

RSWC Employees Pension Regulations, 1990

RAJASTHAN

India

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Rule RSWC-EMPLOYEES-PENSION-REGULATIONS-1990 of 1990

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RSWC Employees Pension Regulations, 1990Published vide Notification No. Rajasthan Gazette, Extraordinary, Part 7, dated 15-11-1991, page 23(1)In exercise of the powers conferred by section 42 of the Warehousing Corporations Act, 1962 (Central Act No. 58 of 1962) the RSWC, with the previous sanction of the Government of Rajasthan hereby makes the following Regulations relating to grant of pension to its employees (Officers & Staff).

1. Short title.

- These rules shall be called the RSWC Employees Pension Regulations, 1990.

2. Date of application.

- These shall come into force w.e.f. 1-1-1990.

3. [Extent of application. [Substituted by Notification No. RSWC/Adm./Contributory Pension Scheme/2004/ 5743, dated 25-4-2005, Published in Rajasthan Gazette, Extraordinary, Part 7, dated 28-4-2005, page 18.]

- These Regulations shall apply to all the employees of the Corporation except those who opt to continue as the member of the RSWC Employees C.P.F. Scheme and/or the employees appointed on or after 01-01-2004. 'Employee' means any person who is in the service of the Corporation but does not include:-(i)daily labour, work charged or casual employee,(ii)and persons engaged on contract or retention-cum-fee.(iii)part-time or any other basis as consultant, advisor or counsel for legal, professional or any other purpose.]

4. Definitions.

- In these regulations unless there is anything repugnant in the subject or context:-(a)"Assistant Accounts Officer" means Assistant Accounts Officer appointed by the Government of Raj as than/Corporation.(b)"Board of Directors"-Board of Directors means the Board of Directors of the Corporation constituted under Section 20 of the Warehousing Corporation Act, 1962 (Central Act No. 58 of 1962).(c)"Chairman"-Chairman means the Chairman of the Board of Directors of the Corporation constituted under Section 20 of the Warehousing Corporations Act, 1962 (Central Act No. 58 of 1962).(d)"Controlling Officer" means the Managing Director appointed by the Government of Rajasthan under Sub-section 1(c) of Section 20 of the Warehousing Corporations Act, 1962 (Central Act No. 58 of 1962).(e)"Corporation" means Rajasthan State Warehousing Corporation established under Sub-section (1) of section 18 and sub-section 2(g) of Section 43 of the Warehousing Corporations Act, 1962 (Central Act No. 58 of 1962).(f)"Dy. Director (Adm.)" means the Dy. Director (Adm.) appointed by the Corporation.(g)"Executive Committee"-Executive Committee means the Executive Committee of the Corporation constituted under sub-section (1) of Section 25 of the Warehousing Corporations Act, 1962 (Central Act No. 58 of 1962).(h)"Existing Employee" means an employee who is already in the regular time scale/service the Corporation on or before the commencement of the RSWC Pension Regulations, excluding-(i)daily labour, work charged or casual employee,(ii)and persons engaged on contract or retention-cum-fee.(iii)part-time or any other basis as consultant, advisor or counsel for legal professional or any other purposes.(i)"Excluded employee" means an existing employee on regular time scale/service who is member of the RSWC C.P.F. Scheme and opts to continue to be the member of the said scheme. Person employed on daily labour, work charged on contract and through contractor or any other basis as consultant advisor or counsel for legal, professional or any other purposes shall also be considered as excluded employee.(j)"Family" means family as defined in Rule 260 of Rajasthan Service Rules read with Government of Rajasthan Decision 6 below that rule.(k)"Financial year" means the year commencing on the first day of April.(l)"Joint Director (Adm.)" means Joint Director (Adm.) appointed by the Corporation.(m)"Senior Accounts Officer" means the Senior Accounts Officer appointed by the Government of Rajasthan/Corporation.

