

MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS**(Department of Pension and Pensioners' Welfare)****NOTIFICATION**

New Delhi, the 30th January, 2023

G.S.R. 63(E).—In exercise of the powers conferred by proviso to article 309 and clause (5) of article 148 of the Constitution and after consultation with the Comptroller and Auditor-General of India in relation to persons serving in the Indian Audit and Accounts Department, the President hereby makes the following rules, namely: -

1. Short title and commencement. - (1) These rules may be called the Central Civil Services (Extraordinary Pension) Rules, 2023.

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

2. Application. - (1) These rules shall apply to the Government servants to whom the Central Civil Services (Pension) Rules, 2021 apply:

Provided that in the event of death or discharge from the service on the ground of disability of a Government servant, who is covered by the Central Civil Services (Implementation of National Pension System) Rules, 2021, the benefits of family pension, disability pension and constant attendant allowance under these rules shall be payable to the Government servant or his family, as the case may be, if the Government servant had exercised an option to this effect under rule 10 of the Central Civil Services (Implementation of National Pension System) Rules, 2021:

Provided further that no benefits shall be paid under these rules in respect of a Government servant who dies or gets disabled while on foreign service under a United Nations' body if he had opted not to pay the pension contributions during the period of such deputation and not to get the service rendered in the United Nations' body counted as qualifying service in accordance with rule 29 of the Central Civil Services (Pension) Rules, 2021.

(2)(a) Where the provisions of section 20 of the Rights of Persons with Disabilities Act, 2016 (49 of 2016) are applicable in case of a Government servant acquiring a disability, such case shall be governed by the provisions of the said section.

(b) Where a Government servant referred to in clause (a) intends to retire and avail benefits under these rules, the Government servant shall be advised that he has the option, in terms of section 20 of the Rights of Persons with Disabilities Act, 2016 (49 of 2016) to continue in service with the same pay scale and service benefits which he is otherwise entitled to and in case the Government servant does not withdraw his request for retirement, he may be allowed to retire and his case for grant of disability pension may be processed in accordance with the provisions of these rules.

(c) A Government servant, who belongs to an establishment which has been exempted from the provisions of section 20 of the Rights of Persons with Disabilities Act, 2016 (49 of 2016), by a notification issued under the proviso to sub-section (1) of section 20 of the said Act and who is boarded out of Government service on account of disablement, shall be eligible for disability pension in accordance with the provisions of these rules:

Provided that where the medical board has found a Government servant fit for further service of less laborious character than that which he had been doing, he shall, subject to his willingness to be so employed, be employed on a lower post and if the Government servant is not willing to be employed on a lower post or if there is no means of employing him even on a lower post, he may be granted disability pension under these rules.

(d) If a Government servant referred to in clause (a) or clause (c) is retained in service in spite of disablement, he shall be paid compensation in lump-sum in lieu of the disability pension in accordance with sub-rule (5) of rule 10 of these rules.

3. Definitions.- (1) In these rules, unless the context otherwise requires,-

(a) "accident" means—

(i) a sudden and unavoidable mishap; or

(ii) a mishap due to an act of devotion to duty performed in an emergent situation arising in the course of service or otherwise, but does not include an incident of violence;

(b) "Accounts Officer" means an officer, irrespective of his official designation, who maintains the accounts of a Ministry, Department or Office of the Central Government or Union territory and includes an Accountant-General, who is entrusted with the functions of maintaining the accounts or part of accounts of the Central Government or Union territory;

- (c) “disability” means a condition of a person resulting in long term physical, mental, intellectual or sensory impairment which, in interaction with barriers, hinders his full and effective participation in society equally with others;
- (d) “disease” includes a disease as mentioned in Schedule-I;
- (e) “Form” means a form appended to these rules;
- (f) Fundamental Rules means the Fundamental Rules, which came into force with effect from the 1st January, 1922,
- (g) “injury” includes an injury as mentioned in Schedule-II;
- (h) “pay” means the basic pay as defined in sub-clause (i) of clause (a) of sub-rule (21) of rule 9 of the Fundamental Rules, which a Government servant was receiving,-
- (i) in case of retirement or death, immediately before his retirement or on the date of his death; and
- (ii) in case of retention in service in spite of disablement, on the date of injury or date of disease, as the case may be,

and shall also include stagnation increment and non-practising allowance granted to a medical officer in lieu of private practice.

- (i) “Schedule” means a Schedule appended to these rules;
- (j) “violence” means an act of a person or persons to inflict an injury on a Government servant by assaulting or obstructing or deterring or preventing him in the discharge of his duties,-
- (i) by virtue of anything done or attempted to be done by such Government servant or by any other public servant in the lawful discharge of his duty as such; or
- (ii) by virtue of his official position,

and shall also include such acts which cause injury to the Government servant as a collateral victim due to his presence at the place of incident in connection with discharge of his official duty.

(2) Words and expressions used herein and not defined but defined in the Fundamental Rules or in the Central Civil Services (Pension) Rules, 2021 shall have the same meanings as respectively assigned to them in those rules.

4. Conditions for grant of disability pension or family pension.-(1)A disability pension or family pension shall be granted under these rules, if there is a causal connection between,-

- (a) disablement of a Government servant and Government service; or
- (b) death of a Government servant and Government service.
- (2) The disablement shall be reckoned as due to the Government service, if it is certified that the same is due to wound, injury or disease, which,-
- (a) is attributable to Government service; or
- (b) existed before or arose during the Government service and has aggravated thereby.
- (3) The death shall be reckoned as due to Government service if it is certified that the same was caused due to or hastened by, -
- (a) a wound, injury or disease which was attributable to the Government service; or
- (b) the aggravation of a wound, injury or disease, which existed before or arose during the Government service and such aggravation is attributable to the Government service.
- (4) It shall not be necessary for the Government servant or the family to submit any application for grant of disability pension or family pension under these rules.
- (5) It shall be the responsibility of the Head of Office to consider each case of death or disability due to injury or disease caused to a Government servant based on the findings of the Medical Board and to take necessary action to submit the case to the competent authority, within three months of the date of receipt of the report of the Medical Board, for a decision in regard to grant of disability pension or family pension under these rules:

Provided that the claim for disability pension or family pension under these rules shall not be rejected on account of any delay on the part of the Head of Office in submission of the case to the competent authority for a decision in regard to grant of disability pension or family pension under these rules.

(6) The disability pension shall consist of a service element and a disability element, which shall be determined in accordance with rule 10 of these rules.

(7) On death of a pensioner, who was in receipt of a disability pension, family pension shall be payable in accordance with sub-rule (2) of rule 11 of these rules.

5. Authority for grant of disability pension or family pension.-(1) The power to grant disability pension or family pension under these rules, in respect of a Government servant working in a Ministry or Department and the organisations or offices under it, shall be exercised by the Secretary of that Ministry or Department or by such other officer not below the rank of the Joint Secretary to the Government of India, to whom this power is delegated by the Secretary, in consultation with the Financial Adviser:

Provided that in respect of the Government servants working in an organisation or office under a Ministry or Department, the Secretary of the Ministry or Department, in consultation with the Financial Adviser, may delegate the power to grant disability pension or family pension under these rules to an officer not below the rank of the Joint Secretary to the Government of India of the said organisation or office.

(2) The officer to whom the power to grant disability pension or family pension is delegated under sub-rule (1) shall exercise the power subject to conditions, if any, as may be laid down by the Secretary of the Administrative Ministry or Department in consultation with the Financial Adviser.

(3) Each case for grant of family pension or disability pension under these rules shall be examined in accordance with the guidelines specified in Schedule – IV.

(4) The authority referred to in sub-rule (1), before allowing family pension or disability pension under these rules shall satisfy itself that the conditions specified in rule 4 for grant of family pension or disability pension are fulfilled and based on the medical report, the guidelines specified in Schedule –IV and the other relevant documents, the said authority shall certify that there exists a causal connection between disablement or death of the Government servant and the Government service and that the death or disability is attributable to or aggravated by the Government service.

Note 1: The guidelines specified in Schedule- IV are aimed to determine attributability of disablement or death to Government service:

Provided that, if based on the facts of a particular case, the authority is of the opinion that the disablement or death, though not strictly covered by the guidelines specified in Schedule–IV, is otherwise attributable to Government service, it may, for reasons to be recorded in writing, grant disability pension or family pension, as the case may be, in accordance with these rules.

Note 2: In the case of a Government servant who died in such circumstances that a medical report could not be secured, the competent authority may award a family pension under these rules, if it is otherwise satisfied that there exists a causal connection between death of the Government servant and Government service.

6. Other conditions.-(1) Where grant of family pension or disability pension or gratuity under these rules is made in respect of a period of service under the Government, no pension or family pension or gratuity under any other rules shall be payable for the said period of service, during the currency of the grant.

(2) The disability element of disability pension granted under these rules shall not be taken into account in fixing the pay of a pensioner on his re-employment in the Government service.

7. Determination of percentage of disability.-(1) The percentage of disability due to any disease or diseases specified in Schedule - I shall be as certified by the Medical Board.

(2) The percentage of disability due to any injury or injuries shall be as specified in Schedule - II, or failing that as certified by the Medical Board.

(3) The extent of disability or functional incapacity shall be determined in the manner as per the following Table for purposes of computing the disability element forming part of benefits, namely,-

Table

Sl. No.	Percentage of disability assessed by Medical Board	Percentage to be reckoned for computation of disability element.
1	Up to 50	50
2	More than 50 and up to 75	75
3	More than 75 and up to 100	100

Provided that the above broad-banding shall not be applicable to Government servants who are retained in service.

8. Findings of the Medical Board and Appeal.-(1) The findings of the Medical Board on the extent of disability may be treated as final and binding unless the Government servant or his family seeks a review by preferring an appeal to an authority immediately superior to the one who had constituted the Board.

