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13/3/19

डाक विभाग/DEPARTMENT OF POSTS  
मुख्य पोस्टमास्टर जनरल का कार्यालय, पश्चिम बंगाल सर्किल  
OFFICE OF THE CHIEF POSTMASTER GENERAL, WEST BENGAL CIRCLE  
कोलकाता/KOLKATA - 700 012.

U/E.

- 1). The PMG, Kolkata Region , Kolkata-700012.
- 2). The PMG , South Bengal Region, Kolkata-700012.
- 3). The DPS , North Bengal Region, Siliguri- 734401.
- 4). The DSP, A&N Islands , Port Blair - 744101.
- 5). The PMG Sikkim Region, Gangtok-737101.
- 6). The Manager , MMS Kolkata, Kolkata-700015.
- 7). The SSRM , Airport Stg. Dn, Kolkata-700028.
- 8). The SSRM, RMS 'H' Dn. Kolkata-700004.
- 9). The SSRM, Kolkata RMS Division, Kolkata-700001.
- 10). The SSRM, RMS 'SB' Division , Howrah-711101.
- 11). The SSRM , RMS 'WB' Division , Howrah-711101.
- 12). The Supdt. of P.O.s , CSD, Kolkata-700007.
- 13). The Supdt. P.O.s, PSD, Kolkata-700002.
- 14). The Superintendent Foreign Post, Kolkata-700001.

No :- A&P/A/X-515/Rlg./Pension/F. Pension/7<sup>th</sup> CPC

Dated at Kol-12, the 11.03.2019.

**Sub :- Grant of Invalid Pension under Rule 38 of the Central Civil Services (Pension) Rules,1972- Clarification regarding.**

A copy of the Directorate's letter no. 4-1(4)/2019-Pension dtd. 22.02.2019, Govt. of India, Ministry of Communications, Department of Posts, Dak Bhawan, Sansad Marg, New Delhi-110001 alongwith a copy of OM. No. 21/01/2016-P&PW (F) dtd.12.02.2019, on the above mentioned subject is forwarded herewith for implementation of the above Directorate's order and to be directed the Division/ Units Head under your control for implementation of the instant case as early as possible.

Enclosure :- As stated above.



सहायक निदेशक डाक सेव(लेखा)

Assistant Director of Postal Services(A/Cs)

मुख्य पोस्टमास्टर जनरल का कार्यालय

O/o the Chief Postmaster General

पश्चिम बंगाल सर्किल/West Bengal Circle.

P.T.O.....



Copy to :-


U/E. 1). The DA(P), West Bengal Circle, Yogayog Bhawan, Kolkata-700012 for information.

U/E. 2). The ADPS (TO) , O/o the Chief Postmaster General , W.B.Circle, Kolkata-700012 for up-loading in W.B.Circle Website positively.

U/E. 3). The General Secretary , Co-Ordination Committee of Central Govt. Pensioners Associations, West Bengal Circle, K.G.Bose Bhawan, 68/B, Malanga Lane, Kolkata-700012 for information .

U/E.4). The Secretary , Postal Pensioners Welfare Association , W.B.Circle, C/o Rajat S.Das, Bidhanpally , P.O. Madhyamgram , Kolkata-700129 for information.

Enclosure :- As above .



(J. Barua)

सहायक निदेशक डाक सेव(लेखा)

Assistant Director of Postal Services(A/Cs)

मुख्य पोस्टमास्टर जनरल का कार्यालय

O/o the Chief Postmaster General

पश्चिम बंगाल सर्किल/West Bengal Circle.



5/29

No. 4-1 (4) / 2019 - Pension  
Government of India  
Ministry of Communications  
Department of Posts

Dak Bhavan, Sansad Marg  
New Delhi -110001  
Dated : 29-02-2019

To

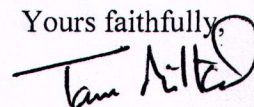
All Heads of Postal Circles  
Heads of all Regional offices  
All Directors/Dy. Directors of Accounts (P)  
Director, Postal Staff College, Ghaziabad, India,  
Heads of all other administrative offices.

Subject: **Grant of Invalid Pension under Rule 38 of the Central Civil Services (Pension) Rules, 1972 – Clarification regarding.**

Sir/Madam,

I am directed to forward herewith a copy of Office Memorandum of Ministry of Personnel, PG and Pensions (Department of Pension and Pensioners' Welfare) No. 21/01/2016-P&PW (F) dated 12-02-2019 regarding the above mentioned subject for information and necessary compliance.

