

The Orissa Municipal Employees' Pension Rules, 1989

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THE-ORISSA-MUNICIPAL-EMPLOYEES-PENSION-RULES-1989 of 1989

- Published on 24 April 1989
- Commenced on 24 April 1989
- [This is the version of this document from 24 April 1989.]
- [Note: The original publication document is not available and this content could not be verified.]

The Orissa Municipal Employees' Pension Rules, 1989Published vide Notification Orissa Gazette Extraordinary No. 1584/10.11.1989/Notification SRO No. 781/89/9.11.1989S.R.O. No. 781/89. - Whereas the draft of Orissa Municipal Employees' (Pension) Rules, 1989 was published as required by Section 392 of the Orissa Municipal Act, 1950 (Orissa Act 23 of 1950) in the extraordinary issue of the Orissa Gazette No. 631, dated the 24th April, 1989 under the notification of the Government of Orissa in the Housing and Urban Development Department No. 14953-HUD., dated the 24th April, 1989 inviting objections and suggestions from all persons likely to be affected thereby before the 1st May, 1989;And whereas no objection or suggestions have been received by the State Government before the date so specified;Now, therefore, in exercise of the powers conferred by Sub-section (2) of Section 387 of the Act, the State Government do hereby make the following rules :Chapter-I General

1.

(i)These rules may be called the Orissa Municipal Employees' (Pension) Rules, 1989.(ii)They shall come into force on and from the date of their publication in the Orissa Gazette.(iii)They shall apply to the employees of the local authorities other than those who are included in the Local Fund Service constituted by Government under Sub-section (1) of Section 81 of the Act.

2.

(1)In these rules unless the context otherwise requires, -(a)"Act" means the Orissa Municipal Act, 1950 (Orissa Act 23 of 1950);(b)"average pay" means average pay as determined in accordance with Sub-rule (2) of Rule 43;(c)"Cadre" means the cadre consisting of a particular class of employees

appointed under the local authorities;(d)"Central Pension Fund" means the Central Pension Fund constituted under Rule 105;(e)"Chairman" means the Chairman of the Council;(f)"child" means a child of an employee who, if a son, is under eighteen years of age and if a daughter, is unmarried and is under twenty-one years of age and the expression 'children' shall be construed accordingly;(g)"council" means the Municipal Council, a Notified Area Council and the Orissa State Municipal Council's Union constituted under the Act;(h)"day" means calendar day beginning and ending at midnight, but an absence from headquarters which does not exceed twenty-four hours shall be reckoned for all purposes as one day at whatever hours the absence begins or ends;(i)"Director" means the Director of Municipal Administration, Orissa;(j)"employee" means a full-time employee in the regular establishment of Council other than the employees included in Local Fund Service and Primary School teachers;(k)"Examiner, Local Fund Accounts" means the Examiner, Local Accounts as defined in Section 2 of the Orissa Local Fund Audit Act, 1948;(l)"Executive Officer" means the 'officer' appointed under the provisions of the Act and includes the General Secretary of the Orissa State Municipal Council's Union;(m)"family pension" means family pension admissible under Rule 44;(n)"Form" means a Form appended to these rules;(o)"Government" means the State Government of Orissa;(p)"gratuity" means gratuity payable under the provisions of the Orissa Municipal Rules, 1953;(q)"local authority" means a Municipality, Notified Area Council or the State Municipal Council's Union;(r)"minor" means a person who has not completed the age of 18 years;(s)"month" means a calendar month;(t)"pay" means pay as defined in Clause (ii) of Rule 435 of the Orissa Municipal Rules, 1953;(u)"pension" means pension excluding gratuity;(v)"qualifying service" means service tendered by an employee under a local authority which qualifies for the grant of pension in accordance with these rules;(w)"retirement benefit" means retirement benefits including pension or service gratuity and death-cum-retirement gratuity where admissible;(x)"special pay" means the special pay as defined in Clause (iii) of Rule 435 of the Orissa Municipal Rules, 1953.(2)All other words and expressions used but not defined herein shall have the same meaning as assigning to them by the Orissa Municipal Act, 1950, the Orissa Municipal Rules, 1953.

3.

These rules shall apply to all the employees of the Councils who retire on or after the 31st August, 1976 and do not include the following categories of employees, namely :(i)Persons re-employed on or after the 31st August, 1976;(ii)Employees paid from contingencies;(iii)Work Charged employees;(iv)Casual labourers;(v)Employees on contract.(2)[Notwithstanding any thing contained in these rules, all persons appointed under the Local Authorities other than those who are included in the Local Fund Service with effect from 1st day of January, 2005 shall not be eligible for pension, but shall be covered by the defined contribution Pension Scheme as specified below :(i)The monthly contribution would be 10% of the Basic pay and Dearness Allowance to be paid by the employee and the Urban Local Bodies would also provide an equal matching contribution. The contribution so made would be deposited in a non-withdrawable pension tier-I account. Such funds will be invested by Pension Fund managers as approved by Pension Fund Regulatory and Development Authority (PFRDA) under different categories of Scheme which would be a mix of debt and equity.The fund managers would given out easily understood information about the performance of different investment schemes so that individual Municipal Employee would be able to make informed choices

about which scheme to choose.(ii)The respective Urban Local Bodies shall bear the necessary financial liability on this account for both LFS and Non-LFS categories of employee of their organisation and the Government shall not be responsible in any manner, whatsoever, the required contribution/ matching contribution on behalf of the employer in this connection shall be completely borne by the Urban Local Body concerned.(iii)At the time of retirement, the employees serving under Local Authorities other than those who are included in the Local Fund Service will receive the lump sum amount of 60% deposited in pension tier-I account as pension wealth and it is mandatory to the Municipal employee to invest remaining 40% of his pension wealth to purchase an annuity from an Insurance Regulatory and Development Authority regulated Life Insurance Company. The annuity shall provide for pension for the life time of the employee and his dependant parents and his spouse at the time of retirement. The individual would receive lump sum of the remaining pension wealth, which he would be free to utilise in any manner. Individual would have the flexibility to leave the pension system prior to age of 58 years or 60 years as the case may be. In such case mandatory annuitisation would be 80% of the pension wealth.]Chapter-II Condition for sanction of pension

4.

Every pension shall be held to have been granted subject to the conditions hereinafter contained.

5.

(1)Future good conduct shall be an implied condition of every grant of pension and its continuance under these rules.(2)The pension sanctioning authority may, by orders in writing, withhold or withdraw a pension or a part thereof whether permanently or for a specific period, if the pensioner is convicted of a serious crime or is found guilty of a grave offence by a competent Court of law :Provided that where a part of the pension is withheld or withdrawn, the amount of such pension shall not be reduced below the minimum limit.(3)Where a pensioner is convicted of a serious crime by a Court of law, action under Sub-rule (2) shall be taken in the light of the judgement of the Court relating to such conviction.

6.

The Director duly authorised by the Government in that behalf reserves the right or withholding or withdrawing a pension or a part thereof, whether permanently or for a specified period and the right of ordering the recovery from a pension of the whole or a part of any pecuniary loss caused to the local authority if, in a departmental or judicial proceeding, the pensioner is found guilty of grave misconduct or negligence during the period of his service, including service rendered on re-employment after retirement :Provided that -(a)such departmental proceeding if instituted while the employee was in service whether before his retirement or during his reemployment, shall, after the final retirement of such employee, be deemed to be a proceeding under this rule and shall be continued and concluded by the authority by which it was commenced in the same manner as he had continued in service;(b)such departmental proceeding, if not instituted while he was in service whether before his retirement or during his re-employment-(i)shall not be instituted save with the

sanction of the Director;(ii)shall not be, in respect of any event, which took place more than four years before such institution; and(iii)shall be conducted by the competent authority in such manner as if the employee continued in service;(c)no such judicial proceeding, if not instituted while the employee was in service whether before his retirement or during his reemployment shall be instituted in respect of a cause of action which arose or event which took place more than four years before such institution.Explanation. - For the purpose of this rule-(a)a departmental proceeding shall be deemed to be instituted on the date on which the statement of charges is issued to the employee or pensioner, or if, the employee has been placed under suspension from an earlier date of such date, and(b)a judicial proceeding shall be deemed to be instituted-(i)in the case of a criminal proceeding on the date on which the complaint or the report of the Police Officer on which the Magistrate takes cognizance is made; and(ii)in case of civil proceeding on the date of presentation of the plaint in the Court.

7.

(1)When any departmental or judicial proceeding is continued under Clause (a) of the Proviso to Rule 6 or where a departmental proceeding is instituted under Clause (b) of the proviso to Rule 6 against an employee who has retired on attaining age of compulsory retirement or otherwise, he shall be paid during the period commencing from the date of the retirement to the date on which, upon conclusion of such proceeding, final orders are passed, a provisional pension not exceeding the maximum pension which should have been admissible on the basis of his qualifying service up to the date of retirement, or if he was under suspension on the date of retirement up to the date immediately preceding the date on which he was placed under suspension, but no gratuity or death-cum-retirement gratuity shall be paid to him until the conclusion of such proceeding and the issue of final order thereon.(2)The authority competent to sanction pension is the authority to sanction provisional pension.(3)Payment of provisional pension made under Sub-rule (1) shall be adjusted against final retirement benefits sanctioned to such employee upon conclusion of the aforesaid proceedings but no recovery shall be made where the pension finally sanctioned is less than the provisional pension or the pension is reduced or withheld either permanently or for a specific period.(4)The grant of pension under this rule shall not prejudice the operation of Rule 6 when final pension is sanctioned upon conclusion of the proceedings.

8.

No pension may be granted to an employee dismissed or removed from service as a disciplinary measure.

9.

An employee compulsorily retired from service under Rule 416 of the Orissa Municipal Rules, 1953 may be granted pension, at a rate not less than two-third and not more than full invalid pension admissible to him on the date of his compulsory retirement.

10.

An employee cannot earn two pensions in the same post at the same time or by the same continuous service. Chapter-III Condition of qualifying service

11.

Except for compensation gratuity an employee's service does not qualify for pension, till he has completed eighteen years of age.

12.

Subject to the provisions hereinafter contained, the service of an employee shall qualify for pension if it conforms to the following conditions, namely : (a) The employment must be under any Council; or (b) The service must be paid from the funds of the Council.

13.

The service of an employee does not qualify for pension unless he is appointed to and his duties and his pay are regulated under the provisions of the Act and rules framed thereunder.

14.

The service on an establishment paid from a contract establishment allowance with the detailed distribution of which the Council does not interfere, does not qualify for pension whether such contract allowance is a fixed amount or consists of fees.

15.

The service rendered by an employee of an establishment instituted under any other Act for the time being in force and assets and liabilities of such establishment taken over by the Council, the service of said employee shall qualify for pension ; Provided that the period of service, during which such employee did not subscribe to the Contributory Provident Fund under the rules, then in force and applicable to him whether he is eligible or ineligible, shall not count for pension : Provided further that if the Council, for any reason for any period, has failed to provide Contributory Provident Fund facilities, then the period should count towards pension.

16.

The entire continuous temporary or officiating service under the Council without interruption in the same post or any other post shall count for pension in respect of all categories of employees except in the following cases ; (i) Period of service in the work-charged establishment; (ii) Period of service paid from contingencies; (iii) Where the employee concerned resigns and is not again appointed in

service or is removed/dismissed from service;(iv)A probationer who is discharged for failure to pass the prescribed test or examination; and(v)Re-employed pensions, or any person engaged on contract or any person engaged not in whole time employment.

17.

(1)An employee of a permanent establishment if he is appointed to discharge temporary duty against a temporary post on the understanding that when the temporary duty ceases he would return to the permanent establishment, his services rendered in the temporary post shall count for purpose of pension.(2)If the substantive post held by an employee is abolished within the meaning of Rule 28 but the employee is at the time on special duty or is, on abolition of the said post, deputed on special duty, his service on special duty shall qualify for pension but the duty must be special.Chapter-IV Rules for reckoning service

18.

(1)Service rendered by an employee belonging to one of the classes mentioned in Explanation 2 below, after attaining the age of eighteen years, which is pensionable, under military rules but which terminates before he attains the age of superannuation may at his option be allowed to count, when followed by service qualifying for pension under these rules as part of such service, provided that any bonus, gratuity or pension received on discharge from military services shall be refunded in such number of monthly instalments not normally exceeding 36 (thirty-six), and beginning from such date as in each case the Director may decide, service so allowed to count shall, however, be restricted on service within or outside the employees Unit or Department in India or elsewhere, which has been paid for from the Consolidated Fund of Orissa or for which a pensionary contribution has been received by the Government. The option referred to above should be exercised within a period of three months from the date of confirmation in the local authority.Explanation 1. - An officer, ex-soldier, ex-sailor or ex-airman will not be brought under the operation of this rule as a matter of course. Each case will be decided on its merit.Explanation 2. - This rule applies to Commissioned Officers, Junior Commissioned Officers, Warrant Officers, Non-Commissioned Officers and other enrolled personnel of the army and the corresponding categories of the Navy and Air Force. It also applies to personnel of Frontier Constabulary and Militaria, non-combatant departmental and regimental employees and followers of the supplemental service and Warrant Officers and Departmental Officers, the Commissioner and assistant' classes.Explanation 3. - To be eligible for the concession in this rule, the individual concerned should take his discharge from the Army, Navy or Air Force within twelve months of the date of his confirmation in the appointment pensionable under these rules. This limit may, in special cases, be relaxed by the Government.Explanation 4. - Employees in the Military Police have the option of counting service under any other rules or regulations which would give them similar or more liberal concession.Explanation 5. - Employees who were in service in an appointment pensionable under these rules on the 22nd February, 1921 are eligible to Court service under the rules which were in force before the date where these rules are more advantageous to them.Explanation 6. - Any person who was on other rank, an airman or sailor may, on being permanently appointed to a post in a local authority be allowed at the discretion of the Director to count-(a)in full his former colour service;

and(b)half the period of his service in the reserve, in the Air Force or Navy, as the case may be, for the grant of civil pension under the provisions of these rules.(2)Employees who prior to their appointment had rendered satisfactory said whole time enlisted or commissioned "war service" between the 3rd September, 1939 and the 1st April, 1946. In the Armed Force of India or similar forces of a common wealth country which did not earn a service pension under the Military, Naval or Air Force Rules, shall be allowed to count such war service including all kinds of leave on full rates of pay and sick leave taken during such service or the purpose of pension under these rules subject to the following conditions, namely :(a)Only completed years of said "war service" shall be allowed to count;(b)In the case of services in which a minimum age is fixed for recruitment, no war service tendered below that age shall be allowed to count or pension and in the case of services or posts in which no minimum age is fixed, no portion of "war service" rendered before attaining the age of eighteen years shall be allowed to count for pension;(c)"War service" rendered in Armed Forces of India or in similar forces of a common wealth country shall be allowed to count alike for pension, no contribution towards pension or share of a pension earned as a result of this concession being claimed from the foreign Government;(d)No refund of bonus or gratuity paid to the employee in respect of such war service shall be demanded from the employees. If however, the officer has been granted any retirement gratuity or service covering both the post-war and war period, such gratuity shall be refundable.Explanation. - For the purpose of this rule, the service rendered by persons during the period between 3rd September, 1939 to 1st April, 1946 in Civil Defence Departments shall also be treated as "War service" ;Provided that the concerned Council shall declare the matters involved in this rule with the approval of Director.

