



**THE
JAMMU & KASHMIR GOVERNMENT GAZETTE**

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Separate paging is given to this part in order that it may be filed as a
separate compilation.

PART III

Laws, Regulations and Rules passed thereunder.

**GOVERNMENT OF JAMMU AND KASHMIR
FINANCE DEPARTMENT**

Notification

Jammu, the 15th April, 2009.

SRO 94 :- In exercise of the powers conferred by proviso to Section 124 of the Constitution of Jammu and Kashmir, the Governor is pleased to direct that the following amendments shall be made in the Jammu and Kashmir Civil Services Regulations, namely :-

In the said regulations.—

1. The following shall be inserted as Note below Article 27(aa) :-

Note.—The term “Basic pay” w.e.f 1.1.2006 shall mean the pay drawn in the prescribed Pay Band plus the applicable Grade pay but does not include any other type of pay like special pay etc.

2. The following shall be inserted as Article 240-A(VI) :

240-A(VI). Notwithstanding anything contained in Article 240A(V) with regard to fixation of pension and maximum limit thereof, the amount of superannuation, special, retiring, compensation and invalid pension in respect of the Government servant, who opt for revised pay bands/scales of 1.1.2006 and retire on or after 1.7.2009, and have rendered the minimum qualifying service of thirty years, shall be calculated at 50% of emoluments or average emoluments received during the last ten months, which ever is more beneficial to the Government servant, subject to a minimum of Rs. 3500 per month and a maximum up to 50% of the highest pay in the Government, i.e. Rs. 75,500/-

Provided that the Government servants, who have retired or may retire on or after 1.1.2006 up to 30-6-2009 in pre-revised pay scales, shall be deemed to have actually drawn the emoluments in the revised Pay Bands for ten months preceding the date of retirement for determination of pension.

With effect from 1.1.2006, full pension of all the pensioners irrespective of their date of retirement shall not be less than 50 % of the minimum of the Pay Band and applicable Grade Pay in the revised pay band/scale.

Where pension has been provisionally sanctioned in cases occurring on or after 1.1.2006, the same shall also be revised in terms of these rules. In case where the pension has been finally sanctioned under the pre-revised rules and if it happens to be more beneficial than the pension becoming due under this rule, the pension already sanctioned shall not be revised to the disadvantage of the pensioner.

The dearness allowance on pension in respect of those who have retired or may retire on or after 1.1.2006 shall be allowed at the rates, which may be notified by the Government from time to time.

3. (i) The following shall be added as proviso below para I to Note-7 of Article 240-BB:

Provided that w.e.f 1.1.2006, the overall ceiling of the Death-cum-Retirement Gratuity shall be Rs. 10. 00 lakhs.

- (ii) The following shall be inserted as third proviso below Note-7 of Article 240-BB:

Provided that in respect of the Government employees who may retire/die on or after 1.1.2006, the 'Emoluments' for Death cum Retirement Gratuity shall mean 'Basic Pay' as defined in the Note below Article 27(aa) and dearness allowance as admissible on date of retirement/death as the case may be.

4. The following shall be inserted as third proviso below Article 241-B :

Provided that w.e.f 1.1.2006, the term 'Emoluments' for purpose of calculating various pensionary benefits other than 'Retirement/Death Gratuity' in respect of Government servants who may retire or die while in service shall mean 'Basic Pay' as defined in the Note below Article 27(aa) and dearness allowance as admissible on date of retirement/death, as the case may be.

5. After Article 242-BB, the following Article shall be inserted, namely :

242-BBB. In respect of the Government employees, who have opted for fixation of pay in the revised Pay band and may retire or die within 10 months from the date of coming over to the revised Pay Bands/scales w.e.f 1.1.2006, the basic pay for 10 months period preceding retirement shall be calculated by taking into account pay as follows :

- (i) For the period during which pay is drawn in revised pay structure-pay drawn in the prescribed pay band plus the applicable grade pay or the pay in the pay scale of Rs. 75500-80000.

