

## THE [UTTAR PRADESH]<sup>1</sup> CIVIL SERVICES (EXTRAORDINARY PENSION) RULES

(Published with notification no. M-1157/X-406-1937, dated June 23, 1941 and corrected up to May 1, 1961)

In exercise of the powers conferred by sub-section (2)(b) of section 241 of the Government of India Act, 1935, and in supersession of the existing rules regulating wound and extraordinary pensions in Chapter XXXVIII of the Civil Service Regulations in their application to persons to whom the rules made hereby apply, the Governor of the [Uttar Pradesh]<sup>1</sup> is pleased to make the following rules :

1. (1) These rules may be called the [Uttar Pradesh]<sup>1</sup> Civil Services (Extraordinary Pension) Rules.

(2) They shall come into force on 1st July, 1941.

2. These rules shall apply to all persons serving in a civil capacity in connexion with the affairs of the [Uttar Pradesh]<sup>1</sup> and paid from the revenues of the [Uttar Pradesh]<sup>1</sup> whether their appointment is permanent or temporary, on time-scale of pay or fixed pay or piece-work rates, who are under the rule-making control of the Governor :

Provided that, in the case of a person to whom the Workmen's Compensation Act, 1923, applies—

(a) an award shall be paid under these rules only if the authority competent to sanction it considers that the compensation payable under the Act is, in the particular case, inadequate ; and

(b) the amount of an award paid to any such person shall not exceed the difference between the amount otherwise admissible under these rules and the amount of compensation payable under the Act.

3. For the purpose of these rules unless there is anything repugnant in the subject or context,

(1) "accident" means—

(i) a sudden and unavoidable mishap, or

(ii) a mishap due to an act of devotion to duty in an emergency arising otherwise than by violence out of and in the course of service ;

(2) "date of injury" means—

(i) in the case of accident or violence, the actual date on which the injury is suffered or such date, not being later than the date of the report of the Medical Board, as the Governor may fix ; and

(ii) in the case of disease, the date on which the Medical Board reports or such earlier date as may be fixed by the Governor with due regard to the opinion of the Medical Board ;

[<sup>1</sup>] Substituted by Notification no. G-2-3063/X-8-51, dated September 13, 1960.  
NOTE below rule 2 deleted by Notification no. G-2-3063/X-8-51, dated September 13, 1960.

## (3) "disease" means—

- (i) venereal disease or septicaemia where such disease or septicaemia is contracted by a medical officer as a result of attendance in the course of his official duty on an infected patient or of conducting a post-mortem examination in the course of that duty, or
- (ii) disease solely and directly attributable to an accident ;

## (4) "injury" means—

- bodily injury resulting from violence, accident or disease assessed by a Medical Board as being not less than severe.

NOTE—Examples of injuries of certain categories are given in Schedule I.

(5) ["pay" means the pay as defined in rule 9(21) of the Uttar Pradesh Fundamental Rules, which a person was drawing on the date of his death or injury ; provided that in the case of a person remunerated by piece-work rates, "pay" means the average earnings of the last six months ending with the date of his death or injury.]<sup>1</sup>

(6) "risk of office" means any risk, not being a special risk, of accident or disease to which a government servant is exposed in the course of, and as a consequence of, his duties, but nothing shall be deemed to be a risk of office which is a risk common to human existence in modern conditions in India, unless such risk is definitely enhanced in kind or degree by the nature, conditions, obligations or incidents of government service ;

## (7) "special risk" means—

- (i) a risk of suffering injury by violence ;
- (ii) a risk of injury by accident to which a government servant is exposed in the course of, and as a consequence of, the performance of any particular duty which has the effect of materially increasing his liability to such injury beyond the normal risks of his office ;
- (iii) a risk of contracting disease to which a medical officer is exposed as a result of attending in the course of his official duty to a venereal or septicaemic patient or conducting a post-mortem examination in pursuance of that duty ;

## (8) "violence" means the act of a person who inflicts an injury on a government servant—

- (i) by assaulting or resisting him in the discharge of his duties, or in order to deter or prevent him from performing his duties, or
- (ii) because of anything done or attempted to be done by such government servant or by any other public servant in the lawful discharge of his duty as such, or
- (iii) because of his official position.

