

The Uttaranchal Zila Panchayat Officers (Central Transferable Cadre) Retirement Benefit Rules, 2006

UTTARAKHAND

India

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Rule

THE-UTTARANCHAL-ZILA-PANCHAYAT-OFFICERS-CENTRAL-TRANS of 2006

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The Uttaranchal Zila Panchayat Officers (Central Transferable Cadre) Retirement Benefit Rules, 2006 Published vide Notification No. 862/12/06/94(01)04, dated 1st December, 2006, published in the Uttaranchal Gazette (Extraordinary), dated 1st December, 2006 In exercise of the powers conferred by Section 237 read with sub-section (2) of Section 40 and Section 44 of the Uttar Pradesh Kshettra Panchayats and Zila Panchayats Adhiniyam, 1961 (U.P. Act No. XXXIII of 1961) (as applicable to the State of Uttaranchal) and all other power enabling him in this behalf the Governor in supersession of all the rules relating to pension and retirement benefits to the Central Transferable Cadre, is pleased to make the following rules :

1. Short title and commencement.

(1) These rules may be called the Uttaranchal Zila Panchayat Officers (Central Transferable Cadre) Retirement Benefit Rules, 2006. (2) They shall come Into force with effect from the date of their publication in the Gazette.

2. Definitions.

- In these rules unless there is anything repugnant in the subject or context, - (1) "Adhiniyam" means the Uttaranchal Pradesh Kshettra Panchayats and Zila Panchayats Adhiniyam, 1961 (U.P. Act No. 33 of 1961) (as amended from time to time and applicable to the State of Uttaranchal); (2) "Average emoluments" means the average emoluments drawn during the last 10 months immediately preceding the month in which the officer concerned to retire or as admissible to servant of the State

Government from time to time;(3)"Central Transferable Cadre" means a cadre created by the State Government under the Adhiniyam;(4)"emoluments" means-(a)pay as defined in Fundamental sub-rules of Rule 9 (21) of the U.P. Financial Hand Book (as applicable to the State of Uttaranchal), Volume 2, Parts II to IV, which the officer was drawing immediately preceding month of his retirement, and(b)dearness pay or the like if which may be admissible to the officer at the time of retirement or death :Provided that if an officer was on leave at the time of retirement or death, as the case may be, his emoluments shall be deemed to be what they would have been had he not been on leave at that time;(5)"Family" includes the following relatives of an officer-(a)Wife in the case of male officer,(b)Husband in the case of female officer,(c)Sons,(d)Unmarried and widowed daughter (including step children and adopted children),(e)Brothers below the age of 18 years and unmarried and widowed sisters (including step-brothers and stepsisters),(f)Father,(g)Mother,(h)Married daughters (including step-daughter), and(i)Children of a predeceased son;(6)"form" means a form prescribed for the servants of State Government;(7)"Mukhya Adhikari" means Mukhya Adhikari or Upper Mukhya Adhikari of Zila Panchayat;(8)"Mukhya Adhikari" means an officer of Zila Panchayat, Anushravan Koshtak Uttaranchal Pradesh, Dehradun not below the rank of Joint Director nominated by State Government for maintenance and superintendence of the Revolving Fund. He shall also perform the duties of Mukhya Adhikari under these rules in respect of officers appointed in or retired from the Zila Panchayat Anushravan Koshtak ;(9)"Officer" means an officer or servant of Zila Panchayat Central Transferable Cadre appointed substantively to a pensionable post who holds a lien on such post or would have held a lien on such post had his lien not been suspended ;(10)Pensions, for service note are divided into the following four classes :-(a)"Superannuation pension" means pension granted to an officer who is entitled or compelled by rules to retire at the particular age (60 years) ;(b)"retiring pension" means pension which may be granted to an officer attaining the age of 60 years and includes pension that may be granted to an officer who is required to retire at or after the age of 55 years and also includes pension granted after completion of an age of 50 years or on completion of 20 years qualifying service voluntarily sought for ;(c)"invalid pension" means pension awarded on retirement from the Zila Panchayat service to an officer who by bodily or mental infirmity is permanently incapacitated for the Zila Panchayat service or for the particular branch of it to which he belongs ;(d)"compensation pension" means if an officer is selected for discharge owing to the abolition of a permanent post, he shall unless he is appointed to another post, the conditions of which are deemed by authority to discharge him to be at least equal to those of his own, 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;(11)"pensionable post" means post in respect of which the following conditions are fulfilled-(a)the service must be under the Zila Panchayat,(b)the employment must be substantive and permanent, and(c)the service must be paid by Zila Panchayat or the Zila Panchayat Anushravan Koshtak, as the case may be;(12)"qualifying service" means service which qualifies for pension in accordance with the provisions of Regulation 368 of the Civil Service Regulations :Provided that continuous temporary or officiating service under the Zila Panchayat followed without interruption by confirmation in the same or any other post except-(i)periods of temporary or officiating service under the Zila Panchayat in a non-pensionable establishment,(ii)periods of service in a work-charged establishment, and(iii)periods of service in a post paid from contingencies, shall also count as qualifying service;Note. - If service rendered in a

