Bihar Non-Government School Employees Provident Fund, Insurance and Pension (Triple Benefit Scheme) Rules

JHARKHAND
India

Bihar Non-Government School Employees Provident Fund, Insurance and Pension (Triple Benefit Scheme) Rules

Rule BIHAR-NON-GOVERNMENT-SCHOOL-EMPLOYEES-PROVIDENT-FUNI of 1964

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Bihar Non-Government School Employees Provident Fund, Insurance and Pension (Triple Benefit Scheme) RulesPublished vide Notification No. 3431, dated the 4th September, 1964No. 3431, dated the 4th September, 1964. - The employees of Non-Government Elementary and Secondary Schools, run by local bodies or private managements, are entitled at present simply to the benefits of Contributory Provident Fund. They are not entitled to any pension, nor are they required to Insure their lives compulsorily to provide the wherewithal to sustain them in their old age or their family in the event of their untimely death. The question of improving their service conditions in this respect had been engaging the attention of Government for sometime past. After a very careful consideration the State Government have decided to institute a Triple Benefit (Provident Fund-cum-Insurance-cum-Pension) Scheme for the benefit of such employees with effect from 1st April, 1962.

2. The Rules, framed by the State Government for the implementation of the scheme, are appended to this order. These will be deemed to have come into force with effect from 1st April, 1962.

3. The outline of the scheme is briefly as under:-

(1)Permanent members of teaching and ministerial staff, serving in Non-Government Elementary or Secondary schools (other than a "proprietary" School), whether run by a local body or any private management will be entitled hereafter to not only Contributory Provident Fund but also to pension or gratuity. Except in cases of over-age or medical unfitness, they will also be required to insure their lives in the Life Insurance Corporation of India to a minimum extent, the amount of policies to be so taken varying with their age and emoluments.(2)The existing Provident Fund Rules for the teacher of Non-Government Primary, Middle and Secondary Schools will continue to remain in force.(3)Employees, retiring from the schools on or after 1st April, 1962 will be eligible for the benefit of pension or gratuity under the Scheme.(4)Disbursement of pension will be authorised by the Accountant-General after necessary scrutiny of the service record of the employee concerned.(5)The District Education Officer, or any other Officer authorised by the State Government in that behalf will be the authority responsible to enforce the provisions of the Scheme in his area.(6)As claims for pension under these rules can be settled only on the basis of service records of the employees maintained systematically, the following procedure shall be followed with immediate effect:-(a)For each employee entitled to the benefits under the Scheme a Service Book, in the form prescribed for non-gazetted Government employees; mutatis mutandis, shall be opened by the employer immediately, if not done already, and posted up-to-date. In the case of future entrants, it shall be opened immediately on appointment. All the entries in the service book shall be duly attested by an officer authorised by the management.(b)The entries in Service Books shall be verified once a year by the Sub-divisional Education Officer in the case of employees serving in schools other than those exclusively for girls, and by the District Inspectress of Schools in respect of Girls Schools. The Officer verifying the entries in a Service Book shall furnish therein a certificate to that effect, under his attestation.(c)The Scales of pay, as well as pay and allowances drawn from time to time, entered in the Service Books, shall be the prescribed by Government for such schools.(7)The Controlling Authority will be competent to sanction pension to the concerned employees under this Scheme.(8)To obviate delays in the settlement of claims for pension or gratuity to the employees, under this scheme, the procedure of preliminary verification of service etc. one year ahead shall apply in future.

4. The Rules relating to the preparation of pension papers etc. applicable to Government servants and the forms at present in vogue for pension purposes will be generally adopted in the case of these persons. In order to distinguish these bills, from the bills relating to ordinary pensions, the Superintendent, Government Press, Gaya will print the pension forms for use of employees under this scheme, on papers of pink colour.

5. The account and audit work relating to the pension scheme will be entrusted to the Accountant-General, Bihar.

6. The expenditure on account of payment of pension and gratuity under this scheme will be debited under the following heads of account:-

Pension - "65-Pension and Other Retirement Benefits Superannuation and retirement Allowances Third Five-Year Plan/Fourth Five-year Plan-Pensions to employees of Non-Government

Schools."Gratuity - "65. Pension and Other Retirement Benefits - Gratuities - Third Five-Year Plan/Fourth Five-Year Plan - Gratuities to the Employees of Non-Government Schools."

7. The Director of Public Instruction will be responsible to take further action for giving immediate effect to the provisions of this scheme.

Chapter I
General

1.

These Rules may be called "The Bihar Non-Government School Employees' Provident Fund, Insurance and Pension Rules."

2.

These shall be deemed to have come into force from 1st April, 1962.