- (ii) For the remaining period during which pay is drawn in the pre-revised scale of pay :-
- (a) Basic pay plus dearness pay and actual DA appropriate to basic pay at the rates in force on 1.1.2006 drawn during the relevant period.
 - (b) Notional increase of the basic pay by applying the fitment benefit of 40 % on the basic pay in the pre-revised scale of pay.

Provided further that the pension of an employee, who retires on or after 1.1.2006, shall not be lower than 50% of the sum of minimum of the pay in the Pay Band and the Grade Pay (or 50% of the minimum of the scale of Rs. 75500-80000 (Maximum) from which the pensioner has retired.

6. The following shall be inserted as Clause (c) to Article 242-CC :

- (c) In respect of the Government servants, who have elected to continue to draw pay in the pre-revised scale of pay in terms of Rule 5 of the Jammu and Kashmir Civil Services (Revised Pay), Rules, 2009 and may retire or die while in service on or after 1.1.2006, the pension shall be calculated in accordance with the orders immediately in force before 1.7.2009.

7. The existing Note below Rule 5 (bbb) in Civil Pension (Commutation) Rules-Schedule X shall be renumbered as Note-1 and the following shall be inserted as Note-2 :

Note-2 The existing table of Commutation Value for Pension annexed as Form-C contained in Schedule X to the Civil Pension (Commutation), Rules, 1960 shall be recast as under :-

Age on next Birthday	Commutation Value expressed as number of year's purchase	Age on next Birthday	Commutation Value expressed as number of year's purchase	Age on next Birthday	Commutation Value expressed as number of year's purchase
1	2	3	4	5	6
20	9.188	41	9.075	62	8.093
21	9.187	42	9.059	63	7.982
22	9.186	43	9.040	64	7.862
23	9.185	44	9.019	65	7.731
24	9.184	45	8.996	66	7.591
25	9.183	46	8.971	67	7.431
26	9.182	47	8.943	68	7.262
27	9.180	48	8.913	69	7.083
28	9.178	49	8.881	70	6.897
29	9.176	50	8.846	71	6.703
30	9.173	51	8.808	72	6.502
31	9.169	52	8.768	73	6.296
32	9.164	53	8.724	74	6.085
33	9.159	54	8.678	75	5.872
34	9.152	55	8.627	76	5.657
35	9.145	56	8.572	77	5.443
36	9.136	57	8.512	78	5.229
37	9.126	58	8.446	79	5.018
38	9.116	59	8.371	80	4.812
39	9.103	60	8.287	81	4.611
40	9.090	61	8.194		

8. The following shall be inserted as proviso to clause (c) of Rule 20 below Note- 4 of the Family-Pension-cum-Gratuity Rules (Schedule XV) :-

Provided that in respect of a Government servant who may die while in service on or after 1.7.2009 after having rendered not less than seven years continuous service, the family pension on enhanced rates equal to 50 % of the last pay drawn shall be payable to the family of the Government servant from the date of death of the Government servant for a period of ten years without any upper age limit. Thereafter, the family pension shall be payable at the ordinary rates.

Note:- Cases already settled in terms of the rules in force immediately before 1.7.2009 shall not be re-opened.

9. The following shall be inserted as a proviso below Rule 20-(A) in Family Pension-cum- Gratuity Rules (Schedule XV) :-

Provided that w.e.f 1.1.2006, the term “Basic pay”, for purpose of family pension rules, shall mean the basic pay as defined in the Note below Article 27(aa).

10. The following shall be inserted as third proviso to Rule 20(BB) in Family Pension-cum-Gratuity Rules (Schedule XV) :-

Provided that the family pension in respect of the Government servants, who may retire or die while on service on or after 1.1.2006 shall be computed at a uniform rate of 30 % of Basic Pay in all cases and shall be subject to the minimum of Rs.3500 PM and maximum of 30 % of the highest pay in the Government i.e. Rs. 75500/-.

By Order of the Government of Jammu and Kashmir.