non-pensionable establishment or in a post paid from contingencies falls between two periods of temporary service in a pensionable establishment or between a period of temporary service and permanent service in a pensionable establishment it will not constitute an interruption of service.(13)"retirement" means discharge of an officer on superannuation, on ground of invalidity, discharge owing to the abolition of permanent post or required to retire at or after the age of 55 years, or voluntary retirement sought for on completion of 20 years qualifying service;(14)"revolving fund" means a fund established by the State Government for the payment of pension and retirement benefits of Zila Panchayat Officers (Central Transferable Cadre);(15)"servant of the State Government" means persons appointed to public services and posts in connection with the affairs of the State;(16)"service" means the Uttaranchal Zila Panchayat Central Transferable Cadre service created under Section 44 of the Uttar Pradesh Kshettra Panchayats and Zila Panchayats Act, 1961 (as applicable to the State of Uttaranchal);(17)"Zila Panchayat Anushravan Koshthak" means Zila Panchayat Anushravan Koshthak of the State Government established under Government Order No. (546/P.P.R.S.-Anu/92(22)/2003, dated 24th September, 2003).

3. Application.

- These rules shall apply to the Zila Panchayats Central Transferable Cadre Officers.

4. Pension.

- The amount of superannuation, retiring, invalid compensation and voluntary pension or gratuity shall be the appropriate amount at par with the amount admissible to the servants of State Government, from time to time.

5. Death-cum-retirement gratuity.

(1)An officer may, on retirement be paid gratuity, the amount retirement gratuity of which shall be an amount at par with the amount admissible in this respect to the servants of State Government, from time to time.(2)If an officer dies while in service, gratuity, the amount of which shall be an amount at par with the amount admissible in this respect to the servants of State Government, from time to time, shall be paid to the person or persons on whom the right to receive the gratuity is conferred under sub-rules (1) to (8) of Rule 6 and if there is no such person it shall be paid in the manner indicated in sub-rule (9) of Rule 6.(3)If an officer, who has become eligible for or has actually received a pension or gratuity under Rule 4 of these rules dies within a period of 5 years from the date of retirement and the aggregate of any sums admissible to him or actually received by him till the time of death on account of such gratuity or pension together with the gratuity under sub-rule (1) and the value of any portion of pension commuted by him is less than the amount granted under sub-rule (1), a gratuity equal to the deficiency shall be granted to the person or persons referred to in sub-rule (2).(4)The amount of gratuity admissible in accordance with sub-rule (1) or sub-rule (2) shall be at par with the amount admissible to the servants of State Government, from time to time.

