily allowance is granted as incidental expenses or in lieu of mileage for journey by rail and/or road including the journey by free or Government conveyance, the daily allowance shall be determined at the rates applicable to the Government servant at the place of destination.

<sup>2</sup>Note 7.-Class III and Class IV employees (refer Art. 309 for classification) representing the State in any sports/games disciplines and other youth activities outside the State shall be allowed the following additions over and above to the amount of daily allowance admissible to them under rules ;

- |   |                                      |
|---|--------------------------------------|
| <sup>1</sup> (a) Class IV Employees (Employees whose salary is up to Rs. 900/- p. m.) | 30% over and above the normal rates. |
| (b) Class III Employees (Employees whose salary is Rs. 901 /- to Rs. 2000/- p. m.)    | 5% over and above the normal rates.  |

(Note.- The above rates/provisions will come into force with effect from 1-8-1987).

#### MILITARY OFFICERS

336. Deleted.

#### DAILY ALLOWANCES DURING TRAININGS

<sup>3</sup>336-A. Notwithstanding the provisions contained in Note 2-A to Art. 335 daily allowance during the period of training outside the State shall be allowed according to the terms and conditions of the orders of the Government sanctioning such deputation.

The Government orders governing such deputation shall indicate *inter alia* at what rates and for what period the daily allowance is to be allowed.

<sup>4</sup>Note.- The provision of Art. 336-A shall not apply in respect of cases governed under Art. 44-F.

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1. Recast vide F. D. Notification SRO-372 dated 20-7-1977.

2. Inserted vide F. D. Notification SRO-79 dated 16-2-1983.

3. Inserted vide F. D. Notification SRO-318 dated 18-7-1966.

4. Inserted vide F. D. Notification SRO-499 dated 20-10-1970.

## SECTION VI:-MILEAGE IN LIEU OF DAILY ALLOWANCE WHEN

## DAILY ALLOWANCE IS EXCHANGEABLE

337. An officer may, for any day, draw in lieu of his daily allowance provided journey by road has been performed beyond a radius of 15 miles or 24 kilometres-

- (a) if he travels by railway, the allowance admissible under Articles 314 to 316 ;
- (b) if he travels in one day more than 20 miles or 32. kilometers by road, the allowance admissible under Articles 317 to 320 ;
- (c) subject to any condition which a competent authority may by general or special order impose, a non-gazetted ministerial <sup>1</sup>[ x x X x ] Government servant may for any day on which he travels by public or hired conveyance under a certificate from the Head of his office that he is required to do so draw mileage allowance instead of daily allowance.

Note 1.-A non-gazetted ministerial officer drawing less than Rs. <sup>2</sup>[500] per mensem <sup>1</sup>[ x x X x ] accompanying a Gazetted Officer on tour and travelling more than 8 miles or 13 kilometres a day in hilly areas where no vehicular traffic is possible, may draw mileage allowance instead. Of daily allowance even though the journey may be within 15 miles or 24 kilometres radius, provided the Head of his office certifies that the official concerned was required to engage a pony or ponies or a mazdoor or mazdoors for- himself and his luggage for the journey so, performed.

Note 2.-A non-Gazetted Executive Officer drawing less than RS.2[SOO].per mensem when accompanying a Gazetted Officer on tour and travellins more than 20 miles or 32 kilometres a day in hilly areas where no vehicular traffic is possible may draw mileage allowance instead of daily allowance even though the journey may be within 15 miles or 24 kilometres radius, provided the Head .of his office certifies that he was required to engage a pony or ponies or a mazdoor or mazdoors for himself and his luggage for the journey so performed. This will have effect from 8th March, 1934/ 25th Phagan, 1990. vide Prime Minister's endorsement No. 684 dated 8th March, 1934.

(d) if he travels partly by road and partly by rail-

(i) in respect of railway journey, the allowance admissible under Articles 314 to 316 ;

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1. Deleted vide F. D. Notification SRO-406 dated 10-10-1966.

2. Recast vide F. D. Notification SRO-91 dated 22-3-1982.

- (ii) in respect of road journey, the allowance admissible under Articles 317 to 320 provided the conditions of clause (b) of this Article are fulfilled otherwise mileage allowance limited to daily allowance if the road journey on the same day exceeds 8 miles or 13 kilometres.

<sup>2</sup>Exception.-Divisional Commissioners *may* during the period of emergency exempt officers - *for* paying rent *for* occupation of Rest Houses or Dak Bungalows, whether they travel by Government conveyance or hired or owned one. But in respect of journeys by hired/owned conveyance necessary deduction on account of rent of Dak Bungalows/Rest Houses shall be made *nom* their T. A. Bills. This concession will apply only for halt on the day of travel.

<sup>3</sup>Note 4.-In the case of halts on tour outside the State ,an employee may draw in addition to the mileage allowance on journeys by rail or by air <sup>4</sup>*or* by road a daily allowance at the following rates on the day of arrival and on the day of departure at the place of halt provided six hours of the day are spent at that place. Day in this case will be reckoned as a calendar day beginning and ending at midnight :

(i) If halt does not exceed 12 hours... Y2 daily allowance.

(ii) If it exceeds 12 hours ... Full daily allowance.

The daily allowance under this note shall - be in addition to the daily allowance of the incidental expenses which an employee is entitled to draw *for* journeys by rail or air <sup>4</sup>*or* by road on the day of travel as In incidental expenses. In case of halts at principals towns 'A'Class Cities outside the state an increase of 75% /100% above the normal daily allowance rates as the case may be, will also be admissible.

<sup>5</sup>Note Senior officers drawing basic pay of Rs. 5500/- or above, while travelling on official duty may be permitted to stay in the Government Guest Houses of Hospitality and Protocol Departments at Jammu and Srinagar and Guest Houses and Tourist Bungalows maintained by various other Departments and J&K Tourism Development Corporation, within the State subject to availability of accommodation in such Guest Houses and subject to payment of the prescribed charges on account of room rent and meals. The room rent charges exclusive of meal charges actually paid by

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1. Deleted vide F. D. Notification SRO-464 dated 26-8-1980.

2. Inserted vide F. D. Notification SRO-472 dated 17-11-1965 and SRO-244 dated 26-6-1966.

3. Recast vide F.D. Notification SRO-180 dated 21.4.1973.

4. Recast vide F. D. Notification SRO-209 dated 22-6-1990.

5. Inserted vide-F. D Notification SRO-228 dated 28-9-1992.

the Travelling Officers for their stay on duty on single occupancy basis reduced by 1/3rd of the amount of their daily allowance admissible at such place of stay under rules shall be reimbursable as a part of their T. A. claim against production of receipt.

#### SECTION VII-ACTUAL EXPENSES IN LIEU OF TRAVELLING ALLOWANCE AND HALTING ALLOWANCE

337-A. An officer may with the sanction of the competent authority draw in lieu of the allowance admissible for journeys to places outside the State and halts at such places actual expenses. Such expenses will, beside actual travelling expenses as defined in Article 8 of these Regulations include also charges for board and lodging subject to the production of vouchers in support of his claim<sup>1</sup>[ x x ].

Note I.-Actual expenses can be allowed only if the amount admissible otherwise is inadequate and falls short of the additional expenditure to which the officer is put by his stay outside the State. Such authority, however, is not bound to accept the full amount claimed as actual expenses and is expected to scrutinize each claim on its merits keeping in view the status of the officer, the place visited and the exceptional circumstances which necessitated the claims for actual expenses in lieu of the travelling allowance and pass only such claims as may be reasonable.

Note 2.-Actual travelling expenses include also charges on account of tip money paid to servants.

Note 3.- The Project Director Institute of Medical Sciences, Sri nagar may in cases of exceptional nature which warrant relaxation, sanction payment of actual expenses to the faculty staff and officers subordinate to him subject to the limitations contained in Art. 337-A and the preceding notes. In the case of Project Director himself such sanction shall be accorded by the Chairman Governing Board.

