

**The Provident Fund & Retirement Benefits of the
Employees of the State Government Aided
Madrassas Rules, 2002.**

CHAPTER- I

1. Short Title and Commencement.

- (i) These Rules may be called Provident Fund and Retirement Benefits of the Employees of the State Government Aided Madrassas Rules, 2002.
- (ii) These shall be deemed to have come into force on and from 01-08-2002.

Application.

Save as otherwise provided in these Rules it shall apply to approved employees appointed substantively to Govt. Aided Madrassas, but shall not apply to:-

- (a) Persons in casual and daily rated employment;
- (b) Persons paid from contingencies;
- (c) Persons employed on contract except when the contract provides otherwise;
- (d) Persons appointed after the implementation of the rule.

2. Definitions.

- (i) In these rules unless there is anything repugnant in the subject or content :-
 - (a) The 'Madrassa' means any recognised State Govt. Aided Madrassa as per Grant-in-Aid Rules, 1996.
 - (b) 'Basic pay' means the pay which is drawn by an employee monthly and which corresponds to a stage in the time scale attached to the post held by him.
 - (c) 'Competent authority' means the appointing authority/ 'Pension Sanctioning authority' or as the case may be.
 - (d) 'Employees' means all the regular approved employees of recognised Aided Madrassa as per provision of Grant-in-Aid Rules, 1996.
 - (e) 'Form' means the Forms appended in these Rules or otherwise as may be decided by the Government.
 - (f) 'Government' means the Government of Tripura.
 - (g) 'Managing Committee' means duly constituted and approved Managing Committee of the Madrassas.
 - (h) 'Pension' includes gratuity except when the term pension is used in contradistinction to gratuity ;
- 'Audit Officer' means the Accounts and Audit Officer, whatever his official designation in the office of the Accountant General, Tripura ;

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- (j) 'Average emoluments' means average emoluments as determined in accordance with Rule-22 ;
- (k) 'Child' means a child of the employee who, if a son is under Twentyfive years of age and if a daughter is unmarried and is under 25 (twenty-five) years of age and the expression 'Children' shall be construed accordingly ;
- (l) 'Minor' means a person who has got completed the age of Twenty-five years .
- (m) 'Pension sanctioning authority' means the authority competent to sanction pension under Rule-38.
- (n) 'Qualifying Service' means service rendered while on duty or otherwise which shall be taken into account for the purpose of pension and gratuities admissible under Rule.
- (o) 'Retirement benefits' includes pension of service gratuity and death-cum-retirement gratuity, where admissible.
- (p) 'Director' means the Director of School Education, Tripura.
- (q) 'Department' means Education Department, Government of Tripura.
- (r) 'Age of Superannuation' is the age on attaining of which an approved employee must retire compulsorily and should be 60 (Sixty) completed years of his age.
- (s) 'Management' of the Madrassa includes approved Managing Committee or Ad-hoc Managing Committee or Administrator.
- (t) 'Secretary' means Secretary of the approved Managing Committee ;
- (u) 'Managing Committee' means the approved Managing Committee as per provision of Rule.

CHAPTER- II

GENERAL CONDITIONS :

3. Regulation of claims to pension or family pension.

- (1) Any claim to pension or family pension shall be regulated by the provision of these Rules in force at the time an employee of the Madrassa retires or is retired or is discharged or is allowed to resign from service or dies as the case may be.
- (2) The day on which an employee retires or is retired or discharged or is allowed to resign from service as the case may be, shall be treated as his last working day. The date of death shall also be treated as a working day.

4. Reduction in the amount of pension for unsatisfactory service.

- (1) If the service rendered by an employee of the Madrassa prior to the date of his retirement has not been satisfactory, the appointing authority may be order made reduction in the any one of pension or gratuity or both as that authority may think proper.

Provided that the appointing authority shall, before passing an order under this sub-rule shall serve or cause to be served a notice upon the person concerned specifying the reduction proposed to be made in such amount on account of his unsatisfactory service under Madrassa and call upon such person to submit, within fifteen days of the receipt of the notice or such further time as may be allowed by that authority, such representation as the person concerned may when to make against the proposed order and take into consideration the representation, if any, submitted by such person before passing such order.

Provided further that the amount of pension shall not be reduced below the limit specified in rule-30.

- (2) For the purpose of sub-rule (1) the expression 'appointing authority' shall mean the authority which is competent to make appointments to the service or post from which the employee retires.
- (3) (a) The reduction referred to in sub-rule (1) shall be of permanent character.
- (b) The measures 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 Madrassa.
- (4) The pension authorised under these rules shall not be reduced although proof of the service having been not satisfactory may come to the notice of appointing authority subsequent to the authorisation of pension.
- (5) Where in the case of an employee, the Director of School Education passes an order (whether original or appellate) awarding a pension including gratuity less than the maximum admissible under these rules, the appointing authority shall be consulted before the order is passed.
- (6) (a) Nothing in this rule shall apply :-
 - (a) Where a part of pension has been withheld or ordered to be recovered under rule-7
 - or
 - (b) Where a part of pension has been reduced under rule-27
 - or
 - (c) Where death-cum-retirement gratuity is admissible under Sub-rule (ii) of rule 31 and family pension is admissible under rule 35 ; -
 - (d) To effect recovery which has the result of punishment.

5. **Limitations on number of pensions.**

- (1) An employee shall not earn two pensions in the same service or post at the same time or by the same continuous service.

- (2) Except as provided in rule 12 an employee who, having retired on a superannuation pension or retiring pension, is subsequently re-employed, shall not be entitled to a separate pension or gratuity for the period of his re-employment.

Pension subject to future good conduct.

- (1) (a) Future good conduct shall be an implied condition of every grant of pension and its continuance under these rules.
- (b) The pension sanctioning authority may, by order in writing, withhold or withdraw a pension or part thereof, whether permanently or for a specified period, if the pensioner convicted of a serious crime or is found guilty of grave misconduct ;

Provided that no such order shall be passed by an authority subordinate to the authority competent to make an appointment to the post held by the pensioner immediately before his retirement from service ;

Provided further that where a part of pension is withheld or withdrawn the amount of such pension shall not be reduced below the limit specified in rule 30.

- (2) Where a pensioner is convicted of serious crime by a court of law, action, under sub-rule 1 shall be taken in the light of the judgement of the court relating to such conviction.
- (3) In a case not falling under sub-rule 2 if the authority referred to in sub-rule 1 consider that the pensioner is prima facie guilty of grave misconduct, it shall before passing an order under sub-rule 1.
- (a) Serve upon the pensioner a notice specifying the action proposed to be taken against him and the ground on which it is proposed to be taken and calling upon him to submit within fifteen days of the receipt of the notice or such further time not exceeding fifteen days as may be allowed by the pension sanctioning authority, such representation he may wish to make against proposal ; and
- (b) take into consideration the representation, if any submitted by the pensioner under clause (a).
- (4) An appeal against an order under sub-rule 1 passed by any authority other than the Appellating Authority, shall lie to the Appellating Authority.
- Explanation-In this rule :-
- (a) the expression 'serious crime' includes a crime involving an offence under any Act or Rules of the Government.

Right of Appointing authority to withhold or withdraw pension.

The appointing authority reserves to himself the right of withholding or withdrawing a pension or part thereof, whether permanently or for a specified period, and or ordering recovery from a pension of the whole or part of any pecuniary loss caused to the Madrasa, if in any departmental or judicial proceedings, the pensioner is found guilty of grave misconduct or negligence during the period of his service including service rendered upon re-employment after retirement.

