

GOVERNMENT OF RAJASTHAN
Department of Personnel (A-3)

No.F.5(2)(86)/Karmik/Ka-3/2000

Dated: September 06, 2001

1. All Principal Secretaries / Secretaries to Government
2. All Heads of Departments (including Divisional Commissioners & District Collectors)
3. All Special Secretaries / Deputy Secretaries to Government

C I R C U L A R

SUBJECT: Order for withholding of withdrawing a pension or part thereof of a retired government servant under Rule 7 of the Rajasthan Civil Services (Pension) Rules, 1996 - whether review petition under Rule 34 the Rajasthan Civil Services (Classification, Control & Appeal) Rules, 1958 is maintainable against such orders.


It has been observed that in several cases where orders for withholding or withdrawing a pension or part thereof of a retired government servant are passed under Rule 7 of the Rajasthan Civil Services (Pension) Rules, 1996 (old rule 170 of the Rajasthan Service Rules) the concerned retired government servants are filing review petitions before H.E. the Governor under Rule 34 of the Rajasthan Civil Services (Classification, Control & Appeal) Rules, 1958 (hereinafter referred to as the "CCA Rules").

The issue as to whether or not review petitions under Rule 34 of the CCA Rules are maintainable in respect of such orders has been examined in consultation with the Law Department. It is hereby clarified that Rule 34 of the CCA Rules is applicable only to those **orders which are made**

Whether review petition is maintainable against an order for withholding or withdrawing a pension or part thereof in respect of a retired government servant

under the CCA Rules or are appealable under the CCA Rules. Rule 34 of the CCA Rules is not applicable in the case of an order which has been passed under Rule 7 of the Rajasthan Civil Services (Pension) Rules, 1996. All the orders for withholding or withdrawing a pension or part thereof of a retired government servant are orders under Rule 7 of the Rajasthan Civil Services (Pension) Rules, 1996 and not under the provisions of the CCA Rules, although the procedure prescribed under Rule 16 of the CCA Rules is applied to the enquiry which is conducted before passing an order under Rule 7 of the Rajasthan Civil Services (Pension) Rules, 1996. Therefore, review petitions are not maintainable against such orders under the provisions of Rule 34 of the CCA Rules. There is no provision in the Rajasthan Civil Services (Pension) Rules, 1996 for review of an order which has been passed under rule 7 of the Rajasthan Civil Services (Pension) Rules, 1996. In such a situation, review petition against an order which has been passed for withholding or withdrawing a pension or part thereof in respect of a retired government servant are simply not maintainable.

It is further clarified that whenever an order for withholding or withdrawing a pension or part thereof is passed in respect of a retired government servant, it should be clearly stated in the order that the pension is being withheld or withdrawn in exercise of the powers conferred by Rule 7 of the Rajasthan Civil Services (Pension) Rules, 1996.


(Ashok Sampatram)
Secretary to Government

Copy for information and necessary action to the following:-

1. Secretary to H.E. the Governor
2. Registrar, Rajasthan Civil Services Appellate Tribunal, Jaipur
3. Guard File


Secretary to Government