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**THE REPUBLIC OF THE UNION OF MYANMAR**  
**THE UNION CIVIL SERVICE BOARD**

**CIVIL SERVICE PERSONNEL RULES**

**26 March, 2014**

(4)

**Civil Service Personnel Rules****CONTENTS**

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**The Republic of the Union of Myanmar**  
**The Union Civil Service Board**

Notification No. 12/2014

The 11<sup>th</sup> Waning Day of Tabaung, 1375 M.E.  
(26 March, 2014)

The Union Civil Service Board hereby issues these rules in exercise of the power conferred by sub-section (a) of Section 76 of the Civil Service Personnel Law with the approval of the Union Government.

**Chapter I**  
**Title and Definition**

1. These rules shall be called **the Civil Service Personnel Rules**.
2. The provisions contained in these rules shall apply to the service personnel entitled to the pay and allowances disbursed out of the State Budget. These rules shall not apply to the defence services personnel and members of the Myanmar Police Force.
3. The expressions contained in these rules shall have the same meanings contained in the Civil Service Personnel Law. In addition, the following expressions shall have the meanings given hereunder:
  - (a) **Law** means the Civil Service Personnel Law;
  - (b) **Head of the Ministry and the Organization** means the Head of the Ministries and Organizations appointed by the President under sub-section (f) of Section 2 of the law;
  - (c) **Confirmed Appointment** means the confirmed appointment to a vacant post that no other service personnel holds lien on it in the set-up of any service personnel organization;
  - (d) **Probation** means the appointment to an initial post of one category of posts in the set-up by putting on probation for a period with particular conditions to train to acquire skills needed for the post before confirmation of the appointment;

- (e) **Apprentice Appointment** means the appointment as an apprentice against a sanctioned post in the set-up of service personnel organization to become proficient in skills related to performing the duties;
- (f) **Part-time Appointment** means the appointment to any post with a limit of time;
- (g) **On Duty Period** includes the following periods:
  - (i) probationary period of a post;
  - (ii) apprentice period to be confirmed appointment from an apprentice to a permanent civil service without interval;
  - (iii) joining time;
  - (iv) on duty period abroad;
  - (v) study period in or out of the country with the permission of the department.
- (h) **Working Hours** means the hours defined by the State Government for a service personnel to perform the duty in a day;
- (i) **Term of Post** means the period of performing duty in a current post.
- (j) **Term of Service** means the period of performing duty as a civil service in a service personnel organization. In this expression, the probation period, apprentice period, on leave period except extraordinary leave without pay, temporary suspension period defined as term of duty and period of performing other duty which is determined as term of duty are also included.
- (k) **Permanent Post** means a post in the set-up without limit of time.
- (l) **Organizational Set-up** means the number of staff formed as a separate unit for respective classes of service personnel in a service personnel organization.
- (m) **Pay** means the amount of money earned monthly by a service personnel and includes the following categories:
  - (i) permitted pay for permanent or temporary post;

- (ii) other forms of remuneration stipulated as pay by the Union Government.
- (n) **Basic Pay** means the pay earned from a post in the set-up to which the appointment has been confirmed.
- (o) **Time Scale Pay** includes the minimum, maximum and annual increment and is the pay scale which rises from minimum to maximum by increasing at a specified increment during a specified period.
- (p) **Identical Time Scale Pay** means the identical time scale pay if the minimum, maximum, rates and periods of increments are identical.
- (q) **Average Pay** means the average monthly pay earned during twelve consecutive months preceding the month in which the event occurred to require the calculation of average pay.
- (r) **Leave Pay** means the pay which is entitled to earn on leave.
- (s) **Subsistence Allowance** means the allowance granted monthly to a service personnel during suspension in order not to have difficulty in food, clothing and shelter.
- (t) **Supplementary Allowance** means an allowance granted to cover the actual duty expenditure necessitated by the special circumstances in performing the duty. In this expression, travelling allowance is included;
- (u) **Joining Time** means the time allowed to a service personnel to travel from the previous duty station to the station where the person is transferred;
- (v) **Month** means one month of the Gregorian Calendar.30 days shall be defined and calculated as one month of calendar year;
- (w) **Service on Deputation** means the full-time service of a service personnel transferred to another organization either in the country or in a foreign country with the permission of the Union Government, in which case the service personnel is paid by a budget other than the State Budget;

- (x) **Taking Departmental Action** means the departmental enquiry and administrative action taken against a service personnel for breaking the civil service rules of conduct, breach of discipline or failure to perform duties;
- (y) **Departmental Enquiry** means hearing by opening a departmental case after holding the preliminary enquiry;
- (z) **Preliminary Enquiry** means the initial enquiry whether or not there are sufficient facts and evidence to take action against service personnel in respect of any complaint or act or omission of such service personnel;
- (aa) **Departmental Trial** means opening a case and examining it after charging to take departmental action against a service personnel in the light of sufficient facts and evidence in respect of complaint or act or omission of a service personnel;
- (bb) **Disciplinary Offence** means any actor omission of a service personnel which may be taken departmental action;
- (cc) **Disciplinary Penalty** means any penalty imposed on a service personnel by the department for any disciplinary offence;
- (dd) **Appeal** means filing an appeal by a service personnel against a penalty, an order or a decision passed by the departmental action;
- (ee) **Form** means the form contained in these rules;
- (ff) **Schedule** means the schedule contained in these rules.

## Chapter II

### Specifications for the Appointment of Service Personnel

4. In appointing service personnel to a post in the set-up:
  - (a) the position shall be permanently vacant;
  - (b) more than one service personnel shall not be appointed at the same time;
  - (c) a service personnel shall not be appointed to a post in which another service personnel holds a lien;

- (d) the service personnel shall attain the age of 18;
  - (e) if the person is an outsider, medical certificate of fitness shall be submitted.
5. The service personnel appointed under the rule 4 shall:
- (a) serve full-time for the interests of the State if necessary;
  - (b) perform other necessary duties, if assigned, in addition to the original duty.
6. A service personnel who is appointed with a confirmation is:
- (a) entitled to enjoy the specified pay and allowances from the commencing date on which the service personnel performs his duties;
  - (b) entitled to enjoy the pay for the post to which the service personnel is promoted, while on foreign service or on study leave in a foreign country, from the commencing date of promotion;
  - (c) entitled to enjoy the pay for the post to which the service personnel is promoted, while on deputation with the external service regulations in or out of the country, only when he returns to service in the parent department at the end of deputation.
7. A service personnel's lien is retained during the following periods:
- (a) the period on full time service in a permanent post;
  - (b) the period on study leave in or out of the country with the permission of the department;
  - (c) the period on service in another post to which the service personnel is transferred temporarily;
  - (d) the period on deputation with external service regulations in or out of the country;
  - (e) joining time temporary transferring from one post to another;
  - (f) leave period;
  - (g) period of temporary suspension from duties.
8. When a service personnel acquires a new lien on a post, the lien on the previous post is automatically terminated from the date of such lien is acquired.

9. A service personnel may be appointed to the post on which a lien of another service personnel is terminated. That newly appointed service personnel may acquire the lien on the post. However, if the previous service personnel is reappointed in that post, the new service personnel shall give up the lien.

10. If a service personnel is temporarily transferred to a lower rank post for a certain period as a penalty, such service personnel may hold the lien of his original post and may not hold the lien of the lower rank post.

11. A service personnel shall not be transferred to a lower rank post for any reasons except under the following circumstances:

- (a) the service personnel is incompetent;
- (b) there are sufficient evidences of his misconduct;
- (c) the service personnel himself requests in writing to transfer to a lower rank post.

**Explanation** (i) The expression 'transfer to a lower rank post' does not apply to the appointment of a service personnel to another post on account of the abolition of his or her post.

(ii) The expression 'transfer to a lower rank post' does not apply to the temporary transfer of a service personnel to a lower rank post for a certain period as a form of disciplinary penalty.

12. A service personnel is automatically removed from service commencing from the date immediately after the date of continuous absence from work for five years either on leave or without leave except that he performs duties on deputation with the external service regulations.

13. The Union Civil Service Board may nullify the automatic removal of a service personnel according to the rule 12 on presumption that there are sufficient reasons for that. This rule does not apply to the service personnel who is absent from work because of temporary suspension.



**Chapter III**  
**Appointment of Service Personnel and Transfer to Another**  
**Department**

**Appointment of Gazetted Officer**

14. Regarding the post of gazetted officer in respective service personnel organizations:

- (a) it shall be deemed as a post to be initially selected by the Union Civil Service Board;
- (b) if there is a vacant gazetted officer post to which an external person is to be appointed, the respective service personnel organization shall propose to the Union Civil Service Board and ask for the approval;
- (c) if a service personnel organizations desires to promote their service personnel to the posts of gazetted officer they shall propose to the Union Civil Service Board and ask for the approval.

15. The Ministries and service personnel organizations may initially appoint external persons to the following posts:

- (a) general service staff grade (1);
- (b) clerical staff grade (1);
- (c) technical staff grade (1) and (4);
- (d) professional staff grade (1), (2) and (3);
- (e) management staff (economic) grade (1);
- (f) management staff (administration, social) grade (1).

16. When the Ministries and service personnel organizations need to appoint an external person to any post of technical staff grade (2) and (3) either because of the nature of work or because of stipulated qualifications of the post, the person shall be appointed as an apprentice against the desired technical post at first and the appointment shall be confirmed at such post if their performance is satisfactory.

17. For initial appointment as a service personnel, the candidates who fulfill the specified qualification for the post to be appointed shall be selected competitively in accordance with the rules.

18. When the Ministries and service personnel organizations need to select and initially appoint external persons to the posts prescribed in the rule 15, the head of service personnel organization shall form a selection board comprising suitable service personnel in the organization.

### **Selection and Appointment of General Service Staff and Clerical Staff**

19. (a) When the external persons are needed to be selected and appointed to the posts of general service staff grade (1) and clerical staff grade (1), the relevant Ministries and service personnel organizations:

(i) shall ask for the list of nominees who meet the specified qualifications among the persons who are registered in the labour offices for the vacant post, the Ministry of Labour, Employment and Social Security;

(ii) the selection board formed under the rule 18 shall:

(aa) interview the nominees and, if necessary, hold written tests and proficiency tests;

(bb) make a list of persons who are arranged in order of their score in the interviews, written and proficiency tests and the list shall be submitted to the head of the service personnel organization or the appointing authority;

(iii) the head of service personnel organization or the appointing authority shall appoint the selected persons to the vacant posts in order of their positions in the list.

(b) The appointment of external persons to the posts of general service staff grade (1) and clerical staff grade (1) shall be done in accordance with the sub-rule (a) and the appointments to the posts of other levels shall be done by the promotion process.

**Selection and Appointment of Technical Staff**

20. (a) When external persons are to be selected and appointed to the vacant posts of technical staff grade (1), it shall be done with the procedures mentioned in the sub-rule (a) of rule 19.
- (b) When the posts of technical staff in the rule 16 are vacant and external persons need to be selected and appointed as apprentices, the selection board formed by the head of service personnel organization shall ask for the list of nominees registered in the labour offices who meet the specified qualifications among the persons interview the nominees and, hold written tests and proficiency test and make a list of the successful persons who are arranged in order of their score in the interviews, written and proficiency tests and the list shall be submitted to the head of service personnel organization or the appointing authority.
- (c) The head of service personnel organization or the appointing authority shall appoint the selected candidates to the vacant posts in order of their positions in the list.
- (d) When the posts of technical staff grade (4) are vacant, the posts may be filled either by promoting the service personnel within the department who fulfil the specified qualification or by recruiting external persons.
- (e) When the posts of technical staff grade (4) are vacant and to be filled by recruiting external persons:
- (i) the head of the Ministry and the service personnel organization shall form the selection board;
  - (ii) the selection board shall compile job specifications such as required educational qualification, required skills and required number of male and female employees to be appointed and submit it to the head of the Ministry and service personnel organization to get an approval;
  - (iii) the advertisement for application shall be advertised in the newspapers not less than one month in advance in order

that the persons who meet the specified qualifications can compete;

- (iv) the applicant from other service personnel organizations shall apply with the permission of the respective head of Ministry and organization;
- (v) the selection board shall conduct written examination, interviews and if necessary, proficiency tests after scrutinizing the applications;
- (vi) in written examinations, the following three subjects shall be tested with two-hour question papers:
  - (aa) Myanmar;
  - (bb) General Knowledge;
  - (cc) English;
- (vii) the selection board shall determine the number of persons to be interviewed depending on the number of posts to be appointed as follows:

<b>The number of posts to be appointed</b>	<b>The tentative number of the persons to be interviewed</b>
1 to 10 posts	persons not more than twice of the posts to be appointed to
11 posts and above	persons not more than 1.5 times of the posts to be appointed to

- (viii) the persons shall be arranged in the list in order of their score in written tests and interviews, and the list shall be submitted to the head of the Ministry and service personnel organization to select and appoint the required service personnel. The list shall include a suitable number of the persons in reserve depending on the number of posts to be appointed as may be necessary;
- (ix) after the list of the successful persons who are arranged in order of their score and qualifications for the post advertised

is confirmed, and when more vacant posts are needed to be filled, the ones in the reserve may be appointed according to the positions in the list;

- (x) the appointment of external persons to the posts of technical staff grade (1) and grade (4) shall be done in accordance with the rule 20 and the appointments to the posts of other levels shall be done by the promotion process.

### **Selection and Appointment of Professional Staff**

21. (a) When external persons are to be selected and appointed to the vacant posts of professional staff grade (1), it shall be done with the procedures mentioned in the sub-rule (a) of rule 19.
- (b) When external persons are to be selected and appointed to the vacant posts of professional staff grade (3), it shall be done with the procedures mentioned in the sub-rule (d) of rule 20.
- (c) The appointments to the posts of other levels shall be done only by the promotion process. However, the promotion to the gazetted officer level, professional staff grade (4), shall be done in coordination with the Union Civil Service Board.

### **Selection and Appointment of Management Staff (Economic) and Management Staff (Administration, Social)**

22. (a) When external persons are to be selected and appointed to the vacant posts of management staff (economic) grade (1) and management staff (administration, social) grade (1), it shall be done with the procedures mentioned in the sub-rule (d) of rule 20.
- (b) The appointments to the posts of other level shall be done by the promotion process. However, the promotion to the gazetted officer level, management staff (economic) grade(3) and management staff (administration, social) grade (2), shall be done in coordination with the Union Civil Service Board.

**Transfer to Another Department**

23. (a) When a gazetted officer from any Ministry service personnel organization is to be transferred to another Ministry or service personnel organization and if the person meets the specified qualifications, the relevant organization shall coordinate with the Union Civil Service Board;
- (b) The Union Civil Service Board shall, after scrutinizing the coordination under sub-rule (a), carry out as follows:
- (i) requesting the remark from the Ministry and organization which desires the transfer of the officer or the Ministry and organization of the officer who himself desires to transfer in coordination with the relevant Ministry and organization;
  - (ii) submitting the case to and ask for the guidelines from the President through the Office of the Union Government by the Union Civil Service Board;
  - (iii) submitting and obtaining the approval from the Union Government after preparing the memorandum by the Ministry and organization which desires the transfer of the officer or the Ministry and organization of the officer who himself desires to transfer after obtaining the approval of the President.
24. When asking for the remark from the Union Civil Service Board, the following documents shall be included:
- (a) the memorandum signed by the head of the Ministry or organization of the service personnel to be transferred;
  - (b) personal profile form with 53 particulars of the service personnel to be transferred, Form (1);
  - (c) the disciplinary record of the service personnel to be transferred whether or not he has committed any disciplinary offence;
  - (d) regarding the transfer of the Government official from the Ministry of Defence:
    - (i) if the official is still in service, the certificate of no criminal and disciplinary record issued by the Office of the Chief of Military Affairs;

- (ii) if the official is retired, the certificate of no criminal and disciplinary record issued by the Office of the Chief of Military Affairs and the last military appointment order issued by the Office of the Chief of Military Staff;
- (e) the statement in the memorandum of the Ministry organization which describes to which post the transferred service personnel will be appointed at which pay scale and whether or not there is a vacant post in the organizational set-up.

- Note:**
- (i) The memorandum prescribed in sub-rule (a) shall be signed by the head of the relevant Ministry and organization on account of the fact that it will be submitted to the Office of the President of the Union and the Office of the Union Government.
  - (ii) In case of transfer of posts in the Office of the President of the Union, the Office of the Union Government and the Office of the Hluttaw, the memorandum may be signed by a high level official not lower than the rank of Director General or the competent authority delegated by the relevant head of the organization.

25. The Union Civil Service Board shall scrutinize the coordinations and suggestions under rule 24 and either may proceed to submit the case to the Union Government or may reject the case if the specified qualifications are not fulfilled.

#### **Chapter IV Promotion**

26. In carrying out promotion, the service personnel who meet the specified educational qualification, skills, term of post and term of service as well as ability to perform duties which would be assigned to the promoted post shall be selected and promoted by assessing their qualifications.

#### **Formation of Qualification Inspection Board**

27. (a) To carry out promotion, the head of the relevant Ministry and service personnel organization shall form the Qualification

Inspection Board comprising the suitable service personnel in the organization.

- (b) The officer holding the highest post shall be designated as the Chairman and the board shall be composed of at least two members in the Qualification Inspection Board.

28. The Qualification Inspection Board shall:

- (a) conduct written and practical tests, score for term of post and term of service and conduct interviews for promotion in accordance with these rules;
- (b) prepare question papers for written and practical test or for written test;
- (c) fix the date for written and practical test, lay down exam rules and supervise the exams;
- (d) check and mark the answer papers of written and practical tests;
- (e) prepare the waiting list of the candidates in order of their score in assessing the qualification;
- (f) submit the waiting list for promotion to the head of the relevant service personnel organization who has formed the Qualification Inspection Board.

### **Assessment of Qualification**

29. To assess the qualification of the service personnel, the suitable methods out of the followings shall be used depending on the work nature of the post to be promoted:

- (a) test;
  - (i) written test;
  - (ii) practical test;
  - (iii) both written and practical test;
- (b) assessment;
- (c) interview.



30. In assessing qualifications for promotion, the service personnel on deputation outside the department shall be taken into consideration. Outside the department includes either in the country or out of the country.

31. Promotion shall be carried out in accordance with the following principles:

- (a) aiming to improve the efficiency of the relevant service personnel organization;
- (b) specifying the required minimum educational qualification and skills for the post;
- (c) considering only the service personnel within the department who meet the specified qualification for the post to be promoted;
- (d) promoting the most suitable service personnel according to the assessments of the qualifications and skills.

32. The followings shall be taken into consideration in carrying out promotion:

- (a) the educational qualifications and skills specified for the post to be promoted depending on the work nature of the organization;
- (b) other outstanding qualifications;
- (c) completion of mandatory training conducted by the Union Civil Service Board or not;
- (d) among the service personnel who have completed the training mandated by the Union Civil Service Board, the persons who have won the outstanding awards are given preference whereas the persons who have received negative comments by trainers and the persons who failed in tests are put at the bottom of the waiting list.

33. The term of post and the term of service shall be calculated in accord with the specification contained in schedule (1) for promotion.

**Specifications for Promotion**

34. (a) The specifications contained in these rules shall be applied to the promotion of the service personnel up to the rank which is lower than that of the head of service personnel organization who is directly appointed only by the President.
- (b) In a service personnel organization which is organized as a military unit, the relevant service personnel organization may specify procedures which are similar to the principles of these rules in order to fulfill the functional needs of the organization for the promotion.
- (c) When the service personnel in the organization are needed to be promoted to a post of gazetted officer rank which is prescribed to be selected by the Union Civil Service Board, it shall be coordinated with the Union Civil Service Board.
- (d) The relevant service personnel organization shall specify the required minimum educational qualifications and skills depending on the nature of the post by obtaining the approval of the Union Government in accord with their requirements.
- (e) A service personnel who is under departmental enquiry can be tested for his promotion and put on the waiting list of successful persons whereas the persons who are suspended from their duties, or detained in custody or released on bail may not be tested for his promotion and put on the waiting list of successful candidates.

**Assessment of Qualifications of the Service Personnel of Time Scale Pay (140,000 kyats-2000kyats-150,000kyats) and Below**

35. (a) In assess a service personnel's qualifications, written test, practical test, both written and practical tests and interview shall be exercised.
- (b) Depending on the work nature of the post, if either written test or practical test is considered not necessary, assessment by interview shall be done.

- (c) In assessing qualification, the following marking scheme shall be exercised.
- (i) in assessing both written and practical tests:
- |   |            |
|---|------------|
| (aa) full marks for written test  | 40 points  |
| and   |            |
| full marks for practical test   | 60 points  |
| or  |            |
| (bb) full marks for either only written test or<br>only practical test  | 100 points |
| or  |            |
| (cc) full marks for the particular test conducted<br>by the respective department with their<br>own plan, other assessment test | 100 points |
- (ii) full marks for rating and evaluation 100 points
- (iii) full marks for term of service 100 points
- (iv) full marks for the interview 50 points
- (d) Assessment may be done without the interview if departmental interview is considered not necessary.
- (e) The system of evaluation report shall be exercised in assessing the qualification of the service personnel.
- (f) In preparing evaluation report, rating and comment shall be provided first by the immediate supervisor and then evaluation shall be done by successively higher supervisors and finalized by the head of service personnel organization or an authorized person assigned by the Region or State Government.
- (g) Rating shall be done by evaluating the following qualifications:
- |                         |           |
|-------------------------|-----------|
| (i) conscientiousness   | 10 points |
| (ii) proficiency        | 10 points |
| (iii) reliability       | 10 points |
| (iv) eagerness to learn | 10 points |
| (v) industriousness     | 10 points |
| (vi) innovativeness     | 10 points |

- (vii) compliance with office and workplace disciplines 10 points
- (viii) volunteering 10 points
- (ix) good relationship 10 points
- (x) leadership 10 points
- (h) In evaluating and rating:
  - (i) there shall be four grades as below average, average, above average and outstanding;
  - (ii) it shall be graded up to 3 points as below average, 4 to 6 points as average, 7 to 8 points as above average and 9 to 10 points as outstanding;
  - (iii) a short description of evaluation shall be given for below average and outstanding grades;
  - (iv) personal profile form of the service personnel to be promoted is prescribed as Form (2).
- (i) The rating supervisor shall:
  - (i) prepare the evaluation report for the relevant service personnel in January for the previous calendar year;
  - (ii) evaluate and provide rating for the relevant service personnel for every qualification prescribed in sub-rule (g);
  - (iii) if some special comments need to be provided for the respective service personnel who has performed his duties brilliantly or received punishment within a calendar year the immediate supervisor, the successively higher supervisors and the head of the organization or the authorized person assigned by the head shall work together to provide the comments;
  - (iv) if there is a special circumstance to promote the service personnel, a separate evaluation report shall be prepared.
- (j) In rating and evaluating:
  - (i) a total full marks of 100 points may be given for ten qualifications prescribed in the sub-rule (g) allocating 10 points for each;

- (ii) the rating and evaluating officers shall sign in the evaluation report.