(2) An appeal against the decision of the Medical Board shall be preferred and considered in the following manner, namely:-

(i) the findings of the examining Medical Board shall be made known to the Government servant concerned or his family within one month after the receipt of the medical report by the Head of the Office or Department and the Government servant concerned shall, if he desires to appeal against such decision, can do so together with the requisite evidence in support of his case within one month from the date on which the findings of the Medical Board were made known to him;

(ii) where the Head of Office is satisfied that the Government servant himself is not in a position to submit the appeal under this clause on account of any bodily or mental infirmity or disablement, the Head of Office may allow the spouse of the Government servant or, in the absence of the spouse, the member of the family eligible to receive family pension on death of Government servant, to submit the said appeal and if there is no member of the family eligible to receive family pension on death of Government servant, a member of the family in whose favour a nomination was made by the Government servant for payment of gratuity, may be allowed to submit the said appeal;

(iii) if any medical certificate is produced by the Government servant or his family as a piece of evidence about the possibility of an error of judgment in the decision of an examining Medical Board which had examined him in the first instance, the certificate shall not be taken into consideration unless it contains a note by the medical practitioner who gave the certificate to the effect that it has been given in full knowledge of the fact that the person concerned had already been examined by a medical Board who have given their opinion as to the injury or disease, in respect of which the Government servant claims to be eligible for benefits under extraordinary circumstances;

(iv) where an appeal under clause (i) or clause (ii) is supported by a medical certificate referred to in clause (iii), a Review Medical Board shall be constituted by the concerned authority referred in rule 5 of these rules.

(v) in cases other than those referred to in clause (iv), the appeal shall, at first, be referred to the Directorate General of Health Services, Ministry of Health and Family Welfare along with the comments of the Medical Board, which had examined him in the first instance and the Directorate General of Health Services shall advise on the evidence produced as to whether there is an error of judgment on the part of the examining Medical Board which had first conducted the Medical examination and whether the appeal shall be accepted or not and if accepted, by whom such re-examination shall be conducted;

(vi) a Review Medical Board constituted under clause (iv) or clause (v) shall not include any member who was part of the Medical Board which had initially examined the Government servant and whose findings have been appealed against by the Government servant or his family;

(vii) where a Review Medical Board is constituted under clause (iv) or clause (v), the findings of the Review Medical Board shall be binding on all parties;

(viii) the extent of disability as determined by the Medical Board or the Review Medical Board, as the case may be, shall be treated as final and the Government servant shall not be required to appear before Medical Board periodically for the purpose of obtaining a certificate that the disability continues to persist.

9. Classification of cases of death or disability.-(1) The cases of death or disability shall be classified in the following distinct categories, on the basis of the circumstances in which death or disability takes place, namely:-

(A) Category 'A'. - The death or disability due to natural causes not attributable to Government service and there is no causal connection between the death or disablement of the Government servant and the Government service.

(B) Category 'B'. - The death or disability due to following causes, which are accepted as attributable to or aggravated by Government service, namely:-

(i) diseases contracted,- (a) because of continued exposure to a hostile work environment; or (b) on being subjected to occupational hazards or extreme weather conditions, resulting in death or disability; or

(ii) accidents caused while on duty, not covered under Category 'C' or Category 'D'.

(C) Category 'C'. - the death or disability,-

(i) attributable to acts of violence by terrorists, extremists, anti-social elements, etc. at public places and not specifically targeted against the Government servant, including bomb blasts in public places or transport, indiscriminate shooting incidents in public, etc., whether in the performance of duty or otherwise;

- (ii) attributable to act of violence or attack by a fellow Government servant;
- (iii) due to riots or revolt by demonstrators or public servants, causing injuries to other Government servants who are employed in aid of the civil administration for quelling agitation;
- (iv) occurring while on duty in specified high altitude, inaccessible duty posts, etc. on account of natural disaster, extreme weather condition such as avalanche, snow storm, blizzards, flash floods or cloud burst or landslide, thunderstorm, lightning, extreme heat, sand storms in desert areas, etc.;
- (v) occurring during rescue operations, e.g. fire-fighting, floods, storms, etc.

(D) Category 'D'.- the death or disability arising as a result of,-

- (i) attack targeted against the Government servant by terrorists, extremists, anti-social elements, etc.;
- (ii) action against terrorists, extremists, anti-social element, etc;
- (iii) enemy action in international war or border skirmishes and warlike situations;
- (iv) operation to evacuate Indian nationals from a war-torn foreign country;
- (v) extremists acts, exploding of mines, etc., while on the way to an operational area or on return therefrom, kidnapping by extremists, training exercises with live ammunition, simulation drills such as real battle-like conditions created for war training exercises, rehearsals, etc.

(2)(i) The illustrative list of circumstances in which death or disability of a Government servant is to be reckoned as attributable to Government service for grant of Extraordinary Family Pension or Disability Pension of cases falling under Category 'B', Category 'C' and Category 'D' shall be as referred at Schedule III.

(ii) The list in Schedule - III is illustrative and the cases of death or disability, though not covered by the list in Schedule - III, but otherwise fulfilling the conditions for grant of disability pension or family pension under these rules shall be decided on the basis of the circumstances in which death or disability took place.

(3) The pension and family pension on disability or death of a Government servant under Category 'A' in sub-rule (1) shall be granted in accordance with the provisions of the Central Civil Services (Pension) Rules, 2021 and the pension and family pension on disability or death of a Government servant under Category 'B', Category 'C' and Category 'D' in sub-rule (1) shall be granted in accordance with the provisions of these rules.

10. Amount of Disability Pension and Retirement Gratuity.-(1) Where a Government servant is boarded out on account of a disablement in Category 'B', Category 'C' or Category 'D', he shall be awarded disability pension in accordance with the percentage of disability determined under rule 7.

(2) (i) The Disability Pension on discharge under Category 'B', Category 'C' and Category 'D' shall comprise a service element and a disability element and the service element in all categories shall be equal to the normal pension at the rate of fifty per cent of the emoluments or average emoluments, whichever is beneficial to the Government servant and the rates of disability element for each category shall be as specified in sub-rule (3).

(ii) There shall be no condition of minimum qualifying service having been actually rendered for earning service element or disability element of disability pension under Category 'B', Category 'C' and Category 'D', if otherwise due and the service element of disability pension shall be payable even in cases where the qualifying service is less than ten years but no service gratuity shall be admissible in such cases.

(iii) The amount of disability pension under this rule shall not be less than eighteen thousand rupees per month.

(iv) The emoluments and average emoluments for disability pension and retirement gratuity under these rules shall be determined in accordance with rule 31 and rule 32, respectively, of the Central Civil Service (Pension) Rules, 2021.

(3)(i) The amount of Disability Pension and retirement gratuity payable on discharge to a Government servant under Category 'B' shall be as under-

(a) for hundred percent disability, the Disability Pension shall comprise a service element referred to in sub-rule (2) plus a disability element at the rate of thirty per cent of the emoluments or average emoluments, whichever is beneficial to the Government servant and for lower percentage of disability, the disability element of the disability pension shall be proportionately lower.

(b) the retirement gratuity shall be admissible in accordance with rule 45 of the Central Civil Services (Pension) Rules, 2021 on the basis of the emoluments and qualifying service as on the date of discharge.

(ii) The amount of Disability Pension and retirement gratuity payable on discharge to a Government servant under Category 'C' shall be as under-

(a) for hundred per cent Disability, the disability Pension shall comprise a service element referred to in sub-rule (2) plus a disability element at the rate of thirty percent of the emoluments or average emoluments, whichever is beneficial to the Government servant and for lower percentage of disability, the disability element of the monthly disability pension shall be proportionately lower.

(b) the retirement gratuity shall be as admissible in accordance with rule 45 of the Central Civil Services (Pension) Rules, 2021, which the Government servant would have been entitled to on the basis of his emoluments on the date of discharge but counting qualifying service up to the date on which he would have retired on superannuation in the normal course.

(iii) The amount of Disability Pension and retirement gratuity payable on discharge to a Government servant under Category 'D' shall be as under-

(a) for hundred percent disability, the Disability Pension shall comprise a service element referred to in sub-rule (2) plus a disability element at the rate of hundred percent of the emoluments or average emoluments, whichever is beneficial to the Government servant and for lower percentage of disability, the disability element of the monthly disability pension shall be proportionately lower.

(b) the Retirement gratuity shall be admissible in accordance with rule 45 of the Central Civil Services (Pension) Rules, 2021 which the Government servant would have been entitled to on the basis of his emoluments on the date of discharge but counting qualifying service up to the date on which he would have retired on superannuation in the normal course.

(4) The additional quantum of pension admissible to pensioners aged eighty years and above under sub-rule (6) of rule 44 of the Central Civil Services (Pension) Rules, 2021 shall also be admissible on the disability pension granted under these rules.

(5)(a) If the Government servant is retained in service in spite of a disablement on account of an injury or disease, he shall be paid compensation in lump sum in lieu of the disability element of disability pension by arriving at the capitalised value of such disability element with reference to the commutation table in force from time to time:

Provided that the broad-banding as provided in sub-rule (3) of rule 7 of these rules shall not be applicable in such cases.

(b) Service element of disability pension shall not be taken into account for determining the amount of the lump sum compensation.

Illustration.- The amount of lump sum compensation in lieu of disability pension in the case of a Government servant, who has completed the age of 40 years and was drawing a basic pay of Rs 30,000/- per month on the date of injury or date of disease, as the case may be, and who is retained in Government service in spite of a disability of 40% in Category 'B', shall be as under-

$$\text{Rs. } 30,000 \times 30/100 \text{ (Disability element of disability pension)} \times 40/100 \text{ (Percentage of disability)} \\ \times 9.075 \text{ (Commutation factor for age of 41 years on next birthday)} \times 12 \text{ (Number of months in a year)} = \text{Rs. } 3,92,040/-.$$

(6) For the purpose of sub-rule (5), 'date of injury' shall be the actual date on which the injury is suffered in an accident or violence or such other date, as the authority competent to grant disability pension or family pension under rule 5, may fix and 'date of disease' shall be the date, as the authority competent to grant disability pension or family pension under rule 5, may fix with due regard to the opinion of the Medical Board:

Provided that the date of injury so fixed shall not be later than the date of the report of the Medical Board and the date of disease so fixed shall not be later than the date of the report of the Medical Board.

(7) In the case of a pensioner, who is eligible for disability pension for hundred percent disability under these rules and in whose case, based on the condition of the accepted disability or disabilities, the medical board is of the opinion that the pensioner is completely dependent on others for day to day activities and needs the services of a constant attendant, the Constant Attendant Allowance shall be granted to him at the rate decided by the Government from time to time and the Constant Attendant Allowance shall be payable, for life, in addition to the monthly disability pension but no dearness relief shall be admissible on the Constant Attendant Allowance.

11. Amount of Family Pension.-(1) Subject to the provisions of rule 12 of these rules, -

(a) the amount of Family Pension payable on death of a Government servant under Category 'B' shall be sixty per cent of the pay, and

(b) the amount of Family Pension payable on death of a Government servant under Category 'C' and Category 'D' shall be equal to hundred per cent of the pay.

