

The Orissa Contributory Provident Fund Rules, 1938

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Rule

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The Orissa Contributory Provident Fund Rules, 1938Published vide Notification No. 2953-F., dated 8.4.1938No. 2953-F., dated 8.4.1938. - In exercise of the powers conferred by Clause (b) of Sub-Section (2) of Section 241 of the Government of India Act, 1935, the Governor is pleased to make the following rules for servants of the crown under the rule-making control of the Government of Orissa.

1. Short title and commencement.

(1)These rules may be called the Contributory Provident Fund Rules, (Orissa).(2)They shall come into force on the 1st April, 1938.

2. Definitions.

(1)In these rules unless there is anything repugnant in the subject or context-(i) ["Accounts Officer" means the Branch Officer in charge of the Fund Sections in the office of the Accountant General, Orissa;] [Substituted by F.D.No. 14913 dated 21.4.1966.](ii) "Emoluments" means, pay, leave salary or subsistence grant, as defined in the Orissa Service Code and includes -(a)sterling overseas pay converted at such rate of exchange as the Secretary of State may prescribe in this behalf;(b)any remuneration of the nature of pay received in respect of foreign service;(iii) "Family" means -(a)in the case of a male subscriber, the wife or wives and children of a subscriber, and the widow or widows, and children of a deceased son of the subscriber; Provided that if a subscriber proves that his wife has been judicially separated from him or has ceased under the customary law of the community to which she belongs to be entitled to maintenance she shall henceforth be deemed to be no longer a member of the subscriber's family in matters to which these rules relate, unless the subscriber subsequently indicates by express notification in writing to the Accounts Officer that she

shall continue to be so regarded;(b)in the case of a female subscriber, the husband and children of a subscriber, and the widow or windows and children of a deceased son of a subscriber :Provided that if a subscriber by notification in writing to the Accounts Officer expresses her desire to exclude her husband from her family, the husband shall henceforth be deemed to be no longer a member of the subscriber's family in matters to which these rules relate, unless the subscriber subsequently cancels formally in writing her notification excluding him.Note 1. - "Children" means legitimate children.Note 2. - An adopted child shall be considered to be a child when the Accounts Officer, or if any doubt arises in the mind of the Accounts Officer, the Superintendent and Remembrancer of Legal Affairs, Orissa, is satisfied that under the personal law of the subscriber adoption is legally recognised as conferring the status of a natural child, but in this case only.(iv)"Leave" means any variety of leave recognised by the Orissa Service Code;(v)"The Fund" means the Contributory Provident Fund (Orissa); and(vi)"Year" means a financial year.(2)Any other expression employed in these rules which is defined either in the Provident Fund Act, 1925, or in the Orissa Service Code is used in the sense therein defined.

3. Constitution and management of the Fund.

- The Fund shall be administered by the Provincial Government and shall be maintained in India in rupees.

4.

(1)These rules shall apply to every non-pensionable servant of Government belonging to any of the services (whether provincial specialist or subordinate) under the control of the Provincial Government, who -(a)has been admitted before these rules came into force to the benefits of a special or Contributory Provident Fund maintained by Government; or(b)may be admitted by Government to the fund after these rules come into force;Provided that these rules shall not apply to any such servant between whom and the Government an agreement subsists in respect of a provident fund, other than an agreement providing for the application to him of these rules, and, in the case of an agreement so providing, shall apply subject to the terms of such agreement.(2)Every servant of Government to whom these rules apply shall be a sufficient to the Fund.(3)The balance at the credit of any servant of Government in any such Fund as is referred to in Clause (a) of Sub-rule (1) shall, with effect from the date on which these rules come into force be transferred to his credit in the Fund.Note. - No pensioner, civil or military, continued in service or re-employed after the date from which his pension takes effect, should be admitted to the Fund except with the previous concurrence of the Provincial Government in the Finance Department.

5.

(1)A subscriber shall as soon as may be after joining the Fund, send to the Accounts Officer a nomination conferring on one or more persons the right to receive the amount that may stand to his credit in the Fund, in the event of his death before that amount has become payable, or having become payable, has not been paid :Provided that, if, at the time of making the nomination, the subscriber has a family, the nomination shall not be in favour of any person or persons other than

the members of his family.(2)If a subscriber nominates more than one person under Sub-rule (1), he shall specify in the nomination the amount or share payable to each of the nominees in such manner as to cover the whole of the amount that may stand to his credit in the Fund at any time.(3)Every nomination shall be in such one of the Forms set forth in the First Schedule as is appropriate in the circumstances.(4)A subscriber may at any time cancel a nomination by sending notice in writing to the Accounts Officer :Provided that the subscriber shall along with such notice send a fresh nomination made in accordance with the provisions of this Rule.(5)A subscriber may provide in a nomination -(a)in respect of any specified nominee that in the event of his predeceasing the subscriber, the right conferred upon that nominee shall pass to such other person as may be specified in the nomination;(b)that the nomination shall become invalid in the event of the happening of a contingency specified therein provided that, if at the time of making the nomination the subscriber has no family, he shall provide in the nomination that it shall become invalid in the event of his subsequently acquiring a family.(6)Immediately on the death of a nominee in respect of whom no special provision has been made in the nomination under Clause (a) of Sub-rule (5) or on the occurrence of any event by reason of which the nomination becomes invalid in pursuance of Clause (b) of Sub-rule (5) or the proviso thereto, the subscriber shall send to the Accounts Officer a notice in writing cancelling the nomination together with a fresh nomination made in accordance with the provisions of this Rule.(7)Every nomination made and every notice of cancellation given by a subscriber shall, to the extent that is valid, take effect on the date on which it is received by the Accounts Officer.[Explanation. - In this rule unless the context otherwise requires, "Person" or "persons" shall include "a company or association or body of individuals whether incorporated or not".] [Inserted by F.D.No. 9112, dated 8.3.1965.]

6. Subscriber Accounts.

- An account shall be opened in the name of each subscriber, in which shall be credited -(i)the subscriber's subscriptions;(ii)contributions made under Rule 10 by Government to his account;(iii)interest, as provided by Rule 11, on subscriptions; and(iv)interest, as provided by Rule 11 on contributions.

