

No.29018/16/2012-AIS-II  
Government of India  
Ministry of Personnel, Public Grievances and Pensions  
Department of Personnel and Training

North Block, New Delhi-110001  
Dated, the 22<sup>nd</sup> August, 2013.

To


The Chief Secretaries of all the  
State Governments and UTs.

Subject: Notification regarding Indian Administrative Service (Death-cum-retirement-Benefits) Amendment Rules, 2013.

Sir/Madam,

I am directed to forward herewith a copy of Indian Administrative Service (Death-cum-retirement - Benefits) Amendment Rules, 2013 notified in the Gazette of India (extraordinary) vide G.S.R. No.492(E) dated 12.07.2013, for necessary action.


Yours faithfully,

  
Manoj Kumar Dwivedi  
Director(Services)

Encl:-As above.

Copy for information and necessary action to:-

1. All Ministries/Departments of Government of India.
- ✓ 2. NIC, DOPT - with the request to put on this circular on the website (Home page > Gazette Notification > Services & Vigilance > Services Division).

  
Manoj Kumar Dwivedi  
Director(Services)

**MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS**  
**(Department of Personnel and Training)**

**NOTIFICATION**

New Delhi, the 12 th July, 2013

**G.S.R. 492 (E).**—In exercise of the powers conferred by sub-section (1) of section 3 of the All India Services Act, 1951 (61 of 1951), the Central Government, in consultation with the Governments of the States concerned, hereby makes the following rules further to amend the All India Services (Death-cum-Retirement Benefits) Rules, 1958, namely :—

1. (1) These rules may be called the All India Services (Death-Cum-Retirement Benefits) Amendment Rules, 2013.  
(2) They shall come into force on the date of their publication in the Official Gazette.
2. In the All India Services (Death-Cum-Retirement Benefits) Rules, 1958 (hereinafter referred to as the said rules), in rule 2, in sub-rule (1),—

for clause(a), the following shall be *substituted*, namely:—

- (a) ' (a) "Accounts Officer" means an officer, whatever his official designation, who maintains the accounts of a Ministry, Department or Office of the Central Government or State 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 State Government or Union Territory ;'

- (b) in clause (aa), after NOTE (vii), the following shall be *inserted*, namely:—

"(viii) In the case of a member of service who was on earned leave during the last ten months of his service and earned an increment, which was not withheld, such increment though not actually drawn shall be included in the average emoluments" :

Provided that the increment was earned during the currency of the earned leave not exceeding one hundred and twenty days or during the first one hundred and twenty days of earned leave where such leave was for more than one hundred and twenty days;" ;

- (c) for clause (bb), the following shall be *substituted*, namely:—

"(bb) Emoluments" means the basic pay, as defined in clause (aa) of rule 2 of the Indian Administrative Service (Pay) Rules, 2007 and other similar rules made for Indian Police Service or Indian Forest Service, as the case may be, that a member of the service was receiving before his retirement or, as the case may be, his death;

(w.e.f. 1<sup>st</sup> January, 2006) "Emoluments" for the purpose of calculation of retirement or death gratuity, means the basic pay and Dearness Allowance that a member of the service was receiving on the date of his retirement or as the case may be, his death:

Provided that the pension and death-cum-retirement gratuity of those who have elected to continue to draw pay in the pre-revised scale of pay in terms of Indian Administrative Service (Pay) Rules, 2007 (pre-revised) and other similar rules made for Indian Police Service or Indian Forest Services, as the case may be, and have retired from the pre-revised scale of pay on or after the 1<sup>st</sup> January, 2006, shall be regulated as follows:

- (i) "Emoluments" shall also include Dearness Pay and Dearness Allowance upto average AICPI 536 (Base year 1982—100).
- (ii) Pension as calculated at 50% of emoluments or average emoluments, whichever is more beneficial to the employee.
- (iii) Death-cum-retirement gratuity shall be admissible with reference to emoluments at (i) above plus dearness allowance, under the order in force immediately before coming into effect of the All India Services (Death-Cum-Retirement Benefits) Amendment, Rules, 2013. The maximum amount of gratuity shall not exceed Rs. 3,50,000 in terms of Department of Pension and Pensioners' Welfare Office Memorandum No. 45/86/97-P&PW(A)(Part. I) dated 27-10-1997.
- (iv) Commutation of pension shall be admissible in accordance with the orders in force immediately before coming into effect of the All India Services (Death-Cum-Retirement Benefits) Amendment, Rules, 2013.
- (v) Family pension shall be allowed in accordance with orders applicable prior to the All India Services (Death-Cum-Retirement Benefits) Amendment, Rules, 2013 and shall be calculated with reference to basic pay in the pre-revised scale and the family pension so calculated, dearness relief upto average AICPI 536 (Base year 1982 — 100) at the rate contained in the Department of Pension and Pensioners' Welfare O.M. No. 42/2/2006-P&PW (G), dated 5<sup>th</sup> April, 2006 shall be included and the amount so arrived at will be regarded as the family pension for regulating payment of dearness relief beyond average AICPI 536.

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Provided further that for the purpose of computing average emoluments in the case of member of service who have opted for fixation of pay in the revised pay band and retire within ten months from the date of coming over to the revised pay band, basic pay for ten months period preceding retirement shall be calculated by taking into account pay as follows:

- (A) For the period during which pay is drawn in revised Pay Structure - Pay drawn in the prescribed pay band plus the applicable grade pay or the pay in the pay scale in the case of HAG+ and above.
- (B) For the remaining period during which pay is drawn in pre-revised scale of pay -
- (i) basic pay plus dearness pay and actual Dearness Allowance appropriate to the basic pay at the rates in force as on 1<sup>st</sup> January, 2006 drawn during the relevant period;
- (ii) notional increase of the basic pay by applying the fitment benefit of 40% on the basic pay in the pre-revised pay scale;

(d) for clause (g), the following shall be substituted, namely:-

'(g) "Pay" means the amount drawn monthly by a member of the service as pay in pay band plus grade pay or in a pay scale, other than special pay, against the post held by him at the time of his retirement from service';

(e) for clause (jj), the following shall be substituted, namely:—

'(jj) "Revised scales of pay" means the pay structure or scales of pay introduced with effect from the 1<sup>st</sup> day of January, 2006, unless specified otherwise'.

3. For rule 4 of the said rules, the following shall be substituted, namely:—

- (1) A member of the service cannot earn two pensions in the same post at the same time or by the same continuous service.
- (2) Except as provided in sub-rule (4) of rule 8, a member of service who, having retired on a superannuation pension or retiring pension, is subsequently re-employed shall not be entitled to a separate pension or gratuity for the period of his re-employment.

In rule 5A of the said rules, in sub-rule (3), the words, figures and letter "or 22B, as the case may be," shall be omitted.

In rule 6 of the said rules, in sub-rule (1), for Note-1, the following shall be substituted, namely:-

"Note-1 - Where a part of the pension is withheld or withdrawn the amount of such pension shall not be reduced below the amount of rupees three thousand five hundred per mensem or

at the rates provided under the corresponding rules of the Central Civil Service (Pension) Rules, 1972".