(2) On death of a pensioner, who was in receipt of a disability pension under these rules, the family shall be entitled to a family pension in accordance with rule 50 of the Central Civil Services (Pension) Rules, 2021:

Provided that in cases where the pensioner dies within seven years after having been boarded out on account of the same injury or disease which resulted in his disablement, the family shall be entitled to a family pension under these rules, as admissible on death of a Government servant,-

- (i) in the same category under which the disability pension was granted; and
- (ii) at the rate which would have been admissible if the Government servant had died during service due to the injury or disease which resulted in his disablement.

Note: The question whether or not the death of a pensioner is on account of the same injury or disease which resulted in his disablement, shall be decided by a Medical Board to be constituted by the authority competent to grant family pension under rule 5 of these rules.

(3) The pay for family pension under this rule shall be determined in the same manner as in the case of family pension under rule 50 of the Central Civil Service (Pension) Rules, 2021.

(4) The amount of family pension under this rule shall not be less than eighteen thousand rupees per month.

12. Eligibility of members of the family for grant of family pension.-(1) The family pension under these rules shall be payable to the members of the family of the deceased Government servant in the following order of precedence, namely:-

- (i) subject to provisions of sub- rule (3), widow or widower;
- (ii) subject to provisions of sub-rule (4), dependent children including adopted children and step children;
- (iii) subject to provisions of sub-rule (5), parents including adoptive parents;
- (iv) subject to provisions of sub-rule (6), dependent siblings; brothers or sisters.

Explanation 1. - The words 'widow' and 'widower', wherever occurring in this rule shall mean the legally wedded spouse of the deceased Government servant.

Explanation 2.- The term 'Government servant' in this rule shall include a pensioner, who was in receipt of a disability pension under these rules, and on whose death the family is entitled to a family pension in accordance with proviso to sub-rule (2) of rule 11 of these rules.

(2) (a) Except as provided in proviso to clause (c), clause (d), clause (e) and clause (f) of sub-rule (3), clause (g) and to sub-clause (iii) of clause (h) of sub-rule (4), the family pension under these rules shall not be payable to more than one member of the family of the deceased Government servant at the same time.

(b) Where the family pension is payable to more than one member of the family at the same time, if the share of the family pension contains a fraction of a rupee, it shall be rounded off to the next higher rupee.

(3)(a) Subject to the provisions of clause (b), if the deceased Government servant is survived by a widow or widower, the family pension at the rate specified in rule 11 of these rules shall be payable under Category 'B' or Category 'C' or Category 'D', as the case may be, to such widow or widower up to the date of death or remarriage, whichever is earlier and on death or remarriage of the widow or widower, the family pension shall be payable in accordance with clause (b) and sub-rule (4), sub-rule (5) and sub-rule (6).

Explanation.- The eligibility of widow or widower for family pension shall not be affected by the amount of her or his income from any other source.

(b) (i) Where widow of a deceased Government servant re-marries a brother of her deceased husband and continues to live a communal life with, or contributes to the support of the other dependants of the deceased, the family pension shall continue to be payable to her.

(ii) Where in a case not covered by sub-clause (i), a deceased Government servant is survived by a childless widow, on re-marriage by the said childless widow, the family pension shall continue to be payable to her, if her income from all other sources is less than the amount of minimum family pension under sub-rule (4) of rule 11 of these rules and the dearness relief admissible thereon:

Provided that if, after re-marriage, income of childless widow from all other sources becomes equal to or exceeds the amount of minimum family pension under sub-rule (4) of rule 11 of these rules and the dearness relief admissible thereon, family pension shall be stopped and shall become payable to the other eligible member of the family, if any, of the deceased Government servant in accordance with this rule.

(iii) Where in a case not covered by sub-clause (i) or sub-clause (ii), a deceased Government servant is survived by a widow who is eligible for family pension under Category 'C' or Category 'D', on re-marriage of the

widow, from the date following the date of her remarriage, the family pension shall be payable to the widow at the rate of family pension and subject to the conditions specified in rule 50 of the Central Civil Service (Pension) Rules, 2021 and the family pension, in such a case, shall also be payable to other eligible member of the family, if any, in accordance with sub-rule (4) or sub-rule (5) or sub-rule (6) and on death of the widow after remarriage, the family pension payable to her shall not be payable to any other member of the family.

(c) Where the deceased Government servant is survived by more widows than one, the family pension shall be paid to the widows in equal shares and on the death or ineligibility of a widow, hundred per cent of her share if the family pension is payable under Category 'B' or sixty per cent of her share if the family pension is payable under Category 'C' or Category 'D', shall become payable to her child or children who fulfil the eligibility conditions specified in sub-rule (4).

(d) In case, the widow is not survived by any child, her share of the family pension shall not lapse but shall be payable to the other widows in equal shares, or if there is only one such other widow, in full, to her.

(e) (i) Where the deceased Government servant is survived by a widow without any child eligible for family pension but has left behind eligible child or children from another wife who is not alive, the child or children who fulfil the eligibility conditions mentioned in sub-rule (4) shall be entitled to hundred per cent of the share under Category 'B' or sixty per cent of the share under Category 'C' or Category 'D', which the mother would have received if she had been alive at the time of the death of the Government servant.

(ii) On the share or shares of family pension payable to such a child or children ceasing to be payable, such share or shares shall not lapse, but shall be payable to the other widow or widows or to other child or children otherwise eligible in accordance with sub-rule (4), in equal shares, or if there is only one widow or child, in full, to such widow or child.

(iii) On the share or shares of family pension payable to a widow or widows ceasing to be payable, such share or shares shall not lapse, but hundred per cent of her share if the family pension is payable under Category 'B' or sixty per cent of her share if the family pension is payable under Category 'C' or Category 'D', shall be payable to the other child or children otherwise eligible in accordance with sub-rule (4), in equal shares, or if there is only one child, in full, to such child:

Provided that if the deceased Government servant is survived by the widow with child or children eligible for family pension, on death of the widow, hundred per cent of her share if the family pension is payable under Category 'B' or sixty per cent of her share if the family pension is payable under Category 'C' or Category 'D' shall be payable to her child or children in accordance with sub-rule (4):

Provided further that if the deceased Government servant is survived by the widow with child or children eligible for family pension, on the share of family pension payable to the widow ceasing to be payable on account of re-marriage, her share of the family pension under Category B shall be payable to her child or children in accordance with sub-rule (4).

(f) (i) Where the deceased Government servant is survived by a widow without any child eligible for family pension but has left behind eligible child or children from a divorced wife or wives, the child or children who fulfil the eligibility conditions mentioned in sub-rule (9) shall be entitled to hundred per cent of the share under Category 'B' or sixty per cent of the share under Category 'C' or Category 'D', which the mother would have received at the time of the death of the Government servant had she not been so divorced.

(ii) On the share or shares of family pension payable to such a child or children ceasing to be payable, such share or shares shall not lapse, but shall be payable to the other widow or widows and/or to other child or children otherwise eligible in accordance with sub-rule (4), in equal shares, or if there is only one widow or child, in full, to such widow or child.

(iii) On the share or shares of family pension payable to a widow or widows ceasing to be payable, such share or shares shall not lapse, but hundred per cent of her share if the family pension is payable under Category 'B' or sixty per cent of her share if the family pension is payable under Category 'C' or Category 'D', shall be payable to the other child or children otherwise eligible in accordance with sub-rule (4), in equal shares, or if there is only one child, in full, to such child:

Provided that if the deceased Government servant is survived by the widow with child or children eligible for family pension, on death of the widow, hundred per cent of her share if the family pension is payable under Category 'B' or sixty per cent of her share if the family pension is payable under Category 'C' or Category 'D' shall be payable to her child or children in accordance with sub-rule (4):

Provided further that if the deceased Government servant is survived by the widow with child or children eligible for family pension, on the share of family pension payable to the widow ceasing to be payable on account of re-marriage, her share of the family pension under Category 'B' shall be payable to her child or children in accordance with sub-rule (4).

(g) (i) Where the deceased Government servant is survived by a widow without any child eligible for family pension but has left behind eligible child or children from a void or voidable marriage, the child or children from the void or voidable marriage who fulfil the eligibility conditions mentioned in sub-rule (4) shall be entitled to hundred per cent of the share under Category 'B' or sixty per cent of the share under Category 'C' or Category 'D', which the mother would have received at the time of the death of the Government servant had the marriage not been void or voidable.

(ii) On the share or shares of family pension payable to such a child or children ceasing to be payable, such share or shares shall not lapse, but shall be payable to the other widow or widows or to other child or children otherwise eligible in accordance with sub-rule (4), in equal shares, or if there is only one widow or child, in full, to such widow or child.

(iii) On the share or shares of family pension payable to a widow or widows ceasing to be payable, such share or shares shall not lapse, but hundred per cent of her share if the family pension is payable under Category 'B' or sixty per cent of her share if the family pension is payable under Category 'C' or Category 'D', shall be payable to the other child or children otherwise eligible in accordance with sub-rule (4), in equal shares, or if there is only one child, in full, to such child:

Provided that if the deceased Government servant is survived by the widow with child or children eligible for family pension, on death of the widow, hundred per cent of her share if the family pension is payable under Category 'B' or sixty per cent of her share if the family pension is payable under Category 'C' or Category 'D' shall be payable to her child or children in accordance with sub-rule (4):

Provided further that if the deceased Government servant is survived by the widow with child or children eligible for family pension, on the share of family pension payable to the widow ceasing to be payable on account of re-marriage, her share of the family pension under Category B shall be payable to her child or children in accordance with sub-rule (4).

(h) Where a Government servant dies leaving behind a judicially separated widow or widower and no child or children, the family pension in respect of the deceased shall be payable to the person surviving.

(i) Where a Government servant dies leaving behind a judicially separated widow or widower with a minor child or children or a child or children suffering from disorder or disability of mind including the mentally retarded, hundred per cent of the share of the family pension under Category 'B' or sixty per cent of the share of the family pension under Category 'C' or Category 'D' in respect of deceased shall be payable to the surviving person provided he or she is the guardian of such child or children and if the surviving person ceases to be the guardian of such child or children, such family pension shall be payable to the person who is the actual guardian of such child or children:

Provided that where the minor child, after attaining the age of majority, remains eligible for family pension, the family pension shall become payable to such child from the date on which he attains the age of majority and after the child ceases to be eligible for family pension under this rule, such family pension shall become payable to the surviving judicially separated spouse of the deceased Government servant till his or her death or remarriage, whichever is earlier.

