

**MUNICIPAL CORPORATION OF GREATER MUMBAI**



**PENSION RULES (1953)**

*As amended upto 31-3-2000*

**MUMBAI  
MUNICIPAL PRINTING PRESS  
2009**

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BMPP-4840-2009-10-500

# CONTENTS

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Rule No.	Description	Page No.
<b>SECTION I. - PRELIMINARY</b>		
1	Title	1
2	Eligibility	1
3	Corporation competent to exclude any service	1
4	Date of effect	1
4A	Option to Fire Brigade Servants	3
4B	Option to Subscribers to Contributory Provident Fund	3
4C	Option to employees under Revised Family pension Scheme 1965	3
4D	Option to permanent employees on 1-1-67 under Revised Family Pension Scheme 1965	4
4E	Option to permanent employees on 1-10-68 under revised Family Pension Scheme 1965	5
4F	Option to Family of Employee	6
4G	Option to permanent employees on 1-4-1972 <i>vide</i> Revised Family Pension Scheme 1965	7
4H	Option to permanent employees on 1-4-1975, who subscribe contributory Provident Fund	7
4J	Option to permanent employees who subscribe contributory Provident Fund	7
4K	Option to permanent employees as on 31-3-1979 who subscribe contributory Provident Fund...	8
4L	Option to the Family of deceased Municipal employees	8
4M	Option to the Family of deceased Municipal employees	9
5	Definitions	9
5A	Participation in an illegal Strike	14
6	Right of Interpretation...	14

CONTENTS - *Contd.*

Rule No.	Description	Page No.
7	Delegation of Powers ...	14
8	Medical Board ...	15
8A	Procedure for Settlement of Pension cases	15
<b>SECTION II. - GENERAL CONDITIONS</b>		
9	Competent authority to sanction pension	16
10	Corporation to sanction pension, in special cases	16
11	Municipal servant retired from service for misconduct not eligible for pension ...	16
12	No retiring pension while in foreign service	16
13	Reduction in pension ...	17
14	-Deleted- ...	17
14A	Good conduct an implied condition of pension	17
14B	Condonation of Break in Service	17
15	Condoning deficiency in service	19
15A	Break in qualifying Service	19
15B	Condonation of break in service	20
16	Formal application for pension	20
17	Head of the department to draw up application form	21
17A	Acceptance of a written statement in the absence of regular Service record...	21
18	Application to be forwarded to Chief Accountant	21
19	Application for Invalid Pension to be supported by Medical Certificate ...	22
20	Form of Medical Certificate	22
21	When a Municipal servant refuses to under go an operation	23

CONTENTS - *Contd.*

Rule No.	Description	Page No.
22	Grant of Medical Certificate of Incapacity	... 24
23	Enquiry in case of wound or injury pension	... 24
24	Enquiry in case of family pension ...	... 24
25	Chief Accountant to certify pension admissible	... 25
26	Excess payment is recoverable ...	... 25
27	Gratuity to be paid in a single sum ...	... 25
28	Pension payable monthly ...	... 25
29	When pension remains undrawn ...	... 25
30	Payment of pension to legal heirs ...	... 26
31	Production of legal authority ...	... 26
<b>SECTION III. - VARIETIES OF PENSIONS</b>		
32	Varieties of pensions ...	... 27
<b>SECTION IV. - SPECIAL CONDITIONS</b>		
33	Re : Superannuation pension ...	... 28
34	Re : Retiring Pension ...	... 28
35	Re : Invalid pension ...	... 28
36	No invalid pension for persons discharged from service ...	28
37	No invalid pension if incapacity is due to irregular habits etc.	28
38	Re : Compensation pension ...	... 29
39	Wound pension only if injury is serious...	... 29
40	Wound pension may not be for life time...	... 29

CONTENTS - *Contd.*

Rule No.	Description	Page No.
41	When grant of wound pension permissible	... 29
42	Pension in case of permanent incapacity, as a result of injury ...	... 30
43	Re : Compassionate pension	... 30
44	Re : Family pension	... 30
45	Corporation to decide conditions of family pension	... 30
45A	Provisional Pension where Departmental or Judicial Proceeding may be Pending	... 30
<b>SECTION V. - AMOUNT OF PENSIONS</b>		
46	Pension is fixed by reference to pay and service	... 32
47	Pension calculated to the nearest multiple of five nayepaise	32
48	Amount of super annuation, invalid, compensation pension	32
49	When a person entitled to compensation pension accepts another post	... 33
50	-Deleted-	... 33
51	Amount of wound or injury pension	... 33
52	When Invalid-Gratuity can be exchanged for pension	... 34
53	Where Workmen's Compensation Act, 1923, applies	... 34
54	Amount of compassionate pension	... 34
55	Amount of family pension	... 34
55A	Interest on delayed payment of Gratuity...	... 35
55B	Interest on delayed payment of Monthly Pension	... 36
56	Temporary increase in pension	... 37
<b>SECTION VI. - DEATH-CUM-RETIREMENT GRATUITY</b>		
57	Conditions and amount of Death- <i>cum</i> -Retirement gratuity...	39

CONTENTS - *Contd.*

Rule No.	Description	Page No.
58	Nomination for Death- <i>cum</i> -Retirement gratuity	... 41
58A	Nomination for life time arrears of Pension	... 43
<b>SECTION VII. - FAMILY PENSION</b>		
59	Conditions and amount of family pension	... 45
<b>SECTION VIII. - PAYMENT OF PENSIONS</b>		
60	Date from which pension is payable ...	... 49
61	Date from which wound etc. pensions are payable	... 49
62	Date upto which pension is payable ...	... 49
63	Pension payable at Municipal Treasury...	... 49
64	Sums payable to a lunatic ...	... 49
<b>SECTION XI. - COMMUTATION</b>		
65	Competent authority to sanction commutation	... 50
66	Application for commutation to be in the prescribed form ...	... 50
67	Conditions to be satisfied ...	... 51
67A	Commutation of pension within 1 year of the date of retirement on Superannuation or after reaching the age of 58 years ...	... 51
68	Applicant to be informed of the lump-sum-payable	... 53
69	Calculation of lump sum payable ...	... 54
69A	Reduction in Pension on account of commutation-date of effect ...	... 54
70	Medical Examination ...	... 55

CONTENTS - *Contd.*

Rule No.	Description	Page No.
71	In case of death commutation amount be paid to legal heirs	57
72	Commutation cannot be rescinded ...	57
72 A	Restoration of commutation value ...	57
<b>SECTION X. - FIRE BRIGADE STAFF</b>		
73	Rules in this Section apply to Fire Brigade ...	58
74	Medical Certificate from Fire Brigade Surgeon acceptable	58
75	Retiring pension after 20 years service...	58
76	Amount of super annuation, invalid and compensation pension ...	58
77	Scale of family pension...	59
78	Amount of Death-cum-Retirement gratuity	60
79	Family pension after 15 years service ...	60
<b>SECTION XI. - RE-EMPLOYMENT OF PENSIONERS</b>		
80	No second pension ordinarily admissible ...	61
81	Wound pension to continue during re-employment ...	61
82	Re-employment of a pensioner in receipt of compensation or invalid gratuity ...	61
83	Re-employment of a pensioner in receipt of compensation or invalid pension ...	62
84	Option of counting former service ...	63
85	Re-employment of a pensioner in receipt of super annuation or retiring pension ...	63



CONTENTS - *Contd.*

Rule No.	Description	Page No.
86	Amount of pension if the re-employed pensioner has commuted a part of his pension ...	63
87	Private employment after retirement ...	63
<b>SECTION XII. - REVISED FAMILY PENSION SCHEME 1965.</b>		
88	Contributory Family Pension Scheme 1965 ...	66
<b>SECTION XIII. - TERMINAL BENEFITS</b>		
89	Deleted. ...	73
<b>CHAPTER XIV</b>		
	Scheme of premature voluntary retirement for Municipal employees (Rule 34 (i) ...	74
	APPENDICES : I to X... ..	77

**MUNICIPAL CORPORATION OF GREATER MUMBAI**  
**PENSION RULES, (1953)**  
**SECTION I - PRELIMINARY**

1. These rules may be called the Mumbai Municipal Corporation Pension Rules, (1953)

\* 2. (1) Except where it is otherwise expressed or implied and subject to the provisions of Sub Rule (2) of this rule, these rules shall apply to all Municipal servants who hold a lien on a permanent post or would hold a lien on such a post had their lien not been suspended under the Municipal Service Regulations. (Effect is given from 31-1-2000)

(2) Unless in any case it be otherwise distinctly provided for by or under these rules, these rules do not apply to -

(a) Municipal servants on daily wages :

(b) Municipal servants whose time is not exclusively devoted to the duties of their offices :

(c) Government servants in Municipal employ; and

(d) Municipal servants subscribing to any contributory Provident Fund or qualifying or qualified for the benefit of the Pension rules of any other Public Body.

3. The Corporation may at any time exclude service in any post or establishment from the benefits of these rules.

4. (1) These rules shall be deemed to have come into effect from 1st April 1953.

(2) A Municipal servant who is in service on (6-6-1955) the date of confirmation of these rules by the State Government under Section 81(2) of the Bombay Municipal Corporation Act. (this date is hereinafter referred to as the appointed date) or who has retired after 1st April 1953 but before the appointed date, shall have the option either to elect to be governed by these rules or to remain under the existing rules applicable to him.

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\* Rule 2(1) amended under C. R. No. 960, dt. 21-12-92. Amended provision came in to force from 31-1-2000, date of Govt. Resolution U./No. BMC/1393/667/CR-125/93, UD-21, dated 31-1-2000.

✕ This option must be exercised within twelve months from the appointed date. If a Municipal servant does not exercise the option within the prescribed period, he will be deemed to have opted to remain under the existing rules. The option once exercised is final.

(3) Notwithstanding anything contained in sub-rules (1) and (2) above, the Municipal Commissioner may debar any Municipal servant who was subscribing to the contributory Provident Fund on the date on which these rules came into effect, from coming under these rules, if he is satisfied that a complete record of service necessary for determining the qualifying service as defined in rule 5(1) (f) is not available. If such an employee has exercised the option under sub-rule (2) above, the same shall be deemed to be inoperative.

(4) All employees in the service of Ex-Local Bodies of the Extended Suburbs taken over in the service of the Corporation on the date of merger viz. 1st February 1957, will have an option to elect to be governed by these rules provided the option is exercised :-

(a) If the employee is holding a permanent appointment on the date of confirmation of this sub-rule by government, within three months from that date.

(b) If the employee is holding a temporary appointment on the date of confirmation of this sub-rule by Government, within one month from the date of the order of confirmation in the service of the Corporation, provided there was not break in service.

(5) A Municipal servant who had entered Municipal service prior to 6th June 1955 but was holding a temporary appointment on that date will have the option to elect to be governed by these rules within one month from the date of the order of confirmation in Municipal service, provided there was no break in service.

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✕ Rule 4(2) modified under Standing Committee Resolution No. 1603, dated the 24th November 1955, and confirmed under Corporation resolution No. 1009, dated the 5th December 1955 and Government Resolution Local Self Government and Public Health Department No. BMC/5955-E, dated the 20th December 1955.

Sub-rule (3) of Rule 4 added under Corporation Resolution No. 1658, dated 19th March 1956 and Local Self Government and Public Health Department No. BMC/5956-E, dated the 9th November 1956.

Sub-rules (4) and (5) added under Corporation resolution No. 328, dated 30th June 1958 and confirmed under Local Self Government and Public Health Department Resolution No. BMC/8958-C, dated the 8th October 1958.

(6) A Municipal servant, who is in service on the date of confirmation of the amended Rule 59(1) by the State Government and governed by the Provident Fund Rules shall have the option either to elect to be governed by these rules or to remain under the existing rule applicable to him.

This option must be exercised within twelve months from the date of confirmation of the amendment by Government. If a Municipal servant does not exercise the option within the prescribed period he will be deemed to have opted to remain under the existing rule. The option once exercised is final.

4A. A Municipal servant employed on the operational side of the Fire Brigade service and eligible to be governed by the Bombay Municipal Corporation Pension Rules, (1953) shall have the option either to elect to be governed by these Rules or to remain under the existing rules applicable to him.

This option must be exercised within one year from the date of confirmation of this rule by Government.

(Note-The effect to this rule will be given from the 2nd January 1960).

4B. Notwithstanding anything contained in Rule 4 a Municipal servant who had subscribed to the contributory Provident Fund under Rule 15 of the Bombay Municipal Corporation Provident Fund Rules and had elected to be governed by the Bombay Municipal Corporation Pension Rules, (1953) under any of the provisions under rule 4 thereof before 10-12-1959, shall have the option to be governed by the Contributory Provident Fund Rules, if such option is exercised within twelve months from the date of confirmation of this rule by the State Government. (Effective from 26-4-1962)

4C. (New Rule) Notwithstanding anything contained in Rules, 4 4A and 4B, a Municipal servant who is in permanent employ on (7-12-1965), the date of the confirmation of the Rules pertaining to be Revised Family Pension

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Sub-rule (6) added under Corporation Resolution No. 266, dated the 13th May 1959 and Government Resolution Urban Development and Public Health Department No. BMC/5359/37242-C, dated the 3rd August 1960.

Rule 4A, added under Corporation Resolution No. 867, dated the 22nd September 1960 and confirmed under U.D. & P.H.D. No. BMC/5360/38212-C, dated the 16th January 1961 and No. BMC/5360/7631-C, of March 1961.

Rule 4B, added under C.R. No. 1562, dated the 9th February 1962 and confirmed under G.R. No. U.D. & P.H.D. No. BMC/5362/6889-C, dated the 26th April 1962.

Rule 4C added under C.R. No. 375, dated the 24th June 1965 and confirmed, under G.R. U.D. & P.H.D. No. BMC/5865/45939-C, dated the 7th December 1965.

Scheme, 1965 (Section XII), by the State Government shall have the following options *viz.* :-

(i) if he is amenable to the Contributory Provident Fund Rules or the Bombay Municipal Corporation Pension etc. Regulations, to elect for the Bombay Municipal Corporation Pension Rules, (1953), along with the Revised Family Pension Scheme, 1965;

AND

(ii) if he is amenable to the Bombay Municipal Corporation Pension Rules, (1953), to elect for the benefits of the Revised Family Pension Scheme, 1965 as per Section XII instead of the Family Pension benefits contained in Section VII.

The above option must be exercised within twelve months from the date of Government's confirmation to the Rules contained in Section XII. The option once exercised will be final. A Municipal servant confirmed in Municipal service after the date of Government's confirmation to the Rules contained in Section XII and becoming eligible to Bombay Municipal Corporation Pension Rules, (1953), on such confirmation will automatically be governed by the Revised family Pension Scheme, 1965, and not by Rules contained in Section VII.

4D. Notwithstanding anything contained in Rules 4, 4A, 4B and 4C, a Municipal servant who is in permanent employ as on 1st January 1967 and who is not eligible for the benefit of the Revised Family Pension Scheme, 1965, contained in Section XII of the Bombay Municipal Corporation Pension Rules (1953), will have the following option *viz.* :-

(i) if he is amenable to the Contributory Provident Fund Rules or the Bombay Municipal Corporation Pension etc. Regulations, to elect for the Bombay Municipal Corporation Pension Rules, (1953), along with the Revised Family Pension Scheme, 1965;

AND

(ii) if he is amenable to the Bombay Municipal Corporation Pension Rules, (1953), along with Family Pension Scheme contained in Section VII, thereof, to elect :-

(a) to retain the benefits of Family Pension as per Section VII or

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Rule 4D added under C.R. No. 1659, dated the 16th February 1968 and confirmed under G.R. No. U.D. & P.H. & Housing Department No. BMC/5368/26870-C, dated the 12th July 1962.

(b) to come under the Revised Family Pension Scheme, 1965.

The above option must be exercised within 12 months from the date of Government's confirmation to this Rule. Option once exercised will be final. Such of the employees referred to in Clause (ii) above, who fail to exercise the option within the specified period, will be deemed to be eligible for the benefit of the Revised Family Pension Scheme, 1965, instead of the Family Pension benefits contained in Section VII, on the expiry of that period, if they are in Municipal service on that date.

\* "Provided that in the case of Municipal employees governed by the Mumbai Municipal Corporation Pension Rules (1953) along with Family Pension Scheme contained in Section VII thereof and dies before the expiry of the option period without exercising the option, the family of the deceased Municipal employees shall be given the above option. The option will be exercised by the family within 12 months from the date of Government's confirmation to this proviso."

4E. Notwithstanding anything contained in Rule 4, 4A, 4B, 4C and 4D a Municipal servant in permanent employ on the 1st October 1968 and who is amenable to the contributory Provident Fund Rules or who is governed by the Mumbai Municipal Corporation Pension etc. Regulations shall have the option to be governed by these Rules. The option must be exercised within 12 months from the date of Government's confirmation to this Rule. The option once exercised will be final. A Municipal servant opting for these rules, will be governed by the Revised Family Pension Scheme 1965.

Provided that in case an employee eligible to exercise the above option dies during the option period, the option will be exercised by the 'Family' of the employee subject to the following condition.

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Rule 4E added vide C.R. No. 967, dated the 4th December 1969 and confirmed under G.R. U.D. P.H. and Housing Department No. BMC/5370/14946-C, dated the 10th December 1970.

\* Proviso to Rule 4D has been added vide C.R. No. 420, dated the 25th June 1970 and confirmed under G. R. U.D. P.H. & Housing Department No. BMC/5370/42591-C, dated the 29th December 1970.

Proviso to Rule 4E added under C.R. No. 503, dated the 27th June 1972 and C.R. No. 2222, dated the 29th January 1973 and confirmed under G.R. U.D. P.H. & Housing Department No. BMC/5372/66013-C, dated the 3rd August 1973.

*Note. 1-*A specific request must be made in this behalf by the nominee/nominees validly nominated by the Municipal servant, to Municipal Commissioner or in case there is no nomination such request must be made by all members of the 'Family' as defined in the B.M.C. Provident Fund Rules. In case nominees do not agree to make such a request no option will be admissible under this rule.

*Note. 2-*This option will have to be exercised by the Family within 12 months from the date of confirmation to this proviso by Government.

4F. Subject to the conditions mentioned below if a Municipal servant governed by Contributory Provident Fund Scheme dies while in service his Family will have an option to elect the Mumbai Municipal Corporation Pension Rules (1953) together with the Revised Family Pension Scheme (1965) provided that the Municipal servant was otherwise not barred from the benefit of the Pension Rules (1953).

(i) A specific request must be made in this behalf by the nominee/nominees validly nominated by the Municipal servant to the Municipal Commissioner or in case there is no nomination such request must be made by all the members of the Family as defined in the Mumbai Municipal Corporation Provident Fund Rules.

(ii) The option must be exercised within six months from the date of death of the Municipal servant or within six months of the confirmation of this rule by State Government where death has occurred before the confirmation of the rule by State Government.

(This Rule will come into force from 1st August 1972).

Provided that the Municipal Commissioner may in his discretion extend the above limit of 6 months by further 6 months in deserving cases.

(This proviso will also come into force from 1st August 1972).

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New Rule 4F added under C.R. No. 503, dated the 27th June 1972 and C.R. No. 222, dated 29th January 1973 and confirmed under G.R. U.D. P.H. & Housing Department No. BMC/5372/66013-C, dated 3rd August 1973 and further amended vide C.R. No. 491, dated 6th September 1976 and C.R. No. 755, dated 26th November 1976 and confirmed under G.R. U.D. & P.H.D. No. BMC/1876/6814/UD/3, dated 28th March 1977.

4G. Notwithstanding anything contained in Rule 4, 4A, 4B, 4C, 4D, 4E, a Municipal servant in permanent employ, on 1st April 1972 and who is amenable to the Mumbai Municipal Corporation Contributory Provident Fund Rules shall have the option to be governed by these Rules together with the Revised Family Pension Scheme, 1965. The option must be exercised within 12 months from the date of confirmation to this Rule by Government. The option once exercised will be final.

4H. Notwithstanding anything contained in Rule 4, 4A, 4B, 4C, 4D, 4E and 4G, a Municipal servant in permanent employ on 1st April 1975 and who is amenable to the Mumbai Municipal Corporation Contributory Provident Fund Rules, shall have the option to be governed by these Rules together with the Revised Family Pension Scheme (1965). The option must be exercised within 12 months from the date of confirmation to this rule by Government. The option once exercised will be final.

4 J. Notwithstanding anything contained in Rule 4, 4A, 4B, 4C, 4D, 4E, 4G, 4H & 4I a Municipal servant in permanent employ and who is amenable to contributory Provident Fund Rules, shall have an option to be governed by these rules together with the Revised Family Pension Scheme (1965), the option being exercised any time before the date of retirement or within 12 months of the date of government's confirmation of these Rules whichever is later. The option once exercised shall be final. (Effect should be given from 31st August 1978).

Provided that a Municipal servant in permanent employ as on 1st January 1975, who was/is amenable to contributory provident Fund Rules may be allowed by the Municipal Commissioner to exercise the option to be governed by these Rules (together with the revised family pension scheme, 1965 contained in Section XII), within six months from the date of his ceasing to be in service as a result of the declaration by the medical authority of his incapacity for further service. Provided further that such a municipal servant

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New Rule 4G, dated vide C.R. No. 473, dated 27th August 1973 and confirmed under Government Resolution Urban Development Public Health and Housing Department No. BMC/1073/73650-C, dated 10th January 1964.

New Rule 4J added under C.R. No. 14, dated 25th April 1978 and confirmed *vide* G.R.U.D. & P.H.D. No. BMC/1378/1853/UD/3, dated 31st August 1978.