<sup>3</sup>Government Instructions.-(1) The guiding factors for treating the circumstances as exceptional warranting grant of actual expenses for tours outside the State shall be as under :-

- (a) Non-availability of Government Guest Houses at the place of visit or of accommodation therein, if available.
- (b) Non-availability of accommodation in cheap/low standard hotels.

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1. Deleted vide SRO-439 dated 18-10-1982.

2. Inserted vide F. D. Notification SRO-232 dated 6-6-1981.

3. Inserted vide F. D. Notification SRO-443 dated 16-11-1989.

(c) Rank and status of an officer demands stay in a decent lodge, if not in an expensive one, in the Government interest.

(d) Duties at the place of visit require so much of travelling that normal limits of conveyance hire charges admissible under rules are insufficient to meet the actual expenses incurred.

(2) In so far as the ceilings for board/lodge are concerned, the same would be as per the rates notified by the Government from time to time.

<sup>1</sup>In pursuance of Government Instructions below Art. 337-A of Jammu and Kashmir Civil Service Regulations Volume I (introduced vide SRO-443 dated 16-11-1989) it is hereby ordered that in the event of a Government Servant charging Actual Expenses for journeys outside the State in terms of the provisions of Art. 337-A read with Art. 8, *ibid*, the Board and Lodge Charges actually paid by him shall be subject to the following ceilings :

Class of Officers	A-Class Cities	Principal Towns	Other localities
Class I	Rs. 250.00	Rs. 180.00	Rs. 100.00
Class II	Rs. 150.00	Rs. 120.00	Rs.75.00
Class III	Rs. 100.00	Rs.75.00	Rs.50.00
Class IV	Rs.75.00	Rs.50.00	Rs.40.00

This shall be deemed to have come into effect from 16-11- 1989.

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1. Inserted vide Government Order No. 322-F of 1989 dated 13-12-1989.

## CHAPTER XXIX

## OTHER JOURNEYS

## SECTION I-JOINING FIRST APPOINTMENT

338. Travelling allowance is not ordinarily granted to any person for journeys to join a first appointment in Government service, but when it is specially provided or agreed upon beforehand by the Administrative Department concerned in the case of non-gazetted officers and by the Government in other cases in the interests of Government work travelling allowance may be given under the rules for journeys on tour classing the officer under Article 309 as if he had already joined such appointment.

Exception 1.-See Article 341.

<sup>1</sup>Exception 2.-The <sup>2</sup>Director and ex-officio Secretary to Government, Sher-i-Kashmir Institute of Medical Sciences, Srinagar may in cases where it considers expedient to do so allow T. A. on their first appointment to senior consultants/consultants at transfer rates. To such of them who may have settled in foreign -countries, T. A. will be admissible from their residence in India if any or port of disembarcation, whichever is nearer. Those selected within the country will be eligible to similar concession from the place of their residence or posting whichever is nearer. In case of travel by air on such occasion they shall be allowed actual air fare for themselves and' each dependent member of their family on surrender of tickets. Transportation of personal belongings as admissible under rules on transfer shall be allowed to them by road/railway as the case may be. In addition they will be allowed transfer grant admissible under rules. The air travel will be allowed from the port of disembarcation or the place of residence or posting within the country whichever is nearer.

## SECTION II-JOURNEYS ON TRANSFER

## GENERAL RULES

339. <sup>3</sup>In the case of all journeys on transfer an officer shall be entitled to travelling allowance as under if he is transferred for the public conveyance and not at his own request or in consequence of misconduct and if he is entitled to pay during the time occupied in such journey :-

- (i) Actual road/or railway fare for himself and each member of his family (*see Art. 15*).
- (ii) One daily allowance both for himself and each member of his family dependent upon him, except children below 12 years age who may be allowed D. A. at half the rates.

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1. Inserted vide F. D. Notification SRO-232 dated 6-6-1981.

2. Recast vide F. D. Notification SRO-387 dated 15-7-1983.

3. Recast vide F. D. Notification SRO-123 dated 19-3-1975.

- (iii) For journeys on transfer in ones own car along with the members of his family the T. A. will be admissible at the rates allowed for tour plus the daily allowance as at (ii) above.

Note. 1.-The daily allowance to be paid shall be allowed at the rates admissible at the place of origin of the journey or place of destination whichever be higher.

<sup>1</sup>Note 2.-All claims of transfer travelling allowance shall be supported by passenger tickets for fare(s) paid for journeys by road and cash receipts of Railways for fare(s) paid in respect of journeys by rail. For luggage transported freight paid from one Bus/Railway Station to another Station only will be reimbursable against vouchers. Carriage and incidental charges of luggage from Home to Bus/Railway Station etc. shall not be reimbursable. <sup>2</sup>In case of journeys on transfer made by pony the Government servant shall be reimbursed the charges actually paid for ponies including pack ponies subject to the rates charged being certified as prevalent rates in the area by any Gazetted Officer of that area or by the Deputy Commissioner/ Assistant Commissioner of that district.

<sup>2</sup>Note 2-A.-A Government servant on his transfer from one station to another which may involve more than 200 Kms. distance in one direction shall in addition to travelling allowance and transport charges of personal belongings be allowed a transfer grant as under :

(a) Officers drawing Rs. 1400 p. m. and above	... Rs. 300
(b) Officers drawing Rs. 900 to Rs. 1399 p. m.	... Rs. 250
(c) Officers drawing Rs. 500 to Rs. 899 p. m.	... Rs. 200
(d) Officers drawing less than Rs. 500 p. m.	... Rs. 150
(e) Class IV employees	... Rs. 100

Provided :-

- (i) that when a transfer of a Government servant from one station to another is for less than 3 months it should be treated as temporary transfer. On temporary transfer a Government servant should be allowed transfer T. A. as admissible under rules excluding transfer grant.

<sup>3</sup>[X X X X]

1. Recast vide F. D. Notification SRO-123 dated 19-3-1975.

2. Inserted vide F. D. Notification SRO-464 dated 26-8-1980.

3. Deleted vide addendum No. A/171 (73) -1091 dated 12-10-1989.

<sup>1</sup>(iv) For transport of personal belongings actual charges for transport shall be admissible against the production of vouchers, subject to the following limits:-

- |  |               |
|--|---------------|
| (a) Employees drawing pay of Rs. 300 p. m. or less           | ...500 Kgs.   |
| (b) Employees drawing above Rs. 300 and upto Rs. 600 p. m.   | ... 1000 Kgs. |
| (c) Employees drawing above Rs. 600 and up to Rs. 1000 p. m. | ... 1500 Kgs. |
| (d) Employees drawing pay above Rs. 1000 p. m.               | ... 2500 Kgs. |

(v) T. A. for members of family is admissible only, if they :-

- (a) accompany the Government servant or follow him within a period of six months from date of transfer or precede him by not more than one month from the date of transfer.

This shall be deemed to have come into force from 1-4-1973. T. A. claim is for journeys undertaken from 1-4-1973 to the issue of this order if paid under the old rules shall not be reopened or is unpaid the production of certificates, receipts or vouchers, if any prescribed under, these rules will not be asked for.

<sup>2</sup>(vi) The Officers of All India Service shall have an option to get their transfer T. A. regulated under these rules or under the rules applicable to the Central Government Employees, as may be advantageous to them on the eve of their repatriation/transfer/deputation to the Jammu and Kashmir State.