7. Conditions and rates of subscriptions.

(1)Every subscriber shall subscribe monthly to the Fund when on duty on foreign service.(2)A subscriber may, at his option, subscribe during leave.(3)The subscriber shall intimate his election not to subscribe during leave in the following manner -(a)if he is an officer who draws his own pay bills; by making no deduction on account of subscription in his first pay bill drawn after proceeding on leave; and(b)if he is not an officer who draws his own pay bills, by written communication to the head of his office before he proceeds on leave.Failure to make due and timely intimation shall be deemed to constitute an election to subscribe.The option of a subscriber intimated under this Sub-rule shall be final.(4)[A subscriber shall not subscribe to the Fund during the last four months of his service prior to the date of his retirement on superannuation;] [Inserted by F.D.No. 24667, dated 20.5.1981.]

8.

(1) The amount of subscription shall be fixed by the subscriber himself, subject to the following conditions : (a) It shall be expressed in whole rupees. (b) [It may be any sum, so expressed, not less than 8 % per cent of his emoluments and not more than his emoluments] [Substituted by F.D.No. 23114, dated 6.5.1981.] (2) For the purposes of Sub-rule (1) the emoluments of a subscriber shall be - (a) in the case of a subscriber who was in Government service on the 31st March of the preceding year, the emoluments to which he was entitled on that date, provided as follows : (i) if the subscriber was on leave on the said date and elected not to subscribe during such leave or was under suspension on the said date, his emoluments shall be the emoluments to which he was entitled on the first day after his return to duty; (ii) if the subscriber was on deputation out of India on the said date or was on leave on the said date and continues to be on leave and has elected to subscribe during such leave, his emoluments shall be the emoluments to which he would have been entitled had he been on duty in India; (iii) if the subscriber joined the Fund for the first time on a day subsequent to the said date, his emoluments shall be the emoluments to which he was entitled on such subsequent date. (b) In the case of a subscriber who was not in Government service on the 31st March of the preceding year, the emoluments to which he was entitled on the first day of his service or, if he joined the Fund for the first time on a date subsequent to the first day of his service, the emoluments to which he was entitled on such subsequent date. (3) The subscriber shall intimate the fixation of the amount of his monthly subscription in each year in the following manner - (a) if he was on duty on the 31st March of the preceding year, by the deduction which he makes in this behalf from his pay bill for that month; (b) if he was on leave on 31st March of the preceding year and elected not to subscribe during such leave, or was under suspension on that date, by the deduction which he makes in this behalf from his first pay bill after his return to duty; (c) if he has entered Government service for the first time during the year or joins the Fund for the first time, by the deduction which he makes in this behalf, from his pay bill for the month during which he joins the Fund; (d) if he was on leave on the 31st March of the preceding year, and continues to be on leave and has elected to subscribe during such leave, by the deduction which he causes to be made in this behalf from his salary bill for that month; (e) if he was on foreign service on the 31st March of the preceding year, by the amount credited by him into the treasury on account of subscription for the month of April in the current year. (4) The amount of subscription so fixed shall remain unchanged throughout the year: Provided that if a subscriber is on duty for a part of a month on leave for the remainder of that month, and if he has elected not to subscribe during leave the amount of the subscription payable shall be proportionate to the number of days spent on duty in the month.

8A.

When a subscriber is transferred to foreign service or sent on deputation out of India he shall remain subject to the rules of the Fund in the same manner as if he were not so transferred or sent on deputation.

9. Realisation of Subscriptions.

(1)When emoluments are drawn from a Government treasury in India or from the Home or a Colonial treasury, recovery of subscriptions on account of these emoluments and of the principal and interest of advances shall be made from themselves; except that, when emoluments other than sterling overseas pay are so drawn in India, deductions in respect of sterling overseas pay, when admissible, shall be made in India.(2)When emoluments are drawn from any other source the subscriber shall forward his dues monthly to the Accounts Officer.

10. Contribution by Government.

(1)Government shall, with effect from the 31st March of each year, make a contribution to the account of each subscriber :Provided that if a subscriber quits the service or dies during a year, contribution shall be credited to his account for the period between the close of the preceding year and the date of the casualty.(2)The contribution shall be such percentage of the subscriber's emoluments drawn on duty during the year or period as the case may be as has been or may be prescribed by Government by general or special order.(3)If a subscriber is on deputation out of India, the emoluments which he would have drawn had he been on duty in India shall, for the purpose of this rule, be deemed to be emoluments drawn on duty.(4)Should a subscriber elect to subscribe during leave, his leave salary shall, for the purpose of this rule, be deemed to be emoluments drawn on duty.(5)The amount of any contribution payable in respect of a period of foreign service shall, unless it is recovered from the foreign employer, be recovered by Government from the subscriber.(6)The amount of contribution payable shall be rounded to the nearest whole rupee (fifty naye paise counting as the next higher rupee).

10A.

(1)In the case of subscribers, who are ex-State personal and who have not paid their subscription for any period subsequent to the date of integration of the respective merged States in which they served up to the date of commencement of this rule for whatever causes, the Government's contribution for periods spend on duty and on leave with allowances shall be calculated and credited to the accounts of the subscribers in the same manner as if the subscriptions recoverable under the rules had been received from them.(2)No interest should be allowed on the Government contribution creditable to the accounts under the Sub-rule (1) for any period prior to the 18th December, 1953.(3)The provisions of this rule shall also apply to those ex-State subscribers, who have already retired from service without paying up their arrears subscriptions.(4)The provisions of this Rule shall not apply to interruption in the payment of subscriptions to the Contributory Provident Fund in respect of any period of service subsequent to the 18th December, 1953.