New Rule 4H added under C.R. No. 1356, dated 10th february 1977 and confirmed under G.R.U.D.P.H.D. No. BMC/1377/1639/HD/3, dated 19th July 1977.

Proviso to Rule 4J added under S.C.R. No. 1599, dated 13th Ocotber 1982, C.R. No. 705, dated 23rd November 1982 G.R. No. BMC/1383/841/UD-3, dated 2nd September 1983.

Rule 4J amended vide S.C.R. No. 1462 of 5-3-1986 C.R. No. 67 of 8-5-1986 and confirmed by State Government vide G.R. No. BMC/1386/1955/CR-473/86/UD-3, dated 3-1-1989.



who was already so incapacitated prior to date of Govt.'s confirmation to this proviso may be allowed to exercise the option within six months from the date of Govt.'s confirmation of this Rule. The option once exercised shall be final. Provided also that the Municipal servant exercising the option under the above proviso shall refund before the option period expires, the entire amount of Municipal contribution as also excess sum if any, already received by him as being subject to the contributory Provident Fund rules, etc. in one sum with interest at rates at which interest on P.F. was granted by the Corporation to their employees from year to year.

The above option shall become valid on refund of the Municipal contribution etc. if any, within the option period.

The M. C. may in his discretion in deserving old cases allow appropriation of arrears of pension that may be payable in the case of his option becoming valid towards repayment of Municipal contribution etc., already received, if the option is exercised at least a month before expiry of the option period, so that the full refund can be had before the expiry of the option period.

*New rule 4K*-Notwithstanding anything contained in rules 4, 4A, 4B, 4C, 4D, 4E, 4G, 4H, 4I and 4J, a Municipal servant who was in permanent employ as on 31st March 1979 and who retired on or after 1st April 1979 under Contributory Provident Fund Rules, shall have an option to be governed by these Rules together with the Contributory Family Pension Scheme, the option being exercised within twelve months of the date of government's confirmation of this Rule. The option once exercised will be final.

4L. Subject to the conditions mentioned below if a Municipal servant governed by the B.M.C. Pension, etc. Regulations, dies while in service, his family will have an option to elect the BMC Pension Rules (1953) together with the Contributory/Revised Family Pension Scheme (1965).

The option must be exercised in writing by the family, within six months from the date of death of the Municipal servant or within six months of the confirmation of this rule by the State Govt. where death has occurred before the confirmation of the Rule by the State Government. Provided that the

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New Rule 4K added vide C.R. No. 1973, dated 21st february 1980 and confirmed under G.R.U.D.P.H.D. No. BMC/1380/1641/UD/3, dated 28th May 1980.

New Rule 4L, added under C.R. no. 363, dated 23rd July 1981 and G.R.U.D. No. BMC/1381/634/UD/3, dated 13th April 1983.

Municipal Commissioner may, in his discretion, extend the above limit of 6 months by further 6 months in deserving cases.

(This rule will have effect from 1-10-1980)

\* 4M. Notwith standing anything contained in Rule 4, 4A, 4B, 4C, 4D, 4E, 4G, 4H, 4J, 4K & 4L the revised Family Pension Scheme (Contributory Family Pension Scheme as referred to herebefore) which was referred to as revised Family Pension Scheme (1965), shall heretoafter be called as 'Revised Family Pension Scheme (1964)' and shall be deemed as having come into force from 1-1-1964 (the date from which state Government introduced the scheme) and made applicable to the Municipal employee who was in permanent employment on 1-1-1964.

5. (1) Unless there be any thing repugnant in the subject or context, the terms defined in this rule are used in the rules in the sense here explained :-

**(a)** 'Competent authority' means-

(i) The Standing Committee in respect of Municipal servants, the power of appointing whom vests in the Standing Committee or the Corporation;

and

(ii) The Municipal Commissioner for Greater Mumbai in respect of all other Municipal servants.

**(b)** 'Head of the Department' means-

(i) The Municipal Secretary in respect of Municipal servants working under him.

(ii) The Municipal Chief Auditor in respect of Municipal servants working under him;

(iii) The Officers recognised as such by the Municipal Commissioner in respect of all other Municipal servants.

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Note (2)(3) & (4) to Rule 5-(1)(e) amended vide C.R. No.14, dated 25th April 1978 and confirmed vide G.R.U.D. & P.H.D. No. BMC/1378/1859-UD-3, dated 31st Auust 1978 effect given from 1st March 1976.

\* New Rule 4M. - added vide AR(SC) No. 1577 of 16-3-1985 AR (Corporation) No. 1662 of 27-3-1985 and confirmed under GR/UDD No. BMC/1385/4014/UD-3, dated 12-5-1986.

**(c) \* Medical Authority means--**

(i) In the case of Municipal servants the minimum of whose grade is more than the minimum of Head Clerk's grade, the Medical Board constituted under Rule 8 and

(ii) In the case of other Municipal servants, the Municipal Medical Examiner.

(Effect to be given from 8th September 1983).

**(d)** 'Pension' includes gratuity. Except where the term 'pension' is used in contra-distinction to 'death-cum-retirement gratuity', 'pension' includes 'death-cum-retirement gratuity' also.

**(e) \* Pensionable Pay** means the average pay earned by a Municipal employee during the last 10 months of service. For the purpose of this definition the term 'Pay' means and includes the amount drawn monthly by Municipal employee as :-

(i) The basic pay which has been sanctioned for a post held by a Municipal employee substantively or in an officiating capacity or to which he is entitled by reason of his position in the cadre.

(ii) Lumpsum benefit accruing as difference between the revised pay and the old pay.

(iii) Dearness Allowance, Technical Pay, Special Pay, Personal Pay, Personal Allowance, Personal Allowance Consolidated drawn before 1-7-1985 by the Municipal employee in Municipal grade and who is in Municipal service as on 1-7-1985 and retired/would retire after 1-7-1985.

(iv) Dearness Allowance including adhoc Dearness Allowance, Special Pay, Technical Pay, Personal Allowance, Personal Allowance Consolidated, Interim relief drawn before 1-1-1986 by Municipal employee in

Rule 5(1)(e) amended vide C.R. No. 14, dated 25th April 1978 and confirmed vide G.R. U.D. & P.H.D. No. BMC/1378/1859-UD-3, dated 31st August 1978.

\*\* Rule 5(i)(c) Amended vide S.C.R. No. 1462 of 5-3-1986 C.R. 67 of 8-5-1986.

\* Rule 5(i) (e) Further amended vide C. R. 319, dt. 1-9-89

the U.G.C. pay scales and who is in Municipal service as on 1-1-1986 and retired/would retire after 1-1-1986.

(v) N.P.P.A.

**Note (1) :** If the Municipal employee has during a portion of last 10 months of his service been absent on leave other than extra ordinary leave, his pay during such leave shall be taken to be the pay which he would have drawn had he been on duty, provided that the officiating pay in respect of higher post shall not be taken into account unless it is certified that he would have continued to officiate in the post (s) but for his proceeding on leave.

**Note (2) :** If a Municipal employee has not during any portion of the last 10 months been in receipt of either pay or leave salary that portion shall be excluded from the calculation and the pay earned during an equal portion of the service immediately prior to the last 10 months shall be taken into account.

**Note (3) :** If any period of suspension of Municipal employee occurring during the last 10 months of his services has been treated as duty, his pay during such period shall be the pay which he would have drawn had he not been suspended. If the period of suspension has been converted into leave other than extra ordinary leave his pay during such period shall be calculated in accordance with Note (1). If the period of suspension is converted into extra ordinary leave or is not treated either as duty or as leave, it should be disregarded from the calculation of pensionable pay and equal period immediately prior to the last 10 months included.

**Note (4) :** The pay drawn by a Municipal employee while on foreign service, shall not count for pension. In such cases, the pay which the Municipal employee would have drawn under the Municipal service had he not been sent on foreign service, will alone be taken into account while calculating pensionable pay.

**Note (5) :** Deleted.

(Effect to the amended rule 5(1)(e) is given from 1-7-1985 in respect of Municipal employee in Municipal grade and from 1-1-1986 in respect of Municipal employee in U. G. C. scale).

**(f) 'Qualifying service' means and includes--**

(i) duty performed in a permanent post,

(ii) duty performed in an officiating or temporary capacity or as a probationer if followed by confirmation in a permanent post,

(iii) duty performed in an officiating or temporary capacity while holding a lien or a suspended lien on a permanent post,

(iv) duty performed in foreign service in respect of which a contribution towards pension has been paid or remitted under the Municipal Service Regulations,

(v) any period of suspension if it is subsequently treated as duty or leave.

#(vi) duty performed in an Establishment paid at daily-rates of wages, if the servant had immediately preceding such duty on daily wages, held a permanent post in a time-scale of pay substantively. *(This clause will be treated as in existence from the very beginning).*

\*(vi)(a) 50% of continuous service performed in an establishment paid at daily rates of wages immediately followed by continuous service in time scale, provided a Municipal servant is eligible to be governed by these rules, Effected from 1st October 1982.

(vii) all leave including extraordinary leave during the period of continuous service.

(viii) vacation taken by a Municipal servant in vacation department.

*Note.*--Service rendered before attaining the age of 18 years shall be excluded for the purposes of calculating qualifying service.

(ix) # Persons who have rendered approved War Service and have been appointed to vacancies prior to 1st April 1947 under the Mumbai Municipal Corporation shall be allowed to count for Pension 4/5th of the War Service

Rule 5 modified under Corporation resolution No. 338, dated 30th June 1958 and confirmed under government resolution Local Self Government and P.H.D. No. BMC/5358-C, dated the 15th December 1958 and further modified under C.R. No. 1821, dated 9th February 1961 and confirmed under U.D. & P.H.D. No. BMC/5561/16186-C, dated 29th December 1961.

\*(vi) Added under C.R. No. 748, dated 19th November 1962 confirmed under Government Resolution U.D. & P.H.D. No. BMC/1082/52953-C, dated 27th April 1963.

Rule 5(i)(f) amended *vide* C.R. No. 375, dated 24th August 1965 and confirmed by Government *vide* G.R. U.D. & P.H.D. No. BMC/5865/45993-C, dated 7th December 1965.

Note to Rule 5(i)(f) amended *vide* C.R. No. 1659, dated 16th February 1968 and confirmed *vide* G.R. U.D. P.H. & Housing Department No. BMC/5368/26870-C, dated 12th July 1968.

\* 5 (i)(f)(vi)(a) New rule added *vide* S.C.R. No. 1855 of 8-3-1989 C.R. No. 209 of 29-8-1989 & confirmed by the Government *vide* G.R. No. BMC/1389/4200/CR-452/UD-21, dated 31-10-1990.

rendered by them between 3rd September 1939 (or the date on which they attain the minimum age limit prescribed for a particular post of service to which they are appointed whichever is later) and the 1st April 1946, subject to a maximum of 4 years provided that they have not received any pension or gratuity in lieu of pension on or since the discharge from Military service and in case they have received any such gratuity or Bonus they shall credit it to Municipal Treasury.

\$ (x) A Municipal Servant, appointed to the non-operational side of the Fire Brigade and taken over to the operational side of the Fire Brigade will be eligible to count his service on the non-operational side for pensionary benefits by converting that period of service into operational service in the proportion of 3:2 to be added upto his service on the operational side determining his qualifying service for pension and vice versa.

(xi) A Municipal employee who had participated in the 'Bharatiya Freedom Struggle' and who possessed a certificate of honour '(Sanmana Patra)' conferred on him by Maharashtra government in recognition of his contribution in Bharatiya Freedom Struggle and who had entered municipal service by availing of the concession of relaxation in upper age limit for recruitment in Municipal Service in the post, in which he was initially appointed, may be allowed to and to his continuous service qualifying for superannuation pension on reaching the age of 58 years (but not for any other class of pension), the actual period not exceeding one fourth of the length of his actual qualifying service or the actual period by which his age at the time of recruitment exceeded 25 years or a period of 5 years, whichever is the least (effect to the above new rule is given from 1st April 1953).

*Note.*--Benefit of counting Military service subject to stipulation of 4 years will be extended to those whose services under Military were not pensionable.

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# Clause IX added vide C.R. No. 2261, dated 31st March 1966 and confirmed vide Resolution U.D.H.D. & Housing Department No. BMC/5366/29679-C, dated 22nd July 1966, effect to be given from 1st April 1953.

\$ Clause X added vide C.R. No. 1711, dated 17th December 1970 and confirmed vide Government resolution U.D.P.H.D. & Housing department No. BMC/5370/2666-C, dated 13th April 1971, effect to be given from 1st March 1965.

Rule 5(1)(f)(xi) added under S.C.R. No. 1475, dated 29th September 1983 and C.R. No. 987, dated 22nd November 1983 G.R.U.P.D. No. BMC/1384/1907/UD-3, dated 25th May 1984 effect from 1st April 1953.

(b) War Service candidates appointed in the Corporation after 1st April 1947 will be allowed to count towards pension one-half of the approved War Service by itself or in conjunction with other Military Service provided :-

(i) The employee has not earned any pension for the Military Service.

(ii) Service rendered below the minimum age prescribed for recruitment to service or posts, in which he is appointed will not be counted for pensions.

(iii) War service in Armed forces of India or in similar forces of a commonwealth country shall be counted alike for a pension.

(iv) No refund of Bonus or Gratuity paid in respect of War Service shall be demanded except retirement gratuity granted if any for the services covering both the war and post-war period.

(v) Break between the Military/War Service and the Municipal Service to the extent of one year shall be treated as automatically condoned, provided break exceeding one year but not exceeding 3 years may in exceptional circumstances be condoned by the Standing Committee.

(c) In a case where a Municipal Servant is entitled in respect of his War Service rendered between 3rd September 1939 and 1st April 1946 to the concessions in Clause (a) above he may either avail himself of the concessions in Clause (b) above in respect of the whole of his Military Services including War Service or count the service rendered during the war period for pension under Clause (a) above and the remaining service rendered before or after the war period to the extent of half of that service.

(2) Any other expression employed in these rules which is defined in the Mumbai Municipal Corporation Act or the Municipal Service Regulations is used in the sense therein defined.

5A\*. Participation in an illegal strike constitutes a break in service. However, the Corporation in special circumstances may condone such break.

6. The Corporation reserve to themselves the right of interpreting these Rules.

7. The competent authority may delegate any powers conferred upon it by these rules to any of the officers under its control, subject to such conditions as may be imposed.

8. There shall be a Medical board for the purposes of these rules. The Municipal Commissioner shall, with the approval of the Corporation, frame rules with regard to the constitution of the board and the conduct of its business, etc.

8A.\*\* Municipal Commissioner may from time to time lay down such procedure as he deems fit for settlement of pension cases under these rules and may prescribe declaration forms in that behalf.

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\* Rule 5A added under Corporation resolution No. 1751, dated 18th February 1960 and Government Resolution U.D. & P.H.D.No. BMC/5360-C, dated 31st May 1960 and effect given from 1st April 1957.

\*\* Rule 8A added under C.R. No. 477, dated 9th August 1971. Governemtn U.P. P.H. & Housing Department No. BMC/1071/55328-C, dated 7th January 1972.



**SECTION II - GENERAL CONDITIONS**

9. Unless, in any case, it be otherwise expressly provided for in these rules, the competent authority may sanction the grant of any pension, which is certified by the Chief Accountant to be clearly and strictly admissible under the rules.

10. In any case, in which a pension is not admissible under any specific provision of these rules, the Municipal Corporation may sanction the grant of a pension, which shall not, save in the exceptional circumstances, exceed the monthly minimum pension admissible under these rules or of a gratuity not exceeding the equivalent, calculated in accordance with the table prescribed under Rule 69 of the value of such a pension, if the grant is not inconsistent with the general spirit of these rules.

In such cases benefit of death or residuary gratuity under Rule 57(5) or family pension under Rule 59 or 88 will not be admissible. (Effect is given from 1-1-1986).

11. (a) A Municipal servant who is required to retire from Municipal service for misconduct or insolvency shall not be granted a pension other than a compassionate pension.

(b) A Municipal servant who is required to retire from Municipal service on the ground of inefficiency shall, if he be eligible for a superannuation or retiring pension, be granted such pension. If he be not eligible for such a pension, he shall not be granted a pension other than a compassionate pension.

12. A Municipal servant transferred to foreign service shall not be permitted, while he remains in foreign service to receive a pension on voluntary retirement from Municipal service. For the purpose of this rule, retirement shall be considered to be voluntary if the Municipal servant is not required to retire but retires on retiring pension before he is compelled to retire under the Municipal Service Regulations.

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Rule 10 modified under Standing Committee Resolution No. 1603, dated 24th November 1955 and confirmed under Corporation resolution No. 1009, dated 5th December 1955 and Government Resolution, Local Self Government and Public Health Department No. BMC/5955-E, dated the 20th December 1955.

Rule 10 - Amended vide C. R. 319 dt. 1-9-89 Amended confirmed by State Govt. vide G. R. No. BMC/1393/669/CR-125/93-UD-21, dt. 31-1-2000.

13. The competent authority may make such reduction as it may deem fit in the amount of the pension of a Municipal servant whose service has not been thoroughly satisfactory.

**Note.**-- See also sub-rule (c) of Rule 20, Note below Rule 21 and Rule 37.

**Rule 14** Deleted. (From 1-8-1987).

**New Rule 14A**

(1) Good conduct shall be an implied for every, grant of pension. Competent authority, may, by order in writing, withhold or withdraw a pension or part thereof whether permanently or for specified period, if the pensioner is convicted of a serious crime or is found guilty of grave misconduct.

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

2. Where a pensioner is convicted of a serious crime by Court of Law, action under Sub Rule (1) shall be taken in the light of the judgement of the Court relating to such conviction.

3. In a case not falling under sub Rule (2), if the competent authority considers, that the pensioner is prima facie guilty of grave misconduct, it shall, before passing an order under Sub Rule (1), follow the procedure laid down for conducting Departmental Enquiry for imposing punishment of reduction.

**New Rule 14B**

(1) Competent authority may, by order in writing, withhold or withdraw a pension or any part of it whether permanently or for specified period and also order the recovery from such pension, the whole or part of any pecuniary loss caused to the Corporation if, in any departmental or judicial proceedings, the pensioner is found guilty of grave misconduct or negligence during a period of his service including service rendered upon re-employment after retirement. Provided that a part of pension is withheld or withdrawn the

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Rule 14 deleted & New Rule 14A added *vide* SCR-1493, dt. 5-2-1992, CR-960, dt. 21-12-92, confirmed by Govt. vide No. BMC/1393/667/CR-125/93 U. D.-21, dt. 31-1-2000.

New Rule 14B added *vide* SCR-1493, dt. 5-2-1992, CR-960, dt. 21-12-92, confirmed by Govt. vide No. BMC/1393/667/CR-125/93 U. D.-21, dt. 31-1-2000.

amount of remaining pension shall not be reduced below the minimum pension fixed.

**(2)(a)** The departmental proceedings referred to in Sub Rule (1) if instituted while the Municipal employee was in service whether before his retirement or during his re-employment, shall, after the final retirement of the Municipal employee, be deemed to be proceedings under this rule and shall be continued and concluded by the authority by which they were commenced in the same manner as if the Municipal employee had continued in service.

**(b)** The departmental proceedings if not instituted while the Municipal employee was in service, whether before his retirement or during his re-employment--

i) Shall not be instituted save with sanction of the competent authority.

ii) shall not be in respect of any event which took place more than 4 years before such institution, and

iii) shall be conducted by such authority and at such place as the Competent Authority may direct and in accordance with procedure applicable to the departmental proceedings in which an order of reduction could be made in relation to the Municipal employee during his service.

**(3)** No judicial proceeding, if not instituted while the Municipal employee was in service whether before his retirement or during his re-employment shall be instituted in respect of a cause of action which arose or in respect an event which took place more than 4 years before such institutions.

**(4)** In the case of Municipal employee who has retire on attaining the age of superannuation or otherwise and against whom any departmental or judicial proceedings are instituted or where departmental proceedings are continued under Sub Rule (2), a provisional pension as provided in Rule 45A shall be sanctioned.

**(5)** Where competent authority decides not to withhold or withdraw pension but orders recovery pecuniary loss from pension, the recovery shall not, subject to the provision of Sub Rule (1) of this rule, ordinarily be made at the rate exceeding one third of the pension admissible on the date of retirement of a Municipal employee.

**(6)** For the purpose of the rule -

(a) Departmental proceedings shall be deemed to be instituted on the date on which the statement of charges is issued to the Municipal employee or pensioner or if the Municipal employee has been placed under suspension from an earlier date, on such date, and

(b) Judicial proceedings shall be deemed to be instituted -

i) In the case of criminal proceedings, on the date on which the complaint or report of a Police Officer, of which the Magistrate takes cognisance is made, and

ii) In the case of civil proceedings, on the date of presenting the plaint in the Court. (Effect to Rule 14A & 14B is given from 1-8-1987).

**15.** The Standing Committee may, for special reasons to be recorded in writing :-

(1) Condone a deficiency, not ordinarily exceeding one year, in the amount of the qualifying service of a Municipal servant in order to make him eligible to receive a retiring pension or to receive a pension as distinct from a gratuity; or

(2) Make an addition, not ordinarily exceeding one year, to the amount of qualifying service of a retiring Municipal servant which under the provisions of these rules may be treated as qualifying service for pension.

**# Rule 15A**

(a) The following shall constitute a break in qualifying service:-

i) Resignation

ii) Removal or dismissal from service.

iii) Absence without leave directed to be treated as break in service.

