**ANDHRA PRADESH REVISED PENSION RULES, 1980
Extract of Rules**

**1. Short title and commencement.-**

( 1) These rules shall be called the Andhra Pradesh Revised Pension Rules, 1980.
(2) They shall be deemed to have come into force with effect from the 29th October, 1979.

**6. Full pension subject to approved service.-**

( 1) Except for family pension admissible under rule 50, full pension admissible under these rules shall not be sanctioned to a Government servant unless the service rendered by that Government servant has been satisfactory: Provided that full pension and retirement gratuity admissible under these Rules may be released by Audit Officer/Pension Issuing Authority presuming the service to be satisfactory, unless the said Officer/Authority hears from the competent authority either to withhold the pension in full or to effect any cut in the pension before the employee actually retires.
(2) If the service rendered by the Government servant referred to in sub-rule (1) has not been satisfactory, the pension sanctioning authority may by order make such reduction in the amount of pension or gratuity, or both, as that authority may think proper: Provided that no order regarding reduction in the amount of pension or gratuity or both shall be made unless the Government servant has been given a reasonable opportunity for making a representation in the matter: Provided further that in case where the pension sanctioning authority is subordinate to the appointing authority, no order regarding reduction in the amount of pension or gratuity or both shall be made unless the approval of the appointing authority has been obtained: Provided also that the amount of pension shall not be reduced below the limit specified in sub-rule (5) of rule 45.
(3) For the purposes of sub-rule (2), the expression " appointing authority “ shall mean the authority which is competent to make appointments to the service or post from which the Government servant retires.
Note: Until Government specifically delegate the powers of reduction in pension to the appointing authorities, this power shall rest in Government for the time being.
(4)(a) The reduction referred to in sub-rule (2) shall be of a permanent character, and
(b) The measure of reduction in the amount of pension shall be to the extent by which the Government servant’s service as a whole failed to reach a satisfactory standard and no attempt shall be made to equate the amount of reduction with the amount of loss caused to the Government.
(5) The pension sanctioned under these rules shall not be reduced although proof of the service having been not satisfactory may come to the notice of the pension sanctioning authority subsequent to the sanction of pension.
(6) Whenever in the case of a Government servant the State Government passes an order (whether original or appellate) awarding a pension including gratuity less than the maximum admissible under these rules, the Andhra Pradesh Public Service Commission shall be consulted before the order is passed.
(7) Nothing in this rule shall apply:-
( a) where pension or a part of pension has been withheld or ordered to be recovered under rule 9; or
(b) where a part of pension has been reduced under rule 39; or
(c) to effect any recovery which has the result of punishment.

**7. Limitation on number of pensions.-**

( 1) A Government servant shall not earn two pensions in the same service or post at the same time or by the same continuous service.
(2) Except as provided in rule 19, a Government servant who having retired on a superannuation pension or retiring pension, is subsequently re-employed shall not be entitled to a separate pension or gratuity for the period of his re-employment.

**8. Pension subject to future good conduct.-**

( 1)(a) Future good conduct shall be an implied condition of every grant of pension and its continuance under these rules.
(b) The pension sanctioning authority may, by order in writing, withhold or withdraw a pension or part thereof, whether permanently or for a specified period, if the pensioner is convicted of a serious crime or is found guilty of grave misconduct: Provided that no such order shall be passed by an authority subordinate to the authority competent to make an appointment to the post held by the pensioner immediately before his retirement from service: Provided further that where a part of pension is withheld or withdrawn, the amount of such pension shall not be reduced below the limit specified in sub-rule (5) of rule 45.
(2) Where a pensioner is convicted of a serious crime by a court of law, action under sub-rule (1) shall be taken in the light of the judgment of the court relating to such conviction.
(3) In a case not falling under sub-rule (2), if the authority referred to in sub-rule
(1) considers that the pensioner is prima facts guilty of grave misconduct, it shall before passing an order under sub rule (1):-
( a) Serve upon the pensioner a notice specifying the action proposed to be taken against him and the ground on which it is proposed to be taken and calling upon him to submit, within fifteen days of the receipt of the notice or such further time not exceeding fifteen days as may be allowed by the pension sanctioning authority, such representation as he may wish to make against the proposal, and
(b) take into consideration the representation, if any, submitted by the pensioner under clause (a).
(4) Where the authority competent to pass an order under sub-rule (1) is the Government, Andhra pradesh Public Service Commission shall be consulted before the order is passed.
(5) An appeal against an order under sub-rule (1), passed by any authority other than the Government shall lie to the Government and the Government shall, in consultation with the Andhra Pradesh Public Service Commission, pass such orders on the appeal as it deems fit.

