

The Chennai Corporation (Superior) Service Pension Rules, 1970

TAMILNADU

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Rule

THE-CHENNAI-CORPORATION-SUPERIOR-SERVICE-PENSION-RULES of 1970

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1. Short title and application.

(1) These rules may be called the [Chennai] [Substituted for the word 'Madras' by the Tamil Nadu Act 28 of 1996.] Corporation (Superior) Service Pension Rules, 1970. (2) They shall apply to the Assistant Commissioner, Personal Assistant to the Commissioner and the holders of the posts of Class I-A, Class I-B and Class II in the Corporation of [Chennai] [Substituted for the word 'Madras' by the City of Madras (Alteration of Name) Act, 1996 (Tamil Nadu Act 28 of 1996).] except to the members of the All India Services who are subject to the pension rules applicable to them and other officials who are not full time officers, but are engaged by the Corporation to do specified work, without prejudice to the regular exercise of their profession in their respects.

2. Definitions.

(1) In these rules, unless the context otherwise requires, - (a) "Government" means the Government of Tamil Nadu ; (b) "Corporation" means the Corporation of [Chennai] [Substituted for the word 'Madras' by the City of Madras (Alteration of Name) Act, 1996 (Tamil Nadu Act 28 of 1996).] (c) "Corporation Officer" means Assistant Commissioner, Personal Assistant to the Commissioner and the holders of the posts of Class I-A, Class I-B and Class II in the establishment

of the Corporation of [Chennai] [Substituted for the word 'Madras' by the City of Madras (Alteration of Name) Act, 1996 (Tamil Nadu Act 28 of 1996)]. Explanation. - A Government servant or a member of the Indian Administrative Service, whose services are placed at the disposal of the Corporation, for the purpose of these rules, shall not be a "Corporation Officer" serving under the Corporation notwithstanding that his salary and allowances are drawn from the funds of the Corporation; (d) "service" means Corporation service; (e) "pension" and "gratuity" will have the same meaning as defined in the Tamil Nadu Pension Code; (f) "retirement benefits" includes pension or gratuity and death-cum-gratuity, where admissible; (g) "Audit Officer" means the Examiner of Local Fund Accounts, [Chennai] [Substituted for the word 'Madras' by the City of Madras (Alteration of Name) Act, 1996 (Tamil Nadu Act 28 of 1996)]. (2) All other words and expressions used in these rules and not defined herein, but defined in the Tamil Nadu Pension Code, or in the Fundamental Rules or in the Tamil Nadu Leave Rules, 1933 shall have the meaning, respectively assigned to them, in the said Code or rules.

3. Sanctioning authority.

- Pension and gratuity under these rules shall be granted by the Government.

4. General condition.

- Future good conduct of the pensioner is an implied condition of every grant of pension under these rules and its continuance.

5. Limitation.

(1) A member of the service cannot earn two pensions in the same office at the same time or by the same continuous service. (2) Two officers may not simultaneously count service in respect of the same office in the Corporation establishment.

6. Removal, dismissal or resignation from service.

(1) No retirement benefits may be granted to a member of the service who has been dismissed or removed from the service or who has resigned from the service : Provided that if the circumstances of the case so warrant, the Government may grant to a member of the service who has been dismissed or removed from the service, a compassionate allowance not exceeding two-thirds of the retirement benefit which would have been admissible to him, if he had been invalidated and not dismissed or removed from the service. (2) Where a member of the service is required to retire or resign from the service as a condition of his appointment under a statutory authority or other body, he shall be granted the retirement benefits to which he would have been entitled to, if he had been invalidated from the service and not resigned or retired.

