

The Haryana Legislative Assembly Members (Pension) Rules, 1978

HARYANA

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Rule

THE-HARYANA-LEGISLATIVE-ASSEMBLY-MEMBERS-PENSION-RULES of 1978

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1. Short title.

(1)These rules may be called the Haryana Legislative Assembly Members (Pension) Rules, 1978.(2)They shall be deemed to have come into force on the 8th April, 1977.

2. Definition.

- In these rules, unless the content otherwise requires, -(a)"Act" means the Haryana Legislative Assembly (Allowances and Pension of Members) Act, 1975.(b)"form" means a form appended to these rules.(c)"pensioner" means a person who is eligible to receive pension under the Act.(d)"Secretary" means the Secretary of the Haryana Legislative Assembly.

3. Application for pension.

- [(1) A person entitled to pension under the Act shall make an application in Part A Form I in duplicate to the Secretary. The application shall be accompanied by three joint passport size latest photographs of the applicant and his wife duly attested by a Gazetted Officer.] [Substituted by Haryana Notification No. HVS/Pension/7/97/139 dated 14.7.1997.](2)On receipt of the application for pension the Secretary shall verify the facts stated therein, with reference to the records

available.[-] [Omitted by Haryana Notification No. HVS/Pension/7/97/35 dated 1.6.2000.]

4. Sanction of Pension.

- The Secretary shall, if the facts stated in the application for pension are found correct and the application is not otherwise defective, record a certificate as given in Part B of Form I and submit the application to the Speaker who shall pass in Part C of Form I, sanctioning the pension to the applicant.

5. Authorisation for payment of Pension.

(1)A copy of the application, after the order of sanctioning the pension is passed thereon under rule 4, shall be sent to the Accountant-General, Haryana, along with the [two joint photographs] [Substituted by Haryana Notification No. HVS/Pension/7/97/139 dated 14.7.1997.] submitted by the applicant under sub-rule (1) of rule 3.(2)The Accountant-General, Haryana, on satisfying himself that the papers submitted to him under sub-rule (1) are in order and the amount of pension has been correctly sanctioned, issue, a Pension Payment order as is issued in the case of a Class I Officer of the State of Haryana.

6. Drawal of Pension.

(1)The pension under the Act shall be drawn by the pensioner from the treasury in the manner in which a Class I Officer of the State of Haryana draws his pension after retirement.(2)The pensioner drawing pension shall also furnish a certificate to the Treasury Officer in form II whenever he claims payment of his pension and no payment shall be made if he fails to do so.

7. Due date of Pension.

- The pension sanctioned under these rules shall become due for payment only on the expiry of the month to which it relates.

7A. [Family Pension. - (1) The surviving spouse or after his or her death, the children (upto the age of eighteen years) of a member who was entitled for drawing pension under the Act, shall submit an application along with three passport size photographs for claiming family pension, to the Secretary in Part A of form 1-A in duplicate.

(2)The pouse or the children, as the case may be, shall be entitled to draw family pension at the rate of fifty percent of the last pension drawn per mensem by the member.(3)On receipt of an application for family pension under sub-rule (1), the Secretary shall verify the facts stated therein, with reference to the records available with him, with a view to determine as to whether the applicant is entitled to the family pension or not under the provisions of the Act and for this purpose he may

hold such enquiry and may call for such further information from the applicant as he may deem fit.(4)The Secretary shall, if the facts stated in the application for family pension submitted under sub-rule (1) are found correct and the application is not otherwise defective, submit the application to the Speaker who shall pass an order in Part B of form 1-A sanctioning the family pension to the applicant.(5)After an order sanctioning the family pension is passed by the Speaker under sub-rule (4), a copy of the application along with the sanction order and two photographs of the applicant shall be sent to the Accountant General, Haryana, for issuing Family Pension Payment Order.(6)The Accountant General, Haryana, on satisfying himself that the papers submitted to him under sub-rule (5) are in every respect in order and the amount of family pension has been correctly sanctioned, issue a Family Pension Payment Order.(7)The spouse or the children of the deceased member drawing family pension under these rules shall also furnish a certificate to the concerned treasury officer in Part C of form 1-A whenever he or she claims payment of his or her family pension and no payment shall be made if the spouse or the children fails to do so.(8)The family pension shall be drawn by the spouse or the children of the deceased member from the concerned treasury.(9)The family pension sanctioned under these rules shall become due for payment only on the expiry of the month to which it relates.Explanation. - The family of the member of the Assembly shall be entitled to the family pension even if he/she did not make application for pension during his/her life time, if other conditions for granting the same are fulfilled.] [Omitted by Haryana Notification No. HVS/Pension/7/97/35 dated 1.6.2000.]