Note : Resignation of an appointment to take up with proper permission another appointment whether permanent or temporary under Municipal Corporation of Greater Bombay except in Municipal Secondary School shall not constitute break in service.

# New Rule 15A added under C. R. No. 1200 dated 9th December 1971 and confirmed under G.R. U.D. P.H. & Housing Department No. BMC/5372/5443-C, dated 10th March 1972, effect given retrospectively from 1st April 1970.

\$ Rule 15A Amended New Rule 15B No. added vide CR-960, dt. 21-12-1992, confirmed by State Govt. vide No. BMC/1393/667/CR-125/93 U. D.-27, dt. 31-1-2000.

Note 1: Deleted. (With effect from 31-1-2000)

Note 2: Deleted. (With effect from 31-1-2000)

**New Rule 15B**

1 The Municipal Commissioner may condone any break in the qualifying service on such conditions as it may think fit in each case impose (effect is given from 31-1-2000).

Provided-

(a) the break in service has been caused by reasons beyond the control of the Municipal employee.

(b) the total service pensionary benefit in respect of which will be lost, is not less than 5 years duration, excluding one or two Interruption if any and

(c) the break in service including two or more breaks if any, does not exceed one year.

2 the period of break in service condoned under Sub Rule (1) shall not count as qualifying service

**16.** Every Municipal servant shall submit a formal application for pension. He should, in his own interest, submit his formal application for pension to the head of the department two months in advance of the date of his retirement.

Provided that--

(i) In cases in which the date of retirement cannot be foreseen two months in advance, the application shall be submitted immediately after the date of retirement is settled and

(ii) A Municipal servant proceeding on leave preparatory to retirement in excess of two months shall submit the application at the time of proceeding on such leave.

*Note.*--This rule is intended to obviate delays in the settlement of claims for pension and to ensure that the Municipal servant may not retire under the Mis-apprehension that he has earned a pension which is subsequently found to be inadmissible.

**17.** The head of the department receiving the formal application shall immediately draw up the application in the form in Appendix I in the following manner :--

(i) He shall furnish full details of service, leave, etc. in the form.

(ii) He shall state in the form whether the character, conduct and past service of the applicant are such as to entitle the application to favourable consideration by the competent authority.

(iii) He shall record on the form all periods of leaves, Suspension etc. which are not reckoned as qualifying service.

(iv) If the application is for an invalid pension, the requisite medical certificate shall be attached to the application.

*Note.*--The preparation of the application form in Appeddix I, shall be undertaken by Head of the department as soon as it becomes known that Municipal servant will retire within a period of two months and shall not be delayed till the Municipal servant has actually submitted the formal application for pension.

**\*\* 17A.** If, in any case, it be found impossible to furnish details of service, leave, etc., as contemplated in Rule 17, from office record, a written statement of the applicant shall be taken on plain paper [see Indian Stamp Act, II of 1899, Schedule I, No. 4(c)], and such Collateral evidence as may be procurable shall be collected; for instance, certificates such as those given by an officer to a subordinate on his leaving the office and the testimony of contemporary Municipal servants, etc.

The power to admit service verified as above may be exercised by the competent authority.

**\* 18.** (a) After the application is completed in the manner prescribed in the preceding Rule, it shall be forwarded to the Chief Accountant along with the folloing documents :--

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**\*\*** Rule 17A added under S.C.R. No. 990, dated 28th August 1956 and confirmed under C.R. No. 901, dated October 1956 and Government Resolution, Local Self Government Public Health Department No. BMC/5956-E, dated 14th September 1970.

**\*** Rule 18(a)(2) amended vide C.R. No. 609, dated 17th August 1964 and confirmed vide G.R.U.D. & P.H.D. No. BMC/5363/11609-C, dated 30th April 1965.

(1) Service book of the applicant, if maintained;

\*(2) Left hand thumb and finger impressions of the applicant and specimen signature card duly attested by the head of the department; provided that employees may be given an option of affixing their photographs in lieu of thumb and finger impressions, if they are literate enough to sign their names in English, Hindi or Official regional language.

(3) Memorandum showing calculation of pensionable pay and pension; and

(4) If the application is for an invalid pension the requisite medical certificate.

(b) The head of the department shall record on the application, after due consideration of the facts of the case, his recommendation stating whether the pension claimed should be admitted or not.

**19.** An application for an invalid pension from a Municipal servant who has not attained the age of 55 years should be supported by a medical certificate signed by an appropriate medical authority; provided that in an exceptional case the competent authority may accept a certificate signed by a Civil Surgeon or a District Medical Officer. If any omission has been committed in this behalf, the competent authority may accept a certificate bearing a later date.

**20. (a)** A medical certificate of unfitness for further service produced by a Municipal servant shall be accompanied, if possible, by a succinct statement of the medical case and of the treatment adopted and, except as provided in clause (b) of this rule, shall be in the following form :--

"Certified that I/we have carefully examined A.B., a .....of the .....Department. His age is by his own Statement.....years and by appearance about.....years. I/We consider A.B., to be completely and permanently incapacitated for further service of any kind in the Department to which he belongs, in consequence of.....His incapacity appear to me/us to have been :--

(1) directly caused, or

(2) accelerated or aggravated though not directly caused, or

(3) neither directly caused, nor accelerated nor aggravated by irregular or intemperate habits."

(b) If the incapacity does not appear to be complete and permanent, the certificate shall be modified accordingly and given in the following form, if justified by the facts of the case :--

"I am/We are of opinion that A.B.....is fit/after resting for.....months will be fit/for service of a less arduous character than that which he has been performing."

(c) The object of the certificate prescribed in clause (a) to the effect that the Municipal servant is completely and permanently incapacitated for further service in the Department to which he belongs or of the alternative certificate of partial incapacity in the foregoing clause, is that a Municipal servant should, if possible, be employed even on a lower pay, so that the expense of pensioning him may be avoided. If there be no means of employing him even on a lower pay, then he may be admitted to pension; but it should be considered whether, in view of his partial capacity for earning a living, it is necessary to grant to him the full pension admissible under the rules.

(d) If the certifying medical authority is unable to discover any specific disease in the applicant but nevertheless considers him to be incapacitated for further service by general debility while still under the age of fiftyfive years, it shall give detailed reasons for its opinion, and in that case the Competent authority may, if necessary, call for a second medical opinion.

(e) A simple certificate that incapacity is due to old age or to natural decay from advancing years shall not be sufficient in the case of an applicant whose recorded age is less than fifty five years; but a medical authority may, when certifying that an applicant is incapacitated for further service by general debility, state its reasons for believing the age to be under stated.

**21.** A medical certificate of incapacity for further service in consequence of rupture or some such disease, for which the examining medical officer recommends an operation to which the Municipal servant does not submit, should not be accepted without question. In such cases, the medical report should state the findings on the following issues :--

(a) Is the Municipal servant at present incapacitated for service ?

(b) Does expert medical testimony indicate that an operation would offer a reasonable probability of removing the incapacity ?

(c) Does the Municipal servant refuse to undergo the operation ?



(d) In the ordinary acceptance of the term, would the operation be dangerous?

*Note* :---It is not entirely equitable to deprive men, whose ignorance leads them to reject the relief they might derive from an operation, of the whole pension which they have already earned; but the amount of pension to be granted should be varied in accordance with the medical report. Men of this class will thus be offered a further inducement to submit to an operation and should not be retired until they have had an opportunity of considering the alternatives which confront them.

**22.** A medical certificate of incapacity for further service shall not be granted unless the applicant produces a letter showing that the head of his department is aware of his intention to appear before the medical authority. That authority shall be supplied by the head of the department with a statement of the applicant's age as it appears from his service book or from other official records.

**23. (a)** When an application for a wound or injury pension is received, the head of the department in which the applicant is employed shall hold a formal inquiry taking evidence as to the circumstances in which the wound or injury was sustained.

(b) He shall then submit the application in the Form in Appendix I together with the documents mentioned in Rule 18 and a statement of circumstances of the case and his own recommendation to the Municipal Commissioner.

(c) The Municipal Commissioner shall then arrange for the examination of the applicant by the appropriate medical authority and shall refer the case to it with a full statement of the points on which a report is desired.

(d) On receipt of the report of the medical authority the Municipal Commissioner shall forward the application to the Chief Accountant for certifying pension.

**24. (a)** When an application for a family pension under Rule 44 is received, the head of the department in which the deceased Municipal servant was employed shall hold a formal inquiry, taking evidence as to the circumstances in which the Municipal servant died, and the relationship and the pecuniary circumstances of the claimants, and also at his discretion require the production of a medical report, if one has not been submitted with the application.

(b) He shall then submit the application in the form in Appendix II to the Chief Accountant together with a statement of circumstances of the case and his own recommendation.

**25.** (a) On receipt of the pension papers passed on to him under the provisions of Rules 18, 23 or 24, the Chief Accountant shall subject them to the requisite checks. He shall certify the correctness of the calculations of service and pension and forward the pension papers to the authority competent to sanction the pension with a report on the claim for pension and the rules applicable to the case.

(b) In his report of the amount of pension admissible, the Chief Accountant shall always call special attention to Rule 13.

\* **26.** (a) Should the amount of pension granted to a Municipal servant be afterwards found to be in excess of that to which he is entitled under these rules, he shall be called upon to refund such excess.

(b) If, after the pension report is made by the Chief Accountant, any event occurs which necessitates recalculation of the amount of pension, the fact shall be promptly reported to the Chief Accountant by the head of the department. If no such event has accrued, the fact shall nevertheless be reported to the Chief Accountant within a week from the date on which the Municipal servant retires.

\* *Note.*--For the purposes of this rule a declaration as specified in Appendix IX shall be obtained from the retiring officer.

**27.** A gratuity should be paid in a single sum and not by instalments.

**28.** A pension shall be payable monthly in arrears.

\* **Rule 29**

If a pension payable remains undrawn for more than 12 month, the pension shall cease to be payable. If the pensioner subsequently may applies for payment, the Chief Accountant may resume payment, He shall not, however, make payment if the pension in arrears is to be paid for the first time or if the amount of arrears exceed Rs. 5000/- without the sanction of the competent authority (Effect to be given from 1-6-1986).

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\* Rule 26 amended under C.R. No. 790, dated 8th October 1959 and confirmed under Government Resolution, Local Self Government and Public Health Department No. BMC/5359-C, dated 14th January 1960.

\* Rule 29 amended *vide* AR (SC) No. 1577 of 16.3.1985 AR (Corporation) No. 1662 of 27-3-1985 and confirmed by Government vide G. R. U. D. No. BMC/1385/4014/UD-3 dated 12-5-1985).

*Note.*--If the suspension of payment is attributable to error or omission by the Municipal Administration, the Chief Accountant may allow payment of the arrears without the prior orders of the competent authority.

**\* Rule 30**

On the death of the pensioner payment of any arrears actually due to him may be done to the spouse, in case there is no spouse, to the legal heirs, if application for payment of arrears is made within one year from the date of death of the pensioner. If the application is made after one year; payment shall not be made without the sanction of the Municipal Commissioner. (Effect given from 1-6-1986).

**# 31.** Subject to the provisions of Rule 30, payment of arrears due to a deceased pensioner may be made to his heirs after obtaining the necessary undertaking in the form prescribed under the note to Rule 26 as follows :--

(i) When the amount due does not exceed Rs. 500, payment may be made without the production of the usual legal authority, after such inquiry by the Chief Accountant into the rights and title of the claimants as he may deem sufficient.

(ii) When the amount due exceeds Rs. 500, payment may be made under the order of the Municipal Commissioner on the execution of an indemnity bond with such sureties as he may require, if he is satisfied of the right and title of the claimant and considers that undue delay and hardship would be caused by insistence on the production of letters of administration.

*Note.*-- The indemnity bond referred to above should be executed in the form in Appendix III.

(iii) When reason for doubt exists, payment shall not be made except to a person producing a legal authority.

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\* Rule 30 amended *vide* AR (SC) No. 1577 of 16.3.1985 AR (Corporation) No. 1662 of 27-3-1985 and confirmed by Government *vide* G. R. U. D. No. BMC/1385/4014/UD-3 dated 12-5-1985).

# Rule 31 amended under C. R. No. 790, dated 8th October 1957 and confirmed under Government Resolution local Self Government and Public Health Department No. 5359-C, dated 14th January 1960.

**SECTION III.--VARIETIES OF PENSION**

\*32. The following different classes of pension may be granted to Municipal servants or their families :--

(1) *Super annuation pension*, which is a pension granted to a Municipal servant who retires from Municipal service at an age at which he is by rule required to retire.

(2) *Retiring pension*, which is a pension granted to Municipal servant who retires voluntarily, or is required to retire, from Municipal service after completing a prescribed period of qualifying service but before reaching the age of superannuation.

(3) *Invalid pension*, which is a pension granted to a Municipal servant who retires from Municipal service, before reaching the age of superannuation on account of mental or bodily infirmity.

(4) *Compensation pension*, which is a pension granted to a Municipal servant, who is discharged from Municipal service, otherwise than on medical certificate and for no fault of his own, or as a result of expiration of the tenure of his appointment in the case of a Municipal servant holding a tenure post before earning a retiring or superannuation pension.

(5) *Wound or injury pension*, which is a pension granted to a Municipal servant wounded or injured while in Municipal service.

(6) *Compassionate pension*, which is a pension granted to a Municipal servant who is removed from Municipal service for misconduct, insolvency, or inefficiency.

(7) *Family pension*, which is a pension granted to the family of a Municipal servant who is killed or who dies of injuries received or disease contracted in Municipal service.

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\* Clause 4 of Rule 32 amended under C..R. No. 1007, dated 6th December 1962 and confirmed under G.R. U.D. & P.H.D. No. BMC/1063/26263-C, dated 26th July 1963.

#### SECTION IV.--SPECIAL CONDITIONS

**33.** A Municipal servant, who retires from service on or after attaining the age of superannuation fixed under the Municipal Service Regulation, shall be granted a superannuation pension.

**\$ 34.** A Municipal servant who is not eligible for a Superannuation pension shall be granted a retiring pension, if :--

(i) he is permitted to retire after completion of 20 years qualifying service subject to provisions of Rules under Section XIV, provided that he shall give in this behalf a notice in writing to the appropriate authority at least 3 months before the date on which he wishes to retire; or

(ii) he is required to retire any time after he has completed 30 years qualifying service, provided that the appropriate authority shall give him in this behalf a notice in writing at least 3 months before the date on which he is required to retire; or

(iii) he is required to retire from Municipal service after he has completed 30 years qualifying service on the ground of inefficiency.

**35.** Subject to the provisions of rules 36 & 37, an invalid pension shall be granted to a municipal servnt. who is permitted to retire from municipal service before reaching the age of superannuation, on production of a medical certificate in the form prescribed in Rule 20, to the effect that he by reason of mental or bodily-infirmity incapaciated for municipal service or for the particular branch of municipal service to which he belongs.

*Note.*---See also Rule 20 (c).

**36.** A municipal servant discharged from municipal service on grounds, other than grounds of infirmity, is not eligible for an invalid pension, although he may be able to produce medical evidence of incapacity for Municipal Service.

**37.** An invalid pension shall be not be granted to a municipal servant whose incapacity is directly due to irregular or intemperate habits. If incapacity has not been directly caused by such habits but has been accelerated or aggravated by them; the authority granting the pension shall decide whether and to what extent the amount of the pension shall be reduced on this account.

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\$ Rule 34 amended under C.R. No. 314, dated 20th July 1978 and confirmed under G.R. U.D. & P.H.D. No. BMC/1378/1859/UD-3, dated 17th November 1978 and given from 1st December 1978.

**38. (1)** If a municipal servant is selected for discharge owing to the abolition of his permanent post or owing to a change in the nature of the duties of that post, he shall, unless he is appointed to another post the conditions of which are deemed by the authority competent to discharge him, to be at least equal to those of his own, have the option--

(a) of taking any compensation pension or gratuity to which he may be entitled for the service he has already rendered , or

(b) of accepting another appointment or transfer to another establishment even on a lower pay, if offered, and continuing to count his previous service for pension.

*Instruction:-* Before a pension is granted to a municipal servant under this rule, it should be carefully considered whether he cannot be provided for in another post the conditions of which are deemed to be equal to those of his own, and if it is found impossible to do so, the reasons therefore should be recorded in writing.

#(2) The holder of a tenure post who ceases to be in Municipal Service as a result of expiration of the tenure of his appointment, before earning a retiring or superannuation pension, may be granted compensation Pension.

**39.** A wound or injury pension may be granted on the production of a medical certificate in the form in Appendix IV from the appropriate medical authority that the wound or injury is so severe as to justify the grant of a pension, even though the municipal servant concerned may not be permanently incapacitated for further service as a result of the wound or injury.

*Note :-* The attention of the Medical Authority is invited to the instructions laid for its guidance at the end of Appendix IV.

**40.** A wound or injury pension shall be granted not necessarily for the life-time of the pensioner but for such period as the competent authority may direct. If granted temporarily in the first instance, it may subsequently be extended for such further period, as may be considered necessary.

**41.** The competent authority may in exceptional cases sanction the grant of a wound or injury pension or gratuity to a Municipal Servant, whether permanent or otherwise, who is wounded or injured in the due performance of his official duties or because of his official position or sustains serious injury to his health in the execution of his official duties.

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# Sub rule(2) has been added under C.R. No. 1007, dated the 6th December 1962 and confirmed under G.R.U.D. and P.H. Depatt. No. BMC/1063, dated 26th July 1963.

**42.** If a municipal servant is permanently incapacitate for municipal service by a wound, injury or disability, in respect of which a wound or injury pension or gratuity is granted to him under, rule 41, he shall be granted, on retirement, in addition to such pension or gratuity, any other pension or gratuity for which he is eligible under these rules. The provisions of rule 52 shall apply to such a case.

**43.** When a municipal servant is required to retire from municipal service for misconduct or insolvency, or is required to retire from municipal service on grounds of inefficiency before he is eligible for a retiring or superannuation pension the competent authority may, if the case is deemed to be deserving of special consideration, sanction the grant to him of a compassionate pension.

*Note 1 :-* A dismissed municipal servant is not eligible for compassionate pension.

*Note 2 :-* See also Rule 11.

**44.** The Corporation may sanction the grant of a family pension or gratuity to the family of a municipal servant whether permanent or otherwise who is killed or who dies of injuries received or disease contracted in the circumstances described in Rule 41.

**45.** The conditions of the grant of a family pension under rule 44 shall be such as the Corporation by general or special order may prescribe.

#### **# New Rule 45A**

(1) (a) In respect of Municipal employees referred to in Rule 14B, the competent authority shall sanction the provisional pension equal to the maximum pension which would have been admissible on the basis of qualifying service upto the date of retirement of Municipal employees, or if he was under suspension on the date of retirement upto the date immediately preceding the date on which he was placed under suspension.

(b) The provisional pension shall be sanctioned by the competent authority from the date of retirement, subject to review after every six months upto and including the date on which, after the conclusion of departmental or judicial proceedings final orders are passed by the competent authority.

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# New Rule 45A - Added vide C. R. No. 960, dt. 21-12-92. Confirmed by State Govt. vide No. BMC-1393/667/CR-125/93, UD-27, dt. 31-1-2000.

(c) No gratuity shall be paid to the municipal employees until the conclusion of the departmental or judicial proceedings and issue of final orders thereon.

(2) Payment of provisional pension made under Sub Rule(1) shall be adjusted against final retirement benefits sanctioned to such municipal employees upon conclusion of such proceedings but no recovery shall be made where the pension finally sanctioned is less than the provisional pension or the pension is reduced or withheld either permanently or for a specified period. (Effect is given from 1-8-1987).



## SECTION V. -- AMOUNT OF PENSIONS

### \* Rule 46

Unless in any case it be otherwise expressly provided for in this section, the amount of Municipal Servant's pension is fixed by reference to the number of six monthly periods of qualifying service which counts for pension under the provisions of these rules and to the amount of his/her pensionable pay. Provided that fraction of a year equal to three months and above, shall be treated as the completed one half year and reckoned as qualifying service for determining amount of pension. (Effect is given from 30-6-1983).

### #\$ Rule 47

The amount of pension including Family Pension as finally calculated, as also amount of provisional pension if any, shall be rounded off to the next higher rupee.

*Note* : This rule applies to all classes of pensions, and gratuity sanctioned under Rule 44, 48, 57, 76 and 78. Compassionate pension granted under Rule 43 shall also be granted in whole rupee subject to limitation under Rule 54. (Effect is given from 31-1-2000)

Note (2) deleted. (Effect is given from 31-1-2000)

### Rule 48

(1) In the case of a Municipal employee retiring on superannuation, retiring, invalid or compensation pension before completing qualifying service of 10 years the amount of service gratuity shall be half month's pay for each completed six monthly period of qualifying service.

*Note* : The pay for the purpose of calculating the amount of service gratuity admissible under this rule will mean pay as defined in Rule 5 (1) (e) which the Municipal employee was actually drawing immediately before retirement. (Effect is given from 1-1-1986).

(2) (a) In the case of Municipal employee retiring on superannuation, retiring, invalid, or compensation pension in accordance with the provisions

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\* Rule 46 - Amended *vide* (AR) (SC) No. 1577, dt. 16-3-85, AR (Corp.) No. 1662, dt. 27-3-85. Confirmed by State Govt. vide C. R. No. BMC-1385/4014/UD-3, dt. 12-5-86.

