

Rajasthan Government Servants' General Provident Fund Rules, 1997

RAJASTHAN

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Rule

RAJASTHAN-GOVERNMENT-SERVANTS-GENERAL-PROVIDENT-FUND of 1997

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Rajasthan Government Servants' General Provident Fund Rules, 1997Published vide Notification No. F.2(1)FD/Rules/96, dated 31-5-1997, published in Rajasthan Gazette (Extraordinary), dated 9-6-1997G.S.R. 38. - In exercise of the powers conferred by proviso to Article 309 of the constitution and Rule 21 of Rajasthan Service Rules, 1951 the State Government hereby makes the following rules regarding subscription towards General Provident Funds of persons appointed to service and posts in connection with the affairs of Rajasthan.

1. Title and Commencement.

(1)These rules shall be called the Rajasthan Government Servants' General Provident Fund Rules, 1997.(2)They shall come into force on the 1st Day of June, 1997.

2. Definitions.

- In these rules unless the context otherwise requires:(i)"Account" means the account of the account holder with the department in which all his deposits and interest are credited and withdrawals debited.(ii)"Account Holder" means the subscriber who is required to subscribe to provident fund account under these rules(iii)"Department" means department of State Insurance and Provident Fund, Government of Rajasthan.(iv)"Director" means the Director of State Insurance and Provident Fund Department and includes "Additional", "Deputy" and "Assistant" Director appointed in the Department.(v)"Family" means:(a)in the case of male subscriber, the wife or wives, parents, children, minor brothers, unmarried sisters, deceased son's widow and children and where no

parents of the subscriber is alive, a paternal grandparent: Provided that if a subscriber proves that his wife has been judicially separated from him or has ceased under the customary law of the community, to which she belongs to be entitled to maintenance she shall henceforth be deemed to be no longer a member of the subscriber's family in matters to which these rules relate unless the subscriber subsequently intimates in writing to the Director that she shall continue to be so regarded. (b) in the case of female subscriber, the husband, parents, children, minor brothers, unmarried sisters, deceased son's widow and children and where no parents of the subscriber is alive, a paternal grandparent: Provided that if a subscriber by notice in writing to the Director expresses her desire to exclude her husband from her family, the husband shall henceforth be deemed to be no longer a member of the subscriber's family in matters to which these rules relate, unless the subscriber subsequently cancels such notice in writing. (vi) "Fund" means the General Provident Fund to which all receipts and disbursements of the department in connection with GPF Scheme are carried. (vii) "Government" means Government of Rajasthan. (viii) "Head of the Office" means head of the office provided or declared under the General Financial & Accounts Rules, 1993. (ix) ["Pay" means total of Pay in Running Pay Band and Grade Pay thereon.] [Substituted by Notification No. G.S.R. 102, dated 12.9.2008 (w.e.f. 9.6.1997).] (x) "Pass Book" means the pass book issued to the Account holder by the Department/Head of Office and verified in accordance with the provisions of these rules. (xi) "Provident Fund Scheme" means the General Provident Fund Scheme as described in these rules. (xii) "State" means the State of Rajasthan. (xiii) "Subscriber" means an employee of the State Government appointed/regularised under relevant recruitment Rules, or an employee of the Zila Parishad or Panchayat Samiti or specified organisation appointed under rules applicable to him.

3. Compulsory Subscription to Provident Fund Scheme.

(1) Every person appointed to a substantive post or temporary post likely to be made substantive, whether permanently or temporarily under the Government or to a post in Zila Parishad, Panchayat Samiti or such organisation specified by the Government by an order issued to that effect, shall subscribe to the Provident Fund Scheme of the Department. (2) The Scheme shall cease to be applicable to the Account holder upon ceasing of his employment with State Government. Zila Parishad, Panchayat Samiti or specified organisation as the case may be. Note. - Subscriber who has been reappointed after retirement for more than one year at a time shall also subscribe.

