

The Maharashtra Housing and Area Development Authority Contributory Provident Fund Rules, 1985

MAHARASHTRA

India

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Rule

THE-MAHARASHTRA-HOUSING-AND-AREA-DEVELOPMENT-AUTHORITY of 1985

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The Maharashtra Housing and Area Development Authority Contributory Provident Fund Rules, 1985 Published vide Notification No. G. N., H. & S. A. D., No. ARD. 1085(932) - 3, dated 7th February, 1986 (M. G., Part 4B, 1986, p. 201) In exercise of the powers conferred by sub-section (1) of section 184, read with section 20 of the Maharashtra Housing and Area Development Act, 1976 (Maharashtra XXVIII of 1977) and of all powers enabling it in this behalf, the Government of Maharashtra hereby makes the following rules, the same having been previously published as required by sub-section (4) of said section 184, namely:-

1. Short title.

- These rules may be called the Maharashtra Housing and Area Development Authority Contributory Provident Fund Rules, 1985.

2. Definitions.

(1) In these rules, unless there is anything repugnant in the subject or context:- (i) "Act" means the Maharashtra Housing and Area Development Act, 1976; (ii) "Accounts Officer" means the Chief Accounts Officer of the Nagpur Housing and Area Development Board for the employees of the Ex-Vidarbha Housing Board and the Chief Accounts Officer, Bombay Housing and Area Development Board for the rest of the employees covered by the provisions of these rules; (iii) "Authority" means the Maharashtra Housing and Area Development Authority; (iv) "Board" means and includes - (a) the Bombay Housing and Area Development Board; (b) the Nagpur Housing

and Area Development Board;(c)the Aurangabad Housing and Area Development Board;(d)the Pune Housing and Area Development Board;(e)the Konkan Housing and Area Development Board;(f)any other Board established by Government under section 18 of the Act;(v)"Contribution" means any sum payable by the Authority as an 'Employer' to the Contributory Provident Fund Account of an employee under sub-rule (1) of rule 11(1) of these rules, but does not include interest;(vi)["Emoluments" means pay, personal pay, special pay attached to the post, leave salary, subsistence grant as defined in the Maharashtra Civil Sendees (General Conditions of Services) Rules, 1981 and dearness allowance as maybe declared as by the Government from time to time] [Clause (vi) was substituted by G. N. of 13.3.2003.];(vii)"family" means,-(a)in the case of a male subscriber, 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 been ceased under the customary law of the community to which she belongs to be entitled to maintenance she shall thenceforth be deemed to be no longer a member of the subscriber's family in matters to which these rules relate, unless the subscriber subsequently indicates by express intimation in writing to the Accounts Officer 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 a subscriber :Provided that, if a subscriber by intimation in writing to the Accounts Officer expresses her desire to exclude her husband from her family, the husband shall thenceforth 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 formally in writing the intention to exclude him;Note I. - "children" means legitimate children.Note II. - An adopted child shall be considered to be a child and when the doubts arises in the mind of the Accounts Officer, such adopted child shall be so considered by the legal adviser of the Authority certifying that under the personal law of the subscriber, adoption is legally recognised as conferring the status of a natural child.(viii)"foreign service" means service in which an employee of the Authority receives his substantive pay with the sanction of the Authority from any other employer;(ix)"fund" means the Maharashtra Housing and Area Development Authority Contributory Provident Fund;(x)"Government" means the Government of Maharashtra;(xi)"Head of Office" means an officer declared as such by the Authority;(xii)"Leave" means any variety of leave recognised by the regulations made under the Act;(xiii)"Schedule" mean schedule appended to these rules;(xiv)"Subscription" means any amount deducted from the emoluments of an employee under sub-rule (1) of rule 10 or paid by an employee under sub-rule (2) of rule 10;Note. - This provision will be applicable only to those subscribers who were governed by the erstwhile Bombay Housing Contributory Provident Fund Rules.(xv)"Year" means financial year ending on 31st March;(xvi)Any words and expressions employed in these rules which are defined either in the Act, the Provident Funds Act, 1925 (XIX of 1925), the Bombay Housing Board Act, 1948 (Bombay LXIX of 1948), the Madhya Pradesh Housing Board Act, 1950 (M. P. Act XLIII of 1950) or in the Maharashtra Civil Services Rules is used in the same sense so far as may be as therein defined.

3. Administration of fund.

- The fund shall be administered by the Chief Executive Officer of the Authority subject to the general control of Government.

4. Application.

(1) These rules shall apply to all such employees of the Authority in non-pensionable service (excluding persons working on work charged establishment) after completion of one year's service and such re-employed persons as may be admitted to the fund by the Chief Executive Officer of the Authority : Provided that, these rules shall not apply to any such servant between whom and the Authority an agreement subsists in respect of a provident fund, other than an agreement providing for the application to him of these rules and in the case of an agreement so providing, shall apply subject to the terms of such agreement. (2) Every employee of the Authority to whom these rules apply after a continuous service of one year shall be a subscriber of the fund. (3) An employee who completes one year of continuous service during the currency of a month shall subscribe to the fund from the month next following such month. Note. - (i) The provisions of these rules apply to persons who are appointed without a break, whether temporarily or permanently to a post carrying the benefit of these rules after resignation or retrenchment from service under the Central Government or any State Government. (ii) The benefit to the re-employed persons to subscribe towards the fund shall be given effect from the date of their appointment, but the Authority's contribution with interest shall be credited only after the completion of the one year's re-employment service. (iii) The responsibility for watching that each compulsory subscriber is admitted to the fund rests on the respective Heads of Offices. (iv) Apprentices and probationers shall be subscribers to the fund after a continuous service of one year.

5. Nomination.

(1) A subscriber shall at the time of joining the fund send to the Accounts Officer a nomination conferring one or more persons the right to receive the amount that may stand to his credit in the fund in the event of his death, before that amount has become payable, or having become payable, has not been paid : Provided that if, at the time of making the nomination the subscriber has a family, the nomination shall not be in favour of any person or persons other than the member of his family. (2) If a subscriber nominates more than one person under sub-rule (1), he shall specify in the nomination the amount or share payable to each of the nominees in such manner as to cover the whole of the amount that may stand to his credit in the fund at any time. (3) Every nomination shall be in such one of the forms set forth in the First Schedule as is appropriate in the circumstances. (4) A subscriber may at any time cancel a nomination by sending a notice in writing to the Accounts Officer: - Provided that, the subscriber shall along with such notice send a fresh nomination made in accordance with the provisions of this rule. (5) A subscriber may provide in a nomination, - (a) in respect of any specified nominee that in the event of his predeceasing the subscriber, the right conferred upon that nominee shall pass to such other person or persons as may be specified in the nomination : Provided that, such other person or persons shall, if the subscriber has other members of his family be such other member or members, where the subscriber confers such a right on more than one person under this clause, he shall specify the amount or share payable to each of such persons in such a manner as to cover the whole of the amount payable to the nominee. (b) that the nomination shall become invalid in the event of the happening of a contingency specified therein, provided that if at the time of making the nomination the subscriber has no family, he shall provide in the nomination that it shall become valid in the event of his subsequently

acquiring a family :Provided further that, if at the time of making the nomination the subscriber has only one member of the family he shall provide in the nomination that the right conferred upon the alternate nominee under clause (a) shall become invalid in the event of his subsequently acquiring other member or members in his family.(6)Immediately on the death of a nominee in respect of whom no special provision has been made in the nomination under clause (a) of sub-rule (5) or on the occurrence of any event by reason of which the nomination becomes invalid in pursuance of clause (b) of sub-rule (5) or the proviso thereto, the subscriber shall send to the Accounts Officer a notice in writing cancelling the nomination, together with a fresh nomination made in accordance with the provisions of this rule.(7)Every nomination made and every notice of cancellation given by the subscriber shall, to the extent that it is valid, take effect on the date on which it is received by the Accounts Officer.

6. Subscriber's Accounts.

- An account shall be opened in the name of each subscriber in which shall be credited,-(i)The subscriber's subscription;(ii)Contribution made under sub-rule (2) of rule 11 to his account;(iii)Interest as provided by rule 14 on subscription and contributions.

