

The Punjab State Agricultural Marketing Board and Market Committees Employees Pension, Provident Fund and Gratuity Rules, 1987

PUNJAB

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Rule

THE-PUNJAB-STATE-AGRICULTURAL-MARKETING-BOARD-AND-MA of 1987

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1. Short title and commencement.

- (Section 43 (2) (XXVIII). - (i) These rules shall be called "The Punjab State Agricultural Marketing Board and Market Committees Employees Pension, Provident Fund and Gratuity Rules, 1987".(ii)[They shall be deemed to have come into force on and with effect from the first day of April 1983.] [Substituted vide Notification No. G.S.R.22/P.A.23/61/S.43/Amd./89, dated 8th February, 1989 published in Punjab Government Gazette on 17th February, 1989, Page 287.]

2. Application.

- (i) They shall apply to all the employees of the Punjab State Agricultural Marketing Board and Market Committees, established and constituted under the Punjab Agricultural Produce Market Act, 1961, who join service on or after coming into force of these Rules and such existing employees who opt for these Rules. The latter category of employees shall have to exercise this option in Form 'A'

appended to these rules within three months from the date of notification of these rules.[Provided that where an employee has died during the period commencing from the 1st day of April, 1983 ending with the 30th November, 1987 or where an employee, who retired from service during that period but died before that date of commencement of Government of Punjab Department of Agriculture notification No. G.S.R. 22/PA. 23/61/S. 43/Amd./89 dated 8th Feb, 1989, without exercising his option under this rule, his or her spouse or in the absence of such spouse any other family member, may exercise the option in Form B appended to these rules within a period of one year from the date of commencement of the Punjab State Agricultural Marketing Board and Market Committees Employees Pension, Provident Fund and Gratuity (Amendment) Rules, 1994.] [Proviso to Rule 2(i) added vide G.S.R. 28/P.A. 23/61/S.43Amd. (1)/94 dated 22.4.1994.](ii)[The employees, who failed to opt for these rules or who opted for these rules, but their options are not becoming available in the record, shall be deemed to have opted for these rules; provided the subscription portion of Employees Contributory Provident Fund alongwith interest accrued thereon in respect of such employees was credited to the General Provident Fund and subsequently such employees had made regular monthly contribution or are making regular monthly contribution towards General Provident Fund.] [Substituted by Notification No.G. S. R. 52/P.A.23/1961/S.43/Amd.(3)/2012, dated 10.9.2012]

3. Definitions.

- Unless there be something repugnant in the subject or context the terms defined in these rules shall be used in the sense hereinafter explained :-(1)'Act' - Act means 'The Punjab Agricultural Produce Market Act, 1961'.(2)'Active Service' - Active Service for the purpose of these rules, includes besides time spent on duty, all kinds of leave as given in Chapter 8 of the Punjab Civil Service Rules, Volume I, Part I, except extraordinary leave taken otherwise than on medical certificate.(3)'Age' - Age means the age as defined in Rule 2.5 of the Punjab Civil Services Rules, Volume I, Part-I.(4)'Average Emoluments' - The term Average Emoluments means the average calculated upon the emoluments of the last ten months of qualifying service.(5)'Board' - (Section 3(1)) - Board means "The Punjab State Agricultural Marketing Board" constituted and established under the Act.(6)'Competent Authority' - (Section 31(12) and Section 20(2). - (i) Competent Authority means the authority competent to sanction Pension, Gratuity and Provident Fund to the employees of the Marketing Board and Market Committees. Competent Authority for the purpose of these Rules shall be the Punjab State Agricultural Marketing Board in case of employees of the Board and concerned Committee in the case of employees of the Market Committees.(ii)Section 3(17) (2). - The Board may, however, with the prior approval of the Government, delegate its powers under the preceding clause to the Chairman, Secretary or any other officer under Section 3(17)(ii) of the Act.(7)'Duty' - The term 'Duty' in these rules shall have the same meaning as defined in Rule 2.16 of the Punjab Civil Services Rules, Volume I, Part I.(8)'Employees' - (Section 3(12) and Section 20(2). - 'Employees' mean the employees of the Punjab State Agricultural Marketing Board or Market Committees in the State, as the case may be.(9)'Emoluments' - The term 'Emoluments' for the purpose of these rules means pay, as defined in Rule 2.44 of the Punjab Civil Services Rules, Volume -I, Part-I, including Dearness Pay as determined by the orders of the Punjab Government issued from time to time, which the employee may be receiving immediately before his retirement or the date of his death.(10)'Family' - Family means the family as defined in rule 2.17 of the Punjab Civil