CHAPTER-III

QUALIFYING SERVICE.

8. Subject to the provisions of these rules, qualifying service of an employee shall commence from the date he takes charge of the post to which he is first appointed either substantively or in an officiating or temporary capacity.

Provided that officiating or temporary service is followed without interruption by substantive appointment in the same or another service or post.

Provided further that :-

- (a) in the case of an employee in a Group-'D' service or post who held a lien or a suspended lien on a permanent pensionable post prior to the 17th April, 1950, service rendered before attaining the age of sixteen years shall not count for any purpose, and
- (b) in the case of an employee not covered by clause (a), service rendered before attaining the age of eighteen years shall not count, except for compensation gratuity.

CONDITION SUBJECT TO WHICH SERVICE QUALIFIES.

9. (1) The service of an employee shall not qualify unless his duties and pay are regulated by Grant-in-Aid Rules or under conditions determined by the Government.
- (2) In the case of a Government servant belonging to Central Government or State Government who is permanently transferred to a service or post to which these rules apply, the continuous service rendered under the Central Government or State Government in an officiating or temporary capacity, if any, followed without interruption by the substantive appointment, or the continuous service rendered under that Government in an officiating or temporary capacity, as the case may be shall qualify, provided that nothing contained in this sub-rule shall apply to any such employee who is appointed otherwise than by deputation to a service or post to which these rule apply.

10. COUNTING FOR SERVICE ON PROBATION.

Service on probation against a post if followed by confirmation in the same or another post shall qualify.

11. COUNTING OF SERVICE AS APPRENTICE.

Service as an apprentice shall not qualify.

12. COUNTING OF MILITARY SERVICE RENDERED BEFORE CIVIL EMPLOYMENT.

- (1) An employee who is re-employed in a post before attaining the age of superannuation and who, before such re-employment, had rendered regular Military service after attaining the age of eighteen years, may on his confirmation in post opt. either,

- (a) to continue to draw the Military pension or retain gratuity received on discharge from Military Service in which case his former Military service shall not count as qualifying service; or
 - (b) in case to draw his pension or refund the gratuity including death-cum-retirement, if any, and count the previous Military service as qualifying service in which case the service so allowed to count shall be restricted to a service, either or outside the employees unit or Department in India or elsewhere which is paid from the Consolidated Fund of India or for which pensionary contribution has been received by the Govt. and the pension immediately drawn shall not be required to be refunded by the element but the element of pension which was not taken into account for fixation of pay on re-employment shall be refunded.
- (2) (a) The authority issuing the order of substantive appointment to a post as is referred to in sub-rule (1) shall along with such order require in writing the employee to exercise the option under that sub-rule within three months of the date of issue of such order if he is on leave on that day, within three months of his return from leave, whichever is later and also bring to his notice the provisions of clause (b).
 - (b) If an option is exercised within the period referred to in clause (a), the employee shall be deemed to have opted for clause (a) of sub-rule (1).
- (3) (a) An employee who opt. for clause (b) of sub-rule (1) shall be required to refund the pension, bonus or gratuity received in respect of his earlier Military service, in monthly instalments not exceeding thirty-six in number, the first instalment beginning from the month following the month in which he exercised the option.
 - (b) The right to count previous service as qualifying service shall not revive until the whole amount has been refunded.
- (4) In the case of a employee who, having elected to refund the pension, bonus or gratuity, dies before the entire amount is refunded, the unrefunded amount of the pension or gratuity shall be adjusted against the death-cum-retirement gratuity which may become payable to his family.
 - (5) When an order is passed under this rule allowing previous regular Military service to count as part of the service qualifying for civil pension, the order shall be deemed to include the condonation of interruption in service, if any, in the Military service and between the Military and civil services.

COUNTING OF PERIODS SPENT ON LEAVE :-

All leave during service for which leave salary is payable and all extraordinary leave granted on medical certificate shall count as qualifying service. Provided that in the case of extraordinary leave (other than extra-ordinary leave granted on medical ground on medical certificate) the appointing authority may, at the time of grant in such leave, allow the period of that leave to count as qualifying service if such leave is granted to an employee of Govt. aided privately managed Madarassa.

- (i) Due to his inability to join or re-join duty on account of civil communication ; or
- (ii) For prosecuting higher scientific and technical studies.

14.

COUNTING OF PERIODS OF SUSPENSION :-

Time passed by an employee under suspension pending enquiry into conduct shall count as qualifying service where on conclusion of such enquiry he has been fully exonerated or the suspension is held to be wholly unjustified, in other case the period of suspension shall not count unless the authority competent to pass orders under the rules governing such cases expressly declare at the time or time that it should count to such extent as the competent authority may declare.

15.

FOREFETURE OF SERVICE ON DISMISSAL OR REMOVAL :-

Dismissal or removal of employee of the Madrassa from a service or post entails forfeiture of his past service.

16.

COUNTING OF PAST SERVICE ON REINSTATEMENT.

- (1) An employee of the Madrassa who is dismissed/removed compulsorily retired from service, but is reinstated on appeal or review, is entitled to count his past service as qualifying service.
- (2) The period of interruption 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 qualifying service unless regularised as duty or leave by a specific order of the authority which passed the order of reinstatement.

17.

FOREFETURE OF SERVICE ON RESIGNATION.

- (1) Resignation from a service or a post, unless it is allowed to be withdrawn in the public interest by the appointing authority, entails forfeiture of past service.
- (2) A resignation shall not entail forfeiture of past service if it has been submitted to take up, with proper permission another appointment, whether temporary or permanent, under the Government/other institutions where service qualifies.
- (3) Interruption in service in a case falling under sub-rule (2) due to the two appointments being at different stations, not exceeding the joining time permissible under the rules of transfer, shall be covered by grant of leave of any kind due to the Govt. on the date of relief or by formal condonation to the extent to which the period is not covered by leave due to him.

EFFECT OF INTERRUPTION IN SERVICE.

- (1) 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 absence in continuation of authorised leave of absence so long as the post of absence is not filled substantively ;
 - (c) suspension, where it is immediately followed by reinstatement whether in the same or a different post, or where the employee dies or is permitted to retire or is retired on attaining the age of compulsory retirement while under suspension ;
 - (d) transfer to non-qualifying service in an establishment under the control of the Govt. if such transfer has been ordered by competent authority in the public interest.
 - (e) joining time while on transfer from one post to another.
- (2) Notwithstanding anything contained in sub-rule (1) the pension sanctioning authority may, by order commute retrospectively the periods of absence without leave as extra-ordinary leave.

19. CONDONATION OF INTERRUPTION IN SERVICE.

- (1) The appointing authority may, by order, condone interruption in the service of an employee :-
Provided that--
 - (i) the interruptions have been caused by reasons beyond the control of the employee ;
 - (ii) the total service excluding one or more interruptions, if any, is not less than five years' duration ;
 - (iii) the interruption, including two or more interruptions, if any, does not exceed one year.
- (2) The period of interruption condoned under sub-rule (1) shall not count as qualifying service.

20. ADDITION TO QUALIFYING SERVICE WHEN AN EMPLOYEE IS DECLARED SURPLUS.

- (1) An employee, other than employee in Group- 'D' service or post, who after having been declared surplus to the establishment in which he was serving opts to retire voluntarily within two months of his transfer and is permitted to retire shall be entitled to have five years added to the qualifying service rendered by him.

Provided that the qualifying service rendered is not less than fifteen years and the resultant length of qualifying service after taking into account the aforesaid addition is not more than the service the employee could have been counted had he/she retired on the date of his/her superannuation.