6. Nomination.

(1) An officer shall make a nomination conferring on one or more persons the right to receive any gratuity that may be sanctioned under sub-rule (2) or sub-rule (3) of Rule 5 and gratuity which after becoming admissible to him under sub-rule (1) of the said rule is not paid to him before death : Provided that if at the time of making the nomination, the officer has a family, the nomination shall not be in favour of any person other than one or more of the members of his family. Note. - A nomination or any charge, therein will be made by the officer during his service or even after retirement, if he so desires, with the approval of the appointing authority. (2) If an officer nominates more than one person under sub-rule (1) above, he shall specify in the nomination, the amount or share payable to each of the nominees in such manner as to cover the whole amount of the gratuity. (3) An officer may provide in a nomination- (a) that in the event of any specified nominee pre-deceasing the officer the right conferred upon that nominee shall pass to such other persons as may be specified in the nomination provided that if at the time of making the nomination, the officer has a family consisting of more than one member the person so specified shall not be a person other than a member of his family, (b) that the nomination shall become invalid in event of the happening of a contingency specified therein. (4) The nomination made by an officer, who has no family at the time of making the nomination or a provision made in a nomination under clause (a) of sub-rule (3) by an officer whose family consists at the date of making the nomination of only one member, shall become invalid in the event of the officer subsequently, acquiring a family, or an additional member in the family as the case may be. (5) (a) Every nomination shall be in such one of the Forms "A" to "D" as may be appropriate in the circumstances of the case. (b) An officer may at any time cancel a nomination by sending a notice in writing to the appropriate authority mentioned in sub-rule (7) below ; Provided that the officer shall, along with such notice, send a fresh nomination made in accordance with these rules. (6) Immediately on the death of a nominee in respect of whom no provision about the passing of his right to another person has been made in the nomination under clause (a) of sub-rule (3) or on the occurrence of any event by reason of which the nomination becomes invalid in pursuance of clause (b) of sub-rule (3) or sub-rule (4), the officer shall send to the appropriate authority a notice in writing formally cancelling the nomination together with a fresh nomination made in accordance with these rules. (7) Every nomination or any change therein shall be sent by the officer to the appointing authority who will countersign it indicating the date of receipt and keep it under his custody. (8) Every nomination made, and every notice of cancellation given by an officer shall, to the extent it is valid, take effect on the date on which, it is received by the authority mentioned in sub-rule (7). (9) If an officer having a family dies without making a nomination conferring on one or more of the members of his family the right to receive the amount of death-cum-retirement gratuity, it shall be paid in equal shares to those surviving members of his family, who belong to the categories (a) to (d) mentioned in sub-rule (6) of Rule 2 except widowed daughters, where there are no such surviving members, but there are surviving widowed daughter(s) and/or one or more members of the family of the officer who belong to categories (e) to (l) mentioned in the said sub-rule, the gratuity shall be paid to such person or to all such persons in equal share.

7. Family pension.

(1) A family pension may be granted to the family of an officer who dies whether after retirement or while still in service and the amount of such pension shall be at par with the amount admissible in this respect to the servants of State Government. (2) No pension shall be payable under this part-(a) to a person mentioned in clause (b) of sub-rule (3) below unless the pension sanctioning authority is satisfied that such person was dependent on the deceased officer for support; (b) to an unmarried female member of the family in the event of her marriage; (c) to a widowed female member of the family in the event of her remarriage; (d) to a brother of the deceased officer on his attaining the age of 18 years; and (e) to a person who is not a member of the deceased officer's family. (3) Except as may be provided by a nomination under sub-rule (4) below : (a) a pension sanctioned under this part shall be granted-(i) to the eldest surviving widow, if the deceased was a male officer or to the husband, if the deceased was a female officer, (ii) failing (i) above, to the eldest surviving son; (iii) failing (i) and (ii) above, to the eldest surviving unmarried daughter; (iv) failing (i) to (ii) above, to the eldest widowed daughter; and (b) in the event of the pension not becoming payable under clause (a) the pension may be granted-(i) to the father; (ii) failing (i) above to the mother; (iii) failing (i) and (ii) above, to the eldest surviving brother below the age of 18; (iv) failing (i) to (iii) above, to the eldest surviving unmarried sister; (v) failing (i) to (iv) above, to the eldest surviving widowed sister; and (vi) failing (i) to (v) above, to the children of a predeceased son in the order it is payable to the children of the deceased officer under (a), (ii), (iii) and (iv) above. Note. - The expression "eldest surviving widow" occurring in clause (a) above, should be construed with reference to the seniority according to the date of marriage with the officer and not with reference to the age of surviving widows. (4) An officer shall immediately after his confirmation make a nomination in Form "E" indicating the order in which a pension sanctioned under this part should be payable to the members of his family; and the extent it is valid, the pension will be payable in accordance with such nomination provided the nominee concerned is not ineligible on the date of which the pension may become payable to him or her to receive the pension under the provisions of sub-rule (2). In case the nominee concerned is or has become ineligible to receive the pension under the said sub-rule the pension shall be granted to the person next lower in the order in such nominations. The provisions of sub-rules (5) (b), (7) and (8) of Rule 6 shall apply in respect of nominations under this sub-rule. (5) (a) A pension awarded under this part shall not be payable to more than one member of the deceased officer's family at the same time. (b) If a pension awarded under this part ceases to be payable before the expiry of the period mentioned in the proviso to sub-rule (1) on account of death or marriage of the recipient or any other cause it will be regranted to the person next lower in the order mentioned in sub-rule (3) or to the person next lower in the order shown in the nomination under sub-rule (4) as the case may be, who satisfies the other provisions of this part. (6) A pension sanctioned under this part will be tenable in addition to any extraordinary pension, gratuity or compensation that may be granted to the members of an officer's family under the existing rules. (7) Future good conduct of the recipient is an implied condition of every grant of pension under this part. Zila Panchayats reserve, to themselves the right or withholding or withdrawing such pension or any part thereof if the recipient be convicted of serious crime or be guilty of grave misconduct. Decision of the Zila Panchayat in such matters shall be final.