3.

These shall apply to the employees of the following categories of recognised Non-Government Schools, other than proprietary schools, whether run by local bodies or by private management:-(i)All Primary Schools (including Junior Basic Schools);(ii)All Middle Schools (including other Basic Schools);(iii)Such Secondary Schools (including Sarvodaya, Multipurpose, Higher Secondary Schools), as were recognised up to the enforcement of these rules;(iv)Such other schools as are declared in this regard by the State Government from time to time.

Chapter II
Definitions

4.

(1)In these Rules, unless there is anything repugnant in the subject or context:(a)"Controlling Authority" means-(i)Inspectress of Schools in respect of all Girls Secondary Schools;(ii)District Education Officer in respect of the rest;(iii)Any other officer declared by the State Government in that behalf.(b)"School" means a recognised Elementary or Secondary School;(c)"Elementary School" means a non-Government Primary or Middle School or a Junior basic or senior basic school recognised under rules framed by Government;(d)"Secondary School" means a recognised school, not owned or managed by Government, imparting instruction in secondary or higher secondary education;(e)"Employer" means the management running a school and includes its duly appointed representative;(f)"Employees" means a whole-time employee belonging to the teaching or ministerial staff of a school who has been duly appointed;(g)"Family" means the subscriber's wife or husband, legitimate children and step children, parents, sisters and brothers residing with and wholly dependent on him;(h)"Government" 'means the Government of Bihar;(i)"Insurance Company" means Life Insurance Corporation of India;(j)"Emoluments" means the salary to which an employee is entitled in the time-scale prescribed by Government and includes the dearness allowance payable to him at the rate prescribed by Government.(Government Notification no. 3647, dated the 18th September, 1964)(k)"Leave" means any variety of leave granted under Rules approved by the State Government:(l)"Year" means a financial year;(m)"Local Body" means a duly constituted local authority and recognised by Government as such;(n)"Management" means a person or body of persons, a local body, a Registered Association, a Managing Committee or Committees maintaining one or more schools registered and or recognised as such by the Government;(o)"Proprietary School" means a school, the entire financial responsibility of the running of which is borne by a private individual, a group of private individuals, a trust, an association or a corporate body;(p)"Policy" means an Insurance Policy taken by an employee in the Life Insurance Corporation of India;(q)"Pension" means the pension payable to an employee under these rules and includes a gratuity;(r)"Salary" means the amount drawn monthly by an en employee as. -(i)The pay, other than special pay or teaching allowances granted in view of his personal qualifications which has been sanctioned for a post held by him substantively or in an officiating capacity;(ii)Special pay and personal pay; and(iii)Any other recurring emolument which may be specially classed as salary by Government;(s)"Subscriber" means an employee who is required or permitted to subscribe to the Contributory Provident Fund and has been subscribing thereto.(2)All words and expressions, used in these Rules and not defined in these Rules but defined in the Bihar Contributory Provident Fund Rules, 1941, the Bihar Education Code or the Bihar Service Code shall respectively have the same meaning as assigned to them in those Rules or Codes.

Chapter III
Contributory Provident Fund

5.

The Provident Fund, instituted by the Government or local body for the benefit of employees of recognised Non-Government Primary, Middle and Secondary Schools will continue to be maintained in accordance with the Rules in force on the date of enforcement of these rules.

Chapter IV
Insurance

6.

An employee, falling under any of the following categories, who has completed five years of service shall, within one year thereafter, insure his life with the Life Insurance Corporation of India for a policy maturing at an age not earlier than 55 years for the minimum amount specified there, against and keep the policy alive and unencumbered:-

	Categories of employees.	Those who have completed 20 years but not 30years of age.	Those who have completed 30 years but not 35years of age.	Those who have completed 35 years but not 40years of age
		Rs.	Rs.	Rs.
1.	Headmaster of Secondary Schools.	3,500	3,000	2,500
2.	Employees drawing emoluments above Rs. 200 p.m.	2,500	2,000	1,500
3.	Employees drawing emoluments above Rs. 150 but not above Rs.200 p.m.	2,000	1,500	1,000
4.	Other employees drawing emoluments above Rs. 65 but not aboveRs. 150 p.m.	1,500	1,000	500

Provided that an employee who has already taken out such a policy need not take out a fresh one under this Rule, if the policy is alive and unencumbered.Note. - An employee who has completed 5 years of service on or before the 1st April, 1962 shall insure his life within a period of one year from the date of publication of these Rules unless he has already taken out a policy satisfying the requirements of the above proviso.

7.