11. Interest.

(1)Government shall pay to the credit of the account of a subscriber interest, at such rate as the Provincial Government, may from time to time prescribed for the payment of interest on

subscription to the General Provident Fund, on the amount at his credit in the Fund.(2)Interest shall be credited with effect from the 31st March of each year in the following manner -(i)On the amount at the credit of a subscriber on the 31st March of the preceding year, less any sum withdrawn during the current year-interest for twelve months;(ii)On sum withdrawn during the current year-interest from the 1st April of the current year up to the last day of the month preceding the month of withdrawal;(iii)On all sums credited to the subscriber's account after the 31st March of the preceding year-interest from the date of deposit upto the 31st March of the current year;(iv)The total amount of interest shall be rounded to ;he nearest whole rupee in the manner provided in Sub-rule (6) of Rule 10 :Provided that when the amount standing at the credit of a subscriber has become payable, interest shall thereupon be credited under this Sub-rule in respect only of the period from the beginning of the current year or from the date of deposit, as the case may be, up to the date on which the amount standing at the credit of the subscriber became payable.(3)For the purposes of this rule the date of deposit shall, in the case of recoveries from emoluments, be deemed to be the first day of the month in which they are recovered; and, in the case of amounts forwarded by the subscriber, shall be deemed to be the first day of that month, of, if they are received on or after the fifth day of that month, the first day of the next succeeding month.(4)[In addition to any amount to be paid under Rule 27, interest thereon up to the date of final payment shall be payable to the person to whom such amount is to be paid] [Substituted by F.D.No. 2466, dated 20.5.1981.](5)Interest shall not be credited to the account of a Mohammedan subscriber if he informs the Accounts Officer that he does not wish to receive it; but if he subsequently asks for interest it shall be credited with effect from the 1st April of the year in which he asks for it.(6)The interest on amounts which, under Sub-rule (3) of Rule 17, or Sub-rule (4) of Rue 19, or Sub-rule (1) of Rule 20 or Sub-rule (1) of Sub-rule (2) of Rule 21 or Rule 23 or Rule 24 are replaced at the credit of the subscriber in the Fund, shall be calculated at such rates as may be successively prescribed under Sub-rule (1) of this Rule and so far as may be in the manner described in hits.

12. Advances from the Fund.

(1)A temporary advance may be granted to a subscriber from the amount standing to his credit in the Fund at the discretion of the authority specified in Sub-rule (2), subject to the following conditions :(a)to pay obligatory expenses on a scale appropriate to the applicants states which by Customary usage the applicants has to incur in connection with marriages, funerals or other ceremonies of persons actually dependent on him;(b)that authority, shall record in writing its reasons for granting the advance; and(c)the advance shall not, save in exceptional cases, for reasons to be recorded in writing by that authority, exceed three months, pay; and shall, in no case, exceed the amount of subscription and interest thereon standing to the credit of the subscriber in the Fund at the time when the advance is granted :Provided that if the reason is of a confidential nature it may be communicated to the Accounts Officer personally and or confidentially -(2)The authority competent to grant an advance.(a)(i)Exceeding three months' pay or(i)within twelve months of the final repayment of all previous advances, [* * *] [Deleted by F.D.No. 19529, dated 3.6.1966.] shall be;(ii)for subscribers who are Gazetted Officers the appropriate Department of the Provincial Government;(iii)for other subscribers the Heads of the Office concerned; and(b)in any case not specified in Clause (a), shall be-(i)For Gazetted Officer the Heads of the Department;(ii)For other subscribers the Heads of the Department.(3)[No temporary advance shall be granted to a

subscriber during the last four months of his service before the date of his retirement on superannuation.] [Inserted by F.D.No. 24667, dated 20.5.1981.]

13.

An advance shall not, except for special reasons to be recorded in writing by the sanctioning authority, be granted under Rule 12 until at least twelve months after the final repayment of all previous advances. [* * *] [Deleted by F.D.No. 19529, dated 3.6.1966.].

14.

(1)An advance shall be recovered from the subscriber in such number of equal monthly instalments as the sanctioning authority may direct; but such number shall not be less than twelve unless the subscriber so elects, or in any case more than twenty-four. A subscriber may, at his option, make repayment in a smaller number of instalments than that prescribed. Each instalment shall be number of whole rupees the amount of the advance being raised or reduced,if necessary, to admit of the fixation of such instalments.(2)Recovery shall be made in the manner provided in Rule 9 for the realisation of subscriptions and shall commence on the first occasion after the advance is made on which the subscriber draws pay, or remuneration on foreign service, for a full month. Recovery shall not be made, except with the subscriber's consent, while he is on leave or in receipt of subsistence grant, and may be postponed by the sanctioning authority during the recovery of an advance of pay granted to the subscriber.(3)If more than one advance has been made to the subscriber, each advance shall be treated separately for the purpose of recovery.(4)[No interest shall be payable in respect of an advance made under these rules :Provided that no amount recovered prior to the 1st day of May, 1966 as interest due in respect of any such advance shall be refundable.] [Substituted by F.D.No. 19529, dated 3.6.1966.](5)If an advance has been granted to a subscriber and drawn by him and the advance is subsequently disallowed before repayment is completed, the whole or balance of the amount withdrawn, shall, with interest at the rate provided in Rule 11, forthwith be repaid by the subscriber to the Fund, or in default, be ordered by the Account Officer to be recovered by deduction from the emoluments of the subscriber by instalments or otherwise, as may be directed by one of the authorities competent to grant an advance under Clause (a) of Sub-rule (2) of Rule 12 :Provided that Mohammedan subscribers whose deposits in the Fund carry no interest shall not be required to pay any interest.(6)Recoveries made under this rule shall be credited, as they are made, to the account of the subscriber in the Fund.

14A. [[Substituted by F.D.No. 37784, dated 9.10.1974.]

The authority of the Accountant General for drawing funds required for withdrawal shall not be necessary.Note. - Whenever the applicant for a withdrawal is in a position to satisfy the competent authority about the amount standing to his credit in the C.P.F. Account with reference to the latest available statement of Provident Fund account together with evidence of subsequent subscriptions, the competent authority may itself sanction withdrawal within the prescribed limits, as in the case of a refundable advance out of the subscribers subscriptions and interest thereon in the Fund. In doing so, the competent authority will take in to account any withdrawal or refundable advances already

sanctioned by it in favour of the subscriber. Where, however, the applicant is not in a position to satisfy the competent authority about the amount standing to his credit or where there is any doubt about the admissibility of the withdrawal applied for a reference might be made to the Accountant-General concerned for ascertaining the amount at his credit with a view to enabling the competent authority to determine the admissibility of the amount of the withdrawal. The sanction for the withdrawal should prominently indicate the Contributory Provident Fund account No. and a copy thereof should invariably be endorsed to the Accountant-General, Orissa. The Sanctioning authority shall be responsible to ensure that an acknowledgment is obtained from the Accountant-General that the sanction for withdrawal has been noted in the withdrawal is sanctioned is in excess of the amount to the credit of the subscriber or otherwise inadmissible the subscriber shall be required to refund the excess withdrawal or the amount withdrawn in full as the case may be.]