(j) Where a Government servant dies leaving behind a judicially separated widow or widower with a child who has attained the age of majority but is eligible for family pension, hundred per cent of the family pension under Category 'B' or sixty per cent of the family pension under Category 'C' or Category 'D', shall become payable to such child after the death of the Government servant. After the child or children cease to be eligible for family pension under this rule, such family pension shall become payable to the surviving judicially separated spouse of the deceased Government servant till his or her death or remarriage, whichever is earlier.

(k) It shall be the duty of a childless widow after her re-marriage to furnish a certificate to the Pension Disbursing Authority once in a year that her income from all other sources is less than the amount of minimum family pension under sub-rule (4) of rule 11 of these rules and the dearness relief admissible thereon.

(4)(a) If the deceased Government servant is not survived by a widow or widower or if the widow or widower dies or remarries, hundred per cent of the family pension under Category 'B' or sixty per cent of the family pension under Category 'C' or Category 'D', as the case may be, shall be payable to the child or children who fulfil the following conditions, namely:-

(i) in the case of a son (including adopted son and step son), other than a son suffering from a mental or physical disability—unmarried, below the age of twenty five years and not earning his livelihood;

(ii) in the case of a daughter (including adopted daughter and step daughter) other than a daughter suffering from a mental or physical disability—unmarried or widowed or divorced and not earning her livelihood;

(iii) in the case of a son or a daughter suffering from a mental or physical disability (including adopted son or daughter and step son or daughter)—not earning his or her livelihood;

(b) A son or a daughter, other than a son or a daughter suffering from a mental or physical disability, shall be deemed to be not earning his or her livelihood if his or her income from sources other than family pension is less than the minimum family pension under rule 11 of these rules and the dearness relief admissible thereon.

(c) A son or a daughter suffering from a mental or physical disability shall be deemed to be not earning his or her livelihood if his or her overall income from sources other than family pension is less than the entitled family pension and the dearness relief admissible thereon, payable on death of the Government servant concerned.

(d) Where a deceased Government servant leaves behind more children than one, family pension shall first be payable to children below the age of twenty-five years, who fulfil the eligibility conditions for grant of family pension, in the order of their birth.

(e) The elder child shall be entitled to the family pension till he or she has attained the age of twenty-five years or has got married or remarried or has started earning his or her livelihood, whichever is the earliest and the younger of the children will be eligible for family pension after the elder next above him or her has attained the age of twenty-five years or has got married or remarried or has started earning his or her livelihood or has died.

(f) Where family pension is granted under this rule to a minor, it shall be payable to the minor through the guardian.

(g) Where the family pension is payable to twin children it shall be paid to such children in equal shares and when one such child ceases to be eligible, his or her share shall revert to the other child and when both of them cease to be eligible, the family pension shall be payable to the next eligible single child or twin children.

(h) Where a deceased Government servant is not survived by a son or daughter below the age of twenty-five years and eligible for family pension or where such son or daughter has died or has ceased to be eligible for family pension, the family pension shall be payable for life to a son or daughter who is suffering from any disorder or disability of mind including the mentally retarded or is physically disabled or suffering from any other disability referred to in the Rights of Persons with Disabilities Act, 2016 (49 of 2016) so as to render him or her unable to earn a living even after attaining the age of twenty-five years, subject to the following conditions, namely:-

(i) the disability existed before the death of either the Government servant or spouse;

(ii) if such son or daughter is one among two or more children of the Government servant, the family pension shall be initially payable to the children below the age of twenty-five years in the order specified in clause (d) until the last child attains the age of twenty five years and thereafter the family pension shall be resumed in favour of the son or daughter suffering from a disability referred to in clause (h) and shall be payable to him or her, for life;

(iii) if there are more than one such children suffering from a disability referred to in clause (h), the family pension shall be paid in the order of their birth and the younger of them will get the family pension only after the elder next above him or her ceases to be eligible or dies:

Provided that where the family pension is payable to such twin children it shall be paid in the manner as specified in clause (g);

(iv) the family pension shall be paid to a son or daughter, who is suffering from any disorder or disability of mind including the mentally retarded, through the guardian as if he or she were a minor except in the case of the physically disabled son or daughter who has attained the age of majority:

Provided that in the case of a mentally retarded son or daughter, the family pension shall also be payable to a person nominated by the Government servant, and in case no such nomination has been furnished to the Head of Office by such Government servant during his lifetime, to the person nominated by the spouse of such Government servant or family pensioner, as the case may be, later on and the Guardianship Certificate issued under section 14 of the National Trust Act, 1999 (44 of 1999), by a local level Committee, shall also be accepted for nomination for appointment of guardian for grant of family pension in respect of the person suffering from Autism, Cerebral Palsy, Mental Retardation and Multiple Disabilities as indicated in the said Act;

(v) before allowing the family pension for life to any such son or daughter, the appointing authority shall satisfy itself that the disability is of such a nature so as to prevent him or her from earning his or her livelihood and the same shall be evidenced by a certificate obtained from,-

(A) an authority competent to issue disability certificate in accordance with the Rights of Persons with Disabilities Act, 2016 (49 of 2016), the Rights of Persons with Disabilities Rules, 2017 and the guidelines and notifications issued by the Central Government or a State Government or a Union territory administration in this regard; or

(B) a three-member Medical Board comprising of, (a) a Medical Superintendent, or a Principal or a Director or a Head of the Institution or their nominee as chairman; and (b) two other members, out of which at least one shall be a specialist in the particular area of disability, setting out, as far as possible, the exact mental or physical condition of the child.

(vi) the person receiving the family pension as guardian of such son or daughter or such son or daughter not receiving the family pension through a guardian shall produce a certificate, from,-

(A) an authority competent to issue disability certificate in accordance with the Rights of Persons with Disabilities Act, 2016 (49 of 2016), the Rights of Persons with Disabilities Rules, 2017 and the guidelines and notifications issued by the Central Government or a State Government or a Union territory administration in this regard; or

(B) a three-member Medical Board comprising of, (a) a Medical Superintendent, or a Principal or a Director or a Head of the Institution or their nominee as chairman; and (b) two other members, out of which at least one shall be a specialist in the particular area of disability, setting out, as far as possible, the exact mental or physical condition of the child, once only, if the disability is permanent and every five years if the disability is temporary, to the effect that he or she continues to suffer from a disability referred to in clause (h).

(i) The marriage by a child who is suffering from a disability referred to in clause (h) shall not render him or her ineligible for family pension under this sub-rule.

(j) Where a deceased Government servant is not survived by a son or daughter eligible for family pension under clause (d) or clause (h) or if a son or daughter eligible for family pension under clause (d) or clause (h) dies or ceases to fulfil the eligibility conditions for family pension prescribed in those clauses, the family pension shall be granted or continued to be payable to an unmarried or widowed or divorced daughter beyond the age of twenty-five years for life or until she gets married or re-married or until she starts earning her livelihood, whichever is the earliest subject to the following conditions, namely:-

(i) the family pension shall be initially payable to the children in the order specified in clause (d) until the last child attains the age of twenty-five years;

(ii) there is no disabled child eligible to receive family pension in accordance with clause (e);

(iii) the unmarried or widowed or divorced daughter was dependant on her parent or parents when he or she or they were alive;

(iv) where a deceased Government servant leaves behind more than one unmarried or widowed or divorced daughter beyond the age of twenty-five years, family pension shall first be payable to such daughter, who fulfil the eligibility conditions for grant of family pension under this sub-rule, in the order of their birth;

(v) The elder daughter shall be entitled to the family pension till she has got married or remarried or has started earning her livelihood, whichever is earlier and the younger of the daughters will be eligible for family pension after the elder next above her has got married or remarried or has started earning his or her livelihood or has died;

(vi) in the case of widowed daughter, death of her husband and in the case of divorced daughter, her divorce took place during the lifetime of the Government servant or his or her spouse:

Provided that the family pension shall be payable to a divorced daughter from the date of divorce if the divorce proceedings were filed in a competent court during the life time of the Government servant or his or her spouse but the divorce took place after their death:

Provided further that if, consequent on the death of the Government servant and his or her spouse, the family pension to any other eligible member of the family has become payable before the date of divorce of daughter, the family pension to such divorced daughter shall not commence before the aforesaid member of the family ceases to be eligible for family pension or dies.

(k) Where a deceased Government servant leaves behind children from more than one widow or from a widow and a divorced wife or from a widow or a divorced wife and void or voidable marriage, the child or children who fulfil the eligibility conditions mentioned in this sub-rule shall be entitled to hundred per cent of the share of family pension under Category 'B' or sixty per cent of the share of family pension under Category 'C' or Category 'D', which their mother would have received at the time of the death of the Government servant if she had been alive or if she had not been so divorced or if the marriage had not been void or voidable, as the case may be.

(l) Where there are more than one child from a widow or a divorced wife or void or voidable marriage, the share of family pension to such children shall be payable in the manner specified in this sub-rule.

(m) Where the share or shares of family pension payable to such a child or children ceasing to be payable, such share or shares, shall not lapse, but shall be payable to the child or children from other widow or divorced wife or void or voidable marriage, otherwise eligible, in equal shares, or if there is only one child, in full, to such child;

Explanation.- The expressions 'son' or 'daughter' shall include a posthumous son or posthumous daughter, respectively;

(n) An unmarried son or an unmarried or widowed or divorced daughter, except a disabled son or daughter, shall become ineligible for family pension from the date he or she gets married or remarried.

(o) The family pension payable to a son or a daughter shall be stopped if he or she starts earning his or her livelihood.

(p) It shall be the duty of son or daughter or the guardian to furnish a certificate to the Pension Disbursing Authority once in a year that,-

(i) he or she has not started earning his or her livelihood; and

(ii) he or she has not yet married or remarried and a similar certificate shall be furnished by the son or daughter suffering from a mental or physical disability to the Pension Disbursing Authority once in a year that he or she has not started earning his or her livelihood.

