Government of India

Ministry of Personnel, P.G. & Pensions

(New Delhi, the 31st July, 1986)

OFFICE MEMORANDUM

Subject: Fixation of pay of re-employed pensioners.

At present the orders relating to fixation of pay of reemployed pensioners are scattered in a number of office memoranda issued from time to time. The question of consolidation of the existing orders in a simple body of orders and the rationalization and simplification of the procedure governing the initial fixation of pay has been under consideration of the Government from time to time. The President is now pleased to decide that in supersession of all the previous orders on the subject, the initial fixation of pay and other benefits on reemployment of ex-service men pensioners as also civilian pensioners will be governed by the Central Civil Services (Fixation of pay of Reemployed Pensioners): Orders, 1986 as detailed in the Annexure. With reference to all the appointments made on or after the 1st July, 1986 the pay of the reemployed pensioners may be fixed as per the enclosed orders.

2. In their application to the employees serving in the Indian Audit and Accounts Department these orders issue in consultation with the Comptroller and Auditor General of India.

(S.S.Rav)
Director (P&A)
No. 3/1/85-Esti.(P.II)  
New Delhi, the 31st July, 1986

To
All Ministries/Departments under the Govt. of India etc. etc.

Copy to:-

2. Union Public Service Commission, New Delhi.
6. Shri D.D. Bhagwala, Senior Personnel and Executive Officer, 
   LOK Sabha Secrett., New Delhi.
7. Supreme Court of India, New Delhi.
8. All State Govts. ... and Union Territory Admns.
10. Ministry of Finance (Defence Division).
11. Shri Mohinder Singh, Dy. Secretary (AG), Min. of Defence N. Delhi.
12. Railway Board, New Delhi.
13. Secretary, Staff Side, National Council, 9 Ashoka Rd., N. Delhi.
14. Indian Red Cross Society, l-Red Cross Road, New Delhi.
15. All Members of the Staff Side of the National Council of JCM.
16. All India Services Division, DP&T, New Delhi.
17. Controller General of Accounts, Min. of Finance.
19. All Officers/Sections in the Dept. of Personnel&Trg.
20. All Controllers of Accounts/Pay & Accounts Officers of all 
    Ministries/Departments.
21. All Attached and Subordinate Offices of the Dept. of Pers.&Trg.
22. FA, Home, CPAS/PAS of Home Minister and MS(P).
23. Director, L.B.S. National Academy of Admn, Mussoorie.

Spare copies 300.

(S.S. Rav)
Director(P&A)
1. **SHORT TITLE AND COMMENCEMENT**

(1) These orders may be called the Central Civil Services (Fixation of Pay of Reemployed Pensioners) Orders, 1986.

(2) They shall come into force on .................

2. **APPLICATION**

(1) Save as otherwise provided in these orders, these orders shall apply to all persons who are reemployed in Civil Services and posts in connection with the affairs of the Union Government after retirement on pension, gratuity, and/or Contributory Provident Fund benefits from the services of:

(a) Union Government including Railways, Defence and posts and Telegraphers;

(b) State Governments and Union Territory Administrations and;

(c) Public Sector Undertakings, Local Bodies, Autonomous Bodies like Universities or Semi-Government Organizations like Posts and Telegraphers.

(2) These orders shall also apply to persons reemployed in regular work charged capacity:

(3) Unless otherwise provided, these orders shall also apply to persons reemployed on contract basis.

(4) These orders shall not, however, apply to:

(a) Persons reemployed after resignation, removal or dismissal, provided they have not received any retirement terminal benefits for the pre-employed services;

(b) Persons reemployed in posts, the expenditure of which is not debitable to the Civil estimates of the Union Government;

(c) Persons paid from contingencies;

(d) Persons on casual or daily rated or part time employment;

(e) Persons appointed as Consultants on payment of Consolidated fees; and...
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(e) Persons appointed as Consultants on payment of Consolidated fees; and

...3....
(f) Retired Judges of Supreme Court/High Courts appointed on Commissions/Committees who are governed by separate orders on the subject issued from time to time.

