

## **CHAPTER : 17 – PENSION/RETIREMENT MATTERS**

(17.1)

**Government of Nagaland  
Home Department  
Administrative Reforms (O & M) Branch**

No. AR-13/42/75

Dated Kohima , the 10<sup>th</sup> March, 1976.

**OFFICE MEMORANDUM**

**Sub:- Serving of notice to officer who are attaining age of Superannuation.**

The undersigned is directed to refer to this Department's Office Memorandum of even number dated 20-10-75 and 25-10-75 on the above subject and to clarify that these memorandum were issued to ensure that a Govt. Servant does not remain in service beyond the age of superannuation. In fact a "Notice" as is required to serve on Govt. servants who are retired on completion of 50 years of age or 25 years of qualifying service is not necessary in case of retirement on superannuation.

2. According to the instruction of the Govt. of India, retirement on attaining the age of superannuation is automatic and in the absence of specific orders to the contrary by the competent authority a Govt. servant must retire on the due date. It is the responsibility of the administrative authorities concerned to ensure that the Govt. servants under their control so retire. The date of retirement of a Govt. servant on superannuation is known in advance and, there should be no question of failure to make arrangements for his relief sufficiently in advance and complete any formalities required in that behalf. For this purpose the authorities concerned should maintain a proper record of the dates of retirement of Govt. servant working under them and take such appropriate action as may be necessary for their retirement on the due date.

3. It is clear from the above instruction of the Govt. of India that service of notice for retirement of a Govt. servant is not necessary when he is due to retire on superannuation. In such cases concerned authorities may ask the Govt. servants concerned to hand over charge on due dates of retirement.

4. It has been seen in the past that in certain cases the Govt. servant continued service beyond the age of superannuation due to oversight of their administrative authorities. To ensure that similar cases do not reoccur in future all administrative authorities are requested to take necessary action according to the above instruction. They are also requested to submit a quarterly report in the proforma enclosed to the administrative Department of the Government on 6<sup>th</sup> of January, April, July, and October for the quarters ending December, March, June and September respectively.

5. The receipt of this Office Memorandum may please be acknowledged.

**Sd/- I. LONGKUMER**  
Secretary to the Govt. of Nagaland

## **PROFORMA**

Quarterly report on retirement of Government servants attaining the age of superannuation for the

Quarter ending .....

Department.....

Office.....

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SL.No.	Name and designation	Dt. of Birth	Dt. of retirement	Remarks
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(17.2)

### **THE NAGALAND RETIREMENT FROM PUBLIC EMPLOYMENT**

**(ACT NO.3 OF 1991)**

**NAGALAND LEGISLATIVE ASSEMBLY  
SECRETARIAT, KOHIMA**

#### **THE NAGALAND RETIREMENT FROM PUBLIC EMPLOYMENT Act, 1991**

An Act to regulate conditions of service in Public Employment.

Whereas it is expedient to lay down law regarding “tenure of public employment in the State of Nagaland.

It is hereby enacted in the forty second year of the Republic of India as follows :-  
Short title,

1. (1) This Act may be called the Nagaland Retirement from Public Employment Act, 1991.

Commencement

- (2) It extends to the whole of the State of Nagaland.

- (3) It shall be deemed to have come into force with effect from the 18<sup>th</sup> June, 1991.

Definition

2. In this Act, unless there is anything repugnant in the subject or context:-

(I) “Public Employment” means appointment to any pensionable State Public Service or posts in connection with the affairs of the State of Nagaland and the Nagaland Legislative Assembly and includes any appointment under the, Government of India. Any other State Government, Central or State Public Sector under taking and local authority held by persons prior to their absorption under the Public Service of the State of Nagaland and the Nagaland Legislative Assembly which counts for the purpose of pension.

3. (1) Notwithstanding anything contained in any rule or orders for the time being in force, a person in public employment shall hold office for a term of thirty three years from the date of his joining public employment or until he attains the age of fifty seven years whichever is earlier:

Provided that in special circumstances, a person under public employment may be granted extension by the State Government-

Upto a maximum of one year provided further that the Government may have the cases of all persons under public employment screened from time to time to determine their suitability for continuation in public employment after the attainment of the age of fifty years.

Provided further that the Government may have the cases of all persons under public employment screened from time to time to determine their suitability for continuation in public employment after the attainment of the age of fifty years.

- (2) All persons under public employment shall retire on the afternoon of the last day of the month in which he attains the age of fifty seven years or on completion of thirty three years of public employment whichever is earlier.
- (3) Notwithstanding anything contained herein, the appropriate authority shall, if it is of the opinion. that it is in the public interest so to do, have the absolute right to retire any person under public employment who has attained the age of fifty years by giving him notice of three months in writing or three months pay and allowances in lieu of such notice.
4. The State Government may, by notification in the Nagaland Gazette, make rules for carrying out the purposes of this Act.
5. (1) If any difficulty or doubt arises in giving in effect to the provisions of this Act, the State Government may, by order publish in the Nagaland Gazette, make such provisions, not inconsistent with the purposes of this Act as appears to it to be necessary or expedient for the removal of the difficulty or doubt and the order of the State Government in such cases shall be final.
- (2) Every order made under this Section shall be laid as soon as may be after it is made, before the Assembly. In case the Assembly agree in making any modification in the order or the Assembly agree that the order should not be made, the order shall thereafter have effect only in such modified form or be of no effect as the case may be, so however that any such modification or annulment shall be without prejudice to the validity of anything previously done under that order.
6. (1) All Rules and Orders made under the proviso to Article 309 and Article 187 of the Constitution of India or contained under Article 372 thereof or made under any other law for the time being in force, governing the recruitment and conditions of service under public employment at the commencement of this Act shall in so far as they are not inconsistent with the provisions of this act continue to be in force as if they were made under this Act his Act until they are amended under this Act.

- (2) The Nagaland Retirement from Public Employment Ordinance, 1991 (Ordinance No. 1 of 1991) is hereby repealed.
- (3) Notwithstanding such repeal anything done or any action taken including any order made, notifications issued or direction given under the Ordinance so repealed shall be deemed to have been done, taken, made, issued or given, as the case may be, under the provisions of this Act.
7. Any person in public employment may by giving notice of not less than one month in writing to the appropriate authority retire from service after he has attained the age of fifty years or has put in not less than twenty years of public employment:  
Provided that it shall be open to the appropriate authority to withhold permission to retire under this Sub-Section.
8. If on a review of the case either on a representation from the person in public employment who is retired prematurely or otherwise, it is decided to reinstate him in service, the authority ordering reinstatement may regulate the intervening period between the date of premature retirement and the date of reinstatement by the grant of leave of the kind due and admissible, including extra-ordinary leave, or by treating it as dies-non depending upon the facts and circumstances of the case.

Provided that the intervening period shall be treated as a period spent on duty for all purposes including pay and allowances, if it is specifically held by the authority ordering reinstatement that the premature retirement was itself not justified in the circumstances of the case, or, if the order of premature retirement is set aside by a Court of Law.

(17.3)

**Government of Nagaland  
Personnel and Administrative Reforms Department  
( Administrative Reforms Branch)**

**MEMORANDUM**

NO.APPT-15/3/67(PT)  
Dated Kohima, the 11<sup>th</sup> Feb'1993

**Sub:- Retirement of persons from public employment**

In the Nagaland Retirement from Public Service Act, 1991 it was enacted that the civil servants in Nagaland will retire from Government service on completion of 33 years of service or on attaining the age of 57 years whichever is earlier. The matter was taken up by Confederation of 'All Nagaland State Service Employees' in the Guwahati High Court against this decision. Guwahati High Court have, vide their Judgment of 18.1.93 in Civil Rule No. 364 of 1992, partly allowed the petition. Provision for retirement on completion of 33 years of service has been struck down by them. Hence, only that portion of the Nagaland Retirement from Public Service Act 1991, is applicable which says that the Government servants in Nagaland will retire after completion of 57 years of age.

All Government Departments in Nagaland are informed that nobody should be retired on the ground of completion of 33 years of service. In case anybody has been retired after 18.1.1993 on this ground, the order may be revoked retrospectively.

These instructions shall remain in force till further orders.

**Sd/- T.C.K.LOTHA**  
Chief Secretary to the Govt. of Nagaland

(17.4)

**Government of Nagaland**  
**Personnel and Administrative Reforms Department**  
( Administrative Reforms Branch)  
**MEMORANDUM**

No.APPT-15/3/67(PT)  
Dt. Kohima, the 7<sup>th</sup> April' 1993

**Sub:- Retirement of government servant after date of superannuation:**

Lately a number of cases have come to the notice of the Government for regularisation of period of overstayed of Government servants in Government service beyond the date of superannuation. The reasons are lack of knowledge of date of birth or Government instruction in this regard. Both the Departments and the individuals are supposed to know the date of the superannuation or instruction in this regard. Lack of knowledge is not a valid excuse.

All Government Departments are requested to see that officials retire on the due date of their superannuation. No case for ex-post-facto approval for extension in service would be entertained in future. Employees will have to suffer less of pensionary and other benefits. The Controlling Officers and Heads of Departments will be responsible for retiring officials on the due date. Service records of all Government employees should be updated every year.

Please acknowledge for compliance.

**Sd/- T.C.K. LOTHA**  
Chief Secretary to the Govt. of Nagaland

(17.5)

**Government of Nagaland  
Department of Personnel & Administrative Reforms  
(Pension & Pensionary Welfare Cell)**

NO.PAR-A/62/89

Dated, Kohima, the 6<sup>th</sup> June'1995.

**OFFICE MEMORANDUM**

**Sub:- Liberalisation, Pensionary award to the Government servants including IAS/IPS/IFS officers killed in action encounter.**

The question of liberalisation of pensionary benefits to the Governments servants, killed in action/encounters have been under consideration of the Government for some time. After careful consideration of the matter in the light of the recommendation of the Government of India, Ministry of Home Affairs, New Delhi, vide No.7/17/93 dated 22-9-93, the Governor of Nagaland is pleased to order the following liberalisation pensionary benefits to the Government, servants of Nagaland who die in action/encounter etc.

1. There order shall be applicable to the Government servants of all ranks inclusive of IAS/IPS/IFS officers of Nagaland cadre etc.

**LUM SUM GRANT**

2. All Government servants who had been killed while performing benefited Government duty shall be entitled to Ex-Gratia grant from Rupees One lakh to Five lakh, depending upon the nature of duty,

**PENSIONARY BENEFITS**

3. The family of such deceased Government servants shall be entitled to the last pay & allowance drawn by the Government servants as Extra Ordinary Pension, and shall be admissible at the same rate till the age of superannuation on the deceased, followed by normal pension as per rules.

**HEAD OF ACCOUNT**

4. Consequent upon the grant of the extra ordinary pension in Nagaland, a separate Head of Account is being open and will be circulated in due course.
5. This order shall come into force with effect from 22<sup>nd</sup> Feb'93.
6. These issues with the approval of the Cabinet on 31-3-95 and also concurred by the Finance Department vide their U.O No.1430 dt.30-5-95.

**Sd/- T.C.K.LOTHA**

Chief Secretary to the Government of Nagaland.

(17.6)

**Government of Nagaland**  
**Department of Personnel & Administrative Reforms**  
**(Administrative Reforms Branch)**

**NOTIFICATION**

Dated Kohima, the 8<sup>th</sup> April, 1997

NO.AR-15/7/94:: In compliance to the Judgment and order passed by the Hon'ble Guwahati High Court in Civil Rule No.864 of 1992 regarding retirement from Public Employment on completion of 33 years service due to imposition of the Nagaland Retirement from Public Employment Act, 1991, the Governor of Nagaland is pleased to release all the consequential benefits including the pecuniary benefit such as pay and other allowances to all the affected premature retirees for the period from the date of their superannuation till the date they attained the age of 57 years.

