

The Orissa Local Fund Service (Pension) Rules, 1980

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Rule

THE-ORISSA-LOCAL-FUND-SERVICE-PENSION-RULES-1980 of 1980

- Published on 3 April 1980
- Commenced on 3 April 1980
- [This is the version of this document from 3 April 1980.]
- [Note: The original publication document is not available and this content could not be verified.]

The Orissa Local Fund Service (Pension) Rules, 1980Published vide Notification S.R. No. 388/80, dated 3rd April, 1980, Orissa Gazette Extraordinary No. 1023/5.8.1980Notification S.R. No. 388/80, dated 3rd April, 1980. - The following draft of the rules, which the State Government, in exercise of powers conferred by Subsection (2) of Section 81 of the Orissa Municipal Act, 1950 (Orissa Act 23 of 1960), read with Rule 16 of the Orissa Local Fund Service Rules, 1975 proposes to make, is hereby published as required by Section 392 of the said Act for the information of all persons likely to be affected thereby and notice is hereby given that the draft will be taken into consideration on or after the 10th September, 1980.After objection or suggestion which may be received from any person with respect to the said draft rules before the date specified above will be taken into consideration.Chapter-I General

1.

(i)These rules may be called the Orissa Local Fund Service (Pension) Rules, 1980.(ii)They shall come into force with effect from the date of publication of the notification in the Orissa Gazette.(iii)They shall apply to the employees who have been included in the Local Fund Service constituted by Government under Sub-section (1) of Section 81 of the Act.

2.

In these rules, unless the context otherwise requires -(a)"Act" means the Orissa Municipal Act, 1950 (Orissa Act 23 of 1950);(b)"average pay" means average pay as determined in accordance with Sub-rule (2) of Rule 46;(c)"Central Pension Fund" means the Central Pension Fund constituted under Rule 118;(d)"child" means a child of an employee of Local Fund Service who, if a son is under eighteen years of age and if a daughter is unmarried and is under twenty-one years of age and the

expression 'children' shall be construed accordingly;(e)"cadre" means the cadre formed under Local Fund Service Rules, 1975;(f)"Council" means the Municipal Council and includes Notified Area Council constituted under the Act ;(g)"Chairman" means the Chairman of the Council;(h)"day" means calendar day beginning and ending at midnight, but an absence from headquarters which does not exceed 24 hours shall be reckoned for aft purposes as one day, at whatever hours the absence begins or ends;(i)"Director" means the Director of Municipal Administration, Orissa;(j)"employees" means a full-time employee in the regular establishment of the Council as notified under Sub-rule (1) of Rule 3 of the Orissa Local Fund Service Rules, 1975;(k)"Examiner, Local Fund Accounts" means the Examiner, Local Accounts as defined in Section 2 of the Orissa Local Fund Audit Act, 1948;(l)"family pension" means family pension admissible under Rule 49;(m)"Form" means a Form appended to these rules;(n)"Government" means the State Government of Orissa;(o)"gratuity" means gratuity payable under Rule 47;(p)"minor" means a person who has not completed the age of eighteen years;(q)"month" means a calendar month;(r)"pay" means pay as defined in Clause (ii) of Rule 435 of the Orissa Municipal Rules, 1953;(s)"pension" includes gratuity except when the term pension is used in contradistinction to gratuity;(t)"qualifying service" means service rendered by an employee of Local Fund Service and his previous service, it any, rendered in the Municipal Council or Notified Area Council which qualifies for the grant of pension in accordance with these rules;(u)"retirement benefits" incudes pension or service gratuity and death-cum-retirement gratuity where admissible;(v)"special pay" means the special pay as defined in Clause (iii) of Rule 435 of the Orissa Municipal Rules, 1953;(w)all other words and expressions used but not defined herein shall have the same meaning as assigned to them by the Orissa Municipal Act, 1950, Orissa Municipal Rules, 1953 and the Orissa Local Fund Service Rules, 1975.

3.

These rules shall apply to employees of the Municipalities and Notified Area Councils who come under Local Fund Service constituted under Sub-rule (1) of Rule 3 of the Orissa Local Fund Service Rules, 1975 :Provided that the employees who were in 'service' on the thirty first day of August, 1976 shall have the right to exercise their option in writing to the Director through the Executive Officer of the concerned Municipality or Notified Area Council within a period of 30 days from the date of commencement of these rules, either to continue in the retirement benefits admissible under Orissa Municipal Rules, 1953 or to come over to the pension scheme under these rules.(2)[

Notwithstanding anything contained in these rules, all persons appointed under the Municipal Corporations, Municipalities and Notified Area Council (Local Fund Service) with effect from 1st day of January, 2005 shall not be eligible for pension, but shall, be covered by the defined contribution Pension Scheme as specified below :(i)The monthly contribution would be 10% of the Basic pay and Dearness Allowance to be paid by the employee and the Urban Local Bodies would also provide an equal matching contribution. The contribution so made would be deposited in a non-withdrawable pension tier-I account. Such funds will be invested by Pension Fund managers as approved by Pension Fund Regulatory and Development Authority (PFRDA) under different categories of Scheme which would be a mix of debt and equity.The fund managers would given out easily understood information about the performance of different investment schemes so that individual Municipal Employee would be able to make informed choices about which scheme to choose.(ii)The

respective Urban Local Bodies shall bear the necessary financial liability on this account for both LFS and Non-LFS categories of employee of their organisation and the Government shall not be responsible in any manner, whatsoever, the required contribution/ matching contribution on behalf of the employer in this connection shall be completely borne by the Urban Local Body concerned.(iii)At the time of retirement, the employees serving under the Municipal Corporation, Municipalities and Notified Area Council (Local Fund Service) will receive the lump sum amount of 60% deposited in pension tier-I account as pension wealth and it is mandatory to the Municipal employee to invest remaining 40% of his pension wealth to purchase an annuity from an Insurance Regulatory and Development Authority regulated Life Insurance Company. The annuity shall provide for pension for the life time of the employee and his defendant parents and his spouse at the time of retirement. The individual would receive lump-sum of the remaining pension wealth, which he would be free to utilise in any manner. Individual would have the flexibility to leave the pension system prior to age of 58 years or 60 years as the case may be. In such case mandatory annuitisation would be 80% of the pension wealth.]

4. Nothing in these rules shall operate.

(1)to deprive any employee coming under the Orissa Local Fund Service of any right or privilege to which he is entitled-(a)by or under any law for the time being in force; or(b)by terms of any agreement subsisting between such person and the Council at the commencement of these rules ; or(2)to confer on him any right or privilege in respect of any matter for which specific provisions made by the terms of any agreement between such person and the Council.

5.

Except as otherwise provided in these rules, the claim of an employee under the Orissa Local Fund Service for retirement benefits shall be regulated by the rules in force at the time when such employee retires from service or dies while in such service.Chapter-II

6.

Every pension shall be held to have been granted subject to the conditions hereinafter contained.

7.

(1)Future good conduct shall be an implied condition of every grant of pension and its continuance under these rules.(2)The pension sanctioning authority may, by order in writing, withhold or withdraw a pension or part thereof whether permanently or for a specific period, if the pensioner is convicted of a serious crime or is found guilty of a grave offence by a competent Court of law :[* * *]Provided further that where a part of pension is withheld or withdrawn, the amount of such pension shall not be reduced below the minimum limit.(3)Where a pensioner is convicted of a serious crime by a Court of law, action under Sub-rule (2) shall be taken in the light of the judgement of the Court relating to such conviction.

8.

The Government or the Director duly authorised by Government in that behalf reserve/reserves the right of withholding or withdrawing a pension or any part thereof whether permanently or for a specified period, and the right of ordering the recovery from a pension of the whole or part of any pecuniary loss caused to Government, Municipality or Notified Area Council if in a Departmental or judicial proceeding, the pensioner is found guilty of grave misconduct or negligence during the period of his service including service rendered on re-employment after retirement :Provided that-(a)such Departmental proceedings, if instituted while the employee under Local Fund Service was in service whether before his retirement or during his re-employment shall, after the final retirement of such employee, be deemed to be a proceeding under this rule and shall be continued and concluded by the authority by which it was commenced in the same manner as if he had continued in service;(b)such Departmental proceedings, if not instituted while he 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 any event which took place more than 4 years before such institution;(iii)shall be conducted by such authority and in such place as the Government 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 employees under Local Fund Service during his service;(c)no such judicial proceedings, if not instituted while an employee under Local Fund Service 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 four years before such institution.Explanation - For the purpose of this rule-(a)a Departmental proceeding shall be deemed to be instituted on the date on which the statement of charges is issued to the employee or pensioner, or if the employee has been placed under suspension, from the earliest date of such dates, and(b)judicial proceeding shall be deemed to be instituted -(i)in the case of criminal proceeding, on the date on which the complaint or report of the Police Officer on which the Magistrate takes cognizance, is made; and(ii)in the case of a civil proceeding on the date of presentation of the plaint in the Court.

9.

(1)Where any Departmental or judicial proceeding is instituted under Rule 8 or where a Departmental proceeding is instituted under Clause (a) of the proviso to Rule 8 against an employee who has retired on attaining the age of compulsory retirement or otherwise, he shall be paid during the period commencing from the date of his retirement to the date on which, upon conclusion of such proceeding, final orders are passed, a provisional pension not exceeding the maximum pension which would have been admissible on the basis of his qualifying service up to the date of retirement, or if he was under suspension on the date of retirement, up to the date 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 orders thereon.(2)The authority competent to sanction pension is the authority to sanction provisional pension.(3)Payment of provisional pension made under Sub-rule (1) shall be adjusted against final retirement benefits sanctioned to such employee upon conclusion of the aforesaid proceeding 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.(4)The grant of pension under this rule shall not prejudice the operation of Rule 8 when final pension is sanctioned upon conclusion of the proceedings.

10.

No pension may be granted on an employee dismissed or removed from service as a disciplinary measure.

11.

An employee compulsorily retired from service as a penalty under Rule 406 of the Orissa Municipal Rules, 1953 may be granted by the authority competent to impose such penalty, pension at a rate not less than two-third and not more than full invalid pension admissible to him on the date of his compulsory retirement.

12.

An employee cannot earn two pensions in the same post at the same time or by the same continuous service.Chapter-III Conditions of qualifying service

13.

Except for compensation gratuity, an employees service does not qualify for pension till he has completed eighteen years of age.

14.

Subject to the provisions hereinafter contained, the service of an employee shall qualify for pension if it conforms to the following conditions, namely :(a)The service must be under Local Fund Service;(b)The employment must be under any Council; or(c)The service must be paid Funds of the Council.

15.

The service of an employee does not qualify for pension unless he is appointed to and his duties and pay are regulated under the provisions of the Orissa Local Fund Service Rules, 1975.

16.

The service on an establishment paid from a contract establishment allowance, with the detailed distribution of which the Council does not interfere, does not qualify for pension whether such contract allowance is a fixed amount or consists of fees.

17.

The service rendered by an employee of an establishment instituted under any other Act for the time being in force and assets and liabilities of such establishment if taken over by the Council the service of the said employee shall qualify for pension :Provided that the period of service, during which such employee did not subscribe to the contributory provident fund under the rules then in force and applicable to him, whether he was eligible, or ineligible, shall not count for pension.

18.

(1)Service does not qualify for pension unless it is rendered in a pensionable establishment post.(2)The entire continuous temporary or officiating service under the Council without interruption in the same post or any other post shall count for pension in respect of all categories of employees except in the following cases ;(i)period of service in the work-charged establishment;(ii)period of service paid from contingencies;(iii)where the employee concerned resigns and is not again appointed in service or is removed/dismissed from service;(iv)a probationer who is discharged for failure to pass the prescribed test for examination; and(v)re-employed pensioner, any person engaged on contract and any person engaged not in whole-time employment.

19.

(1)An employee of a permanent establishment if he is appointed to discharge temporary duty against a temporary post on the understanding that when the temporary duty ceases he would return to the permanent establishment, his services rendered in the temporary post shall count for purpose of pension.(2)If the substantive post held by an employee is abolished within the meaning of Rule 30 but the employee is at the time on special duty or is, on abolition of the said post, deputed on special duty shall qualify for pension but the duty must be special.Chapter-IV Rules for reckoning service

20.

(1)Service rendered by an employee belonging to one of the classes mentioned in Explanation 2 below after attaining the age of 18 years, which is pensionable, under military rules, but which terminates before he attains the age of superannuation, may at his option be allowed to count, when followed by service qualifying for pension under these rules as part of service; provided that any bonus, gratuity or pension received on discharge from military service shall be refunded in such number of monthly instalments not normally exceeding 36 and beginning from such date, as in each case the Government may decide. Service so allowed to count shall, however, be restricted to service within or outside the employee's unit or Department in India or elsewhere, which has been paid for from the Consolidated Fund of Orissa or for which a Pensionary contribution has been received by the Government. The option referred to above should be exercised within a period of three months from the date of confirmation on the civil side.Explanation 1 - An officer, ex-sailor or ex-Chairman will not be brought under the operation of this rule as a matter of course. Each case will be decided

on its merits, e.g., there may be cases in which it may be open to a claimant for pension, to add military service during the Great war to former non-pensionable service in the army in order to claim the benefit of a military pension. In such cases it may be to the advantage of the claimant that he should not be brought under the operation of this rule. The bearing of paragraph 574 of the Pay and Allowance Regulations of Army in India, Part II on the position of soldiers of the Indian Army who re-entered during the Great war, deserves consideration in this connection.

Explanation 2 - This rule applies to Commissioned Officers, Junior Commissioned Officers, Warrant Officers, non-Commissioned Officers and other enrolled personnel of the army, and the corresponding categories of the Navy and Air Force. It also applies to personnel of the Frontier Constabulary and Militaria, non-Combatant Departmental and regimental employees and followers of the supplemental service and Warrant Officers and Departmental Officers of the Commission and Assistant Classes.

Explanation 3 - To be eligible for the concession in this rule, the individual concerned should take his discharge from the Army, or Air Forces within 12 months of the date of his confirmation in the appointment pensionable under these rules. This limit may, in special cases, be relaxed by the Government.

Explanation 4 - Employees in the Military Police have the option of counting service under any other rules in those Regulations which would give them a similar or more liberal concession.

Explanation 5 - Employees who were in service in an appointment pensionable under these rules on the 22nd February, 1921 are eligible to count service under the rules which were in force before the date where these rules are more advantageous to them.

Explanation 6 - Any person who was on other rank, an airman or sailor may, on being permanently appointed to a post in Civil Police Force or in the Jail Department under Civil Government be allowed at the discretion of the head of the administration to count-(a)in full his former colour service ; and(b)half the period of his service in the Reserve, in the Army or Air Force or Navy, as the case may be, for the grant of civil pension under the provisions of this rule.

(2)Employees who prior to their appointment had rendered satisfactory paid whole-time established or commissioned "War Service" between the 3rd September, 1939 and the 1st April, 1946 in the Armed Forces of India or similar forces of a Common Wealth country which did not earn a service pension under the Military, Naval or Air Force Rules shall be allowed to count such "War Service" including all kinds of leave on full rates of pay and sick leave taken during such service for the purpose of pension under these rules subject to the following conditions, namely ;(a)Only completed years of said "War Service" shall be allowed to count;(b)In the case of services in which a minimum age is fixed for recruitment, no war service rendered below that age shall be allowed to count for pension and in the case of services or posts in which no minimum age is fixed, no portion of "War Service" rendered before attaining the age of 18 shall be allowed to count for pension;(c)"War Service" rendered in the Armed Forces of India or in similar forces of a Common Wealth country shall be allowed to count alike for pension, no contribution towards pension or share of a pension earned as a result of this concession being claimed from the foreign Government;(d)No refund of bonus or gratuity paid to the employee in respect of such war service shall be demanded from the employee. If however, the officer has been granted any retirement gratuity or service covering both the post-war and war period, such gratuity shall be refundable.

Explanation - For the purpose of this rule, the service rendered by petition during the period between 3rd September, 1939 to 1st April, 1946. In Civil Defence Departments shall also be treated as "War Service" ;Provided that the concerned Council shall decide the matters involving in this rule with the approval of the State Government.

21.

An employee included in the service and appointed in the Council after the 31st August, 1976 may add to his service qualifying for superannuation pension (but not for any other class of pension) the actual period not exceeding one-fourth of the length of his service or the actual period by which his age at the time of recruitment exceeds twenty-five years or a period of five years whichever is least, if the service or post is one-(a)for which post-graduate research or specialist qualification or experience in scientific, technological or professional fields is essential; and(b)to which candidates of more than twenty-five years of age are normally recruited :Provided that this concession shall not be admissible to any such employee unless his actual qualifying service at the time he quits service is not less than ten years ;Provided further that this concession shall not be admissible to any employee who is recruited at the age of excess of the prescribed upper age-limit as per provisions of Rule 408 of the Orissa Municipal Rules, 1953.

22.

(1)All leave during service for which leave salary is payable shall count as qualifying service :Provided that in the case of extraordinary leave the appointing authority may, at the time of granting such leave, allow the period of that leave to count as qualifying service if such leave is granted to an employee-(i)on medical certificate; or(ii)due to his inability to join or rejoin on account of civil commotion; or(iii)for prosecuting higher scientific or technical studies.(2)Periods of unauthorised leave of absence or joining time for which no joining time pay and allowance are admissible do not count for pension.

23.

