

Kerala Service Rules Part III
(Pension Rules)
Upto February 2011

I. Introduction

The Supreme Court in SLP (C) No. 9425/1984, held that Pension is a valuable right of an officer in recognition of the satisfactory discharge of duties and responsibilities while in service.

As per Rule 12(24) of KSRs Part –I, Pension includes Monthly Pension, Gratuity, and Death-cum-Retirement Gratuity.

Future good conduct is an implied condition for every grant of a pension. R 2 (A) & 90 (12) Part III.

No Pension or Gratuity or DCR Gratuity will be paid in the case of resignation, dismissal or removal from service. R 29 (a) & (b) P-III

The present Pension Rules (Simplified Pension Rules) were introduced with effect from 14/11/1966.

II Classification of Pension. R.32 PIII

Pensions are classified into four as shown below.

- (a) Compensation Pension
- (b) Invalid Pension
- (c) Superannuation Pension
- (d) Retiring Pension

Compensation Pension. R 33 to 41 P.III

When a permanent post is abolished, the person selected to be discharged will be given two options; either to accept another employment in Government service or to leave the service accepting pension benefits based on qualifying service so far earned by the individual. The pension granted as opted by the person, is called compensation pension.

Invalid Pension. R. 42 to 54 P III

When the Pension Sanctioning Authority has reasons to believe that an employee is suffering from a contagious disease or physical or mental disability or infirmity, which adversely affect the duties assigned to the person, he may be retired from service on invalid pension. The Medical Examination can be conducted on the application of the employee, also. The person will be invalidated from service from the date as specified in the Medical Certificate, and pension is granted accordingly. A weight age towards qualifying service upto 5 years is allowed, and the total Q.S thus arrived at, should not be beyond the date of superannuation and should not be more than 30 years.

Note: No Medical Certificate is necessary for the last grade employees in the Forest Department, who have completed 55 years of age.

Superannuation Pension. R.60 PI & R 55 PIII

This is the pension on the compulsory retirement from service at a particular age. Every retirement will take effect on the afternoon of the last day of the month in which the date of birth of the officer comes off. If the date of birth is on the first day of the month, the retirement will be on the afternoon of the previous day. In the case of date of birth on a day other than the first day of the month, the retirement will be on the afternoon of the last day of that month.

Government vide their order in G.O (P)No.154/09/Fin dated 24.04.2009, have unified the date of superannuation of all Government employees and teachers as March 31st, i.e if the date of birth comes off on the April 1st, the retirement will take effect on the AN of the previous day, and whose date of birth comes off after April 1st, will continue in service till the last day of the ensuing March and will retire on the afternoon of that day.

This extended period of service will be reckoned for all service benefits such as Pay, DA, increment, higher grade, promotion, earning of leave and pensionary benefits.

Retiring Pension 56 P III

An employee who has completed 20 years of Q.S. is eligible to retire voluntarily from service. The person concerned must give notice at least three months before the date on which he desires to retire. The 'three months notice' is relaxed in deserving cases. A weightage up to 5 years is allowed towards Q.S.; and the Q.S. after adding weightage shall not be more than 33 years and that should not go beyond the original date of superannuation. When permission to retire from service is issued, it will become effective and accordingly the person will be relieved from the post, he is holding. Permission to retire voluntarily from service will be issued only after the service of the person is got verified by the Accountant General. A Govt. employee who is on LWA under R. 88 or Appendix 12 A or 12 C is also eligible to retire on retiring pension. For details see G.O (P)62/2010/Fin. dated 10.2.2010. This rule has effect to from 9.3.2010.

III Calculation of Pension

There will be six parts in a pension case of ordinary nature. They are summarized here under.