7. Conditions and rates of subscription.

(1)Every subscriber shall subscribe monthly to the fund when on duty or on foreign service but not during the period of suspension :Provided that, a subscriber on reinstatement after a period passed under suspension shall be allowed the option of paying in one lump sum or in instalments any sum not exceeding the maximum amount of arrears of subscriptions permissible for that period.(2)A subscriber may at his option not subscribe during leave.(3)A subscriber shall intimate his option not to subscribe during leave in the following manner, namely :-(a)if he is an officer who draws his own pay bills, by making no deduction on account of subscription in his first pay bill drawn after proceeding on leave;(b)if he is not an officer who draws his own pay bills, by written communications to the Head of his Office before he proceeds on leave. Failure to make due and timely intimation shall be deemed to constitute an election to subscribe. The options of a subscriber intimated under this sub-rule shall be final.(4)A subscriber who has under rule 29 withdrawn the amount of subscription and interest thereon, shall not subscribe to the fund after such withdrawal, unless and until he returns to duty.

8. Fixation of subscription.

(1)The amount of subscription shall be fixed by the subscriber himself, subject to the following conditions, namely: -(a)it shall be expressed in whole rupees;(b)[it may be any sum, so expressed, [not less than 12 per cent.] [Substituted by G.N. of 7.3.1998 (w.e.f. 7.3.1998).] of his basic pay and dearness allowance and not more than his total emoluments.](2)For the purpose of sub-rule (1) above the emoluments of a subscriber shall be,-(a)in the case of subscriber who was in the service of the Authority on the 31st March of the preceding year the emoluments which he was entitled on that date :Provided that -(i)if the subscriber was on leave on the said date and elected not to subscribe during such leave or was under suspension on the said date, his emoluments shall be the

emoluments to which he was entitled on the first day after his return to duty;(ii)if the subscriber was on deputation out of India on the said date or was on leave on the said date and continues to be on leave and has elected to subscribe during such leave, his emoluments shall be the emoluments to which he would have been entitled has he been on duty in India;(iii)if the subscriber joined the fund for the first time on a day subsequent to the said date, his emoluments shall be the emoluments to which he was entitled on such subsequent date.(b)in the case of a subscriber who was not in the service of the Authority on the 31st March of the preceding year the emoluments to which he was entitled on the first day of his service or, if he joined the fund for the first time on a date subsequent to the first day of his service the emoluments to which he was entitled on such subsequent date ;Provided that, if the emoluments of the subscriber are of a fluctuating nature, they shall be calculated in such manner as the Authority may direct.(3)The subscriber shall intimate the fixation of the amount of his monthly subscription in each year in the following manner namely,-(a)if he was on duty on the 31st March of the preceding year by the deduction which he makes in this behalf from his pay bill for that month;(b)if he was on leave on the 31st March of the preceding year and elected not to subscribe during such leave, or was under suspension on that date, by the deduction which he makes in this behalf from his first pay bill after his return to duty;(c)if he has entered the service of the Authority for the first time during the year, or joins the fund for the first time, by the deduction which he makes in this behalf, from his pay bill for the month during which he joins the fund;(d)if he was on leave on the 31st March of the preceding year; and continues to be on leave and has elected to subscribe during such leave by the deduction which he made in this behalf from his salary bill for that month.(e)if he was on foreign service on the 31st March of the preceding year, the amount credited by him to the Authority on account of subscription for the month of April in the current year;(f)if the emoluments are of the nature referred to in the proviso in sub-rule (2)(b) in such manner as the Authority may direct.(4)The amount of subscription so fixed may be reduced once at any time during the course of the year or may be enhanced twice during the course of the year :Provided that, if a subscriber is on duty for a part of a month and on leave for the remainder of that month, and if he has elected not to subscribe during leave, the amount of the subscription payable shall be proportionate to the number of days spent on duty in the month.

9. Application of rules when on foreign services or on deputation.

- When a subscriber is transferred to foreign service or sent on deputation out of India he shall remain subject to the rules of the fund in the same manner as if he were not so transferred or sent on deputation.

10. Realisation of subscriptions.

(1)Before emoluments of the subscribers to the fund are disbursed by any disbursing officer under the Authority, recovery of subscription on account of these emoluments and of instalments of the principal and interest on advances if any, shall be made from the emoluments and paid into a Government treasury to the credit of Government.(2)When emoluments are drawn from any other source, the subscriber shall forward his dues monthly to the Accounts Officer who maintain his accounts.

11. Contribution by the Authority.

(1)The Authority shall make a contribution to the account of each subscriber monthly by causing such amounts to be paid into the Government treasury by the Accounts Officer, along with the subscriptions received from the subscribers :Provided that, if subscriber relinquishes the service or dies during any month, contribution shall be credited to his account for the period between the close of the preceding month and the date of relinquishing the service or the casualty, as the case may be :Provided further that, no contribution shall be payable in respect of any period for which the subscriber is permitted under these rules, not to, or does not, subscribe to the fund.(2)The contribution shall be made [at the rate of 12 per cent.] [Substituted by G.N. of 13.3.2003.] of the subscriber's emoluments drawn on duty during the month or period, as the case may be.(3)If a subscriber is on deputation out of India, the emoluments which he would have drawn and he been on duty in India shall, for the purposes of this rule, be deemed to be emoluments drawn on duty.(4)Should a subscriber elect to subscribe during leave, his leave salary shall, for the purposes of this rule, be deemed to be emoluments drawn on duty.(5)Should a subscriber elect to pay arrears of subscription in respect of a period of suspension, the emoluments or portion of emoluments, which he may be allowed for that period on reinstatement, shall for the purpose of this rule, be deemed to be emoluments drawn on duty.(6)The amount of any contribution payable in respect of a period of foreign service shall, unless it is recovered from the foreign employer be recovered by the Authority from the subscriber.(7)The amount of contribution payable shall be rounded to the nearest whole rupee (fifty paise counting as the next higher rupee).

12. Overall control of the fund.

(1)Subject to the provisions of rule 3, the actual administration of the fund including the grant of temporary advance to subscriber, recovery thereof and such other matters pertaining thereto shall be looked after by the Chief Executive Officer :Provided that, the maintenance of individual accounts, reconciliation of the accounts with the books in the office of the Accountant General, maintenance of consolidated account of the fund shall be looked after by the Accounts Officer.(2)The fund shall be subject to annual audit by the Auditors of Authority. A local test check of the account shall be carried out by the Accountant General Maharashtra I or II, as the case may be.

13. Keeping separate accounts for such subscriber.

- Separate accounts shall be kept for each subscriber by the Accounts Officer, showing the amount of his own personal subscriptions together with his share of the monthly contribution of the Authority with interest thereon. The account shall be maintained in whole rupee. The portion of a rupee equal to or exceeding fifty paise being counted as one rupee and the portion of a rupee less than fifty paise being ignored. A copy of his account for the previous year shall be furnished to each subscriber not later than 31st July in each year.

14. Interest.

(1)The account of a subscriber shall be credited with interest and incentive bonus at such rate and subject to such conditions as the Government may from time to time, prescribe.(2)Interest shall be credited with effect from the 31st March of each year in the following manner, namely :-(i)On the amount at the credit, of a subscriber on the 31st March of the preceding year, less any sums withdrawn during the current year interest for twelve months;(ii)On sums withdrawn during the current year interest from the 1st April of the current year upto the last day of the month preceding the month of withdrawal;(iii)On all sums credited to the subscriber's account after the 31st March of the preceding year interest from the date of deposit unto the 31st March of the current year;(iv)The total amount of interest shall be rounded to the nearest rupee in the manner provided in sub-rule (7) of rule 11 :Provided that, when the amount standing at the credit of a subscriber has become payable, interest shall thereupon be credited under this sub-rule in respect only of the period from the beginning of the current year or from the date of deposit as the case may be upto the date on which the amount standing at the credit of the subscriber become payable.(3)For the purposes of this rule, the date of deposit shall be deemed to be the first day of the month of receipt, if they are received and paid into the Government Treasury at the credit of the Government by the Accounts Officer before the fifth day of that month or, if they are received and paid into the Government Treasury on or after the fifth day of that month the first day of the next succeeding month :Provided that, where the emoluments for a month are drawn and disbursed on the last working day of the same month the date of deposit shall, in case of recovery of his subscription, be deemed to be the first day of the succeeding month.(4)Where the recovery of any subscription is delayed due to delay in the drawal of pay or leave salary of a subscriber, the interest on such subscriptions shall be payable from the month in which the pay or leave salary of the subscriber was due irrespective of the month in which it was actually drawn.(5)In addition to any amount to be paid under rules 29, 30 or 31, interest thereon upto the end of the month preceding that in which payment is made, or upto the end of the six months, after the month in which such amount becomes payable, whichever of these periods be less, shall be payable to the persons to whom such amount is to be paid :Provided that, no interest shall be paid in respect of any period after the date which the Accounts Officer has intimated to that person (or his agent) as the date on which he is prepared to make payment in cash, or if he pays by cheque, after the date on which the cheque in that person's favour is put in the post.(6)The interest shall not be credited to the account of a subscriber if he informs the Accounts Officer that he does not wish to receive it; but if he subsequently asks for interest it shall be credited with effect from the 1st April of the year in which he asks for it.(7)The interest on amounts which under rule 29 or rule 30 are replaced to the credit of the subscriber in the fund, shall be calculated at such rates as may be successively prescribed under sub-rule (1) of this rule and so far as may be in the manner described in this rule.Note. - Payment of interest on the fund balances beyond a period of six months upto a period of one year may be authorised by the accounts officer if he is satisfied that delay in payment was due to circumstances beyond the control of the subscriber.

