PENSION RULES
The Pensions Act 1871
(Act No 23 of 1871)
This is the earliest central law on the subject.
The Government employee who retires from service is entitled for pension and pensionary benefits as per rules in existence.

A pensioner is entitled to one of the following categories of pension in the Government of Andhra Pradesh.

TYPES OF PENSIONS

1. Superannuation Pension
2. Retiring Pension.
3. Invalid Pension
4. Compensation Pension
5. Compulsory Retirement Pension.

AP Revised Pension Rules 1980

Introduction:

Issued through G.O.Ms.No:88 F&F (FWPSC-IV) Dept Dt:26.03.1980
WREF 29.10.1979.

Rule-(1) Definition: APRPRs 1980.
Rule-(2) Application: To all GSs who were governed on 29.10.1979 by

a) OPRs in the HCCs Rules
b) RPRs 1951 of the Ex-Hyderabad State
c) The Pension Rules in the CSRs
d) APLPRs 1961
e) All India Services (DCRB) Rules 1958 – To elaborate

Rule-(3) Option: To exercise an option to continue or to elect to come under – To elaborate

Rule-(4) Option: GSs transferred from service and posts to which these rules do not apply – To elaborate
Rule-(5) Regulation of claims to Pension or Family Pension:

a) As per the retirement / or discharge / or resignation or death as the case may be.
b) Day of death – Working day
   APFC Article 80(A): -Pay & Allowances can be drawn of the day of death. Hour of
dead – Not effect.

Rule-(6) Full pension subject to satisfactory service. Deleted vide G.O.Ms.No:90 F&P, Dt:

Rule-(7) Limitation of number of pensions: One pension in one service – To elaborate.

Rule-(8) Pension subject to future good conduct: The pension sanctioning authority may be
order with hold, with draw full or part thereof permanently or for specific period for
conviction / or found guilty of grave misconduct – To elaborate.

Rule-(9) Right of Government to with hold or withdraw pension or gratuity or both either
permanently or for a specific period in addition of recovery of pecuniary loss caused to
the Government –2-(b) against retired Government servants – upto 4 years of
retirement. – To elaborate

Rule-(10) Commercial employment after retirement: Gazetted officers before expiry of 2
years from the date of retirement not permitted. Has to obtain prior permission of
Government. Not eligible for pension for the period of employment- Elaborate.

Rule-(11)

(a) Restriction on practice in Commercial Tax Officers: Gazetted Officers before
expiry of 5 years from the date of retirement not permitted. Has to obtain prior
permission of Government.
(b) Engineers of PR / R&B/ Other engineering departments not permitted before
expiry of 2 years from the date of retirement- Elaborate

Rule-(12) Employment under a Government outside India after retirement: With the prior
permission of Government of India only.
Rule-(13) Commencement of Qualifying Service:

The qualifying service of a Government servant commences from the date he takes charge of the post to which he is first appointed either substantively or in an officiating or temporary capacity.

(a) In the case of a Government servant in a Class -IV service in a pensionable post prior to 19-11-60, service rendered before attaining the age of sixteen years shall not count, for any purpose.
(b) In the case of a Government servant not covered by clause (a) above, service rendered before attaining the age of eighteen years shall not count, except for compensation gratuity.

Rule-(14) Conditions subjects to which service qualities: The service of a Government servant shall not qualify unless his duties and pay are regulated by the Government, or under conditions determined by the Government. The pre-absorption service of all F.T.C. employees converted as last grade servants in accordance with G.O.Ms.No:38 F&I P Dt: 01.02.1980 & 9 F&I P Dt: 08.01.1981 will also count as Q.S. for pensionary benefits win relaxation of Article 361 of CSR – Elaboration of

Rule-(15) Service rendered under Central Government shall count for pension. To pay P&LSC as per FR 116 basing on the pay of parent department – Elaboration of

Rule-(16) Service as apprentice: Shall not qualify for pension.

Rule-(17) Service rendered on contract: Shall not qualify for pension.

Rule-(18) Counting of preretirement Civil service in case of reemployed Government Servants: Shall not count for pension unless the pension & Gratuity is refunded subject to the conditions laid down there in.

Rule-(19) The service rendered in Military before Civil employment shall not count for pension unless he opted to refund the military pension & gratuity taken. If opted to refund, not exceeding in 36 installments – Elaboration of
Rule-(20) Counting of war service rendered before civil employment: Shall count for pension subject to fulfillment of conditions stipulated there in.