5. Option.

(1)All employees would have option either to continue to be governed by the Contributory Provident Fund Regulations of the Corporation i.e. RSWC (Employees Provident Fund) Regulations, 1962 or by these pension regulations.(2)The option under sub-regulation (1), shall be exercise in writing in Form No. 1(A) or 1(B) so as to reach the Managing Director of the Corporation within three months from the date of publication of these regulations. If an employee is on leave on date of issue of these regulations, he may exercise option within three months from the date of his return from leave.(3)If the option is not received within the time limit mentioned in sub-rule (2), the employee shall be deemed to have opted for the pension regulations. The option once exercised shall be final. It is not sufficient for an employee to exercise option within the specified period but also to ensure that it reaches to the authority mentioned in sub-rule (2) within the stipulated time and that he obtains acknowledgement thereof. The option given by the employee duly countersigned by the Managing Director or by the officer authorised by him shall be pasted in the service book and a true copy of it

placed in his personal file.(4)If an employee who has availed of the Contributory Provident Fund benefits under the Rajasthan State Warehousing Corporation (Employee Provident Fund) Regulations, 1962, on his retirement on or after the date of application of these regulations exercises option for the pension regulations, the amount of contribution of the Corporation together with interest thereon till the date of retirement plus, interest on his total amount @18% shall be refunded for being credited to the Pension Fund. Interest @18% shall be charged for the period from the date of receipt of benefit under the Provident Fund Rules to the date of refund.(5)The Provident Fund deductions made from the salary bills of the employees after the effective date of option exercised by him in favour of pension will not be governed by the provisions of RSWC (Employees Provident Fund) Regulations, 1962 and will be refunded to the concerned employees on demand. The refundable portion of deductions will cease to bear interest from the date of option.(6)The amount of subscription together with interest thereon standing to the credit of such employees in their Contributory Provident Fund shall be transferred to his credit in the General Provident Fund on his electing to be governed by the RSWC Employees Pension Regulations, 1990. The amount of contribution of the Corporation together with interest thereon standing to his credit in the fund shall be credited to the pension fund.(7)The past services of such an employee who has elected to opt for pension in lieu of Contributory Provident Fund benefits shall be deemed to have been rendered abinito in a pensionable establishment and shall count as qualifying service for pension in the manner and to the extent provided for in the pension rules of the Corporation from time to time.

6. Good conduct as a condition for the grant of pension.

(1)Future good conduct shall be an implied condition for grant of Pension. The pension sanctioning authority may, by an order in writing, withhold/withdraw a pension or part thereof whether permanently or for a specified period, if the pensioner is convicted of a serious crime or is found guilty or grave mis-conduct; Provided that no such order shall be passed by an authority subordinate to the authority competent to make an appointment to the post held by the pensioner immediately before his retirement from his service.(2)Where a pensioner is convicted of a serious crime by a court of law, action under sub-regulation (1) shall be taken in the light of judgement of the court relating to such conviction.(3)In a case not falling under sub-regulation (2) if the competent authority under sub-regulation (1) considers that the pensioner is prima-facie guilty of grave mis-conduct, it shall before passing an order under sub-regulation (1).(a)Serve upon the pensioner a notice specifying the action proposed to be taken against him and the ground on which it is proposed to be taken and calling upon him to submit within fifteen days of the receipt of notice or such further time not exceeding fifteen days as may be allowed by the competent authority, such representation as he may wish to make against the proposal, and(b)take the representation, if any, submitted by the pensioner under clause (a) into consideration.(4)Where the authority competent to pass an order under sub-regulation (1) is the chairman of the Corporation, the Chairman may pass such orders on the appeal as he deems fit.

7. Recoveries of Losses from the Pension.

- The Managing Director of the Corporation further reserves to himself the right of withholding or withdrawing a pension or any part of it whether permanently or for a specified period and the right

or ordering the recovery from a Pension of the whole or Part of any pecuniary loss caused to the Corporation, if in a departmental or judicial proceedings the pensioner is found guilty for grave mis-conduct or negligence during the period of his service including service rendered upon re-employment after retirement:(a)Provided that such departmental proceedings, if instituted while the employee was in service, whether before his retirement or during his re-employment, shall after the final retirement of the employee be deemed to be proceeding under this Regulation and shall be continued and concluded by the authority by which it was commenced in the same manner as if the officer had continued in service. Final order under this rule shall be passed by the Chairman.(b)Such departmental proceedings, if not instituted while the employee was in service, whether before his retirement or during his re-employment;(i)shall not be instituted save with the sanction of the Chairman/Executive Committee/Board of Directors;(ii)shall not be in respect of any event which took place more than 4 years before such institution; and(iii)shall be conducted by such authority and in such place as the Chairman/Executive Committee/Board of Directors may direct and in accordance with the procedure applicable to departmental proceedings in which an order of dismissal from service could be made in relation to the employee during the service.(c)No such judicial proceedings, if not instituted while the employee was in service whether before his retirement or during his re-employment, shall be instituted in respect of a cause of action which arose or an event which took place more than 4 years before such institution, and(d)The Chairman/Executive Committee/Board of Directors shall be consulted before final orders are passed;(e)(i)Where any departmental or judicial proceeding is instituted under the Regulations or where a departmental proceeding is continued under clause (a) of the proviso-thereto against an employee who has retired on attaining the age of compulsory retirement to the date on which, upon conclusion of such proceedings, final orders are passed, a provisional pension not exceeding the maximum pension which would have been admissible on the basis of his qualifying service upto the date of retirement, or if he was under suspension on the date of retirement upon the date or immediately preceding the date on which he was placed under suspension, but no gratuity or death-cum-retirement gratuity shall be paid to him until the conclusion of such proceeding and the issue of final order thereon.(ii)Payment of provisional pension made under sub-rule (1) shall be adjusted against the final retirement benefits sanctioned to such employee upon conclusion of the aforesaid proceedings but no recovery shall be made where the pension finally sanctioned is less than the provisional pension or the pension is reduced or withheld either permanently or for a specified period.