36. In rating for the term of post and the term of service:

- (a) only the consecutive service shall be rated without calculating the gap in service, leave without pay, suspension period treated as absence from duty;
- (b) in rating the consecutive service period, the marking scheme for the term of service at the current post and the lower rank posts is as follows:
  - (i) 3 marks for one year term of post at the current post;
  - (ii) 2 marks for one year term of service at the one -rank lower post;
  - (iii) 1 mark for one year term of service at the two-rank lower post;
  - (iv) ½ mark for one year term of service at the three-rank lower post and below;
  - (v) mark calculated for more than six months of service calculated as one year of service at the current post or less than six months of service calculated as and added to the term of service at the one-rank lower post;
- (c) the highest mark for the term of service shall be 100 points;
- (d) in calculating the term of service:
  - (i) the term of service shall be calculated the very first post of the service personnel;
  - (ii) in calculating the term of service at two posts which are in different categories of posts for the purpose of promotion for officers, the relevant organization shall coordinate with the Union Civil Service Board;
  - (iii) the two terms of service at two posts in different categories may be calculating in rating for the purpose of staff promotion if the management committee of the relevant Ministry and organization approves.

**Relaxation of the Term of Post and the Term of Service for Promotion of Service Personnel**

37. To award appropriately to an outstanding service personnel by promoting to a one-rank higher post in a reasonable period of time or to honour the service personnel who is outstandingly industriousness and eager to learn, the relevant Ministry and organization:

- (a) shall consider to promote the service personnel, to two third of the vacant posts within the organizational set-up who meets necessary qualification normally and has the minimum requirement of the term of post and the term of service. The remaining one third of the vacant posts may be filled with the service personnel by relaxing the minimum requirement of the term of post and the term of service as special case;
- (b) shall mainly be taken into consideration the followings in carrying out promotion by relaxing the minimum requirement of the term of post and the term of service by the service personnel organizations:
  - (i) proficiency and industriousness;
  - (ii) loyalty to superior officers and colleagues;
  - (iii) good morale and goodwill for the interest of the State and the department;
  - (iv) innovativeness;
  - (v) outstanding educational qualification and skill;
  - (vi) good leadership;
  - (vii) good morale;
- (c) shall form the Qualification Inspection Boards and undertake in accordance with the stipulations contained in sub-rule (b) to carry out promotion by relaxing the minimum requirement of the term of post and the term of service;
- (d) shall submit the case to the head of the relevant Ministry and service personnel organization and obtain the approval to be able to carry out promotion of service personnel selected by the

Qualification Inspection Board by relaxing the minimum requirement of the term of post and the term of service;

- (e) shall consider only the service personnel who has at least one year term of service at the current post in coordination with the Union Civil Service Board and obtained the approval of the Union Government in carrying out promotion to the post of gazetted officer by relaxing the minimum requirement of the term of post and the term of service.

### **Conducting Personal Interview**

38. (a) A personal interview shall be conducted for the persons who scored a minimum of 40 points each out of 100 points in the tests prescribed in rule 29 and out of 100 points in performance evaluation.
- (b) The full mark for the personal interview is 50 points. The personal interview shall be conducted based on the following facts:
- |   |           |
|---|-----------|
| (i) full marks for proficiency                  | 20 points |
| (ii) full marks for enthusiasm and succinctness | 10 points |
| (iii) full marks for quick wit                  | 10 points |
| (iv) full marks for general knowledge           | 10 points |
- (c) The Qualification Inspection Board shall also have to take responsibility to conduct interview.
- (d) Each member of the Qualification Inspection Board shall have to give points for personnel interview. The average points given by all of them shall be regarded as the points given by the board.

### **Making a Waiting List**

39. The Qualification Inspection Board shall make a waiting list arranged in order of the total scores in both written test and practical test or either only written test or only practical test and rating on term of service, interview and performance evaluation. When the two service personnel possess the same qualification, preference may be given to the person with longer term of service.

However, the service personnel who has got proficiency, better skill and outstanding achievement shall be selected in preference to the person with longer term of service.

40. In case of the written test, practical test and interviews may not be conducted, the Qualification Inspection Board shall make a waiting list in order of the total marks given by the term of service and performance evaluation.

41. During the validity period of the waiting list, the service personnel who are punished for any offence, who are under departmental enquiry, who are suspended from duties, who are taken legal action or who is on trial are omitted from the waiting list of the Qualification Inspection Board and the service personnel appearing next to them shall be promoted.

42. The validity period of the waiting list made by the Qualification Inspection Board is two years from the date of confirming and signing the list by the competent authority who has formed the board. Within two year period, if there are no more service personnel left in the list to be promoted, the new waiting list shall be made in accordance with the rules for promotion.

### **Conditions in Which Promotion is not Entitled**

43. Although a service personnel meets the specified qualifications for promotion, he shall not be promoted if any of the following conditions arises:

- (a) if a service personnel is given a written warning, during six months from the commencing date of the warning;
- (b) if a service personnel is punished with withholding of increment, during the period of withholding of increment;
- (c) in case of recovering wholly or partially for the damage due to the service personnel's negligence or incompetence while performing duties, up to one year from the commencing date of issuing the order to recover the value of damage or the date on which the amount is fully paid back, whichever is earlier;



- (d) if a service personnel remains on the current post although having been punished on conviction for any immoral offence, up to one year from the commencing date of the punishment;
- (e) if a service personnel is reduced to a lower pay scale within the time scale pay, until the original pay scale is reached;
- (f) during the period of preliminary enquiry or departmental enquiry;
- (g) if the service personnel is demoted because of an offence, during the period prescribed in the demotion order;
- (h) during probationary period in a post;
- (i) during temporary suspension from duties.

44. A service personnel shall not be promoted while being punished with any disciplinary penalty. However, after he had freed from such penalty and the waiting list is still valid, he shall be promoted if there is a vacant post. If he frees from the penalty only when the list is no longer valid, he shall take the assessment test again.

45. A service personnel shall normally be promoted rank by rank without jumping step. However, in case of the service personnel organizations need to appoint external persons to a post to which they are not authorized to directly appoint a person according to the work nature or the specified qualification for the post, they initially appoint him to the post to which they are authorized to appoint directly and he may be promoted to the suitable post within one year if his performance is satisfactory. If the post is of the gazetted officer, the approval shall be obtained from the Union Civil Service Board after consultation under rule 14 (b).

**Promotion from the Rank of Time Scale Pay (160,000kyats-2000kyats-170,000kyats) to (180,000kyats-2000kyats-190,000kyats) and then to (200,000kyats-2000kyats-210,000kyats)**

46. Other than the post of the head of a service personnel organization who is directly appointed by the President, in case of promotion for the rank

of time scale pay (160000kyats-2000kyats-170000kyats) to the immediate lower post than the head of a service personnel organization, the post related to the respective service personnel organization:

- (a) shall be carried out by forming the qualification assessment board for promotion.
- (b) shall be selected by the performance evaluation report and personal profile.
- (c) the evaluation report for promotion of the rank of time scale pay (160,000kyats-2000kyats-170,000kyats) to (180000kyats-2000kyats - 190000kyats), shall initially be prepared by the officer of the relevant service personnel organization of the rank of time scale pay (200,000kyats-2000kyats-210,000kyats) and the comment shall be added by the head of the service personnel organization.
- (d) if there is no officer of the rank of time scale pay (200,000kyats-2000kyats-210,000kyats) in the organizational set-up of the relevant service personnel organization the team led by the official of the rank of the time scale pay (180,000kyats-2000kyats-190,000kyats) who is in charge of the administrative department and comprising other officers of the same rank shall prepare the initial evaluation report and the comment shall be added by the head of the service personnel organization.
- (e) the evaluation report for promotion of the rank of time scale pay (180,000kyats-2000kyats-190,000kyats) to the rank of time scale pay (200,000kyats-2000kyats-210,000kyats), shall be prepared by the head of the service personnel organization and submitted to the higher level to obtain an approval.

47. In preparing the evaluation report for the posts contained in rule 46, the rating shall be given for the following qualifications:

- (a) Leadership 20 points
- (b) Reliability 20 points

- |   |           |
|---|-----------|
| (c) Proficiency   | 20 points |
| (d) Enthusiasm  | 20 points |
| (e) Good relationship   | 20 points |
| (f) In rating and evaluating:   |           |
| (i) there shall be four grades as below average, average, above average and outstanding;  |           |
| (ii) it shall be graded up to 7 points as below average, 8 to 10 points as average, 11 to 15 point as above average and 16 to 20 points as outstanding; |           |
| (iii) a short description of evaluation shall be given for below average and outstanding grades;  |           |
| (iv) personal profile form of the civil servant to be promoted is prescribed as Form (2).   |           |

#### **Promotion as a Special Case**

48. If a service personnel is outstandingly competent, qualified and capable, much better than others and very reliable to delegate duties and so on, the head of the relevant service personnel organization may promote appropriately by exercising his authority. However, in promotion to the post of gazetted officer which is to be appointed only with the approval of the Union Civil Service Board, it shall be carried out in consultation with the Union Civil Service Board.

#### **Appointment to the Immediate Lower Post Against a Vacant Post**

49. The head of a Ministry and an organization may appoint, promote or transfer the service personnel in their department to an immediate lower post against a vacant post in the organizational set-up, according to the requirement of the service personnel organization.

50. In appointing under rule 49:

- (a) it shall be within the permitted organizational set-up;
- (b) it shall meet the specified qualifications for promotion.

**Chapter V**  
**Pay Fixation**

51. When the service personnel organizations have appointed a service personnel to a permanently vacant post, the service personnel shall be allowed the basic pay starting from the minimum of pay scale.

**Initial Pay**

52. The initial pay is the pay started to be paid to a service personnel at a post in the organizational set-up.

53. Regarding the initial pay:

- (a) when an external person is initially appointed as a service personnel to a post in the organizational set-up, the initial pay to be allowed shall be the minimum of time scale pay;
- (b) in a case of a service personnel is transferred to the post of greater responsibility with the identical time scale pay, an additional increment shall be allowed at the current time scale pay.
- (c) in transferring to the immediate lower post on the request of a service personnel, the maximum of the times cale pay of that post shall be allowed as initial pay.
- (d) when the authority for demotion transfers a service personnel to the immediate lower post in accord with the punishment, such service personnel may be allowed a suitable pay not exceeding the maximum pay of that lower rank post.
- (e) there may be a case where a service personnel promoted to a higher post is demoted to the previous post while serving at the higher post. Again, if that service personnel is reinstated to the previous higher post or to the other post of the identical time scale pay, the initial pay of such service personnel shall not be lower than the last pay of such post previously. The period enjoying that previous pay shall also be taken into account in calculating the increment.

- (f) in case of pay scale of a particular post or a category of such post changes, the current pay of previous time scale pay being enjoyed shall be specified as the initial pay of new time scale pay. The date of increment of old pay scale shall be continued to calculate in calculating the increment.

**Increment**

54. (a) A service personnel appointed to a permanent post on a certain time scale pay is entitled to enjoy an increment when it is due without need to apply for it.
- (b) The head of the relevant service personnel organization authorized to allow increment may withhold the entitlement of the increment in accordance with the rules on ground of unsatisfactory performance of duties, or on ground of immoral conduct.
- (c) When withholding the increment under sub-rule (b), the following facts shall be mentioned:
- (i) period of withholding the increment;
  - (ii) whether or not withholding the increment will postpone the future increments.
55. The following periods are to be included in calculating the increment:
- (a) the duration of full time service at the post for which the increment is entitled;
  - (b) the duration of fulltime service at the post similar to or higher than the past for which the increment is entitled;
  - (c) if the promotion occurs during on duty period or study period abroad, the period of increment shall be calculated from the starting date of promotion;
  - (d) temporary suspension period which is treated as on duty;
  - (e) leave periods on leave pay;
  - (f) the period of leave without pay allowed to be included in

calculating the increment by the authorized person in case of leave without pay was on ground of illness or for any unavoidable cause;

- (g) the period of deputation on external service regulations;
- (h) the period calculated from the starting date of promotion if being promoted at the parent department during deputation on external service regulations;
- (i) periods treated as full time service in particular cases by the relevant service personnel organization in accordance with the laws, regulations and by-laws;
- (j) when calculating increments, only the eligible periods will be counted after leaving out the ineligible ones.

56. When a service personnel who, for any unavoidable circumstance, is demoted from a certain post to an immediate lower post, the term of service at the previous post shall be included in calculating the increment.

57. The relevant service personnel organization shall propose and submit the matter of allowing advance increment for the gazetted officers to the Civil Service Board and for the service personnel below gazetted officers to the head of the relevant Ministry and organization, and obtain the approval after scrutinizing based on the following facts case by case:

- (a) being a case where the initial pay is needed to be raised when a person who surpasses the general qualification requirements and experience for the post is appointed;
- (b) being a case where the service personnel deserves honour for the excellent performance in the current post;
- (c) being a case which is worthy to be paid the advance increment due to any other sufficient special case.

58. In demoting a service personnel to an immediate lower post in accord with the punishment due to the immoral conduct, or poor performance the followings should be specified precisely:

- (a) the period of demotion to an immediate lower post ;
- (b) whether or not the period of demotion will or will not postpone the future increments when a service personnel is reinstated to the former post;
- (c) the period of postponing the future increments if it postpones so.

59. If a service personnel is reduced to a lower pay scale within the current time scale pay the followings should be specified precisely:

- (a) the period of reduction to a lower pay scale;
- (b) whether or not the period of reduction to a lower pay scale will postpone future increments when a civil service personnel is being raised to the original pay;
- (c) the period of postponing the future increments if it postpones so.

## **Chapter VI**

### **Emolument and Fee**

60. The emolument is the money awarded from the State Budget to a service personnel for any services rendered beyond the regular duties of the original position.

The fee is the money allowed from any other funding sources other than the State Budget.

61. The competent authority shall record his belief that the service personnel is worthy to be awarded emolument or fee as extra payment for assigned duty although a service personnel is responsible to serve any work at any time for the State if necessary.

62. In awarding the emolument and fee, the following conditions shall be followed:

- (a) the work done by the service personnel is being a special work of occasional character and beyond his regular duties or the work performed outstandingly;

- (b) the work is being undertaken with the prior consent of the head of the service personnel organization who believes that the service personnel can perform it without detriment to his regular duties;
- (c) the emolument or fees to be awarded is being at the rate prescribed by the State. If there is no prescribed rate, fixing in advance the amount by the head of service personnel organization with due regard to the value of the service in return for which it is given by the service personnel.

63. The relevant head of service personnel organization shall, with the approval of the Union Government, allow the rate of emolument for the examinations conducted by the organization and for the other undertakings which are not related to examination.

## **Chapter VII**

### **Matters Relating to Dismissal, Removal, Temporary Suspension and Reinstatement**

64. The pay and allowance of a service personnel who is dismissed or removed from service shall be ceased from the commencing date of such dismissal or removal.

65. If a service personnel is dismissed or removed from a post for being convicted, such dismissal or removal shall be effected from the date of punishment by a Court.

66. A service personnel on temporary suspension shall be entitled to enjoy the subsistence allowance as follows:

- (a) 1/2 of the average pay for the first year of temporary suspension;
- (b) 3/8 of the average pay for the period after one year.

67. A service personnel enjoying the regional allowance and other



allowances before being suspended from duties shall continue to enjoy them at the same rates during the temporary suspension.

68. When reinstating a service personnel who has been suspended from duties, dismissed or removed from the post after closing of the case, the head of the relevant Ministry and the service personnel organization:-

- (a) shall allow the service personnel to draw back full pay and allowance to which he would have been entitled for the period of his absence from duties and treat the said period as on duty when the service personnel is reinstated after he had as he has been fully exonerated in case of temporary suspension or dismissal or removal;
- (b) if a service personnel is reinstated in his previous post or in another post depending on the seriousness of the case although he is found guilty but not of serious commission deserving of dismissal or removal from the post, may allow the followings for the period of absence from duties:
  - (i) a part of pay and allowance;
  - (ii) treating the period of absence as on duty;
  - (iii) treating the period of absence as on leave;
  - (iv) treating the period of absence as on leave and pay as leave salary.
- (c) the service personnel who is exempted from temporary suspension and transferred to another duty station shall be entitled to travelling allowance if no order not to allow travelling allowance is passed.

69. No leave shall be granted to a service personnel on temporary suspension. However, when any one of the circumstances to be enjoyed a special disability leave, such as maternity hospitalization or treatment due to an emergency health problem, treatment due to the aggravation of disability resulting from performing duties, arises during suspension, the head of service

personnel organization may consider to grant a respective leave if he believes that the situation is extraordinary.

### **Chapter VIII**

#### **Leave Enjoyment**

70. Every service personnel who performs full time duties has the right to enjoy leave. However, the person authorized to grant leave shall refuse the leave request, cancel the granted leave, recall the service personnel on leave, alter the kind of leave applied for and reduce the number of days of leave requested if necessary for the interests of the public.

71. Leave record shall be maintained for every service personnel and he is entitled to enjoy leave according to the period prescribed in this record.

72. A probationary service personnel is entitled to enjoy leave like a permanent service personnel.

73. In granting leave according to the post:

- (a) leave may be granted to the gazetted officers by the head of the relevant Ministry and the organization or the authorized person;
- (b) leave may be granted to the staff by the head of service personnel organization or the authorized person.

74. Leave ordinarily starts on the day when the duty is handed over and ends on the preceding day when the duty is resumed. When the immediate preceding day on which a service personnel's leave starts or the immediate following day on which his leave expires is a holiday, these holidays shall not be counted as leave. However, when both of these days are holidays, one of them shall be counted as leave.

75. A service personnel on leave shall not be permitted to be employed in any other paid job during leave period. However a service personnel on leave preparatory to retirement has the right to be employed in any other paid job and his application for retirement shall not be withdrawn.

76. A service personnel on leave may, if necessary, be recalled for the interests of the public. In recalling so, the service personnel shall not have the right to refuse and return compulsorily. Such service personnel shall be entitled as follows:

- (a) treating as on duty from the date on which the person sets out from the place where he enjoys the leave to the duty station;
- (b) permitting the travel allowance for the journey from the place where the person enjoys the leave to the duty station according to schedule (2);
- (c) permitting the leave salary until the preceding day of resuming his duty.

77. A service personnel who has taken medical leave has the right to resume his duty only on submission of a medical certificate of fitness in the prescribed form. Even though a service personnel has not taken medical leave but taken other kind of leave on medical ground, a medical certificate of fitness also has to be submitted when resuming his duty.

78. If a service personnel on leave desires to resume his duty before the expiry of leave period, he may resume with the permission of the relevant person authorized to grant leave.

79. If a service personnel does not resume his duty after the expiry of leave period granted to him, he is not entitled to have the leave salary for the period. If there is no sufficient reason for exceeding leave, he shall be taken action in accordance with the civil service personnel rules.

80. In granting a cash reward for earned leave which were left in the leave record within a calendar year of a service personnel, it shall be granted as the average pay.

81. A service personnel shall be granted leave preparatory to retirement

for four months before the date on which he attains the age specified for retirement. In timely application for the leave preparatory to retirement, if the person authorized to grant leave refuses to grant the whole or part of leave for the interests of the public, the service personnel shall be entitled to enjoy this refused period of leave starting from the date of the retirement. In such case, the period beyond the date of the retirement shall be added to and calculated in the term of service.

82. If a retired service personnel appointed on a contract without interruption after retirement has a period of leave refused to be granted, the leave salary for that whole period shall be entitled on lump sum.

83. Any kind of leave shall not be granted to the service personnel who is removed or dismissed from public service because of immoral conduct, in appropriateness to continue the service or failure to perform duties.

### **Casual Leave**

84. Casual leave is a short leave which allows a service personnel to be absent from work because of sudden illness and unexpected occurrence of personal affairs. The service personnel on casual leave shall be regarded as on duty. In on granting the casual leave:

- (a) casual leave shall be requested for the days when the service personnel is absent from work;
- (b) the service personnel on casual leave shall not leave the duty station without permission of the person authorized to grant leave;
- (c) casual leave shall not ordinarily be granted for more than 10 days within a calendar year;
- (d) however, if there is a sufficient reason, the casual leave may be granted for more than 10 days. If there are sufficient reasons to grant leave for more than ten days for there were holidays during the previous causal leave granted or there will be holidays during the casual leave to be granted, the person authorized shall take into consideration and grant leave;

- (e) a service personnel is entitled to enjoy special casual leave on the day when he donates blood and the following day. However, these two days shall not be counted in 10 days of casual leave. The special casual leaves cannot be taken consecutively with other types of leaves as well.
- (f) A service personnel is entitled to full pay on duty for casual leave.
- (g) The casual leave shall not be granted in continuation of the other leaves or joining time or long vacation. If the casual leave is requested in this manner, the casual leave shall be invalidated and the requested leave of other kind shall be granted from the commencing date of casual leave.
- (h) The leave record for casual leave shall be kept in the person authorized to grant leave.

85. The casual leave in special for the treatment of rabies:

- (a) may be granted up to one month with the recommendation of the medical board;
- (b) shall not be counted in ordinary casual leave;
- (c) shall be entitled to the full pay;
- (d) shall not be granted in continuation of the other kind of leave before and after it.

### **Quarantine Leave**

86. Quarantine leave is a leave granted to a service personnel to be absent from work as a consequence of an infectious disease in the family or the household. The service personnel enjoying this kind of leave shall be regarded as on duty. Quarantine leave:

- (a) shall be granted by the head of relevant service personnel organization only with the recommendation of medical practitioner from township, rural or administrative unit hospital;

- (b) may ordinarily be granted up to 21 days but it shall be extended up to 30 days in special circumstance;
- (c) maybe granted in continuation of the other kind of leave before and after it;
- (d) shall be entitled to full pay on duty during the leave period;
- (e) no one shall be appointed in the place of the service personnel on quarantine leave.

### **Earned Leave**

87. Earned leave is a leave entitled to the period depending on the term of service. The period of leave to be entitled is 1/11 of the duty period. For every 11 days of full time duty, one day of earned leave can be carried forward and if holidays are present, they are included and calculated continuously.

88. Earned leave shall be granted either before or after in continuation of the medical leave and leave without pay. This leave cannot be granted beyond the date of retirement other than the case of refusing the application of leave preparatory to retirement.

89. During the period of earned leave, average pay shall be entitled as leave salary.

### **Matters Relating to Long Vacation**

90. Long vacation is a period more than 15 days of continuous holiday within a calendar year. If there is only one long vacation in a calendar year and that vacation is less than 30 days, such period shall be regarded as one month.

91. If the head of the service personnel organization or the person authorized to grant leave issued an order to perform a duty during a long vacation and recommends to remain in the duty station or need to go to the other sending

place, such period on duty shall be regarded as the long vacation which is not enjoyed.

92. A service personnel who are entitled to a long vacation:
- (a) are not entitled to the earned leave in the year when the service personnel fully enjoy the whole period of long vacation;
  - (b) are entitled to the earned leave in accordance with rule 87 in the year when the service personnel does not enjoy the whole period of long vacation;
  - (c) are entitled to the earned leave in the year when the service personnel enjoys only a part of the long vacation as follows:  

$$\frac{\text{total period of long vacation which is not enjoyed}}{\text{total period of long vacation which is entitled}} \times 30 = \text{earned leave}$$
  - (d) may enjoy a long vacation in continuation of either before or after any other kind of leave. However, if it is enjoyed together with the earned leave, the total period of such leave and long vacation shall not exceed four months.

### **Medical Leave**

93. Medical leave is the kind of leave which may be granted not basically on the term of service whether junior or senior. In granting the medical leave:
- (a) the period of leave permissible for the whole term of service is twelve months. With sufficient reasons, additional six months shall be granted;
  - (b) it shall be granted only if a medical certificate given by an authorized doctor or medical board specified by the Ministry of Health is submitted. Although there is no limitation of the amount of leave to be granted at a time, it shall not exceed the period recommended in the medical certificate;
  - (c) the medical leave shall be granted only if the doctor or the medical board remarks that the service personnel may be fit to resume duties at the end of the leave period;

- (d) if a service personnel requests to grant the earned leave instead of the medical leave, the earned leave may be granted. Such earned leave shall not be included in calculation of the period of the medical leave contained in sub-rule (a).