Rule-(21) Counting of period spent on leave

i) All leave during service for which leave salary is payable and all extraordinary leave granted on medical certificate shall count as qualifying service. In the case of extraordinary leave other than extraordinary leave granted on medical certificate the appointing authority may, at the time of granting such leave, allow the period of that leave to count as qualifying service if such leave is granted to a government servant.

a) Due to his inability to join or rejoin duty of account of civil commotion or

b) for prosecuting higher scientific & technical studies

ii) Extraordinary leave granted for other reasons than those mentioned above will count as qualifying service up to a maximum extent of 36 months in the entire service period. In the case of Government servant taking employment elsewhere, extraordinary leave will count as qualifying service subject to payment of pension contribution and leave contribution, as may be prescribed.

Rule-(22) Counting of periods spent on training

The Government may by order, decide whether the time spent by the Government servant under training immediately before appointment to service under that Government shall count as qualifying service.

The service of a trainee shall count for pension provided that he is selected for the post as direct recruit and is appointed to it prior to being sent on training and is paid during the period of such training the initial pay of the scale of the post.
Rule-(23) Counting of periods suspension

Time passed by a Government servant under suspension pending enquiry into conduct shall count as qualifying service where, on conclusion of such inquiry he has been fully exonerated or the suspension is held to be wholly unjustified; in other cases, the period of suspension shall not count unless the authority competent to pass orders under the rule governing such cases expressly declares at the time that it shall count to such extent as the competent authority may declare.

Rule-(24) Forfeiture of service on dismissal or removal

Dismissal or removal of Government servant from a service or post entails forfeiture of his past service.

Rule-(25) Counting of past service on reinstatement

i) A Government servant who is dismissed, removed or compulsorily retired from service, but is reinstated on appeal or review, is entitled to count his past service as qualifying service.

ii) The period of interruption is service between the date of dismissal, removal or compulsory retirement, as the case may be, and the date of reinstatement and the period of suspension, if any, shall not count as qualifying service unless regularized as duty or leave by a specific order of the authority which passed the order of reinstatement.

Rule-(26) Forfeiture of service on resignation

i) Resignation from a service or post entails forfeiture of past service, if it has been submitted to take up, with proper permission another appointment, whether temporary or permanent under the Government where service qualifies.
Rule-(27) Effects of interruption in service

As interruption in the service of a Government servant entails forfeiture of his past service except in the following cases: (a) authorized leave of absence (b) unauthorized absence in continuation of authorized leave if the post of the absentee is not filled substantively (c) suspension where it is immediately followed by reinstatement or where the Government servant dies or is permitted to retire on attaining the age of compulsory retirement while under suspension (d) Abolition of post owing to reduction of establishment (e) transfer to non qualifying service in an establishment under the control of Government under orders of competent authority in public interest (f) joining time on transfer.

Rule-(28) Condonation of interruption in service: The interruption between two or more spells of Government service or non Government service shall be treated as automatically condoned without any formal order of sanctioning authority.

Rule-(29) Addition to qualifying service

Every Government servant who at the time of retirement on superannuation, has put in a qualifying service of less than 33 years, shall be entitled to add to the qualifying service for the purpose of pensionary benefits the difference between 33 years and the qualifying service at the time of superannuation, such difference not exceeding five years.

The benefit under this rule shall not be admissible in cases where the government servant is eligible for the benefit under the rules 19 and 20 of these relating to counting of military service and war service.

Elaboration of

Rule-(30) Verification of qualifying service after 25 years: where as Government Servant completes 25 years of service, the DOO/HOD shall send the particulars to the AG who shall verify them, determine the QS and record a certificate that the
service up to the specified date has been accepted in audit for purpose of pension.

Rule-(31) Emoluments

The expression “emoluments” means “pay” as defined in rule 9(21) of the fundamental Rule which a Government servant was receiving immediately before his retirement or on the date of his death, (from 30-6-88, pay for the purpose of pension is only basic pay)

Family planning increments and Special Pay shall not count for pension as per G.O.Ms.No:177 F& P Dt: 20.06.1988 stagnation increments beyond the maximum of the Time Scale of pay will be reckoned as pay for pension – Elaboration of

Rule-(32) Average Emoluments

As per provisions contained in the GOMs No .87 Fin & Pig. dt.25-5-98 the last pay is treated as emoluments for fixation of pension instead of last ten months emoluments provided officiation in a promoted post during last two months preceding the retirement, is in a regular vacancy. G.O. Ms No 235 F & P Dt. 27-10-98 stipulates that where an employees date of increment falls due on the day following his retirement, the benefit of increment may be given-purily for Pensionery benefits.

Government have clarified that the person promoted in a regular vacancy is eligible for the benefit specified in G.O. Ms. No. 87 Fin (Pen.I) dt. 25.5.98 irrespective of the number of days he acted in the promoted post.