15. Advance from the fund.

- A temporary advance may be granted to a subscriber from the amount standing to his credit in the fund at the discretion of the Appropriate Authority specified in the Fifth Schedule appended hereto

subject to the following conditions, namely :-(A)No advance shall be granted unless the sanctioning authority is satisfied that the subscriber's pecuniary circumstances justify it and that it will be expended on the following object or objects and not otherwise :-(i)to pay expenses in connection with the illness or confinement, including where necessary the travelling expenses of the subscriber and members of his family or any person actually dependent on him,(ii)to meet the cost of higher education, including where necessary the travel expenses of the subscriber or any person actually dependent upon him in the following cases, namely :-(a)for education outside India for any academic, technical, professional or vocational course beyond the High School stage or a course of military education in any Sainik School or military academy below the High School stage,(b)for any medical, engineering or other technical or specialised course in India beyond the High School stage provided that the course of study is for not less than three years.(iii)to pay obligatory expenses on a scale appropriate to the applicant's status, which by customary usage, the subscriber has to incur in connection with marriages, funerals or other ceremonies of persons of his family or any other person actually dependent on him,(iv)to meet the cost of legal proceedings instituted by the subscriber for indicating his position in regard to any allegations made against him in respect of any act done or purporting to be done by him in the discharge of his official duty, the advance in this case being available in addition to any advance admissible for the same purpose from any other source of the Authority :Provided that, the advance under this sub-clause shall not be admissible to a subscriber who institutes legal proceedings in any court of law either in respect of any matter unconnected with his official duty or against the Authority in respect of any condition of service or penalty imposed on him,(v)to meet the cost of his defence when he is prosecuted by Government or Authority in any court of law or where the subscriber engages a legal practitioner to defend himself in an enquiry in respect of any alleged official misconduct on his part,(vi)to meet the cost of any legal proceedings instituted by a private party against the subscriber in respect of the matter connected with the discharge of his official duties,(vii)to pay the expenses incurred on account of repairs, additions, alterations or improvements made to or in an existing house belonging to the subscriber or if he is a member of a joint Hindu family to such family or to any person actually dependent on him.Note. - This provision will be applicable only to those subscribers under Provident Fund Rules.(viii)to purchase on out-right or on hire-purchase basis or erect a house or purchase land for erecting a house individually or in a building owned either by a co-operative society or Authority or the City Industrial Development Corporation of Maharashtra Limited,(ix)to purchase a solar cooker on the following conditions :-(a)The price of solar cooker or three months to subscribers basic pay or half of the amount of the subscriber's credit account whichever is minimum,(b)Competent Authority authorised to sanction advance for special reasons will be the Competent Authority for sanctioning advance for the purchase of solar cooker,(c)During his entire service period, the subscriber will be permitted to get this advance only once,(B)An advance shall not, except for the special reasons, exceed three months pay and shall in no case exceed the amount of subscription and interest thereon standing to the credit of the subscriber in the fund.(C)An advance shall not, except for the special reasons, be granted until at least three months after the final repayment of all the previous advances and unless the amount already advanced does not exceed two-thirds of the amount admissible under clause (B) above.(D)Notwithstanding anything contained in clauses (B) .and (C), the advance to be sanctioned for the object mentioned in sub-clauses (iv), (v) or (vi) or clause (A) shall not exceed three months pay or Rs. 500 whichever is greater, and shall in no case exceed the amount of subscriptions and interest thereon standing to the

credit of the subscriber in the fund.(E)When an advance is sanctioned under clause (C) before repayment of last instalment of any previous advance is completed, the balance of any previous advance not recovered shall be added to the advance now sanctioned instalments for recovery shall be fixed with reference to the consolidated amount.(F)The sanctioning authority shall record in writing its reasons for granting the advance :Provided that, if the reasons are of a confidential nature it may be communicated to the sanctioning authority personally and confidentially.(G)Subject to the conditions laid down in clauses (B) and (C) Authority may in special circumstances sanction the payment to any subscriber of an advance if it is satisfied that the subscriber concerned requires the advance for the reasons other than those mentioned in clause (A). In fixing the amount of an advance, the sanctioning authority shall pay due regard to the amount at the credit of the subscriber in the fund.

16. Recovery of advances.

(1)An advance shall be recovered from the subscriber in such number of equal monthly instalments as the sanctioning authority may direct; but such number shall not be less than twelve unless the subscriber so elects and more than twenty-four. In special cases, where the amount of advance exceeds three months pay of the subscriber under clause (B) of rule 15, the sanctioning authority may fix such number of instalments to be more than twenty-four, but in no case more than thirty-six. A subscriber may, at the option, repay more than one instalment in a month. Each instalment shall be a number of whole rupees, the amount of the advance being raised or reduced if necessary to admit of the fixation of such instalments.(2)Notwithstanding anything contained in sub-rule (1), in cases where the advances is granted for the objects specified in sub-clause (viii) of clause (A) of rule 15, the sanctioning authority, if it is satisfied that pecuniary circumstances of the subscriber so justify, may after recording the special reasons thereof and with the previous approval of the Authority, fix the number of instalments to more than thirty-six but in no case exceeding sixty.(3)Recovery of an advance shall be made in the manner provided in rule 10 for the recovery of subscriptions and shall commence with the issue of pay for the month following the one in which the advance is drawn. The recovery of an advance shall not be made except with the subscriber's consent while he is in receipt of subsistence grant or is on leave other than leave on average pay or earned leave of less than one month or 30 days duration, as the case may be. The recovery may be postponed, on the subscriber's written request, by the sanctioning authority during the recovery of an advance of pay granted to the subscriber.(4)If an advance has been granted to a subscriber and drawn by him and the advance is subsequently disallowed before repayment is completed, the whole or balance of the amount withdrawn, shall forthwith be repaid by the subscriber to the fund, or in default be ordered by the sanctioning authority to be recovered by deduction from the emoluments of the subscriber in lump sum or if the Authority competent to sanction an advance for the grant of which special reasons are required under clause (b) or clause (c) of rule 15 so directs in instalments not exceeding twelve.(5)Recoveries made under this rule shall be credited as they are made to the account of the subscriber in the fund.