**Explanation:-**( a) The expression :“serious crime” includes a crime involving an offence under the Official Secrets Act, 1923 (Central Act 19 of 1923).
(b) The expression " grave misconduct " includes the communication or disclosure of any secret official code or password or any sketch, plan, model, articles, note, document or information, such as is mentioned in section 5 of the Official Secrets Act, 1923 (Central Act 19 of 1923) which was obtained while holding office under the Government so as to prejudicially effect the interests of the general public or the security of the State.

**9. Right of Government to withhold or withdraw pension.-**

[( 1) The Government reserve to themselves the right of withholding a pension or gratuity, or both, either in full or in part, or withdrawing a pension in full or in part, whether permanently or for a specific period and of ordering recovery from a pension or gratuity of the whole or part of any pecuniary loss caused, to the Government and to the local authority if, in any departmental or judicial proceedings the pensioner is found guilty of grave misconduct or negligence during the period of his service, including service rendered upon re-employment after retirement: Provided that the Andhra Pradesh Public Service Commission shall be consulted before any final orders are passed. “However, consultation with the Andhra Pradesh Public Service Commission is not necessary, where the pensioner is found guilty in any judicial proceedings.” (Added by G.O.Ms.No.442 Fin.(Pen. I)Dept.dt.25.9.2003) Provided further that a part of pension is with held or withdrawn, the amount of such pension shall not be reduced below the limit specified in sub-rule (5) of rule 45}
(2) (a) The departmental proceedings referred to in sub-rule (1), if instituted while the Government servant was in service whether before his retirement or during his re-employment, shall after the final retirement of the Government servant, 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 Government servant had continued in service. Provided that where the departmental proceedings are instituted by an authority subordinate to the State Government, that authority shall submit a report recording its findings to the State Government.

**Note:-** The function of the disciplinary authority is only to reach a finding on the charges and to submit a report recording its findings to the Government. It is then for the Government to consider the findings and take a final decision under this rule.In case Government decide to take action under this rule in the light of the findings of the disciplinary authority, the Government will serve the person concerned with a show-cause notice specifying the action proposed to be taken under this rule and the person concerned will be required to submit his reply to the show-cause notice within such time as may be specified by the Government. The Government will consider the reply and consult the Andhra Pradesh Public Service Commission. If as a result of such consideration in consultation with the Commission, it is decided to pass an order under the rule, necessary orders will be issued in the name of the Government.
(b) The Departmental Proceedings, if not instituted while the Government servant was in service, whether before his retirement or during his re-employment.
(i) shall not be instituted save with the sanction of the Government;
(ii) shall not be in respect of any event which took place more than four years before such institution; and
(iii) shall be conducted by such authority and in such place as the State Government may direct and in accordance with the procedure applicable to departmental proceedings in which an order of dismissal from service could be made in relation to the Government servant during his service.
(3) {1} Omitted
(4) In the case of a Government servant who has retired 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 52 shall be sanctioned.
(5) Where the State Government decides not to withhold or withdraw pension but orders recovery of pecuniary loss from pension, the recovery shall not ordinarily be made at a rate exceeding one-third of the pension admissible on the date of retirement of a Government servant.
(6) For the purpose of this rule-
( a) departmental proceedings shall be deemed to be instituted on the date on which the statement of charges is issued to the Government servant or pensioner or if the Government servant 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 the plaint is presented in the court.