<sup>3</sup>Note 2-AA.-Government employees who have opted for revised scales of pay of January, 1982 and others who are appointed to service on or after 1-1-1982 shall subject to the fulfilment of the conditions contained in Note 2-A be allowed transfer grant and transport charges for personal belongings on transfer as under :-

A-Transfer grant:

- |  |                |
|--|----------------|
| (a) Officers drawing Rs. 2,000 p. m. and above                   | ... Rs. 300.00 |
| (b) Officers drawing pay from Rs. 1,500 and upto Rs. 1,999 p. m. | ... Rs. 250.00 |

1. Recast vide F. D. Notification SRO-464 dated 26-8-1980.

2. Inserted vide F. D. Notification SRO-233 dated 29-7-1991.

3. Inserted vide F. D. Notification SRO-79 dated 16-2-1982.

(c) Officers drawing pay from Rs. 850 to Rs. 1,499 p. m.	... Rs. 200.00
(d) Officers drawing less than Rs. 850	... Rs. 150.00
(e) Class IV employees	... Rs. 100.00

**B- Transport charges for luggage:**

(a) Employees drawing pay above Rs. 1,600	... 2500 Kgs.
(b) Employees drawing pay above Rs. 1,000 and up- to Rs. 1,600	... 1500 Kgs.
(c) Employees drawing pay above Rs. 500 and up to Rs. 1,000 p. m.	... 1000Kgs
(d) Employees drawing pay up to Rs. 500	... 500 Kgs.

Employees who have opted for old scales of pay will be governed by the/ rates contained in -Note 2-A. Provisions contained in Note below Art. 309 in respect of A. I. S. Officers will apply equally in regulating their transfer T. A.

<sup>1</sup>Note 2-AAA.-Government employees who have opted for revised scales of pay of April, 1987 and others who are appointed to service on or after 1-4-1987 shall subject to fulfilment of the conditions contained in Note 2-A be allowed transfer grant and transportation charges for personal belongings on transfer as under :

**A-Transfer grant:**

(a) Class I Officers	... Rs. 450/-
(b) Class II Officers	... Rs. 375/-
(c) Class III Officers	... Rs. 300/-
(d) Class IV Officers	... Rs. 225/-

**B- Transport charges for luggage:**

Class I Officers	... Rs. 2500 Kgs.
Class 11 Officers	...Rs. 1500 Kgs.

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Class III Officers	... Rs. 1000 Kgs.	...
Class IV Officers	...Rs.500 Kgs	

(These rates shall come into force with effect from 1-8-1987).

Note 3.-Article 104-A applies here also.

<sup>1</sup>Note. 4.-Constables of Police on their transfer from one station to another will draw transfer T. A. etc. like other employees under the provisions of these rules.

<sup>2</sup>Note5:-For journeys on transfer from moving office refer also to Note below Art. 363 (i) *ibid.*

<sup>3</sup>Government Instructions.-Doubts have been expressed as to what amount of daily allowance should be paid to a Government servant who is transferred from one station to another involving a journey of more than one day. There may also arise cases where a Government servant while on transfer from one place to another gets detained enroute for more than a day owing to road blockade. —

It is clarified that one daily allowance as referred to in the rules means one daily allowance for each day of journey. There has, however, to be an administrative check so as to ensure that an officer does not break journey or show it as broken to evade the rules.

This shall and shall be deemed to have existed in the rules all-along from the date the revised T. A. Rules came in force viz. 1-4-1973.

339-A. A Government servant who travels by air on transfer is entitled to draw the travelling allowance which would have been admissible had the journey or journeys been performed by the normal mode of conveyance, *viz.* by road or rail.

<sup>4</sup>Government Instructions:-Officers of Indian Audit and Accounts Service whose T. A. on transfer to and from the State as per their terms of deputation is to be regulated under these rules, may be allowed T. A. for journeys at the time of deputation to and reversion from the State under Central Government Transfer T. A. Rules, or actual expenses, whichever may be less.

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1. Recast vide F. D.Notification SRO-464 dated 26-8-1980.  
 2. Inserted vide F. D.Notification SRO-471 dated 14-2-1966.  
 3. Inserted vide F. D.Notification SRO-115 dated 17.2.1978.  
 4. Inserted vide F. D.Notification SRO-240 dated 4-7-1968.

1339-B. Transfer to and from Ladakh including Kargil District should not normally be made during the period when passes to that area remain closed. Such transfers if found unavoidable shall be made by the Ladakh Affairs Department with the prior consent of the General Department (Services).

A Government servant transferred to and from Leh/Kargil District during the winter months shall be allowed the following charges :-

- (a) Single air fare plus road/or rail fare for himself and each member of his family dependent upon him on production of tickets.
- (b) Reimbursement of actual charges on transportation of personal belongings by air up to a maximum of 100 Kgs; for himself and 50 Kgs. for each member of family.
- (c) A Government servant whose orders of transfer to Leh/Kargil District are issued before the closure of passes, will not be entitled to Air Travel concession if he moves after the passes are closed. A person whose orders of transfer from Leh/Kargil District are issued before the passes are closed, but who is unable to move by road owing to his relief joining after the closure of passes, will be allowed T. A. by air on transfer.

<sup>2</sup>This shall be deemed to have come into effect from 1-2-1981.

<sup>3</sup>*Note.-The provisions of Article 339-B will apply mutatis mutandis to the employees who are transferred from or to Kargil District during the period when passes to that area remain closed.*

#### TRANSFER NOT ON PUBLIC GROUNDS

340. When an officer is transferred otherwise than for public convenience a copy of the order of transfer shall be sent to the Accountant General. In the absence of such information, the Accountant General, shall assume that the officer has been transferred for public convenience.

#### EXCEPTION

341. Treasurers transferred from one station to another under orders of the General Treasurer are not entitled to any travelling allowance from the Government Treasury, but they will get travelling allowance for first appointment in a Frontier District:

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1. Recast vide F. D. Notification SRO-237 dated 9-6-1981

2. Inserted vide F. D. Notification SRO.232 dated 5-6-1982.

3. Inserted vide F. D. Notification SRO-91 dated 17-3-1981

Note.- Treasurers transferred from one place to another in Government interest are entitled to travelling allowance. Their travelling allowance bills will be countersigned by the General Treasurer.

342. Deleted.

343. Deleted.

344. Deleted.

345. Deleted.

346. Deleted.

#### APPOINTMENT CHANGED IN TRANSIT

347. An officer whose appointment is changed while in transit from one appointment to another, is entitled to travelling allowance from his old station to the place (on the route to the first station to which he was proceeding) at which he receives his further orders and thence to his new station.

#### WHEN LEAVE INTERVENES

348. An officer who is transferred from one station to another, is entitled to travelling allowance from his old station to his new station even though leave not exceeding four months intervenes.

349. The travelling allowance of an officer who receives orders of transfer during his *privilege leave*, will be calculated from his old station, or from the place where he receives the orders of transfer whichever calculation will entitle him to the lesser travelling allowance.

<sup>1</sup>[XXXXXX]

<sup>1</sup>350. Deleted.

<sup>1</sup>351. Deleted.

#### SECTION III-JOURNEY TO **HILL** STATIONS

##### TRAVELLING ALLOWANCE RULES FOR SPECIAL LOCALITIES

352. Deleted.

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<sup>1</sup>. Deleted vide F. D. Notification SRO-406 dated 10-10-1966.

<sup>1</sup>352-A. The daily allowance of the following categories of the field staff of the Power Development Department will be enhanced by 25% during the period of their halt at places above the altitude of 7,000 feet :-

Assistant Engineers, Assistant Geologists, Technical Assistants, Sectional Officers, Geological Assistant, Senior Drillers and Drillers.

#### SECTION IV-JOURNEYS TO ATTEND EXAMINATION

##### DEPARTMENTAL EXAMINATION

353. An officer is entitled to travelling allowance twice but not more than twice for each standard for journeys to and from consequent on attendance at an obligatory Departmental Examination.

Note.- The Government may extend the provisions of this Article to any Departmental Examination even though it is not obligatory.

354. If a candidate appears to have culpably neglected the duty of preparing himself for an obligatory examination during the period available for the purpose, the Controlling Office may disallow the training allowance to which he would otherwise have been entitled under Article 353.

<sup>2</sup>355. Unless provided otherwise by any general or special order of the Government, a person selected by competent authority for training in India will be allowed travelling allowance for all journeys at ordinary tour rates as admissible under these Regulations reckoned on his salary, if already in Government service, or on the stipend, if a non-official, but no daily allowance will be admissible for any halts on duty made either at the station of training or elsewhere during the course of such training:

Provided that no T. A. will be admissible to non-official candidates for the journey to be covered by such candidates for joining at the station of training:

Provided further that in case of non-official candidates who are sent to an Educational or Technical Institution in India on flat rate of stipend If scholarship will-be expected to cover all the expenses in such Institution room such scholarship or stipend and no re-imbusement of any travelling expenses incurred during the course of training at such Institution will be admissible.

