

Uttarakhand Police (Extraordinary Pension) (Amendment) Rules, 2018

UTTARAKHAND

India

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Rule

UTTARAKHAND-POLICE-EXTRAORDINARY-PENSION-AMENDMENT-RULES of 2018

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Uttarakhand Police (Extraordinary Pension) (Amendment) Rules, 2018Published vide Notification No. 899/20-7/2018-1(40)/2014, dated 11.7.2018Last Updated 6th July, 2019Notification No. 899/20-7/2018-1(40)/2014. - In exercise of the power conferred by the proviso to Article 309 of "the Constitution of India" the Governor is is pleased to make the following rules to amend the (as applicable to the State of Uttarakhand) to the context of State of Uttarakhand.

1. Short title and commencement.

(1)These rules may be called the Uttarakhand Police (Extraordinary Pension) (Amendment) Rules, 2018.(2)They shall come into force at once.

2. Amendment of Rule 2.

- In Uttar Pradesh Police (Extraordinary Pension) Rules, 1961 (hereinafter referred to as principal rules) for existing clause (e) of Rule 2, the following clause shall be substituted, namely -"(e) 'Police Official' means a member of organised Police Force constituted under Section 3 of the Uttarakhand Police Act, 2007 and a member of organised force of fire under section of the Uttarakhand fire and Emergency service, Fire Prevention and Fire Safety Act, 2016.".

3. Amendment of Rule 3.

- In the principal rules, for existing Rule 3, the following rule shall be substituted, namely -"3. These rules shall apply to all the Gazetted/Non-Gazetted Police, PAC and Fire Service personnel of Uttarakhand, who are employed in a permanent or temporary capacity, under the rule making control of the Governor, who dies while on duty under the following circumstances -(a)Death due to attack/fight with dacoits/criminals/foreign/hostiles/extremists/ terrorists/naxalites, etc.,(b)Death during controlling violent/incited mob.(c)Death during accident, while undergoing important training/demonstration,(d)Death while protection rescue of people during natural disasters e.g. flood/ earthquake/landslide ice storm, etc.,(e)Death while protection/rescue of people during extinguishing of fire in any area,(f)Death due to attack in an area under curfew, and(g)Death due to attack while escorting prisoner.

4. Amendment of Rule 6.

- In the principal rules, for existing Rule 6, the following rule shall be substituted, namely -"6. An award shall be sanctioned to the widow/widower/dependent of a Police Official, PAC Official and Fire Service Official, to whom these rules apply in accordance with the provisions contained in the schedule annexed to these rule. If the wife/husband of the deceased Police Official. PAC Official or Fire Service Official is not alive or dies or remarries then the dependent minor children shall in case of such event be entitled to full pension which would have been admissible to the widow/widower and it shall be distributed as per the general guidelines of the Uttarakhand Family Pension Rules.Note. - If the Police Official dies leaving behind two or more widows, the amount of award admissible under this rule to the widow shall be divided (equally among all the widows).".

5. Amendment of Rule 8.

- In the principal rules, for existing Rule 8. the following shall be substituted, namely -"8. (1) Family pension shall take effect from the day following the death of the Police Official, PAC Official and Fire Service Official, or from such other date as the Governor may appoint.(2)Family pension of the dependent of the concerned Police Official, PAC Official or Fire Service Official shall be decided as per the general guidelines of the Uttarakhand Family Pension Rules."

6. Amendment of Rule 9.

- In the principal rules, for existing sub-rule (2) in Rule 9, the following sub-rule shall be substituted, namely -"(2) When a claim for any family pension arises, the Head of the office or of the department in which the deceased Police Official, PAC Official or Fire Service Official was employed will forward the claim through proper channel to the State Government with the full statement of the circumstances in which the death occurred."

7. Amendment of Rule 10.

- In the principal rules, for existing Rule 10, the following shall be substituted, namely -"(10) The Governor may, at his discretion, permit in exceptional circumstances, the departments of a deceased Police Official, PAC Official and Fire Service Official to continue receive their pensions beyond the limits prescribed in Rule 8(2).".

8. Insertion of new Rule 11.

- In the principal rules, after Rule 10, the following new Rule 11 shall be inserted, namely -"11. (1) The right to review a rejected claim for extraordinary pension shall be vested in the Government. For this, the dependent would mandatorily have to submit representation before the Government or Police Headquarters, Uttarakhand within three months from the date of receipt of rejection notification. The Government will take the necessary decision on the representation.(2)Extraordinary pension shall not be due for any Police Official. PAC and Fire Services Official if he/she dies in an accident that occurred before he or she reported for duty, or after he or she finished her duty, while staying in his/her residence or while travelling to any place.All the Government orders to disposing the matters of extraordinary pension, viz, Government orders dated January 23, 1980 and July 19, 1978, etc. shall be ineffective after notification of the Uttarakhand Police (Extraordinary Pension) (Amendment) Rules, 2018.".

9. Amendment of Schedule.

- In the principal rules, for existing schedule, the following schedule shall be substituted, namely -

Gratuity to
widow/widower

Pension to widow/widower

Equal to eight month's
emoluments last drawn
bythe deceased Police
Official, PAC and Fire
Services Official

Extraordinary pension payable shall be equal tothe emoluments (Basic pay and the Dearness Allowance on that pay)drawn by the deceased Police Official. PAC and Fire ServiceOfficial till the date the official would have retired onsuperannuation pension. Thereafter, normal pension (not familypension) shall be equal to that amount which the deceased PoliceOfficial would have drawn in accordance with ordinary pensionsrules applicable to the Police Officials at that time he had notdied, subject to the following presumptions -

(a) that the deceased Police Official would have continued torender qualifying service, till the date of superannuation andthat he did not get any promotion;

(b) that in case the deceased official was temporary or wasworking in an officiating capacity, a portable date of hisconfirmation shall be presumed. In case the scale in which thedeceased official worked last is revised by the date on which hewould have retired on superannuation, the pension shall becalculated in the presumptive pay which teh

deceased official would have drawn at the time of superannuation he had been alive.

If there are dependents drawing more than one extraordinary pension, they shall be due for family pension in the same manner.

(2) The recipient of Extraordinary Pension who is working in Government, Semi-Government, Autonomous Institution or Public Enterprise may choose whether he/she wants to avail of Dearness Allowance on the pension amount or on his/her salary, whichever may be beneficial.