94. The leave salary during the medical leave is entitled to  $\frac{1}{2}$  of the average pay.

**Matters Relating to Leave Enjoyment of a Service Personnel Who is Likely to Apply for Invalid Pension**

95. When a sick service personnel has had a medical checkup, if the relevant doctor or the medical board has remarked that there is no reasonable prospect that the service personnel will be fit to return to duty, invalid pension shall be granted. If there are leave remaining in the leave record of that service personnel:

- (a) if the relevant doctor or medical board remarks that the service personnel may not be fit to resume his duties, the service personnel:
  - (i) shall be granted an invalid pension at the end of leave period, if he takes a medical checkup while on leave;
  - (ii) shall be granted an invalid pension from the commencing date on which the relevant doctor or medical board informs or signs the medical certificate, if he takes a medical checkup while on duty.
- (b) the service personnel who is remarked by the relevant doctor or medical board that he may not be fit to resume his duty, as a special case, may be granted the earned leave in combination of the medical leave or only the medical leave not more than six months, if it is inline with any of the following facts and has the sufficient leave:
  - (i) the reason of the sickness is due to the performance of the duty;
  - (ii) the service personnel has enjoyed only a few days leave



during the entire service in comparison with other service personnel;

(iii) another one year of term of service is about to reach soon.

### **Leave Without Pay**

96. Leave without pay is a leave granted when there is no other kind of leave remaining in the leave record or the service personnel applies for leave without pay in writing in spite of the other kinds of leave are remaining in the leave record.

97. Leave without pay may be granted in continuation to other kinds of leave.

98. The person authorized to grant leave may regard the absence without leave as leave without pay if there is sufficient and acceptable reason according to the cause. It shall be stated the reason. Ordinarily, leave without pay shall not be regarded as a disciplinary penalty.

99. No leave salary shall be entitled to the service personnel during leave without pay. This leave period shall not be included in the calculation of the term of service for retirement salary.

100. All the benefits for a service personnel shall not be entitled during the period of leave without pay. However if leave without pay is taken for an illness or any unavoidable reason, only leave salary cause to be affected for the period of leave without pay but not to the other service personnel's entitlements.

### **Maternity Leave**

101. For a female service personnel, maternity leave:

- (a) shall be entitled for six months from the date of the leave;
- (b) shall not be granted in continuation of other kinds of leave;

- (c) if requested with the evidence of medical certificate, the other kind of leave may be granted in continuation of maternity leave after it;
- (d) in the condition of miscarriage, maternity leave shall be granted not more than six weeks on evidence of the medical certificate;
- (e) in the condition of likelihood of miscarriage, maternity leave itself shall not be granted but only other appropriate kind of leave;
- (f) in case of pre-eclampsia or eclampsia, the appropriate kind of leave shall be granted not more than six weeks on submission of the medical certificate without debiting against maternity leave;
- (g) if a twin or more than two babies are born, six weeks shall be granted as additional maternity leave to care for babies after the date immediately at the end of ordinary maternity leave.
- (h) if the husband of the concerned female service personnel giving birth to a baby is also a service personnel, he shall be granted two weeks to care for the baby. He is entitled to full pay and treated as on duty.

102. Leave salary during maternity leave is entitled to full pay.

### **Special Disability Leave**

103. The head of the relevant Ministry and service personnel organization may grant special disability leave to the service personnel who is temporarily disabled due to injury in performing or in consequence of performing his duties or in consequence of his post or willful action of anyone. In granting so:

- (a) disability shall be manifested within three months of the occurrence of the injury. The disabled service personnel shall inform such disability to the concerned promptly;
- (b) the period of special disability leave shall be as the period certified by the medical board and such period shall not be exceeded 24 months;
- (c) special disability leave may be granted in continuation of any other kind of leave;

- (d) special disability leave may be granted due to the seriousness or reoccurrence of primary disability. However, the period of special disability leave based on one disability shall not be exceeded 24 months totally;
- (e) the period of special disability leave shall be counted as on duty in calculating the term of service for pension.

104. The leave salary, during special disability leave:

- (a) shall be entitled to full average pay for the first four months;
- (b) shall be entitled to half of average pay for the remaining period. The period of remaining earned leave may be granted at the full average pay as per the service personnel's desire. In granting such leave, half of the period of full average pay shall be counted as special disability leave.

105. Special disability leave shall be granted in the following matters:

- (a) in the case of injury accidentally during the performance of the official duties which is likely to endanger the life and body of the service personnel by its work nature;
- (b) in the case of disability recommended by the medical board due to contracting an infectious disease as a direct consequence of any of the following causes:
  - (i) research on an infectious disease;
  - (ii) research to find out the cause of death by dissecting a dead body or a carcass died of any infectious disease;
  - (iii) carrying out prevention and treatment programmes of an infectious disease.
- (c) in granting special disability leave in cases contained in sub-rules (a) and (b), the period recommended by the medical board may be granted partly as special disability leave and partly as any other kind of leave in continuation;
- (d) special disability leave not exceeding a total of 24 months, may

be granted to the service personnel, who continues to perform civil duties after getting disabled while in defense service or Myanmar Police Force.

106. Special disability leave shall not be granted to the persons on contract, seamen, service personnel on honorarium, the persons on expert pay and the service personnel on daily wages.

### **Hospital Leave**

107. (a) Hospital leave is entitled to the service personnel who has to do fieldwork in the following departments:
- (i) the forest ranger and the service personnel below such post in the Department of Forestry;
  - (ii) executive supervisors and the service personnel below such post in the Department of Settlement and Land Record;
  - (iii) survey or grade (3) and the service personnel below such post in the Survey Department.
- (b) In addition, the service personnel who has to do fieldwork in remote areas from the Ministries and organizations may be granted hospital leave in coordination with the Union Civil Service Board and with the approval of the Union Government.
108. Hospital leave may be granted if the following conditions are fulfilled:
- (a) illness is due to the performance of duties;
  - (b) there are sufficient reasons to believe that illness is due to the consequence of performing the duties;
  - (c) having the recommendation of the relevant doctor in respect of illness.
109. The leave pay for the period of hospital leave may be granted the full average pay or half average pay or part of the leave period on full average pay and remaining part of the period on half average pay as appropriate by the person authorized to grant leave.

110. In calculating the period of hospital leave:
- (a) the entire period of actual hospitalization shall be counted as hospital leave if the leave pay is paid at full average pay;
  - (b) half of the period of actual hospitalization shall be counted as hospital leave if the leave pay is paid at half average pay;
  - (c) period of such hospital leave shall not exceed a total of three months during three years of service.
111. The regional allowance shall be entitled to the service personnel on hospital leave in the township where such allowance is permissible.
112. (a) Hospital leave shall not be granted in continuation after other kinds of leave;
- (b) Other kinds of leave shall be granted in continuation of hospital leave if there is there mark of the relevant doctor.

### **Seaman's Sick Leave**

113. The seaman's sick leave is entitled to the chief officers, helmsmen, able-bodied seamen, chief engineers, oilers, seamen and stokers who perform duties in posts which are entitled to pension on state-owned ships.
114. The master of a ship may grant seaman's sick leave.
115. In granting seaman's sick leave,
- (a) the medical certificate which reports that the illness or injury incurred in performing duties shall be accompanied;
  - (b) the master of a ship shall believe that the illness or injury is not due to one of the following causes:
    - (i) the illness or injury is due to the seaman's voluntary act or negligence;
    - (ii) the illness or injury is more serious due to the seaman's voluntary act than before;

- (iii) the illness or injury is due to drunkenness or other self-indulgence;
- (iv) the illness or injury is due to the causes not relating to the performance of duties;
- (v) the illness or injury is due to the seaman's own carelessness or inexperience.

116. In granting seaman's sick leave:

- (a) it shall be granted the full average pay up to three months during three years of service;
- (b) the amount of compensation payable under the Workmen's Compensation Act shall be deducted from the amount of leave pay permissible;
- (c) it shall not be granted in continuation after other kinds of leave after them;
- (d) other kinds of leave shall be granted in continuation of the seaman's sick leave after it if there is the recommendation of the relevant doctor.

### **Study Leave**

117. The study leave is a leave granted to go abroad to study for a diploma, post-graduate or PhD degree or to get any technical know-how and experience which is proposed by the head of the Ministry and organization, and recommended by the Scholar Selection Committee with the approval of the Union Government for the interests of the State.

118. Study leave shall be specified as on duty by the head of the relevant Ministry and organization, and allowed to enjoy full pay.

119. Foreign scholars who study abroad are entitled to allowance for outfit and small payments permitted by the State. In addition, the study grant and allowance supported by the country or the organization which offer the scholarship are also be entitled.

**Chapter IX**  
**Specifications of Joining Time**

120. The joining time is a period of time allowed for travelling from a previous duty station to a new duty station where the service personnel is transferred on promotion, lateral or demotion.
121. The joining time is entitled to in the following conditions:
- (a) when transferred from a duty station to a new duty station;
  - (b) when transferred to a new post at the end of the leave period without being allowed to return to the original post.
122. In respect of allowing the joining time:
- (a) if it is transferred from a post to another in the same duty station, one day of joining time is allowed. No preparation day shall be allowed;
  - (b) if it is transferred from one duty station to another, five preparation days and the days to cover the actual journey shall be allowed;
  - (c) the route shall be the ordinary route commonly used by the public and the mode of travel shall be the one which shall ordinarily be used according to the rank of their post;
  - (d) the maximum period of the joining time is 30 days and all gazetted holidays shall be counted in it;
  - (e) when a service personnel has to transfer from one duty station to another, the supervisor shall scrutinize case by case and reduce the joining time if it is considered to be longer than necessary. It may also be extended if it is assumed to be necessary provided that such extension does not exceed 30 days.
123. Under the following circumstances, the head of service personnel organization may lay down the appropriate terms and conditions and allow the joining time not exceeding the maximum limit of 30 days and without failing to achieve the objectives of joining time:

- (a) a service personnel may not use the ordinary mode of travel;
- (b) there is some delay on the way as a consequence of any situation even though the service personnel does his best to avoid it;
- (c) a service personnel misses the vehicle or has to wait for departure of the vehicle but it is not because of his fault;
- (d) a service personnel gets seriously ill on the journey;
- (e) a service personnel cannot use the ordinary route due to the situation of the region and has to use the other route and the sufficient reason for using it can be given;
- (f) there are other sufficient reasons.

124. In case the joining time exceeds 30 days, the head of the relevant Ministry and the organization may allow with the approval of the Union Civil Service Board.

125. If a service personnel has to hand over the charge elsewhere than where the duty station is situated, the joining time of such service personnel shall be counted from the place at which the person actually relinquishes the charge.

126. When a service personnel in transit on the initial transfer received another transfer order, the joining time shall be counted starting from the following date of receipt of the new transfer order. However, a second period of five days for preparation shall not be permitted in counting the joining time who has already enjoyed the first five preparation days. If he receives another transfer order for a different post after reaching the station of the new post, he is entitled to additional 5 days for preparation.

127. If a service personnel is granted leave after relinquishing the charge of the old post to transfer to a new post:

- (a) when the leave is asked for personal affairs or on a medical certificate, the period of leave will start from the date on which the charge of the old post is relinquished, the preparation period



shall not be enjoyed and the joining time shall start immediately the next day after the leave ended;

- (b) the actual period to cover the journey from the station of old post to that of new post shall be prescribed as joining time. However, the period for the medical treatment for illness on the journey or for unavoidable personal affairs shall be accounted as suitable types of leave.

128. When a service personnel on leave is transferred to a new post at the end of the leave period and is not allowed to return to the original post, the joining time shall be granted as the period actually needed to cover the journey from the place where the service personnel enjoys leave to the place of new post.

129. When a service personnel from a department entitled to a long vacation is transferred to a new post during the long vacation, the authorized person for the transfer may allow to join the new post only after the end of the long vacation.

130. During the joining time, a service personnel is regarded as on full time duty. In respect of pay entitlement during the joining time:

- (a) in transferring from an initial post to a new post, the service personnel is entitled to enjoy the lesser pay between the two posts of the pay for the old post or of the pay for the new post as the joining time pay;
- (b) when a service personnel on leave is transferred to a new post at the end of the leave period, the joining time pay for the new post is as follows:
  - (i) if the leave is the earning leave, he is entitled to enjoy the last leave pay of the leave period;
  - (ii) if the leave is the leave without pay no joining time pay is entitled.

131. Although a service personnel has to join the post on the date following the end of the joining time and fails to do so, no pay or leave pay is entitled from the commencing date following the end of the joining time. A service personnel's willful absence from duty without sufficient reasons after the expiry of joining time may be treated as an act of misbehavior and shall be taken action in accordance with the rules.

### **Chapter X** **Provisions for Deputation**

132. No service personnel shall be transferred on deputation against his desire. The proposal by an external organization to transfer a service personnel on deputation directly addressed to that service personnel is not allowed.

133. The period on deputation with external service regulations admissible is three years. This would be extendable by two years if necessary and the whole deputation period shall not exceed five years. A service personnel to be transferred on deputation with external service regulations shall have ten years of service and shall not be over 55 years of age.

134. Service personnel organizations shall issue the transfer order for deputation only with the approval of the Union Civil Service Board after prior coordination.

135. When a service personnel on leave is transferred on deputation, the deputation period begins from the date on which the person is transferred.

136. In respect of the pay and joining time of a service personnel who is transferred on deputation:

- (a) the service personnel on deputation shall enjoy the pay from external organization to which he is transferred from the commencing date of relinquishing the old post;
- (b) the organization which transfers the service personnel on

deputation shall compromise the pay, joining time and joining time pay of the service personnel with the external organization to which he is transferred.

137. The Union Government may write off the contributions for performing duties on deputation and fix the interest rate for the overdue contributions as may be necessary.

138. If the contributions are not paid within 15 days after the end of the respective month, overdue fees must be paid at the fixed interest rate from the commencing date of 16<sup>th</sup> up to the date all the contributions have been paid. On sufficient grounds, the Union Government shall reduce or write off the interest that is to be paid.

139. A service personnel on deputation shall not receive pension or gratuity for the service from the external organization where he performs duties without permission of the parent organization.

140. When a service personnel on deputation is promoted in the parent organization, the pay receive from that external organization shall not be taken into consideration in fixing the pay for the promoted post. The pay and allowance for the promoted post is entitled only when he has reverted to the parent organization.

141. The deputation period of a service personnel reverted to the parent organization ends on the date on which he resumes his duties in the parent organization. At the end of deputation, if a service personnel takes leave before resuming his duties, the deputation period shall be ended only on the date on which such service personnel returns to service in the parent organization.

142. The service personnel shall no longer receive pay from the external organization from the commencing date on which he returns to the parent organization at the end of deputation and his contributions for pension benefit shall also be ended.

143. (a) The contributions for pension benefit of a service personnel on deputation shall be paid into the State Budget by the organization which employs him in accordance with the stipulations.
- (b) If the organization which employs a service personnel on deputation does not pay the contributions for pension benefit in sub-rule (a), the service personnel himself shall pay it without fail.
144. The contributions for pension benefit shall be paid during the deputation period at the rate prescribed by the Union Government as in Schedule III. The Department of Pension shall take responsibility for calculating the amount of contribution for pension benefit to be paid for deputation and also fixing account title for remittance.
145. A service personnel on deputation shall pay contributions for pension benefit and the deputation period shall be included in calculation of the term of service in the parent organization and the service personnel is entitled to holding the lien in that period.
146. A service personnel or an external organization shall not request to refund the contributions for pension benefits.
147. In the case of on deputation with external service regulations, the calculation and confirmation of the rate of contributions to be paid and fixing the account title shall be done in coordination with the Department of Pension.

## **Chapter XI**

### **Discharge of Duty within the Country or Overseas and Study Tours**

148. A service personnel may be sent abroad as to perform duty ex officio or any special duty or for a study tour.
149. In stipulating the period of foreign service and study tour the date of

departure of that service personal from Myanmar to overseas shall be deemed as the starting date of discharge of oversea duty. The date of arrival of that service personnel to Myanmar shall be deemed as the ending date of discharge of oversea duty.

150. The whole period of study of a service personnel who is selected to go within the country or overseas for further studies or training relevant to job shall be deemed as on full time duty. In addition, the full pay (including increment) shall be entitled throughout the whole period of study without any limitation.

151. The pay for the period of foreign service shall be entitled in the country at the rate of pay before going abroad in kyats. If a service personnel is promoted when he is abroad, the pay for the promoted post shall be entitled from the commencing date on which he is promoted.

## **Chapter XII**

### **Entitlement to Regional Allowance**

152. In respect of the current socially disadvantaged conditions of the respective townships where regional allowance is entitled:

- (a) the following townships and townships stipulated from time to time by the Union Government are considered as the townships where regional allowance is entitled;

**Kachin State**

- (1) Injangyan Township
- (2) Tsawlaw Township
- (3) Sumprabum Township
- (4) Kawnglanghpu Township
- (5) Nongmung Township
- (6) Pannandin Township
- (7) Tanai Township
- (8) Shinpwiayang Township

- (9) Chipwi Township
- (10) Panwar Township
- (11) Machanbaw Township
- (12) Puta-O Township
- (13) Mansi Township
- (14) Sinbo Township
- (15) Myohla Township
- (16) Dotphoneyang Township
- (17) Kanpiketee Township
- (18) Lwekyal Township
- (19) Sadone Township

**Kayah State**

- (1) Shadaw Township
- (2) Mese Township
- (3) Hpaswang Township
- (4) Bawlakhe Township
- (5) Ywarthit Township
- (6) Demoso Township
- (7) Hpruso Township

**Kayin State**

- (1) Hpapun Township
- (2) Thantaunggyi Township
- (3) Bawgali Township
- (4) Leiktho Township
- (5) KyainSeikgyi Township
- (6) Hpayarthonesu Township
- (7) Kyaikdon Township
- (8) Shanywarthit Township
- (9) Sukali Township
- (10) Wawlemyaing Township

- (11) Kamamaung Township
- (12) Paingkyone Township

**Chin State**

- (1) Tonzang Township
- (2) Kyikhar Township
- (3) Htantlang Township
- (4) Matupi Township
- (5) Yaezwar Township
- (6) Falam Township
- (7) Rikawdar Township
- (8) Hakha Township
- (9) Teddim Township
- (10) Mindat Township
- (11) Paletwa Township
- (12) Kanpetlet Township

**Sagaing Region**

- (1) Layshi Township
- (2) Mopinlut Township
- (3) Lahe Township
- (4) Htanpakway Township
- (5) Nanyun Township
- (6) Donhee Township
- (7) Pansaung Township
- (8) Pinlebu Township
- (9) Phaungpyin Township
- (10) Homalin Township
- (11) Khantee Township
- (12) Banmauk Township
- (13) Myothit Township

**Thanintharyi Region**

- (1) Kyunsu Township
- (2) Bokpyin Township
- (3) Pyigyimandaing Township
- (4) Karathuri Township

**Rakhine State**

- (1) Munaung Township
- (2) Maungdaw Township
- (3) Taungpyoletwe Township
- (4) Buthidaung Township

**Yangon Region**

- (1) Kokoekyun Township

**Shan State**

- (1) Matman Township
- (2) Pangsang Township
- (3) Mongkan Township
- (4) Narpham Township
- (5) Pangwaun Township
- (6) Mongmao Township
- (7) Linkae Township
- (8) Homain Township
- (9) Maukme Township
- (10) Mongpan Township
- (11) Mongyang Township
- (12) Mongpauk Township
- (13) Monglah Township
- (14) Mongsat Township
- (15) Mongkope Township
- (16) Mongton Township



- (17) Monehta Township
- (18) Ponparkyin Township
- (19) Mabein Township
- (20) Mumtong Township
- (21) Konegyan Township
- (22) Mawhtaik Township
- (23) Kyethi Township
- (24) Mongnaung Township
- (25) Mongkaing Township
- (26) Mongkhet Township
- (27) Mongshu Township
- (28) Mongsan Township
- (29) Moemait Township
- (30) Mongyawng Township
- (31) Kyaingtaung Township
- (32) Mongyu Township
- (33) Panlon Township
- (34) Monekoe Township

**Magway Region**

- (1) Gangaw Township
  - (2) Hteelin Township
  - (3) Saw Township
  - (4) Kyaukhtu Township
- (b) service personnel who perform duties in the townships prescribed in sub-rule (a) where there are socially disadvantaged conditions, are entitled to the regional allowance which is equal to the monthly pay.

153. Regarding all service personnel assigned duty to the above mentioned townships where the regional allowance is granted:

- (a) the regional allowance is granted only when they reside in these

- townships to discharge their duties;
- (b) if they are temporarily transferred from the township where regional allowance is granted to the one where the regional allowance is not granted, they are entitled to the regional allowance during the transfer period only when the following stipulations are fulfilled;
    - (i) the temporary transfer period does not exceed four months excluding the joining time;
    - (ii) the transfer order states that the service personnel is intended to be transferred back to the township where the regional allowance is granted;
    - (iii) during the temporary transfer period, the service personnel's family who are residing with him and wholly depended on him such as the wife or the husband and children (including stepchildren and legally adopted children) remain residing in the original duty station of the township where the regional allowance is granted;
  - (c) the regional allowance for the joining time is entitled for going to or coming back from the transferred station;
  - (d) the regional allowance is entitled during the stay in the township where the regional allowance is not granted for the purpose of attending national commemoration ceremony or performing assigned duty, attending a meeting or a departmental training or taking part in the interdepartmental or national competition.

154. The service personnel who discharge duties in the township where the regional allowance is granted are entitled to the regional allowance during leave period if the following stipulations are fulfilled:

- (a) being a leave period which is entitled to full average pay not exceeding four months in the case of enjoying leave including leave preparatory to retirement;

- (b) stating in the leave order that the service personnel on earned leave other than leave preparatory to retirement is intended to be reassigned in any township where the regional allowance is granted at the end of the earned leave by the person authorized to grant leave;
- (c) residing the service personnel or the family in the previous township where the regional allowance is granted during the leave period or residing in the township where the regional allowance is granted to which the service personal is intended to transfer after the leave period;
- (d) if the maternity leave is enjoyed in continuation of the earned leave, the regional allowance is entitled only up to seven months from the commencing date of the maternity leave.

155. If a long vacation is granted in continuation of the leave with full average pay, that long vacation shall be treated as the leave period with full average pay for the purpose of regional allowance.

156. In respect of the grant of regional allowance if the long vacation is granted to be enjoyed out of the township where the regional allowance is granted:

- (a) if the long vacation is granted not in continuation of a leave, that vacation period shall be treated as the temporary transfer out of the township where the regional allowance is granted;
- (b) if the long vacation is granted in continuation of the leave period with full average pay not exceeding four months, that long vacation period shall be treated as the leave period when the regional allowance is being entitled.

157. In respect of the regional allowance granted for the joining time if a service personnel is transferred from one township to another:

- (a) if transferred from the township where the regional allowance is

not granted to the township where the regional allowance is granted, it is entitled from the commencing date of departure from any of the transit points;

- (b) if transferred from the township where the regional allowance is granted to the township where the regional allowance is not granted, it is entitled up to the date of arrival at the transit point;
- (c) if transferred from the township where the regional allowance is granted to the township where the regional allowance is not granted or vice versa, it is entitled during the joining time;
- (d) if transferred from the township where the regional allowance is not granted to the township where the regional allowance is granted and these two townships are close together, it is entitled from the commencing date of departure from the previous duty station.

