

The M.P. Municipal Services (Pension) Rules, 1980

MADHYA PRADESH

India

The M.P. Municipal Services (Pension) Rules, 1980

Rule THE-M-P-MUNICIPAL-SERVICES-PENSION-RULES-1980 of 1980

- Published on 31 October 1980
- Commenced on 31 October 1980
- [This is the version of this document from 31 October 1980.]
- [Note: The original publication document is not available and this content could not be verified.]

The M.P. Municipal Services (Pension) Rules, 1980 Published vide Notification No. 557-18-2-80, dated 31-10-1980, M.P. Rajpatra (Asadharan), dated 10-11-1980 In exercise of the powers conferred by sub-clause (b) of clause (iv) of sub-section (2) of Section 355 read with sub-section (2) of Section 8 and Section 95 of the Madhya Pradesh Municipalities Act, 1961 (No. 37 of 1961) the State Government hereby makes the following Rules, the same having been previously published as required by sub-section (3) of Section 356 of the said Act, namely :-

1. Short title and commencement.

(1) These rules may be called the Madhya Pradesh Municipal Services (Pension) Rules, 1980. (2) They shall be deemed to have come into force on the 1st April, 1970.

2. Application.

- (i) These rules shall apply to the officers and servants of Municipal service ;-(a) who have entered service on or after 1st April, 1970; (b) who have opted for the pension scheme on or before 23rd January, 1979 under clause (c) of Rule 23 of Madhya Pradesh Municipal Employees (Recruitment and Conditions of Service) Rules, 1968 and have retired from service on or after 1st April, 1970; (c) who had failed to exercise any option on or before the 23rd January, 1979 : Provided that persons who had received payment of the amounts at credit in their Contributory Provident Fund account at the time of their retirement on or after 1st April, 1970, but have subsequently expressed their willingness in writing to join the pension scheme, may be admitted to the scheme on payment into the pension fund of the entire amount of the Municipal share of the contributory provident fund together with interest thereon received by them at the time of retirement, plus interest on the above amount at 5 per cent, from the date on which the amount would otherwise have been credited to the pension fund : Provided further that in the event of an employee being unable to repay the amount at his express willingness, the amounts so due may be recovered together with interest at 5

per cent, out of the pension and gratuity payable to him :Provided further that the concession to join the scheme on repayment of Contributory Provident Fund amounts shall be granted only to employees who have retired before 23rd January, 1979 and are alive at the time of admission to the scheme.(d)[who have opted for pension scheme on or before 1st July, 1991 under the said rules but these rules shall not apply to those persons who were not included in this scheme and have retired/died or otherwise left the service on or before the 4th June, 1991 : [Inserted by Notification No. F. 4-276-88-XVIII-1, dated 14-9-1994.]Provided that the persons who had exercised their options under this sub-rule may be admitted for the pension scheme after depositing the amount into the pension fund equal to the amount of Municipal share of the Contributory' Provident Fund together with the interest accrued thereon as on 1st April, 1970 and the amount deposited into the Municipal Fund from 1st April, 1970 onwards :Provided further that the Municipality concerned shall deposit pension contribution from 1st April, 1970 onwards, in the pension fund as required under these rules :Provided also further that an amount equal to the simple interest at the rate of 5% of the contribution for period from 1st April, 1970 to 30th June, 1991 shall also be deposited in the pension fund by the Municipality concerned.](ii)With effect from the date on which these rules come into force, all provisions governing the grant of pension, gratuity and family pension under any set of rules made applicable to Municipal employees previously or options for pension, gratuity and family pension exercised thereunder shall cease to be operative. From 1st April, 1970 and thereafter, pension, gratuity and family pension to all Municipal employees shall be admissible only as provided in these rules. Employees who opt not to be governed by these rules, shall not be entitled to pension, gratuity or family pension ;Provided also that these rules shall not apply to the employees of those Municipal Councils who administer their own pension schemes and such employees shall continue to get pensionary benefits according to their pension schemes.(iii)The State Government may, from time to time, extend the application of these rules for other categories of employees from such date as may be specified in that behalf.

3. Definitions.

- In these rules, unless there is anything repugnant in the subject or context:-(a)"Council" means the Municipal Council or Notified Area Committee under whom an employee of the service mentioned in Rule 2 is serving;(b)"Employee" means an officer or servant of a Municipal Council;(c)"Controller of Pension for Local Bodies" means the Director of Local Bodies, Madhya Pradesh, Bhopal;(d)"Fund" means the Municipal Employees Pension Fund from which Pension payments are to be made;(e)"Government" means the Government of State of Madhya Pradesh;(f)"Head of office" means the Chief Municipal Officer;(g)"Audit Officer" means the Deputy Director (Pensions) of Local Bodies, Madhya Pradesh.

