

**DEPARTMENT OF FINANCE AND COMMERCE.**

**(Rules regarding the rank and allowances of Natives of India appointed to offices)**

**NOTIFICATIONS.**

**No.1187**

**Dated Simla, the 8th June 1880.**

No.1187.- Rules regarding the rank and allowances of Natives of India appointed to offices in Her Majesty's Civil Service of India in accordance with the rules framed under Act 33 Vic., Cap.3.

1. (a) A Native Civil Servant is a member of the Covenanted Civil Service in the presidency to which he belongs, and ordinarily ranks, in that Service, according to the date of his appointment to an office in the Covenanted Civil Service, his name being entered in the Civil List accordingly.  
(b) But if an Officer is appointed to an office in the Covenanted Civil Service upon the ground of his proved merit and ability or professional attainments, the Governor-General in Council may, upon the recommendation of the local Government, assign to him superior rank in the Service.
2. The pay of an office when held by a Native Civil Servant shall be, as nearly as convenient, two-thirds of what it would be if the office were held by a Covenanted Civil Servant appointed in England, less the subscription paid by such a Servant on account of his Annuity.  
[NOTE.- Thus the proportion of the pay of a Native Civil Servant to the gross pay of a Covenanted Civil Servant appointed after competitive examination in England will be, as nearly as convenient, 64 per cent.]
3. The Subsistence Allowance of a Native Civil Servant when out of employ is as follows:-

Rs.

To an Officer who has rendered not more than eight years' Active Service as defined in Section 1 (a) of Part II. of Supplement A. of the Civil Pension

Code	..	..	..	..	..	..	..	250
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To an Officer who has rendered more than eight but less than twelve years'

such Active Service .. .. 320

To an Officer who has rendered not less than twelve years' such Active

Service .. 400

4. The rules for the Pension and Leave of a Native Civil Servant are contained in the following additions to the Civil Pension and Leave Codes:-

**CIVIL PENSION CODE.**

**SECTION 2 (j)**

**Page 2.**

Add-

and includes a Native Civil Servant.

- (jj) A Native Civil Servant is a Native of India appointed to an office in the Covenanted Civil Service in accordance with the rules framed under section 6, Act 33 Vic., Cap.3.

**SUPPLEMENT A.**

**Page 115.**

**After "COVENANTED CIVIL SERVANTS" insert-**

**PART I.**

**CIVIL SERVANTS APPOINTED BY THE HONOURABLE EAST INDIA COMPANY, OR, AFTER COMPETITIVE EXAMINATION IN ENGLAND, BY HER MAJESTY'S SECRETARY OF STATE FOR INDIA.**

**Page 120.**

**Insert the following after section 9:-**

**PART II.**

**NATIVE CIVIL SERVANTS.**

**Section 1.- In this Part-**

- (a) "Active Service" means Active Service in the Covenanted Civil Service, and includes-

- (1) time spent on duty;
- (2) any period, not exceeding two years, spent on probation in India;
- (3) privilege Leave of Absence;
- (4) subsidiary Leave of Absence;

(5) time passed in India out of employ on Subsistence Allowance.

Section 2.- Except with the special sanction of the Governor-General in Council, a Native Civil Servant, who has reached the age of 55 years, shall not be appointed, either substantively or officiating, to a new office, or be permitted to retain any office which he has held, either substantively or officiating, for five years.

Section 3.- The pension of a Native Civil Servant shall in no case exceed the following limits, namely-

								Rs.
After an Active Service of not less than 25 years								5,000
Ditto	ditto	ditto	30	„	..	..	..	6,000

All the rules in this Part are subject to these maxima.

Section 4 (a).- On his resignation of the service being accepted after not less than 25 years' Active Service, a Native Civil Servant is entitled to a Retiring Pension of half his Average Salary during the three last years of his Active Service.

(b) A Native Civil Servant who, upon a medical certificate in the form prescribed in section 63 of the Code, is permitted to resign the service before he has completed 25 years' Active Service, is entitled to Invalid Pension as follows:-

(1) After an Active Service of less than ten years- Gratuity of one month's pay for each year of Active Service:

(2) After an Active Service of not less than ten years- Pension of Rs. 1,500 a year, plus Rs.150 for each complete year of Active Service in excess of ten.

Section 5 (a).- A Native Civil Servant removed from the Service, under section 2, after an Active Service of less than 25 years, is entitled to a Superannuation Pension.

(b) On reaching the age of 55 years, a Native Civil Servant may retire upon a Superannuation Pension.

(c) The amount of a Superannuation Pension is the same as that of an Invalid Pension.

Section 6 (a).- A Native Civil Servant who filled a pensionable office before his admission to the Covenanted Civil Service may, at his option, count his whole pensionable service and receive a consolidated pension, made up as follows:-

(1) That proportion of the pension to which he would have been entitled under sections 4 and 5, if his whole service had been passed in the Covenanted Civil Service, which his Active Service bears to the whole of his qualifying service.

(2) That proportion of the pension to which he would have been entitled if his whole service had been in the Uncovenanted Service, which his previous service bears to the whole of his qualifying service.

