

Gauhati University Retirement Benefit Rules, 1974

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Rule

GAUHATI-UNIVERSITY-RETIREMENT-BENEFIT-RULES-1974 of 1974

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Gauhati University Retirement Benefit Rules, 1974 Last Updated 11th February, 2020 (A Statute made under Section 36(1) of the Gauhati University Act, 1947)

1. Title and commencement.

- (i) These Rules shall be called the Gauhati University Retirement Benefit Rules, 1974, and shall constitute G.R.P.-cum-Pension-Gratuity Rules and the C.P.F.-cum-gratuity Rules. (ii) These Rules shall come into force with effect from 1st April, 1974.

2. Definitions.

- In these Rules unless there is anything repugnant in the subject or context-(1)'University' means the Gauhati University.(2)'Executive Council' means Executive Council of the Gauhati University.(3)'Emoluments' means emoluments which an employee was receiving monthly immediately before the date of his retirement or relinquishment of service and includes-(a)Pay;(b)Personal pay which has been granted in lieu of loss of pay ;(c)Special pay attached to a post; and(d)Half of-(i)the difference between his substantive and the pay actually drawn in higher officiating or temporary appointments ;(ii)special pay other than that referred to in clause (c) above ;(iii)personal pay other than that referred to in Clause (b) above :Provided that if immediately before retirement or relinquishment of service, an employee has been absent from duty on leave with allowances, his emoluments for the above purpose shall be taken at what they would have been had he not been absent from duty.(3-A) 'Average emoluments' means the average of the emoluments as defined above, calculated in respect to the last three years of service.(4)'Family' for the purpose of G.P. Fund and Contributory Provident Fund means :(a)In the case of a male subscribers, 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 the 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 intimates in writing to the Treasurer that she shall continue to be so regarded ;(b)In the case of a female subscriber, the husband and children of the subscriber, and the widow or widows and children of a deceased son of the subscriber :Provided that if a subscriber by notice in writing to the Treasurer 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 such notice in writing.Note. - 'Child' means a legitimate child and includes an adopted child where adoption is recognised by the personal law governing the subscriber.(5)'Fund' means the General Provident Fund or the Contributory Provident Fund of the University as per context.(6)'Leave' means any kind of leave recognised by the University.(7)'Pay' means the amount drawn monthly by an employee as pay which has been sanctioned for the post held by him substantively or in an officiating capacity and includes special pay and personal pay, if any.(8)'Personal pay' mean additional pay granted to an employee of the University-(a)to save him from a loss of substantive pay in respect of a permanent post owing to a revision of pay or to any reduction of such substantive pay otherwise than as a disciplinary measure : (b)in exceptional circumstances or other personal consideration.(9)'Qualifying Service' means service rendered as an employee of the University in a substantive capacity including periods spent on probation. All service rendered to the on a full-time basis in a temporary or officiating capacity or on contract basis followed without interruption by confirmation in the same or another post shall count as 'qualifying service except in respect of periods of service in "Work charged" establishment and periods of service paid from 'contingencies.Explanation I. - Counting of period of leave as qualifying service : (a)All periods of leave with pay and allowances shall count as qualifying service.(b)the period spent on deputation for training or higher studies or deputation for any special purpose including periods of travel to and from the place of deputation shall count as qualifying service ; provided that if the employee has availed himself of any extraordinary leave without allowances during the period of deputation,the period of extraordinary leave shall be excluded.Explanation II. - Period not counting as qualifying service. - the following periods in the service of an employee shall not count as qualifying service : (i)time passed under suspension by an employee pending enquiry into his conduct, if the suspension is not immediately followed by reinstatement.(ii)Extraordinary leave without pay for purpose of holding an appointment outside the University.(iii)An authorised absence in continuation of authorised leave of absence.(iv)Service below the age of 18 years.(10)(a)'Registrar' means the Registrar of the 'University' or other person appointed by the Executive Council to discharge the duties of the Registrar.(b)'Treasurer' means the Treasurer of the University or other person appointed by the Executive Council to discharge the duties of the Treasurer.(11)'Special pay' means an addition in the nature of pay to emoluments to a post or to an employee of the University granted in consideration of the specially arduous nature of the duties or of a specific addition to his work or responsibility.(12)'Year' means the financial year of the University.(13)'Injury' means bodily injury resulting from violence, accident or disease assessed by the Medical Officer of the University or by competent medical authority that may be prescribed by the Executive Council in this behalf, as being not less than severe-involving loss of earning power.Note. - Example of injuries of certain categories are given in Schedule 'F'.(14)'Accident'