6. In rule 7 of the said rules, in sub rule (2), the words, figures and letters "22A or 22B, as the case may be," the letters "22" shall be substituted.
7. Rule 8A of the said rules, shall be omitted.
8. In rule 13 of the said rules, in sub-rule (2), the word, figures and letter "or 22B" shall be omitted.
9. In rule 18 of the said rules,-

(A) in sub-rule (1),-

(a) after clause (a), the following clause shall be inserted, namely:- "(aa) The dearness allowance admissible on the date of retirement shall also be treated as emoluments for the purpose of sub-rule (1)(a) of this rule";

(b) for clause (b), the following clause shall be substituted, namely:-

"(b) In case a member of the service retires from service 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 three thousand and five hundred rupees per mensem and a maximum of forty-five thousand rupees per mensem.";

(B) after sub-rule (1), the following sub-rule shall be inserted, namely:-

"18.(1-A) In addition to pension admissible in accordance with clause (b) of sub-rule (1), after completion of eighty years of age or above, additional pension shall be payable to the retired member of the service in the following manner :-

Age of pensioner	Additional pension
From 80 years to less than 85 years	20% of basic pension
From 85 years to less than 90 years	30% of basic pension
From 90 years to less than 95 years	40% of basic pension
From 95 years to less than 100 years	50% of basic pension
100 years or more	100% of basic pension

Explanation.- For the purpose of this rule, in calculating the length of qualifying service, fraction of a year equal to three months and above shall be treated as a completed one half-year and reckoned as qualifying service.";

- (C) In sub-rule (2), in the Second Proviso, for the words, brackets, figures and letters "sub-rule (2) of rule 22B", the words, brackets and figures "sub-rule (2)(iii) of rule 22" shall be substituted.

10. In rule 19 of the said rules, -

- (a) for the marginal heading, the following marginal heading shall be substituted, namely :-

"19. Retirement or death gratuity."

- (b) in the proviso to sub-rule 3(a)(i), for the words 'rupees three lakh and fifty thousand', the words "rupees ten lakh" shall be substituted.

- (c) The proviso to sub-rule 3(a)(ii), the following proviso shall be substituted, namely :-

"Provided that the amount of retirement gratuity payable under this clause shall in no case exceed rupees ten lakhs".

11. In the said rules, for rules 22, 22-A, 22-B and 22-C, the following shall be substituted, namely:-

"22.- Family pension. -

(1) The provisions of this rule shall apply, -

- (a) to a member of service appointed to the service on or after the 1st January, 1964; and
- (b) to a member of service who was in service on the 31st December, 1963 and who opted for the benefits of this rule under the orders issued by the Central Government.

NOTE. - The provisions of this rule shall also extend, from 22<sup>nd</sup> September, 1977, to member of service who retired or died before on the 31<sup>st</sup> day of December, 1963, as also to those who were alive on the 31<sup>st</sup> day of December, 1963, but had opted out of the 1964 Scheme.

(2) Without prejudice to the provisions contained in sub-rule (5), where a member of service dies, -

- (i) after completion of one year of continuous service; or
- (ii) before completion of one year of continuous service:

Provided that the deceased member of service concerned immediately prior to his appointment to the service or post was examined by the appropriate medical authority and declared fit by that authority for Government service; or

- (iii) after retirement from service and was on the date of death in receipt of a pension, or compassionate allowance, referred to in these rules,

The family of the deceased shall be entitled to family pension under the Family Pension Scheme for State Government or Central Government Employees, 1964, the amount of which shall be determined at a uniform rate of 30% of basic pay subject to a minimum of three thousand and five hundred rupees per mensem and a maximum of twenty-seven thousand rupees per mensem.

EXPLANATION.- The expression 'one year of continuous service' wherever it occurs in this rule shall be construed to include 'less than one year of continuous service' as provided in clause (ii).

- 3 The amount of family pension shall be fixed at monthly rates and be expressed in whole rupees and where the family pension contains a fraction of a rupee, it shall be rounded off to the next higher rupee:

Provided that in no case a family pension in excess of the maximum prescribed under this rule shall be allowed.