15. Payments towards Insurance Policies and Family Pension Funds.

- Subject to the conditions contained in Rules 16 to 22.(a)(i)Subscriptions to a Family Pension Fund approved in this behalf by the Provincial Government.(ii)Payments towards an insurance policy may, at the option of a subscriber, be substituted for the whole or part of subscriptions to the Fund;(b)the amount of subscriptions with interest thereon standing to the credit of a subscriber in the Fund may be withdrawn to meet-(i)payments towards an insurance policy;(ii)purchase of a single payment insurance policy;(iii)payment of single premium or subscriptions to a Family Pension Fund approved in this behalf by the Provincial Government :Provided that no amount shall be withdrawn (1) before the details of the proposed policy have been submitted to the Account Officer and accepted by him as suitable or (2) to meet any payment or purchase made or affected more than twelve months before the withdrawal; or (3) in excess of the amount required to meet a premium or subscription actually due for payment within six months of the date of withdrawal :Provided further that payments towards an educational endowment policy may not be substituted for subscriptions to the Fund and that no amounts may be withdrawn to meet any payment or purchase in respect of such policy if that policy is due for payment in whole or part before the subscriber's age of normal superannuation.(c)Any amount withdrawn under Clause (b) shall be paid in whole rupees only rounded to the nearest rupee in the manner provided in Sub-rule (6) or Rule 10.

16.

(1)If the total amount of any subscriptions for payments substituted under Clause (a) of Rule 15 is less than the amount of the minimum subscription payable to the Fund under Rule 8, the difference shall be rounded off to the nearest rupee in the manner provided in Sub-rule (6) of Rule 10 and paid by the subscriber as a subscription to the Fund.(2)If the subscriber withdraws any amount standing to his credit in the Fund for any of the purpose specified in Clause (b) of Rule 15, he shall, subject to his option under Clause (a) of that Rule, continues to pay to the Fund the subscription payable under Rule 8.

17.

(1) A subscriber who desires to substitute a subscription or payment under Clause (a) of Rule 15 may reduce his subscription to the Fund accordingly: Provided that the subscriber shall -(a) intimate the Accounts Officer on his pay bill or by letter the fact of, and reason for the reduction; (b) send to the Accounts Officer, within such period as the Accounts Officer may require, receipts or certified copies of receipts in order to satisfy the Accounts Officer that the amount by which the subscription has been reduced was duly applied for the purposes specified in Clause, (a) of Rule 15. (2) A subscriber who desires to withdraw any amount under Clause (b) of Rule 15 shall -(a) intimate the reason for the withdrawal to the Accounts Officer by letter; (b) make arrangements with the Accounts Officer for the withdrawal; (c) send to the Accounts Officer, within such period as the Accounts Officer may require, receipts or certified copies of receipts in order to satisfy the Accounts Officer that the amount withdrawn was duly applied for the purposes specified in Clause (b) of Rule 15. (3) The Accounts Officer shall order the recovery of any amount by which subscription have been reduced, or any amount withdrawn, in respect of which he has not been satisfied in the manner required by Clause (b) of Sub-rule (1) and Clause (c) of Sub-rule (2), with interest thereon at the rate provided in Rule 11 from the emoluments of the subscriber and place it to the credit of the subscriber in the Fund.

18.

(1) Government will not make any payments on behalf of subscribers to insurance companies, nor take steps to keep a policy alive. (2) A policy to be acceptable under these rules shall be one effected by the subscriber himself on his own life and shall (unless it is a policy effected by a male subscriber which is expressed on the face of it to be for the benefit of his wife, or of his wife and children, or any of them) be such as may be legally assigned by the subscriber himself to the Governor of Orissa. Explanation 1. - A policy on the joint lives of the subscriber and his wife shall be deemed to be a policy on the life of the subscriber himself for the purposes of this sub-rule. Explanation 2. - A policy which has been assigned to the subscriber's wife shall not be accepted unless either the policy is first re-assigned to the subscriber or the subscriber and his wife both join in an appropriate assignment. (3) The policy may not be effected for the benefit of any beneficiary other than the wife of the subscriber or his wife and children or any of them.

19.

(1) The policy, within three months after the first withholding of a subscription or withdrawal from the Fund in respect of the policy, or, in the case of an insurance company whose headquarters are outside India, within such further period as the Accounts Officer, if he is satisfied by the production of the completion certificate (interim receipt), may fix, shall -(a) unless it is a policy expressed on the face of it to be for the benefit of the wife of the subscriber, or of his wife and children, or any of them be assigned to the Governor of Orissa, as security for the payment of any sum which may become payable to the Fund under Rules 20 to 22, and delivered to the Accounts Officer, the assignment being made by endorsement on the policy in Form (1) or Form (2) or Form (3) of the Forms in the Third Schedule according as the policy is on the life of the subscriber or on the joint lives of the subscriber and his wife or the policy has previously been assigned to the subscriber's wife. (b) if it is a

policy expressed on the face of it to be for the benefit of the wife of the subscriber, or of his wife and children, or any of them, be delivered to the Accounts Officer.(2)The Accounts Officer shall satisfy himself by reference to the insurance company, where possible, that no prior assignment of the policy exists.(3)Once a policy has been accepted by an Accounts Officer for the purpose of being financed from the Fund the terms of the policy shall not be altered nor shall the policy be exchanged for another policy without the prior consent of the Account Officer to whom details of the alteration or of the new policy shall be furnished.(4)If the policy is not assigned and delivered, or delivered, within the said period of three months or such further period as the Accounts Officer may, under Sub-rule (1), have fixed, any amount withheld or withdrawn from the Fund in respect of the policy shall, with interest thereon at the rate provided in Rule 11. forthwith be paid or repaid, as the case may be, by the subscriber to the Fund, or, in default be ordered by the Accounts Officer to be recovered by deduction from the emoluments of the subscriber, by instalments or otherwise, as may be directed by one of the authorities competent to grant an advance under Clause (a) of Sub-rule (2) of Rule 12.(5)Notice of assignment of the policy shall be given by the subscriber to the insurance company, and the acknowledgment of the notice by the insurance company shall be sent to the Accounts Officer within three months of the date of assignment.Note 1. - Subscribers are advised to send notice of the assignment to the insurance company in duplicate, accompanied, in cases in which the notice has to be sent to a company in Great Britain or Ireland, by remittance of five shillings, which is the fee for the acknowledgment authorised by the Policies of Assurance Act, 1867. The policy itself bearing the assignment endorsed thereon, need not be sent to the company, as insurance companies do not ordinarily require the production of the original instruments affecting a policy holder's title until the policy becomes a claim.Note 2. - Subscriber who proceed to Great Britain or Ireland on quitting the service are advised that under the English Stamp Law, assignments or reassignments are required to be stamped within 30 days of their first arrival in those countries. Otherwise penalty will be incurred under the Stamp Act, and difficulties may arise when the policy matures for payment.