3. DEFINITIONS

In these orders, unless the context otherwise require;

(1) Pension means the gross monthly pension and/or pension equivalent of Death-cum-retirement gratuity and/or pension equivalent of gratuity or Government's contribution to Contributory Provident Fund and/or other retirement benefits, if any, payable under the Central Civil Services Pension Rules, 1972, or the relevant rules of the Government or body under which the re-employed pensioner is serving prior to his retirement. Where pension has been commuted partly or fully, pension means the gross pension payable prior to commutation.

(2) Pre-Retirement Pay means the substantive pay last drawn before retirement. However,

1) pay drawn in an officiating appointment may be taken into account if the officer had officiated continuously for at least ten months in the appointment on the date of retirement on he had been appointed to that post on a regular basis in accordance with the prescribed recruitment rules.

(i) Special pay granted in terms of FR 9(25) shall also be taken into account for determining preretirement pay. Such special pay, like officiating pay shall, however, be taken into account towards the pre-retirement pay only if it has been drawn for at least two months before retirement. Pay drawn for holding more than one charge under FR 49 will not be taken into account in determining preretirement pay.

(iii) Such portion of deputation allowance, if any, drawn continuously for at least ten months before retirement, as has been taken into account for pension purposes, shall also be taken into account for determining the last pay drawn before retirement.

(iv) The pay drawn in a tenure post may also be treated as pay last drawn before retirement provided that it was drawn continuously for ten months immediately before retirement.

(v) Personal pay granted for loss of substantive pay or allowed as a special increment for promoting small family norms shall be taken into account in fixing pre-retirement pay irrespective of whether it is drawn for ten months or not as it stands on the same footing as substantive pay. Other types of personal pay shall, however, be
accorded the same treatment as officiating pay and taken into account only if the same had been drawn for ten months or more.

(vi) The periods of leave preparatory to retirement and foreign service during the last ten months before retirement may be included in the ten months for the purpose of computing pre-retirement pay, if it is certified by the competent authority that the officer would have officiated in the post but for his being on RN or foreign service.

(vii) An increment accruing in the substantive appointment during earned leave up to 120 days or the first four months of leave on average pay taken as leave preparatory to retirement shall be taken into account for determining the pre-retirement pay. If the officer was holding at the time of retirement a post in an officiating capacity the increment in respect of that post may be taken into account only if the competent authority certifies that the officer would have held the officiating appointment but for proceeding on leave preparatory to retirement. Promotion to any higher post which the officer would have got but for going on leave will not be taken into account.

(viii) In the case of an officer who retires while on foreign service, the pay that he would have drawn in his parent cadre but for going on foreign service shall be taken as pre-retirement pay. Regard will also be given to the promotions which the officer would have received in his parent service or cadre as provided for in Para 113, provided that he would have officiated for ten months or more.

(ix) In the case of retired Defence Services Personnel of the rank of JCO, NCO, or OR in the Army and corresponding ranks in the Navy or Air Force, the items of emoluments mentioned below shall constitute pre-retirement pay.

**ARMY (JCO, NCO, OR)**

<table>
<thead>
<tr>
<th>OLD PAY CODE</th>
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<tbody>
<tr>
<td>Basic pay</td>
</tr>
<tr>
<td>Grade/trade/technical/ and rank corps pay</td>
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<tr>
<td>Good Service/Good conduct pay</td>
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<tr>
<td>Proficiency pay/ Special Proficiency pay</td>
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<tr>
<td>War Service increments</td>
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<table>
<thead>
<tr>
<th>NEW PAY CODE</th>
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</thead>
<tbody>
<tr>
<td>Pay (including deferred pay) and rank pay</td>
</tr>
<tr>
<td>Increments of pay for length of service</td>
</tr>
<tr>
<td>Good service pay</td>
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<tr>
<td>Classification pay</td>
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...S...
Defered pay.

Personal Allowance
(Rtd/Sub. Major),

Extra Duty pay.

NAVY

Basic Pay,
Non-Substantive Pay

War Service Increments
Good -
Deferred Pay

Air Force

Basic Pay
Good Service/Good
Conduct Pay.

Air Proficiency pay/badge pay
War Service Increments
Deferred pay

Pay (including deferred pay)
Good Conduct Pay.

Higher P. II-Qualification Pay
Classification Pay.