Time passed under suspension pending enquiry into conducts counts in full where on conclusion of the enquiry the employee has been fully exonerated or the suspension is held to have been wholly unjustified; in other cases the period of suspension does not count unless the authority competent to pass orders under Rule 91 of the Orissa Service Code in Its application to this service expressly declares at the time that it shall count and then it shall count only to such extent as the competent authority may declare.

24.

(1)Resignation of service or dismissal or removal from it under the provisions of the Orissa Municipal Act, 1950 and rules made thereunder entails forfeiture of past service.(2)Resignation of an appointment to take up, with proper permission, another appointment under service, whether permanent or temporary service in which counts in full or part, is not a resignation of service.(3)In the cases, where an interruption in service is inevitable due to the two appointments being at different stations, such interruption, not exceeding the joining time permissible under the rules of transfer, shall be covered by grant of leave of any kind due to the employee on the date of relief or by formal condonation under the subsequent rule to the extent to which the period is not covered by

leave due to the employee.

25.

An employee who is dismissed, removed or compulsorily retired from service, but reinstated on appeal or revision is entitled to count his past service :Provided that 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 with allowances by specific order of the authority which passed the orders of reinstatement.

26.

An interruption in the service of an employee entails forfeiture of his past service except in the following cases(a)authorised leave of absence;(b)unauthorised leave of absence in continuation of authorised leave of absence;(c)suspension where it is immediately followed by reinstatement, whether to the same or a different office, or death or retirement of the employee;(d)abolition of the post or loss of appointment owing to reduction of establishment;(e)transfer/deputation to non-qualifying service in an establishment under the Local Fund Service, if such transfer has been ordered by a competent authority in the public interest;(f)joining time while on transfer from one post to another under the Local Fund Service.

27.

Upon such conditions as it may think fit in each case to impose, the State Government on the application of the employee in consultation with the Council, may condone all interruptions in his service.Explanation - The powers of the condonation specified in this rule carry with the power of reviving service rendered prior to interruptions but forfeited under Rule 25.

28.

Upon any condition which it may think fit to impose, the State Government or the Director who shall be authorised by the State Government may condone a deficiency of six months of qualifying service for pension.Note 1 - The following principles shall be observed while considering cases of condonation of deficiencies :(a)condonations of a short period of deficiency may ordinarily be allowed where an employee is compelled to retire on, invalid or compensation pension;(b)condonation of a short period may also ordinarily be allowed, where there has been a fairly long period of continuous non-qualifying service;(c)condonation shall not ordinarily be allowed in any case to an employee retiring after being retained in service beyond the age of compulsory retirement;(d)condonation in the case of an employee whose pension may, without such condonation, be Rs. 80 or upwards will require strong justification.Note 2-The word "deficiency" includes not merely the period by which an employee's qualifying service falls short of the minimum, length of qualifying service which would entitle him to a pension, but should be read as including the difference between the total amount of service qualifying for pension and total length

of service necessary to earn the maximum amount of pension admissible under the rules. Note 3-This rule is not intended to be used to allow an employee to retire voluntarily a little sooner than he otherwise could, with an increased pension. Note 4-Grant of compassionate allowance being an act of grace the grant of any further concession in the shape of a condonation of deficiency shall not be justified and it is undesirable to sanction condonation in such case. Chapter-V Conditions of grant of pension

28A.

When an employee is required to retire, revert or cease to be on leave on attaining age, the day on which he attains that age is reckoned as non-working day and the employee must retire, revert or cease to be on leave, as the case may be, with effect from and including that day.

29.

Pension for service rendered under Local Fund Service are classified in the following categories, namely : (a) compensation pension; (b) invalid pension; (c) superannuation pension; and (d) retiring pension.

30.

If an employee 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.

31.

If an employee who is entitled to compensation pension accepts instead another appointment in the Local Fund Service and subsequently becomes again entitled to receive a pension of any class, the amount of such pension shall not be less than what he could have claimed if he had not accepted the appointment.

32.

(1) An invalid pension is awarded on his retirement from the Local Fund Service to an employee who, by bodily or mental infirmity, is permanently incapacitated for the public service or for the particular branch of it to which he belongs. (2) In case the incapacity is not permanent an employee should, if possible, be employed even on lower pay so that the expense of granting him invalid pension may be avoided. If there is no means of employing him even on lower pay, he may be granted invalid pension. (3) If the incapacity is directly due to irregular or intemperate habits, no

invalid pension can be granted. If it has not been directly caused by such habits, but has been accelerated or aggravated by them, it will be for the authority competent to sanction to decide what reduction should be made on this account. Explanation - For the purpose of this sub-rule "irregular or in temperate habits" means in capacity on account of drug habits or on account of diseases resulting from immoral habits. (4) An employee discharged on other grounds has no claim for pension under Sub-rule (1) even though he can produce medical evidence of incapacity for service.

33.

(1) An employee applying for an invalid pension shall submit a medical certificate of incapacity. The examining medical authority shall be a Chief District Medical Officer or Medical Officer of Equivalent status. (2) No medical certificate of incapacity for service may be granted unless the applicant produces a letter to show that the concerned Chairman is aware of his intention to appear before the examining Medical Officer. The examining Medical Officer shall also be supplied by the concerned Chairman with a statement of what appears from official records to be the applicant's age. (3) A succinct statement of the medical case, and of the treatment adopted, should, if possible, be appended. (4) If the examining Medical Officer, although unable to discover any specific disease in the employee, considers him incapacitated for further service by general debility while still under the age of fifty-eight years, he should give detailed reasons for his opinion, and, a second medical opinion from the Medical Officer of equivalent status should always, in such a case, be obtained. (5) In case of this kind, special explanation will be expected from the concerned Chairman of the ground on which it is proposed to grant invalid pension to the employee. (6) A simple certificate that inefficiency is due to old age or natural decay from advancing year is not sufficient in the case of an employee whose recorded age is less than fifty-eight years but a Medical Officer is at liberty, when certifying that the employee is incapacitated for further service by general debility to state his reasons for believing the age to be understated: Provided that in case of an employee suffering from senile cataract, arterial changes consequent on senile decay, general nervous breakdown and commencing cataract which diseases may come before a man reaches the fifty-eight years of his age may be certified to be incapacitated for further service.

34.

The form of the certificate to be given in respect of an employee applying for pension is as follows : "Certified that I have carefully examined Shri..... son of.....a..... in the..... office. His age is by his own statement years, and by appearance about years. I consider Shrito be completely and permanently incapacitated for further service of any kind in the office to which he belongs in consequence of..... (here state disease or cause). His capacity does not appear to me to have been caused by irregular or intemperate habits". Note-If the incapacity is the result of irregular or intemperate habits the following will be substituted for the sentence : "In my opinion his incapacity is directly due to..... and has been accelerated or aggravated by irregular or intemperate habits": (if the incapacity does not appear to be complete and permanent the certificate should be modified accordingly and the following addition should be made) : "I am of opinion that Shri..... is fit for further service of less laborious character than that which he has been doing (or may, after resting for months be fit for further service of a less laborious character than that

which he has been doing).

35.

An employee who has submitted medical certificate under the foregoing rule of incapacity for further service shall, if he is on duty, be invalidated from service from the date of relief of his duties which should be arranged without delay on receipt of the medical certificate or if he is granted leave on the expiry of such leave. If he is on leave at the time of submission of medical certificate, he shall be invalidated from service on the expiry of that leave or extension of leave, if any, granted to him.

36.

An employee who is declared unfit by the medical authority may appeal to the authority competent to invalidate him from service against such decision within one month from the date of receipt of the findings of medical authority appealed against.

37.

A superannuation pension is granted to an employee entitled or compelled to retire at a particular age.

38.

The provisions relating to the date of retirement on superannuation of an employee as contained in Rule 41 of the Orissa Municipal Rules, 1953 shall apply to an employee under Local Fund Service whether superior or inferior.

39.

Save as otherwise provided, a retiring pension may be granted to an employee who is permitted to retire after completing qualifying service for thirty years or on attaining the age of fifty years. Chapter-VI Rules for determination of amount of pension

40.

The amount of pension that may be granted shall be determined by length of service as set-forth in Rule 43. Fractions of a year equal to six months and above will be treated as completed six-monthly periods for the purpose of calculation of any pension.

41.

A pension including anticipatory pension shall be fixed in rupees. In case where the amount of a pension works out to a certain number of rupees and paise, the amount should be rounded off to the

next higher rupee.

42.

(1)The full pension admissible under these rules shall not be sanctioned to an employee unless the service rendered by that employee has been approved by the pension sanctioning authority as satisfactory.(2)If such service has not been satisfactory, the authority sanctioning the pension may make such reduction in the amount of pension or gratuity, or both as that authority may think proper :Provided that this rule cannot be used directly to effect panel recovery but the competent authorities are justified in making proof of specific instance of fraud or negligence by an employee, the ground for a finding that his service has not been satisfactory within the meaning of the rule for the purpose of reducing pension :Provided further that the amount of pension shall not be reduced below the minimum limit :Provided also that where pension has already been reduced under Rule 8 further reduction may not be made under this rule.(3)Whenever an order reducing the pension of an employee is passed, the employee affected shall have a right of appeal to the authority to whom an appeal from an order of dismissal or removal lies under the provisions of the Act.(4)The measure of reduction in the amount of pension shall be to the extent by which the employee's service as a whole failed to reach a satisfactory standard and no attempt shall be made to equate the amount of reduction with the amount of loss caused to the employee.Note - The service of an employee may be presumed to be not satisfactory on account of his failure to satisfactorily account for the possession of pecuniary resources or property disproportionate to his known sources of income.(5)The reduction referred to in Sub-rule (2) shall be of permanent character.(6)The pension sanctioned under these rules shall not be reduced although proof Of the service having been not satisfactory may come to the notice of the pension sanctioning authority subsequent to the sanction of pension.

43.

For the employees under the Local Fund Service the amount of pension is regulated as specified in the Table below :

Completed six-monthly periods of qualifying service	Scale of gratuity or pension	Maximum pension (in Rs. per annum)
(1)	(2)	(3)
	Scale of gratuity	
1	(a) Gratuity-half month's pay	
2	1 month's pay	
3	1½ months' pay	
4	2 months' pay	
5	2½ months' pay	
6	3 months' pay	
7	3½ months' pay	

8	4 months' pay	
9	4□months' pay	
10	4 ³ / ₄ months' pay	
11	5□months' pay	
12	5 ¹ / ₄ months' pay	
13	5 ¹ / ₂ months' pay	
14	6 ¹ / ₂ months' pay	
15	6□months' pay	
16	7 months' pay	
17	7□months' pay	
18	7 ³ / ₄ monthly emoluments	
19	8□monthly emoluments	
	Scales of pension	
20	10-80th of average pay	3,750-00
21	10 ¹ / ₂ -80th of average pay	3,937-50
22	11-80th of average pay	4,125-00
23	11 ¹ / ₂ -80th of average pay	4,312-50
24	12-80th of average pay	4,500-00
25	12 ¹ / ₂ -80th of average pay	4,687-50
26	13-80th of average pay	4,875-00
27	13 ¹ / ₂ -80th of average pay	5,062-50
28	14-80th of average pay	5,250-00
29	14 ¹ / ₂ -80th of average pay	5,437-50
30	15-80th of average pay	5,625-00
31	15 ¹ / ₂ -80th of average pay	5,812-50
32	16-80th of average pay	6,000-00
33	16 ¹ / ₂ -80th of average pay	6,187-50
34	17-80th of average pay	6,375-00
35	17 ¹ / ₂ -80th of average pay	6,562-50
36	18-80th of average pay	6,750-00
37	18 ¹ / ₂ -80th of average pay	6,937-50

38	19-80th of average pay	7,126-00
39	19½-80th of average pay	7,312-50
40	20-80th of average pay	7,500-00
41	20½-80th average pay	7,687-50
42	21-80th of average pay	7,875-00
43	21½-80th of average pay	8,062-00
44	22-80th of average pay	8,250-00
45	22½-80th of average pay	8,437-50
46	23-80th of average pay	8,625-00
47	23½-80th of average pay	8,812-50
48	24-80th of average pay	9,000-00
49	24½-80th of average pay	9,187-50
50	25-80th of average pay	9,375-00
51	25½-80th of average pay	9,562-50
52	26-80th of average pay	9,750-00
53	26½-80th of average pay	9,937-50
54	27-80th of average pay	10,125-00
55	27½-80th of average pay	10,312-50
56	28-80th of average pay	10,500-00
57	28½-80th of average pay	10,687-50
58	29-80th of average pay	10,875-00
59	29½-80th of average pay	11,062-50
60	30-80th of average pay	11,250-00
61	30½-80th of average pay	11,437-50
62	31-80th of average pay	11,625-00
63	31½-80th of average pay	11,812-50
64	32-80th of average pay	12,000-00

65	32½-80th of average pay	12,000.00
66 and above	33-80th of average pay	12,000.00

44.

Government may, by general or special order allow temporary increase in pension subject to such conditions and limitations as they may specify from time to time in this behalf.

45.

Notwithstanding anything contained in the preceding rules, in all cases of retirement on superannuation, retiring compensation or invalid pension where the amount of pension together with the benefit of temporary increase in pension comes to less than Rs. 50 per month, the same should be raised to Rs. 50.00 per month.

46.

(1)The term 'pay' means the pay which the employee was receiving immediately before his retirement whin the meaning of Rule 2 (r) and includes additional pay granted under Rule 96 of the Orissa Service Code.(2)The term 'average pay' means the average calculated upon the last 10 months of service subject to the provisions of Sub-rules (3) and (4).(3)If, during the last ten months of service an employee has been absented himself from duty on leave with allowances or having been suspended has been reinstated without forfeiture of service, his pay for the purpose of ascertaining the average shall be taken at what they would have been drawing had he not been absent from duty or suspended ; provided that an increment failing due during such leave shall be taken into account where it is certified by the competent authority that the employee would have continued to hold the post but for his proceeding on leave.(4)If, during the last 10 months of his service, an employee has been absented from duty on leave without allowance or suspended under such circumstances that the period of suspension does not count as service the periods so passed are to be disregarded in the calculation of the average, an equal period before ten months being included.(5)The following allowances are not treated as pay for the purpose of pension-

1. Compensatory allowance

2. Messing allowance, working allowance and provisions allowance;

3. Deputation allowance

4. House rent allowance

5. Travelling allowance

6. Dearness allowance.

Explanation - In the case of an employee who during leave with allowance taken at any time within ten months preceding the date of retirement, is promoted substantively to or confirmed in a higher post or who earns an increment which is not withheld, the pay which he would have drawn had he remained on duty should count as 'pay' even though the increase in pay is not actually drawn. But the benefit of higher officiating or temporary pay should be given only if it is certified by the competent authority that he would have continued to hold the higher officiating or temporary appointment but for his proceeding on leave. Chapter-VII Gratuity payable on death or retirement

47.

(1) An employee of the Local Fund Service who has completed five years qualifying service may be granted death-cum-retirement gratuity not exceeding the amount specified in Rule 48 when he retires from service and is eligible for gratuity or pension under rules in Chapter VI. (2) If an employee referred to in Sub-rule (1) who has completed, five years qualifying service dies while in service, a gratuity not exceeding the amount specified in Rule 48 may be paid to the person or persons on whom the right to receive the gratuity is conferred under Rule 61 or if there is no such person it shall be paid in the manner indicated below ; (a) If there are one or more surviving members of the family as in items (i), (ii), (iii) and (iv) of Sub-rule (3) it shall be paid to all such members in equal shares; (b) If there are no such surviving members of the family as in item (a) above, but there are one or more members of the family as in items (v), (vi), (vii), (viii), (ix), (x) and (xi) of Sub-rule (3), the gratuity may be paid to all such members in equal shares. Explanation 1 - The share of gratuity admissible to a member of an employee's family under Sub-rule (2) shall not be transferrable. Explanation 2 - The right of a person to receive the amount or share of gratuity should be determined with reference to the facts as they stand on the date of death of an employee and any subsequent event as remarriage of widow, marriage of an unmarried daughter, sister, etc. will not affect the entitlement. If, however, a person who was entitled to receive death-cum-retirement gratuity on the date of death of an employee, dies before getting the actual payment, the amount of share of gratuity should be redistributed amongst the surviving members. (3) For the purpose of this rule and Rule 48 'family' of an employee means-

- (i) wife or wives, in the case of a male employee;
- (ii) husband, in the case of a female employee;
- (iii) sons including step-sons and adopted sons;
- (iv) unmarried daughters including step-daughters and adopted daughters;
- (v) widowed daughters including step-daughters and adopted daughters;
- (vi) father including adoptive parents in the case of

- (vii) mother
- (viii) brothers below the age of 18 years including step-brothers;
- (ix) unmarried sisters and widowed sisters including step-sisters;
- (x) married daughters; and
- (xi) children of a pre-deceased son.

individuals whose personal law permits;
adoption;

48.

