

OFFICE MEMORANDUM

Bhubaneswar, the 5th July, 1995.

The undersigned is directed to say that according to Rule-39 of the O.C.S. (Pension) Rules, 1992 ~~invalid pension may be granted~~ by the pension sanctioning authority if a Government servant retires from the service on account of bodily or mental infirmity which permanently incapacitates him for further service. Doubts have however been raised in some quarters whether permission of higher authority will be necessary for the appointing authority while allowing a Government servant to retire on ground of invalidation as laid down on the Note below Rule 18(2) in Leave Procedure Rules of Appendix 13 of Orissa Service Code for grant of leave.

For the purpose of removal of doubt it is hereby clarified that a competent authority has been defined in Leave Procedure Rules of Appendix-13 vide Note under rule 18(2)(b) of the said Rules for grant of leave only. Acceptance of notice from individual Government servant for retirement and issue of the retirement order on invalidation ground are not same as grant of leave by the competent authority prescribed to do so under Note to Rule 18(2)(b) of Appendix-13 of Orissa Service Code. In other words appointing authority being the same in terms of the Pension Sanctioning Authority in terms of Rule 2(q) of O.C.S. (Pension) Rules, 1992 is only competent to accept notice from individual Government servant for retirement on invalidation without requiring prior permission of any higher authority.

Sd/-R. K. Das
ADDITIONAL SECRETARY TO GOVERNMENT.

(P.T.O.)