17. Withdrawals from the fund.

(1)(A) Subject to the provisions of this rule, final withdrawals may be sanctioned by the Appropriate Authority specified in the Fifth Schedule at any time after the completion of fifteen years of service (including broken periods of service, if any) of a subscriber or within ten years before the date of his retirement on superannuation whichever is earlier, from the amount standing to his credit in the fund, for one or more of the following purposes:-(a)(i) building or (ii) purchasing a suitable house for his residence, including the cost of the site, or (iii) repaying any outstanding amount on account of the loans expressly taken for this purpose, (iv) reconstructing or making additions or alterations to a house already owned or acquired by a subscriber; Note. - Withdrawal under this sub-clause shall also be allowed where the house site or house is in the name of wife or husband provided she or he is the first nominee to receive the fund money in the nomination made by the subscriber. (b) for purchasing a house site or repaying any outstanding amount on account of loan expressly taken for this purpose; (c) for constructing a house on a site purchased by utilising the sum withdrawn under clause (b); (d) for constructing or purchasing a flat on ownership basis in a building owned either by a co-operative society or by the Authority, or City and Industrial Development Corporation of Maharashtra Limited; (e) for purchasing a flat on hire-purchase basis in a building constructed either by a cooperative society or the Authority or City and Industrial Development Corporation of Maharashtra Limited; (f) for repaying any loan taken under the Low Income Group Housing Scheme sponsored by the Government of India; (g) for acquiring a farm land or business premises or both within six months before the date of subscriber's retirement; (B) Subject to the provision of this rule, final withdrawals may be sanctioned by the Appropriate Authority specified in the Fifth Schedule at any time after the completion of twenty years of service (including broken periods of service, if any) of a subscriber or within ten years before the date of his retirement on superannuation whichever is earlier, from the amount standing to his credit in the fund, for one or more of the following purposes:-(a) for meeting the cost of higher education including where necessary the travelling expenses of the subscriber or any child of the subscriber in the following cases, namely:-(i) for education outside India for academic, technical, professional or vocational course beyond the High School stage, and (ii) for any medical, engineering or other technical or specialised course in India beyond High School stage; (b) for meeting expenditure in connection with the betrothal or marriage of the subscriber or his sons or daughters or any under female relation actually dependent on him; (c) for meeting expenses in connection with an illness including where necessary the travelling expenses of the subscriber and members of his family or any person actually dependent on him. (C) Subject to the provision of this rule, final withdrawals may be sanctioned by the Appropriate Authority specified in the Fifth Schedule at any time after the completion of twenty-five years of service (including broken period or who have less than five years to attain the age of superannuation from the amount standing to his credit in the fund for purchasing a motor car for the purpose, subject to the following conditions:-(i) the officer's pay is Rs. 1,000.00 or more. (ii) the amount of withdrawal is limited to Rs. 16,000 or one-third of the amount of subscription with interest thereon standing to the credit of the subscriber in the C. P. F. or the actual price of the car, whichever the least. The sanctioning authority may, however, sanction the withdrawal of an amount in excess of this limit upto one half of the balance at subscriber's credit in the fund account, if considered necessary as a special case. (D) Final withdrawal for paying deposit for registering the name for the purchase of Motor Car/Motor Cycle/Scooter/Moped etc., subject to the following conditions:-(i) The

officer's basic monthly pay should be Rs. 1,500 or above for registering the name for the purchase of motor car. For purchasing motor bike, scooter, etc., the officer's monthly basic pay should be Rs. 500 or above. (Here basic pay means pay as defined in Maharashtra Civil Services Rules, 1981. It excludes special pay, dearness pay and other increments or similar type of pay but it will include professional allowance). (ii) The money amounting to Rs. 10,000 for motor car or Rs. 500 for motor cycle etc., or the half of the amount in the subscriber's account or the exact amount required for registering the name for purchase of motor car/motor bike etc., whichever is less can be withdrawn. (2) The withdrawals shall be permissible, - (a) In cases falling under clauses (a), (c), (d) or (e) of sub-rule (1) (A) is not less than two and not more than four equal instalments each one to be sanctioned separately after verifying the progress of construction of work : Provided that, for purchasing a house including the cost of site or for purchasing on ownership basis, any flat which is ready for occupation at the time of withdrawal or for repaying any outstanding amount on account of loan expressly taken for any of the said purposes; the amount of withdrawal shall be paid in one instalment at the request of the subscriber. (b) In cases falling under clause (B) of sub-rule (1) in suitable instalments to be specified by the subscriber, each one to be sanctioned separately after verifying that the earlier one was fully utilised for the purpose for which it was sanctioned. Note. - A refundable advance drawn for the same purpose shall be deemed as a final withdrawal for the purpose of this clause. (c) In cases falling under sub-clause (c) of clause (b) of sub-rule (1) not earlier than three months from the month in which the marriage actually is to take place. (d) In cases falling under sub-clause (c) of clause (b) of sub-rule (1) once in a year. (3) (a) The construction of a house shall be commenced within six months of withdrawal of the amount and shall be completed within a period of one year from the date of commencement of construction. In the case of withdrawal for purchase of a ready built house, an undisputed title to the house and the land shall be secured within three months of the withdrawal. (iii) Receipt will have to be produced regarding deposit within a month otherwise amount will have to be returned. (iv) As a special case, the Secretary of the H. & S. A. Department may sanction refundable advance to that officer who has not more than six months for completing his 15 years service. The refundable advance may be recovered by 36 maximum instalments. (v) The officer who has been sanctioned refundable advance and he after completing 15 years service can transfer this from refundable to final withdrawal. (vi) Under this scheme final withdrawal is permissible only for once. (b) The purchase of a house site under clause (b) of sub-rule (1) shall be made with a period of one month of the withdrawal, or the withdrawal of the first instalment, as the case may be. (c) The house or flat proposed to be purchased or constructed from the amount withdrawn as aforesaid shall be situated at the place of duty of the subscriber or at his intended place of residence after retirement. (d) Withdrawal shall be permissible for building, acquisition or redemption of one house only, and in these cases only where the subscriber does not already own a house at the place referred to in clause (c) of this sub-rule. (4) Any sum withdrawn by the subscriber at any time for one or more of the purposes specified in rule 17(1) from the amount standing to his credit in the fund shall not ordinarily exceed one-half or the amount of subscription and interest thereon or six month's pay whichever is less. The sanctioning authority may for sufficient reasons to be recorded in writing however sanction the withdrawal of an amount in excess of this limit upto $\frac{3}{4}$ th of the balance at his credit in the fund having due regard to (i) the object for which the withdrawal is being made, (ii) status of the subscriber, (iii) the amount to his credit in the fund : Provided that, in the case of subscriber who has availed himself of an advance from any other source the sum withdrawn under this sub-rule together with the amount of advance taken from such

source shall not exceed rupees one lakh or 80 times the monthly pay, whichever is less.(5)A subscriber who has been permitted to withdraw money in full or in part from the fund under this rule shall satisfy the sanctioning authority within a period specified in this behalf that the money has been utilised for the purpose for which it was withdrawn, and if he fails to do so the whole of the sum so withdrawn or so much thereof as has not been applied for the purpose for which it was withdrawn shall forthwith be repaid in one lump sum by the subscriber, and in default of such payment it shall be ordered by the sanctioning authority to be recovered from his emoluments either in a lump sum or in such number of monthly instalments as may be determined by the sanctioning authority.(6)In the case of construction or purchase of a house, the subscriber shall not part with the possession of the house so built or acquired or house site so purchased, by way of sale, mortgage, gift, exchange or lease for a term exceeding three years or otherwise however without the previous permission of the sanctioning authority and shall submit in the forms set forth in the Sixth Schedule an annual declaration on or before the 31st December in each year and shall, if required, produce before the sanctioning authority on or before the date specified by that Authority in that behalf, the original sale deed and other documents on which his title to the property is based. If at any time before retirement, he parts with the possession of the house or house site without obtaining the previous permission of the sanctioning authority, the sum withdrawn by him shall forthwith be repaid in one lump sum by the subscriber to the fund and in default of such repayments it shall be ordered by the sanctioning authority, to be recovered from his emoluments either in one lump sum or in such number of monthly instalments, as may be determined by the sanctioning authority.

18. Conversion of an advance into a final withdrawal.

- A subscriber who has already drawn or may draw in future an advance under rule 15 for any of the purposes specified in sub-clauses (a), (b) and (c) of clause (B) of sub-rule (1) of rule 17 may convert by written request addressed to the sanctioning authority the balance outstanding against it into a final withdrawal on his satisfying the conditions laid down in clause (B) of sub-rule (1) of rule 17.