Rule-(33) Superannuation Pension

i) In the case of a Government servant retiring before completing qualifying service of 10 years, the amount of service gratuity shall be appropriate amount as set out in the table under Rule 45.
ii) After completing qualifying service of not less than ten years, the amount of pension shall be the appropriate amount as set out below, namely the Pension formula is:

Average emoluments $\times$ Number of years of qualifying service / 66

iii) Fraction of a year equal to 3 months or more be treated one half year for the purpose of calculation of qualifying service for purpose of pension applies to persons who retire on or after 10-9-1988.

iv) The amount of pension shall be fixed at monthly rates and be expressed in whole rupees and where the pension contains a fraction of a rupee it shall be rounded off to the next higher rupee

The minimum pension w.e.f 02.06.2014 is Rs.6500/- P.M.

Elaboration of Rule-(34) Retirement Gratuity

A Government servant who has completed 5 years of qualifying service is eligible for service gratuity or pension, shall on his retirement be granted retirement gratuity equal to 1/3 of his emoluments for each completed 6 months period of qualifying service subject to a maximum of 20 times the emoluments or Rs.50,000/- whichever is less. In G.O.Ms No. 242 Finance & Planning dt.4-5-90, Government have raised the above ceiling to Rs. 1 lakh. However the mode of calculation is at 1/4 of pay last drawn for every six monthly period of service subject to the limit of Rs 16 ½ months pay last drawn or Rs 1,00,000 whichever is less. In G.O.Ms. No. 157 F& P Dr. 16-9-99, the maximum gratuity is raised to Rs. 2,50,000 formula for calculation is at the rate of 1/4 of last pay for each completed period of half year subject to a maximum of 16 and 1/2 times or Rs. 2,50,000 which ever is less.

Government servant may opt to retire from service voluntarily after he has put in not less than twenty years of qualifying service by giving a notice in writing of at least three months to the authority which has
power to make a substantive appointment to the post from which he retires. In case of voluntary retirement, the Government servant is entitled to a service weight age of five years or the service whichever is less.

Rule-(35) Government servants on absorption to Corporations / bodies in the interest of public are eligible for pensionary benefits other than Family Pension.

Rule-(36) Pro Rata Pension

Government servant opting for permanent absorption in public enterprises on or after 16-6-1967 is allowed Pro Rata Pension or gratuity with reference to the pension rules by which he is governed by his absorption in the autonomous body. The pension will be calculated on the basis of average emoluments for ten months proceeding the date of his absorption and the retirement gratuity based on the emoluments drawn immediately before absorption.

Rule-(37) Invalid Pension

A Government servant who is declared by the appropriate medical authority to be permanently incapacitated or further service is granted invalid pension (subject to the restriction in Rule 37 of the RP Rules 1980)

Rule-(38) Compensation Pension

If a Government servant is selected or discharged owing to the abolition of his permanent post, unless he is appointed to another post the conditions of which are equal to that of the post held by him earlier, has an option to retire from service and for taking compensation pension to which he may be entitled for the service he has rendered.
Rule-(39) Compulsory Retirement Pension

A government servant compulsorily retired from service as a penalty may be granted pension or gratuity or both at a rate not less than two thirds and not more than full invalid pension or gratuity or both admissible to him on the date of his compulsory retirement.

Rule-(40) Compassionate Allowance

Government servant who is dismissed or removed from service shall forfeit his pension and gratuity. The authority competent to dismiss or remove him from service, may if the case is deserving of special consideration, sanction a compassionate allowance not exceeding two thirds of pension or gratuity or both which would have been admissible to him if he had retired on Invalid Pension.

Rule-(41) Compassionate allowance sanctioned as above shall not be less than the limit specified in Sub-rule (5) of Rule 45.

Rule-(42) Government servants shall compulsorily retire on attaining the age of superannuation as per FR / AP Public Employment (Regulation of Age of superannuation) Act 1984.

Rule-(43) Retirement on completion of 20 years of qualifying service

Government servant may opt to retire from service voluntarily after he has put in not less than twenty years of qualifying service by giving a notice in writing of at least three months to the authority which has power to make a substantive appointment to the post from which he retires. In case of voluntary retirement, the Government servant is entitled to a service weight age of five years or the service whichever is less.
Rule-(44) Retirement on completion of 33 years of qualifying service

Government servant who has completed thirty-three years of qualifying service may retire from service or may be required by the appointing authority to retire in public interest.

