

**CENTRAL CIVIL SERVICES (FIXATION OF PAY OF RE-EMPLOYED PENSIONERS )**  
**ORDERS , 1986**

**1. SHORT TITLE AND COMMENCEMENT.**

These orders may be called the Central Civil Services (Fixation of pay of Reemployed Pensioners) orders 1986.

They shall come in to force on .....

**2. APPLICATION**

Save as others wise provided in these orders these orders shall apply to all persons who are reemployed in Civil Services and posts in connection with the affairs of the Union Government after retirement on pension gratuity and / or Contributory Provident Fund benefits from the service of Union Government including Railways Defence and posts and telegraphers State Governments and Union Territory Administrations and Public Sectors Undertaking Local Bodies Autonomous Bodies like Universities or Semi Government organizations like Posts and telegraphers.

(2) These orders shall also apply to persons reemployed in regular work charged capacity.

(3) Unless others wise provided these orders shall also apply to persons reemployed on contract basis.

These orders shall not however apply to

Persons reemployed after resignation removal or dismissal provided they have not received any retirement terminal benefits for the pre-employed service.

Persons reemployed in posts the expenditure of which is not debitable to the civil estimates of the Union Government.

Persons paid from contingencies

Persons on casual or daily rated or part time employment

Persons appointed as Consultants on payment of consolidated fees and Retired Judges of Supreme / High Courts appointed on Commissions / Committees who are government by separate orders on the subject issued from time to time.

**DEFINITIONS**

In these orders unless the context otherwise require

Pension means the gross monthly pension and / or pension equivalent of death- cum - retirement gratuity and /or pension equivalent of gratuity or Governments contributions to

contributory provident fund and / or other retirement benefits if any payable under the Central Civil services pension Rules 1972 or the relevant rules of the Government or body under which the re-employed pensioner is serving prior to his retirement .where pension has been commuted partly or fully pension means the gross pension payable praise to commutation .

**PRE-RETIREMENT PAY:** - means the substantive pay last drawn before retirement However,

i) Pay drawn in an officiating appointment may be taken into account if the officer had officiated continuously for at least ten month in the appointment on the date of retirement on he had been appointed to that post on a regular basis in accordance with the prescribed recruitment rules.

Special pay granted in terms of FR 9 (25) shall also be taken into account for determining pre-retirement pay such special pay like officiating pay shall however be taken into account towards the pre-retirement pay only if it has been drawn for atleast ten months before retirement. Pay drawn for holding more than one charge under FR 49 will not be taken into account in determining pre-retirement pay.

Such portion of deputation allowance if any drawn continuously for atleast ten months before retirement as has been taken in to account for pension purposes shall also be taken in to account for determining the last pay drawn before retirement .

The pay drawn in a tenure post may also be treated as pay last drawn before retirement provided that it was drawn continuously for ten months immediately before retirement.

Personal pay granted for loss substantive pay or allowed as a special increment for promoting small family norms shall be taken into account in fixing pre-retirement pay irrespective of whether it is drawn for ten months or not as it stands on the same footing as substantive pay. Other types of personal pay shall, however, be accorded the same treatment as officiating pay and taken into account only if the same had been drawn for ten months or more.

The periods of leave preparatory to retirement and foreign service during the last ten months before retirement may be included in the ten months before retirement may be included in the ten months for the purpose of computing pre-retirement pay, if it is certified by the competent authority that the officer would have officiated in the post but for his being on IRR or foreign service.

An increment is accruing in the substantive appointment during earned leave upto 120 days or the first four months of leave on average may take as leave preparatory to retirement shall be taken into account for determining the pre-retirement pay. If the officer was holding at the time of retirement a post in an officiating capacity the increment in respect of that post may be taken into account only if the competent authority certifies that the officer would have held the officiating appointment but for proceeding on leave preparatory to retirement. Promotion to any higher post which the officer would have got but for going on leave will not be taken into account.

viii) In the case of an officer who retires while on Foreign Service, the pay that he would have drawn in his parent cadre but for going on Foreign Service shall be taken as pre-retirement pay. Regard will also be given to the promotion which the officer would have received in his parent service or cadre as provided for in FR 113, provided that he would have officiated for ten months or more.

In the case of retired Defence Services Personnel of the rank of JCO, NCO, or OR in the Army and corresponding ranks in the Navy or Air Force, the items of emoluments mentioned below shall constitute pre-retirement pay.