(5)(a) Where a deceased Government servant is not survived by a widow or widower or a child eligible for family pension or if the widow or widower and all children cease to be eligible for family pension, family pension shall be payable to parents for life-

(i) under Category 'B', at the rate of fifty per cent of the family pension entitled to a widow, subject to the conditions that the parents were dependent on the Government servant at the time of his or her death and the amount of family pension shall not be less than the amount of family pension admissible in accordance with rule 50 of the Central Civil Services (Pension) Rules, 2021; and

(ii) under Category 'C' and Category 'D', at the rate of seventy five per cent of the family pension entitled to a widow if both parents are alive and at the rate of sixty per cent of the family pension entitled to a widow if only one parent is alive.

Explanation 1.- Parents shall be deemed to be dependent on the Government servant if their combined income is less than the minimum family pension under rule 11 and the dearness relief admissible thereon.

Explanation 2.- Payment of family pension to parents in Category 'C' & Category 'D' shall be without reference to the amount of their income from other sources.

(b) The family pension, wherever admissible to parents will be payable to the mother of the deceased Government servant failing which to the father of the deceased Government servant.

(c) It shall be the duty of parents in receipt of family pension under Category 'B' to furnish a certificate to the Pension Disbursing Authority once in a year that they have not started earning their livelihood and the family pension payable to parents shall be stopped if they start earning their livelihood.

(6) (a) Where a deceased Government servant is not survived by a widow or widower or a child or parents eligible for family pension or if the widow or widower or children or parents of the Government servant cease to be eligible for family pension, the family pension equal to fifty percent of the rate specified in sub-rule (1) or sub-rule (2) of rule 11 of these rules, as the case may be, shall be payable to the dependent sibling of the deceased Government servant till he or she attains the age of twenty five years or gets married, whichever is earlier.

(b) Where the dependent sibling ceases to be eligible for family pension or where there is no dependent sibling below the age of twenty five years eligible for family pension but the Government servant is survived by a dependant sibling who is suffering from a mental or physical disability, family pension equal to fifty percent of the rate specified in clause (a) shall be payable for life to such disabled sibling, if such sibling was wholly dependent upon the Government servant immediately before his or her death:

Provided that the amount of family pension under this sub-rule shall not be less than the amount of family pension admissible in accordance with rule 50 of the Central Civil Services (Pension) Rules, 2021 to a dependant sibling who is suffering from a mental or physical disability:

Provided further that a sibling who is suffering from a mental or physical disability shall be eligible for family pension for life in the same manner and subject to same eligibility conditions and following the same disability criteria, as laid down in clause (e) and clause (f) of sub-rule (4) in the case of son or daughter of a Government servant suffering from any disability referred to in clause (e), so as to render him or her unable to earn a livelihood even after attaining the age of twenty-five years:

Provided also that the family pension to the sibling who is suffering from a mental or physical disability shall be payable if the disability existed before the death of the Government servant.

Explanation 1.- A sibling below the age of 25 years shall be deemed to be earning his or her livelihood and shall not be deemed to be dependent on the Government servant if his or her income from other sources is equal to or more than the minimum family pension under rule 11 and the dearness relief admissible thereon.

Explanation 2.- The family pension payable to a sibling below the age of 25 years shall be stopped if he or she starts earning his or her livelihood and it shall be the duty of such a sibling to furnish a declaration to the Pension Disbursing Authority once in a year that he or she has not started earning his or her livelihood.

Explanation 3.- The income criteria as applicable in the case of a child suffering from a mental or physical disability under sub-rule (4) shall also be applicable for determining the eligibility for family pension of a sibling suffering from a mental or physical disability.

Explanation 4.- It shall be the duty of a sibling below the age of twenty five years or a sibling suffering from a mental or physical disability or the guardian to furnish a declaration to the Pension Disbursing Authority once in a year that he or she has not started earning his or her livelihood.

(7)(a) The family pension admissible to a person consequent on death of another Government servant shall not be considered as income for the purpose of determination of eligibility for a family pension under this rule consequent on death of another Government servant.

(b) In case both the wife and husband are Government servants and are governed by the provisions of this rule and one of them dies while in service or after retirement, the family pension in respect of the deceased Government servant shall become payable to the surviving husband or wife and in the event of the death of the husband or wife, the surviving child or children shall be granted the two family pensions in respect of the deceased parents.

Note.- In order to decide the eligibility for family pension under this rule, a member of the family, other than the widow or widower and parents of the deceased Government servant, shall be required to submit, along with the claim for family pension, a copy of the last Income Tax Return filed by the said member of the family with the Income Tax Department and in case the said member of the family informs that he or she has not filed the Income Tax Return with the Income Tax Department, he or she shall submit a certificate of income from a sub-divisional magistrate. In case the member of the family is not able to submit either a copy of the Income Tax Return or a certificate of income from a sub-divisional magistrate, the Head of Office may rely on any other document produced by the said member of the family in support of his or her claim regarding income and decide the eligibility of the said member of the family for family pension accordingly.

13. Processing of cases of disability pension and family pension in the online pension sanctioning system.-(1) Unless otherwise exempted by a general or special order of the Government, the case for grant of disability pension or family pension under these rules shall be processed through 'Bhavishya', an online system for sanction of retirement benefits and tracking of sanction and payment of pension by the Government servant and the authorities concerned with sanction of pension to the Government servant.

(2) (a) In the case of a department or office or person exempted from the purview of Bhavishya in accordance with sub-rule (1), the details or documents in respect of the person due to retire shall be transmitted in physical mode and his pension or family pension case shall be processed manually.

(b) In a case or cases where a particular action or activity cannot be performed under Bhavishya, such action or activity shall be performed manually.

14. Procedure for sanction of disability pension.-(1) On receipt of a statement of circumstances in which the disablement of a Government servant occurred due to an injury or disease, the findings of the Inquiring authority, if any, and the report of the Medical Board, the Head of office shall submit the same to the competent authority under rule 5 of these rules, for a decision in regard to grant of disability pension to the Government servant under these rules.

(2) Where the competent authority under rule 5 of these rules decides that the Government servant is not mentally or physically fit to be retained in service and, on being boarded out, is entitled to a disability pension, he may be granted disability pension and retirement gratuity in accordance with these rules:

Provided that in the case of a Government servant to whom the provisions of section 20 of the Rights of Persons with Disabilities Act, 2016 (49 of 2016) are applicable, action shall be taken in accordance with clause (a), clause (b) and clause (d) of sub-rule (2) of rule 2 of these rules:

Provided further that where the competent authority decides that the Government servant may be retained in service in spite of the disablement, he shall be paid compensation in lump sum in lieu of the disability element of disability pension in accordance with sub-rule (5) of rule 10 of these rules.

(3) As soon as a decision is taken to grant disability pension and retirement gratuity under these rules, the Government servant shall be informed of the decision advising him to submit the details in Form E-1 along with the other forms for processing of a Central Civil Services (Pension) Rules, 2021 pension case required under the Central Civil Services (Pension) Rules, 2021.

(4) It shall be the duty of the Head of Office to ascertain and assess Government dues and for this propose he shall follow the procedure laid down in rules 67, 68 and 69 of the Central Civil Services (Pension) Rules, 2021.

(5) On receipt of forms, referred to in sub-rule (3), from the Government servant, the Head of Office shall complete Part I of Form E-2 along with the check list and the pension calculation sheet and forward the disability pension case to the Accounts Officer, not later than two months from the date of receipt of the said Forms and the Head of Office shall also send to the Accounts Officer-

- (i) forms submitted by the Government servant and referred to in sub-rule (3);
- (ii) Form E-2 (including the check list and the pension calculation sheet) with a covering letter in Form E-3, and
- (iii) duly completed and up-to-date service book of the Government servant along with any other documents relied upon for the verification of service.

(6) The particulars of the Government dues ascertained and assessed by the Head of Office in accordance with the Central Civil Services (Pension) Rules, 2021 shall also be furnished to the Accounts Officer in Form E-3 so that the Government dues, if any, are recovered out of the retirement gratuity before its payment is authorised.

(7) The Head of Office shall retain a copy of each of the Forms referred to in sub-rule (5) and sub-rule (6) for his records.

(8) (a) On receipt of pension case and pension papers referred to in sub-rule (5) and sub-rule (6), the Accounts Officer shall apply the requisite checks, record the account encasement in Part II of Form E-2 and assess the amount of disability pension, family pension and retirement gratuity and issue the pension payment order not later than one month after receipt of the pension case from the Head of Office.

(9) (a) Notwithstanding anything contained in this rule, where a Government servant has been boarded out on account of disablement but a final decision in regard to the eligibility of the Government servant for grant of disability pension under these rules has not been taken or where a decision in regard to grant of disability pension under these rules has been taken but it is likely to take some time before an authorisation for grant of disability pension is issued to him, pension may be authorised in accordance with Central Civil Services (Pension) Rules, 2021 and the Head of Office shall also sanction provisional pension and provisional gratuity, as admissible in accordance with rule 62 of the Central Civil Services (Pension) Rules, 2021.

(b) If, subsequently, a decision is taken in regard to the eligibility of the Government servant for grant of disability pension under these rules, the Head of Office shall take further action for authorisation of pension accordingly in Form E-4.

(c) The provisional pension or pension sanctioned under clause (a) shall continue to be paid to the Government servant until a decision in regard to grant of disability pension is taken by the competent authority and an authorisation or revised authority for grant of the disability pension under these rules is issued.

(d) The amount of pension and retirement gratuity sanctioned under clause (a) shall be adjusted from the final pension and final retirement gratuity.

(10) In respect of matters of procedure for grant of disability pension and retirement gratuity under these rules shall be subject to the rules relating to grant of pension and retirement gratuity under the Central Civil Services (Pension) Rules, 2021, to the extent such rules are applicable and are not inconsistent with these rules.

15. Procedure for sanction of family pension.-(1) On receipt of a statement of circumstances in which the death of a Government servant occurred due to an injury or disease, the findings of the Inquiring authority, if any, and the report of the Medical Board, the Head of office shall submit the same to the competent authority under rule 5 of these rules, for a decision on the question of grant of family pension to the family of the Government servant under these rules.

(2) As soon as a decision is taken to grant family pension under these rules, the member or members of the family of the Government servant, who is or are eligible for family pension and death gratuity under these rules, shall be informed of the decision advising him or her or them to submit the required details in Form E-5 along with the other Forms required for processing the case for grant of family pension and death gratuity under the Central Civil Services (Pension) Rules, 2021.

(3) The Head of Office shall draw the attention of the Accounts Officer to the details of Government dues outstanding against the deceased Government servant in accordance with the sub-rule (4) of rule 74 and rule 77 of the Central Civil Services (Pension) Rule, 2021.