19.

(1)All leave during service for which leave salary is payable shall count as qualifying service :Provided that in case of extraordinary leave the appointing authority may, at the time of granting such leave, allow the period of that leave to count as qualifying service, if such leave is granted to an employee-(i)on Medical Certificate; or(ii)due to his inability to join or rejoin on account of Civil Commotion; or(iii)for prosecuting higher scientific or technical studies.(2)Periods of unauthorised leave of absence or joining time for which no joining time pay and allowances are admissible do not count for pension.

20.

Time passed under suspension pending enquiry into conduct, counts in full where on conclusion of the enquiry the employee has been fully exonerated or the suspension is held to have been wholly unjustified; in other cases the period of suspension does not count unless the authority competent to pass orders under Rule 91 of the Orissa Service Code in its application to the Council expressly declares at the time that it shall count and then it shall count only to such extent as the competent authority may declare.

21.

Resignation of service or dismissal or removal from it under the provisions of the Act and the rules made thereunder entails forfeiture of past service.

22.

An employee who is dismissed, removed or compulsorily retired from service, but reinstated on appeal or revision is entitled to count his past service :Provided that the period of break in service between the dates of dismissal, removal or compulsory retirement, as the case may be, and the date of reinstatement and the period of suspension, if any, shall not count unless regularised as duty or leave with allowances by specific orders of the authority which passed the orders of reinstatement.

23.

An interruption in the service of an employee entails forfeiture of his past service except, in the following cases, namely : (a) authorised leave of absence; (b) unauthorised leave of absence in continuation of authorised leave of absence; (c) suspension where it is immediately followed by reinstatement, whether to the same or a different office ; or death or retirement of the employee; (d) abolition of the post or loss of appointment owing to reduction of establishment; (e) joining time while on transfer from one post to another, if any.

24.

Upon such conditions as it may think fit in each case to impose, the Director on the application of the employee in consultation with the concerned Council, may condone all interruptions in his service. Explanation. - The powers of condonation specified in this rule carry with them the power of reviving service rendered prior to interruption but forfeited under Rule 22.

25.

Upon any condition which it may think fit to impose, the Director may condone deficiency of six months in his qualifying service for pension. Note. - (1) The following principles shall be observed while considering cases of condonation of deficiencies : (a) condonations of short period of deficiency may ordinarily be allowed where an employee is compelled to retire on invalid or compensation pension; (b) condonation of a short period may also ordinarily be allowed where there has been a fairly long period of continuous non-qualifying service; (c) condonation shall not ordinarily be allowed in any case to an employee retiring after being retained in service beyond the age of compulsory retirement; (d) condonation in case of an employee whose pension may without such condonations, be rupees eighty or upwards will require strong justification. Note. - (2) The word "deficiency" includes not merely the period by which an employee's qualifying service fall short of the minimum length of qualifying service which would entitle him to a pension, but should be read as including the difference between the total amount of service qualifying for pension and the total

length of service necessary to earn the maximum amount of pension admissible under the rules. Note. - (3) This rule is not intended to be used to allow an employee to retire voluntarily a little sooner than he otherwise could with an increased pension. Note. - (4) Grant of compassionate allowance being an act of grace the grant of any further concession in the shape of a condonation of deficiency shall not be justified and it is undesirable to sanction condonation in such cases. Chapter-V Conditions of grant of pension

26.

When an employee is required to retire, revert or cease to be on leave on attaining a specified age the day on which he attains that age is reckoned as a non-working day and the employee must retire, revert or cease to be on leave, as the case may be, with effect from and including that day.

27.

Pensions for service rendered under a local authority are classified in the following categories, namely ;(a) Compensation pension; (b) invalid pension; (c) Superannuation pension; and (d) Retiring pension.

28.

If an employee is selected for discharge owing to the abolition of a permanent post which he was holding, he shall, unless he is appointed to another post the conditions of which are deemed, by the authority competent to discharge him; to be at least equal to that which he was holding, have the option - (a) of taking any compensation pension or gratuity to which he may be entitled for the service he has already rendered; or (b) of accepting another appointment or transfer to another establishment even on a lower pay, if offered and continuing to count his previous service for pension.

29.

(1) An invalid pension is awarded on his retirement from the service to an employee who by bodily or mental infirmity, is permanently incapacitated for the public service or for the particular branch of it to which he belongs. (2) In case the incapacity is not permanent, an employee should, if possible, be employed even on lower pay so that the expense of granting him invalid pension may be avoided. If there is no means of employing him even on lower pay, he may be granted invalid pension. (3) If the incapacity is directly due to irregular or intemperate habits, no invalid pension can be granted. If it has not been directly caused by such habits, but has been accelerated or aggravated by them it will be for the authority competent to sanction pension to decide what reduction should be made on this account. Explanation. - For the purpose of this sub-rule "irregular or intemperate habits" means incapacity on account of drug habits or on account of diseases resulting from immoral habits. (4) An employee discharged on other ground has no claim for pension under Sub-rule (1) even though he can produce medical evidence of incapacity for service.

30.

(1) An employee applying for an invalid pension shall submit a medical certificate of incapacity. The examining medical authority shall be a Chief District Medical Officer or Medical Officer of equivalent status or above. (2) No medical certificate of incapacity for service may be granted unless the applicant produces a letter to show that the concerned Chairman is aware of his intention to appear before the examining Medical Officer. The examining Medical Officer shall also be supplied concerned Chairman with a statement of what appears from official records to be the applicant's age. (3) A succinct statement of the medical case and of the treatment adopted should, if possible, be appended. (4) If the examining Medical Officer, although unable to discover any specific disease in the employee, considers him incapacitated for further service by general debility while still under the age of fifty-eight years, he should give detailed reasons for his opinion, and a second medical opinion from another Medical Officer of equivalent status or above should always, in such a case be obtained. (5) In a case of this kind, special explanation will be expected from the concerned Chairman on the ground on which it is proposed to grant invalid pension to the employee. (6) A simple certificate that inefficiency is due to old age or natural decay from advancing year is not sufficient in the case of an employee whose recorded age is less than fifty-eight years. But a Medical Officer is at liberty, while certifying that the employee is incapacitated for further service by general debility, to state his reasons for believing the age to be understated : Provided that in case of an employee suffering from senile cataract, arterial changes consequent on senile decay, general nervous breakdown and commencing cataract which diseases may come before a man reaches the fifty-eight years of his age may be certified to be incapacitated for further service.

31.

The form of medical certificate, to be issued by the medical authorities in respect of an employee applying for pension is as follows : Certified that I have carefully examined *Shri/Shrimati *son/daughter of Shri..... working as..... in *His/Her age by *his/her own statement is years add by appearance is about..... years. I consider *Shri/Shrimati..... to be completely and permanently incapacitated for further service of any kind in..... to which *he/she belongs in consequence of..... (here state disease or cause). (If the incapacity does not appear to be complete and permanent the certificate should be modified accordingly and the following addition should made). I am of the opinion that *Shri/Shrimati..... is fit for further service of a less labourious character than that which *he/she had been doing or may, after resting for..... months be fit for further service of less labourious character than that which *he/she had been doing. (*Strike out whichever is not applicable)

32.

An employee who has submitted medical certificate under the foregoing rules of incapacity for further service, shall if he is on duty, be invalidated from service from the date of relief of his duties which should be arranged without delay, on receipt of the medical certificate or if he is granted leave on the expiry of such leave, if he is on leave at the time of submission of medical certificate, he shall be invalidated from service on the expiry of that leave or extension of leave, if any, granted to him.

33.

An employee who is declared unfit by the medical authority may appeal to the authority competent to invalidate him from service against such decision within one month from the date of receipt of the findings of the medical authority appealed against.

34.

A superannuation pension is granted to an employee entitled or compelled to retire at a particular age.

35.

The provisions relating to the date of retirement or, superannuation of an employee as contained in Rule 416 of the Orissa Municipal Rules, 1953 shall apply to an employee under the local authority whether superior or inferior, to whom these rules apply.

36.

Save as otherwise provided, retiring pension may be granted to an employee who is permitted to retire after completing qualifying service for 30 years or on attaining the age of 50 years. Chapter-VI Rules for determination of amount of pension

37.

The amount of pension that may be granted shall be determined by length of service as set forth in Rule 40. Fractions of a year equal to six months or above will be treated as complete six monthly periods for the purpose of calculation of any pension.

38.

A pension including anticipatory pension shall be fixed in rupees. In case where the amount of pension works out to a certain number of rupees and paise, the amount should be rounded up to the next higher rupees.

39.

(1) The full pension admissible under these rules shall not be sanctioned to an employee unless the service rendered by that employee has been approved by the pension sanctioning authority as satisfactory. (2) If such service has not been satisfactory, the authority sanctioning the pension may make such reduction of amount of pension, or gratuity or both as that authority may think proper : Provided that this rule cannot be used directly to effect penal recovery but the competent authorities are justified in marking proof of specific instance of fraud or negligence by an employee

as the ground for finding that his service has not been satisfactory within the meaning of the rule for the purpose of reducing pension :Provided further that the amount of pension shall not be reduced below the minimum limit :Provided also that where pension has already been reduced under Rule 6 further reduction may not be made under this rule.(3)Whenever an order reducing the pension of an employee is passed, the employee affected shall have a right of appeal to the authority to whom an appeal from an order of dismissal or removal lies under the provisions of the Act.(4)The measure of reduction in the amount of pension shall be to the extent by which the employees service as a whole fail to reach a satisfactory standard and no attempt shall be made to equate the amount of reduction with the amount of loss caused to the Council.Note. - The service of an employee may be presumed to be not satisfactory on account of his failure to satisfactorily account for the possession of pecuniary resources or property disproportionate to his known sources of income.(5)Reduction referred to in Sub-rule (2) shall be of permanent character.(6)The pension sanctioned under these rules shall not be reduced although proof of the service having been not satisfactory may come to the notice of the pension sanctioning authority subsequent to the sanction of pension.

40.

(1)For the employees who have retired before the 31st March, 1979, the amount of pension and gratuity is regulated as specified in the Table below :

Completed six monthly period of qualifying service	Scale of gratuity or pension	Maximum pension per annum in rupees
(1)	(2)	(3)
	(a) Scale of gratuity	Rs.
1.	Half months' pay	...
2.	One months' pay	...
3.	One and half months' pay	...
4.	2 months' pay	...
5.	2 ½ months' pay	...
6.	3 months' pay	...
7.	3 ½ months' pay.	...
8.	4 months' pay	...
9.	4 ¼ months' pay	...
10.	4 ¾ months' pay	...
11.	5 ¼ months' pay	...
12.	5 ½ months' pay	...
13.	5 ¾ months' pay	...
14.	6 ½ months' pay	...
15.	6 ¾ months' pay	...
16.	7 months' pay	...

17.	7 □months' pay	...
18.	7 ¾ monthly emoluments	...
19.	8 □monthly emoluments	...
	(b) Scale of pension	
19.	8 □monthly emoluments	...
20.	10-80th of average pay	3,750-00
21.	10 ½-80th of average pay	3,937-50
22.	11-80th of average pay	4,125-00
23.	11 ½-80th of average pay	4,312-50
24.	12-80th of average pay	4,500-00
25.	12 ½-80th of average pay	4,687-50
26.	13-80th of average pay	4,875-00
27.	13 ½-80th of average pay	5,062-50
28.	14-80th of average pay	5,250-00
29.	14 ½-80th of average pay	5,437-50
30.	15-80th of average pay	5,625-00
31.	15 ½-80th of average pay	5,812-50
32.	16-80th of average pay	6,000-00
33.	16 ½-80th of average pay	6,187-50
34.	17-80th of average pay	6,375-00
35.	17 ½-80th of average pay	6,562-50
36.	18-80th of average pay	6,750-00
37.	18 ½-80th of average pay	6,937-50
38.	19-80th of average pay	7,125-00
39.	19 ½-80th of average pay	7,312-50
40.	20-80th of average pay	7,500-00
41.	20 ½-80th of average pay	7,687-50
42.	21-80th of average pay	7,875-50
43.	21 ½-80th of average pay	8,062-00
44.	22-80th of average pay	8,250-00
45.	22 ½-80th of average pay	8,437-50
46.	23-80th average pay	8,625-00
47.	23 ½-80th average pay	8,812-50
48.	24-80th of average pay	9,000-00
49.	24 ½-80th of average pay	9,187-50
50.	25-80th of average pay	9,375-00
51.	25 ½-80th of average pay	9,562-50

52.	26-80th of average pay	9,750-00
53.	26 1/2-80th of average pay	9,937-50
54.	27-80th of average pay	10,125-00
55.	27 1/2-80th of average pay	10,312-00
56.	28-80th of average pay	10,500-00
57.	28 1/2-80th of average pay	10,687-50
58.	29-80th of average pay	10,875-30
59.	29 1/2-80th of average pay	11,062-50
60.	30-80th of average pay	11,250-00
61.	30 1/2-80th of average pay	11,437-50
62.	31-80th of average pay	11,625-00
63.	31 1/2-80th of average pay	11,812-50
64.	32-80th of average pay	12,000-00
65.	32 1/2-80th of average pay	12,000-00
66.	and above 33-80th of average pay	12,000-00