However, those employees who were made to retire on having completed 33 years of service without attaining the age of 57 years, but gainfully employed somewhere, shall not be entitled to the pecuniary benefit to the extent they receive from the other employer.

The Governor of Nagaland is further pleased to direct all the Heads of the Department to properly list out the names of the affected employees under their own Department and to arrange for early release of all the consequential benefits for the period they would have continued in service.

**Sd/- L. COLNEY**

Chief Secretary to the Govt. of Nagaland

**Annexure II**

**“Affidavit”**

- I, Shri/Smti ..... Son/Daughter/Wife of .....  
Aged .....years, permanent resident of .....  
do hereby solemnly affirm and declare as follows:
2. That on having completed 33(thirty three) years of Public Employment I was retired from service under the Government of Nagaland on .....
  3. That I have not been gainfully employed in any other employment, business, profession or vocation from ..... till today \* or gainfully employed as..... from ..... and had received only pecuniary benefit of Rs. .... per month  
(\*Note: strike out whichever not applicable)
  4. That the statement made in this paragraphs one and two of this Affidavit are true to my knowledge.

**(DECLARANT)**

(17.7)

**Government of Nagaland  
Department of Personnel & Administrative Reforms  
(Administrative Reforms Branch)**

**OFFICE MEMORANDUM**

Dated Kohima, the 12<sup>th</sup> Nov'1997

NO.AR-15/7/04:: In continuation to this Departments Notification of even number, dated 8<sup>th</sup> April, '97\*. (Copy enclosed at Annexure 1) regarding implementation of the Honourable High Court's judgment, Government has further decided as follows:

2. For the purpose of determining the consequential and pecuniary benefits, it has been decided that the retired officials shall be given proforma officiating promotion by each department, for their own retired officials, under the provisions of Government of India decision below F.R.30. The creation of supernumerary posts, whenever necessary, shall be deemed to have been created against each individual case under Government of India decision Number (8) below F.R.54. This promotion shall be determined as follows:-

- (a) at the same level at which the retired official's immediate junior stands already promoted in his own cadre, whether on an officiating or on a regular basis, on the date that the retired official would be otherwise have retired on attaining the age of fifty seven(57) years.
- (b) In case the immediate Junior or Juniors were superseded, and the next immediate Junior were promoted, the officiating promotions should be fixed at the same level occupied by the next immediate junior on the date that the retired official would otherwise have retired on attaining the age of 57 years.

3. It is clarified that officiating promotions would not be permissible if the juniors(s) of the retired official has not been promoted till the date that the retired official would otherwise have retired on attaining the age of 57 years.

4. The pay and allowances etc of the retired officials should thereafter be calculated at the level of the determined above.

5. The following will be admissible:-

- (a) Pay
- (b) Dearness allowances/ Addl Dearness allowance
- (c) S.C. (RL) A (Special Compensatory (Remote localities) Allowance
- (d) House Rent Allowance
- (e) Annual increments
- (f) Special Pays (to entitled officials) only
- (g) Encashment of Earned Leave subject to availability of leave at credit
- (h) Medical Allowance
- (i) Personal Peon (fixed) to those entitled officers subject to existing orders
- (j) Pension/DCRG.



6. It is clarified that since the Nagaland Service (Revision of Pay) Rules, 1993 was made effective with retrospective effect from 1<sup>st</sup> June, 1990, all the retired officials would be deemed to have opted for the revised scales, even if some of them had retired without opting for the revised scale. It is also clarified that the allowances remain the same except SC (RL) A which was known as ILCA in the pre-revised scale.

7. The Honorable High Court in its judgment had inter alia also ordered that “those officers who were made to retire on having completed 33 years of service without attaining the age of 57 years and gainfully employed somewhere, shall not be entitled to the pecuniary benefit to the extent they receive from the other employer.

8. Accordingly, it has been decided that each of the retired officials will be required to submit an affidavit (regarding gainful employment or otherwise) to their respective Head of Department with Rs 10/- (Rupees Ten) Court Fee stamp, only in the form annexed (Annex-II). This affidavit shall be accepted, and no further enquiry will ordinarily be necessary. Heads of Departments are requested to make arrangements to inform their own retired Officials including those who may have settled outside Nagaland, of this requirement.

9. The arrear Pay and allowances will thereafter be released to each retired official only in terms of the court judgment referred to in paragraph 7 above. Pension/DCRG and any other benefit already drawn is to be adjusted from the arrears accruing to the retired officials.

10. Regarding the Head of Account for meeting this expenditure, it has been decided that it is not necessary to have a separate Head for this particular purpose. This expenditure will therefore be debited under the salary head of the respective Departments. Provision has been kept in the Budget of 1997-98 for this purpose.

11. It will not be necessary to obtain further clearance from the Departments for release of the arrears. Each Head of Department would work out the arrears in respect of their own officials in terms of the above decisions and arrange for early release from their own side. In those cases where pay slips are issued by the office of the Accountant General, each Head of the Department, after issue of the officiating promotion order (where applicable) in respect of their retired officials, will forward the same together with the affidavit submitted by the retired official, to the Accountant General with the request for authorization for drawal of arrears of pay and allowances, pension etc.

12. This issues in consultation with the Justice & Law Department, and Finance Department vide RFCE No. 57 dated 11/09/97

*\*Refer chapter 17.6*

**Sd/- A.M. Gokhale**  
Chief Secretary to the Govt. of Nagaland

(17.8)

**Government of Nagaland  
Finance Department  
( Estt & ROP Cell )**

NO.FIN/ROP/V-PC-1/98-99

Dated Kohima, the 7<sup>th</sup> March 2001.

**OFFICE MEMORANDUM**

**Sub:- Modifications of Rules regulating Pension/Family Pension etc. consequent on introduction of Nagaland Services (Revision of Pay) Rules 1999.**

In pursuance of Rules 26 of the Nagaland Services (Revision of Pay) Rules, 1999, the Govt. of Nagaland is pleased to introduce the following modification in the rules regulating Pension, Death-Cum-Retirement Gratuity and Family Pension under the CCS ( Pension ) Rules, 1972, as application to the employees of the Govt. of Nagaland (here in after referred to as the Pension Rules)

**1. PENSION:**

- (a) Pension shall be calculated at 50 percent of pay plus NPA (if any) drawn subject to a minimum of Rs 1275/- per month.
- (b) In case of a Govt. servant retiring under the Pension Rules, before completion of qualifying service of thirty two years but after completing qualifying service of ten years, the amount of pension shall be proportionate to the amount of pension admissible under clause (a) and the amount of pension shall be less than Rs.1275/- per month.

**2. EMOLUMENTS:**

The term "Emolument" for the purpose of calculating various retirement & death benefits shall mean:

- (a) Basic pay as defined in FR. 9(21)(a)(I) plus NPA( if any) which the Govt. servant was receiving immediately before his retirement, or on the date of his/her death and in r/o Govt. servants who retire or die in harness on or after 1.6.98 but before 1.4.2000 and have opted for the Revised Scale of pay effective from 1.6.98 for the purpose of notional fixation but actual payment shall be with effect from 1.4.2000 in terms of notification No.FIN/ROP/V-PC/98-99/2 dated 11.10.2000.

**3. DEATH-CUM-RETIREMENT-GRATUITY:**

Death-Cum-Retirement-Gratuity shall continue to be admissible under Pension Rules, subject to a maximum of 16 ½ (sixteen half) times the emoluments, subject to a maximum of Rs. 3.50/- lakhs, "Emoluments" for the purpose of calculations of all kinds of gratuities (Retirement, Death, Service, Terminal) shall include D.A. on the date of retirement.

**4. COMMUTATION:-**

State Government employees retiring on or after 1.4.2000 are permitted to commute 40% (Forty Percent) of their pension against the existing limit of a 1/3<sup>rd</sup> of their Pension.

## **5. FAMILY PENSION;**

In respect of Government Servants who notionally come over to the revised scale of pay effective from 1.6.98. Family pension at uniform rate of 30% (thirty percent) shall be admissible instead of the existing different categories of employees at 30% 20% and 15% subject to a minimum of Rs. 1275/- per month. However, no arrears of family pension will be payable for the period prior to 1.4.2000.

## **6. MEDICAL ALLOWANCE:**

All the state Government pensioners including family pensioners shall continue to entitle to fixed medical allowance of Rs.100/-P.M with effect from 1.4.2000.

7. The Central Civil Services (Pension) Rules, 1972 as applicable to the employees of the Government of Nagaland may be deemed to have been amended to the extent specified in these orders. The provisions of the CCS (Pension ) Rules, 1972, as applicable hitherto in respect of the employees of the Government of Nagaland, which are not specifically amended/modified by these orders, shall continue to be applicable.

By order and in the name of the Governor.

**Sd/- LALTHARA**  
Finance Commissioner.

(17.9)

**Government of Nagaland**  
**Department of Personnel & Administrative Reforms**  
**(Personnel 'A' Branch)**

NO.PAR-1/DCRB/78-AIS(VOL-1) // Dated Kohima, the 2nd Aug/2002.

**Sub: Liberalised pensionary awards in the case of death/disability in certain circumstances and special benefits in cases of death and disability in service payment of ex gratia lump sum compensation to families of government civilian employees.**

The undersigned is directed to enclose herewith a copy of letter NO.25014/3/99-AIS(II) dated 12-07-02 received from the Department of Personnel & Training for your information.

**Sd/ SARAH R. RITSE**  
Under Secretary to the Government of Nagaland

**(Cont of 17.9)**  
**No.25014/3/99-AIS(II)**  
**Government of India**  
**Ministry of Personnel, Public Grievances & Pensions**  
**Department of Personnel & Training**

New Delhi, the 12 July 2002

To,

The Chief Secretaries  
All the State Governments/Union Territories.

**Sub:- Liberalized pensionary awards in the case of death/disability in certain circumstances and special benefits in cases of death and disability in service-payment of ex gratia lump sum compensation to families of Government Civilian employees.**

Sir,

I am directed to refer to this Department's letter of even number date 3<sup>rd</sup> February, 1999 and dated 10<sup>th</sup> December, 2001 on the subject mentioned above and to state that the Department of Pension and PW in their O.M No. 33/5/89-P&PW(K) dated 9<sup>th</sup> April, 1990 and O.M No. 45/55/97-P&PW@ dated 11<sup>th</sup> September, 1998 (copies enclosed ) had issued orders for Liberalized Pensionary Award in the case of death/disability as a result of (i) attack by or during action against extremists, anti-social elements etc, and (ii) enemy action in international war or border skirmishes and payment of special benefits of ex gratia lump sum compensation in the case of death in certain cases as mentioned in the aforesaid orders of the Department of Pension and PW these orders are issued by the aforesaid Department in respect of Central Civilian Government servants, as a measure of welfare scheme, in certain circumstances.

2. Keeping in view the working conditions of the members of the All India Services it is felt that these officers are exposed to same amount of risk while performing their official duties. The question of extending the aforesaid schemes of the members of All India Services has been examined in this Department in consultation of the State Government and it has been decided that the provisions of the aforesaid two office Memoranda, issued by the Department of Pension & PW will be equally applicable to the members of the All India Services, mutatis-mutandis, from the date these are applicable to the Central Civilian Government servants, irrespective of their place of posting.

Yours faithfully,

**Sd/- Sangeeta Singh**  
Director (S)

(Cont of 17.9)  
NO.33/5/89-P&Pw(K)  
Government of India  
Ministry of Personnel, Public Grievances & Pensions  
Department of Pension & Pensioners' Welfare

New Delhi, the 9<sup>th</sup> April, 1990

**OFFICE MEMORANDUM**

**Sub:- Liberalized pensionary awards in the case of death/disability as a result of**  
**(i) attack by or during action against extremists, antisocial elements etc. and**  
**(ii) enemy action in international war or border skirmishes:**

The undersigned is directed to state that a number of instructions have been issued from time to time on the subject mentioned above, the last in the series being those contained in the this Department's O.M. NO.2/6/87-pic(II), dated 7.8.87 in implementation of Government's decision on the recommendations of the Fourth Central Pay Commission. A need has, therefore, been felt to consolidate these instructions into a single order. For facility of reference in application these instructions have been re-arranged in succeeding paragraph under suitable subject heads.