**10. Commercial employment after retirement.-**

( 1) If a pensioner who, immediately before his retirement was a Gazetted Government servant, wishes to accept any commercial employment before the expiry of two years from the date of his retirement, he shall obtain the previous sanction of the Government to such acceptance (by submitting an (\*) application in the prescribed proforma appended to part II of these rules) and no pension shall be payable to a pensioner who accepts a commercial employment without such sanction in respect of any period for which he is so employed or such longer period as the Government may direct; Provided that a Government servant who was permitted by the Government to take up a particular form of commercial employment during his leave preparatory to retirement or during refused leave shall not be required to obtain subsequent permission for his continuance in such employment after retirement. (2) For the purpose of this rule -

(a) the expression commercial employment means:-
( i) an employment in any capacity including that of an agent under a company, cooperative society, firm or individual engaged in trading, commercial, industrial, financial or professional business and includes also a directorship of such company and partnership of such firm and includes employment under a body corporate, wholly or substantially owned or controlled by the Government,
(ii) setting up practice either independently or as a partner of a firm, as adviser or consultant in matters in respect of which the pensioner-
( a) has no professional qualification and the 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
(b) 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 reason of his previous official position, or
(iii) has to undertake work involving liaison or contract with the offices or officers of the Government.

**Explanation.—**(a) For the purpose of sub-rule (1) of this rule, "the date of retirement” in relation to a Government servant re-employed after retirement, without any break, either in the same or in another Gazetted post under the State Government or in any other equivalent post under the Central Government, shall mean the date on which such Government servant finally ceases to be so re-employed in government service,
(b) For the purpose of this rule, employment under a Co-operative Society includes the holding of any office whether elective or otherwise, such as President, Chairman, Manager, Secretary, Treasurer and the like, by whatever name called in such a society.

**11. Restriction on practice in Commercial Tax and other cases after retirement.-**

( 1) No Deputy Commissioner of Commercial Taxes, Commercial Tax Officer, Deputy Commercial Tax Officer or Assistant Commercial Tax Officer shall, during a period of five years from the date of his retirement from service, act as a Sales Tax Adviser or Consultant or accept any engagement to appear on behalf of any dealer in any sales tax proceedings any where in the State, without the previous sanction of the Government in the case of the Deputy Commissioner of Commercial Taxes or the Commercial Tax Officer and of the Commissioner of Commercial Taxes in the case of the Deputy Commercial Tax Officer or the Assistant Commercial Tax Officer.
(2) no retired officer of the Commercial Taxes Department shall accept any engagement to appear on behalf of any dealer in any sales tax proceedings any where in the State if;-
( i) the officer or authority before whom the retired officer is to appear was his official subordinate while in service; or
(ii) the sales tax proceedings relates to an order passed by him or to a case with which he was in any way connected in his official capacity. (3) No pension shall be payable for such period as the Government may, by order, direct to any retired officer of the Commercial Taxes Department if he contravenes the provisions contained in clauses (i) and (ii) of sub-rule (2).

**NOTE:-** (a) A condition should be incorporated in the terms of contracts executed on account of public works to the effect that it is liable for cancellation if either the contractor himself or any of his employee is found to be a Gazetted Officer who retired from service and had not obtained permission from the Government for accepting the contract or employment within a period of two years from the date of his retirement;
(b) At the time of sanctioning pension of Engineers and other Gazetted Officers of the Public Works Department including Electricity Department, they should be required to sign an undertaking that they would not seek such employment (and set up or engage in a business or a Commercial undertaking as a principal) within a period of two years from the date of their retirement, without the prior permission of Government, and that in case of non-pensionable officers they should be required to sign a similar undertaking at the time they are paid the gratuity or other retiring benefits by Government.