4. (i) No award shall be made under these rules except with the sanction of the Governor.

(ii) Notwithstanding anything contained in these rules, if a government servant sustains *injury* or is killed or dies of injuries received by his own default or as the result in a material degree of his own contributory negligence, or in other circumstances such that the Governor considers that an award should not be made or that the amount thereof should be reduced, any award to which a title is otherwise conferred by these rules may be withheld or reduced.

[ <sup>1</sup> Substituted in Order no. M-1127/X-406-1937, dated July 8, 1942.

5. Except as otherwise provided in these rules, an award made under these rules shall not affect any other pension or gratuity for which the government servant concerned or his family may be eligible under any other rules for the time being in force; and the pension granted under the provisions of these rules shall not be taken into account in fixing the pay of the pensioner on his continued employment or re-employment in government service.

6. No award shall be made in respect of—

- (i) an injury sustained more than five years before the date of application, or
- (ii) death which occurred more than seven years (a) after the injury due to violence or accident was sustained, or (b) after the government servant was medically reported as unfit for duty on account of the disease of which he died.

7. All awards under these rules shall be made in India in rupees unless the payee resides permanently, and desires payment to be made, in a country in which the rupee is not legal tender. In the latter case the amount of the award shall be paid in sterling converted at the rate of exchange that may be existing at the time of payment.

8. For the purpose of these rules injuries shall be classified as follows:

*Class A.*—Injuries caused as a result of special risk of office which have resulted in the permanent loss of an eye or a limb.

*Class B.*—Injuries caused as a result of special risk of office and equivalent, in respect of the degree of disablement which they cause, to the loss of a limb or are very severe; or injuries caused as a result of risk of office which have resulted in the permanent loss of an eye or a limb.

*Class C.*—Injuries caused as a result of special risk of office which are severe, but not very severe, and are likely to be permanent or injuries caused as a result of risk of office which are equivalent, in respect of the degree of disablement which they cause, to the loss of a limb or which are very severe or severe and likely to be permanent.

9. (1) If a government servant sustains an injury which falls within *Class A* of rule 8 he shall be awarded—

- (a) a gratuity of the applicable amount specified in Schedule II, and
- (b) with effect from the date following the expiry of one year from the date of the injury—

- (i) if the injury has resulted in the permanent loss of more than one limb or one eye, a permanent pension of the applicable amount specified in Schedule II for a higher scale pension; and
- (ii) in other cases, a permanent pension the amount of which shall not exceed the applicable amount specified in Schedule II for a higher scale pension and shall not be less than half that amount.

(2) If a government servant sustains an injury which falls within *Class B* of rule 8, he shall be awarded—

- (i) if the injury has resulted in the permanent loss of an eye or a limb a permanent pension, with effect from the date of the injury, of an amount which shall not exceed the applicable amount specified in Schedule II for a lower scale pension and shall not be less than half that amount,
- (ii) in other cases—

- (a) for a period of one year with effect from the date of the injury a temporary pension the amount of which shall not exceed the applicable amount specified in Schedule II for a lower scale pension and shall not be less than half that amount, and thereafter

(b) a pension within the limit specified in sub-clause (a) if the Medical Board from year to year certifies that the injury continues to be very severe.

(3) If a government servant sustains an injury which falls within *Class C* of rule 8 he shall be awarded a gratuity of the applicable amount specified in Schedule II, if the Medical Board certifies that the government servant is likely to be unfit for service for a year, or a proportionate amount subject to a minimum of one quarter of the amount so specified if he is certified to be likely to be unfit for less than a year :

Provided that in cases where the injury is equivalent in respect of the degree of disablement which it causes to the loss of a limb the Governor may award, if he thinks fit, in lieu of the gratuity a pension not exceeding the amount admissible under clause (ii) of sub-rule (2) of this rule.