4. Rules applicable.

(a)A claim to pension, including gratuity and family pension of an employee under these rules shall be regulated by the Madhya Pradesh New Pension Rules, 1951, the Madhya Pradesh Class IV Service (Gratuity, Pension and Retirement) Rules, 1956 alongwith the Madhya Pradesh New Family Pension Scheme, 1956 from 1st April, 1970 to 31st May, 1976 and the Madhya Pradesh Civil Services Pension Rules, 1976 from 1st June, 1976 as amended from time to time :Provided that provisions regarding

commutation of pensions shall not be made applicable to the Municipal Employees :Provided further that only such period of service rendered on regular establishment against a regular, time scale of pay, minus the periods spent on extraordinary leave, shall be taken into account as qualifying for pension and gratuities :Provided also that the service so computed, in so far as it relates to service prior to the 1st April, 1970 shall be considered as qualifying regardless of whether or not the employee was a member of the Contributory Provident Fund Scheme.(b)On coming into force of these rules, the rules relating to the grant of gratuities to the employees of the Council issued under the Central Provinces and Berar Municipalities Act, 1922 (No. 11 of 1922), the Madhya Bharat Municipalities Act. 1954 (No. 11 of 1954), the Vindhya Pradesh Municipalities Act, 1946 and the Bhopal State Municipalities Act, 1955 (No. III of 1956), shall cease to apply to the employees governed by these rules.(c)[Rate of relief on pension shall be determined by the Director, Urban Administration with the prior approval of the State Government.] [Inserted by Notification No. 4-612-96-XVI11 1, dated 28-4-1997.]

5. Preparation and submission of pension cases.

(a)It shall be the duty of every Head of Office to prepare the pension case of a retiring employee well in advance, at least six months before the date on which the employee is due to retire and submit it to the Audit Officer.(b)The rule relating to the preparation of pension cases and other connected matters and forms in vogue applicable to Government servants shall generally be adopted in the case of Municipal employees.(c)The Controller of Pensions may prescribe such other forms and documents as may be found necessary in accordance with Pensions Fund Rules and require them to be furnished with each pension case.(d)If, after the pension papers have been forwarded to the Audit Officer, any event occurs which has a bearing on the amount of pension admissible, the fact shall be promptly reported to the Audit Officer by the Head of Office. If no report is received within a week from the date of retirement, the Audit Officer shall assume that there has occurred no such event.(e)The Head of Office shall furnish to the Audit Officer at least one and a half months before the date of retirement of an employee an information about any Municipal dues which are recoverable from the employee. If there are no dues, he shall issue a No Demand Certificate. No Demand Certificate in respect of a Chief Municipal Officer shall be issued by the Municipal Council wherein the Officer had last been in service and also by the Head of the Department i.e. the Director of Local Bodies, Madhya Pradesh.

6. Anticipatory sanctions.

- Anticipatory payments towards pension, gratuity and family pensions shall be sanctioned by the Deputy Director (Pensions).

7. Scrutiny of pension cases and audit enforcement.

(a)The Audit Officer, i.e., Deputy Director (Pensions) shall scrutinise the pension cases and certify admissibility of final pension, gratuity and family pension under these rules.(b)The Audit Officer, while applying requisite checks, shall keep in mind that what is intended is not a total overhaul or audit of entire service book or records but only a scrutiny limited to the immediate purpose in hand,

namely, the calculation of pension, gratuity and family pension admissible. Similarly any check of correctness of emoluments, whether in the Office preparing pension papers, or in Audit Office shall not become an occasion for an extensive examination going back into the distant past. The check shall not in any case go back to a period earlier than a maximum of 12 or 36 months preceding the date of retirement which is absolutely necessary for assessing pensionary benefits.

8. Sanctioning Authority.

- The Controller of Pensions for Local Bodies, Madhya Pradesh shall be the authority competent to sanction the pension, gratuity and family pension certified to be admissible by the Audit Officer.

9.

The Controller of Pensions shall be the final authority in all matters relating to pension cases under these rule-cases wherein a decision has to be taken regarding date of birth, qualifying service, admissibility of pension, regularising periods of absence or of unauthorised retention in service shall be decided and finalised under orders of the Controller of Pensions. Where, however, the admissibility of pension becomes subject to the grant of extension in service, the orders of the State Government shall be obtained.

10. Pension and Gratuity payments (Procedure and Rules).

(a) Authority for payment of pension, gratuity and family pension shall be issued by the Audit Officer. (b) Payment shall be made out of the Municipal Employees Pension Fund in the manner prescribed in the relevant fund rules. (c) The following amounts due to a deceased pensioner shall be paid only to the person or persons certified to be his legal heirs by the Collector of the District :- (i) Life time arrears of pension; and (ii) Gratuities : Provided that where the Death-cum-Retirement Gratuity together with life time arrears of pension does exceed Rs. 3500.00 (Rupees three thousand five hundred) the Audit Officer may authorise payment to the claimant on the execution of an Indemnity Bond with two sureties holding permanent posts in the Municipal Council or under the State Government.

11.

In case of any doubt or dispute in regard to the interpretation of these rules, the decision of the State Government shall be final.