

Punjab Privately Managed Recognized Affiliated Aided Colleges (Pension and Contributory Provident Fund) Rules, 2002

PUNJAB

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Rule

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Punjab Privately Managed Recognized Affiliated Aided Colleges (Pension and Contributory Provident Fund) Rules, 2002Published vide Punjab Government Notification No.

14/143/89-3EI/14914 dated 9.7.2002Department of Higher Education(Education-I Branch)No.

14/143/89-3EI/14914. - In exercise of the powers conferred by Section 9-B read with section 12(2)(ii)(b) of the Punjab Affiliated Colleges (Security of Service of Employees) Act, 1974 (Punjab Act 23 of 1974) as amended from time to time, the Governor of Punjab is pleased to make the following rules for regulating the Pension and Contributory Provident Fund of the employees appointed in the Privately Managed Recognized Affiliated Aided Colleges of Punjab.

Chapter I

1. Short Title and Commencement.

(a)These rules may be called the Punjab Privately Managed Recognized Affiliated Aided Colleges (Pension and Contributory Provident Fund) Rules, 2002.(b)These rules will come into force at once.(c)These rules shall be applicable to only those posts which are covered under the 95% deficit grant-in-aid scheme.(d)Under these rules a Corpus Fund shall be created by subscription of the employees to the Contributory Provident Fund and the equivalent contribution made by the Management. The Government shall have the liability of only contributing such share to make up the Management share as determined by the Govt. from time to time.(e)These rules shall be

implemented by a Trust on the principles of sound institutional mechanism.1.2Definitions. - In these rules, unless the context otherwise requires;(a)'competent Authority' means the authority so authorized by the Trust through its resolution to sanction pension (without gratuity and commutation) to the employees of Aided Colleges of Punjab covered under these rules.(b)'Chairman' means Chairman of the Trust.(c)'Corpus Fund' means the fund created with subscription of the employees, matching contribution by the Management and other sources for defraying the expenditure on pension to the employees of the Affiliated Aided Colleges.(d)'Department' means the Department of Higher Education, Govt. of Punjab.(e)'Director' means the Director of Public Instruction (Colleges), Punjab and includes any other officer authorized by the State Government to perform the functions of the Director under this Act.(f)'Form' means form appended to these rules.(g)'Government' means the Government of Punjab.(h)'Management' means the Managing Committee of an Affiliate/Aided College and includes a person or body of persons for the time being entrusted with the Management of the affairs of an Affiliated Aided Colleges.(i)'Pay' means the basic pay of an employee as verified and admitted by the Director under the grant-in-aid Scheme.(j)'Pension' means monthly amount worked out as retiring/superannuation pension under the rules excluding gratuity and commutation of pension.(k)'Superannuation' means retirement age for teaching/non-teaching staff as applicable to Government Aided Colleges.(l)'Trust' means the Punjab Affiliated Aided Colleges Pension and Provident Fund Trust.(m)'Union' means an association of teaching and non-teaching employees of the Privately Managed Aided Colleges affiliated to the Universities recognized by the Director.

Chapter II

2. Application and Eligibility.

- Except as otherwise provided in any other rule, these rules shall apply to all employees of the Private Affiliated Aided Colleges, who:-(a)Are appointed to the aided post.(b)Were working on the aided posts and attaining the age of superannuation on these posts shall have the right to exercise option as to whether to be governed by these rules or not, within period of four months from the date of notification of these rules in Government Gazette.2.2These rules shall not apply to :(a)An employee appointed on part time/contract basis against aided post.(b)An employee who has attained the age of superannuation from the aided post before the notification of these rules.(c)An employee who is not governed by the contributory provident fund.(d)An employee appointed in a stop-gap arrangement on ad hoc basis.(e)An employee who is not covered under grant-in-aid scheme and is paid out of management/amalgamated funds.2.3The option under clause 2.1(a) above shall have to be exercised in triplicate in prescribed Form, so as to reach the Chairman of the Trust through the Principal of the college, within four months from date of notification of these rules in the government gazette or from the date of appointment in case of new incumbents, whichever is applicable, provided that;(a)In the case of an employee who, on the date of notification of these rules, was abroad or on leave, the option shall be exercised within a period of two months, from the date of his taking over the charge of his post;(b)Where an employee is under suspension, on the date of notification of these rules, the option shall be exercised within a period of two months from the date of joining after re-instatement;(c)An option once exercised shall be final. If an employee fails to exercise his option under these rules within the specified period he shall be deemed to have opted

out of these rules; and(d)An employee who dies without exercising his option, the legal heir of such employee who is entitled to receive pension under these rules shall exercise option subject to the condition that the legal heir shall have to deposit the amount already received by them or by the deceased under Contributory Provident Fund Scheme, alongwith up to date interest at the rate determined by the Chairman of the Trust while submitting their option to the Competent Authority.