(1) The amount of death-cum-retirement gratuity will be one-fourth of the pay of an employee for each completed six monthly period of qualifying service subject to a maximum of 6½ times the pay. (2) In the event of death while in service of an employee who has completed five years qualifying service, the gratuity will be subject to a minimum of twelve times the pay of the employee at the time of his death. (3) In the event of death while in service of an employee before completing five years qualifying service the gratuity will be subject to a minimum of six times the pay of the employee at the time of his death except in cases where death occurs in the first year of service when the death-cum-retirement gratuity admissible will be equal to two months' pay. (4) If an employee, who has before eligible for a service-gratuity or pension, dies within five years from the date of his retirement from service including compulsory retirement as a penalty and the sums actually received by him at the time of his death on account of such gratuity and pension including ad hoc increase, if any, together with the death-cum-retirement gratuity admissible under Sub-rule (1) and the commuted value of any portion of pension commuted by him are less than the amount equal to twelve times of his pay, a residuary gratuity equal to the deficiency may be granted to his family in the manner indicated in Sub-rule (2) of Rule 47. (5) The death-cum-retirement gratuity granted under this rule shall in no case exceed Rs. 30,000. Explanation - For the purpose of this rule pay shall be subject to a maximum of Rs. 2,500 per month and will be reckoned in accordance with Sub-rule (1) of Rule 46 ; provided that if the emoluments of an employee have been reduced during the last 10 months of his service otherwise than as penalty, 'average pay' as defined in Sub-rule (2) of Rule 46 may at the discretion of the authority which has power to sanction the gratuity under this Chapter be treated as 'emoluments'. Chapter-VIII Family pension

49.

Subject to the provisions of Rule 51 without prejudice to the provisions contained in Rule 50 where an employee dies-(a) after completion of not less than one year continuous service; or (b) after retirement from service who was in receipt of pension on the date of death, the family of the deceased shall be entitled to a family pension the amount of which shall be determined as follows:

Pay of the employees of pay	Amount of monthly family pension
-----------------------------	--

Percentage (1)	Minimum (2)	Maximum (3)	(4)
		Rs.	Rs.
1. Below Rs. 200	50%	50.00	100.00
2. Rs. 200 and above but less than Rs. 800	30%	100.00	150.00
3. Rs. 800 and above	15%	150.00	250.00

(c)'pay' for the purpose of this rule means the pay as defined in Clause (ii) of Rule 435 of the Orissa Municipal Rules, 1953 which the person was drawing on the date of his death while in service or immediately before his retirement. If on the date of his death while in service or immediately before his retirement a person has been absent from duty on leave (excluding extraordinary leave) or suspension. 'Pay' means the pay which he drew immediately proceeding on such leave or suspension.

50.

(1)Subject to the provisions of Rule 51 where an employee dies while in service after having rendered not less than seven years of service the rate of family pension payable to the family shall be equal to 50 per cent of the pay last drawn or twice the family pension admissible under Rule 49 whichever is less and the amount so admissible shall be payable from the date following the date of death of the employee-(a)for a period of seven years ; or(b)till the date on which the employee would have reached the age of sixty-five years had he remained alive whichever is shorter.(2)Subject to the provisions of Rule 51 where the retired employee dies after having rendered not less than seven years of service by the date of his retirement, the rate of family pension payable to the family shall be equal to twice the family pension admissible under Rule 49 or the pension either sanctioned or admissible to the deceased employee at the time of retirement, whichever is less and the amount so admissible shall be payable from the date following the date of death of the retired employee-(a)for a period of seven years ; or(b)till the date on which the employee would have reached the age of 65 years had he remained alive whichever period is shorter.(3)After the expiry of the period referred to in Sub-rules (1) and (2) the family in receipt of family pension under that sub-rule shall be entitled at the rate admissible under Rule 49.

51.

The period for which family pension is payable shall be as follows:(i)in the case of a widow or widower up to the date of death or remarriage whichever is earlier;(ii)in the case of a son until he attains the age of 18 years;(iii)in the case of an unmarried daughter, until she attains the age of twenty-one years or until she gets married whichever is earlier.

52.

(a)(i)Where there are more than one widow the family pension is payable to all those widows in equal shares.(ii)On the death of a widow, her share of the family pension shall become payable to

eligible child :Provided that if the widow is not survived by any child, her share of the family pension shall cease to be payable.(b)Where the deceased employee or pensioner is survived by a widow but has left behind eligible child or children from another wife who is not alive, the eligible child or children shall be entitled to the share of family pension which the mother would have received if she had been alive at the time of the death of the employee or a pensioner.

53.

(a)Except as provided in Rule 52, the family pension shall not be payable to more than one member of the family at the same time.(b)If a deceased employee or pensioner leaves behind a widow or widower, the family pension shall become payable to the widow or widower failing which to the eligible child.(c)If sons and unmarried daughters are alive, unmarried daughters shall not be eligible for family pension unless the sons attain the age of 18 years and thereby become ineligible for the grant of family pension.

54.

Where the deceased employee or pensioner leaves behind more children than one, the eldest eligible child shall be entitled to the family pension for the period mentioned in Clause (ii) or Clause (iii) of Rule 51, as the case may be, and after the expiry of that period the next child shall become eligible for the grant of family pension.

55.

Where family pension is granted under this rule to a minor, it shall be payable to the guardian on behalf of the minor.

56.

In case both wife and husband are employees under Local Fund Service and are governed by the provisions of these rules and one of them dies while in service or after retirement, the family pension in respect of the deceased shall become payable to the surviving husband/wife and in the event of the death of the husband or wife, the surviving children shall be granted the two family pensions in respect of the deceased parents subject to the limits specified below, namely : (a)if the surviving child or children is or are eligible to draw two family pensions at the rate mentioned in Rule 50 the amount of both the pensions shall be limited to five hundred rupees per mensem-, (b)if one of the family pensions ceased to be payable at the rate mentioned in Rule 50 and in lieu thereof the pension at the rate mentioned in Rule 49 becomes payable the amount of both the pensions shall also be limited to five hundred rupees per mensem-, (c)if both family pensions are payable at the rate mentioned in Rule 49 the amount of two pensions shall be limited to two hundred and fifty rupees per mensem.

57.

"Continuous service" for the purpose of Rule 49 means service rendered in a pensionable establishment and does not include-(a)period of suspension, if any, which does not count for pension on termination of proceedings; and(b)period of service, if any, rendered before attaining the age of 18 years.

58.

"Family" in relation the employee means-(a)wife in the case of a male employee or husband in case of a female employee ; provided the marriage took place before retirement of the employee:Note 1-Wife and husband shall include respectively judicially separated wife and husband.Note 2-Where the pension sanctioning authority decides that for reasons to be recorded in writing a child or children from a judicially separated deceased female employee should receive the family pension in preference to the judicially separated husband of the deceased employee such husband shall not be regarded as covered by the expression "family";(b)son who has not attained the age of 18 years and unmarried daughter who has not attained the age of 21 years including such son and daughter adopted legally before retirement.

59.

Nothing contained in this rule shall apply to-(a)persons who retired or re-employed after retirement prior to enforcement of these rules ;(b)employees paid from contingencies;(c)work-charged staff;(d)casual labourers;(e)employees on contract.

60.

Temporary increase in family pension is payable. Government may, by general or special order allow temporary increase in family pension subject to such conditions and limitations as they may specify from time to time in this behalf.Chapter-IXNomination for death-cum-retirement gratuity and family pension

61.

(1)An employee shall, at any time after coming over to the pension scheme under these rules, make a nomination conferring on one or more persons the right to receive death-cum-retirement gratuity that may be sanctioned under the rules in Chapter-VII.(2)If, at the time of making the nomination the employee has a family, the nomination shall not be in favour of any person or persons -other than the members of the family.(3)Where an employee has only one member in his family in whose favour the nomination should be made, an alternate nomination may be made in favour of any person who is a member of his family or in favour of a body of persons, corporate or incorporate.(4)If at the time of making the nomination, the employee has no family, the nomination may be made in favour of any person or persons.(5)The nomination made by an employee who has

no family at the time of making it, or a provision made in a nomination under Sub-rule (3) by an employee whose family consists on the date of making the nomination, of only one member, shall become invalid in the event of the employee subsequently acquiring a family or an additional member in the family, as the case may be.(6)Every nomination shall be in such one of the Forms, A, B, C and D as may be appropriate in the circumstances of the case.

62.

(1)If an employee nominates more than one person under Rule 62 he shall specify in the nomination the amount or share payable to each of the nominees in such manner as to cover the whole amount of gratuity.(2)An employee may provide in the nomination that in respect of any specified nominee who pre-deceases the employee or who dies after death of the employee but before receiving payment of gratuity, the right conferred upon that nominee shall pass on to such other members of the employee's family as may be specified in the nomination :Provided that if at the time of making the nomination, the employee has a family consisting of more than one member, the person to be specified shall not be a person other than a member of his family.

63.

(1)An employee may, at any time, cancel a nomination by sending a notice in writing to the appropriate authority along with a fresh nomination made in accordance with these rules.(2)Immediately on the death of a nominee in respect of whom, no special provision has been made in the nomination under Sub-rule (2) of Rule 62 or on the occurrence of by happening of a contingency specified in the nomination by reason of which the nomination becomes invalid, an employee shall send to the appropriate authority a notice in writing formally cancelling the nomination together with a fresh nomination made in accordance with these rules.(3)Every nomination made by an employee shall be sent to the concerned Chairman of the Council immediately on receipt of a nomination from an employee, the Chairman shall countersign it, indicating, the date of receipt and keep it under his custody and forward a copy of the said nomination to the Director.

64.

(1)Every nomination made, and every notice of cancellation given by an employee shall to the extent that it is valid, take effect on the date on which it is received by the concerned Chairman specified in Rule 63.(2)A nomination as also change therein shall normally be made by an employee during his service :Provided that he may make a fresh nomination in accordance with these rules after retirement but before getting payment.(3)The nomination shall become invalid in the event of a contingency specified therein.(4)Death should not be specified as one of the contingencies on happening of which the nomination shall become invalid.

65.

An employee shall, at any time, make a nomination in Form 'E' indicating the order in which a family pension admissible under the rules in Chapter VII should be paid to the members of his family and to the extent that it is valid, the family pension will be payable in accordance with such nomination; the provisions of Rules 63 and 64 shall apply mutatis mutandis in respect of nominations under this rule.

66.

(a)(i)As soon as an employee has completed one year's continuous service he shall give details of his family in Form 'F' to the Chairman of the concerned Council.(ii)If the employee has no family he shall furnish the details in Form 'F' as soon as he acquires family.(b)The employee shall communicate to the Chairman of the concerned Council any subsequent change in the size of his family including the marriage of his/her female child.Chapter-XRe-employment of pensioners

67.

The provisions in this Chapter regulate the fixation of pay of pensioners who are re-employed in the services and posts under the Council's industrial or commercial undertakings or Corporations owned or controlled by the Government.

68.

A person who is in receipt of pension either from Government or from any industrial or commercial undertaking or Corporations owned or controlled by Government or from Council shall not be re-employed or continued to be re-employed except on public grounds with the prior approval of Government.

69.

When a person who was previously in employment, it shall be incumbent on him to declare to the appointing authority the amount of any gratuity or pension granted to him in respect of the previous employment.

70.

The attention of every employee who is re-employed should be specially drawn to the provisions of these rules by the authority re-employing him but the failure to comply with the provision of this rule shall not be admitted as a ground for condoning any breach of the provisions of this Chapter.

71.

The initial pay on re-employment shall be fixed at the minimum stage of the scale of pay prescribed for the post in which an individual is reemployed. In cases where concerned Council considers that the fixation of initial pay of the re-employed employee at the minimum of the prescribed pay scale will cause undue hardship, the pay may be fixed at the higher stage by allowing one increment for each year of service which the employee rendered before retirement in a post not lower than that in which he is reemployed with prior approval of Government. Explanation-Comparison of posts for the above-mentioned purpose should normally be on the basis of scale of pay, but where such comparison results in hardship in individual cases comparison may also be made with reference to the duties and responsibilities attached to the posts, irrespective of the scales of pay. (2)(a) In addition to the pay as fixed under Sub-rule (1) the employee may be permitted to draw separately any pension sanctioned to him and to retain any other form of retirement benefits for which he is eligible such as gratuity, commuted value of pension; provided that the total amount of initial pay as admissible under the said sub-rule plus the gross amount of pension and/or the pension equivalent of other forms of retirement benefits does not exceed-(i) the pay he drew before his retirement ; or (ii) Rs. 3,000 whichever is less. (b) In all cases where either of these limits is exceeded the pension and other retirement benefits may be paid, in full and necessary adjustment made in the re-employment pay so as to ensure that the total of the reemployment pay plus pensionary benefit is within the prescribed limit. In such cases, the re-employment pay may be fixed below the minimum of the time scale in which the employee is re-employed. Exception 1-In case of posts for which persons with the requisite qualifications and experience are not available in the restriction that initial pay on re-employment plus pension and pension equivalent of other retirement benefit should not exceed the last pay drawn may be relaxed by Government to the extent indicated below : (i) Initial pay on re-employment plus gross and/or pension equivalent of other retirement benefit should not exceed the pay last drawn before retirement by more than Rs. 250; (ii) The above concession will be admissible only where the employee has retired on a superannuation pension. Exception 2-In case of persons retiring before attaining the age of 58 years where the pension plus pension equivalent of other retirement benefits do not exceed Rs. 50 per month the amount may be ignored for the purpose of fixation of pay under this rule. Explanation 1-Pay last drawn before retirement means pay last drawn in terms of Rule 432 (ii) of the Orissa Municipal Rules, 1953. If the reemployed employee was on leave or on deputation at the time of retirement, his pre-retirement pay for the purpose of this rule shall be taken at what it would have been, had he not been on leave or on foreign service provided the competent authority certified that he would have continued to hold the post but for his proceeding on leave or on deputation. Explanation 2-In this rule, pension does not include family pension sanctioned under Chapter VIII. (3) In cases where the minimum pay of the post in which the pensioner is re-employed is more than the pay last drawn before retirement, the employee concerned may be allowed the minimum of the prescribed pay scale of the post less pension and/or the pension equivalent of other forms of retirement benefit. (4)(a) Once the initial pay of a re-employed pensioner has been fixed he may be allowed to draw normal increments in the time scale of the post to which he is appointed ; provided that the pay and gross pension and/or pension equivalent of the other retirement benefits taken together do not, at any time, exceed Rs. 3,000 per month. Where, after the pay is fixed at the minimum or any higher stage, it is reduced below the minimum any higher stage on account of adjustment under

Clause (b) of Sub-rule (2) increase in pay may be allowed after each year of service at the rates of increments admissible as if the pay had been fixed at the minimum or the higher stage, as the case may be. (b) He may be allowed special pay over and above the pay fixed under these rules, if he was not in receipt of a special pay immediately prior to retirement or was drawing a special pay which has not been treated as preretirement pay for the purpose of fixation of pay under this rule. In other cases the special pay may not be granted except on special grounds. In all cases where a special pay is sanctioned to a re-employed pensioner the re-employment pay plus gross pension and/or pension equivalent of other retirement benefits, if any, plus the special pay taken together shall not exceed the limits specified in Sub-rule (2), where a special pay is sanctioned as a percentage of the basic pay the percentage will be calculated on the basis of the pay as fixed on re-employment. (5) A person who is re-employed while on refused leave may, at his option avail of the period of refused leave or part thereof concurrently with his re-employment but his re-employment pay during the period of refused leave so availed of should be fixed under Sub-rules (1) and (2). The service rendered by him during refused leave shall count for Increment subject to the provisions of Sub rule

72.

(1) An employee who obtained a compensation pension if re employed in a service qualifying for pension may at his option count his former service for future pension : Provided that he- (a) ceases to draw his pension from the date of his re-employment in qualifying service; and (b) refund the death-cum-retirement gratuity or service gratuity, if any drawn by him for his former service. (2) The intention to refund must be stated immediately on re-employment, but the refund may be made by monthly instalments of not less than one-third of his salary or not less than the whole gratuity divided by the number of months which have elapsed since end of the service for which the gratuity was given, whichever is less. The right to count previous service does not revive till the whole amount is refunded.

73.

The pay of an employee who has obtained compensation pension or compensation gratuity, if re-employed, shall be fixed in accordance with Rule 71. In case the pensioner elects to count his previous service for pension by forgoing the entire pension, the pay shall be fixed by treating him as if he is not in receipt of any pension. He shall be entitled to receive the benefits of increments in his new scale or promotion to another scale or post without further re-fixation of pay.

74.

There is no bar to the re-employment of a person who has regained health after obtaining invalid pension or if an employee is invalid as being incapacitated for employment in a particular branch of the service to his reemployment in some other branch of the service. In such a case the provisions as to refunding gratuity, drawing pension, counting service and fixation of pay on re-employment shall be the same as applicable in the case of reemployment after compensation pension.

75.

(1) Save as provided in Sub-rule (2) an employee who having been discharged with a pension, if subsequently re-employed may not count his new service for a separate pension. (2) (a) If an employee who has obtained a compensation or invalid pension is re-employed in pensionable service and retains the pension, the pension admissible for his subsequent service is subject to limitation that the capitalised value of the pension shall not be greater than the difference between the value of the pension that would be admissible at the time of his final retirement, if the two periods of service were combined and the value of the pension already granted for the previous service. (b) If a gratuity received for the earlier service has not been refunded gratuity or pension, as the case may be, may be allowed for the subsequent service on condition that the amount of such gratuity of the capitalised value of such pension plus the amount of the previous gratuity shall not exceed the amount of gratuity or the capitalised value of the pension that would have been admissible had the gratuity received for the earlier service been refunded. (c) If the amount of such gratuity or the capitalised value of such pension plus the amount of the previous gratuity exceeds the amount of gratuity or the capitalised value of the pension that would have been admissible if the gratuity received for the earlier service had been refunded the excess shall be disallowed. Chapter-XI Commutation of pension

76.