19A.

The subscriber shall not during the currency of the policy drawn any bonus, the drawal of which during the currency is optional under the terms of the policy, and the amount of any bonus which under the terms of the policy the subscriber has no option to refrain from drawing during its currency shall be paid forthwith into the Fund by the subscriber or in default covered by reduction from his emoluments by instalments or otherwise as may be directed by one of the authorities competent to grant an advance under Clause (a) of Sub-rule (1) of Rule 12.

20.

(1)Save as provided by Sub-rule (3) of Rule 22, when the subscriber-(a)quits the service, or(b)has proceeded on leave preparatory to retirement and applies to the Accounts Officer for reassignment or return of the policy; or(c)while on leave, has been permitted to retire or declared by competent medical authority to be unfit for further service and applies to the Accounts Officer for reassignment or return of the policy; or(d)pays or repays to the Fund the whole of any amount withheld or withdrawn from the Fund for any of the purposes mentioned in Sub-clause (ii) of Clause (a) of Rule

15 and Sub-clauses (i) and (ii) of Clause (b) of Rule 15, with interest thereon at the rate provided in Rule 11. The Accounts Officer shall -(i) if the policy has been assigned to the Governor of Orissa under Rule 19, reassign the policy in the first Form set forth in the fourth Schedule to the subscriber, or to the subscriber and the joint assured, as the case may be, and make it over to the subscriber together with a signed notice of the reassignment addressed to the Insurance Company. (ii) if the policy has been delivered to him under Clause (b) of Sub-rule (1) of Rule 19, make over the policy to the subscriber : Provided that, if the subscriber, after proceeding on leave preparatory to retirement, or after being, while on leave, permitted to retire or declared by competent medical authority to be unfit for further service, returns to duty, any policy so reassigned or made over shall, if it has not matured or been assigned or charged or encumbered in any way be again assigned to the Governor of Orissa and delivered to the Accounts Officer, or again be delivered to the Accounts Officer, as the case may be, in the manner provided in Rule 19, and thereupon the provisions of these rules shall, so far as may be, again apply in respect of the policy : Provided further that, if the policy has matured or been assigned or charged or encumbered in any way, the provisions on Sub-rule (4) of Rule 19 applicable to a failure to assign and deliver a policy shall apply. (2) Save as provided by Sub-rule (3) of Rule 22, when the subscriber dies before quitting the service, the Accounts Officer shall -(i) if the policy has been assigned to the Governor of Orissa under Rule 19, reassign the policy in the second Form set forth in the Fourth Schedule to such person as may be legally entitled to receive it, and shall make over the policy to such person together with signed notice of the reassignment addressed to the Insurance Company; (ii) if the policy has been delivered to him under Clause (b) of Sub-rule (1) of Rule 19, make over the policy to the beneficiary, if any or if there is no beneficiary to such person as may be legally entitled to receive it.

21.

(1) If a policy assigned to the Governor of Orissa under Rule 19 matures before the subscriber quits the service, or if a policy on the joint lives of a subscriber and his wife, assigned under the said rule, falls due for payment by reason of the wife's death, the Accounts Officer shall, save as provided by Sub-rule (3) of Rule 22, proceed as follows : (i) If the amount assured together with the amount of any accrued bonuses is greater than the whole of the amount withheld or withdrawn from the Fund in respect of the policy with interest thereon at the rate provided in Rule 11, the Accounts Officer shall reassign the policy in the Form set forth in the Fifth Schedule to the subscriber or to the subscriber and the Joint assured, who shall pay or repay to the Fund the whole of any amount withheld or withdrawn with interest, and in default, the provisions of Sub-rule (4) of Rule 19 applicable to a failure to assign and deliver a policy shall apply; (ii) If the amount assured together with the amount of any accrued bonuses is less than the whole of the amount withheld or withdrawn with interest, the Accounts Officer shall realise the amount assured together with any accrued bonuses and shall apply place the amount so realised to the credit of the subscriber in the Fund. (2) Save as provided by Sub-rule (3) of Rule 22, if a policy delivered to the Accounts Officer under Clause (b) of Sub-rule (1) of Rule 19 matures before the subscriber quits the service, the Accounts Officer shall make over the policy to the subscriber : Provided that, if the interest in the policy of the wife of the subscriber, or of his wife and children, or any of them as expressed on the face of the policy expires when the policy matures, the subscriber, if the policy moneys are paid to him by the Insurance Company, shall immediately on receipt thereof pay or repay to the Fund either

-(i)the whole of any amount withheld or withdrawn from the Fund in respect of the policy with interest thereon at the rate provided in Rule 11; or(ii)an amount equal to the amount assured together with any accrued bonuses, whichever is less, and, in default, the provisions of Sub-rule (4) of Rule 19 applicable to a failure to assign and deliver a policy shall apply.

22.

(1)If the interest of the subscriber in the family pension fund ceases in whole or part from any cause whatsoever, the provident fund account of the subscriber shall forthwith be reimbursed by the amount of the refund, if any, secured by the subscriber from the family pension fund which amount shall in default of reimbursement, be deducted from the subscriber's emoluments by instalments to grant an advance under Clause (a) of Sub-rule (2) of Rule 12.(2)If the policy lapses or becomes assigned otherwise than to the Governor of Orissa, under Rule 19, charged or encumbered, the provisions of Sub-rule (4) of Rule 19 applicable failure to assign and deliver a policy shall apply.(3)If the Accounts Officer receives notice of -(a)an assignment (other than an assignment to the Governor of Orissa under Rule 19); or(b)a charge or encumbrance on; or(c)an order of a Court restraining dealing with the policy or any amount realised thereon.the Accounts Officer shall not(i)reassign or make over the policy as provided in Rule 20; or(ii)realise the amount assured by the Policy' or assign, or make over the policy, as provided in Rule 21. but shall forthwith refer the matter to the Provincial Government.

