

( C O P Y )

File NO.FEM(PC)56/88

**CABINET MEMORANDUM**

(Circulated under Rule 17 of Meghalaya Rules of Executive Business)

Subject : Extension of Death-Cum-Retirement Gratuity (DCRG) benefits to the families of temporary Government servants who die in harness.

At present Death-Cum-Retirement Gratuity (DCRG) is admissible to temporary Government servants only if they have put in "qualifying service" with the Government. As per Rule 10 of the MCS (Pension) Rules, the service rendered by a Government servant in a temporary capacity is considered to be "qualifying service" only when such service is followed by substantive appointment in the same or another post or service. Temporary Government servants who retire without being confirmed in any post or who die while in service without being confirmed are thus not eligible for DCRG as per the present definition of "qualifying service".

2. The Accountant General has brought it to our notice, vide his letter at Annexure I, that there are about 30 cases of Government servant who died in harness before they could be confirmed. He has pointed out that as per the present definition of qualifying service, he is unable to authorize the drawal of DCRG to the families of these Government servants. The Central Pension Rules are more literal in this respect and allow DCRG to families of temporary Central Government servants who has not been confined. The AG has, therefore, suggested that our own rules may be suitably amended to provide for payment of DCRG to the families of temporary Government servants who die in harness before being confirmed.

3. It is felt that the suggestion of the Accountant General is reasonable and merits acceptance. Accordingly, it is proposed to amend Rule 54 of the MCS Pension Rules as per the draft notification at Annexure II.

4. Law Department has been consulted and their views are follows :-

"Law Department has no objection if you adopts either of the two ways to amend the rules.

This has the approval of L.R".

5. Cabinet's approval is solicited to the proposal at paragraph 3 above.

Sd/-  
Special Secretary to the Govt. of Meghalaya,  
Finance (Pension Cell) Department

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(C O P Y)

ANNEXURE - I

**Shri A.W.K. Langstieh,  
Dy. Accountant General (A&E)**

**OFFICE OF THE ACCOUNTANT GENERAL  
(A&E) MEGHALAYA, ARUNACHAL PRADESH,  
MIZORAM, SHILLONG - 793001.**

**D.O. NO.Pension(M)/ST/88-89/573,**

**Dated Shillong, the 15<sup>th</sup> September, 1988.**

**Dear Shri Sinha,**

I am to invite your attention to Rules 40(l) (b), 40(3) (a) and 40(3) (b) of the M.C.S. (Pension) Rules, 1983 wherein it has been provided that in the case of a Government servant who dies while in service, his family is entitled to receive DCRG at different rates for (1) less than one year qualifying service, (II) more than one year qualifying service and (III) more than five years qualifying service.

As per Rule 10 of the M.C.S. (Pension) Rules, the service rendered by a Govt. servant in a temporary capacity is considered to be "qualifying service" only when the officiating and temporary service is followed without interruption by substantive appointment in the same or another service or post. The term qualifying service as defined, stands in the way of authorizing DCRG to the families of the temporary Govt. servants who died in harness but not confirmed. There are about 30 such cases where family pension payment order has been issued but the authority for DCRG could not be issued for want of confirmation.

It may be mentioned here that the Central Pension Rules are more liberalized in this respect. Families of temporary Central Govt. servants are entitled to DCRG without confirmation vide Govt. of India, Deptt. of pension & Pensioners' Welfare OM.NO.2/1/87-PIC-II, dated 14.4.1987 (copy enclosed).

This is brought to your kind notice and it is requested that the Govt. of Meghalaya may examine this aspect and consider whether any amendment to the M.C.S. (Pension) Rules, 1983 is necessary, keeping in view the benefits admissible, to the families of the temporary Central Govt. servants. A decision in this regard would enable us to finalise the above pending cases.

**Shri K.K. Sinha,  
Special Secretary,  
Govt. of Meghalaya,  
Finance Department,  
Shillong.**

Yours Sincerely,  
Sd/- A.W.K. Langstieh.

(C O P Y)

ANNEXURE – II

GOVERNMENT OF MEGHALAYA  
FINANCE (PENSION CELL) DEPARTMENT  
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ORDERS BY THE GOVERNOR

NOTIFICATION

Dated Shillong, the 1989

**NO.FEM(PC)56/88/70** – In exercise of the powers conferred by the proviso to Annexure 309 of the Constitution of India, the Governor of Meghalaya is pleased to made the following rules to amend the Meghalaya Civil Services (Pension) Rules, 1983 (hereinafter after referred to as the Principal Rules).

**THE MEGHALAYA CIVIL SERVICES (PENSION AMENDMENT) RULES, 1989.**

1. Short title and commencement – These rules may be called the Meghalaya Civil Services (Pension) (Amendment) Rules, 1989 and shall come into force with effect from the date of issue of this notification.

2. Amendment of Rule 54 – In Rule 54 of the principal rules, for existing clause (ii) the following shall be substituted viz :-

“(2) In the event of death in harness of temporary Govt. servant their families shall be eligible to Death-cum-Retirement Gratuity on the same scale as admissible to families of permanent Government servants under the relevant rules”.

The existing sub-rules (ii) and (iii) to be renumbered as (3) and (4) respectively.

Special Secretary to the Govt. of Meghalaya,  
Finance (Pension Cell) Department  
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