7. Recovery from pension.

(1)The Government reserve to themselves the right of withholding or withdrawing a pension or any part of it, whether permanently or for a specified period, and the right of ordering the recovery from pension of the whole or part of any pecuniary loss caused to the Corporation if the pensioner is found in departmental or judicial proceedings to have been guilty of grave misconduct or to have caused pecuniary loss to the Corporation by misconduct or negligence during his service including service rendered on re-employment after retirement:Provided that -(a)such department proceedings, if not instituted while the pensioner was in service, whether before his retirement or during his re-employment, shall, after the final retirement of the officer, be deemed to be a proceeding under this rule and shall be concluded by the authority by which it was commenced in the same manner as if the officer had continued in service;(b)such departmental proceedings, if not instituted while the officer was in service, whether before his retirement or during his re-employment-(i)shall not be instituted save with the sanction of the Government;(ii)shall not be in respect of an event which took place more than four years before such institution; and(iii)shall be conducted by such authority and in such place or places as the Government may direct and in accordance with the procedure applicable to the departmental proceedings in which an order of dismissal from service may be made in relation to the officer during his service; and(c)no such judicial proceedings, if not instituted while the pensioner was in service, whether before his retirement or during his re-employment shall be instituted in respect of a cause of action which arose on an event which took place more than four years before such institution.Explanation. - For the purposes of this rule-(a)departmental proceedings shall be deemed to be instituted on the date on which the statement of charges framed against the pensioner is issued to him, or if the pensioner has been placed under suspension from an earlier date, on such date; and(b)a judicial proceeding shall be deemed to be instituted-(i)in the case of criminal proceedings on the date on which a complaint or report of police officer on which the magistrate takes cognizance, is made; and(ii)in the case of civil proceeding, on the date on which the plaint is presented in the Court.(2)The decision of the Government on any question of withholding or withdrawing the whole or any part of the pension shall be final.

8. Compulsory retirement as a measure of penalty.

- A member of the service, who, as a measure of penalty, is compulsorily retired from the service by the Government in accordance with the provisions of the [Chennai] [Substituted for the word 'Madras' by the City of Madras (Alteration of Name) Act, 1996 (Tamil Nadu Act 28 of 1996).] Corporation (Superior) Service (Classification, Control and Appeal) Rules, may be granted retirement benefits on the basis of the qualifying service on the date of such compulsory retirement on the same scales as laid down for the Government servants of similar standing and status.

9. Re-employment of pensioners.

- A pensioner who is in receipt of a superannuation or retiring pension shall not be re-employed or continue to be employed in service except on public grounds. The general principle governing the fixation of pay of the individual on re-employment in the same or similar post is to allow him to

draw his pension in full and in addition such pay as shall bring his total emoluments up to the rate of pay drawn by him on the date of retirement. In the case, however, of a pensioner re-employed in a lower post, his pay plus pension during re-employment shall be limited to the pay drawn by him at the time of retirement or to the maximum of the post in which he is re-employed whichever is less. A re-employed pensioner may, in addition, be allowed to draw the special pay attached to the post in which he is re-employed. In the case of persons who are governed by the Tamil Nadu Liberalised Pension Rules, 1960, the pay on re-employment shall be reduced not only by the pension admissible to them, but also by the pension equivalent of the death-cum-retirement gratuity payable to them. A pensioner re-employed shall be considered to be purely temporary for all purposes.

10. Regulations governing the grant of pension.

- The relevant provisions in the Tamil Nadu Pension Code as amended by the Government, from time to time, in regard to the regulations governing the following, shall be applicable to the Corporation Officers subject to the restrictions contained in the proviso to section 86(1) of the [Chennai] [Substituted for the word 'Madras' by the City of Madras (Alteration of Name) Act, 1996 (Tamil Nadu Act 28 of 1996).] City Municipal Corporation Act, 1919 (Tamil Nadu Act IV of 1919):- (i) Qualifying service. (ii) Counting of periods of leave as qualifying service. (iii) Periods not qualifying as service for pension. (iv) Interruption in service and condonation of break in service. (v) Conditions of grant of pension. (vi) Allowances reckoned for pension.

11. Invalid pension.

(1) Where the Government have reason to believe that a member of the service is suffering from-(a) a contagious disease, or (b) a physical or mental disability which, in their opinion, interferes with the efficient discharge of his duties, they may direct him to undergo medical examination with a view to retire him from service on invalid pension. A member of the service also may, if he feels that he is not in a fit state of health to discharge his duties, apply to the Government for retirement on invalid pension. (2) An invalid pension and death-cum-retirement gratuity, where admissible, shall be granted to a member of service who having appeared under the directions of the Government or on his own application before a duly constituted Medical Board, is certified by that Medical Board, by or bodily or mental infirmity, to be permanently incapacitated for further service. (3) The medical certificate of incapacity shall be attested by the Medical Board to be convened by the Chief Administrative Medical Officer of the State in which the member of the service is on duty or on leave. The Chief Administrative Medical Officer shall, wherever practicable, preside over such Board. (4) In the Medical Board, although unable to discover any specific disease in the member of the service, considers him incapacitated for further service by general disability while still under the age of fifty-five years, it shall give detailed reasons for its opinion. Wherever possible a second medical opinion shall, in such case, be obtained. Explanation. - In a case of this kind, a statement giving the grounds on which it is proposed to invalidate a member of the service shall be forwarded to the Medical Board by the Corporation under whom he is serving. (5) A certificate that inefficiency is due to old age or natural decay from advancing years shall not be deemed to be sufficient reasons for retiring a member of the service on invalid pension. (6) The medical certificate shall be in the Medical Form No. 127 (Civil Medical Form No. 32).

