

# **The Orissa Legislative Assembly Members Family Pension Rules, 1988**

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## **The Orissa Legislative Assembly Members Family Pension Rules, 1988**

### **Rule**

### **THE-ORISSA-LEGISLATIVE-ASSEMBLY-MEMBERS-FAMILY-PENSION of 1988**

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The Orissa Legislative Assembly Members Family Pension Rules, 1988Published vide Notification No. 6512-Gen. dated 23rd February 1988General Administration DepartmentNo. 6512-Gen. dated 23rd February 1988. - In exercise of the powers conferred by Section 7 of the Orissa Legislative Assembly Members' Salary, Allowances and Pension Act, 1954 (Orissa Act, 19 of 1954), the State Government do hereby make the following rules to regulate payment of family pension to the spouses of the deceased member, namely

#### **1. Short title and commencement.**

(1)These rules may be called the Orissa Legislative Assembly Members' Family Pension Rules, 1988.(2)They shall be deemed to have come into force with effect from the 1st day of April 1979.

#### **2. Definitions.**

- In these rules, unless the context otherwise requires(a)"Act" means the Orissa Legislative Assembly Members' Salary, Allowances and Pension Act, 1954;(b)"Assembly" means the Orissa Legislative Assembly;(c)"Form" means form appended to these rules;(d)"Member" means a member of the Orissa Legislative Assembly;(e)"Sanctioning Authority" means the Secretary of the Orissa Legislative Assembly;(f)"Section" means a section of the Act;(g)"Treasury" includes Sub-Treasury and Special Treasury.

### **3. Application for family pension.**

- [(a) In the event of the death of a member who was eligible for pension or already in receipt of pension under Sub-section (1) of Section 4-B of the Act, his/her spouse shall be entitled to receive family pension as provided under clause (a) of Sub-section (5) of Section 4-B of the Act, or in the event of death of a member while continuing in office as such, whose spouse is not entitled to receive family pension under clause (a) of Sub-section (5) of Section 4-B of the Act, his/her spouse shall be entitled to receive family pension as provided under clause (b) of Sub-section (5) of Section 4-B of the Act, a sum equivalent to such pension till his/her death or remarriage whichever is earlier, subject to the conditions laid down hereinafter.] [Substituted vide O.G.E. No. 1108 dated 19.8.2004.](b)The spouse of a deceased member who is entitled to family pension shall make an application to the Sanctioning Authority in Form 'A'. The application shall be accompanied by the following documents :-(i)Three copies of the latest photograph of the applicant in passport size duly attested by a Gazetted Officer.(ii)Three specimen signatures of the applicant duly attested by a Gazetted Officer.(iii)A Certificate showing the relationship of the applicant with the deceased member obtained from the Tahasildar having jurisdiction over the area where the deceased member was residing permanently.(iv)A certificate of death of the deceased member.

### **4. Scrutiny of application.**

- On receipt of the application for family pension from the spouse of the deceased member, the Sanctioning Authority, after verification from the records about the authenticity of the application and after taking into consideration the conditions specified in rule 5, shall sanction the family pension and thereafter issue the sanction order in Form 'B' specifying the amount of monthly family pension copy of which shall be forwarded to the Accountant-General (Accounts and Entitlements), Orissa in duplicate.

### **5. Conditions for sanction of family pension.**

- Sanction of family pension shall be subject to the following conditions, namely:-(1)Where any spouse entitled to family pension under clause (a) of rule 3 -(i)is appointed to the office of the Governor of any State or the Administrator of any Union Territory;or(ii)becomes a Member of the Council of States or the House of the People or of any Legislative Assembly;or(iii)is 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 under any local authority or becomes otherwise entitled to any remuneration from such Government, Corporation or local authority;such spouse shall not be entitled to any family pension for the period during which he/he continues to hold such office or as such member or is so employed, or continues to be entitled to such remuneration ;Provided that where the salary payable to such spouse or holding such office or being such member or so employed, of where the remuneration referred to in clause (iii) payable to such spouse, in either case, less than the family pension payable to him under Sub-section (5) of Section 4-B, such spouse shall be entitled only to receive the balance as family pension under Sub-section (5) of Section 4-B.(2)Where any spouse entitled to family pension under Sub-section (5) of Section 4-B is also entitled to any other pension from the Central Government or any State