8. Claim to Pension when inadmissible.

- In the following cases no claim to pension is admissible:-(a)When a person is appointed for a limited time only, or for a specified duty, on the completion of which he is to be discharged.(b)When a person is employed temporarily on monthly wages without specified limit of time or duty, but a month's notice of discharge should be given to such person, and his wages must be paid for any period by which such notice falls short of a month.(c)When a person's whole time is not retained for the Corporation's service, but he is merely paid for work done for the Corporation.(d)When a Corporation's employee holds some other pensionable office, he earns no pension in respect of an office of the kind mentioned in clause (c) or in respect of duties paid for by a compensatory or other allowance.

9. Misconduct of Inefficiency.

- No gratuity or pension may be granted to a Corporation employee dismissed or removed for misconduct, insolvency or inefficiency but to Corporation employee so dismissed or removed Compassionate allowance may be granted when there are deserving of special consideration, provided that the allowance granted to any Corporation employee shall not exceed two thirds of the pension which would have been admissible to him if he had retired on medical certificate.

10. Compulsory Retirement as a Penalty.

(a)A Corporation employee compulsorily retired from service as penalty may be granted by the authority competent to impose such penalty, pension or gratuity or both at a rate not less than two thirds and not more than full invalid pension or gratuity or both admissible to him on the date of his compulsory retirement.(b)Whenever in the case of a Corporation employee, the Managing Director of the Corporation passes an order (whether original, appellate or in exercise of power of review) awarding pension less than the full pension admissible under these Regulation the Senior Accounts Officer of the Corporation shall be consulted before such order is passed.

11. Limitation.

(a)A Corporation employee can not earn two pensions in the same office at the same time or by the same continuous service.(b)Two Corporation employees may not simultaneously count service in respect of the same office.

12. Age at which Qualifying Service Begins.

(a)Except for compensation gratuity, a Corporation employee's service does not qualify till he has completed eighteen years of age.(b)In other cases, unless it be otherwise provided by special rules regulation or contract, the service of every Corporation employee begins when he taken charges of the office to which he is first appointed.

13. Conditions of Qualifications.

- The service of an employee does not qualify for pension unless it confirms to the following conditions:

First The service must be under the Corporation.

Second The employment may be in substantive/permanent/temporary andofficiating capacity.

Third The service may be paid by the Corporation.

14. Appointment by Corporation necessary condition for pension.

- The service of a corporation employee does not qualify for pension unless he is appointed and his duties and pay are regulated by the Corporation or under conditions determined by the Corporation.

15. Apprentices.

- Service as an apprentice followed by regular appointment whether in temporary or substantive capacity shall qualify.

16. Probationer.

- The service rendered as a probationer shall qualify for the purpose of pension.

17. [Rules for reckoning service (Time passed on leave). [Substituted by Notification No. RSWC/HO/Adm RSWC Emp. Pension & GPF Regulation 89/F./52 (Part- IV)/17977, dated 29-11-1995, Published in Rajasthan Gazette, Part 7, dated 14-12-1995, page 175.]

- Times passed on leave shall be reckoned as service as per Rajasthan Service Rules, 1951.]

18. Time Spent on Training.

- The Corporation may, at its discretion decide in the case of an employee (including a person in training but not, actually appointed to Corporation service) who is selected to undergo a course of training, whether the time spent on training shall count as service qualifying for pension.