### **Chapter XIII**

#### **Entitlement to the Continuation of Leave Period, Joining Time with Public Holidays**

158. If there is a public holiday before the commencing date of leave, the service personnel on leave may be allowed to leave the duty station in the afternoon of the day before the holiday. If there is a holiday immediately at the end of the leave or the joining time, the service personnel may be allowed to resume the duty on the morning of the day following the holiday. However:

- (a) in transferring or resuming the duty of the service personnel, the case shall not need to handover or receive the office monetary;
- (b) it shall not be the case where a service personnel from another station has to be transferred earlier to perform duties of the service personnel who leaves the duty station earlier;
- (c) it shall not be the case where a service personnel is late to be transferred to another station as a result of having to perform duties of the service personnel who is late to perform his duty.

159. In respect of the cases which the leave or joining time is allowed in continuation of holidays by the head of service personnel organization or the person authorized to grant leave:

- (a) if the leave is taken on a holiday or the day immediately following the holidays, the leave period, leave pay and allowance shall be calculated the commencing date from that date on which the leave is taken;
- (b) if there is a holiday or are holidays in continuation of the leave taken or joining time after it, such leave or joining time shall end on the day immediately before the holiday or holidays. Pay and allowance shall be allowed from that day.

#### **Chapter XIV**

##### **Principles of Disciplinary Action**

160. In taking action against a service personnel for the maintenance of discipline with the aim to prevent the service personnel from committing the similar offence for which he has been punished and to realize to be a good service personnel:

- (a) a service personnel shall obey the rules of conduct, disciplines and duties and shall always try to develop professional competence with the aim to increase the proficiency of the service personnel organization;
- (b) the action taken against and punishment of service personnel for breaking the rules of conduct, the breach of disciplines, the failure to perform duties and breaking the law shall aim at effectiveness in correcting the moral behavior and maintaining disciplines;
- (c) disciplinary action shall be taken by following the correct procedures, bearing in mind the difference between the departmental actions and criminal proceedings;
- (d) the departmental hearing shall be conducted in the presence of the accused service personnel other than the exceptional cases prescribed in these rules;

- (e) the accused service personnel shall be given sufficient opportunity to make a representation and defend himself;
- (f) if the accused service personnel is found to be innocent during inquiry, it shall be ensured that the said service personnel will not suffer any loss of service benefits on account of the action taken against him;
- (g) in imposing a penalty when the accused service personnel is found guilty, the kind of disciplinary penalty shall be of the effective maintenance of disciplines;
- (h) in imposing a disciplinary penalty, the penalty imposed shall be proportionate and brought to justice to the offence committed. Imposing the penalty which causes ruin to the potential of the service personnel in life shall be avoided;
- (i) if the penalty imposed in the departmental enquiry is not satisfied, it shall be entitled to an appeal. The appellate decision, order or penalty shall be final;
- (j) the departmental action shall be completed without delay in order to be an effective maintenance of disciplines and not to be negligence on the official tasks.

## **Chapter XV**

### **Disciplinary Offences**

161. The departmental action may be taken against the service personnel for any of the following disciplinary offences relating to working hours:

- (a) lateness for work without sufficient reasons;
- (b) early departure from work without sufficient reasons;
- (c) habitual absence from work without permission of the responsible superior officer;
- (d) absence without leave in breach of leave disciplines;
- (e) taking more days than admissible leave or failure to return to work at the end of the leave period without sufficient reasons;

- (f) failure to join the transferred post at the end of the admissible joining time without sufficient reasons.

162. The departmental action may be taken against the service personnel for any of the following disciplinary offences relating to performance of duties and proficiency:

- (a) failure to fulfill duties or negligence in performing duties;
- (b) loss and damage of the State-owned money or property due to the negligence or failure to obey rules, regulations, orders and directives;
- (c) lack of proficiency for the appointed post or poor qualification or lack of qualification;
- (d) failure to abide by the orders and directives issued in accord with law.

163. The departmental action may be taken against the service personnel for any of the following disciplinary offences relating to behavioural discipline in the workplace:

- (a) submitting personal data which are important in consideration for appointment, promotion and scholarship by cheating or concealing or conducting dishonestly;
- (b) lacking honesty, cheating, attempting to cheat or abetting to cheat in the performance of official duties;
- (c) making false allegation against any other service personnel with intent to cause harm, anonymous communication by misappropriating the name of other person or concealing the right name;
- (d) instigating or initiating or abetting to cause the disruption of peace at workplace or of unity among service personnel;
- (e) gambling or consuming drinks or drugs intoxicant at workplace;
- (f) using narcotic drugs and psychotropic substances;
- (g) acting in discourteous manners in performing the duties;

- (h) quarrelling with or assaulting any other person or causing affray at workplace;
- (i) wilful destruction of office equipment or causing loss and damage to it;
- (j) violation of the disciplines for the safety and security of the workplace wilfully or negligently;
- (k) behaving without dignity and wearing disrespectful attire by a service personnel;
- (l) taking bribe, giving or accepting gratification;
- (m) soliciting or obtaining or agreeing to accept any benefits including pecuniary benefits for the task to be carried out or business which has been carried out in discharge of the service personnel's duties;
- (n) soliciting or obtaining or agreeing to accept any benefits including pecuniary benefits to persuade any other service personnel to carry out a case or to prevent him of discharging his duties;
- (o) soliciting or obtaining or agreeing to accept any benefits including pecuniary benefits to carry out a case in an unfair way by themselves or by any other service personnel;
- (p) soliciting or obtaining or agreeing to accept the above illegal benefits directly from the persons and from the persons related to the case or the individual;
- (q) misappropriation or attempt to misappropriate or abetting in the misappropriation of money or property related to the work;
- (r) violation of rules of conduct and disciplines laid down for the service personnel organization and the category of service personnel;
- (s) refusal to obey the legitimate instructions of the superior officer by the service personnel themselves or instigating, threatening and inducing other service personnel to do so;
- (t) failure to protect classified official documents or providing confidential information directly or indirectly to the irrelevant persons;



- (u) writing or distributing books which is seditious for the State and the State Government;
- (v) participating or instigating or abetting in any activity which has an adverse effect on national security and rule of law.

164. In respect of breach of law, the departmental action may be taken against the service personnel in the following conditions:

- (a) being detained in custody by legal action;
- (b) being charged with an offence relating to the misconduct or severely punishable offence;
- (c) being convicted by a court under legal action.

**Explanation** - In the above mentioned conditions, whether or not to take departmental action simultaneously with criminal proceedings at the court of law, whether or not the service personnel breaches the rules of conduct of the service personnel, violates the departmental disciplines and fails to fulfill duties should be taken into consideration.

165. (a) If a service personnel is prosecuted or detained in custody for a crime committed out of his duty hours, the relevant prosecuting body shall inform in writing to the head of service personnel organization. The relevant court also has to send a copy of the final order or the judgment to the head of the service personnel organization.
- (b) If the service personnel is to be detained in custody for an act or omission which is legally punishable with an offence or failure to fulfill duties during the performance of duties, the relevant organization has the right to detain in custody only after obtaining permission from the head of service personnel organization to do so. Similarly, the service personnel is to be prosecuted for an act or omission which is legally punishable with an offence which

occurs during the performance of his duties, the relevant organization shall prosecute the service personnel only after obtaining permission from the head of service personnel organization to do so.

166. In imposing a disciplinary penalty on the service personnel who is found guilty of committing a disciplinary offence, any one suitable penalty or more than one penalty out of nine penalties prescribed in Section 53 of the law may be imposed by balancing the nature of the offence and the act or omission of the service personnel.

167. In imposing penalty to a service personnel, penalty imposed shall be proportionate with offence and penalty for justice and effective maintenance of disciplines. Although it is to impose due penalty on guilty of service personnel, it should also be done with the aim of reforming the person so as to become a good service personnel and not to impose penalty which causes ruin to the potential of service personnel in life.

### **Chapter XVI** **Departmental Action**

168. If the action is to be taken against a service personnel in respect of his action, breach of personnel rules of conduct of service, breach of discipline and failure to fulfill a duty, the decision shall be made first whether to take legal action or to take departmental action or to take both legal action and departmental action simultaneously. If the legal action is needed to be taken, the arrangements shall be made in accord with the relevant law. If the departmental action is needed to be taken, it shall be complied with the stipulations prescribed in this Chapter.

169. Conducting a trial in a court is to hear the case whether or not an accused alleged under the relevant law is guilty and departmental enquiry is an enquiry from the administrative point of view to decide whether or not the

conduct of the service personnel is breach of rules of conduct of service personnel or breach of discipline or failure to fulfill a duty or breach of the laws. In respect of taking departmental action against a service personnel who is prosecuted under legal action:

- (a) the departmental action may be taken against a service personnel who is convicted by a court to decide whether or not the service personnel should be imposed disciplinary penalty according to the administrative need by balancing the offence and penalty;
- (b) in the case where the service personnel is not found guilty and so is discharged before framing a charge or acquitted after charging, the departmental action shall not be taken against the service personnel on the grounds that the case is not applicable to the breach of rules of conduct of service personnel or breach of disciplines or failure to fulfill duties or misconduct.

170. In the departmental action, it includes the following administrative measures in addition to the preliminary enquiry and hearing by making the departmental enquiry:

- (a) temporary suspension from duties;
- (b) imposing appropriate disciplinary penalty on the service personnel without making departmental enquiry if it is evident that the service personnel is guilty;
- (c) imposing the appropriate disciplinary penalty on the service personnel if the departmental enquiry is not required in the case of the service personnel who is convicted by a court by balancing the offence and penalty.

171. The person authorized to appoint a service personnel has a right to suspend such service personnel from his duty temporarily. If the service personnel is needed to be suspended from duties, the superior officials who are entitled to suspend may be assigned in accord with on the nature of work

of respective service personnel organizations so that the procedures may be carried out efficiently and without delay.

172. If the service personnel who is taken against legal action or departmental action is needed to make temporary suspension, he may be suspended in accord with the provisions prescribed in this rule. Provided that, suspension is not mandatory in all cases. Since the suspension of a service personnel may result in the reduction of labour within the relevant organization and also suffering loss for the service personnel, the service personnel is suspended temporarily with proper care and consideration according to the case.

173. A service personnel who is taken action shall be suspended temporarily in the following conditions:

- (a) a service personnel is detained in custody or being prosecuted;
- (b) a service personnel is likely to be punished with any severe offence such as reduction of pay within pay scale or demotion or removal from a post or dismissal from being a service personnel in respect of departmental action if it is found that he is guilty;
- (c) there is a circumstance in which the service personnel might destroy evidence or amend and cheat the accounts or prejudice the proceedings by using the influence of official position for leading to impediment to find out the truth if he is not being suspended;
- (d) continuation of the service personnel at work without suspending temporarily from his duty may be harmful to the interests of the relevant service personnel organization.

174. If there is a circumstance in which the service personnel who is taken action might be transferred to or attached to another post or to be transferred to the other station without suspending from duty, he may be done so instead of temporary suspension. Provided that, if the transfer to the other station may have negative effect on the right of the service personnel to defend themselves

or may arise unreasonably extra expenditure or may create other administrative difficulties or may lead to unnecessary delay to complete the proceedings, the transfer should not be done.

175. A service personnel under temporary suspension shall be entitled to the subsistence allowances and other allowances at the specified rate in accord with the relevant rules, regulations and bye-laws.

176. During temporarily suspension of a service personnel who is taken action, he shall not be:

- (a) allowed to perform any duty;
- (b) granted leave;
- (c) selected to be sent to training in or out of the country;
- (d) promoted;
- (e) recommended to be awarded honorary title or honorary award;
- (f) allowed to retire or resign.

177. A service personnel who is taken the departmental action shall not be suspended from duty for a long time without sufficient reasons. The departmental enquiry shall be completed quickly without delay.

178. In revoking the order of temporary suspension:

- (a) during the course of the trial after the service personnel had been suspended from duty, this order may be revoked by the department that there is no need to suspend from duty according to the findings;
- (b) when reviewing the case after the service personnel had been suspended from duty, it is found that there is no sufficient reason for suspension from duty, the order of temporary suspension shall be revoked;
- (c) when the service personnel, during suspension, makes an appeal against the order of suspension on grounds that he suffers loss

and pecuniary difficulties due to suspension, such order may be revoked if it is believed that it is acceptable.

**Explanation:** A service personnel under suspension shall be entitled to an appeal against the order of suspension for cancellation and revocation at any time. Such appeal shall not be concerned with the appeal against the order, penalty and decision.

179. In respect of allowing the service personnel under temporary suspension to resume the duty after exempting from temporary suspension:

- (a) although a service personnel was originally put under temporary suspension for a sufficient reason, he shall be allowed to resume his duties if the condition appears that there is no need to suspend continuously;
- (b) a service personnel who has been released from arrest or acquitted after being charged by a court:
  - (i) shall be allowed to resume his duties if the departmental action is unnecessary since it is not concerned with misconduct, breach of discipline, failure to fulfill a duty, and breach of law;
  - (ii) may be allowed to resume his duties in such cases that although the departmental enquiry needs to be conducted, there exists conditions in which the enquiry may take place while the service personnel is resuming his duties;
  - (iii) in the case of a service personnel who has been released on bail after being arrested by legal action, the department has to take into consideration whether or not the suspension needs to be cancelled or revoked.
- (c) when the departmental action is completed and the service personnel is found to be innocent or is imposed any penalty other than removal from the post or dismissal from the service

although he is found to be guilty, such service personnel shall be allowed to resume his duties.

180. In the case of exempting from suspension and allowing a service personnel to resume his duties, the date of exemption from suspension shall not be mentioned in the order and instead state that “the service personnel is to resume the official duties”. The date of exemption from suspension shall be deemed as the date on which the service personnel actually resume his duties.

181. A service personnel who is prosecuted by departmental action shall be allowed to make a defence in accord with the stipulations contained in these rules.

## **Chapter XVII**

### **Preliminary Enquiry**

182. The purpose of the preliminary enquiry is to scrutinize whether there is reasonable ground to take the departmental action against a service personnel or not, to clarify the unclear points of the case, to collect evidence in case a departmental enquiry is to be made and to uncover the person responsible for the case. The preliminary enquiry may be conducted in the following cases:

- (a) the case which is necessary to scrutinize whether the complaint has reasonable ground or not;
- (b) the case which is necessary to scrutinize which service personnel is responsible and to what extent that person is responsible for the action or omission;
- (c) the case which is necessary to scrutinize whether there is evidence or not so that the service personnel may be taken criminal action;
- (d) the case which is necessary to enquire whether there is evidence or not that the departmental enquiry may be made against the service personnel;
- (e) the case which is necessary to analyze the accounts, the documents and the rules and regulations related to the action or omission of the service personnel before taking any action against him;

- (f) the case which the action or omission of the service personnel is just a minor case and decisions may be made only by preliminary enquiry without making departmental enquiry.

183. The preliminary enquiry shall not be made in the following cases:

- (a) the case which is obvious that the complaint has no reasonable ground;
- (b) the case which has regative contribution to the maintenance of disciplines by making the enquiry;
- (c) the case in which the action or omission of the service personnel is just a minor case and the said service personnel admits his guilt;
- (d) the case in which there is sufficient facts or evidence and so the departmental enquiry may be initiated from the stage of charge;
- (e) the case which is obvious that the service personnel is responsible for any action or omission under the report of audit team and only the departmental enquiry is opened by treating the findings of the audit team as evidence to charge;
- (f) the case in which the imposition of only disciplinary penalty is needed in the light of conviction according to criminal action.

184. If it is necessary to make the preliminary enquiry, the head of the relevant Ministry and the service personnel organization may form the Preliminary Enquiry Board and assign duty as prescribed in Form (3) according to the rank of the service personnel who is taken action. To facilitate the formation of the Preliminary Enquiry Board, the authority to form the Preliminary Enquiry Board may be conferred as appropriate according to the service personnel organization. In forming the Preliminary Enquiry Board:

- (a) the board shall be comprised with the total number of three members-the chair person and the other two members. The members of the board shall be superior in rank to the service personnel who is taken action;



- (b) if it is necessary to appoint the service personnel from the other organization in the board, it may be done in coordination with the relevant service personnel organization;
- (c) the members of the board shall not be the persons who have personal interest in the case, who are directly or indirectly involved in the case, who are personally concerned or who are malicious persons in respect of the case to be enquired;
- (d) the order of formation of the Preliminary Enquiry Board shall be sent to the chair person and the members. In such order, the facts to be enquired into shall be described and if necessary, the summary of the case shall be attached. In addition, the relevant documents, accounts and complaint letter, if any, shall be attached. The date on which the Preliminary Enquiry Board has to submit enquiry report shall also be fixed exactly.

185. The Preliminary Enquiry Board:

- (a) shall make the enquiry seriously as their main duty;
- (b) shall complete the enquiry within the prescribed period;
- (c) may inspect the departmental documents and accounts related to the case;
- (d) may obtain the explanation of the service personnel under enquiry;
- (e) may call and question the service personnel under enquiry;
- (f) may call and question the witnesses;
- (g) may, if the service personnel under enquiry absconds or refuses to be enquired or fails to appear before the Preliminary Enquiry Board without any sufficient reasons, examine the witnesses in the absence of the said service personnel. The examination of the witnesses in the absence of the accused service personnel shall be recorded systematically in the case with the description of the reasons to do so.

186. The Preliminary Enquiry Board, in carrying out the enquiry:
- (a) shall open the case file of the preliminary enquiry;
  - (b) the chairperson of the Board shall explain the case to be enquired and the duties to be performed by the board in respect of the preliminary enquiry to the members of the board;
  - (c) shall coordinate procedures with the members in respect of calling witnesses and inspecting related documents and accounts in order to facilitate making preliminary enquiry;
  - (d) shall, in taking evidence, ask the witnesses after warning to tell the truth. Provided that, they are not asked to take the oath;
  - (e) shall write, in recording the statement of the witnesses as prescribed in Form (4), name, position, the department or the organization and address if the witness is a service personnel and name, the citizen scrutiny card number, father's name, occupation and address if the witness is not a service personnel. The statement of the witnesses shall be recorded in writing or with a typewriter or a computer;
  - (f) the recorded statement shall be read out to the witness. If there are some discrepancies, the statement shall be corrected according to the desire of the witness. If the witness admits the statement given by him, the said witness is asked to sign on the statement. If the witness is unable to sign, the fingerprint of the left thumb has to be taken. The chairperson and the members of the Preliminary Enquiry Board shall sign on the statement of every witness. In the important cases, the fingerprint of the left thumb is also be taken in addition to the signature;
  - (g) if a witness is unable to appear on the date fixed by the Preliminary Enquiry Board due to a sufficient reason, the witness may be allowed to send his signed written statement to the Preliminary Enquiry Board. The chairperson and members of the board shall sign on such written statement with the comment to attach it in the case file together with the other oral statement taken before the board.

187. In making the preliminary enquiry against the action or omission of the service personnel, if it is just a minor case and the service personnel is obviously found to be guilty, but a suitable disciplinary penalty may be imposed on the service personnel at the stage of preliminary enquiry, the report consisting of the findings of the enquiry, the remarks and the recommendations as prescribed in Form (5) shall, after the preliminary enquiry is made completely, be submitted to the head of organization who has formed the Preliminary Enquiry Board for determination of which penalty be imposed. In such cases, the service personnel shall be allowed the right of defence and the witnesses shall be interrogated in the presence of that service personnel and cross questions shall be allowed.

188. If it is found according to the findings during the course of the preliminary enquiry that the case may not be closed at the stage of preliminary enquiry and is necessary to make the departmental enquiry, it shall be submitted its findings and recommendation to the head of the organization who has formed the Preliminary Enquiry Board so that the departmental enquiry may be proceeded promptly without continuation of the preliminary enquiry.

189. In the case file of the preliminary enquiry, the following documents shall be included:

- (a) the order of formation of the Preliminary Enquiry Board;
- (b) the documents, accounts and evidence related to the case to be enquired;
- (c) daily record of the board;
- (d) the explanation of the service personnel who is taken action in the case in which explanation is required;
- (e) statements of witnesses in the case in which witnesses are called and examined;
- (f) other evidence and documents.

190. The Preliminary Enquiry Board shall submit the report consisting of

its findings, remarks and recommendations together with the case file to the relevant head of the organization who has formed the board as prescribed in Form (5).

191. In respect of taking action, the head who assigned to make the preliminary enquiry after he and the board had scrutinizing and considering the report submitted by the Preliminary Enquiry Board:

- (a) the case may be closed when the service personnel is found innocent;
- (b) if the action or the omission of the service personnel is just a minor case and there is no need to take the departmental action in accord with sub-rule (a) of rule 193, the suitable disciplinary penalty may be imposed on the service personnel;
- (c) if it is necessary to conduct departmental enquiry under sub-rule (c) of rule 192, the departmental enquiry shall be proceeded promptly;
- (d) it shall be prescribed that if the service personnel is not satisfied with the decision, orders or penalties passed by the head of the organization who has formed the Preliminary Enquiry Board, he may appeal against them within six months.

### **Chapter XVIII**

#### **Departmental Enquiry**

192. If it is found that a service personnel infringes the following conditions, the departmental enquiry shall be made to enquire and hear the case:

- (a) having the sufficient facts or evidence to charge the service personnel;
- (b) having responsibility of the relevant service personnel to make an explanation under the report of the audit team;
- (c) being found out that the departmental enquiry is needed to be made according to the findings of the preliminary enquiry;
- (d) the action or omission of the service personnel is being a case

which is punishable with reduction of pay within the pay scale, demotion, removal from a post or dismissal from being a service personnel;

- (e) the action or omission of a service personnel who is prosecuted legally is being an obvious case to be a breach of the civil service rules of conduct or disciplines or departmental disciplines;
- (f) necessity for consideration whether or not disciplinary proceedings should be taken against the service personnel although he has already been legally convicted by the court;
- (g) although the prosecuted service personnel has already been released before charging on the grounds of no sufficient evidence or acquitted on the grounds that he is not found guilty after the charge and trial, being the case involving in the breaking of the civil service rules of conduct or disciplines or failure to fulfill a duty or breach of departmental disciplines by the said service personnel.

193. In respect of departmental enquiry:

- (a) if the service personnel is guilty of the action or omission which deserves only a minor penalty which is lower than reduction of pay within the pay scale, demotion, removal from a post or dismissal from being a service personnel, a judgement may be made without making a departmental enquiry and trial. Provided that, if it is considered that there are the facts to be enquired for justice or to be evident legally, the departmental enquiry may be made to enquire and hear the case;
- (b) in the case of the service personnel who is sentenced to imprisonment on conviction where only the order of removal from the post or dismissal from the public service needs to be issued, it is unnecessary to make the departmental enquiry.

194. (a) The head of the relevant Ministry and the organization or the

head of service personnel organization of the relevant department may, if a departmental enquiry is needed to be made, form and assign the Departmental Enquiry Board as prescribed in Form (6) according to the rank of the service personnel who is taken action.