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1. Inserted vide F. D. Notification SRO-292 dated 18-4-1972.

2. Revised vide F. D. Notification SRO-200-F of 1960 dated 18-8-1960.

<sup>1</sup>Note.- The words "all journeys" occurring in the rule above include such journeys as are undertaken in connection with study tours admissible under the rules of the Institution from the places of training and back. Travelling allowance at ordinary tour rates will, therefore, be admissible for such journeys also, even if these are undertaken during holidays or vacations.

355-A. Government servants eligible to the benefits of the Government Insurance Fund may, provided their pay does not exceed Rs. 500 per mensem draw actual travelling allowance for journeys undertaken in connection with their medical examination for admission to the State Insurance Fund subject to the conditions that-

- (a) a proposer who has been passed by the Medical Officer actually takes out a policy within the period prescribed by the rules of the fund; and
- (b) that a proposer who has taken out a policy pays the premium on it for a period not less than twelve months. The travelling allowance will be charged to the Department concerned.

Note.- The pay restriction of Rs. 500 p.m. will not apply to the women employees of the Women Education Department who may, for admission to the State Insurance Fund, be required to have themselves medically examined by lady doctors at the nearest Government Hospital or dispensary from the place of their posting.

#### SECTION V-JOURNEYS OCCASIONED BY LEAVE OR RETIREMENT

356. Save as otherwise provided, an officer is not entitled to travelling allowance for a journey

- (i) when proceeding on leave;
- (ii) on rejoining from leave;
- (iii) during leave of any kind; or
- (iv) dismissal from Government service.

<sup>2</sup> A Government servant on his retirement, on retiring superannuation, invalid or compensation pension shall be entitled to the travelling allowance for himself and each member of his family as is admissible to a Government.

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1. Inserted vide F.D. Notification No. 290-F of 1961 dated 19-7-1961.

2. Recast vide F. D. Notification SRO-464 dated 26-8-1980.

servant on his transfer and shall also be entitled to the reimbursement of transportation charges if any, incurred subject to the limitation indicated in sub-clause (iv) below Note 2 to Article 339. The concession will be admissible by the shortest route and the hometown will be the place, which may have been recorded as such in the service book or other service records. Where a Government servant does not wish to settle down in his home-town after his retirement but another place he may be permitted to avail concession up to the latter place, in that event the amount payable will be that which would have been admissible had he actually proceeded to his home town or the amount due had the latter place been the home town whichever is less.

The concession may be availed by a Government servant entitled to it at any time even during his leave preparatory to his retirement, or during refused leave or within six months of his retirement.

The travelling allowance claimed under these rules will be paid only after countersigning authority satisfies itself that the claimant performed the journey up to his home town or up to other place to which he might have proceeded to settle there by requiring production of original vouchers for rail, road travel etc. Where the claims are from such retired persons who are their own countersigning officers the same will be countersigned by next superior authority.

Payment of such claims by the drawing and disbursing officers/Treasury Officers, may be made to the retired persons in relaxation of rule 4.8 (c) of the Financial Code Volume I *i. e.* to make payment of such claims even after issue of last pay certificate.

These rules shall be deemed to have come into effect from 1-4-1971.

<sup>1</sup>[X X X X]

<sup>1</sup>[X X X X]

<sup>2</sup>Exception 2.-At the time of his retirement or proceeding on leave preparatory to retirement a Government servant working in a moving office will be entitled to T. A. at move T. A. rates; provided that he has immediately preceding his retirement or proceeding on leave preparatory to retirement, worked for more than three months at Jammu/Srinagar, and his home town is in a Province other than the one in which Government headquarter at the time of his retirement/proceeding on leave preparatory to retirement are located.

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1. Deleted vide F. D. Notification SRO-139 dated 10-4-1990.  
2. Inserted vide F. D. Notification SRO-457 dated 24-11-1966.

<sup>1</sup>Exception 3.-[Deleted].

<sup>1</sup>Note 1.-[Deleted].

<sup>2</sup>Note 2.-A Government servant working in a moving office on his retirement, on retiring superannuation, invalid or compensation pension shall have an option to draw T. A. on retirement either on Move T. A. rates or Transfer T. A. rates.

Pending cases if any on the date of issue of this Notification shall be decided accordingly.

<sup>3</sup>[356-A. When a Government servant dies at a place outside his home town and if his family desires to transfer his dead body to his home town or to any other place for performing the last rites, the actual transportation charges of the dead body by rail or by road shall be reimbursed by the Government subject to the following conditions;

- (a) The actual transportation charges of the dead body reimbursable by the Government shall be limited to the taxi-cab hire charges for full taxies, on the rates approved by Jammu and Kashmir State Government Transport Authority for corresponding distance.
- (b) The actual transportation charges shall be allowed upto home town or upto the place where last rites are performed, whichever may be less].

#### LEAVE TRAVEL CONCESSION

<sup>4</sup>365-8. The Leave Travel Concession to Government servants shall be regulated as per the rules contained in Schedule XXI of these rules.

#### RECALL FROM LEAVE

357. An officer recalled to duty before the expiry of leave is entitled, if return to duty is compulsory and if the leave is curtailed by one month or more, to travelling allowance for the journey from the place at which the order of recall reaches him. If the amount of the leave curtailed is less than one month, the foregoing privileges may be given or withheld at the discretion of the authority recalling the officer.

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1. Deleted vide F. D.Notification SRO-139 dated 10-4-1990.
  2. Inserted vide F. D.Notification SRO-89 dated 12-3-1985
  3. Recast vide F. D.Notification SRO-320 dated 13-11-1991.
  4. Inserted vide F. D.Notification SRO-139 dated 10-4-1990.

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SECTION VI-JOURNEYS TO ATTEND COURT TO GIVE  
EVIDENCE

358. (a) The Administrative Department concerned may sanction travelling allowance in case in which a Government servant is compelled to defend himself in a criminal or civil case brought against him arising out of acts done by him in the discharge of his official duties and in which the Government has decided to undertake his defence at public expense provided the officer concerned is honourably acquitted of charge brought against him.

(b) An officer summoned to give evidence of facts which have come to his knowledge or of matters with which he has had to deal in his official capacity:

- (i) in criminal cases cognizable by Police, or
- (ii) in civil cases to which the Government is a party, or
- (iii) in a departmental enquiry held by or properly constituted authority under the Government,

may draw travelling allowance under the rules for journeys, on tour; provided that he must obtain from the Court concerned a certificate to the above effect.

Note 1.-A Police Officer is granted no allowance by the Court but IS given a certificate of attendance.

Note 2.-State Police Officers whenever attending Courts outside the State on official duty in connection with prosecution of cases, etc. will be paid travelling allowance from the State.

Note 3.-An officer on leave summoned to give evidence of the kind contemplated in this Article is entitled to travelling allowance under this Article from and to the place from which he is summoned as if he were on duty.

<sup>1</sup>Note 4.- The Government of Jammu and Kashmir have entered into reciprocal arrangements with the Government of Punjab in regard to the payment of the expenses, of Government servants summoned by criminal courts to give evidence in their official capacity. The effect of the arrangements will be as follows :-

(i) In criminal cases, to which the State is a party, a Government servant giving evidence regarding facts of which he has official knowledge

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1. Inserted vide F. D. Notification No. 214-F of 1960 dated 20-9-1960.

will, on production of the certificate of attendance issued by the summoning Court, be paid T. A. by the Government under whom he is serving.

(ii) In criminal cases to which the State is not a party, a Government servant giving evidence regarding facts of which he has official knowledge will be paid T. A. by summoning Court according to the rules under which such Government servant draws his T. A. for a journey on tour, and the charges will be borne by the State Government or the Government of Punjab according as the Court is situated in the J&K State or in the State of Punjab.