Pay (including deferred pay)

(a) In case of persons who retired before 1.1.1973 and were reemployed after 1.1.1973, the pre-retirement pay will be taken to be basic pay plus dearness pay plus dearness allowance and interim relief drawn at the time of retirement.

(b) In the case of persons who retired after 1.1.1973 on the pre-revised scale of pay, the pre-retirement pay will be taken to be the basic pay plus dearness allowance and interim relief drawn at the rates in force on 31.12.1972.

MEDICAL OFFICERS

In the case of those Medical Officers who were in receipt of Non-Practicing Allowance in their last employment, the allowance so drawn will be taken into account for determining the last pay drawn for purpose of fixation of pay in the reemployed post, if such an allowance is admissible in the reemployed post also. The allowance shall not be taken into account for such purposes where it is not admissible in the reemployed post. Where, however no Non-Practicing Allowance was admissible in the last employment but it is attached to the civil post in which the pensioner is reemployed, such an allowance shall be drawn separately after fixation of pay on reemployment.

FIXATION OF PAY OF REEMPLOYED MEDICAL OFFICERS.
Reemployed pensioners shall be allowed to drawn pay only in prescribed scales of pay for the posts in which they are reemployed. No protection of the scales of pay of the post held by them prior to retirement shall be given.

(b) In all cases where the pension is fully ignored, the initial pay on reemployment shall be fixed at the minimum of the scale of pay of the reemployed post.

(ii) In cases where the entire pension and pensionary benefits are not ignored for pay fixation, the initial pay on reemployment shall be fixed at the same stage as the last pay drawn before retirement. If there is no such stage in the reemployed post, the pay shall be fixed at the stage below that pay. If the maximum of the pay scale in which a pensioner is reemployed is less than the last pay drawn by him before retirement, his initial pay shall be fixed at the maximum of the scale of the reemployed post. Similarly, if the minimum of the scale of the pay in which a pensioner is reemployed is more than the last pay drawn by him before retirement, his initial pay shall be fixed at the minimum if the scale of pay of the reemployed post.

However, in all these cases, non-ignorable part of the pension and pension equivalent of retirement benefits shall be reduced from the pay so fixed.

(c) The reemployed pensioner will in addition to pay as fixed under para (b) above shall be permitted to draw separately any pension sanctioned to him and to retain any other form of retirement benefits.

(d) In the case of persons retiring before attaining the age of 55 years and who are reemployed, pension (including pension equivalent of gratuity and other forms of retirement benefits) shall be ignored for initial pay fixation to the following extent:

(i) In the case of ex-servicemen who held posts below commissioned officer rank in the Defence Forces and in the case of Civilians who held posts below Group 'A' posts at the time of their retirement, the entire pension and pension equivalent of retirement benefits shall be ignored.

(ii) In the case of service officers belonging to the Defence Forces and Civilian Pensioners who held Group 'A' posts at the time of their retirement, the first Rs. 500/- of the pension and pension equivalent of retirement benefits shall be ignored.
5. **DRAWAL OF INCREMENTS:**

Once the initial pay of a reemployed pensioner has been fixed in the manner indicated above, he may be allowed to draw normal increments in the time scale of the post to which he is appointed as if the pay had been fixed at the minimum or the higher stage as the case may be (i.e., before an adjustment on account of pension and pension equivalent of other forms of retirement benefits is made) provided that the pay and gross pension/pension equivalent of other retirement benefits taken together do not at any time exceed Rs. 3,500/- per month.

6. **Personal retiring on Invalid or Compensation Pension:**

Persons who are reemployed after obtaining compensation or invalid pension will also be governed by these orders subject to the condition that if the reemployment is in qualifying service, they may either retain their pension, in which cases their former service will not count for future pension, or cease to draw any part of their pension and count their previous service, pension immediately drawn need not be refunded. In case the pensioners elect to count their previous service for pension by foregoing their entire pension including death-cum-retirement gratuity, their pay would be fixed by treating them as if they are not in receipt of any pension. The special provision contained in this order regarding grant of Contributory Provident Fund benefits during the period of reemployment and the grant, on terminations of the period of reemployment, of the unutilized portion of the refused leave in respect of previous service shall not be extended to them.