1. Qualifying Service: R 12(30) PI & R 9 to 31 & 57 PIII

This is the service that qualifies for the grant of pension. This is calculated as follows:

- Calculate length of service from the date of first entry in Government regular service till the date of ending of service, both days inclusive.
- Then deduct Non-qualifying Service, if any, of the following:
 - (a) Service below the age of 18 years. (boy's service)
 - (b) Period of suspension not treated as duty or leave other than LWA
 - (c) Period of strike or break which is ordered not to be counted for pension.
 - (d) In the case of invalid pension, period spent beyond the date of invalidation specified in the MC, unless otherwise ordered by Government.
 - (e) LWA granted under Appendices XIIA, XIIB & XIIC, LWA under R 88 or 91 for higher studies, and LWA without MC. [See circular No. 72 / 2005/Fin dated 30/12/2005.
 - (f) Service after superannuation

- (g) Service prior to resignation (except for taking up other employment under Government), removal or dismissal from service.
- (h) Contract service and service paid from Local Fund if not ordered otherwise.
- (i) Service for which other pension is admissible.
- (j) Foreign service, if pension contribution is not paid or not exempted.
- (k) From 16.12.2009 period of thrown out from service for want of vacancy, if not regularised.

- Add additional or special service, if any, of the following.

- (a) military service: service in the Armed Forces of India from 01/04/1946, whether pensionable or non-pensionable will be reckoned for civil pension on or after 14/11/1966, provided any bonus or gratuity received from Defence Department is refunded.

War/military service followed by Civil Service, with or without interruption, will be reckoned towards Q.S provided pensionary benefit received from the Defence Department is refunded. R 8(b).

- (b) Full time work establishment service/Full time contingent Service followed by regular service, provided CPF, if any, received is refunded to Government. R 13&14 A.
- (c) Apprentice service as Engineer Apprenticeship in the PWD and as Apprentice Compositors in the Government Press. R.15.
- (d) Bar Service up to 10 years after the age of 25, provided service certificate from Presiding Court is produced. R. 25 (a)
- (e) 50 % of part time teachers if absorbed into full time. This has effect from 27/05/1994. (G.O.(Ms) 5/ 95/ G.Edn dated 15/03/1995.
From 1/07/1988, part time Teachers who retire from service, will be granted pension a admissible to part time contingent employees. Gratuity is also granted under such provisions.
- (f) Aided School Service followed by Government Service, provided Manager's portion of EPPF, if any, with interest is refunded. G.D. 7 to R 14 E
- (g) Central Government Service /Service in the Autonomous bodies followed by State Government Service will be counted, subject to some conditions. (See note 2 to R 11 and G.O. (p) 651/03/Fin dated 6/12/2003).
- (h) Edavagai/District Board Service followed by Government Service. R 14 C & D
- (i) Provisional Service up to 30/09/1994, which qualifies for the grant of increment, will be counted. But, that service from 1/10/1994, will not be reckoned. GO(P) 2357/99/Fin Dated 25/11/1999.
- (j) Past Service of Government employees/teachers in Panchayaths/ Muncipal Common Service/Universities etc. and vice versa will be reckoned under certain conditions. (GO(p) 228/01/Fin dated 2/02/21 and GO (P) 193/04/Fin dated 20/04/2004.

Rounding of qualifying Service. R 57 P III

- (a) Q.S. required for minimum pension : 10 years
- (b) Q.S. required for minimum Pension in the case of handicapped personnel : 3 years
- (c) Q.S. for full (maximum) Pension : 30 years
- (d) Q.S. for minimum DCRG : 5 years
- (e) Q.S. for maximum DCRG : 33 years

For the minimum and maximum benefits shown above, a condonation upto 364 days is allowed towards Q.S., ie, 9 years and one day will be reckoned as 10 years, 2 years and 1

day as 3 years in the case of handicapped, 29 years and 1 day as 30 years, 4 years and 1 day as 5 years, and 32 years and 1 day as 33 years.

In other cases, 6 months and above will be reckoned as one year, and fraction below 6 months will be ignored.

Thus calculation of Q.S. will be as follows:

- Date following the date of retirement or death minus (in the order of year, month, days)
- Date of first entry in Government regular service.
- The result will be total length of service.
- Then deduct Non-qualifying service, if any.
- Add special/additional service, if any.
- Net result will be qualifying Service, and that Q.S. is rounded as explained above.