(iii) When a Government servant serving in a Commercial Department or when any other Government servant is summoned to give evidence as a technical or expert witness, the pay of the Government servant concerned for the period of his absence from his headquarters and T. A. and other expenses due to him will first be borne by the Government under whom he is serving and subsequently be recovered from the State Government or the Government of Punjab according as the Court in which the officer is summoned to give evidence is situated in the J&K State, or in the State of Punjab.

This will have effect from 22-1-1960 *i. e.* the date of the issue of Government Order No. C-5 of 1960.

<sup>1</sup>Note 5.-The provisions of Note 4 (i) to (iii) above shall apply *mutatis mutandis* to the reciprocal arrangements with the Government of Orissa.

<sup>2</sup>Note 6.-The provisions of Note 4 (i) to (iii) above shall apply *mutatis mutandis* to the reciprocal arrangements with the Government of Kerala.

This shall have effect from 13-5-1964.

<sup>3</sup>Note 7.- The Government of Jammu and Kashmir have entered into reciprocal arrangements with the Government of Andhra Pradesh in regard to the payment of expenses of Government servants summoned by Civil Courts to give evidence in their official capacity in suits in which Government is not a party. Such a Government servant shall produce to the Court a certificate duly signed by the head of his office, showing the rates of travelling and other allowances admissible to him as for a journey on tour, and the amount payable to him by the Court shall be computed on the basis of the rates specified in such certificates. These expenses will be borne by the party applying for summons of the Government servant and will be deposited in advance on the basis of rough estimates, subject

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1. Inserted vide F. D. Notification SRO-501 dated 18-12-1963.

2. Inserted vide F. D. Notification SRO-198 dated 8-7-1964.

3. Inserted vide F. D. Notification SRO-21 dated 18-1-1965.

to additional recovery from, or refund in part to, the party, as the case be, when final payment is made to the Government servant summoned on his appearance before Court, or as soon thereafter as is practicable.

This shall be deemed to have come in force w. e. f. 20-10-1964.

(Note 8.- The provisions of Note 4 (i) to (iii) above shall apply *mutatis mutandis* to the reciprocal arrangement's with the Government of West Bengal.

This shall have effect from 20-1-1965.

<sup>2</sup>Note 9.- The Government of Jammu and Kashmir have entered into reciprocal arrangements with the Government of India in respect of payment of expenses to the Government employees who are summoned by Criminal Courts to give evidence in their official capacity. The terms of the reciprocal arrangements would be as follows:

(i) In criminal cases to which the State is a party, a Government servant giving evidence regarding facts of which he has official knowledge will on production of the certificate of attendance issued by the summoning Court, be paid travelling allowance by the Government under whom he is serving.

(ii) In criminal cases to which the State is not a party, a Government servant giving evidence regarding facts of which he has official knowledge, will be paid travelling allowance by summoning Court according to the rules for a journey on tour and the charges will be borne by the Central Government or the Government of Jammu and Kashmir depending on whether the concerned Court is situated in a Union Territory or in the State of Jammu and Kashmir.

In order to enable the Court to assess the amount admissible to him, the Government servant should carry to that Court a certificate duly signed by his Controlling Officer, showing the rates of travelling and daily allowance admissible to him for a journey on tour. If the Government servant is his own Controlling Officer, the certificate should be signed by him as such.

(iii) When a Government servant is in a Commercial Department or when any other officer is summoned to give evidence as a technical or expert witness. the pay of the Government servant concerned for the period of his absence from his headquarters and travelling allowance and other expenses due to him will first be borne by the Government under whom

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1. Inserted vide F. D. Notification SRO-86 dated 10-3-1965.  
2. Inserted vide F. D. Notification SRO-475 dated 24-9-1973.

he is serving and will subsequently be recovered from the Central Government or the Government of Jammu and Kashmir according as the Court to which the officer is summoned to give evidence is situated in a Union Territory or in the State of Jammu and Kashmir.

Pending cases, if any, will also be settled according to the provisions of this order.

#### JOURNEY DURING SUSPENSION

<sup>1</sup>358-A. (a) A Government servant under suspension who is required to perform journey to attend departmental inquiry may be allowed travelling allowance as for a journey on tour from his headquarter to the place where the departmental inquiry is held or from the place at which he has been permitted to reside during suspension to the place where the departmental inquiry is held or from the place at which he has been permitted to reside during suspension to the place of inquiry whichever is less. No T. A. will, however, be admissible if the inquiry is held at the out-station at his own request. The travelling allowance of any such Government servant will be regulated by the class to which he belonged prior to his suspension.

(b) A Government servant who undertakes a journey to out-station to peruse official records for the preparation of his defence in connection with the disciplinary proceeding instituted against him while on duty or on leave or under suspension, may from the Headquarter, or from any other place where the Government servant may be spending his leave or where the suspended officer has been permitted, on his own request to reside, be allowed travelling allowance as for a journey on tour without any allowance in such cases will not however, exceed that what will be admissible to the Government servant had the journey been undertaken from his headquarters. The grant of travelling allowance shall, however be subject to the following conditions :-

- (i) the inquiry officer certifies that the official records to be consulted are relevant or essential for the preparation of the defence statement:
- (ii) the competent authority certifies that the original records could not be sent to the headquarter station of the Government servant or the bulk of the documents ruled out the possibility of copies being made out, and sent: and
- (iii) the head of office under whose administrative control the Government servant is, certified that the journey was performed with his approval.

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1. Inserted vide F D. Notificatton SRO-538 dated 23-10-1973

The period spent in transit to and fro and the minimum period of stay required at the place where official records are made available for perusal should be treated as duty or leave accordingly as the officer is on duty or on leave at that time.

(c) The competent authority (the authority which places the Government servant under suspension) may change the headquarter of a Government servant under suspension in the interest of Public Service and in such cases the travelling allowance of the Government servant shall be regulated by the class to which he belonged prior to his suspension.

Where a Government servant under suspension belongs to a moving office and moves along with the headquarters of the Government from one Division to another, he shall be allowed full move travelling allowance at the rates at which it was admissible to him prior to his suspension.

359. (a) An officer summoned to give evidence under other circumstance is not entitled by the reasons of his being an officer of the Government, to any allowance other than that admissible by the Rules of the Court.

(b) But if the Court pays him any sum by way of subsistence allowance or compensation apart from any allowance for travelling expenses, he must repay that amount to the Government before drawing full pay for the day or days of absence.

**Note.**-Grant of travelling allowance under this rule is subject to the submission by the officer concerned of certificate of attendance given by the Court or authority which summoned him.

359-A. A Government servant against whom an oral enquiry is held under rule 33 of the "Jammu and Kashmir Civil Services (Classification, Control and Appeal) Rules 1956", and who is required to proceed from one station to another to appear before the officer conducting the enquiry shall be allowed for such journey T. A. as on tour provided that the enquiry, is not held at a place other than his headquarters expressly at his own request.

#### **SECTION VII-JOURNEYS ON OTHER OCCASIONS TO ATTEND PASTEUR INSTITUTE**

360. The rules relating to travelling allowance concessions to officials bitten by rabid animals and who proceed for treatment to the Pasteur Institute are given in Appendix 4 of the Financial Code.

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I. Inserted vide F. D Notification SRO-329 dated 20-8-1968.

360-A. Halting allowance will not be admissible to Government servants deputed to accompany students appearing at the various centres of Matriculation and School Leaving Certificate Examinations within the Government territories for the days for which they receive invigilation fee from the Jammu and Kashmir University.

<sup>1</sup>RULES GOVERNING GRANT OF TRAVELLING ALLOWANCE TO MEMBERS OF ALL INDIA SERVICE

<sup>2</sup>360-8. Deleted.

<sup>3</sup>360-B I. All India Service Officers serving in connection with the affairs of the State shall be allowed Leave Travel Concession in accordance with the rules as may be in force from time to time in respect of Central Civil Service Officers Class I.