Yours faithfully,



(Tarun Mittal)

Asstt. Director General (Pen)

**Encls.: As above (7 Pages)**

Copy along with enclosures to:-

1. All Audit Officers, P&T All recognized unions/associations.
2. Secretary, Staff Side, office council (JCM).
3. Chief General Manager, PLI Chanakyapuri, New Delhi.
4. Chief General Manager, BD Directorate, Dak Bhavan, Delhi.
5. DDG (PAF), Department of Posts, Dak Bhawan, New Delhi.
6. Director Foreign Post, Mumbai/New Delhi/Calcutta/Chennai.
7. Sr. AO Audit, P&T, Delhi-110054.
8. SPBI/SPBII/PE-I/PE-II/SPG/PAP/Admn/PEA/FA-I/FAII/SB/C&A Sections.
9. P&T Admn Cell, APS, Kampete, C/o 56 APO.
10. File No. 4-1(4) /2019 – Pension
11. Director, CEPT, Mysore for uploading on the India Post Website.



No. 21/01/2016-P&PW(F)  
Government of India  
Ministry of Personnel, Public Grievances & Pensions  
(Department of Pension & Pensioners' Welfare)

New Delhi, the 12<sup>th</sup> February, 2019

**OFFICE MEMORANDUM**

**Sub :- Grant of Invalid Pension under Rule 38 of the Central Civil Services (Pension) Rules, 1972 – Clarification regarding**

The undersigned is directed to say that Rule 38 and Rule 49 of the Central Civil Services (Pension) Rules, 1972 have been amended vide Notification No. 21/1/2016-P&PW(F) dated 4th January, 2019 (copy enclosed). The proviso to the amended Rule 38 of the CCS(Pension) Rules provides that a Government servant, who retires from service on account of any bodily or mental infirmity which permanently incapacitates him for the service before completing qualifying service of ten years, may also be granted invalid pension in accordance with sub-rule (2) of rule 49, subject to the conditions that the Government servant:

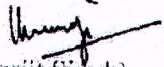
- (a) was examined by the appropriate medical authority either before his appointment or after his appointment to the service or post and was declared fit by that authority for Government service, and
- (b) fulfils all other conditions mentioned in this rule for grant of invalid pension.

2. In this connection, it is clarified that the condition of qualifying service of ten years for grant of pension under Rule 49(2) of the CCS (Pension) Rules, 1972 shall not be applicable in the case of a Government servant retiring on Invalid Pension on account of any bodily or mental infirmity, under Rule 38. Accordingly, Invalid Pension at the rate of 50% of emoluments or average emoluments, whichever is more beneficial, subject to a minimum of nine thousand rupees per mensem and maximum of one lakh twenty five thousand rupees per mensem, shall be payable to a Government servant who retires under Rule 38 of CCS (Pension) Rules, 1972 even before completing a qualifying service of ten years.



3. All Ministries/Departments are requested that the above clarification may be brought to the notice of Heads of Department, Attached and Subordinate Offices, Controllers of Accounts, Pay & Accounts Offices, etc. under them.

4. Hindi version will follow.

  
(Harjit Singh)  
Director

To

All Ministries/Departments of the Government of India

Copy to : Technical Director, NIC, Department of Pension & PW with the request that the above OM may be uploaded on the website of the Department.





# भारत का राजपत्र The Gazette of India

असाधारण  
EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (i)  
PART II—Section 3—Sub-section (i)

प्राधिकार से प्रकाशित  
PUBLISHED BY AUTHORITY

सं. 12]	नई दिल्ली, सोमवार, जनवरी 7, 2019/पौष 17, 1940
No. 12]	NEW DELHI, MONDAY, JANUARY 7, 2019/PAUSHA 17, 1940

कार्मिक, लोक शिकायत और पेंशन मंत्रालय  
(पेंशन और पेंशनर कल्याण विभाग)  
अधिसूचना

नई दिल्ली, 4 जनवरी, 2019

सा.का.नि. 12(अ)—राष्ट्रपति, संविधान के अनुच्छेद 148 के खंड (5) के साथ पठित अनुच्छेद 309 के परन्तुक द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए और भारतीय संपरीक्षा और लेखा विभाग में कार्यरत व्यक्तियों के संबंध में भारत के नियंत्रक-महालेखा परीक्षक से परामर्श करने के पश्चात्, केन्द्रीय सिविल सेवा (पेंशन) नियम, 1972 का और संशोधन करने के लिए निम्नलिखित नियम बनाते हैं, अर्थात् :-

