

No.12/2/2023-1S(I)
Haryana Government
Chief Secretary's Office
Personnel Department

Dated, Chandigarh, the 16th August, 2023

To

All the IAS Officers of Haryana Cadre.

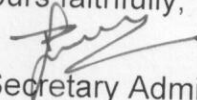
Subject : Amendment in Rule 2, 3, and 22 of All India Services (Death-cum-Retirement Benefits) Rules, 1958.

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Sir/Madam,

I am directed to refer to the subject noted above and to send herewith a copy of Notification No. G.S.R. 487 (E), dated 6th July, 2023 issued by Ministry of Personnel, Public Grievances and Pensions, Department of Personnel and Training, Govt. of India for information.

Yours faithfully,

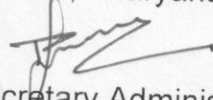

Under Secretary Administration.
for Chief Secretary to Government, Haryana

No. 12/2/2023-1S(1)

Dated, Chandigarh, the 16th August, 2023

A copy, alongwith a copy of Notification No. G.S.R. 487 (E), dated 6th July, 2023 issued by Ministry of Personnel, Public Grievances and Pensions, Department of Personnel and Training, Govt. of India is forwarded to the following with the request to circulate it to the all IPS & IFoS officers, respectively :-

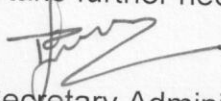
1. Additional Chief Secretary to Government, Haryana, Home Department.
2. Additional Chief Secretary to Government, Haryana, Environment, Forests & Wild Life Department.


Under Secretary Administration.
for Chief Secretary to Government, Haryana

No. 12/2/2023-1S(1)

Dated, Chandigarh, the 16th August, 2023

A copy, alongwith a copy of Notification No. G.S.R. 487 (E), dated 6th July, 2023 issued by Ministry of Personnel, Public Grievances and Pensions, Department of Personnel and Training, Govt. of India is forwarded to Joint Secretary (Services-III) to Government, Haryana to take further necessary action.


Under Secretary Administration.
for Chief Secretary to Government, Haryana

MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS

(Department of Personnel and Training)

NOTIFICATION

New Delhi, the 6th July, 2023

G.S.R. 487(E).—In exercise of the powers conferred by sub-section (1) of section 3 of the All India Services Act, 1951 (61 of 1951), the Central Government, after consultation with the Governments of the States concerned, hereby makes the following rules to amend the All India Services (Death-cum-Retirement Benefits) Rules, 1958, namely:—

1. (1) These rules may be called the All India Services (Death-cum-Retirement Benefits) Amendment Rules, 2023.
- (2) They shall come into force from the date of their publication in the Official Gazette.
2. In the All India Services (Death-cum-Retirement Benefits) Rules, 1958 (hereinafter referred to as the said rules), in rule 2, in sub-rule (1), in clause (aa), for the Note (viii), the following Note shall be substituted, namely:—

“(viii) Where a member of service, immediately before his retirement or death while in service, was on leave, and earned an increment which was not withheld, such increment, though not actually drawn, shall be included in his emoluments or average emoluments.”
3. In the said rules, for rule 3, the following rule shall be substituted, namely:—

“3. General Conditions – (1) Future good conduct shall be an implied condition of every grant of pension and its continuance under these rules.

(2) The Central Government may withhold or withdraw a pension or a part thereof, for a specified period or indefinitely, either on a reference from the State Government concerned or otherwise, if after retirement, a pensioner is convicted of a serious crime or be guilty of grave misconduct:

Provided that no such order shall be passed without consulting the Union Public Service Commission.

Provided further that where a part of pension is withheld or withdrawn, the amount of such pension shall not be reduced below the amount of minimum pension.

(3) Where a pensioner is convicted of a serious crime by a Court of Law, action under sub-rule (2) shall be taken in the light of the judgment of the court relating to such conviction.