- (2) In respect of an employee in Group-'D' service or post the provisions of sub-rule (1) shall apply if he opts for voluntary retirement within a period of two months of the reporting of his name to the competent authority after having been declared surplus in the establishment in which he was serving as a result of studies made by the Department of Education.

CHAPTER-IV

21. EMOLUMENTS AND AVERAGE EMOLUMENTS.

The expression 'emoluments' means pay including dearness pay, as determined by the order of the Government issued from time to time which an employee was receiving immediately before his retirement or on the date of his death.

- Note No. (i) If an employee immediately before his retirement or death while in service had been absent from duty on leave for which leave salary is payable or having been suspended has been reinstated without forfeiture of service, the emoluments which he would have drawn had he not been absent from duty or suspended shall ; be the emoluments for the purpose of the rule ;

Provided that any increase in pay (other than increment) which is not actually drawn shall not form part of his emoluments.

- Note No. (2) If an employee immediately before his retirement or death while in service had been absent from duty on extraordinary leave or had been under suspension, the period whereof does not count as service, the emoluments which he draw immediately before proceeding on such leave or being placed under suspension shall be the emoluments for the purpose of this rule.

- Note No. (3) If an employee immediately before his retirement or death while in service was on earned leave or leave on average pay, as the case may be, and earns an increment which was not withheld.

22. AVERAGE EMOLUMENTS.

Average emoluments shall be determined with reference to emoluments drawn during the last 10 complete months of the service of the employee=

Provided that any increase in pay, other than the increment which is not actually drawn, shall not form part of his emoluments.

CHAPTER-V

Classes of Pension and Conditions Covering their Grant.

23. SUPERANNUATION PENSION.

A superannuation pension shall be granted to an employee who is retired on his attaining the age of compulsory retirement.

24. RETIRING PENSION.

A retiring pension shall be granted :-

- (a) to an employee who retires, or is retired in advance of the age of compulsory retirement, in accordance with the provision of rule (29) of these rules and
- (b) to an employee who, on being declared surplus or opt for voluntary retirement in accordance with the provisions of rule (20) of these rules.

25. INVALID PENSION.

- (1) Invalid pension may be granted if an employee retires from the service on account of any bodily or mental infirmity which permanently incapacitates him for the service.
- (2) An employee of the Madrassa applying for an invalid pension shall submit a medical certificate of incapacity from the Civil Surgeon or District Medical Officer, or any Medical Officer of equivalent or Higher status.

26. COMPENSATION PENSION.

- (1) If an employee is selected for discharge owing to the abolition of his 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 these or his own, have the option :-
 - (a) of taking compensation pension to which he may be entitled for the service he had rendered or
 - (b) of accepting another appointment on such pay as may be offered and continuing to count his previous service of pension.
- (2) (a) Notice of at least three months shall be given to the employee in permanent employment before his service of his permanent post to dispense with his service may sanction the payment of a sum not exceeding the pay and allowances for the period by which the notice actually given to him falls short of three months.
- (b) No compensation pension shall be payable for the period in respect of which he receives pay and allowances in lieu of notice.

27. COMPULSORY RETIREMENT PENSION.

An employee of the Madrassa compulsorily retired from service as a penalty may be granted by the authority competent to impose such penalty pension or gratuity or both at a rate not less than two-third and not more than full compensation pension or gratuity or both admissible to him on the date of his compulsory retirement.

28. COMPASSIONATE ALLOWANCE.

- (1) An employee who is dismissed or removed from service shall forfeit his pension and gratuity. Provided that the authority competent to dismiss or remove him from service pay, if the case is deserving of special consideration, sanction a compassionate allowance not exceeding two-third of pension or gratuity or both which would have been admissible to him if he had retired on compensation pension.

CHAPTER-VI & VII

29. SCHEME FOR VOLUNTARY RETIREMENT OF THE EMPLOYEES.

An employee may also be permitted to retire voluntarily subject to the following conditions.

- (i) An employee who have put in not less than 20 (twenty) years qualifying service may, by giving three months notice in writing to the appointing authority, retire from service voluntarily. The scheme is purely voluntary, the initiative resting with the employee himself. The appointing authority shall have no right to retire employee on its owns, under this scheme.
- (ii) The benefit of 'retiring pension' will be admissible to employee retiring under this scheme.
- (iii) A notice of less than three months pay also be accepted by the appointing authority in cases, with prior approval of the Government.
- (iv) If an employee retires under this scheme of voluntary retirement while he has no extraordinary leave (without medical certificate) without returning to duty, the retirement shall take effect from the date of commencement of the 'leave'.
- (v) Before an employee gives notice of voluntary retirement with reference to these instructions it shall be the responsibility of the employee to satisfy himself by means of a reference to the appropriate administrative authority that he has, in fact completed 20 (twenty) years of service qualifying for pension.
- (vi) A notice of voluntary retirement may be withdrawn subsequently only with the approval of the appointing authority to reach before the expiry of the period of notice, since approval by the appointing authority's sole discretion.

- (vii) A notice of voluntary retirement given after completion of 20 years of qualifying service will require acceptance by the appointing authority subject to approval of the Government such acceptance may be generally given in all cases except the following cases :-
- (a) in which disciplinary proceeding are pending or contemplated against the employee concerned for the imposition of major penalty and the disciplinary authority, having regard to the circumstances of the case, is of the view that the imposition of the penalty of removal or dismissal from service might be warranted in the case.
- (viii) While granting proportionate pension to an employee retiring voluntarily under this scheme, weightage of 5 (five) years would be given as an addition to the qualifying service actually rendered by him. The grant of weightage of 5 (five) years will, however be subject to the following conditions :-
- (a) The total qualifying service after allowing the weightage should not, in any way, exceed 30 (thirty) years of qualifying service and the total qualifying service after giving weightage should not exceed qualifying service which a counterpart Government employee would have had, if he/she had retired voluntarily at the lowest age/minimum service limit applicable to him for voluntary retirement prescribed under F. R. 56 (K) or article 459 (i) of the C. S. Rs. or rule 48 of the C. C. S. (pension) Rules, 1972 as adopted by the State Government of any other similar rule applicable to him.
- (b) If an employee seeks voluntary retirement under the scheme after he has attained the age of 51 years and has rendered 24 years of service, the weightage in pension would be admissible for 4 years.
- (c) If an employee seeks voluntary retirement under this scheme after he has rendered 25 years of service and has attained the age of 48 years, the weightage in pension would be admissible for five years.

Note :- The period of weightage should not be beyond the date of normal superannuation.

- (ix) The weightage given under this scheme will be only in addition to the qualifying service for the purpose of pension and gratuity. It will not entitle the employee retiring voluntarily to any notional fixation of pay for the purpose of calculating the pension and gratuity which will be based on the actual emolument calculated with reference to the date of retirement.

The amount of pension to be granted after giving the weightage will be subject to the provisions of Rule 4 of the said Rules as adopted as by the employee. The pension will also be subject to the provisions of Rule-6.

The scheme of voluntary retirement will not apply to those who retired voluntarily under the provisions of Rule-20.

- (xii) An employee giving notice of voluntary retirement may also apply, before the expiry of the notice, for the leave standing to his credit which may be granted to him to run concurrently with the period of notice.