JOURNEYS TO ATTEND TECHNICAL CONFERENCES AND DEPARTMENTAL MEETINGS IN INDIA, ETC.

<sup>4</sup>[360-D. A competent authority may permit officers as also clerks accompanying them in exceptional cases to attend technical conferences and Departmental meetings convened under Government auspices or under the auspices of chartered institutions, provided such visits are in the interest of the Department].

360-E. A competent authority may give permission to professors and teachers accompany teams and allow them travelling allowance as admissible under rules.

**Exception.**-No travelling allowance will be allowed for participation in scientific conferences mentioned in sub-clause (e) under Article 133.

<sup>5</sup>360-E. (1) Notwithstanding anything contained in these rules Lecturers/ Professors accompanying students of academic Colleges on Educational Tours within the country but outside the State shall be allowed single Bus/ Railway fare of the class by which students travel or the T. A. admissible under rules whichever is less. <sup>6</sup>The rates of daily allowance to Professors/Lecturers and Orderlies so accompanying the students on educational tours shall be the same as contained in Article 335 excluding conveyance charges as admissible under Note 5 below the said Article.

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1. Inserted vide F. D Notification SRO-341 dated 16-11-1962.

2. Deleted vide F. D Notification SRO-388 dated 15-7-1983.

3. Recast vide F. D Notification SRO-388 dated 15-7-1983.

4. Recast vide F. D Notification SRO-383 dated 16-9-1967.

5. Inserted vide F. D Notification SRO-411 dated 20-5-1972.

6. Recast vide F. D Notification SRO-459 dated 17-9-1984.

The above rule shall not apply to Principals, if any, accompanying the students on Tours. In their case normal rules shall apply.

#### JOURNEYS OUTSIDE INDIA

360-F. (a) Travelling allowance for journeys outside India is paid in accordance with the orders of Government in each case which will specify the class of accommodation by steamer and rail.

(b) If in the case of journeys by steamer the orders do not specify the line, the officer will be deemed to have sailed by any line except the P & O.

(c) Bills for journeys will be prepared on the travelling allowance bill form with necessary particulars. For steamer journeys the receipt of letters from the Shipping Company or the agents, stating the amount of the fare paid will be attached to the bill. For railway journeys the officer will give a certificate as to the actual amount paid.

(d) A daily allowance may be sanctioned to cover board and lodging and other sundry charges; otherwise Article 308-A will apply to those charges.

(e) As far as possible a flat rate will be sanctioned for miscellaneous expenses when actual expenses are sanctioned for board and lodging.

(1) Contingent expenditure, if any, will be claimed in an ordinary contingent bill.

#### T. A. TO NON-OFFICIAL MEMBERS OF COMMITTEES CONSTITUTED BY GOVERNMENT

<sup>1</sup>360-G. Non-Official members (other than an M. L. A./M. L.C.) of Committees/Boards constituted by the Government shall for purposes of grant of T. A. for attending the meetings be treated as Class I Officers provided that :-

2(a) The daily allowance payable to a member (other than a member of Freedom Fighters Committee) on the days of journey in lieu of incidentals and on the days of meeting will be Rs. 75/- per day without any further increase (like 50% for Jammu/Srinagar etc.) whatsoever. The rate of such daily allowance in respect of members of Freedom Fighters Committee will be Rs. 100/- per day without any further increase.

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1. Recast vide F. D Notification SRO-56 dated 13-2-1981.

2. Recast vide F. D Notification SRO-253 dated 6-8-1990.

- (b) members residing at the same station where the meeting takes place or when a meeting is held at Srinagar those residing in Baramulla, Anantnag or Sopore or towns nearer than these; or

When meeting is held at Jammu those residing in Udhampur, R.S. Pura or towns nearer than these will draw only one daily allowance at the above rate for the day of meeting including the incidentals for journey, if any, undertaken on that day.

- (c) A member who may travel from Jammu to Srinagar and *vice versa* may travel by deluxe coach and be allowed actual fare plus one daily allowance as a incidental charges.
- (d) In respect of mileage allowance on journey by rail a member may be allowed rail accommodation of the highest class available in the rail by which he may travel. For such journeys a member shall be allowed actual fare plus incidental expenses equivalent to daily allowance for each journey of 24 hours or fraction there of.
- (e) For journeys within the State a member if he travels by air will be entitled to the actual air fare plus incidentals equivalent to one daily allowance.

<sup>1</sup>[Deleted].

- <sup>1</sup>(f) For journey by own conveyance the members may be allowed mileage allowance as is admissible in the case of State Government servants (Refer Note 3 below Article 318 of Jammu and Kashmir Civil Service Regulations Volume I).

<sup>2</sup>**Note 1.** -In respect of T. A. claims preferred under this Art after 19-3-1965, the members of the State Legislature shall be allowed daily allowance and mileage at the same rates to which they are entitled if attending a meeting of a Sub-Committee of the Legislature.

<sup>3</sup>**Note 2.**-Retired Government servants who are appointed as non-official members of the Committees/Boards constituted by the Government, shall have the option either to draw T. A. attending the Committee/Board meetings at the rates and by the class to which they were entitled to at the time of their retirement or under the provisions of the rules contained in the above sub-clauses (a); (b) and (c) (of Art. 360-G). The option shall be exercised by them immediately on appointment as such and the option once exercised shall be final.

This shall be deemed to have come into effect from 4-12-1976<sub>2</sub>

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1. Deleted/Renumbered vide SRO-253 dated 6-8-1990.

2. Inserted vide F. D Notification SRO-178 dated 26-5-1965.

3. Inserted vide F. D Notification SRO-487 dated 13-8-1977.

## CHAPTER XXX

## SPECIAL RULES FOR ANNUAL MOVE OF GOVERNMENT

**JOURNEYS BETWEEN JAMMU AND KASHMIR**

## GENERAL RULES

361. Officers moving with the headquarters of the Government for the journey between Jammu and Srinagar and *vice versa* draw the travelling allowance according to their class at the rates mentioned in Article 363 and the journey for the purpose of travelling allowance only, is treated as on transfer.

362. No daily allowance is admissible for halts made in course of journeys other than on tour. But for journeys between Jammu and Srinagar with the headquarters of *Government*, daily allowance may be given for halts on duty specially ordered by the Head of the Department.

## ANNUAL MOVE OF GOVERNMENT

363. (I) Lump sum allowances to Government servants on the occasion of annual move of Government Offices from Srinagar to Jammu and *vice versa* shall be regulated by the orders of the Government as passed from time to time in this behalf.

<sup>1</sup>**Government Instructions No. 1.**-In the orders issued on the periodical move of offices, it is invariably prescribed that Government servants who do not join their duties immediately after the expiry of move days shall forfeit their title to special move T. A. Cases do arise where employees move belatedly for reasons of their being busy on duty at a place other than the Government headquarter or for reasons beyond their control, or for other reasons and claim special move T. A.

<sup>2</sup>**Government Instructions No. 2.**-A Government servant who because of a *bona fide* reason, to be recorded in writing, joins his duties at the headquarters of the Government belatedly and whose case is not covered under Government Instruction No. 1 above may be allowed T. A. equal to the actual bus fare paid by him from Srinagar to Jammu or *vice versa* (restricted to the bus fare admissible by the entitled class) for the Government servant himself and each member of his family. Officers entitled to travel by air between Jammu and Srinagar or *vice versa* may also be allowed T. A. only by road in such cases. The T. A. at these rates shall be admissible only on production of bus tickets.

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1. Inserted vide F. D Notification SRO-159 dated 27-3-1980 and renumbered vide SRO-255 dated 4-8-1988.

2. Inserted vide SRO-255 dated 4-8-1988.

<sup>1</sup>**Government Instruction No. 3.-**A doubt had arisen in relation to the entitlement of travel expenses in the case of an officer who had moved from Srinagar to New Delhi during move days on official work, having also drawn move T. A. at special move rates in connection with annual move of offices, and resumed duty on due date *i. e.* on the date of opening of Offices at Jammu.