(4) A temporary pension awarded under this rule may be converted into a permanent injury pension—

(i) when the government servant is invalided out of the service on account of the injury in respect of which the temporary pension was awarded, or

(ii) when the temporary pension has been drawn for not less than five years, or

(iii) at any time, if the Medical Board certifies that it sees no reason to believe that there will ever be a perceptible decrease in the degree of disablement.

10. [Subject to the provision contained in the Note below rule 11, award shall be made to the widow and children of a government servant as follows :]<sup>1</sup>

(i) if a government servant is killed or dies of injury received as a result of *special risk of office*—

(a) a gratuity of the applicable amount specified in Schedule III, and

(b) a pension the amount of which shall not exceed the applicable amount specified in Schedule III,

(ii) if the government servant is killed or dies of injuries received as a result of *risk of office* a pension the amount of which shall not exceed the applicable amount specified in Schedule III.

[Provided that the monthly pension or the sum of pensions that may be granted under this rule shall not, irrespective of the rates (including the minimum limits) specified in Schedule III, exceed the pay of the deceased government servant ; and, if in any case the sum of such pensions calculated under Schedule III exceeds the pay of the deceased, such a *pro rata* reduction shall be made in the amount of each individual pension as will reduce the sum to such limit.]<sup>2</sup>

[NOTE—If a government servant dies leaving behind two or more widows, the pension or gratuity admissible under this rule to the widow shall be divided equally among all the widows].<sup>3</sup>

11. (1) If the deceased government servant has left neither a widow nor a child, an award may be made to his father and his mother individually or jointly and in the absence of the father and the mother, to minor brothers and sisters, individually or collectively, if they were largely dependent on the government servant for support and are in pecuniary need :

[<sup>1</sup> Substituted by Notification no. G-2-2467/X-8-51, dated December 22, 1960.

[<sup>2</sup> Introduced in Order no. M-1127/X-406-1937, dated July 8, 1942.

[<sup>3</sup> Introduced by Notification no. G-2-2467/X-8-51, dated December 22, 1960.

Provided that the total amount of the awards shall not exceed one-half of the pension that would have been admissible to the widow under rule 10 :

Provided further that each minor brother's and sister's share shall not exceed the amount of pension specified in Schedule III for a "child who is not motherless".

(2) Any award made under sub-rule (1) of this rule will, in the event of an improvement in the pecuniary circumstances of the pensioner be subject to review in such manner as the Governor may by order prescribe.

[NOTE—If any of the widows, children, father, mother or minor brothers or sisters is denied any share in the property of the government servant under a will or deed made by him, such a person shall be ineligible to receive any award under these Rules and the benefit will pass on to the next person eligible.]<sup>1</sup>

12. (1) A family pension will take effect from the day following the death of the government servant or from such other date as the Governor may decide.

(2) A family pension will ordinarily be tenable—

(i) in the case of a widow or mother until death or re-marriage whichever occurs earlier ;

(ii) in the case of a minor son, or minor brother, until he attains the age of 18 ;

(iii) in the case of an unmarried daughter or minor sister, until marriage or until she attains the age of 21, whichever occurs earlier ;

(iv) in the case of a father, for life.

[NOTE—The family pension of a widow will cease on re-marriage; but when such re-marriage is annulled by divorce, desertion or death of the second husband, her pension may be restored upon proof that her circumstances necessitate a pension and she is otherwise deserving.]<sup>2</sup>

13. (1) In respect of matters of procedure, all awards under these rules are subject to any procedure rules relating to ordinary pensions for the time being in force, to the extent that such procedure rules are applicable and are not inconsistent with these rules.

(2) When a claim for any injury pension or gratuity or family pension arises, the head of the office or of the Department in which the injured, or the deceased, government servant was employed will forward the claim through the usual channel to the Government with the following documents :<sup>3</sup>

(i) A full statement of circumstances in which the injury was received, the disease was contracted or the death occurred.