2. Average Emoluments. R 12(23) PI & R 63 P (III)

This is the average of ten months' duty pay (emoluments) immediately before retirement. (Emoluments include:(i) substantive pay, (ii) officiating pay, (iii) personal pay, (iv) dearness pay and (v) special pay in lieu of higher scale of pay, alone).

If there is any Non-qualifying period during the 10 months of Average Emoluments, an equal period will be taken before that period of 10 months. But, period of leave, except LWA without MC if any, during such 10 months, will be treated as period as if on duty.

3. Monthly Pension. R 64 P(III)

- (a) For 30 years of QS (Full Pension): 50% of AE (maximum pension = 50% of Rs.59,840 = Rs.29,920/-
- (b) For Q.S. of 10 years (3 years for handicapped) and above up to 29 years: 50% of AE ÷ 30 X QS (minimum pension from 1-07-2009 Rs.4500)

4. Death-cum-Retirement Gratuity 68 P III

This is lump sum payable to the Government Officer on his retirement or to his family on his death.

- (a) The amount of DCRG is equal to half of the emoluments last drawn by the officer X No of years of Q.S. (maximum 16 ½ times emoluments last drawn or Rs. 7,00,000 whichever is less.) w.e.f. 1-07-2009.
Note: Emoluments = Pay + DA. DCRG is in addition to service gratuity or monthly pension.
- (b) (i) In the case of death while in service or for invalid person with a Q.S. below 24 years =12 times emoluments last drawn.
(ii) If death occurs in the first year of service (2 months emoluments last drawn)
(iii) If death occurs after first year, but before 5 years of service (6 times emoluments last drawn)

5. Family Pension : From 1-7-2009, family pension will be @ 30% of the pay last drawn by the officer subject to a minimum of Rs.4500 and maximum of Rs.17,960.

6. Higher rate of Family Pension. R.90 (4A) P III

- (i) Higher rate of family pension at half of the pay last drawn or twice the amount of Family Pension admissible, whichever is less, will be paid to the family of a Government servant who dies while in service with not less than 7 years' qualifying service, for a maximum period of seven years or till the age of 62 in the case of superannuation at 55

years of age from the date following the date of death. (67 years of age in the case of superannuation at 60 years of age) whichever is earlier, and thereafter at normal rate.

- (ii) In the case of death after retirement, but before completing 7 years, a higher rate of FP not exceeding the amount of pension sanctioned to the pensioner will be paid. But, if the amount of pension is less than the amount of Family Pension admissible, then the amount of Family pension will be paid.

7. Family Members eligible for F.P. R 90 (6) & (7) P III

- (i) Wife in the case of male employee, till death or re-marriage whichever is earlier.
- (ii) Husband in the case of female employee till death or remarriage whichever is earlier.
- (iii) Eldest eligible child in the order of seniority irrespective of sex. Sons, and daughters including posthumous, up to 25 years of age or till employment/ marriage, whichever is earlier. (GO(p) 489/04/Fin dated 18/10/2004, GO (p) 1075/87/Fin dated 15/12/1987, and GO (p) 878/87/ Fin/Dated 29/10/1987).
- (iv) Children suffering from physical/mental disorder or disability.
- (v) Un-married daughter above 25 years of age till death.
- (vi) Son/daughter adopted legally, before retirement.
- (vii) Parents in equal shares.
- (viii) Judicially separated wife/husband
- (ix) Disabled divorced daughter
- (x) Widowed disabled daughter from the date of death of her husband.
- (xi) Children of a deceased employee born out of a divorced/judicially separated wife under certain conditions. Ruling under R. 90 (7) P.III

Commutation Pension. Appendix X

A Pensioner can exchange a portion of his/her pension for lump sum. The maximum portion of pension that can be commuted is 40% of basic pension from 01-03-2006. No commutation will be allowed to a person against whom disciplinary case is pending. Commutation pension is calculated at, "commuted value of one rupee of pension at next birth day X portion of pension commuted X 12".