Chapter III

3. Qualifying service.

(a)Regular Service of an employee rendered on and after 1st September, 1978 or the date he started contributing towards Contributory Provident Fund established by the Management Committee as per rules framed by the Commissioner Provident Fund shall qualify for pension, whichever is later; subject to the condition that full 95% Government share already contributed by the Government and 5% Management share for such service is credited to the Corpus Fund alongwith the entire subscription of employee with up to date interest as fixed by Provident Fund Commissioner from time to time.(b)If at any time an amount at a rate less than 10% of basic pay was deducted or a non-refundable advance was taken by the employee the amount shall be recovered along with interest which would have been accrued as if the advance had not been drawn, and deposited into the Corpus Fund.Note : (i) The persons working against the posts taken over under the 95% grant-in-aid scheme as on 1st September, 1978 shall only be covered under these rules.(ii)The period of leave, admissible under the Punjab Government Rules/concerned University Calender and covered under the instructions issued by the Department from time to time, shall qualify for pension. But leave without pay, period of suspension adjudged as penalty, over-stay of leave not subsequently regularized under the above said rules and the period of break in service shall not be reckoned as qualifying service.(iii)An employee who leaves service of an Affiliated Aided College and joins back in the same/another Aided College and in the same cadre within a period of one year shall be eligible for pension. The past service of an employee who resigns or otherwise leaves service from one Punjab Government Aided College and joins same or another Punjab Government Aided Colleges can be counted under these rules provided. That both the posts are covered under grant-in-aid scheme and gap is not More than 365 days. This gap period will not be counted under these Rules as service qualifying for pension.(iv)The individual cases for entitlement, service qualifying for pension and calculation of amounts credited to the Corpus Fund in respect of employees shall be subject to audit under orders of the Director.3.2Entitlement for pension. - An employee shall be entitled to pension under these rules only if he completes twenty years (forty half years) of qualifying service on the date of superannuation. But if any employee has not rendered the qualifying service for the pension prescribed under these rules on the date of quitting service or on the age of superannuation whichever is earlier, he/she shall be entitled to withdraw his own share alongwith interest accrued thereon :Provided if the service rendered by the employee is more than 5 years along with five full academic sessions, the employer's contribution shall also be paid to the employee alongwith interest accrued thereon.3.3Superannuation. - An employee who opts for these pension rules shall have to retire on attaining the age of superannuation. The date of retirement of an employee of an Aided College will be the last day of the month in which his date of births falls, except in the case when his date of birth happens to be 1st day of a month, in that case he will retire

on the last day of the proceeding month.3.4Rate of Pension. - The rate, method and calculation of the pension for the Employees of the aided colleges will be determined by the Trust with concurrence of the Government. They will not be entitled to commute any portion of pension.3.5Procedure for submission of pension payment cases to pension sanctioning authority and payment thereof. - Procedure for submission of agreements pension cases etc. would be as may be prescribed under rules by the Trust.

Chapter IV

4. Subscription and maintenance of Provident Fund Account.

(a)The employees who are appointed on or after coming into force of these rules and also the other existing employees who opt for these rules shall contribute towards the General Provident Fund as may be prescribed under the rules framed by the Provident Fund Commissioner.(b)The existing contributory provident fund account shall continue to be maintained by the managing committee for these employees who do not opt for these pension rules.4.2Transfer of balance in Contributory Provident Fund to the Corpus Fund. - The date of drawl and transfer of the balance in the Contributory Fund together with interest to the Corpus Fund under Para 3.1 shall be recorded in the Service Book and the entry shall be verified by the Principal of the College and attested by any officer authorized by the Competent Authority.

Chapter V

5. Government's, management's and employee's share towards pension.

(a)(i)Initially the entire employee/employers share of contributory provident Fund for the period counting as service qualifying for pension under para 3.1 shall be paid into this fund by each Management Committee along with interest within two months of coming into force of these rules. If in any case employee share was credited at a rate less than 10% the management Committee shall make up the shortage from the employee and credit the same to Corpus Fund. Under no circumstances shall this Corpus Fund be a part of the State Budget.(ii)The management Committee and the employee shall in future make monthly contribution at the rate of 10% each of basic pay of each employee or any other rate as may be prescribed towards pension 'Corpus Fund'.(iii)the monthly contribution of the employee and the management as specified in sub-clause (ii) shall be drawn out of the management fund and sent to the Chairman of the trust for crediting into the Corpus Fund through a bank draft by the Managing Committee not later than the seventh day of the month following the month to which these contributions related.(iv)All payments to be made to the employees under these rules shall be paid through a scheduled bank by the Trust.(b)In case the Management Committee fails to deposit the amount stated in sub-clause (a) above, the Director on the recommendation of the Trust shall have the right to recover the requisite amount, out of the grant admissible to the College under Grant-in-aid Scheme and deposit the same in the "Corpus Fund".5.2Establishment of Corpus Fund. - (a) There shall be established a Corpus Fund for the purposes of operation of these rules.(b)The 'Corpus Fund' as specified in sub-clause (a) above shall