\$ Rule 47 - Amended *vide* C. R. 960, dt. 21-12-1992 Confirmed by State Govt. under G. R. No. BMC-1393/667/C.R./93/UD-21 dt. 31-1-2000.

of these rules after completing qualifying service of not less than 33 years the amount of pension shall be at 50% of pensionable pay subject to minimum of Rs. 375/- p. m. and maximum of Rs. 4000/- p. m.

(b) In the case of Municipal employee retiring on superannuation, retiring, invalid or compensation pension in accordance with the provisions of these rules who have rendered qualifying service of 10 years or more but less than 33 years, the amount of pension will be in such proportion of the maximum pension admissible under Clause (a) as the qualifying service rendered by them will bear to qualifying service of 33 years subject to minimum of Rs. 375/- p. m. and maximum of Rs. 4000/- p. m.

*Note* : In case of existing pensioners as on 1.1.1986 whose pension was calculated under slab formula, the pension will be re-calculated at 50% of pensionable pay without changing reckonable qualifying service and pensionable pay. The amount so increased in pension will not qualify for additional commutation of pension. (Effect is given from 1.1.1986).

**49.** If a municipal servant, who is entitled to compensation pension, accepts in its place another post in municipal service and subsequently becomes entitled to receive a pension of any class, the amount of such pension shall not be less than that of the compensation pension which he could have claimed if he had not accepted the post.

**Rule 50** deleted. ( With effect from 1-1-1986).

\* **51.** The amount of wound or injury pension or gratuity granted to a Municipal Servant under rule 41 shall be such as the competent authority may fix on a consideration of all the circumstances of the case, provided that it shall not exceed the limits prescribed below :-

(i) If the wound or injury involves the loss of an eye or limb, or the use of a limb or other incapacity equivalent in its effects to the loss of a limb, the pension shall be upto one-third of his pay, subject to a maximum of Rs. 150 per month. A separate pension on this scale may be granted for each eye or limb of which he has lost the use.

(ii) If the wound or injury be not of the nature described in clause (i) above, the pension shall be up to one-fifth of his pay, subject to a maximum of Rs., 75 per month.

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\* Rule 48 - Amended vide C. R. NO. 379, dt. 1-9-1989 amendment Confirmed by State Govt. vide No. BMC-1393/667/C.R./93/UD-21 dt. 31-1-2000.

(iii) If the injury is caused to the health, the pension shall be subject to a maximum of Rs. 50 per month.

(iv) If it be a gratuity, its amount shall be the equivalent of the pension admissible under clause (i)(ii) or (iii) above as may be appropriate in the case, but shall in no case exceed 24 times of his pay.

**52.** If the amount of qualifying service counting for pension of a municipal servant who is granted a wound or injury pension or gratuity renders him eligible for an invalid gratuity and not for an invalid pension, he may at his option exchange his invalid gratuity for a pension calculated at the rate of 1/80th of his pensionable pay for each completed year of qualifying service.

**53.** In the case of a person to whom the Workmen's Compensation Act, 1923, applies :-

(1) a wound or injury pension or gratuity under the provisions of Rule 51 and a family pension or gratuity under Rule 55 or 77 shall be paid only if the sanctioning authority considers that the compensation payable under the Act is in the particular case inadequate; and

(2) the amount of pension or gratuity paid to any such person shall exceed the difference between the amount otherwise admissible under these rules and the amount of compensation payable under the Act.

**\* Rule 54**

The amount of compassionate pension granted to a Corporation employee under Rule 43 shall be such as the competent authority may fix in each case; provided that it shall not exceed two-third of the invalid service gratuity and pension which would have been admissible to him had he retired on a medical certificate; provided further that the pension or gratuity sanctioned under this rule shall be whole in rupees and subject to minimum pension as prescribed by Rule 48. (Effect is given from 1.1.1986).

**55.** If a family pension is granted under Rule 44 to the family of a deceased municipal servant, its amount shall be fixed by the Corporation on a consideration of all the circumstances of the case; provided that it shall not

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\* Rule 51 amended under C.R. No. 1380, dated the 11th January 1960 and confirmed under Government resolution, Urban Development and Public Health Department, No. BMC-5360/30991-C, dated the 19th September 1960.

\* Rule 54 - Amended vide C. R. No. 319, dt. 1-9-1989 amendmnt Confirmed by State Govt. vide No. BMC-1393/667/C.R./93 UD-4 dt. 31-1-2000.

exceed one half of his pay or if it be a gratuity, its amount shall not exceed 24 times the pay of the deceased municipal servant.

**# New Rule 55A**

Interest on delayed payment of gratuity.

(1) If the payment of gratuity has been authorised after three months from the date when its payment became due and it is clearly established that the delay in payment was attributable to administrative lapse, interest at the following rate on the amount of gratuity in respect of the period beyond three months shall be paid :-

- |                                       |   |     |
|---------------------------------------|---|-----|
| (i) beyond 3 months and upto one year | - | 7%  |
| (ii) beyond one year                  | - | 10% |

Provided that the delay in the payment was not caused on account of failure on the part of the Municipal servant to comply with the procedure laid down in this behalf.

(2) Every case of dealyed payment of gratuity shall suo-motu, be considered by the concerned department and where the department is satisfied that the delay in payment of gratuity was caused on account of administrative lapse, that department shall make a recommendation to the Chief Accountant's department for the payment of interest.

(3) If the recommendation of the department made under sub-rule (2) is accepted by the Chief Accountant's department, the concerned department shall accord sanction for the payment of interest.

(4) In all cases where the payment of interest has been authorised with the concurrence of the Chief Accountant's department concerned shall fix the responsibility and take disciplinary action against the Municipal servant or servants concerned who are found responsible for the delay in the payment of gratuity.

(5) If as a result of Corporation's decision taken subsequent to the retirement of a Municipal servant, the amount of gratuity already paid on his retirement is enhanced on account of -

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# New Rule 55-A added *vide* S.C.R. No. 1772 of 25-1-1988, C.R. No. 85 of 5-5-1988 and confirmed by Government under G.R. No. BMC-1388/3445/CR-285/88/UD-21 dated 22-9-1989.)

# New rule 55 B added *vide* S. C. R. No. 1772 of 25.1.1988, C. R. No. 85 of 5.5.1988 and confirmed by Government under G. R. No. BMC-1388/3445/CR-285/88/UD-21 dated 22.9.1989).

(a) grant of pay higher than the pay on which gratuity already paid was determined.

or

(b) liberalisation in the provisions of these rules from a date prior to the date of retirement of the Municipal servant concerned, no interest on the arrears of gratuity shall be paid.

(6) Interest at the rates prescribed in Sub Rule (1) above, shall be payable upto the end of the month preceding the month in which payment of gratuity is made.

(7) Payment of gratuity is not made in case of employees against who departmental or judicial enquiry is pending. However, on completion of departmental/judicial enquiry, if the Municipal servant is acquitted of the charges levelled against him and if the competent authority sanctions the payment of gratuity the payment will be deemed to have become due and payable on the date immediately following the date of retirement. No interest will however, be payable in case Municipal servant in whose case departmental/judicial enquiry has been withdrawn due to death of Municipal employee.

(8) Above provisions shall be equally applicable in case of Municipal employee who dies while in service. (Effect is given from 1-6-1988).

#### **# New Rule 55B**

Interest on delayed payment of Monthly pension :--

(1) If the payment of pension has been delayed beyond six months from the date when its payment became due and if it is clearly established that the delay in payment is attributable to administrative lapse, interest at the rate of 10% p.a. shall be paid on the amount of pension in respect of the period beyond six months. Interest shall be payable from 1st of the month following the expiry of the period of six months provided that the delay was not caused due to failure on the part of retired municipal servant to comply with the procedure laid down in this behalf.

(2) Every case of delayed payment of pension shall suo motu be considered by the concerned department and where the department is satis-

fied that the delay in payment of pension was caused on account of administration lapse, that department shall make recommendation to the Chief Accountant's department for payment of interest.

(3) If the recommendations of the department made under Sub Rule (2) is accepted by the Chief Accountant's Department, the department concerned shall accord sanction for the payment of interest on pension.

(4) In all cases where payment of interest has been authorised, the department concerned shall fix the responsibility and take appropriate action to recover the amount of interest from the concerned staff, who are found responsible for the delay in the payment of monthly pension.

(5) If as a result of Corporation's decision taken subsequent to the retirement of a municipal servant, the amount of pension already paid on his retirement is enhanced on account of---

(a) grant of pay higher than the pay on which pension already paid was determined. or

(b) liberalisation in the provisions of these rules from a date prior to the date of retirement of the municipal servant concerned, no interest on the arrears of pension shall be paid.

(6) Interest on delayed payment of pension shall be payable upto the month preceding the month in which payment of pension is actually made.

(7) Payment of pension is not made in case of employees against whom departmental or judicial enquiry is pending, However, on completion of departmental/judicial enquiry, if the municipal servant is acquitted of the charges levelled against him and if the competent authority sanctions the payment of pension, the payment will be deemed to have become due and payable on the date immediately following the date of retirement. No interest will, however, be payable in case Municipal Servant in whose case departmental/ judicial enquiry has been withdrawn due to death of municipal employee. (Effect is given from 1-6-1988).

**# Rule 56 :**

The Corporation may, during a period in which there would be an abnormal increase in the cost of living grant such temporary increase (Dearness Relief)

in the monthly pension sanctioned under the provisions of these rules as they deem fit subject to such conditions as may be prescribed. The temporary increase (Dearness Relief) will be continued for such period as may be determined by the Corporation. Temporary Increase (Dearness Relief) granted under this rule will not be admissible on the Wound or Injury Pension granted under Rule 41. (Effect is given from 1.1.1986).

## SECTION VI. -- DEATH-CUM-RETIREMENT GRATUITY

### \* Rule 57 :

(1) A Municipal employee who has completed 5 years' qualifying service and is eligible for service gratuity or pension under Rule 48 on his retirement, be granted Death-cum-Retirement Gratuity equal to one forth of his pay for each completed six monthly period of qualifying service subject to maximum 16½ times of the pay provided that amount of Death-cum-Retirement Gratuity payable shall be in no case exceed Two Lakh Fifty thousand rupees. (Effect is given from 1-4-1995).

(2) If a Municipal employee whether permanent or temporary dies while in service, the gratuity on the sliding scale as indicated below be paid to the person or persons on whom the right to receive the gratuity is conferred under Rules 58 or if there is no such person then to the surviving members of the family in the manner indicated in Sub Rule 3; provided that gratuity already paid as per rule before 1.2.1989, shall not be altered to the disadvantage of the recipient.

Completed years of qualifying service	Rate of Gratuity
i) Less than one year.	2 times of pay.
ii) One year or more but less than 5 years.	6 times of pay.
iii) 5 years or more but less than 20 years.	12 times of pay.
iv) 20 years or more	Half of the pay for each completed six monthly period of qualifying service subject to maximum of 33 times of pay provided that the amount of gratuity shall in no case exceed Two Lakh Fifty Thousand Rupees.(Effect is given from 1-4-1995).

*Note* : Notwithstanding anything contained in Rule 5 (1) (f) service in temporary capacity not followed by confirmation will also be treated as qualifying service for the purpose of this rule.

\* Rule 57 - Amended vide SCR No. 1497, dt. 5-2-1992, C. R. No. 980, dt. 21-12-1992 maximum D.C.R.G. Rs. 1 lakh with effect from 1-1-1986 further amendmnt by S.C.R. No. 1792, dated 21-3-1996 C. R. No. 212, dated the 25-6-96, confirmed under G. R. No. BMC-1393/667/ C.R.-125/93/UD-21, dt. 1-2-2000.



(3) If a Municipal employee who dies while in service or dies after retirement before the gratuity is paid to him, a gratuity not exceeding the amount specified in Sub Rule (1) or (2) may be paid to the person or persons on whom the right to receive the gratuity is conferred under Rule 58. If there is no such person, it may be paid in the manner indicated below.

i) If there are one or more surviving members of the family as in items (a), (b), (c) and (d) of sub rule (9) of rule 58, it may be paid to all such members other than any such member who is a widowed daughter, in equal shares.

ii) If there are no such surviving members of the family as at (i) above, but there are one or more surviving widowed daughters and or one or more surviving members of the family as in items (e), (f), (g), (h) and (i) of Sub Rule (9) of Rule 58, the gratuity may be paid to all such members in equal shares.

(4) If the death was due to circumstances mentioned in Rule 41 and the Family Pension or gratuity under Rule 44 is sanctioned, no gratuity under this rule will be permissible provided that in exceptional circumstances, the Corporation may on consideration of all the circumstances of the case sanction a gratuity not exceeding the amount specified in Sub Rule (1).

(5) If a Municipal employee who has become eligible for a pension or service gratuity under Rule 48, dies within 5 years after he has retired from service and sums actually received by him at the time of death on account of such gratuity or pension together with the gratuity granted under sub Rule (1) and the commuted value of any portion of pension commuted by him are less than an amount equal to twelve times of pay, gratuity equal to the deficiency may be granted to the person or persons specified in Sub Rule (3).

(6) The pay for the purpose of this rule means pay as defined in Rule 5 (1) (e) which the Municipal employee was drawing immediately before retirement or at the time of his death provided that if the pay of a Municipal employee has been reduced during last 10 month of his service otherwise than as a penalty, "pensionable pay" as defined in Rule 5 (1) (e) may at the discretion of the competent authority be treated as pay.

If immediately before his retirement or death a Municipal employee has been absent from duty on leave with pay and allowances his pay for the purpose of calculating gratuity should be taken at what it would have been had he not been absent from duty, provided that the amount of gratuity is not increased on account of increase in pay not actually drawn, and that benefit of

higher officiating or temporary pay is given only if it is certified that he would have continued to hold the higher officiating or temporary appointment but for his proceeding on leave.

(7) No gratuity under this rule may be granted to a Municipal employee if he is :

(a) dismissed, or required to retire from Municipal service for misconduct or insolvency, or

(b) required to retire from Municipal service for inefficiency before completing 30 years' qualifying service.

Provided that a compassionate grant not exceeding 2/3rd of the amount of gratuity that would have been admissible to the Municipal employee had he retire on a medical certificate of incapacity, may be made in accordance with Rule 43. (Effect is given from 1-1-1986)

**58.** (1) A municipal servant shall, as soon as he is substantively appointed to a permanent post, make a nomination conferring on one or more persons the right to receive any gratuity that may be sanctioned under sub-rules (2) and (4) of Rules 57 and any gratuity which having become admissible to him under sub-rule (1) of Rule 57 and Rule 48 has not been paid to him before death;

Provided that if, at the time of making the nomination the municipal servant has a family, the nomination shall not be in favour of any person or persons other than the members of his family.

(2) If a Municipal servant nominates more than one person under sub-rule (1), he shall specify in the nomination the amount of share payable to each of the nominees in such manner as to cover the whole amount of the gratuity.

(3) A municipal servant may provide in a nomination :--

(a) in respect of any specified nominee, that in the event of his pre-deceasing the municipal servant, the right conferred upon that nominee shall pass on to such other member of the municipal servant's family or if he has no family to such other person as may be specified in the nomination.

(b) that the nomination shall become invalid in the event of the happening of a contingency, specified therein.

(4) The nomination made by a municipal servant who has no family shall become invalid on his subsequently acquiring a family.

(5) (a) Every nomination shall be in such of the forms A to L Appendix VII as may be appropriate in the circumstances of the case.

(b) A Municipal servant may at any time cancel a nomination by sending a notice in writing to the head of the department, provided that the Municipal servant shall along with such notice, send a fresh nomination made in accordance with this rule.

(6) Immediately on the death of a nominee in respect of whom no special provision has been made in the nomination under clause (a) of sub-rule (3) or on the occurrence of any event by reason of which the nomination becomes invalid in pursuance of clause (b) of that sub-rule or sub-rule (4), the Municipal servant shall send to the head of the department a notice in writing formally cancelling the nomination, together with a fresh nomination made in accordance with this rule.

(7) Every nomination made, and every notice of cancellation given, by a Municipal servant under this rule, shall be sent by the Municipal servant to the Head of the Department. Immediately on receipt of a nomination from a Municipal servant the Head of the Department shall countersign it indicating the date of receipt and keep it under his custody.

(8) Every nomination made, and every notice of cancellation given, by a Municipal servant shall, to the extent that it is valid, take effect on the date on which it is received by the head of the department.

(9) 'Family' for the purposes of this rule will include the following relatives of the Municipal servant :--

- (a) Wife, in the case of a male Municipal servant,
- (b) Husband, in the case of female Municipal servant,
- (c) Sons,
- (d) Unmarried or Widowed daughters.

\*(e) Brothers below the age of 18 years and unmarried or Widowed sisters (including step brothers and step sisters),

(f) Father,

(g) Mother,

\*\* (h) Married daughters and ;

(i) Children of a pre-deceased son.

*Note.* 1-(c) and (d) will include step-children.

*Note.* 2 An adopted son or an adopted daughter may be treated as a son or daughter, if under the personal law of the Municipal servant adoption is legally recognised as conferring the status of a natural child, but not otherwise.

**New Rule 58 A - Nomination for life-time arrears of pension --**

(1) Any Municipal employee who is amenable to B. M. C. Pension Rules (1953) as soon as he is substantively appointed to a permanent post may any time before the date of retirement, nominate any other person as his nominee who shall receive, after the death of that municipal pensioner all moneys payable to him/her on account of such arrears of pension on, before or after the date of such nomination and which remained unpaid immediately before the death of the pensioner and shall submit the nomination in triplicate, as prescribed in Appendix-X (Form 'F') to the Head of the Department under whom he/she is serving.

(2) On receipt of the nomination under sub-rule (1), the Head of the Department shall get the particulars of employee as mentioned in Appendix-X (Form 'F') verified with reference to the records of the establishment and return to the employee the triplicate copy of the nomination duly attested by the Head of the department or any other officer competent to do so, after obtaining receipt thereof, Duplicate copy will be retained by the Head of the department for their record while original copy will be sent to

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\*\* Modified under C. R. No. 1340, dated 8th December 1960 and confirmed under Urban Development and Public Health Department Resolution No. BMC-5361/11493-C, dated 25th April 1961.

\* (e) Amended under C. R. No. 346, dated 12th October 1961 and confirmed under G. R. Urban Development and Public Health Department, No. BMC-5361-38330-C, dated 6th February 1962.

C. A.'s monthly pension passing section (H. O.) for keeping the same in safe custody.

(3) A municipal pensioner who has already retired from Municipal service and who is in receipt of pension may nominate any person as a nominee in accordance with sub-rule (1) above and submit nomination in triplicate in the prescribed form, Appendix-X (Form 'F') to the respective pension payment passing A/c. Unit, at which pension is drawn by the pensioners. The pension disbursing authority shall get the particulars of the pensioner as mentioned in Appendix-X (Form 'F') verified with reference to available record and return to the pensioner triplicate copy of the nomination duly attested by the Asstt. Accountant in-charge of the Account Unit after obtaining acknowledgement thereof. Duplicate copy of the nomination shall be sent to the Department for record while original copy will be kept in safe custody by the concerned Accounts Unit.

(4) A Municipal servant/Pensioner may at any time cancel such nomination by sending a notice in writing to that effect to the Head of Department or to C. A.'s Head Office, or A/c. Unit from where pensioner is drawing monthly pension, as the case may be, provided that such Municipal employee/pensioner shall alongwith such notice send a fresh nomination made in accordance with this Rule. A notice of modification of nomination will also be submitted by the pensioner in the manner specified above in case nominee pre-deceases the employee/pensioner.

(5) A nomination or a fresh nomination or a notice of modification of nomination shall be signed by pensioner or if he is illiterate shall bear his thumb impression given in the presence of two witnesses who shall also sign the declaration to that effect.

(6) Every nomination or fresh nomination or notice of modification of nomination made in, accordance with the above rules shall be made effective from the date of receipt thereof by the Head of the Department or by the Pension passing Section of C.A.'s Department or Accounts Unit as the case may be.

(7) A nomination made under this rule and accepted by the Head of the department or C.A.'s Office shall be a conclusive proof with regard to the person nominated to receive arrears of the pension remained unpaid on the death of pensioner, to the exclusion of all other persons.

(8) The provisions of this rule shall also apply in respect of family pensioner mutatis-mutandis and accordingly family pensioner may nominate his/her nominee in accordance with the provisions of this rule.

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\* New Rule 58 A added vide SCR No. 771 dt. 25-7-1986, C. R. No. 692 of 25-11-1986.

## SECTION VII.--FAMILY PENSION

# 59. (1) A family pension not exceeding the amount specified in sub-rule (2) may, save in the circumstances described in sub-rule (8), be granted to the family of a Municipal servant in the event of his death after he has completed 20 years' qualifying service and in exceptional circumstances with less than 20 years' qualifying service but not less than 10 years' qualifying service for the following period :-

Pension will be payable for a period of 10 years, provided that the period of payment of family pension will in no case extend beyond a period of 5 years from the date on which the deceased Municipal servant retired or on which he would have retired on a superannuation pension in the normal course, according as the death takes place after retirement or while the Municipal servant is in service.

\* (2) Subject to a maximum of Rs. 150 p.m. and minimum of Rs. 40 p.m. & subject to the provisions of sub-rule (8) the amount of family will be :-

(a) In the event of death while in service, half the superannuation pension admissible to the officer had he retired on the date following the date of his death.

(b) In the event of death after retirement, half the pension except wound or injury pension or compassionate pension, sanctioned for him at the time of retirement.

Provided that the minimum pension shall not, in any case, exceed the full amount of pension sanctioned to the deceased Municipal servant at the time of his retirement or in case he dies while in service, the pension that would have been admissible to him, if he had retired on superannuation pension on the date following the date of his death.