1. संक्षिप्त नाम और प्रारंभ:-

- (1) इन नियमों का संक्षिप्त नाम केन्द्रीय सिविल सेवा (पेंशन) संशोधन नियम, 2018 है।
- (2) ये राजपत्र में उनके प्रकाशन की तारीख से प्रवृत्त होंगे।

2. केन्द्रीय सिविल सेवा (पेंशन) नियम, 1972 में,-

(i) नियम 38 के उपनियम (1) और उपनियम (2) के स्थान पर क्रमशः निम्नलिखित उपनियम रखे जाएंगे, अर्थात् :-

"(1) दिव्यांगता अर्जित करने वाले किसी सरकारी सेवक के मामले में अहां दिव्यांगजन अधिकार अधिनियम, 2016 (2016 का 49) की धारा 20 के उपबंध लागू होते हैं, उक्त धारा के उपबंधों द्वारा शासित होगा:

परंतु ऐसा कर्मचारी दिव्यांगजन अधिकार नियम, 2017 के अधीन यथाविहित सक्षम प्राधिकारी से प्राप्त दिव्यांगता प्रमाणपत्र प्रस्तुत करेगा।

(2) उस मामले में जहां दिव्यांगजन अधिकार अधिनियम, 2016 (2016 का 49) की धारा 20 के उपबंध लागू नहीं होते हैं, वहां यदि सरकारी सेवक किसी शारीरिक या मानसिक अशक्तता के कारण, जो उसे सेवा से स्थायी रूप से असमर्थ कर देती है, सेवानिवृत्त हो जाता है तो उसे नियम 49 के अनुसार अशक्त पेंशन दी जा सकेगी:



परंतु यदि कोई सरकारी सेवक किसी शारीरिक या मानसिक दुर्बलता के कारण, जो उसे अपनी दस वर्ष अर्हक सेवा पूर्ण करने से पहले सेवा से स्थायी रूप से अलग कर देती है, उसे भी निम्नलिखित शर्तों के अधीन रहते हुए नियम 49 के उपनियम (2) के अनुसार अशक्त पेंशन दी जा सकेगी-

- (क) समुचित चिकित्सा प्राधिकारी द्वारा या तो सरकारी सेवा में उसकी नियुक्ति से पूर्व अथवा उसकी नियुक्ति के पश्चात् उसकी परीक्षा की गई और उसे सरकारी सेवा के लिए ऐसे चिकित्सा प्राधिकारी द्वारा योग्य घोषित किया गया हो; और
- (ख) अशक्त पेंशन दिए जाने के लिए इस नियम में वर्णित अन्य सभी शर्तों को पूर्ण करता हो।";

(ii) नियम 49 के उपनियम (2) के स्थान पर निम्नलिखित उपनियम रखा जाएगा, अर्थात्:-

"(2) नियम 38 के उपनियम (2) के परंतुक के अधीन रहते हुए, दस वर्ष से अल्पतरु अर्हक सेवा पूर्ण करने के पश्चात् इन नियमों के उपबंधों के अनुसार सेवानिवृत्त होने वाले सरकारी सेवक के मामले में, न्यूनतम नौ हजार रुपये प्रतिमास तथा अधिकतम एक लाख पच्चीस हजार रुपये प्रतिमास के अधीन रहते हुए, पेंशन की रकम परिलब्धियों या औसत परिलब्धियों के पञ्चम प्रतिशत पर संगणित की जाएगी, जो भी उसके लिए अधिक लाभदायक हो।"

[फा.सं.21/1/2016-पीएंडपीडब्ल्यू(एफ)]

संजीव नारायण माथुर, संयुक्त सचिव

टिप्पण: मूल नियम भाग के राजपत्र भाग 2, खंड 3, उपखंड (I) में संख्यांक का.आ. 934, तारीख 1 अप्रैल, 1972 द्वारा प्रकाशित किए गए थे और इन नियमों का चतुर्थ संस्करण जुलाई, 1988 तक संशोधित करके वर्ष 1988 में प्रकाशित किया गया था। उक्त नियमों का पञ्चावर्ती संशोधन निम्नलिखित अधिसूचनाओं द्वारा किया गया, अर्थात्:-