30. AMOUNT OF PENSION.

- (i) In case of an employee retiring in accordance with the provision of these Rules after completing qualifying service of not less than 33 years, the pension shall be calculated at 45% (forty five) percent of the last pay or 10 months average emoluments whichever is more, subject to minimum of Rs. 1300/- and maximum of Rs. 11,200/- per month.
- (ii) For these employees, who at the time of retirement have rendered qualifying service of 10 years or more but less than 33 years, the amount of their pension will be such proportion of the maximum admissible pension as the qualifying services rendered by them bears to the maximum qualifying service of 33 years.
- (iii) In addition to pension as above, an employee shall be entitled to relief as admissible to the employee pensioners of the Government of Tripura from time to time. The relief will also be payable on family pension. The conditions of admissibility and rate of relief in family pension shall be the same one and will be applicable to the pensioners.
- (iv) The amount of pension payable monthly shall be expressed in whole of a rupee and where the pension calculated according to this scheme contains a fraction of rupee, it shall be rounded off to the next higher rupee provided that in no case a pension in excess of the maximum pension prescribed under this rule shall be allowed.
- (v) The employee shall be entitled to encash the leave on average pay for the period of earned leave standing at the credit of the employee on the date of retirement on superannuation subject to a maximum period of earned leave accumulated to the credit of an employee as per leave rules applicable to him in the same manner and in accordance with the same terms and conditions as are applicable to the employees under the Government of Tripura.

31. DEATH-CUM-RETIREMENT GRATUITY.

- (1) (i) In the case of an employee who has completed 5 (five) years of qualifying service, and has become eligible for service gratuity or pension under Rule 30 on retirement shall be paid equal to 1/4th of his emoluments for each completed 6 (six) monthly period of qualifying service subject to maximum of 16½ times the emoluments, provided that the amount of retirement gratuity payable shall in no case exceed Rs. 2.00 lakhs.

- (ii) husband including judicially separated husband in the case of a female employee.
- (iii) unmarried daughters including step daughter and adopted daughter.
- (iv) sons including step sons and adopted sons.
- (v) widowed daughters including step daughter and adopted daughters.
- (vi) father including adoptive parents in the case of
- (vii) mother individual whose personal law permits adoption.
- (viii) brother below the age of eighteen years including steps brothers.
- (ix) unmarried sisters and widow sister including steps sister.
- (x) married daughter, and
- (xi) children of a pre-deceased son.

32.

PERSON TO WHOM GRATUITY IS PAYABLE.

- (1) (a) The gratuity payable under Rule-31 shall be paid to the person or persons on whom the right to receive the gratuity conferred by means of nomination under Rule-34.
- (b) If there is no such nomination or if the nomination made does not subsist, the gratuity shall be paid in the manner indicated below :-
 - (i) If there are one or more surviving members of the family in sub-rules (i), (ii) and (iv) of sub-clause 4 of Rules-34 to all such in equal shares ;
 - (ii) If there are no such surviving members of the family as in sub-clause (i), above, but there are one or more members as in clause (v), (vi), (viii), (ix), (x) and (xi) of sub-rule 4 of 32 to all such members in equal shares.

33.

LAPSE OF DEATH-CUM-RETIREMENT GRATUITY.

Where an employee dies while in service or after retirement without receiving the amount of gratuity and leaves behind no family and—

- (a) has made no nomination, or
- (b) the nomination made does not subsist, the amount of death-cum-retirement gratuity payable in respect of such employee under Rule-31 shall lapse to the Government.

34.

NOMINATION.

- (1) An employee on his initial confirmation in a post, make a nomination in the

prescribed form as may be appropriate in the circumstances of the case, conferring on one or more persons right to receive the death-cum-retirement gratuity payable under Rule-31 :

Provided that if at the time of making the nomination.

- (i) the employee has a family, the nomination shall not be in favour of any person other than the members of this family ; or
 - (ii) the employee has no family, the persons, or a body of individuals, whether incorporated or not.
- (2) In an employee nominated more than one person under sub-clause (1), he shall specify in the nomination the amount of share payable to each of the nominees in such manner as to cover the entire amount of gratuity.

35.

FAMILY PENSION.

- (1) The provision of this rule shall apply--
- (a) to the family of deceased who was in pensionable service and subject to the provisions that when an employee dies--
 - (i) after a completion of not less than one year's continuous service, or
 - (ii) after retirement from service and was on the date of death in respect of a pension.
- (2) Subject to the provisions of sub-rule-3 of this rule, the family of the deceased shall be entitled to a family pension, the amount of which shall be determined in accordance with the guidelines given below :-
- (i) Family pension shall be 30% of the Basic pay last drawn subject to a minimum Rs. 1300/- and maximum of Rs. 5,600/-. For the first seven years or such period at which the pensioners would have become 67 years. Whichever is earlier, the amount of Family pension shall be same as that of the pension. After that period the family pension as aforesaid, shall be admissible which, however, shall not be less than 60% of the pension amount.
 - (a) The amount of family pension shall be fixed at monthly rates and be expressed in whole rupees and where the family pension contains a fraction of rupee, it shall be rounded off to the next higher rupee :

Provided that no case a family pension in excess of the maximum prescribed under this rule shall be allowed.

- (3) (a) (i) Where an employee dies after having rendered seven years continuous service the rate of family pension payable to the family shall be equal to 45% (forty-five per cent) of the pay last drawn or twice the family pension ~~admissible~~ under sub-rule (2), whichever is less, and the amount so ~~admissible shall be~~ payable from the date following the date of death of the employee for a period of seven years or for a period upto the date on ~~which the retired deceased employee would have attained the age of~~ 67 years had he survived, whichever is less.

- (3) (a) (ii) In the event of death of an employee after retirement the family pension as determined under sub-rule (i) shall be payable for a period of seven years, or for a period up to the date on which the retired deceased employee would have attained the age of 67 years had he survived, whichever is less :

Provided that in no case the amount of family pension determined under this clause shall exceed the pension sanctioned on retirement from the service ;

Provided further that where the amount of pension sanctioned on retirement is less than the amount of family pension admissible under sub-rule (2), the amount of family pension determined under this clause shall be limited to the amount of family pension admissible under sub-rule (2).

EXPLANATION.

For the purpose of this sub-rule, pension sanctioned on retirement includes the part of the pension which the retired employee may have commuted before death.

- (b) After the expiry of the period referred to in clause (a), the family, in receipt of family pension under that clause shall be entitled to family pension at the rate admissible under sub-rule (2).

- (4) 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 Twentyfive 25 years ; and
- (iii) in the case of an unmarried daughter, until she attains the age of 25 years or until she gets married ; whichever is earlier :

Provided that if the son or daughter of an employee is suffering from any disorder or disability of mind or is physically crippled or disabled so as to render him or her unable to earn a living even after attaining the age of 25 years in the case of the son and 25 years in the case of the daughter, the family pension shall be payable to such son or daughter for life subject to the following conditions, namely :-

- (i) if such son or daughter is one among two or more children in the order set out in clause (i) of sub-rule 6 of this rule until the last minor child attains the age of 25 years, as the case may be, and thereafter the family pension shall be resumed in favour of the son or daughter suffering from disorder or disability of mind or who is physically crippled or disabled and shall be payable to him/her for life ;
- (ii) if there are more than one such son or daughter suffering from disorder or disability of mind or who are physically crippled or disabled, the family pension shall be paid in the following order namely :-

- (a) firstly to the son, and if there are more than one son, the younger of them will get the family pension only after the life-time of the elder ;
- (b) secondly, to the daughter, and if there are more than one daughter, the younger of them will get the family pension only after the life time of the elder :-
- (iii) the family pension shall be paid to such son or daughter through the guardian as if he or she was a minor ;
- (iv) before allowing the family pension for life to any such son or daughter, the sanctioning authority shall satisfy that the handicap is of such a nature as to prevent him or her from earning his or her livelihood and the same shall be evidenced by a certificate obtained from a medical officer not below the rank of a Civil Surgeon setting out, as far as possible, the exact mental or physical condition of the child ;
- (v) the person receiving the family pension as guardian of such son or daughter shall produce every three years a certificate from a medical officer not below the rank of Civil Surgeon to the effect that he or she continues to be physically crippled or disabled.