**A. APPLICABILITY**

1. These orders apply to all Civilian Central Government servants, who are governed by the Central Civil Services (Extraordinary Pension) Rules,
2. These orders also apply to Civilian Central Government servants governed by the Workmen's Compensation Act, 1923 subject to certain adjustments being made as provided in paragraph 9.

**3. SCOPE**

4. These orders apply to Government servants killed or disabled:-
  - (a) As a result of action in international wars
  - (a) As a result of fighting in war-like operations or border skirmishes with any country.
  - (b) While fighting against armed hostiles,
  - (c) During laying or clearance of mines including enemy mines as also mines sweeping operations between one month before the commencement and three months after the conclusion of the operations:
  - (d) As a result of attack by extremists, antisocial elements, etc. or during action against dacoits, smugglers, hostiles, etc.
  - (e) The benefits under these orders will be restricted only to those cases where the death/disability is directly caused by actual operations. The following illustrations are mentioned for guidance of sanctioning authorities to determine whether the benefits under the scheme are attracted or not. In case of any doubt cases shall be referred to the Department of Pension & Pensioners' Welfare.

**ILLUSTRATION- I**

Officers of Income Tax/Custom/Excise/Police proceed to carry out a raid If on the way, any member of the team meets with an accident while traveling in a public/private/official vehicle or otherwise, the family shall not be allowed the benefit of these orders as the injury/death in such a case not due to any actual operation. However, if any officer/ member of the raiding party get killed/injured as a result of attack by members of the opposite party, family of such a civil servant shall be entitled to the benefits of these orders.

## **ILLUSTRATION-II**

- A. Team of Police/Armed police members is deployed on duty during agitations, the agitation does not turn violent but the civil servant dies because of say, heart failure, and not due to any attack by the crowd. The widow of such a civil servant shall not be entitled to the benefits of these orders. However, where a team of civil servants including police personnel are deployed to contain an agitation by extremists, etc, and death of any civil servant takes place as a result of violence during such an agitation, the widow of the deceased shall be entitled to the benefits under these orders.

## **ILLUSTRATION-III**

Any anti-social element/ extremist etc, deliberately kills/injures any civil servant with a view to spread terror. The widow of such a deceased civil servant.

3. If is government servant having sustained an injury is invalided out of service with a disability pension under these orders but dies subsequently as a result of the same injury, he will be deemed to have been killed in action and the awards under these orders will be admissible to the family from the date following the date of his death.

4. **BENEFIT TO THE FAMILY IN THE EVENT OF THE DEATH OF THE GOVERNMENT SERVANT.** If the government servant survived by the widow she will be entitled to family pension equal to the pay last drawn by the deceased Government servant. The said family pension shall be admissible to her for life or until her remarriage. In the event of remarriage of the widow family pension will be allowed at the rates of family pension and subject to the conditions laid down for family pension under the CCS (Pension) Rules, 1972, from the date following the date of her remarriage. If the Government servant is not survived by widow but is survived by child/children only, all children together shall be eligible for family pension at the following rates:-

Basic pay of Government monthly pension servant on the date of death.

- |       |  |  |
|-------|--|--|
| (i)   | Not exceeding Rs 1500/-                        | 50% of basic pay   |
| (ii)  | Exceeding Rs 1500/-but not exceeding Rs.3000/- | 40% of basic pay subject to a minimum of Rs.750/-                          |
| (iii) | Exceeding Rs. 3000/-                           | 30% of basic pay subject to a minimum of Rs 1200/-and minimum of Rs 2500/- |

The above family pension shall be payable to the children for the period during which they would have been eligible for family pension under the CCS (Pension) Rules, 1972. The family pension shall be paid to the senior most eligible child at a time on the lines on which family pension is regulated under the CCS pension Rules 1972.

- e) Where the Government servant dies as a bachelor or as a widow without children. Dependent pension will be admissible to parents without reference to the pecuniary circumstances at 75% of the pay last drawn by the deceased Government servant for both parents and 56% of the pay last drawn by the deceased government servant for a single parent. On the death of one parent dependent pension at the latter rate will be admissible to the surviving parent.
- f) Where family pension or dependent pension is allowed in terms of these orders, no other family pension or dependent pension will be admissible of death of the same deceased government servant.

**g) CHILDREN's ALLOWANCE**

- (a) Children allowance shall be granted to each child at the following rates. This allowance shall be tenable for each child during the period he or she would have been eligible for family pension under the CCS (Pension) Rules, 1972:-
  - (i) Where pay of the deceased government servant on the date of death is less than Rs.2200/- Rs 100/- p.m. per child
  - (ii) Where pay of the deceased government servant on the date of death is Rs.2200/- and above. Rs.150/-p.m. per child
- (a) Children allowance will be allowed only in cases where the widow draws family pension at reduced rates under sub para (2) of para 4 or where family pension is payable to children in terms of sub-para (3) of para 4 above. Children Allowance will not be admissible where widow draws family pension equal to the pay: last drawn by the deceased government servant under sub-para (1) of para 4 above.

**6. BENEFIT TO GOVERNMENT SERVANT IN THE EVENT OF HIS BEING INVALIDED OUT OF SERVICE ON ACCOUNT OF INJURY.**

- (1) If the government servant is invalided out of service he will be paid disability pension which will consist of a service element and a disability element. The service element will be equal to an amount of the retiring pension including the pension equivalent of retirement gratuity which the government servant would have been entitled to on the basis of his pay on the date on which he would have retired in normal course. The disability element for 100% disability will be equal in amount to the pay last drawn by the government servant minus the service element. The disability element will be subject to a maximum of Rs. 1000/- p.m. For lower percentage of disability, the disability element will be proportionately reduced.
- (2) Where disability pension is allowed under these orders no other pension will be admissible.

**7. BENEFIT UNDER THESE ORDERS NOT TO AFFECT NORMAL ENTITLEMENTS TO DEATH/ RETIREMENT GRATUITY, ETC.**

Grant of family pension under Para-4 or disability pension under para 6 of these orders does not in any way affect normal entitlement to death gratuity or retirement gratuity, as the case may be, under the CCS (Pension) Rules, 1972 or the employer's contribution to the Contributory Provident Fund in the case of persons governed by CP Scheme or the benefits under the Central Government Employees Group Insurance Scheme.

**8. DEFINITION OF EXPRESSION 'PAY'**

The term 'Pay' referred to in these orders means the basic pay in the revised scales of pay promulgated under the CCS (Revised Pay)- Rules, 1986 as defined in FR 9 (21) (a) (i) and also includes non-practicing allowance granted to medical officers in lieu of private practice . In the case of government servants who continue to draw pay in the pre-revised scales in force prior to 1.1.86, the term 'Pay' will include basic pay in the pre-revised scales of pay plus dearness allowance upto the average CPI 608 and the two installments of interim relief appropriate to the basic pay.

9. GOVERNMENT SERVANTS GOVERNED BY WORKMEN'S COMPENSATION ACT 1923

The Government servants governed by the provisions of the Working's Compensation Act, 1923 shall also be eligible for the wards under these orders. Where the benefit admissible under these orders is more than the benefits admissible under the Workmen's Compensation Act, 1923, the Compensation admissible under the said Workmen's Compensation Act, 1923, will not be separately payable. If, however, the sum admissible under these orders is less than the amount payable as compensation under (i) the Personal Injuries (Emergency Provisions) Act, 1962 as amended by the Personal Injuries (Emergency Provision) Amendment Act, 1971, and (ii) the Personal Injuries (Compensation Insurance) Act, 1963 as amended by the Personal Injuries (Compensation Insurance) Amendment Act, 1971, they shall have a right to receive an amount equal to the difference between the sum admissible under the orders and the amount of compensation payable under the said Acts.

Suppose the lump sum amount is Rs 2,437/- and the age last birth day of the beneficiary is 43 years. The factor given in Col.2 against age 43 of the table enclosed is 0.00652957. The equated monthly statement will be equal to  $2,437 \times 0.00652957$  i.e. Rs 15,91 (rounded to the nearest paise).

10. PROCEDURE FOR GRANT OF AWARDS AND RESIDUARY PROVISIONS

- (i) The procedure prescribed for grant of awards under the CCS (EOP) Rules will continue to be followed for grant of awards under these orders.
- (ii) Except where expressly provided otherwise in these orders, the other conditions prescribed for grant of awards under the CCS (EOP) Rules will continue to be applicable.

11. DATE OF EFFECT

These orders apply to all cases arising on or after 1.1.86. As far as pre 1.1.86 cases are concerned these shall be consolidated & regulated from 1.1.86 in terms of the instructions contained in this Department's O.M. No.2/6/87-P&PW(PIC), dated 18<sup>th</sup> March, 1988.

12. INTERPRETATION

Where any doubt arises as to the interpretation of the provisions of these orders, it shall be referred to the Government in the Department of Pension & Pensioners' Welfare for decision.

- (i) In their application to the staff working in the Indian Audit & Accounts Department, these Instructions have been issued in consultation with the Comptroller & Auditor General of India.
- (ii) Ministry of Agriculture, etc, are requested to bring these orders to the notice of all concerned for their guidance.

**Sd/- M.R. VAIDYA**

Deputy Secretary to the Govt. of India



(Cont of 17.9)  
No.45/5/97-P&PW(C)  
Government of India  
Ministry of Personnel, Public Grievances & Pensions  
Department of Pension & Pensioners Welfare

New Delhi Dated 11<sup>th</sup> Sept, 1998.

**OFFICE MEMORANDUM**

**Sub:- Special Benefits in cases of Death and Disability in Service-Payment of Ex-Gratia lump sum compensation to families of Central Government Civilian Employees who die in harness- Recommendations of the Fifth Central Pay Commission.**

Central Government Civilian Employees paid from Civil Estimates, other than those to whom the Workmen's Compensation Act applies, who sustain injuries or contract diseases or die or are disabled or incapacitated on account of causes which are accepted as attributable to or aggravated by government service are eligible for certain special benefits under the Central Civil Services ( Extraordinary Pension Rules). The benefits available under these Rules have been amended and liberalized from time to time. Separate orders have also been issued by Government to provide for the grant of Liberalized Pensionary Awards in cases of death or disability arising in certain special circumstances such as (i) attack by or during action against extremists anti-social elements etc. and (ii) enemy action in international war or border skirmishes. Instructions issued in this regard from time to time were consolidated in this Department's O.M.No.33/5/89-F& PW(K) dated April 9,1990.

2. Orders were also issued in this Department's D.O. letter No.No.46/1/88-P& PW(F) dated Nov, 24, 1988 in regard to payment of ex gratia lump sum compensation to the families of Central Government employees killed in incidents of terrorist violence in Punjab. These orders were subsequently extended in this Department's D.O. letter No.46/1/88-P&PW(K) dated May, 25 1990 to the families of Central Government employees killed in terrorist violence in Jammu & Kashmir.

3. Apart from the general orders and instructions issued by this Department from time to time, individual Ministries and Departments such as the Ministry of Home Affairs Ministry of Information & Broadcasting etc have also issued separate orders to provide for the payment of ex gratia compensation at the prescribed to the families of personnel of the Central Police Organisations, Akashwani, Doordarshan etc. killed in the course of performance of their duties as a result of violence by armed hostile extremists terrorists etc or as a result of encounters with antisocial elements.