8. Cancellation or modification of pension./family pension

(1)If after the communication of the order sanctioning the [pension/family pension] [Substituted for 'pension' by Haryana Notification No. HVS/Pension/7/97/35 dated 1.6.2000.] any fact, which has a bearing on the sanction or the amount of [pension/family pension] [Substituted for 'pension' by Haryana Notification No. HVS/Pension/7/97/35 dated 1.6.2000.] already sanctioned, comes to the knowledge of the Speaker, he shall, after due verification, issue an order cancelling or modifying the order made under [rule 4 of Rule 7-A] [Substituted by Haryana Notification No. HVS/Pension/7/97/35 dated 1.6.2000.], and communicate the same to the Accountant-General, Haryana :Provided that no order cancelling or reducing the [pension/family pension] [Substituted for 'pension' by Haryana Notification No. HVS/Pension/7/97/35 dated 1.6.2000.] shall be issued except after giving the pensioner an opportunity of being heard.(2)The Accountant-General, Haryana, shall, on receipt of an order under sub- rule (1) recall the Pension Payment Order and cancel or modify the same in accordance with the said order.(3)Consequent upon the cancellation or reduction of [pension/family pension] [Substituted for 'pension' by Haryana Notification No. HVS/Pension/7/97/35 dated 1.6.2000.] under sub-rule (1), the excess, if any, received by the pensioner shall, in the case of cancellation, be recoverable in lump sum and, in the case of reduction, be liable to be adjusted against future payment of [pension/family pension] [Substituted for 'pension' by Haryana Notification No. HVS/Pension/7/97/35 dated 1.6.2000.].

9. Interpretation.

- The decision of the Speaker regarding interpretation of these rules shall be final.Form I

Part A – [See Sub-rule (1) of rule 3]

Form of application for grant of pension to the former members of Haryana Legislative Assembly/Punjab Legislative Assembly/Punjab Legislative Council/Pepsu Legislative Assembly, representing any of the territories of the State of Haryana under the Haryana Legislative Assembly (Allowances and Pension of Members) Act, 1975.

1. Name of Applicant (in block letters) _____

2. Father's name (And also husband's name in the case of a married woman applicant)

3. Permanent residential address showing village or town and district

4. Particulars of period for which the applicant remained member of Haryana Legislative Assembly/Punjab Legislative Assembly/Punjab Legislative Council/Pepsu Legislative Assembly :-

| Name of House of Legislature | Constituency represented | Period of membership |
|------------------------------|--------------------------|---|
| | | From ____ to ____; years ____ months ____ days. |
| | | From ____ to ____; years ____ months ____ days. |
| | | From ____ to ____; years ____ months ____ days. |
| | | From ____ to ____; years ____ months ____ days. |

5. Identification marks _____

6. Whether three copies of the photographs duly attested are enclosed.

7. Whether specimen signatures, duly attested, are enclosed.

8. Whether the applicant is also entitled to any pension from the Central Government or any State Government or any Corporation owned or controlled by the Central Government or any State Government or any local authority, under any law or otherwise ? If so, the details thereof.

9. I hereby certify that since _____ (Date from which entitled to pension under the Act). _____,

(i)I have not been elected to the office of the President/Vice-President or appointed to the office of the Governor of any State or the Administrator of any Union Territory;(ii)I am not a member of the Council of States or the House of the People or any Legislative Assembly of a State or Union Territory or any Legislative Council of a State or Metropolitan Council of Delhi constituted under section 3 of the Delhi Administration Act, 1966;(iii)I am not employed on a salary under the Central Government or any State Government, or any Corporation owned or controlled by the Central Government or any State Government or any local authority, nor I have become otherwise entitled to any remuneration from such Government, Corporation or local authority;(Note- Score out the certificate which is not applicable.)(iv)I am not drawing any pension under the Haryana Legislative Assembly Speaker's Pension and Medical Facilities Act, 1976.ORI am drawing a pension of _____ rupees per mensem under the Haryana Legislative Assembly Speaker's Pension and Medical Facilities Act, 1976, which is lesser than that admissible under the Haryana Legislative Assembly (Allowances and Pension of Members) Act, 1975.