(2) For the employees who have retired on or after 31st March, 1979 the amount of pension and gratuity are regulated as specified below: (A) Gratuity-

Completed six monthly periods of qualifying service	Scale of gratuity
(1)	(2)
1.	Half months' pay
2.	One months' pay
3.	1 1/2 months' pay
4.	2 months' pay
5.	2 1/2 months' pay
6.	3 months' pay
7.	3 1/2 months' pay
8.	4 months' pay
9.	4 months' pay

10.	4 months' pay
11.	5 months' pay
12.	5 months' pay
13.	5 months' pay
14.	6 months' pay
15.	6 months' pay
16.	7 months' pay
17.	7 months' pay
18.	7 months' pay
19.	8 months' pay

(B) Pension-(i) The entitlement to monthly pension shall accrue in case of a retired employee who at the time of retirement has completed 20 half-yearly period of more of qualifying service. (ii) The maximum period of qualifying service to be taken into account for the purpose of pension shall be limited to 66 half-yearly period. (3) The amount of monthly pension shall be at the rate as follows:

Average emolument	Amount of monthly pension
(a) Up to first Rs. 1,000	50% of average emolument
(b) Next rupees 500	45% of average emolument
(c) Balance	40% of average emolument

(4) The amount of pension on the basis of the above slabs shall be related to maximum qualifying service of 66 half-years. For employees who at the time of retirement have rendered qualifying service of 20 half-years or more but less than 66 half-years the amount of pension shall be such proportion of the maximum admissible pension as the number of half-year (s) of qualifying service rendered by them bears to the maximum qualifying service of 66 half-yearly periods. An illustration is given below:

Average emoluments	Pension on 66 half-years of service	Pension of 60 half-years of service	Pension of 40 half-years of service
(1)	(2)	(3)	(4)
Rs. 2,000/- First	Rs. 1000/- @ 50%Rs. 500/-	Rs. 925 x 6066	Rs. 925 x 4066
Next	Rs. 500/- @ 45%Rs. 225/-	Rs. 840-900r	Rs. 560-600r
Balance		Rs. 841-00	Rs. 561-00

Rs. 500/- @ 40%Rs.

200/-Rs. 925/-

(5)The maximum amount of pension for the maximum period of 66 half-years of qualifying service shall be limited to Rs. 1,500/- per month inclusive of temporary increase in pension.(6)Notwithstanding anything contained in Clause (A) and Clause (B) the amount of invalid pension shall not be less than the amount of family pension admissible under Clause (b) of Rule 44.

41.

Government may by general or special order allow temporary increase in pension subject to such conditions and limitations as they may specify from time to time in this behalf.

42.

Notwithstanding anything contained in the preceding rules, in all cases of retirement on superannuation, retiring, compensation or invalid pension where the amount of pension together with the benefit of temporary increase in pension comes to less than Rs. 50 per month, the same should be raised to Rs. 50/- per month.

43.

(1)The term "pay" means the pay which the employee was receiving immediately before his retirement within the meaning of Clause (t) of Rule 2 and includes additional pay grants under Rule 96 of the Orissa Service Code :Provided that in case of employees who retired on or after 30th September, 1977 it shall include such amount of Dearness Pay as determined by the order of Government from time to time.(2)The term "average" pay means the average calculated upon the last ten months of service subject to the provisions of Sub-rules (3) and (4).(3)If, during the last ten months of service, an employee has been absented himself from duty on leave with allowances or having been suspended has been reinstated without forfeiture of service, his pay for the purpose of ascertaining the average shall be taken what they would have been, had he not been absent from duty or suspended; provided that an increment falling due during such leave shall be taken into account where it is certified by the competent authority that the employee would have continued to hold the post but for his proceeding on leave.(4)If, during the last ten months of his service, an employee has been absented himself from duty on leave without allowances or suspended under such circumstances that the period of suspension does not amount as service, the periods so passed are to be disregarded in the calculation of the average, an equal period before ten months being included.(5)The following allowances are not treated as pay for the purpose of pension :

1. Compensatory Allowance

2. Messing Allowance, Working Allowance and Provision Allowance

3. Deputation Allowance

4. House Rent Allowance

5. Travelling Allowance

6. Dearness Allowance

Explanation. - In the case of an employee who during leave with allowance taken at any time within ten months preceding the date of retirement is promoted substantively to or confirm in a higher post or who earns an increment which is not withheld the pay which he would have drawn, had he remained on duty should count as pay even though the increase in pay is not actually drawn. But the benefit of higher officiating or temporary pay should be given only if it is certified by the competent authority that he would have continued to hold the higher officiating or temporary appointment but for his proceeding on leave. Chapter-VII Family pension

44.

Subject to the provisions of Rule 46 and without prejudice to the provisions contained in Rule 45 when an employee dies -(a)after completion of not less than one year continuous service; or(b)after retirement from service and was in receipt of pension on the date of death, the family of the deceased shall be entitled to a family pension, the amount of which shall be determined as follows:

Pay of the employee	Amount of monthly family pension		
	Minimum	Maximum	
Percentage			
(1)	(2)	(3)	(4)
1. Below Rs. 200	50%	Rs. 50	Rs. 100
2. Rs. 200 and above but less than Rs. 800	30%	Rs. 100	Rs. 150
3. Rs. 1000 and above(E.G. No. 631-25-4-1989)	15%	Rs. 150	Rs. 250.

(c)"pay" for the purpose of this rule means the pay as defined in Clause (ii) of Rule 435 of the Orissa Municipal Rules, 1953 which the employee was drawing on the date of his death while in service of immediately before his retirement. If on the date of his death while in service or immediately before his retirement, an employee has been absent from duty on leave (excluding extraordinary leave) or suspension "pay" means the pay which he drew immediately before, proceeding on such leave or put under suspension.

45.

(1) Subject to the provisions of Rule 46 where an employee dies while in service after having rendered not less than seven years of service the rate of family pension payable to the family shall be equal to 50% of the pay last drawn or twice the family pension admissible under Rule 44 whichever is less and the amount so admissible shall be payable from the date following the date of death of the employee -(a) for a period of seven years ; or (b) till the date on which the employee would have reached the age of 65 (sixty-five) years had he remained alive whichever period is shorter. (2) Subject to the provisions of Rule 46 where a retired employee dies after having rendered not less than seven years of service by the date of his retirement, the rate of family pension payable to the family shall be equal to twice the family pension admissible under Rule 44 or the pension either sanctioned or admissible to the deceased employee at the time of retirement whichever is less and the amount so admissible shall be payable from the date following the date of death of the retired employee -(a) for a period of seven years ; or (b) till the date on which the employee would have reached the age of sixty-five years had he remained alive, whichever period is shorter. (3) After the expiry of the period referred to in Sub-rules (1) and (2) the family in receipt of family pension under those sub-rules shall be entitled to family pension at the rate admissible under Rule 44.

46.

The period for which family pension is payable shall be as follows: (a) In the case of widow or widower up to the date of death or remarriage whichever is earlier. (b) In the case of a son, until he attains the age of eighteen years. (c) In the case of an unmarried daughter, until she attains the age of twenty-one years or until she gets married whichever is earlier.

47.

(1) (a) Where there are more than one widow the family pension is payable to all those widows in equal shares. (b) On the death of a widow, her share of the family pension shall become payable to eligible child provided that if the widow is not survived by any child her share of family pension shall cease to be payable. (2) Where the deceased employee or pensioner is survived by a widow but has left behind eligible child or children from another wife who is not alive, the eligible child or children shall be entitled to the share of family pension which the mother would have received if she had been alive, at the time of the death of the employee or pensioner.

48.

(1) Except as provided in Rule 47, the family pension shall not be payable to more than one member of the family at the same time. (2) If a deceased employee or pensioner leaves behind a widow or widower, the family pension shall become payable to the widow or widower failing which to the eligible child. (3) If sons and unmarried daughters are alive, unmarried daughters shall not be eligible for family pension unless the sons attain the age of eighteen years and thereby become ineligible for the grant of family pension.

49.

Where the deceased employee or pensioner leaves behind more children than one, the eldest eligible child shall be entitled to the family pension for the period mentioned in Clause (b) or Clause (c) of Rule 46, as the case may be, and after the expiry of that period the next child shall become eligible for the grant of family pension.

50.

Where family pension is granted under this rule to a minor, it shall be payable to the guardian on behalf of the minor.

51.

In case both wife and husband are employees in the Council and are governed by the provisions of these rules and one of them dies while in service or after retirement, the family pension in respect of the deceased shall become payable to the surviving husband/wife, as the case may be, and in the event of the death of both the husband and wife, the surviving child or children shall be granted the two family pensions in respect of the deceased parents subject to the limits specified below, namely:(a)If the surviving child or children is or are eligible to draw two' family pensions at the rate mentioned in Rule 45 the amount of both the pensions shall be limited to Rs. 500 (five hundred only) per mensem.(b)If one of the family pension ceases to be payable at the rate mentioned in Rule 45 and in lieu thereof the pension at the rate mentioned in Rule 44 becomes payable the amount of both the pensions shall also be limited to Rs.500 (five hundred only) per mensem.(c)If both family pensions are payable at the rate mentioned in Rule 44, the amount of two pensions shall be limited to Rs. 250 (two hundred and fifty only) per mensem.

52.

"Continuous service" for the purpose of Rule 44 means service rendered in a pensionable establishment and does not include -(a)period of suspension, if any, which does not count for pension on termination of proceedings ; and(b)period of service, if any, rendered before attaining the age of eighteen years.

53.

"Family" in relation to the employee means -(a)wife in the case of a male employee or husband in case of a female employee :Provided that the marriage took place before retirement of the employee.Note 1. - Wife and husband shall include respectively, judicially separated wife and husband.Note 2. - Where the pension sanctioning authority decided that for reasons to be recorded in writing a child or children from a judicially separated deceased female employee should receive the family pension in preference to the judicially separated husband of the deceased female employee such husband shall not be regarded as covered by the expression "family".(b)son, who has

not attained the age of eighteen years and unmarried daughter who has not attained the age of twenty-one years including such son and daughter adopted legally before retirement.

54.

Nothing contained in this rule shall apply to -(a)employees who retired prior to 31st August, 1976 or re-employed on that date or thereafter;(b)employees paid from contingencies;(c)work-charged staffs;(d)casual labourers;(e)employees on contract.

55.

Temporary increase in family pension is payable. Government may by general or special order allow temporary increase in family pension subject to such conditions and limitations as they may specify from time to time on this behalf.

56.

An employee shall, at any time, after appointment, make a nomination in Form No. I indicating the order in which a family pension admissible under the rules be paid to the members of his family and to the extent to which it is valid, family pension will be payable in accordance with such nomination.

57.

(1)As soon as an employee has completed one year of continuous service he shall give details of his family in Form No. II to the Chairman of the concerned Council.(2)If the employee has no family he shall furnish the details in Form No. II as soon as he acquire family.(3)The employee shall communicate to the Chairman of the concerned Council any subsequent change in the size of his family including the marriage of his/her female child.Chapter-VIII Re-employment of pensioners

58.

The provisions in this Chapter regulate the fixation of pay of pensioners who have retired from the Council and have been re-employed in the Council.

59.

When a pensioner is re-employed who was previously in employment, it shall be incumbent on him to declare to the appointing authority the amount of any gratuity or pensions granted to him in respect to previous employment.

60.

The attention of every employee who is re-employed should be specially drawn to the provisions of these rules by the authority re-employing him but the failure to comply with the provisions of these rules shall not be admitted as a ground for condoning any breach of the provisions of this Chapter.

61.

(1) The initial pay on re-employment shall be fixed at the minimum of the prescribed pay scale for the post in which an individual is re-employed. In cases where concerned Council considers that the fixation of initial pay of the re-employed employee at the minimum of the prescribed pay scale will cause undue hardship the pay may be fixed at the higher stage by allowing one increment for each year of service which the employee rendered before retirement in a post not lower than that in which he is re-employed with prior approval of the Director. Explanation. - Comparison of posts for the above-mentioned purpose should normally be on the basis of scale of pay but where such comparison results in hardship in individual cases, comparison may also be made with reference to the duties and responsibilities attached to the posts irrespective of scale of pay. (2)(a) In addition to the pay as fixed under Sub-rule (1), the employee may be permitted to draw separately any pension sanctioned to him and to retain any other form of retirement benefits for which he is eligible, such as, gratuity, commuted value of pension, provided that the total amount of initial pay as admissible under the said sub-rule plus the gross amount of pension, and/or the pension equivalent of other forms of retirement benefits does not exceed-(i) the pay he drew before his retirement, or (ii) Rs. 3,000 whichever is less. (b) In all cases where either of these limits is exceeded the pension and other retirement benefits may be paid in full and necessary adjustment may be made in the re-employment pay so as to ensure that total of the reemployment pay plus pensionary benefits is within the prescribed limit. In such cases, the re-employment pay may be fixed, below the minimum of the time-scale in which the employee is re-employed. Exception 1. - In case of posts for which persons with the requisite qualifications and experience are not available the restriction that initial pay on re-employment plus pension and/or pension equivalent of other retirement benefits should not exceed the last pay drawn, may be relaxed by the Director to the extent indicated below : (i) initial pay on re-employment plus gross pension and/or pension equivalent of other retirement benefits should not exceed the pay last drawn before retirement by more than rupees two hundred and fifty; (ii) the above concession will be admissible only where the employee has retired on a superannuation pension. Exception 2. - In case of persons retiring before attaining the age of 58 years where the pension plus pension equivalent of other retirement benefits do not exceed Rs. 50 per month the amount may be ignored for the purpose of fixation of pay under this rule. Explanation 1. - Pay last drawn before retirement means pay last drawn in terms of Rule 435 (ii) of the Orissa Municipal Rules, 1953. If the reemployed employee was on leave or on deputation at the time of retirement, his pre-retirement pay for the purpose of this rule shall be taken at what it would have been had he not been on leave or on deputation provided the Chairman certifies that he would have continued to hold the post but for his proceeding on leave or on deputation. Explanation 2. - In this rule pension does not include family pension sanctioned under Chapter-VII. (3) In case where the minimum pay of the post in which the pensioner is re-employed is more than the pay last drawn before retirement, the employee concerned may be allowed the minimum of the prescribed pay scale

of the post less pension and/or the pension equivalent of other forms of retirement benefits.(4)(a)Once the initial pay of a re-employed pensioner has been fixed he may be allowed to draw normal increments in the time-scale of the post to which he is appointed provided that the pay and gross pension and/or pension equivalent of the other retirement benefits taken together do not at any time exceed Rs. 3,000 per month. Where after the pay is fixed at the minimum or any higher stage, it is reduced below the minimum of any higher stage on account of adjustment under Clause (b) of Sub-rule (2) increase in pay may be allowed after each year of service at the rates of increments admissible as if the pay had been fixed at the minimum or the higher stage, as the case may be.(b)He may be allowed special pay over and above the pay fixed under these rules, if he was not in receipt of a special pay immediately prior to retirement or was drawing a special pay which has not been treated as preretirement pay, for the purpose of fixation of pay under this rule. In other cases, the special pay may not be granted except on special grounds. In all cases where a special pay is sanctioned to a re-employed pensioner the re-employment pay plus gross pensions and/or pension equivalent of other retirement benefits, if any, plus the special pay taken together shall not exceed the limits specified in Sub-rule (2). Where, a special pay is sanctioned as a percentage of the basic pay, the percentage will be calculated on the basis of the pay as fixed on re-employment.(5)A person who is re-employed while on refused leave, may, at his option, avail of the period of refused leave or part thereof concurrently with his re-employment but his re-employment pay, during the period of refused leave so availed of should be fixed under Sub-rules (1) and (2). The service rendered by him during refused leave shall count for increment subject to the provisions of Sub-rule (4).

