NOTIFICATION

No.12011/3/88-Estt.(C)
Government of India
Ministry of Personnel, Public Grievances & Pensions
Department of Personnel & Training

New Delhi, the 22 February, 1989

G.S.R. 145 (P.) II-3-89

In exercise of the powers conferred by the 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 for 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) First Amendment Rules, 1989.
(2) They shall come into force on the date of their publication in the Official Gazette.

2. In the Central Civil Services (Temporary Service) Rules, 1965,
(1) in rule 2, clauses (b) and (s) shall be omitted;
(2) rules 3 and 4 shall be omitted;
(3) in rule 5, in clause(a) of sub-rule (1), the words "who is not in quasi-permanent service" shall be omitted;
(4) in rule 6, the words "who is not in quasi-permanent service" shall be omitted;
(5) rules 7 and 9 shall be omitted;
(6) in rule 10, -
   (a) in sub-rule (1), -
      (i) the words "subject to the condition of service rendered by the Government servant concerned being held by the authority competent to appoint him to be satisfactory" shall be omitted;
      (ii) the first and second provisos shall be omitted;
      (iii) the word "also" occurring in the third proviso shall be omitted;
   (b) for sub-rule (18), the following shall be substituted, namely:-
      "(18) In the case of a temporary Government servant who retires from service on attaining the age of superannuation or on his being declared to be permanently incapacitated for further Government service, the following shall be paid:-

      (a) in sub-rule (2), -
         (i) in clause (a), the words "subject to the condition of service rendered by the Government servant concerned being held by the authority competent to appoint him to be satisfactory" shall be omitted;
         (ii) the first and second provisos shall be omitted;
         (iii) the word "also" occurring in the third proviso shall be omitted;

      (b) for sub-rule (18), the following shall be substituted, namely:-

      "(18) In the case of a temporary Government servant who retires from service on attaining the age of superannuation or on his being declared to be permanently incapacitated for further Government service, the following shall be paid:-

      (a) in sub-rule (2),"
service by the appropriate medical authority, after he has rendered temporary service of not less than ten years or who has sought voluntary retirement by giving three months' notice in writing on completion of 20 years service, provisions of sub-rule (1) shall not apply and in accordance with the provisions of Central Civil Services (Pension) Rules, 1972 —

(i) such a Government servant shall be eligible for the grant of superannuation, invalid or retiring pension, as the case may be, and retirement gratuity; and

(ii) in the event of his death after retirement, the members of his family shall be eligible for the grant of family pension.

(c) for sub-rule (2) and the proviso thereunder, the following shall be substituted, namely:

"(2) In the event of death of a temporary Government servant while in service, his family shall be eligible for family pension and death gratuity at the same scale and under the same provisions as are applicable to permanent Central Civilian Government servants under the Central Civil Services (Pension) Rules, 1972;"

(d) in sub-rule (3), the following proviso shall be inserted, namely:

"Provided that a temporary Government servant who resigned from service to take up, with prior permission, an appointment under a corporation or company wholly or substantially owned or controlled by the Government or in or under a body controlled or financed by Government shall be paid terminal gratuity at the rate prescribed under sub-rule (1) in respect of the service rendered by him under the Government:

Provided further that a temporary Government servant who has been absorbed in a Central autonomous body, with the permission of the parent department, shall have an option to count the service
rendered under the Government for the purpose of pension under the autonomous body if it has a pension scheme, instead of drawing the terminal gratuity under the first proviso.

**Explanation.** For the purpose of this sub-rule:

(i) "Central autonomous body" means a body which is financed wholly or substantially from cess or Central Government grants and includes a Central statutory body or a Central University but does not include a public undertaking falling under the purview of the Bureau of Public Enterprises;

(ii) "financed substantially" means that more than 50% of the expenditure is met by cess or Central Government grants.

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

"(6) For the purpose of this rule, -

(a) gratuity shall be calculated on the basis of pay which the Government servant was receiving immediately before his retirement or on the date of his death;

(b) 'Pay' shall mean pay as defined in Fundamental Rule 9(21)(a)(i);

(c) period of extraordinary leave, if any, availed of by the Government servant concerned shall be taken into account for computing the completed service on the same basis as it is taken into account for the purpose of calculation of pension and retirement gratuity/death gratuity under Rule 21 of the Central Civil Service (Pension) Rules, 1972, as amended from time to time; and

......4/-
(d) an increment earned during the currency of earned leave not exceeding 120 days or during the first 120 days of earned leave exceeding 120 days expiring on the date of retirement, though not actually drawn, shall not be part of the pay for purposes of calculating terminal/death gratuity.

(7) Rule 11 shall be omitted.

(K. SARKAR)
Deputy Secretary to the Government of India

NOTE

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:

(1) S.O.No. 3895 dated 4.11.67
(2) GSR No. 1082 dated 25.7.70
(3) GSR No. 589 dated 24.4.71
(4) S.O.No. 2335 dated 19.8.72
(5) S.O.No. 2601 dated 30.9.72
(6) S.O.No. 4022 dated 9.12.72
(7) GSR No. 452 dated 11.5.74
(8) S.O.No. 4541 dated 25.10.75
(9) S.O.No. 2 dated 3.1.76
(10) GSR No. 3489 dated 9.12.78
(11) GSR No. 433 dated 24.3.79
(12) GSR No. 256 dated 8.3.80
(13) GSR No. 613 dated 4.7.81
(14) GSR No. 620 dated 24.7.82
(15) GSR No. 145 dated 11.3.89

(K. SARKAR)
Deputy Secretary to the Government of India

To The Manager,
Govt. of India Press,
Mayapuri, Ring Road,
Naw Delhi.
No. 12011/3/88-Estt. (C) New Delhi, the 22 February, 1989

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(\(K. SARKAR\))
Deputy Secretary to the Government of India

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