(4) In a case not falling under sub-rule (3), if the Central Government considers that the pensioner is *prima facie* guilty of grave misconduct, he shall, before passing an order under sub-rule (2), -

 - (a) serve upon the pensioner a notice specifying the action proposed to be taken against him and the ground on which it is proposed to be taken and calling upon him to submit, within fifteen days of the receipt of the notice or such further time not exceeding fifteen days, as may be allowed by the Central Government, such representation, as he may wish to make against the proposal; and
 - (b) take into consideration the representation, if any, submitted by the pensioner under clause (a).

(5) The decision of the Central Government on any question of withholding or withdrawing the whole or any part of the pension under sub-rule (2) shall be final.

(6)(a) Without prejudice to the provisions of sub-rule (4), no member of service who has worked in any Intelligence or Security-related organisation included in the Second Schedule to the Right to Information Act, 2005 (22 of 2005), shall, without prior clearance from the Head of such Organisation, make any publication after retirement of any material relating to, but not limited to, -

 - (i) domain of the organisation, including any reference or information about any personnel and his designation, and expertise or knowledge gained by virtue of working in that organisation; and
 - (ii) sensitive information, the disclosure of which would prejudicially affect the sovereignty and integrity of India, the security, strategic, scientific or economic interests of the State or relation with a foreign State, or which would lead to incitement of an offence.

(b) the member of services who have worked in any intelligence or security-related organisation included in the Second Schedule to the Right to Information Act, 2005 (22 of 2005) shall give an undertaking as provided in **Schedule 'M'** in regard to the restriction specified in clause (a) and any failure to observe such an undertaking on the part of retired member of services shall be treated as grave misconduct under this rule.

- (c) in the case of a member of service transferred out of an organisation referred to in clause (b) on completion of deputation or otherwise, the required undertaking, in duplicate, shall be obtained from the member of service at the time of transfer and one copy of the undertaking shall be kept in the service book of the member of service and an entry to this effect shall be made in the service book and the other copy of the undertaking shall be kept in the aforesaid organisation for record.
- (7) The Head of such Organisation shall be vested with the authority to decide as to whether the proposed material for publication is sensitive or non-sensitive, and whether it falls in the domain of the organisation.
- (8) An appeal against an order passed by the Central Government under sub-rule (2) shall lie to the President and the President shall, in consultation with the Union Public Service Commission, pass such orders on the appeal as may be deemed fit.

Explanation - For the purpose of this rule, -

- (a) the expression 'pension' includes family pension and the expression 'pensioner' includes family pensioner;
- (b) the expression 'serious crime' includes a crime involving an offence under the Official Secrets Act, 1923 (19 of 1923);
- (c) the expression 'grave misconduct' includes the communication or disclosure of any secret official code or password or any sketch, plan, model, article, note, document or information, such as is mentioned in section 5 of the Official Secrets Act, 1923 (19 of 1923) (which was obtained while holding office under the Government) so as to prejudicially affect the interests of the general public or the security of the State;
- (d) the expression 'publication' includes communication to the press or electronic media or publication of any book, letter, pamphlet, poster or other document, in any form;
- (e) the expression 'information' includes any material in any form including records, documents, memos, e-mails, opinion, advice, press releases, circulars, orders, logbooks, contracts, reports, papers, samples, models and data material in any electronic form held or accessed by the member of service while in service."

4. In the said rules, in rule 22, -

(i) in sub-rule 7, -

(a) in *Explanation 1*, the following proviso shall be inserted, namely:-

"Provided that the family pension shall be payable to a divorced daughter from the date of divorce if the divorce proceedings were filed in a competent court during the life time of the member of service or pensioner or his or her spouse but the divorce took place after their death.";

(b) in *Explanation 4*, the following proviso shall be inserted, namely:-

"Provided that a child or sibling suffering from a mental or physical disability shall be deemed to be not earning his or her livelihood, if his or her overall income from sources other than family pension is less than the entitled family pension under sub-rule (2) and the dearness relief admissible thereon, payable on death of the member of service or pensioner concerned.";