10. I hereby further certify that from _____ (date) I am holding the office of _____ am a member of/_____/am employed as _____ under _____ and the salary/remuneration payable to me for holding such office/being such member/being such employee is Rs. _____ per mensem.

(Note. - Score out the Certificate, if not applicable).A certificate to this effect from the competent authority is attached. Score out if not applicable.

11. I certify that I have never incurred a disqualification under the Representation of the Peoples Act, 1951, or any other law for the time being in force.

12. I hereby declare that the particulars stated above are true and correct to the best of any knowledge.

Place :Date :(Signature of Applicant)

Part B – (See rule 4)

Certified that Shri/Shrimati _____ remained a member of the Haryana Legislative Assembly from to _____, from _____ to _____ and from _____ to _____, of the Punjab Legislative Assembly from _____ to _____, from _____ to _____ and from _____ to _____, of the Punjab Legislative Council from _____ to _____ from _____ to _____ and from _____ to _____ and of the Pepsu Legislative Assembly from _____ to _____ from _____ to _____ and from _____ to _____

_____.Place :Date :Secretary,Haryana Legislative Assembly

Part C – (See rule 4)

OrderSanction is hereby accorded to the payment of Pension of Rs. _____ (Rupees _____ only) per mensem under the Haryana Legislative Assembly (Allowances and Pension of Members) Act, 1975 to Shri/Shrimati _____ son/ daughter/wife _____ residing at _____ with effect from _____ till death and subject to the rules as may be _____ from time to time.

2. This order is liable to cancellation or modification under rule 8 of the Rules.

[Form 1-A] [Form 1-A added by Haryana Notification No. HVS/Pension/7/97/35 dated 1.6.2000.]

Part A – [See sub-rules (1), (4) and (7) of rule 7-A]

Form of Application for grant of Family PensionApplication from the spouse/children of the deceased member who has served as member :-Shri/Shrimati

1. Name, Father/Mother, Husband's Wife's name (in case of spouse)

Address of the applicant

2. Circumstances in which the death occurred and date of death of member

3. Treasury from which family pension is to be drawn

4. Descriptive roll of Widow/Widower/Children of Shri/Shrimati

(i)Date of birth(ii)Height(iii)Identification marks if any, on the body(iv)Left/right hand thumb and fingers impressions

5. Any other relevant information

Signature or left/right hand thumb impressionWitnesses :

1. _____

2. _____

Note :- The descriptive roll (column 4) and signatures or left/right hand thumb and fingers impressions accompanying application for family pension should be in duplicate (in two separate sheets) and attested by two Gazetted Officers or persons of respectability of the Village/Town/City in which applicant resides. Specimen signatures of Shri/Shrimati/Widow/Widower/Children of late Shri/Shrimati who has served as member. Attested Descriptive roll of Shri/Shrimati/Widow/Widower/Children of late Shri/Shrimati who has served as Member. Height _____ Identification Marks _____". Attested

Part B – [See sub-rule (4) of Rule 7-A]

Order Sanction is hereby accorded to the payment of family pension of Rs. ____ (Rupees _____) with effect from _____ under the Haryana Legislative Assembly (Allowances and Pension of Members) Act, 1975 to Shri/Shrimati _____ husband/wife/son/daughter of _____ residing at _____ subject to the provisions of the Haryana Legislative Assembly Members (Pension) Rules, 1978, as amended from time to time. Sanction is also accorded to the payment of dearness allowance on family pension, as is admissible to other pensioners of the State Government from time to time.

2. This order is liable to cancellation or modification under Rule 8 of the rules.

Place : Speaker

Dated: Haryana Legislative Assembly

No. _____, dated, Chandigarh, the

A copy of the above is forwarded to the Accountant General (Accounts and Entitlement), Haryana, Chandigarh, for necessary action.

Part C – [See sub-rule (7) of Rule 7-A]

Certificate I hereby certify that there is no change in the facts stated or certified by me in the application on the basis of which I have been sanctioned the family pension under the Haryana Legislative Assembly (Allowances and Pension of Members) Act, 1975. Signature of Pensioner (with date) Note. In case there is change in the facts stated or certified by the pensioner in his/her application for family pension, he/she shall forthwith report the matter to the Secretary, Haryana Legislative Assembly.