4. In addition to family pension admissible in accordance with sub-rule (2), (3) and (5), after completion of eighty years of age or above, additional family pension shall be payable in the following manner :-

Age of family pensioner	Additional family pension
From 80 years to less 85 years	20% of basic family pension
From 85 years to less 90 years	30% of basic family pension
From 90 years to less 95 years	40% of basic family pension
From 95 years to less 100 years	50% of basic family pension
100 years or more	100% of basic family pension

- (5)(a) (i) Where a member of service, who is not governed by the Workmen's Compensation Act, 1923 (8 of 1923) dies while in service after having rendered not less than seven years' continuous service, the rate of family pension payable to the family shall be equal to 50 per cent of the pay last drawn and the amount so admissible shall be payable from the date following the date of death of the member of service for a period of ten years.

- (ii) In the event of death of a member of service after retirement, the family pension as determined under sub-clause(a) shall be payable for a period of seven years, or for a period up to the date on which the retired deceased member of service would have attained the age of sixty seven years had he survived, whichever is less:

Provided that in no case the amount of family pension determined under sub-clause (b) shall exceed the pension authorised on retirement from Government service :

Provided further that where the amount of pension authorised on retirement is less than the amount of family pension admissible under sub-rule (2), the amount of family pension determined under this clause shall be limited to the amount of family pension admissible under sub-rule (2).

EXPLANATION.- For the purpose of this sub-clause, pension authorised on retirement includes the part of the pension which the retired member of service may have commuted before his death.

- (b) After expiry of the period referred to in clause (a), the family, in receipt of family pension under that clause, shall be entitled to family pension at the rate admissible under sub-rule (2).
- (6) Where an award under the Extraordinary Pension Rules, 1939, is admissible, no family pension under this rule shall be authorised during the currency of such award.
- (7) The period for which family pension is payable shall be as follows :-
- (i) subject to first proviso, in the case of a widow or widower, up to the date of death or re-marriage, whichever is earlier;
  - (ii) subject to second proviso, in the case of an unmarried son, until he attains the age of twenty-five years or until he gets married or until he starts earning his livelihood, whichever is the earliest;
  - (iii) subject to second and third provisos, in the case of an unmarried or widowed or divorced daughter, until she gets married or remarried or until she starts earning her livelihood, whichever is earlier;
  - (iv) subject to sub-rule (12), in the case of parents, who were wholly dependent on the member of service immediately before the death or the member of service, for life;



- (v) subject to sub-rule (13) and the fourth proviso, in the case of disabled siblings (i.e., brother and sister) who were dependent on the member of service immediately before the death of member of service, for life;

Provided that family pension shall continue to be payable to a childless widow on re-marriage, if her income from all other sources is less than the amount of minimum family pension under sub-rule (2) of this rule and the dearness relief admissible thereon:

Provided further that if the son or daughter of a member of service is suffering from any disorder or disability of mind including the mentally retarded or is physically crippled or disabled so as to render him or her unable to earn a living even after attaining the age of twenty-five years, the family pension shall be payable to such son or daughter for life subject to the following conditions, namely:-

- (i) if such son or daughter is one among two or more children of the member of service, the family pension shall be initially payable to the minor children (mentioned in clause (ii) or clause (iii) of this sub-rule) in the order set out in clause (iii) of sub-rule (9) of this rule until the last child attains the age of twenty-five and thereafter the family pension shall be resumed in favour of the son or daughter suffering from disorder or disability of mind, including the mentally retarded, or who is physically crippled or disabled and shall be payable to him or her, for life;
- (ii) if there are more than one such son or daughter suffering from disorder or disability of mind or who are physically crippled or disabled, 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 :

Provided that where the family pension is payable to such twin children it shall be in the manner set out in clause (d) of sub-rule (8) of this rule;

- (iii) the family pension shall be paid to such son or daughter through the guardian as if he or she were a minor except in the case of the physically crippled son or daughter who has attained the age of majority;
- (iv) before allowing the family pension for life to any such son or daughter, the appointing authority shall satisfy that the handicap 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 Medical Board comprising of a Medical Superintendent or a Principal or a Director or Head of the Institution or his nominee as Chairman and two other members, out of which at least one shall be a Specialist in the particular area of mental or physical disability including mental retardation setting out, as far as possible, the exact mental or physical condition of the child;