**12. Employment under a Government outside India after retirement.-**

( 1) (a) If a pensioner, to whom these rules are applicable wished to accept any employment under any Government outside India, he should obtain the previous sanction of the Government of India for such acceptance. No pension shall be payable to a pensioner who accepts such employment without proper permission, in respect of any period for which he is so employed or such longer period as the Government of India may direct: Provided that a Government Servant permitted by the appropriate authority to take up a particular form of employment under a Government outside India during his leave preparatory to retirement shall not be required to obtain subsequent permission for his continuance in such employment after retirement.
(b) for the purposes of this rule, “employment under any Government outside India” shall include employment under a local authority or corporation or any other institution or organisation which functions under the supervision or control of a Government outside India, or an employment under an International Organisation of which the Government of India is not a member.
(2)(a) If a pensioner, to whom these rules are applicable wishes to accept any employment whether commercial or private, before the expiry of two years from the date of his retirement or any employment under any Government outside India at any time, he should obtain the previous sanction of the state Government for such acceptance. No pension shall be payable to a pensioner who accepts any such employment without such sanction, in respect of any period for which he is so employed or such longer period as the State Government may direct.
(b) This sub-rule shall apply to all pensioners who immediately before retirement were Gazetted Officers under the rule making control of the State Government or were on leave preparatory to retirement and would have held Gazetted posts but for proceeding on such leave.
(c) For the purposes of this sub-rule, "employment under any Government outside India” shall include employment under a local authority or corporation or any other constitution or organization which functions under the supervision or control of a Government outside India.

Note:- No officer on leave preparatory to retirement should be permitted except for very special reasons to accept any employment until such leave expires and he enters on pension.

**23. Counting of periods of suspension.-**

Time passed by a Government servant under suspension pending inquiry into conduct shall count as qualifying service where, on conclusion of such inquiry, he has been fully exonerated or the suspension is held to be wholly unjustified. In other cases, the period of suspension shall not count unless the authority competent to pass orders under the rule governing such cases expressly declares at the time that it shall count to such extent as the competent authority may declare.

**24. Forfeiture of service on dismissal or removal.-**

Dismissal or removal of a Government servant from a service or post entails forfeiture of his past service.

**25. Counting of past service on reinstatement.-**

( 1) A Government Servant who is dismissed, removed or compulsorily retired from service, but is reinstated on appeal or review, is entitled to count his past service as qualifying service.
(2) The period of interruption in service between the date of dismissal, removal or compulsory retirement, as the case may be, and the date of reinstatement and the period of suspension if any, shall not count as qualifying service unless regularised as duty or leave by a specific order of the authority which passed the order or reinstatement.

**39. Compulsory retirement pension.-**

( 1) A Government servant compulsorily retired from service as a penalty may be granted, by the authority competent to impose such penalty, pension or gratuity or both at a rate not less than two thirds and not more than full invalid pension or gratuity or both admissible to him on the date of his compulsory retirement.
(2) Whenever in the case of a Government servant the Government passes an order (whether original, appellate or in exercise of power of review) awarding a pension less than the full invalid pension admissible under these rules, the Andhra Pradesh Public Service Commission shall be consulted before such order is passed.

**Explanation:-**

In this sub-rule, the expression “pension” includes gratuity.
(3) A pension granted or awarded under sub-rule (1) or, as the case may be, under sub-rule (2), shall not be less than the limit specified in sub-rule (5) of rule 45.

**40. Compassionate allowance.-**A Government servant who is dismissed or removed from service shall forfeit his pension and gratuity: Provided that the authority competent to dismiss or remove him from service, may, if the case is deserving of special consideration, sanction a compassionate allowance not exceeding two-thirds of pension or gratuity or both which would have been admissible to him if he had retired on invalid pension.

**41. Minimum Compassionate allowance.-**

A compassionate allowance sanctioned under the proviso to the above rule shall not be less than the limit specified in sub-rule (5) of rule 45.