Provided further that when a Municipal servant had commuted a part of his ordinary pension before his death, the amount of family pension shall first

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\*Sub-rule (1) of Rule 59 Modified under Corporation Resolution No. 266, dated 13th May 1959 and Government Resolution Urban Development and Public Health Department. No. 5359/37242, dated 3rd August 1960.

Rule 59 (1) and (2) amended *Vide* C.R. No. 375, dated 24th June 1965 and confirmed under Government Resolution U.D. & P.H.D. No. BMC-5869/45939-G, dated 7th December 1965.

\* Rule 59(2) amended under C.R. No. 43, dated 7th May 1973 and Government Resolution Urban Development public Health and Housing Department No. BMC/1073-52454-C, dated 24th August 1973, effect given from 1st April 1972.

be calculated ignoring the fact that the Municipal servant has commuted a part of his ordinary pension and from the amount so arrived at, the amount of pension commuted should be deducted.

(3) 'Family' for the purposes of this rule will be as defined in sub-rule (9) of rule 58.

(4) No pension will be payable under this rule :-

(a) to a person mentioned in clause (b) of sub-rule (5) without production of reasonable proof that such person was dependent on the deceased municipal servant for support;

(b) to an unmarried female member of a municipal servant's family in the event of the marriage.

(c) to a widowed female member of a municipal servant's family, in the event of her re-marriage ;

(d) to a brother of a municipal servant on his attaining the age of 18 years;

(e) to a person who is not a member of a municipal servant's family.

\*\* (5) In the absence of any valid nomination made under sub-rule (6) :-

(a) a pension sanctioned under this rule will be allowed :-

(i) to the eldest surviving widow, if the deceased is a male

Municipal servant or to the husband if the deceased is a female Municipal servant.

*Note* : The expression "eldest surviving widow" occurring in clause (a)(i) above should be construed with reference to the seniority according the date of marriage with the municipal servant and not with reference to the age of surviving widows.

(ii) failing a widow or husband, as the case may be, to the eldest surviving son;

(iii) failing (i) and (ii), to the eldest surviving unmarried daughter;

(iv) these failing, to the eldest widowed daughter and

(b) in the event of no pension becoming payable under clause (a), the pension may be granted :-

- (i) to the father;
- (ii) failing the father, to the mother;
- (iii) failing the father and the mother, to the eldest surviving brother below the age of 18;
- (iv) these failing, to the eldest surviving married sister;
- (v) failing (i) to (iv), to the eldest surviving widowed sister.

\* (6) If a municipal servant who has completed 20 years service desires that the pension that may be sanctioned under this rule should be payable to any members of his family in any order to be specified by him, he may make a nomination for the purpose in the form E in Appendix VII indicating the order in which the pension should be payable to the members of his family, and to the extent, that it is valid, the pension shall be payable in accordance with such nomination, provided that the persons concerned satisfy the requirements of sub-rule (4) at the time of the grant of pension. In case the person concerned does not satisfy the requirement of the said sub-rule, the pension shall be granted to the person next lower in the order. The provisions of sub-rules (5) (b), (7) and (8) of Rule 58 will apply in respect of nomination, under this sub-rule.

(7) (a) A pension awarded under this rule will not be payable to more than one member of a municipal servant's family at the same time.

(b) If a pension awarded under this rule ceases to be payable before the expiry of the period mentioned in sub-rule (1) on account of death or marriage of the recipient or other causes, it will be re-granted to the person next lower in the order mentioned in sub-rule (5) or to the person next lower in the order shown in the nomination made under the sub-rule (6), as the case may be, who satisfied the other provisions of this rule.

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\*\* Rule 59 (5) amended under Corporation Resolution No. 279, dated 22nd June 1959, and confirmed under Government Resolution, Urban Development and public Health Department, No. bmc-5359-C, dated the 13th May 1960.

\* Rule 59(6) modified under Standing Committee Resolution No. 1603, dated the 24th November 1955 and confirmed under Corporation Resolution No. 1009, dated the 5th December 1955 and Government Resolution No. BMC-5955-E, dated the 20th December 1955, Local Self-Government and Public Health Department and further modified under Corporation Resolution No. 266, dated 13th May 1959 and Government Resolution Urban Development and Public Health Department No. 37242-C, dated 3rd August 1960.



(8) No pension will be sanctioned under this rule in a case in which family pension under rule 44 is sanctioned; provided that if the pension sanctioned under rule 44 is less than the amount of pension admissible under this rule, the difference between the amount admissible under this rule and the amount sanctioned under rule 44 shall be granted under this rule.

(9) As in the case of the grant of an ordinary pension, future good conduct of the recipient is an implied condition of every grant of a pension under this rule. The competent authority may at its discretion withhold or withdraw such a pension or any part of it if the recipient be convicted of serious crime or be guilty of grave misconduct and its decision in such matters will be final.

**SECTION VIII.--PAYMENT OF PENSIONS**

**60.** Except in cases covered by Rule 61, a pension shall be payable from the date on which the pensioner ceased to be in municipal service :

Provided that a pension granted to Municipal Servant in special circumstances long after his retirement shall be payable from the date of sanction unless the sanctioning authority otherwise directs.

**61.** A wound or injury pension shall be payable from the date of the wound or injury and a family pension under Rule 44 from the date following the death of municipal servant, provided--

(1) that, if considerable delay has occurred in making the application for a wound or injury pension, it shall be payable from the date of the Medical report on the case unless in exceptional circumstances the competent authority otherwise directs; and

(2) that, if considerable delay has occurred in making application for a family pension, under Rule 44, it shall be payable from such date as the corporation may prescribe.

**62.** Unless in case it be otherwise distinctly provided in the orders sanctioning it, a pension shall be payable up to and including the date of the pensioner's death.

**\* Rule 63**

Payment of pension including gratuities shall be made in accordance with the procedure prescribed by the Municipal Commissioner from time to time.

*Note :* The procedure prescribed by the Municipal Commissioner for the convenience of the pensioners for payment of pension through certain banks with effect from 1-4-1983 is treated as authorised. (Effect is given from 1-4-1983).

**64.** When any sum is payable in respect of pension or gratuity to any person, and the person to whom the sum is payable is certified by a Magistrate to be a lunatic, the procedure laid down in the Indian Lunacy Act shall be followed.

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\* Rule 63 amended vide AR (SC) 1577 of 16-3-1985 AR (Corporation) No. 1662 of 27-3-1985 confirmed by Government under G. R. No. BMC/1385/4014/UD-3 dated 12-5-1986.

## SECTION IX.--COMMUTATION

### # Rule 65 (a)

The competent authority may sanction the commutation for a lumpsum payment as fraction not exceeding 1/3rd of the pension (i.e. basic pension excluding additional pension or temporary increase).

(b) The commutation of any part of a pension is a concession and not a matter of right, and the competent authority may at its discretion refuse commutation in any case without stating reasons.

\*(c) In the case of the person drawing pension partly from the Corporation and partly from Government, the maximum amount of pension that can be commuted under sub-rule (a) above shall be subject to the following further restrictions :--

(1) The amount of pension commuted from Government's share together with the amount commuted from Municipal share shall not exceed--

(i) in the case of persons whose pension is regulated under Government's Revised Pension Rules, one-third of the total pension;

(ii) in the case of persons whose pension is regulated under Government's Old Pension Rules, one-third of the Municipal share of the pension *plus* one half of the Government's share.

**(c) (2) :** Deleted.

### \$ Rule 66 (a)

Application for commutation shall be made in the form prescribed in Appendix V or VA as the case may be and the applicant shall indicate the fraction of pension which he desires to commute and may either indicate the maximum limit of 1/3rd of pension or such lower limit as he may desire to commute. If the fraction of pension to be commuted results in fraction of pension to be commuted results in fraction of a rupee, such fraction of rupee shall be ignored for the purpose of commutation.

# Rules 65(a) amended vide S.C.R. No. 1854 of 12-3-1986 C.R. 245 of 14-7-1986 confirmed by Government under G.R.No. BMC/1386/1955/CR-473/86/UD-3 dated 3-1-1989.

\* Rule 65 modified by adding clause (c) under standing Committee Resolution No. 1603, dated the 24th November 1955 and confirmed under Corporation Resolution No. 1009, dated the 5th December 1955 and Government Resolution, Local Self-Government and Public Health Department No. BMC-5955-E, dated the 20th December 1955.

\* Attention of the Medical Board is invited to instructions laid down for its guidance in the form at Appendix VIII.

\$ Rule 66 (a) amended vide SCR/1854 of 12-3-1986, CR/245 of 14-7-1986 and confirmed by Govt. vide G. R. No. BMC/1386/1955/CR/473/86/UD-3 dated 3-1-1989.

(b) An application for commutation should be submitted through the head of the department who will forward the same to the Chief Accountant together with the following information, viz., (1) the Pension Roll Number, (2) Date of birth, (3) Amount of pension, (4) the amount of pension already commuted if any, (5) Class of pension and (6) Date of retirement.

(c) The chief Accountant will work out the lump sum-payable on commutation in the manner prescribed in rule 69 and will forward the papers with his certificate in this behalf to the competent authority.

\* **Rule 67 (a) & (b)** : Deleted.

\* **Rule 67A**

A Municipal employee who on becoming eligible to a superannuation pension or retiring pension ( including a retiring pension under the Scheme of premature Voluntary retirement ) or a compensation pension or a pension in whole or in part on the finalisation of the departmental or judicial proceedings and issue of a final orders thereon applies for a commutation in the form prescribed in Appendix V within one year of the date of his ceasing to be in service or within one year from issue of final orders in respect of employee who is facing judicial or departmental proceeding, will not be subjected to Medical examination as required under Rule 70(a). Similarly Municipal employees governed by B. M. C. Provident Fund Rule or B. M. C. Pension, etc., regulation and allowed to opt for B. M. C. Pension Rules (1953) with retrospective effect and who are entitled to Superannuation Pension or Retiring Pension or Compensation Pension and who apply for commutation of pension in the form prescribed in Appendix V within one year from the date of exercising the option will also not be subjected to medical examination as aforesaid. Any reference to Medical Board and Medical examination and consequent effect thereof will not be applicable his/her case. The above provision will be subject to the following conditions.

(i) This Rule shall not apply to employee/pensioners eligible to any classes of pension other than those referred to above.

(ii) No Municipal employee against whom departmental/ judicial proceedings have been instituted/continued or who is under investigation before the date of retirement or a pensioner against whom such proceedings are

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\* Rule 67 deleted and Rule 67 A amended *vide* SCR-1854, dated 12-3-1986, CR-245 dated 14-7-1986 confirmed under G.R. BMC-1386/1955/CR-473/86/UD dated 3-1-1989 further amended *vide* CR-960 dated 21-12-1992 and confirmed by under GR. BMC/1393/667/CR-125/93/UD-27, dated 31-1-2000.

instituted, shall be eligible to commute a fraction of his provisional pension or pension during the pendency of such proceedings.

(iii) Application for commutation of pension under this rule will be made after the date of retirement but not later than one year of the date of retirement, or issue of final orders in respect of those facing departmental or judicial proceedings or date of exercising the option for B.M.C. Pension Rules (1953) as the case may be. The commutation shall become absolute i.e. the retired Municipal employee shall be entitled to receive the commuted value on the date on which his application is registered by the office to which he submits his application for commutation and he will have no option to withdraw his application.

(iv) A Municipal employee who is due to retire on his superannuation and desires payment of commuted value of pension at a time of issue of pension payment order shall be eligible to apply for commutation of a fraction of pension prior to the date of retirement.

**Provided that-**

(a) the Municipal employee retires on superannuation pension only.

(b) the application is submitted to the Head of the Department so as to reach the Head of Department not later than 3 months before the date of superannuation.

(c) application not received as stated in (b) above may not be entertained for the purpose of making payment at the time of issue of Pension Payment Order. Chief accountant/Jt. Chief Accountant will have absolute discretion whether such application received late should be entertained or not for the payment at the time of issue of pension Payment order.

(d) the Corporation shall have no liability for the payment of commuted value of pension if the Municipal employee dies before the date of superannuation or forfeits his claim to pension before retirement.

(e) a Municipal employee who has applied for commutation of pension under this Rule will have no option to withdraw his application. (Effect is given from 1-4-1990).

**Rule 68**

(1) On receipt of sanction to the commutation, the applicant will be furnished with the copy of the Chief Accountant's certificate of lumpsum payable on commutation in the event of his being reported by the Medical Authority, prescribed in Rule 70, to be a fit subject for commutation and shall at the same time be instructed to appear for examination before the said Medical Authority within 3 months from the date of the order. The administrative sanction to commutation shall lapse if the medical examination does not take place within a period prescribed. If the applicant does not appear for examination before the said medical authority within the prescribed period, the competent authority may at its discretion, renew the administrative sanction for a further period of 3 months without obtaining a fresh application for commutation of pension. The applicant may withdraw his application by written notice despatched at any time before the medical examination is due to take place, but this option shall expire on his appearance before the medical authority provided that if the medical authority directs that his age for the purpose of commutation shall be assumed to be greater than his actual age, the applicant may withdraw his application by written notice despatched within two weeks from the date on which he receives intimation of the revised sum payable on commutation, or if this sum is already stated in the sanctioning order, within 2 weeks from the date on which he receives intimation of the finding of the medical authority. If the applicant requests the Chief Accountant through Head of the Department within a period of two weeks of the receipt of information of revised sum on account of medical report he may be permitted to reduce the amount of pension already applied for commutation to an amount to be indicated by him. The Chief Accountant shall then authorise the payment of commuted value of pension with reference to the reduced amount. If the applicant does not withdraw in writing his application within the period of two weeks prescribed above, he shall be assumed to have accepted the sum offered.

(2) Subject to the provisions contained in Clause (3) and to the withdrawal of an application under the proviso to Clause (1) of this rule, the commutation shall become absolute, that is the retired Municipal servant shall become entitled to receive the commuted value on date on which the medical authority signs the medical certificate. In the case of an impaired life, the

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Rule 68 - Amended vide SCR No. 1854, dt. 12-3-1989, C. R. No. 245 of 14-7-1986, confirmed under G.R. BMC/1386/1955/CR-473/86/UD dated 3-1-1989.

commutation shall become absolute (i) on the date on which a written acceptance of the Municipal servant of the commutation has been registered by the office to which it is submitted or (ii) on the date on which the period within which the application for commutation may be withdrawn has expired.

(3) If the applicant makes any statement found to be false within his knowledge or wilfully suppresses any material fact in answer to any question, written or oral, put to him in connection with his medical examination, the competent authority may cancel the sanction at any time before payment is actually made ; and such a statement or suppression may be treated as grave misconduct for the purpose of Rule 14.

**\* Rule 69**

The lumpsum payable on commutation referred to in Rule 67A and 68 shall be calculated in accordance with a table of present value prescribed by the Corporation from time to time. The table included in Appendix-vi shall remain in force until altered. For the purpose of this rule. the age in the case of impaired lives shall be assumed to be such age, not being less than the actual age, as the certifying medical authority may direct. If the table of present value is modified before the date on which the commutation is due to become absolute, payment shall be made in accordance with the modified table but shall be open to the applicant, if the modified table is less favourable to him than that previously in force, to withdraw his application by notice in writing despatched within 14 days of the date on which he received the notice of the modification.

**\* New Rule 69 A**

(1) In case of an applicant who is drawing his monthly pension from a branch of an approved bank, if the commuted value of pension is remitted to the bank directly by the Chief Accountant, the reduction in the amount of pension on account of commutation shall be operative from the date on which the commuted value of pension is remitted to the bank.

(2) In the cases where the amount of commutation is made payable at Municipal Treasury, the reduction in the amount of pension on account of

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\* Rule 69 - Amended and New rule 69 A (1), 69 A (2) added Vide SCR No. 1854 dt. 12-3-1986 C. R. No. 245 dt. 14-7-1986. confirmed under G. R. No. BMC-1386/1955/CR-473/86/UD, dated 3-1-89.

# *NOTE*--The attention of the Medical Board is invited to the instructions which have been laid down for its guidance, in the Form in Appendix VIII.

commutation shall be operative from the date of receipt of commuted value of pension.

# 70. (a) Before the commutation of pension administratively sanctioned becomes absolute, the applicant must be examined by the Medical Board constituted under Rule 8.

(b) The Medical Board shall subject the pensioner to a strict medical examination requiring him to give such information as to his age, health, and habits, as is usually supplied by persons proposing to assure their lives within Assurance Company and shall report in the following terms and shall obtain in its presence the signature of the pensioner and also the left hand thumb and finger impression --

Place.....

Date.....

We have carefully examined Shri..... retired..... according to the instructions\* laid down for the examination of applicants for commutation of pension, and are of opinion that :-

1. Either Shri ..... is in good bodily health and has the prospect of an average duration of life is not a fit subject for commutation

or (in the case of an impaired life which is yet considered a fit subject for commutation as) Shri .....is suffering from ..... his age for the purpose of commutation should be taken to be ..... years on his next birthday.

2. Shri ..... has been identified by us with reference to the particulars of identification marks furnished to us by the Head of the Department concerned.



Marks of identification.

- (1) .....
- (2) .....
- (3) .....
- Signature .....

Left hand thumb and finger impressions of municipal servant.

Member of Medical Board	Member of Medical Board.	President Medical Board
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(c) In the case of an applicant, who has been or is about to be granted an invalid pension, or has previously commuted any portion of his pension (or declined to accept commutation) on the basis of an addition of years to his actual age, or has been refused commutation on medical grounds, copies of the previous medical reports or statements of his cases shall be communicated to the Medical Board before the certificate is signed.

(d) The applicant shall himself pay such fee as will be fixed under the rules framed under Rule 8, for examination by the Medical Board.

(e) When a pensioner is sent up for medical examination, the head of the department concerned should furnished the Medical Board within particulars of identification marks of the pensioner.

(f) If a pensioner, after he has once been rejected on the recommendation of the Medical Boards as not being a fit subject for commutation, or after he has once declined to accept commutation on the basis of an addition of years to his actual age recommended by the Medical Board, wants to present himself subsequently for medical examination with a view to the revision of the original finding, he will, at the discretion of the competent authority, be allowed only one Re-examination at his cost; provided that an interval of not less than a years shall elapse between the date of the medical examination and that of the second.

(g) The medical board shall without delay forward the medical certificate in original to the Head of the Department who shall transmit the same together with the administrative sanction to the Chief Accountant. The medical board shall also forwarded a certified copy of the certificate to the applicant.

(h) The Chief Accountant shall arrange forthwith for the payment of the appropriate commuted value in the case of an unimpaired life and for the corresponding reduction of pension. He shall verify the signature and thumb and finger impressions taken in the presence of the Medical Board with those received with the pension order.

**71.** If a pensioner, a part of whose pension has been commuted, dies on or after the day on which the commutation became absolute but before he receives the commutation value this value shall be paid to his heirs.

**72.** A commutation once applied for, sanctioned and given effect to cannot be rescinded i. e. the portion of a pension commuted cannot be restored on refund of it's capitalised value.

**# New Rule 72 (A)**

Notwithstanding anything contained in Rule 72, a pensioner who has commuted a portion of his pension and a period of 15 years has elapsed on or before 1st April 1985 from the date of the commutation of pension shall have their commuted portion of pension restored on 1st April 1985. In the case of other pensioners who have commuted or will commute portion of pension shall have their commuted portion restored after 1-4-1985 on completion of 15 years from the date of commutation of pension. (Effect is given from 1-4-1985).

**SECTION X.--FIRE BRIGADE SERVICE**

**73.** The grant of pension to municipal servants employed on the operational side of the fire brigade service will be governed by the rules in this section. All other rules regulating the grant of pension to Municipal servants shall, in so far as they are not inconsistent with or repugnant in the subject or context to the rules in this section, apply to these servants of the Fire Brigade Service also.

*Note.*--In case of doubt as to whether a particular class of servants of the Fire Bridge Service belongs to the operational side or not, the question shall be referred to the Municipal Commissioner whose decision in the matter shall be final.

**74.** For all purposes for which a medical certificate from the Municipal Medical Examiner is required to be produced under the provisions of these rules, a certificate signed by the fire Brigade Surgeon shall be accepted in the case of a servant of the Fire Brigade.

**75.** Subject to the other conditions mentioned in Rule 34 a servant of the Fire Brigade, who is not eligible for a superannuation pension, shall be granted a retiring pension after completion of 20 years qualifying service.

**\* Rule 76**

(1) In the case of employees of Municipal Fire Brigade Department retiring on superannuation, retiring, invalid or compensation pension before completing qualifying service of 10 years the amount of service gratuity will be regulated as per provisions of Rule 48 (1).

(2) (a) In case of Municipal employee of Fire Brigade Department retiring on superannuation, retiring, invalid or compensation pension in accordance with the provisions of these rules after qualifying service of 21½ years, the amount of pension shall be 50% of pensionable pay subject to minimum of Rs. 375/- p.m. and maximum of Rs. 4000/- p.m.

(b) In case of Municipal employee of Fire Brigade Department retiring on superannuation, retiring, invalid or compensation pension in accordance with

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\* Rule 76 Amended vide SCR no. 42 of 19-4-89 C. R.-319 dt. 1-9-89 Govts. Confirmation vide G. R. no. BMC/1393/667/C. R.-125 93 UD 21, dt. 31-1-2000

Effect is given from 1-1-1986.

provision of these rules who have rendered the qualifying service of 10 years or more but less than 21½ years the amount of pension will be in such proportion of the maximum pension admissible under Clause (a), as the qualifying service rendered by them will bear to qualifying service of 21½ years, subject to minimum of Rs. 375/- p.m. and maximum of Rs. 4000/- p.m.