62.

(1)An employee who obtained a compensation pension if reemployed in a service qualifying for pension may at his option, count his former service for further pension :Provided that he-(a)ceases to draw his pension from the date of his re-employment in qualifying service; and(b)refunds the death-cum-retirement gratuity or service gratuity, if any drawn by him for his former service.(2)The intention to refund must be stated immediately on re-employment, but the refund may be made by monthly instalments of not less than one-third of his salary or not less than the whole gratuity divided by the number of months which have elapsed since the end of the service for which the gratuity was given, whichever is less. The right to count previous service does not revive till the whole amount is refunded.

63.

The pay of an employee who has obtained compensation pension or compensation gratuity if re-employed, shall be fixed in accordance with Rule 61. In case the pensioner elects to count his previous service for pension by foregoing the entire pension, the pay shall be fixed by treating him as if he is not in receipt of any pension. He shall be entitled to receive the benefits of increments in his new scale or promotion to another scale or post without further re-fixation of pay.

64.

There is no bar, to the re-employment of a person who has regained health after obtaining invalid pension or if an employee is invalid as being incapacitated for employment in a particular branch of the service to his reemployment in some other branch of the service. In such a case the provisions as to refunding gratuity, drawing pension, counting service and fixation of pay on re-employment shall be the same as applicable in the case of reemployment after compensation pension.

65.

(1) Save as provided in Sub-rule (2) an employee who having been discharged with a pension, is subsequently re-employed may not count his new service for a separate pension. (2) (a) If an employee who has obtained a compensation or invalid pension is re-employed in pensionable service and retains the pension, the pension, admissible for his subsequent service is subject to limitation that the capitalised value of the pension shall not be greater than the difference between value of the pension that would be admissible at the time of his final retirement, if the two periods of service were combined and the value of the pension already granted for the previous service. (b) If the gratuity received for the earlier service has not been refunded, gratuity or pension, as the case may be, may be allowed for the subsequent service on condition that the amount of such gratuity or the capitalised value of such pension plus the amount of the previous gratuity shall not exceed the amount or gratuity of the capitalised value of the pension that would have been admissible had the gratuity received for the earlier service been refunded. (c) If the amount of such gratuity or the capitalised value of such pension plus the amount of the previous gratuity exceeds the amount of gratuity of the capitalised value of the pension that would have been admissible if the gratuity received for the earlier service had been refunded, the excess shall be disallowed.

Chapter IX

Commutation of pension

66.

Subject to the provisions hereinafter contained and to such conditions as it may think fit to impose, the Director may sanction the, commutation for a lump payment of a portion not exceeding one-third of any pension which has been or is about to be granted under Chapters-V and VI : Provided that the uncommuted residue of pension shall not be less than rupees twenty per month : Provided further that in calculating the amount of the uncommuted residue, there may be added to it the uncommuted portion of any other permanent pension or pensions payable to the applicant from the Central Pension Fund : Provided also that an employee against whom a judicial or departmental proceeding has been instituted or a pensioner against whom any such proceeding has been instituted or continued under Rule 6 shall not be permitted to commute any part of his pension during the pendency of such proceeding. Note. - No portion of the temporary increase on pension shall be commuted for a lump payment.

67.

An application for commutation of pension shall be made in Part I of Form No. III accompanied by two passport size photographs, one duly attested and the other without any attestation and addressed to the Government in Housing and Urban Development Department through the local authority concerned where he was last employed, if he is still in service or if he has retired but his pension has not yet been sanctioned.

68.

On receipt of the application, under Rule 67 the concerned local authority should complete Part II of Form No. III without delay and transmit it with copies of the medical reports mentioned in Rule 71 to the Director for obtaining sanction.

69.

The lump sum payable on commutation shall be calculated on whole rupee in accordance with a table of present values prescribed from time to time. For the purpose of this rule, age in the case of impaired lives shall be assumed to be such age not being less than the actual age as the certifying medical authority may direct. In the event of the table of the present values applicable to the applicant having been modified, between the date of administrative sanction to commutation and the date on which commutation is due to become absolute, payment shall be made in accordance with table so modified but it shall be open to the applicant, if the modified table is less favourable to him than the table before it was so modified, to withdraw his application by notice in writing sent within fourteen days of the date on which he received notice of modification.

70.

Upon receipt of the application under Rule 68, the Director may sanction Part III of Form No. IV and in Part II of Form No. IV and -(a)transmit to the applicant in Form No. IV a certified copy of certificate contained in Part II of Form No. III and one copy of Part I of Form No. V which is to be filled in by the applicant before his medical examination and to be handed over to the medical authority; and(b)forward to the medical authority in original, the completed Form No. III together with a copy of Form No. V and extra copy of Part III of that Form and if the applicant has been granted an invalid pension or has previously commuted any portion of his pension, with years added to his actual age on the basis of an addition of year to his actual age recommended by a competent medical authority or has been refused commutation on medical grounds, copies of the previous medical reports or statement of his case.

71.

(1)Before any commutation is sanctioned, the applicant must be examined by the proper medical authority hereinafter prescribed.(2)The medical authority shall be-(a)in the case of an applicant who

has been granted and invalid pension or in whose case the total of the amount of pension to be commuted together with the amount or amounts previously commuted, if any, exceeds rupees twenty-five the Chief District Medical Officer; and (b) in the case of an applicant who has not been granted an invalid pension and who applied for commutation of a sum, such that the total of the amount of pension to be commuted together with the amount or amounts previously commuted, if any, is rupees twenty-five or less, the Medical Officer not below the rank of an Assistant Surgeon of the area in which the applicant is ordinarily a resident. (3) The medical authority, after obtaining from the applicant a statement in Part I of Form No. V which must be signed in his presence, shall subject him to a strict examination and enter the results in Part II of Form No. V and record its opinion as to the accuracy with which the applicant has answered the questions prescribed in Part I regarding his Medical history and habits. Lastly, it shall attest the unattested copy of the photograph of the applicant, complete the certificate contained in Part III of Form No. V and in case of applicants other than those who are literate enough to sign their names, obtain in its presence the left hand thumb and finger impressions. (4) In the case of an applicant who has been or is about to be granted invalid pension the grounds of invalidation or the statement of the medical case shall be duly considered by the certifying medical authority before the certificate in Part III of Form No. V is signed. (5) An applicant, after he has been rejected on the recommendation of a competent medical authority as not being a fit subject for commutation or after he has once declined to accept commutation on the basis of an addition of years of his actual age recommended by that authority, may be permitted to present himself subsequently for re-examination once only at his own cost with a view to the revision of the original finding provided that- (a) an interval of not less than a year shall elapse between the date of the medical examination and that of the second; and (b) the second-medical examination shall invariably be made by Chief District Medical Officer. The medical authority examining the applicant should be furnished in addition to the documents mentioned in Rule 70 with a copy of report of the medical authority which had previously examined him. (6) The medical authority prescribed in Sub-rule (2) shall, without delay, forward the completed Forms III and V in original, a copy of the photograph attested by it to the concerned local authority who gave the certificate contained in Part II of Form No. III, a certified copy of the completed Form No. V to the Director and a certified copy of Part III of Form No. V to the applicant. Note. - If in the opinion of the medical authority prescribed in Sub-rule (2) of this rule some special examination is necessary which it is not in a position to carry out itself, it may require the applicant to undergo such examination at his own expense. No payment towards expenditure incurred by the applicant for such examination shall be made by local authority irrespective of the result of the examination.

72.

(1) The administrative sanction accorded under Rule 70, shall lapse if the medical examination does not take place within the period specified, which should not exceed two months from the date of the sanction order. If the applicant does not appear at such examination before the said medical authority within the specified period the sanctioning authority may at its discretion, renew administrative sanction for a further period of 3 months without obtaining a fresh application for commutation of pension. The applicant may withdraw his application by written notice at any time before medical examination takes place: Provided that, if the medical authority directs that his age for the purpose of commutation shall be assumed to be greater than his actual age, the applicant

may withdraw his application in writing sent to the Director within two weeks from the date on which he receives intimation from the medical authority. If the applicant does not withdraw in writing his application within the period as specified, he shall be assumed to have accepted the sum offered. (2) Subject to the provisions contained in Sub-rule (1), the commutation shall become absolute and the title to receive the commuted portion of the pension shall cease and the title to receive, the commuted value shall accrue on the date on which the medical authority signs the medical certificate. Payment of the commuted value shall be made as expeditiously as possible but in the case of an impaired life no payment shall be made until either a written acceptance of the commutation has been received or the period within which the application for commutation may be withdrawn has expired. Whatever may be the date of actual payment, the amount paid and the effect upon the pension shall be the same as if the commuted value was paid on the date on which the commutation becomes absolute. If the commuted portion of the pension has been drawn after the date on which the commutation becomes absolute, the amount drawn shall be deducted from the amount payable in commutation.

Note 1. - If in the case of an impaired life the applicant wishes to reduce the amount to be commuted within the period of two weeks allowed in this rule, the original application will be considered as withdrawn and the request will be treated as a new application.

Note 2. - A person who is allowed provisionally to commute a portion of his pension not exceeding rupees twenty-five and who anticipates that the final amount of pension that he could be entitled to commute may exceed rupees twenty-five shall indicate that fact in his application in case he desires to commute a sum exceeding rupees twenty-five. The sanctioning authority shall in such cases arrange for medical examination as if the amount to be commuted exceeds rupees twenty-five. In case such fact is not indicated the employee shall be permitted, on finalisation of the amount of his pension, to commute the difference between the amount of pension originally commuted and rupees twenty-five without further medical examination. If the original amount commuted together with the difference referred to exceeds rupees twenty-five, the commutation of any further sum, if admissible shall be treated as fresh commutation and allowed subject to examination by a Chief District Medical Officer. The commutation in respect of difference of the amount of the portion of the pension to be commuted for which the medical examination is conducted, shall take effect as the date on which the Chief District Medical Officer signs its report.

Note 3. - An applicant whose application for the commutation of a portion of his pension is expressed as a percentage or fraction of the total pension admissible to him and who is allowed in the first instance to commute such percentage or fraction of his anticipatory or provisional pension shall, in the event of his final pension being more than his anticipatory or provisional pension, be allowed to commute a further sum. He shall not be required to apply a fresh for commutation of the difference between the fraction or percentage of the final pension and anticipatory pension or provisional pension. As the commutation in such cases is payable in two instalments, the report of the local authority will have to be called, in Part II of Form No. III for commutation of pension twice. A fresh sanction or the Director for the difference of the commuted value, i.e. the maximum value accrued minus the value commuted provisionally will also be necessary, regard however being had to the need for further medical examination as per Note 1 above.

73.

If the applicant makes any statement is found to be false within his knowledge or wilfully suppresses any material fact in connection with his medical examination, the Director may cancel the sanction at any time before payment is actually made and such statement or suppression may be treated as grave misconduct for the purpose of Rule 5.

74.

The local authority on receipt of the completed Form Nos. III and V under Sub-rule (6) of Rule 71 shall arrange forthwith for the payment of the appropriate commuted value and for the corresponding reduction of pension under intimation to the Director provided that the medical authority has recommended commutation.

75.

if the pensioner dies on or after the day following that on which commutation becomes absolute but before receiving the commutation value, the same shall be paid to his heirs.

76.

A commutation, once applied for, sanctioned and given effect to cannot be rescinded. Chapter-X
Sanction of pension

77.

(1) All authorities dealing with applications for pension under these rules should bear in mind that delay in their payment involves pecuniary hardship. It is essential to ensure, therefore, that an employee or his beneficiaries begin to receive pension on the date on which it becomes due. (2) In each office of the Council the concerned Executive Officer should specifically be charged with the responsibility for initiating action in due time regarding the completion of pension records and documents. He should have a list prepared in Form No. VI on 1st January, of all employees who will attain the age of superannuation twelve to twenty-four months after the said date. The attention of every employee should be drawn to the provisions of this rule and he should be advised to make a formal application for pension at least one year in advance of the date of his anticipated date of retirement. A copy of the said list should be sent to the Director. Similarly in case of death while in service the concerned Executive Officer should sent intimation regarding the admissibility of family pension to the eligible family members of the deceased employee/pensioner.

78.

(1) Every employee shall submit in writing an application for pension in Form No. VII to the Chairman of the concerned Council through the Executive Officer concerned at least one year in

advance of the date of his anticipatory retirement :Provided that-(i)in a case in which the date of retirement-cannot be foreseen one year in advance, the application shall be submitted immediately after the date of retirement is settled; and(ii)an employee, proceeding on leave preparatory to retirement in excess of one year shall submit the application at the time of proceeding on such leave.