4. The question of rationalization and further liberalization of the existing schemes and guidelines has been engaging the attention of Government for quite some time particularly in the context of the increase in militancy and extremist activities in different parts of the country. The Fifth Central Pay Commission having been appointed in the meantime, the Commission had been requested to examine the existing benefits available in terms of various scheme and guidelines and to recommend a comprehensive policy that could be adopted in regard to ex gratia payments in cases of death in various circumstances in any part of the Country which could replace all isolated decisions that might have been taken in the past by the Government or by various individual ministries for different disturbed regions in the country .

5. In supersession of all earlier orders issued by Government as well as by individual ministries and departments in so far as these relate to the payment of an ex gratia lump sum compensation in certain specified circumstances the President is pleased to decide that families of Central Government Civilian employees who die in harness in the performance of their bonafide official duties under various circumstances shall be paid the following ex gratia lump sum compensation.

- (a) Death occurring due to accidents in the course of performance of duties Rs. 5.00 lakhs
- (b) Death occurring in the course of performance of duties attributable to acts of violence by terrorists, anti-social elements etc Rs. 5.00 lakhs
- (c) Death occurring during (a) enemy action in international war or border skirmishes, and
- (d) Action against militants terrorists, extremists, etc. Rs. 7.50 lakhs.

6. The graded structure of lump sum compensation takes into account the hardships and risks involved in certain assignments, the intensity and magnitude of the deprivation that families of Government servants experience on the demise of the bread-winner in different circumstances, the expectations of the employer from the employees to function in extreme circumstances etc. the compensation is intended to provide an additional insurance and security to employees who are required to function under trying circumstances and are exposed to different kinds of risks in the performance of their duties.

7. Powers were delegated in the Ministry of Finance O.M.No.19 (18)-Ev (a)/66 dated February 26.1966 to the appointing authorities to sanction awards under the relevant Extraordinary Pension Rules in those cases in which the proposed pension or gratuity is held to be clearly admissible under the rules. However, any awards proposed to be granted on ex gratia basis were to continue to be referred to the Ministry of Finance as usual in partial modification of

8. These orders, in so far as they relate to ex gratia awards, the admissibility of the entitlement to the ex gratia lump sum compensation in the circumstances specified in these orders may be decided in each individual case by the concerned Administrative Ministries themselves in consultation with their Financial Advisers.

9. The conditions governing the payment of ex gratia lump sum compensation in terms of these orders and the guidelines to be observed have been indicated in the Annexed to this Office Memorandum.

10. The orders shall apply to the all cases of death in harness occurring on or after August. 1.1997. In so far as cases of death which occurred prior to August 1, 1997 are concerned, these shall be regulated and finalized in terms of the orders and instructions in force prior to the issue of these orders.

11. In so for as persons serving in the Indian Audit Accounts Department are concerned these orders issue in consultation with the Comptroller and Auditor General of India,

12. The Ministry of Agriculture etc. are requested to bring the contents of this O.M. to the notice of all concerned for their guidance and compliance.

**Sd/- S.LAKSHMINARAYANAN**  
Additional Secretary to the Government of India.

## **ANNEXE TO DEPARTMENT OF PENSION & PENSIONERS WELFARE**

O.M.NO.45/55/97-P&PW(C) DATED 11<sup>TH</sup> SEPTEMBER, 1998

Conditions governing the payment of ex gratia lump sum compensation and guidelines to be observed.

1. The main condition to be satisfied for the payment of the ex gratia lump sum compensation in the specified circumstances is that the death of the employee concerned should have occurred in the actual performance of bonafide official duties. In other words, a causal connection should be established between the occurrence of death and government service.
2. Powers having been delegated to the Administrative Ministries to sanction ex gratia payments under these orders, it shall be their responsibility as well as that of the Financial Advisers to satisfy themselves that the death of the government servant to be compensated by the payment of the lump sum ex gratia to the family in fact occurred in the actual performance of bonafide official duties and to establish its causal connection and nexus with government service. This could be done on the basis of medical and other documents relating to the case.
3. Even if a Government servant had died in such circumstances that a medical report could not be secured, the nexus and causal connection with government service would need to be adequately established in determining the entitlement to the ex gratia lump sum payment. In deciding this issue all evidence (both direct and circumstantial) shall be taken into account and the benefit of reasonable doubt given to the claimant. The benefit of reasonable doubt will be extended more liberally in field service cases, as provided in the guidelines for conceding attributability of disablement or death of Government service forming part of the Central Civil Services (Extraordinary Pension) Rules.
4. In cases of accidents to commercial aircraft resulting the death of passengers, compensation is payable to the next of kin by the national or private airline concerned in terms of international conventions. The ex gratia lump sum compensation in terms of these orders will, therefore, not be admissible in addition in the event of death due to accidents while traveling on duty by commercial aircraft and shall be restricted only to those cases where death occurs in an accident while traveling on duty service aircraft. The payment of ex gratia in these cases will be without prejudice to the bond required to be executed by the civilian government employees indemnifying the government against any claims on account of death while traveling by service aircraft. The payment ex gratia in these cases will be without prejudice to the bond required to be executed by the civilian government employees indemnifying the government against any claims on account of death while traveling by service aircraft.
5. Railways also pay compensation to the next of kin of passengers killed in train accidents. Therefore, the ex gratia compensation admissible in terms of clause (a) of para 5 of these orders shall be reduced by the compensation, if any, received by the next of kin of Central Government civilian employees killed in train accidents while traveling on duty.
6. Ex- gratia compensation under clause (b) of para 5 will be admissible to Police personnel killed while employed in aid of the civil administration in quelling agitations, protest demonstrations, riots, etc. regardless of whether such agitations demonstration etc. are resorted to by members of the public, political parties, etc, or by other public servants including police personnel. In addition in the context of a perceptible increase in violence-

related incidents over the years, central Government Civilian employees on duty could become unwitting victims of bomb blasts in public places or vehicles, indiscriminate shooting incidents in public etc. often resorted to by terrorists, anti-social elements etc. The compensation under clause (b) will also therefore, be admissible in cases of death in such incidents, provided the employees concerned were actually on duty at the relevant time.

7. Cases of death resulting from acts of violence or assault by terrorists, anti-social elements etc. against a Government servant with the intention of deterring or preventing him from performing his duties or because of any act done or attempted to be done by such Government servant in the lawful discharge of his duties: or because of his official position will also be covered under clause (b)
8. Ex-gratia compensation under clause (c) of para 5 will generally be restricted only to those cases where the death of the employees is directly caused by actual field operations. In addition, families of Central Government Civilian employees killed after being kidnapped by militants terrorists, extremists, etc. because of their official position or with a view to spreading terror will also be entitled to the compensation under this clause.
9. Few illustrative examples of cases to be covered under the different clauses of para 5 are contained in the appendix for the guidance of sanctioning authorities. In case of any doubt in regard to the applicability of the ex gratia compensation scheme, such cases will be referred to the Department of Pension & Pensioners Welfare for appropriate decision in consultation with the Department of Expenditure.
10. The ex-gratia compensation in the circumstances specified in these orders shall be admissible in addition to such other benefits as may be admissible under the Central Civil Services (Extraordinary Pension) Rules or the Liberalized Pensionary Awards scheme; as the case may be. This will also be mutually exclusive of such other benefits as may be admissible under the Central Government Employees' Group Insurance Scheme, General/Contributory Provident Fund. Etc and will be payable in addition to such benefits.
11. In determining the admissibility of the ex gratia compensation payable from central Government funds, ex gratia payments, if any, made to families of the deceased Government servants from state funds by the State Government concerned shall not be taken into account and shall be excluded.
12. In certain cases, relief is also provided to families of deceased government servants from sundry Government sources, such as the Prime Minister's Relief Fund Chief Minister's Relief Fund etc, In such cases, it should be ensured that the aggregate of the relief/ex gratia compensation paid from different sources does not exceed Rs. 10 lakhs in each individual case.
13. In view of the fact that ex gratia compensation in terms of these orders is payable to the families of the deceased government servants, default or contributory negligence, if any, on the part of the Government servants concerned shall not be taken into account in sanctioning the compensation.
14. Any related issue not specifically covered in these orders shall be decided in terms of the relevant provision in this regard contained in the Central Civil Services (Extraordinary Pension) rules as amended from time to time and the instructions issued there under.
15. Where any doubt arises as to the interpretation of these orders, it shall be referred to the Department of Pension & Pensioners Welfare for decision.

**ILLUSTRATIVE EXAMPLES OF CASES COVERED UNDER DIFFERENT CLAUSES  
OF PARA 5 DEPARTMENT OF PENSION & PENSIONER WELFARE.**

O.M.NO.45/55/97-P&PW (C) DATED 11<sup>TH</sup> SEPTEMBER, 1998  
(REFER SL NO.9 OF GUIDELINES ANNEXED TO THE O.M.)

CLAUSE (A): death attributable to accidents while on duty.

1. Death, as a result of an accident while traveling in public private or official vehicle or otherwise of a Group 'D' employees Despatch Rider, Messenger, Postman, Notice Server etc. deputed to distribute dak, notices etc or of personnel of personnel on field duties.
2. Death occurring due to an accident while traveling on bonafide official duties in a service aircraft.
3. Accidents during test flights of aircraft and non-scheduled flights of chartered aircraft resulting in death of employees traveling on duty in public interest in such flights.
4. Death, in train accidents of personnel undertaking official journeys on duty.
5. Accidents to ships, river steamers, etc, resulting in death of Government servants undertaking journeys on duty by these modes of travel.
6. Death, as a result of accidents, of Personnel of Income Tax and Customs & Central Excise Departments Central Police Organisations, etc. while proceeding on raids against tax evaders anti-social elements etc.
7. Death due to contact with live electric/power; lines, of personnel deployed on flood/cyclone relief activities.
8. Death, due to electrocution, of departmental employees engaged in rectification of defects in generation and distribution of electricity.
9. Accidents while engaged in rectification of defects in machinery and equipment.
10. Death, due to accidental explosion of boilers, storage of inflammable materials, chemicals, etc.
11. Death due to fire accidents while on duty.
12. Death of fire fighting staff engaged in fire-fighting operations.

CLAUSE (B) death attributable to acts of violence by terrorists, anti- social elements etc.

1. Death resulting from acts of violence or assault by terrorists, smugglers, dacoits, anti-social elements etc. against an individual Government servant:-
  - (a) With the intention of deterring or preventing him from performing his duties or.
  - (b) Because of any act done or attempted to be done by him in the lawful discharge of his duties or.
  - (c) Because of his official position.
2. Personnel of Akashwani, Doordarshan, and other Central Government Departments killed in the course of performance of their duties as a result of violence or attack by armed hostile extremists, terrorists, anti-social elements etc.
3. Central Government employees on duty, killed in incidents of terrorist violence in Jammu & Kashmir, the North Eastern Region, Punjab, etc. other than in actual operations and encounters.
4. Death due to stone-throwing use of weapons and other violent acts by demonstrators, anti-social elements, etc, of police and other civilian personnel while employed in aid of the Civil Administration in quelling agitations protest demonstrations, riots etc.
5. Death of Personnel of Income Tax and Customs & Central Excise Departments, Police Personnel, etc while proceeding on raids against tax evaders, smugglers, anti-social

- elements, etc attributable to attacks by the parties so raided, including anti-social elements.
6. Death of forest personnel engaged in anti-poaching and forest protection activities in encounters with poachers timber smugglers, etc.
  7. Death, while on duty, as unwitting victims of bomb blast in public places or vehicles, indiscriminate shooting incidents in public, etc. often resorted to by terrorists, anti-social elements etc.

CLAUSE (C) : Death occurring during wars or border skirmishes and action against militants terrorists, and extremists.