When an employee who has insured under one of the categories referred to in Rule 6 gets into a higher category, either due to promotion or increment, he shall within six months of such increase effect additional insurance to cover the differences, provided he be medically fit and had not already attained the age of 40 years.No such additional insurance need however be insisted on in cases where in the opinion of the Controlling Authority, the employee's chances of continuing in the higher category are uncertain.Rules 6 and 7 will not apply to an employee who is declared ineligible for insurance or the personnel belonging to the religious order who have been exempted from subscribing to the Contributory Provident Fund or to the employees observing Purdah.

8.

An employee who delays, without valid reasons, to comply with the provisions of Rules 6 and 7 shall forfeit all claims to his service period to the date of insurance being counted for pension.

9.

A policy taken out under these rules may be assigned to any member of the subscriber's family but not to any one else as gift or for value received.

10.

An employee who has attained the age of 40 years shall not be required to insure his life compulsorily.

Chapter V
Pension and Gratuity

11.

An employee shall be eligible for pension or gratuity, as the case may be.-(1)On retirement by reason of his attaining the age of superannuation whether the retirement takes effect immediately or after the close of the academic year, or(2)On voluntary retirement after completing 30 years qualifying service, or(3)On discharge due to invalidation on medical grounds, or(4)On discharge due to abolition of the post.

12.

Pension shall be admissible to an employee who has completed 10 years of qualifying service.

13.

Gratuity shall be admissible to an employee who has completed five years of qualifying service.

14.

Service of an employee does not qualify unless he holds a post permanently.

15.

The amount of pension or gratuity, that may be granted, will be determined by the length of qualifying service vide rule 20. Fraction of a year less than ½ will not be taken into account in the calculation of pension or gratuity under these rules. Pension shall be calculated to the nearest multiple of 5 naye paise.

16.

(a)The full pension admissible under these Rules is not to be given as a matter of course, or unless the service rendered has been really approved.(b)If the service is not thoroughly satisfactory, the authority sanctioning the pension should order such reduction in the amount as it thinks proper.

17.

(a)In computing the length of qualifying service all previous service in one or more than one institutions shall be taken into account.(b)Leave without allowances, suspension allowance to stand as a specific penalty, over stay of joining time or leave not subsequently regularised and periods of breaks shall not be reckoned as qualifying service.(c)Interruption in service upto a total period of 24 months may be condoned by the State Government for the purpose of calculating qualifying service.(d)Time passed on leave without pay will count as qualifying service to the extent mentioned below:-(i)If the total service is not less than 15 years but less than 30 years, one year.(ii)If the total service is not less than 30 years, two years.Notes. - (1) In the case of married woman employee time passed on maternity leave may be allowed to count as qualifying service.(2)The service put in by an employee before he has completed 18 years of age or after attaining the age of 62 years or on re-employment after retirement shall not qualify for pension or gratuity.(3)War service or Military service rendered by an employee shall count as qualifying service for pension to the extent laid down in Section III of Chapter V of the Bihar Pension Rules.

18.

Temporary service or officiating service of an employee when followed by permanency whether in the same or any other post will count in full pension.

19.

No claim to pension shall be admitted in the following cases:-(a)When an employee is appointed for a limited time only, or for a special duty; on the completion of which he is to be discharged.(b)When an employee is appointed temporarily.(c)When an employee is appointed part-time.(d)When an employee is dismissed or removed for misconduct, insolvency or inefficiency.

20.

The amount of superannuation, retiring compensation, or invalid pension compensation or invalid gratuity will be the appropriate amount noted below:-

Completed years ofQualifying service	Scale of Gratuity or Pension	Maximum limit
(a) Gratuity.		

1.	4 years	and less	Nil	....	
2.	5 years	“	2 ½ months emoluments	....	
3.	6 years	“	3 months emoluments	....	
4.	7 years	“	3 ½ months emoluments	....	
5.	8 years	“	4 months emoluments	....	
6.	9 years	“	4 ½ months emoluments	....	
7.	10 years	“	10/120 ths	of average emoluments	....
8.	11 years	“	11/120 ths	“	....
9.	12 years	“	12/120 ths	“	....
10.	13 years	“	13/120 ths	“	....
11.	14 years	“	14/120 ths	“	....
12.	15 years	“	15/120 ths	“	....
13.	16 years	“	16/120 ths	“	....
14.	17 years	“	17/120 ths	“	....
15.	18 years	“	18/120 ths	“	....
16.	19 years	“	19/120 ths	“	....
17.	20 years	“	20/120 ths	“	....
18.	21 years	“	21/120 ths	“	....
19.	22 years	“	22/120 ths	“	....
20.	23 years	“	23/120 ths	“	Rs. 900 per annum in the case of Head-masters of SecondarySchools and Rs. 720 per annum in other cases.
21.	24 years	“	24/120 ths	“	
22.	25 years	“	25/120 ths	“	
23.	26 years	“	26/120 ths	“	
24.	27 years	“	27/120 ths	“	
25.	28 years	“	28/120 ths	“	
26.	29 years	“	29/120 ths	“	

27.	30 years	“	30/120 ths	“

Note. - For the purpose of this Rule, "Emoluments" and "Average Emoluments" will be determined in the manner laid down in Chapter VII, Bihar Pension Rules.