(c) *Explanation 6* shall be omitted;

(ii) for sub-rule 17, the following sub-rule shall be substituted, namely:-

"(17)(a) If a person, who in the event of death of a member of service while in service, is eligible to receive family pension under this rule and is charged with the offence of murdering the member of service or for abetting in the commission of such an offence, the family pension shall not be paid to such a person till the conclusion of the criminal proceedings instituted against him;

(b) during the period the family pension is not paid to a person under clause (a), the family pension shall be paid to other eligible member of the family, if any, from the date following the date of death of the member of service:

Provided that if the spouse of the member of service is charged with the offence of murdering the member of service or for abetting in the commission of such an offence and the other member of the family eligible for family pension is a minor child of the deceased member of service, the family pension to such minor child shall be payable through a duly appointed guardian, and such mother or father of the minor child shall not act as guardian for the purpose of drawal of family pension;

(c) If on the conclusion of the criminal proceedings referred to in clause (a), the person concerned-

- (i) is convicted for the murder or abetting in the murder of the member of service, such a person shall be debarred from receiving the family pension which shall be continued to be paid to other eligible member of the family, if any, from the date of death of the member of service;
- (ii) is acquitted of the charge of murder or abetting in the murder of the member of service, the family pension shall become payable to such a person from the date of such acquittal and the family pension to other member of the family shall be discontinued from that date:

Provided that if there was no other eligible member of the family or the family pension ceased to be payable to the other eligible member of the family before the date of acquittal of the person concerned, the family pension shall be payable to such a person from the date following the date of death of the member of service or from the date on which family pension ceased to be payable to the other eligible member of the family, as the case may be.

(d) the provisions of clause (a) and clause (c) shall also apply for the family pension becoming payable on the death of a member of service after his retirement.

Explanation- For the purpose of this sub-rule, the charge of murdering or abetting in the murder of member of service will include the charge of abetting death by suicide."

(iii) in sub-rule 20, in clause (c), after sub-clause (ii), the following sub-clause shall be inserted, namely:-

"(iii) where a member of service dies during the currency of a penalty which has the effect of reducing his pay only during the currency of that penalty and on expiry of which he would have regained the pay admissible to him without any impact of the said penalty, the notional pay on the date of death or during the last ten months of his service ignoring the effect of such penalty shall be taken into account for determining the average emoluments."

5. In the said Rules, after "Schedule L", the following Schedule shall be inserted, namely:-

"Schedule M

[See rule 3(6)(b)]

Undertaking by Members of Service who have worked in any Intelligence or Security-related Organization

I,, have worked in (Name of Organization) on the post of, for the period from to....., do hereby solemnly declare that, save with prior approval of the Competent Authority, I shall not publish in any manner, while in service or after my retirement, any information or material or knowledge which is related to the domain of the organization and obtained by virtue of my working in the said Organization. This declaration is notwithstanding my responsibilities and liability, in terms of the relevant conduct rules, pension rules, laws dealing with offences relating to official secrets or national security and Intelligent Organisations (Restriction of Rights) Act, 1985 (58 of 1985), as the case may be. I further agree that in the event of any failure of the above undertaking by me, the decision of the Government as to whether it was likely to prejudicially affect the aspects stated above shall be binding on me.

2. I am aware that the pension which may be granted to me after retirement, in terms of the relevant pension rules, can be withheld or withdrawn, in full or part, for any failure of this undertaking given.

Signature of the Member of Service

Place: _____

Date: _____ "

[F.No.29018/01/2023-AIS-II(Pension)]

KULDEEP CHAUDHARY, Under Secy. (AIS-II)

Note : The principal rules were published in the Gazette of India vide Notification No. G.S.R. 728(Extraordinary), Part II Section 3 Sub-section (i) dated the 18th August, 1958 and were last amended vide Notification No. G.S.R. 177 (E), Part II Section 3 Sub-section (i) dated the 09th March, 2022.