4. Account holder to have the option of continuing with account after retirement.

- [(1) An account holder/an AIS Officer of Rajasthan Cadre on his retirement shall have the option of continuing his Provident Fund Account with the department for any period for depositing pensionary benefits like amount of gratuity, commutation of pension, maturity claim of insurance, encashment of balance of Privilege Leave etc. An account holder/an AIS Officer of Rajasthan Cadre whose account has been closed shall also be eligible to get his account revived and continue for aforesaid deposits. This facility shall also be available to the retired Judges of Rajasthan High Court at their option.] [Substituted by Notification No. G.S.R. 37, dated 24.7.2012.] (2) No withdrawals shall be permitted from the Account during the extended period. The entire balance along with

interest shall be paid to such account holder immediately upon expiry of extended period.

5. Nominations.

(1) A subscriber shall at the time of joining the Fund send to the Director through the Head of Office a nomination conferring on one or more persons the right to receive the amount that may stand to his credit in the Fund in the event of his death, before that amount has become payable or having become payable has not been paid: Provided that where a subscriber is a minor, he shall be required to make the nomination only on his attaining the age of majority: Provided further that a subscriber who has a family at the time of making the nomination shall make such nomination only in favour of a member or members of his family: Provided further that the nomination made by the subscriber in respect of any other provident fund to which he was subscribing before joining the Fund shall, if the amount to his credit in such other Fund has been transferred to his credit in the Fund, be deemed to be a nomination duly made under this rule until he makes a nomination in accordance with this rule. (2) If a subscriber nominates more than one person under sub-rule (1), he shall specify in the nomination the amount or share payable to each of the nominees in such manner as to cover the whole of the amount that may stand to his credit in the Fund at any time. (3) Every nomination shall be made in the form prescribed by the Director. (4) A subscriber may at any time cancel a nomination by sending a notice in writing to the Director. The subscriber shall, along with such notice or separately send a fresh nomination made in accordance with the provisions of this rule. (5) A subscriber may provide in a nomination - (a) In respect of any specified nominee, that in the event of his predeceasing the subscriber, the right conferred upon that nominee shall pass to such other person or persons as may be specified in the nomination, provided that such other person or persons as may be specified in the nomination, provided that such other person or persons shall, if the subscriber has other members of his family, be such other member or members. Where the subscriber confers such a right on more than one person under this clause, he shall specify the amount or share payable to each of such persons in such a manner as to cover the whole of the amount payable to each of such persons, in such a manner as to cover the whole of the amount payable to the nominee. (b) That the nomination shall become invalid in the event of the happening of a contingency specified therein: Provided that if at the time of making the nomination the subscriber has only one member of the family, he shall provide in the nomination that the right conferred upon the alternate nominee under clause (a) shall become invalid in the event of his subsequently acquiring other member or members in his family. (6) Immediately on the death of a nominee in respect of whom no special provision has been made in the nomination under clause (a) of sub-rule (5) or on the occurrence of any event by reason of which the nomination becomes invalid in pursuance of clause (b) of sub-rule (5) or the proviso thereto, the subscriber shall send to the Director a notice in writing cancelling the nomination, together with a fresh nomination made in accordance with the provisions of this rule. (7) Every nomination made, and every notice of cancellation given by a subscriber shall, to the extent that it is valid, take effect on the date on which it is received by the director.

6. Fund Account and its Audit.

(1) All the deposits received from the subscribers shall be credited into a Fund called General Provident Fund and all withdrawals made from it shall be debited to it. (2) The Government shall credit interest at the rate of 12% per annum or as specified from time to time every year on the balance standing to the credit of the fund account in the beginning of the financial year for one year and by months product basis on net receipts during the year. (3) The accounts of the Fund shall be closed by 30th September each year and shall be audited by the Accountant General Rajasthan.

7. Administrative Report of the Fund.

- A report as to the administration and affairs of the provident fund scheme during the previous financial year shall be submitted by the Director to the Government before 31st December each year.

8. First Deposit by Account holder.

- All persons to whom these rules apply shall make their first deposit from the pay of the month in which they join the service of the Government/Zila Parishad/Panchayat Samiti or other specified organisation as the case may be.

9. List of all new subscribers to be filed with first Deposits.

- Every head of office shall file a list of all new subscribers in the form prescribed by the Director with each salary bill.