The issue has been examined and it is clarified that in such situation journey from Srinagar to other place(s) outside the State, but within the country, would be deemed to have been started from Jammu itself, as the journey of the officer from Srinagar to Jammu stands already compensated in the form of special move T. A., irrespective of mode of conveyance used by the officer. Likewise the same course of action shall, *mutatis mutandis*, apply in such cases for determination of entitlement of T. A. where outward journey has commenced from Jammu and the officer returns to Headquarter of the Government on due date on opening of offices on Darbar move from Jammu to Srinagar.

This shall be deemed to have come into effect from 1-11-1996.

It is accordingly ordered that special move T. A. in the case of belated move will be allowed in the following cases only :-

- (a) Where a Government servant who proceeds outside the State in connection with the official work and returns to a Division different from the one wherefrom he proceeded, he be allowed T. A. at special rates subject to the condition that (i) the stay at the place of new headquarter is not less than 3 months and (ii) he refunds the T. A. if any drawn by him, from Srinagar to Jammu or *vice versa* while proceeding outside the State.
- (b) Where a Government servant of a moving department is detained at Jammu or Srinagar after closing the office in connection with official work, he be allowed Special Move T. A. on his return to the headquarter.
- <sup>2</sup>(c) No leave including casual leave shall be admissible to be combined with move days. Where in any case a Government servant proceeds on leave either in combination of move days at the beginning or in continuation thereof at the end he shall not be entitled to draw T. A. at move rates:

Provided that the Government (in the General Department) may in any individual case and on the explicit recommendations of Administrative

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1. Inserted vide F. D Notification SRO-296 dated 18-8-1997.

2. Recast vide F. D Notification SRO- 77 dated 16-2-1983

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Department, allow leave casual or earned not exceeding five days either in combination or in continuation of move days where it is satisfied that the grounds for proceeding on leave were beyond the control of the Government servant concerned.

(d) Deleted.

<sup>2</sup>**Note.**-A Government servant who is transferred from a moving office to non-moving office from one Province to another within one month of the opening of the office in the Province shall be paid transfer T. A. equal to special move T. A.

<sup>3</sup>[x x x x]

<sup>4</sup>**Note 1.**-Deleted.

<sup>4</sup>**Note 2.**-Deleted.

**Note 3.**-Police Orderlies attached to officers moving with the Government should be given travelling allowance on occasion of Government move from Srinagar to Jammu and *vice versa* at move rates.

**Note 4.**-Chauffeurs performing journeys on the occasion of annual move of Government are entitled to full travelling allowance admissible under this Article.

**Note 5.**-Service as chauffeur of the Propaganda Van of the Community Development Department should be treated as superior and the annual move travelling allowance regulated accordingly.

364. Deleted.

365. The Heads of Departments undertaking tour journeys in connection with the annual move journey may, with the previous sanction of the Administrative Department be permitted to draw ordinary travelling allowance for the actual journeys performed plus travelling allowance at move rates minus ordinary mileage rates from Jammu to Srinagar or *vice versa*.

<sup>4</sup>366. Deleted

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1 Deleted vide F.D Notification SRO- 77 dated 16-2-1983

2 Inserted vide F. D Notification SRO-471 dated 14-12-1966

3 Paras 2 (a) and (b) of Article 363 deleted vide SRO-579 dated 20-11-1973

4 Deleted vide F. D Notification SRO-579 dated 20-11-1973

## CHAPTER XXX-A

RULES REGULATING THE GRANT OF TRAVELLING ALLOWANCE  
TO GOVERNMENT SERVANTS WITH HEADQUARTERS AT JAMMU  
OR SRINAGAR FOR JOURNEY TO THE HEADQUARTERS OF  
GOVERNMENT.

367. Unless the previous sanction of the competent authority has been obtained, travelling allowance will not be admissible between Srinagar or Jammu and the Headquarters of Government for any direct journey by the Government servant except journey –

- (a) for which travelling allowance is permitted under these rules;
- (b) to attend a meeting of the State Legislative Assembly.

367-A. Travelling allowance may be drawn as for a journey on tour by a Head of Department, when travelling on duty to the Headquarters of Government and *vice versa* within his sphere of duties for one journey each way whether such journey is performed direct or by detour for inspection purposes. Such a Government servant will however, forfeit all claims to travelling allowance for the halt at Government Headquarters and the journey between Government Headquarters and the stations visited immediately before and after the halt at Government Headquarters if he prolongs his stay beyond a period of 10 days or the period necessary for the performance of the duty on which the journey is made whichever is less.

367-B. Travelling allowance may be drawn for more than one journey either way only if the following conditions are satisfied:-

- (i) that for a journey between his Headquarters and Government Headquarters--
  - (a) it involves a tour of more than 7 days,
  - (b) the tour does not end with or include a halt of more than 3 nights at the Government Headquarters,
  - (c) the Administrative Department concerned certifies that the tour was made in the interest of Government,
- (ii) that for the journey between the Government Headquarters and his Headquarters --
  - (a) it involves a tour of more than 7 days,

- (b) halts are made during the tour at not less than 3 places of the direct route between his Headquarters and the Government Headquarters,
- (c) the Administrative Department concerned certifies that the tour was made in the interest of Government,
- (iii) that the interest of Government could not have been equally served in the course of a journey for which travelling allowance is admissible under Article 367-A.

367-C. Article 367-A and 367-B apply to journeys beginning at the Headquarters and ending at the Headquarters of Government or *vice versa*. For journeys performed after arrival at Government Headquarters, travelling allowance may be drawn to a place which 'cannot be conveniently visited *enroute* from the officer's Headquarters to Government Headquarters or *vice versa* and which is nearer to the Government Headquarters than to his own Headquarters, but a Government servant will not get any travelling allowance from such a place back to Government Headquarters unless it falls on the shortest or the cheapest route to his own Headquarters in which case he will get no travelling allowance for halts at Government Headquarters even if such halts are permitted by the Administrative Department concerned.

367-D. When a Head of Department with jurisdiction in both provinces is permitted by Government for his own convenience to perform his duties at the Headquarters of Government for a specified period, he is not entitled to daily allowance or mileage allowance for the journey to or from Government Headquarters or for a period he halts at it, and such a Government servant must go to Government Headquarters and -back to his Headquarters without expenses to Government. Absence from Headquarters in such case should in no way interfere with the discharge of the entire duties of his office and will not be admitted in extenuation of neglect or shortcoming in the performance of duties.

**Note.**-Recessing officers and their establishment will, in connection with their recess between their permanent Headquarters and those of the Government, draw travelling allowance at move rates admissible to the personnel of moving offices for one side of the journey and at ordinary tour rates for the other side.

This will come into force with effect from the move which was to take place in November, 1947.

367-E. A Head of Department of the class mentioned in Article 367-D is not entitled to any travelling allowance for journeys performed during the course of residence at Government Headquarters but with the previous sanction of the Administrative Department. Travelling allowance may be drawn from Government Headquarters to a place which cannot conveniently be, visited *enroute* from his Headquarters to Government Headquarters or *vice versa* and which is nearer to the Government Headquarters than to his own Headquarters.

## CHAPTER XXXI

## RULES OF PROCEDURE

**COUNTERSIGNATURE**

<sup>1</sup>368. No bill for travelling allowance (other than permanent allowance) of an officer should be paid unless it is (i) countersigned as per note below and (ii) presented within one year from the completion of the month to which the journey pertains.

The right of a Government servant to travelling allowance including daily allowance is forfeited or deemed to have been relinquished, if the claim for it is not preferred within one year from the date on which it became due. However, a travelling allowance claim may at the option of the claimant be preaudited even though it is not overdue.

**Note 1.**-Deleted.

<sup>2</sup>**Note 2.**- T. A. bills of Non-Gazetted Government servants will be countersigned by the Gazetted officer in charge of the establishment to which the Government servant belongs and except as provided herein below T. A. bills of Gazetted officers will be countersigned by the next higher Administrative Officer.