12. Restrictions on the grant of invalid pension.

(1) A member of the service who is discharged from the service on grounds other than those specified in rule 11, shall have no claim to invalid pension or death-cum-retirement gratuity, even though he produces medical evidence of incapacity for service. (2) If the incapacity is directly due to irregular or intemperate habits, no invalid pension or death-cum-retirement gratuity shall be granted to a member of the service. If it has not been directly caused by such habits, but has been accelerated or aggravated by them, it shall be for the Government to decide what reduction, if any, shall be made on this account in the retirement benefits otherwise admissible. Explanation I. - The mere fact that a member of the service has suffered from syphilis taken by itself is not sufficient to bring his case under the operation of this rule. Explanation II. - Unsoundness of mind caused by drug habits shall be taken as sufficient to bring his case under the operation of this rule. Explanation III. - The expression "irregular or intemperate habits" means incapacity on account of drug habits or on account of diseases resulting from immoral habits. Cases where incapacity was due to other causes, and the like work at irregular hours during war and after due to exigencies of service and not due to own volition shall not come under the purview of this rule.

13. Retirement from service of a member of the service in certain cases and grant of leave.

(1) A member of the service who has been declared by a Medical Board to be permanently incapacitated for further service shall, if he is in service, be invalidated from service from the date of relief which shall be arranged without delay on receipt of the report of the Medical Board, or if he is granted leave under sub-rule (2) on the expiry of such leave : Provided that if he is on leave at the time of receipt of the report of the Medical Board, he shall be invalidated from service on the expiry of that leave or extension of leave, if any, granted to him under sub-rule (2). (2) A member of the service in respect of whom a Medical Board has reported that there is no reasonable prospect of his ever being fit to return to duty, may not be granted leave except as follows :-(a) If the Medical Board is unable to say with certainty that the member of the service shall never again be fit for service, leave not exceeding twelve months in all shall be granted to him. Such leave shall not be extended without further reference to the Medical Board. (b) If a member of the service has been declared by the Medical Board to be completely and permanently incapacitated for further service, in special cases, leave or an extension of leave may be granted to him as debited against the leave account, if such leave is due to him provided that the amount of leave so granted, together with any period of duty beyond the date on which the Medical Board signed their report, shall not exceed six months.

14. Superannuation pension.

- Every Corporation Officer shall retire on superannuation on attaining the age of fifty-eight years: Provided that nothing contained in this rule shall apply to the employment in the public interest with the previous sanction of the Government for a period not exceeding one year at a time, of persons who have retired from service after attaining the age of fifty-eight years : Provided further that with the previous sanction of the Government, a person, who has been suspended pending

enquiry into serious charges against him, may be retained in service beyond fifty-eight years up to the date on which orders are passed on the charges. A superannuation pension shall be granted to a member of the service who is required to retire under this rule.

15. Retiring pension.

(1) A member of the service may, after giving at least three months previous notice in writing to the Government, retire from the service on the date on which he completes thirty years of qualifying service on or any date thereafter to be specified in the notice. (2) The Government may, with the consent of the Corporation Council and after giving him at least three month's previous notice in writing, require a member of the service to retire from the service on the date on which he completes thirty years of qualifying service or on any date thereafter to be specified in the notice. (3) A retiring pension and death-cum-retirement gratuity shall be granted to a member of the service who retires under sub-rule (1) or who is retired under sub-rule (2).

16. Compensation pension.

(1) If an officer is selected for discharge owing to the abolition of a permanent post, he shall, unless he is appointed to another post the conditions of which are deemed by the authority competent to discharge him to be at least equal to those of his own, have the option-(a) of taking any compensation pension or gratuity to which he may be entitled for the service he has already rendered, or (b) of accepting another appointment or transfer to another establishment even on a lower pay, if offered and continuing to count his previous service for pension. (2) If an officer is transferred to a non-qualifying appointment in the interest of the public service and under orders of a competent authority, he shall be entitled to a compensation pension if discharged on abolition of that appointment.