- (v) 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 Medical Superintendent or a Principal or a Director or Head of the Institution or his nominee as Chairman and two other members, out of which at least one shall be a Specialist in the particular area of mental or physical disability including mental retardation, once, if the disability is permanent and if the disability is temporary, once in every five years to the effect that he or she continues to suffer from disorder or disability of mind or continues to be physically crippled or disabled;
- (vi) in the case of a mentally retarded son or daughter, the family pension shall be payable to a person nominated by the member of service or the pensioner, as the case may be, and in case no such nomination has been furnished to the Head of Office by such member of service or pensioner during his/lifetime, to the person nominated by the spouse of such member of service or family pensioner, as the case may be, later on and the Guardianship Certificate issued under section 14 of the National Trust Act, 1999 (No.44 of 1999), by a local level Committee, shall also be accepted for nomination or appointment of guardian for grant of family pension in respect of persons suffering from Autism, Cerebral Palsy, Mental Retardation and Multiple Disabilities as indicated in the said Act:

Provided also that the grant or continuance of family pension to an unmarried or widowed or divorced daughter beyond the age of twenty-five years or until she gets married or re-married or until she starts earning her livelihood, whichever is the earliest, shall be subject to the following conditions, namely:-

- (i) the family pension shall be initially payable to the minor children (mentioned in clause (ii) or clause (iii) of this sub-rule) in the order set out in clause (iii) of sub-rule (9) of this rule until the last minor child attains the age of twenty-five years; and
- (ii) there is no disabled child eligible to receive family pension in accordance with the second proviso of this sub-rule:

Provided also that such disabled siblings shall be eligible for family pension for life in the same manner and following the same disability criteria, as laid down in this rule in the case of son or daughter of the member of service or pensioners suffering from any disorder or disability of mind (including mentally retarded) or physically crippled or disabled, so as to render him or her unable to earn a living even after attaining the age of twenty-five years.

**Explanation 1.-** An unmarried son or an unmarried or widowed or divorced daughter, except a disabled son or daughter become ineligible for family pension under this sub-rule from the date he or she gets married or remarried.

**Explanation 2.-** The family pension payable to such a son or a daughter or parents or siblings shall be stopped if he or she or they start earning his or her or their livelihood.

**Explanation 3.-** It shall be the duty of son or daughter or siblings or the guardian to furnish a certificate to the Treasury or Bank, as the case may be, 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 a childless widow after her re-marriage or by the disabled son or daughter or by parents to the Treasury or Bank, as the case may be, once in a year that she or he or they have not started earning her or his or their livelihood.

**Explanation 4.-** For the purpose of this sub-rule, a member of the family shall be deemed to be earning his or her livelihood if his or her income from other sources is equal to or more than the minimum family pension under sub-rule (2) of this rule and the dearness relief admissible thereon.

**Explanation 5.-** Parents shall be deemed to be dependent on the member of service if their combined income is less than the minimum family pension under sub-rule (2) of this rule and the dearness relief admissible thereon.

**Explanation 6.-** Disabled sibling shall be deemed to be dependent on the member of service if their income is less than the minimum family pension admissible under sub-rule (2) of this rule and dearness relief thereon.

**Explanation 7.-** Family pension payable to a childless widow shall be stopped if, after re-marriage, her income from all other sources becomes equal to, or exceeds, the amount of minimum family pension under sub-rule (2) of this rule and the dearness relief admissible thereon.

- (8)(a) (i) Where the family pension is payable to more widows than one, the family pension shall be paid to the widows in equal shares.
- (ii) On the death of a widow, her share of the family pension shall become payable to her eligible child :

Provided that if 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.