8. Commutation.

- Facilities for commuting pension will be in accordance with the Uttarakhand Civil Pension (Commutation) Rules but the maximum amount of pension which may be commuted will be at par with the amount admissible in this respect to servants of State Government, from time to time.

9. Recovery of dues.

- Any amount found legally due to the Zila Panchayat and recoverable from an officer can be recovered from his gratuity or pension with the sanction of the State Government on the recommendation of the Karya Samiti formed under Section 66 of the Adhiniyam.

10. Compassionate gratuity.

- If an officer is dismissed or removed from service of the Zila Panchayat on account of criminal misconduct, punished by imprisonment, insolvency or embezzlement, no gratuity or pension shall ordinarily be payable to him or to his family, but the State Government if it so decides can sanction gratuity to the extent of half of the amount admissible under Rule 4 on compassionate grounds.

11. Manner of drawl of the amount of monthly contribution.

(1) For every officer who is entitled to pension and gratuity under these rules the Mukhya Adhikari shall every month draw contributions from the Zila Nidhi from which the pay of the officer concerned is payable equal to an amount calculated on the basis given in Governor's order No. 1, under Rule 116 in the Financial Hand Book, Volume II, Parts II to IV and will credit the same to the Revolving Fund in the manner given in Schedule to these rules. For this purpose the officers will be considered as servants in class I and class II on the basis of their pay scales, in the same manner as the servants of State Government. (2) Pension and gratuity shall be paid from this Revolving Fund to the officers as per Schedule to these rules.

12. Method of sanction of pension and gratuity.

- After retirement of every officer and in every case within one month from that date, the Mukhya Adhikari shall send his complete service book alongwith connected details in Form 'F' after getting the amount of pension and other details checked by the Accountant and scrutinised by the Assistant Accounts, Officer of Zila Panchayat, to the Director, Local Fund Accounts, Uttarakhand, Dehradun or the Assistant Director, Local Fund Accounts of the Division for verification and confirmation of pension and gratuity. The Mukhya Adhikari shall also simultaneously send a copy of those papers to the "Zila Panchayat Anushravan Koshtak, Dehradun". In anticipation of sanction from the competent authority, permission for provisional payment of the gratuity to the extent of 90% and the pension at the rate as prepared by the Assistant Accounts Officer, Zila Panchayat, shall be sanctioned by the Mukhya Adhikari or any other officer authorised at the time in this behalf, which shall be payable for a period of 12 months only. The Director or Assistant Director, Local Fund

Accounts shall send service book alongwith connected details after verification and confirmation of gratuity or pension to the Zila Panchayat concerned and a copy of the same to Zila Panchayat Anushravan Koshtak. Where after the amount of gratuity or pension as verified and confirmed by the Director or the Assistant Director, Local Fund Accounts shall be finally sanctioned by the Mukhya Adhikari or the Officer authorised in this behalf and the pension payment order book in Form 'G' shall be sent by the Accountant to the officer concerned. The pension papers (on behalf of the Mukhya Adhikari) shall be received by the Accountant and thoroughly examined by him in the same manner as claims against the Zila Nidhi under Rule 66 of the Uttar Pradesh Zila Panchayat and Kshettra Panchayat (Budget and General Account) Rules, 1965 (as applicable to the State of Uttaranchal).