*Note :* In case of existing pensioners as on 1-1-1986 whose pension was calculated under slab formula, the pension will be recalculated at 50% of pensionable pay without changing reckonable qualifying service and pensionable pay,. The amount so increased in pension will not qualify for additional commutation of pension. (Effect is given from 1-1-1986).

**77. (a)** If a Family Pension is granted under Rule 44 to the Family of a servant, of a Fire Bridge who is killed in or in consequence of injuries sustained in the execution of his duties its amount shall be as under :--

Designation	PENSION PER MONTH	
	For the widow	For each child upto 20 yrs. old
	Rs.	Rs.
Chief Fire Officer	300	90
Dy. Chief fire Officer	200	60
Divisional Officer	160	50
Asstt. Divisional Officer	150	45
Station Officer	130	40
Asstt. Station Officer	70	25
Sub-Officer	50	20
Driver Operator	40	15
Leading Fireman Fitter	40	15
Leading Fireman	40	15
Leading Fireman Motor Fitter	40	15
Leading Fireman Fitter-II	40	15
Leading Fireman Turner -II	40	15
Leading Fireman Blacksmith-I	40	15
Fireman Fitter-II	40	15
Fireman Painter-II	40	15
Fireman Carpenter	40	15
Fireman Mochi	40	15
Fireman, Fireman Attendant	40	15

Rule 77 (a) amended under C. R. No. 369, dated 15th July 1971 and confirmed under Government Resolution U. D. P. H. and Housing Department No. BMC/5371/47946-C, dated 7 January 1972 and further amended under C. r. No. 43, dated 7th May 1973 and confirmed under Government Resolution Urban Development, Public Health and Housing Department No. BMC/1073/52454-C, dated 24th August 1973. This amendment is effective from 1st April 1972.

(b) (i) The pension to the widow will be for life ; provided that, if the widow marries again, the pension payable to her shall cease.

(ii) The pension to the child will be payable until the child attains the age of 21 years, or if the child is a female, until she is married, whichever is earlier.

*NOTE* :- In case the Pension of a Fire Brigade employee killed in or in consequence of injuries sustained in the execution of his duties as determined under the above provision is not found beneficial to the family of the deceased employees vis-a-vis the family Pension as determined under the provision of Rule 88, the Municipal Commissioner may with the consent of the family of the deceased municipal employee grant the pension as may become admissible to it under Rule 88.

### **Rule 78**

(1) Subject to other conditions and limitation mentioned in Rule 57, death-cum-retirement gratuity in case of an employee of Municipal Fire Brigade Department who is eligible for gratuity or pension under Rule 76, shall be granted at rate of one-fourth of the pay for each completed six monthly period of qualifying service for the first 10 years of service and at the rate of one half of the pay for every such period for the next 11½ years.

(2) In case of death while in service, Death-cum-Retirement Gratuity will be admissible as indicated in Rule 57 (2) or as indicated in Sub Rule (1) above, whichever is beneficial to the employee. (Effect is given from 1-1-1986).

**79.** (a) Subject to the other conditions mentioned in Rule 59, a family pension may be granted under that rule to the family of a servant of the Fire Brigade in the event of his death after he has completed 15 years qualifying service; the family pension in the exceptional circumstances being granted in the event of the death of a servant with less than 15 years but not less than 10 years' qualifying service.

(b) A servant of the Fire Brigade who has completed 15 years' qualifying service, may make a nomination in Form E in Appendix VII for the purpose of sub-rule (6) of Rule 59.

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# Rule 78 Amended vide SCR No. 42 of 19-4-89 C. R.-319 dt. 1-9-89 Govts. confirmation vide G. R. No. BMC/1393/667/CR-125/93/UD-21, dated 31-1-2000.

\* Rule 79(a) amended vide C.R. No. 1659, dated 16th February 1968 and effect given from 1st April 1957 and confirmed under G.R.U.D.P.H. and H.P. No. BMC/5368/26879-C, dated 12th July 1968.

## SECTION XI.--RE-EMPLOYMENT OF PENSIONERS

**80.** Unless in any case it be otherwise distinctly provided in this section, a Municipal servant who has received a pension on retirement shall not, if re-employed in Municipal service, be permitted to count his new service as qualifying for a second pension. The new service, if qualifying for pension, must be combined for the purpose of calculating pension with the service previously rendered and the whole treated as one service.

**81.** Notwithstanding anything contained in the rules in this section, a wound or injury pension sanctioned under Rule 51 shall continue to be drawn by a retired Municipal servant, during re-employment or continued employment, and shall be subject only to the conditions of its award.

**82.** A person who has retired from Municipal service with a compensation gratuity, or who has retired with an invalid gratuity but is sufficiently restored to health to be re-employed in the same or another branch of Municipal service, may be re-employed on the following conditions :--

(1) He may either retain his gratuity and the Death *cum*-Retirement gratuity, if any, in which case his former service will not count for future pension, or refund these and count his former service as qualifying for pension under these rules.

(2) If he elects to refund his gratuity and the Death-*cum*-Retirement gratuity, if any, his intention to do so must be stated immediately on re-employment, but refund may be made by monthly instalments of not less than one-third of his pay. The right to count former service for pension shall not revive until the whole amount has been refunded.

(3) If he elects to retain his gratuity and the Death-*cum*-Retirement gratuity, if any, he may earn gratuity or pension and Death-*cum*-Retirement, gratuity by his second period of service; provided that :--

(i) the amount of such gratuity, or the present value of such pension, calculated according to the table prescribed in Appendix VI shall not, when added to the former gratuity, exceed the amount of the gratuity or the present value of the pension which would have been admissible had the previous gratuity been refunded on re-employment; and

(ii) the amount of such Death-*cum*-retirement gratuity shall not when added to the former Death-*cum*-Retirement gratuity, exceed the amount

which would have been admissible had the previous Death-cum-Retirement gratuity been refunded on re-employment.

**83.** (a) A person, who has retired from Municipal service with a compensation pension, or who has retired with an invalid pension but is sufficiently restored to health to be re-employed in the same or another branch of Municipal service, may be re-employed and on such re-employment he may :-

(i) elect to retain his pension and Death-cum-Retirement gratuity in which case his former service will not count for determining pension benefits for the second period of services : or

(ii) cease to draw pension and refund the amount of Death-cum-Retirement gratuity and count his former service as qualifying for future pension.

(b) If he elects to refund the amount of Death-cum-Retirement gratuity and to cease to draw pension, he must declare his intention to do so immediately on re-employment but the refund may be made by monthly instalments of not less than one-third of his pay. The right to count the former service for pension shall not revive until the whole amount has been refunded. Pension intermediately drawn need not be refunded.

(c) If he elects to retain his pension and Death-cum-Retirement gratuity, it shall be open for the authority making the appointment to decide whether his former pension shall during the period of re-employment, be wholly or partly held in abeyance. He may earn pension or gratuity, and the Death-cum-Retirement gratuity, if any, admissible for his second period of service; provided that these benefits will be subject to the following limitation, viz., (i) the amount of gratuity or the present value of the pension shall not be greater than the difference of the value of the pension that would be admissible at the time of his final retirement if the two periods of service were combined, and the value of the pension already granted for the previous service, and (ii) the amount of Death-cum-Retirement gratuity shall not be greater than the difference between the amount of Death-cum-Retirement gratuity that would be admissible at the time of his final retirement if the two periods of service were combined and the amount of Death-cum-Retirement gratuity already received for the previous service.

*Note--*(1) For the purpose of this rule, present value shall be calculated in accordance with the table prescribed in Appendix VI.

(2) In the case of a pensioner re-employed for a bonafide temporary duty lasting for not more than a year, he may be allowed to draw pension in full.

**84.** If a Municipal servant does not, within three months from the date of his re-employment, exercise the option conceded by Rule 83 of ceasing to draw pension and counting his former service for future pension, he may not thereafter do so without the permission of the authority making the appointment.

**85.** (a) A person, who is in receipt of a superannuation or retiring pension, shall not be re-employed or continue to be employed in service except on public grounds and in a purely temporary capacity. The person, when re-employed, shall not be permitted to earn any pension or gratuity in respect of his second service.

(b) The authority competent to make the appointment in a post in which the pensioner is re-employed shall determine whether his pension shall be held wholly or partly in abeyance.

**86.** (a) In the case of a pensioner who is re-employed in Municipal service and who had commuted a portion of his pension after such re-employment, the amount of pension which the pensioner is entitled to draw under the rules in this section shall be the amount to which he would have been entitled had there been no commutation, less the amount commuted.

(b) In the case of a pensioner a portion of whose pension has been commuted before re-employment, the original amount of the pension shall be taken into consideration in deciding whether and to what extent the pension should be held in abeyance during the re-employment or continued employment and not merely the un-commuted pension.

**87.** (a) If a pensioner to whom this rule applies wishes to accept any private employment before the expiry of two years from the date of his retirement, he should obtain the previous sanction of the Municipal Commissioner to such acceptance. No pension shall be payable to a pensioner who accepts private employment without such sanction in respect of any period for which he is so employed or such longer period as the Municipal Commissioner may direct.

Provided that a Municipal servant permitted by the appropriate authority to take up a particular form of private employment during his leave preparatory to retirement shall not be required to obtain subsequent permission for his continuance in such employment after retirement.

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\* Rule 87 amended *vide* C.R. No. 491, dated 6th September 1976 and C.R. No. 755, dated 26th November 1976 and confirmed under G.R. U.D. & P.H.D. No. BMC/1876/6814/UD-C, dated 28th March 1977.



*Note*--The powers granted by this rule to the Municipal Commissioner shall be exercised by the Standing Committee in relation to the Pensioners who were under its administrative control immediately before retirement.

(b) This rule applies to every pensioner who immediately before retirement occupied a post belonging to the Engineering Cadre or post connected with the inspection and valuation of properties assessable to property taxes or the recovery of such taxes or the inspection of Shops and Establishments or the purchase of stores or the issue of licenses and to all other pensioners who occupied posts carrying a maximum pay of Rs. 1,000 per month or more.

*Note*--The period of two years referred to in clause (a) shall, in the case of a Municipal servant who is re-employed after retirement without a break in the same or another post of the above description, be reckoned only from the date on which he finally quits service.

(c) In this rule private employment 'mens' employment in any capacity, including that of an agent under a Company, Firm, or individual engaged in private business/industry and/or similar activity and includes also a directorship in such a Company or a partnership in such a firm.

(d) For the purpose of this Rule, Commercial or private employment shall also include setting up practice, either independently or as a partner, of a firm, as Adviser or Consultant in matters in respect of Retired Municipal servant :-

(i) Has no professional qualifications and matters in respect of which, the practice is to be set up or is carried on are relatable to his official knowledge or experience or

(ii) Has professional qualifications but the matters in respect of which such practice is to be set up are such as are likely to give his clients an unfair advantage by reasons of his previous official position, or

(iii) Has to undertake work involving liaison of contact with the offices or officers of the Corporation.

*Note*--Requests for permission to accept private employment after retirement should ordinarily be decided by the application of the following criteria :-

(i) Has the Municipal servant while in service had any such dealings with the proposed employer as might raise the suspicion that he had shown favour to the latter ?

(ii) Will his private duties be such that his official knowledge and experience could be used to give the employer an undue advantage ?

(iii) Will his duties be such as might bring him into conflict with the interests of the Corporation?

(iv) Is the proposed employment of a thoroughly reputable kind?

(v) Are there any exceptional circumstances which would make the refusal of consent of a real hardship ?

**SECTION XII.****Revised Family Pension Scheme.****(Effect to the change in name given from 1-10-1977).**

\* **88. (1)** : The Rule in this Section may be called Revised Family Pension Rules. (The change in name comes into force from 1-10-1977).

**# Rule 88 (2)**

A family pension will be admissible in the case of death while in service or after retirement if at a time of death the retired Municipal servant was in receipt of compensation, invalid, compassionate, retiring or superannuation pension, In the case of death while in service, family pension will be admissible to all Municipal servants whether temporary or permanent who have completed a minimum period of one year of service on the date of death, provided that no family pension under this scheme will be admissible in the case of employee referred to in Sub Rule (2) of Rule 2.

Provided further that family pension will be admissible in case of death while in service to all Municipal employees whether temporary or permanent who have not completed one year continuous service on the date of death provided the deceased Municipal employee concerned was examined by the appropriate medical authority and declared fit by that authority for Municipal service immediately prior to his appointment to the service or before the date of his death.

*Note* : Families of Municipal employees who are/were in receipt of compassionate Pension before this amendment comes into force will also be entitled to Family Pension under this rule with effect from the date of this amendment comes into force.

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Nomenclature of Section XII amended *vide* C. R. No. 1514, dated 9th February 1981 effect given from 1st October 1977.

\* Rule 88(1) amended under C. R. No. 14, dated 25th April 1978 and confirmed under G. R. U. D. & P. H. D. No. BMC/1378/1859/UD-3, dated 31st March 1978.

# Rule 88 (2) Amended *vide* AR (SC) No. 1577 dt. 16-3-85 A. R. (Corp.) 1662 dt. 27-3-85 Confirmed by State Govt. *vide* G. R. no. BMC-1388/5561 C. R. -488/88 Pen-21 dt. 18-9-89. rule 88 (2) further Amended *vide* SCR No. 1497 dt. 5-2-92 C. R. No. 980 dt. 21-12-92 confirmed by state Govt. *vide* G. R. No. BMC-1393/667/C. R.-125/93 UD 21 dt. 31-1-2000.

**Rule 88 (3)**

(a) Subject to the provisions of this rule the family of the deceased employee shall be entitled to Family Pension, the amount of which shall be determined in accordance with the table below :-

Pay of the Municipal Employee	Amount of Monthly Family Pension
(i) Below Rs. 1,500/-	(i) 30% of pay subject to minimum of Rs. 375/-.
(ii) Rs. 1,500 & above but below Rs. 3,000/-	(ii) 20% of pay subject to minimum of Rs. 450/-.
(iii) Rs. 3,000 & above	(iii) 15% of Pay subject to minimum of Rs. 600/- & maximum of Rs. 1200/-.

(b)(i) Where a Municipal employee who is not governed by the Workmen's Compensation Act, 1923 (8 of 1923), dies while in service after having rendered not less than 7 year's continuous service, the rate of Family Pension payable to the family shall be equal to 50% of the pay or twice the family pension admissible under Sub Rule (3) Sub Clause (a), whichever is less, and the amount so admissible shall be payable from the date following the date of death of Municipal employee, for a period of 7 years or for a period upto the date on which the deceased Municipal employee would have attend the age of 65 years had he survived, whichever period is less;

(ii) In the event of death of a Municipal employee after retirement, the family pension as determined under Sub Clause (b)(i) shall be payable for a period of 7 years or for a period upto the date on which the retired deceased Municipal employee would have attend the age of 65 years had he survived whichever is less;

Provided that in no case the amount of Family Pension determined under Sub Clause (ii) of this clause shall exceed the pension authorised on retirement from Municipal service.

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*Note 2 and 3 to Rule 88(3) added vide C. R. No. 1514 dated 9th February 1981 and confirmed under G. R. U. D. No. BMC?1381/11/UD-3, dated 10th February 1983.*

*Rule 88 (3) 3 (b) (ii) (c) (ii) amended vide SCR No. 42 of 19-4-89 C. R. No. 319 dt. 1-9-1989 confirmed State Govt, vide G. R. No. BMC-1393/667 C. R. -125/93 UD 21, dt. 31-1-2000.*

Provided further that where the amount of pension authorised on retirement is less than the amount of family pension admissible under Sub Rule (3), the amount of family pension determined under this clause shall be limited to the amount of family pension admissible under Sub Rule (3)(a).

*Note :-* In case where an amount of family pension admissible under Rule 88(3)(a) prior to 1-1-1975 exceeds the pension sanctioned at the time of retirement, the amount of family pension sanctioned shall not be less than that amount.

*Explanation :* For the purpose of this Sub Clause, pension sanctioned on retirement includes the part of the pension which the retired Municipal employee may have commuted before death.

(c)(i) Where a Municipal employee who is governed by the Workmen's Compensation Act, 1923 (8 of 1923), dies while in service after having rendered not less than 7 years continuous service the rate of family pension payable to the family shall be equal to 50% of the pay or one and half times the family pension admissible under Sub Rule (3)(a), whichever is less.

(ii) The family pension so determined under Sub clause (i) shall be payable for the period mentioned in Clause (b)(i);

Provided that where a compensation is not payable under the aforesaid Act, the Head of Department shall send a certificate to the accounts office to the effect that the family of the deceased Municipal Employee is not eligible for any compensation under the aforesaid Act and the family shall be paid family pension on the scale and for the period mentioned in clause (b)(i).

(d) After the expiry of the period referred to in clause (b)(i) and (ii) the family in receipt of family pension under that clause or shall be entitled to family pension at the rate admissible under sub rule (a).

*Note 1 :* Pay for this purpose will mean pay as defined in rule 5(1)(e) of the B.M.C. Pension Rules (1953) which a person was drawing on the date of his death while in service or immediately before his retirement. If on the date of his death while in service or immediately before his retirement a person has been absent from duty on leave (including extra-ordinary leave) or suspension or absence without leave, pay means the pay which he draw immediately before proceeding on leave or suspension or absence without leave.

(In the case of Municipal Employees in municipal scales who retired or died on or after 1-7-1985 and who were on leave immediately before 1-7-1985,

'Pay' will also include pay components as defined in rule 5(i)(e)(iii) & (v) and in case of municipal employees in the U. G. C. pay scales who retired or died on or after 1-1-1986 and who were on leave immediately before 1-1-1986 'Pay' will include pay components as defined in rule 5(1)(e)(iv) & (v).

Note 2 : The amount of family pension calculated as above shall be rounded off to the next higher rupee. (Effect to the note will be given from the 1st of the month next to the date of G. R. confirming the amendment).

Note 3 : The amount of family pension pertaining to the period prior to the date of G. R. referred to in Note (2) above, shall be also be rounded off to the next higher rupee from the 1st of the month next to the date of G. R. confirming the amendment.

(Effect will be given from 1-7-1985 in respect of Municipal Employee in municipal grade and from 1-1-1986 in respect of Municipal employee in U. G. C. Scales).

**\* Rule 88 (4)(i)**

Family for the purpose of this scheme will include the following relations of a municipal employee :

- (a) Wife, in the case of male municipal servant.
- (b) husband, in case of Female municipal servant.
- (c) Minor sons and
- (d) unmarried minor daughters

Note 1 : (c) + (d) will include children adopted legally before retirement.

Note 2 : Marriage after retirement will also be recognised for purposes of this scheme with effect from the date of introduction of Revised Family Pension Scheme in Municipal Corporation. i.e. 1-1-1964.

**\*Rule 88 (5)**

The pension will be admissible :

- (a) In case of widow/widower up the date of death or remarriage which ever is earlier.

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\* Rule 88 (4) Note 2 amended vide SCR No. 945, dt. 14-10-1992 C. R. No. 889 dt. 21-12-92 Confirmed by State Govt. vide G. R. No. BMC-1393/667/C. R.-125/93-UD 21, dt. 31-1-2000.

\* Rule 88 (5) amended vide AR (SC) No. 1577 of 16-3-85 A. R. (Corp.) No. 1662 of 27-3-85 Confirmed by State Govt. G. R. No. BMC-1385/88 (6), dt. 12-5-1986, further Amended vide SCR No. 945, dt. 14-10-92 & Dt. 21-12-92 Confirmed under G. R. No. 1393/667/CR-125/93/UD-21, dt. 31-1-2000.

3(b) In the case of son until he attains the age of 21 years.

(c) In the case of an unmarried daughter, until she attains the age of 24 years or till her marriage, whichever is earlier (Effect to amended Rule (b) and (c) above is given from 29-3-1978, the date from which State Government has given effect).

Provided that, If the son or daughter of a Municipal servant is suffering from any disorder or disability of mind or is physically crippled or disabled so as to render him or her unable to earn a living even after attaining the age of 21 years in the case of the son and 24 years in the case of the unmarried daughter, the family pension shall be payable to such son or daughter for life, subject to the following conditions, namely - (i) If such son or daughter is one among two or more children of the Municipal employee, the family pension shall be initially payable to the minor children in the order set out in Item No. (VI) below until the last minor child attains the age 21 or 24 years as the case may be and thereafter the family pension shall be resumed in favour of the son or unmarried daughter suffering from disorder or disability of mind or who is physically crippled or disabled and shall be payable to him/her for life, (ii) If there are more than one such son or daughter suffering from disorder or disabled, the family pension shall be payable in the following order viz. (a) Firstly to the son and if there are more than one son, the younger of them will get the family pension only after the life time of the elder. (b) Secondly, to the daughter and if there are more than one daughter, the younger of them will get the family pension after the life-time of the elder.

(iii) The family pension shall be paid to such son or daughter through the guardian as if, he or she were a minor.

(iv) Before allowing the family pension for life to such son or daughter the sanctioning authority shall satisfy itself, that the handicap is of such a nature as to prevent him/her from earning his/her livelihood and the same shall be evidenced by a certificate obtained from a Medical Officer duly attested by a Civil Surgeon, if the family of the employee staying out of and in case of the employee staying in Mumbai, it shall be evidenced by a Medical certificate from any of the Municipal General Hospitals in respect of the exact mental or physical condition of the child.