- (b) Where the deceased member of service or pensioner is survived by a widow but has left behind eligible child or children from another wife who is not alive, the eligible child or

children shall be entitled to the share of family pension which the mother would have received if she had been alive, at the time of the death of the member of service or pensioner.

Provided that on the share or shares of family pension payable to such a child or children or to a widow or widows 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 equal shares, or if there is only one widow or child, in full, to such widow or child.

- (c) Where the deceased member of service or pensioner is survived by a widow but has left behind eligible child or children from a divorced or an illegally wedded wife or wives, the eligible child or children shall be entitled to the share of family pension which the mother would have received at the time of the death of the member of service or pensioner had she not been so divorced or had she been legally wedded :

Provided that on the share or shares of family pension payable to such a child or children or to a widow or widows ceasing to be payable, such share or shares, shall not lapse, but shall be payable to the other widow or widows or to the other child or children otherwise eligible, in equal shares, or if there is only one widow or child, in full, to such widow or child.

**Note.-** In past cases, no recovery from the previous beneficiary should be made. On receipt of an application from eligible child or children of the member of service or pensioner born to an ineligible mother, a decision regarding division or otherwise of family pension may be taken by the competent authority after satisfying himself or herself about veracity of facts and entitlement of the applicant.

- (d) Where the family pension is payable to twin children it shall be paid to such children in equal shares:

Provided that when one such child ceases to be eligible his 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.

- (9) (i) Except as provided in sub-rule (8), the family pension shall not be payable to more than one member of the family at the same time,-

(i) if a deceased member of service or pensioner leaves behind a widow or widower, the family pension shall become payable to the widow or widower, failing which to the eligible child;

(ii) family pension to the children shall be payable in the order of their birth and the younger of them will not be eligible for family pension unless the elder next above him has become ineligible for the grant of family pension :

Provided that where the family pension is payable to twin children it shall be paid in the manner set out in clause (d) of sub-rule (8) of this rule.

- (10) Where a deceased member of service or pensioner leaves behind more children than one, the eldest eligible child shall be entitled to the family pension for the period mentioned in clause (ii) or clause (iii) of sub-rule (7), as the case may be, and after the expiry of that period the next child shall become eligible for the grant of family pension.
- (11) Where family pension is granted under this rule to a minor, it shall be payable to the guardian on behalf of the minor.
- (12) (a) Family pension to the parents shall be payable if the parents were wholly dependent on the member of service immediately before his death and the deceased member of service is not survived by a widow or an eligible child.
- (b) The family pension, wherever admissible to parents, will be payable to the mother of the deceased member of service falling which to the father of the deceased member of service.
- (13) Family pension to the dependent disabled siblings shall be payable if the siblings were wholly dependent upon the member of service immediately before his death and deceased member of service is not survived by a widow or an eligible child or eligible parents.
- (14) In case both wife and husband are members of service 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 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, subject to the limits specified below, namely :-
- (a) (i) If the surviving child is eligible to draw two family pensions at the rate mentioned in sub-rule (5), the amount of both the pensions shall be limited to forty-five thousand rupees per mensem;
- (ii) if one of the family pensions ceases to be payable at the rate mentioned in sub-rule (5), and in lieu thereof the pension at the rate mentioned in sub-rule (2) becomes payable, the amount of both the pensions shall also be limited to forty-five thousand rupees per mensem ;

- (b) if both the family pensions are payable at the rates mentioned in sub-rule (2), the amount of two pensions shall be limited to twenty-seven thousand rupees per mensem.

15. Where a female member of service or male member of service dies leaving behind a judicially separated husband or widow and no child or children, the family pension in respect of the deceased shall be payable to the person surviving :

Provided that where in a case the judicial separation is granted on the ground of adultery and the death of the member of service takes place during the period of such judicial separation, the family pension shall not be payable to the person surviving if such person surviving was held guilty of committing adultery.

- (16) (a) Where a female member of service or male member of service dies leaving behind a judicially separated husband or widow with a child or children, the family pension payable in respect of deceased shall be payable to the surviving person provided he or she is the guardian of such child or children.