- (b) The authority to form the Departmental Enquiry Board prescribed in the sub-rule (a) may be delegated and conferred as appropriate to facilitate the formation of the board in the service organization as may be necessary.
- (c) In forming the Departmental Enquiry Board:
  - (i) the board shall comprise with the total number of three members - the chairperson and two other members. The members of the board shall not be the persons who are the members of the Preliminary Enquiry Board. In addition, their rank should not be lower than the service personnel who is taken action;
  - (ii) the members of the board shall not be the persons who have personal interest in the case, who are directly or indirectly involved in the case, who are personally concerned or who are malicious persons in respect of the case.
- (d) The order of formation of the Departmental Enquiry Board shall be sent to the chairperson and the members of the board. The facts to be enquired about the service personnel who is taken action shall be mentioned in the order and the documents, accounts and evidence related to the case, if any, shall also be attached with the order. The date on which the report to be submitted by the Departmental Enquiry Board shall also be specified in the order. In complicated cases, sufficient time for the reporting shall be specified for the completion of the enquiry.
- (e) When the original Departmental Enquiry Board is needed to be reformed with new members for any reason, one or two of the

members may be replaced or the new board may be reformed and assigned thereto.

- (f) In an important case or a case in which specific technical matters are needed to be dealt with, any technician may be appointed as an enquiring officer from the side of the department. Such enquiring officer is only to assist the Departmental Enquiry Board and has no authority to interrogate the witnesses and shall not be involved in decision making of the board.

195. The Departmental Enquiry Board:

- (a) shall make the departmental enquiry seriously as their main duty;
- (b) shall complete the enquiry within the specified period.
- (c) shall charge the service personnel who is taken action as prescribed in Form (7) and allow the service personnel to defend in writing against the charges. Sufficient time shall be given to do it;
- (d) when the verbal hearing is conducted, it shall be carried out in the presence of the service personnel and the said personnel shall be given sufficient right to examine as a witness himself, to produce witnesses, and to cross examine to the witnesses.
- (e) may examine the departmental documents and accounts related to the case.
- (f) may, in receipt of the written statement of the service personnel as prescribed in the Form (8), after scrutinizing the explanation that he is innocent or admission of guilt and, if considered that it is sufficient, prepare a report in accord with sub-rules (a) and (b) of rule 198 and submit without conducting verbal hearing. If considered that it is necessary, the verbal hearing may be conducted in accord with sub-rules (c) and (d) of rule 198;
- (g) if the service personnel objects to one or two members of the board or the whole board, may accept or reject this objection in accord with sub-rule (c) of rule 198 after scrutinizing such objection;

- (h) in the case where legal matters or accounts or other technical matters have to be dealt with, may allow any lawyer or technician to appear to assist the service personnel who is taken action. No interference or disturbance of such person in the departmental proceedings shall be allowed;
- (i) may call and hear the service personnel who is taken action or the witnesses when the verbal hearing is allowed;
- (j) may, if the service personnel under enquiry absconds or refuses to be enquired or fails to appear before the Departmental Enquiry Board without any sufficient reasons, examine the witnesses in the absence of the said service personnel. The examination of the witnesses in the absence of the service personnel who is taken action shall be recorded systematically in the casefile with the short description of the reasons to do so;
- (k) may amend or add to the original charge or frame a new charge, if necessary, according to the findings during the course of departmental enquiry or the subject matter of the case.

196. When the Departmental Enquiry Board opens the case to enquire, the service personnel who is taken action in accord with rule 197 shall be framed a charge firstly. If not, the departmental enquiry is void.

197. In framing a charge against a service personnel who is taken action, in respect of compliance:

- (a) the action or omission of the service personnel who is taken action shall be mentioned exactly and framed a charge. In the case which more than one service personnel are involved, the charge shall be framed separately for each service personnel;
- (b) the service personnel shall be asked for a written statement against the charges. The service personnel is given sufficient time for written statement and date to be submitted shall be fixed. Enquiry shall be continued only after receiving the written statement;



- (c) in the charge sheet:
- (i) one or more charges may include;
  - (ii) the brief description of the allegations or facts on which each of the charges is based shall be stated obviously so that the accused service personnel can defend against each charge;
  - (iii) only the major charges shall be stated because if there are many charges in the charge sheet, the case tends to be more complicated and enquiry and hearing of the case may delay;
  - (iv) it shall be stated that the service personnel is needed to give the explanation in the written statement for each of the charges to indicate whether he is guilty or not, why the departmental disciplinary proceedings should not be instituted against him;
  - (v) it shall include a question asking service personnel whether or not he desires to make an explanation in person and whether or not he desires to be enquired orally;
  - (vi) it shall be stated that the enquiry will be made by the Departmental Enquiry Board and who will comprise therein when the oral examination is made and the service personnel may object to one or two or the whole members of the board with sufficient reason if he desires to do so;
  - (vii) in the case which the service personnel has a previous conviction and it is needed to be taken into consideration, it shall be stated that the previous conviction and its penalty will be taken into consideration in imposition of the penalty if the service personnel is found guilty in the current case. If the service personnel desires to argue that the previous conviction should not be considered in the current case, it shall be stated that he may give the explanation in written statement;
  - (viii) the date on which the written statement to be submitted to

the chairperson of the Departmental Enquiry Board shall be fixed;

- (ix) if the service personnel is responsible for more than one action or omission, the charge sheets shall be prepared separately for each action or omission;
- (d) the charge sheet shall be sent in advance to the service personnel who is taken action and a copy of the charge sheet shall be attached to the case file.

198. On receipt of the written statement from the service personnel who is taken action, the Departmental Enquiry Board:

- (a) shall prepare the report of the board as prescribed in Form (9) and submit it together with the case file to the concerned authority without holding the verbal hearing when the service personnel make an explanation that he is not guilty of the offence mentioned in the charge sheet and if the board considered as the explanation is satisfactory and acceptable. The report shall contain the findings, remarks and recommendations of the board;
- (b) shall prepare a report containing the opinion about the penalty which should be imposed on the service personnel as prescribed in Form (9) and submit it together with the case file to the concerned authority without holding verbal hearing, when the service personnel admits his guilt and if the board considered that it is unnecessary to find out any other fact concerning the case;
- (c) may proceed verbal hearing when the service personnel does not admit his guilt or even though he admits, the Departmental Enquiry Board thinks that there are still some facts concerning the case to find out or the explanation given by the service personnel is not satisfactory;
- (d) may hold verbal hearing when the service personnel states in his written statement of his desire to be enquired in the verbal hearing

- or when the Departmental Enquiry Board thinks that the verbal hearing needs to be held to find out more facts to make a decision even though he has no desire to be enquired in verbal hearing;
- (e) in respect of the objection of the service personnel to the Departmental Enquiry Board:
- (i) if the objection is to one of the members of the board, the chairperson and the other member shall scrutinize whether the objection is reasonable or not.
  - (ii) when scrutinizing the objection under the sub-rule (a) (i) and the Departmental Enquiry Board thinks that it is not reasonable, the board shall submit it to the authority who has formed the board and that authority confirms that it is not reasonable it shall be recorded in the case file and the verbal hearing may be proceeded;
  - (iii) if the objection is to the chairperson of the board or to both of the members or to the whole board, that objection shall be submitted to the authority who has formed the board to consider it.

199. The verbal hearing shall be held in the presence of the service personnel against whom the action is taken. In verbal hearing, the service personnel shall be given sufficient right to examine as a witness himself, to produce the witnesses and to cross-examine the witnesses.

200. In a verbal hearing:

- (a) the witnesses who can give evidence to support the charges shall be examined first and the findings are recorded as prescribed in Form (10). If there is some evidence against the service personnel who is taken action, he is allowed to cross examine the witnesses if he wishes to give an explanation;
- (b) then, the service personnel who is taken action is explained the charges and interrogated about them;

- (c) if the service personnel who is taken action wishes to be enquired as a witness himself he may be examined as a witness as prescribed in Form (11);
- (d) the service personnel who is taken action is asked whether or not there are the witnesses he wants to produce and if so, the list of the names of the witnesses shall be asked for and the arrangement shall be done to be able to examine such witnesses;
- (e) if the witnesses who have participated in the preliminary enquiry are needed to re-examine, they may be called upon and examined;
- (f) the time shall be fixed for the service personnel who is taken action to make a list of the witnesses he wishes to produce. In receipt of the list, the date shall be fixed for necessary witnesses to be examined, and shall summon them to come to the place where the examination will be done;
- (g) if it is not necessary or not appropriate to examine any one of the witnesses in the list produced by the service personnel who is taken action, or if it is assumed that a witness who is impossible to be examined is included in the list with the intention to delay the proceedings, the board may deny to hear such witness. The reasons for the denial shall be recorded in the case file;
- (h) among the witnesses who are unable to come on the appointed date, another date shall be fixed for the examination of the major witnesses. If the statements of the witnesses already heard are sufficient, and such witnesses need not to be heard any more, they may be cancelled from the list of witnesses with a description of reasons for that;
- (i) in the case where the allowance should be provided to the witnesses, it can be provided at the rate allowed by the court. If the accused service personnel submits a long list of witnesses, he may be asked to deposit the amount of allowance for those witnesses in advance or the witnesses who are not considered necessary may be refused;

- (j) if a major witness is unable to come before the departmental enquiry board for a sufficient reason, either the departmental enquiry board or the service personnel who is taken action may send the questions they want to ask in writing and obtain the signed statement of the witness. The statement of the witness shall be read to the service personnel. If there are some evidence in the statement against the service personnel who is taken action and he wishes to ask cross questions, the reply to those questions by the witness may be obtained again in writing;
- (k) in obtaining the statement of a witness, the witness is warned to tell only the truth, if he is not asked to take the oath;
- (l) in recording the statement of the witnesses, name, position, the department or the office or organization and address shall be recorded if the witness is a service personnel and name, Citizenship Scrutiny Card number, father's name, occupation and address shall be recorded if the witness is not a service personnel. The statement of the witnesses shall be recorded in writing or with a typewriter or a computer;
- (m) the statement shall be read out to the witness. If there are some discrepancies, the statement shall be corrected in accordance with the desire of the witness. If the witness admits that the statement given by him is correct, the said witness is asked to sign on the statement. If the witness is unable to sign, the fingerprint of the left thumb shall be taken. The chairperson and the members of the board shall sign on the statement of every witness. In important cases, the fingerprint of the left thumb may also be taken in addition to the signature.

201. According to the findings by hearing the witnesses during the course of the departmental enquiry or according to the statements of the witnesses, the original charge may be altered or amended or added or a new charge may be framed by the Departmental Enquiry Board if it is found necessary. If the

charge is altered or amended, the charged service personnel shall be allowed to take some more time to submit the written statement and also to produce the new list of witnesses and to recall the witnesses to examine.

202. The case with the circumstances mentioned under are exempted from applying the provisions contained in rules 194 to 201 concerning the formation of the Departmental Enquiry Board, framing the charge and holding verbal hearing by keeping a record of the reasons:

- (a) the service personnel who is taken action is absconding;
- (b) the service personnel who is taken action cannot be contacted;
- (c) the service personnel who is taken action fails or refuses to be enquired without any sufficient reasons;
- (d) it is difficult to apply any provisions regarding departmental enquiry on account of the extraordinary nature or circumstances of the case.

203. After the completion of the departmental enquiry, the Departmental Enquiry Board shall prepare the report as prescribed in Form (9) containing the summary of the case, charge, findings, remarks and recommendations to the head who has formed the Departmental Enquiry Board. The order of formation of the Departmental Enquiry Board, daily activity of the board, charge sheet, written statement, statements of witnesses and the documents relating to the enquiry shall be included in the case file of the departmental enquiry.

204. The board comprising three members shall be formed to scrutinize and make decision the report of the Departmental Enquiry Board. The head who has assigned to hold departmental enquiry shall perform as the chairperson of the said board. After scrutinizing the report, the board:

- (a) may instruct the Departmental Enquiry Board to make further enquiry for the facts which are still necessary if it is considered that their findings are still insufficient;

- (b) may form and assign a new Departmental Enquiry Board to hold the enquiry again if it is found that there was no justice due to the wrong procedures conducted by the Departmental Enquiry Board;
- (c) shall close the case if the service personnel who is taken action is found innocent;
- (d) if the service personnel who is taken action is found guilty, the penalty to be imposed in accord with the rule 212 as mentioned under:
  - (i) if the penalty to be imposed is under the authority of board which may decide the Departmental Enquiry Board, the decision shall be made in the relevant case file by describing what kind of penalty is imposed;
  - (ii) if the penalty to be imposed is necessary to be submitted to the superior authority, the board shall state the recommendation and submit it to authority concerned together with the case file.

205. In the decision of the departmental enquiry:

- (a) it shall be stated that the service personnel is innocent and the closure of the case is closed if the service personnel who is taken action is found to be innocent.
- (b) if the service personnel who is taken action is found guilty:
  - (i) it shall be stated for which charge he is guilty;
  - (ii) it shall be stated if the previous conviction has been taken into consideration;
  - (iii) it shall be stated which penalty is imposed;
  - (iv) it may be imposed one or more penalties for each charge;
- (c) if the penalty is the one which is needed to specify the period or pay, it shall be stated in accordance with the provisions of rule 212;
- (d) in the case where the service personnel who is taken action has

been put under temporary suspension and if it is necessary to exempt from such temporary suspension, it shall be stated that the pay, allowance and duty hours to be allowed under sub-rule (a) of rule 68 or sub-rule (b) of rule 68.

206. The relevant service personnel organization shall issue the decision of the departmental enquiry and send it to the service personnel. In the order, it shall be stated that an appeal may be submitted within six months from the date of the receipt of the order as prescribed in Form 12 if the said service personnel is dissatisfied with such order.

207. The departmental enquiry shall be completed without delay for effective maintenance of disciplines and to avoid deficiency in performing departmental task. The head who has formed the Departmental Enquiry Board shall specify the period to enquire. Such period shall not exceed one year in any case. If the departmental enquiry cannot be completed within such specified period, the chairperson of the Departmental Enquiry Board shall seek the approval of the relevant head to extend the period one week in advance.

208. On request for extension of enquiry with sufficient reasons, the head who has formed Preliminary Enquiry Board or Departmental Enquiry Board shall extend the period as appropriate in extraordinary circumstances. The enquiry shall be completed within such extended period. No more extension is permissible after that.

### **Chapter XIX**

#### **Disciplinary Penalties**

209. In taking departmental action, one or more than one penalties contained in section 53 of the Law may be imposed in accordance with the rules, regulations and by-laws.



210. The penalties imposed under rule 209 are:

- (a) **Written warning** means the warning in writing by describing the offence committed by the service personnel. In imposing such penalty:
  - (i) the penalty of warning shall be stated together with the offence committed briefly;
  - (ii) the penalty period shall be ended on the date of completion of six months from the date of penalty imposition;
  - (iii) the promotion is not permissible during the penalty period;
  - (iv) the increment due is permissible during the penalty period;
- (b) **Withholding of increment** means postponing the next increment of the service personnel for a specified period within the pay scale. In imposing such penalty, by considering the seriousness of the offence which is committed by the service personnel:
  - (i) the penalty period shall be specified. The penalty period shall be calculated from the commencing date on which the next increment is due;
  - (ii) it shall be specified whether the future increment will postpone or not; if the future increment will postpone, the period of postponing shall be specified;
  - (iii) the service personnel shall not be promoted during the waiting time for penalty and penalty period;
- (c) **Withholding of promotion** means the postponing of the promotion of the service personnel for a specified period without promoting him on his turn to be generally promoted. In imposing such penalty:
  - (i) the penalty period shall be calculated from the commencing time of his turn for promotion. The penalty will take effect from that time;
  - (ii) the promotion shall be withheld only for completion of penalty period without causing to lose his opportunity for promotion;

- (iii) the increment shall be permissible when it is due during the penalty period;
  - (iv) the position to be promoted shall not be reserved for the punished service personnel;
- (d) **Reduction of pay within pay scale** means reduction the pay to the lower pay within the pay scale for a specified period by considering the seriousness of the offence committed by the service personnel. In imposing such penalty:
- (i) it shall be specified to which pay is reduced within time scale pay;
  - (ii) the penalty period shall be specified;
  - (iii) the increment shall be withhold during the penalty period;
  - (iv) it shall be specified whether the future increment will postpone or not when the service personnel is allowed to enjoy the original level of pay at the end of the penalty period. If the future increment will postpone, the period of postponing shall be specified;
  - (v) the promotion shall be withheld during the penalty period;
- (e) **Demotion** means demotion to the immediate lower post for a specified period. In imposing such penalty:
- (i) the service personnel who is taken action shall not be demoted to the immediate lower post of initially appointed post or to the immediate lower post in a different category of posts;
  - (ii) the penalty period shall be specified according to the seriousness of the offence obviously found;
  - (iii) it shall be specified that any pay within the pay scale of the demoted position not exceeding the maximum pay is allowed to enjoy. The service personnel shall enjoy only the specified pay during the penalty period;
  - (iv) at the end of the penalty period, the service personnel shall be reinstated to the original position or to the post of the

same rank in other category or to the post of identical time scale pay. It shall be specified whether the future increment will postpone or not in the post to which the service personnel is reinstated. If the future increment will postpone, the period of postponing shall be specified;

- (f) **Compensation for the loss** means compensation of the whole or part of any pecuniary loss by negligence or breach of orders and directives. The amount of money to be paid shall be fixed by considering the extent to which the relevant service personnel has to take responsibility for the loss and his ability to pay. This penalty shall be imposed with care to avoid the inability of the service personnel to perform duties due to financial difficulty resulting from the large amount to pay in compensation for the loss;
- (g) **Not permitting full pay for temporary suspension period or not treating such suspension period as on duty** means causing loss of benefits of the service personnel by not permitting full pay and allowance for temporary suspension period or by not treating that suspension period as on duty when the service personnel is found guilty after the completion of the case although the temporary suspension of the service personnel who is taken departmental action is not a penalty under the conditions contained in rule 68. The penalty will take effect from the time of suspension. In imposing such penalty:
- (i) temporary suspension before the completion of the case under rule 172 is just an administrative action and not a disciplinary penalty. However, the service personnel is found guilty after the completion of the case, when the service personnel is not permitted full pay during the temporary suspension period or when the suspension is not treated as on duty which results in loss of benefits such as term of service which is calculated for pension or other

service personnel rights, the temporary suspension becomes a penalty;

- (ii) if the temporary suspension is cancelled and an appropriate penalty is to be imposed, the duration of temporary suspension, loss and damaged reputation of the service personnel on account of temporary suspension should be taken into consideration;
- (h) **Removal from the post** means the removal of the service personnel from his current post on account of the severe penalty convicted by a court or the habitual nature of commission of the offence. In imposing this penalty:
- (i) the service personnel removed from the post shall lose pay and allowances as well as the term of service and pension from the date of removal. However, a gratuity may be applied in accordance with the existing rules, regulations and by-laws;
  - (ii) the service personnel removed from the post may be reappointed later as a service personnel with the approval of the head of service personnel organization;
- (i) **Dismissal from service personnel** means dismissal of the service personnel who is not appropriate to keep in the service personnel organization on account of the misconduct, breach of disciplines, failure to fulfill a duty, or being convicted severe penalty by a court. In imposing this penalty:
- (i) the service personnel who has been dismissed shall lose pay and allowance as well as the term of service and pension from the date of removal;
  - (ii) the service personnel who has been dismissed shall not be reappointed in any service personnel organization.

211. The following matters shall not be considered as removal from the post or dismissal from the service personnel:

- (a) the service personnel who has been initially appointed in the post which necessitates, according to its nature, to train the service personnel by specifying a probationary period with particular stipulations is removed from service for a sufficient reason;
- (b) the service personnel who has been appointed as an apprentice before confirmation of appointment to a post is removed from service for a sufficient reason;
- (c) the service personnel on contract is removed from service during the contract term in accordance with the terms and conditions prescribed in the contract.

212. In respect of stipulations to impose penalties:

- (a) the four penalties –written warning, withholding of increment, withholding of promotion and compensation for of the loss - may be imposed by the board chaired by the person authorized to appoint the service personnel or the board chaired by the person to whom the authority is delegated;
- (b) penalties or orders of reduction of pay within the pay scale, demotion, not permitting full pay during temporary suspension or not treating suspension as on duty, removal from a post or dismissal shall be made only by the board chaired by the person authorized to appoint the service personnel;
- (c) in order to facilitate the disciplinary proceedings and to maintain disciplines effectively, the authority to impose penalties may be delegated by rank according to the formation and nature of the work of the service personnel organizations.

**Explanation:** In imposing the penalty of removal from a post and dismissal, the penalty will take effect only after it is approved by the head of the service personnel organization for staff and by the head of the Ministry and organization for gazetted officers.

213. In departmental enquiry, the relevant service personnel organization shall issue the order concerning the penalty imposed. A copy of the order shall be sent to the service personnel who has been imposed the penalty and the facts contained in the order shall be recorded in full in the service book of the relevant service personnel.

214. (a) After the disciplinary penalty has been imposed on the basis of the conviction by a court, and if the conviction of the original court is quashed by an appeal court and the service personnel is acquitted, the departmental disciplinary penalty shall be reviewed. If the penalty is imposed on grounds of the conviction by the court other than misconduct, breach of disciplines, failure to fulfill a duty or breaking the law, such order may be quashed.
- (b) In the case of the service personnel who has been imposed a penalty after instituting separate departmental disciplinary proceedings, even though the conviction of the original court of law is quashed by an appeal court and the service personnel is acquitted, the departmental disciplinary penalty needs not be quashed.
- (c) Departmental disciplinary proceedings shall be instituted as appropriate after or without waiting for judgment of the court.

215. The list of the service personnel who have been removed or dismissed shall be prepared by the relevant service personnel organization and sent to all the service personnel organizations.

216. The service personnel organizations shall prepare the list of the service personnel who have been removed from the post and dismissed from the service personnel as prescribed in the Table 4 and send it to the Department of Service Personnel, Union Civil Service Board and send the copy to the Office of the Union Government. The Department of Service Personnel, Union Service Board shall compile all these lists annually and report to the Office of the Union Government.

217. In respect of appointment, transfer to other department, resignation, removal, dismissal and retirement, the relevant Ministry and service personnel organization shall send the list to the Department of Labour, Ministry of Labour, Employment and Social Security within one month from the date of performing so.

## **Chapter (XX)**

### **Appeal**

218. In departmental enquiry, the service personnel who is dissatisfied with the disciplinary penalty imposed under rule 209 or any order and decision is entitled to submit an appeal.

219. The records of verbal statements of the witnesses in departmental enquiry and the copy of report of the Departmental Enquiry Board shall be provided when the service personnel who wants to submit an appeal requests thereof.

220. If the service personnel dissatisfied with the penalty imposed in departmental enquiry or any order and decision, he may submit an appeal as prescribed in Form (12) to the head who is superior to the disciplinary authority who imposed the original penalty or passed the order or made decision within six months from the date on which the order is received. The appeal submitted after limited period shall not ordinarily be considered. However, the time limit for an appeal may be relaxed if the appellant is able to submit a sufficient reason for the delay. The appeal may be accepted and tried.

221. In submitting an appeal:

- (a) a summary of the case shall be described;
- (b) the facts leading to the appeal and other supporting facts shall be included;
- (c) the appeal shall contain no disrespectful and improper language against the relevant service personnel organization;

- (d) the appellant himself shall sign the appeal;
- (e) a copy of the order related to the case shall be attached;
- (f) the appeal must be submitted to the head who is superior to the disciplinary authority who impose the original penalty or passed the order or made the decision.

222. In respect of the exercise of appellate power:

- (a) the appeal board chaired by the head who is superior to the disciplinary authority who imposed the penalty or passed the order is entitled to make a judgement on the appellate which lies against that penalty or order. If the head of the Ministry or the organization has been involved in imposing the original penalty or passing the order, the appellate board shall be chaired by the said head and composed of the other two members who have not been involved in the disciplinary action;
- (b) the appeals shall be considered and brought to an end at the level of relevant ministry and organization except the appeal by the head of the Ministry and the organization;
- (c) the different appellate authority shall be specified in respective service personnel organizations.