(v) The person receiving the family pension as guardian of such son, or daughter shall produce every three years a certificate from a Medical officer duly attested from the relevant Medical authority as specified in Item IV above, to the effect that he/she continues to suffer from disorder or disability of mind or continue to be physically crippled or disabled.

*Explanations :*

(a) Deleted w. e. f. 2-7-1991.

(b) A daughter shall become ineligible for family pension under this sub-rule from the date she gets married.

(c) A family pension payable to a son or daughter shall be stopped if he/she starts earning his/her livelihood.

(d) In such cases it will be the duty of the guardian to furnish a certificate to the Chief Accountant every month that (1) he/she has not started earning his/her livelihood and (2) in case of daughter that she has not yet married.

(vi) If sons and un-married daughters are alive, unmarried daughters shall not be eligible for life long family pension under this sub-rule, unless the youngest son attains the age of 21 years and thereby becomes ineligible for the grant of family pension.

(Effective to above proviso to Rule 88 (5) above is given from 12-8-1976 the date from which State Government has given effect).

(The benefit of the above proviso shall also be given to the son or daughter of municipal employees who ceased in municipal service before 12-8-76 provided the employee was amenable to Revised Family Pension Scheme contained in rule 88 and the family was eligible to get family pension under this rule).

**\* Rule 88 (6)**

Pension awarded under this scheme will be not be payable to more than one member of a Municipal Servant's family, at the same time. It will be first applicable to the widow/widower and thereafter to the son until he attains the age of 21 years and in case of unmarried daughter until she attains the age of 24 years.

**\$ Rule 88 (7)**

In the event of remarriage or death of the widow/widower, the pension would be granted to the son or unmarried daughter till he/she attains the age of 21 years and 24 years respectively as the case may be. Where family pension is payable to a minor, it shall be payable to the guardian on behalf of the minor, after the guardian executes an idemnity bond and furnishes an affidavit about the guardianship in the form prescribed by the Municipal Commissioner. In disputed cases, however, payment will be made through legal guardian.

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\* Rule 88 (6) amended vide AR (SC) No. 1577 of 16-3-85 A. R. (Corp.) No. 1662 of 27-3-85 Confirmed by State Govt. G. R. No. BMC-1385/88 (6), dt. 12-5-1986.

\$ Rule 88 (7) amended vide S. C. R. No. 1497, C. R. No. 980, dt. 21-12-92 confirmed under G. R. No. BMC-1393/667/C. R.-125/93-UD 21, dt. 31-1-2000.



**Note 1 :** For the purpose of this rule the son/unmarried daughter below 18 years of age would be deemed to be minor children

**Note 2 :** Hindu or a Christian mother shall not be required to execute an indemnity bond or affidavit being a natural guardian.

**# Rule 88 (8)** Deleted.

**Rule 88 (9)** Widow / widowers who are eligible for Family Pension under this scheme will not be eligible for family pension under any other rules.

**(10)** The commutation of pension will have no effect on the quantum of family pension, as the rate of Family Pension is based on the pay which the Municipal servant was drawing immediately before his retirement and not on the pension sanctioned to him.

**# Rule 88 (11)** In the case of Municipal servant retiring or dieing while in service without a husband/wife or minor children including adopted children the deduction of two months' pay from the gratuity will not be made as in the case of bachelors.

**\* Rule 88(12)** The scheme does not debar a Municipal servant who is governed by revised family pension scheme from drawing family pension in addition to his/her pay or pension. In the event of death of both the father/mother, who were Municipal employee, the surviving child or children will be eligibale to draw the two family pension, in respect of the deceased parents subject to the limit specified below :

**Namely :-** (1) If the surviving child or children is or are eligible to draw two family pension at the special rate as mentioned in the first proviso to Rule 88(3) (i.e. the enhanced rate of family pension in case of the death of the employee while in service with not less than 7 years' continuous service), the amount of both the pensions shall be limited to Rs. 2,400 p.m. (exclusively of Dearness Relief).

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#Rule 88(8) deleted *vide* C. R. No. 1290, dated 9th October 1978 confirmed vide G. R. U. D. & P. H. D. No. BMC/1379/1385UD-3, dated 24th July 1979, effect given from 1st October 1977.

# Rule 88(11) amended under C. R. No.477, dated 9th August 1971 and confirmed under G. R. U. D. P. H. & Housing, Department No. BMC/1071/55328-C, dated 7th January 1972, effect given from 7th January 1972.

\* Rule 88 (12) amended vide S. C. R. No. 1497, C. R. No. 980, dt. 21-12-92 confirmed under G. R. No. BMC-1393/667/C. R.-125/93-UD 21, dt. 31-1-2000.

(2) If one of the family pension ceases to be payable at the rate mentioned in the first proviso to Rule 88(3) (as explained in (1) above) and in lieu thereof the pension at the normal rate mentioned in Rule 88(3) becomes payable, the amount of both the pensions shall be limited to Rs. 2,400/- p.m. (exclusive of Dearness Relief)

(3) If both the family pensions are payable at the normal rates mentioned in Rule No. 88(3), the amount of two pensions shall be limited to Rs. 1,200/- p.m. (exclusive of Dearness Relief).

(Effect to this amendment will be given from 1-7-85 in case of Municipal employees in Municipal pay scales and from 1-1-86 in respect of Municipal employees in U.G.C. pay scales).

\* **Rule 88(13)** The Municipal Commissioner may on a representation from Municipal servant who was governed by the provision of Family Pension as per Section VII and was brought under the Revised Family Pension Scheme 1965 because of his failure to exercise the option under Rule 4D (ii) (a) allow him to revert to the benefit of Family Pension as per Section VII and extinguish his claim for the benefit of the Family Pension under this scheme. Effective from 13-7-1968.

# **Rule 89** : Deleted. (w.e.f. 31-1-2000).

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\* Rule 88(13) added under C. R. No. 340 dated 5th July 1971 and effect given from 13th July 1968, the date from which Rule 4D come into force and confirmed under G. R. U. D. P. H. & Housing Department, BMC/5371/56318-C, dated 7th January 1972.

Section XIV added *vide* C. R. No. 34, dated 20th July 1978 and confirmed under G. R. U. D. & P. H. D. No. BMC/1378/1859/UD-3, dated 17th November 1978, effect given from 1st December 1978.

# Rule 89 deleted *vide* C. R. No. 960 dt. 21-12-92 Confirmed by State Govt. *vide* G. R. No. BMC/1893/667/C. R. -125/93 UD-21 dt. 31-1-2000.

**New Provision--Section XIV.**

Scheme of Premature Voluntary Retirement for Municipal employees [Please see Rule 34 (i)].

Municipal Servants may be allowed to retire voluntarily after completing 20 years of qualifying service on proportionate pension and gratuity with a weightage of upto 5 years towards qualifying service, where applicable subject to following provisions :-

(a) Municipal servants who have put in not less than 20 years qualifying service may retire from service voluntarily by giving notice of at least three months, in writing to the appropriate authority, before the date on which he wishes to retire. The scheme is purely voluntary the initiative resting with the Municipal Servant himself. The Municipal Corporation does not have the reciprocal right to retire Municipal Servants on its own under this scheme.

(b) The benefit of 'retiring pension' will be admissible to Municipal Servants retiring under this Scheme.

(c) A notice of less than three months may also be accepted by the appropriate authority in deserving cases.

(d) If a Municipal Servant retires under the Scheme of voluntary retirement while he is on leave not due, without returning to duty, the retirement shall take effect from the date of commencement of the leave not due and the leave salary paid in respect of such leave not due shall be recovered as provided in clause (e) and Note thereunder below Rule 9 of the Revised Leave Rules for New Entrants under Part-VIII, Chapter-XI of the Municipal Service Regulations.

(e) Before a Municipal servant gives notice of voluntary retirement with reference to this scheme, he should satisfy himself by means of a reference to the appropriate administrative authority that he has, in fact, completed 20 years' service qualifying for pension.

(f) A notice of voluntary retirement may be withdrawn subsequently only with the approval of the appropriate authority provided the request for such withdrawal is made before the expiry of the Notice.

(g) A notice of voluntary retirement given after completion of 20 years qualifying service will require acceptance by the appropriate authority if the date of retirement on the expiry of the notice would be earlier than the date on which the Municipal servant concerned could have retired voluntarily under the existing

rules applicable to him *i.e.* Rule 67 of the Municipal Service Regulations. Such acceptance should be generally given in all cases except those :-

(i) In which disciplinary proceedings are pending or contemplated against the Municipal servant concerned for the imposition of a major penalty and the concerned authority having regard to the circumstances of the case, is of the view that the imposition of the penalty of removal or dismissal from service would be warranted in the case;

**OR**

(ii) in which prosecution is contemplated or may have been launched in a Court of law against the Municipal servant concerned. If it is proposed to accept the notice of voluntary retirement even in such cases, approval of the competent authority should be obtained. Even where the notice of voluntary retirement given by a Municipal servant requires acceptance by the appropriate authority, the Municipal servant giving notice may presume acceptance and the retirement shall be effective in terms of the notice unless the competent authority issues an order to the contrary before the expiry of the period of notice.

\* (h) While granting proportionate pension to a Municipal servant retiring voluntarily under this Scheme, weightage of upto five years would be given as an addition to the qualifying service actually rendered by him. The grant of weightage of upto five years will, however, be subject to the following conditions :-

(i) The total qualifying service after allowing the weightage should not, in any event, exceed 33 years qualifying service and

(ii) The total qualifying service after giving the weightage should not take the Municipal servant concerned beyond the date of normal superannuation under Rule 67 of the Municipal Service Regulations.

**New Rule**

(iii) In respect of a Municipal servant retiring on attaining 55 years of age with 3 months notice under Rule 67 of the Municipal Service Regulations or retiring on completion of 30 years qualifying service under Rule 34 of B.M.C. Pension Rules, his qualifying service should also be increased by a period not exceeding 5 years subject to the same conditions laid down in (i) & (ii) above.

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\* New provision section-XIV (h) (i) & (ii) amended vide S.C.R. No.1842 of 12-3-1986 C. R. No. 1122 of 27-3-1986, confirmed by Govt. Under G. R. No. BMC-1386/1955/CR-473/86/UD-3 dated 3-1-1989).

**Note :** The weightage of upto 5 years referred to above shall not, however, be admissible in the case of Municipal servant who is required to retire by the appropriate authority (a) in the public interest under Rule 67 of M. S. R. or (b) on completion of 30 years qualifying service under Rule 34 of B. M. C. Pension Rule (1953).

(i) The weightage given under this scheme will be only an addition to the qualifying service for purpose of calculating the pension and gratuity. It will not entitle the Municipal servant retiring voluntarily to any notional fixation of pay for purposes of calculating the pension and gratuity which will be based on the actual 'pay' calculated with reference to the date of retirement.

(j) The amount of pension to be granted after giving the weightage will be subject to the provision of Rule 13 of the Bombay Municipal Corporation Pension Rule (1953). The pension will also be subject to the provisions of Rule 14 of the Bombay Municipal Pension Rules (1953).

(k) A municipal servant giving notice of voluntary retirement may also apply, before the expiry of the notice, for the leave standing to his credit on average pay, full pay or half pay which may be granted to him to run concurrently with the period of notice and he shall stand retired from the Municipal service on the day following the date of expiry of the notice period.

(l) Municipal servants retiring voluntarily under this Scheme would continue to be subject to the provisions in the Pension Rules relating to post-retirement Commercial private employment. However, in their case, permission for the post-retirement commercial private employment will be granted more liberally than in the case of other Municipal servant retiring under the provisions of Rule 67 of the Municipal Service Regulations or Rule 34(ii) and (iii) of the Bombay Municipal Corporation Pension Rules (1953).

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\* New provision section-XIV (k) amended vide S.C.R. No.1842 of 12-3-1986 C. R. No. 1122 of 27-3-1986, confirmed by Govt. Under G. R. No. BMC-1386/1955/CR-473/86/UD-3 dated 3-1-1989).

**APPENDIX I**

*(See Rule 17)*

**FORM I**

**Details of "Family" of Municipal employee for  
the purpose of Family Pension**

Name of the employee.....

Deptt. ....

Name	Relationship to the Municipal employee	Date of Birth	Marital Status
(1).....			
(2).....			
(3).....			
(4).....			
(5).....			
(6).....			

*Signature or L. H. T. I. of this employee.*



- |   |     |
|---|-----|
| (14) Amount of Family Pension admissible<br>in case of death of a pensioner | Rs. |
| (15) Date of commencement of Pension  |     |
| (16) Names of claimant of Family Pension                                    | (1) |
| (with their date of birth and relation with<br>the Pensioner)               | (2) |
|   | (3) |
|   | (4) |
| (17) Any other Remarks  |     |

*Head of Department*



**Remarks by the Head of the Department**

- (1) As to character and past conduct of the employee . .
- (2) Explanation of any suspension or degradation . .
- (3) Regarding any pension or gratuity already received . .
- (4) Specific opinion of the Head of the Department whether the pension claim should be admitted . .
- (5) Any other Remarks . .

The undersigned having satisfied about the above particulars, recommends the grant of the Pension/Family Pension/gratuity of Rs.....(Rs.....) and Death-cum-retirement Gratuity of Rs.....(Rs.....) subject to C. A.'s certificates as regards admissibility thereof.

*Head of the Department.*

*Certified that the qualifying service has been duly provided for*  
*years months day and that Pen-*  
*sion/Gratuity not exceeding Rs. p.m. under Rule*  
*of the Pension Rules and a gratuity of Rs. under*  
*Rule ..... are admissible. The calculations have been duly*  
*verified. The pension will commence from .....Attention*  
 is invited to Rule 13 of the Pension Rules.

Certified further that family pension of Rs. Will be admissible  
 in case of death of the Pensioner from the date following the date of death.

*For Chief Accountant.*

Pension/Gratuity/Family Pension as certified by C. A. is sanctioned  
 subject to the provisions of the Pension Rules.

*Sanctioning Authority.*

*Statement showing the 'PAY' drawn during the last 10 months*

MONTH	YEAR			YEAR			YEAR		
	No. of days	Rs.	P.	No. of days	Rs.	P.	No. of days	Rs.	P.
January									
February									
March									
April									
May									
June									
July									
August									
September									
October									
November									
December									
Total									

Pensionable Pay Rs.....

**Record of "Qualifying Service"**

Estt.	Nature of appointment	Date of beginning	Date of ending	Total period of duty			Remarks
				Yrs.	M.	D.	

*Note* :- Period of suspension, if any, left uncondoned, periods of absence without leave and periods of foreign service in respect of which contribution towards pension has not been paid should be separately shown in remarks column.

**RECORD OF LEAVE ETC. DURING THE LAST 10 MONTHS  
OF SERVICE**

A						B					
Leave						Any other absence from duty					
Nature of leave	From	To	Y.	M.	D.	Nature of leave	From	To	Y.	M.	D.

*Head of Department.*

**APPENDIX I**

**FORM--III.**

*Department :*

**MEMO**

*Dated the.....*

To,

Shri/Smt.....  
.....  
.....

**Subject : Payment of family pension in respect of late**

**Shri/Smt.....**

The undersigned has learnt with regret the death of Shri/  
Smt.....  
.....Department. This is to inform you  
that under provisions of Rule 88 of Bombay Municipal Corporation Pension Rules  
(1953), Family Pension would be admissible to you.

I am accordingly to suggest that a formal claim for the grant of family  
pension may be submitted by you in the enclosed from IV in duplicate along with  
the following documents:--

1. Death Certificate.
- 2 Guardianship certificate if pension is admissible to the minor children.

*(Designation)*

**APPENDIX I****FORM--IV**

FORM OF APPLICATION (THE REVISED FAMILY  
PENSION SCHEME 1965)

Application for Family Pension of the Family of late Shri/Smt. ....  
..... In the Office/Department.....

(1) Name of the Applicant.....  
(in block letters, beginning with surname)

(2) Relationship to the deceased Municipal Servant/Pensioner  
.....

(3) Date of Marriage.....

**(4) Names and ages of surviving kindred of the deceased :-**

Name	Date of birth (By Christian Era)
Widow/Widower.....	.....
<b>Son</b>	
(1) .....	.....
(2).....	.....
(3).....	.....
<b>Unmarried Daughter</b>	
(1).....	.....
(2).....	.....
(3).....	.....

(5) Description roll of Shri/Smt.....

**Widow / Widower / Guardian of the minor children of**

late.....

(a) Date of Birth (By Christian Era)      (b) Height

(c) Personal Marks, if any, on hand or face.

(d) Left hand thumb and finger impressions.

Small Finger	Ring Finger	Middle Finger	Index Finger	Thumb
-----------------	----------------	------------------	-----------------	-------

Full address of the Applicant.....

.....

Witness.

(1)

*Signature or L. H. T. I. of  
the applicant.*

---

*Note* :--The description roll (Column 5) and signature or left hand thumb and finger impressions accompanying application for Family Pension should be in duplicate (in two separate sheets) and attested by 2 gazetted officer or persons of respectability in the town, village or pargana in which applicant resides.

**To be filled in by the Office**

1. Name of the Municipal Servant .....  
.....
2. Father's name (or husband's name in the case of married women  
Municipal Servant) .....  
.....
3. Designation .....
4. Date of Birth by Christian Era (as recorded in Service Book).....  
.....
5. Date of joining service. ....
6. Date of 1st confirmation in Municipal Service .....
7. Date of termination of Service .....
8. Period of A. W. L. in the service. ....
9. Last spell of leave (E. L./L. W. P. etc.) .....  
.....
10. Pay as defined in Rule 88 of the Pension Rules (1953).....  
.....
11. "Pay" for the purpose for Gratuity .....
12. Amount of Family Pension admissible .....
13. Date from which Family Pension is to commence.....



The undersigned having satisfied himself of the above particulars of late Shri/Smt. .... hereby recommend grant of family pension of Rs. .... per month from .....to .....and Rs. ....from .....and death-*cum*- retirement gratuity of Rs. .... (Rs ..... ) subject to C. A.'s certificate as regards admissibility thereof.

*Heads of Deptt./Ward Officer.*

CERTIFIED that the Family Pension admissible under Rule 88 of the Pension Rules in this case is Rs. .... p. m. from .....To.....and Rs. ....p. m. from.....and Death-*cum*-retirement Gratuity admissible is Rs. ....

*For Chief Accountant,*

Sanctioned as recommended by C. A.

Sanctioning Authority.

**Appendix II**

(See RULE 24)

Application for pension (or gratuity) for the family of AB, late  
a.....of Dept. ....killed in the  
execution of duty.

**Description of Claimant**

- 1. Name.....
- 2. Address .....
- 3. Age .....
- 4. Height .....
- 5. Race, Caste, or tribe .....
- 6. Marks for identification .....
- 7. Present occupation and  
pecuniary circumstances .....
- 8. Degree of relationship to deceased .....

**Description of deceased**

- 1. Name .....
- 2. Occupation and service .....
- 3. Length of service .....
- 4. Pay when killed .....
- 5. Nature of injury causing death .....
- .....

**Names and ages of surviving kindred of deceased**

	Name	Date of Birth by Christian era
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 each relative).**

**Remarks of the Head of the Department**

- (i) Amount of pension or gratuity proposed .....
- (ii) Date from which the pension is to commence .....
- (iii) Other remarks .....

*Mumbai, Dated ..... Signature of Head of Department.*

-----

**Appendix III**

*(See Rule 31)*

*Form and Bond of Indemnity for drawing arrears of pension of a deceased Municipal pensioner.*

KNOW ALL MEN BY THESE PRESENTS THAT I,

- (a) ..... resident of .....and .....
- (b) .....the widow/the son of .....and I/We,
- (c) .....sureties on her/his

behalf are held and firmly bound to the Municipal Commissioner for Greater Mumbai (hereinafter referred to as "the Commissioner") in the sum of Rs. ....Rs. .... to be paid to the said Municipal Commissioner or his successors or assigns FOR WHICH payment to be well and truly made, each of us severally bind(s) himself and his heirs, executors, administrators and assigns and every two and all of us jointly bind ourselves and our heirs, executors, administrators and assigns firmly by these presents.

As witness our hands this .....day of.....200  
 WHEREAS (d) .....was at the time of his death in the employment of the Municipal Corporation of Greater Mumbai (hereinafter referred to as "the Corporation") or was receiving a pension of Rs. ....Rs. ....from the Corporation AND WHEREAS the said..... died on the .....day of.....200 and there was then due to him the sum of Rupees ..... Rs. ....(for the and allowances in respect of his said office) or (in respect of his said pension) AND WHEREAS he above bounden (a).....(hereinafter called 'the Claimant') claims to be entitled to the said sum as heir of the said.....(d).....but has not obtained letters of administration of or a succession certificate to the property and effects on the said (d) .....AND WHEREAS the claimant

has satisfied the Commissioner that he/she is entitled to the aforesaid sum and that it would cause undue delay and hardship if the claimant were required to produce letters of administration of or a succession certificate to the property and effects of the said (d) ..... AND WHEREAS.....the Commissioner desires to pay the said sum to the claimant but under Municipal Rules and orders it is necessary that the claimant should first execute a bond with one surety/two sureties to indemnify the Corporation against all claims to the amount so due as aforesaid to the said (d) .....before the said sum can be paid to the claimant. NOW THE CONDITION of this bond is such that if after payment has been made to the claimant the claimant or the surety/sureties shall in the event of a claim being made by any other person against the Corporation with respect to the aforesaid sum of Rs. .... refund to the Corporation the sum of Rupees ..... and shall otherwise indemnify and save the Corporation harmless from all liability in respect to the aforesaid sum and all cost incurred in consequence of any claim thereto THEN the above written bond or obligation shall be void but otherwise the said shall remain in full force and virtue.