- (b) Where the surviving person has ceased 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;

- (c) Subject to the proviso to sub-rule 15, 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 member of service till his or her death or remarriage whichever is earlier.

- (17) (a) If a person, who in the event of death of a member of service while in service, is eligible to receive family pension under this rule, is charged with the offence of murdering the member of service or for abetting in the commission of such an offence, the claim of such a person, including other eligible member or members of the family to receive the family pension, shall remain suspended till the conclusion of the criminal proceedings instituted against him.

- (b) If on the conclusion of the criminal proceedings referred to in clause (a), the person concerned -

- (i) is convicted for the murder or abetting in the murder of the member of service, such a person shall be debarred from receiving the family pension

which shall be payable to other eligible member of the family, from the date of death of the member of service,

(ii) is acquitted of the charge of murder or abetting in the murder of the member of service, the family pension shall be payable to such a person from the date of death of the member of service.

(c) The provisions of clause (a) and clause (b) shall also apply for the family pension becoming payable on the death of a member of service after his retirement.

(18) (a) (i) As soon as a member of service enters Government service, he shall give details of his family in Schedule 'J' to the Head of Office.

(ii) If the member of service has no family, he shall furnish the details in Schedule 'J' as soon as he acquires a family.

(b) The member of service shall communicate to the Head of Office any subsequent change in the size of his family, including the fact of marriage of his child.

(c) As and when the disability referred to in the proviso to sub-rule (7) manifests itself in a child which makes him unable to earn his living, the fact should be brought to the notice of the Head of Office duly supported by a Medical Certificate from a Medical Officer, not below the rank of a Civil Surgeon and this may be indicated in Schedule 'J' by the Head of Office.

(d) As and when the claim for family pension arises, the legal guardian of the child should make an application supported by a fresh medical certificate from a Medical Officer, not below the rank of Civil Surgeon, that the child still suffers from the disability.

(e) (i) The Head of Office shall, on receipt of the said Schedule 'J', get it pasted on the service book of the member of service concerned and acknowledge receipt of the said Schedule 'J' and all further communications received from the member of service in this behalf.

(ii) The Head of Office on receipt of communication from the member of service regarding any change in the size of family shall have such a change incorporated in Schedule 'J'.

(19) The ad hoc increase in pension, sanctioned in the Ministry of Finance, Office Memorandum No. 15 (13)-E. V. (A)/63, dated the 16th October, 1963, as amended from time to time, shall not be payable to the family in receipt of a family pension under this rule.

(20) For the purposes of this rule, -

(a) "continuous service" means service rendered in a temporary or permanent capacity by member of service and does not include -

- (i) period of suspension, if any ; and
- (ii) period of service, if any, rendered before attaining the age of eighteen years;

(a) "family" in relation to a member of service means-

(i) wife in the case of a male Member of service, or husband in the case of a female member of service;

(ii) a judicially separated wife or husband, such separation not being granted on the ground of adultery and the person surviving was not held guilty of committing adultery;

(iii) unmarried son who has not attained the age of twenty-five years and unmarried or widow or divorced daughter, including such son and daughter adopted legally;

(iv) dependent parents;

(v) dependent disabled siblings (i.e., brother or sister) of a member of service.

(b) "pay" means -

(i) the emoluments as specified in 2(1)(bb), or

(ii) the average emoluments as referred to in 2(1)(aa) if the emoluments of the deceased member of service have been reduced during the last ten months of his service otherwise than as penalty."