EXPLANATION.

- (a) Only the disability which manifest itself before the retirement or death of the employee while in service shall be taken into account for the purpose of grant of family pension under this sub-rule.
 - (b) A daughter shall become ineligible for family pension under this sub-rule from the date she gets married.
 - (c) The family pension payable to such a son or daughter shall be stopped if he or she starts earning his/her livelihood.
 - (d) In such cases it shall be duty of the guardian to furnish a certificate to the Treasury or Bank, as the case may be every month that (i) he or she has not started earning his/her livelihood ; (ii) in the case of daughter, that she has not yet married.
- (5) (a) (i) Where the family pension is payable to more widows than one the family pension shall be paid to the widows in equal shares.
- (ii) On the death of a widow, her share of the family pension shall become payable to her 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 the family pension which the mother would have received if she had been alive at the time of the death of the employee or pensioner.

- (6) (i) Except as provided in sub-rule (5) the family pension shall not be payable to more than one member of the family at the same time.
- (ii) If a deceased employee or pensioner leaves behind a widow or widower, the family pension shall become payable to the widow or widower the failing which to the eligible child.
- (iii) If sons and un-married daughters are alive, unmarried daughters shall not be eligible for family pension unless the sons attain the age of twenty-five years and thereby become ineligible for the grant of family pension.
- (7) Where a 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 (i) or (ii) of sub-rule (1) as the case may, and after the expiry of that period the next child shall become eligible for the grant of family pension.
- (8) Where family pension is granted under rule to a minor, it shall be payable to the guardian on behalf of the minor.
- (9) In case both wife and husband are employees and are governed by the provisions of this rule 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 or wife, and in the event of the death of the husband or wife, the surviving child or children shall be granted the two family pensions in respect of the deceased parents, subject to the limits specified below, namely :-
- (a) (i) if the surviving child or children is or are eligible to draw two family pensions at the rates mentioned in sub-rule (3) the amount of both the pensions shall be limited to five hundred rupees per mensem ;
- (ii) if one of the family pensions ceases to be payable at the rate mentioned in sub-rule (3), and in lieu thereof the pension at the rate mentioned in sub-rule (2) becomes payable the amount of both the pensions shall also be limited to five hundred rupees per mensem ;
- (b) if both the family pensions are payable at the rates mentioned in sub-rule (2), the amount of two pensions shall be limited to two hundred and fifty rupees per mensem.
- (10) Where a female employee or male employee dies leaving behind a judicially separated husband or widow and no child or children, the family pension in respect of the deceased shall be payable to the person surviving :

Provided that where in a case the judicial separation is granted on the ground of adultery and the death of the employee takes place during the period of such judicial separation, the family pension shall not be payable to the person surviving.

- (11) (a) Where a female employee or male employee dies leaving behind, a judicially separated husband or widow with a child or children, the family pension payable in respect of the deceased shall be payable to the surviving person provided he or she is the guardian of such child or children.

(b) Where the surviving person has ceased to be guardian of the child or children such family pension shall be payable to the person who is the actual guardian of such child or children.

(12) FOR THE PURPOSE OF THIS RULE:

- (a) "Continuous service" means service rendered in a temporary or permanent capacity in a pensionable establishment and does not include --

- (i) period of suspension, if any and
- (ii) period of Service if any, rendered before attaining the age of eighteen years ;

- (b) "family" in relation to an employee means -

- (i) wife in the case of a male employee or husband in the case of a female employee provided the marriage took place before the retirement of the employee ;
- (ii) a judicially separated wife or husband such, separation not being granted on the ground of adultery provide the marriage took place before the retirement of the employee ;
- (iii) son who has not attained the age of twenty-five years and unmarried daughter who has not attained the age of twenty-five years, including such son and daughter adopted legally before retirement but shall not include son or daughter born after retirement ;

- (c) "Pay" means the emoluments as specified in rule-21 :

Provided that in a case in which average emoluments as referred to in rule-22 are treated as emoluments for the purpose of death-cum-retirement gratuity referred to in rule-31, such average emoluments shall be treated as pay.

The date of the effect of family pension :-

A family pension shall take effect from the day following the death of an employee.

CHAPTER - VIII

APPLICATION FOR SANCTION OF PENSION.

GENERAL.

36. Preparation of list of Employee of The Madrassa Due For Retirement.

The management of the Madrassa shall have a list prepared every six months, that is, on 1st January and the 1st July each year of all employees of the Madrassa who are due to retire with the next 34 months of that date.

- (2) Two copies of the list referred to in sub-clause (1) shall be supplied to the Director of School Education or such other officer as the Government may decide from time to time not later than 31st January or 31st July as the case may be, of that year. Director of School Education shall forward a copy of the list to the Audit Officer concerned not later than 31st March or 30th September as the case may be, of that year.
- (3) In the case of an employee retiring for reasons other than by way of superannuation, the management of the Madrassa shall promptly inform the officer referred to in sub-clause above as soon as the impending retirement becomes known to him. On receipt of the information from the management of Madrassa the concerned officer shall intimate the Audit Office of the impending retirement.

37. SUBMISSION OF APPLICATION FOR PENSION.

- (1) Every employee who is eligible for pension under this Rule shall submit in writing an application for pension in prescribed form.
- (2) Every employee shall submit his application for pension at least one year in advance of the date his anticipated retirement :

Provided that :-
 - (i) In a case in which the date of retirement can not be foreseen one year in advance, the application shall be submitted immediately after the date of retirement is settled, and
 - (ii) an employee of the Madrassa, proceeding on leave preparatory to retirement in excess of one year provided entitled to the same as per leave rule applicable to him, shall submit the application at the time of proceeding on such leave.

38. AUTHORITY COMPETENT TO SANCTION PENSION AND GRATUITY.

- (1) (a) "The Drawing and Disbursing Officer appointed by the Government shall be competent to sanction pension and gratuity."

- (b) The authority referred to in clause (a) shall after considering the facts of the case and having due regard to the provisions of rule -4 recorded in prescribed form from his orders as to whether the service rendered by the employee of the Madrassa has been satisfactory and is approved for the grant of full pension or gratuity or both admissible under the regulations or whether or both admissible under the regulations or whether the service so rendered has not been thoroughly satisfactory and what reduction should for that reason, be made from the full pension or gratuity or both.

39. REVISION OF PENSION AFTER SANCTION.

- (1) Subject to the provisions of Rules -6 and 7, pension once sanctioned after final assessment shall not be revised to the disadvantage of the employee, unless such revision becomes necessary, on account of a clerical error, subsequently :

Provided that no revision of pension to the disadvantage of the pensioner shall be ordered by the pension sanctioning authority without the sanction of the Government if the clerical error is detected after a period of two years from the date of sanction of pension.

- (2) For the purpose of sub-rule (1), the employee concerned shall be served with a notice by the pension sanctioning authority requiring him to refund the excess payment of pensions within a period of two months from the date of receipt of notice by him.
- (3) In case the employee fails to comply with the notice, the pension sanctioning authority shall, by order in writing direct that such excess payment shall be adjusted by short payments of pension in future, in one or more instalments, as the said authority may direct.