223. In receipt of an appeal request form, the relevant head shall form the appellate board to consider the appeal:

- (a) In respect of the formation of the appellate board:
  - (i) the appellate board is composed of a total of three members - the chairperson and two members. If it is necessary to appoint the service personnel from the other organization in the board, it may be done in coordination with the relevant service personnel organization;
  - (ii) the members of the board must not be lower rank than the appellant. The board shall not comprise the persons who were involved in the preliminary enquiry, departmental



enquiry, the persons who have personal interest in the case, or who are connected with the case;

- (b) either when the appeal is found necessary to take time to be heard or when there are a large number of appeals to be heard, in respect of forming the appeal review board with the Form (13) by relevant the head of the service personnel organization and assigning it to analyse:
  - (i) the appeal review board shall comprise a total of three members - the chairperson and two members. The members of this board shall not be lower rank than the appellant. If it is necessary to appoint the service personnel from the other organization in the board, it may be done in coordination with the relevant service personnel organization;
  - (ii) the appeal review board shall submit their findings, remarks and recommendations as prescribed in Form (14) to the head who has formed the board and assigned the task.

224. In reviewing an appeal:

- (a) the appeal request may be dismissed when the appeal request form does not comply with the provisions prescribed in the rules 220 and 221 or it is found out to be the repetition of the previous appeal which has already been done with no new facts;
- (b) if the appeal request form complies with the provisions prescribed in the rules 220 and 221 and has grounds for entertaining it, the appeal request shall be accepted;
- (c) if the appeal is applied to the impose of disciplinary penalty:
  - (i) it shall be scrutinized whether or not the procedures are right and whether there is justice or not in the departmental enquiry;
  - (ii) it shall be scrutinized whether the judgement that the service personnel is guilty complies with the relevant laws, rules, regulations and bye-laws and whether there are sufficient

evidence according to the documents and accounts related to the case;

- (iii) it shall be scrutinized whether the penalty is more severe than it should be and whether there is conformity between the penalty and the gravity of the offence committed.
- (d) if the appeal is against the order of suspension or the order affecting the pay, allowance, duty hours and calculation of term of service for the purpose of pension, it is to be considered whether such order should be amended or not.

225. In making a judgement on an appeal by the appellate board:

- (a) if the preliminary enquiry or the departmental enquiry are found not to comply with the laws, bye-laws, rules and regulations and do not appear to be right and just, it may be decided to enquire the case again;
- (b) if it is considered that there is no grounds for setting aside the judgement that the service personnel is guilty and the penalty imposed against him, the appeal may be dismissed;
- (c) if it is found the judgment that the service personnel is guilty is made without sufficient evidence, the offence and penalty may be set aside and the service personnel may be acquitted;
- (d) if it is considered that the penalty is more severe than the offence, it may be altered to punish to a less severe one;
- (e) the penalty imposed in the original proceedings shall not be enhanced in an appeal;
- (f) the pay, allowance, duty hours, calculation of term of service for the purpose of pension for the suspension period when the service personnel is away from duty may be changed as appropriate.

226. The judgement made in an appeal is final and conclusive.

227. The judgements made in the preliminary enquiry and departmental

enquiry shall be written in Table (5) and it shall be sent to the head who is entitled to make a judgement in an appeal in accord with the rule 222.

228. The relevant service personnel organization shall issue the necessary orders in accord with the judgement and the penalties. A copy of the order shall be sent to the relevant service personnel and the contents in the order shall be recorded in full in the service book of the service personnel.

### **Chapter (XXI)**

#### **Retirement**

229. Except when the term 'pension' is used in contradistinction to gratuity, pension includes gratuity.

230. The date on which a service personnel retires is the date on which he attains the age of 60.

231. A service personnel who is suspended or under investigation due to committing a disciplinary offence or any law, he shall not be allowed to retire until the final verdict is given although he attains the age of retirement.

232. The service personnel who is retiring shall:

- (a) hold a post in a service personnel organization of the State;
- (b) hold a full time post in the organizational set-up;
- (c) his salary be paid by the State budget.

233. The service personnel:

- (a) is entitled to enjoy superannuation pension in accord with the provisions when the person attains the age of 60 except some particular cases under the provisions of any existing law;
- (b) who has attained the age of 55 is entitled to enjoy retiring pension if the person has completed 30 years of service;
- (c) who has completed 10 years or more of service is entitled to

enjoy invalid pension when the person is permanently incapacitated for further service with production of medical certificate by the authorized medical board;

- (d) who is discharged from service personnel on account of abolition of his permanent post shall be granted compensation pension either when a suitable appointment for equal rank may not be found or the person does not request for another appointment;
- (e) who has contracted a disease or received an injury or a disability as a result of performing official duties shall be entitled to enjoy an extraordinary pension with production of medical certificate by the authorized medical board.
- (f) in the event of death of a service personnel while in service or after retirement his family is eligible for the grant of family pension in accord with the stipulations;
- (g) who has attained the age of 55 and completed over 20 years of service or who has attained the age of 50 and completed over 25 years of service shall be granted a reduction pension. However, a reduction pension may be granted according to the need of the State although the above mentioned provisions are not fulfilled.

234. The longest term of service of a service personnel for pension purposes shall be from the date the person had attained the age of 18 up to the time of retirement. After attaining the age of 18, the following periods are counted in the term of service qualifying for pension in addition to the period of performing duties out of service:

- (a) paid apprenticeship;
- (b) probationary period;
- (c) joining time;
- (d) temporary suspension while on duty;
- (e) suspension which is entitled to enjoy for pension although the service personnel is not treated as on duty;
- (f) other periods when the service personnel is treated as on duty.

235. The following leave periods are counted for pension purposes:
- (a) earned leave;
  - (b) disability leave;
  - (c) study leave;
  - (d) maternity leave;
  - (e) special leave for conflicts;
  - (f) seaman's sick leave;
  - (g) hospital leave on average pay;
  - (h) medical leave .
236. The terms of service, despite the fact that the posts are in different categories, shall be aggregated for pension benefit of a service personnel. If there are breaks in the service of the service personnel, the competent authority have the breaks aggregated provided that there are sufficient reasons for that. In doing so, the previous term of service must be at least one year.
237. When a service personnel who receive only the gratuity for compensation without earning a pension returns to service, the previous term of service shall be taken into account for future pension if the person refunds the gratuity drawn.
238. When the service personnel who receive compensation pension returns to service only after an interruption, the previous term of service shall be taken into account for the purpose of pension provided that the person ceases drawing pension from the commencing date of the reemployment.
239. The retired service personnel shall cease drawing the previous pension from the commencing date on which he is reemployed. If the service personnel does not cease drawing pension within three months of reemployment, the previous term of service and the one after reemployment shall not be aggregated for the purpose of pension.

240. Although the return to service of a retiring service personnel on invalid pension is not prohibited when he regains good health, that service personnel shall not be employed in the previous department if he was granted invalid pension on the medical certificate reporting that the incapacity of the service personnel was due to the conditions under which he was performing duties. However, he may be reemployed in other departments. His term of service shall be calculated in accordance with the rules 237 and 238.

241. In the case of a military personnel who rendered the military service after attaining the age of 18 and reemployed in the civil service, such military service may be counted as qualifying service by a competent authority. However:

- (a) the military service shall be satisfactory and service entitled to enjoy for pension in accord with the provisions of the military pension rules;
- (b) if the person who did not enjoy a pension and was granted only the gratuity, refunds such gratuity to the State, the previous military service shall be aggregated;
- (c) if there is a certificate issued by the Audit Office of Ministry of Defence that the person has ceased to draw pension and verifying the term of service and the pension and gratuity earned by him, the military service shall be aggregated.

242. Pension may be commuted to lump-sum payment at the rates specified by the Ministry of Finance.

243. In the case of commutation of a portion of pension as lump-sum payment, the present value shall be calculated on prescribed period contained in pension commutation Table (6) based on the age of the service personnel attained on the date of retirement from the reemployed post.

244. The pension benefit shall be calculated on completed years and the fractions of years shall be ignored. Provided that if the term of service is

satisfactory in the cases of superannuation pension, invalid pension and compensation pension, the fractions of year:

- (a) the head of service personnel organization may add up to six months;
- (b) the head of the Ministry and the organization may add up to 12 months.

245. The fractions of year of term of service of pension benefit shall not be allowed to calculate in the following conditions:

- (a) the period needed to complete five years for gratuity;
- (b) the period needed to complete 10 years for pension benefit;
- (c) the period needed to complete 20 years for reduction pension;
- (d) the period needed to complete 25 years for reduction pension;
- (e) the period needed to complete 30 years for retiring pension.

246. In respect of calculating the amount of gratuity and pension:

- (a) only the gratuity shall be granted in the following manner if ten years of qualifying service for pension is not completed:
  - (i) in the case of not completing five years of qualifying service for gratuity -  

$$\text{Term of service} \times \text{last pay} \times 100\% = \text{gratuity}$$
  - (ii) in the case of completing five years of qualifying service for gratuity but not completing ten years –  

$$\text{term of service} \times \text{last pay} \times 150\% = \text{gratuity}$$
- (b) in the cases of superannuation pension, invalid pension and compensation pension after completing ten years and above of qualifying service for pension and in the cases of retiring and reduction pensions, the pension and gratuity shall be calculated as follows:
  - (i)  $\text{term of service} \times \text{last pay} \times 1.5\% = \text{pension}$
  - (ii)  $\text{term of service} \times \text{last pay} \times 50\% = \text{gratuity}$
- (c) the Ministry of Finance may issue the order and amend the

method of calculation for pension and gratuity with the approval of the Union Government.

247. The family of a service personnel includes the following persons:
- (a) the legally married wife and legitimate children if the service personnel is male;
  - (b) the legally married husband and legitimate children if the service personnel is female;
  - (c) legitimate children include legally adopted children and step children;
  - (d) grandchildren;
  - (e) natural parents, brothers and sisters.
248. In respect of the entitlement of family pension:
- (a) a family pension shall be granted to a surviving family in the following priority order:
    - (i) the first legally married widow or widower of the deceased;
    - (ii) if there is no legal widow or widower legitimate unmarried child under 18 or legitimate unmarried child above 18 who is pursuing full time education at a university, college or school;
    - (iii) if there is no eligible person prescribed in clause (ii), unmarried daughter or widowed daughter;
    - (iv) if there is no eligible person prescribed in clause (iii), fatherless unmarried grandchild under 18 or over 18 who is pursuing full time education at a university, college or school;
  - (b) if there is no eligible person prescribed in sub-rule (a), the following persons may be allowed family pension. Provided that they may submit the sufficient evidence that they had been residing with and depended on the deceased:



- (i) natural parents;
- (ii) if there is no parent brother or sister of the service personnel under 18 or above 18 who is pursuing full time education at a university, college or school;
- (iii) if there is no eligible person prescribed in clause (ii), unmarried elder sister or younger sister or widowed elder sister or younger sister of the service personnel;
- (iv) if there is no eligible person prescribed in clause (iii), other elder or younger brothers or sisters of the service personnel.

249. The family pension shall no longer be entitled to enjoy under any of the following conditions:

- (a) the widow or widower of the service personnel remarries;
- (b) an unmarried female or male family member of the service personnel marries;
- (c) not being a family member of the service personnel.

250. In respect of the entitlement of family pension:

- (a) legally married wife or husband and other family members of the service personnel who dies in service before retirement:
  - (i) is entitled to the gratuity equal to the last payment for each completing year of service if the service personnel completed one year service but less than five years qualifying service for gratuity at the time of death;
  - (ii) is entitled to the gratuity equal to twelve times of the last payment for each completing year of service if the service personnel completed five years but less than ten years qualifying service for gratuity at the time of death;
  - (iii) a wife or a husband of the service personnel who completed ten years or more of qualifying service is entitled to  $\frac{3}{4}$  of the superannuation pension as family pension which would be earned if it were granted on the following date of his

- death. Additionally, the gratuity equal to  $1/2$  of the last payment for each completing year of qualifying service is also entitled to enjoy. Such gratuity shall not be less than twelve times of the last payment. Family pension shall be entitled to enjoy from the following date of the death of service personnel up to the death of the wife or the husband;
- (iv) if the eligible person for family pension is a family member other than a wife or a husband,  $1/2$  of the superannuation pension which would be earned if it were granted on the following day of his death is entitled to enjoy as family pension from the date of his death up to 15 years. Gratuity is entitled to enjoy under clause (iii).
- (b) the wife or husband and other family members of the service personnel who dies after retirement:
- (i) if the total amount of the gratuity at the time of retirement and the monthly pension already drawn up to the date of the service personnel's death is less than twelve times the last payment drawn as a service personnel, such lessened amount is also entitled to enjoy ;
- (ii) if the eligible person is the wife or the husband of the retired service personnel,  $3/4$  of the pension granted at the time of retirement of the service personnel is entitled to enjoy as family pension from the following date of his death up to the death of the wife or the husband;
- (iii) if the eligible person for family pension is a family member other than the wife or the husband of the service personnel,  $1/2$  of pension granted at the time of retirement of the service personnel is entitled to enjoy from the following date of his death up to 15 years;
- (iv) in the case of commutation of a portion of pension to lump-sum pension before the death of the retired service personnel, the person who is entitled to enjoy the family pension:

- (aa) the wife or the husband of the deceased retired is entitled to enjoy  $\frac{3}{4}$  of the balance of pension as family pension up to his death;
- (bb) if the eligible person for family pension is other family member other than a wife or the husband of the deceased retired, he is entitled to the family pension which is a balance amount after subtracting the commuted portion from half of the pension before commutation to lump-sum. The eligible period is up to 15 years from the following date of the retirement of the retired service personnel.

251. Any service of the service personnel who resigns or is dismissed or removed from the post is not entitled to enjoy pension or gratuity for the service.

252. In respect of the retired service personnel:

- (a) such service personnel is ordinarily entitled to enjoy in accordance with rule 246 when he retires from the service personnel. If the term of service of retired service personnel is found to be unsatisfactory with sufficient evidence, the pension sanctioning authority may reduce the pension entitled to that service personnel to appropriate amount before granting pension to him;
- (b) the already granted pension entitled to the service personnel shall not be reduced on account of the reason that his term of service is unsatisfactory;
- (c) a retired service personnel shall not be taken action against or punished according to the prescribed rules for service personnel. However, if the retired service personnel commits one of the offences prescribed in sub-rule (u) and sub-rule (v) of rule 163, the pension may be reduced or withheld or withdrawn in full or in part;
- (d) the already granted pension to a retired service personnel shall

not be withheld or reduced on account of the offence committed before retirement;

- (e) for the debts of the retired service personnel, pension shall not be confiscated or attached the warrant under a decree issued by a court;
- (f) in granting invalid pension, any service personnel shall not be employed beyond the date when the authorized medical board signs on the medical certificate except an exceptional case. However, the pension sanctioning authority may allow his employment beyond that date as an exceptional case if the authority wishes to do so and the earned leave may also be granted. The total period of such employment and earned leave shall not exceed six months. Invalid pension shall be granted only at the end of that period;
- (g) in abolishing a permanent post and the service personnel is not reappointed to another post, that service personnel shall be informed three months prior to the discharge from the post;
- (h) the pension benefit for a service personnel shall be carried out in accordance with the existing rules, orders and directives at the time of his retirement;
- (i) if it is found that a service personnel is overpaid the amount of pension more than entitled to him under the law, the pensioner shall reimburse;
- (j) if a pension payable remains undrawn for more than one year, the pension shall not be disbursed;
- (k) if the pensioner requests the pension payment afterwards, his payment shall be disbursed from the date of cessation. The Department of Pension shall enquire as necessary and issue a particular order to the bank or the sub-treasury to disburse the money;
- (l) if the pensioner dies, arrears of pension may be disbursed to his legal heirs. The Department of Pension shall enquire as necessary

and issue a particular order to the bank or the sub-treasury to disburse the money;

- (m) in aggregating the gaps of service, if a part of previous pension is commuted to lump sum pension, the amount of money calculated with the present value of commuted portion shall be paid back;
- (n) in calculating the present value of commuted portion of pension to lump-sum pension, it shall be calculated on the prescribed period contained in pension commutation Table (6), based on the age of the service personnel attained on the date of retirement from the reemployed post;
- (o) if the pensioner is sentenced to imprisonment, the pension shall be suspended. After being freed from the sentence, his pension shall be regranted. But the pension for the period during imprisonment shall not be regranted.

## Chapter (XXII)

### Extraordinary Pension

253. The provisions contained in this Chapter apply to all the service personnel remunerated out of Budget, the State Budget whether they are on time scale pay or fixed pay or piecework rates other than those to whom the Labour Compensation Law applies.

254. (a) **Injury** means inflicting an injury on the service personnel by somebody in any of the following situations mentioned under:
- (i) infliction of injury by assaulting or resisting in order to be unable to perform the duty;
  - (ii) infliction of injury because of anything done or attempted to be done by a service personnel in the discharge of duties;
  - (iii) infliction of injury because of official position.
- (b) **Accident** means getting injured of a service personnel because

of any of the situations mentioned under other than those mentioned in sub-rule (a):

- (i) a sudden and unavoidable injury;
  - (ii) an injury due to an act of devotion to and the discharge of duty in the cases which arise in emergency.
- (c) **Disease** means any disease which is contracted by a service personnel as a result of an accident in the workplace or an adverse environmental condition.
- (d) **Special occupational hazard** means the followings:
- (i) a hazard which may cause an injury due to sub-rule (a);
  - (ii) a hazard which may cause an accidental injury while performing any particular duty which has the effect of increasing his liability to injury beyond the ordinary risk of the post he holds or as a consequence of performing such duty;
  - (iii) a hazard which may cause a disease to a medical service personnel because of his duty either to treat a patient suffering from an infectious disease or septicaemia or other disease or to conduct a post-mortem examination.
- (e) **Occupational hazard** means a hazard causing an injury or a disease while performing duty or as a consequence of performing such duty other than special occupational hazards. If the hazard, however, is ordinarily the common one anybody may experience and the unavoidable condition arising from the work nature or conditions relating to performing duties do not significantly increase the liability of that hazard, such hazard shall not be presumed as an occupational hazard.
- (f) **Date of injury** means as follows:
- (i) in the case of accident or injury mentioned in sub-rule (a), the actual date on which the injury was suffered;
  - (ii) in the case of disease, the date on which the medical board reports.

- (g) The expression **extraordinary pension** includes permanent injury pension, temporary extraordinary pension and extraordinary family pension for the purpose contained in these rules.

255. The award of extraordinary pension shall be granted by the head of a Ministry or an organization or a competent authority. In granting the award of extraordinary pension, the degree of default or contributory negligence on the part of a service personnel may be taken into consideration.

256. The competent authority shall coordinate with the Union Civil Service Board in the following conditions:

- (a) exceptional cases in which an extraordinary pension is necessary to be granted whereas the provisions prescribed in these rules are not fulfilled;
- (b) conditions in which an extraordinary pension at the rates higher than those prescribed in these rules or by changing the eligible type of award is necessary to be granted.

257. The extraordinary pension shall not affect any other pension or gratuity for which the relevant service personnel or his family is entitled to enjoy. The extraordinary pension granted shall not be taken into account in fixing the pay of the pensioner on his continued employment or re-employment as a service personnel.

258. No extraordinary pension shall be allowed in the cases mentioned under:

- (a) an injury sustained more than five years before the date of application;
- (b) death which occurred more than seven years after the injury due to violence or accident was sustained;
- (c) death which occurred more than seven years after the service

personnel was reported by medical board as unfit for duty on account of the disease of which he died.

259. An injury is graded as follows:

- (a) **Injury Grade (1)** - permanent loss of an eye or any part of the body on account of special occupational hazard or injuries even more serious than such loss;
- (b) **Injury Grade (2)** – an injury on account of occupational hazard leading to a more serious injury;
- (c) **Injury Grade (3)** – an injury on account of occupational hazard resulting in a serious disability which the person may permanently suffer from.

260. Extraordinary pension shall be granted to the service personnel who suffers from the injury graded in Injury Grade (1) as mentioned under:

- (a) pension and gratuity which are entitled to enjoy under the stipulations contained in Table (7);
- (b) the extraordinary pension which is entitled to enjoy from the following date of the completion of one year after the date of injury:
  - (i) shall be at the high rate of extraordinary pension which is entitled to enjoy according to the stipulations in the case of permanent loss of more than one eye or one part of the body as a result of the injury;
  - (ii) shall not be less than at half of the high rate of special pension which is entitled to enjoy according to the stipulations in other cases.

261. Extraordinary pension shall be granted to the service personnel who suffers from the injury contained in injury Grade (2) as mentioned under:

- (a) pension and award which are entitled to enjoy under to the stipulations contained in Table (7);



- (b) in the cases of more serious injury, the extraordinary pension which is entitled to enjoy from the date of injury shall not be less than the low rate of eligible extraordinary pension under the prescribed provisions;
- (c) in other cases, temporary extraordinary pension which shall not be more than the low rate of the one which is entitled to enjoy under the prescribed provisions from the date of injury to the date of completion of one year. Such pension shall not be less than the low rate. However, on production of medical report every year by the medical board stating the continuance of severity of the injury, the temporary extraordinary pension shall be entitled to enjoy after completion of one year.

262. Any of the following awards shall be granted to the service personnel who suffers from the injury contained in injury Grade (3) as mentioned under:

- (a) when the medical board certifies that the service personnel might not have capacity for further service after one year of his injury, the award entitled to enjoy as contained in Table (7);
- (b) when the medical board certifies that the service personnel might not have capacity for further service less than one year after his injury, the award shall not be less than 1/4 of the award to be granted as prescribed in Table (7).

263. In the cases contained in rule 262, the disability resulting from the injury is equivalent to the volume of disability due to loss of any part of body, the extraordinary pension not exceeding the low rate of the one which is entitled to enjoy under the prescribed provisions may be granted by the State instead of award. However, such pension shall not be less than the low rate.

264. Under the following circumstances, the temporary extraordinary pension may be converted into permanent injury pension:

- (a) the service personnel in receipt of the temporary extraordinary

pension for injury has had applied for invalid pension on account of that injury;

- (b) the temporary extraordinary pension has already been extended up to not less than five years;
- (c) the medical board certifies that the disability of the service personnel does not seem to lessen significantly.

265. Extraordinary family pension shall be granted to the wife or husband or children of the deceased as mentioned under:

- (a) if the service personnel dies by the act of somebody on account of special occupational hazard or from the injury resulting from special occupational hazard, the award and pension which are entitled to enjoy, an extraordinary family pension not exceeding the rate prescribed in Table (8) and (9);
- (b) if the service personnel dies by the hand of somebody on account of occupational hazard or from the injury resulting from occupational hazard, an extraordinary family pension not exceeding the rate prescribed in Table (8) and (9).

266. If the deceased did not leave the wife or husband, the award which is entitled to enjoy under sub-rule (a) of rule 265 may be granted either to his children individually or collectively.

267. If the wife or husband of the deceased service personnel eligible for the extraordinary family pension and award contained in this provision is also eligible for the family pension contained in Chapter XXI, they have the right to choose their preference type of pension. The choice of the family pension contained in Chapter XXI by the wife or husband of the deceased service personnel shall not affect the entitlement of the children of the deceased service personnel.