Subject to the provisions hereinafter contained and to such conditions as it may think fit to impose, the Government may sanction the commutation for a lump payment of a portion, not exceeding one-third of any pension which has been or is about to be granted under Chapters V and VI : Provided that the uncommuted residue of pension shall not be less than Rs. 20 per month : Provided further that in calculating the amount of the uncommuted residue, there may be added to it the uncommuted portion of any other permanent pension or pensions payable to the applicant from the Central Pension Fund : Provided further that an employee against whom a judicial or a Departmental proceeding has been instituted or a pensioner against whom any such proceeding has been instituted or continued under Rule 8 shall not be permitted to commute any part of his pension during the pendency of such proceeding. Note- No portion of the temporary increase on pension shall be commuted for a lump payment.

77.

An application for commutation of pension shall be made in Part-I of Form No. 'G' accompanied by two passport size photographs, one duly attested and the other without any attestation and addressed to the Government in Urban Development Department, through the Executive Officer of the Council where he is last employed, if he is still in service or if he was retired but his pension has not yet been sanctioned.

78.

On receipt of the application under Rule 77 the concerned Executive Officer should complete Part-II of Form No. 'G' without delay and transmit it with copies of the medical reports mentioned in Rule 81 to the Director of Municipal Administration for obtaining Government sanction

79.

The lump sum payable on commutation shall be calculated on whole rupee in accordance with a table of present values prescribed from time to time. For the purpose of this rule, age in the case of impaired lives shall be assumed to be such age not being less than the actual age as the certifying medical authority may direct. In the event of the table of present values applicable to the applicant having been modified, between the date of administrative sanction to commutation and the date on which commutation is due to become absolute, payment shall be made in accordance with the table so modified but it shall be open to the applicant if the modified table is less favourable to him than the table before it was so modified to withdraw his application by notice in writing sent within fourteen days of the date on which he received notice of modification.

80.

Upon receipt of the application under Rule 78, the Director of Municipal Administration, Orissa shall send it to Government of Orissa in Urban Development Department for administrative sanction in Part-III of Form No. 'G' and in Part-II of Form G-1, and (a) transmit to the applicant, in Form G-1, a certified copy of certificate contained in Part-II of Form 'G' and one copy of Form G-2 Part-I which is to be filled in by the applicant before his medical examination and hand over to the medical authority; and (b) Forward to the medical authority in original, the completed Form 'G' together with a copy of Form G-2 and an extra copy of Part-III of that Form and if the applicant has been granted an invalid pension or has previously commuted any portion of his pension, with years added to his actual age on the basis of an addition or year to his actual age recommended by a competent medical authority or has been refused commutation on medical grounds copies of the previous medical reports or statements of his case.

81.

(1) Before any commutation administratively sanctioned becomes absolute, the applicant must be examined by the proper medical authority hereinafter prescribed. (2) The medical authority shall be—(a) in the case of an applicant who has been granted an invalid pension or in whose case the total of the amount of pension to be commuted together with the amount or amounts previously commuted, if any, exceeds rupees twenty-five, a Medical Board; (b) in the case of an applicant who has not been granted an invalid pension and who applies for commutation of a sum, such that the total of the amount of pension to be commuted together with the amount or amounts previously commuted, if any, is rupees twenty-five or less, the Medical Officer not being of lower status than the Civil Surgeon, the District Medical Officer or Presidency Surgeon of the area in which he is

ordinarily resident.(3)The medical authority, after obtaining from the applicant a statement in Part-I of Form G-2 (which must be signed in his presence shall subject him to a strict examination, enter the result in Part II of Form G-2 and record its opinion as to the accuracy with which the pensioner has answered the questions prescribed in Part-I regarding his medical history and habits. Lastly it shall attest the unattested copy of the photograph of the pensioner, complete the certificate contained in Part-III of Form No. G-2 and in case of employees other than those who are literate enough to sign their names, obtain in its presence the left hand thumb and finger impression.(4)In the case of an applicant who has been or is about to be granted an invalid pension the grounds of invalidation or the statement of the medical case shall be duly considered by the certifying medical authority before the certificate in Part-III of Form No. G-2, is signed.(5)If the medical examination is conducted by the Medical Board the applicant shall pay before examination a sum of rupees sixteen in cash out of which rupees four is to be credited to Government and the remaining rupees twelve is to be received by the members of the Board among themselves. If the examination is held at any other place or by a Civil Surgeon in Orissa the applicant shall pay to the medical authority such fee as may be required of him.(6)A pensioner after he has been rejected on the recommendation of a competent medical authority as not being a fit subject for commutation or after he has once declined to accept commutation on the basis of an addition of years to his actual age recommended by that authority may be permitted to present himself subsequently for re-examination once only at his own cost with a view to the revision of the original finding; provided that -(a)an interval of not less than a year shall elapse between the date of the medical examination and that of the second, and(b)the second medical examination shall invariably be made by a Medical Board.The medical authority examining the pensioner should be furnished in addition to the document mentioned in Rule 80 with a copy of report of the medical authority which previously examined him.(7)The medical authority prescribed in Sub-rule (2) shall, without delay, forward the completed Forms 'G' and G-2 in original, a copy of the photograph attested by it to the concerned Executive Officer who gave the certificate contained in Part-II of Form 'G' a certified copy of the completed Form G-2 to the Director and a certified copy of Part-III of Form G-2 to the applicant.Note - If in the opinion of the medical authority prescribed in Sub-rule (2) of this rule some special examination is necessary which is not in a position to carry out itself, it may require the applicant to undergo such examination at his own expense. No payment towards expenditure incurred by him for such examination shall be made by Government irrespective of the result of the examination.

82.

(1)The administrative sanction accorded under Rule 81 shall lapse if the medical examination does not take place within the period prescribed in the sanction order. If the applicant does not appear at such examination before the said medical authority within the prescribed period the sanctioning authority may at its discretion, renew administrative sanction for a further period of three months without obtaining a fresh application for commutation of pension. The applicant may withdraw his application by written notice at any time before medical examination takes place ;Provided that, if the medical authority directs that his age for the purpose of commutation shall be assumed to be greater than his actual age, the applicant may withdraw his application in writing and send to Government within two weeks from the date on which he receives intimation of the medical

authority. If the applicant does not withdraw in writing his application within the period of two weeks prescribed above, he shall be assumed, to have accepted the sum offered. (2) Subject to provisions contained in Sub-rule (1) the commutation shall become absolute that is the title to receive the commuted portion of the pension shall cease and the title to receive the commuted value shall accrue, on the date on which authority signs the medical certificate. Payment of the commuted value shall be made as expeditiously as possible but in the case of an impaired life no payment shall be made until either a written acceptance of the commutation has been received or the period within which the application for commutation may be withdrawn has expired. Whatever the date of actual payment the amount paid and the effect upon the pension shall be the same as if the commuted value was paid on the date on which commutation becomes absolute. If the commuted portion of the pension has been drawn after the date on which the commutation becomes absolute, the amount drawn shall be deducted from the amount payable in commutation. Note 1- If in the case of an impaired life the applicant wishes to reduce the amount to be commuted within the period of two weeks allowed in this rule, the original applications will be considered as withdrawn and the request treated as a new application. Note 2- A person who is allowed provisionally to commute a portion of his pension not exceeding rupees twenty-five and who anticipates that the final amount of pension that he would be entitled to commute might exceed rupees twenty-five shall indicate fact in his application in case he desires to commute a sum exceeding rupees twenty-five. The sanctioning authority shall in such cases arrange for medical examination as if the amount to be commuted exceeds rupees twenty-five. In case such fact is not indicated the employee shall be permitted on finalisation of the amount of his pension to commute the difference between the amount of pension originally commuted and rupees twenty-five without further medical examination, if the original amount commuted together with the difference referred to does not exceed rupees twenty-five. If the same exceeds rupees twenty-five, the commutation of any further sum, if admissible, shall be treated as fresh commutation and allowed subject to examination by a Medical Board. The commutation in respect of difference of the amount of the portion of pension to be commuted for which the medical examination is conducted, shall take effect as the date on which the Medical Board signs its report. Note 3- A pensioner whose application for the commutation of a portion of his pension is expressed as a percentage or fraction of the total pension admissible to him and who is allowed in the first instance to commute such percentage or fraction of anticipatory or provisional pension shall, in the event of his final pension being more than his anticipatory or provisional pension, be allowed to commute a further sum. He shall not be required to apply afresh for commutation of the difference between the fraction or percentage of the final pension and anticipatory pension or provisional pension. As the commutation in such cases is payable in two instalments the report of the Executive Officer will have to be called in Part-II of Form No. 'G' for commutation of pension twice. A fresh sanction of the competent authority for the difference of the commuted value, i.e., the maximum value accrued minus the value commuted provisionally will also be necessary, regard however being had to the need for further medical examination as per Note 1 above.

83.

If the applicant makes any statement found to be false within his knowledge or wilfully suppress any material fact in connection with his medical examination, the Government in Urban Development

Department may cancel the sanction at any time before payment is actually made and such statement or suppression may be treated as grave misconduct for the purpose of Rule

84.

The Executive Officer on receipt of the completed Forms No. 'G' and G-2 shall arrange forthwith for the payment of the appropriate commuted value and for the corresponding reduction of pension under intimation to the Director of Municipal Administration, Orissa as well as Government in Urban Development Department, provided the medical authority has recommended commutation.

85.

If the pensioner dies on or after the day following that on which commutation becomes absolute but before receiving the commutation value, the same shall be paid to his heirs.

86.

A commutation, once applied for sanction and given effect to cannot be rescinded. Chapter-XII
Sanction of pension

87.

(1) All authorities dealing with applications for pension and gratuity under these rules should bear in mind that delay in their payment involves pecuniary hardship. It is essential to ensure, therefore, that an employee or his beneficiaries begin to receive pension or gratuity on the date on which it becomes due. (2) In each office of the council the concerned Executive Officer should specifically be charged with the responsibility for initiating action in due time regarding the completion of pension records and documents. He should have a list prepared in Form No. 'H' on 1st January of all employees who will attain the age of superannuation twelve to eighteen months after the said date. The attention of every employee should be drawn to the provisions of this rule and he should be advised to make a formal application for pension at least one year in advance of the date of his anticipated date of retirement. A copy of the said list should be sent to the Director. Similarly in case of death while in service the concerned Executive Officer should send intimation regarding the admissibility of death-cum-retirement gratuity and family pension to the nominees or in the absence of nomination to the eligible family members of the deceased employee/pensioner.

88.

Every employee shall submit in writing an application for pension in Form No. 'I' to the Chairman of the concerned Council through the Executive Officer concerned at least one year in advance of the date of his anticipatory retirement. Provided (i) In a case 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 (ii) An employee, proceeding on leave preparatory to retirement in excess

of one year, shall submit the application at the time of proceeding on such leave.

89. [[Substituted vide Orissa Gazette Extraordinary No. 1673/16.12.1992-SRO No. 1410/92/ 15.12.1992.]

The Chairman shall be competent to sanction provisional pension and provisional gratuity to the retiring employees.] [Substituted vide O.G.E. No. 936 dated 28.5.2007.]

90.

The concerned Executive Officer shall undertake the work of papers in Form 'J' immediately on receipt of application for pension under Sub-rule (1) of Rule 88 and submit to the Chairman of the Council under whose establishment the employee is to retire under intimation to the Director of Municipal Administration.

91.

The Chairman of the Council on receipt of the pension papers shall verify the following particulars with reference to the relevant office records:(a)Dues of the Councils recoverable out of the gratuity before payment is authorised;(b)Any Council dues which have been ascertained and assessed;(c)Amount of gratuity to be held over for adjustment of Council's dues which have not been assessed so far :Provided that the Chairman of the concerned Council shall not be required to withhold an amount of gratuity for adjustment of Council's dues which have not been assessed, if the employee has made a cash deposit or furnished a surety of a permanent employee in Form J-1.

92.

After verification of the particulars referred to in Rule 91 the concerned Chairman with his recommendation for the payment of pension and gratuity benefits shall forward in Form J-2 along with the employee's Service Book and Service Roll, if any, duly completed up-to-date to the Director for issue of authority and placement of necessary funds at the disposal of the concerned Chairman for making necessary payments to the retired employee.

93.

(1)After the pension papers of an employee have been sent to the Director of Municipal Administration the Chairman shall draw provisional pension not exceeding $\frac{3}{4}$ th of the maximum and $\frac{3}{4}$ th of the gratuity as indicated in Form 'J' and for this purpose adopt the following procedure, namely :(a)He shall issue a sanction letter to the employee endorsing a copy thereof to the Director of Municipal Administration indicating the amount of provisional pension and $\frac{3}{4}$ th of the gratuity, payable to such employee on retirement from service;(b)He shall indicate in the sanction letter the amount recoverable out of the gratuity under Rule 91;(c)After the issue of the sanction letter, the employee shall draw-(i)The amount of provisional pension ; and(ii)The amount of $\frac{3}{4}$ th of the

gratuity after deducting therefrom the dues mentioned in Clause (b). (2) The Chairman of the concerned Municipality or Notified Area Council, as the case may be, from where the employee has retired, shall take steps to draw and disburse the provisional pension and gratuity to the retired employee on the first day of the month following the month in which the employee retired from service. (3) The payment of provisional pension shall continue for a period of six months only from the date of retirement of the employee unless the period is extended by the Director of Municipal Administration. (4) The Chairman shall inform the Director of Municipal Administration-(a) as soon as the gratuity has been paid to the retired employee; and (b) as soon as the provisional pension has been paid to the retired employee. (5) The Director of Municipal Administration, on receipt of the sanction letter of the provisional pension under Clause (a) of Sub-rule (1) above shall place the required funds to the concerned Chairman from the Central Pension Fund after the provisional pension Sanction letter is checked by the Local Fund Audit.

94. [[Substituted vide Orissa Gazette Extraordinary No. 1673/16.12.1992-SRO No. 1410/92/15.12.1992.]

The Director shall, in his turn after receiving the pension papers, get them verified by the Examiner, Local Accounts and sanction the pension and gratuity.]

95. [[Substituted vide Orissa Gazette Extraordinary No. 1673/16.12.1992-SRO No. 1410/92/15.12.1992.]

(1) Soon after the sanction of pensions and gratuity in Form J-3, the Director shall forward a copy of the sanction order to the Chairman of the concerned Municipal or Notified Area Council with intimation to the pensioner. (2) The Director being the Administrator of the Central Pension Fund shall place necessary amount at the disposal of the Executive Officer of the Council from the office of which the employee desires to receive payment under intimation to the retired employees. (3) The Executive Officer of the concerned as referred to in Sub-rule (2) shall make necessary payment to the pensioner towards his pension and gratuity.

96.

It shall be open to the employee to receive the payment of gratuity and pension from the Executive Officer of any Council where he desires to receive payment.

97.

The Executive Officer of the Council wherefrom the pensioner receives payment of pension shall on the event of death of the pensioner report along with a death certificate to the Director of Municipal Administration under intimation to the Executive Officer of the Council where the pensioner retired for discontinuing the payment of usual pension and gratuity and family pension, if due.

98. [[Substituted vide Orissa Gazette Extraordinary No. 1673/16.12.1992-SRO No. 1410/92/15.12.1992.]

(1)Sanction of pension shall be followed by issue of a pension payment order in duplicate, of which, one copy shall be sent to the pensioner and the other to the concerned Council's office from which the payment of pension has been desired by the retired employee. This fact shall be intimated by the Director to the Chairman of the concerned Council and the Chairman of the Council from the office of which the pension payment has been desired by the employee.](2)Any amount so placed by the Director of Municipal Administration and remain undisbursed to a pensioner due to death or other reasons shall be returned to the Director of Municipal Administration by the Chairman of the concerned Council for crediting to the Central Pension Fund.Chapter-XIII Sanction of family pension and gratuity

99.

(1)Where the 'Executive Officer of concerned Council has received an intimation about the death of an employee while in service he shall ascertain whether any death-cum-retirement gratuity or family pension or both is or are payable in respect of the deceased employee.(2)(a)Where the family of the deceased employee is eligible for the death-cum-retirement gratuity under Rule 47 the Executive Officer of the concerned Council shall ascertain-(i)if the deceased employee has nominated any person or persons to receive the gratuity; and(ii)where the deceased employee has not made any nomination or the nomination made does not subsist, the person or persons to whom the gratuity may be payable.(b)The Executive Officer of the concerned Council shall then address the person concerned in Form 'K' or Form K-1 as may be appropriate, who may submit a claim in Form K-2.(3)Where the family of the deceased employee is eligible for the family pension under Rule 49 : (a)The Executive Officer of the concerned Council shall address the widow or widower in Form 'L' for making a claim in Form L-1;(b)Where the deceased employee is survived only by child or children the guardian of such child or children may submit a claim in Form L-1 to the Executive Officer concerned :Provided that the guardian shall not be required to submit a claim in the said Form on behalf of the unmarried daughter if she has attained the age of eighteen years and such daughter may herself submit a claim in the said Form.(4)The Executive Officer concerned shall submit to the Chairman the following particulars regarding the details of dues outstanding against the deceased employee, namely :Council's dues recoverable out of the gratuity before payment is authorised that is to say-(i)Council's dues which have been ascertained and assessed;(ii)amount of gratuity to be held over for adjustment of Council's dues which have not been assessed so far.(5)On receipt of the claim or claims, the Executive Officer of the concerned Council shall complete Form 'M' and the Chairman of the said Council shall certify in Part-III of that form as to whether the character, conduct and past service of the deceased employee were such as to entitle the family to the favourable consideration of the pension sanctioning authority in the matter of grant of death-cum-retirement gratuity.(6)After Form 'M' is completed by the Chairman of the Council the Executive Officer of that Council shall send that form in original along with the service book and service roll duly completed up-to-date and any other documents relied upon to the Director of Municipal Administration, Orissa. The Director of Municipal Administration, Orissa shall take necessary further action in the matter as laid down in Rules 94 and 95.