40. PREPARATION OF PENSION PAPERS :

- (1) "The management of the Madrassa on receipt of the formal application for pension, shall immediately prepare the pension papers in prescribed form after the scrutiny and verification of the service claimed and the emoluments actually drawn and forward the same alongwith the following documents to the Drawing and Disbursing Officer appointed by the Government who will in his turn forward the pension papers to the Audit Officer" :-

- (a) Service Book duly completed and the entries duly verified and signed by the D. D. O./Administrator Secretary of the Managing Committee and countersigned by the Deputy Director of Education.
- (b) A certificate to be given by the appointing authority stating that the service claimed have been verified and that the average amoluments have been correctly calculated.
- (c) Recommendation of the appointing authority stating whether the pension should be admitted or not.

41. VERIFICATION OF SERVICE.

- (1) (a) "The Drawing and Disbursing Officer appointed by the Government shall go through the Service Book and the Service Roll, if any, of the employee and satisfy himself as to whether the annual certificate of verification for the entire service are recorded there."
- (b) In respect of the unverified portion or portions of service, he shall arrange to verify it or them, as the case may be with reference to pay bills, acquittance rolls or other relevant records and record necessary certificates in the service book or service rolls, as the case may be.

42. COMPLETION OF PENSION PAPERS.

- (1) The management of the Madrasa shall complete Part-I of the prescribed form irrespective of the fact whether an application for pension has been received from the retiring employee of the Madrasa or not.
- (2) If at the time of completing Part-I of prescribed form the said application from the employee has not been received the relevant columns in Part-I of prescribed form shall be left unfilled and relevant entries made as soon as the said application is received.

43. FORWARDING OF PENSION PAPERS TO THE ADUIT OFFICER.

- (1) (a) After complying with the requirement of rule-42, the management of the Madrasa shall certify in prescribed form as to whether the character, conduct and past service of the employee are such as to entitle him to the favourable consideration of the pension sanctioning authority.
- (b) The management of the Madrasa shall also record in prescribed form his opinion as to whether service claimed has been established and should be admitted or not.
- (2) (a) "After completing the prescribed forms the management of the Madrasa shall sent in prescribed forms, in duplicate, to the Drawing and Disbursing Officer appointed by the Government who will forward one copy of the prescribed forms to the Audit Officer, with a covering letter in prescribed form along with the employee's Service Book and service rules, if any duly completed upto date and any other documents relied upon for the verification of the service claimed, in such a manner that they can be conveniently consulated."
- (b) The management of the Madrasa shall retain one copy of each of the above form for his Office record.

44. INTIMATION TO AUDIT OFFICER REGARDING ANY EVENT HAVING A BEARING ON PENSION.

- (1) "If, after the pension papers have been forwarded by the Drawing and Disbursing Officer any event occurs which has a bearing on the amount of pension admissible, the fact shall be promptly reported to the Audit Officer by the pension sanctioning authority."

- (2) Whether the pension papers have been sent to the Drawing and Disbursing Officer before the actual date of retirement of the employee, a certificate as to the satisfactory nature of service rendered by the employee for the period from the date of admitting the service by the pension sanctioning authority to the date of actual retirement shall be forwarded to the Drawing and Disbursing Officer appointed by the Government with a copy to the Audit Officer within a week from the date of Actual retirement of the employee of the Madrassa.
- (3) The management of the Madrassa shall furnished to the Drawing and Disbursing Officer appointed by the Government at least 14 days before the date of retirement of the employee of the Madrassa the following particulars namely :-
- (a) Outstanding dues recoverable from the employee but of the gratuity before payment is authorised that is to say ;
 - (i) dues payable to the Madrassa or any other Authority which have been ascertained and assessed.
 - (b) amount of gratuity to be held over for adjustment of dues payable to the Madrassa / Govt. which have not been assessed so far ;

45.

SANCTION, DRAWAL AND DISBURSEMENT OF PROVISIONAL PENSION AND GRATUITY.

- (1) After the pension papers of an employee have been sent to the Drawing and Disbursing Officer appointed by the Government, the later shall be competent to sanction provisional pension not exceeding maximum pension and three-fourth of gratuity as indicated in Part-I prescribed form and for this purpose adopt the following procedure, namely :-
- (a) he shall issue a sanction letter in favour of the employee endorsing a copy thereof the management of the Madrassa as well to the Audit officer and the Director of school education indicating the amount of provisional pension and three-fourth of gratuity payable to the retiring employee of the Madrassa.
 - (b) he shall indicate in the sanction letter the amount recoverable out of the gratuity and sub-clause 3 of Clause-44.
 - (c) after the issue of sanction letter the Management of the Madrassa or the drawing and disbursing officer who may be authorised in the sanction shall draw ;
 - (i) the amount of provisional pension and ;
 - (ii) the amount of three-fourth of gratuity after reduction therefrom, all the dues payable to the Madrassa / Government by the retiring employee.

- (d) The management of the Madrassa or the Drawing and Disbursing Officer as the case may be shall obtain from such retiring employees a certificate of Non-employment in such form a provisional pension and the three-fourth gratuity.
- (2) The management of the Madrassa or the Drawing and Disbursing Officer as the case may be shall take steps to draw and disburse the provisional pension and gratuity to the retired employee of the Madrassa on the 15th 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 from the date of retirement of the employee unless the period is extended by the Audit Officer.
- (4) The management of the Madrassa or the Drawing and Disbursing Officer as the case may be shall inform the Director of School Education and the Audit Officer.
 - (a) as soon as the gratuity has been paid to the retired employee.
 - (b) as soon as the provisional pension has been paid to the retired employees for a period of six months and for the period as may be extended by the Audit Officer as the case may be.

46. DRAWAL OF BALANCE OF GRATUITY.

The Audit Officer shall order payment of the balance of the gratuity from a Treasury in the State of Tripura from which the payment of final pension is desired by the retired employee.

47. AUTHORISATION OF FINAL PENSION AND BALANCE OF GRATUITY BY THE AUDIT OFFICER.

- (1) On receipt of the pension papers referred to in clause-13, the Audit Officer shall apply the requisite steps, record his audit enforcement on section (i) of part-III of the prescribed form and assess the amount of final pension and gratuity within a period of a six months from the date of retirement of the concerned employee.
- (2) Unless otherwise decided by the State Government, the procedure for the payment of final pension and the terms and conditions regulating the payment there of shall mutatis mutandis be the same as envisaged in the Central Civil Service (Pension) rule, 1972 as adopted by the State Government.

48. DUES TO THE MADRASSA/GOVERNMENT, RECOVERY AND ADJUSTMENT OF THE DUES TO THE MADRASSA.

- (i) It shall be the duty of every retiring employee to clear all the dues payable to the Madrassa/Government before the date of his retirement.
- (ii) Where a retiring employee does not clear the Madrassa/Government dues and such dues are ascertainable.
 - (a) An equivalent cash deposit may be taken from him or.
 - (b) out of the gratuity payable to him an amount equal to that recoverable on account of ascertainable Madrassa/Government dues shall be deducted there from.
- (3) In case of a deceased employee where family of the deceased employee is eligible for death-cum-retirement gratuity such dues shall be recovered in a similar manner from the family of the deceased.

CHAPTER-IX

SANCTION OF FAMILY PENSION AND DEATH-CUM-RETIREMENT IN RESPECT OF EMPLOYEE DYING WHILE IN SERVICE.

49. THE PAYMENT OF FINAL PENSION AND DEATH-CUM-RETIREMENT GRATUITY WHEN AN EMPLOYEE OF THE MADRASSA DIES WHILE IN SERVICE.