19. Suspension.

- Time passed under suspension pending enquiry into conduct shall count in full where, on conclusion of the enquiry, the Corporation employee has been fully exonerated of the suspension is held to have been fully unjustified, in other cases, the period of suspension shall not count unless the authority competent to pass orders expressly declares that it shall only count to such extent.

20. Resignation, Dismissal, Removal for Misconduct, etc.

- (a)Resignation from the service or dismissal or removal from it for mis-conduct, insolvency, inefficiency, not due to age or failure to pass a prescribed examination entails forfeiture of past service.(b)A Corporation employee who is dismissed, removed or compulsorily retired from public service, but is re-instated on appeal or revision, is entitled to count his past service on regularisation by the competent authority.(c)The period of break in service between the date of dismissal, Removal or compulsory retirement, as the case may be, and the date of reinstatement and the period of

suspension, (if any) shall not count unless regularised as duty or leave by specific order or reinstatement.

21. Interruption in service entails forfeiture of past service.

- An interruption in the service of an employee entails forfeiture of his past service, except in the case of authorised leave of absence.

22. Condonation of Interruption.

- Upon such conditions as it may think fit to impose in each case the Corporation may condone interruption in service of the Corporation employees. Provided that an interruption of less than ten days during total period of service can be condoned by the MD/Chairman with the concurrence of Senior Accounts Officer.

23. Optional Retirement on completion of [15] [Substituted by Notification No. F. 52(V) 6125, dated 16-4-2001, Published in Rajasthan Gazette, Part 7, Extraordinary, dated 17-4-2001, page 7 for the figures '20'.] years of qualifying service.

(a) A Corporation employee may, after giving at least 3 months previous notice in writing to the appointing authority, retire from service on the date on which he completes [15] [Substituted by Notification No. F. 52(V) 6125, dated 16-4-2001, Published in Rajasthan Gazette, Part 7, Extraordinary, dated 17-4-2001, page 7 for the figures '20'.] years of qualifying service or attains the age of 45 years whichever is earlier or any date thereafter to be specified in the notice: Provided that it shall be open to the Appointing Authority to withhold permission to retire a Corporation employee. (i) Who is under suspension; (ii) In whose case disciplinary proceedings are pending or contemplated for the imposition of a major penalty and the disciplinary authority having regard to the circumstances of the case is of the view that such disciplinary proceedings might result in imposition of the penalty of removal or dismissal from service; (b) A Corporation employee who has given notice for seeking retirement under sub-regulation (a), may presume acceptance of the notice of retirement and the retirement shall be effective in terms at the notice automatically, unless an order in writing to the contrary has been issued by the competent authority and served upon the Corporation employee before the expiry of the period of the notice. (c) If a Corporation employee seeks retirement while he is on leave not due, without returning to duty, the retirement shall take effect from the date of commencement of the leave not due and the leave salary paid in respect of such leave shall be recovered from him. (d) A Corporation employee who gives notice of voluntary retirement under sub-regulation (a) shall satisfy himself by means of a reference to the appointing authority who is competent to retire him to the effect that he has, in fact, completed [15] [Substituted by Notification No. F. 52(V) 6125, dated 16-4-2001, Published in Rajasthan Gazette, Part 7, Extraordinary, dated 17-4-2001, page 7 for the figures '20'.] years qualifying service for pension. (e) A Corporation employee may with the approval of the Appointing Authority withdraw the notice given under clause (a) of this sub-regulation provided the request for such withdrawal is

made before the expiry of the notice.(f)The authority competent to retire a Corporation employee may, in deserving cases, accept the notice contemplated under clause(a) of this sub-regulation for a period of less than 3 months with the Concurrence of the Chairman of the Corporation.

24. Compulsory retirement after completion of [15] [Substituted by Notification No. F. 52(V) 6125, dated 16-4-2001, Published in Rajasthan Gazette, Part 7, Extraordinary, dated 17-4-2001, page 7 for the figures '25'.] years of service.

- The appointing authority shall have the absolute right to retire in public interest any Corporation employee by giving him at-least three months previous notice in writing, from service on the date on which he completes [15] [Substituted by Notification No. F. 52(V) 6125, dated 16-4-2001, Published in Rajasthan Gazette, Part 7, Extraordinary, dated 17-4-2001, page 7 for the figures '25'.] years of qualifying service or on the date on which he attains the age of 50 years whichever is earlier, or on any date thereafter:Provided that such Corporation employee may be retired from service forthwith, and on such retirement from service the Corporation employee shall be entitled to claim three months pay and allowances in lieu of notice.