100.

(1) Where the Chairman of the concerned Council has received an intimation regarding the death of a retired employee who was in receipt of pension, he shall ascertain whether any family pension or residuary gratuity or both is or are payable in respect of the pensioner : Provided that the Chairman may, when he considers it necessary so to do consult the Director of Municipal Administration, Orissa. (2) (a) (i) If the deceased pensioner is survived by a widower who is eligible for the grant of family pension, the amount of family pension as indicated in the Pension Payment Order shall become payable to the widow or widower, as the case may be, from the day following the date of the death of the pensioner. (ii) On receipt of an application from the widow or widower the Executive Officer of the Council from whom the deceased pensioner was drawing his/her pension shall move the Director of Municipal Administration to grant necessary funds for the purpose of payment of family pension to the widow or widower, as the case may be. (iii) On receipt of the proposal from the Executive Officer under Sub-clause (ii) of Clause (a), the Director of Municipal Administration, Orissa shall take necessary steps to place the necessary amount of funds at the disposal of the Executive Officer for payment of family pension. (b) (i) Where the deceased pensioner is survived by child or children, the guardian of the child or children may submit a claim in Form 'L-1' to the Chairman for the payment of family pension : Provided that the guardian shall not be required to submit a claim in the said Form on behalf of the unmarried daughter if she has attained the age of eighteen years and such daughter may herself submit a claim in the said Form. (ii) On receipt of the claim from the guardian, the Executive Officer shall move the Director of Municipal Administration, Orissa for placement of funds at the disposal of the Executive Officer of the concerned Council for this purpose. (iii) On receipt of the proposal from the Executive Officer under Sub-clause (ii) of Clause (b) the Director of Municipal Administration, Orissa shall take necessary steps to place the necessary amount of funds at the disposal of the Executive Officer for payment of family pension. (iv) After placement of necessary funds at the disposal of the Executive Officer concerned by the Director of Municipal Administration Orissa, the Chairman of the concerned Council shall sanction the payment of family pension in Form 'N' or 'O', as the case may be. (c) (i) Where a widow or widower in receipt of family pension dies and leaves behind child or children who is or are eligible for family pension, the guardian may submit a claim in Form L-1 to the Chairman of the concerned Council for the payment of family pension : Provided that the guardian shall not be required to submit a claim in the said Form on behalf of the unmarried daughter if she has completed the age of eighteen years and such daughter may herself submit a claim in the said Form. (ii) On receipt of a claim from the guardian, the Executive Officer of the Council shall immediately move the proposal in the appropriate manners as provided in the foregoing provisions. Chapter-XIV Payment of pension

101.

(1) Pension is payable from the date on which the pensioner ceased to be borne on the establishment or from the date of application for pension whichever is later. The objective of this latter alternative is to prevent unnecessary delay in the submission of applications. This rule may be relaxed by the authority sanctioning the pension when the delay is sufficiently explained. (2) After the proposal under Sub-rule (1) is received the Director of Municipal Administration shall take necessary steps to

place funds.(3)Soon after the placement of funds, the chairman of the concerned Council shall authorise or sanction the payment of family pension, as the case may be, in proper form.(4)Where on the death of retired employee a residuary gratuity becomes payable to the family of the deceased under Rule 47 the Chairman shall sanction its payment on receipt of a claim or claims in Form 'P' from the person or persons eligible to receive the residuary gratuity after obtaining necessary funds from the Administrator of the Central Fund.(5)Family pension under these rules is payable from the day following the date of death of the employee or the pensioner, as the case may be.(6)In case where an employee dies shortly after retirement without having formally applied for pension, the authority competent to sanction pension of the deceased employee may relax the provision of this rule and sanction pension or gratuity to the employee from the date of retirement up to an inclusion of the date of his death as if he has made a formal application for the same before retirement without the prior permission of the State Government.

102.

Where the gratuitant happens to be a minor, payment of gratuity shall be regulated in the following manner :(i)Where no valid nomination subsists-(a)when a share is payable to minor sons or minor unmarried daughters it should be paid to the surviving parent except in the case when the surviving parent happens to be Muslim lady, payment will have to be made to the persons producing the guardianship certificate;(b)when a share is payable to the widowed minor daughter(s) production of guardianship certificate is necessary;(c)if, in rare case the wife happens to a Minor, the death-cum-retirement gratuity payable to her shall be paid to, the person producing the guardianship certificate;(d)when there are no surviving members of the family as in Rule 47 and the death-cum-retirement gratuity becomes payable to minor brother or minor unmarried sister, the payment should be made to the father or in his absence, the mother of the beneficiary except in a case where the mother happens to be a Muslim lady. In this case, too, if there is no surviving parent or surviving parent happens to be a Muslim lady, the payment will have to be made to the person producing the guardianship certificate. If any share is payable to a widowed minor sister, the production of guardianship certificate would be necessary;(ii)Where a valid nomination subsists-(a)if the nomination is in respect of one or more of the members of the family, the position stated against Clause (i) above would apply;(b)if there is no family the nomination in favour of an illegitimate child, a married daughter or a married sister would also be valid. The position would, therefore, be as follows :(i)if the nominee is an illegitimate child, share will be payable to the mother, and in her absence the production of guardianship certificate would be necessary;(ii)if the share is payable to a married minor girl, the share will be payable to the husband;(c)Notwithstanding anything contained in Clause (b) payment of death-cum-retirement gratuity to the extent of rupees five thousand or the first five thousand where the amount payable exceeds rupees five thousand in favour of a minor may be made to his/her guardian, in the absence of a natural guardian, without production of a formal guardianship certificate but subject to the production of an indemnity bond in Form 'Q' with suitable sureties to the satisfaction of the sanctioning authority. The balance in excess of rupees five thousand, if any, would become payable on the production of a guardianship certificate.Note-The indemnity bond shall be executed in Form 'O' and the stamp duty shall be borne by the concerned Council. The bond should be executed on any durable plain paper and signed by the obligator and the surety/sureties or their respective

Attorneys and accepted by an officer duly authorised.

103.

A pension is payable monthly on and after the first day of the following month in accordance with the provisions specified hereunder ;(a)On receipt of the pension payment orders, the Disbursing Officer will deliver one-half to the pensioner, and keep the other half carefully in such manner that the pensioner shall not have access thereto;(b)Each payment made is to be entered on the reverse both of pensioner's half and of the Disbursing Officers' half of the pension payment order both entries being attested at the time of payment by the signature of the Disbursing Officer;(c)A person is Payable for this day on which the pensioner dies the hours at which death takes place has no effect on the claim.

104.

(1)As a rule a pensioner shall take payment in person after identification by comparison with the pension payment order. Note-The Chairman of the concerned Council should, at the time of completing pension application forms and transmitting the pension papers to the Director of Municipal Administration, Orissa, forward therewith two certified copies of such pensioner's photograph in passport size. The Director of Municipal Administration, Orissa will have one copy of the photograph pasted on the Disbursing Officer's half of the pension Payment order, and the concerned Executive Officer will then be in a position to make payment on the strength of the resemblance between the pensioner and his photograph pending the final reconciliation of any question which may arise about identification marks. This means of identification of pensioners will be in addition to the existing system of recording the thumb and finger impressions, which will remain a permanent and reliable record of pensioner's identity.(2)Payment of pension up to rupees two hundred and fifty may be made by postal money order at the option and expense of the pensioner.(3)When a pensioner is a minor, or is for any other reason incapable of managing his own affairs and has no regularly appointed manager or guardian the Collector may, on application by or on behalf of the pensioner and subject to such conditions as he may impose, declare any suitable person to be the manager or guardian for the purpose of receiving on behalf of the pensioner, the pension due to him and payments of pension may be made to such manager or guardian in the same way as to the original holder ; provided that sufficient proof is forthcoming at the time of each payment of the original holder being alive and eligible to receive the pension for the period covered by the payment. Such declaration may, at any time, be revoked or altered at the discretion of the Collector.(4)Pension of a person who is certified by a Magistrate to be a lunatic should be paid in accordance with provisions of Sub-section (1) of Section 95 of the Indian Lunacy Act.

105.

(1)A pensioner specially exempted by the Collector from personal appearance, a female pensioner not accustomed to appear in public, or a pensioner who is unable to appear in consequence of bodily illness and infirmity, may receive his or her pension through a representative upon the production of a life certificate signed by a responsible Gazetted Officer of Government.(2)A pensioner of any

description who produces a life certificate signed by some person exercising the powers of a Magistrate under the Code of Criminal Procedure, 1973 (2 of 1974) or by any Registrar or Sub-Registrar appointed under the Indian Registration Act, 1908 (16 of 1908) by any pensioned Officer who before retirement exercised the powers of a Magistrate or by any Gazetted Officer or by a Munsif, or by a Police Officer not below the rank of Sub-Inspector in charge of a Police Station or by a Post Master, a Departmental Sub-Post Master or an Inspector of Post Office or by a Class I Officer of the Reserve Bank of India or by a staff Officer or staff Assistant of the State Bank of India or by an Executive Officer or Additional Executive Officer or Municipal Engineer or Health Officer of any Council is exempted from personal appearance.

106.

(1) In all cases referred to in Rules 104 and 105 the Disbursing Officer must take precautions to prevent impositions, and must, at least once a year, require proof independent of that furnished by the life certificate of the continued existence of the pensioner. (2) For this purpose he should (save in cases of exemptions from personal appearance granted by the Collector of the District) require the personal attendance and due identification of all male Pensioners who are not incapacitated by bodily illness or infirmity from so attending, and in all cases where such inability may be alleged, he should require proof thereof in addition to the proof submitted of the pensioner existence. Note-The Disbursing Officer is personally responsible for any payment wrongly made. In case of doubt he should consult the Director of Municipal Administration. (3) A life certificate must accompany every claim which is not personally presented except in the case specified in foregoing sub rule when payment is made on life certificate, it can be made only for periods completed on or before the date of the certificate.

107.

(1) A pensioner of any description is exempted from personal appearance, if he draws his pension through a duly authorised agent approved by the Collector who must execute a bond to refund over-payments and produce at least once a year a life certificate signed by any other person specified in Sub-rule (2) of Rule 105. (2) The pension of a retired employee drawing his pension through an authorised agent who has executed a bond to refund over-payments should not be paid on account of a period of more than a year after the date of the life certificate last received and the Disbursing Officer shall be on the watch for authentic information of the death of any such pensioner and a receipt thereof, shall promptly stop further payments. Note-When a pensioner draws his pension through an agent the claim must be supported by the written authority of the pensioner to pay the pension to agent nominated to receive payment on his/her behalf. In such case, the endorsement "received payments" must be signed by the pensioner and a separate receipt which need not be stamped shall be furnished by the agent in token of having actually, received the payment.

108.

(1) A pensioner drawing pension is required to append a certificate in his bill as follows : "I declare that I have not received any remuneration for serving in any capacity either under Government or

under any Local Fund or in any registered Company during the period for which the amount of pension claimed in this bill is due".(2)In the case of a pensioner permitted to draw pension-after reemployment his certificate should be modified according to the facts.(3)In the case of a pensioner drawing his pension through an agent who has executed a bond of indemnity, the certificate modified accordingly may be signed by the agent :Provided that the pensioner shall himself/herself furnish once a year a certificate covering the period for which pension has been drawn on the basis of the agent's certificate.

109.

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

110.

If a pensioner loses his half of the pension payment order a new order may be issued by the Executive Officer concerned who should see that no payment is made on the half alleged to be lost.

111.

Unless the Government by general or special orders direct otherwise a pension remaining undrawn for more than one year shall cease to be payable.

112.

(1)If the pensioner afterwards appears or a claim is presented on his behalf the Disbursing Officer may make the payments but the arrears cannot be paid if the pension in arrears to be paid for the first time or if the amount of arrears exceeds rupees two thousand five hundred without the previous sanction of authority by whom the pension was sanctioned to be obtained :Provided that if in any case a pension remains unpaid for three years it cannot be paid without the approval of the Administrator of the Central Pension Fund.(2)A gratuity payment order shall remain in force for one year from the date of issue of the said order.

113.

(1)On the death of a pensioner payment of any arrears actually due may be made to his heir provided that they apply within one year of his death. It cannot be paid without the sanction of the authority by whom the pension was sanctioned to be obtained.(2)If the arrears do not exceed rupees one hundred and the case presents no peculiar features the Director of Municipal Administration is empowered to pass the arrears on his own authority.(3)After payment of the arrears of the pension the pension payment order should be returned to the Administrator of the Central Pension Fund with a report of the date of the death of the pensioner.

114.

The arrear of pension of a deceased pensioner may be paid to the heirs of the deceased without the production of usual legal authority to the extent of rupees five hundred under the orders of the Collector of the district or such officer as may be authorised by Government after such enquiry into the rights and title of the claimants as may be deemed sufficient. Any excess above rupees five hundred may similarly be paid under the orders of the Government on execution of an indemnity bond in the form prescribed for the purpose with such sureties as they may require if they are satisfied of the right and title of the claimant and consider that undue delay and hardship would be caused by insisting on the production of letters of administration. In any case of doubt payment should be made only to the person producing legal authority. Chapter-XV The Central Pension Fund

115.

(1) The Council shall meet the entire financial commitments arising from the introduction of the pension scheme in so far as the employees who are working under them and to whom these rules are applicable are concerned. Every Council shall pay to the Central Pension Fund at every month the amount of pension contribution in respect of every employee at the rate as applicable in case of Government servants deputed on foreign service as embodied in Rule 222 of the Orissa Service Code read with Appendix 9 thereof. (2) The Council shall pay the pension contribution with fifteen days from the end of the month in which the pay relating to the month to which the contribution relates is drawn by the employee concerned. (3) An interest on unpaid contributions shall be levied at the rate of two paise per hundred rupees a day upon the amount due from the date of expiry of fifteen days up to date on which the contributions are finally paid. (4) In case of default in payment of contribution and interest thereon, if any, as provided under Sub-rules (2) and (3), the Director of Municipal Administration, Orissa may take appropriate steps as he thinks fit with the approval of State Government to recover the amount.

116.

The Provident Fund Accounts of every employee who comes under the 'service' and who is a subscriber to the existing Contributory Provident Fund maintained by the Council and who as to the pension scheme under these rules shall be closed just on his coming over to the pension scheme under these rules. The portion of contribution by the Council of the Contributory Provident Fund together with usual interest thereon shall be transferred to the Central Pension Fund forthwith. The portion of subscription by the employees with interest thereon shall be kept under a separate Central Provident Fund Account to be opened for the purpose.

117.

(1) There shall be constituted a Central Pension Fund for payment of pension, family pension, death-cum-retirement gratuity and other retirement benefits as provided in these rules to the employees under the 'service' and these shall be placed to the credit thereon all sums received from

the Council at every month on account of pension contribution of each employee of the 'service' in the manner as specified in Rule 115.(2)All sums received on account of contribution of the Councils to the Contributory Provident Fund and usual interest thereon in respect of every employee of the Council who opts to the pension scheme under these rules as per Rule 116 shall be placed to the credit of the Central Pension Fund.

118.

(1)The fund shall be administered by the Director of Municipal Administration, Orissa who shall receive all sums as provided in Rule 117 and make withdrawal from the fund for the purposes specified in these rules other than expressly provided in these rules the fund shall not be operated for any purpose except with the prior sanction of the state Government.(2)The amount required for payment of the death-cum-retirement benefits under these rules shall be charged on the fund and with the assumption of these responsibilities by the Administrator of the fund, the Council have no right over the balance at the credit of the fund at any time.

119.

All money received from the Council under these rules shall be deposited by the Administrator of the fund in any of the Nationalised Banks which he thinks proper and convenient after an account is opened therefor.

120.

Such portion of the balance standing in the fund which is not required for immediate disbursement under these rules shall be invested in Government securities or with the sanction of Government in any of the Nationalised Banks as fixed deposits so as to yield reasonable interest.

121.

The Examiner of the Local Accounts, Orissa shall be the Auditor in respect of transactions relating to the fund. The Forms and Registers to be maintained for accounting the transactions will be prepared by the Administrator of the fund after consulting the Examiner of the Local Fund Accounts, Orissa.

122.

The State Government may dissolve the fund at any time after providing alternative arrangements for payment of the death-cum-retirement benefits to the employees of the Local Fund Service entitled to it under these rules and in the event of such dissolution the balance standing in the Fund shall be disposed of by Government in such manner as they think fit.

123.

(1) All money which are required to be placed to the credit of the Central Pension Fund are to be sent to the Administrator of the fund in the Bank drafts annexing therewith a detailed break-up of the amount in respect of each employee, or in any other manner as may be directed by the Administrator of the Fund after consultation with the Examiner of Local Fund Accounts. (2) Within three days after the money and information are received under Sub-rule (1) the Administrator of the Fund shall deposit the same in the manner as provided under Rule 120 and cause necessary entry at every month in the Ledger to be opened in respect of each employee of the Local Fund service.

124.

Where the Governor is satisfied that the operation of any of the provisions of these rules caused undue hardship in any particular case he may, by order, dispense with or relax the requirements of the said provisions to such extent and subject to such conditions as he may consider necessary for dealing with the case in a just and equitable manner.