7. **MILITARY RESERVISTS:**

Military reservists who continue to serve in the same civil post in which they were employed during reserve period, shall continue to draw the same rate of pay which they were drawing on the date of transfer to military pension establishment in addition to pension provided the pension is not more than Rs.50 per month.

8. **Emergency Commissioned Officers and Short Service Commissioned Officers:**

Emergency Commissioned Officers and Short Service Commissioned Officers who joined pre-commissioned training or were commissioned after 10.1.1963 may, on their appointment in Government service to unreserved vacancies, may be granted advance increments equal to the completed years of service rendered by them in Armed Forces on a basic pay (inclusive of deferred pay but excluding other emoluments) equal to or higher than the minimum of the scale attached to the civil post in which they are employed. The pay so arrived at should not, however, exceed the basic pay including the deferred pay but excluding other emoluments last drawn by them in the Armed Forces.
9. **PROMOTION/TRANSFER:**

On regular promotion/transfer to another post, pay of the reemployed pensioner shall be fixed under the provisions of Fundamental Rules with reference to the pay in the previous reemployment post (before adjustment). Adjustment from the pay so fixed, on account of pension and pension equivalent of retirement benefits shall be continued to be made to the same extent as was being made earlier. This will, however, remain subject to the condition that the pay plus pension and pension equivalent of gratuity/other forms of retirement benefits shall not exceed Rs. 3,500/- per month at any time.

10. **PROVISIONAL PAY:**

(i) Where delays are likely to occur in determining the pension and other pensionary benefits, the reemployed officers pending final fixation of pay, might be paid their pay on provisional basis for a maximum period of six months after taking into account the maximum pension and gratuity that might be admissible to them on the basis of last pay drawn by them. The sanctioning authorities shall be responsible for ensuring that the provisional pay authorised is not likely to exceed the correct pay that may become admissible for the purpose of calculating the pension equivalent of the gratuity, the Table as prescribed in the Central Civil Services (Communication of Pension Rules, 1981) from time to time, shall be followed. An undertaking for refunding any amount that might be overpaid as a result of provisional fixation of pay shall be obtained from the reemployed pensioners.

(ii)(a) In cases where considered desirable, a reemployed person may be paid the full pay of the post on provisional basis which would be inclusive of his pension but would exclude an approximate amount of pension equivalent of gratuity/pension equivalent of employer's portion of Contributory Provident Fund, as the case may be provided he executes an agreement in the appropriate form (vide Annexure I). He shall also be required to furnish acquittance in the prescribed form (vide Annexure II) indicating receipt of his pay including pension. The acquittance shall be obtained from the reemployed person concerned along with the pay bill every month he is paid provisionally.

(b) When the pension and other retirement benefits are ultimately sanctioned to the reemployed person by the competent authority the pay shall be fixed after taking into account the pension and pension equivalent of the other forms of retirement benefits in accordance with the................
provisions contained in these orders and he shall have no fresh
claims for pensionary benefits in respect of the past periods
during which he drew the same along with the provisional pay. The
actual amount of pension equivalent of gratuity/employer's
portion of CPF will be adjusted against the gratuity/CPF
to the extent it is different from the approximate amount
deducted from the pay of the post provisionally paid.

(iii) the orders contained in (ii) above shall apply to cases of civil
retired Central Government employees reemployed in Central
Civil Department and shall not apply to cases of any other
categories of retired persons (such as retired persons of
Defence Deptt., Railway Deptt., and State Governments) on their
reemployment under Central Government.

11. ALLOWANCES:

The drawal of various allowances and other benefits based
on pay shall be regulated with reference to the pay that is fixed
on reemployment. Pay for these allowances and benefits will be the
pay fixed before deducting the non-ignorable part of the pension and
pension equivalent of the other retirement benefits.

12. CONTRIBUTORY PROVIDENT FUND:

Reemployed officers might be permitted to contribute to the
Contribution Provident Fund, provided that where the term of
reemployment is initially for a year or less but is later extended so
as to exceed one year, the Government's contribution with interest
shall be credited only after the completion of one year's
reemployment service. The Government contribution with interest shall
be payable for the entire period for which the reemployed officer
is allowed to contribute to the CPF if such period exceeds one-year.