1. The ex-gratia compensation under clause (c) of para 5 will be restricted only to those cases where Central Government employees are killed in actual field operations. A higher rate of compensation has been prescribed in these cases having regard to the magnitude of the hardships and risks involved in field operations, including combating operations against terrorists, militants etc This will generally be applicable only to the personnel of the Central Para Military Forces deployed along the borders, Line of Control, etc, as well as those engaged in combating terrorism. The condition of being actually involved in field operations will, therefore, have to be satisfied before the higher ex gratia compensation of Rs. 7.50 lakhs is sanctioned.

As indicated in para 5 of the O.M. compensation under this clause will be admissible to families of Central Government Civilian employees killed.

- (i) in action in international wars.
- (ii) while fighting in war-like situations or border skirmishes with any country.
- (iii) in action against armed hostile, militants, terrorists and extremists.
- (iv) during laying or clearance of mines including those laid by enemies, militants, terrorists etc, as well as in the course of mine-sweeping operations.
- (v) as a result of exploding mines en route to an operational area.
- (vi) during battle inoculation as part of prescribed training exercises involving the use of live ammunition.

In addition, families of Central Government Civilian employees killed after being kidnapped by militants, terrorists, extremists, etc because of their official position or with a view to spreading terror will also be entitled to the compensation under this clause.

(17.10)

**Government of Nagaland  
Finance Department  
(Estt. Branch)**

NO.FIN/ESTT-14/98

Dated, Kohima, the 10<sup>th</sup> Jan' 2003.

**OFFICE MEMORANDUM**

All the Administrative Heads and Heads of Department are informed that even after the lapse of over 5 years, Finance Department have been receiving proposals for sanction of arrears of pay and allowances in respect of State Government employees who were pre-maturely retired from service on having completed 33 years of services without attaining the age of 57 years. On scrutiny, it is observed that the proposals received late are due to either lost of the original Service Books or certain disputes in their date of birth and entry in service books etc. and no convincing explanation are given for the in-ordinate delay in preferring the claims. In this regard, Government presumes that all genuine cases of claims have since been settled and preferred. Therefore, it has been decided that henceforth no claims on account of arrears pay and allowance from people affected by the Nagaland Retirement from Public Employment Act, 1991, shall be accepted by the Finance Department.

**Sd/- LALTHARA IAS.**

Principal Secretary & Finance Commissioner.

(17.11)

**Government of Nagaland  
Personnel & Administrative Reforms Department  
(Administrative Reforms Branch)**

**OFFICE MEMORANDUM**

NO. AR-3/Gen-134/2004

Dated, Kohima, the 14<sup>th</sup> Feb, 2005.

**Sub:- Ban on appointment of relatives after availing Voluntary retirement.**

Instances have come to the notice of the Government that many Government employees apply for voluntary retirement after more than 20 years of service and in certain cases on the verge of normal retirement on the condition that their children or relatives are appointed in the resultant vacancy. As per rules, a Government servant can opt for voluntary retirement after 20 years of service; however, they cannot put a condition that the Government should consider their request for appointment of their children/relatives against the resultant vacancy. To give a fair chance to others, and also considering the unemployment problem amongst the youth, this practice has to be abandoned.

To this effect, henceforth, no Government employee shall be given the option to get their children or their candidates appointed against the resultant vacancy of their normal or voluntary retirement. Such resultant vacancy should be advertised and filled up as per rules.

All Departments are therefore requested to adhere to these instructions.

**Sd/- LALTHARA**

Additional Chief Secretary to the Govt. of Nagaland.

(17.12)

**Government of Nagaland  
Finance Department  
Establishment Branch**

No.FIN/ESTT/3/04 :

Dated Kohima, the 20<sup>th</sup> Oct, 2005.

**OFFICE MEMORANDUM:**

**Sub: Revised procedure for delivery of personal copies of PPO to the Pensioners:**

The undersigned is directed to refer to the subject cited above and to say that in order to prevent the personal copies of PPO of pensioners landing up in wrong hands, it has been decided, in consultation with the Accountant General, that henceforth, all the personal copies of PPOs shall be collected by the respective Heads of Department, twice in a month, from the Accountant General's Office. For this purpose, all the Heads of departments shall nominate one authorized officer whose attested signature together with a copy of the Identity Card shall be furnished to the office of the Accountant General. The personal copy of the authorization letter shall be carried by the officer concerned while collecting the personal copies of the PPOs from Accountant General's Office.

2. The Accountant General's office shall hand over the copies of PPOs together with a check list for each such consignment. The check list shall be prepared in duplicate, one copy to be retained by Accountant General's office after obtaining receipt from the authorized officer and the other copy will be handed over to the authorized officer for record and reference by the Head of Department.

3. The Head of Department after receipt of the PPOs shall maintain list of all such PPOs received from Accountant General's office in a register after duly comparing with the check list. The Head of Department shall then verify/ confirm the genuineness of pensioner/ family pensioner from his office record. Thereafter, he shall give out the verified PPOs to the respective Heads of Office under him to be accompanied by a check list which will be prepared in triplicate. One copy of the check list will be retained for office record and remaining two copies shall be sent to the concerned Head of Office alongwith the PPOs. The Head of office shall return one copy duly receipted to the Head of Department and retain the other copy for his office record.

4. The Head of office shall, then, handover the PPOs to the concerned pensioner/family pensioner after due verification and by obtaining receipt.

5. This procedure shall come into force with immediate effect.

**Sd/-H. K. KHULU, IAS**  
Finance Commissioner.



(17.13)

**Government of Nagaland  
Finance Department  
Establishment Branch ( Rop Cell)**

NO.FIN/ROP/PEN-6/87

Dated Kohima, the 17<sup>th</sup> July, 2006

**OFFICE MEMORANDUM**

**Sub:- Liberalised Pensionary Awards to the Government Servants Including IAS/IPS/IFS Officers killed in action/encounter-Revision thereof due to implementation of ROP, 1999.**

The matter of revision of the extraordinary pensionary benefits as admissible to the family of deceased Government servants under the provisions of P&AR Department (Pension & Pensionary Welfare cell) O.M. No. PAR-A/62/89 dated 6.6.1995 has been considered by the Government. The revision on the extra-ordinary pensionary benefits under the said O.M. has become necessary in view of implementation of revised pay scales for the State Government Employees under the Nagaland Services (Revision of Pay) Rules, 1999.

After careful consideration, the Governor of Nagaland is pleased to order that the extra-ordinary pensionary benefit of the family of Government servants, who were granted such benefit prior to 1.4.2000 on the basis of the pre-revised scale and who are continuing to draw the said benefit on or after 1.4.2000, shall be revised by fixing the pay in the corresponding revised scale under ROP.99 on 1.4.2000, taking the pay in the pre-revised scale at the same stage at which the extra ordinary pension was initially calculated. In other words, no incremental benefit will be allowed beyond the date of death of the Government servant and the amount of extra-ordinary pension shall remain at the same rate till the date on which the deceased Government servants would have reached the age of superannuation had he remained alive. Therefore, the family shall be entitled to family pension as per the normal rules.

**Sd/- H.K.KHULU, IAS**  
Finance Commissioner.

(17.14)

**Government of Nagaland  
Personnel and Administrative Reforms Department  
(Administrative Reforms Branch)**

No. AR-3/Gen-174/2007 (Pt)

Dated, Kohima, the 20<sup>th</sup> August, 2009.

**OFFICE MEMORANDUM**

**Sub:- Forwarding of the Nagaland Retirement from Public Employment (Second Amendment), Act, 2009 (Act No. 7 of 2009) published in the Gazette.**

The undersigned is directed to forward herewith the Nagaland Retirement from Public Employment (Second Amendment), Act, 2009 (Act No. 7 of 2009) which was published in the Official Gazette on 12<sup>th</sup> August, 2009 for information and necessary action.

Enclosed: As stated above.

**Sd/- LALTHARA**

Chief Secretary to the Govt. of Nagaland

**PART IV  
NOTIFICATION**

Dated, Kohima, the 12<sup>th</sup> August, 2009.

LAW/ACT-253/09 : : The Nagaland Retirement from Public Employment (Second Amendment), Act, 2009 (Act No. 7 of 2009) is hereby published for general information.

**Sd/- NGAMJOK KONYAK**

Joint Secretary to the Govt. of Nagaland

**An Act**

To further amend the Nagaland Retirement from Public Employment Act, 1991.

Be it enacted in the sixtieth year of the Republic of India as follows:-

1. Short Title, Extent and Commencement:

- (1) This Act may be called the Nagaland Retirement from Public Employment (Second Amendment) Act, 2009.
- (2) It extends to the whole of the State of Nagaland.
- (3) It shall be deemed to have come into force on such date as the State Government may, by notification in the official gazette, appoint in this behalf.

2. Amendment of Section 3 of the Nagaland Retirement from Public Employment (Amendment) Act, 2007, the existing entry shall be substituted by the following:

Section 3(1): Notwithstanding anything contained in any rule or orders for the time being in force, a person in public employment shall hold office for a term of 35 years from the date of joining public employment or until he attains the age of 60 years, whichever is earlier.

Section 3(2): A person under public employment shall retire on the afternoon of the last day of the month in which he attains the age of 60 years, or in which he completes 35 years of public employment, whichever is earlier.

(17.15)

**Government of Nagaland  
Personnel and Administrative Reforms Department  
(Administrative Reforms Branch)**

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No. AR-5/ASSO/98 (Pt-I)

Dated, Kohima, the 26<sup>th</sup> November, 2009.

**OFFICE MEMORANDUM**

**SUB:- COUNTING OF CONTRACT/ADHOC PERIOD FOR RETIREMENT.**

Many Departments have sought clarification as to whether the services rendered by an employee on contract/adhoc/work-charged appointment should count for fixing of length of service. The standing guidelines of the Government is that, the period of such service rendered is being counted for increment, leave, pension and other service benefits, except seniority. The regularized work- charged employees are also entitled to count in full their continuous work-charged service towards pension benefits.

Therefore, it is further clarified that the contract/adhoc/work-charged period thus rendered will count for determining length of service for pension purposes in terms of the Nagaland Retirement from Public Employment (Second Amendment) Act, 2009.

The above decision will be equally applied to both the officers/staffs coming from outside the State who are appointed on contract basis and the employees of this State Government in similar cases.

**Sd/- LALTHARA**

Chief Secretary to the Govt. of Nagaland

(17.16)

**Government of Nagaland  
Finance Department  
Establishment Branch ( ROP Cell)**

**NOTIFICATION**

Dated: Kohima, the 28<sup>th</sup> January, 2010

NO.F1N/ESTT-3/04 (Pt): The Governor of Nagaland is pleased to adopt the new restructured Defined Contribution Pension Scheme of the Government of India in respect of all new entrants to the service of the State Government of Nagaland with **effect from 1<sup>st</sup> January 2010.**

2. For the purpose of operation of the scheme, the State Government of Nagaland shall join the Central Record Keeping arrangements as entered between the Pension Fund Regulatory Development Authority (PFRDA) and the National Securities Depository Limited (NSDL) for the Central Government employees.