125.

If any doubt or difficulty arises in the interpretation of implementation of these rules, the question shall be referred to the State Government whose decision shall be final. Form 'A' [See Rule 61 (6)] Nomination for death-cum-retirement gratuity When the employee has a family and wishes to nominate one member thereof: I, hereby nominate to the person mentioned below, who is a member of my family and confer on him the right to receive any gratuity that may be sanctioned in the event of my death while in service and the right to receive on my death any gratuity which having become admissible to me on retirement may remain unpaid at my death.

Name and address of nominee	Relationship with employee	Age	Contingencies on the happening of which thenomination shall become invalid	Name, address and relationship of the person or persons, if any, to whom the right conferred on the nominee shall pass in the event of the nominee predeceasing dying after the death of the employee but before receiving payment of the gratuity	*Amount or share of gratuity payable to each
1	2	3	4	5	6

This nomination supersedes the nomination made by me earlier onwhich stands cancelled. Dated this.....day of20..... at..... Witnesses to signature :

1.

....

2.

....Signature of the employee*Note-This column should be filled in so as to cover the whole amount of gratuity.(To be filled in by the Executive Officer of the concerned Council)

Nomination by..... Signature of the Chairman of the...Municipal Council/NotifiedArea/ Council

Designation..... Date.....

Office..... Designation.....

Proforma for acknowledging the receipt of the Nomination Form by the Executive Officer of ...the Municipal Council/Notified Area CouncilTo.....Sir,In acknowledging the receipt of your nomination dated the cancellation dated of the nomination made earlier in respect of death-cum-retirement gratuity in Form 'A', I am to state that they have been duly placed on record.Signature of Executive Officer of.....Municipal Council/Notified Area CouncilForm B'[See Rule 61 (6)]Nomination for death-cum-retirement gratuityWhen the employee has a family and wishes to nominate more than one member thereof :I, hereby nominate the persons mentioned below, who are members of my family and confer on them the right to receive, to the extent specified below, any gratuity that may be sanctioned in the event of my death while in service and the right to receive on my death, to the extent specified below, any gratuity which having become admissible to me on retirement may remain Unpaid at my death-

Name and address of nominee	Relationship with employee	Age	Amount or share of gratuity payable to each*	Contingencies on the happening of which thenomination shall become invalid	Name, address and relationship of the person orpersons, if any, to whom the right conferred on the nominee shallpass in the event of the nominee predeceasing dying after thedeath of the employee but before receiving payment of thegratuity	*Amount or share of gratuity payable to each
1	2	3	4	5	6	7

This nomination supersedes the nomination made by me earlier on the.....which stands cancelled.N.B.-The employee shall draw lines across the blank space below the last entry to prevent the insertion of any name after he has signed.Dated this..... day of.....20.....At.....Witnesses to signature :

1.

....

2.

....Signature of employee(To be filled in by the Chairman of the concerned Council)

Nomination by..... Signature of the Chairman of the...Municipal Council/NotifiedArea/ Council

Designation..... Date.....

Office..... Designation.....

Proforma for acknowledging the receipt of the Nomination Form try the Executive Officer of Municipal Council/Notified Area CouncilTo.....Sir,In acknowledging the receipt of your nomination, dated the cancellation, dated the of the nomination made earlier, in respect of death-cum-retirement gratuity in Form 'B', I am to state that they have been duly placed on record.*Note-1. This column should be filled in so as to cover the whole amount of gratuity.**Note-2. The amount/share or gratuity shown in this column should cover the whole amount/share payable to the original nominees.Date..... 20...Signature of Executive Officer ofMunicipal Council/Notified Area CouncilDesignation.....Form 'C'[See Rule 61 (6)]Nomination for death-cum-retirement gratuityWhen the employee has no family and wishes to nominate one, person:I, having no family, hereby nominate the person mentioned below and corner on him the right to receive any gratuity that my be sanctioned in the event of my death while in service and the right to receive on my death any gratuity which having become admissible to me on retirement may remain unpaid at my death.

Name and address of nominee	Relationship with employee	Age	Contingencies on the happening of which thenomination shall become invalid	Name, address and relationship of the person orpersons, if any, to whom the right conferred on the nominee shallpass in the event of the nominee predeceasing dying after thedeath of the employee but before receiving payment of thegratuity	*Amount or share of gratuity payable to each
1	2	3	4	5	6

This nomination supersedes the nomination made by me earlier on.....which stand cancelled.Dated this.....day of.....20.....at.....Witnesses to signature

1.

.....

2.

.....Signature of employee*Note-This column should be filled in so as to cover the whole amount of gratuity.(To be filled in by the Chairman of the concerned Council)

Nomination by..... Signature of the Chairman of the...Municipal Council/NotifiedArea/ Council
Designation..... Date.....
Office..... Designation.....

Proforma for acknowledging the receipt of the Nomination Form by the Executive Officer of the concerned CouncilTo.....Sir,In acknowledging the receipt of your nomination dated cancellation dated of the nomination made earlier in respect of death-cum-retirement gratuity in Form 'C', I am to state that they have been duly placed on record.Signature of Executive Officer ofMunicipal Council/Notified Area CouncilDesignation.....Dated.....Form 'D'[See Rule 61 (6)]Nomination for death-cum-retirement gratuityWhen the employee has no family and wishes to nominate more than one person :I, having no family, hereby nominate the persons mentioned below and confer on them the right to receive to the extent specified below, any gratuity that may be sanctioned in the event of my death while in service and the right to receive on my death, to the extent specified below any gratuity which having become admissible to me on retirement may remain unpaid at my death :

Name and address of nominee	Relationship with employee	Age	Amount or share of gratuity payable to each*	Contingencies on the happening of which thenomination shall become invalid	Name, address and relationship of the person orpersons, if any, to whom the right conferred on the nominee shallpass in the event of the nominee predeceasing dying after thedeath of the employee but before receiving payment of thegratuity	*Amount or share of gratuity payable to each
1	2	3	4	5	6	7

This nomination supersedes the nomination made by me earlier onwhich stands cancelled.N.B.-The employee should draw lines across blank space below the last entry to prevent the insertion of any name after he has signed.Dated this.....day of.....20.....at.....Witnesses to signature

1.

.....

2.

.....Signature of employee*Note-1. This column should be filled in so as to cover the whole amount of gratuity.**Note-2. The amount/share of gratuity shown in this column should cover the whole amount/share payable to the original nominees.(To be filled in by the Chairman of the concerned Council)

Nomination by..... Signature of the Chairman of the...Municipal Council/NotifiedArea/ Council

Designation..... Date.....

Office..... Designation.....

Proforma for acknowledging the receipt of nomination by the Executive Officer of Municipal Council/Notified Area CouncilTo.....Sir,In acknowledging the receipt of your nomination dated cancellation dated of the nomination made earlier in respect of death-cum-retirement gratuity in Form 'D', I am to state that they have been duly placed on record.Signature of Executive Officer of.....Municipal Council/Notified Area Council(Designation)Dated.....20.....Form 'E'[See Rule 65]Nomination for family pensionI hereby nominate the persons mentioned below, who are members of my family, to receive in the order shown below the family pension which may be granted in the event of my death after competition of 10 years qualifying service.

Name and address of nominee	Relationship with employee	Age	Whether married or unmarried
(1)	(2)	(3)	(4)

This nomination supersedes the nomination made by me earlier onwhich stands cancelled.N.B.-The employee should draw lines across blank space below the last entry to prevent the insertion of any name after he has signed. Dated this day of 20 at.....Witnesses to signature:

1.

.....

2.

.....Signature of employee(To be filled in by the Chairman of the concerned Council)

Nomination by..... Signature of the Chairman of the...Municipal Council/NotifiedArea/ Council

Designation..... Date.....

Office..... Designation.....

Proforma for acknowledging the receipt of the Nomination Form by Executive Officer of the concerned CouncilTo.....Sir,In acknowledging the receipt of your nomination dated.....cancellation dated.....of the nomination made earlier, in respect of family pension in 'Form 'E', I am to state that they have been duly placed on record.DatedSignature of Executive Officer ofthe.....Municipal Council/Notified Area Council(Designation)Form 'F'[See Rule 66]Details of familyName of the employee.....Designation.....Date of birth

.....Date of appointment.....Details of the members of my family* as on

Sl. No.	Name of the members of my family	Date of birth	Relationship with the employee	Initial of the Chairman	Remarks
(1)	(2)	(3)	(4)	(5)	(6)

123456789

I hereby undertake to keep the above particulars up-to-date by notifying to the Chairman any addition or alteration. Place.....Dated the.....Signature of the employee*Family for this purpose means-(a)wife, in the case of male employee(b)husband in the case of female employee(c)sons below eighteen years of age and unmarried daughters below twenty-one years of age including such son or daughter adopted legally before retirement.*Note-Wife and husband shall include respectively judicially separated wife and husband. Form 'G'[See Rules 77 to 81]Commutation of pensionsPart-I Form of applicationsSpace for Photograph*I.....desire to commute Rs.....P.....out of my.....**pension of Rs.....P.....a month, I certify that I have correctly answered each and all the questions below :Signature with date.....Designation at the time of retirement.....Address.....

Questions	Answers
1. What is the date of birth ?	
2. What is the date of retirement ?	
***3. (a) How much of your pension do you wish to commute ? (in words)	
(b) Have you already commuted a portion of your pension ? If so, give particulars and state the amount of pension originally sanctioned.	
(c) Has any application from you for commutation of pension ever been rejected or have you ever accepted/declined to accept commutation of pension on the basis of an addition of years to your actual age recommended by the medical authority ? If so, give particulars.	
4. From which Council do you draw or propose to draw your pension and commutation money?	
5. State the number of your pension payment order, if you are already drawing your pension.	
6. Without prejudice to the discretion of the sanctioning authority, from what date approximately do you wish this commutation to have effect ?	
7. At what station would you prefer your medical examination to take place ?	
8. State the amount of provident fund money (including any non-refundable withdrawals) and the amount of death-cum-retirement gratuity received by you	
Name of the Executive Officer who authorised the payment of Provident Fund money	
9. (including any non-refundable withdrawals) and death-cum-retirement gratuity to you	

Date.....Place.....Signature*. The portion of the pension to be commuted should consist of whole rupee or rupees and a multiple of five paise.**. The class of pension (superannuation, retiring, invalid compensation) should be stated, and if the amount is not known a suitable modification should be made in the form.***. In case of anticipatory pension, the pensioner may, if he so desires,

indicate his intention to commute the maximum amount in the event of his final pension being more than the anticipatory pension. In such a case, the amount proposed to be commuted may, alternately be expressed in form of percentage of full pension within the maximum, permissible limit. The pensioner may also indicate whether he anticipates that the final amount of pension that he would be entitled to commute might exceed Rs. 25 in case he desires to commute a sum exceeding Rs. 25. Part-II Forwarded to the

2. Subject to the medical authority's recommending commutation the lump-sum payable will be as stated below :

		Amount of monthly pension to be commuted Rs.	Commuted value Rs.
If the commutation becomes absolute before the applicant's next birthday which falls on.....	On the basis of normal age, i.e..... years. On the basis of normal age plus 1 year, i.e..... years. On the basis of normal age plus 2 years, i.e..... years. On the basis of normal age plus 3 years, i.e..... years. On the basis of normal age plus 4 years, i.e..... years. On the basis of normal age plus 5 years, i.e..... years.		
If the commutation becomes absolute after the applicant's next birthday but before his next birthday but one	On the basis of normal age, i.e..... years. On the basis of normal age plus 1 year, i.e..... years. On the basis of normal age plus 2 years, i.e..... years. On the basis of normal age plus 3 years, i.e..... years. On the basis of normal age plus 4 years, i.e..... years. On the basis of normal age plus 5 years, i.e..... years.		

3. The sums payable will be a charge on.....

Station.....Date.....Memo No...../U.D.Dated.....the.....20.....Signature and designationPart-IIThe Government of Orissa are pleased to accord administrative sanction to the above commutation. A certified copy of paragraph 2 of Part-II of this Form has been forwarded to the applicant in Form G-1. Under-Secretary to GovernmentUrban Development DepartmentMemo No...../U. D.Dated Bhubaneswar, the.....20...Forwarded with a copy of Form G-2 and an extra copy of Part-III of Form G-2 and the Medical reports referred to.....to the.....of.....in original on.....(date) with the request that he will kindly arrange for the medical examination on the applicant by the proper medical authority.....as early as possible within three months from but not earlier than (date of retirement) and inform the applicant direct in sufficient time where and when he should appear for the medical examination. The applicant's present address is.....*2. The

next birthday of the applicant falls on and his medical examination may be arranged before that date but within the period prescribed in the sanctioning order.* To be omitted where the new, birthday falls beyond the prescribed date. Form G-I[See Rule 80]Commutation of pensionPart-I Subject to the medical authority's recommending commutation and the conditions prescribed in Part-II of this Form, the lump sum payable will be as stated below :

		Amount of monthly pension to be commuted Rs.	Commuted value Rs.
Sum payable if the commutation becomes absolute before the applicant's next birthday which falls on....	On the basis of normal age, i.e..... years. On the basis of normal age plus 1 year, i.e..... years. On the basis of normal age plus 2 years, i.e..... years. On the basis of normal age plus 3 years, i.e..... years. On the basis of normal age plus 4 years, i.e..... years. On the basis of normal age plus 5 years, i.e..... years.		
Sum payable if the commutation becomes absolute after the applicant's next birthday but before his next birthday but one	On the basis of normal age, i.e..... years. On the basis of normal age plus 1 year, i.e..... years. On the basis of normal age plus 2 years, i.e..... years. On the basis of normal age plus 3 years, i.e..... years. On the basis of normal age plus 4 years, i.e..... years. On the basis of normal age plus 5 years, i.e..... years.		

Station.....Date.....(Designation)Memo No /U. D.Bhubaneswar, the20...Part-IIThe commutation for lump payment of the pension of.....is administratively sanctioned on the basis of the report of the Executive Officer contained in Part-I above. The table of present value on the basis of which the calculation in the Executive Officer's report have been made, is subject to alteration at any time. In the event of such alteration being made at any time between the date of administrative sanction to commutation and date on which commutation is to become absolute, payment shall be made in accordance with the modified table, but it shall be open to the applicant if the modified table is less favourable to his than that previously in force to withdraw his application by notice in writing despatched within 14 days of the date on which he receives notice of the modification. The sum payable will be the sum appropriate to the applicant's age on his birthday next after the date on which the commutation becomes absolute or if the medical authority directs that year shall be added to that age to the consequent assumed age.

2. The(here enter the designation and the address of the Chief Administrative Medical Officer) has been requested to arrange for the medical examination and inform Shi.....direct where and when he should appear for the examination. He should bring with him the enclosed Form G-2 with the particulars required in Part-I completed except for the signature.

3. The attention of applicant is invited to the provision of rules..... and.....of the Orissa Local Fund Service (Pension) Rules, an extract of which is enclosed.

Under Secretary to Government Urban Development DepartmentTo.....(Name and address of the applicant)Form G-2[See Rules 80 to 84]Part-I Statement to be filled In by the applicant for commutation of a portion of his pension under the provisions of the Orissa Local Fund Service (Pension) RulesThe applicant must complete this statement prior to his examination by the.....(here enter the medical authority) and must sign the declaration appended thereto in the presence of that authority.

1. State your name in full (in block letters).....

2. State place of birth.....

3. State your age and date of birth.....

4. Furnish the following particulars concerning your family :

Father's age, if living and state of health	Father's age at death and cause of death	Number of brothers living their ages and state ofhealth	Number of brothers dead, their ages and cause ofdeath	Mother's age, if living and state of health	Mother's age at death and cause of death	Number of sisters living, their age and state ofhealth	Number of sisters dead, their ages and cause ofdeath
1	2	3	4	5	6	7	8

5. Have any of your near relations suffered from tuberculosis (consumption, scorfula), cancer, asthma, fits, epilepsy, insanity or any other nervous disease ?

6. Have you ever been abroad ?

Where and for what period and how long since ?

7. Have you ever served in the Navy, Army, Air Force or in any Government Department ?

8. Have you ever been examined

(a)for Life Insurance or/and(b)by any Government Medical Officer or State Medical Board, civil or military ? If so, state details and with what results...

9. Have you ever been granted leave on medical certificate ? If so, state period of leave and nature of illness...

10. Have you ever-

(a)had small-pox, intermittent of any other fever, enlargement or suppeuration of glands, spitting of blood, asthma, inflammation of lungs, pleurisy, heart disease, fainting attacks, rheumatism, appendicitis, epilepsy, insanity or other disease of the ear, syphilis, gonorrhoea ; or(b)had any other disease or injury which required confinement to bed or medical or surgical treatment ; or(c)undergone any surgical operation ; or(d)suffered from any illness, wound or injury sustained while on active service during the World War II ?

11. Have you rupture ?

12. Have you varicocele, varicose veins or piles ?

13. Is your vision in each eye good ?

14. Is your hearing in each ear good ?

15. Have you any congenital or acquired malformation, defect or deformity ?

16. When were you last vaccinated ?

17. Is there any further matter concerning your health not covered by the above questions such as presence of albumen or sugar in the urine, marked increase or decrease in your weight in the last three years or being under treatment of any doctor within the last three months and the nature of illness for which such treatment was taken ?

