

No.28/7/99-P&PW (B)(Vol.II)
 Government of India
 Ministry of Personnel, PG & Pensions
 Department of Pension and Pensioners' Welfare

Third Floor, Lok Nayak Bhavan,
 New Delhi-110003.

Date the 11th April, 2001

OFFICE MEMORANDUM

Subject: **Re-employed military pensioners – drawal of separate military pension –removal of limitation on Civil pension.**

The Government employees who got re-employment after rendering civil service are governed by the provisions of Rule 18 and those who got re-employment in civil service after rendering military service, are governed by Rule 19 of CCS (Pension), Rules, 1972. Rule 18(3) provides for limitation of pensionary benefits in the second spell of civil service. Rule 19 has no such provision for limitation. However, in the case of military pensioners re-employed in civil service, Rule 18(3) of CCS (Pension) Rules, 1972 was made applicable vide DP&AR's OM No.38/5/81-PU dated 5-3-1982.

2. The matter has been re-considered in consultation with Ministry of Finance and it has been decided that Rule 18 and 19 shall apply respectively to the civil and military re-employed pensioners. In other words, in the case of re-employment of a military pensioner in civil service, the pensionary benefits for second spell of service shall not be subject to any limitation as per provisions of Rule 18(3) of CCS (Pension) Rules, 1972.

3. The cases of re-employed military pensioners who opted for separate military and civil pension and whose cases were earlier decided otherwise, may be re-opened and pensionary benefits for civil service may be re-fixed without limitation as provided in preceding para.

4. All Ministries/Departments are requested to bring provisions of this OM to the notice of all attached/subordinate Offices and autonomous bodies under administrative control of the concerned Ministries/Departments.

Sd/-
(Sujit Datta)
Director (PW)

To
 All Ministries/Departments of Government of India

[TO BE PUBLISHED IN PART II, SECTION 3, SUB SECTION (ii) OF THE
GAZETTE OF INDIA]

No.28/19/2001-P&PW (B)
Government of India
Ministry of Personnel, Public Grievances and Pensions
Department of Pension and Pensioners' Welfare

New Delhi, the 11th November 2003

NOTIFICATION

S.O.3205.--- In exercise of the powers conferred by the proviso to article 309 of the Constitution, the President hereby makes the following rules further to amend the Central Civil Services (Pension) Rules, 1972, namely:-

1. (1) These Rules may be called the Central Civil Services (Pension) Amendment Rules, 2003.
- (2) They shall come into force on the date of their publication in the Official Gazette.
2. In the Central Civil Services (Pension) Rule, 1972 (herein after referred to as the said rules), -
 - (i) in rule 13, in the second proviso, after clause (b), the following clause shall be inserted, namely:-

“(c) the provisions of clause (b) shall not be applicable in the cases of counting of military service for civil pension under rule 19 ”;
 - (ii) in rule 19 of the said rules, in sub-rule (1), the words "after attaining the age of eighteen years" shall be omitted.

Sd/-
(M.K. Agarwal)
Deputy Secretary (PW)

CONTD...2/-

FOOT NOTE:- The Central Civil Services (Pensions) Rules, 1972 were published as S.O. 934 dated 1.4.72. The fourth edition of the rules corrected up to July, 1988 was

printed in the year 1988. The Rules were subsequently amended vide Department of Pension & Pensioners' Welfare notifications given below;

S.No.	Notification No.	Date
1.	S.O. No. 254	04.02.1989
2.	S.O. No. 970	06.05.1989
3.	S.O. No. 2467	07.10.1989
4.	S.O. No. 899	14.04.1990
5.	S.O. No. 1454	26.05.1990
6.	S.O. No. 2329	08.09.1990
7.	S.O. No. 3269	08.12.1990
8.	S.O. No. 3270	08.12.1990
9.	S.O. No. 3273	08.12.1990
10.	S.O. No. 409	09.12.1991
11.	S.O. No. 464	16.02.1991
12.	S.O. No. 2287	07.09.1991
13.	S.O. No. 2740	02.11.1991
14.	GSR No. 677	07.12.1991
15.	GSR No. 39	01.02.1992
16.	GSR No. 55	15.02.1992
17.	GSR No. 570	19.12.1992
18.	S.O. No. 258	13.02.1993
19.	S.O. No. 1673	07.08.1993
20.	GSR No. 449	11.09.1993
21.	S.O. No. 1984	25.09.1993
22.	GSR No. 389 (E)	18.04.1994
23.	S.O. No. 1775	19.07.1997
24.	S.O. No. 259	30.01.1999
25.	S.O. No. 904 (E)	30.09.2000
26.	S.O. No. 717 (E)	27.07.2001
27.	S.O. No.4000	28.12.2002
28.	S.O. No.860(E)	28.07.2003

Sd/-
(M.K. Agarwal)
Deputy Secretary (PW)

To
The Manager,
Government of India Press,
Mayapuri, Ring Road,
New Delhi