

# **U.P. Police (Extraordinary Pension) (Second Amendment) Rules, 2015**

UTTAR PRADESH

India

## **U.P. Police (Extraordinary Pension) (Second Amendment) Rules, 2015**

### **Rule**

### **U-P-POLICE-EXTRAORDINARY-PENSION-SECOND-AMENDMENT-RULES of 2015**

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U.P. Police (Extraordinary Pension) (Second Amendment) Rules, 2015Published vide Notification No. 1779P/Chha-pu-6-2015-1000(32)/2004, dated 8.10.2015, published in the U.P. Gazette, Part 1-Ka, dated 17.10.2015, pp. 2510-2514, No. 42No. 1779P/Chha-pu-6-2015-1000(32)/2004. - In exercise of the powers under the proviso to Article 309 of the Constitution of India, the Governor is pleased to make the following rules with a view to amending the Uttar Pradesh Police (Extraordinary Pension) Rules, 1961.

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

(1)These rules may be called the Uttar Pradesh Police (Extraordinary Pension) (Second Amendment) Rules, 2015.(2)They shall come into force at once.

### **2. Amendment of Rule 2.**

- In the Uttar Pradesh Police (Extraordinary Pension) Rules, 1961, hereinafter referred to as said rules, in Rule 2, for existing clause (e), the following clause shall be substituted, namely -"(e) 'Police Official' means a member of the Police Force constituted under Section 2 of the Police Act, 1961 and a member of the Uttar Pradesh Pradeshtik Armed Constabulary raised under Section 3 of the U.P. Pradeshtik Armed Constabulary Act, 1948 (U.P. Act No. XL of 1948) and a member of the organised force of the fire service under Uttar Pradesh Fire Service Act, 1944 and U.P. Fire Service Rules, 1945."

### **3. Substitution of Rule 3.**

- In the said rules for existing Rule 3, the following rule shall be substituted, namely -"(3) These rules shall apply to all the Gazetted/Non-Gazetted Police, PAC or Fire Service personnel of Uttar Pradesh, whether employed in a permanent or temporary capacity under the rule making control of the Governor, whose death occur while on duty under the following circumstances:(a)death due to attack/fight with dacoits/criminals/foreign hostiles/extremists/ terrorists/naxalites etc.;(b)death due to attack by aggressive public;(c)death due to accident, while undergoing important training/demonstration;(d)death during rescue and relief operations undertaken during natural calamities like flood/earthquake/landslide/snow storm etc. or man made disasters like train accidents, tanker blast etc.;(e)death while extinguishing fire or helping in extinguishing fire in any area;(f)death due to attack in an area under curfew; and(g)death due to attack while escorting prisoner."

### **4. Substitution of Rule (5).**

- In the said rules for existing Rule 5, the following rule shall be substituted, namely -"(5) No award shall be made in respect of death caused by any reason other than those covered under Rule 3."

### **5. Substitution of Rule 6.**

- In the said rules for existing Rule 6, the following rules shall be substituted, namely -"(6) An award shall be sanctioned to the widow/widower/dependent of a Police Official, PAC Official or Fire Service Official to whom these rules apply in accordance with the provisions contained in the Schedule annexed to these rules. If the wife/husband of the deceased Police Official, PAC Official or Fire Service Official is not alive or dies or remarries, the dependent minor children shall in case of such event be entitled to full pension which would have been admissible to the widow/widower and it shall be distributed as per the general guidelines of the latest U.P. Family Pension Rules.Note. - If the Police Official dies leaving behind two or more widows, the amount of awards admissible under this rule to the widow shall be divided (equally among all the widows)."

### **6. Substitution of Rule 8.**

- In the said rules, for existing Rule 8, the following rule shall be substituted, namely -"8. (1) Family Pension shall take effect from the day following the death of the Police Official, PAC Official or Fire Service Official or from such other date as the Governor may decide.(2)Family Pension of the dependent of concerned Police Official, PAC Official or Fire Service Official shall be decided as per the general guidelines of the latest U.P. Family Pension Rules."

### **7. Amendment of Rule 9.**

- In the said rules for existing sub-rule (2), the following sub-rule shall be substituted, namely -"(2) When a claim for any family pension arises the Head of the Office or of the Department in which the

deceased Police Official, PAC Official or Fire Service Official was employed will forward the claim through the proper channel to the State Government with the full statement of circumstances in which the death occurred."

## **8. Substitution of Rule 10.**

- In the said rules for existing Rule 10, the following rule shall be substituted, namely - "(10) The Governor may, at his discretion, permit in exceptional circumstances, the dependents of a deceased Police Official, PAC Official, or Fire Service Official to continue to receive their pensions beyond the limits prescribed in Rule 8(2)."

## **9. Insertion of new Rule 11.**

- In the said rules after Rule 10, the following new Rule 11 shall be inserted, namely -

### **11.**

(1) The right to review a rejected claim for Extraordinary Pension shall be vested in the Government. For this the dependent would mandatorily have to submit representation before the Government or Police Headquarters, Allahabad within three months from date of receipt of rejection notification. The Government will take the necessary decision on the representation. (2) No Police Official PAC or Fire Services Official will be due for Extraordinary Pension if he/she dies in an accident that occurred before he or she reported for duty or after he or she finished her duty, while staying in his/her residence or while travelling to any place. (3) All the Government orders related to deciding cases of Extraordinary Pension v/z, Government orders dated 23, 1980 and July 19, 1978 etc., will not be effective after notification of the Uttar Pradesh Police (Extraordinary Pension) (Second Amendment) Rules, 2015.

## **10. Substitution of Schedule.**

- In the said rules for existing Schedule, the following Schedule shall be substituted, namely - "Family Pensions and Gratuity"

Gratuity to  
Widow/Widower

Pension to Widow/Widower

Equal to eight  
month's emoluments  
last drawn by the  
deceased Police  
Official, PAC or Fire  
Services Official

(1) Extraordinary Pension payable shall be equal to the emoluments (Basic pay and the Dearness Allowance on that pay) drawn by the deceased police official, PAC or Fire Service Official till the date the official would have retired on superannuation pension. Thereafter, normal pension (not family pension) will be equal to that amount which the deceased police official would have drawn in accordance with ordinary pension rules applicable to the police officials at that time had he not died, subject to the following presumptions: (a) that the deceased police official would have continued

to render qualifying service, till the date of superannuation and that he did not get any promotion. (b) that in case the deceased official was temporary or was working in an officiating capacity, a probable date of his conformation will be presumed. In case the scale in which the deceased official worked last is revised by the date on which he would have retired on superannuation, the pension will be calculated in the presumptive pay which the deceased official would have drawn at the time of superannuation had he been alive. If there are dependents drawing more than one extraordinary pension, they shall be due for family pension in the same manner. (2) The recipient of Extraordinary pension who is working in Government, Semi-Government, Autonomous Institution or Public Enterprise, can choose whether he/she wants to avail of Dearness Allowance on the pension amount or on his/her salary, whichever may be beneficial."