

# Uttarakhand Retirement Benefits Act, 2018

UTTARAKHAND

India

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### Act 17 of 2018

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Uttarakhand Retirement Benefits Act, 2018(Uttarakhand Act No. 17 of 2018)[Dated 13.4.2018.]An Act for providing benefits after the retirement of substantively appointed personnel under the State Government services.Enacted by the Uttarakhand Legislative Assembly in the 69th Year of the Republic of India;Part-I

### 1. Short title, commencement and application of the Act.

(1)This Act may be called the Uttarakhand Retirement Benefits Act, 2018.(2)This Act shall be applicable on the personnel substantively appointed before the date of 1st October, 2005 under the services of State Government in the case of their completion of superannuation age, voluntary retirement and compulsory retirement and in the case of death of any personnel, on the dependents of such personnel;Provided that the personnel appointed substantively from the date of 1st October, 2005 shall be governed by new contributory pension plan;Provided further that such service of personnel which are: -(a)Not in full time employment;(b)done on contract, work charge, part time, daily wages, adhoc and fixed salary;(c)done as extension of service/ re-appointment/ end of session benefit after completing superannuation age.(d)break in service from one service to another service;(e)unauthorized absence except the period of joining/compulsory waiting period as a result of transfer from one post to another post;(f)period of leave without sanction;(g)any kind of absence in service, for which the leave is not due;pension shall not permissible for the services mentioned in the clause (a) to (g) above.

### 2. Overriding effect.

- Notwithstanding anything contained in any other law made before the commencement of this Act, the provisions of this Act shall prevail.

### **3. Definitions.**

- Unless anything is repugnant to the subject and context, in this Act: -(a)'Constitution' means the Constitution of India.(b)'Government' means the State Government of Uttarakhand;(c)'Governor' means the Governor of Uttarakhand.(d)'Pension Sanction Officer' means officer authorised as such by the Government from time to time;(e)Pension includes gratuity except when only service gratuity is payable, it will not be part of pension.(f)'Emolument' means such salary which is defined under Financial Hand Book Volume-II Part- II to IV;(g)'Substantive appointment' means such appointment on a post in any cadre of service which is not an appointment on contract, work charge, part time, daily wages, adhoc and on fixed salary and selection for which has been made in accordance with relevant service rules;(h)'Permanent and Temporary service' means such service which has been done after substantive appointment on permanent and temporary post in any Government department.(i)'Government Servant' means such Government servant who may belong to any class who is substantively appointed under the government on a post which qualifies for pension;(j)'Qualifying service' means period of service which has been done as substantive / regular service under the State Government;(k)'Retirement' means to relinquish office from Government service on superannuation, voluntary retirement and compulsory retirement;(l)'Prescribed' means prescribed in rules.

## **Part II – Pension**

### **4. Eligibility for pension.**

- The service shall be qualifying service for pension according to following conditions -(a)The service has been done substantively and regularly under the State Government;(b)The service shall be taken as qualifying service for retirement benefits when the employee is substantively appointed on permanent/ temporary created post in any establishment.

### **5. Amount of Pension.**

- Amount of pension shall be equivalent to the 50% of drawn basic pay on last day of the service or average salary of 10 months before the retirement date, whichever is beneficial for the pensioner;Provided that the said amount shall not be less than the amount of minimum pension prescribed and shall not be more than the amount of maximum pension prescribed by the State Government.

### **6. Determination of period of service for allowing pension.**

(a)Pension shall not be permissible if services are for less than ten years (six months and more than six months shall be considered one year and the period of less than six months shall not be calculated).(b)Whole pension shall be permissible on service of twenty years.(c)If qualifying service is of more than ten years but less than twenty years, then amount of pension shall decrease in proportion;Provided that the said amount shall not be less than the amount of minimum pension

prescribed by the State Government. Part-III Retirement/ Death Gratuity

## 7. Retirement gratuity/death gratuity.

(1) The amount of retirement gratuity shall be equal to half of the monthly emoluments for every completed half year period of qualifying service, the maximum limit of which shall not be more than [16.5 times] [Substituted '33 times' by Uttarakhand Act No. 34 of 2018, dated 11.10.2018.] of last drawn monthly emoluments or the maximum limit prescribed by the State Government, whichever is less. (2) The amount of death gratuity on the death of any substantively appointed Government servant shall be as under: -