**Exception.**-No countersignature will be required on the T. A. bills of :-

- (i) Major Heads of Departments.
- (ii) Class I and Class II Officers in respect of journeys performed within their normal jurisdiction.
- (iii) Class I Officer in respect of journey beyond his normal jurisdiction, provided that he will certify that the journey was undertaken with the permission of the Government and/or Head of the Department enclosing attested copy thereof with T. A. bill.
- (iv) For journey on the annual move between Jammu and Srinagar and *vice versa*.

**Note 3.**-In the case of the following journeys, sanction of the Head of the Office or Institution to perform the journeys specified will be sufficient provided that in the case of the Head of Office or Institution.

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1. Recast vide F.D Notification SRO-66 dated 15-2-1968.

2. Revised vide F.D Notification SRO-62 dated 25-2-1966

himself, sanction of the next higher administrative authority will be necessary :-

- (i) Journeys of the employees of the Forest Department to Pathankot and Amritsar.
- (ii) Journeys of the employees of the Rosin and Turpentine Factory and Kashmir Willows Miran Sahib to Pathankot, Amritsar, Batala, Jallundur and Delhi.

<sup>1</sup>**Government Instruction No. 1.**-(i) The forfeiture of T. A. claims overdue by one year as provided in Article 368 of the Jammu and Kashmir Civil Service Regulations Volume I, shall apply only to T. A. claims in respect of journeys/halts which commenced on or after 15-2-1968 *i. e.* the date of issue of Notification SRO-66 dated 15-2-1968.

(ii) The said provisions of forfeiture apply to transfer T. A. and conveyance claims equally but not to leave Travel Concession claims.

<sup>1</sup>**Government Instruction No. 2.**- The period of one year for determining the forfeiture of a T. A. claims, will be reckoned from the date of completion of the journey to the date of submission of the claim for countersignature to the competent authority where such countersignature is necessary and in other cases where no countersignature be necessary the date on which it is presented at the treasury for payment or adjustment. The above provisions will apply equally in respect of adjustment T. A. bills which may be even for a nil amount.

#### CONTROLLING AND AUDIT OFFICERZS DUTIES

369. It is the duty of Controlling Officer, before signing or countersigning travelling allowance bill--

- (a) to scrutinize the necessity, frequency and duration of journeys and halts for which travelling allowance is claimed, and to disallow the whole or any part of travelling allowance claimed for any journey or halt if he considers that a journey was unnecessary or unduly protracted or that a halt was of excessive duration ;
- (b) to scrutinize carefully the distances entered in travelling allowance bills ;
- (c) to check any tendency to abuse the option of exchanging daily allowance for mileage allowance ;

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1. Inserted vide F. D Notification SRO-132 dated 12-3-1969.

2. Inserted vide F. D Notification SRO-261 dated 3-4-1972.

- (d) to observe any subsidiary rules, which a competent authority may make for his guidance;
- (e) to exercise strict check while countersigning the bills to see that rules in these Regulations are strictly complied with so that drawal of excess amounts from the treasuries is reduced to the minimum ; and
- <sup>1</sup>(f) to satisfy himself that mileage allowance for journeys by railway excluding extra for incidental expenses, has been claimed at the rate applicable to the class of accommodation actually used, that concessional return tickets for the journeys or journey charged for in the bill were purchased wherever and whenever possible.

370. The countersignature does not dispense with the necessity for formal audit by the Accountant General with reference to rates, distances and general conditions. The Accountant General will accept countersignature by the proper authority as final evidence that the facts of journey on which the claim is founded are correct and that the claim is admissible with reference to Article 369. But he should bring to the notice of the Administrative Department any case in which he considers that any rule is being unreasonably applied. He will further retrench the amounts drawn irregularly or in excess without entering into correspondence where he is satisfied that excess amount has been drawn without regard to the rules.

**Note 1.**-The Accountant General will scrutinize the reasons for the delay referred to in Note I to Article 368 and if he is not satisfied with the explanation, it will be open to him to bring the matter to the notice of the Government.

**Note 2.**- The Accountant General will further retrench the amounts drawn irregularly or in excess without entering into correspondence where the Accountant General is satisfied that excess amount has been drawn without regard to the rules.

370-A. It is essential that the countersigning duties of the officer supervising the work of the subordinates should be strictly performed and not treated as a matter of routine, that the journal of tours should accompany the travelling allowance bills and every journey performed justified by the nature of the work and inspection done. In the case of fixed travelling allowance, the officers should not only tour the minimum number of days prescribed but should also show the work done outside the headquarters which must be subject to closer supervision on the part of the superior officers.

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1. Inserted vide F. D Notification SRO-44 dated 6-2-1963.

370-B. Mileage charged for journeys on inspection exceeding 50 miles or 81 kilometers in a single day require sanction of the Administrative Department concerned in the case of a Head of Department and of a Head of Department in the case of subordinate officers to the effect that the required inspection work was properly and fully done by the officers during such journey.

**Note.-** The Directors Food and Supplies are empowered to countersign journey of the Food and Supplies establishment where these exceed fifty miles a day.

#### INCIDENCE OF CHARGE

371. The travelling allowance of an officer on whatever duty he may be employed, is charged to the same head as his pay, and the travelling allowance of an officer transferred from one department to another, is debited to the department to which he is transferred.

**Note 1.-**Duty allowance and travelling allowance to officials attending the Jammu and Kashmir University work under para (iv) clause (b) or Art. 14-8 will be paid by the University as admissible under the University Rules.

<sup>1</sup>**Note 2.-**(i) Travelling and daily allowance of the Government servants *for* journey performed in connection with the affairs of industrial or commercial undertakings/institutions/(not run Departmentally) Statutory organisations, Corporate bodies, as Directors, representatives or nominees of Government will be regulated under rules applicable to them and should be drawn from the source from which their pay is drawn. No part of the expenses on travelling or halts should be accepted by them from the undertakings direct.

(ii) If the journey is solely or mainly in connection with the affairs of the undertakings etc. the whole expenditure on travelling and daily allowance of the Government servants which is initially borne by the Department concerned should be recovered from the undertaking concerned. In case, however, the journeys and halts are mainly in connection with the affairs of Government, and only partly for the undertakings etc., no part of such expenditure should be recovered from the undertakings etc.

(iii) The authority controlling the allotment of funds for the travelling and daily allowance of the Government servants concerned shall be the sole judge for determining whether recovery should be made or not from the undertakings etc. Similarly the T.A. of such personal staff (P. A., Stenographers, Orderlies etc.) as may accompany such Government servants

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1. Recast vide F D Notification SRO-171 dated 17-5-1968.

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solely or mainly in connection with the affairs of such organisations be regulated accordingly provided that such staff may accompany the Government servants only when the organisation concerned cannot provide the required assistance or when it is considered absolutely necessary for some administrative reasons that such Government servants should have their own personal staff with them.

**<sup>1</sup>Note 3.-Mode of recovery of T. A./D. A. fees or other remuneration.**-The claims in regard to T. A./D. A. referred to in Note 2 above and fees referred to in Note 4 to Art. 50 should be preferred against the undertakings etc. by the head of the office of the Government servant concerned and when the Government servant is himself the Head of office by the next higher authority. The claims shall be preferred by the authorised officer against the undertaking etc. 'for and on behalf of' the Government servants concerned, for which purpose the latter shall execute in favour of the former a power of attorney authorising the claim and receipt of the amount from the undertakings etc. The amount on account of T. A./D. A. recovered shall be credited to the revenues of the Department concerned by the authorised officer, who shall also at the time of preferring the claim endorse a copy thereof to the audit office concerned to enable him to watch the actual recovery from the undertakings etc. and its credit to the Government. The amount of fees recovered from the undertakings shall be adjusted according to the provisions of rule 13.11 (d) of the Jammu and Kashmir Financial Code Vol. I. Further the travelling allowance bills preferred by Government servants attending the meetings etc. of the organisations mentioned above should be supported by a certificate to the effect that no travelling expenses, fees or other remuneration has been claimed or drawn by them from the said organisation.

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1. Inserted vide F. D Notification SRO-171 dated 17-5-1968.