Government, or any Corporation owned or controlled by the Central Government or any State Government, or from any local authority, under any law or otherwise, than-(a)Where the amount of pension to which he/she is entitled under such law or otherwise, is equal to or in excess of the family pension to which he/she is entitled under Sub-section (5) of Section 4-B, such person shall not be entitled to any family pension under the said Sub-section; and(b)Where the amount of pension to which he/she is entitled under such law or otherwise, is less than the family pension to which he/she is entitled under Sub-section (5) of Section 4-B such person shall be entitled to pension only of an amount which falls short of the amount of family pension to which he/she is entitled under Sub-section (5) of Section 4-B :Provided that any person (Whether known as Swatantrata Sainik Samman Person or by any other name) received by such person as a freedom fighter shall not be taken into account for the purpose of sanction of family pension under Sub-section (5) of Section 4-B and such person shall be entitled to receive such pension in addition to the family pension to which he is entitle) under Sub-section (5) of Section 4-B.

## **6. Family Pension payment order.**

- The Accountant-General (Accounts and Entitlements), Orissa, shall on receipt of the sanction order, issue the Family Pension Payment Order in Form 'C' to the Treasury/Bank, as the case may be, where payment is desired by the applicant under intimation to the applicant hereinafter called the family pension holder. The Family Pension Payment Order should be issued in duplicate one meant for the family pension holder and the other for the disbursing authority upon which the word "Family Pension Holder's Portion" and the "Disburser's Portion" respectively be mentioned clearly. Entries regarding every payment shall be made in both the books in appropriate places.

## **7. Manner of obtaining family pensioner order.**

- On receipt of the Family Pension Payment Order from the Accountant-General (Accounts and Entitlements), Orissa, the family pension holder may obtain his/her portion, i.e. the Family Pension Holder's Portion of the Family Pension Payment Order from the Treasury/Bank concerned.

## **8. Payment of family pension.**

(1)Payment of family pension under the Family Pension Payment Order at the Treasury/Bank shall be made upon presentation of a bill by the family pension holder in Form 'D'.(2)The procedure for payment of family pension at the Treasury/Bank in other respects shall be the same as in case of civil pensioners.Form AApplication for Family Pension[See clause (a) of Rule 3](To be submitted in duplicate by the spouse of the deceased Member of the Orissa Legislative Assembly)FromShri/Shrimati.....husband/wife of late.....ex-Member of the Orissa Legislative Assembly.ToThe Secretary,Orissa Legislative Assembly, Bhubaneswar.Subject-Sanction of Family PensionSir,In terms of rule 3 of the Orissa Legislative Assembly Members' Family Pension Rules, 1988, I being the spouse of late..... Member of the Orissa Legislative Assembly during the period from.....to of the Constituency.....am entitled to family pension.

**2. It is requested that steps may kindly be taken to sanction family pension in my favour. I desire to draw my family pension from Government Treasury/Sub-Treasury/Special Treasury at.....or Public Sector Bank Branch of.....**

**3. The following documents duly attested by a Gazetted Officer are enclosed-**

(i)Three specimen signatures of the applicant(ii)Three copies of latest photograph of the applicant in passport size.(iii)A certificate showing the relationship of the applicant with the deceased member obtained from the Tahasildar having jurisdiction over the area where the deceased member was residing permanently.(iv)A certificate of death of the deceased member