means-(a)disease solely and directly attributed to an accident, or(b)an epidemic disease contracted by an employee in consequence of his being ordered on duty to an area in which such disease is prevalent, or in consequence of his attending voluntarily, out of humanitarian motives, upon any patient suffering from any such disease in an area where he happens to be in the performance of the duties, or(c)venereal disease or septicemia where such disease or septicemia is contracted by a medical officer as a result of attendance in the course of his official duty on an infected patient or of conducting a postmortem examination in the course of that duty.(15)'Risk of office' means any risk, not being a special risk of accident or disease to which an employee is exposed in the course of and as a consequence of his duties, but nothing shall be deemed to be a risk of office which is a risk common to human existence in modern conditions in India, unless such risk is definitely enhanced in kind or degree by the nature, conditions, obligation or incident of service.Note. - The term 'risk of office' shall include risk of death or injury to which a member of the staff is exposed where he attends on a working day, or is required to attend on a holiday, the place of his employment for the performance of his duties during any riot or civil commotion in the locality and while proceeding from his residence to the place of his employment or vice-versa, becomes a victim of the said riot or civil commotion.(16)'Special risk' means-(a)a risk of suffering injury by violence ;(b)a risk of injury by accident to which an employee is exposed in the course of and as a consequence of the performance of any particular duty which has the effect of materially increasing his liability to such injury beyond the normal risks of his office ;(c)a risk of contracting disease to which a medical officer is exposed as a result of attending in the course of his official duty to a venereal or septicemia patient or conducting a postmortem examination in pursuance of that duty.(17)'Violence' means the act of a person who inflicts an injury on an employee-(a)by assaulting or resisting him in the discharge of his duties, or in order to deter or prevent him from performing his duties, or(b)because of anything done or attempted to be done by such employee or by any other employee in the lawful discharge of his duty as such, or(c)because of his official position.(18)'Employee' means an employee of the University both academic and non-academic.(19)'Subscriber' means an employee who is entitled to pay subscription to the Provident Fund.(20)'Subscription' means the amount subscribed by an employee to the Provident Fund.(21)'Contribution' means the amount contributed by the University to the Provident Fund.

3. Application of Rules.

- (i) These Rules shall apply to all the employees of the Gauhati University both academic and non-academic (other than part-time employees, re-employed pensioners, deputationists, temporary and daily wage staff); provided that-(a)those who joined the service of the u before 1st April, 1974 shall be entitled to opt for one of the two alternative schemes set out in Appendices 'A' and 'B' to the Rules.(b)those who joined the University service on or after 1st April, 1974 shall be entitled to only the scheme set out in Appendix 'A' despite the fact that they have been permitted to contribute to the C.P.F. benefit in the u prior to the promulgation of these Rules.(c)Those employees who are appointed in tenure posts and not eligible for pension will be entitled to Appendix 'B' to these rules.(ii)The service of the employees who joined the University service before 1st April, 1974, and who opt for General Provident Fund-cum-Pension-cum-gratuity Scheme shall be deemed to have been in pensionable posts from the commencement of the employees' service in the University irrespective of the period of service for which the employees might have subscribed to the University

Contributory Provident Fund. The subscription to C.P.F. of such employees shall be taken as subscription to the G.P.F. under these Rules.(iii)Such of the employees of the University who joined the University service before the 1st April, 1974 before having an opportunity of exercising option under this clause shall be entitled to exercise their option for the schemes set out in Appendices 'A' and 'B'.(iv)In the case of employees in service prior to 1st April, 1974, who have retired from the University service on or after the 1st April, 1974, and died before having an opportunity of exercising option under these Rules, the nominee or nominees validly nominated under the existing University C.P.F. Rules, can make a specific request for option to choose one of the two schemes, and the University will have the discretion to give the benefit to either of the two schemes to a validly nominated nominee or nominees of the deceased.

4. Exercise of option.

- (i) All the employees who joined the University, service before 1st April, 1974 and are in service on 1st April, 1974 have to send the option in writing to the Treasurer, within three months of the date of notification of these rules. Employees failing to exercise their option within the aforesaid three months shall be treated to have opted for the existing rules obtaining before 1st April, 1974.(ii)Option once exercised shall be final. - An employee who is initially appointed on contract basis and is subsequently continued permanently will have the option to choose either of the two schemes and he will have for the purpose of these schemes the benefits of the service rendered under contract, if the retirement benefits, if any, under the contract terms and paid back by him to the University ; provided that if he entered the University service on contract on or after 1st April, 1974 he will, being continued permanently, be entitled only to the benefit under the scheme set out in Appendix 'A'.

5. General (Miscellaneous).

- (i) The sanction and payment of retirement benefits admissible under these Rules shall be regulated by such procedural instructions as would be issued by the Executive Council from time to time.(ii)Interpretation. - If any question arises relating to the interpretation of these Rules, it shall be referred to the Executive Council whose decision thereon shall be final.