(b) If such Native Civil Servant is entitled to gratuity only, his gratuity shall be calculated as if his whole service had been passed in the Covenanted Civil Service.

Section 7.- The procedure upon an application for pension and upon the payment of pension is that described in rule I under section 6 of Part I. of this Supplement and Chapters XVI. And XVII. of the Code respectively.

#### **CIVIL LEAVE CODE.**

#### **SECTION 2.**

**Page 135.**

Add to clause (a)-

In Supplement C., but not elsewhere, it includes a Native Civil Servant.

Add the following clause to this section:-

(aa) A "Native Civil Servant" means a Native of India appointed to an office in the Covenanted Civil Service in accordance with the rules framed under section 6, Act 33 Vic., Cap. 3.

#### **SECTION 3**

**Page 141.**

Insert-

**Native Civil Servants-Supplement B. B.**

**Page 233.**

Add-

#### **SUPPLEMENT B. B.**

#### **NATIVE CIVIL SERVANTS.**

Section 1.- In this Supplement-

“Average Salary” means Average Salary for a month, calculated for so much of the three years immediately preceding the day on which a Native Civil Servant gives up office as he has passed on duty, or on privilege or examination leave. Average Salary in excess of Rs. 1,400 a month is not reckoned.

“Service” means all qualifying service whether rendered in the Covenanted Civil Service or otherwise, and includes periods spent on leave with allowances.

Section 2.- During leave on Medical Certificate in excess of 15 months at one time or of 30 months in all, and during Subsidiary Leave following such excess leave, a Native Civil Servant is entitled to a quarter of his average salary, During any other Leave, excepting Privilege Leave, Examination Leave, or Extraordinary Leave, an officer is entitled to half his average salary:

Provided that the leave allowances of an Officer shall in no case exceed his actual salary when he was last before on duty.

Section 3.- Leave on Medical Certificate may be granted for three years in all, but not for more than two years at one time.

Section 4.- An Officer may take either Leave on Private Affairs or Furlough as follows, but not both these kinds of Leave:-

(b) Leave on Private Affairs may be taken, first, after not less than six years' service, and thereafter at intervals of not less than six years. The duration of Leave on Private Affairs must not exceed six months at one time.

(c) Furlough, not exceeding two years in all, may be taken, first, after not less than ten years' service, and thereafter at intervals of not less than eight years. The duration of Furlough must not exceed one year at one time, unless it be taken, for the first time, after not less than eighteen years' service, when it may extend to two years.

Section 5.- Subsidiary Leave, Privilege Leave, and Examination Leave may be granted to a Native Civil Servant under Chapters VI., VII., and VIII., of the Code.

Section 6.- The local Government may grant Extraordinary Leave without allowances at its discretion.

Subject to the provisions of section 10, there is no limit to the length or frequency of Leave under the section; and it may be granted in continuation of any Leave with allowances excepting Privilege Leave.

Section 7.- Leave taken by a Native Civil Servant before his appointment to an office in the Covenanted Civil Service shall, for the purpose of calculating the Leave admissible to him under this Supplement, be treated as Leave taken under this Supplement.

Section 8.- Leave on Private Affairs or Furlough may not be granted in continuation of any Leave except Subsidiary Leave; but any Leave granted under these rules may be retrospectively changed for any other kind or amount of Leave which might at first have been granted. If a Native Civil Servant absent on Privilege Leave, Leave on Private Affairs, or Furlough, takes extension of Leave on Medical Certificate, the whole of his absence must be treated as Leave on Medical Certificate.

1. Extraordinary Leave cannot be changed retrospectively into Leave on Medical Certificate; but Leave on Medical Certificate may be given in continuation of Extraordinary Leave.

Section 9.- A Native Civil Servant who has reached the age of 55 years is not eligible for any Leave, excepting Privilege Leave. Leave, other than Privilege Leave, granted to a Native Civil Servant before his 55 th birthday cannot extend beyond that date.

Section 10.- If a Native Civil Servant is absent without leave, or remains absent after the end of Leave (excepting Privilege Leave, in which case a week's grace is allowed), he vacates his appointment; and, after five years' continuous absence from duty, whether with or without leave, a Native Civil Servant ceases to belong to the Public Service.

1. A Native Civil Servant who takes Leave other than Privilege Leave or Examination Leave, has no claim to return to the particular appointment from which he took Leave.

Section 12.- The procedure upon Application for Leave is that prescribed in Chapter XIV. Of the Code.

## **SUPPLEMENT B.**

### **RULE XXIV.**

**Page 232.**

After "Servant," add "or a Native Civil Servant."

After "Servants," add "or Native Civil Servants as the case may be."

## **ACTING ALLOWANCE CODE.**

### **SECTION 2.**

**Page 266.**

Add-

including a Native of India appointed to an office in the Covenanted Civil Service in accordance with the rules framed under section 6, Act 33 Vic., Cap.3.

## CHAPTER II.

Page 269.

Add-

Section 9A.- The pay of an office held by a Native Civil Servant is, unless otherwise specially ordered, 64 per cent. of what would be the gross pay of the office if it were held by a Covenanted Civil Servant appointed after competitive examination in England.

R.B.CHAPMAN,  
Secretary to the Government of India.