79.

The Director shall be competent to sanction pension :Provided that he may delegate his power of sanction of pension to any of his subordinate officers.

80.

The concerned Executive Officer shall undertake the work of preparing pension papers in Form No.VIII immediately on receipt of application for pension under Sub-rule (1) of Rule 78 and shall submit to the Chairman of the Council under whose establishment the employee is-to retire.

81.

After verification of the particulars referred to in the Orissa Municipal Rules, 1953, for recovery out of the gratuity, the concerned Chairman with his recommendation for the payment of pension shall forward in Form No. IX alongwith the employees' Service Book and the Service Roll duly completed up-to-date to Director for necessary sanction.

82.

(1)After receipt of the pension papers of an employee the Director may sanction provisional pension net exceeding $\frac{3}{4}$ th of the maximum as indicated in Form No. VIII for the period determined by him.(2)The Executive Officer of the concerned local authority from where the employee has retired, shall take steps to draw and disburse, the provisional pension to the retired employee on the to tenth day of the month following the month in which the employee retired from service.

83.

The Director shall, after receiving the pension papers get them verified by such authority as may be decided by Government from time to time.

84.

(1)Soon after receipt of the verified pension papers, the Director shall sanction the pension in Form No. X and forward a copy of sanction order clearly indicating the amount of pension and the date from which it accrues, to the Executive Officer of the concerned Council.(2)The Director will place necessary amount towards pension at the disposal of the Executive Officer of the Council where the employee desires to receive service payment under intimation to the retired employee.(3)The

Executive Officer of the concerned Council as referred in Sub-rule (2) shall make necessary payment to the pensioner towards his pension.(4)The Executive Officer of every Council shall open an account in any Nationalised Bank in his locality as may be convenient to him exclusively to deposit the amount receipted from the Director and withdraw such amount for payment to the pensioner and keep proper account.

85.

It shall be open to the employee to receive the payment of pension from the Executive Officer of any Council where he desires to receive payment.

86.

The Executive Officer of the Council wherefrom the pensioner receives payment of pension shall on the event of the death of the pensioner report, along with a death certificate, to the Director under intimation to the Executive Officer of the Council where the pensioner retired for discontinuing the payment of usual pension and if any family pension is due.

87.

(1)Sanction of pension shall be followed by issue of pension payment order in duplicate by the Director, one copy to the pensioner and the other copy to the concerned Executive Officer wherefrom the person payment is desired by the retired employee.(2)Any amount so placed by the Director and remaining undisbursed to a pensioner due to death or other reasons shall be redeposited in the account maintained by the concerned Executive Officer under Sub-rule (4) of Rule 84.Chapter-XI Sanction of family pension

88.

(1)Where the Executive Officer of the concerned Council has received an intimation about the death of an employee while in service he shall ascertain whether any family pension is payable in respect of the deceased employee.(2)Where the family of the deceased employee is eligible for the family pension under Rule 44-(a)the Executive Officer of the concerned Council shall address the widow or widower in Form No. XI for making a claim in Form No. XII;(b)where the deceased employee is survived only by child or children the guardian of such child or children may submit a claim in From No. XII to the Executive Officer concerned :Provided that the guardian shall not be required to submit a claim in the said Form on behalf of the unmarried daughter if she has attained the age of eighteen years and such daughter may herself submit a claim in the said Form.(3)On receipt of the claim or claims, the Executive Officer of the concerned Council shall complete Form No. XIII and the Chairman of the said Council shall certify in Part III of that Form as to whether the character, conduct and past service of the deceased employee were such as to entitle the family to the favourable consideration of the pension sanctioning authority.(4)After Form No. XIII is completed by the Executive Officer and Chairman of the Council the Executive Officer of that Council shall

send that Form in original alongwith the Service Book or Service Roll duly completed up-to-date and any other document relied upon, to the Director. The Director shall take necessary further action in the matter as laid down under Chapter-X.

89.

(1)Where the Chairman of the concerned Council has received an intimation regarding the death of a retired employee who was in receipt of pension, he shall ascertain whether any family pension is payable in respect of the deceased pensioner :Provided that the Chairman may, when he considers it necessary, so to do, consult the Director.(2)(a)(i)If the deceased pensioner is survived by a widow or widower who is eligible for grant of family pension, the amount of family pension as indicated in the pension payment order shall become payable to the widow or widower, as the case may be, from the day following the date of death of the pensioner.(ii)On receipt of an application from the widow or widower the Executive Officer of the Council from whom the deceased pensioner was drawing his/her pension, shall move the Director to allow family pension and to grant necessary funds for the purpose of Payment of family pension to the widow or widower, as the case may be.(b)(i)Where the deceased pensioner is survived by child or children, the guardian of the child or children may submit a claim in Form No. XII to the Executive Officer for payment of family pension :Provided that the guardian shall not be required to submit a claim in the said Form on behalf of the unmarried daughter if she has attained the age of eighteen years and such daughter may herself submit a claim in the said Form.(ii)On receipt of the claim from the guardian, the Executive Officer shall move the Director in Form No. XIV to sanction family pension and to place funds at the disposal of the Executive Officer of the concerned Council for this purpose.(c)(i)Where a widow or widower on receipt of the family pension died or remarried leaving behind child or children who is/are eligible for family pension the guardian of such child or children may submit a claim in Form No. XII, to the Chairman of the concerned Council for the payment of family pension :Provided that the guardian shall not be required to submit a claim in the said Form on behalf of the unmarried daughter if she has completed the age of eighteen years and such daughter may herself submit a claim in the said Form.(ii)On receipt of a claim from the guardian, the Executive Officer of the Council shall immediately move the proposal in Form No. XV to the Director in the appropriate manner as provided in the foregoing provisions.

Chapter-XII Payment of pension

90.

(1)Pension is payable from the date on which the pensioner ceases to be borne on the establishment or from the date of application for pension, whichever is later. The objective of this later alternative is to prevent unnecessary delay in the submission of applications. This rule may be relaxed by the authority sanctioning the pension where the delay is sufficiently explained.(2)After the proposal under Sub-rule (1) is received and the pension is sanctioned the Director shall take necessary steps to place the funds.(3)Soon after the placement of funds, the Executive Officer of the concerned Council shall pay pension or family pension, as the case may be.(4)Family pension under these rules is payable from the day following the date of death of the employee or the pensioner, as the case may be.(5)In case where an employee dies shortly after retirement without having formally applied for pension the authority competent to sanction pension to the deceased employee may relax the

provision of this rule and sanction pension to the employee from the date of retirement up to and inclusive of the date of his death as if he has made a formal application for the same before retirement.

91.

A Pension is payable monthly on and after the first day of the following month in accordance with the provisions specified hereunder : (a) On receipt of the pension payment order, the Executive Officer will deliver one-half of the order to the pensioner, and keep the other half of the order carefully in such manner that the pensioner shall not have access thereto. (b) Each payment made is to be entered on the reverse both of pensioner's half and of the Executive Officer's half of the pension payment order, both entries being attested at the time of payment by the signature of the Executive Officer. (c) A pension is payable for the day on which the pensioner dies. The hour at which death takes place has no effect on the claim.

92.

(1) As a rule, a pensioner shall take payment in person after identification by comparison with the pension payment order. Note. - The Chairman of the concerned Council should at the time of completing pension application forms and transmitting the pension papers to the Director forward therewith two certified copies of such pensioners photograph in passport size. The Director will have one copy of the photograph pasted on the Executive Officer's half of the pension payment order and the concerned Executive Officer will then be in a position to make payment on the strength of the resemblance between the pensioner and his photograph pending the final reconciliation of any question which may arise about identification marks. This means of identification of pensioners will be in addition to the existing system of recording the thumb and finger impression, which will remain as a permanent and reliable record of pensioner's identity. (2) Payment of pension up to Rs. 250 may be made by post at money order at the option and expense of the pensioner. (3) When a pensioner is a minor, or is for any other reason incapable of managing his own affairs and has no regularly appointed a manager or guardian, the Collector of the district may, on application by or on behalf to the pensioner and subject to such conditions as he may impose declare any suitable person to be the manager or guardian for the purpose of receiving on behalf of the pensioner, the pension due to him and payments of pension may be made to such manager or guardian in the same ways as to the original holder : Provided that sufficient proof is forthcoming at the time of each payment of the original holder being alive and eligible to receive the pension for the period covered by the payment. Such declaration may, at any time, be revoked or altered at the discretion of the Collector of the district. (4) Pension of a person who is certified by a Magistrate to be a lunatic should be paid in accordance with provisions of Sub-section (1) of Section 95 of the Indian Lunacy Act.

93.

(1) A pensioner specially exempted by the Collector from personal appearance, a female pensioner not accustomed to appear in public or a pensioner who is unable to appear in consequence of bodily illness and infirmity, may receive his/her pension through a representative upon the production of a

life certificate signed by a responsible Gazetted officer of Government.(2)A pensioner of any description, who produces a life certificate signed by some person exercising the powers of a Magistrate under the Code of Criminal Procedure, 1973 (2 of 1974) or by any Registrar or Sub-Registrar appointed under the Indian Registration Act, 1908 (16 of 1908) or by any Pensioned Officer who before retirement exercised the powers of a Magistrate or by any Gazetted Officer or by a Munsif or by a Police officer not below the rank of Sub-Inspector in charge of a Police-Station or by a Post Master, a departmental Sub-Post Master or an Inspector of Post Office or by a Class I Officer of the Reserve Bank of India or by a staff Officer or staff Assistant to the State Bank of India or by an Executive Officer or Additional Executive Officer or Municipal Engineer or Health Officer of any Council is exempted from personal appearance.

94.

(1)In all cases, referred to in Rules 92 and 93, the Executive Officer must take precautions to prevent impositions and must, at least once a year, require proof independent of that furnished, by the Life Certificate of the continued existence of the pensioner.(2)For this purpose he should (save in cases of exemptions from personal appearance granted by the Collector of the district) require the personal attendance and due identification of all male pensioners who are not incapacitated by bodily illness or infirmity from so attending and in all cases where such inability may be alleged, he should require proof thereof in addition to the proof submitted about the pensioner's existence.Note. - The Disbursing Officer is personally responsible for any payment wrongly made. In case of doubt he should consult the Director.(3)A life certificate must accompany every claim which is not personally presented except in the cases specified in foregoing sub-rule. When payment is made on life certificate, it can be made only for periods completed on or before the date of the certificate.

95.

(1)A pensioner of any description is exempted from personal appearance. If he draws his pension through a duly authorized agent approved by the Collector of the district who must execute a bond to refund over payments and produce at least once a year a life certificate signed by any other person specified in Sub-rule (2) of Rule 93.(2)The pension of a retired employee drawing his pension through an authorised agent who has executed a bond to refund over payments should not be paid on account of a period of more than a year after the date of the life certificate last received and the Disbursing Officer shall be on the watch for authentic information of death of any such pensioner and a receipt thereof, shall promptly stop further payment.Note. - When a pensioner draws his pension through an agent, the claim must be supported by the written authority of the pensioner to pay the pension to agent nominated to receive payment on his/her behalf. In such case, the endorsement "received payments" must be signed by the pensioner and a separate receipt which need not be stamped, shall be furnished by the agent in token of having actually received the payment.

96.

(1)A pensioner drawing pension is required to append a certificate in his bill as follows : "I declare that I have not received any remuneration for serving in any capacity, either under Government or under any local authority or in any registered company during the period for which the amount of pension claimed in this bill is due".(2)In case of a pensioner permitted to draw pension after re-employment his certificate should be modified according to the facts.

97.

When the reverse of a pension payment order is filled up or when the "pensioners half" is found to be worn or torn both halves may be renewed by the Executive Officer of the concerned Council.

98.

If a pensioner loses the portion of his pension payment order, a new pension payment order may be issued to him by the Executive Officer concerned who should see that no payment is made or the half alleged to be lost.

99.

Unless the Director by general or special order direct otherwise, a pension remaining undrawn not more than one year shall cease to be payable.

100.

If the pensioner afterwards appears or a claim is presented on his behalf, the Executive Officer may make the payment but the arrears cannot be paid if the pension in arrears is to be paid for the first time or if the amount of arrears exceeds rupees two thousand and five hundred without the previous sanction of the authority by whom the pension was sanctioned to be obtained : Provided that in any case the pension remains unpaid for three years it cannot be paid without the approval of the Administrator of the Central Pension Fund.

101.

(1)On the death of a pensioner payment of any arrears actually due may be made to his heirs, provided that they apply within one year of his death. It cannot be paid thereafter without the sanction of the authority by whom the pension was sanctioned to be obtained.(2)If the arrears do not exceed rupees one hundred and the case presents no peculiar features, the Director is empowered to pass the arrears on his own authority.(3)After payment of the arrears of the pension, the pension payment order should be returned to the Administrator of the Central Pension Fund with a report of the date of the death of the pensioner.

102.

The arrear of pension of a deceased pensioner may be paid to the heirs of the deceased without the production of usual legal authority, to the extent of rupees five hundred under the orders of the Collector of the district or such officer as may be authorised by the Director, after such enquiry, into the rights and title of the claimants as may be deemed sufficient. Any excess above rupees five hundred may similarly be paid under the orders of the Director on execution of an Indemnity bond in Form No. XVI with such sureties as the Director may require if he is satisfied of the right and title of the claimants and consider that undue delay or hardship would be caused by insisting on the production of letters of administration. In any case of doubt, payment should be made only to the person producing legal authority.

103.