19. Payment towards insurance policies and family pension funds.

- Subject to the conditions contained in rules 20 to 27, -(a)(i) subscription to a family pension fund approved in this behalf by Government; or (ii) payments towards an insurance policy may, at the option of a subscriber, be substituted in whole or part for subscriptions due to fund; (b) The amount of subscriptions with interest thereon standing to the credit of a subscriber in the fund may be withdrawn to meet; (i) Payment towards an insurance policy; (ii) Purchase of a single payment insurance policy; (iii) Payment of a single premium or subscription to such a family pension fund as already approved or as may be approved by Government for purposes of the Contributory Provident Fund: Provided that, no amount shall be withdrawn (1) before the details of the proposed policy have been submitted to the Accounts Officer and accepted by him as suitable, or (2) to meet any payment or purchase made or effected more than twelve months before the withdrawal, or (3) in excess of the amount required to meet a premium or subscription actually due for payment within six months of the date of withdrawal. Explanation 1. - For the purpose of this provision due date of payment will be the date upto which payment can be made including the grace period allowed by the Life Insurance Corporation of India or insurance companies. Explanation 2. - Under clause (3) of this proviso, no

withdrawal from the fund for financing a policy of Life Insurance shall be made after the due date of payment without production of the premium receipt in token of such payment ;Provided further that, payments towards an educational endowment policy may not be substituted for subscription to the fund and that no amount may be withdrawn to meet any payment or purchase in respect of such a policy if that policy is due for payment in whole or part before the subscriber's age of normal superannuation.(c)Any amount withdrawn under clause (b) shall be paid in whole rupee only rounded to the nearest rupee in the manner provided in sub-rule (7) of rule 11.(d)The number of policies in respect of which substitution for subscriptions due to the fund or withdrawal of subscriptions from the fund may be permitted under this rule shall not exceed four.(e)The premium for a policy in respect of which withdrawal of subscription from the fund may be permitted under this rule shall not be payable otherwise than annually.Explanation. - In computing the maximum number of policies specified in clause (d) policies which have matured or have been converted into paid up ones shall be excluded.

20. Rounding off difference and continuance of subscription.

(1)If the total amount of any subscription or payment substituted under clause (a) of rule 19 is less than the amount of the minimum subscription payable to the fund under rule 8, the difference shall be round off to the nearest rupee in the manner provided in sub-rule (7) of rule 11 and paid by the subscriber as a subscription to the fund.(2)If the subscriber withdraws any amount standing to his credit in the fund for any of the purpose specified in clause (b) of rule 19 he shall, subject to his option under clause (a) of the rule continue to pay to the fund the subscription payable under rule 8.

21. Mode of reduction in subscription.

(1)A subscriber who desires to substitute a subscription of payment under clause (a) of rule 19 may reduce his subscription to the fund accordingly :Provided that, the subscriber shall (a) intimate to the Accounts Officer on his pay bill or by letter the fact of and reason for the reduction; (b) send to the Accounts Officer, within such period as the Accounts Officer may require, receipts or certified copies of receipts in order to satisfy the Accounts Officer that the amount by which the subscription has been reduced was duly applied for the purpose specified in clause (a) of rule 19.(2)A subscriber who desires to withdraw any amount under clause (b) of rule 19 shall -(a)intimate the reason for the withdrawal to the Account Officer by letter;(b)make arrangements with the Accounts Officer for the withdrawal;(c)send to the Accounts Officer within such period as the accounts officer may require receipts or certified copies of receipts in order to satisfy the Accounts Officer that the amount withdrawn was duly applied for purposes specified in clause (b) of rule 19.(3)The Accounts Officer shall order the recovery of any amount by which subscriptions have been reduced, or of any amount withdrawn, in respect of which he has not been satisfied in the manner required by clause (b) of the proviso to sub-rule (1) and clause (c) of sub-rule (2) with interest thereon at the rate provided in rule 14, from the emoluments of the subscriber and place it to the credit of the subscriber in the fund.

22. Payments towards insurance policy.

(1)The Authority will not make any payment on behalf of subscribers to Insurance Companies, nor take steps to keep a policy alive.(2)It is immaterial what form the policy takes provided that it shall be one effected by the subscriber himself on his own life and shall (unless it is a policy expressed on the face of it to be for the benefit of his wife, or of his wife and children or any of them) be such as may be legally assigned by the subscriber himself to the Governor of Maharashtra.Explanation 1. - A policy on the joint lives of the subscriber and subscriber's wife or husband shall be deemed to be a policy on the life of the subscriber himself for the purpose of this sub-rule.Explanation 2. - A policy which has been assigned to the subscriber's wife shall not be accepted unless either the policy is first reassigned to the subscriber or the subscriber and his wife both join in an appropriate assignments.(3)The policy may not be effected for the benefit of any beneficiary other than the wife or husband of the subscriber or the wife or husband and children of the subscriber or any of them.

23. Financing the insurance policy.

(1)The policy within six months after the first withholding of a subscription or withdrawal from the fund in respect of the policy, or in the case of an insurance company whose headquarters are outside India, within such further period as the Accounts Officer, if he is satisfied by the production of the completion certificate (interim receipts), may fix, shall,-(a)unless it is policy effected by a male subscriber which is expressed on the face of it to be for the benefit of the wife of the subscriber, or of his wife and children, or any of them, be assigned to the Governor of Maharashtra, as security for the payment of any sum which may become payable to the fund under rules 25 to 27, and delivered to the Accounts Officer, the assignment being made by endorsement on the policy in Form (1) or Form (2) or Form (3) of the Forms in the Second Schedule according as the policy is on the life of the subscriber or on the joint lives of the subscriber and the subscriber's wife or husband or the policy has previously been assigned to the subscriber's wife or husband.(b)If it is a policy effected by a male subscriber which is expressed on the face of it to be for the benefit of the wife of the subscriber or of his wife and children, or any of them, be delivered to the Accounts Officer.(2)The Accounts Officer shall satisfy himself by reference to the Insurance Company, where possible, that no prior assignment of the policy exists.(3)Once a policy has been accepted by the Accounts Officer for the purpose of being financed from the fund, the terms of the policy shall not be altered nor shall the policy be exchanged for another policy without the prior consent of the Accounts Officer to whom details of the alteration or of the new policy shall be furnished.(4)If the policy is not assigned and delivered or delivered within the said period of six months or such further period as the Accounts Officer may. under sub-rule (1) have fixed, any amount withheld or withdrawn from the fund in respect of the policy shall forthwith be paid or repaid, as the case may be, by the subscriber, to the fund, or in default be ordered by the Accounts Officer to be recovered by deduction from the emoluments of the subscriber by instalments or otherwise, as may be directed by the Authority competent to sanction an advance for the grant of which special reasons are required under clause (B) or clause (C) of rule 15.(5)Notice of assignment of the policy shall be given by the subscriber to the Insurance Company and the acknowledgement of the notice by the Insurance Company shall be sent to the Accounts Officer within three months of the date of assignment.

24. Withdrawal of bonus during currency of the policy.

- The subscriber shall not during the currency of the policy draw any bonus the drawal of which during such currency is optional under the terms of the policy and the amount of any bonus which under the terms of the policy the subscriber has no option to refrain from drawing during the currency shall be paid forthwith into the fund by the subscriber or in default recovered by deduction from his emoluments or otherwise as may be directed by the sanctioning authority.

25. Reassignment of return of policy.

(1) Save as provided by sub-rule (3) of rule 27, when the subscriber -(a) quits the service; or (b) has proceeded on leave preparatory to retirement and applies to the Accounts Officer for reassignment or return of the policy; or (c) while on leave has been permitted to retire or declared by Competent Medical Authority to be unfit for further service and applies to the Accounts Officer for reassignment on return of the policy; or (d) pays or repays to the fund the whole of any of the purposes mentioned in sub-clause (ii) of clause (a) and sub-clauses (i) and (ii) of clause (b) of rule 19, the Accounts Officer shall, -(i) if the policy has been assigned to the Governor of Maharashtra under rule 23 reassigns the policy in the first form set forth in the Third Schedule to the subscriber or to the subscriber and the joint assured, as the case may be, and make it over to the subscriber together with a signed notice of the reassignment addressed to the Insurance Company; (ii) if the policy has been delivered to him under clause (b) of sub-rule (1) of rule 23, make over the policy of the subscriber : Provided that, if the subscriber, after proceeding on leave preparatory to retirement or after being while on leave, permitted to retire or declared by Competent Medical Authority to be unfit for further service, returns to duty, any policy so reassigned or made over shall, if it has not matured or been assigned or charged or encumbered in any way, be again assigned to the Governor of Maharashtra and delivered to the Accounts Officer, as the case may be, in the manner provided in rule 22 and thereupon the provisions of these rules shall so far as may be, again, apply in respect the policy : Provided further that, if the policy has matured or been assigned or charged or encumbered in any way, the provisions of sub-rule (4) of rule 23 applicable to a failure to assign and deliver a policy shall apply. (2) Save as provided by sub-rule (3) of rule 27, when the subscriber dies before quitting the service, the Accounts Officer shall -(i) if the policy has been assigned to the Governor of Maharashtra under rule 23, reassign the policy in the Second Form set forth in the Third Schedule to such person, as may be legally entitled to receive it, and shall make over the policy to such person together with a signed notice of the reassignment addressed to the Insurance Company; (ii) if the policy has been delivered to him under clause (b) of sub-rule (1) of rule 23 make over the policy to the beneficiary if any or if there is no beneficiary, to such person as may be legally entitled to receive it.