comprise of the following :-(i)The accumulations on account of subscription of an employee and amount of employer share of contributory. Provident Fund including 5% Government share lying with management committee. If a non-refundable advance has been drawn by any employee, the amount shall be made good along with prescribed rate of interest and shall form part of the accumulations.(ii)The amount of employee's share of contributory provided fund alongwith that of the Government share after the date of ratification of these rules.(iii)The amount of interest accrued as per the rate as notified by the Trust in tune with that of Provident fund Commissioner from time to time on the amount specified in sub-clause (i) and (ii) above, and(iv)Interest earned in Central/State Government securities in which Corpus Fund may be invested.(c)The college authorities shall send detailed statement (in duplicate) of the contributions made in Corpus Fund in respect of each employees on a monthly basis to the Chairman of the Trust.(d)In case of default or non-implementation of any provision of these rules by the Managing Committee the Director on the recommendation of the Trust shall have the right to deduct any amount that may be found due from the management, out of the amount of the grant-in-aid to the concerned college and may also remove the name of such college from the grant-in-aid list with the prior approval of the Government.(e)The pension admissible under these rules will be sanctioned by the officer authorized by the Trust. A copy of the sanction so made shall be conveyed to the concerned employees with copy to the Principal of the college.(f)The payment of pension to the employees of aided colleges shall be made out of Corpus Fund as maintained by the Trust.(g)The P.P.O. will be issued by the Trust.(h)The Trust will maintain college-wise Pension Payment Order Register showing therein complete particulars of the employee, in whose favour the Payment Orders are issued.(i)In case the Trust is not in a position to pay pension to the retirees due to non-availability of sufficient funds in the Corpus Fund then Managing Committees of all the member colleges shall make a special contribution in the Corpus Fund at the rate to be decided by the Trust at that time.(j)The Trust shall administer, control and operate the Corpus Fund.5.3Custody and Audit of Corpus Fund. - (i) The balance in the Corpus Fund shall be kept in a scheduled bank approved by the Trust by a resolution.(ii)The Trust shall ensure that surplus funds are invested only in Central/State Government securities so as to earn maximum interest.(iii)Audit of the individual accounts of employees and the Corpus Fund shall be conducted as may be prescribed.

Chapter VI

6. Formation of the Trust.

- (i) There shall be constituted a Trust known as the Punjab Affiliated Aided Colleges Pension and Provident Fund Trust. It shall consist of such members and office-bearers as may be prescribed. Provided that till the formation of the Trust there shall be an ad hoc Committee to conduct business of the Trust consisting of the following members :-(a)Three members each from Private Aided College managements affiliated with Guru Nanak Dev University, Amritsar, Panjab University, Chandigarh and Punjabi University, Patiala who are getting highest amount of grants from the Government.(b)One Member each from Principals, teaching and non-teaching staff Unions of Privately Aided Colleges affiliated with above three Universities recommended by the Unions by resolution.(ii)The Head quarter of the Trust would be in the premises of D.A.V. College, Jalandhar or it may be decided by the Trust from time to time.(iii)The amount of recurring and non-recurring

expenditure incurred on the establishment of the Trust will be borne out of Corpus Fund.(iv)The Trust shall frame regulations from the operations of these rules within 90 days of the notification of these rules and submit the same for approval to the State Government.(v)A regular Trust shall be constituted within a period of 120 days from the date of notification of these rules.(vi)The Trust shall be body corporate under India Trust Act, 1882.(vii)The Director shall be the Convener/Chairman of this Committee.

Chapter VII

7. Power to make Regulations.

- Trust shall make such regulations as may be required for efficient operation of these rules.7.2Power to withhold Pension. - Future good conduct is an implied condition for every grant of pension. The Trust will have power to withhold or withdraw pension or any part of it, if the pensioner is convicted of serious crime or is guilty of grave misconduct.7.3Resolution of Disputes. - If any dispute arises between the employee and the Managing Committee relating to the delay in forwarding the pension papers of the employee, then the matter shall be referred to the Chairman of the Trust for the decision. The decision of the Chairman of the Trust shall be final and binding upon the concerned parties in all such cases.7.4Overriding effect. - Notwithstanding anything contained in any other rules or any other provision for the time being in force, the provisions of these rules will have an overriding effect in deciding all pension cases.7.5Condonation of interruption of service. - There shall be no condonation of interruption of service rendered by an employee under any circumstances except as provided under Para 3.1.7.6Interpretation of these rules. - If any doubt arises as to the interpretation of these rules, the Government will be the final authority to decide the matter. The Government may also add, delete or amend any provisions made in these rules.

Form in option :Form(See Clause 2.3)(Option and Undertaking of the Employee)(In Triplicate)Having read the provisions of the Punjab Affiliated Colleges (Pension and Contributory Provident Fund) Rules, 2002 and fully understood the comparative advantages and disadvantages of these rules as applicable in my case :- (i)(a)I opt for the Pension admissible under these rules and as amended from time to time.(b)I undertake to abide by all the provisions of these rules.(c)I undertake to quote my identity number issued to me for future correspondence with Manager/Chairman of the Trust.(ii)I opt to continue under the existing contributory provident fund benefits.(Strike out (i) or (ii) which is not applicable)Witness

:- (1) _____ (2) _____ Signature of employee Name,
Designation and AddressCountersigned (Principal of the College)