13. Method of payment of pension and gratuity.

(1) Pension and other retirement benefits shall be paid by Mukhya Adhikari in the manner as given in the Schedule to these rules. (2) In respect of all cases for retirement benefits to the officers shall be governed by the Government, Orders issued, from time to time, in respect of the servants of State Government.

14. Relaxation from rules.

- Where the State Government is satisfied that the operation of any rule regulating the conditions of pension of officers causes guide hardship in any particular case, it may notwithstanding for anything contained in these rules applicable to the case, by order, dispense with or relax the requirements of that rule to such extent and subject to such condition as it may consider necessary for dealing with the case in a just and equitable manner.

Schedule

[See Rules 11 and 13]

1. Establishment, of Revolving Fund. - The State Government shall establish fund to be known as-

"Revolving Fund". - The Fund shall vest in Zila Panchayat Anushravan Koshtak, Uttaranchal Pradesh, Dehradun who shall administer the fund as per these rules and directions issued by the State Government.

2. Utilization of Revolving Fund. - (i) The Revolving Fund shall be utilized for the payment of Revolving Fund pension and other retirement benefits to the officers who have retired before the commencement of these rules or those who will retire after these rules come into force;

(ii)Mukhya Karyakari Adhikari shall be the drawing and disbursing officer of the Revolving Fund.

3. Contribution to the Revolving Fund. - (i) As a result of Sepration of Assets between Uttar Pradesh and Uttaranchal of above fund the amount received will be deposited in Revolving Fund and the contribution of employees which have been appointed after 1-10-2005 will also be included.

(ii)Total amounts deposited in the pension accounts of officers shall be transferred and deposited in the Revolving Fund immediately.(iii)The contributions drawn under Rule 11 shall be credited by the Mukhya Adhikari to the Revolving Fund through a bank draft drawn in favour of Mukhya Karyakari Adhikari by the 10th of every month.

4. Investment of Revolving Fund. - The total amount credited to Revolving Fund shall be invested in Personal Ledger Account of State Government in the name of Revolving Fund and the said account shall be operated through Mukhya Karyakari Adhikari. The State Government shall pay such rate of interest on such deposit as determined by the State Government, which shall not be less than the maximum rate of interest payable on long term deposits by the nationalised banks as per guidelines of Reserve Bank of India.

5. The procedure of payment of pension and other retirement benefits. - (i) The Mukhya Adhikari shall send the details of the amounts required in advance for three months for each officer for payment of gratuity or pension and other retirement benefits to Mukhya Karyakari Adhikari.

(ii)Mukhya Karyakari Adhikari shall send the demand draft of the required amount to the Mukhya Adhikari concerned after due scrutiny within ten days of receipt of details of amount under sub-rule (1).(iii)Mukhya Adhikari shall open a separate current account styled as "Zila Panchayat Central Transferable Cadre Pension Fund" in a nationalized Bank. The minimum amount required for opening the said account shall be drawn from the "Zila Nidhi". All the demand draft received from Mukhya Karyakari Adhikari shall be deposited in the said account.

6. Mode of disbursement from the Revolving Fund. - Monthly pension, gratuity, commuted pension and other retirement benefits shall be paid through cheque or by transfer in bank account by the Mukhya Adhikari concerned after receiving the same from the Revolving Fund.

7. Regular drawl of pension contribution. - Mukhya Adhikari shall be responsible for regular and timely drawl and deposit of pension contributions of officers as per Rule 11.

8. Account of Revolving Fund. - The account of Revolving Fund shall be maintained according to the provisions of Financial Hand Book, as per orders and directions of the State Government.

9. Provision of Staff/Programmer and contingent, expenditures. - For the proper operation of Revolving Fund necessary Staff/Computer Programmer shall be engaged either on the basis of yearly contract or on deputation with the approval of State Government. The salary and allowance of the staff will be paid from the contingency of the Revolving Fund :

Provided that all the expenditures including contingent expenditures and salary of staff etc. shall be borne out from the contingency of Revolving Fund which shall be kept at minimum and in no case it should exceed 2.5% of the annual interest earned from the invested amount of Revolving Fund : Provided further that the maximum limit of the said contingency shall be 2% in the sixth year after five financial years including the year of implementation of these rules.

10. Power of State Government to issue direction. - For the operation of Revolving Fund the State Government may issue direction on such matters which are not covered in these rules.