13. LEAVE AND LEAVE SALARY:

In the case of persons reemployed after retirement, the provis-
contained in the Central Civil Service Leave Rules, 1972 shall appl.

14. GRATUITY/DEATH-CUM-RETIREMENT GRATUITY:

Reemployed officers shall not be eligible for any gratuity/death-cum-gratuity for the period of reemployment except in those
cases covered on Rules 18 and 19 of the Central Civil Services
(Pension) Rules, 1972, and corresponding Rules of the Defence Servic
regulations.

15. RETRENCHED EMPLOYEES:

In the case of ex-servicemen as well as civilians who are
retrenched from service and are not granted pension and/or
service gratuity, on their appointment to Government service
they may be granted advance increments equal to the completed years
of service rendered by them on a basic pay equal to or higher than
than the minimum of the scale attached to the civil post in which they are employed. The pay arrived at should not, however, exceed the basic pay drawn by them in the Armed Forces.

16. **FIXATION OF PAY OF EX-COMBATENT CLERKS/STOREMEN:**

(1) In partial modification of the provisions contained in orders 4 and 5 above, ex-combatent Clerks on their reemployment as Lower Division Clerks or Junior Clerks in the Civil posts and Ex-storemen in the Armed Forces on their reemployment as Storemen in Civil Posts will have the option to get their pay fixed under orders 4 & 5 above in accordance with the procedure indicated in sub-para (2) below.

**EXPLANATION:**

(1) The option once exercised is final. The reemployed pensioner should be asked to exercise the option within the period of three months from the date of his reemployment.

(2) Ex-combatent Clerks and Storemen referred to in this order will include reservists released at their own request or on compassionate or medical grounds.

EXPLANATIONS:

(1) For the purpose of calculation of completed years of service rendered in the Armed Forces the non-qualifying service in the Armed Forces will not be taken into account. (ii) Pension as defined in order 3(1) above shall be deducted from the pay fixed under this rule after ignoring Rs. 15/- thereof and only the net pay is payable.

(iii) If the resultant amount does not correspond to a stage in the scale applicable to the reemployed post, pay may be fixed at the next lower stage and the difference allowed as personal pay to be absorbed in future increases of pay. (iv) Where the pay in such cases is fixed below the minimum of the pay scale of the reemployed post, as a result of adjustment of amount of
of pension drawn by him from the Army in excess of Rs. 15/- per month, increases in pay may be allowed after each year of service at the rate of increment admissible as if the pay has been fixed at the minimum till the minimum of the scale is reached. Thereafter, subsequent increments may be granted in the scale of the reemployed post in the usual manner.

3. In the case of appointment of persons during released leave/terminal leave, their pay may be fixed at the minimum of the scale of pay of the civil post of Lower Division Clerk/Junior Clerk/Stenographer and they will draw leave salary separately from the military author. Their pay in accordance with the formula mentioned at (2) above will be fixed from the date of their final discharge from the Army.

4. The power to fix the pay under this order is delegated to the Administrative Ministries/Departments of the Government of India. For this purpose the Comptroller and Auditor General of India will have the same powers as the Ministries of Government of India. Orders fixing the pay in such cases should be issued by invoking the provisions of Fundamental Rule 27.

17. DETAILS TO BE CALLED FOR FROM THE AUDIT OFFICERS:

For the correct determination of pay, competent authorities shall obtain the following information in respect of all officers viz. gazetted, non-gazetted and Group 'D' from the Audit/Pay and Accounts officers who reported on the title to pension etc.

(i) Post held substantively on the date of retirement and substantive pay in that post together with scale of pay.

(ii) Other post, if any, held on an officiating capacity on the date of retirement and officiating pay drawn in the post together with scale of pay.

(iii) In the case of (ii) above, the dates of actual officiation

(iv) (a) Special pay, personal pay and deputation allowance, if any, drawn on the date retirement and the period for which it was drawn continuously.

(b) The portion of special pay etc. counted as emoluments for pension should be indicated.

(c) In the case of special pay drawn in a substantive post whether it is a part of the prescribed scale of the post and included in the relevant pay schedules.

(v) Gross pension, including amount commuted particulars of pension payment order, to be quoted.

(vi) Death-cum-Retirement or other gratuity and pension equivalent thereof.