25. Amount how calculated.

- The amount of pension that may be granted is determined by length of service. Fractions of year are not taken into account in the calculation of pension. The figures of the amount of pension as finally calculated as also the amount of anticipatory pension shall be rounded off to the next higher rupee:Provided that in respect of Corporation employee retiring from service on or after commencement of these regulations, fractions of a year equal to six months and above shall be treated as a completed six monthly period for the purpose of calculation of any pension admissible to such Corporation Employee.

26. Emoluments.

- Definition of Emoluments. - The term "Emoluments" when used in these Regulations means the emoluments, which the Corporation employee was receiving immediately before his retirement for purpose of pension, service gratuity & D.C.R.G. and includes only substantive/officiating "Pay" as defined in Rule 7(24) of R.S.R.:Provided that the officiating appointment to higher post was not made in leave vacancy or to hold charge of the post temporarily in addition to duties of own post.

27. Scale of pension.

- Subject to the regulations in this behalf the amount of superannuation, retiring, invalid and compensation pension admissible to a Corporation employee would be calculated on the lines as is being allowed to the officers/employees of the State Government under the specific provisions of Pension Rules as contained in chapter xvii to xxviii of Rajasthan Service Rules as amended from time to time.

28. Death-cum-retirement Gratuity.

(1) A Corporation employee who has completed five years qualifying service may be granted an additional gratuity as per rule 257 of R.S.R. when he retires from service and is eligible for a gratuity or pension. (2) If a Corporation employee who has completed five years qualifying service dies while in service, a gratuity not exceeding the amount specified may be paid to the persons on whom the right to receive the gratuity is conferred under the relevant provisions of Rajasthan Service Rules. (3) The amount of gratuity payable to a Corporation employee would be calculated on the lines as a being allowed to the officers/ employees of the State Government under the specific provisions of the pension rules as contained in Chapter xvii to xxviii of the Rajasthan Service Rules as amended from time to time. (4) A Corporation employee shall as soon as he completes five years qualifying service may make a nomination conferring one or more person, the right to receive any gratuity that may be sanctioned under regulations. Provided that if at the time of making the nomination, the employee has family, the nomination shall not be in favour of any person other than the members of his family.

29. Nominations.

- 'Family'-Family means as-defined in Rule 268(D) of Rajasthan Service Rules.

30. Family Pension Condition for grant.

- A family pension to a Corporation employee would be calculated on the similar lines as is being allowed to the families of officer/employees of the State Government under the specific provisions of Government of Rajasthan Pension Rules as amended from time to time.

31. Application for Gratuity/Pension & Gratuity.

(a) Applicability (1) These regulations shall apply to all Corporation employees eligible for pension. (2) For the purpose of these regulations "Gratuity" means death-cum-retirement gratuity, if admissible under the regulations. (b) Preparation of list of Corporation Employees due to retire within next 12 months. - The Deputy Director (Administration) shall have a list prepared every six months, i.e. on the 1st January and the 1st July each year of all employees of the Corporation who are due to retire within the next two years of that date. A copy of every such list shall be supplied to the Senior Accounts Office of the Corporation not later than 31st January or 31st July, as the case may be, of that year. In the case of persons retiring for reasons other than by way of superannuation the Dy. Director (Adm.) shall promptly inform the Senior Accounts Officer of the Corporation as soon as such retirement becomes known to him.

32. Procedure for submission of formal application of pension.

- Every Corporation employee shall directly submit a formal application for pension in the prescribed form to Joint Director (Adm.) one year in advance of their anticipated retirement. In

cases in which the date of retirement cannot be foreseen one year in advance, the application shall be submitted immediately after the date of retirement is settled; and a Corporation employee proceeding on leave preparatory to retirement in excess of one year shall submit application at the time of proceeding on such leave.

33. Authority competent to sanction pension.

- The Authorities competent to sanction Pension/DCRG shall be as under-

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| 1. Managing Director | In respect of all officers and Warehouse Managers of the Corporation. |
| 2. Joint Director | In respect of all categories of (Adm.) employees of the Corporation excluding Officers and Managers. |

The authorities shall, having due regard to the provisions of the rules/regulations shall record orders in the form prescribed as to whether service rendered by the Corporation employee is approved for the grant of full pension or gratuity or both. If the service rendered is not approved he/they should for that reason make such reduction from the amount of full pension or gratuity or both, admissible under the rules/regulations as they think proper.