3. With the introduction of this scheme, all persons appointed in the service of the State Government of Nagaland with effect from 1<sup>st</sup> January 2010, shall not be eligible for pension under the existing Pension Rules, but shall be covered by the Defined Contribution Pension Scheme as specified below:

- (i) A monthly contribution of 10% of the basic pay and Dearness Allowance (including Dearness Pay) to be paid by the employee towards the Pension Fund and the State Government would also provide a matching contribution as employer's share. The contribution so made would be deposited in a non- withdrawable pension tier-I account. Such funds will be invested by Pension Fund Managers as approved by Pension Fund Regulatory Development (PFRDA) under different categories of scheme which would be a mix of debt and equity. The Fund Managers would give out easily understood information about the performance of different investment schemes so that individual Government employee would be able to make informed choices about which scheme to choose. The entire amount lying in his pension tier-I account at the time of retirement will be the pension wealth of the retiring Government servant.
  - (ii) In addition-to the above provision, each individual may also have a voluntary tier-II withdrawable account at his option. This option is provided as General Provident Fund will be withdrawn for employees recruited to the State Government Service with effect from 1" January, 2010. The State Government will, however, make no contribution into this tier-II account. In tier- II system, the individuals may subscribe 10% of his salary (basic pay + DP+DA) and these assets would be managed through exactly the above procedure. However, the employee would be free to withdraw part or all of second tier of his money at any time. This withdrawable account does not constitute pension investment and would attract no special tax treatment.
  - (iii) At the time of retirement, Government servant will receive a lump sum payment equivalent to 60% of his pension wealth and it is mandatory for the retiring Government servant to invest the remaining 40% of his pension wealth to purchase an annuity from a Life Insurance Company regulated by Insurance Regulatory and Development Authority. The annuity shall provide for pension for the life time of the employee and his dependent parents and his spouse at the time of retirement. However, the individual would be free to utilize the lump sum 60% of his pension wealth in any manner. Individuals would have the flexibility to leave the pension system prior to age of 60 years or 35 years of 'service as the case may be. In such case, the mandatory annuitisation would be 80% of the pension wealth.
4. Detail instruction on operation of the scheme, as well as, forms to be used and records to be maintained and rendered by the subscriber, the DDOs, the Treasury, the Department etc. for realization of contributions and its further investment and accounting shall be issued by the State Government separately.

**Sd/- LALTHARA**  
Chief Secretary

(17.17)  
**Government of Nagaland**  
**Personnel and Administrative Reforms Department**  
**(Administrative Reforms Branch)**

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No. AR-5/ASSO/98 (Pt-I)

Dated, Kohima, the 15<sup>th</sup> February, 2010.

**OFFICE MEMORANDUM**

**SUB:- COUNTING OF CONTRACT/ADHOC PERIOD FOR RETIREMENT.**

In continuation of this Departments' O.M of even number dated 26/11/2009, it is hereby further clarified that those contract/adhoc service of an employee is followed by regularization, in the same post, the period rendered on contract/adhoc will be counted towards their length of service. In the case of those employees, who are on contract or adhoc and who had been given direct appointment to the same post or any other post, through the NPSC or Selection Board, their contract/adhoc period of service will not be counted towards length of service. However, in the case of those who are in regular Government service and who were subsequently given direct appointment to any other post, through the NPSC or the Selection Board their earlier service will be counted towards length of service provided that the employee has been allowed to count the former service period for the purpose of leave and pension etc as per records of service book.

**Sd/- LALTHARA**

Chief Secretary to the Govt. of Nagaland.

(17.18)  
**Government of Nagaland**  
**Personnel and Administrative Reforms Department**  
**(Pension Cell)**

No. PAR/PEN-13/2006

Dated, Kohima, the 6<sup>th</sup> August, 2010.

**OFFICE MEMORANDUM**

**Sub:- Guidelines for Streamlining Pension Management.**

1. It has been observed that the timely finalization of pension-cases in respect of retired State Government employees are being inordinately delayed due to lapses committed, inadvertently or otherwise, by the Administrative Departments/Heads of Department during the course of processing and submission of pension-related documents to the Office of the Accountant General, Nagaland.

2. Hence, with a view to forestall such delays and to facilitate the prompt and speedy disposal of the pension-cases, the following guidelines are hereby circulated as a supplement to the existing ones notified vide this Departments' Office Memorandum of even number dated 27-08-2009, for information and strict compliance by all Administrative Heads/Heads of Department.

- (i) Due attention should be paid to establish that the Pension Forms are complete in all respects, and that the dated initials/signatures of the employee concerned and of the sanctioning authority are suitably affixed in the relevant columns.

- (ii) Care should be taken to ensure that cases, forwarded after 10(ten) to 40(forty) years of retirement/death of the employees concerned, are invariably accompanied by the Provisional Pension and Gratuity duly authorized as per Rules 64 and 80-A of the Central Civil Services (Pension) Rules, 1972.
- (iii) Correct fixations of pay should be recorded in the Service Book.
- (iv) Maternity Leave, including other kinds of leave, availed by a female employee during child-birth, should be tallied with the date of birth of the children and recorded accordingly in the leave-account.
- (v) Checks can be undertaken scrupulously to identify and weed out cases wherein names of ineligible kin, i.e grandsons, granddaughters, etc have been produced and found impersonating as bonafide and entitled members of the family of a Government servant.
- (vi) Names of children born after availing incentive-increments, on undergoing sterilization, are to be summarily deleted.
- (vii) The practice of granting voluntary retirement to an employee who have not rendered the minimum qualifying service of 20 (twenty) years, and subsequently converting the same as Invalid Pension on medical ground, should be discontinued forthwith.
- (viii) The predisposition for obtaining birth-certificates afresh from the Department of Economics & Statistics in respect of a child, whose case of abnormal variation in age with his/her siblings or parents have been exposed by the Accountant General, Nagaland, must be done away at once.

**Sd/- LALTHARA**

Chief Secretary to the Government of Nagaland

(17.19)

**Government of Nagaland  
Finance Department  
Establishment Branch**

No.FIN/ESTT-3/04 (Pt-)

Dated Kohima, the 22<sup>nd</sup> September, 2010

**OFFICE MEMORANDUM**

**Sub:- Introduction of New Defined Contribution Pension Scheme effective from 1.1.2010 for new entrants under State Government service deduction or contribution there under.**

Undersigned is directed to refer to this Department notification of even number dated 28.1.2010\* introducing the New Defined Contribution Pension Scheme for new entrants in State Government Service w.e.f. 1.1.2010. The said scheme is applicable to all the regular State Government employees who entered service on or after 01.01.2010. With the introduction of this New Pension Scheme, the GPF contribution Scheme shall stand withdrawn in respect of those employees covered by this New Pension Scheme. Instead, they shall contribute 10% of basic pay including Dearness Pay and Dearness Allowance (in the pre-revised scale) and 10% of basic pay including Dearness Allowance in the revised scale under ROP, 2010) per month as employees' contribution towards pension fund. This will be matched by equal contribution by the Government as employer's contribution. The entire contribution will be invested in the Pension Fund of the employees concerned.

2. Since the agreement with the New Pension Scheme Trust is yet to be finalized and the New Pension Scheme architecture will take some more time to be put in place, it has been decided to start the deduction of employees' contribution effective from 1.1.2010 immediately to avoid accumulation of arrears. All the Departments are, accordingly, informed to start deduction of the employee's contribution in respect of all such employees appointed in the State Government Service on or after 1.1.2010 against sanctioned post on regular basis. The deduction shall be on monthly basis from the monthly salary bill of the concerned employees starting from the salary of September, 2010 payable in October, 2010 onwards. The arrear portion of contribution for the period 1.1.2010 or from the date of appointment, as the case may be, to 31.8.2010 shall be deducted in one installment from the ROP arrears if due to such employees; in other cases, the same should be recovered in 5 monthly installments from salary of subsequent months. The amount of monthly contribution shall be rounded to hundred of rupees by ignoring fraction less than Rs.100/-
3. The employees' contribution shall be deposited in the Treasury under the Head of Account: "8342 - Other Deposits - 117 - Defined Contribution Pension Scheme (Employees' Contribution under New Pension Scheme)" through Treasury Challan by way of deduction from monthly salary bills. Name and designation of the employees' in respect of whom the contribution have been made, amount against each and the month to which it relate shall be indicated in the statement at Annexure-I to be attached to the Treasury Challan and the challan shall be prepared in Quadruplicate. One copy shall go to Accountant General Office with the salary bill, second copy shall be retained by the Treasury and third and fourth copies shall be returned to the DDO for record and further necessary action as prescribed in the following paras.
4. Each DDO shall maintain a register in the proforma indicated in Annexure-II in which record of all such deductions made towards employee's contribution shall be entered on monthly basis at the time of preparation of the pay bills. On receipt of copies of Treasury Challan, the challan number and date shall also be recorded in the register in appropriate column. Immediately, after the end of a month, the DDO shall make out a copy of the entries made in the register during the previous month and submit the same to their Head of Department (in duplicate) together with one copy of the Treasury challan. The other copy of the Treasury challan shall-be retained by the DDO in his office.
5. The concerned Head of Department shall prepare an abstract statement as in Annexure-III incorporating all the statements received from his sub-ordinate officers (DDOs) for each month and submit the same together one copy of the statement in Annexure-II received from the respective DDO and copies of Treasury challan to the Director of Treasuries and Accounts on monthly basis.
6. The Director, Treasuries and Accounts shall compile all the statements in Annexure-III received from all the Heads of Department on monthly basis in a consolidated statement as per Annexure-IV and submit a copy of the same to Finance Department every month. He shall also maintain a "Master Register" showing employee-wise and month-wise deduction made as employees' contribution towards the Pension Fund in Annexure-V. The Director, Treasuries and Accounts shall retain the original copies of Annexure-III received from the Heads of Departments together with copies of Annexure-II and copies of Treasury challan in his office for safe custody.
7. This O.M is issued in supersession of this Department earlier O.M of even number Dated 16.9.2010 on the subject.

**Sd/- TOSHI AIER**

Addl. Chief Secretary & Finance Commissioner

*\*Refer chapter 17.15*

(17.20)

**Government of Nagaland  
Department of Personnel & Administrative Reforms  
(Pension Cell)**

**NOTIFICATION**

Dated Kohima, the 2<sup>nd</sup> Feb'2011

No.PAR/PEN-13/2006 In exercise of the power conferred under Rule 33 of the C.C.S (Commutation of Pension) Rules 1981, the Governor of Nagaland is pleased to relax the application of Rule 13 (2) to those Government servants who retired with effect from 31/10/2009. Consequent upon the coming into effect of Government of Nagaland Retirement from Public Employment (Second Amendment) Act, 2009 dated 07/08/2009. The restriction of one year will be counted from the 6<sup>th</sup> July 2010, the date of passing of the Supreme Court Judgment dated 06/07/2010 CIVIL APPEAL No/4955 of 2010 (Arising out of SLP(C) No.29786 of 2009), pertaining to the case between Nagaland Senior Government Employees Welfare Association and State Government of Nagaland.

**Sd/- AMARDEEP S BHATIA**

Commissioner & Secretary to the Government of Nagaland.

(17.21)

**Government of Nagaland  
Department of Personnel & Administrative Reforms  
(Pension Cell)**

No.PAR/PEN-13/2006

Dated: Kohima, the 2<sup>nd</sup> Feb, 2011

**OFFICE MEMORANDUM**

**Sub: Speedy Disposal of pension cases.**

With a view to facilitate early payment of pension to retired Government Servants, it was resolved in the meeting of the Administrative Head of Department (AHODs) and head of Departments (HODs) held under the chairmanship of Chief Secretary, Nagaland on 10/11/2010 to simplify the procedure for issue of "No Demand Certificate/Clearance".

No Demand Certificates are issued at the moment by concerned Departments/Agencies with respect to the following.

- |                               |                                     |
|-------------------------------|-------------------------------------|
| (a) Housing Building Advance  | - Housing Department. (Loan Branch) |
| (b) Motor Car/Scooter Advance | - Home Department (Loan Branch)     |
| (c) Electricity Bill          | - Chief Engineer Power.             |
| (d) Water Bill                | - Chief Engineer P.H.E              |
| (e) Quarter (Estate)          | - Chief Engineer Housing.           |



With respect to Housing, Power and P.H.E departments, they will issue the list of defaulting Government servants as per their records. Those who do not figure in the list will be given “No Demand Certificate” by the Head of the Department who process the pension papers.

Further, in the case of those who do not occupying Government quarters prior to retirement, the concerned Head of Department will also directly issue “No Demand Certificate” in favour of the retired Government Employee.

**Sd/- AMARDEEP S BHATIA**

Commissioner & Secretary to the Govt. of Nagaland.