1. का.आ. 254, तारीख 4 फरवरी, 1989 ;
2. का.आ. 970, तारीख 6 मई, 1989 ;
3. का.आ. 2467, तारीख 7 अक्टूबर, 1989 ;
4. का.आ. 899, तारीख 14 अप्रैल, 1990 ;
5. का.आ. 1454, तारीख 26 मई, 1990 ;
6. का.आ. 2329, तारीख 8 सितंबर, 1990 ;
7. का.आ. 3269, तारीख 8 दिसंबर, 1990 ;
8. का.आ. 3270, तारीख 8 दिसंबर, 1990 ;
9. का.आ. 3273, तारीख 8 दिसंबर, 1990 ;
10. का.आ. 409, तारीख 9 फरवरी, 1991 ;
11. का.आ. 464, तारीख 16 फरवरी, 1991 ;
12. का.आ. 2287, तारीख 7 सितंबर, 1991 ;
13. का.आ. 2740, तारीख 2 नवंबर, 1991 ;
14. सा.का.नि. 677, तारीख 7 दिसंबर, 1991 ;
15. सा.का.नि. 39, तारीख 1 फरवरी, 1992 ;
16. सा.का.नि. 55, तारीख 15 फरवरी, 1992 ;
17. सा.का.नि. 570, तारीख 19 दिसंबर, 1992 ;
18. का.आ. 258, तारीख 13 फरवरी, 1993 ;
19. का.आ. 1673, तारीख 7 अगस्त, 1993 ;
20. सा.का.नि. 449, तारीख 11 सितंबर, 1993 ;
21. का.आ. 1984, तारीख 25 सितंबर, 1993 ;
22. सा.का.नि. 389(अ), तारीख 18 अप्रैल, 1994 ;



23. का.आ. 1775, तारीख 19 जुलाई, 1997 ;
24. का.आ. 259, तारीख 30 जनवरी, 1999 ;
25. का.आ. 904, तारीख 30 सितंबर, 2000 ;
26. का.आ. 717(अ), तारीख 27 जुलाई, 2001 ;
27. सा.का.नि. 75(अ), तारीख 1 फरवरी, 2001 ;
28. का.आ. 4000, तारीख 28 दिसंबर, 2002 ;
29. का.आ. 860(अ), तारीख 28 जुलाई, 2003 ;
30. का.आ. 1483(अ), तारीख 30 दिसंबर, 2003 ;
31. का.आ. 1487(अ), तारीख 14 अक्तूबर, 2005 ;
32. सा.का.नि. 723(अ), तारीख 23 नवंबर, 2006 ;
33. का.आ. 1821(अ), तारीख 25 अक्तूबर, 2007 ;
34. सा.का.नि. 258(अ), तारीख 31 मार्च, 2008 ;
35. का.आ. 1028(अ), तारीख 25 अप्रैल, 2008 ;
36. का.आ. 829(अ), तारीख 12 अप्रैल, 2010 ;
37. सा.का.नि. 176, तारीख 11 जून, 2011 ;
38. सा.का.नि. 928(अ), तारीख 26 दिसंबर, 2012 ;
39. सा.का.नि. 938(अ), तारीख 27 सितंबर, 2012 ;
40. सा.का.नि. 103(अ), तारीख 21 फरवरी, 2014 ;
41. सा.का.नि. 138(अ), तारीख 3 मार्च, 2014 ;
42. सा.का.नि. 233(अ), तारीख 28 मार्च, 2014 ;
43. सा.का.नि. 628(अ), तारीख 1 सितंबर, 2014 ;
44. सा.का.नि. 232(अ), तारीख 30 मार्च, 2015 ; और
45. सा.का.नि. 962(अ), तारीख 30 सितंबर, 2016 ।

#### MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS

(Department of Pension and Pensioners' Welfare)

#### NOTIFICATION

New Delhi, the 4th January, 2019

**G.S.R. 12 (E).**—In exercise of the powers conferred by the proviso to article 309 read with clause (5) of article 148 of the Constitution and after consultation with the Comptroller and Auditor-General of India in relation to persons serving in the Indian Audit and Accounts Department, the President hereby makes the following rules further to amend the Central Civil Services (Pension) Rules, 1972, namely:-

#### 1. Short Title and Commencement:-

(1) These rules may be called the Central Civil Services (Pension) Amendment Rules, 2018.

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

#### 2. In the Central Civil Services (Pension) Rules, 1972 -

(i) in rule 38, for sub-rule (1) and sub-rule (2), the following sub-rules shall respectively be substituted, namely :-

"(1) The case of a Government servant acquiring a disability, where the provisions of section 20 of the Rights of Persons with Disabilities Act, 2016 (49 of 2016) are applicable, shall be governed by the provisions of the said section:

Provided that such employee shall produce a disability certificate from the competent authority as prescribed under the Rights of Persons with Disabilities Rules, 2017.