Services Rules, Volume-I, Part-I.(11)'Fund' - (Section 26(8) and Section 28(5)). - Fund means the Punjab State Agricultural Marketing Board Pension Fund and Market Committee Pension Fund, as the case may be.(12)'Market Committee'. - (Section 12) - The Market Committee means the Market Committee constituted under the Act under which the employee serves.(13)'Pay'. - Pay means the pay as defined in Rule 2.44 of the Punjab Civil Services Rules, Volume-I, Part-I.Note :- Unless the contrary appears from the context or subject, the term "Pay" defined in Rule 2.44 of Punjab Civil Services Rules, Volume-I, Part-I, does not include "Special Pay".(14)"Qualifying Service". - Qualifying service for the purpose of these rules means the service of the Punjab State Agricultural Marketing Board and the Market Committees paid from the Marketing Development Fund and Market Committee Fund, as the case may be. This also includes the service rendered under the Punjab Government or the Board or under the Market Committee immediately before joining the service of the Board and or of the Market Committee, as the case may be.(15)'Pension'. - Except when the term 'Pension' is used in contradistinction or to 'Gratuity', Pension includes Gratuity.(16)'Pension Payment Authority'. - (Section 3 (12) and Section 20(2)). - The Pension Payment Authority shall be one who is delegated such powers by the Board in the case of pensioners of the Board and the respective Committees in the case of pension of the employees of the Market Committees.

4. Establishment of Fund.

- (Section 26(8) and Section 28(5)).- (i) For the payment of pension, a fund namely 'Punjab State Agricultural Marketing Board Pension Fund' and 'Market Committees Pension Fund' as the case may be, shall be established. The Board and Market Committees in respect of their employees shall make monthly contribution @ 9.5% of the maximum of the scale for class III and IV employees and @11.5% of the maximum of the scale for Class I and II employees. For the purpose of contribution, the employees would be classified into Class I, II, III and IV as per instructions of State Government issued from time to time in case of Government employees.(ii)[The fund shall be kept in savings Bank account in any branch of the Punjab State Cooperative Bank Limited or the Central Cooperative Bank Limited or in any other nationalised bank.] [Rule 4(ii) substituted vide G.S.R. 28/PA 23/61/S. 43/Amd. (1)/94 dated 22.4.1994.][4A. Investment of General Provident Fund or Pension Fund. - The amount lying in the General Provident Fund or in the Pension Fund, which is not immediately required to meet the current liabilities, shall, with the approval of the Committee consisting of Chairman, Secretary of the Board or of the Market Committee, as the case may be, and one another member nominated by the Board or the Market Committee, as the case may be, be invested in long term deposits in any Cooperative Bank or post office or in any of the Central Government or State Government approved securities, bonds, debentures, [unit Trust of India] [Rule 4-A, inserted vide ibid.] and the like, which are duly guaranteed by the Central Government or the State Government.]

5. Operation of Fund.

- [(Section 3(17) (i) and Section 25(2)]. - (i) The fund shall be held and administered by an Authority to whom the Competent Authority, with the prior approval of the State Government delegates its powers.(ii)Board/Market Committee's contribution as mentioned in Rule 4 shall be drawn out of

Marketing Development Fund/Market Committees Fund, as the case may be, and credited into the Pension Fund concerned.(iii)All payment to be made to the employees of the Board/Market Committees on account of Pension and Gratuity shall be withdrawn from the Fund, established for the purpose:[Provided that in case the amount in the Fund is found not to be sufficient to pay Pension and Gratuity to any employee, in such a case, the payment of the Pension and Gratuity may be made out of the Marketing Development Fund or the Market Committee Fund, as the case may be.] [Added by Notification No.G. S. R. 52/P.A.23/1961/S.43/Amd.(3)/2012, dated 10.9.2012]

6. Maintenance of the Fund.

- The accounts of the Fund shall be maintained in the office of the Punjab State Agricultural Marketing Board in case of employees of the Board and in concerned Market Committee in case of the employees of the Committees. The Bank through which Pension is disbursed may also be required to keep account as per instructions issued from time to time.

7. General provisions relating to grant of pension.

- [Section 43(e) (XXVIII)]. - Subject to the provisions of this Act and Rules framed thereunder the Rules contained in Chapter-II, Chapter-III, Rule 3.8, 3.9, 3.17 to 3.29. Chapter IV, Chapter V, Chapter VI, Chapter VIII, Chapter IX, Chapter X and Chapter XI of the Punjab Civil Services Rules, Volume II, shall apply mutatis mutandis to the employees of the Board/Market Committees. The words [-] [Word 'Resident Assistant' deleted vide G.S.R. 28/PA 23/61/S. 43/Amd. (1)/94. dated 22.4.1994.] Examiner, Local Fund Account, Punjab State Agricultural Marketing Board] may be read in place of words "Accountant General, Punjab" wherever occurring in the rules referred to above.