22A.

Notwithstanding anything contained in these rules, if the sanctioning authority is satisfied that money drawn as an advance from the Fund under Clause (1) of Rule 12 or withheld or withdrawn utilised for a purpose other than that for which sanction was given to the drawal, withholding or withdrawal of the money, the amount in question, shall, with interest at the rate provided in Rule 11, for which be repaid or paid, as the case may be, by the subscriber to the Fund, or in default, be ordered to be recovered by deduction in one sum from the emoluments of the subscriber, even if he be on leave. If the total amount to be repaid or paid, as the case may be, be more than half the subscriber's emoluments, recoveries shall be made in monthly instalments of moieties of his emoluments till the entire amount recoverable be repaid or paid, as the case may be, by him.Note. - The term "emoluments" as used in this rule does not include subsistence grant.

23.

When a subscriber quits the service, the amount standing to his credit in the Fund shall, subject to any deduction under Rule 26, become payable to by him :Provided that a subscriber, who has been dismissed from the service and is subsequently reinstated in the service, shall if required to do so by Government, repay any amount paid to him from the Fund in pursuance of this Rule with interest thereon at the rate provided in Rule 11 in the manner provided in the proviso to Rule 24. The amount so repaid shall be credited to his account in the Fund, the part which represents his subscriptions and interest thereon, and the part which represents the Government contribution with interest thereon, being accounted for in the manner provided in Rule 6.

24.

When a subscriber -(i)has proceeded on leave preparatory to retirement or, if he is employed in a vacation department, on leave preparatory to retirement combined with vacation; or(ii)While on leave, has been permitted to retire or declared by competent medical authority to be unfit for further service.the amount of subscriptions and interest thereon standing to his credit in the Fund shall, upon application made by him in that behalf to the Accounts Officer, become payable to the subscriber :Provided that the subscriber, if he returns to duty, shall, if required to do so by Government, repay to the Fund, for credit to his account, the whole or part of any amount paid to him from the Fund in pursuance of this Rule, with interest paid to him from the Fund in pursuance of this Rule, with interest thereon at the rate provided in Rule 11 in cash or securities, or partly in cash and partly in securities, by instalments or otherwise by recovery from his emoluments or otherwise as may be directly by one of the authorities competent to grant an advance, under Clause (a) of Sub-rule (2) of Rule 12.

25.

Subject to any deduction under Rule 26, on the death of a subscriber before the amount standing to his credit has become payable, or where the amount has become payable, before payment has been made -(i)when the subscriber leaves a family-(a)if a nomination made by the subscriber in accordance with the provisions of Rule 5 in favour of a member or members of his family subsists, the amount standing to his credit in the Fund or the part thereof to which this nomination relates, shall become payable to his nominee or nominees in the proportions specified in the nomination;(b)if no such nomination in favour of a member or members of the family of the subscriber subsists, or if such nomination relates only to a part of the amount standing to his credit in the Fund, the whole amount or the part thereof to which the nomination does not relate, as the case may be, shall, notwithstanding any nomination purporting to be in favour of any person or persons other than a member or members of his family, become payable to the members of his family in equal shares :Provided that no share shall be payable to -(1)sons who have attained legal majority;(2)sons of a deceased son who have attained legal majority;(3)married daughters whose husbands are alive;(4)married daughters of a deceased son whose husbands are alive,if there is any member of the family other than those specified in Clauses (1), (2), (3) and (4) :Provided that the widow or widows and the child or children of a deceased son shall receive between them in equal parts only the share which that son would have received if he had survived the subscriber and had been exempted from the provisions of Clause (1) of the first proviso.Note - (i) Any sum payable under these rules to member of the family of a subscriber vests in such member under Sub-Section (2) of Section 3 of the Provident Fund Act, 1925.(ii)When the subscriber leaves no family, if a nomination made by him in accordance with the provisions of Rule 5 in favour of any person or persons subsists, the amount standing to his credit in the Fund or the part thereof to which the nomination relates, shall become payable to his nominee or nominees in the proportion specified in the nomination.Note 1. - When a nominee is a dependent of the subscriber as defined in Clause (c) of Section 2 of the Provident Fund Act, 1925, the amount vests in such nominee under Sub-Section (2) of Section 3 of that Act.Note 2. - When the subscriber leaves no family and no nomination made by him in accordance with the provisions of Rule 5 subsists, or if such nomination relates only to

part of the amount standing to his credit in the Fund, the relevant provisions of Clause (b) and of Sub-clause (ii) of Clause (c) of Sub-Section (1) of Section 4 of the Provident Fund Act, 1925 are applicable to the whole amount or the part thereof to which the nomination does not relate. Note 3. - [If it is found that the nomination made by him is contrary to the facts and is based on mis-statement or suppression of relevant facts concerning the existence of family as defined in the Rule, the Accountant General, Orissa would treat such nomination as null and void and make payment as though these nominations do not exist.] [Inserted by F.D.No. 26161, dated 27.8.1964.]

26.

Subject to the condition that no deduction may be made which reduces the credit by more than the amount of any contribution by Government with interest credited under Rules 10 and 11, before the amount standing to the credit of the subscriber in the fund is paid out of the Fund -(a)The Governor may direct the deduction therefrom and payment to Government of -(i)All amount representing such contribution and interest if the subscriber is dismissed from service due to misconduct, insolvency or inefficiency :Provided that where the Governor is satisfied that such deduction would cause exceptional hardship to the subscriber, he may by order, exempt from such deduction an amount not exceeding two-third of the amount of such contribution and interest which would have been payable to the subscriber, if he had retired on medical ground :Provided further that if any such order of dismissal is subsequently cancelled the amount so deducted shall, on his re-instatement in the service be replaced to his credit in the fund;(ii)all amounts representing such contribution and interest, if the subscriber within five years of the commencement of his service as such, resign from the service or ceases to be an employee under Government otherwise than by reason of death, superannuation, or a declaration by a competent medical authority that he is unfit for further service, or the abolition of the post or the reduction of establishment;(b)the Governor may direct the deduction therefrom and payment to the Government of any amount due under a liability incurred by a subscriber to Government. Note 1. - For the purpose of Sub-clause (ii) of Clause (a) of this Rule.(a)the period of five years shall be reckoned from the commencement of the subscriber's continuous service under Government;(b)resignation from service in order to take up appointment in another department of the State Government or under the Central Government or under a body corporate owned or controlled by Government or an autonomous organisation, registered under the Societies Registration Act, 1860 (21 of 1860) without any break and with proper permission of the State Government shall not be treated as resignation from Government service. Note 2. - The powers of the Governor under this rule may, in respect of the amounts referred to therein also be exercised by the authority competent to sanction an advance or the grant of which special reasons are required under Rule 13.