(ii) The application for injury pension or gratuity in Form A, or as the case may be, the application for family pension in Form B of the forms set forth in Schedule IV.

(iii) In the case of an injured government servant or one who has contracted a disease a medical report in Form C of the forms set forth in Schedule IV. In the case of a deceased government servant a medical report as to the death or reliable evidence as to the actual occurrence of death if the government servant lost his life in such circumstances that a medical report cannot be secured.

(iv) A report of the audit officer concerned as to whether an award is admissible under the rules and if so of what amount.

[<sup>1</sup> Introduced by Notification no. G-2-2467/X-8-51, dated December 22, 1960.

[<sup>2</sup> Introduced by Notification no. G-2-528/X-8-51, dated April 26, 1961.

[<sup>3</sup> Sub-rule (2) deleted and existing sub-rule (3) re-numbered as sub-rule (2) by Notification no. G-2-3063/X-8-51, dated December 8, 1960.

14. The Governor may make an award—

(1) in circumstances not covered by the terms of these rules, or  
 (2) exceeding in amount or differing in kind from the award  
 admissible under these rules.

[(3) to any dependant or dependants of a deceased government  
 servant to whom rule 2 of these rules was applicable.]<sup>1</sup>

15. [The Governor may, at his discretion—

(1) redistribute a pension among the children of a deceased government  
 servant if the widow or widows to whom it had been granted cease to  
 draw it, and in the event of such redistribution the maxima and minima for  
 motherless children in Schedule III shall apply also ;

(2) permit in very exceptional cases the children of a deceased govern-  
 ment servant to continue to receive their pensions beyond the age of 18  
 in the case of a male child and beyond the age of 21 in the case of a female  
 child ; and

(3) subject to the first proviso under clause (1) of rule 11, increase the  
 amount of pension sanctioned under rule 11, if either of the parents attains  
 the age of 65 or becomes seriously incapacitated by ill health.]<sup>2</sup>

#### SCHEDULE I

[Note to clause (4) of rule 3]

#### CLASSIFICATION OF INJURIES

##### *Equal to loss of limb*

Hemiplegia without aphasia.  
 Permanent use of a tracheotomy tube.  
 Artificial anus.  
 Total deafness of both ears.

##### *Very severe*

Complete unilateral facial paralysis, likely to be permanent.  
 Lesion of kidney ureter or bladder.  
 Compound fractures (except phalanges).  
 Such gross destruction of soft parts as to lead to permanent disability or loss  
 of function.

##### *Severe and likely to be permanent*

Ankylosis of, or considerable restriction in, the movement of one of the  
 following joints :

knee, elbow, shoulder, hip, ankle, temporo-maxillary or rigidity of the  
 dorsilumbar or cervical sections of the spine.  
 Partial loss of vision of one eye.

Destruction or loss of one testicle.

Retention of foreign bodies not causing permanent or serious symptoms.

[<sup>1</sup> Introduced by Notification no. M-581/X-406-1937, dated April 6, 1943.

[<sup>2</sup> Introduced by Notification no. M-1022/X-406-1937, dated July 5, 1943.

**SCHEDULE II**  
(Rule 9)  
*Injury gratuity and pension*

Pay of government servant on the date of injury	Gratuity	Monthly pension Higher scale	Monthly pension Lower scale
1	2	3	4
1. Rs. 2,000 and over .. .. .	3 months' pay subject to a minimum of Rs. 800.	Rs. 300	Rs. 225
2. Rs. 1,500 and over but under Rs. 2,000 .. .. .		275	200
3. Rs. 1,000 and over but under Rs. 1,500 .. .. .		200	150
4. Rs. 900 and over but under Rs. 1,000 .. .. .		150	125
5. Rs. 400 and over but under Rs. 900 .. .. .		100	84
6. Rs. 350 and over but under Rs. 400 .. .. .		85	70
7. Rs. 200 and over but under Rs. 350 .. .. .		67	50
8. Under Rs. 200 .. .. .		4 months' pay	1/3rd of pay subject to a minimum of Rs. 10* per mensem.