(1)(a)The Council shall meet the financial commitments towards payments of pension to employees as decided by the Government from time to time.(b)Notwithstanding anything contained under the provisions of the Orissa Municipal Rules, 1953 the local authorities shall pay their share of contribution together with the interest as directed by the State Government to the Central Pension Fund created for the purpose of payment of both arrear and current pension to the retired employees in the following manner:(i)6.25% of the emolument of the employee concerned per month from the date of his regular appointment irrespective of the fact whether he has subscribed to the Provident Fund or not or whether the Council has at all created such Fund or not, till the 31st July, 1988.(ii)8.□% of the emolument of the employees concerned per month from the 1st August, 1988 irrespective of the fact whether he has subscribed to the Provident Fund or not or whether the Council has at all created such Fund or not, till the 31st May, 1989.(iii)10% of the emolument of the employee concerned per month from the 1st July, 1989 irrespective of the fact whether he has subscribed to the Provident Fund or not or whether the Council has at all created such Fund or not.(c)The liability on account of both arrear/current pension shall be met out of contribution paid by local authorities area the balance amount required for the purpose shall be borne by Government as grants-in-aid to the Central Pension Fund.(2)The Council shall pay pension contribution within thirteen days from the end of the month in which the pay relating to the month to which the contribution relates is drawn by the employee concerned.(3)In case of default in payment of contribution both current and arrears and interest thereon, if any, as provided under Sub-rules (1) and (2), the Director shall realise the dues from the available grants-in-aid to be sanctioned in favour of the local authorities concerned or he may take such appropriate steps as he thinks fit, with the approval of the State Government to recover the amount.

104.

The Provident Fund account of every employee who is a subscriber to the existing Contributory Provident Fund maintained by the Council and who opts to the pension scheme under these rules shall be closed just on his coming over to the pension scheme under these rules. The portion of subscription by the employees with interest thereon shall be kept under a separate Provident Fund account to be opened for the purpose by the Council.

105.

(1) There shall be constituted a Central Pension Fund for payment of pension and family pension as provided under these rules to the employees and these shall be placed to the credit thereon all sums received from the Council in every month on account of pension contribution of each employee of the service in the manner as specified in Rule 103. (2) All sums received on account of contribution of the Council to the Contributory Provident Fund and usual interest thereon in respect of every employee of the Council who opts to the pension scheme under these rules and the grants-in-aid received from Government shall be placed to the credit of the Central Pension Fund. (3) All grants-in-aid by the State Government to the Central Pension Fund shall be drawn by the Director and be credited to the said Fund.

106.

The Fund shall be administered by the Director who shall receive all sums as provided under these rules and make withdrawals from the Fund for the purposes specified in these rules. The Funds shall not be operated for any purpose except with the prior sanction of State Government.

107.

(1) All money received from the Councils, as well as from Government in shape of grants-in-aid under these rules may be deposited by the Administrator of the Fund in any of the Banks which he thinks proper and convenient after an account is opened therefor. (2) Such portion of balance standing in the Fund which is not required for immediate disbursement under these rules may be invested in Government securities or may be deposited in any of the Nationalised Banks as fixed deposits so as to yield reasonable interest.

108.

The Examiner of the Local Fund Accounts, Orissa shall be the audit or in respect of the transactions relating to the Fund. The Forms and Registers to be maintained for accounting the transactions will be prepared by the Administrator of the Fund after consulting the Examiner of the Local Fund Accounts, Orissa.

109.

The State Government may dissolve the Fund at any time after providing alternative arrangements for payment of pension to the employees entitled to it under these rules and in the event of such dissolution, the balance standing in the Fund shall be disposed of by the Government in such manner as they think fit.

110.

(1) All money which are required to be placed to the credit of the Central Pension Fund are to be sent to the Administrator of the Fund in shape of Bank drafts annexing therewith a detailed break up of the amount in respect of each employee or in any other manner as may be directed by the Administrator of the Fund. (2) Within fifteen days after the money and information are received under Sub-rule (1) the Administrator of the Fund shall deposit the same in the manner as provided under Rule 107 and cause necessary entry in every month in the Ledger to be opened in respect of each employee. Chapter-XIV Miscellaneous

111.

The Director may engage requisite staff and incur expenditure for the staff and contingencies for expeditious disposal of pension cases of retired employees and operation of the Central Pension Fund.

112.

Rules, Instructions, Orders and Resolutions which are in force, in respect of Contributory Provident Fund benefits payable to the employees under the Orissa Municipal Rules, 1953 shall stand repealed with effect from the date on which these rules come into force.

113.

Where the Governor is satisfied that the operation of any of the provisions of these rules caused under hardship in any particular case he may, by order dispense with or relax the requirements of the said provisions to such extent and subject to such conditions as he may consider necessary for dealing with the case in a just and equitable manner.

114.

With prior approval of the State Government, the Director may delegate any of his powers under these rules to any officer of Government for efficient discharge of function.

115.

If any doubt or difficulty arises in the interpretation or implementation of these rules the question shall be referred to the State Government whose decision shall be final. Form I [See Rule 56] Nomination for family pension I hereby nominate the persons mentioned below, who are members of my family, to receive in the order shown below the family pension which may be granted in the event of my death after completion of 10 years of qualifying service.

Name and address of nominee Relationship with employee Age Whether married or unmarried

(1)

(2)

(3) (4)

This nomination supersedes the nomination made by me earlier on which stands cancelled. N.B. The employee should draw lines across blank space below the last entry to prevent the insertion of any name after he has signed. Dated this.....day of.....20.....at.....Witness to signature

1.

.....

2.

.....Signature of employee (To be filled in by the Chairman of the concerned Council)

Nomination by..... Signature of the Chairman of Municipal Council/Notified

Designation.....

Office..... Area Council

Date : Designation :

Proforma for Acknowledging The Receipt of The Nomination Form by Executive Officer of The Concerned Council To.....Sir, In acknowledging the receipt of your nomination dated.....cancellation dated.:.....of the nomination made earlier in respect of family pension in Form I, I am to state that they have been duly placed on record.

Signature of Executive Officer of the Municipal Council/Notified Area Council

Date (Designation)

Form II [See Rule 57] Details of family Name of the

employee.....Designation.....Date of birth.....Date of

appointment.....Details of the members of my family* as on.....

Sl. No.	Name of the members of my family*	Date of birth	Relationship with the employee	Initial of the Chairman	Remarks
(1)	(2)	(3)	(4)	(5)	(6)

1.2.3.4.5.6.7.8.9.

I hereby undertake to keep the above particulars up-to-date by notifying to the Chairman any addition or alteration. Place.....Dated the.....Signature of the employee*. Family for this purpose means-(a) wife, in the case of male employee (b) husband in the case of female employee (c) sons below eighteen years of age and unmarried daughters below twenty-one years of age including such son or daughter adopted legally before retirement. Note. - Wife and husband shall include respectively judicially separated wife and husband. Form III [See Rules 67-71] Commutation of pensions Part-I Form of applications

Space for photograph

I.....desire to commute Rs.....P*.....out of my.....**pension of

Rs.....P.....a month I certify that I have correctly answered each and all the Questions

below:Signature with date.....Designation at the time of
retirement.....Address.....

Questions Answers

1. What is the date of birth ?

2. What is the date of retirement ?

3. (a) How much of your pension do you wish to commute (in words)?(b)Have you already commuted a portion of your pension ? If so, give particulars and state the amount of pension originally sanctioned.(c)Has any application from you for commutation of pension ever been rejected or have you ever accepted declined to accept commutation of pension on the basis of an addition of years to your actual age recommended by the medical authority ? If so, give particulars.*. The portion of the pension to be commuted should consist of whole rupee or rupees and a multiple of five paise.**. The class of pension (superannuation, retiring, invalid compensation) should be stated, and if the amount is not known a suitable modification should be made in the form.. In case of anticipatory pension, the pensioner may, if he so desires, indicate his intention to commute the maximum amount in the event of his final pension being more than the anticipatory pension. In such a case, the amount proposed to be commuted may, alternately be expressed in form of percentage of full pension within the maximum permissible limit. The pensioner may also indicate whether he anticipates that the final amount of pension that he should be entitled to commute might exceed Rs. 25 in cases he desires to commute a sum exceeding Rs. 25.

4. From which council do you draw or propose to draw your pension and commutation money ?

5. State the number of your pension payment order, if you are already drawing your pension.

6. Without prejudice to the discretion of the sanctioning authority, from what date approximately do you wish this commutation to have effect ?

7. At what station would you prefer your medical examination to take place ?

8. State the amount of Provident Fund money (including any non-refundable withdrawals) and the amount of death-cum-retirement gratuity received by you.

9. Name of the Executive Officer who authorised the payment of Provident Fund money (including any non- refundable withdrawals) and death-cum-retirement gratuity to you.

Date.....Place.....SignaturePart-IIForward to the.....

2. Subject to the medical authority's recommending commutation the lump sum payable will be as stated below :

		Amount of monthly pension to be commuted Rs.	Commuted value Rs.
If the commutation becomes absolute before the applicant's next birthday which falls on.....	On the basis of normal age, i.e..... years. On the basis of normal age plus 1 year, i.e..... years. On the basis of normal age plus 2 years, i.e..... years. On the basis of normal age plus 3 years, i.e..... years. On the basis of normal age plus 4 years, i.e..... years. On the basis of normal age plus 5 years, i.e..... years.		
If the commutation becomes absolute after the applicant's next birthday but before his next birthday but one	On the basis of normal age, i.e..... years. On the basis of normal age plus 1 year, i.e..... years. On the basis of normal age plus 2 years, i.e..... years. On the basis of normal age plus 3 years, i.e..... years. On the basis of normal age plus 4 years, i.e..... years. On the basis of normal age plus 5 years, i.e..... years.		

3. The sums payable will be a charge on.....

Station.....Date.....Memo No...../U.D.Dated.....the.....20.....Signature and designationPart-IIThe Government of Orissa are pleased to accord administrative sanction to the commutation. A certified copy of paragraph 2 of Part II of this form has been forwarded to the applicant in Form IV. Director of Municipal AdministrationMEMO. No./H.U.D.Dated Bhubaneswar theForwarded with a copy of Form V and an extra copy of Part III of Form V and the medical report referred to.....to the..... of, in original on (date).....with the request that he will kindly arrange for the medical examination on the applicant by the proper medical authority.....as early as possible with three months from.....but not earlier than.....(date of retirement) and inform the applicant direct in sufficient time where and when he should appear for the medical examination. The applicant's present address is.....*2. The next birthday of the applicant falls on and his medical examination may be arranged before that date but within the period prescribed in the sanction order.*. To be omitted where the next birthday falls beyond the prescribed date. Form IV[See Rule 70]Commutation of pensionPart-ISubject to the medical authority's recommending commutation and the conditions prescribed in Part II of this Form, the lump sum payable will be as

stated below :

		Amount of monthly pension to be commuted Rs.	Commuted value Rs.
Sum payable if the commutation becomes absolute before the applicant's next birthday which falls on....	On the basis of normal age, i.e..... years. On the basis of normal age plus 1 year, i.e..... years. On the basis of normal age plus 2 years, i.e..... years. On the basis of normal age plus 3 years, i.e..... years. On the basis of normal age plus 4 years, i.e..... years. On the basis of normal age plus 5 years, i.e..... years.		
Sum payable if the commutation becomes absolute after the applicant's next birthday but before his next birthday but one	On the basis of normal age, i.e..... years. On the basis of normal age plus 1 year, i.e..... years. On the basis of normal age plus 2 years, i.e..... years. On the basis of normal age plus 3 years, i.e..... years. On the basis of normal age plus 4 years, i.e..... years. On the basis of normal age plus 5 years, i.e..... years.		
<p>Station.....Date.....(Designation)Memo No.H.U.D.Bhubaneswar, the.....20.....Part-IIThe communication for report of the lump payment of the pension of.....is administratively sanctioned on the basis of the Executive Officer contained in Part I above. The table of present value on the basis of which the calculation in the Executive Officer's report have been made, is subject to alteration at any time. In the event of such alternation being made at any time between the date of administrative sanction to commutation and date on which commutation is to become absolute payment shall be made in accordance with the modified table, but it shall be open to the applicant if the modified table is less favourable to him than that previously in force to withdraw his application by notice in writing despatched within 14 days of the date on which he receives notice of the modification. The sum payable will be the sum appropriate to the applicant's age on his birthday next after the date on which the commutation becomes absolute or if the medical authority directs that year shall be added to that age, to the consequent assumed age.</p>			

2. The..... (here enter the designation and address of the Chief Administrative Medical Officer) has been requested to arrange for the medical examination and inform Shri.....direct where and when he should appear for the examination. He should bring with him the enclosed Form V with the particulars required in Part I completed except for the

signature. The attention of applicant is invited to the provision of rules.....and.....of the Orissa Municipal Employees' (Pension) Rules, and extract of which is enclosed.

To,

Director of
Municipal

.....(Name and address
Administration
of the applicant)

Form V[See Rules 70-74]Part-I Statement to be filled in by the applicant for commutation of a portion of his pension under the provisions of the Orissa Municipal Employees' (Pension) Rules, 1989The applicant must complete this statement prior to his examination by the.....and.....(here enter the medical authority), must sign the declaration appended thereto in the presence of that authority.

1. State your name in full (In Block Letters).....

2. State place of birth.....

3. State your age and date of birth.....

4. Furnish the following particulars concerning your family :

Father's age, if living and state of health	Father's age at death and cause of death	Number of brothers living their ages and state ofhealth	Number of brothers dead, their ages and cause ofdeath	Mother's age, if living and state of health	Mother's age at death and cause of death	Number of sisters living, their age and state ofhealth	Number of sisters dead, their ages and cause ofdeath
1	2	3	4	5	6	7	8

5. Have any of your near relations suffered from tuberculosis (consumption, scorefula) cancer, asthma fits, epilepsy, insanity or any other nervous disease ?

6. Have you ever been abroad ?

Where and for what period and how long since ?

7. Have you ever served in the Navy, Army, Air Force or any Government Department'?

8. Have you ever been examined ?

(a)for Life Insurance, or/and(b)by any Government Medical Officer or State Medical Board, Civil or Military ? If so, state details and with what results.

9. Have you ever been granted leave on medical certificate ? If so, state period of leave and nature of illness ?

10. Have you ever -

(a)had small-pox intermittent or any other fever, enlargement of suppuration of glands, spitting of blood, asthma, inflammation of lungs, plourisy, heart diseases, fainting attacks, rheumatism, appendicitis, epilepsy, insanity, or other diseases of the year, syphils, gonorrhoea; or(b)had any other disease or injury which required confinement to bed or medical or surgical treatment; or(c)undergone any surgical operation; or(d)suffered from any illness, wound or injury sustained while on active service during the War-II.