10. Account Number and the Pass Book.

(1) Every account holder shall be allotted his Account Number within 60 days of his first deposit by the Deputy/Assistant Director. (2) Every Account holder shall be supplied with a Pass Book in the format prescribed by the Director along with intimation of his account number with the entry of first deposit duly verified by Deputy/Assistant Director of the Department. (3) All deposits made by the account holder by way of deductions through salary bill or deposited in cash in treasury shall be verified in the pass book every three months by the head of office/drawing disbursing officer. (4) The pass book shall be updated for interest entry and balance every year by the department upon presentation thereof by the account holder.

11. Deposits to be made, in the Account.

(1) Every Account holder shall be required to compulsorily deposit the following amounts out of his pay bill drawn through treasury. (i) [Monthly deposit depending upon the total of pay in Running Pay Band and Grand Pay thereon of the subscriber at the rates prescribed below:- [Substituted by Notification No. G.S.R. 102, dated 12.9.2008 (w.e.f. 9.6.1997).]

Total of Pay in Running Pay Band and Grade Pay	Rate of deduction (in Rupees)
Upto Rs. 9000/-	400.00
Rs. 9001/- to 11000/-	500.00
Rs. 11001/- to 15000/-	900.00
Rs. 15001/- to 20000/-	1200.00
Rs. 20001 to 24000/-	1700.00
Rs. 24001/- to 28000/-	2500.00
Rs. 28001/- to 31000/-	3200.00
Above Rs. 31000/-	4200.00]

(ii) Any other amount ordered to be deposited by the State Government. (iii) The prescribed deposit out of surrender leave encashment as per Rule 91A of the Rajasthan Service Rules. (iv) No subscription shall be deducted during the period of suspension. Note. - (a) Wherever, the subscriber's salary is not drawn by a pay bill drawn through treasury, he shall deposit the same through challan or by way of a demand draft in the name of Department. (b) Any amount not exceeding the total annual emoluments during the year after reducing the amount mentioned in (i), (ii) & (iii) above can be deposited voluntarily by the Account holder.

12. Deposits to Cease.

- The deposits by the subscriber shall cease upon his death, quitting the service, dismissal/removal from the service, proceeding on leave preparatory to retirement or three months before retirement.

13. Recovery of Deposits.

- The head of office shall be responsible for ensuring that the deposits specified in Rule 11 are deducted for all subscribers in his office from the pay bill or otherwise, every month. The department shall be entitled to stop payment of any salary bill if the requisite deposit in respect of subscribers has not been made.

14. Interest.

(1) Interest when credited - (a) Interest shall be credited into the account of account holder in the month of April of the following year for deposits at the beginning and during the financial year. Withdrawal, temporary or permanent shall be adjusted in the month of drawal while calculating interest. (b) In the case of closure of the account upon ceasing of deposit in accordance with the provisions of rule 12 or upon the scheme becoming non-applicable to the account holder as per the provisions of rule 3(2) the interest shall be paid upto preceding the month in which account is settled by the department. (2) Rate of interest. - The rate of interest shall be 12% per annum or as decided by the State Government from time to time. (3) Method of crediting interest. - Interest shall be calculated by months product basis taking the deposits and withdrawals made in the month of receipt or withdrawal as the case may be irrespective of the date. However, interest on amount

ordered to be impounded by State Government under rule 11 (i) (ii) shall be given from the date of impounding order irrespective of the date on which it was received in the department.