(4) On receipt of Forms, referred to in sub-rule (2), from the family of the Government servant, the Head of Office shall complete Part I of Form E-6 along with the check list and forward the case for grant of family pension and death gratuity under these rules to the Accounts Officer, not later than two months from the date of receipt of the said Forms and the Head of Office shall also send to the Accounts Officer-

(i) forms submitted by the member or members of the family and referred to in sub-rule (2) along with all the documents in support of the claim for family pension and death gratuity;

(ii) Form E-6 (including the check list); and

(iii) duly completed and up-to-date service book of the Government servant along with any other documents relied upon for the verification of service.

(5) The particulars of the Government dues ascertained and assessed by the Head of Office in accordance with the Central Civil Services (Pension) Rules, 2021 shall also be furnished to the Accounts Officer in Form E-3 so that the Government dues, if any, are recovered out of the death gratuity before its payment is authorised.

(6) The Head of Office shall retain a copy of each of the Forms referred to in sub-rule (4) and sub-rule (5) for his records.

(7) On receipt of family pension case and the documents referred to in sub-rule (4) and sub-rule (5), the Accounts Officer shall apply the requisite checks, record the account encasement in Section 1 of Part II of Form E-6, assess the amount of family pension and death gratuity and issue the pension payment order not later than two months after receipt of the family pension case from the Head of Office.

(8) (a) Notwithstanding anything contained in this rule, where on death of a Government servant, a final decision in regard to grant of family pension under these rules has not been taken or where a decision in regard to grant of family pension under these rules has been taken but it is likely to take some time before an authorisation for grant of family pension is issued to him, family pension may be authorised in accordance with Central Civil Services (Pension) Rules, 2021 and the Head of Office shall also sanction provisional family pension and provisional gratuity, as admissible under and in accordance with rule 75 of the Central Civil Services (Pension) Rules, 2021.

(b) If, subsequently, a decision is taken in regard to grant of family pension under these rules, the Head of Office shall take further action for authorisation of family pension accordingly in Form E-7.

(c) The provisional family pension or family pension sanctioned under clause (a) shall continue to be paid until a decision in regard to grant of family pension is taken by the competent authority and an authorisation or revised authority for grant of the family pension under these rules is issued.

(d) The amount of family pension and death gratuity sanctioned under clause (a) shall be adjusted from the final family pension and final death gratuity.

(9) In respect of matters of procedure for grant of family pension and death gratuity under these rules shall be subject to any rules relating to grant of family pension and death gratuity under the Central Civil Services (Pension) Rules, 2021, to the extent that such rules are applicable and are not inconsistent with these rules.

(10) If eligibility of a member of family concerning family pension is not covered under these rules but is covered under Central Civil Services (Pension) Rules, 2021, the Central Civil Services (Pension) Rules, 2021 shall be applicable, provided they are not repugnant to or inconsistent with the provisions of these rules.

16. Timely processing and sanction of disability pension and family pension.-(1) The Head of Department shall ensure that all cases for grant of disability pension and family pension under these rules shall be processed in accordance with the timelines specified in rule 14 and rule 15 of these rules and provisional pension or provisional family pension, as the case may be, is sanctioned and paid pending authorisation of final pension or family pension.

(2) In all cases where provisional pension or provisional family pension or provisional gratuity has not been sanctioned in accordance with these rules or where the payment of disability pension or family pension or gratuity has been authorised later than the date when its payment becomes due and it is clearly established that the delay in payment was attributable to administrative reasons or lapses, interest shall be paid on arrears of pension or family pension or gratuity and responsibility shall be fixed for the delay in the payment of gratuity or pension or family pension on account of administrative lapses, in accordance with rule 65 of the Central Civil Services (Pension) Rules, 2021.

(3) A report giving the details of the cases in which the provisional pension or provisional family pension or disability pension or family pension or gratuity has been authorised later than the date when its payment became due,

shall be submitted to the Secretary of the Administrative Ministry or Department, as the case may be, by 15th of January every year.

17. Power to relax. - Where any Ministry or Department of the Government is satisfied that the operation of any of these rules, causes undue hardship in any particular case, that Ministry or Department, as the case may be, may, by order for reasons to be recorded in writing, dispense with or relax the requirements of that rule to such extent and subject to such exceptions and conditions as it may consider necessary for dealing with the case in a just and equitable manner:

Provided that no such order shall be made except with the concurrence of the Department of Pension and Pensioners' Welfare.

18. Repeal and Saving.-(1) On the commencement of these rules, every rule including the Central Civil Services (Extraordinary Pension) Rules, 1939, regulation or order including Office Memorandum (hereinafter referred to in this rule as the old rule) in force, immediately, before such commencement shall, in so far as it provides for any of the matters contained in these rules, cease to operate.

(2) Notwithstanding such cesser of operation,-

(a) every formal application for the sanction of pension which a Government servant had made or given under the old rule, shall be deemed to have been made or given under the corresponding provisions of these rules;

(b) any case which pertains to the authorisation of disability pension to a Government servant who had retired before the commencement of these rules and is pending before such commencement shall be disposed of in accordance with the provisions of the old rule as if these rules had not been made;

(c) any case which pertains to the authorisation of death gratuity and family pension to the family of a deceased Government servant and is pending before the commencement of these rules shall be disposed of in accordance with the provisions of the old rule as if these rules had not been made;

(d) subject to the provisions of clauses (b) and (c) anything done or any action taken under the old rule shall be deemed to have been done or taken under the corresponding provisions of these rules.

SCHEDULE - 1

[See rule 3(1)(d)]

LIST AND CLASSIFICATION OF DISEASES WHICH CAN BE CONTRACTED BY SERVICE:

(A) Diseases affected by climatic conditions:

- (i) Pulmonary Tuberculosis;
- (ii) Pulmonary Oedema;
- (iii) Pulmonary Tuberculosis with pleural effusion;
- (iv) Tuberculosis - Non-pulmonary;
- (v) Bronchitis;
- (vi) Pleurisy, empyema, lung abscess and bronchiectasis;
- (vii) Lobar pneumonia;
- (viii) Nephritis (acute and chronic);
- (ix) Otitis Media;
- (x) Rheumatism – acute;
- (xi) Rheumatism – chronic;
- (xii) Arthritis;
- (xiii) Myalgia;
- (xiv) Lumbago;
- (xv) Frost-bite leading to amputation of limb/limbs, neuro/pulmonary diseases/orthopaedic diseases/stress induced diseases/insanity/ Hypertension etc. caused or aggravated by extremely cold climatic conditions;
- (xvi) Heat Stroke; and

- (xvii) Pulmonary Thrombo-embolism/respiratory failure
- (B) (i) **Diseases which are endemic in nature:**
- (ii) Malaria;
- (iii) Kalazar;
- (iv) Filariasis;
- (v) Dysentery;
- (vi) Cholera; and
- diseases like Swine flu, Influenza, Dengue, Plague, Anthrax, Avian Influenza, Chikungunya, Crimean-Congo Haemorrhagic Fever, Hepatitis-B, C and E, Marburg virus diseases, Middle East respiratory syndrome, Monkeypox, Zika virus, Bird Flu, Ebola virus,
- (C) Pandemics:
COVID-19 or any other disease which is declared as pandemic by the Government.
- (D) Diseases affected by stress and strain:
- (i) Psychosis and Psychoneurosis;
- (ii) Hyperpiesia;
- (iii) Hypertension (Blood Pressure);
- (iv) Pulmonary Tuberculosis;
- (v) Pulmonary Tuberculosis with pleural effusion;
- (vi) Tuberculosis - Non-pulmonary;
- (vii) Mitral Stenosis;
- (viii) Pericarditis and adherent pericardium;
- (ix) Endo-carditis;
- (x) Sub-acute bacterial endo-carditis, including infective endocarditis;
- (xi) Myocarditis - acute or chronic;
- (xii) Valvular disease; and
- (xiii) Heart attack/cardio related diseases
- (E) Diseases affected by dietary compulsions:
- (i) Infective hepatitis (Jaundice);
- (ii) Diseases of stomach and duodenum;
- (iii) Worm infestations particularly Guinea worm and round worm infections;
- (iv) Gastritis;
- (v) Food poisoning, specially due to tinned food;
- (vi) Gastric ulcer;
- (vii) Duodenal ulcer; and
- (viii) Nutritional Disorders.
- (F) Diseases affected by training and marching:
- (i) Tetanus, erysipelas, septicaemia and pyaemia resulting from injuries;
- (ii) Varicose veins;
- (iii) Ankylosis and acquired deformities resulting from injuries;
- (iv) Hernia;
- (v) Post-traumatic epilepsy and other mental changes resulting from skull injury;

- (vi) Internal derangement of knee joint;
- (vii) Burns sustained through petrol fire, kerosene oil leading to scars and various deformities and disabilities; and
- (viii) Deformities of feet.
- (G) Environmental Diseases:
- (i) Diseases contracted in the course of official duty of attending to a venereal or septicaemic patient or conducting a post-mortem examination;
- (ii) Diseases contracted on account of handling poisonous chemicals and radiation equipment.

Note : The diseases, though not included in this Schedule but otherwise considered to be attributable to Government service shall also be covered under Category B.