26. Payment on maturity of assigned policy.

(1) If a policy assigned to the Governor under rule 23 or under the corresponding rule heretofore in force, matures before the subscriber quits the service, or if a policy on the joint lives of a subscriber and the subscriber's wife or husband, assigned under the said rule or under the corresponding rule heretofore in force, falls due for payment by reason of the death of the subscriber's wife or husband,

the Accounts Officer shall, save as provided by sub-rule (3) of rule 27, realise the amount assured together with any accrued bonuses and shall place the amount so realised to the credit of the subscriber in the fund: Provided that, if the amount assured together with the amount of any accrued bonus is more than the whole of the amount withheld or withdrawn, it shall be the duty of the Accounts Officer to pay to the subscriber the difference on receipt of a written application in this behalf. (2) Save as provided by sub-rule (3) of rule 27, if a policy delivered to the Accounts Officer under clause (b) of sub-rule (1) of rule 23 matures before the subscriber quits the service the Accounts Officer shall make over the policy to the subscriber: Provided that, if the interest in the policy of the wife of the subscriber, or of his wife and children, or any of them, as expressed on the face of the policy, expires, when the policy matures, the subscriber, if the policy moneys are paid to him by the Insurance Company, shall immediately on receipt thereof pay or repay to the fund either, - (i) the whole of any amount withheld or withdrawn from the fund in respect of the policy; or (ii) an amount equal to the amount assured together with any accrued bonuses, whichever is less; and in default, the provisions of rule 28, shall apply as they apply in relation to cases where money withheld or withdrawn from the fund under clause (a) or clause (b) of rule 19 has been utilised for a purpose other than that for which sanction was given to the withholding or withdrawal.

27. Ceasure of interest in the family pension funds and lapse of policy or its assignment to someone other than the Governor.

(1) If the interest of the subscriber in the family pension fund ceases in whole or part from any cause whatsoever, the Contributory Provident Fund Account of the subscriber shall forthwith be reimbursed by the amount of the refund if any, secured by the subscriber from the family pension fund which amount shall in default of reimbursement, be deducted from the subscriber's emoluments by instalments or otherwise as may be directed by the Authority specified in the Fifth Schedule as competent to grant advances to such subscriber under rule 15. (2) If the policy lapses or is assigned otherwise than to the Governor of Maharashtra under rule 23 charged or encumbered, the provisions of sub-rule (4) of rule 23 applicable to a failure to assign or deliver a policy shall apply. (3) If the Accounts Officer receives notice of - (a) an assignment (other than an assignment to the Governor of Maharashtra under rule 23); or (b) a charge of encumbrance on; or (c) an order of a Court restraining dealings with the policy or any amount realised thereon, the Accounts Officer shall not, - (i) reassign or make over the policy as provided in rule 25 or, (ii) realise the amount assured by the policy, or reassign or make over the policy, as provided in rule 26 but shall forthwith refer the matter to Government through the Authority.

28. Consequences of utilisation of advance for the purpose other than for its sanction.

- Notwithstanding anything contained in these rules if the sanctioning authority is satisfied that money drawn as an advance from the fund under clause (a) of rule 15 or withheld or withdrawn from the fund under clause (a) or clause (b) of rule 19 has been utilised for a purpose other than that for which sanction was given to the drawal, withhold or withdrawal of the money, the amount in question shall forthwith be repaid or paid, as the case may be, by the subscriber to the fund or in

default, be ordered to be recovered by deduction in one sum from the emoluments of the subscriber, even if he be on leave. If the total amount to be repaid or paid, as the case may be, be more than half of the subscriber's emoluments, recoveries shall be made in monthly instalments of moieties of his emoluments till the entire amount recoverable be repaid or paid, as the case may be, by him. Note. - The term "emoluments" as used in this rule does not include subsistence grant.

29. Circumstances in which accumulations are payable.

- Where a subscriber quits the service, the amount standing to his credit in the fund shall, subject to any deduction under rule 32 become payable to him : Provided that, a subscriber, who has been dismissed from the service and is subsequently reinstated in the service shall, if required to do so by the Authority, repay any amount paid to him from the fund in pursuance of this rule, with interest thereon at the rate provided in rule 14 in the manner provided in proviso to rule 30. The amount so repaid shall be credited to his account in the fund, the part which represents his subscriptions and interest thereon, and the part which represents the contribution of the Authority with the interest thereon being accounted for in the manner provided in rule 6.

30. Credits in fund when become payable to the subscriber.

- When a subscriber, -(a) has proceeded on leave preparatory to retirement; (b) while on leave has been permitted to retire or declared by a competent medical authority to be unfit for further service, the amount of subscription and interest thereon standing to his credit in the fund shall, upon application made by him in this behalf to the Accounts Officer become payable to the subscriber : Provided that, the subscriber, if he returns to duty shall, if required to do so by the Authority, repay to the fund, for credit to his account the whole or part of any amount paid to him from the fund in pursuance of this rule, with interest thereon at the rate provided in rule 14 in cash or securities, or partly in cash and partly in securities by instalments or otherwise, by recovery from his emoluments or otherwise, as the Authority may direct.

31. Manner of payment of fund amount on the death of subscriber.

- Subject to any deductions under rule 32, on the death of a subscriber before the amount standing to his credit has become payable or if the amount has become payable, before payment has been made, -(1) When the subscriber leaves a family, -(a) if a nomination made by the subscriber in accordance with the provisions of these rules in favour of a member or members of his family subsists, the amount standing to his credit in the fund or the part thereof to which the nomination relates, shall become payable to his nominee or nominees in the proportion specified in the nomination. (b) if no such nomination in favour of a member or members of the family of the subscriber subsists, or if such nomination relates only to a part of the amount standing to his credit in the fund the whole amount or a part thereof to which the nomination does not relate, as the case may be. shall notwithstanding any nomination purporting to be in favour of any person or persons other than a member or members of his family, become payable to the members of his family in equal shares : Provided that, no share shall be payable to, -(i) sons who have attained legal majority; (ii) sons of a deceased son who have attained legal majority; (iii) married daughters whose

husbands are alive;(iv)married daughters of a deceased son whose husbands are alive; if there is any member of the family other than those specified in clauses (i), (ii), (iii) and (iv) ;Provided further that, the widow or widows and the child or children of a deceased son shall receive between them in equal parts only the share which that son would have received if he had survived the subscriber and had been exempted from the provision of clause (i) of the first proviso.(2)When the subscriber leaves no family, if a nomination made by him in accordance with the provisions of rule 5 in favour of any person or persons subsists, the amount standing to his credit in the fund or the part thereof to which the nomination relates, shall become payable to his nominee or nominees in the proportion specified in the nomination.