(17.22)

**Government of Nagaland  
Finance Department  
Establishment Branch**

NO.FIN/ESTT-3/04(Pt)

Dated: Kohima, the 19<sup>th</sup> April, 2011

**OFFICE MEMORANDUM**

**Sub:- Introduction of New Pension Scheme for Member of All Indian Services Joining the All India Service on or After 1.1.2004.**

The undersigned is directed to refer to government of India, Ministry of Personnel, Public Grievances, Department of Personnel & Training letter NO.25014/14/2001-AIS(II) dated 8.9.2009 on the subject cited above and to state that the pension of the members of the All India Services appointed on or after 1.1.2004 is regulated by the Ministry of Finance (Department of Economics Affairs) vide their O.M. No.5/7/2003-ECB 2 PR dated 22.12.2003. On introduction of the New Pension Scheme, the All India Service (Death- cum-retirement Benefit) Rules, 1958 and the All India Service (Provident Fund) Rules 1955 were amended on 7.2.2004 and 17.5.2004 respectively. Under the amended Rules, benefits of the Old Defined Benefit Pension Scheme and of GPF are not available to the members of the service appointed on or after 1.1.2004.

2. The New Pension Scheme will work on a defined contribution basis and will have two Tiers- Tier-I and II. Contribution of Tier-I will be mandatory for all members on AIS joining the All India Service on or after 1.1.2004, whereas Tier-II will be optional and at the discretion of members of All India Service.

3. In Tier-I, members of AIS will make a contribution of 10% of his/her basic pay plus DA, which will be deducted from his/her salary bill every month by the DTO/TO concerned. The Government will also make an equal matching contribution.

4. Tier-I contributions (and the investment returns) will be kept in a non-withdrawable pension Tier-I account. Tier-II contributions will be kept in a separate account that will be available for withdrawal at the option of the member of the service. Government will not make any contribution to Tier- II account.

5. A member of the service can exit at or after the age of 60 years from the Tier-I of the scheme. At exit, it would be mandatory for him/her to invest 40% of pension wealth to purchase an annuity (from an IRDA regulated Life Insurance Company), which will provide for pension for the lifetime of the employee and his dependent parents/spouse. In the case of the members of the All India Service who leave the scheme before attaining the age of 60, the mandatory annuitisation would be 80% of the pension wealth.
6. Recoveries towards Tier-I contribution will start from the month following the month in which the member of the service has joined the service. No recovery will be made for the month of joining.
7. As the existing provisions of Defined Benefit Pension and GPF would not be available to new members of AIS joining All India Service on or after 1.1.2004, in case any GPF deduction has been made then it would have to be refunded to the concerned All India Service Officers.
8. Deduction towards Group Insurance will, however, continue to be made from the salary of new members of the AIS joining the service on or after 1.1.2004.
9. The State Service officers appointed to the IAS/IPS/IFS by way of promotion/selection, who are already covered under the old pension scheme, will continue to be governed by the old pension scheme.
10. The pension fund of members of the All India Service would be managed by pension fund managers nominated by the Pension Fund Regulatory Development Authority (PFRDA) and the records will be maintained by a Central Record Keeping Agency, the National Security Depository Limited (NSDL).
11. Immediately on joining the All India Service, each member of the All India Service will be required to provide particulars such as his/her name, designation, scale of pay, date of birth, nominee(s) for the fund, relationship with the nominee etc. in the prescribed form (Annexure-I). The same procedure should be followed for AIS Officers appointed on or after 1.1.2004. Accordingly all AIS Officers recruited on or after 1.1.2004 are advised to fill up the registration form at Annexure-I immediately.
12. Whenever any member of the service is transferred "from one office to another or goes on Central deputation etc. the T.O will indicate in the last pay certificate of the member of the service, the PRAN in respect of that individual and the month up to which his contributions have been recovered/drawn.
13. This O.M. has been issued in consultation with P & AR Department under U.O. No.727 dated 14.3.2011 (File No. PAR-A/09/09-AIS).

**Sd/- TOSHI AIER**

Addl. Chief Secretary & Finance Commissioner

(17.23)

**Government of Nagaland  
Personnel and Administrative Reforms Department  
(Administrative Reforms Branch)**

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No. AR-5/ASSO/98 (Pt-I)

Dated, Kohima, the 11<sup>th</sup> October, 2011.

**OFFICE MEMORANDUM**

**SUB:- COUNTING OF CONTRACT/ADHOC PERIOD FOR RETIREMENT.**

1. In partial modification of this Departments' Office Memorandum of even number dated 26<sup>th</sup> November, 2009 and dated 15<sup>th</sup> February, 2010, the following further clarifications are hereby issued in regard to counting of adhoc/contract regular past service for length of service for the purpose of retirement under the Nagaland Retirement from Public Employment Act, 2009.
2. Whenever a person who is on contract/adhoc/work-charged basis is subsequently regularized to the same post, the past services rendered on contract/adhoc/work-charged basis will be counted towards the length of service.
3. Whenever a person appointed on contract/adhoc/work-charged basis, but instead of his services being regularized, he is subsequently appointed to the same post or any other post by direct recruitment through the Nagaland Public Service Commission or Departmental Selection Board, the length of service of the employee rendered on contract/adhoc/work-charged will not be counted.
4. Whenever a person is appointed in regular government service, but subsequently given direct appointment to any other post, either through the Nagaland Public Service Commission or Departmental Selection Board, the past regular service will be counted for the length of service, if the employee is given any benefit or continuity of the past regular service, but if no such benefit is given in the new posts/service, then the former service shall not be counted. Here, benefit or continuity of past service can include increment, leave entitlement, counting of such service for length of service for pension purpose etc.
5. This Office Memorandum will come into force with immediate effect.

**Sd/- LALTHARA**

Chief Secretary to the Govt. of Nagaland

(17.24)

**Government of Nagaland  
Personnel and Administrative Reforms Department  
(Administrative Reforms Branch)**

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No. AR-5/ASSO/98 (Pt-I)

Dated, Kohima, the 22<sup>nd</sup> December, 2011.

**OFFICE MEMORANDUM**

**SUB:- COUNTING OF CONTRACT/ADHOC PERIOD FOR RETIREMENT.**

1. Whereas a number of cases have come to the notice of the Government, wherein service benefits in the form of increment, leave accumulation, etc for adhoc/contract period of appointment of Government servants have been carried forward on their subsequent regular appointment to the same or other post through the Nagaland Public Service Commission or Departmental Selection Boards even without formal regularization of the contract/adhoc service.
2. It is, therefore, clarified, that for the purpose of calculation of length of service under Nagaland Retirement from Public Employment (Second Amendment) Act, 2009, such adhoc/contract period will be considered as 'deemed regularized' and counted towards the length of public service of the employee.
3. This Office Memorandum is issued in continuation of this Departments' earlier Office Memorandum of even number dated 26/11/2009, dated 15/02/2010 and dated 11/10/2011, and specifically in clarification of point 2 in O.M dated 11/10/ 2011.

**Sd/- LALTHARA**

Chief Secretary to the Govt. of Nagaland

(17.25)

**Government of Nagaland  
Personnel and Administrative Reforms Department  
( Administrative Reforms Branch )**

No. AR-3/GEN-231/2011

Dated, Kohima, the 1<sup>st</sup> August, 2012.

**OFFICE MEMORANDUM**

**Sub:- Counting of Contract/Adhoc services for retirement purpose.**

1. The Nagaland Retirement from Public Employment Act, 1991, defines public employment as "appointment to any pensionable state public service or posts connected with the affairs of the State of Nagaland and the Nagaland Legislative Assembly, and includes any appointment under the Government of India, and other State Government, Central or State Public Sector Undertakings and local authority held by persons prior to their absorption under the public service of the State of Nagaland and the Nagaland Legislative Assembly which counts for the purpose of pension".

2. And whereas, clarifications have been sought by many departments whether the services rendered in adhoc/contract/work-charged capacity prior to regular appointment made through NPSC or Departmental Selection Board or any other prescribed procedure shall count as public employment for the purpose of calculation of length of service under the above Act.

3. And whereas, the Government of Nagaland, vide No. AR-13/21/74 dated 08/07/1975, had earlier clarified that all adhoc services which is followed by regularization, or fresh appointment in the same post, should count towards pension.

4. And whereas, the Gauhati High Court in their judgment dated 24/07/2012, Case No. WA-168/2012, WA-175/2012, WA-177/2012, WA-178/2012, WA-179/2012, WA-180/2012, WA-181/2012, WA-183/2012, has ruled that the period of service rendered on adhoc/contract/work-charged has to be counted for computation of public employment under the Nagaland Retirement from Public Employment (2<sup>nd</sup> Amendment) Act, 2009.

5. Therefore, all the above categories of services which are followed by regularization or regular appointment in the same post without break or gap in service, shall be counted as public employment, and included in calculation of length of service for the purpose of pension under the Nagaland Retirement from Public Employment (2<sup>nd</sup> Amendment) Act, 2009.

6. This is issued in supercession of all office memoranda on the same subject issued vide No. AR-5/ASSO/98 dated 26/11/2009, dated 15/02/2010, dated 11/10/2011, and dated 22/12/2011.

**Sd/- LALTHARA**

Chief Secretary to the Government of Nagaland

*\*Refer Chapter 12.4/17.27/17.23/17.24/17.25*

(17.26)

**Government of Nagaland  
Department of Personnel & Administrative Reforms  
( Pension Cell )**

No.PAR/PEN-13/2006

Dated: Kohima, the 4<sup>th</sup> August, 2012

**OFFICE MEMORANDUM**

**Sub: Speedy Disposal of Pension & other Retirement Benefits.**

Pension is a rightful payment to the retired government employees. Timely payment of pension is the essence of pension management since the retired employees cease to draw their monthly salary. It is, therefore, made mandatory under the Pension Rules for all Heads of Departments to ensure that Pension Payment Orders (PPO) are issued to all retiring employees on the day of retirement.

All the Administrative Heads of Departments/Heads of Departments are hereby reminded that as a matter of policy, the State Govt. has decided that retiring employees shall be given their Pension Payment Order (PPO) and other retirement benefits on the day of superannuation.

With a view to achieve this goal, all Administrative Heads of Departments/Heads of Departments are advised to strictly adhere to the following guidelines.