15. Temporary withdrawals.

(1) Temporary withdrawal from the fund: An account holder shall be entitled to withdraw temporarily an amount equal to 50% of the balance in his account or three months basic pay whichever is less for one or more of the following reasons: (a) To pay expenses in connection with illness, confinement or a disability, including where necessary, the travelling expenses of the subscriber and members of his family or any person actually dependent on him; (b) To meet cost of higher education, including where necessary, the travelling expenses of the subscriber and member of his family or any person actually dependent on him in the following cases, namely: - (i) For education outside India for academic, technical, professional or vocational course beyond the Secondary School stage: and (ii) For any medical, engineering or other technical or specialised course in India beyond the Secondary School stage, provided that the course of study is for not less than three years; (c) To pay obligatory expenses on a scale appropriate to the subscriber's status which by customary usage the subscriber has to incur in connection with betrothal or marriages, funerals or other ceremonies; (d) To meet the cost of legal proceedings instituted by or against the subscriber, any member of his family or any person actually dependent upon him, the advance in this case being available in addition to any advance admissible for the same purpose from any other Government source; (e) To meet the cost of the subscriber's defence where he engages a legal practitioner to defend himself in an enquiry in respect of any alleged official misconduct on his part; (f) To meet the cost of repair and renewal of house owned by him or his/her spouse. (2) Procedure for sanctioning temporary withdrawal: (a) The account holder shall apply to his head of office for temporary withdrawal in the form prescribed by the Director. He shall enclose the pass book duly completed by the Drawing and Disbursing Officer and verified by Department along with application. (b) The Head of Office shall issue sanction in four copies in the sanction cum bill form prescribed by the Director and send the same to the concerned Treasury along with the pass book for passing the bill. (c) The authorised clerk of the department in the treasury shall examine the bill and the pass book, he shall pass the bill and make the entry of withdrawal in the pass book. He shall retain one copy of sanction cum bill for use in the department. Note: - In case of temporary withdrawal by Head of office himself the sanction in (b) above can be issued by his next higher authority or the Deputy/Assistant Director of concerned district. No advance shall be granted to any subscriber before repayment of last instalment of previous advance. (3) Refund of temporary withdrawal: The temporary withdrawal shall be refunded in 24 equal instalments beginning with the month following the month of such withdrawal or such less instalments as requested by the subscriber.

16. Permanent withdrawal.

- Permanent withdrawal shall be allowed from the account only in the following cases: (a) After fifteen years of service (including broken periods of service, if any) or within ten years before the date of his retirement whichever is earlier to the extent and for specified purposes as mentioned in Rule 17. (b) Any time during the service of a subscriber to the extent mentioned in Rule 18 for housing purposes. (c) Within twelve months before the date of subscriber's retirement on

superannuation without linking to any purpose upto 90% of the amount standing to the credit in the Fund: Provided that a withdrawal under this rule shall not be sanctioned if an advance under Rule 15 is being sanctioned for the same purpose and at the same time.

17. Permanent withdrawal for purposes other than housing.

(1) Permanent withdrawal upto 50% of the amount standing to the credit of the subscriber for the following purposes: (a) Meeting the cost of higher education, including where necessary, the travelling expenses of the subscriber or any child of the subscriber in the following cases, namely: - (i) For education outside India for academic, technical, professional or vocational course beyond the Secondary School stage: and (ii) For any medical, engineering or other technical or specialized course in India beyond the Secondary School stage, provided that the course of study is for not less than three years: (b) Meeting the expenses in connection with the illness including where necessary, the travelling expenses of the subscriber and members of his family and parents dependent on him/her. (c) Meeting the cost of purchases of Jeep/Motor Car/Motor Cycle, Scooter etc. subject to the condition that withdrawal for such purposes shall not be sanctioned for more than 75% of the cost of vehicle purchased. (d) Meeting the cost of purchases of consumer durable items like Refrigerator, Television, Air Conditioner, Washing Machine etc. subject to the condition that withdrawal for such purposes shall not be sanctioned for more than 75% of the cost of such equipment purchased. (2) Permanent withdrawal upto 75% of the amount standing to the credit of subscriber may be sanctioned for meeting the expenditure in connection with the betrothal/marriage of the subscriber or his/her sons or daughters.