IN WITNESS to the above written bond and the condition

therefore We.....

and.....

and.....

have here into set our hands this.....day of.....200

.....

(a) Full name of claimant with place of residence.

(b) State relationship to the deceased.

(c) Full name or names of sureties.

(d) Name of the deceased.

**Appendix IV**

*(See Rule 39)*

Form of certificates from Medical Authority in connection with wound and injury pensions.

-----

OPINION OF THE MEDICAL AUTHORITY examining and reporting on the present state of the wound or injury sustained

by Shri/Shrimati .....

at (place of injury) .....

on (the date of injury) .....

(a) State briefly the circumstances under which the wound or injury was sustained.

(b) What is the Municipal Servant's present conditions ?

(c) Is his/her present condition wholly due to the wound or injury? If not state to what other causes it is attributable.

The opinion of the Medical Authority upon the question below is as follows:--

	As to first wound or injury	Replies as to second wound or injury (if any).	As to third wound or injury (if any).
1. Has the municipal servant lost an eye or a limb, or has he permanently lost the use of an eye or a limb; or is the injury equivalent to the loss of a limb and permanent or likely to be permanent? .....	.....	.....	.....
2. If the case does not come under the category 1--			
(a) Was the injury, in the first instance, very severe in character? .....	.....	.....	.....
(b) Are its effects still very severe?.....	.....	.....	.....
3. If the case is classified under category 2 are the effects of the injury permanent or likely to be permanent? .....	.....	.....	.....
4. Injuries that do not come under the above categories should be classified here, making use of the following terms :- severe or slight and permanent or not permanent, as the case may be. ....	.....	.....	.....
	<i>Signatures</i> .....		
<i>Station</i> .....	.....	.....	.....
<i>Date</i> .....	.....	.....	.....

***Instructions to be observed by the Medical Authority  
preparing the Report.***

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

2. The Medical Authority will not express any opinion, either to the municipal servant examined, or in the report, as to whether he is entitled to compensation, or as to the amount of it, nor will it inform the municipal servant how the wound or injury has been classified.

-----



**Appendix-V**

[See Rule 66(1) and 67A]

Form of application for Commutation of fraction of Pension without Medical Examination.

(To be submitted in duplicate after retirement but within one year of the date of retirement).

**PART - I**

To,

The ..... (here indicate the designation  
 ..... and full address of the Heads of  
 ..... the Department).

**Sub : Commutation of Pension without Medical Examination.**

Sir,

I desire to commute a fraction of my pension as indicated below in accordance with the provisions contained in Bombay Municipal Pension Rules (1953). The necessary particulars are furnished below :-

1. Name (in block letters).
2. Father's name (husband's name in case of female municipal employee)
3. Designation
4. Name of the department in which employed
5. Date of birth (by Christian era)
6. Date of retirement
7. Class of pension

---

\* Amended form of commutation of pension Appendix V & V (a) implemented vide S.C.R. No.1842 of 12-3-1986 C. R. No. 1122 of 27-3-1986, confirmed by Govt. Under G. R. No. BMC-1386/1955/CR-473/86/UD-3 dated 3-1-1989).

8. amount of pension (in case final amount of pension has not been authorised, indicate the amount of Provisional Pension).

9. (a) P.R.No.

(b) P.P.O.No.

(c) Certifying authority.

10.\*\* Disbursing authority for payment of pension.

(a) C.A./A.C.A./Dy.C.A.W.S./Dy. C.A.E.S./D.A.E.F./Ward Accountants.

(b) Name of approved Bank and its branch through which monthly pension is paid with postal address and the saving Bank Account Number.

(c) Postal address if the pension is permitted to be received by Money Order.

11\*. Fraction of Pension proposed to be commuted.

Place.....

Signature of applicant

Date.....

Postal Address.....

.....

Instructions:

\*The applicant should indicate the fraction of the amount of monthly pension (subject to maximum of one third thereof) which he desires to commute and not the amount or rupees.

\*\* Score out which is not applicable.

**PART - II**

Forwarded to the Accounts Department (here mention the respective Accounts Offices).....with the remarks that:

(1) The particulars furnished by the applicant in Part-I have been verified and are correct.

(2) The applicant is eligible to get fraction of his pension commute without Medical examination.

(3) The commuted value of pension determined with reference to the table applicable at present comes to Rs.....

(4) The amount of residuary pension after commutation will be Rs.....

It is requested that further action to authorise the Payment of the amount of commuted pension may be taken as per rules of commutation of pension.

The receipt of Part-I of the form Appendix has been acknowledged in Part-III.

Place : .....

Signature.....

Date : .....

Head of the Department or an  
officer authorised for Head of the Deptt.

### PART - III

#### ACKNOWLEDGEMENT

Received from Shri/Smt.....  
application in Part-I of the Appendix V for the commutation of fraction of pension  
without medical examination.

Place : .....

Signature.....

Date : .....

Rubber Stamp of the Department :

**APPENDIX-VA**  
**(See Rule-66(a))**

**Part-I**

Form of application for commutation of fraction of pension after Medical Examination.

(To be submitted in duplicate)

To,

The.....

.....

(here indicate the designation and full address of the Head of the Department.

Space for photograph of the employee.
---

**Sub : Commutation of Pension after Medical examination.**

Sir,

I desire to commute a fraction of my pension in accordance with the provisions contained in Bombay Municipal Pension Rules (1953). The necessary particulars are furnished below:-

1. Name (in block letters)
2. Father's name (husband's name in the case of a female municipal employee)
3. Designation.
4. Name of the Department in which employed.
5. Date of birth (by christian era).
6. Date of Retirement.
7. Class of Pension.
8. Amount of pension (in case final amount of pension has not been authorised, indicate the amount of provisional pension).
9. (a) P.R.No.  
(b) P.P.O.No.  
(c) Certifying Authority.

10. \*\* Disbursing authority for payment of pension.

(a) C.A./A.C.A./Dy.C.A.W.S./Dy.C.A.E.S./D.A.E.F./Ward  
Accounts Unit.

(b) Approved Bank and branch through which monthly pension is paid  
with postal address and Saving Bank Account No.

(c) Postal address, if monthly pension is permitted to be received by  
Money Order.

11.\* Fraction of Pension proposed to be commuted.

Place.....

Signature of applicant

Date.....

Postal Address.....

Instructions:

\* The applicant should indicate the fraction of the amount of monthly  
pension (subject to maximum of one third thereof) which he desired to commute  
and not the amount in rupees.

\*\* Score out which is not applicable.

### Part-II

Forwarded to the Accounts Department (here indicate the address and  
designation) .....with remarks that the particulars furnished  
by the applicant in Part-I have been verified and are correct and the applicant is  
eligible to get a fraction of his pension commuted after Medical Examination.

It is requested that the necessary action to certify and for payment of  
amount of commuted pension may be taken and returned to this office as early  
as possible.

Place:

Date :

*Head of the Department*

### Part-III

#### ACKNOWLEDGEMENT

Received from Shri/Smt.....application in Part-I  
of form V-A for commutation of fraction of pension after medical examination.

Place :

Date :

*Signature*

*Rubber Stamp of the Department.*

**APPENDIX VI.--(See Rules 69 and 83),****\*Commutation Table modified and adopted by the Corporation :-**

Commutation value for a pension of Rupee one per annum.

Age next Birth day	Commutation value expressed as number of years purchase	Age next Birth day	Commutation value expressed as number of years purchase
17	19.28	52	12.66
18	19.20	53	12.35
19	19.11	54	12.05
20	19.01	55	11.73
21	18.91	56	11.42
22	18.81	57	11.10
23	18.70	58	10.78
24	18.59	59	10.46
25	18.47	60	10.13
26	18.34	61	9.81
27	18.21	62	9.48
28	18.07	63	9.15
29	17.93	64	8.82
30	17.78	65	8.50
31	17.62	66	8.17
32	17.46	67	7.85
33	17.29	68	7.53
34	17.11	69	7.22
35	16.92	70	6.91
36	16.72	71	6.60
37	16.52	72	6.30
38	16.31	73	6.01
39	16.09	74	5.72
40	15.87	75	5.44
41	15.64	76	5.17
42	15.40	77	4.90
43	15.15	78	4.65
44	14.90	79	4.40
45	14.64	80	4.17
46	14.37	81	3.94
47	14.10	82	3.72
48	13.82	83	3.52
49	13.54	84	3.32
50	13.25	85	3.13
51	12.95		

\* Table of commutation of pension further revised under C. R. No. 13, dated 18th September 1972 and came into force from 24th November 1972.

**Appendix VII**

FORM A

[See Rule 58]

**Nomination for Death-cum-Retirement Gratuity**

(When the municipal servant has a family and wishes to nominate one member there of.)

I hereby nominate the person mentioned below, who is a member of my family and confer on him the right to receive any gratuity that may be sanctioned in the event of my death while in service and the right to receive on my death any gratuity which having become admissible to me on retirement may remain unpaid at my death.

Name and address of nominee	Relationship with Municipal servant	Age	Contingencies on the happening of which the nomination shall become invalid	Name address and relationship of the person, if any, to whom the right conferred on the nominee shall pass in the event of the nominee pre-deceasing the municipal servant.

**Note** : It is not open to a municipal servant to nominate more than one alternate nominee against any original nominee.

Dated this.....day of.....200 at.....

*Witness to Signature.*

(1).....

(2).....

*Signature of Municipal Servant.*

P.T.O.

[To be filled in by the Head of Department.]

Nomination by.....

Designation.....

Section, Branch, or Ward.....

*Signature of Head of Department*

Date.....

Designation.....

-----



**Appendix VII-- (Contd.)**

## FORM "B" (See Rule 58)

*Nomination for Death-cum-Retirement Gratuity.*

(When the municipal servant has a family and wishes to nominate more than one member thereof.)

I hereby nominate the persons mentioned below, who are members of my family and confer on them the right to receive, to the extent specified below, any gratuity that may be sanctioned in the event of my death, while in service and the right to receive on my death, to the extent specified below, any gratuity which having become admissible to me on retirement may remain unpaid at my death :-

Name and address of nominee	Relation-ship with Municipal Servant	Age	Amount or share of gratuity payable to each*	Contingen-cies on the happening of which the nomination shall become invalid	Name, address and relationship of the person, if any, to whom the right conferred on the nominee shall pass in the event of the nominee pre-deceasing the Municipal Servant.

*N. B.--*The municipal servant should draw lines across the blank space below the last entry to prevent the insertion of any name after he has signed. It is not open to a municipal servant to nominate more than one alternate nominee against any original nominee.

Dated this.....day of.....200

at.....

*Witnesses to Signature.*

(1).....

(2)..... *Signature of Municipal Servant.*

\* *Note* This column should be filled in so as to cover the whole amount of the gratuity.

[To be filled in by the Head of Department.]

Nomination by.....

Designation.....

Section, Branch, or Ward.....

*Signature of Head of Department*

Date.....

Designation.....

-----

**Appendix VII (Contd.)**

**FORM "C"**

[See Rule 58]

*Nomination for Death-cum-Retirement Gratuity*

(When the municipal servant has no family and wishes to nominate one person.)

I having no family, hereby nominate the person mentioned below, and confer on him the right to receive any gratuity that may be sanctioned in the event of my death while in service and the right to receive on my death any gratuity which having become admissible to me on retirement may remain unpaid at my death.

Name and address of nominee	Relationship with Municipal servant	Age	Contingen- cies on the happening of which the nomination shall become invalid	Name, address and relationship of the person, if any, to whom the right conferred on the nominee shall pass in the event of the nominee pre-deceasing the municipal servant.

*Note :* It is not open to a municipal servant to nominate more than one alternate nominee against any original nominee.

Dated this.....day of.....200 at.....

*Witnesses to Signature.*

(1).....

(2).....

*Signature of Municipal Servant.*

[To be filled in by the Head of Department.]

Nomination by.....

Designation.....

Section, Branch or Ward.....

Date.....

*Signature of Head of Department  
Designation*

**Appendix VII-- (Contd.)**

## FORM "D"

(See Rule 58)

**Nomination for Death-cum-Retirement Gratuity.**

(When the municipal servant has no family and wishes to nominate more than one person.)

I, having no family, hereby nominate the persons mentioned below and confer on them the right to receive to the extent specified below, any gratuity that may be sanctioned in the event of my death while in service and the right to receive on my death to the extent specified below any gratuity which having become admissible to me on retirement may remain unpaid at my death :-

Name and address of nominee	Relation-ship with Municipal Servant	Age	Amount or share of gratuity payable to each*	Contingen-cies on the happening of which the nomination shall become invalid	Name, address and relationship of the person, if any, to whom the right conferred on the nominee shall pass in the event of the nominee pre-deceasing the Municipal Servant.

N. B.--The municipal servant should draw lines across blank space below the last entry to prevent the insertion of any name after he has signed. It is not open to a municipal servant to nominate more than one alternate nominee against original nominee.

Dated this.....day of.....200  
at.....

*Witnesses to Signature.*

(1).....

(2).....

*Signature of Municipal Servant.*

\* Note : This column should be filled in so as to cover the whole amount of the gratuity.

---

[To be filled in by the Head of Department.]

Nomination by.....

Designation.....

Section, Branch, or Ward.....

Date.....

*Signature of Head of Department*  
*Designation.*

---

**Appendix VII-- (Contd.)**

**FORM "E"**

(See Rule 59)

**Nomination for Family Pension**

I hereby nominate the persons mentioned below, who are members of my family, to receive in the order shown below the Family Pension which may be granted in the event of my death after completion of 20\* years qualifying service.

Name and address of nominee	Relationship with municipal servant	Age	Whether married or unmarried

*N. B.--* The municipal servant should draw lines across blank space below the last entry to prevent the insertion of any name after he has signed.

Dated this.....day of.....200 at.....

*Witnesses to Signature.*

(1).....

(2).....

*Signature of Municipal Servant.*

\* The figure 25 replaced by 20 under Corporation Resolution No. 266 of 18-5-1959 and Government Resolution Urban Development and Public Health Department No. 5359/37242-C of 3-8-1960.

[To be filled in by the Head of Department.]

Nomination by.....

Designation.....

Section, Branch, or Ward.....

Date.....

*Signature of Head of Department*

Designation.

-----

**Appendix VIII***(See Rule 70)***Instructions to the Medical Board***Clinical notes in respect of.....*

(To be filled in by the examining Medical Board and Kept of record for further references.)

- (1) Apparent age--
- (2) Height
- (3) Weight-lbs.
- (4) Girth of abdomen at level of Umbilicus--
- (5) Pulse rate :--
  - (a) Sitting--
  - (b) Standing--
  - (c) Character--
- (6) Blood Pressure :--
  - (a) Systolic--
  - (b) Diastolic--
- (7) Condition of arteries--
- (8) Is there any evidence of disease of the main organs?
  - (a) Heart--
  - (b) Lungs--
  - (c) Liver--
  - (d) Spleen--
  - (e) Eye sight--
  - (f) Hearing--



(9) Urine examination :--

- (a) Albumen
- (b) Sugar--
- (c) Specific Gravity--
- (d) Reaction--

(10) Presence or absence of any Rupture :--

- If present-what kind--
- If reducible or not

(11) Identification marks :--

- (1)
- (2)
- (3)

(12) Any additional information :--

- (a) Was invalided from service in 200  
*Municipal Medical Examiner.*  
by.....for the following :--  
Medical Board

(13) Life loaded with.....years for Commutation of Pension on account of.....

*Member of the  
Medical Board.*

*Member of the  
Medical Board.*

*President of the  
Medical Board.*

-----

**Appendix IX***(Declaration Form under Rule 26 and 31)*

Where as the.....  
 (here state the authority sanctioning the pension/family pension death-*cum*-  
 retirement gratuity/arrears of pension or gratuity etc.) has consented to grant  
 me/ us the sum of Rs.....a month as the amount of pension/  
 family pension/or the sum of Rs.....as the amount of  
 gratuity/death-*cum*-retirement gratuity/arrears of pension or gratuity due to  
 Shri/Shrimati .....  
 (here give the name and designation of the Municipal servant), I/We hereby  
 acknowledge that in accepting this amount, I/We fully understand that the  
 pension/family pension/gratuity / death-*cum*-retirement gratuity / arrears of  
 pension or gratuity due to Shri/Shrimati.....  
 ..... as subject to revision as it's being found to  
 be in excess of that to which I am/We are entitled under these rules, I/We  
 promise to base no objection to such revision. I/We further promise to repay  
 any amount advanced to me/us in excess of that to which I/We may be  
 eventually found entitled.

(Strike which is not applicable).

*Signatures*

*Address :-*

-----

$$\frac{500 \times 43}{43} = 500$$

= Rs. 500/- Pension per month.

(4) Pensionable Pay = Rs. 1200

First Rs. 1000 at 50% = Rs. 500

Next Rs. 200 at 45% = Rs. 90

Rs. 590

Qualifying service = 20 years (40 completed six monthly periods).

$$\frac{590 \times 40}{43} = 548.84 = \text{Rs. 549/- Pension p.m.}$$

**Appendix - X  
(Form 'F')  
(See Rule 58A)**

**(Nomination for life time arrears of pension)**

I Shri/Smt.....hereby nominate the person named below under Rule 58A of the Mumbai Municipal Corporation Pension Rules (1953) to receive the undrawn/unclaimed arrears of my life-time pension in the event of my death.

Name and address of the nominee	Relation-tion with pensioner	Date of birth of the nominee	If nominee is minor name and address of person who may receive the said pension during minority of the nominee	Name and address of other nominee in case under Col. 1 pre-deceases the pensioner	Relation-ship with pensioner	Date of birth of the other nominee	Name and address of person who may receive the pension during minority of the said nominee	Contin-gency on happening of which nomination shall be invalid
1	2	3	4	5	6	7	8	9

Place :.....

Date :.....

Signature (or thumb impression if illiterate)

Witness :

Name & address of the Employee/Pensioner.....

1) Signature :.....

.....

Name & address :.....

.....

2) Signature :.....

P.P.O. No.....

Name & address :.....

Bank A/c. Unit through which pension is drawn:.....



**Appendix V**

(See RULE 66)

*Form of Commutation of Pension*

....., desire to commute a portion of my Superannuation.....Retiring..... Invalid.....Compensation.....Pension of Rs. ....P. ....After careful consideration I am convinced that it will be to the distinct and permanent advantage of my self and my family to apply, as i am resolved tomdo, the commuted value in the manner detailed i the separate signed statement\* I have attached hereto. I also certify that I have correctly answered each and all of the questions below.

*Signature* .....

*Designation* .....

*Address* .....

.....

*Place*.....

*Dated*.....

- N.B.*---(1) In the absence of a definite purpose, no portionof the pension can be commuted.
- (2) The grounds for believing that distinct and dietinct and permanent advantage will be secured should be stated.
- (3) The portion of the pension to be commuted should consist of whole rupees and a multiple of five naye paise.

Form modifiede under Corporation Resolution No. 291, dated the 22nd June 1959 and confirmed under Government Resolution, Local silf Government and Public Health Department,

No. BMC-5359-C, dated the 8th January 1960.

**Questions.**

**Answers.**

What is the date of your birth?

How much of your pension do you wish to commute?

- (i) Have you already commuted a portion of your pension?
- (ii) Has any application from you for commutation of pension ever been rejected, or have you ever accepted/declined to accept, commutation of pension on the basis of an addition of years to your actual age recommended by the medical board? If so, give particulars.

4. Have you any debts or liabilities? Give particulars.

5. Have you a wife?

Name the members of your family dependent on you with their respective ages.

6. What was your monthly income from all sources during the past year? Give particulars.

7. Do you suffer from any complaint likely to shorten life? If so, state its nature.

8. Were you a subscriber to the Provident Fund? If so, state the amount at your credit at the date of retirement and if the money has been paid, in what way it has been utilised.

9. State the number of your pension roll.

*Place*.....

*Signature*

*Dated*.....

-----

**\* ANNEXURE I***(See RULES 48 & 50)*

Completed six monthly periods of qualifying		Scale of gratuity or pension per annum	Pension (in Rs. & P.) service
2	1	months' pay	
3	1.1/2	months' pay	
4	2	months' pay	
5	2.1/2	months' pay	
6	3	months' pay	
7	3.1/2	months' pay	
8	4	months' pay	
9	4.3/8	months' pay	
10	4.3/8	months' pay	
11	5.1/8	months' pay	
12	5.1/2	months' pay	
13	5.7/8	months' pay	
14	6.1/4	months' pay	
15	6.5/8	months' pay	
16	7	months' pay	
17	7.3/8	months' pay	
18	7.3/4	months' pay	
19	8.1/8	months' pay	

\* Amended vide C.R. No. 375 of 24-6-1965 and conformed under Govt. Resolution, U.D. & P.H.D. No. B.M.C.-5865/45939-C of 7-12-1965, and further, amended vide C.R. No. 1659 of 16-2-1968 and effect given from 7-12-1965 and confirmed under Govt. Resolution U.D.P.H. & Housing Department No. B.M.C. 5368/26870-C, dated 12th July 1968, and effect given from 7-12-1965, Further amended vide C.R. No. 14 of 25-4-1978 and confirmed under G.R.U.D. & P.H.D. No. BMC/1378/1859-UD 3 of 31-8-1978 and effect given from 1-1-1975, Further amended vide C.R. No. 1983 of 21-2-1980 and effect given from 1-4-1979 and confirmed vide G.R. U.D.P.H. Deptt., No. B.M.C.-1380/1641-U.D.3 of 28-5-1980.