### **ARMY (JCO, NCO or OR)**

OLD PAY CODE NEW PAY CODE

Basic pay

Pay (including deferred pay) and rank pay.

Grade/trade/technical/ and rank Corps pays

Increments of pay for length Good Service/Good conduct pay of service.

Proficiency pay/ special Good Service pays

Proficiency pays

War Service increments Classification pay.

Deferred pay.

Personal Allowance

( Ris/Sub.Major),

Extra Duty pays.

### **NAVY**

Basic Pay, pay (including deferred Pay)

Good Conduct pay.

Non-Substantive Pay

War service Increments Higher Pt. II -Qualification pay

Good/Deferred Pay/ Classification Pay.

## **AIR FORCE**

Basic Pay, Pay (including deferred pay)

Good Service/Good

Conduct pay.

Air Proficiency pays badge pay

War Service increments Classification pay.

Deferred pay.

(a) In case of persons who retired before 1.1.1973 and were reemployed after 1.1.73, the pre-retirement pay will be taken to be basic pay plus dearness pay plus dearness allowance and interim relief drawn at the time of retirement.

(b) In the case of persons who retired after 1.1.1973 on the pre-revised scale of pay, the pre-retirement pay will be taken to be the basic pay plus dearness allowance and interim relief drawn at the rates in force on 31.12.1972

### **(xi) MEDICAL OFFICERS**

In the case of those Medical officers who were in receipt of Non-Practicing Allowance in their last employment, the allowance so drawn will be taken into account for determining the last pay drawn for purpose of fixation of pay in the reemployed post, if such an allowance is admissible in the reemployed post, if such an allowance is admissible in the reemployed posts also. The allowance shall not be taken into account for such purpose where it is not admissible in the reemployed post. Where, however no Non-Practicing Allowance was admissible in the last employment but it is attached to the Civil post in which the pensioner is reemployed, such an allowance shall be drawn separately after fixation of pay on reemployment.

## **4. FIXATION OF PAY OF REEMPLOYED PENSIONERS.**

Reemployed pensioners shall be allowed to draw pay only in prescribed scales of pay for the posts in which they are reemployed. No protection of the scales of pay of the post held by them prior to retirement shall be given.

(i) In all cases where the pension is fully ignored, the initial pay on reemployment shall be fixed at the minimum of the scale of pay of the reemployed post.

(ii) In cases where the entire pension and pensionary benefits are not ignored for pay fixation, the initial pay on reemployment shall be fixed at the same stage as the last pay drawn before retirement. If there is no such stage in the reemployed post, the pay shall be fixed at the stage below that pay. If the maximum of the pay scale in which a pensioner is reemployed is less than the last pay drawn by him before retirement, his initial pay shall be fixed at the maximum of

the scale of the reemployed post. Similarly, if the minimum of the scale of the pay in which a pensioner is reemployed is more than the last pay drawn by him before retirement his initial pay shall be fixed at the minimum if the scale of pay of the reemployed post. However, in all these cases, non-ignorable part of the pension and pension equivalent of retirement benefits shall be reduced from the pay so fixed.

The reemployed pensioner will in addition to pay as fixed under para (b) above shall be permitted to draw separately any pension sanctioned to him and to retain any other form of retirement benefits.

In the case of persons retiring before attaining the age of 55 years and who are reemployed, pension (including pension equivalent of gratuity and other forms of retirement benefits) shall be ignored for initial pay fixation to the following extent:

In the case of ex-serviceman who held posts below commissioned officer rank in the Defence Forces and in the case of Civilians who held posts below Group 'A' posts at the time of their retirement, the entire pension and pension equivalent of retirement benefits shall be ignored.

In the case of service officers belonging to the Defence Forces and Civilian Pensioners who held Group 'A' posts at the time of their retirement, the first Rs.500/- of the pension and pension equivalent of retirement benefits shall be ignored.

#### **5. DRAWAL OF INCREMENTS:**

Once the initial pay of a reemployed pensioner has been fixed in the manner indicated above, he may be allowed to draw normal increments in time scale of the post to which he is appointed as if the pay had been fixed at the minimum or the higher stage as the case may be (i.e. before an adjustment on account of pension and pension equivalent of other forms of retirement benefits is made) provided that the pay and gross pension/pension equivalent of other retirement benefits taken together do not at any time exceed Rs.3,500/- per month.