18. Permanent withdrawal for housing.

- Permanent withdrawal upto 75% of the amount standing to the credit of subscriber may be sanctioned for following purposes: - (a) Building or acquiring a suitable house or ready-built flat for his residence including the cost of the site or any payment towards allotment of a plot or flat by the Jaipur Development Authority, U.I.T., State Housing Board or Municipal Corporation/Municipality; (b) Repaying an outstanding amount on account of loan expressly taken for building or acquiring a suitable house or ready-built flat for his residence; (c) Purchasing a house-site for building a house thereon for his residence or repaying any outstanding amount on account of loan expressly taken for this purpose; (d) Reconstructing or making additions or alterations to a house or flat already owned or acquired by a subscriber; (e) Renovating, additions or alterations or to upkeep of the ancestral house or a house built with the assistance or loan from Government; (f) Constructing a house on a site purchased under clause (c). Notes: - (1) If a subscriber has an ancestral house, or built a house at a place other than the place of his duty with the assistance of loan taken from the Government he shall be eligible for the grant of a final withdrawal under sub-clause (a), (c) and (f) of Rule 18 for purchase of a house-site or for construction of another house or for acquiring a ready-built flat at the place of his duty. (2) Withdrawal under sub-clauses (a), (d), (e) or (f) of Rule 18 shall be sanctioned only after a subscriber has submitted a plan and estimated cost of the house to be constructed or of the additions or alterations to be made, duly approved by the local municipal body of the area where the site or house is situated and only in cases where the plan is actually got to be approved. (3) The amount of withdrawal sanctioned under

sub-clause (b) of Rule 18 shall not exceed $\frac{3}{4}$ th of the balance on the 'date of application together with the amount of previous withdrawal under sub-clause (a), reduced by the amount of previous withdrawal. The formula to be followed is: $\frac{3}{4}$ th of the balance as on date plus amount of previous withdrawal(s) for the house in question) minus the amount of the previous withdrawal(s).(4)Withdrawal under sub-clause (a) or (b) of Rule 18 shall also be allowed where the house-site or house is in the name of wife or husband provided she or he is the first nominee to receive Provident Fund money in the nomination made by the subscriber.(5)Only one withdrawal shall be allowed for the same purpose under this rule but a further addition or alteration to a house or flat covered by a fresh plan duly approved by the local municipal body of the area where the house or flat is situated shall not be treated as the same purpose. Second or subsequent withdrawal under sub-clause (a) or (f) of Rule 18 for completion of the same house shall be allowed upto the limit laid down under Note 3.

19. Procedure for permanent withdrawal.

- (i) The account holder shall apply for permanent withdrawal upto the extent of his entitlement mentioned in Rule 16 or 17 or 18 as the case may be, by making application along with his pass book to the department in the form prescribed by the Director through his head of office.(ii)The Deputy/Assistant Director of the Department in the district of the posting of the account holder shall be authority competent to sanction permanent withdrawal.(iii)The department shall issue the sanction of permanent withdrawal in the sanction cum bill form prescribed by the Director. A copy of the sanction shall also be endorsed to the applicant.(iv)On the authority of the sanction given by the department, head of office concerned shall draw the amount by presenting the bill in duplicate to the treasury alongwith the pass book of the account holder.The authorised clerk of the department shall make the entry of the withdrawal in the pass book while passing the bill. The head of office concerned shall make the payment to the account holder along with pass book duly verified by him.

20. Closure of account on cessation of service.

(a)The account of the subscriber shall be closed in the month next to the month in which deposits shall cease as provided in rule 12.(b)The Director shall repay the balance in the account along with interest upto the month preceding the issue of payment authority after deducting withdrawal made during the year when an account is closed.(c)The payment shall be made to the account holder except in case of death when it shall be made to the nominee and in absence of nominee to the legal heir(s).

21. Procedure for closure of account when subscriber retires.

- (i) The Director shall cause to issue a notice three months before the month in which deposit is to cease to ask subscriber to file claim along with claim form and pass book in the month of stoppage of deposit through his/her Drawing and Disbursing Officer or directly to the department.(ii)The Director shall close the account as provided in Rule 20 after receipt of claim form in the prescribed format. If the claim form is not received before the month in which the deposit is to cease, the

Director can close the Account based on record available with him.(iii)In the absence of ledger, payment will be made on the basis of pass book. Pass book will also be taken as conclusive proof for completing gaps in ledger.(iv)An indemnity bond shall be furnished by the subscriber/nominee stamped and executed in the form prescribed by the Director alongwith claim form with an undertaking to refund and/or to authorise the Director to recover the amount of over payment from the fund, if any, from pension, gratuity and any other payment due to the subscriber from the Government.