1. All AHODs/HODs shall ensure that pension papers of retiring employees, after having been duly verified, are submitted to Accountant General's Office *within 6 (six) months before the date of retirement* so as to facilitate issuing of PPO on the day of retirement/superannuation. The Heads of Departments will intimate to the Department of P&AR of those employees in the annual retirement list but whose pension papers were not processed with reason thereof.
2. The responsibility for any unjustified delay in processing the pension cases shall be upon the Heads of Departments and they are accountable for any such delay.
3. While forwarding the pension papers, all AHODs/HODs are advised to address the following concerns raised by the Accountant General's Office.
  - (a) Due attention should be paid to establish that the Pension Forms are complete in all respects, and that the dated initials/signatures of the employee concerned and of the sanctioning authority are suitably affixed in the relevant columns.
  - (b) Correct fixations of pay should be recorded in the Service Book.
  - (c) Maternity Leave, including other kinds of leave, availed by a female employee should tally with the date of birth of the children and recorded accordingly in the leave account.
  - (d) Checks be undertaken scrupulously so that names of ineligible kin, i.e. grandsons, granddaughters, etc. are identified and deleted from the family members of the Govt. employee in Pension Form-3.
  - (e) Names of children born *after* availing incentive/increment, on undergoing sterilization, are to be summarily deleted.
  - (f) The practice of obtaining birth certificates *afresh* from the Department of Economics & Statistics in respect of a child, whose case of abnormal variation in age with his/her siblings or parents, exposed by the Accountant General's Office, must be disallowed forthwith.
  - (g) In the index page of the Service Book, date of birth, medical fitness certificate at the time of initial appointment, list of family members, their date of birth and relationship with the Govt. official to be recorded. After marriage, name of the wife or husband and the names of the children immediately after their birth to be recorded with reference to their birth certificates.
  - (h) Photograph of the Govt. official to be pasted in the index page of the Service Book.
  - (i) Service verification, promotion order and other related matters to be recorded in the Service Book.
  - (j) Overwriting in the Service Book must be avoided.
  - (k) Dated initials are to be given in the Service Book and Pension Forms.
  - (l) Inclusion of the name of 2<sup>nd</sup> wife and children after the death of the pensioner (in respect of settled cases) to be avoided.
  - (m) Marriage after retirement is to be immediately intimated to the Head of Department.
  - (n) Phone numbers of retiring employees may be recorded in Pension Forms.
4. 'No Demand Certificate' will be issued as under:
  - (i) The department concerned will provide the list of those retiring employees who are in occupation of Govt. quarter to Chief Engineer (Power), Chief Engineer (PHE), Chief

- Engineer Housing(Estate), to ascertain whether there are any pending/outstanding dues against their names. These departments after verifying their records will issue 'No Demand Certificate'. In respect of those employees who are not in occupation of Govt. quarter prior to their retirement, the concerned Head of Department will directly issue 'No Demand Certificate'.
- (ii) Further, based on the list of retiring employees provided by the concerned department, Works & Housing Dept. (Loan Branch) and Home Dept. (Loan Branch) will issue 'No Demand Certificate' with regard to House Building Advance and Motor Car/Scooter Advance respectively, after duly checking their records.
5. All AHODs/HODs shall compile list of Nodal Officers of their respective department indicating their Designation, Telephone Number, Residential Address, and furnish it to P&AR Department (Pension Cell) on or before 18<sup>th</sup> August 2012.
6. The use of hologram in identity cards of pensioners shall be compulsory, the details of which will be notified in due course of time.
7. The list of retiring employees alongwith their pension papers for the current year may be submitted to the Accountant General's Office urgently by all AHODs/HODs, while intimating to the P&AR Department with a copy of the list. The same process must be repeated every year in the month of January henceforth.

**Sd/- C.J. PONRAJ (IAS)**  
Principal Secretary to the Govt. of Nagaland

(17.27)  
**Government of Nagaland**  
**Finance Department**  
**Establishment Branch**

NO.FIN/ESTT-3/04 (Pt-II)

Dated: Kohima, the 27<sup>th</sup> August, 2012

**OFFICE MEMORANDUM**

**Sub: Implementation of New Defined Contribution Pension Scheme.**

Reference is made to this Department Notification No.NOFINIESTT-3/04(Pt) dated 28.01.2010 whereby the New Defined Contribution Pension Scheme was introduced for the new entrants to the service of the State Government of Nagaland with effect from 01.01.2010. Pending finalization of the architecture of the New Pension Scheme, the procedure for deduction of employees contribution, Head of Account under which such contribution shall have to be credited and records to be maintained were specified in this Department subsequent O.M. No.

FIN/ESTT-03/04 (pt) dated 22.09.2010. The New Pension Scheme is equally applicable to the new entrants belonging to the All India Service but in their case the effective date is 01.01.2004.

2. The New Pension Scheme architecture is now put in place in collaboration with the National Securities Depository Limited which is the authorized Central Record Keeping Agency under the Scheme. As such, with a view to operationalise the Scheme and to start up-loading of contribution to the Pension Fund Account following decisions are taken for compliance by all concerned:-

- (i) The State Government shall pay interest for the legacy period on the accumulated contribution already made by the employees towards the Pension Fund and which are lying in State Government Account. The interest 'will be admissible for the period from the date of actual deduction/credit into Government Account till date prior to the date of up-loading of the contribution into the system. The rate of interest and method of calculation shall be the same as in case of interest on GPF contribution.
- (ii) The arrear contribution of the Government (employer) including interest shall be equal to the contribution made by the employee concerned and interest thereon. The employer's (Government) matching contribution before interest shall not exceed 10% of pay (basic pay plus dearness allowance) of the employee concerned. The Director of Treasuries & Accounts shall work out the amount (both contribution and interest) for each employee and submit the proposal to the Finance Department for expenditure sanction and Drawal Authority. The proposal shall be in three parts, one for employee's share, one for employer's share and one for interest.
- (iii) The State Government employees appointed on regular basis against sanctioned posts and All India Service Officers who are covered by the New Pension Scheme and who are yet to contribute their share under the New Pension Scheme are hereby given the option for arrear contribution either on monthly basis or on lump sum installment(s). The Head of Account for deduction/credit of employees contribution (including AIS Officers) is the same, that is, "8342- Other Deposit-117- Defined Contribution Pension Scheme (employees' contribution under New Pension Scheme)". Only in case of contribution in respect of AIS Officers, the word "All India Service Officers" may be added for easy identification.
- (iv) In order to expedite the process of uploading of contribution to the NPS system, the current monthly contribution for the month of September, 2012 onward shall be compiled by the Directorate of Treasuries & Accounts on monthly basis and both employers' and employees' contribution shall be sanctioned and uploaded into the system by him. Thereafter, monthly report of all such sanction and up-loading shall be submitted by the DTA to the Finance Department every month. To facilitate timely contribution to the Pension Fund, the Director, Treasuries and Accounts is hereby authorized to issue necessary sanctions for this purpose.
- (v) All existing employees covered by the New Pension Scheme (both State and AIS Officers) are to register themselves by submission of prescribed form and obtain their PPAN (Permanent Pension Account Number) from the concerned Treasury Officer latest by 30<sup>th</sup> September, 2012. No interest on any contribution made without registration shall be admissible beyond this date. All new entrants into the State Government service who will be covered by the New Pension Scheme shall have to register themselves within 30 days of joining service. All the Treasury



Officers are directed to stop payment of salary of all such defaulting employees who fail to register themselves within the time as specified above.

- (vi) In respect of those employees who were covered by the New Pension Scheme and who have made contribution to the Pension fund but have left service or died or discharged on invalidation/disablement before the contribution are up-loaded into the system, their share of contribution together with Government contribution and interest thereon shall be withdrawn from Government account and refunded to them/family member, as the case maybe. For this, Director, Treasuries and Accounts shall submit necessary proposal to the Finance Department on case to case basis. Subsequently, if any pensionary benefits are granted to such employees, the amount of Government contribution and interest thereon already paid if any, shall be adjusted from such pensionary benefit.

3. All Departments concerned are requested to bring this O.M. to the notice of their employees covered by the New Pension Scheme for information and compliance.

**Sd/-TOSHI AIER**

Additional Chief Secretary & Finance Commissioner.

**(17.28)**

**Government of Nagaland  
Department of Personnel & Administrative Reforms  
( Pension Cell )**

No.PAR/PEN-13/2006

Dated: Kohima, the 14<sup>th</sup> June, 2013

**OFFICE MEMORANDUM**

**Sub: Speedy Disposal of Pension & other Retirement Benefits.**

Lately this department has been receiving numerous objections to pension cases from the Accountant General's Office due to the inordinate delay in submission of pension papers by the Heads of Departments. As per the latest intimation received from the Accountant General's Office, the delay ranges between 1 month and 10 years.

In this regard, attention is invited to this Department's Office Memorandum of even number dated 04/08/2012\* wherein the instructions were given that pension papers of retiring employees, after having been duly verified, must be submitted to the Accountant General's Office atleast 6 (six) months before the date of retirement. This is to ensure that Pension Payment Orders (PPO) are issued to all retiring employees on the day of retirement/superannuation.

Rule 68 of the CCS (Pension) Rules, 1972, mandates that where the payment of pension/gratuity has been delayed beyond three months from the date of retirement, penal interest at the rate applicable to GPF deposits will be paid to retired Government servants for the period of delay beyond three months from the date of retirement. Therefore, in respect of any delayed payment of pension/gratuity wherever it results in payment of penal interest, all AHODs/HODs will initiate action to fix responsibility at all levels to recover the amount from the concerned officers, Head of Office, Head of Department or any other staff responsible for such delay.

It is also reminded that the list of retiring employees for the calendar year shall invariably be submitted to the Accountant General's Office every year in the month of January, while intimating to the P&AR Department with a copy of the list.

Therefore, all AHODs/HODs are requested to ensure that the instructions contained in the above Office Memorandum are strictly observed.

**Sd/- C.J. PONRAJ (IAS)**

Addl. Chief Secretary to the Govt. of Nagaland

***\*Refer chapter 17.21***

**(17.29)**

**Government of Nagaland  
Department of Personnel & Administrative Reforms  
( Pension Cell )**

**OFFICE MEMORANDUM**

No.PAR/PEN/OBJ/6/2012

Dated: Kohima, the 13<sup>th</sup> July, 2015

**Sub: Speedy Disposal of Pension & other Retirement Benefits.**

It has been brought to the notice of this department by the Accountant General's Office reporting that they have been receiving numerous petitions from different departments requesting for inclusion of name/nominee in the PPO Book after the death of the pensioner.

In this regard, attention is invited to this department's Office Memorandum NO.PAR/PEN-13/2006 dated 04-08-12\* wherein detailed guidelines were issued on the Speedy Disposal of Pension & Other Retirement Benefits, which has come into operation with effect from 04-08-12.

One of the guidelines specified in the aforementioned Office Memorandum was to avoid inclusion of the name of 2<sup>nd</sup> wife and children as nominee after the death of the pensioner in respect of settled cases. However, it is observed that many departments, without properly verifying the genuineness of the case in accordance with the guidelines issued in the Office Memorandum dated 04-08-12, have been simply forwarding the petitions to Accountant General's Office for extension of pensionary benefits.

Therefore, it is hereby reiterated that inclusion/change of nominee (which shall also include post-retiral spouse and children) for the purpose of family pension after the death of the pensioner (in respect of settled case) shall not be allowed without proper inquiry by the Deputy Commissioner of the District. Any alteration/addition in the size of family should be immediately brought to the notice of the Head of Office in the prescribed format for onward submission to Accountant General's Office while the pensioner is still alive.

All AHODs/HODs are advised to take into consideration the above position while processing the pension cases relating to inclusion/change of nominee.

**Sd/- PANKAJ KUMAR (IAS)**

Chief Secretary to the Government of Nagaland

***\*Refer chapter 17.21***

(17.30)

**Government of Nagaland**  
**Department of Personnel & Administrative Reforms**  
**( Pension Cell )**

NO.PAR/INV PEN-8/2015

Dated: Kohima, the 22<sup>nd</sup> Dec, 2015

**OFFICE MEMORANDUM**

**Sub: Guidelines on Invalid Pension.**

It has been observed that cases for sanction of invalid pension are referred to P&AR Department by other Departments for concurrence even though the government employee concerned has been released from service by the respective Department before the employee completed the mandatory 10 (ten) years of qualifying service required for Invalid Pension.

2. In this regard, attention is invited to Rule 38 read with Rule 49(1) of the CCS (Pension) Rules, 1972, wherein if an employee has put in a qualifying service of less than 10 years at the time of retirement, she/he is not entitled to pension, but is entitled to service gratuity only. In order to be eligible for Invalid Pension, a permanent/temporary Govt. servant must have rendered not less than 10 years of service.

3. In view of the position stated above, the following procedure may be followed while processing such cases henceforth:

- (a) Prior clearance of P&AR Department may be obtained before the Govt. servant is released from service on Invalid Pension.
- (b) While forwarding the proposal for Invalid Pension, the referring Department may specify the proposed date of retirement, and shall also furnish the Service Book and Medical Board's recommendation.
- (c) All Invalid Pension cases may be routed to P&AR Department through the Administrative Head of Department.

4. This issues with the concurrence of Finance Department vide their RFC/ESTT/No.26/48 dated 15/10/15.

**Sd/- PANKAJ KUMAR (IAS)**  
Chief Secretary to the Government of Nagaland