#### **6. PERSONNEL RETIRING ON INVALID OR COMPENSATION PENSION:**

Persons who are reemployed after obtaining compensation or invalid pension will also be governed by these orders subject to the condition that if the reemployment is in qualifying service, they may either retain their pension, in which cases their former service will not count for future pension, or cease to draw any part of their pension and count their previous service. Pension intermediately drawn need not be refunded. In case the pensioners elect to count their previous service for pension by foregoing their entire pension including death-cum-retirement gratuity, their pay would be fixed by treating them as if they are not in receipt of any pension. The special provision contained in this order regarding grant of Contributory provident Fund benefits during the period of reemployment and the grant, on terminations of the period of reemployment, of the unutilized portion of the refused leave in respect of previous service shall not be extended to them.

#### **7. MILITARY RESERVATIONS:**

Military reservist who continues to serve in the same civil post, in which they were employed during reserve period, shall continue to draw the same rate of pay which they were drawing on the date of transfer to military pension establishment in addition to pension provided the pension is not more than Rs.50 per month.

#### **8. EMERGENCY COMMISSIONED OFFICERS AND SHORT SERVICE COMMISSIONED OFFICERS:**

Emergency Commissioned Officers and short Service Commissioned Officers who joined pre-commissioned training or were commissioned after 10.1.1968 may, on their appointment in Government service to unreserved vacancies, may be granted advance increments equal to the completed years of service rendered by them in Armed Forces on a basic pay (inclusive of deferred pay but excluding other emoluments) equal to or higher than the minimum of the scale attached to the civil post in which they are employed. The pay so arrived at should not, however, exceed the basic pay including the deferred pay but excluding other emoluments) last drawn by them in the Armed Forces.

#### **9. PROMOTION/TRANSFER:**

Once regular promotion/transfer to another post, pay of the reemployed pensioner shall be fixed under the provisions of Fundamental Rules with reference to the pay in the previous reemployment post (before adjustment). Admstment from the pay so fixed on account of pension and pension equivalent of retirement benefits shall be continued to be made to the same extent as was being made earlier this will however remain subject to the condition that the pay plus pension and pension equivalent of gratuity / other forms for retirement benefits shall not exceed Rs. 3,500/- per month at any time.

#### **10. PROVISIONAL PAY**

(i) Where delays are likely to occur in determining the pension and other Pensionary benefits the reemployed officers pending final fixation of pay might be paid their pay on provisional basis for a maximum period of six months after taking into account the maximum pension and gratuity that might be admissible to them on the basis of least pay drawn by them. The sanctioning authorities shall be responsible for ensuring that the provisional pay authorised is not likely to exceed the correct pay that may be come admissible for the purpose of calculating the pension equivalent of the gratuity the table as prescribed in the Central Civil Services( Communication of pension Rules 1981 ) from time of time shall be followed. An undertaking for refunding any amount that might be overpaid as a result of provisional fixation of pay shall be obtained from the reemployed pensioners.

(ii) (a) In cases where considered desirable, a reemployed person may be paid the full pay of the post on provisional basis which would be inclusive of his pension but would exclude an approximate amount of pension equivalent of gratuity / pension equivalent of employers portion of Contributory provident Fund as the case may be provided he executes an agreement in the appropriate form (vide Annexure I) . He shall also be required to furnish acceptance in the prescribed form (vide Annexure II) indicating receipt of his pay including pension. The

acceptance shall be obtained from the reemployed person concerned along with the pay bill every month he is paid provisionally.

(b) When the pension and other retirement benefits are ultimately sanctioned to the reemployed person by the competent authority the pay shall be fixed after taking into account the pension and pension equivalent of the other forms of retirement benefits in accordance with the provisions contained in these orders and he shall have no fresh claims for pensionary benefits in respect of the past periods during which he drew the same along the provisional pay. The actual amount of pension equivalent of gratuity/employer's operation of CPF will be adjusted against the gratuity/CPF to the extent it is different from the approximate amount deducted from the pay of the post provisionally paid.

(iii) the orders contained in (ii) above shall apply to cases of civil retired Central Government employees reemployed in Central Civil Department and shall not apply to cases of any other categories of retired persons (such as retired persons of Defence Deptt., Railway Deptt. and State Governments) on their reemployment under Central Government.

#### **11. ALLOWANCES:**

The drawl of various allowances and other benefits based on pay shall be regulated with reference to the pay that is fixed on reemployment. Pay for these allowances and benefits will be the pay fixed before deducting the non-ignorable part of the pension and pension equivalent of the other retirement benefits.