(Sd/-).....

Commissioner Secretary to Government,
Finance Department.

No.A/18(09)-321

Dated : 15-04-09

Copy to the :-

1. Advocate General J&K.
2. Principal Resident Commissioner, 5-Prithvi Raj Road New, Delhi.
3. All Financial Commissioners.

4. All Principal Secretaries to Government.
5. Principal Secretary to Hon'ble Chief Minister.
6. Chief Electoral Officer, J&K Jammu.
7. All Commissioner/Secretaries to Government.
8. Secretary to HE the Governor.
9. Divisional Commissioner Kashmir/Jammu.
10. Accountant General , J&K Srinagar/Jammu.
11. Commissioner of Vigilance , J&K Srinagar.
12. Secretary to Chief Justice J&K High Courts Srinagar/Jammu.
13. Registrar General, J&K High Court Srinagar/Jammu.
14. All Head of Departments/Managing Directors/Chief Executive of State PSUs/Autonomous Bodies .
15. Secretary J&K Public Service Commission.
16. Secretary, J&K Legislative Assembly/Legislative Council.
17. All District Development Commissioners.
18. Director General Budget, Finance Department
19. Director General, Audit & Inspections.
20. Director/Joint Director, Accounts & Treasuries Srinagar/Jammu.
21. Director/ Joint Director, Funds Organisation Srinagar/Jammu.
22. FA&CAO, Flood Control Organisation Srinagar/Jammu.
23. Director Information J&K Srinagar /Jammu.
24. Principal Northern Zonal Accountancy Training Institute Jammu.
25. Principal Accountancy Training School Srinagar.
26. All Financial Advisors & CAOs.
27. All Treasury Officers.
28. General Manager, Government Press for publication in Government Gazette.
29. Chief Accounts Officer, Examiner Local fund Audit Cell.
30. Private Secretary to Hon'ble Ministers/ Hon'ble Ministers of State for information of the Hon'ble Ministers.
31. Principal Private Secretary to Chief Secretary.
32. All officers/Section officers of Finance Department.
33. President Non-Gazetted Employees Union Civil Secretariat Srinagar/Jammu.
34. Government order file (W 2scs)

(Sd.) M. I. KHANDAY,

Director Codes
Finance Department.

GOVERNMENT OF JAMMU AND KASHMIR
FINANCE DEPARTMENT

Subject :-Rationalisation of Pension Structure for pre-1-1-2006 Pensioners/
Family Pensioners.

Reference :-Cabinet Decision No.: 23/3/2009 Dated : 19-2-2009.

Government Order No.: 86-F of 2009

Dated: 15-4-2009

Sanction is accorded to the Rationalisation of Pension Structure
in the following manner:

1. These orders shall apply to all the pensioners/family pensioners who were drawing pension/family pension as on 1-1-2006.
2. In these orders :-
 - (a) "Existing Pensioner" and "Existing Family Pensioner" shall mean a pensioner/family pensioner who was drawing / entitled to pension family pension on 31-12-2005.
 - (b) "Existing Pension" shall mean the basic pension inclusive of commuted portion, if any, due on 31.12.2005. It covers all classes of pension under State Pension Rules.
 - (c) "Existing Family Pension" shall mean the basic family pension drawn on 31.12.2005. It covers all classes of pension under State Pension Rules.
3. The pension/family pension of existing pensioners/family pensioners will be consolidated w.e.f. 1.1.2006 by adding together :-
 - (i) The existing pension/family pension.
 - (ii) Dearness pension wherever applicable.

(iii) Dearness allowance upto CPI average index 536 (Base Year 1982=100) i.e. @ 24 % of Basic pension/Basic family pension plus dearness pension.

iv. Fitment weightage @ 40 % of the existing pension/family pension.

Where the existing pension in (i) above includes the effect of merger of 50% of dearness allowance w.e.f 1.4.2004, the existing pension for the purpose of fitment weightage will be re-calculated after excluding the merged dearness allowance of 50 % from the pension. The amount so calculated shall be regarded as consolidated pension/family pension w.e.f 1.1.2006.