17. Amount of gratuity or pension.

- The amount of invalid, superannuation or retiring pension or gratuity admissible under rules 11, 14 and 15 shall be settled in accordance with the principles laid down in the relevant provisions in the Tamil Nadu Pension Code as amended by the Government, from time to time.

18. Conditions for grant of retirement benefits.

(1) The full retirement benefits admissible under these rules shall not be given as a matter of course or unless the service has been thoroughly satisfactory. (2) If the service has not been thoroughly satisfactory, the authority sanctioning the pension should make such reduction in the amount as it thinks fit: Provided that the retirement benefits once granted shall not be reduced on the ground that proof of the service not having been thoroughly satisfactory became available after the sanction. (3) Any case in which retirement benefits or compassionate allowance has been sanctioned shall not unless there are special grounds for doing so, be reopened on the ground that the amount sanctioned is less than the maximum admissible under these rules. Explanation I. - This rule shall

not be used directly to effect a penal recovery, but Government shall be justified in making proof of a specific instance of fraud or negligence on the part of a member of the service, the ground for a finding that his service has not been thoroughly satisfactory within the meaning of the rule for the purpose of reducing his retirement benefits. Explanation II. - The measure of the reduction in the amount of retirement benefits made under this rule shall be to the extent by which the service of the member of the service as a whole failed to reach a thoroughly satisfactory standard and the reduction in the amount of retirement benefits shall not be equated with the amount of loss to Corporation on account of negligence or fraud of the member of the service. Explanation III. - This rule contemplates permanent reduction in the amount of retirement benefits ordinarily admissible and does not admit of the reduction of pension payable in respect of any one particular year.

19. Liberalised Pension Scheme and Family Pension.

- In G. O. Ms. No. 657, Rural Development and Local Administration, dated the 20th March 1962 and G. O. Ms. No. 2500, Rural Development and Local Administration, dated 22nd November 1965, the Government have sanctioned the adoption of the Tamil Nadu Liberalised Pension Scheme and the Family Pension Scheme to the members of service in Corporation establishment. The orders shall apply to the Corporation Officers who retire or retired from service on or after the 1st July 1960 or after the 1st April 1964, respectively. The scheme enunciated in G. O. Ms. No. 1085, Finance (Pension), dated the 3rd October 1960 and G. O. Ms. No. 959, Finance (Pension), dated the 29th July 1964 as subsequently amended, from time to time, shall apply mutatis mutandis to the Corporation Officers.

20. Commutation of pension.

- A member of the service may commute his pension under such conditions and to such extent in accordance with the regulations governing the procedure for commutation of pensions as laid down in the Tamil Nadu Pension Code.

21. Miscellaneous.

- (i) The Commissioner, Corporation of [Chennai] [Substituted for the word 'Madras' by the City of Madras (Alteration of Name) Act, 1996 (Tamil Nadu Act 28 of 1996).] shall be responsible for the correct and up to date maintenance of the service book of every Corporation Officer and he shall record an annual certificate of verification in the service book as soon as and the end of every year. (ii) Applications for the grant of retirement benefits under these rules shall be in the form prescribed by the Government for their employees. (iii) A pension under these rules shall be payable from the date on which the member of service quits service or from the date of his application for pension, whichever is later: Provided that where satisfactory explanation is forthcoming for the delay in making an application for pension, the Government may allow the pension to take effect from the date on which the member of the service quits service. (iv) The claim of a member of the service to the retirement benefits shall be regulated by the rules in force at the time when the member of the service retires or is retired or discharged from service or where the member of service dies while in service immediately before death.

22. Procedure for sanction of pension.

- The application for pension/gratuity shall be sent to the Commissioner, Corporation who shall forward it to the "Audit Officer". The Audit Officer shall check the amount of pension/gratuity. The Pension Payment Order shall be issued by the Commissioner, Corporation who shall be Pension Disbursing Authority.

23. Interpretation.

- If any question arises relating to the applicability of the provisions of the Tamil Nadu Pension Code and the interpretation of these rules, it shall be referred to the Government whose decision thereon shall be final.

24. Source of grant of retirement benefits.

- Under rule 5 of the Financial Rules in Schedule V to the [Chennai] [Substituted for the word 'Madras' by the City of Madras (Alteration of Name) Act, 1996 (Tamil Nadu Act 28 of 1996).] City Municipal Corporation Act, 1919 (Tamil Nadu Act IV of 1919), the expenditure on the payment of pension and gratuity to its employees under these rules shall be met from the funds of the Corporation.