Declaration by applicant(To be signed in presence of the medical authority)I declare all the above answers to be to the best of my belief, true and correct.I wilfully reveal to the medical authority all circumstances within my knowledge that concern my health and fitness.I am fully aware that by

wilfully making a false Statement or concealing a relevant fact I shall incur the risk of losing the commutation I have applied for and of having my pension withheld or withdrawn under Rule 7 of the Orissa Local Fund Service (Pension) Rules. Signed in presence of.....Applicant's signature.....Signature and designation of medical authorityPart-II (To be filled in by the examining medical authority)

1. Apparent age

2. Height

3. Weight

4. Girth of abdomen at level of umbilicus

5. Pulse rate-

(a)Sitting(b)StandingWhat is character of pulse ?

6. What is condition of arteries ?

7. Blood pressure-

(a)Systolic(b)Diastolic

8. Is there any evidence of disease of the main organs-

(a)Heart(b)Lungs(c)Liver(d)Spleen

9. Does chemical examination of urine show (i) albumen (ii) sugar, state specific gravity ?

10. Has the applicant a rupture ? If so, state the kind and if reducible?

11. Describe any scars or identifying marks

12. Any additional information

Part-III/We have carefully examined Shri/Shrimati/Kumari.....and am/are of opinion that-He/She is in good bodily health and has the prospect of an average duration of life.ORHe/She is not in good bodily health and is not a fit subject for commutation.ORAlthough he/she is suffering from.....he/she is considered a fit subject for commutation but his/her age for the purpose of commutation, i.e., the age at next birthday should be taken to be (in words) years more than his/her

actual age.Station.....Dated.....Signature and designation of examining medical authority/reviewing medical authority.Form 'H'[See Rule 87]List of employees employed in the Municipalities/Notified Area Councils.....as on the 1st January, 20.....1st July, 20.....who are due for superannuation between 1st January to the 30th June/1st July to the 31st December of the next official year(To be sent to the Director, Municipal Administration, Bhubaneswar by the 31st January/31st July at the latest).

Sl. No.	Name of employee	Date of birth	Appointment held in officiating capacity, scale of pay, etc.	Appointment held in substantive capacity, scale of pay, etc.	Date of superannuation	If on extension of service, the date of expiry of the present extension	Whether the employee has made a formal application for pension, if so, the date of receipt of such application
1	2	3	4	5	6	7	8

Form 'T'[See Rule 88]Application for pensionFromTo.....Subject-Application for sanction of pension.Sir,I beg to say that I am due to retire from service with effect from the.....my date of birth being.....I therefore request that steps may kindly be taken with a view to the pension and gratuity admissible to me being sanctioned by the date of my retirement, desire to draw my pension from.....Municipal Council/Notified Area Council.

2. I hereby declare that I have neither applied for, nor received any pension or gratuity in respect of any portion of the service qualifying for this pension and in respect of which pension and/or gratuity is claimed herein nor shall I submit an application hereafter without quoting a reference to this application and the orders which may be passed hereon.

3. I enclose herewith-

(i)two specimen signatures of mine, duly attested;*(ii) three copies of a passport size joint photograph with my wife/ husband duly attested ;**(iii) two slips each bearing my left-hand thumb and finger impressions duly attested ;(iv)two slips showing the particulars of my height and identification marks are attested.

4. My present address is.....and my address after retirement will be.....

(Signature)DesignationDate.....Note - Any subsequent change of address should be notified to the Chairman of the Council.*. Only two copies of passport size photograph of self need be furnished if the employee is unmarried or widower or a widow.**. This is required only in the case of a person

who is not literate enough to sign his name. If such an employee on account of physical disability is unable to give left-hand thumb and finger impressions he may give the thumb and finger impressions of the right hand. Where an employee has lost both the hands he may give his impressions, impressions should be duly attested. Form 'J'[See Rule 90]Form for assessing pension and gratuity(To be sent in duplicate if payment is desired in different offices of the Councils)Part-I 1. Name of employee.....

2. Father's name (and also husband's name in the case of a woman employee).....

3. Religion and Nationality.....

4. Permanent residential address showing village/town/district and State.....

5. Present or last appointment, including name of establishment.....

(i)Substantive.....(ii)Officiating, if any.....

6. Class of pension or service gratuity applied for and cause of application

7. Pension Rules opted/eligible.....

8. Government under which service has been rendered (in order of employment) :

(a)period of Civil Service.....(b)period of War/Military service(c)Amount and nature of any pension/gratuity received for Military service.....(d)Amount and nature of any pension/gratuity received for Civil Service :.....

9. (a) Average emolument.....

(b)Emoluments for Gratuity.....

10. Pay as defined in Orissa Local Fund Service (Pension) Rules.....

11. Proposed pension.....

Total period of service.....Note - Date of commencement and date of ending of each period of military service, if any, should also be indicated in this section. Section II Emoluments drawn during the last ten months Post held from to pay personal/special pay Average emoluments - *In a case where the last ten months includes some period not to be reckoned, for Calculating average emoluments an equal period backwards has to be taken for calculating the average emoluments. Section III Period(s) of non-qualifying service

From To

1. Interruption(s)
2. Extraordinary leave not qualifying for pension
3. Period of suspension not treated as qualifying
4. Any other service not treated as qualifying

Total

Section IV Period of service not verified with reference to Acquittance Rolls. Whether the above period verified in accordance with the provisions of Rule 91 and if not, whether the necessity of verification of the aforesaid period of service dispensed with under orders of appropriate authority. Part-III Section I(a) Audit enforcement-

1. Total period of qualifying service which has been accepted for the grant of superannuation/retiring/invalid/compensation pension/ gratuity, with reasons for disallowance, if any (other than disallowance indicated in second page).

Note-Service for the period commencing from..... and up to the date of retirement has not yet been verified; this should be done before the pension payment order is issued.

2. Amount of superannuation/retiring/invalid/compensation/gratuity, that has been admitted.

3. Amount of superannuation/retiring/invalid/compensation pension/ gratuity, admissible after taking into account reduction, if any, in pension and gratuity made by the authority sanctioning pension.

4. Total period of qualifying service which has been approved for grant of special additional pension.

5. The amount of special additional pension, if any, admitted under the rules.

6. The date from which the special additional pension is admissible.

- 7. The date from which the superannuation/retiring/invalid/compensation pension/gratuity is admissible.**
- 8. Head of Account to which the superannuation/retiring/invalid/compensation and special additional pension/gratuity is chargeable.**
- 9. The amount of life-time family pension becoming payable to the entitled members of family in the event of the death of the employee after retirement.**

Chairman.....Municipal Council/Notified Area CouncilSection II

- 1. Date of submission of pension application by the employee.....**
- 2. Name of the employee.....**
- 3. Class of pension or gratuity.....**
- 4. Sanctioning authority.....**
- 5. Amount of pension sanctioned.....**
- 6. Amount of gratuity sanctioned.....**
- 7. Date of commencement of pension.....**
- 8. Date of sanction.....**
- 9. Amount of family pension admissible in the event of death of pensioner**
- 10. Dues payable to the Council held over from the gratuity.....**

Part-IV Instructions

- 1. Calculation of average emoluments. - The calculation of average emoluments mentioned at item 9 of Part-I should be based on the actual number of days contained in each month.**

2. Compensation pension or gratuity. - (a) If the application is for a compensation pension or gratuity the particulars of the savings effected should be duly stated against item 6 of the Part-I.

(b) State why employment was not found elsewhere.

3. History of service. - (a) Give date, month and year of various appointments, promotions and cessations. For the purpose of addition towards, broken periods, a month is reckoned as thirty days.

(b) All periods not reckoned as service should be distinguished and reasons for their exclusions given in the remarks column.

4. Identification marks. - Specify a few conspicuous marks, not less than two, if possible.

5. Name. - When initials or name of employees are incorrectly given in the various records consulted mention this fact in the letter forwarding the pension papers to avoid unnecessary reference.

6. Date of retirement. - Shown in the Service Book and the Last Pay Certificate.

7. Reinstatement. - In the case of an employee who has been reinstated after having been suspended, compulsorily retired, removed or dismissed, brief statement leading to his reinstatement should be appointed.

Part-III Good/fair/indifferent/bad

1. Remarks of the Chairman of the Council-

(1) As to the character, conduct and past service of the deceased employee; (2) Explanation of any suspension or degradation; (3) Any other remarks; (4) Special opinion of the Chairman whether the service claimed is established and should be admitted or not.

2. Orders of the pension sanctioning authority.

The undersigned having satisfied himself that the service of the late Shri/Shrimati/Kumari.....was thoroughly satisfactory hereby orders the grant of the full death-cum-retirement gratuity and family pension which may be accepted by the Director, Municipal Administration as admissible under the Orissa Local Fund Service (Pension) Rules to the person(s) mentioned in Part-I of this Form. OR The

undersigned having satisfied himself that the service of the late Shri/Shrimati/Kumari was not thoroughly satisfactory hereby orders that the amount of gratuity and family pension as may be accepted by the Director, Municipal Administration under the Orissa Local Fund Service (Pension) Rules, shall be reduced by the amount specified below before any authority for payment is issued to the person(s) mentioned in Part-I of this Form. Amount of reduction in the gratuity Amount of reduction in family pension. The grant of gratuity or of family pension or of both shall take effect from Place..... Dated the..... Signature and designation of the pension sanctioning authority

Part IV – Section I

Audit encasement

1. Total period of qualifying service which has been accepted for-

(i) Death-cum-retirement gratuity..... (ii) Family pension..... Note-Service for the period commencing from and up to the date of death has not yet been verified, this should be done before pension payment order is issued.

2. Reduction ordered by pension sanctioning authority.

3. Net amount of death-cum-retirement gratuity after taking into account the reduction mentioned in item 2 and other dues payable to the Council.

4. Amount of family pension-

(i) if death took place before seven years of service (ii) if death took place after seven years of service, the period of tenability of the enhanced pension.

5. Amount of family pension after taking into account the reduction mentioned in item 2 and the period for which it is tenable.

6. The date on which family pension is admissible.

7. Head of account to which death-cum-retirement gratuity and family pension are chargeable.

Director, Municipal Administration, Orissa Section II

- 1. Name of the deceased employee.....**
- 2. Date of death of the employee**
- 3. Date of submission of claim by the family of the deceased employee..**
- 4. Sanctioning authority.....**
- 5. Amount of family pension sanctioned.....**
- 6. Amount of gratuity sanctioned.....**
- 7. Date of sanction.....**
- 8. Amount recoverable from gratuity.....**
- 9. The amount of gratuity held over for adjustment of unassessed dues payable to the Council.....**

Part-V Instructions

- | | |
|-------------------------|--|
| 1. Average emoluments | The calculation of average emoluments, mentioned in item 18 of Part-I of this Form should be based on the actual number of days contained in each month. |
| 2. Details of service | (a) Give date, month and year of the various appointments, promotions and cessations. For the purpose of adding towards broken periods, a month is reckoned as thirty days.
(b) All period not reckoned as service should be distinguished. |
| 3. Identification marks | Specify a few conspicuous marks, not less than two, if possible. |
| 4. Name | When initials or the name of the employee are or is incorrectly given in the various records consulted, mention this fact in the letter forwarding the pension papers. |
| 5. Date of death | Date of death to be indicated in the Service Book and the Last Pay Certificate, if any. |
| 6. Alterations | Alterations to be made in red ink under dated initials of a Gazetted Government servant. |

Form J-1[See Rule 91]Form of Surety BondIn consideration of the Council of.....Municipality/Notified Area (hereinafter called the "Council" which expression shall include his successors and assigns) having agreed to settle the final accounts of Shri/Shrimati without production of a "No Demand Certificate" from the..... I hereby stand surety (which expression shall include my heirs, executors and administrators) for payment to the said.....of

rent and other dues in respect of residence now allotted him by the Council and also for any residence that may be allotted or that was allotted to the said from time to time by Council. I, the surety, further agree and undertake to indemnify the Council against all loss and damage until delivery of vacant possession of the above said residence is made over to Council. I hereby also stand surety for any amount that may be due by the said.....to the Council by way of over payment of pay, allowances, leave salary, advances for conveyance, house-building or other purposes, or any other dues. The obligation undertaken by me shall not be discharged or in any way affected by an extension of time or any other indulgence granted by Council to the said..... This guarantee shall remain in force till-(i) the "No Demand Certificate" is issued by the pension sanctioning authority in favour of the said..... (ii) the office of the Council in which the said was last employed has certified that nothing is now due to the Council from the said..... The stamp duty on this instrument shall be borne by Council. Signature of the surety Signed and delivered by the said surety-at.....this.....day of in the presence of : (1) Signature.....Address and occupation of witness (2) Signature.....Address and occupation of witness Certified that Shri/Shrimati is a permanent employee Signature of the Chairman of the.....Notified Area Council/Municipal Council or office in which the surety is employed This bond is hereby accepted. Signature and designation. Form J-2 [See Rule 92] Form of letter to the Director of Municipal Administration, Orissa forwarding the pension papers of an employee under Local Fund Service No.....Office of the Chairman of the Council. Dated.....To The Director of Municipal Administration, Orissa Sir I am directed/have the honour to forward herewith the pension paper of Shri/Shrimati/Kumari.....of this office/as per list for further necessary action. Yours faithfully, Chairman of the.....Municipal Council/Notified Area Council List of enclosures

1. Form 'K'..... with details of service, etc. and Form 'K-2' containing the orders of the pension sanctioning authority.

2. Medical Certificate for invalidation [if the claim is for (invalid pension)].

3. Service Book.

4. Memorandum of average emoluments reckoning for pension.

5. Last Pay Certificate.

6. (a) Two specimen signatures, duly attested by Gazette Government servant/Executive Officer of the concerned Council or in the case of pensioner not literate enough to sign his name, two slips bearing the left hand thumb and finger impressions, duly attested by a Gazetted Government servant/Executive Officer of the concerned Council, and

(b) Three copies of joint passport size photographs with wife/ husband, duly attested by the Executive Officer of the concerned Council.

7. Application for pension in Form 'J'.

8. Explanation for delay, if any, beyond one month from the date of retirement of the employee in forward in Forms 'K' and K-2.

9. When the fact of service in other offices is not satisfactorily attested in the Service Book duly certified abstract from the Executive Officers of the Council.

10. Statement of the applicant and collateral evidence as required under the rules duly accepted by the authority competent to sanction the pension.

Form J-3[See Rule 95]Form for sanctioning pension(To be sent in duplicate, if payment is desired in a different Municipal Council/Notified Area Council)

1. Name of the employee.....

2. Father's name (and also husband's name in the case of a women employee).....

3. (a) Present or last appointment, including name of establishment

(i)Substantive.....(ii)Officiating, if any.....(b)Remarks by the receiving authority-(i)As to character and past conduct of employee.....Good/Fair/Indifferent/Bad(ii)As to service.....Thoroughly satisfactory/Not thoroughly satisfactory(iii)Explanation of any suspension or degradation.....(iv)Any other remarks(v)Specific opinion of the receiving authority whether the service claimed is established and should be admitted or not-Signature and Designation of the receiving authority with date

4. (a) Orders of the pension sanctioning authority-The undersigned having satisfied himself that the service of Shri/Shrimati/Kumari.....has been thoroughly satisfactory hereby orders the grant of the full pension death-cum-retirement gratuity, service gratuity which may be accepted by the Director of Municipal Administration, Orissa, as admissible under rules; or

The undersigned having satisfied himself that the service of Shri/ Shrimati/Kumari.....has not been thoroughly satisfactory hereby orders that the full pension service and/or death-cum-retirement gratuity which may be accepted by the Director of Municipal Administration, Orissa as admissible under the rules shall be reduced by the specified amount or percentage indicated below :(i)Amount or percentage of reduction in pension.....(ii)Amount or percentage of reduction in gratuity.....(b)The grant of pension service gratuity and/or

death-cum-retirement gratuity shall take effect from.....(c)In the event of death of Shri/Shrimati.....of family pension will be payable to the eligible member of the family as admissible under the rules(d)A sum of Rs.....on account of is to be held over from the gratuity till the outstanding dues payable to Council are assessed and adjusted(e)The following service of the employee has been approved for the grant of special additional pension admissible under the rules:Post/Posts held;Period of service;(f)The pension and gratuity, are payable at.....Council office are chargeable to the held.....(g)This order is subject to the condition that if the amount of pension service [gratuity and/or death-cum-retirement gratuity as authorised be afterwards found to be in excess of amounts to which the pensioner is entitled under the rules, he/she shall be called upon to refund such excess.Signature and Designation of the pension sanction authorityForm 'K'[See Rule 99]Form of letter to the member or members of the family of a deceased employee where valid nomination for the grant of the death-cum-retirement gratuity existsTo.....Subject : Payment of death-cum-retirement gratuity in respect of the late Shri/Shrimati.....Sir/Madam,I am directed to state that in terms of the nomination made by the last Shri/Shrimati.....(Designation) in the Municipality/Notified Area Council of.....a death-cum-retirement gratuity is payable to his/her nominee(s) (a copy of the said nomination is enclosed herewith).

2. I am to request that claim for the grant of the gratuity may be submitted by you in the enclosed Form 'M'.

3. Should any contingency have happened since the date of making the nomination, so as to render the nomination invalid, in whole or in part, precise details of the contingency may kindly be stated.