4. Since the consolidated pension will be inclusive of commuted portion of pension, if any, the commuted portion shall be deducted from the said amount while making monthly disbursements.

5. The upper ceiling on pension/family pension w.e.f 1.1.2006 shall be increased to 50% and 30% respectively of the highest pay in the Government i.e. Rs. 75,500/-

6. Some existing pensioners who retired between 31.3.1985 and 31.12.85 are in receipt of personal pension. The said personal pension will continue to be granted as a separate element and will not be merged into the pension as consolidated above.

7. The consolidated pension/family pension arrived at as per para 3 above includes dearness allowance up to average index level 536 (Base year 1982=100) and shall be treated as final "basic pension" w.e.f 1-1.2006 and shall qualify for grant of dearness allowance sanctioned thereafter.

8. Where the consolidated pension/family pension in terms of paragraph 3 above works out to an amount less than Rs. 3500/-, the same shall be stepped up to Rs. 3500/-. This will be regarded as pension/family pension w.e.f 1.1.2006. In the case of pensioners who are in receipt of more than one pension, the floor ceiling of Rs. 3500/- shall apply to the total of all pensions taken together.

9. The employed/re-employed pensioners/family pensioners are not getting dearness allowance on pension at present under the extant orders. In their case, the notional dearness allowance which would have been

admissible but for their employment/re-employment will be taken into account for consolidation of their pension in terms of paragraph 3 above as if they were drawing the DA. Their pay will be re-fixed w.e.f 1.1.2006 with reference to the consolidated pension becoming admissible to them. Dearness Allowance beyond 1.1.2006 will, however, be not admissible to them during the period of employment/re-employment.

10. A table indicating existing basic pension, family pension without dearness pension, the basic pension/family pension with dearness pension and the revised consolidated pension/family pension is enclosed for ready reference (**Annexure-I**). This table may be used when the pensioner is in receipt of a single pension only. Where a pensioner is in receipt of more than one pension, consolidation may be done separately in terms of the para 3 above and as indicated in para 8 above. Floor ceiling of Rs. 3500/- may be applied to total pension from all sources taken together.

11. The Treasury Officers and/or the paying branches of J&K Bank wherefrom the State Pensioners draw their pension shall pay pension/family pension at the revised rates without waiting for any further authorization either from the Accountant General or from the General Manager, J&K Bank. Where the Bank feels any doubt in revising pension/family pension in any case they should refer the matter to concerned Treasury Officer for clarification. In the event of any doubt being felt by the concerned Treasury Officer, the matter shall be referred to Finance Department for clarification.

By Order of the Government of Jammu and Kashmir.

(Sd/-).....

Commissioner Secretary to Government,
Finance Department.

No.:A/18(2009)-322

Dated : 15-4-2009.

Copy to the :

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8. Secretary to HE the Governor.
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10. Accountant General, J&K Srinagar/Jammu.
11. Commissioner of Vigilance, J&K Srinagar.
12. Secretary to Chief Justice J&K High Courts Srinagar/Jammu.
13. Registrar General, J&K High Court Srinagar/Jammu.
14. All Head of Departments/Managing Directors/Chief Executive of State PSUs/Autonomous Bodies.
15. Secretary J&K Public Service Commission.
16. Secretary, J&K Legislative Assembly/Legislative Council.
17. All District Development Commissioners.
18. Director General Budget, Finance Department
19. Director General, Audit & Inspections.
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28. General Manager, Government Press for publication in Government Gazette.
29. Chief Accounts Officer, Examiner Local fund Audit Cell.
30. Private Secretary to Hon'ble Ministers/Hon'ble Ministers of State for information of the Hon'ble Ministers.
31. Principal Private Secretary to Chief Secretary.
32. All officers/Section officers of Finance Department.
33. President Non Gazetted Employees Union Civil Secretariat Srinagar/Jammu.
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