**SCHEDULE III**  
(Rule 10)  
*Family gratuity and pension*  
A—WIDOW

Pay of government servant on the date of death	Gratuity	Monthly pension
1	2	3
1. Rs. 800 and over .. .. .	3 months' pay subject to a minimum of Rs. 800.	1/8th of pay subject to a maximum of Rs. 200.
2. Rs. 200 and over but under Rs. 800 .. .. .		1/6th of pay subject to a maximum of Rs. 100 and a minimum of Rs. 50.
3. Under Rs. 200 .. .. .		4 months' pay

(B) CHILDREN

Pay of government servant on the date of death	Monthly pension of each child	
	If the child is motherless	If the child is not motherless.
1. Rs. 800 and over .. .. .	Rs. 40	Rs. 25
2. Rs. 250 and over but under Rs. 800 .. .. .	25	13
3. Under Rs. 250 .. .. .	1/10th of pay subject to a minimum of Rs. 8.*	1/20th of pay subject to a minimum of Rs. 4.*

\*Substituted by Notification no. G-2-4034/X-8-51, dated December 29, 1958.

## SCHEDULE IV

[See Rule 13 ]

## FORM A

*Form of application for injury pension or gratuity*

- |  |    |    |    |       |
|--|----|----|----|-------|
| 1. Name of applicant   | .. | .. | .. | _____ |
| 2. Father's name   | .. | .. | .. | _____ |
| 3. Race, sect and caste  | .. | .. | .. | _____ |
| 4. Residence, showing village and pargana                      | .. | .. | .. | _____ |
| 5. Present or last employment, including name of establishment | .. | .. | .. | _____ |
| 6. Date of beginning of service                                | .. | .. | .. | _____ |
| 7. Length of service including interruptions of which—         |    |    |    |       |
| Superior   | .. | .. | .. | _____ |
| Inferior   | .. | .. | .. | _____ |
| Non-qualifying and interruptions                               | .. | .. | .. | _____ |
| 8. Classification of injury                                    | .. | .. | .. | _____ |
| 9. Pay at the time of injury                                   | .. | .. | .. | _____ |
| 10. Proposed pension or gratuity                               | .. | .. | .. | _____ |
| 11. Date of injury   | .. | .. | .. | _____ |
| 12. Place of payment   | .. | .. | .. | _____ |
| 13. Special remarks, if any                                    | .. | .. | .. | _____ |
| 14. Date of applicant's birth by Christian era*                | .. | .. | .. | _____ |
| 15. Height   | .. | .. | .. | _____ |
| 16. Marks  | .. | .. | .. | _____ |
| Thumb and finger impression—                                   |    |    |    |       |
| Thumb—Fore finger—Middle finger—                               |    |    |    |       |
| Ring finger—Little finger                                      | .. | .. | .. | _____ |
| 17. Date on which the applicant applied for pension            | .. | .. | .. | _____ |

*Signature of Head of Office.*

[Note—(In the case of gazetted government servants, thumb or finger impressions and particulars of height and personal marks are not required).]

\*If not known exactly, must be stated on the best information or estimate.

† Substituted by Notification no. G-2-3063/X-8-51, dated September 13, 1960.



## FORM B

## Form of application for family pension

(Rule 13)

Application for an extraordinary pension for the family of A, B, late a  
killed, or died of injuries

received, as a result of special risk of office or risk of office.

