Government of India

Ministry of Personnel, Public Grievances and Pensions
(Department of Personnel and Training)

New Delhi, dated the 4th December, 2003

Notification

GSR— In exercise of the powers and 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 (Temporary Service) Rules, 1965, namely:-

1. (1) These rules may be called the Central Civil Services (Temporary Service) Amendment Rules, 2003.

(2) They shall be deemed to have come into force with effect from 1st January, 1996.

2 In the Central Civil Services (Temporary Service) Rules, 1965, in rule 10,—

(i) for sub-rule (1), the following sub-rule shall be substituted, namely:-

"(1) Subject to the provisions of sub-rule (1-B), a temporary Government servant who retires on superannuation or is discharged from service or is declared invalid for further service shall be eligible for gratuity on the same scale as admissible to a permanent Government servant under the Central Civil Service (Pension) Rules, 1972."

(ii) sub-rule (5) shall be omitted;

(iii) in sub-rule (6), for clause (a), the following clause shall be substituted, namely:-

"(a) gratuity shall be calculated on the basis of pay which the Government servant was drawing immediately before his superannuation, discharge/invalidation/absorption in an autonomous body or on the date of his death and dearness allowance on that pay."

Explanatory Memorandum

Under the Central Civil Services (Temporary Service) Rules, 1965, Terminal Gratuity is payable to a temporary Government servant who retires on superannuation or discharged from service or declared invalid for further service on the basis of length of service and the pay which was last drawn by him. On the recommendations of the Fifth Pay Commission the distinction between permanent and temporary Government servant who has rendered less than ten years of service has been removed. Since, the removal of distinction between
permanent and temporary Government servant in the matter of payment of terminal gratuity is in the nature of liberalization. The interest of no one will be adversely affected by giving retrospective effect to the rule.

(Smt. Pratibha Mohan)
Director

[NO.12011/1/2003-Estt. (C)]

Footnote. The Central Civil Services (Temporary Service) Rules, 1965 were notified vide notification No. S.O. 1512 dated 1.5.1965 published in part II Section 3, sub-Section (ii) of Gazette of India. These Rules were subsequently amended vide the following notifications:

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(Smt. Pratibha Mohan)
Director to the Govt. of India

To

The Manager,
Govt. of India Press,
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8. All Officers and Sections in the Ministry of Personnel, Public Grievances and Pensions and Ministry of Home Affairs.
9. Secretary, Staff Side National Council (JCM), Feroze Shah Road, New Delhi.

(Smt. Pratibha Mohan)
Director