- (1) Where the management of the Madrassa has received an intimation about the death of an employee of the Madrassa while in service he shall communicate the fact to the Director of School Education and D. D. O.
- (2) On receipt of the information communicated under sub-clause (i), the Drawing and Disbursing Officer appointed by the Government shall ascertain whether any death-cum-retirement gratuity or family pension or both is or are payable in respect of the deceased employee.
- (3) (a) Where the family of the deceased employee is illegible for the death-cum-retirement gratuity under Rule-31, the Drawing and Disbursing Officer shall ascertain ;
 - (i) if the deceased employee had nominated any person or persons to receive the gratuity and ;
 - (ii) if the deceased employee had not made any nomination or the nomination made does not subsist, the person or persons to whom the gratuity may be payable.

- (iii) The Audit Officer shall then address the person concerned in Form '10' & Form '11' as may be appropriate for making a claim in Form '12'.
- (4) (a) No withstanding anything contained in sub-clause (3) the management of the madrassa shall furnish to the Drawing and Disbursing Officer, the following particulars namely-
 - (i) dues recoverable out of the gratuity before payment is authorised, that is say-
 - (a) dues which have been ascertained and assessed ;
 - (ii) amount of gratuity to be held over for adjustment of dues which have not been assessed so far ;
 - (iii) such other particulars, including details of the family, of the deceased employee for the purpose of obtaining claim as the Drawing and Disbursing Officer appointed by the Government may required.
- (5) On receipt of the claim or claims forwarded by the Drawing and Disbursing Officer the Audit Officer shall complete Form-18 and finally assess the amount of death-cum-retirement gratuity or family pension or both and shall prepare the pension payment order.
- (6) (a) The Audit Officer shall authorise the payment of gratuity after adjustment the amount if any outstanding against the deceased employee.
- (b) The amount of gratuity held under sub-clause (4) shall be adjusted by the Audit Officer against the dues to the Madrassa/Government ascertained and assessed subsequently and balance, if any shall be released to the claimants after the expiry of such period as the Audit Officer may deemed proper but in no case the period shall exceed six months from the date of receipt of claim or claims under sub-clause (5) and then the Audit Officer shall prepare an order for its payment.
- (7) The fact of the issue of the payment order and order for the payment of gratuity shall be promptly reported to the madrassa concerned and the Director of School Education.

AUTHORISATION OF ANTICIPATORY GRATUITY AND FAMILY PENSION.

- (i) Where the amount of death-cum-retirement gratuity payable under clause-49 cannot be finally assessed and settled in accordance with the provision of this rule within a reasonable time the Audit officer shall determine the gratuity and family pension in the same manner as applicable to the employee under the Government of Tripura and thereafter authorise the disbursement of family pension so determined as 'Anticipatory family pension' and three-fourth of the amount of gratuity so determined as anticipatory gratuity.

- (ii) If the amount of anticipatory family pension granted as afterwards found to be in excess of the final family pension assessed by the Audit Officer to adjust the excess by short payment of family pension payable in future. If however, the gratuity disbursed proves to be larger than the amount finally assessed by the Audit Officer, the gratuitant shall not be required to refund the excess actually disbursed to him.

51.

PAYMENT OF PROVISIONAL FAMILY PENSION AND DEATH-CUM-RETIREMENT GRATUITY WHEN AN EMPLOYEE DIES WHILE IN SERVICE AND AUTHORISATION OF FINAL FAMILY PENSION AND BALANCE OF GRATUITY IN RESPECT OF A DECEASED EMPLOYEE.

- (1) Where the management of the Madrasa 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.
- (ii) Where the family of the deceased employee is eligible for the death-cum-retirement gratuity under Rule-31 the Drawing and disbursing Officer appointed the Government and the Audit Officer, as the case may be, shall determine admissible amount and arrange disbursement in the same manner as provide under rule-49.

CHAPTER-X

SANCTION OF FAMILY PENSION AND RESIDUARY GRATUITY IN RESPECT OF DESEASED PENSIONERS.

52.

Sanction of family pension and residuary gratuity on the death of pensioner.

- (1) Where the Management of Madrasa has received an intimation regarding the death of retired employee who was in receipt of pension, and bring the matter to the notice of the Director of School Education who shall ascertain whether any family pension or residuary gratuity or both is or are payable in respect of the deceased pensioner. Provided that the Drawing and Disbursing Officer, by the Govt. may, when he considers it necessary so to do, consult the Audit Officer or in such other manners may be ordered by the Government of Tripura for sanction of family pension or residuary gratuity or both.
- (2) (A) (i) If the deceased pensioner is survived by a widow/widower who is eligible for the grant of family pension under rule-35, 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 death of the pensioner.

- (ii) On receipt of an application from the widow or widower, The Treasury Officer from whom the deceased pensioner was drawing his/her pension shall authorise the payment of family pension to the widow or widower, as the case may be.
- (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-14 to the management of the Madrassa who by turn shall submit the same to the Drawing and Disbursing Officer appointed by the Government for the payment of the family pension.
- Provided that the guardian shall not be required to submit the claim in the said form on behalf of the unmarried daughter if she has attained the age of twenty-five and such daughter may herself submit a claim in the said form.
- (ii) On receipt of a claim from the guardian through the management of the Madrassa, the Drawing and Disbursing Officer appointed by the Government shall sanction family pension in Form-20.
- (C) (i) Where a widow or widower in receipt of family pension remarriage and has, at the time of re-marriage, child or children from the former spouse who is or are eligible for family pension, remarried individual shall be eligible to draw the family pension on behalf of such child or children if such individual continues to be the guardian of such child or children.
- (ii) For the purpose of sub-clause (i), the re-married individual shall apply to the management of the madrassa on plain paper furnishing the following particulars, namely; (a) a declaration that the applicant continues to be the guardian of such child or children, (b) the date of re-marriage; (c) the name and date of birth of the child or children from the former spouse. (d) the Treasury from where the payment of family pension on behalf of such child or children is desired, (e) full postal address of the applicant.
- (iii) If the re-married individual has, for any reason, ceased to be the guardian of such child or children, the family pension shall become payable to the pensioner entitled to act as guardian of such child or children under this law for the time being in force and such pensioner may submit a Claim in Form-14 to the management of the madrassa for the payment of family pension.
- (iv) On receipt of the claim as referred to in sub-clause (ii) or (iii), the management of the madrassa shall forward the same to the Drawing and Disbursing officer appointed by the Government who shall sanction the family pension in form-21.

53. AUTHORISATION OF PAYMENT BY AUDIT OFFICER.

On receipt of the sanction under Rule-51 regarding the payment of family pension or of residuary gratuity or of both, the Audit Officer shall authorise the payment of the same.

CHAPTER-XI
PAYMENT OF PENSION

54. Date from which pension become payable :-

Subject to the provision of these Rules.

- (i) Pension shall become payable from the date of which the employee ceases to be borne on the establishment of the madrassa.
- (ii) Pension including family pension shall be payable for the day on which its receipt dies.

55. Currency in which pension is payable :-

All pensions shall be payable in rupee.

56. Manner of payment of gratuity and pension.

- (i) A gratuity shall be paid in lump sum.
- (ii) A pension finance at monthly rates shall be payable monthly on or after first day the following month.

CHAPTER-XII
COMMUTATION OF PENSION.

57. An employee who is eligible for the pension under these rules shall be entitled to commute for a lump sum payment at the rate determined by the Government time to time any portion not exceeding 10% of the pension which has been or may be granted to him under the rules.