Submitted by the \_\_\_\_\_

Description of claimant.	}	1. Name and residence, showing village and pargana .. .. .	_____
		2. Age .. .. .	_____
		3. Height .. .. .	_____
		4. Race, caste or tribe .. .. .	_____
		5. Marks for identification .. .. .	_____
		6. Present occupation and pecuniary circumstances .. .. .	_____
		7. Degree of relationship to deceased .. .. .	_____
Description of deceased.	}	8. Name .. .. .	_____
		9. Occupation and service .. .. .	_____
		10. Length of service .. .. .	_____
		11. Pay when killed .. .. .	_____
		12. Nature of injury causing death .. .. .	_____
		13. Amount of pension or gratuity pro- posed .. .. .	_____
		14. Place of payment .. .. .	_____
		15. Date from which pension is to commence .. .. .	_____ to _____
		16. Remarks .. .. .	_____

Name

Date of birth by  
Christian era\*.

Names and ages of sur- viving kindred of deceased.	}	Sons _____
		Widows _____
		Daughters _____
		Father _____
		Mother _____

Note—(If the deceased has left no son, widow, daughter, father or mother surviving him the word "none" or "dead" should be entered opposite to such relative).

(Place) \_\_\_\_\_

(Date) \_\_\_\_\_

Signature of Head of Office.

\*If not known exactly, must be stated on the best information or estimate.

## FORM C

Form to be used by Medical Board when reporting on injuries

(Rule 13)

## Proceedings of Medical Board

CONFIDENTIAL.

Proceedings of a Medical Board assembled by order of \_\_\_\_\_  
 \_\_\_\_\_ for the purpose of examining and reporting on the present state of  
 the injury sustained by \_\_\_\_\_  
 disease contracted by \_\_\_\_\_  
 at \_\_\_\_\_ (place of injury, etc.) on the \_\_\_\_\_ (date of injury, etc.)—

(a) State briefly the circumstances under which the injury/disease was sustained/contracted.

(b) What is the government servant's present condition ?

(c) Is the government servant's present condition wholly due to the injury/disease ?

If not, state to what other causes it is attributable.

(d) In the case of disease from which date does it appear that the government servant has been incapacitated.

The opinion of the Board upon the questions below is as follows :

## [PART A—First Examination

The severity of the injury should be assessed in accordance with the following classification and details given in the remarks column below :

	Yes	No
1. Is the injury—		
(i) (a) the loss of an eye or a limb? .. .. .		
(b) the loss of more than one eye or a limb ? .. .. .		
(ii) more severe than the loss of an eye or a limb ? .. .. .		
(iii) equivalent to the loss of an eye or a limb ? .. .. .		
(iv) very severe ?* .. .. .		
(v) severe and likely to be permanent? .. .. .		
(vi) severe, but not likely to be permanent ?* .. .. .		
(vii) slight but likely to be permanent ? .. .. .		
2. For what period from the date of the injury—		
(a) has the government servant been unfit for duty ? .. .. .		
(b) is the government servant likely to remain unfit for duty ? .. .. .		

Remarks—Here the classification above may be amplified if necessary, or details of additional injuries to the main injury may be given.

## PART B—Second or subsequent examinations

If the original degree of disability of the government servant has changed, in which of the above categories should he now be placed ?

Remarks—In this space additional details may be given, if necessary.]<sup>1</sup>

1. [ <sup>1</sup> Substituted by Notification no. M-1098/X—406-37, dated April 7, 1948.

\* Amended by Notification no. G-2-1518/X—8-51, dated December 22, 1951.

*Instructions to be observed by the Medical Board preparing the Report*

1. The Medical Board before recording their opinion should invariably consult the proceedings of previous medical boards, if any, as also all previous medical documents connected with the government servant brought before them for examination.

2. If the injuries be more than one they should be numbered and described separately ; and, should it be considered that for instance, though only "severe" or "slight" in themselves, they represent together the equivalent of a single "very severe" injury, such an opinion may be expressed in the columns provided.

3. In answering the questions in the prescribed form the Medical Board will confine itself exclusively to the medical aspect of the case and will carefully discriminate between the government servant's unsupported statements and the medical and documentary evidence available.

4. The Board will not express any opinion, either to the government servant examined, or in their report, as to whether he is entitled to compensation, or as to the amount of it, nor will it inform the government servant how the injury has been classified.