11. Have you rapture ?

12. Have you vericoccele, varicose veins or piles ?

13. Is your vision in each eye good ?

14. Is your hearing in each ear good ?

15. Have you any congenital or acquired malformation, defect deformity ?

16. When were you last vaccinated ?

17. Is there any further matter concerning your health not covered by the above question such as presence of albumen or sugar in the urine, marked increase or decrease in your weight in the last three years or being under treatment of any doctor within the last three months and the nature of illness for which such treatment was taken ?

Declaration by applicant(To be signed in presence of the medical authority)I declare all the above answers to be to the best of my belief, true and correct.I will fully reveal to the medical authority all circumstances within my knowledge that concern my health and fitness.I am fully aware that by

wilfully making a false statement or concealing a relevant fact I shall incur the risk of losing the commutation I have applied for and of having my pension withhold or withdrawn under Rule 7 of the Orissa Municipal Employees (Pension) Rules, 1989. Signed in presence of.....Applicant's signature.....Signature and designation of Medical Authority.....Part-II (To be filled in by the examining medical authority)

1. Apparent age

2. Height

3. Weight

4. Girth of abdomen at level of navel

5. Pulse rate -

(a) Sitting (b) Standing What is character of pulse

6. What is condition of arteries

7. Blood Pressure -

(a) Systolic (b) Diastolic

8. Is there any evidence of disease of the main organ

(a) Heart (b) Lungs (c) Liver (d) Spleen

9. Does chemical examination of urine show-

(i) albumen, (ii) sugar, state specific gravity

10. Has the applicant a rupture ? If so, state the kind and if reducible

11. Describe any scars or identifying marks

12. Any additional information

Part-III/We have carefully examined Shri/Shrimati/Kumari.....and am/are of opinion that.....He/She is in good bodily health and has the prospect of an average duration of life; Or He/She is not in good bodily health and is not a fit subject for commutation; Or Although he/she is suffering from.....he/she is considered a fit subject for commutation but his/her

age for the purpose of commutation, i.e., the age next birthday should be taken to be.....(in words) years. More than his/her actual age.....Station.....Dated.....Signature and designation of Examining Medical Authority/Reviewing Medical Authority Form VI[See Rule 77]List of employees employed in the Municipalities/Notified Area Council.....as on the 1st January, 20.....who are due for superannuation between the first January to the thirty-first December of the next official year.(To be sent to the Director, Municipal Administration, Bhubaneswar by the 31st January at the latest).

Sl. No.	Name of employee	Date of birth	Appointment held in officiating capacity, scale of pay, etc.	Appointment held in substantive capacity, scale of pay, etc.	Date of superannuation	If on extension of service, the date of expiry of the present extension	Whether the employee has made a formal application for pension, if so, the date of receipt of such application
1	2	3	4	5	6	7	8

Form VII[See Rule 78]Application for

pension From.....To.....Sub : Application for sanction of pension. Sir, I beg to say that I am due to retire from service with effect from the.....my date of birth being.....I, therefore request that steps may kindly be taken with a view to the pension and gratuity admissible to me being sanctioned by the date of my retirement, desire to draw my pension from.....Municipal Council/Notified Area Council.

2. I hereby declare that I have neither applied for, nor received any pension or gratuity in respect of any portion of the service qualifying for this pension and in respect of which pension and/or gratuity is claimed herein nor shall I submit an application hereafter without quoting a reference to this application and the orders which may be passed hereon.

3. I enclose herewith -

(i) two specimen signatures of mine duly attested;*(ii) three copies of a passport size joint photograph with my wife/husband duly attested;** (iii) two slips each bearing my left hand thumb and finger impressions duly attested;(iv) two slips showing the particulars of my height and identification marks duly attested;

4. My present address is.....and my address after retirement will be.....

(Signature)DesignationDate.....Note. - Any subsequent change of address should be notified to the Chairman of the Council.* Only two copies of passport size photographs of self need be furnished if the employee is unmarried or widower or a widow.This is required only in the case of a person who is not literate enough to sign his name. If such an employee on account of physical disability is unable to give left-hand thumb and finger impressions he may give the thumb and finger impressions of the right hand. Where an employee has lost both the hands he may give his the impressions. Impressions should be duly attested.Form VIII[See Rule 8o]Form for assessing pension and gratuity(To be sent in duplicate if payment is desired in different offices of Councils)Part-I

1. Name of employee.....

2. Father's name (and also husband's name in the case of a woman employees).....

3. Religion and Nationality.....

4. Permanent residential address showing village/town/district and State.....

5. Present or last appointment including name of establishment -

(i)Substantive.....(ii)Officiating, if any.....

6. Class of pension or Service/Gratuity applied for and cause of application.....

7. Pension Rules opted/eligible.....

8. Government under which service has been tendered (in order of employment) -

(a)period of Civil Service.....(b)period of War/Military Service.....(c)amount and nature of any Pension/Gratuity received for Military Service.....(d)amount and nature of any Pension/Gratuity received for Civil Service.....

9. (a) Average emolument.....

(b)Emoluments for Gratuity.....

10. Pay as defined in Orissa Municipal Employees (Pension) Rules. 1989.....

11. Proposed Pension.....

12. Proposed Gratuity.....

13. Date from which pension is to commence

14. Place of payment of -

(a)Pension (office of the Municipal Council/Notified Area Council)(b)Gratuity (office of the Municipal Council/Notified Area Council)

15. Whether the employee has paid all the dues payable to the Council

16. Date of birth by Christian Era of -

(i)Employee.....(ii)Employee's wife/husband.....

17. Height

18. Identification marks.....

19. *Thumb and finger impressions -

Thumb, Ring finger, Fore finger. Little finger, Middle finger(i)of employee.....(ii)of employee's wife/husband.....

20. Date on which the employee applied for pension.....

Signature of Chairman of Municipal Council/Notified Area CouncilSignature of Executive Officer,Municipal/Notified Area Council*Persons who are literate enough to sign their names in English or the Official Regional Language are exempted from recording their left hand thumb and finger impressions provided they furnish certified copies of passport size photographs.Part-II Section IDetails of service of Shri/Shrimati/Kumari.....Date of birth.....

Establishment Appointment	Officiating / Date of Substantive beginning	Date of Period ending	Period reckoning as service-years,	Period not reckoning as service-years.,	Remarks by the Chairman
---------------------------	---	-----------------------	------------------------------------	---	-------------------------

					months, days	months, days	of the concerned Council
1	2	3	4	5	6	7	8

Total period of service.....Note. - Date of commencement and date of ending of each period of military service, if any, should also be indicated in this section. Section II Emoluments drawn during the last ten* months Post held from to pay personal/special pay Average emoluments-*In a case where the last ten months includes some period not be reckoned for calculating average emoluments an equal period backwards has to be taken for calculating the average emoluments. Section III Period(s) of non-qualifying service

From To

1. Interruption(s)
2. Extraordinary leave not qualifying for pension
3. Period of suspension not treated as qualifying
4. Any other service not treated as qualifying

Total

Section IV Period of service not verified with reference to Acquittance Rolls, whether the above period verified in accordance with the provisions of Rule 91 and if not, whether the necessity of verification of the aforesaid period of service dispensed with under orders of appropriate authority.

Part III – Section I

(a) Audit enforcement-

1. Total period of qualifying service which has been accepted for the grant of superannuation/retiring/invalid/compensation pension/gratuity, with response for disallowance, if any (other than disallowance indicated in second page).

Note. - Service for the period commencing from.....and up to the date of retirement has not yet been verified, this should be done before the pension payment order is issued.

2. Amount of superannuation/retiring/invalid/compensation pension/ gratuity that has been admitted.

3. Amount or superannuation/retiring/invalid/compensation pension/ gratuity admissible after taking into account reduction, if any, in pension and gratuity made by the authority sanctioning pension.

- 4. Total period of qualifying service which has been approved for the grant of special additional pension.**
- 5. The amount of special additional pension, if any, admitted under the rules.**
-
- 6. The date from which the special additional pension is admissible.**
- 7. The date from which the superannuation/retiring/invalid/compensation pension/gratuity is admissible.**
- 8. Head of Accounts to which the superannuation/retiring/invalid/compensation and special additional pension/gratuity is chargeable.**
- 9. The amount of life-time family pension becoming payable to the entitled member of family in the event of death of the employee after retirement.**

Chairman.....Municipal Council/Notified Area CouncilSection II

- 1. Date of submission of pension application by the employee.....**
- 2. Name of the employee....**
- 3. Class of pension or gratuity.....**
- 4. Sanctioning authority.....**
- 5. Amount of pension sanctioned.....**
- 6. Amount of gratuity sanctioned.....**
- 7. Date of commencement of pension.....**
- 8. Date of sanction.....**
- 9. Amount of family pension admissible in the event of death of pensioner.....**

10. Dues payable to the Council held over from the gratuity

Part-V Instructions

1. Calculation of average emoluments. - The calculation of average emoluments, mentioned at item 9 of Part I should be based on the actual number of days contained in each month.

2. Compensation pension or gratuity. - (a) If the application is for a compensation pension or gratuity the particulars of the savings effected should be duly stated against item 6 of the Part I.

(b) State whether emolument was not found elsewhere.

3. History of service. - (a) Give date, month and year of various appointments, promotion and cessation for the purpose of addition towards broken period, a month is reckoned as thirty days.

(b) All period not reckoned as service should be distinguished and reasons for their exclusion given in the remarks column.

4. Identification marks. - Specify a few conspicuous marks, not less than two, if possible.

5. Name. - When initials or names of employees are incorrectly given in the various records consulted mention this fact in the letter forwarding the pension papers to avoid unnecessary reference.

6. Date of retirement. - Shown in the Service Book and the Last Pay Certificate.

7. Reinstatement. - In the case of an employee who has been reinstated after having been suspended compulsorily retired, removed or dismissed, brief statement leading to this reinstatement should be appended.

Form No. IX[See Rule 81]Form of letter to the Director, Municipal Administration, Orissa forwarding the pension papers of an employee under Orissa Municipal Employees' (Pension) Rules, 1989No.....Office of the Chairman of the Council.Dated.....ToThe Director of Municipal Administration, Orissa.....Sir,

I am directed to have the honour to forward herewith the pension papers of Shri/Shrimati/Kumari of this office as per list for further necessary action.

Yours faithfully, Chairman of the Municipal Council/Notified Area Council

1. Medical Certificate for invalidation (If the claim is for invalid pension).

2. Service Book.

3. Memorandum of average emoluments reckoning for pension.

4. Last Pay Certificate.

5. (a) Two specimen signatures, duly attested by Gazetted Government Servant/Executive Officer of the concerned Council or in the case of pensioner not literate enough to sign his name, two slips bearing the left hand thumb and finger impression, duly attested by a Gazetted Government Servant/Executive Officer of the concerned Council; and

(b) Three copies of joint passport size photographs with wife/husband, duly attested by the Executive Officer of the concerned Council.

6. Application for pension in Form VII.

7. Explanation for delay, if any, beyond one month from the date of retirement of the employees.

8. When the fact of service in other offices is not satisfactorily attested in the Service Book duly certified abstract forms by the Executive Officers of the Council.

9. Statement of the applicant and collateral evidence as required under the rules duly accepted by the authority competent to sanction the pension.

Form X [See Rule 84] Form for sanctioning pension (To be sent in duplicate, if payment is desired in a different Municipal Council/Notified Area Council)

1. Name of the employee.....

2. Father's/husband's name

3. (a) Present or last appointment.....

(b) Amount of pension per month sanctioned.....(c) Date from which sanctioned.....

4. Orders of the Pension Sanctioning Authority.....

The undersigned having satisfied himself that the services of Shri/Shrimati/Kumari.....has been thoroughly satisfactory hereby orders the grant of the full pension;. Or The undersigned having satisfied himself that the services of Shri/Shrimati/Kumari.....has not been thoroughly satisfactory hereby orders that the full pension as admissible under the rules shall be reduced by the specified amount or percentage, indicated below : Amount or percentage of reduction in pension-

5. In the event of death of Shri/Shrimati/Kumari.....the family pension shall be payable to the eligible member of the family as admissible under the rules.

6. The following service of the employee has been approved for the grant of special additional pension admissible under the rules:

Post/Posts held.....Period of service.....

7. The pension is payable at Council Office are chargeable to the accounts of the Central Pension Fund for Municipal employees.

8. The order is subject to the condition that if the amount of Pension/Service gratuity as sanctioned be afterwards found to be in excess of amounts to which the pensioner is entitled under the rules, he/she shall be called upon to refund such excess.

Signature and designation of the Pension Sanctioning Authority Form XI [See Rule 88] Form of letter to the widow/widower of the deceased employee for grant of family pension To..... Sub : Payment of family pension in respect of late Shri/Shrimati..... Sir/Madam, I am directed to say that in terms of rules of the Orissa..... Municipal Employees' (Pension) Rules, 1989 a family pension is payable to you as widow/widower of the late Shri/Shrimati..... (Designation)..... in the Municipality/Notified Area Council of.....

2. You are advised that claim for the grant of family pension may be submitted as soon as possible in Form No. XII.

3. The family pension will be payable till your death or remarriage whichever event occurs earlier. In the event of your death or remarriage the family pension shall be granted to the child or children, if any, through the guardian.

Yours faithfully. Executive Officer of the Municipality/Notified Area Council
Form XII [See Rule 88] Form of application for the grant of family pension on the death of an employee/pensioner

1. Name of the Applicant-.....

(i) Widow/Widower..... (ii) Guardian, if the deceased person is survived by child or children.... (iii) Unmarried daughter who has attained the age of eighteen years....

2. Name and age of surviving widow/widower and children of the deceased employee/pensioner -

Sl. No.	Name	Relationship with the deceased person	Date of birth by Christian era
(1)(2)(3)(4)(5)(6)			

3. Date of death of the Employee/Pensioner.....

4. Municipality/Notified Area Council in which the deceased employee/pensioner served last.....

5. If the applicant is guardian, his date of birth and relationship with the deceased employee/pensioner.....

6. Full address of the applicant.....

7. Name of the Municipality/Notified Area Council at which payment is desired.....

8. Enclosures -

(i) two specimen signatures of the applicant duly attested (to be furnished in two separate sheets); (ii) two copies of passport size photographs of the applicant, duly attested; (iii) two slips each bearing left hand thumb and finger impressions* of the applicant duly attested; (iv) descriptive roll of the applicant, duly attested indicating (a) height and (b) personal marks, if any, on the hand, face,

etc. (to be furnished in duplicate);(v)Certificate(s) of age (in original with two attested copies) showing the dates of birth of the children. The certificate should be from the Municipal authorities or from the local Panchayat or from the head of a recognised school, if the child is studying in such school.