Period of qualifying service	Amount of death gratuity
less than one year	double of monthly emoluments
more than one year but less than five years	six times of monthly emoluments
five years or more than but less than eleven years	twelve times of monthly emoluments
eleven years or more than but less than twenty years	twenty times of monthly emoluments
twenty years or more than twenty years	The amount shall be equal to half of the monthly emoluments for every completed half year period of qualifying service, the maximum limit of which shall not be more than 33 times of last drawn monthly emoluments or the maximum limit prescribed by the State Government, whichever is less.

## Part IV – Family Pension

### 8. Family Pension.

(1) The family pension ordinarily shall be calculated at the rate of thirty percent of last drawn monthly salary; Provided that the minimum and maximum amount of family pension shall not be more than the amount fixed by the State Government. (2) In case of death of Government servant / pensioner, family pension is permissible to family at increased rates for the period of ten years from the date of death or attaining the age of 67 years of deceased Government servant / pensioner, whichever is earlier.

### 9. Eligibility, for permissiveness of family pension.

- Following members of family shall be eligible for allowing the family pension - (1) wife/ husband; (2) Son less than the age of 25 years on the date of death with the restriction that if he starts

earning livelihood then till the date of earning livelihood or the age of 25 years, whichever is earlier.(3)Unmarried daughter, less than age of 25 years on the date of death with the restriction that if she starts earning livelihood or she gets married or till the completion of age of 25 years, whichever is earlier. Children mentioned in sub-section (2) and (3) include step and legally adopted children before retirement.(4)There shall be no restriction of age for disabled or mentally challenged children who are eligible for family pension under the provisions of this Act. Widow or divorcee daughter shall also be included in family.If spouse or eligible children of the deceased Government servant in above mentioned categories are not available, then his mother/father, who were fully dependent on him, will be included in his family.(5)There shall be the following conditions to make the unmarried daughters of Government employees /pensioners eligible even after attaining the age of twenty five years -(a)family pension to unmarried daughter shall be sanctioned according to their date of birth and the younger daughter shall not be eligible for family pension till the elder daughter next to her is declared ineligible;(b)unmarried daughters of more than twenty five years shall be eligible for family pension only when other eligible children under age of twenty years are not eligible for pension and there is no disabled child in family to receive family pension.

## **10. Commutation of a part of pension.**

(a)Commutation of maximum forty percent amount of total calculated pension shall be permissible according to the formula prescribed by the State Government. This facility is provided for the pensioner on the basis of his consent.(b)The commuted part of the pension shall be restored from next day of completion of fifteen years from the date of payment or after three months from the date of issuing the Pension Payment Order, whichever is earlier.

## **11. Increase in pension.**

- Additional pension shall permissible on the pension to the Government pensioner/ family pensioner of more than age of 80 years as follows -

Age of pensioner/ family pensioner	Increase in pension
from 80 years to less than 85 year	20% of basic pension / family pension
from 85 years to less than 90 year	30% of basic pension / family pension
from 90 years to less than 95 year	40% of basic pension / family pension
from 95 years to less than 100 year	50% of basic pension / family pension
100 years or more	100% of basic pension / family pension

## **Part V – Miscellaneous**

### **12. Other Provisions.**

(1)Interim pension and gratuity to such retired State employees, against whom departmental inquiry, judicial proceeding or inquiry in Administrative Tribunal is pending or is expected to be made shall be allowed as may be prescribed.(2)Pension or family pension shall not be permissible to

the person dismissed from the service.

### **13. Power to make rules.**

(1)The State Government may make rules to carry out the rules provisions of this Act.(2)Rules made under this Act shall be laid before the State Legislature.