8. Pension payment order.

(a)After completion of the pension papers of the employees in the form and manner given in Punjab Civil Services Rules, Volume II (with necessary changes), the same shall be sent to [-] [Word 'Resident Assistant' deleted vide G.S.R. 28/PA 23/61/S. 43/Amd. (1)/94. dated 22.4.1994.] Examiner, Local Funds Accounts, Punjab State Agricultural Marketing Board, concerned for verification of qualifying service and emoluments.(b)After verification of qualifying service and emoluments by the concerned [-] [Words 'Resident Audit' deleted vide ibid.] Examiner, the competent authority shall issue sanction to the grant of Pension and Death-cum-Retirement Gratuity and shall simultaneously issue Pension Payment Order in the form and manner as explained in Punjab Civil Services Rules, Volume-II with the necessary changes.

9. Payment of Pension.

(a)On the basis of Pension Payment Order issued by the competent authority, the Secretary, Board or the Market Committee as the case may be, shall also issue a copy of pension payment order to the State Bank of Patiala or State Bank of India or any other nationalised bank as the case may be

authorising the Bank to make payment of pension to the pensioner employee every month regularly till a revised order/instruction is issued by the competent authority.(b)While making payment of pension, the pension payment authority shall be guided by the Rules 4.92 to 4.106 contained in Subsidiary Treasury Rules issued under the Punjab Treasury Rules, which shall apply mutatis mutandis to the pensioners of the Board and the Market Committees.

9A. [Audit of Pension etc. - The first payment to a retiring employee with regard to pension and gratuity shall be made by the Board or the Market Committee, as the case may be, after getting the same audited by the Examiner, Local fund Accounts, Punjab State Agricultural Marketing Board and all subsequent monthly payments and arrears shall be paid and checked by the Examiner, Local Fund Accounts, Punjab Agricultural Marketing Board at the post audit stage.] [Rule 9-A, added by G.S.R. 28/PA. 23/61/S. 43/Amd. (1)/94 dated 22.4.1994.]

10. General Provident Fund.

- (i) On coming into force of the Pension Scheme, the Contributory Provident Fund established by the Board/Market Committees shall be converted into General Provident Fund and the subscription portion of the Employees Contributory Provident Fund along with interest accrued thereon shall be credited to the General Provident Fund in respect of employees who opt for these rules.(ii)The portion representing to the Boards's/Market Committee's contribution shall be credited to the Pension Fund of the Board/Market Committee as the case may be.(iii)The subscribers of the Contributory Provident Fund who before the issue of these Rules, had invested their balance in term deposits in accordance with the provisions of the Punjab State Agricultural Marketing Board and Market Committee Employees Provident Fund and Gratuity Rules, 1965 and opt for these rules shall have to deposit the principal amount falling short of the portion representing the Board/Market Committee Contribution. Such deposits or receipts or certificate or papers will thenceforth be given to the concerned employees for realisation on maturity or otherwise.(iv)Section 43(2) (XXVIII). - Subject to the provisions of Act and the Rules framed thereunder the rule contained in Chapter XIII of the Punjab Civil Services Rules, Volume-II, shall apply mutatis mutandis to the employees of the Board/Market Committees who opt for these rules.(v)The employees joining the service of the Board/Market Committees on or after the date of coming into force of the Punjab State Agricultural Marketing Board and Market Committees Employees Pension, Provident Fund and Gratuity Rules, 1987 shall be governed by the General Provident Fund Rules contained in Chapter XIII of the Punjab Civil Services Rules, Volume-II. Form A Option Form I, _____, hereby opt for the Punjab State Agricultural Marketing Board and Market Committees Employees Pension, General Provident Fund and Gratuity Rules, 1987 with effect from _____. Signature of the employee. [Form B] [Form B added vide G.S.R. 28/PA 23/61/S. 43/Amd. (1)/94 dated 22.4.1994.] Option Form I, _____ wife/husband of late *Shri/Shrimati _____ who died on _____ while in service/after retirement, hereby opt for the Punjab State Agricultural Marketing Board and Market Committee

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2. I hereby, undertake to deposit the Board's/Market Committee's share of the Contributory Provident Fund paid to late *Shri/shrimati _____ alongwith compound interest at the rate fixed by the Government till the date of deposit of such share.

*Strike off which is not applicable.