21.

The authority competent to sanction the pension or gratuity of an employee may, at his discretion, condone a deficiency upto six months in the qualifying service, if the qualifying service exceeds nine years but falls short of ten years for grant of pension and exceeds four years but falls short by less than six months for grant of gratuity.

22.

An employee shall submit a formal application for pension on plain paper to his employer one year in advance of the date of his actual or anticipated retirement.

23.

On receipt of the formal application, the employer shall immediately prepare a statement of the applicant's service in the second page of pension Form 1 and arrange to verify them according to the following procedure:-(a)The employer will complete the verification by making a reference to the Service Book, Acquittance Roll and Pay Rolls of the employee as maintained in the institution.(b)If the service claimed cannot be fully verified or if it be impossible to verify the service otherwise, a written statement of the applicant shall be taken on plain paper and such collateral evidence as may be procured shall be collected and a certificate of verification on the basis of the evidence gathered shall be recorded by the employer in the Service Book.(c)The employer shall maintain Service Book with necessary leave account in respect of each employee holding a substantive appointment on a permanent establishment or a temporary post in the time-scale of pay or on a fixed pay for an indefinite period.

24.

The preparation of the service statement and the verification of the service, in the manner set out in the preceding rules, shall be undertaken by the employer as soon as it becomes known that an employee will retire within a period of six months or a person entitled to pension has already retired before publication of these rules and shall not be delayed till the employee has actually submitted the formal application for pension.

25.

(a)After completing the verification in the manner indicated in Rule 23 the employer shall draw the application in pension Form 1.(b)The employer shall then arrange, with the application, all the documents relied upon for the verification of the service claimed in such manner that they can be conveniently consulted, and forward them together with employee's service book, or service roll, as the case may be, and the statement in the second page of Pension Form 1 duly completed upto the date through the authority empowered to sanction the pension to the Accountant-General, Bihar.

26.

The pension found admissible may be sanctioned by the Controlling Authority. On receipt of his sanction together with connected documents in his office, the Accountant-General, Bihar, shall after due verification and check, issue the Pension Payment Order to the person concerned. In case of delay, the payment of an anticipatory pension may be authorised by the Accountant-General.

27.

Cases requiring the grant of any concessions not contemplated >n these rules shall be submitted to Government for their orders.

28.

There shall be no commutation of pension sanctioned under these Rules.

29.

No temporary increase (Dearness Allowance) shall be payable in respect of such pensions.Government of Bihar, Education Department, G.O. No.XII/TBS 1-014/70-292-E, dated 25.5.1970. From, Sri N. P. Sinha, Education Commissioner. To The Accountant-General, Bihar, P.O. Hinoo, Ranchi.Subject :- Simplification of pension Rules under the Triple Benefit Scheme Rules for employees of Non-Government Schools (The Bihar Non-Government School Employee's Provident Fund, Insurance and Pension Rules).I am directed to say that in order to eliminate delay in finalisation of pension cases of the employees of Non-Government Schools, it has been considered necessary to simplify the Rules and procedure under the Triple Benefit Scheme Rules. Accountant General, Bihar has also made certain suggestions which the State Government has carefully considered, and have been pleased to decide as follows:-Verification of Service

1. Under the existing Rules, the employer, on receipt of formal application for pension has to verify the service by making reference to the acquittance roll and pay roll of the employee maintained in the different institutions, although entries to that effect are recorded in the service book. This is the main reason for delay in finalisation of pension cases.

It has now been decided that in such cases, first day of service which qualify for pension, the date of retirement and intervening period of service which does not qualify for pension should only be verified and the qualifying service determined after deducting the service not qualifying for pension.Average Emoluments

2. Under the existing Rules, the pension is calculated on the basis of average emoluments of last 3 years of service.

It has now been decided that pension should be calculated on the basis of average emoluments of the last 12 months.Counting of Leave

3. In accordance with the existing Rules, the time passed on leave without pay does not count as service beyond certain fixed limit.

It has now been decided that all kinds of leave including leave without pay will count for pension without any restriction.

4. These orders will take effect from 1st April, 1970.