27. Payment.

(1)When the amount standing to the credit of a subscriber in the Fund or the balance thereof after any deduction under Rule 26 becomes payable, it shall be the duty of the Accounts Officer after satisfying himself, when no such deduction has been directed under that Rule, that no deduction is to be made, to make payment as provided in Section 4 of the Provident Fund Act, 1925.(2)If person to whom, under these rules, any amount or policy is to be paid, assigned, reassigned or delivered is a

lunatic for whose estate a manager has been appointed in this behalf under the Indian Lunacy Act, 1912, the payment of reassignment or delivery will be made to such manager, and not to the lunatic ;Provided that where no manager has been appointed and the person who the sum is payable is certified by a Magistrate to be a lunatic, the payment shall, under the orders of the Collector, be made in terms of Sub-Section (1) of Section 95 of the Indian Lunacy Act, 1912 to person having charge of such lunatic and the Accounts Officer shall pay only the amount which he thinks fit to the person having charge of the lunatic and the surplus, if any such part thereof as he thinks fit, shall be paid for the maintenance of such members of the lunatic's family as are dependent on him for maintenance.(3)Any person who desires to claim payment under this Rule should send a written application in that behalf to the Accounts Officer. Payments of amounts withdrawn shall be made in India only. The persons to whom the amounts are payable shall make their own arrangements to receive payment in India.Note. - When the amount standing to the credit of a subscriber has become payable under Rule 23, 24, or 25 the Accounts Officer shall authorise prompt payment of the portion of the amount standing to the credit of a subscriber in regard to which there is no dispute or doubt the balance being adjusted as soon after as may be.

28.

(1)If a subscriber is permanently transferred to pensionable service under the Provincial Government, he shall, at his option, be entitled -(a)to continue to subscribe to the Fund, in which case he shall not be entitled to any pension; or(b)to earn pension in respect of such pensionable service, in which case, with effect from the date of his permanent transfer.(i)he shall cease to subscribe to the Fund;(ii)the amount of contributions by Government with interest thereon standing to his credit in the Fund shall be repaid to Government;(iii)the amount of subscriptions together with interest thereon standing to his credit in the Fund shall be transferred to his credit in the General Provident Fund to which thereafter he shall or may subscribe in accordance with the Rules of that Fund relating to compulsory or optional subscriptions, respectively; and(iv)he shall be entitled to count towards pension such part of the period during which he subscribed to the Fund as Government may determine.Note. - In the case of ex-State personnel referred to in Rule 10-A, who opted for pension, the period or periods of interruption in the recovery of subscriptions to the Contributory Provident Fund, spent on duty or paid leave subsequent to the date of integration of the respective merged States up to the 18th December, 1953 shall count for pension under the ordinary rules.(2)A subscriber shall communicate his option under Sub-rule (1) by letter to the Accounts Officer within three months of the date of the order transferring him permanently to pensionable service; and, if the communication is not received in the office of the Accounts Officer, within that period the subscriber shall be deemed to have exercised his option in the manner referred to in Clause (a) of that sub-rule.

29. Procedure.

- All sums paid into the Fund under these rules shall be credited in the books of Government to an account named "The Contributory Provident Fund (Orissa) Account". Sums of which payment has not been taken within six months after they become payable under these rules, shall be transferred to "Deposits" after the 31st March of the year and treated under the ordinary rules relating to

deposits.

30.

When paying a subscription in India either by deduction from emoluments or in cash, a subscriber shall quote the number of his account in the Fund, which shall be communicated to him by the Accounts Officer. Any change in the number shall similarly be communicated to the subscriber by the Accounts Officer.

31.

(1) As soon as possible after the 31st March of each year, the Accounts Officer shall send to each subscriber a statement of his account in the Fund, showing the opening balance as on the 1st April of the year, the total amount credited or debited during the year, the total amount of interest credited as on the 31st March of the year and the closing balance on that date. The Accounts Officer shall attach to the statement of account an enquiry whether the subscriber - (a) desires to make any alteration in any nomination made under Rule 5; (b) has acquired a family [in cases where the subscriber has made no nomination in favour of a member of his family under proviso to Sub-rule (1) of Rule 5]; (2) Subscribers should satisfy themselves as to the correctness of the annual statement, and errors should be brought to the notice of the Accounts Officer within six months from the date of receipt of the Statement. (3) The Accounts Officer shall, if required by a subscriber, once, but not more than once, in a year, inform the subscriber of the total amount standing to his credit in the Fund at the end of the last month for which his account has been written up. First Schedule [See Rule 5 (3)] Forms of Nomination I. When the subscriber has a family and wishes to nominate one member thereof I hereby nominate the person mentioned below, who is a member of my family as defined in Rule 2 of the Contributory Provident Fund Rules (Orissa), to receive the amount that may stand to my credit in the Fund, in the event of my death before that amount has become payable, or having become payable, has not been paid-

Name and address of nominee	Relationship with subscriber	Age	Contingencies on the happening of which thenomination shall become invalid	Name, address and relationship of the person, if any, to whom the right of nominee shall pass in the event of his predeceasing the subscriber
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Dated this.....day of.....20....at.....Signature of subscriber.....Two witnesses to signature

1.

2.