SCHEDULE II [See rule 3(1) (g)]		
Sl. No.	Description of Injury	Percentage of loss of earning capacity
PART I		
List of Injuries deemed to result in Permanent Total Disablement		
1.	Loss of both hands or amputation at higher sites	100
2.	Loss of a hand and a foot	100
3.	Double amputation through leg or thigh, or amputation through leg or thigh on one side and loss of other foot	100
4.	Loss of sight to such an extent as to render the claimant unable to perform any work for which eye-sight is essential	100
5.	Very severe facial disfigurement	100
6.	Absolute deafness	100
PART II		
List of Injuries deemed to result in Permanent Partial Disablement		
AMPUTATION CASES - UPPER LIMBS (either arm)		
1.	Amputation through shoulder joint	90
2.	Amputation below shoulder with stump less than 8" from tip of acromion	80
3.	Amputation from 8" from tip of acromion to less than 4½" below tip of olecranon	70
4.	Loss of a hand or of the thumb and four fingers of one hand or amputation from 4½" below tip of olecranon	60
5.	Loss of thumb	30
6.	Loss of thumb and its metacarpal bone	40
7.	Loss of four fingers of one hand	50
8.	Loss of three fingers of one hand	30
9.	Loss of two fingers of one hand	20

10.	Loss of terminal phalanx of thumb	20
AMPUTATION CASES - LOWER LIMBS		
11.	Amputation of both feet resulting in end-bearing stumps	90
12.	Amputation through both feet proximal to the metatarses - phalangeal joint	80
13.	Loss of all toes of both feet through the metatarses - phalangeal joint...	40
14.	Loss of all toes of both feet proximal to the proximal inter- phalangeal joint...	30
15.	Loss of all toes of both feet distal to the proximal inter- phalangeal joint	20
16.	Amputation at hip	90
17.	Amputation below hip with stump not exceeding 5" in length measured from tip of great trochanter	80
18.	Amputation below hip with stump exceeding 5" in length measured from tip of great trochanter but not beyond middle thigh	70
19.	Amputation below middle thigh of 3½" below knee	60
20.	Amputation below knee with stump exceeding 3½" but not exceeding 5"	50
21.	Amputation below knee with stump exceeding 5"	40
22.	Amputation of one foot resulting in end-bearing	30
23.	Amputation through one foot proximal to the metatarses - phalangeal joint	30
24.	Loss of all toes of one foot through the metatarses - phalangeal joint	20
OTHER INJURIES		
25.	Loss of one eye, without complications, the other being normal	40
26.	Loss of vision of one eye, without complications or disfigurement of eye ball, the other being normal	30
LOSS OF -		
A. FINGERS OF RIGHT OR LEFT HAND		
Index Finger		
27.	Whole	14
28.	Two phalanges	11
29.	One phalanx	9
30.	Guillotine amputation of tip without loss of bone	5
Middle Finger		
31.	Whole	12
32.	Two phalanges	9
33.	One phalanx	7
34.	Guillotine amputation of tip without loss of bone	4

	Ring or Little Finger	
35.	Whole	7
36.	Two phalanges	6
37.	One phalanx	5
38.	Guillotine amputation of tip without loss of bone	2
	B. TOES OF RIGHT OR LEFT FOOT	
	Great Toe	
39.	Through metatarso-phalangeal joint	14
40.	Part, with some loss of bone	3
	Any other Toe	
41.	Through metatarso-phalangeal joint	3
42.	Part, with some loss of bone	1
	TWO TOES OF ONE FOOT, EXCLUDING GREAT TOE	
43.	Through metatarso-phalangeal joint	5
44.	Part, with some loss of bone	2
	THREE TOES OF ONE FOOT, EXCLUDING GREAT TOE	
45.	Through metatarso-phalangeal joint	6
46.	Part, with some loss of bone	3
	FOUR TOES OF ONE FOOT, EXCLUDING GREAT TOE	
47.	Through metatarso-phalangeal joint	9
48.	Part, with some loss of bone	3

NOTE. - Complete and permanent loss of the use of any limb or member referred to in this Schedule shall be deemed to be the equivalent of the loss of that limb or member.

SCHEDULE – III

[See rule 9(2)]

Illustrative list of circumstances in which death or disability of a Government servant is to be reckoned as attributable to Government service for grant of Extraordinary Family Pension or Disability Pension under Category B, Category C and Category D

Category 'B':

Death or disability due to:

- (i) diseases given in Schedule I. The diseases, though not included in Schedule I but otherwise considered to be attributable to Government service will also be covered under Category B;
- (ii) accidents while travelling on duty in an official mode of transport or public, private or mass transportation modes, e.g. train, aircraft, ship, etc;
- (iii) accidents while working on machinery and equipment, boilers, storage tanks of inflammable materials, chemicals, etc;
- (iv) fire accidents while on duty, other than cases of death or disability of Fire Fighting Staff engaged in fire-fighting operations;
- (v) accident during the period of participation in recreation activities/ mountaineering/gliding expeditions organized or permitted by service authorities;

- (vi) electrocution while on duty, etc., other than cases occurring to personnel deployed on flood/cyclone relief activities;
- (vii) accident while proceeding from duty station to leave station or returning therefrom;
- (viii) accidents while participating in local/national/international sports tournaments as member of service teams;
- (ix) accidents while journeying by a reasonable route from one's official residence to and back from the appointed place of duty irrespective of the mode of conveyance, whether private or provided by the Government.

Category 'C':

Death or disability due to:

- (i) bomb blasts or indiscriminate shooting incidents in public places or public transport,
- (ii) act of violence or attack by fellow Government servant;
- (iii) riots or revolt by demonstrators or public servants, causing injuries to other Government servants who is employed in aid of the civil administration for quelling agitation;
- (iv) fire Fighting Operation by the Staff engaged in fire-fighting operations.
- (v) accidents during test flights of aircraft.

Category 'D': Death or disability:

- (i) as a result of attack targeted against the Government servant by terrorists, extremists, anti-social element, etc;
- (ii) during action against terrorists, extremists, anti-social element, etc;
- (iii) during enemy action in international war or border skirmishes and warlike situations;
- (iv) during operation to evacuate Indian nationals from a war-torn foreign country;
- (v) due to extremists acts while on way to an operational area;
- (vi) due to exploding of mines while on way to an operational area;
- (vii) due to attack on Government servants belonging to Income Tax and Customs & Central Excise Departments, Central Police Organisations, or any other law enforcement agency, etc. during action against tax evaders, anti-social elements, etc;
- (viii) due to acts of violence or assault by terrorists, smugglers, dacoits, anti-social elements, etc. against an individual Government servant,-
 - (a) with the intention of deterring or preventing him from performing his duties; or
 - (b) because of any act done or attempted to be done by him in the lawful discharge of his duties; or
 - (c) because of his official position.
- (ix) after kidnapping by extremists;
- (x) during training exercises with live ammunition.

SCHEDULE - IV

**GUIDELINES FOR CONCEDED ATTRIBUTABILITY OF
DISABLEMENT OR DEATH TO GOVERNMENT SERVICE**

[See rule 5 (3)]

1. In deciding on the issue of entitlement, all the evidence (both direct and circumstantial) will be taken into account and the benefit of reasonable doubt will be given to the claimant. This benefit shall be given more liberally to the claimant in field service cases.

2. The cases of death after discharge from service on invalidation are covered under sub- rule (6) of rule 4 and sub- rule (3) of rule 11.

3. Post-discharge claims. - Cases in which a disease did not actually lead to the Government servant's discharge from service but arose within seven years thereafter may be recognised as attributable to service, if it can be established medically that the disability is a delayed manifestation of a pathological process set in motion by service conditions obtaining prior to discharge and that if the disability had been manifest at the time of discharge, the individual would have been invalided out of service on this account.

4. In cases where an individual in receipt of a disability pension dies at home, and it cannot, from a strictly medical point of view, be definitely established that the death was solely due to the disablement in respect of which the disability pension was granted –

(1) the benefit of doubt in determining attributability should go to the family of the deceased, if death occurs within 7 years from the date of his invalidment from service, unless there are other factors adversely affecting the claim ; and

(2) if death takes place more than 7 years after the date of the man's invalidment from service, the benefit of doubt shall go to the State.

5. In cases where an individual outlives a normal span of life, i.e., where death takes place at the age of 60 or above, the death should be held to be due to normal causes and not to Government service.

NOTE. - Death of a disability pensioner, whose disablement has been accepted on the basis of aggravation, may also be accepted as due to Government service under rule 4(3), if the last assessment of disablement was fifty per cent or above. If the last accepted assessment of disablement was less than fifty per cent, death should not be regarded as due to service.

The above procedure will apply when death is established as due to the disability in respect of which disability pension was granted. If this is not the case, the identification of the cause of death with the invaliding disability will first be determined in accordance with the provisions of the Guidelines. If the identity can be conceded thereunder, the procedure in the preceding sub-paragraph will be followed for determining the further point whether entitlement to extraordinary family pension can be conceded in a case where on invaliding disability was aggravated by service.

6.(1)(a) Injuries sustained when a Government servant is 'on duty' will be deemed to have arisen in, or resulted from, Government service; but in cases of injuries due to serious negligence or misconduct, the question of reducing the disability pension will be considered.

(b) In cases of self-inflicted injuries while on duty, attributability shall not be conceded unless it is established that service factors were responsible for such action; in cases where attributability is conceded, the question of grant of disability pension at full or at a reduced rate shall be considered.

(2) A person subject to the disciplinary code of the Central Armed Police Battalions, is 'on duty' –

(a) When performing an official task or a task, failure to do which would constitute an offence, triable under the disciplinary code, applicable to him.

(b) When moving from one place of duty to another place of duty irrespective of the method of movement.

(c) During the period of participation in recreation, organised or permitted by service authorities, and during the period of travelling in a body or singly under organised arrangements.

(d) When proceeding from his duty station to his leave station or returning to duty from his leave station.

(e) When journeying by a reasonable route from one's official residence to and back from the appointed place of duty irrespective of the mode of conveyance, whether private or provided by the Government.

(3)(i) An accident which occurs when a Government servant is not strictly 'on duty' as defined above, may also be attributable to service, provided that it involved risk which was definitely enhanced in kind or degree by the nature, conditions, obligations or incidents of his service and that the same was not a risk common to human existence in modern conditions in India. Thus, for example, where a person is killed or injured by someone by reason of his belonging to an Armed Police Battalion (and in the course of his duty in such service, he had incurred wrath of such person) he shall be deemed to be 'on duty' at the relevant time.

(ii) The benefit under clause (i) shall be given more liberally to the claimant in cases occurring on 'active service' as defined in the relevant Acts or Rules (e.g., those applicable to personnel of Border Security Force or Central Reserve Police Force, etc.).

NOTE 1. - (a) Personnel of the Central Armed Police Battalions participating in (i) local/national/international sports tournaments as member of service teams, or (ii) mountaineering/gliding expeditions organised by the service authorities, with the approval of Government, shall be deemed to be 'on duty' for purposes of the entitlement rules of disability and family pension.

(b) The above personnel participating in the above-mentioned sports tournaments or in privately organised mountaineering expeditions or indulging in gliding as a hobby, in their individual capacity, shall not be deemed to be

'on duty' for purposes of those rules, even though prior permission of the competent service authorities may have been obtained by them.

(c) Injuries sustained by the above personnel in impromptu games and sports outside parade hours, which are organised by, or with the approval of, the local service authority, and deaths arising from such injuries shall be regarded as having occurred while 'on duty' for purposes of these rules.