Rule-(45) Amount of Pension:
Formula for pension = 
\[
\frac{\text{Average emoluments} \times \text{No of qualifying years of service}}{66} \
\]
Minimum pension is Rs.6500/- w.e.f 02.06.2014

Rule-(46) Retirement Gratuity

Formula for gratuity
a) \( \text{LPD} + \text{DA} \times \text{No of completed half} \times \frac{1}{4} \text{ yearly service} \) Lesser
b) \( \text{LPD} + \text{DA} \times 16.5 \text{ times} \)
c) Rs.12,00,000.00

\[
\begin{align*}
\text{Rs. 2,50,000.00} & \quad \text{w.e.f 01.04.1999} \\
\text{Rs. 3,50,000.00} & \quad \text{w.e.f 01.04.2005} \\
\text{Rs. 7,00,000.00} & \quad \text{w.e.f 01.02.2010} \\
\text{Rs. 8,00,000.00} & \quad \text{w.e.f 01.04.2011} \\
\text{Rs.12,00,000.00} & \quad \text{w.e.f 02.06.2014} \\
\end{align*}
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Rule-(47) Persons to whom gratuity is payable

The gratuity payable U/r 46 shall be paid to the person on whom the right to receive the gratuity is conferred by means of nomination U/r 49.

If there is no such nomination or if the nomination made does not subsist the gratuity shall be paid in the manner in rule 47(b)
Rule-(48) Lapse of retirement gratuity: Where a Government servant dies while in service or after retirement without receiving the amount of gratuity and leaves behind no family and
   a) Has made no nomination or
   b) The nomination made does not subsist
The amount of retirement gratuity payable in respect of such Government servant U/r 46 shall lapse to the Government.

Rule-(49) Nominations: A Government Servant, shall, on his appointment make a nomination in From 1 or 11, as may be appropriate in the circumstances of the case, conferring on one or more persons the right to receive the retirement gratuity payable under rule47.
   i) If the Government servant has a family, the nomination shall not be in favour of any person or persons other than the persons of his family.
   ii) If the Government Servant has no family, the nomination may be made in favour of a person or persons or a body of individuals whether incorporated or not.
   iii) If the nomination is made in favour of more than one person, the amount of share payable to each nominee shall be specified.

Rule-(50) Family pension: The family of the deceased shall be entitled to monthly Family Pension at 30% of the pay last drawn.

If the Government Servant dies while in service after putting in not less than 7 years service, the Family Pension payable shall be equal to 50% of the pay last drawn from the date of death of Government Servant for a period of 7 years or till the date on which the Government Servant would have reached the age of 68 years which ever is earlier.

The Family Pension consists a) Enhanced family Pension & b) Normal family pension as above.

The definition of family for the purpose of Family Pension is ordered in G.O.(P)No:523 Fin Department dated: 22.06.2004. The widowed / divorced
daughter and parents who were totally dependent on Government Servant while he was alive where the deceased employee left behind neither widow nor a child were included under Sub-rule12 for the purpose of family. In G.O.Ms.No:315 Fin Department, Dt: 07.10.2010, the Government have categorized the eligible family members into category-IU and category-II. The unmarried daughter is also made eligible to receive Family Pension with the condition of income criteria and certain other conditions.

Rule-(51A) Anticipatory Pension

After the pension papers of a Government servant have been sent to the Audit Officer concerned, the Head of the Office shall draw and disburse anticipatory pension not exceeding 4/10th of the last drawn emoluments which counts towards pension, if the Government servant has put in 33 years of qualifying service, or reduce the anticipatory pension correspondingly, if the Government servant has put in less than 33 years of qualifying service.

Rule-(51B) Anticipatory Family Pension

After the Family pension papers of the family of a Deceased Government servant have been sent to the Audit the Head of the Office shall draw and disburse family pension not exceeding 75% of the family pension admissible under the rules. It is adjusted in full from the family pension.

Rule-(51C) Anticipatory Gratuity

Where there is likely to be delay in releasing pensionary benefits due to the pensioners, anticipatory gratuity should be released to the extent of 80% of the amount worked out by the Department authorities with reference to the records available and the qualifying service verified pending verifications and authorities of the full gratuity of by the AG after adjusting all the dues known to the Department up to the date of release of the anticipatory gratuity. No anticipatory gratuity should be
released to the pensioner if there are any departmental or judicial proceedings pending or are contemplated against the pensioner until the conclusion of the departmental or judicial proceedings and issue of final orders thereon (GOMs No 230 Finance & Planning ) Department dt 18-6-1985.

Rule-(52) Provisional Pension where Departmental or Judicial or Criminal Proceedings may be pending
In such cases action has to be taken as per the orders issued in G.O.Rt.No:1097Fin Department, Dt: 22.06.2000 which includes payment of amounts under
1. Family benefit fund
2. APGIS
3. GPF
4. APGLIC
5. Enchashment of EL
6. Retirement gratuity
7. Pension / Provisional pension
8. Commuted value of pension.