II. When the subscriber has family and wishes to nominate more than one member thereof I hereby nominate the persons mentioned below, who are members of my family as defined in Rule 2 of the

Contributory Provident Fund Rules (Orissa), to receive the amount that may stand to my credit in the Fund, in the event of my death before that amount has become payable, or having become payable has not been paid, and direct that the said amount shall be distributed among the said persons in the manner shown below against their names :

Name and address of nominee	Relationship with subscriber	Age	[Account of share of accumulations to be paid to each] [This column should be filled in so as to cover the whole amount that may stand to the credit of the subscriber in the fund at any time.]	Contingencies on the happening of which the nomination shall become invalid	Name, address and relationship of the person, if any, to whom the right of nominee shall pass in the event of his predeceasing the subscriber
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Dated this.....day of.....20..... at.....Signature of subscriber.....Two witnesses to signature

1.

.....

2.

.....III. When the subscriber has no family and wishes to nominate one person, I, having no family as defined in Rule 2 of the Contributory Provident Fund Rules (Orissa), hereby nominate the person mentioned below to receive the amount that may stand to my credit in the Fund, in the event of my death before that amount has become payable, or having become payable, has not been paid:

Name and address of nominee	Relationship with subscriber	Age	Contingencies on the happening of which the nomination shall become invalid	Name, address and relationship of the person, if any, to whom the right of nominee shall pass in the event of his predeceasing the subscriber
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Dated this..... day of.....20.....at.....Signature of the subscriberTwo witnesses to signature

1.

2.

IV. When the subscriber has no family and wishes to nominate more than one personI, having no family as defined in Rule 2 of the Contributory Provident Fund Rules (Orissa), hereby nominate the persons mentioned below to receive the amount that may stand to my credit in the Fund in the event of my death before that amount has become payable, or having become payable has not been paid, and direct that the said amount shall be distributed among the said persons in the manner shown below against their names;

Name and Relationship address of with nominee subscriber	Age	[Account of share of accumulations to be paid to each] [This column should be filled in so to cover the whole amount that may stand to the credit of the subscriber in the fund at any time.]	[Contingencies on the happening of which thenomination shall become invalid] [Where a subscriber who has no family makes a nomination, he shall specify in this column that the nomination shall become invalid in the event of his subsequently acquiring a family.]	Name, address and relationship of the person, if any, to whom the right of nominee shall pass in the event of hispredeceasing the subscribe
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Dated this.....day of.....20.....at.....Signature of subscriber.....Two
witnesses to signature

1.

2.

Second Schedule[See Rule 9](1)Forms of AssignmentI, A.B. of..... hereby assign upto the Governor of Orissa the written policy of assurance as security for payment of all sums which under Sub-rule (2) of Rule 22 of the Contributory Provident Fund Rules (Orissa), I may hereafter liable to pay to the Contributory Provident Fund (Orissa).I hereby certify that no prior assignment of the within policy exist.Dated this..... day of..... 20.....Signature of SubscriberOne witness to signature(2)We, A.B.(the subscriber) of..... and C.D. (the joint assured) of..... in condition of the Governor of Orissa agreeing at our request to accept payment towards the within policy of assurance in substitution for the subscriptions payable by me the said A.B. the Contributory Provident Fund (Orissa) [or, as the case may be, to accept the withdrawal of the sum of Rs..... from the sum to the credit of the said A.B. in the Contributory Provident Fund (Orissa) for payment of the premium of the within policy of assurance], hereby jointly and severally assign unto the said Governor within the policy of assurance as security for payment of all sums which under Sub-rule

(2) of Rule 22 of the Rules of the said Fund the said A.B. may hereafter become liable to pay to that Fund. We hereby certify that no prior assignment of the within policy exists. Dated this..... day of..... 20..... Signature of subscriber and the Joint Assured One witness to signature (3) I, C.D., wife of A.B. and the assignee of the within policy, having at the request of A.B., the assured, agreed to release my interest in the policy in favour of A.B., in order that A.B., any assign the policy to the Governor of Orissa who has agreed to accept payments towards the within policy of Assurance in substitution for the subscriptions payable by A.B., to the Contributory Provident Fund hereby at the request and by the direction of A.B., assign and I said A.B. assign and confirm unto the Governor of Orissa and within policy of Assurance as security for payment of all sums which under Sub-rule (2) of Rule 22 of the rules of the said Fund the said A.B. may hereafter become liable to pay to the Fund. We hereby certify that no prior assignment of the within policy exists. Dated this..... day of..... 20..... Signature of the assignee and the subscriber Station..... One witnesses to signature (4) Form of assignment to be used in cases where a subscriber to the General Provident Fund who has effected an Insurance Policy under the rules of that Fund is admitted to the Contributory Provident Fund (Orissa). I, A.B., of..... hereby further assign unto the Governor of Orissa the within policy of assurance as security for payment of all sums which under Sub-rule (2) of Rule 22 of the Contributory Provident Fund Rules (Orissa), I may thereafter become liable to pay to the Contributory Provident Fund (Orissa). I hereby certify that except an assignment to the Governor of Orissa as security for payment of all sums which I have become liable to pay under Rule 21 of the General Provident Rules no prior assignment of the within policy exists. Dated this day of..... 20..... Signature of the subscriber One witnesses to signature Third Schedule [See Rule 20] Forms of Reassignment and Assignment by the Governor of Orissa (1) All sums which have become payable by the above named, A.B./A.B. and C.D. under Sub-rule (2) of Rule 22 of the Contributory Provident Fund Rules (Orissa) having been paid and all liability for payment by him of any such sums in the future having ceased the Governor of Orissa doth hereby reassign the within policy of assurance to the said A.B./A.B. and C.D. Dated this..... day of..... 20..... Signature of the Accounts Officer Executed by..... Accounts Officer of the Fund for and on behalf of the Governor of Orissa in the presence of Witnesses..... Designation..... Address..... (2) The above named A.B. having died on the day of..... day of 19....., the Governor of Orissa doth hereby assign the within policy of assurance of C.D. [.....] [Fill the particulars of persons legally entitled to receive the policy.] Dated this..... day of..... 20..... Signature of the Accounts Officer Executed by..... Accounts Officer of the Fund for and on behalf of the Governor of Orissa in the presence of Witnesses..... Designation..... Address..... Fourth Schedule [Rule 21] Form of reassignment by the Governor of Orissa The Governor of Orissa doth hereby reassign the within policy to the said A.B./A.B. and C.D. Dated this..... day of..... Signature of the Accounts Officer Executed by..... Accounts Officer of the Fund for and on behalf of the Governor of Orissa in the presence of Designation..... Address.....