34. Revision of pension due to detection of Clerical Error.

(1) Subject to the provisions of the regulations, pension once sanctioned after final assessment, shall not be revised to the disadvantage of the Corporation employees, unless such revision becomes necessary on account of detection of a clerical error subsequently. Revision of pension to the disadvantage of pensioner shall be ordered by the pension sanctioning authority only after formal concurrence of the Senior Accounts Officer within a period of two years from the date of sanction. (2) For the purpose of sub-regulation (1), the Corporation employee concerned shall be served with a notice by the pension sanctioning authority requiring him to refund the excess payments drawn within a period of two months from the date of receipt of the said notice. On his failure to comply with the notice, the authority sanctioning the pension shall order that such excess payment shall be adjusted by short payments in future, in one or more installments as the said authority may order.

35. Commencement of Preparation of Pension Papers.

- The Dy. Director (Adm.) shall undertake the work of preparing pension papers in the prescribed form one year before the date on which a Corporation employee is due to retire on superannuation or on the date on which he proceeds on leave preparatory to retirement whichever is earlier.

36. Despatch of Form of Formal Application for Pension.

(1) The Dy. Director (Adm.) shall send to every officer/Corporation employee a formal application form for pension one year in advance of the date on which the Corporation employee attains the age

of superannuation, or before the date of his anticipated retirement, if earlier, with the request that it should be returned to him duly completed as promptly as possible but in no case later than three months before the actual date of retirement. The Dy. Director (Adm.) shall also draw attention of the retiring Corporation employee to the provisions of the regulations for timely action.(2)On receipt of a copy of formal application for pension from the Dy. Director (Adm.) the retiring Corporation employee shall return it duly completed to the Deputy Director (Adm.) under intimation to the Joint Director (Adm.)/Managing Director as the case may be.

37. Issue of Pension Payment Order intimation of.

- As soon as the pension and gratuity are finally assessed and the pension is payable the Dy. Director (Adm.) shall prepare pension payment order after taking account the orders of pension sanctioning authority and the audit en-placement in Part-II of the form but shall not issue the said order more than a fortnight in advance of the date on which the Corporation employee is due to retire. The fact of issue of Pension Payment Order shall be promptly reported to the Pension Sanctioning Authority/Retiring Corporation employee.

38. Payment of Provisional Pension and Gratuity.

(1)A Corporation employee should begin to draw pension from the date he retires from service irrespective of the fact whether the pension papers alongwith administrative sanction have been sent to the Assistant Accounts Officer (P) for issue of pension or not. In case where pension papers have not been prepared and sent to the Assistant Accounts Officer (P) duly sanctioned, the Dy. Director (Adm.) shall, after the most careful summary investigation, authorise payment of provisional pension to the extent of 75% of the maximum amount of pension and also of the gratuity to which he is entitled under these Regulations under intimation to Joint Director/Managing Director. If pension papers have been prepared and sent to the Dy. Director (Adm.) before the date of retirement of a Corporation employee, the payment of provisional pension not exceeding the maximum amount of pension shall be sanctioned and 75% of the gratuity to which he is entitled under these Regulations shall be sanctioned as the case may be and as may be admissible in each case. The sanction for provisional pension shall invariably be issued by the Dy. Director (Adm.) under these Regulations immediately before or latest by the actual date of retirement of a Corporation employee which shall remain valid till the pension case is finalised by the Joint Director/Managing Director.(2)The Assistant Accounts Officer (P) shall draw provisional Pension and gratuity as provided in pension payment order for each pensioner separately and arrange to disburse pension on the 1st day of the month following the month in which the employee was retired, if the pensioner desires pension payment through Money Order or Bank Draft at the place where he is residing the same shall be remitted to him through Money Order or Bank Draft at the place where he is residing the same shall be remitted to him through Money Order or Bank Draft at his cost. The date on which payment of the provisional pension and gratuity is made to the pensioner shall be intimated to the Dy. Director (Adm.).(3)The payment of provisional pension and gratuity shall be adjusted against the final payment of pension or/and gratuity. If the amount of provisional pension or gratuity grant and disbursed to a Corporation employee is found to be in excess of final pension or gratuity assessed he shall be called upon to refund such excess amount.