13. For Schedule 'J' of the Schedules, the following shall be substituted, namely:-

#### SCHEDULE J

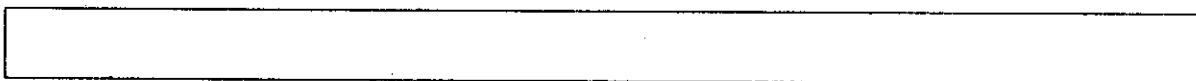
[See rule 22(11)(a)(i)]

*Details of Family :*

Name of the member of service	
Designation	
Date of birth	
Date of appointment	



Details of my family as on					
Serial	Name of the members of family	Date of birth	Relationship with the officer	Initial of the Head of Office	Remarks
1					
2					
3					
4					
5					
6					
7					
8					
9					
10					
I hereby undertake to keep the above particulars up-to-date by notifying to the Head of the Office any addition or alternation.					
Signature of Member of Service					
Place:					
Date:					
* Family for this purpose means family as defined in clause (b) of sub-rule (20) of rule 22 of the All India Services (Death-Cum-Retirement Benefits) Rules, 1958					
<b>NOTE.</b> - Wife and husband shall include respectively judicially separated wife and husband					



[F.No.29018/16/2012-AIS(II)]

MANOJ KUMAR DWIVEDI, Director (Services)

**Footnote.** - The principal rules were published in the Gazette of India, vide G.S.R. No.728 [Extraordinary Part II, Section 3, Sub-section (i)] dated 18<sup>th</sup> August, 1958 and subsequently amended by the following notifications:-

Sl.No.	GSR No.	Date
1.	526	4.9.64
2.	527	3.4.65
3.	528	3.4.65
4.	529	3.4.65
5.	572	17.4.65
6.	215	12.2.65
7.	1915	17.2.66
8.	590	3.3.68
9.	687	6.7.74
10.	755	2.7.74
11.	946	7.9.74
12.	27(E)	24.1.75
13.	724	14.6.75
14.	2264	23.8.75
15.	2635	8.11.75
16.	2030	20.12.75
17.	128	31.1.76
18.	196	14.2.76
19.	316	6.3.76
20.	504	10.4.76
21.	758	5.6.76
22.	757	5.6.76
23.	1182	14.8.76
24.	1765	25.12.76
25.	579	7.5.77
26.	830	2.7.77
27.	831	2.7.77
28.	1598	26.11.77
29.	1700	24.12.77
30.	252	18.2.78
31.	253	18.2.78
32.	460	8.4.78
33.	924	22.7.78
34.	922	22.7.78
35.	214	2.1.79
36.	161	3.2.79
37.	373	3.2.79
38.	1151	15.9.79
39.	1291	22.10.79
40.	512	10.5.80
41.	545	17.5.80
42.	546	17.5.80

43.	978	27.9.80
44.	248	7.3.81
45.	276	14.3.81
46.	705	1.8.81
47.	293	9.1.83
48.	557	3.7.83
49.	712	1.10.83
50.	33	21.1.84
51.	559	15.6.85
52.	813	31.8.85
53.	275	22.5.87
54.	343	3.4.88
55.	567	16.7.88
56.	91	25.2.89
57.	420	21.2.90
58.	101	16.2.91
59.	2890	23.11.91
60.	308	19.6.93
61.	271	6.07.96
62.	717(E)	19.12.97
63.	718(E)	19.12.97
64.	249(E)	13.5.98
65.	252(E)	18.5.98
66.	259(E)	22.5.98
67.	548(E)	31.8.98
68.	719(E)	7.12.98
69.	35(E)	14.1.99
70.	702E	1.9.2000
71.	355-E	14.5.01
72.	524(E)	11.7.01
73.	49(E)	18.1.02
74.	779(E)	12.11.02
75.	385(E)	7.5.03
76.	105(E)	6.2.04
77.	820(E)	20.12.04
78.	617(E)	30.9.05
79.	699(E)	30.11.05
80.	727(E)	20.12.05
81.	360(E)	12.6.06
82.	20(E)	12.1.07
83.	58(E)	31.1.07
84.	184(E)	9.3.07
85.	585(E)	28.7.2011
86.	612(E)	9.8.2011