268. If the deceased service personnel did not leave a wife or husband or

children, the extraordinary family pension which is entitled to enjoy by for such service personnel:

- (a) may be granted to his mother or father individually or jointly. Such award shall not exceed the rate under the stipulations which is entitled to enjoy contained in Table (8);
- (b) may be granted, if failing the parents, to minor brothers and sisters who had been residing with and largely dependent on the deceased. The pension may be granted to them individually or collectively. The total amount of the extraordinary family pension granted shall not exceed the half of the extraordinary family pension which is entitled to enjoy by the wife or husband of the service personnel prescribed rule 265. Each share of extraordinary family pension distributed among the brothers and sisters shall not exceed the rate which is entitled to enjoy by a child who has a mother contained in Table (9).

269. The extraordinary family pension shall be granted from the following date of the service personnel's death or the date fixed by the relevant civil service personnel organization. The periods for which the extraordinary family pension which is entitled to enjoy are as mentioned under:

- (a) in the case of the grant of pension to the wife or husband or mother or father of the deceased service personnel, it is until the death or remarriage of the eligible person, whichever is earlier;
- (b) in the case of the grant of pension to the minor son or brother of the deceased service personnel, it is until the date on which such eligible person attains the age of 18;
- (c) in the case of unmarried daughter or minor sister, it is until the date of her marriage or the date on which she attains the age of 21, whichever is earlier.

270. The grant of extraordinary family pension shall cease when the surviving wife of the deceased remarries. However, when her husband dies in

her second marriage and the head of the Ministry or organization or competent authority believes that she gets into financial difficulties, the extraordinary family pension may be regranted in full or in part.

271. When a claim for extraordinary pension or extraordinary family pension arises, the organization where the injured or the deceased service personnel was employed shall send the application for extraordinary pension to the Ministry and organization with the following documents:

- (a) a full statement of circumstances in which the injury was received or the disease was contracted or the death occurred;
- (b) the application for extraordinary pension (injury pension) filled out in Form (A) or the application for extraordinary family pension filled out in Form (B) prescribed by the Department of Pension;
- (c) the medical report in the case of injured service personnel or the one who has contracted a disease;
- (d) the medical report of the cause of death in the case of a deceased service personnel;
- (e) the reliable evidence of the cause of the death if the service personnel lost his life in such circumstances that a medical report cannot be secured;
- (f) the medical report by the Township Medical Officer or competent authority who is delegated to collect the evidence if the medical report as to the severity of the injury cannot be secured;
- (g) the report to be sent to the Department of Pension describing whether the extraordinary pension is entitled to enjoy or not, and the amount of pension if it is entitled to enjoy.

### **Chapter XXIII**

#### **Re-employment of Superannuated Pensioners on Contract**

272. In re-employing a superannuated pensioner as a consultant on contract in order to utilize his expertise, the relevant service personnel organization shall:

- (a) submit the case to the Union Government to obtain a decision;
- (b) employ the retiree as a consultant on honorarium other than appointing to a post in the organizational formation;
- (c) employ the retiree each year only for necessary period in accordance with the plan;
- (d) grant the retiree an honorarium prescribed by the State;
- (e) also grant the pension in full which is entitled to enjoy during employment on contract.

273. The retiree who is employed as a consultant:

- (a) shall be entitled to the honorarium as prescribed in the contract at the end of every month;
- (b) if the retiree is in receipt of pension, shall continue to enjoy that pension during the contract period;
- (c) shall be entitled to weekend holidays, gazetted holidays and 10 days of casual leave and the earned leave at the rate 1/11 of the term of service within a calendar year with pay during the contract period. Any unused leave within such period shall be void;
- (d) the proportionate honorarium shall be cut off for any absence from work except being on leave;
- (e) shall be entitled to travelling allowances and daily subsistence allowances specified in the contract for the journey while of on duty;
- (f) in the case of re-employment after retirement without break and the retiree has no chance to enjoy four months of preparatory leave for retirement, he shall be entitled to the lump sum pay for those four months.

274. To re-employ a superannuated retiree on contract, the contract shall be concluded in the prescribed format as in Form (15). The terms and conditions in the contract except those for benefits may be amended or added as appropriate in accordance with the requirement of work.

**Chapter XXIV****Maintenance of Service Book**

275. A service book shall be maintained for every service personnel. The cost of service book shall be borne by the service personnel. It is applicable to all officers and staff.

276. If the service personnel is married, the wife or husband, parents, sons, daughters, brothers and sisters shall be recorded in the service book. If the service personnel is single, the parents, brothers, sisters, nephews and niece and if there is no such close relatives, adopted sons and daughters shall be recorded.

277. The head of the organization is responsible for maintenance of service books. The head of the organization may delegate this duty to an appropriate service personnel.

278. In making entry of the date of birth of the service personnel:

- (a) the date of birth shall be recorded after scrutinizing any of the following documents:
  - (i) birth certificate;
  - (ii) school admission registration;
  - (iii) certificate of passing matriculation examination;
- (b) in the case of service personnel who knows only the year and month of birth but does not know the date, the 16<sup>th</sup> day of the month of birth shall be deemed as his date of birth;
- (c) in the case of service personnel who knows only the year of birth but do not know the month and the date, the first July of the year of birth shall be deemed as his date of birth;
- (d) if no evidence can be submitted for the year, month and date of birth, the age mentioned in the medical certificate of fitness shall be deemed as the age of such service personnel. However, for the date attaining that age, the date on which the service personnel

underwent medical examination shall be deemed as the date attaining the estimated age in that medical certificate. Therefore, the assumed date of birth of the service personnel is the result number by subtracting the estimated age in the manner mentioned aforesaid from the date of medical examination.

279. In respect of the record of prominent features of the service personnel:
- (a) the fingerprints of the left fingers shall be recorded in the service book. A separate sheet on which the finger prints are taken shall not be attached to the service book;
  - (b) in the space where the prominent features are to be recorded, the permanent prominent features such as moles, scars, or easily seen or recognized features shall be recorded. Indistinguishable features such as skin colour and face shape shall not be recorded.

280. The following entries shall be recorded in the service book with date and time after scrutinizing with relevant orders, payment claims, and leave record:

- (a) Promotion;
- (b) Increment;
- (c) Transfer;
- (d) Leave;
- (e) Awards;
- (f) Titles and honours;
- (g) Academic improvement;
- (h) Outstanding awards in training courses.

281. Imposition of penalties prescribed in rule 53 and breaks in term of service shall be recorded with dates and periods in details together with relevant order number and date in the service record. A short description of grounds for penalty imposition shall also be recorded.

282. All the entries in the service book shall be examined by the service personnel himself and signed if it is found correct. The head of service personnel organization or the person to whom the authority is delegated shall endorse. The head of service personnel organization or the person to whom the authority is delegated is responsible for making correct entries, endorsing, ensuring the record free from deletion or overwriting and ensuring the amendment, to be neat and clear and endorsing such amendments.

283. Every signature put in the service book shall have a date. When the entries are not correct or illegible, such entries shall be made on a new page. The head of service personnel organization or the person to whom the authority is delegated shall examine the entries annually and put the signature with the date of examination.

284. The service book shall be sent to the Ministry and service personnel organization to which the service personnel is transferred. It shall not be transferred through the said service personnel.

285. When the service personnel is transferred on deputation governing with the external service regulation or on completion of deputation, the service book of the service personnel shall be sent to the Department of Pension to examine for the purpose of pension. After the examination of the Department of Pension it shall be sent back to the service personnel's parent department.

286. When a service personnel is retired, the service book of the service personnel shall be sent to the Department of Pension together with the necessary documents through the relevant service personnel organization. After granting the pension salary, the service book may be provided to the service personnel if it is requested. In providing the service book, the statement that "the record is provided on the request of the service personnel" is written clearly at the end of the records and signed by the head of service personnel organization or the officer to whom the authority is delegated.



287. When the service personnel resigns from the post for a reason other than for an offence, the service book may be provided, if the service personnel requests it, after recording the reason for resignation and that it is provided on request. If the service personnel does not request the service book, it may be destroyed on completion of three years after the resignation.

288. If the service books are damaged or lost for any reasons:

- (a) the new service book shall be compiled by referring to the departmental orders, pay request forms and pay lists. When these documents and evidence are not available, the new service book shall be compiled based on testimonials from the colleagues of the service personnel and in the cases of transferred service personnel, the testimonials from the heads of the previous service personnel organizations;
- (b) in cases where it cannot be done as contained in the sub-rule (a), the service personnel shall be asked to make the detailed entries himself and these detailed records, the testimonials of two colleagues and the affidavit which the service personnel has taken at the relevant court shall be submitted to the head of service personnel organization. Such affidavit shall contain the facts such as whether the service personnel took leave with pay but not in full or leave without pay, whether there were suspension periods or breaks in the term of service. The new service book shall be compiled based on the facts approved and signed by the head of service personnel organization.

## **Chapter XXV**

### **Miscellaneous**

289. If a service personnel fails to comply with the duties contained in Section 10, the head of relevant Ministry and organization may direct to grant reduction pension. If it is failure to abide by the directive, departmental action may be taken against him or her in accordance with Section 38 of the Law.

290. The rules, regulations, bye-laws, handbooks, excerpts already issued and orders and directives issued from time to time relating to service personnel may be continued to be practised as long as they are not contrary to these rules.

291. While the respective service personnel organizations are carrying out disciplinary action in accordance with the provisions prescribed in the rules, they may coordinate with the Union Civil Service Board if it is necessary to do so for the purpose of correct procedures.

292. The Union Civil Service Board may manage the service personnel affairs, with the approval of the Union Government, which are not against the provisions prescribed in the Civil Service Personnel Law or stipulations in these rules.

293. The Union Civil Service Board may, if necessary, amend, add, nullify and substitute the definitions and provisions of these rules depending on a circumstance by obtaining the approval of the Union Government.

(Sd.) Kyaw Thu  
Chairperson  
The Union Civil Service Board

**Application of Injury Pension and Extra-ordinary Reward**

**[ Rule 271 (b) ]**

- 1. Applicant's name .....
- 2. Father's name .....
- 3. Nationality and religion .....
- 4. Full address .....
- 5. Unit where applicant served at .....
- 6. Date of first appointment .....
- 7. Service .....
- 8. Cause of injury .....
- 9. Type of injury .....
- 10. Pay at the time of getting  
injury .....
- 11. Pension and compassionate  
grant .....
- 12. Date of getting injury .....
- 13. Place where the payment  
shall be done and Treasury .....
- 14. If any special remark, .....
- 15. Applicant's date of birth .....
- 16. Height .....
- 17. Prominent mark .....
- 18. Application date .....
- 19. Remark .....

Head of Department

**Application of Family Pension****[ Rule 271 (b) ]**

Application by .....for giving compassionate grant and extra-ordinary pension to the bereaved family of the deceased .....who died due to an accident during serving

**A. Profile of the applicant**

- (1) Name and address .....
- (2) Age .....
- (3) Height .....
- (4) Nationality and religion .....
- (5) Prominent mark .....
- (6) Current occupation and  
financial condition .....
- (7) Relationship with the deceased .....

**B. Profile of the deceased person**

- (8) Name .....
- (9) Occupation .....
- (10) Service .....
- (11) Pay scale before death .....
- (12) Cause of death .....
- (13) Pension and gratuity  
demanded .....
- (14) Date of application .....
- (15) Place where the payment  
shall be done and treasury .....
- (16) Commencement date to pension .....
- (17) Remark .....

Form "B" continued

		Name	Date of birth
name and age of the dependants	Sons	.....	.....
	Widows	.....	.....
	Daughters	.....	.....
	Father	.....	.....
	Mother	.....	.....
	Younger brothers	.....	.....
	Younger sisters	.....	.....

Place .....

Date: .....

Head of Department

**Personal Record****[Rule 24 (b)]**

1. Name -
2. Childhood name -
3. Other name -
4. Age (Date of birth) -
5. Nationality and religion -
6. Height -
7. Hair colour -
8. Eye colour -
9. Prominent mark -
10. Skin colour -
11. Weight -
12. Place of birth -
13. Citizenship Scrutiny Card No. -
14. Full current address -
15. Full permanent address -
16. Full previous residence and addressess -  
(if you are a soldier, no need to state the army address)
17. If you had joined the army/ if you are a soldier:
  - (a) BC number -
  - (b) Date of joining army -
  - (c) Cadet training intake -
  - (d) Date of being gazetted officer -
  - (e) Resigned date from military -
  - (f) Reason for resignation -
  - (g) Previous unit where you  
served at -

**Form (1) continued**

- (h) History in the military/crime -
- (i) Pension pay -
18. Qualification -
19. Name of father/ Nationality/ Religion/  
Place of birth/ Occupation -
20. Father's full address -
21. Name of mother/Nationality/Religion/  
Place of birth / Occupation -
22. Mother's full address -
23. Whether parents are citizen  
or not when the applicant was born -
24. Current occupation and post -
25. Receiving date of current post -
26. How to obtain the current occupation -
27. Open competition/ Direct appointment -
28. Pay -
29. Department/ Place -
30. Supporters for the occupation -
31. Previous occupation -

No.	Position	Military/Department	Place

## Form (1) continued

## 32. Applicant's siblings

No.	Name	Nationality/Religion	Place of birth	Occupation	Address

## 33. Father's siblings

No.	Name	Nationality/Religion	Place of birth	Occupation	Address

## 34. Mother's siblings

No.	Name	Nationality/Religion	Place of birth	Occupation	Address



## Form (1) continued

## 35. Spouse

No.	Name	Nationality/Religion	Place of birth	Occupation	Address

## 36. Offspring

No.	Name	Nationality/Religion	Place of birth	Occupation	Address

## 37. Spouse's siblings

No.	Name	Nationality/Religion	Place of birth	Occupation	Address

**Form (1) continued**

## 38. Spouse's father and siblings

No.	Name	Nationality/Religion	Place of birth	Occupation	Address

## 39. Spouse's mother and siblings

No.	Name	Nationality/Religion	Place of birth	Occupation	Address

40. Whether applicant and his/  
her spouse (or) Spouse's  
parent, siblings and offspring  
join political parties or not,  
(if any, prescribe in detail)

**Form (1) continued****Personal Profile From Childhood Up To Now**

1. Schools that you attended ( to describe years ) -
2. The last school/ grade that you attended and passed -  
(to describe roll number, subjects in detail)
3. Political / Social activities in student life and status, responsibility in -  
activities
4. Health exercises, playing musical instruments, education, -  
technical skills that you had done as a hobby
5. Occupations that you worked and department/ township -
6. If you have joined the rebel forces or stayed in the region -  
where the insurgents governed, describe your performances
7. Reasons that you'd moved work and pay scale -
8. While you are serving or carrying out private work, political -  
social activities, status and responsibility in activity
9. Whether there are any colleagues who are performing in -  
the fields of army, ministries, police and politics or not
10. If you have been abroad -

No.	Country that you went	Reason why you went	Company/ Person/ Department you met there	Departure/ Arrival Date

**Form (1) continued**

11. Whether you have any foreign friend or not. If any, his or her occupation, nationality, country and how does your friendship become -
12. Supporters ( army/ civil officer, township/ village/ ward administrator) -
13. Whether you have been convicted of criminal offence or not -

I hereby sign to take responsibility that the facts which I have filled in the tables mentioned above are authentic.

Signature :

BC Number (or) :

Citizenship Scrutiny Card No. :

Post / Designation :

Name :

Army/Department :

Dated: year: month: day:

**Personal Record**  
[ Rules 35 (h) (4), 47 (f) (4) ]



- 1. Name -----
- 2. Citizenship Scrutiny Card No. -----
- 3. Nationality/Religion -----
- 4. Place of birth -----
- 5. Father's name-----Mother's name-----  
-----
- 6. Date of birth (Day, Month, Year) -----  
-----
- 7. Prominent mark -----  
-----
- 8. Current designation -----  
-----
- 9. Current address -----  
-----
- 10. Permanent address -----  
-----
- 11. Qualifications -----
- 12. Other languages proficient and proficiency level -----  
-----
- 13. Courses that you attended -----  
-----

**Form (2) continued**

14. Duties that you served:

<b>Duty</b>	<b>Office/ Department/ Organization</b>	<b>Starting Date</b>	<b>Ending Date</b>	<b>Remark</b>

15. Name of the social and NGOs which you are participating and participated and duties

16. Conferred title, honours and certificates

**Form (2) continued**

17. Being punished

18. Other facts that you want to describe

(Signature of the service personnel)

19. Regarding the personal record of the service personnel mentioned above,  
I scrutinize and confirm that he/she filled authentically.



(Signature)

Name

Post/Designation

Office/ Department

Dated: year: month: day:

**Order Form of Forming the Preliminary Enquiry Board**

[ Rule 184 ]

-----  
 -----

**(Name of Service Personnel Organization)****No. of Letter:** -----**Date:**-----**Order No. / Year**

1. **The Matter to hold Preliminary Enquiry:** (To describe name, designation, department of the service personnel who is taken action and the matter to hold preliminary enquiry briefly.)
2. **Formation of the Preliminary Enquiry Board:** In order to hold preliminary enquiry, the Preliminary Enquiry Board consisting of the following persons is formed and assigned:

**Chairperson**(1) **Name** -----(2) **Designation** -----(3) **Department/Service** -----**Personnel Organization****Member (1)**(1) **Name** -----(2) **Designation** -----(3) **Department/Service** -----**Personnel Organization**



Form (3) continued

**Member (2)**

(1) **Name** -----

(2) **Designation** -----

(3) **Department/Service** -----

**Personnel Organization**

3. **Duty specification:** The Preliminary Enquiry board shall submit the report including its findings on enquiry, the appraisal, the recommendations together with the case file.

(If there are facts which need to be stated in the report, to describe the summary of if here.)

4. **Forwarding documents:** The following documents which are related to the matter of enquiry, are attached and forwarded:

(If there are documents which are to be attached and forwarded, to describe.)

5. **Specification of the date to submit the report:** The Preliminary Enquiry Board shall submit its report not later than ----- day.

**(Signature)**

**Designation**

**Copy to :**

XXXXXX

XXXXXX

Form (4)

**Form to Write the Statement of the Witness in Preliminary Enquiry**

**[ Rule 186 (e) ]**

**Witness no. ( )**

**Name** -----

**Occupation /Designation** -----

**Department / Service Personnel** -----

**Organization**

**Address** -----

(To describe Citizenship Scrutiny Card No and father’s names if the witness is not a civil service personnel)

1. Regarding with the case of holding preliminary enquiry, after warning witness no. ( ) to testify truly as much as he/she knows, the witness testifies as follows:

-----  
-----  
-----

2. Preliminary Enquiry Board’s question and witness’s answers are as follows:

**Question:** -----  
-----

**Answer:** -----  
-----

**Question:** -----  
-----

**Answer:** -----  
-----

**Form (4) Continued**

3. The cross examination of the service personnel who is held preliminary enquiry, and answers of the witnesses are as follows: (To fill in the case enquired under Rule 187)

**Cross examination:** -----

-----

**Answer:** -----

-----

**Cross examination:** -----

-----

**Answer:** -----

-----

(-----)

Signature of the witness

Date : -----

(-----)

Member (1)

(-----)

Chairperson

(-----)

Member (2)

Dated : -----

Form (5)

**The Preliminary Enquiry Board's Report Form****[ Rules 187, 190 ]**

1. **Authority:** (To describe the order number and date of forming the Preliminary Enquiry Board. To describe the order number and date of re-forming the Board, if the board is re-formed.)

2. **Chairperson**

(1) **Name** -----

(2) **Designation** -----

(3) **Department / Service** -----

**Personnel Organization**

**Member (1)**

(1) **Name** -----

(2) **Designation** -----

(3) **Department / Service** -----

**Personnel Organization**

**Member (2)**

(1) **Name** -----

(2) **Designation** -----

(3) **Department / Service** -----

**Personnel Organization**

3. **Person who is enquired**

**Name** -----

**Designation** -----

**Department / Service** -----

**Personnel Organization**

**Form (5) Continued**

4. **Cause of enquiry:** -----  
-----

5. **Findings on enquiry:** (To vividly describe the findings, according to the statements of the witnesses, documentary evidence, relevant rules, regulations and directives.)

6. **Appraisal:** (To describe the appraisal of the preliminary enquiry board based on the findings on enquiry)

7. **The recommendation of the preliminary enquiry board:** -----  
-----  
-----

(-----)  
Member (1)

(-----)  
Chairperson

(-----)  
Member (2)

Dated: -----

**Order Form of Forming the Departmental Enquiry Board****[ Rule 194 (a) ]**

-----

-----

**(Name of the Service Personnel Organization)****No of Letter:** -----**Date:** -----**Order No. / Year**

1. **The case to hold the departmental enquiry:** (To describe name, designation of the service personnel who is taken action, the case to hold the departmental enquiry briefly.)

2. **Formation of the Departmental Enquiry Board:** In order to hold the departmental enquiry, the Departmental Enquiry Board consisting of the following persons is formed and assigned.

**Chairperson**(1) **Name** -----(2) **Designation** -----(3) **Department / Service** -----**Personnel Organization****Member (1)**(1) **Name** -----(2) **Designation** -----(3) **Department / Service** -----**Personnel Organization**

**Form (6) Continued****Member (2)**(1) **Name** -----(2) **Designation** -----(3) **Department / Service** -----**Personnel Organization**

3. **Duty specification:** The Departmental Enquiry Board shall submit the report including it's findings on enquiry, the appraisal, the recommendations together with the case file.

(If there are facts which are needed to state in the report, to describe summary of it.)

4. **Forwarding documents:** The following documents which are related to the case of enquiry are attached and forwarded.

(If there are documents which are to be attached and forwarded, to describe.)

5. **Specification of the date to submit the report:** The Departmental Enquiry Board shall submit its report to the ----- not later than ----- day.

**(Signature)****Designation****Copy to:**

XXXXXX

XXXXXX

**Charge Sheet Form****[Rule 195 (c)]**

1. Regarding with (designation) Mr. / Ms. (name of the service personnel who is taken action), the charge is framed as follows:

Charge 1: -----  
-----

Charge 2: -----  
-----

Charge 3: -----  
-----

(To specifically describe in brief the allegations or facts on which the charges are based on.)

2. Under the above charges (name of the service personnel who is taken action) is summoned to defend in writing against the charges that why the departmental enquiry is not held.

3. Whether he/she is desirous to be examined in order or not relating to the changes shall be described in the written statement form of (name of the service personnel who is taken action).

4. If the hearing is verbally done, the Departmental Enquiry Board consisting of the following persons shall be held:

**Chairperson**

(1) **Name** -----

(2) **Designation** -----

(3) **Department / Service** -----

**Personnel Organization**



**Form (7) Continued**

**Member (1)**

(1) **Name** -----

(2) **Designation** -----

(3) **Department / Service** -----

**Personnel Organization**

**Member (2)**

(1) **Name** -----

(2) **Designation** -----

(3) **Department / Service** -----

**Personnel Organization**

5. If there is a reasonable fact to object any members of the departmental enquiry board, it may be stated in the written statement form of (name of the service personnel)and objected.

6. As the following previous conviction shall be taken into account in sentencing if he/she is found guilty in the departmental enquiry; it shall be described in the written statement form of (name of the service personnel) in order to explain such matter.

(To describe previous conviction, imposed penalty, etc.)

7. The written statement form of the (name of the service personnel who is taken action)shall be forwarded to the chairperson of the departmental enquiry board not later than ----- day.

(Signature)

Chairperson

Departmental Enquiry Board

Dated: -----

**Written Statement Form**

**[ Rule 195 (f) ]**

To

Chairperson

Departmental Enquiry Board

Subject Matter: (To describe the brief of the subject matter of charged case)

Reference: (To describe the number of notification and date of the charge sheet form sent by the Departmental Enquiry Board)

1. Explanation for charges: Concerning with the charges of the change sheet form sent by reference,I explain as follows:

**Explanation:** .....  
**For charge 1** .....

**Explanation :** .....  
**For charge 2** .....

**Explanation:** .....  
**For charge 3** .....

(Evidences and document concerning explanations can be attached and shown with written statement form if desired.)