39. Preparation of Service Statement After Verifying Services.

- As a first step, the Dy. Director (Adm.) shall prepare a Statement of the applicant's service in Part-II of the Form and thereafter proceed as follows:(a)he shall go through the service, book and the service roll, if any, and satisfy him self as to whether the annual certificates or verification for the entire service are recorded therein. In respect of the unverified portion or portions of service, he shall arrange to verify it or them as the case may be, with reference to pay bills, acquittance rolls or other relevant records and record the necessary certificate in the service book or service rolls, as the case may be.(b)If the service for any period is not capable of being verified in the manner specified in sub-regulation (a) that period of service having been rendered by the Corporation employee in any subordinate office a reference shall be made to that office in which the employee is shown to have served during that period for the purpose of verification.(c)If any portion of service rendered by a Corporation employee is not capable of being verified in the manner specified in sub-regulations (a) and (b) the Corporation employee shall file a written statement on plain paper stating that he had in fact rendered that period of service and shall at the foot of the statement make and subscribe to a declaration as to the truth of that Statement and shall, in support of such declaration produce all documentary evidence and furnish all information which is in his power to produce or furnish.The authority competent to sanction pension to that Corporation employee shall after taking into consideration the facts in the written statement and the evidence produced and the information furnished by that Corporation employee in support of the said period of service, if satisfied, admit that portion of service, as having been rendered for the purposes of calculating the pension of that Corporation employee.

40. Obligation of the Corporation Employee to Clear the Corporation Dues.

(1)It shall be the duty of every retiring Corporation employee to clear all Corporation Dues before the date of his retirement.(2)The Dy. Director (Adm.) shall address Communication at least 3 months before the date of retirement of the employee for obtaining 'No Dues Certificate' from the Section In-charges.

41. Gratuity payable in Lumpsum.

- A gratuity shall be paid in a lumpsum, and not by installments on receipt of gratuity payment orders from Joint Director (Adm.)/Managing Director of the Corporation as the case may be, out of the Corporation Fund.

42. Procedure for payment of Pension.

- A pension is payable monthly on or after the first day of the following month in accordance with the pension regulations of the Corporation and instructions as may be issued from time to time.

43. Personal Appearance or Identification.

- As a rule, a pensioner must take payment in person after identification by comparison with the pension payment order.

44. Exemptions from Personal Appearance.

- A pensioner who is unable to appear in consequence of bodily illness or infirmity may receive his or her pension upon production of a life certificate by a responsible officer authorised by the Corporation.

45. Authorities for Signing A Life Certificate.

- A pensioner of any description shall produce half yearly a life certificate signed by some person exercising the powers of a Magistrate under the Criminal Procedure Code or any officer of the Corporation not below the status of Asstt. Director/A.A.O. or by a Bank Manager of any Scheduled Bank.

46. Certificate of Non-Employment.

(a) A pensioner drawing pension in India is required to append to his bill a certificate as follows: "I declare that I have not received any remuneration for serving in any capacity either under Central/State Government or a Local Fund, during the period for which amount of pension claimed in this bill is due." (b) In the case of a pensioner permitted to draw pension after the re-employment, his certificate should be modified according to the facts.

47. Renewal of Pension Payment Order.

- When a reverse of a pension payment order is filled up or when the pensioner's half is found to be worn or torn both halves may be renewed by the concerned Drawing & Disbursing Officer.

48. When a Corporation Servant Dies before Retirement or Discharge.

- If a Corporation employee dies before actually retiring or being discharged, his heirs have no claim to anything in respect of his legal pension except to the extent and subject to the conditions specified in these Regulations i.e. his heirs should be entitled to the benefit of Gratuity/Family pension, if admissible under rules.

49. Re-employment After Compensation Pension.

(a) A Corporation employee who has obtained a compensation pension, if reemployed may retain his pension in addition to his pay provided that he is re-employed in a post paid from the Corporation fund, the pension shall remain wholly or partly in abeyance if the sum of the pension and the initial

pay on re-employment exceeds his substantive/officiating pay at the time of his discharge, that is, A Corporation employee can draw so much of pension only as will make his initial pay plus pension equal to his substantive/officiating pay at the time of discharge. Once the amount of the pension have been fixed in conformity with the above condition, the employee shall be entitled to receive the benefits of increments in his new scale or promotion to another scale or post without a further corresponding reduction in pension, not shall the amount of pension so fixed be varied during leave.(b)If his re-employment is in qualifying service, he may either retain his pension (subject to the proviso to (a) above), in which case his former service will not count for future pension or cease to draw any part of his pension and Count his previous service.