Relevant part of Commutation table is given below.

55 years of age	: Rs. 11.73
56 years of age	: Rs.11.42
57 years of age	: Rs. 11.10
58 years of age	: Rs. 10.78
59 years of age	: Rs. 10.48
60 years of age	: Rs. 10.13

Restoration period of commutation is 12 years. After the restoration no commutation shall be allowed.

In the following cases of commutation, MC is required.

- 1) Retirement on invalid pension
- 2) Application for commutation pension is submitted one year after retirement.
- 3) Persons in receipt of compassionate Allowance.

No MC is required in the following cases.

1. Retirement on superannuation
2. Retiring Pension (Voluntarily retirement).
3. Those who are granted Pension on absorption in a company or corporation
4. Compensation Pension

5. Pension sanctioned in whole or part on finalisation of departmental or judicial proceedings.
6. In the case of Anticipatory Pension.

IV Miscellaneous:

Compulsory retirement on penalty. R6 P III

A Government servant who gets compulsory retirement as penalty may be granted pensionary benefits based on his qualifying service.

Retirement in Public Interest R 56 A P III

A Government servant who has completed 30 years of qualifying service, may be retired in the public interest, provided that a notice in writing is issued at least three months before the date on which he is required to retire in the public interest or 3 months pay and allowances in lieu of such notice, will be paid, to the employee.

Provisional Pension. R. 3 A P III

When any departmental or judicial proceeding is pending against an employee retired from service, a provisional pension shall be paid from the date of his retirement till the date of passing final order, an amount not exceeding the maximum pension admissible including Dearness Relief. It will be adjusted against the amount of final payment. No gratuity or DCRG will be paid before the conclusion of the inquiry and issuing of final orders.

Compassionate Allowance. R 5 P III

No pension may be granted to an employee dismissed or removed from service for mis conduct, insolvency or inefficiency; but compassionate allowance may be granted in deserving cases as special consideration, provided the allowance shall not exceed 2/3 of the pension which would have been admissible if the person had retired on the date of dismissal or removal. Since 1-09-1968, the minimum compassionate allowance shall not be less than minimum pension.

Residuary Gratuity R 69 P III

When a retired officer dies after retirement and the total pensionary benefits received by him prior to his death are less than the amount of 12 times of the last emoluments drawn by him, the deficiency may be granted to the family of the pensioner. This is called Residuary Gratuity. If a portion of pension was commuted before the death, the said benefit will not be allowed.

Anticipatory Pension R 116 (1) P III

If there is administrative delay in settling pension benefits, the pensioner will be paid anticipatory Pension, not exceeding the amount of admissible pension, for a period of six months in the first instance, and it will be extended further if the Accountant General considers so. DCRG is also paid not exceeding $\frac{3}{4}$ of its amount. When final payment is made, the amount of Anticipatory Pension, and Anticipatory DCRG paid already, will be adjusted.

Extraordinary Pension or Gratuity. R 93 & App: XIII

When a Government Servant is injured or contracts disease or dies in the execution of official duties, extra ordinary Pension/Gratuity is paid to the person or to his family in addition to the normal pension benefits. It will not be admissible to a risk common to the human existence in the modern conditions of living. From 18/06/1984 minimum extra ordinary pension is Rs. 75.

Exgratia Pension

Those Government servants, who retire from service with less than 10 years qualifying service, are not eligible for statutory pension. They are eligible for service gratuity. Vide G.O. (p) 1851/99Fin dated 18/09/1999, Government introduced Exgratia Pension to provide relief to such persons. The scheme is optional. A person who opts for the scheme shall not be eligible for Service Gratuity, Dearness Relief or Family Pension. Consolidated amount of exgratia Pension admissible w.e.f 1.07.2009 is as below:

Qualifying Service		Amount admissible
1. 9 years	-	Rs.4050
2. 8 years	-	Rs.3600
3. 7 years	-	Rs.3150
4. 6 years	-	Rs.2700
5. 5 years	-	Rs.2250
6. 4 years	-	Rs.1800
7. 3 years and below	-	Rs.1350

The above rate is in force from 1-04-2005.