2. **Other submissions relating to the case:**(To describe here if there is other description relating to case.)

3. **Submission relating to previous conviction:** ( If the previous conviction is stated in the charge sheet form, to explain and submit here why don't the previous conviction take into account (if desired.)

Form (8) Continued

4. Description of whether you desire to be examined by oral or not:

-----  
-----

5. Description of whether you desire to object the members of the Departmental Enquiry Board or not: (To describe the person's name desirous to object and submit the reasons for objection if you desire to object any of the members of departmental enquiry.)

Signature

Name .....  
Designation .....  
Address .....

Dated: .....

**Departmental Enquiry Board’s Report Form**

**[Rules 1958(a) (b), 203 ]**

1. **Authority:** (To describe the order number and date of the formation of Departmental Enquiry Board. if to describe the order number and date of such re-formation, the Board is re-formed.)

2. **Members of Departmental Enquiry Board**

**Chairperson**

(1) **Name** .....

(2) **Designation** .....

(3) **Department / Service Personnel** .....

**Organization**

**Member (1)**

(1) **Name** .....

(2) **Designation** .....

(3) **Department / Service Personnel** .....

**Organization**

**Member (2)**

(1) **Name** .....

(2) **Designation** .....

(3) **Department / Service Personnel** .....

**Organization**

3. **Civil Service Personnel Who is Taken Action**

**Name of Civil Service Personnel** .....

**Designation** .....

**Department / organization** .....

**Form (9) Continued**

4. **Summary of the case:** -----  
-----  
-----

5. **Charge:** -----  
-----  
-----

6. **Findings:** -----

(To describe the findings specifically according to the statement of the witness, documentary evidences relevant rules and regulations and directives.)

7. **Appraisal:** (To describe the appraisal of the Departmental Enquiry Board based on the findings.)

8. **Recommendation of the Departmental Enquiry Board** -----  
-----  
-----  
-----

(-----)  
Member (1)

(-----)  
Chairperson

(-----)  
Member (2)

Dated: .....

**Statement of Witness Form in Department Enquiry**

**[Rule 200 (a) ]**

**Witness No ( )** -----

**Name** -----

**Occupation / Designation** -----

**Department / Organization** -----

**Address** -----

(To describe the citizenship scrutiny card number and father’s name if the witness is not a civil service personnel.)

1. After the Departmental Enquiry Board warns to testify truly the witness concerning with the inquiry case as much as he/she knows,the witness testifies as follows:

-----  
-----  
-----

2. Departmental Enquiry Board’s questions and witness’s answers are as follows:

**Question:** -----

**Answer:** -----

**Question:** -----

**Answer:** -----

**Question:** -----

**Answer:** -----

**Form (10) Continued**

3. (If the witness is from the department side) Cross examination of services person who is taken action and answers of the witness are as follows:

**Cross- examination:** -----

**Answer :** -----

**Cross- examination:** -----

**Answer :** -----

4. After reading the statement, I verify and hereby sign that it is the testimony.

(Signature of the witness)

Dated: .....

(-----)

Member (1)

(-----)

Chairperson

(-----)

Member (2)

Dated: .....

**Form to Write the Statement of Civil Service Personnel Who is Taken  
Action in Departmental Enquiry**

[Rule 200 (c) ]

**Name** -----

**Occupation / Designation** -----

**Department / Organization** -----

**Address** -----

1. After the Departmental Enquiry Board warns to testify truly the Service Personnel concerning with the enquiry case as much as he/she knows, the Service Personnel testified as follows:

**Question:** -----

-----

**Answer:** -----

-----

**Question:** -----

-----

**Answer:** -----

-----

**Question:** -----

-----

**Answer:** -----

-----

**Question:** -----

-----

**Answer:** -----

-----



**Form (11) continued**

2. After reading the statement, I verify and hereby sign that it is the testimony.

(Signature of the civil service personnel who is taken action)

Dated: .....

(.....)

Member (1)

(.....)

Chairperson

(.....)

Member (2)

Dated: .....

**Appeal Form**  
**[ Rules 206, 220 ]**

To

.....  
.....

Subject Matter : (To describe any penalty or order against for filing appeal)

1. **Appellant**

**Name** .....

**Designation** .....

**Address** .....

2. **Facts and subject matter of case concerning with appealing case:**

(To describe the summary of the original case to be appealed in which the penalty or order was imposed.)

**Imposed penalty or order:**(To submit and attach with a copy of the respective order description the imposed penalty or orders of the original case.)

3. **Appealing facts:** (To describe the appealing fact, and any co-ordinated facts that supports the appealing fact.)

4. **Any statement concerning with the appeal case** (if any): (to describe the facts related to the appeal case)

(Appellant's Signature)

Dated: .....

**Order Form of Forming Appellant Scrutiny Board**

[ Rule 223 (b) ]

.....  
.....

(Service Personnel Organizations Name)

Letter of No: .....

Dated: .....

**Order No / Year**

1. **Appeal** case:(To describe the brief statement of the appealing case, appeal number and year, Service Personnel Organization, name and designation of the appellant.)

2. **Forming the Appellate Scrutiny Board** (Appellant Scrutiny Board containing the following members shall be formed and empowered to scrutinize concerning with the prescribed case of appeal.)

**Chairperson**

(1) **Name** .....

(2) **Designation** .....

(3) **Department/Service Personnel** .....

**Organization**

**Member (1)**

(1) **Name** .....

(2) **Designation** .....

(3) **Department/Service Personnel** .....

**Organization**

**Member (2)**

(1) **Name** .....

(2) **Designation** .....

(3) **Department/Service Personnel** .....

**Organization**

**Form (13) continued**

3. **Forwarding documents:** The following documents which are related to the case are attached and forwarded.

-----  
-----

4. **Duty specification:** (The Appellate Scrutiny Board shall submit its finding, appraisal and recommendation together with the appeal case file to ----- not later than -----

(To describe the necessary facts here, if necessary.)

(To describe here if the necessary facts is required to scrutinize)

( Signature )

Designation

**Copy to:**

XXXXX

XXXXX

**Recommendation Form of the Appellate Scrutiny Board**

[ Rule 223(b)(2) ]

1. **Authority:** (To describe the number and date of the order of forming the Appellate Scrutiny Board.)

2. Members of the Appellate Scrutiny Board:

**Chairperson**

(1) **Name** .....

(2) **Designation** .....

(3) **Department/Service Personnel** .....

**Organization**

**Member (1)**

(1) **Name** .....

(2) **Designation** .....

(3) **Department/Service Personnel** .....

**Organization**

**Member (2)**

(1) **Name** .....

(2) **Designation** .....

(3) **Department/Service Personnel** .....

**Organization**

3. **Appellant**

(1) **Name** .....

(2) **Designation** .....

(3) **Department/Service Personnel** .....

**Organization**

**Form(14) continued**

4. **Appeal Case:** The facts relating to the case of appeal are as follows:

(a) **Summary of the case**

-----  
-----  
-----

(b) **Imposed penalty or order of the original case**

-----  
-----  
-----

(c) **Appealing facts**

-----  
-----  
-----

5. **Findings:** (To describe the facts contained in the appeal case, statement and the related documents contained in the relevant case, and the findings under the respective rules, regulations and the direction obviously.)

6. **Appraisal:** (To describe the appraisals of the Board based on its scrutinization.)

7. **Recommandation Statement of the Appellate Scrutiny Board** -----

-----  
-----

(.....)

Member(1)

(.....)

Chairperson

(.....)

Member(2)

Dated :.....

**(Sample of Contract for the Appointment of Retired Service Personnel  
with Contract)**

**[ Rule 274 ]**

**The Republic of the Union of Myanmar**

**Ministry/ Organization -----**

**Department /Enterprise -----**

**Contract of Employment**

This contract is made at building No -----, ----- street,-----  
----- town on ----- day ----- month ----- year between the  
Union Government (represented by the head of service personnel -----  
-----department/ enterprise ----- ministry/ organization here in after  
referred to as head of service personnel) and U/Daw -----, pensioner,  
National Scrutiny Card number -----, No -----, ----- street, -----  
-----township, ----- Region here in after referred to as -----.

**(1) Term of Appointment**

- (a) The term of the appointment of the above pensioner U/  
Daw ----- as ----- appointed by the head of service  
personnel is ( ) year or ( ) month from ----- day  
----- month ----- year to ----- day ----- month -  
----- year. ----- will serve for the country  
faithfully at the appointed post with great effort.

**(2) Duties and Responsibilities**

- (a) The concerned Department is responsible to describe the  
duties and responsibilities in detail.
- (b) In undertaking the responsibilities, the appointed person is  
obliged to abide by the laws , rules, regulations and  
directives enacted or issued from time to time.

**Form (15) continued**

- (c) During the term of contract, it is obligatory for the appointed person not to receive wages and be involved with any other organization or enterprise of any individual.
- (d) ----- is obligatory not to inform and publish to any other people or organization without the permission of the concerned organization about the matters which have not been announced to the public and concerned with the Myanmar Government Secret Act (1923) and documents during the term of contract or after the expiry of the term.
- (e) ----- is obliged not to undertake any action which can cause any damage or loss to the concerned organization.

**(3) Benefits**

- (a) For the appointed term of ( ) year or ( ) month, remuneration shall be issued at the end of each month in kyat..... (in words).
- (b) If U/Daw ----- is enjoying pension payment, such pension payment shall be continued to be enjoyed during the terms of employment under this contract.
- (c) The appointed person shall be allowed to enjoy public and gazetted holidays and casual leaves (10) days in a calendar year and earned leaves according to the service term at the rate of (1/11) without deducting wages. If U/Daw.....does not enjoy such kinds of leave, these leaves shall be invalid.
- (d) If U/Daw ----- is absent to attend the work due to some reasons except the leaves mentioned in sub-rule (c), the head of the service personnel shall deduct proportionally from his monthly remuneration for these absent days.



**Form (15) continued**

- (e) If the appointed person has to travel under the assigned duty by the head of the service personnel, U/Daw ----- shall be entitled to enjoy travelling and duty allowance pursuant to the respective ranks in Appendix of the Myanmar Travelling Allowance Act (Table 5)
- (f) The head of service personnel has no obligation to provide U/Daw----- other benefits except the above mentioned benefits for the appointed term under this contract.

**(4) Termination**

- (a) If the head of the service personnel is desirous to terminate ----- from the duty before the expiry of the appointed term due to the disciplinary or other sufficient reason, or otherwise, he shall inform him/her at least one month in advance. Likewise needs to inform to the head of services personnel at least one month in advance if he/she desirous to resign from the post volition. There is no ----- shall provide remuneration to ----- from the date of termination or resignation so forth.
- (b) The head of service personnel may terminate U/Daw----- --from the duty before the expiry of the appointed term without informing in advance if it is found that U/Daw --- -----violates any terms and conditions of the contract or something unsatisfactory in performing duty. The head of the service personnel has no obligation to provide any remuneration to whom is being terminated for the period left under the terms of contract.

**Form (15) continued**

**(5) Signing**

(a) We, the head of service personnel ----- and U/Daw --  
-----, undersign on -----day ----- month ----- year  
upon the agreement realizing to comply with the above  
mentioned terms and conditions.

Signature of ----- Signature of head of service personnel-----

**Witness (1)**

**Witness (1)**

Name -----

Name -----

Designation -----

Designation -----

Department -----

Department -----

**Witness (2)**

**Witness (2)**

Name -----

Name -----

Designation -----

Designation -----

Department -----

Department -----

Table (1)

**Stipulations for the Term of Post****[ Rule 33 ]**

1. Minimum term of post for Clerical staff to be considered for promotion.

<b>No.</b>	<b>Pay Scale</b>	<b>Kind of Staff</b>	<b>Minimum Term of post</b>
1.	67,000-1,000-72,000	Clerical Staff Grade (1)	2 years
2.	73,000-1,000-78,000	Clerical Staff Grade (2)	2 years
3.	79,000-1,000-84,000	Clerical Staff Grade (3)	2 years
4.	85,000-1,000-90,000	Clerical Staff Grade (4)	3 years

2. Minimum term of post for Technical staff to be considered for promotion.

<b>No.</b>	<b>Pay Scale</b>	<b>Kind of Staff</b>	<b>Minimum Term of post</b>
1.	61,000-1,000-66,000	Technical Staff Grade (1)	2 years
2.	67,000-1,000-72,000	Technical Staff Grade (2)	2 years
3.	73,000-1,000-78,000	Technical Staff Grade (3)	2 years
4.	79,000-1,000-84,000	Technical Staff Grade (4)	2 years
5.	85,000-1,000-90,000	Technical Staff Grade (5)	3 years

**Table (1) continued**

3. Minimum term of post for Professional staff to be considered for promotion.

<b>No.</b>	<b>Pay Scale</b>	<b>Kind of Staff</b>	<b>Minimum Term of Post</b>
1.	67,000-1,000-72,000	Professional Staff Grade (1)	2 years
2.	73,000-1,000-78,000	Professional Staff Grade (2)	2 years
3.	79,000-1,000-84,000	Professional Staff Grade (3)	3 years
4.	120,000-2,000-130,000	Professional Staff Grade (4)	3 years
5.	140,000-2,000-150,000	Professional Staff Grade (5)	3 years

4. Minimum term of post for Management staff (Economic) to be considered for promotion.

<b>No.</b>	<b>Pay Scale</b>	<b>Kind of Staff</b>	<b>Minimum Term of Post</b>
1.	73,000-1,000-78,000	Management Staff (Economic) Grade (1)	2 years
2.	79,000-1,000-84,000	Management Staff (Economic) Grade (2)	3 years
3.	120,000-2,000-130,000	Management Staff (Economic) Grade (3)	3 years
4.	140,000-2,000-150,000	Management Staff (Economic) Grade (4)	3 years

Table (1) continued

5. Minimum term of post for Management staff (Administration, Social) to be considered for promotion.

No.	Pay Scale	Kind of Staff	Minimum Term of Post
1.	79,000-1,000-84,000	Management Staff (Administration, Social) Grade (1)	3 years
2.	120,000-2,000-130,000	Management Staff (Administration, Social) Grade (2)	3 years
3.	140,000-2,000-150,000	Management Staff (Administration, Social) Grade (3)	3 years

6. Minimum term of post (Amended) for General service staff to be considered for promotion.

No.	Pay Scale	Kind of Staff	Minimum Term of Post
1.	55,000-1,000-60,000	General Service Staff Grade (1)	1 year
2.	61,000-1,000-66,000	General Service Staff Grade (2)	1 year
3.	67,000-1,000-72,000	General Service Staff Grade (3)	1 year

7. There is no stipulation for the term of post from the rank in(16,0000-2000-170,000) pay scale to the post immediate lower than head of the personnel organization for promotion.

8. The description of time pay scale contained in Table (1) also includes the same time pay scale varied and specified from time to time.

Table (2)

**Myanmar Travelling Allowance Rule****[Rule 76 (b)]**

<b>Position</b>	<b>Pay Scale</b>	<b>Fare</b>
(1)	(2)	(3)
1.	(160,000) Kyats and above	(1) Upper class (1 1/2) times (2) One time to upper class up to 100 miles
2.		
3.		
4.	(140,000) and (160,000) Kyats and below	Upper class (1 1/2) times
5.	(120,000) and (140,000) Kyats and below	
6.	(85,000) and (120,000) Kyats and below	(1) Upper class (1 1/2) times (2) One time to upper class up to 100 miles. If there is upper class, one time to upper class and one time to ordinary class, three times to ordinary class or one time to upper class whichever more.
7.	(79,000) and (85,000) Kyats and below	
8.	(73,000) and (79,000) Kyats and below	
9.	(67,000) and (73,000) Kyats and below	
10.	(61,000) and (67,000) Kyats and below	

Table (3)

**Contribution Rates to Pension in the Matter of Service on Deputation  
with Terms and Conditions**

[ Rule 144 ]

No.	Service Year to be Counted for Pension	Pay Scale (140,000-2000-15,000) and above	Pay Scale (140,000-2000-15,000) and below
(1)	(2)	(3)	(4)
1.	from 0 to 1 year ----	5 %	4 %
2.	from 1 to 2 years ----	5 %	4 %
3.	from 2 to 3 years ----	5 %	5 %
4.	from 3 to 4 years ----	6 %	<b>It shall</b>
5.	from 4 to 5 years ----	6 %	<b>be calculated</b>
6.	from 5 to 6 years ----	7 %	<b>with</b>
7.	from 6 to 7 years ----	7 %	<b>the</b>
8.	from 7 to 8 years ----	8 %	<b>maximum</b>
9.	from 8 to 9 years ----	8 %	<b>payscale</b>
10.	from 9 to 10 years ----	9 %	<b>of the post.</b>
11.	from 10 to 11 years ----	9 %	8 %
12.	from 11 to 12 years ----	10 %	8 %

Table (3) continued

No.	Service Year to be Counted for Pension	Pay Scale (140,000-2000-15,0000) and above	Pay Scale (140,000-2000-15,0000) and below
(1)	(2)	(3)	(4)
13.	from 12 to 13 year ----	10%	9 %
14.	from 13 to 14 years---	10 %	9 %
15.	from 14 to 15 years ---	11%	9 %
16.	from 15 to 16 years ---	11%	<b>It shall</b> 10 % <b>It shall</b>
17.	from 16 to 17 years---	12 %	<b>becalculated</b> 10 % <b>becalculated</b>
18.	from 17 to 18 years ---	12 %	<b>with</b> 10 % <b>with</b>
19.	from 18 to 19 years ---	13%	<b>the</b> 11 % <b>the</b>
20.	from 19 to 20 years ---	13 %	<b>maximum</b> 11 % <b>maximum</b>
21.	from 20 to 21 years ---	14 %	<b>payscale</b> 12 % <b>payscale</b>
22.	from 21 to 22 years ---	14 %	<b>of the post.</b> 12 % <b>of the post.</b>
23.	from 22 to 23 years ---	15%	12 %
24.	from 23 to 24 years ---	15 %	13 %
25.	from 24 to 25 years ---	15 %	13 %
26.	from 25 to 26 years ---	16 %	14 %



Table (3) continued

No.	Service Year to be Counted for Pension	Pay Scale (140,000-2000-15,0000) and above	Pay Scale (140,000-2000-15,0000) and below
(1)	(2)	(3)	(4)
27.	from 26 to 27 year ----	16%	14 %
28.	from 27 to 28 years---	17 %	14 %
29.	from 28 to 29 years ---	17%	15%
30.	from 29 and above	18%	15%

**It shall be calculated with the maximum payscale of the post.**

(178)

**Table (4)**

**During-----Financial Year, List of the Service Personnel Removals from the Post and Dismissal From the Service Personnel [Rule 216]**

Service Personnel Organization's Name .....

Year      Month

No	Name and National Registration Card Number	Date of Birth	(a) Position (b) Pay-Scale (c) Last Pay	Starting Date of Service	Starting Release Date/ Absent Date	Date of Order of the Removal from the Post and Dismissal from the Service Personnel	Term of Service	Reason from the Post and Dismissal from the Service Personnel	Remark
(a)	(b)	(c)	(d)	(e)	(f)	(g)	(h)	(i)	(j)

**Remark:** To forward this form to the Civil Service Affairs Department of the Union Civil Service Board, and the copy to the Office of the Union Government

**Table (5)**

**Table which Described the Orders of the Preliminary Enquiry and Departmental Enquiry  
[Rule 227]**

**Forward to the Office / Department.....**

Dated: - - - - -

Serial	Number/ Year of Preliminary Enquiry/ Departmental Enquiry	Service Personnel's Name / Post	Summary of the Case	Findings	Order
(1)	(2)	(3)	(4)	(5)	(6)

**(180)**

Signature of the head of the Service Personnel Organization .....  
 Name .....  
 Designation .....

Table(6)

**Lump - sum Pension Commutation Table**

[ Rules 243 , 252 (n) ]

<b>Age of Pensioner after Receiving the Permission of Lump-sum Pension</b>	<b>Permissible Duration to Commute</b>
Age - 28	20.66 Years
Age - 29	20.42 Years
Age - 30	20.18 Years
Age - 31	19.93 Years
Age - 32	19.67 Years
Age - 33	19.41 Years
Age - 34	19.14 Years
Age - 35	18.86 Years
Age - 36	18.58 Years
Age - 37	18.29 Years
Age - 38	17.99 Years
Age - 39	17.69 Years
Age - 40	17.38 Years
Age - 41	17.07 Years
Age - 42	16.74 Years
Age - 43	16.41 Years
Age - 44	16.17 Years
Age - 45	15.73 Years
Age - 46	15.37 Years
Age - 47	15.01 Years
Age - 48	14.64 Years
Age - 49	14.27 Years
Age - 50	13.90 Years
Age - 51	13.51 Years
Age - 52	13.13 Years
Age - 53	12.74 Years

Table(6) Continued

<b>Age of Pensioner after Receiving the Permission of Lump-sum Pension</b>	<b>Permissible Duration to Commute</b>
Age - 54	12.34 Years
Age - 55	11.95 Years
Age - 56	11.55 Years
Age - 57	11.15 Years
Age - 58	10.76 Years
Age - 59	10.36 Years
Age - 60	9.97 Years
Age - 61	9.58 Years
Age - 62	9.20 Years
Age - 63	8.82 Years
Age - 64	8.45 Years
Age - 65	8.08 Years
Age - 66	7.72 Years
Age - 67	7.37 Years
Age - 68	7.02 Years
Age - 69	6.68 Years
Age - 70	6.35 Years
Age - 71	6.03 Years
Age - 72	5.72 Years
Age - 73	5.42 Years
Age - 74	5.12 Years
Age - 75	4.84 Years
Age - 76	4.57 Years
Age - 77	4.30 Years
Age - 78	4.06 Years
Age - 79	3.83 Years
Age - 80	1.61 Years

Table(7)

**Injured Reward and Pension**  
**[ Rules 260 (a) , 261 (a) , 262 (a) (b) ]**

No	Pay Got on the Injured Date	Reward	Monthly Pension	
			High Rate	Low Rate
1.	200000 Kyats and above	{ For 3 Months	<b>Kyat</b>	<b>Kyat</b>
2.	160000 Kyats and above 190000Kyats		14%	8%
3.	120000 Kyats and above 150000Kyats		16%	10%
4.	79000 Kyats and above 90000Kyats		18%	12%
5.	67000 Kyats and above 78000Kyats		20%	14%
6.	66000 Kyats and below		22%	16%

Table(8)

**Family Extraordinary Pension for Husband (or) Wife****[ Rule 265 (a) (b), 268 (a) ]**

No	Pay Got on the Date of Death	Reward	Monthly Pension
1.	160000 Kyats and above	} For 3 Months	12 % of the last pay
2.	79000 Kyats and above 150000Kyats		16 % of the last pay
3.	78000Kyats and below		16 % of the last pay



**Family Extraordinary Pension for Children**

[ Rules 265 (a) (b), 268 (b) ]

No	Pay Got on the Date of Death	Monthly Pension Rate for the Children	
		Motherless Child	Non-motherless Child
		<b>Kyat</b>	<b>Kyat</b>
1.	160000 Kyats and above	6 % of the last pay	4 % of the last pay
2.	79000 Kyats and above 150000Kyats	11 % of the last pay	6 % of the last pay
3.	78000Kyats and below	11 % of the last pay	6 % of the last pay

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