NOTE 2. - The above personnel deputed for Training Courses conducted by the Himalayan Mountaineering Institute, Darjeeling, or other similar recognised institutes, shall be treated on par with personnel attending other authorised professional courses or exercises for the services for the purpose of the grant of disability/family pensions on account of disability/death sustained during the courses.

7. In respect of diseases, the following rules shall be observed, namely:-

(1) Cases, in which it is established that conditions of Government service did not determine or contribute to the onset of the disease but influenced the subsequent course of the disease, shall fall for acceptance on the basis of aggravation.

(2) A disease which has led to an individual's discharge or death shall ordinarily be deemed to have arisen in service if no note of it was made at the time of the individual's acceptance for Government service. However, if medical opinion holds, for reasons to be stated, that the disease could not have been detected on medical examination prior to acceptance for service, the disease shall not be deemed to have arisen during service.

(3) If a disease is accepted as having arisen in service, it shall be established that the conditions of Government service determined or contributed to the onset of the disease and that the conditions were due to the circumstances on duty in Government service.

(4) In considering whether a particular disease is due to Government service, it is necessary to relate the established facts, in the aetiology of the disease and of its normal development, to the effect that conditions of service, e.g., exposure, stress, climate, etc., may have had on its manifestation, alongwith the time factor as per Schedule I-A.

(a) **Common diseases known to be affected by exposure to weather.-** Diseases such as Bronchitis, Rheumatism and Nephritis - indeed most diseases of the respiratory system, joints and kidneys - are affected by climatic conditions. The period and the conditions of service at any particular place should be taken into account in determining causal connection with service.

(b) **Common diseases known to be affected by stress and strain.-**This should be decided with due reference to the nature of the duties which the individual has had to perform in Government service. It may be that in some cases the individual had been engaged on sedentary duties, when they shall normally not qualify.

(c) **Diseases endemic to certain areas.-** Diseases such as Malaria, Kalazar, Filariasis, Dysentery, Cholera, etc., are endemic in certain areas and these diseases may also be introduced by movements of infected persons and in determining causal connection with service, it shall have to be established that the conditions of Government service exposed the individual to the infections as a result of which he contracted the disease and where there is medical evidence of the contraction of the diseases either prior to entry into service, or while off duty or on leave or desertion or unauthorised absence, etc., attributability should not be accepted, unless the disease occurs within the incubation period.

(d) **Diseases due to infections in service.-**Entitlement to pension shall be admitted if the exposure to infection arose from the circumstances of the member's Government service.

(e) **Diseases known to be affected by dietary compulsions.-**The compulsions of service would also cover such cases as gastric disorders, e.g., gastritis, gastric and duodenal ulcers, where it is established that the member was unable to follow a dietary regime required for his condition. The effect of service in such cases shall be limited essentially to the question of aggravation of a pre-existing constitutional condition. This shall not normally apply to individuals in sedentary occupation.

(f) **Diseases which run their course independently of external circumstances.-**There are certain diseases which would have run the same course whether the individual had been in Government service or not, e.g., Leukaemia, Hodgkin's disease, etc. (See Part II of Schedule I-A). Such cases shall not be accepted as aggravated by service unless it is clear that owing to exigencies of service, the man did not receive treatment of a satisfactory character and standard or such treatment was so delayed, as to be less effective than it should have been.

(g) **Venereal Diseases.-**(i) Venereal disease shall normally be rejected but a sequela of the disease may sometimes be accepted as aggravated by service. In the case of such disease contracted during service, grounds for acceptance shall rarely be found unless the member after treatment had returned to full duty and had been subjected to such strain as would produce one of the after effects of the disease sooner than would have normally been the case. The strain must have been of an exceptional nature.

(ii) In the case of disease contracted before service if the member had reached an age when such a manifestation could be accepted, entitlement shall not be conceded. On the other hand, if the later manifestation had been produced or hastened by the strain of service in which case there should be evidence that the strain was of an exceptional nature, entitlement may be considered on the basis of aggravation.

(iii) In the case of disease due to heredity, entitlement must be determined as in Para. (ii) above.

(iv) The above refers only to late manifestations or sequela of venereal disease as Neuro Syphilis or Cardio-vascular syphilis.

(h) Invalidation on account of indulgence in drugs or drinks. -Entitlement shall not be conceded if the disability or death on which the claim is based, resulted from indulgence in drugs or drinks which was within one's own control.

6. Unforeseen effects of service medical treatment. -(1) If unforeseen complications arise as a result of treatment (including operative treatment) given for the purpose of rendering a member fit for service duties, any disablement resulting shall normally be accepted as attributable to service.

(2) Where the treatment is given for other reasons, the position regarding any unforeseen complications differs according as the condition which necessitated treatment was or was not, either attributable to or aggravated by service. If it was so attributable or aggravated, any disablement resulting from the treatment, it shall normally be accepted as attributable to service. If it was not, no responsibility shall be accepted for the additional disablement unless neglect, delay, faulty technique or lack of reasonable skill can be held responsible for the untoward outcome, or the exigencies of service before, during or after the treatment can be held to have caused or aggravated the condition.

(3) The above considerations apply if the treatment is given in a service hospital or under service arrangements in any other hospital but shall not apply if the treatment, is undertaken under private arrangement by an individual.

7. Assessment.-(1) The assessment of a disability is the estimate of the degree of disablement it causes, which can properly be ascribed to service as defined below.

(2) The disablement properly referable to service shall be assessed as under –

(a) At the time of discharge from the Government service normally the whole of the disablement then caused by the disability and this rules shall apply irrespective of whether the disability is actually attributable to service, or is merely aggravated thereby. In the latter event, part of the disablement on discharge may have been present before service or may have been brought about by the natural progress of the disability during service. But as it is impossible, for so long as the strain and stress of service continues, to apportion quantitatively the effects of service and non-service factors, the entire disablement at the time of discharge shall be taken into account. For example:-

(i) Where a person who had a partially disabled hand, sustains an injury to the same hand which renders it less useful than before, or a person with an impaired foot injures the other as a result of service, thus increasing his defect in locomotion ; or

(ii) Where a person gives history of cough and cold prior to enrolment and is invalided out of service for Chronic Bronchitis held to be aggravated by service, pension shall be admissible for the total disablement.

Note: The Special consideration should be given to cases to which the disablement has been or may have been worsened by the improper or excessive use of alcohol, tobacco or drugs or by venereal disease. In such cases, the effects of these shall be excluded in assessing disablement ascribable to service.

(b) On re-survey of disability after discharge from the service the whole of the disablement then caused by the disability, less the following: -

(i) The part due to non-service factors, such as individual habits, occupation in civil life, accident after discharge, climatic environment after discharge ;

(ii) Any worsening due to the natural progress of the disability since discharge apart from the effects of service.

Deduction (i) will be made in all cases; while deduction (ii) above will apply only in cases where the disability is accepted as aggravated by, but not attributable to, service.

(3) In cases accepted as aggravated by service, although a percentage of disablement, equal to more than 20 per cent, may be assessed on medical resurvey, after discharge from service, in accordance with para. (2) (b) (ii) above, disability pension will cease to be payable as soon as the effects of the aggravation by service have passed away, e.g., where a person with disease, e.g., Fibrositis, Bronchitis, Eczema, etc., held to be aggravated by service, is invalided out and on resurvey was found by the Medical Board to have been restored (a) to his pre-service condition or (b) the condition in which he may have been normally at that time even if he had not joined Government service, aggravation by service shall be deemed to have passed away.

(4) Paired organs, -

(a) Paired organs, namely, eyes, ears, arms and legs shall be considered together, where disablement due to service occurs in one of a pair of organs, assessment on discharge will be made with reference to the diminution of the functional capacity of the organs working together. Therefore, assessment will include functional defect of the pair of organs.

(b) Subject to the exceptions specified below, any subsequent increase in the non-service disablement and non-service disablement arising after discharge whether due to injury or disease will be excluded from the assessment.

(c)(i) In cases where at the time of discharge, there is damage by service to one organ (namely, one eye, ear, arm including hand) and leg (including feet) and the other is, either normal or impaired in a minor degree and where the disablement acceptable under clause (b) and the disablement of the other limb or organ are together assessable at any subsequent date at 100 percent, the assessment for pension purposes shall be increased by one half of the difference between the current assessment and 100 per cent. For instance, a pensioner receiving an award at the 40 percent rate for the loss of an eye who later loses the sight of his other eye through a non-service cause, will have his award increased to 70 percent rate; and a pensioner with an award at 80 percent for a gunshot wound of an arm, who later develops severe arthritis of his other arm, thereby being 100 % disabled, shall qualify for a revised award at 90 percent rate.

(ii) Where the combined disablement of the pair of organs is less than 100 percent, but is more than twice as serious as the disablement acceptable under clause (b), the assessment shall be increased to one half of the combined disablement. If, for example, a pensioner with an award at 30 % rate for the loss of vision of one eye partially loses the sight of the other eye through a non-service cause, and the defective vision of both eyes together is assessable at 80 %, his award will be increased to the 40 % rate.

(d) The provisions of the preceding sub-clauses shall be applicable even where the second of a pair of organs has been disabled by some generalised disability (e.g., rheumatoid arthritis) which would have also disabled the first of the pair if it had not been lost or damaged as the result of service.

(5) Composite assessments. -Where there are two or more disabilities due to service, compensation will be based on the composite assessment of the degree of disablement. Generally speaking, when separate disabilities have entirely different functional effects, the composite assessment will be the arithmetical sum of their separate assessments and where the functional effects of the disabilities overlap, the composite assessment shall be reduced in proportion to the degree of overlapping.

(6) Nil disablement.-Where, although a definite disability is or has been in evidence, the Medical Board consider that any disablement resulting therefore has ceased or has become so small as not to admit of assessable compensation, the assessment will be expressed as "nil disablement".

(7) Where the disability due to service has no connection with pre-existing disability, as for example, a person who had lost a finger prior to enlistment, loses a great toe by service, compensation will be restricted to the loss of the great toe only.

[F. No. 1/5/2020-P&PW (F)]

SANJIV NARAIN MATHUR, Addl. Secy.

FORM E-1.

[See rule 14 (3)]

Particulars to be obtained by the Head of Office from the Government Servant retiring/retired on Disability Pension

Photograph(s)

1. Detail of Government servant:

Name		Designation/ Rank/Post	
IRLA/Personal/Force/ Regiment No./Employee Code		Date of retirement	