**4. My present address is.....**

My permanent address is

**5. "I hereby declare \* that-**

(i)I am not holding 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 (Rajya Sabha) or the House of the People (Lok Sabha) or of any Legislative Assembly of any State;(iii)I am not employed on salary under the Central Government or any State Government or any Corporation owned or controlled by the Central Government or any State Government or under any local authority or has become otherwise entitled to any remuneration from such Government or Corporation or local authority;(iv)I am not in receipt of any Old Age/Political/Military/Civil pension from Central Government/State Government/ any local authority/ Corporation owned or controlled by the Central or any State Government \* except the pension as a freedom fighter;(v)I am holding the office of.....or member of..... of employed as.....in.....and the total remuneration received by me is Rs.....(P.M.).(A certificate from the competent authority to be attached)(vi)I am in receipt of Rs.....as old Age/Political/ Military/Civil Pension from Central Government/State Government/a local authority/Corporations owned or controlled by the Central Government or any State Government being drawn from "(Here mention the source)(A certificate from the Disbursing Officer to be attached)Yours faithfully(Signature of the applicant)Station.....Date.....Specimen Signatures of the PensionerSignatures(1)(2) (3)\*The declaration which is not applicable may be scored out in ink.Form 'B'(See Rule 4)The Secretariat Of The Orissa Legislative AssemblyCertified that Shri/Shrimati..... (in block letters) is the spouse of late.....Member of the Orissa Legislative Assembly during the period from.....to.....A family pension of Rs.....(Rupees) only per mensem is sanctioned in favour of Shri/Shrimati wiith effect from.....till his/her life time.Signature of the Sanctioning AuthorityDesignation.....(Official Seal)Memo No /L.A., dated.....Forwarded to the Accountant-General (Accounts and Entitlements), Orissa/Treasury Officer/Sub-Treasury Officer/Special Treasury Officer/Public Sector Bank for information and necessary action.(In Bock Letter Form)Form 'C'(See Rule 6)Family Pension Payment OrderDebitable to State GovernmentHead of Account-Major Head (To be filled up)Voted

1. Name of the Family Pension holder.....

2. Residence showing Village/P.O./P.S. and district.....

Space for Photograph of the  
Family Pension holder

3. Class of Pension.....

Family Pension under the Orissa Legislative Assembly  
Members Salary, Allowances and Pension Act, 1954 (Orissa Act 19  
of 1954).

4. Amount of monthly Family Pension Rs.....

(Rupees.....)(Space for signature of the Family Pensionholder)

5. Date of commencement.....

6. Office and place of payment.....

Office of the.....

Bhubaneswar, the.....20

Until Further Notice and on the expiry of every month, please pay to.....the sum of  
rupees.....being the amount of family pension under the Orissa Legislative Assembly Members'  
Salary, Allowances and Pension Act, 1954 as per details given below :-

Pension due under Sub-section (5) of Section 4-B of the Act Rs.....

Payment should commence from .....

Signature of Authorised Officer of the Accountant-General (Accounts and  
Entitlements), Orissa Amount of Family Pension Rs..... (Rupees .....) Every separate payment is to  
be recorded below by the Disbursing Officer :-

Month for which family pension is due	Date of payment	Disbursing Officer's initial	Remarks
(1)	(2)	(3)	(4)
March			
April			
May			
June			
July			
August			
September			
October			
November			
December			
January			
February			

Form 'D' (See Rule 8) Family Pension Bill of Deceased Member of The Orissa Legislative  
Assembly Family Pension Payment Order No..... Shri/Shrimati..... spouse of  
late..... Member of Orissa Legislative Assembly.

District Head of Account Voucher No.

Date

Amount of Family Pension due to me as husband/wife of Member of Orissa Legislative  
Assembly for the month of ..... 20 .....

Rs.

Total

..

In words (Rupees.....) Received payment (revenue stamp, if amount exceeds

Rs.500.00) Pay Rs..... (Rupees.....) Disbursing Officer Signature..... Family Pension  
holder's residence :

..... Signature of Family Pension holder

Station..... Date.....

Certificate To be Given in Case of Non-Attendance of Family Pension Holder in Person (To be signed  
by a Gazetted Officer or any other officer referred to in Rule 311 of the Orissa Treasury

Code) Certified that I have seen the Family Pension holder Shri/Shrimati..... and that he/she is  
alive on this date and the bill has been signed by him/her in my presence. Signature

... Designation.... Stamp..... For use in Sub-Treasury/Treasury/Special Treasury/Public Sector

Bank Noted on page..... Admitted for Rs..... on the Expenditure Control Register.....

Auditor..... objected to Rs.....

Auditor

Executive Officer Treasury Officer