9. Signature or left hand thumb impression of the applicant.....

10. Attested by -

Name Full Address Signature

(i)

(ii)

11. Witnesses -

(i)(ii)Note. - Attestation should be done by two Gazetted Government servants or two or more persons of respectability in the town/village in which the applicant resides.*. To be furnished in case the applicant is not literate enough to sign his name. Form XIII[See Rule 88]Form for assessing and sanctioning family pension when an employee dies while in service(To be sent in duplicate, if the payment is desired in different offices of the Councils)Part-I

1. Name of the deceased employee.....

2. Father's name (and also husband's name in the case of female employee)...

3. Date of birth (by Christian era).....

4. Date of death (by Christian era).....

5. Religion and Nationality.....

6. Office in which last employed

7. Appointment held last

(i)substantive.....(ii)officiating.....

8. Date of beginning of service

9. Date of ending of service.....

10. (i) Total period of military service for which pension/gratuity was sanctioned.....

(ii) Amount and nature of any pension/gratuity received for the military service

11. Amount and nature of any pension received for previous civil service, if any

12. Government under which service has been tendered in order of employment.....

13. Interruption and non-qualifying service.....

14. Length of qualifying service.....

15. Emoluments reckoning for gratuity

16. Whether nomination made for family pension, if applicable.....

17. If family pension applies and the employee had tendered more than ten years qualifying service -

(i) "Average emoluments" for pension, if the employee had retired on the date following the date of his death.....(ii) Proposed pension.....(iii) Proposed family pension.....(iv) Period of tenability of family pension from.....to.....

18. Persons to whom family pension is payable-

Name.....Relationship with the deceased employee.....Full postal address.....

19. Name of the guardian who will receive payment of family pension in the case of minor(s).....

20. Dues payable to the Council, if any, outstanding against the deceased employee.....

21. Head of account to which family pension is debatable.....

22. Name of the office of the Council where the payment of family pension is desired.....

Place.....Dated.....Signature of the Executive OfficerMunicipality/NotifiedArea
the.....Council

Part-II Section IDetails of service (showing interruption of the late

Shri/Shrimati/Kumari.....Date of birth.....Date of death.....

Establishment	Appointment	Officiating / Substantive	Date of beginning of service	Date of ending of service	Period reckoning as service	Period not reckoning as service	Remarks by the Executive Officer
1	2	3	4	5	6	7	8
					Y.M.D.	Y.M.D.	

Total period of serviceNote-1. If the deceased employee had rendered any Military Service, which qualified for civil pension date of commencement and date of ending each period of such service should also be indicated.

2. The Executive Officer should record briefly in Column (8) his reasons for disallowing any service claimed, any other disallowance should be recorded with reasons therefor in the Audit enforcement in Section I of Part IV of this Form.

Section IIDetails of non-qualifying service-

1. Interruption(s).....

2. Extraordinary leave not qualifying for pension.....

3. Period of suspension not treated as qualifying.....

4. Any other service not treated as qualifying.....

Total:Section IIIPeriod of service not verified with reference to the Acquittance Rolls.Whether the above period has been verified in accordance with the provisions of Rule 81 of the Orissa Municipal Employees' (Pension) Rules, 1989.Part-III

1. Remarks of the Chairman of the Council -

Good/Fair/Indifferent/Bad -

1. As to the character, conduct and past service of the deceased employee.

2. Explanation of any suspension or degradation.

3. Any other remarks.

4. Special opinion of the Chairman, whether the service claimed is established and should be admitted or not.

Orders of the pension sanctioning authorityThe undersigned having satisfied himself that the Service of late Shri/Shrimati/Kumari.....was thoroughly satisfactory hereby orders the grant of the full and family pension which may be accepted by the Director, Municipal Administration as admissible under the Orissa Municipal Employees' (Pension) Rules to the person(s) mentioned in Part-1 of this Form.OrThe undersigned having satisfied himself that the service of the late Shri/Shrimati/Kumariwas not thoroughly satisfactory hereby orders that the amount of gratuity and family pension as may be accepted by the Director. Municipal Administration under the Orissa Municipal Employees' (Pension) Rules, 1989 shall be reduced by the amount specified below before any authority for payment is issued to the person(s) mentioned in Part-I of this Form.Amount of reduction in the gratuity Amount of reduction in family pensionThe grant of gratuity or of family pension or of both shall take effect from.....

Place.....Dated
the.....

Signature and designation of the pension sanctioning
authority

Part-IV Section-1Audit enforcement

1. Total period of qualifying service which has been accepted for -

(ii)Family pension-Note. - Service for the period commencing from and up to the date of death has not yet been verified, this should be done before pension payment order is issued.

2. Reduction ordered by pension sanctioning authority.

3. Net amount of death-cum-retirement gratuity after taking into account the reduction mentioned in item 2 and other dues payable to the Council.

4. Amount of family pension -

(i) If death took place before seven years of service. (ii) If death took place after seven years of service, the period of tenability of the enhanced pension.

5. Amount of family pension after taking into account the reduction mentioned in item 2 and the period for which it is tenable.

6. The date from which family pension is admissible.

7. Head of account to which family pension is chargeable.

Director, Municipal Administration, Orissa Section-II

1. Name of the deceased employee.....

2. Date of death of the employee.....

3. Date of submission of claim by the family of the deceased employee.....

4. Sanctioning authority.....

5. Amount of family pension sanctioned... ..

6. Amount of gratuity sanctioned.....

7. Date of sanction.....

8. Amount recoverable from gratuity.....

9. The amount of gratuity held over for adjustment of unassessed dues payable to the Council.....

Part-V Instructions

- | | |
|-----------------------|--|
| 1. Average emoluments | The calculation of average emoluments, mentioned in item 17 of Part-I of this Form should be based on the actual number of days contained in each month. |
| 2. Details of service | (a) Give date, month and year of the various appointments, promotions and cessations. For the purpose of adding towards broken periods, a month is reckoned as thirty days.
(b) All period not reckoned as service should be distinguished. |

3. Identification marks Specify a few conspicuous marks, not less than two, if possible.
4. Name When initials or the name of the employee are or is incorrectly given in the various records consulted, mention this fact in the letter forwarding the pension papers.
5. Date of death Date of death to be indicated in the Service Book and the Last Pay Certificate, if any.
6. Alterations Alterations to be made in red ink under dated initials of a Gazetted Government servant.

Form-XIV[See Rule 89]Form of letter sanctioning Family Pension to the child or children of a retired employee who dies after retirement but does not leave behind a widow/widower To The Director, Municipal Administration. Subject-Grant of Family Pension to the child/children. Sir, I am directed to say that Shri/Shrimati.....formerly.....(designation) in this Municipality/Notified Area Council was sanctioned pension of Rs.....with effect from.....on his retirement from service.

2. Intimation has been received in this Municipality/Notified Area Council that Shri/Shrimati.....died on.....and that the time of death left on widow/widower but, was survived by the following children :

Sl. No.	Name	Son/daughter	Date of birth in Christian era	Date from which family pension ceases to be payable
(1)	(2)	(3)	(4)	(5)

1.2.3.4.5.

3. In terms of Chapter VII of the Orissa Municipal Employees' (Pension) Rules, 1989 the amount of family pension has become payable to the children in the order mentioned above. The family pension will be payable on behalf of the minors to Shri/Shrimati.....who is the guardian.

4. Sanction for the grant of family pension to the children mentioned above is thereby accorded. The family pension will take effect from.....and subject to the provisions of Chapter VII of the Orissa Municipal Employees' (Pension) Rules, 1989 will be tenable till.....

5. The family pension is debatable to the Head.

6. Attention is invited to the information furnished in the enclosed list.

7. The receipt of the letter may kindly be acknowledged and this Municipality/Notified Area Council informed that necessary instructions for the payment of family pension have been issued.

Yours faithfully, Chairman of the.....Municipality/Notified Area Council Form XV[See Rules 89]Form of letter sanctioning Family Pension to the child or children on the death or remarriage of a widow/widower who was in receipt of Family Pension To The Director of Municipal Administration. Subject-Grant of Family Pension to the child/children. Sir, I am directed to say that Shrimati/Shri.....widow/widower of late Shri/Shrimati.....formerly (Designation).....in.....Municipality/Notified Area Council was sanctioned family pension of Rs.....with effect from the..... The family pension was tenable till the death or re-marriage of the widow/widower.

2. Intimation has been received in this Municipality/Notified Area Council that Shri/Shrimati.....died/re-married on

3. At the time of death/re- marriage, Shri/Shrimati.....has following children :

Sl. No.	Name	Son/daughter	Date of birth in Christian era	Date from which family pension ceases to be payable
(1)	(2)	(3)	(4)	(5)

1.2.3.4.5.

4. In terms of Chapter VII of the Orissa Municipal Employees' (Pension) Rules, 1989 the amount of family pension has become payable to the children in the order mentioned above. The family pension will be on behalf of the minors Shri/Shrimati.....who is the guardian.

5. Sanction for the grant of family pension of Rs.....to.....the children mentioned is hereby accorded. The family pension will take effect from.....and subject to the provision of Chapter VII of the Orissa Municipal Employees' (Pension) Rules, 1989 will be tenable till.....

6. The family pension is debatable to the Head.....

7. Attention is invited to the information furnished in the enclosed list.

8. The receipt of this letter may kindly be acknowledged and this Municipality/Notified Area Council informed that necessary instructions for the payment of family pension to the guardians have been issued.

Yours faithfully, Chairman of the.....Municipality/Notified Area Council*. The name of children should be mentioned in the order of eligibility mentioned in Chapter VII, children born as a result of marriage which took place before the retirement of the employee or children adopted legally before retirement should only be included. List

1. Permanent address of the guardian.....

2. Place of payment.....

Enclosures

3. Specimen signature or *left hand thumb and finger impression of the guardian duly attested.....

4. Two attested copies of a passport size photograph of the guardian.....

5. Descriptive roll of the guardian duly attested.....

*. To be furnished in the case of the guardian, who is not literate enough to sign his/her name. Form XVI[See Rule 102]Form of indemnity bondKnow all Men by these present that we (a)..... (b) the widow/son/brother, etc. of (c)..... deceased resident of.....(hereinafter called the 'obligor') and (d)..... son/wife/daughter of.....resident of.....and.....son/wife/daughter of.....resident of.....the sureties for and on behalf of the obligor (hereinafter called "the sureties") are held and firmly bound to the Council (hereinafter called "the Council") in the sum of Rs..... (Rupees.....) only well and truly to be paid to the Council on demand and without a demur for which payment we bind ourselves and our respective heirs, executors, administrators, legal representatives, successors and assigns by these present.Signed this.....day of.....two thousand and.....Whereas (c)..... was at the time of his death in the employment of the Council/receiving a pension at the rate of Rs.....(Rupees.....), only per month from the Council;And Whereas the said (c).....died on the.....day of..... 20..... and there was due to him at the time of his death the sum.....(Rupees.....) only for and towards share of his minor son/daughter in the death-cum-retirement gratuity.And Whereas the obligor claims to be entitled to the said sum as de facto guardian of the minor son/daughter of the said (c)..... but has not obtained till the date of these presents the certificate of guardianship from any competent Court of law in respect of the paid minor(s);And Whereas the obligor has satisfied the (c) that he/she entitled to the aforesaid sum and that it should cause undue delay and hardship if the obligor be required to produce the certificate of guardianship from the competent Court of law before payment to him of

the said sum of Rs.....;And Whereas the Council has no objection to the payment of the said sum to the obliger but under provisions of rules and orders, it is necessary for the obliger to first execute a bond with one surety/two sureties to Indemnify the Council against all claims to the amount before the said (c).....before the said sum can be paid to the obliger;And Whereas the obliger and at his/her request the sureties have agreed to execute the bond in the terms and manner hereinafter contained;Now The Condition Of This Bond Is such that if after payment has been made to the obliger, the obliger and/or the surety/ sureties shall in the event of a claim being made by any other person against the Council with respect to the aforesaid sum of.....refund to the Council the said sum of Rs..... and shall otherwise indemnify and keep the Council harmless and indemnified against and from all liabilities in respect of the aforesaid sum and all costs incurred in consequence of the claim thereto THEN the above written bond or obligation shall be void and of no effect but otherwise shall remain are full force, effect and virtue;And These Presents Also Witness that the liability of the sureties hereunder shall not be impaired or discharged by reason of time being granted by or any forbearance act, omission of the Council whether with or without the knowledge or consent of the surety/sureties in respect of or in relation to the obligations or conditions to be performed or discharged by the obliger or by any other method or thing whatsoever which under the law relating to sureties shall but for the provision has the effect of so releasing the surety/sureties from such liability nor shall it be necessary for the Council to sue the obliger before suing the surety/sureties or either of them for the amount due hereunder, and the Council agrees to bear the stamp duty, if any, chargeable on these present;In Witness Whereof the obliger and the surety/sureties hereto have set and subscribed their respective hands hereunto on the day, month and year above written. Signed by the above named 'Obliger' in the presence of-

1.

.....

2.

.....Signed by the above named 'Surety/Sureties'-

1.

.....

2.

.....Accepted for and on behalf of the..... Municipality/Notified Area CouncilName and designation of the officer directed or authorised in pursuance of Article 299 (1) of the Constitution, to accept the bond for and on the behalf of the.....Municipality/Notified Area Council in presence of.....(Name and designation of witness)Note I. - (a) Full name of the claimant referred to as the 'Obliger'.....(b)State relationship of the obliger to the deceased.....(c)Name of the deceased employee.....(d)Full name or names of the

sureties with name or names of the father(s), husband(s) and place of residence.....(e) Designation of the office responsible for payment.....Note II. - The obliger as well as the sureties should have attained majority so that the bond may have legal affect or force.[Inserted vide Orissa Gazette Extraordinary No. 935/28.05.2007.]