50. Re-employment After Superannuation or Retiring Pension.

- A Corporation employee who is in receipt of a superannuation or retiring Pension shall not be re-employed or continue to be employed in service paid from the Corporation except on public grounds. Sanction to re-employment for extension of the term of employment may be given as follows:-(i)By the Corporation when the pension served before retirement in a gazetted appointment.(ii)By any authority sub-ordinate to the Corporation to whom the Corporation may delegate its powers under this Regulation in respect of pensioner re-employed in establishment under the control of such authority.

51. Commutation of Pension.

- The Retired Corporation employees who may be entitled to or have been granted pension under these Regulations may commute a portion of their pension as per the Rajasthan Civil Services Commutation and Pension Rules, 1981.

52. Government of Rajasthan's Decision.

- Decision and interpretations given by the Government of Rajasthan in respect of Pension and Gratuity Rules, with amendments from time to time, being similarly worded as these regulations, shall apply mutatis mutandis to the employees of the Corporation who have opted for pensionary benefits.

53. Pension Fund.

- The existing balance in CPF Account of all the employees who opt for Pension Scheme shall be bifurcated into two parts i.e. (A) Employee's own subscription and interest thereon and (B) the Corporation's contribution and interest thereon. While the employee's subscription and interest thereon shall be transferred to the respective GPF Account, the Corporation's contribution and interest thereon shall be transferred to the Pension Fund. The Corporation shall contribute to the Pension Fund at the rate at which contribution is being made at present to the CPF Account of the employees. The computation shall be done with reference to basic pay plus Dearness Allowance.The Pension Fund shall be kept in a separate PD Account with the State Government and the account

shall be operated jointly by the Managing Director and the Senior Accounts Officer of the Corporation. All payments relating to Pension and Gratuity shall be made from the Pension fund and the Corporation fund respectively.

54. Administration of Fund.

- The RSWC Pension fund shall be administered Jointly by the Managing Director and the Senior Accounts Officer of the Corporation from the date of application of these regulations keeping in view the instructions issued by the Corporation from time to time. The Pension fund sufficient to meet monthly disbursement shall be in an account opened in any scheduled bank or its subsidiary. The cheques will be signed by the officers as authorised from time to time by the Board of Directors of the Corporation.

55. Transfer to Pension fund by Corporation.

- The Corporation shall transfer its share of C.P.F. Contribution @10% (or as may be revised from time to time) on the "basic pay plus D.A." to the RSWC Pension Fund latest by 10th of succeeding month. The employer's share with interest except for those existing employees as on 1-1-1990 who have opted for continuing the CPF benefits shall be transferred to the RSWC Pension Fund and the employees share with interest shall be transferred to the RSWC GPF Fund. Rajasthan State Warehousing Corporation, Jaipur Form 1(A) Option Form (Regulation No. 5 RSWC Pension Regulation) I Designation at present entitled to C.P.F. benefit under the R.S.W.C. (Employees P.F.) Regulations, 1962 hereby opt for the pension Benefits and to subscribe to the Employees General Provident Fund under the R.S.W.C. Employees Pension Regulations & G.P.F. Regulations, 1990.

1. C.P.F. A/c No.
2. Name (In block letters)
3. Father's/Husband's Name
4. Occupation
5. Sex
6. Religion
7. Permanent Address

I declare that all particulars stated above are true to the best of my knowledge and belief. I also enclose herewith my application in the prescribed form for becoming a subscriber to the RSWC Employees General Provident Fund, 1990.

Place: Signature or left hand thumb Impression of Person (Employee)

Date:

Encl.: As above Certified that above declaration has been signed by Shri/Shrimati/Kumari (Designation) (Section/Warehouse) before me.

Place: Signature of the Warehouse Manager/Section Officer or other authorised Officer.

Date: Designation and Rubber Stamp.

Rajasthan State Warehousing Corporation, Jaipur Form 1(B) (Regulation No. 5 RSWC Pension Regulation) I, Designation at present member of C.P.F. with Account No. want to continue in the present R.S.W.C. C.P.F. Scheme.

1. Name (In block letters)
2. Father's/Husband's Name
3. Occupation
4. Sex
5. Religion
6. Permanent Address

I declare that all particulars stated above are true to the best of my knowledge and belief.

Place: Signature or left hand thumb Impression of (Employee)

Date:

Certified that above declaration has been signed by Shri/Shrimati/Kumari (Designation) (Section/Warehouse) before me.

Place: Signature of the Warehouse Manager/Section Officer or other authorised Officer.

Date: Designation and Rubber Stamp.