#### **12. CONTRIBUTORY PROVIDENT FUND:**

Reemployed officers might be permitted to contribute to the contributory Provident Fund, provided that where the term of reemployment is initially for a year or less but is later extended so as to exceed one year, the Government's contribution with interest shall be credited only after the completion of one year's reemployment service. The Government contribution with interest shall be payable for the entire period for which the reemployed officer is allowed to contribute to the CPF if such period exceeds one year.

#### **13. LEAVE AND LEAVE SALARY:**

In the case of persons reemployed after retirement, the provisions contained in the Central Civil Service leave Rules, 1972 shall apply.

#### **14. GRATUITY/DEATH-CUM-RETIREMENT GRATUITY:**

Reemployed officers shall not be eligible for any gratuity/death-cum-gratuity for the periods of reemployment except in those cases covered on Rules 18 and 19 of the Central Civil Services (Pension) Rules, 1972 and corresponding Rules of the Defence services regulations.

#### **15. RETRENCHED EMPLOYEES:**

In the case of ex-servicemen as well as civilians who are retrenched from service and are not granted pension and/or service gratuity, on their appointment to Government service they may be granted advance increments equal to the completed years of service rendered by them on a basic pay equal to or higher than the minimum of the scale attached to the civil post in which they are employed. The pay arrived at should not, however, exceed the basic pay drawn by them in the Armed Forces.

#### **16. FIXATION OF PAY OF EX-COMBATANT CLERKS/STOREMEN:**

In partial modification of the provisions contained in orders 4 and 5 above, ex-combatant clerks on their reemployment as Lower Division Clerks or Junior Clerks in the Civil posts and Ex-storemen in the Armed Forces on their reemployment as storemen in Civil Posts) shall have the option to get their pay fixed under orders 4 & 5 above in accordance with the procedure indicated in sub-para (2) below.

#### **EXPLANATION:**

The option once exercised is final. The reemploy pensioner should be asked to exercise the option within the period of three months from the date of his reemployment.

Ex-combatant clerks and Storemen referred to in this order will include reservists released at their own request or on compassionate or medical grounds.

Services rendered as Combatant Clerks and Storemen in Armed Forces shall be treated as equivalent to service as Lower Division Clerks / Junior Clerks and Storemen respectively in civil posts respective of the pay drawn in those posts in the Armed forces. The initial pay in such cases shall be fixed in the time scale of the reemployed posts at a stage equivalent to the stage that would have been reached by putting in the Civil posts in the Armed forces. The pay so fixed will not be restricted to the pre-retirement pay. The fixation of pay in these cases shall be done by invoking the provisions of Fundamental Rules 27.

#### **EXPLANATIONS:**

For the purpose of calculation of completed years of services rendered in the Armed Forces the non-qualifying service in the Armed Forces will not be taken into account.

Pension as defined in order 3(1) above shall be deducted from the pay fixed under this rule after ignoring Rs.15/- thereof and only the net is payable.

If the resultant amount does not correspond to a stage in the scale applicable to the reemployed post, pay may be fixed at the next lower stage and the difference allowed as personal pay to be absorbed in future increases of pay.

Where the pay in such cases is fixed below the minimum of the pay scale of the reemployed post as a result of adjustment of amount of pension drawn by him from the Army in excess of Rs.15/- per month, increases in pay may be allowed after each year of service at the rate of increment admissible as if the pay has been fixed at the minimum till the minimum of the scale

is reached. Thereafter, subsequent increments may be granted in the scale of the reemployed post in the usual manner.

In the case of appointment of persons during released have/terminal leave, their pay may be fixed at the minimum of the scale of pay of the civil post of Lower Division Clerk/Junior Clerk/Storemen and they will draw leave salary separately from the military authorities. Their pay in accordance with the formula mentioned at (2) above will be fixed from the date of their final discharge from the Army.

5. The power to fix the pay under this order is delegated to the Administrative Ministries/Departments of the Government of India. For this purpose the Comptroller and Auditor General of India will have the same powers as the Ministries of Government of India. Orders fixing the pay in such cases should be issued by invoking the provisions of Fundamental Rule 27.

#### **17. DETAILS TO BE CALLED FOR FROM THE AUDIT OFFICERS:**

For the correct determination of pay, competent authorities shall obtain the following information in respect of all officers viz. Gazetted, non-gazetted and Group 'D' from the Audit/Pay and Accounts officers who reported on the title to pension etc.