(2) If a Government servant, in a case where the provisions of section 20 of the Rights of Persons with Disabilities Act, 2016 (49 of 2016) are not applicable, retires from the service on account of any bodily or mental infirmity which permanently incapacitates him for the service, he may be granted invalid pension in accordance with rule 49:

Provided that a Government servant, who retires from service on account of any bodily or mental infirmity which permanently incapacitates him for the service before completing qualifying service of ten years, may also be granted invalid pension in accordance with sub-rule (2) of rule 49 subject to the conditions that the Government servant-

(a) *has been examined by the appropriate medical authority either before his appointment or after his appointment to the Government service and declared fit by such medical authority for Government service; and*

(b) *fulfils all other conditions mentioned in this rule for grant of invalid pension."*

(ii) in rule 49, for sub-rule (2), the following sub-rule shall be substituted, namely: -

"(2) Subject to the proviso to sub-rule (2) of rule 38, in the case of a Government servant retiring in accordance with the provisions of these rules after completing qualifying service of not less than ten years, the amount of pension shall be calculated at fifty per cent of emoluments or average emoluments, whichever is more beneficial to him, subject to a minimum of nine thousand rupees per mensem and maximum of one lakh twenty five thousand rupees per mensem."

[F.No. 21/1/ 2016-P&PW (F)]  
SANJIV NARAIN MATHUR, Jt. Secy.

Note:- The principal rules were published in the Gazette of India, Part II, Section 3, Sub-section (i) vide number S.O.934, dated the 1<sup>st</sup> April, 1972 and the Fourth Edition of the rules corrected up to July, 1988 was published in the year of 1988. The said rules were subsequently amended vide the following notifications, namely:-

1. S.O.254, dated the 4th February, 1989;
2. S.O.970, dated the 6th May, 1989;
3. S.O.2467, dated the 7th October, 1989
4. S.O.899, dated the 14th April, 1990
5. S.O.1454, dated the 26th May, 1990
6. S.O.2329, dated the 8th September, 1990;
7. S.O.3269, dated the 8th December, 1990
8. S.O.3270, dated the 8th December, 1990
9. S.O.3273, dated the 8th December, 1990
10. S.O.409, dated the 9th February, 1991
11. S.O.464, dated the 16th February, 1991
12. S.O.2287, dated the 7th September, 1991;
13. S.O.2740, dated the 2nd November, 1991
14. G.S.R. 677, dated the 7th December, 1991
15. G.S.R. 39, dated the 1st February, 1992
16. G.S.R. 55, dated the 15th February, 1992
17. G.S.R. 570, dated the 19th December, 1992;
18. S.O.258, dated the 13th February, 1993
19. S.O.1673, dated the 7th August, 1993
20. G.S.R. 449, dated the 11th September, 1993
21. S.O.1984, dated the 25th September, 1993
22. G.S.R. 389(E), dated the 18th April, 1994
23. S.O.1775, dated the 19th July, 1997
24. S.O.259, dated the 30th January, 1999
25. S.O.904(E), dated the 30th September, 2000;
26. S.O.717(E), dated the 27th July, 2001
27. G.S.R. 75(E), dated the 1st February, 2002
28. S.O.4000, dated the 28th December, 2002
29. S.O. 860(E), dated the 28th July, 2003
30. S.O. 1483 (E), dated the 30th December, 2003.
31. S.O. 1487 (E), dated the 14th October, 2005
32. G.S.R. 723(E), dated the 23rd November, 2006;
33. S.O. 1821 (E), dated the 25th October, 2007



34. G.S.R. 258 (E), dated the 31st March, 2008
35. S.O. 1028 (E), dated the 25th April, 2008
36. S.O. 829(E), dated the 12th April, 2010
37. G.S.R. 176, dated the 11th June, 2011
38. G.S.R. 928 (E), dated the 26<sup>th</sup> December, 2012;
39. G.S.R. 938 (E), dated the 27<sup>th</sup> December, 2012
40. G.S.R. 103 (E), dated the 21<sup>st</sup> February, 2014
41. G.S.R. 138 (E), dated the 3<sup>rd</sup> March, 2014
42. G.S.R. 233 (E), dated the 28<sup>th</sup> March, 2014;
43. G.S.R. 628(E), dated the 1<sup>st</sup> September, 2014
44. G.S.R. 232(E) dated the 30<sup>th</sup> March, 2015; and
45. G.S.R. 962(E) dated the 30<sup>th</sup> September, 2016.