32. Deduction.

- Subject to the condition that no deduction may be made which reduces the credit by more than the amount of any contribution by the Authority with interest thereon credited under rules 11 and 14 before the amount standing to the credit of a subscriber in the fund is paid out of the fund, the Authority may direct the deduction therefrom and payment to the Authority of,-(a)any amount if a subscriber has been dismissed from the service for grave misconduct :Provided that, if the order of dismissal is subsequently cancelled the amount so deducted shall, on his reinstatement in the service, be replaced at his credit in the fund.(b)any amount, if within five years of the commencement of service, a subscriber resigns his employment under the Authority or the services of a subscriber are within the period aforesaid terminated otherwise than by reason of -(i)Superannuation, or(ii)General retrenchment, or(iii)The dissolution of (he Authority, or(iv)Declaration by a Competent Medical Authority approved by the Authority that the subscriber is unfit for further services, or(v)Death, or(vi)ill-health or other unavoidable cause :Provided that, in the case of resignation within 5 years of commencement of service, deduction may be upto 75% of the Authority's contribution and interest thereon if the period of service is less than 3 years; 50% of the Authority's contribution and interest thereon if the period of service is more than 3 years and less than 4 years; and 25% of the Authority's contribution and interest thereon if the period of service is 4 years or more but less than 5 years.Note 1. - For the purpose of sub-clause (b) of this rule, the period of 5 years shall be reckoned from the date of admission to the fund.Note 2. - The powers of the Authority under this rule, may in respect of the amount referred to therein be exercised by the Authority competent to sanction an advance for the grant of which special reasons are required under clause (B) or clause (C) of rule 15.(c)any amount due under a liability incurred by the subscriber to the Authority.

33. Payment.

(1)When the amount standing to the credit of a subscriber in the fund or the balance thereof after any deduction under rule 32 becomes payable it shall be the duty of the Accounts Officer after satisfying himself, when no deduction has been directed under that rule, that no deduction is to be made, to make payment as provided in section 4 of the Provident Fund Act, 1925.(2)If the person to whom under these rules, any amount or policy is to be paid, assigned, reassigned or delivered is a lunatic for whose estate a manager has been appointed in this behalf under the Indian Lunacy Act, 1912, the payment or reassignment or delivery will be made to such manager and not to the lunatic

;Provided that, where no manager has been appointed and the person to whom the sum is payable is certified by a Magistrate to be a lunatic the payment shall under the orders of the Collector, be made in term of subsection (1) of section 95 the Indian Lunacy Act, 1912 to the person having charge of such lunatic and the Accounts Officer shall pay only the amount which he thinks fit to the person having charge of the lunatic and the surplus if any, on such part thereof as he thinks fit, shall be paid for the maintenance of such members of the lunatic's family as are dependent on him for maintenance.(3)Payment of the amount withdrawn shall be made in India only. The persons to whom the amounts are payable shall make their own arrangements to receive payment in India. The following procedure shall be adopted for claiming payment by a subscriber :-(i)A subscriber may submit an application to the Accounts Officer through the head of the office or department for payment of the amount in the fund at least one year in advance of the date of superannuation. The application may be made for the amount standing to his credit in the fund as indicated in the accounts statement for the year ending one year prior to his superannuation or for the amount as indicated in his Ledger Account in case the accounts statement has not been received.(ii)The head office or department shall forward the application to the Accounts Officer indicating the advances taken and the recoveries effected against the advances which are still current and the number of instalments yet to be recovered in respect of each advance and also indicate the withdrawals if any taken by the subscriber.(iii)The Accounts Officer shall after verification with the Ledger Account issue an authority for the amount indicated in the application at least a month before the date of superannuation but payable on the date of superannuation.(iv)The Authority mentioned in clause (iii) will constitute the first instalment of payment. A second authority for payment will be issued as soon as possible, after the superannuation. This will relate to the contribution made by the subscriber and the Authority subsequent to the amount mentioned in the application submitted under clause (i) plus the refund of instalments against advances which are current at the time of the first application.(v)The advances or withdrawals sanctioned after the forwarding of the application for final payment to the Accounts Officer should be intimated to the Accounts Officer immediately and acknowledgement obtained by the sanctioning authority.Note. - When the amount standing to the credit of a subscriber has become payable under rules 29, 30 and 31 the Accounts Officer shall authorise prompt payment of the amount in the manner indicated in sub-rule (3).(4)When the amount standing to the credit of a subscriber has become payable under rules 29, 30 or 31 the Accounts Officer shall authorise prompt payment of the portion of the amount standing to the credit of a subscriber in regard to which there is no dispute or doubt the balance being adjusted as soon thereafter as may be.

34. Removal of hardship.

- Where the Authority is satisfied that the operation of any of these rules causes or is likely to cause undue hardships to subscribers, it may notwithstanding anything in these rules deal with the case of such subscriber in such manner as may appear to it to be just and equitable.

35. Procedure.

- All sums paid into the fund under these rules shall be credited in the books of Government to an account named the "Maharashtra Housing and Area Development Authority Contributory Provident

Fund Account". Sums and which payment has not been taken within one year after they become payable under these rules shall be transferred to "Deposits" after the 31st March of the year and treated under the ordinary rules of Authority relating to deposits.

36. Reference of account number while seeking payment of fund amount.

- When paying a subscription either by deduction from emoluments or in cash, a subscriber shall quote the number of his account in the fund, which shall be communicated to him by the Accounts Officer. Any change in the number shall similarly be communicated to the subscriber by the Accounts Officer.

37. Furnishing of statement of account.

(1)As soon as possible after the 31st March of each year, the Accounts Officer shall send to each subscriber a statement of his account in the fund showing the opening balance as on the 1st April of the year, the total amount credited or debited during the year, the total amount of interest credited as on the 31st March of the year and the closing balance on the date. The Accounts Officer shall attach to the statement of accounts an enquiry whether the subscriber,-(a)desires to make alteration in any nomination made under rule 5;(b)has acquired a family (in case where the subscriber has made no nomination in favour of a member of his family under the proviso to sub-section (11) of rule 5).(2)Subscribers should satisfy themselves as to the correctness of the annual statement and errors should be brought to the notice of the Accounts Officer within six months from the date of receipt of the statement.(3)The Accounts Officer shall, if required by the subscriber once, but not more than once, in a year, inform the subscriber of the total amount standing to his credit in the fund at the end of the last month for which his account has been written up.

38. Transfer of "original fund" amounts.

- All sums forming part of the Bombay Housing Board Contributory Provident Fund constituted under the Bombay Housing Board Contributory Provident Fund Rules, 1953, the Vidarbha Housing Board Contributory Provident Fund constituted under Vidarbha Housing Board Contributory Provident Fund Regulations, 1959 (hereinafter referred to as "the Original Fund") immediately before the commencement of these rules shall stand transferred to and be credited in, the books of the State Government to the account named "The Maharashtra Housing and Area Development Authority Contributory Provident Fund" and all sums standing to the credit of the subscribers in the original fund shall stand transferred to their respective credit in the fund.First Schedule[See rule 5(3)]Forms of NominationI - When the subscriber has a family and wishes to nominate one member thereof.I hereby nominate the person mentioned below, who is a member of my family as defined in rule 2 of the Maharashtra Housing and Area Development Authority Contributory Provident Fund Rules to receive the amount that may stand to my credit in the fund, in the event my death before that amount has become payable or having become payable, has not been paid:-

Name and	Relationship	Age Contingencies on the	Name, address and relationship of
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Address of Nominee	with subscriber	happening of which thenomination shall become invalid	the person, ifany, to whom the right of the nominees shall pass in the event ofhis predeceasing the subscriber
(1)	(2)	(3) (4)	(5)

Dated this day of 19 atTwo witnesses to signature

1.

2.

Signature of subscriber.II - When the subscriber has a family and wishes to nominate more than one member thereof.I, hereby nominate the person mentioned below, who are members of my family as defined in rule 2 of the Maharashtra Housing and Area Development Authority Contributory Provident Fund Rules to receive the amount that may stand to my credit in the fund, in the event of my death before that amount has become payable or having become payable, has not been paid, and direct that the said amount shall be distributed among the said persons in the manner shown below against their names:-

Name and Address of Nominee	Relationship with subscriber	Amount of share Age of accumulations to be paid toeach	Contingencies on the happening of which thenomination shall become invalid	Name, address and relationship of the person orpersons, if any, to whom the right of the nominees shall pass inthe event of his predeceasing the subscriber
(1)	(2)	(3) (4)	(5)	(6)

* Note. - This column should be filled in so as to cover the whole amount that may stand to the credit of the subscriber in the fund at any time. Dated this day of..... 19 at.....Two witnesses to signature

1.

2.