Yours faithfully,Chairman of the Municipality/Notified Area CouncilForm K-1[See Rule 99]Form of letter to the member or members of the family of a deceased employee where valid nomination for the grant of the death-cum-retirement gratuity does not existTo.....Subject : Payment of death-cum-retirement gratuity in respect of the late Shri/Shrimati.....Sir/Madam,I am directed to say that in terms of Rule 47 of the Orissa Local Fund Service (Pension) Rules, 1980 a death-cum-retirement gratuity is payable to the following members of the family of late Shri/Shrimati (Designation).....in the Municipality/Notified Area Council of in equal shares(i)Wife/Husband(ii)Sons(iii)Unmarried daughters (including step children and adopted children)

2. In the event of there being no surviving member of the family as indicated above, the gratuity will be payable to the following members of the family in equal shares :

- (i) widowed daughters including step-daughters and adopteddaughters
- (ii) Father

whose personal law
permits adoption

- (iii) Mother
- (iv) Brother below the age of eighteen years and unmarried widowed sisters including step-brothers and step-sisters
- (v) Married daughters, and
- (vi) Children of pre-deceased son.

3. It is requested that a claim for the payment of gratuity may be submitted in the enclosed Form 'M' as soon as possible.

Yours faithfully, Chairman of the Municipality/ Notified Area Council
Form K-2 [See Rule 99] Form at application for the grant of the death-cum-retirement gratuity on the death of an employee (To be filled in separately by each applicant)

1. Name of the applicant.....

2. (i) Name of the guardian in case the applicant is minor.....

(ii) Date of birth of guardian.....

3. Name of the deceased employee.....

4. Date of death of the employee.....

5. Municipality/Notified Area Council in which the deceased served last.....

6. Relationship with the employee.....

7. Date of birth of the applicant.....

8. Name of the Municipality/Notified Area Council of which payment is desired.....

9. Full address of the applicant.....

10. Signature or thumb impression of the applicant

(To be furnished in a separate sheet duly *attested).

11. Attested by

Name Full Address Signature

(i)

(ii)

12. Witnesses -

(i)(ii)*Attestation should be done by two Gazetted Government servants or two or more persons of respectability in the town/village in which the applicant resides. Form 'L'[See Rule 99]Form of letter to the widow/widower of the deceased employee for grant of family pension To.....Subject : Payment of family pension in respect of late Sri/Shrimati.....Sir/Madam,I am directed to say that in terms of rules of the Orissa Local Fund Service (Pension) Rules, 1980 a family pension is payable to you as widow/widower of the late Shri/Shrimati.....(Designation).....in the Municipality/Notified Area Council of.....

2. You are advised that claim for the grant of family pension may be submitted as soon as possible in Form L-1.

3. The family pension will be payable till your death or re-marriage whichever event occurs earlier. In the event of your death or re-marriage, the family pension shall be granted to the child or children, if any, through the guardian.

Yours faithfully,Executive Officer of the Municipality/Notified Area CouncilForm L-1[See Rule 99]Form of application for the grant of family pension on the death of an employee/pensioner

1. Name of the applicant-

(i)Widow/Widower(ii)Guardian, if the deceased person is survived by child or children(iii)Unmarried daughter who has attained the age of eighteen years.

2. Name and age of surviving widow/widower and children of the deceased employee/pensioner :

Sl. No.	Name	Relationship with the deceased person	Date of birth by Christian era
(1)(2)(3)(4)(5)(6)			

3. Date of death of the employee/pensioner.....

4. Municipality/Notified Area Council in which the deceased employee pensioner served last.....

5. If the applicant is guardian, his date of birth and relationship with the deceased employee/pensioner.....

6. Full address of the applicant.....

7. Name of the Municipality/Notified Area Council at which payment is desired.....

8. Enclosures-

(i)two specimen signatures of the applicant duly attested (to be furnished in two separate sheets);(ii)two copies of passport size photograph of the applicant, duly attested;(iii)two slips each bearing left hand thumb and finger impressions*, of the applicant, duly attested;(iv)Descriptive roll of the applicant, duly attested indicating (a) height and (b) personal marks, if any, on the hand, face, etc. (To be furnished in duplicate);(v)Certificate(s) of age (in original with two attested copies) showing the dates of birth of the children. The certificate should be from the Municipal authorities or from the local Panchayat or from the head of a recognised school if the child is studying in such school.

9. Signature or left hand thumb impression* of the applicant.....

10. Attested by-

Name Full Address Signature

(i)

(ii)

11. Witnesses -

(i)(ii)Note-Attestation should be done by two Gazetted Government servants or two or more persons of respectability in the town, village, in which the applicant resides.*To be furnished in case the applicant is not literate enough to sign his name.Form 'M'[See Rule 99]Form for assessing and sanctioning family pension and death-cum-retirement gratuity when an employee dies while in service(To be sent in duplicate, if the payment is desired in different offices of the Councils).Part-I

1. Name of the deceased employee.....

- 2. Father's name (and also husband's name in the case of female employee).....**
- 3. Date of birth (by Christian era).....**
- 4. Date of death (by Christian era).....**
- 5. Religion and nationality.....**
- 6. Office in which last employed.....**
- 7. Appointment held last-**
(i)Substantive.....(ii)Officiating.....
- 8. Date of beginning of service.....**
- 9. Date of ending of service.....**
- 10. (i) Total period of military service for which pension/gratuity was sanctioned.....**
(ii)Amount and nature of any pension/gratuity received for the military service.....
- 11. Amount and nature of any pension received for previous civil service, if any.....**
- 12. Government under which service has been tendered in order of employment.....**
- 13. Interruption and non-qualifying service.....**
- 14. Length of qualifying service.....**
- 15. Emoluments reckoning for gratuity.....**
- 16. Proposed death-cum-retirement gratuity.....**

17. Whether nomination made for-

(i)Death-cum-retirement gratuity.....(ii)Family pension, if applicable.....

18. If family pension applies and the employee had rendered more than ten years' qualifying service :

(i)"Average emoluments" for pension, if the employee had retired on the date following the date of his death.....(ii)Proposed pension.....(iii)Proposed family pension.....(iv)Period of tenability of family pension from.....to.....

19. Persons to whom family pension is payable Name.....

Relationship with the deceased employee.....Full postal address.....

20. Persons to whom death-cum-retirement gratuity is payable-

Name	Amount of the share of death-cum-retirement gratuity	Relationship with the deceased	Full postal address
1	2	3	4

21. Name of the guardian who will receive payment of family pension and death-cum-retirement gratuity in the case of minor(s).....

22. Dues payable to the Council, if any, outstanding against the deceased employee.....

23. Head of account to which family pension and death-cum-retirement gratuity are debatable.....

24. Name of the office of the Council where the payment of family pension and death-cum-retirement gratuity is desired.....

Signature of the Executive OfficerMunicipality/Notified Area CouncilPlaceDated the.....Part-II Section I
Details of service (showing interruption) of the late
Shri/Shrimati/KumariDate of birth.....Date of death.....

Establishment Appointment	Officiating / Substantive	Date of beginning of service	Date of ending of service	Period reckoning as service	Period not reckoning as service	Remarks by the Executive Officer

1	2	3	4	5	6	7	8
					Y.M.D.	Y.M.D.	

Total period of service.....Note-It the deceased employee had rendered any Military service which qualified for civil pension, date of commencement and date of ending of each period of such service should also be indicated.

2. The Executive Officer should record briefly in Column (8) his reasons for disallowing any service claimed; any other disallowance should be recorded with reasons therefor in the Audit enforcement in Section I of Part-IV of this Form.

Section IIDetails of non-qualifying service

1. Interruption(s)

2. Extraordinary leave not qualifying for pension.....

3. Period of suspension not treated as qualifying.....

4. Any other service not treated as qualifying.....

TotalSection IIIPeriod of service not verified with reference to the Acquittance RollsWhether the above period has been verified in accordance with the provisions of Rule 92 of the Orissa Local Fund Service (Pension) Rules.Part-III Remarks(1)As to the character, conduct and past service of the Good/fair deceased employee.....(2)Explanation of any suspension or degradation.....(3)Any other remarks.....CertificateThe undersigned having satisfied himself that the service of the lateShri/Shrimati/Kumari was thoroughly satisfactory hereby recommends the grant of the full death-cum-retirement gratuity and family pension which may be accepted.Signature of the ChairmanForm 'N'[See Rule 100]Form of letter sanctioning family pension to the child or children of a retired employee who dies after retirement but does not leave behind a widow/widowerToThe Director, Municipal AdministrationSubject- Grant of family pension to the child/children.Sir,I am directed to say that Shri/Shrimati.....formerly.....(Designation) in the Municipality/Notified Area Council was sanctioned pension of Rs.....with effect from.....on his retirement from service.

2. Intimation has been received in this Municipality/Notified Area Council that Shri/Shrimati.....died on.....that at the time of death left no widow/widower but was survived by the following children:

Sl. No.	Name Son/daughter	Date of birth in Christian era	Date from which family pension ceases to bepayable
---------	-------------------	-----------------------------------	---

(1) (2) (3) (4) (5)

1.2.3.4.5.

3. In terms of Chapter VII of the Orissa Local Fund Service (Pension) Rules, 1980 the amount of family pension has become payable to the children in the order mentioned above. The family pension will be payable on behalf of the minors to Shri/Shrimati.....who is the guardian.

4. Sanction for the grant of family pension to the children mentioned above is hereby accorded. The family pension will take effect from..... and subject to the provisions of Chapter VIII of the Orissa Local Fund Service (Pension) Rules, 1980 will be tenable till.....

5. The family pension is debatable to the Head.....

6. Attention is invited to the information furnished in the enclosed list.

7. The receipt of the letter may kindly be acknowledged and this Municipality/Notified Area Council informed that necessary instruction for the payment of family pension have been issued.

Yours faithfully, Chairman of the Municipality/Notified Area Council
Form 'O'[See Rule 100]Form of letter sanctioning family pension to the child or children on the death or remarriage of a widow/widower who was in receipt of family pension
ToThe Director of Municipal Administration.....Subject- Grant of family pension to the child/children.SirI am directed to say that Shrimati/Shri.....widow/widower of late, Shri/Shrimati/.....formerly.....(Designation) in.....Municipality/Notified Area Council was sanctioned family pension of Rs.....with effect from the.....The family pension was tenable till the death or re-marriage of the widow/widower.

2. Intimation has been received in this Municipality/Notified Area Council that Shri/Shrimati died/re-married on.

3. At the time of death/re-marriage, Shri/Shrimati.....had following children*

Sl. No.	Name Son/daughter	Date of birth in Christian era	Date from which family pension ceases to be payable
(1)	(2)	(3)	(4)
(5)			

1.2.3.4.5.

4. In terms of Chapter VIII of the Orissa Local Fund Service (Pension), Rules, 1980 the amount of family pension has become payable to the children in the order mentioned above. The family pension will be on behalf of the minors Shri/Shrimati.....who is the guardian.

5. Sanction for the grant of family pension of Rs.....per month to the children mentioned is hereby accorded. The family pension will take effect from and subject to the provisions of Chapter VII of the Orissa Local Fund Service (Pension) Rules, 1980 will be tenable till.....

6. The family pension is debitable to the head.....

7. Attention is invited to the information furnished in the enclosed list.

8. The receipt of this letter may kindly be acknowledged and this Municipality/ Notified Area Council informed that necessary instruction for the payment of family pension to the guardian have been issued.

Yours faithfully, Chairman of the Municipality/Notified Area Council*The names of children should be mentioned in the order of eligibility mentioned in Chapter VIII. Children born as a result of marriage which took place before the retirement of the employee or children adopted legally before retirement should only be included. List

1. Permanent address of the guardian

2. Place of payment

Enclosures

3. Specimen signature or left hand thumb and finger impression of the guardian duly attested

4. Two attested copies of a passport size photograph of the guardian

5. Descriptive toll of the guardian duly attested

*To be furnished in the case of the guardian, who is not literate enough to sign his/her name. Form 'P'[See Rule 101]Form of claim application for the grant of residuary *gratuity on the death of a pensioner(To be filled up separately by each applicant)

- 1. Name of the applicant.....**
- 2. (i) Name of the guardian in case the applicant is a minor.....**
(ii) Date of birth of guardian
- 3. Name of the deceased pensioner.....**
- 4. Municipality/Notified Area Council in which the deceased pensioner served last.....**
- 5. Date of death of the pensioner.....**
- 6. Date of retirement of the deceased pensioner.....**
- 7. Amount of monthly pensions **(including ad hoc increase, if any,) sanctioned to deceased pensioner.....**
- 8. Amount of death-cum-retirement gratuity received by the deceased pensioner.....**
- 9. The amount of Pension**, (including ad hoc increase, if any,) drawn by the deceased till the date of death.....**
- 10. If the deceased had commuted a portion of pension before his death the commuted value of the pensions.....**
- 11. Total of items 8, 9, 10.....**
- 12. Amount of death-cum-retirement gratuity equal to 12 times of the emoluments.....**
- 13. The amount of the residuary gratuity claimed, i.e., the difference between the amount shown against item 12 and item 11.....**
- 14. Relationship of the applicant with the deceased pensioner.....**

15. Date of birth of the applicant.....

16. Name of the Council at which payment is desired.....

17. Full address of the applicant.....

18. Signature or thumb impression of the applicant (To be furnished in a separate sheet duly attested)***

19. Attested by-

Name Full Address Signature

(i)

(ii)

20. Witnesses-

(i)(ii)*If a retired employee in receipt of service gratuity or pension dies within five years from the date of his retirement from service including compulsory retirement as a penalty and the sums actually received by him at the time of his death on account of such gratuity of pension including ad hoc increase, if any, together with the death-cum-retirement gratuity and the computed value of any portion of pension commuted by him are less than the amount equal to 12 times of his emoluments, a residuary gratuity equal to the deficiency becomes payable to the family.**When the employee had retired before earning a pension, the amount of service gratuity should be indicated.***Attestation should be done by two Gazetted Government servants or by two or more persons of respectability in the town/village in which the applicant resides. Form 'Q'[See Rule 102]Form of Indemnity BondKnow all men by these presents that we*.....**the widow/son/brother, etc.**
of*.....deceased, resident of(hereinafter called the obliger) and
****.....son/wife/daughter of resident ofand.....son/wife/daughter
of.....resident of.....the sureties for and on behalf of the obliger (hereinafter called "the sureties") are held and firmly bound to the Council (hereinafter called the Council in the sum of Rs.....(Rupees.....) only well and surely to be paid to the Council on demand and without a demur for which payment we bind ourselves and our respective heirs, executors, administrators, legal representatives, successors and assigns by these presents.Signed this.....day of two thousand and.....Whereas****..... was at the time of his death in the employment of the Council/receiving a pension at the rate of Rs.....(Rupees.....) only per month from the Council;And whereas the said ****.....died on the.....day of.....20 and there was due to him at the time of his death the sum of Rs.....(Rupees.....) only for and towards his minor son/daughter in the death-cum-retirement gratuity;And whereas the obliger claims to be entitled to the said sum as de facto guardian of the minor son/daughter of the said****.....but has not obtained till the date of these presents the certificate of guardianship from any competent Court of law in respect of the said minor(s);And whereas the obliger has satisfied the.....***** that he/she is entitled to the aforesaid sum and that it should cause undue delay and hardship if the

obligor be required to produce the certificate of guardianship from the competent Court of law before payment to him of the said sum of Rs;And whereas the Council has no objection to the payment of the said sum to the obligor but under provisions of rules and orders, it is necessary for the obligor to first execute a bond with one surety/two sureties to indemnify the Council against all claims to the amount so due as aforesaid to the said ***before the said sum can be paid to the obligor;And whereas the obligor and at his/her request the surety/sureties have agreed execute the bond in the terms and manner hereinafter contained;Now the condition of this bond is such that if after payment has been made to the obligor, the obligor and/or the surety/sureties shall in the event of a claim being made by any other person against the Council with respect to the aforesaid sum of refund to the Council the said sum of Rs....and shall otherwise indemnify and keep the Council harmless and indemnified against and from all liabilities in respect of the aforesaid sum and all costs incurred in consequence of the claim thereto then the above-written bond or obligation shall be void and of no effect but otherwise shall remain in full force, effect and virtue;And these presents also witness that the liability of the sureties hereunder shall not be impaired or discharged by reason of time being granted by or any forbearance act or omission of the Council whether with or without the knowledge or consent of the surety/sureties in respect of or in relation to the obligations or conditions to be performed or discharged by the obligor or by any other method or thing whatsoever which under the law relating to sureties, shall but for this provision has the effect of so releasing the surety/ sureties from such liability nor shall it be necessary for the Council to sue the obligor before suing the surety/sureties or either of them for the amount due hereunder, and the Council agrees to bear the stamp duty, if any, chargeable on these presents.In witness were of the obligor and the surety/sureties hereto have set and subscribed their respective hands hereunto on the day, month and year first above written.Signed by the above-named 'Obliger' in the presence of-

1.

.....

2.

.....Signed by the above-named 'Surety/Sureties'

1.

.....

2.

.....Accepted for and on behalf of the Council of Municipality/Notified Area.(Name and designation of the officer directed or authorised in pursuance of Article 299 (1) of the Constitution to.....)Accepted the bond for aid on behalf of the Council of.....Municipality/Notified Area in presence of.....(Name and designation of witness)Note I-*Full name of the claimant referred to as the 'Obliger'.** . State relationship of the obligor to the deceased.***. Name of the deceased

employee.****. Full name or names of the sureties with name or names of the father(s)/husband(s) and place of residence.*****. Designation of the office responsible for paymentNote II-The obliger as well as the sureties should have attained majority so that the bond may have legal effect or force.