

No. 36-03/2019-Pen(T)
Government of India
Ministry of Communications
Department of Telecommunications
(Pension Section)

513, Sanchar Bhawan
20, Ashoka Road, New Delhi
Dated: 17th April, 2023

OFFICE MEMORANDUM

Subject: Circulation of DoP&PW OM No. 38/41/19-P&PW(A)[6018] dated 10.04.2023- regarding amendment of Rule 8 of CCS(Pension) Rules, 2021

The undersigned is directed to circulate the above mentioned DoP&PW OM to all concerned for information and strict implementation.

Encl: As above.

K. Mohan
17.04.23
(Leena George)

Under Secretary to the Govt. of India

To:

1. All the office of Pr. CCAs/ CCAs/LSAs/Heads of BSNL circles.
2. Sr. DDG(TEC), Khurshid Lal Bhawan, Janpath, New Delhi, WMO/NCCS
3. DDG(A/cs), DDG(C&A), DDG(Pers.), DDG(E&T), DoT, HQ.
4. Dir (Accounts-I), Dir (Accounts-II), Dir (Staff), Dir (SEA), Dir (Civil), Dir (Arch.), Dir (Elect.), DS (Admn.I), DS (Admn.II), DoT, HQ.
5. US (Admn.I), US (Admn.II), US(Admn.III), US(SGT), US(SNG), ADG(SEA-I), ADG(SEA-II),DoT
6. ADG(E&C), DoT for uploading this OM on DoT website.
7. CMD BSNL/MTNL/BBNL/TCIL/ITI.
8. Registrar, TDSAT, Secretary TRAI, Chairman C.DoT

F. No. 38/41/19-P&PW(A) [6018]
Government of India
Ministry of Personnel, PG & Pensions
Department of Pension & Pensioners' Welfare

3rd Floor, Lok Nayak Bhawan
Khan Market, New Delhi-110 003
Dated: 10.04.2023

Office Memorandum

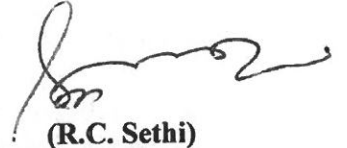
Subject: Amendment of Rule 8 of CCS (Pension) Rules, 2021-reg.

The undersigned is directed to say that Rule 8 of the CCS (Pension) Rules, 2021 has been amended vide Notification No. GSR 770(E) dated 07.10.2022.

2. As per earlier Rule 8 of the CCS (Pension) Rules, 2021 as well as rule 9 of the CCS (Pension) Rules, 1972 (since repealed), the President had the power, in all cases, to withhold/withdraw a pension/gratuity, if in any departmental or judicial proceedings, the pensioner was found guilty of grave misconduct or negligence during the period of service, including service rendered upon re-employment after retirement.
2. As per the amended Rule 8 as amended vide Notification dated 07.10.2022, approval of President shall be required only for ordering withholding/withdrawing pension or gratuity in the case of a pensioner who retired from a post for which President is the appointing authority and, in other cases, Secretary of the Administrative Ministry or Department shall be competent to order withholding/withdrawing pension or gratuity, if the pensioner is found guilty of grave misconduct or negligence during the period of service in any departmental or judicial proceedings. Similarly, the Comptroller and Auditor-General of India shall be competent to order withholding/withdrawing pension or gratuity in the case of a pensioner who retired from the Indian Audit and Accounts Department, for which an authority subordinate to the President is the appointing authority. Consultation with UPSC will also not be necessary in cases where the President is not the appointing authority
3. There may be cases where President is not the appointing authority but, in accordance with the then existing Rule 8 of CCS(Pension) Rules, 2021 [or Rule 9 of CCS(Pension) Rules, 1972], orders of President were obtained in certain circumstances, such as:
 - (a) for withholding/withdrawal of pension/gratuity after conclusion of the departmental proceedings, in cases where departmental proceedings were instituted before retirement and were deemed to be proceedings under Rule 8, or
 - (b) for issue of sanction for institution of departmental proceedings after retirement and for direction in regard to the authority by which the departmental proceedings are to be conducted, in cases where departmental proceedings were instituted after retirement, etc.
4. It may not be appropriate for any subordinate authority to take a final decision in the departmental proceedings, if the case has been submitted to the President at any stage for any orders during the proceedings. Therefore, in such cases, final decision on the question of withholding/withdrawal of pension/gratuity is required to be taken with the approval of President and consultation with the UPSC would also be necessary in such cases.

5. However, in cases where the departmental proceedings were instituted before retirement of a Government servant by a subordinate authority and the proceedings were deemed to be proceedings under Rule 8 [or Rule 9 of CCS(Pension) Rules, 1972], but the report recording its findings has not been submitted by the subordinate authority to the President so far for final decision on the question of withholding/withdrawal of pension/gratuity, such cases shall not be required to be submitted to President and, accordingly, consultation with UPSC will also not be necessary. Final decision in such cases may be taken by the Secretary of the Administrative Ministry or Department or CAG, as the case may be, in accordance with the amended Rule 8 of the CCS (Pension) Rules, 2021.

5. All Ministries/Departments are requested that the above amended provisions may be brought to the notice of the personnel dealing with the issue for strict implementation.



(R.C. Sethi)

Deputy Secretary to Government of India

Tel: 24635979

To,
All Ministries/Departments/Organisations (As per standard list)