**42. Retirement on attaining the age of superannuation.-**

Every Government servant to whom these rules apply shall compulsorily retire on attaining the age of superannuation \* as provided in the Fundamental Rules as amended from time to time.

**43. Retirement on completion of 20 years of qualifying service.-**( 1) A Government servant shall have the option to retire from service voluntarily after he has put in not less than twenty years of qualifying service. Provided that he give a notice in writing of his intention to retire voluntarily of at least three months to the authority which has power to make a substantive appointment to the post from which he retires: Provided further that { 1 } a notice of the less than three months may also be accepted by the competent authority. [provided also that, not withstanding anything in rule 21, extraordinary leave availed {on any ground other than for prosecuting higher studies within the State/outside the State/country without receiving any payment except stipends during the period of such leave from any source, but including on medical certificate} shall not be reckoned as qualifying service for purposes of arriving at the qualifying service of twenty years referred to in this rule]

NOTE:- A Government servant who has elected to retire under this rule and has given the necessary intimation to that effect to the appointing authority, shall be precluded from withdrawing his election subsequently except with the specific approval of such authority: Provided that the request for withdrawal shall be within the intended date of his retirement.
(2) A Government servant retiring under sub-rule (1) shall be entitled to a retiring pension: Provided that such retiring pension shall be subject to the provisions of the rules 6, 8 and 9.
(3) Where a Government servant opts to retire under sub-rule (1) while on leave not due, the retirement in such cases shall take effect from the date when the leave not due commenced and the employee shall refund the leave salary paid in respect of such leave not due availed of by the employee.
(4) A Government servant opting for retirement under sub-rule (1), shall not retire unless the notice given by him as per proviso to sub-rule (1) is accepted by the competent authority: Provided that the competent authority shall issue an order before the expiry of the notice period accepting or rejecting the notice.
(5) [Government servants opting for retirement under sub-rule (1) shall be entitled to addition of service for purpose of Pension, a service equal to the difference between the qualifying service actually put in by him and the service he would have put in on the date of such qualifying service and ( thirty three years) whichever is less, subject to the condition that such difference shall be limited to a maximum of 5 years. Provided further that such a Government servant shall not be eligible for weightage under Rule 29 of these rules]
(6) The option under sub-rule (1) shall not be admissible to a Government servant on deputation to autonomous bodies/corporations/companies/public sector undertakings or institutions wholly or substantially owned by Government who get absorbed in such public undertakings/autonomous bodies or institutions, as the case may be.

(7) A Government servant retiring voluntarily under sub-rule (1) of these rule shall be subject to rule 10 of these rules.

NOTE:- Orders permitting/requiring a Government servant to retire after completing twenty years qualifying service should, as a rule, not be issued until after the fact that the officer has indeed completed qualifying service for twenty years has been verified in consultation with Pay and Accounts Officer, Hyderabad/ Head of Department/Head of Office as the case may be, who maintains service particulars/Book of the Government servant concerned.

**44. Retirement on completion of 33 years qualifying service.-**( 1) At any time after a Government servant has completed thirty three years of qualifying service but before attaining 58 years of age.
(a) he may retire from service, or
(b) he may be required by the appointing authority to retire in the public interest, and in the case of such retirement the Government servant shall be entitled to a retiring pension: Provided that—-
( a) The Government servant gives notice in writing to the appointing authority at least three months before the date on which he wishes to retire; or
(b) The appointing authority gives a notice in writing to the Government servant at least three months before the date on which he is required to retire in the public interest or three months pay and allowances in lieu of such notice, as the case may be: Provided further that where the Government servant giving notice under clause
(a) of the preceding proviso is under suspension, it shall be open to the appointing authority to withhold permission to such Government servant to retire under this rule.
(2) A Government servant, who had elected to retire under this rule and has given the necessary intimation to that effect to the appointing authority, shall be precluded from withdrawing his election subsequently except with the specific approval of such authority: Provided that the request for withdrawal shall be within the intended date of his retirement.

