

No. - 57/03/2022-P&PW(B)/8361  
Government of India  
Ministry of Personnel, Public Grievances and Pensions  
Department of Pension and Pensioners' Welfare

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3<sup>rd</sup> Floor, Lok Nayak Bhavan, Khan Market,  
New Delhi, Dated the 27<sup>th</sup> October, 2022

**OFFICE MEMORANDUM**

**Subject: Provisions relating to effect of disciplinary proceedings on the benefits from accumulated pension corpus under National Pension System and gratuity in respect to Central Government employees covered under NPS.**

The undersigned is directed to say that Department of Pension and Pensioners' Welfare has notified the Central Civil Services (Implementation of National Pension System) Rules, 2021 and Central Civil Services (Payment of Gratuity under National Pension System) Rules, 2021 which are applicable from the date of its publication in the Official Gazette, to govern service related matters and for grant of gratuity respectively to Central Government civil employees covered under National Pension System.

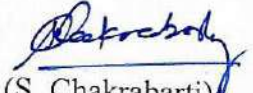
2. Rule 19 of Central Civil Services (Implementation of NPS) Rules, 2021 provides that the Departmental or judicial proceedings, which were instituted while the Subscriber was in service but are not concluded before retirement or the judicial proceedings instituted after retirement of the Subscriber, shall not affect the benefits payable to the Subscriber out of his accumulated pension corpus and the lump sum and the annuity out of his accumulated pension corpus shall be paid to him in accordance with the regulations notified by the Authority as admissible in the case of exit of a Subscriber from the National Pension System on superannuation.

3. Further, as per Rule 5 of the Central Civil Services (Payment of Gratuity under National Pension System) Rules, 2021 that if, in any departmental or judicial proceedings instituted while the Government servant was in service, the retired Government servant is found guilty of grave misconduct or negligence, his gratuity may be withheld either in full or in part, and recovery may be ordered from gratuity of the whole or part of any pecuniary loss caused to the Government.

4. After the retirement of the Government servant, the departmental proceedings shall be deemed to be proceedings under rule 5 of the Central Civil Services (Payment of Gratuity under National Pension System) Rules, 2021 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. No gratuity shall be payable to the Government servant until the conclusion of the departmental or judicial proceedings and issue of final orders thereon.

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5. All Ministries/Departments are requested that the above provisions regarding disciplinary proceeding in respect to Central Government employees covered under National Pension System may be brought to the notice of the personnel dealing with the pensionary benefits in the Ministry/Department and attached/subordinate offices thereunder, for strict implementation.

  
(S. Chakrabarti)

Under Secretary to the Government of India

To

All Ministries/Departments/Organisations,  
(As per standard list)