(vii) Government contribution to the contributory Provident Fund with interest and the pension equivalent thereof.
the Contributory Provident Fund Account number previously allotted and the particulars of the authority issued by the previous Audit/Pay and Accounts Officer.

After getting the above information, the competent authority shall fix the pay of the reemployed officer under the provisions of these orders and communicated the same in the sanction letter to the Audit/Pay and Accounts Officers. In the case of Ministries/Departments where the integrated accounts set up has been introduced, the information to the Audit/Pay and Accounts Officer regarding particulars of equivalent/higher posts held by the reemployed Government servant which was taken into account for giving the higher standing salary under paragraph 4(b)(i) of the orders.

18. DELEGATION OF POWERS.

(i) The administrative Ministries/Departments will be competent to fix the pay of a retired officer re-employed under them in accordance with the formula mentioned in order 4 above, provided that the post in which the officer is re-employed already carries a sanctioned scale of pay. Cases in which a scale of pay has not been sanctioned for the post will be referred to the Deptt. of Personnel & Training.

(ii) The Administrative Ministries/Departments and the Comptroller and Auditor General may delegate their powers to lower authorities at their discretion in respect of appointments which are within the powers of such lower authorities to make.
ANNEXURE-I

FORM OF AGREEMENT TO BE EXECUTED BY THE CENTRAL GOVERNMENT (CIVIL) PERIODIC ON HIS RE-EMPLOYMENT

An agreement made day of one thousand nine hundred and between (herein after called the retired Govt. servant, which expression shall include his heirs, executors, administrators and legal representatives) on the one part and the President of India (herein after called the Government) on the other part.

Whereas the Government has appointed a retired Govt. servant in the post of which carries a scale of

Whereas in accordance with the orders contained in the Ministry of Finance Office Memorandum No 8(34) Estt.,III/57 dated the 25th Nov., 1968 as modified upto date, the initial pay on re-employment plus the gross amount of pension and/or the pension equivalent of other forms of retirement benefits shall not exceed (i) the pay he drew before his retirement or (ii) Rs. 3500 whichever is less.

Whereas the pension and/or the pension equivalent of retirement benefits in respect of the retired Government servant's previous service has not been finally determined and sanctioned by the competent authority before his re-employment.

Whereas the approximate amount of pension equivalent of gratuity/pension equivalent of employer's contribution to the Contributory Provident Fund receivable by the retired Government servant has been worked out to be Rs. P.M.

Whereas the retired Government servant is desirous of receiving pay in the re-employed post each month inclusive of the amount of pension due to him for the relevant period but exclusive of a sum of Rs. representing the approximate amount of pension equivalent of employer's contribution to C.P.F.

Now therefore, the Government have agreed to fix his pay at a sum of Rs. per month "provisionally" which sum shall include the amount of pension due to him for the relevant period but exclude an approximate amount of pension equivalent of employer's contribution to C.P.F.

On the condition that,

The provisional pay shall be subject to adjustment on the fixation of his final pay in accordance with the orders referred to above, when the pension equivalent of other forms of retirement benefits in the respect of his previous service are sanctioned to the retired Government servant by the competent authority.

The retired Government servant shall not have any further claim for the pension in respect of the period during which he had drawn the amount thereof included in the provisional pay.

And further that the actual pension equivalent of gratuity/pension equivalent of employer's contribution to C.P.F. shall be subject to adjustment from the gratuity/C.P.F when...
ANNEXURE-II

RECEIPT TO BE GIVEN BY THE RE-EMPLOYED PENSIONER ALONG WITH PAY BILL EVERY MONTH

Received a sum of Rupees .................................................................

.................................................................

being the provisional pay (which is inclusive of the amount of pension accrued to me) in (Name of post held and office) for the month of .... I hereby declare and state that my pension for the month of may be treated as adjusted against the above payment when the pensionary benefits are sanctioned to me and I will not be entitled to any further payment on account of pension for the said period.
sanctioned, to the extent it is different from the approximate amount excluded from the pay in the re-employed post to arrive at the provisional pay.

In witness whereof the retired Government servant has hereinto set his hand the day and year first before written.

Signed by the said in presence of

SIGNATURES