Pension for Part-Time Contingent Employees (up to 30.06.2009)

1. Age of retirement : 70 years
2. Qualifying Service for minimum Pension : 10 years
3. Q.S. for full pension : 30 years
4. Q.S. for minimum DCRG : 5 years
5. Q.S. for maximum DCRG : 33 years
6. Minimum Pension from 1/07/2004 : Rs. 800
7. Maximum Pension from 1/07/2004 : Rs. 1500 (1/2 of basic remuneration)
8. Pro-rata pension granted in eligible case: : $\frac{1}{2} \text{ of } BR \times \frac{QS}{30}$ (BR = basic remuneration)
9. DA is reckoned for DCRG
10. Minimum Family Pension : Rs. 700
11. Maximum Family Pension : Rs. 1200
12. Voluntary retirement is also allowed on Completion of 20 years Q.S.
13. Procedures are same as in the case of regular employees.
14. Part time invalid pension will be part time minimum pension.

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REVISED PENSION RULES AT A GLANCE

1. **Qualifying Service** (R 12 (30) P1 & R 9 to 31 P III)

- (a) for minimum pension : 10 years
- (b) for maximum (full) pension : 30 years
- (c) for minimum DCRG : 5 years
- (d) for maximum DCRG : 33 years
- (e) for minimum pension to handicapped : 3 years

2. **Average Emoluments:** (R 12 (23) PI & R 63 P III)

Average of 10 months duty pay immediately before retirement

3. **Pension** (R 64)

- (a) for 30 years of qualifying service : 50% of AE
- (b) for qualifying service of 10 years to 29 years : 50% of AE x Q.S

(Minimum pension w.e.f. 01-07-2009 Rs. 4500/-)

4. **Death-cum-Retirement Gratuity (R.68)**

- (a) the amount of DCRG is equal to $\frac{1}{2}$ the emoluments last drawn X No. of years of Qualifying Service (maximum $16\frac{1}{2}$ times emoluments last drawn or Rs.3.30 lakh whichever is less) emoluments = last Pay + DA
- (b) (i) in the case of death while in service or for 12 times emoluments invalid pension with a Qualifying service last drawn of 5 years or more but below 24 years
- (ii) if death occurs in the first years of service 2 months emoluments
- (ii) if death occurs after first year, but before 5 years of service 6 times emoluments

5. Family Pension w.e.f. 01-07-2009 (R.90)

30% of pay last drawn by the Officer subject to a minimum of Rs.4500/- and maximum of 30% of the highest pay in the State ie. Rs.17,960 (30% Rs.59840)

6. **Commutation Pension**

Commutated value of one rupee of pension at next birthday X portion of pension commuted. (Maximum portion to be commuted 40%) X 12

COMMUTATION TABLE

Till 8-1-2002

55 years of age	: Rs.11.73
56 years of age	: Rs.11.42
57 years of age	: Rs.11.10
58 years of age	: Rs.10.78

The restoration period of commutation will be 12 years.

For part time contingent employees (uoto 30.6.2009)

- 1. Date of retirement - last date of the month in which they complete 70 years of age
- 2. Q.S. for minimum pension - 10 years
- 3. Q.S. for maximum (full) pension - 30 years
- 4. Q.S. for minimum DCRG - 5 years
- 5. Q.S. for maximum DCRG - 33 years
- 6. Minimum pension from 1-07-2004 - Rs. 800/-
- 7. Maximum pension from 1-07-2004 - Rs. 1500/- (1/2 of BR for 30 years QS)
- 8. Pro-rata pension is eligible as $(\frac{1}{2} \times \text{basic remuneration} \times \text{QS}) \div 30$
- 9. DA is reckoned for granting DCRG
- 10. Procedure are same as in the case of regular employees.