Signature of subscriber.III - When the subscriber has no family and wishes to nominate one person.I, having no family as defined in rule 2 of the Maharashtra Housing and Area Development Authority Contributory Provident Fund Rules hereby nominate the person mentioned below to receive the amount that may stand to my credit in the fund, in (he event of my death before that amount has become payable, or having become payable has not been paid:-

Name and Address of Nominee	Relationship with subscriber	Age	*Contingencies on the happening of which thenomination shall become invalid	Name, address and relationship of the person or persons, ifany, to whom the right of the nominees shall pass in the event ofhis predeceasing the subscriber
(1)	(2)	(3)	(4)	(5)

* Note. - When a subscriber who has no family makes a nomination, he shall specify in this column that the nomination shall, becomes invalid in the event of his subsequently acquiring family.Dated this day of 19 atTwo witnesses to signature

1.

2.

Signature of subscriber.IV - When the subscriber has no family and wishes to nominate more than one person.I, having no family as defined in rule 2 of the Maharashtra Housing and Area Development Authority Contributory Provident Fund Rules hereby nominate the person mentioned below to receive the amount that may stand to my credit in the fund, in the event of my death before that amount has become payable, or having become payable has not been paid, and direct that the said amount shall be distributed among the said persons in the manner shown below against their names :-

Name and Address of Nominee	Relationship with subscriber	Age	* Amount of share of accumulations to be paid toeach	† Contingencies on the happening of which thenomination shall become invalid	Name, address and relationship of the person orpersons, if any, to whom the right of the nominees shall pass inthe event of his predeceasing the subscriber
(1)	(2)	(3)	(4)	(5)	(6)

* Note. - This column should be filled in so as to cover the whole amount that may stand to the credit of the subscriber in the fund at any time.† Note. - When a subscriber who has no family makes a nomination, he shall specify in this column that the nomination shall become invalid in the event of his subsequently acquiring family.Dated this day of 19 atTwo witnesses to signature

1.

2.

Signature of subscriber. Second Schedule (See Rule 23) Forms of Assignment (1) I, A. B. of hereby assign unto the Governor of Maharashtra the within policy of assurance as security for payment of all sums which under sub-rule (2) of rule 27 of the Maharashtra Housing and Area Development Authority Contributory Provident Fund Rules, I may hereafter become liable to pay to the Maharashtra Housing and Area Development Authority Contributory Provident Fund. I hereby certify that no prior assignment of the within policy exists. Dated this day of 19..... Station Signature of subscriber. One witness to signature. (2) We, A. B. (the subscriber) of and C. D. (the joint assured) of in consideration of the Governor of Maharashtra agreeing at our request to accept payments towards the within policy of assurance in substitution for the subscription, payable by the said A. B. to the Maharashtra Housing and Area Development Authority Contributory Provident Fund (or as the case may be, to accept the withdrawal of the sum of Rs. from the sum to the credit of the said A. B. in the Maharashtra Housing and Area Development Authority Contributory Provident Fund of payment of the premium of the within policy of assurance) hereby jointly and severally assign unto the said Governor of Maharashtra the within policy of assurance as security for payment of all sums which sub-rule (2) of Rule 27 of the rules of the said fund, the said A. B. may hereafter become liable to pay to that fund. We hereby certify that no prior assignment of the within policy exists. Dated this day of 19..... Signature of subscriber and the Joint Assured. Station One witness to signature Note. - The assignment may be executed on the policy itself either in the subscriber's handwriting or in type, or alternatively a typed or printed slip containing the assignment may be pasted on the blank space provided for the purpose on the policy. A typed or printed endorsement must be duly signed and if pasted on the policy it must be initialled across all four margins. (3) I, C. D., wife of A. B., and assignee of the within policy, having at the request of A. B. the assured, agreed to release my interest in the policy in favour of A. B. in order that A. B. may assign the policy to the Governor of Maharashtra who has agreed to accept payments towards the within policy of Assurance in substitution for the subscriptions payable by A. B. to the Maharashtra Housing and Area Development Authority Contributory Provident Fund, hereby at the request and by the direction of A. B. assign, and I, the said A. B. assign and confirm unto the Governor of Maharashtra the within policy of Assurance as security for payment of all sums which under sub-rule (2) of rule 27 of the rules of the said fund the said A. B., may hereafter become liable to pay the fund. We hereby certify that no prior assignment of the within policy exists. Dated this day of 19..... Signature of the assignee and the subscriber. Station One witness to signature. Third Schedule [See rule 25] Forms for Re-assessment by the Governor of Maharashtra (1) All sums which have become payable by the above-named A. B. A. B. and C. D. Under sub-rule (2) of rule 27 of the Maharashtra Housing and Area Development Authority Contributory Provident Fund Rules, having been paid and/or all liability for payment by him of any such sum in the future having ceased the Governor of Maharashtra both hereby reassign the within policy of assurance to the said A. B. A. B. and C. D. Dated this day of 19..... Executed by X. Y. Accounts Officer of the Fund for and on behalf of the Governor of Maharashtra in presence of - Y Z Signature of Accounts Officer. (One witness who

should add his designation and address)(2)The above-named A B. having died on the day of 19, the Governor of Maharashtra doth hereby reassign the within policy of Assurance to C.D. ** Fill in particulars of person legally entitled to receive the policy.Dated thisday of..... 19 .Executed by Accounts Officer for and on behalf of Governor of Maharashtra in the presence of -Y. Z.Signature of Accounts Officer.(One witness who should add his designation and address).Fourth Schedule(See rule 26)Form of reassignment by the Governor of MaharashtraThe Governor of Maharashtra doth hereby reassign the within policy of the said A. B.A. B. and C. D.Dated this day of..... 19Executed by Accounts Officer for and on behalf of the Governor of Maharashtra in the presence of -Y. Z.Signature of Accounts Officer.(One witness who should addhis designation and address).Fifth Schedule(See rules 15 and 17)Authority Competent to Grant Advances/WithdrawalsThe advances/withdrawals under rule 15 and rule 17 may be sanctioned in the case of subscribers mentioned in column 1 of the table hereto by the Authority mentioned against them in columns II and III thereof:-

Subscriber	Authority Competent to grant advance under rule 15	Authority Competent to grant (i) advance for special reasons under rule 15 and (ii) withdrawals under rule 17
1	2	3
(i) Chief Executive Officer/M. H. & A. D.Authority.	Secretary/Housing and Special AssistanceDepartment, Government of Maharashtra.	Secretary/Housing and Special AssistanceDepartment, Government of Maharashtra.
Financial Controller, Chief Engineer, DeputyChief Ex. Officer, Secretary, Legal Adviser, Competent Authorityof Authority.Chief Officer-Regional Boards Chief EngineerSecretary, Bombay Board.	Chief Executive Officer/ Authority.	Secretary/Housing and Special AssistanceDepartment, Government of Maharashtra.
Deputy Chief Officer/B. B. Deputy ChiefEngineer/ B. B. Chief Accounts Officer/ B. B. Jt.	Chief Officer of the respective Board.	Chief Executive Officer/ Authority.
(iii) Chief AccountsOfficer/ Bombay Board.The Chief Accounts Officer of theRegional Boards other than Bombay Board.		
All employees working in the	Deputy Chief Ex. Officer/ Authority.	Chief Executive Officer/ MHADA.
(iv) office of theauthority other than mentioned in (i) and (ii) above.		

(v)	All employees other than those mentioned in(ii) and (iii) above working in the B. H. & A. D. Board.	Secretary/B B Deputy Chief Officers/B B, DeputyC. E./B B Chief Accounts Officer/ B B Jt. Chief AccountsOfficer/ B B in respect of the staff working under theiradministrative charge.	Chief Officer, Bombay Housing and AreaDevelopment Board.
(vi)	All employees other than those mentioned in(iii) above working in the Regional Boards other than the BombayBoard.	Chief Accounts Officer	Chief Officer of the respective Regional Board.

Sixth Schedule(See rule 17)Form of Annual DeclarationI, hereby declare that the house/flat constructed/purchased: or the house site purchased by me, with the amount withdrawn by me, from the amount standing to my credit in the Maharashtra Housing and Area Development Authority Contributory Provident Fund has not been transferred by me by way of sale, mortgage, exchange or gift or on lease for a term exceeding three years or otherwise howsoever, without previous permission of the sanctioning authority in writing and that if called upon to do so, I undertake to produce before the sanctioning authority tax-receipts, title-deeds and such other documents as may be specified by the said authority showing that the house/flat/house site remains in my sole and absolute ownership.Dated thisday of.....19.....Witnesses (with address)(1).....(2).....SignatureDesignation.....