22. Procedure on death of a subscriber.

- On the death of a subscriber before the amount standing to his credit has become payable or where the amount has become payable, before payment has been made:(a)If a nomination made by the subscriber in accordance with the provisions of rule 5 in favour of a member or members of his family subsists, the amount standing to his credit in the Fund or the part thereof to which the nomination relates shall become payable to his nominee or nominees in the proportion specified in the nomination.(b)If no such nomination in favour of a member or members of the family of the subscriber subsists, or if such nomination relates only to a part of the amount standing to his credit in the Fund, the whole amount or the part thereof to which the nomination does not relate, as the case may be, shall, notwithstanding any nomination purporting to be in favour of any person or persons other than a member or members of his family, become payable to the members of his family in equal shares.Provided that no share shall be payable to-(1)sons who have attained majority;(2)sons of a deceased son who have attained majority;(3)married daughters whose husbands are alive;(4)married daughters of a deceased son whose husbands are alive;If there is any member of the family other than those specified in clauses (1), (2), (3) and (4):Provided further that the widow or widows and the child or children of a deceased son shall receive between them in equal parts only the share which that sons would have received if he had survived the subscriber and had been exempted from the provisions of clause (1) of the first proviso.(ii)When the subscriber leaves no family, if a nomination made by him in accordance with the provisions of rule 5 in favour of any person or persons subsists, the amount standing to his credit in the Fund or the part thereof to which the nomination relates, shall become payable to his nominee or nominees in the proportion specified in the nomination.

23. Transfer of balance from the Fund.

- (i) If a person who is an account holder with a Provident Fund Scheme of any other Government is appointed on a civil post under the Government, the balance in his account with the other Provident Fund shall be deposited in his account with the Department.(ii)In the case of a transfer vice-versa, the amount deposited in his account shall be transferred to the Fund of the other Government.

24. Account not to be attached by any Court.

- Money payable under General Provident Fund in pursuance of these rules are exempt from attachment and/or sale in execution of a decree and all such money shall remain exempt from attachment notwithstanding the fact that owing to the death of a Government servant, it is payable

to some other person.

25. Management expenses.

- The expenditure required to manage the Provident Fund Scheme shall be provided by the Government to the department by way of allotment in the budget in addition to the interest allowed on the Provident Fund deposits with Government.

26. Delegation of powers.

- In the cases of final payment:-(i)Deputy/Assistant Directors of the department will be authorised to sanction the interest on the payable amount upto a period of two years.(ii)Director/Additional Director[/Joint Director] [Inserted by Notification No. G.S.R. 74, dated 20.9.2010 (w.e.f. 9.6.1997).] of the Department will be authorised to sanction the interest on payable amount upto the actual date of issuing the authority.(iii)Deputy/Assistant Directors of the Department shall be authorised to return the contribution received from a person not eligible under these rules to be a subscriber with interest specified in rule 14(2) for the period for which amount remained deposited with the Department.

27. Interpretation.

- Where any doubt arises as to the interpretation of these rules, it shall be referred to the Government in the Finance Department for decision.

28. Power to relax.

- Where the Government is satisfied that the operation of any of these rules, causes undue hardship in any particular case, it may, by order, for reasons to be recorded in writing, dispense with or relax the requirements of that rule to such extent and subject to such exceptions and conditions as it may consider necessary for dealing with the case in a just and equitable manner:Provided that no such order shall be made except with the concurrence of the Finance Department.

29. Power to delegate.

- Government may delegate to any of its officers subject to any conditions which it may think fit to impose, any power conferred upon or taken under these rules except the powers under rule 28 and 29.

30. Repeal and Saving Clause.

(1)The Rajasthan Government Servants' General Provident Fund Rules, 1954 as amended from time to time shall stand repealed on the date these rules come into force.(2)Anything done under the rules hereby repealed shall, notwithstanding such repeal, shall continue in force as if it was done

under these rules.