Post held substantively on the date of retirement and substantive pay in that post together with scale of pay.

Other post, if any, held an officiating capacity on the date of retirement and officiating pay drawn in the post together with scale of pay.

In the case of (ii) above, the dates of actual officiation.

(a) Special pay, personal pay and deputation allowance, if any, drawn on the date retirement and the period for which it was drawn continuously.

The portion of special pay etc. counted as emoluments for pension should be indicated.

In the case of special pay drawn in substantive posts whether it is a part of the prescribed scale of the post and included in the relevant pay schedules.

Gross pension, including amount commuted particulars of pension payment order, to be quoted.

Death-cum-Retirement or other gratuity and pension equivalent thereof.

Government contribution to the contributory Provident Fund with interest and the pension equivalent thereof, the Contributory Provident Fund Account number previously allotted and the particulars of the authority issued by the previous Audit /Pay and Accounts officer.

After getting the above information, the competent authority shall fix the pay of the reemployed officer under the provisions of these orders and communicated the same in the sanction letter to the Audit/Pay and Accounts Officers. In the case of Ministries/Departments where the integrated accounts set up has been introduced, the information to the Audit/Pay and Accounts Officer regarding particulars of equivalent/higher posts held by the reemployed Government servant which was taken into account for giving the higher starting salary under paragraph 4(b)(ii) of the orders.

#### **18. DELEGATION OF POWERS.**

The administrative Ministries/Departments will be competent to fix the pay of a retired officer reemployed under them in accordance with the formula mentioned order 4 above, provided that the post in which the officer is reemployed already carries a sanctioned scale of pay. Cases in which a scale of pay has not been sanctioned for the post will be referred to the Deptt. of Personnel & Training.

The Administrative Ministries/Departments and the Comptroller and Auditor General may delegate their powers to lower authorities their discretion in respect of appointments which are with the powers of such lower authorities to make.

### **ANNEXURE I**

#### **FORM OF AGREEMENT TO BE EXECUTED BY THE CENTRAL GOVERNMENT (CIVIL) PENSIONER ON HIS REEMPLOYMENT.**

An agreement made .....day of .....one thousand nine hundred and .....between .....(herein after called the retired Govt. Servant, which expression shall include his/hers, executors, administrators and legal representatives) on the one part and the President of India (herein after called the Government) on the other part.

Whereas the Government has appointed ..... a retired Govt. Servant in the post of.....which carried a scale of .....whereas in accordance with the orders contained in the Ministry of Finance Office Memorandum No.8(34)Estt.III/57 dated the 25<sup>th</sup> Nov.,1958 As modified upto date, the initial pay or re-employment plus the gross amount of pension and/or the pension equivalent of other forms of retirement benefits shall not exceed (I) the pay he draw before his retirement or (ii) Rs.3500 whichever is less.

Whereas the pension and/or the pension equivalent of retirement benefits in respect of the retired Government servants' previous service has not been finally determined and sanctioned by the competent authority before his reemployment.

Whereas the approximate amount of pension equivalent gratuity/pension equivalent of employer's contributory Provident Fund receivable by the retired Government servant has been worked out to be Rs.....p.m.

Whereas the retired Government servant is desirous of receiving pay in the re-employed post each month inclusive of the amount of pension due to him for the relevant period but exclusive of a sum of Rs.....representing the approximate amount of pension equivalent of employer's contribution to C.P.F.

Now therefore, the Government have agreed to fix his pay at a sum of Rs.....per month "provisionally" which sum shall include the amount of pension due to him for the relevant period but exclude an approximate amount of pension equivalent of employers Contribution to C.P.F.

On the condition that,

The provisional pay shall be subject to adjustment on the fixation of his final pay in accordance with the orders referred to above, when the pension equivalent of other forms of retirement benefits in the respect of his previous service are sanctioned to the retired Government servant by the competent authority.

The retired Government servant shall not have any further for the pension in respect in respect of the period during which he had drawn the amount there of included in the provisional pay.

And further that the actual pension equivalent of gratuity/pension equivalent of employer's contribution to C.P.F. shall be subject to adjustment from the gratuity/G.P.F. when the sanctioned, to the extent it is different from the approximate amount excluded from the pay in the re-employed post to arrive at the provisional pay.

In witness where of the retired Government Servant has hereto set his hand the day and year first before written.

Signed by the said in presence of.

SIGNATURE