NOTE:- Orders pemitting/requiring a Government servant to retire after completing 33 years of qualifying service should as a rule, not be issued until after the fact that the officer has indeed completed qualifying service for 33 years has been verified in consultation with the Pay and Accounts Officer, Hyderabad/Head of the Department/Head of Office, as the case may be, who maintains the service particulars/Book of the Government servant concerned.

**52. Provisional pension where departmental or judicial proceeding may be pending.-**

( 1)(a) In respect of a Government servant referred to in sub-rule (4) of rule 9, the Audit Officer/Head of Office shall pay the provisional pension not exceeding the maximum pension which would have been admissible on the basis of qualifying service up to the date of retirement of the Government servant, or if he was under suspension on the date of retirement, up to the date immediately preceding the date on which he was placed under suspension.
(b) The provisional pension shall be paid by the Audit Officer/Head of office during the period commencing from the date on which, upon the conclusion of the departmental or judicial proceedings, final orders are passed by the competent authority.
[(c) No gratuity shall be paid to the Government servant until the conclusion of the departmental or judicial proceedings and issue of final orders: Provided that where departmental proceedings have been instituted under rule 9 of Andhra Pradesh Civil Services ( Control Classification and Appeal ) Rules, 1991, for imposing any of the penalties specified in clauses (i), (ii) and (iv) of rule 9 of the said rules, except the cases falling under sub rule (2) of rule 22 of the said rules, the payment of gratuity shall be authorised to be paid to the Government servant.]
(2) Payment of provisional pension made under sub-rule (1) shall be adjusted against final retirement benefits sanctioned to such Government servant 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.
(3) Nothing contained in this rule shall prejudice the operation of rule 6 when final pension is sanctioned upon the conclusion of the departmental or judicial proceedings.

**53. Interpretation.-**

Where any doubt arises as to the interpretation of these rules, it shall be referred to the Government in the Finance and Planning (FW) Department for decision.

**54. Power to relax.-**

Where Government is satisfied that the operation of any of these rules causes undue hardship in any particular case, Government may, by order for reasons to be recorded in writing, dispense with or relax the requirements of that rule to such extent and subject to such exceptions and conditions as it may consider necessary for dealing with the case in a just and equitable manner: Provided that no such order shall be made except with the concurrence of the Finance & Planning (FW) Department.

**55. Repeal and Saving.-**( 1) On the commencement of these rules, every rule, regulation or order in force immediately before such commencement shall, in so far as it provides for any of the matters contained in these rules, cease to operate.
(a)(i) Every nomination for the payment of retirement gratuity, or of non-contributory family pension,
(ii) Every form regarding the details of family of a Government servant for the purpose of contributory family pension, and
(iii) Every formal application for the sanction of pension, which a Government servant had made or given under the existing rules shall be deemed to have been made or given under the corresponding provisions of these rules.
(b) Any nomination for the payment of retirement gratuity or of non-contributory family pension, any form regarding the details of family of a Government servant for the purpose of contributory family pension or any formal application for the sanction of pension, required to be made or given by a Government servant under the existing rule but not made or given before the commencement of these rules shall be made or given after such commencement in accordance with the provisions of these rules;
(c) Any case which pertains to sanction of pension to a Government servant who had retired before the commencement of these rules and is pending before such commencement shall be disposed of in accordance with the provisions of the existing rule as if these rules had not been made;
(d) Any case which pertains to sanction of retirement gratuity and family pension to the family of a deceased Government servant or of a deceased pensioner and is pending before the commencement of these rules shall be disposed of in accordance with the provisions of the existing rule as if these rules had not been made;
(e) Subject to the provisions of clauses (c) and (d), anything done or any action taken under the existing rule shall be deemed to have been done or taken under the corresponding provisions of these rules.