Provided that an employee against whom a judicial or Departmental proceeding has been instituted or continued shall not be permitted to commute any portion of his/her pension during the pendency of such proceeding.

58. SANCTIONING AUTHORITY :

The Officer referred to in clause-38 shall be authorised to sanction commutation of pension.

59. RATE OF COMMUTED VALUE OF PENSION :

The rate of commuted value of pension shall be the same as may be applicable in the case of commutation of pension of the employee under the Govt. of Tripura from time to time.

60. APPLICATION FOR COMMUTATION :

An Application for commutation of pension shall be submitted by an employee after he or she has retired to the sanctioning authority as mentioned in clause-58 in the form and in such time as may be prescribed for the employees under the Government of Tripura.

H. Bhowmik
Under secretary to the
Government of Tripura.

GENERAL PROVIDENT FUND RULES

1.
 - (1) In these regulation unless the context otherwise requires :-
 - (a) "Save as otherwise expressly provided emoluments" means pay, leave salary or subsistence grant, if admissible and any remuneration of the nature of pay received by the subscriber.
 - (b) Family means :-
 - (i) 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 grand parent. Provided that if a subscriber proves that his wife has been judicially seperated 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 Secretary/administrator/D.D.O.that he shall continue to be so regarded.
 - (ii) In the case of a female subscriber, the husband, parents and children minor brothers, un-married sister deceased son's widow and children and where no parents of the subscriber is alive, a paternal grand parent. Provided that if a subscriber by notice in writing to the Secretary of Managing Committee/Administrator/D.D.O. exprese 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.
 - (c) Fund means the "Provident Fund".
 - (d) "Year" means a financial year.
2.
 - (i) The fund shall be created from the subscriptions of the subscriber, paid at a minimum rate as may be stipulated from time to in the case of the employee of State Government for their subscription to the General Provident Fund. All sums paid into the fund shall be deposited in the Postal Savings account in the name of the subscriber to be operated jointly by the incumbent concerned and the Secretary/administrator/ D.D.O. of the Madrassa.
 - (ii) All subsequent accounts to the said Provident Fund Account made by the employees including recoveries towards advances from the fund shall be deposited in the Postal Savings Account opened in the name of the subscriber and jointly operated by the employee concerned and the Secretary/Administrator/ D.D.O. of the Madrassa.
 - (iii) A subscriber will be elligible for interest @ rate admissible to the employees of the Govt. of Tripura under General Provident Fund Scheme for the deposite of Provident Fund :

Provided that the interest accrued on the deposits from Postal Saving Account will also count as interest paid by the Govt. for purpose of calculating interest payable by the Government.

3. (i) The fund shall be maintained in rupees.
- (ii) All sums paid into the Fund under these Rules shall be credited to an account opened in terms of rule above.

4. All regular employees after completion of continuous service of one year shall subscribe to the Fund.

5. (i) A subscriber shall at the time of joining the Fund submit to the Secretary/ Administrator 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 of his family.

- (2) If a subscriber nominates more than one persons under Sub-rule (1) he shall specify in the nomination the amount of share payable to each of the nominees in such manner as to cover the whole of amount that may stand to his credit in the fund at any time.
- (3) Every nomination shall be in such one of the Forms prescribed for the purpose.
- (4) A subscriber may at any time cancel a nomination by submitting a notice in writing to the Secretary/Administrator/D.D.O. The subscriber shall alongwith 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 shall, is 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 rule, he shall specify the amount or share payable to each of such person 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 no family, he shall provide in the nomination that it shall become invalid in the event of his subsequently acquiring a family ;

Provided further that if at the time of making the nomination the subscriber has only one member of the family, he shall provide the nomination that the right conferred upon the alternate nominee under sub-rule (a) shall become invalid in the event of his subsequently acquiring other member or members in his family ;

- (6) Every nomination made and every notice of cancellation by a subscriber shall ; to the extent that it is valid, take effect on the date on which it is received by the Secretary/Administrator / D.D.O.

- (6) An account

- (6) An account shall be opened in the name of each subscriber, in the books of accounts to be maintained by the Secretary/Administrator/ D.D.O. in which Subscriber's account shall be shown ;

- (i) his subscriptions ;
- (ii) interest, as provided in this rules;
- (iii) advance and withdrawals from the fund.

7. (1) A subscriber shall subscribe monthly to the fund except during the period when he is under suspension.

Provided that a subscriber may, at his option not subscribe during leave which either does not carry any leave salary or carries leave salary equal to or less than half pay or half average pay.

Provided further that a subscriber on reinstatement after a period passed under suspension shall be allowed the option of paying in one lump sum, or in instalments, any sum not exceeding the maximum amount of arrear subscriptions payable for that period.

- (2) The subscriber shall intimate his election not to subscribe during the leave referred to in the first proviso sub-rule (1) above by a written communication to the Secretary/Administrator / D.D.O. :-

The option of a subscriber intimated under this sub-rule shall be final.

- (3) A subscriber who has, under Rule-17 withdrawn the amount standing to his credit in the fund shall not subscribe to the Fund after such withdrawal unless he returns to duty.

- (4) Notwithstanding anything contained in Sub-Rule (1) a subscriber shall not subscribe to the Fund for the month in which he quits service unless, before the commencement of the said month, he communicates to the Secretary/Administrator /D.D.O. in writing his option to subscribe for the said month.
8. (1) The amount of subscription shall be fixed by the subscriber himself, subject to the following conditions, namely :-
- (a) It shall be expressed in whole rupees.
- (b) It may be any sum, so expressed, not less than 6 percent on such other minimum amount as may be stipulated by the State Government and not more than his total emoluments. (The fraction of a rupee will be to the nearest whole rupee, 50 paise counting as the next higher rupee).
- (2) For the purpose of Sub-Rule (i) the emolument of a subscriber shall be :-
- (a) in the case of subscriber who was in service on the 31st March of the preceeding year, the emoluments to which he was entitled on that date .
- Provided that :-
- (i) if the subscriber was on leave on the said date and elected not to subscribe during such leave or was under suspension on the said date, his emoluments to which he was entitled on the first day after his return to duty .
- (3) The amount of subscription so fixed may be :
- (a) reduced once at any time during the course of the year ;
- (b) enhanced twice during the course of the year :

Provided that when the amount of subscription is so reduced it shall not be less than the minimum prescribed in Sub-Rule (1).

Provided further that if a subscriber is on leave without pay or leave on half pay or half average pay for a part of calendar month and he has elected not to subscribe during such leave, the amount as subscription payable shall be proportionate to the number of days spent on duty including leave if any other than those referred to above.

9.

INTEREST.

As provided in this rules the Fund shall be deposited in the Saving Bank Account of the employee concerned, interest payable under the Saving Bank Account shall be credited by the concerned authority According the provision of the said Saving Bank Account scheme. The State Government share of interest as provided in this rules shall be payable based on the interest accrued on the fund in the Saving Bank Account in each year, which shall also deposited in the Saving Bank Account on receipt of the same from the State Government by the management of the Madrassa.

10.

The Secretary/Administrator/D.D.O. of the Madrassa may sanction the payment to any subscriber of an advance consisting of a sum of whole rupee and not exceeding in amount three month's pay or half the amount standing to his credit in the fund, whichever is less, for one or more of the following purpose :-

- (a) to pay expenses in connection with the illness, confirmment or disability including where necessary, travelling expenses of the subscriber and members of his family or any person actually dependent on him;
- (b) to meet the cost of higher education, including where necessary the travelling expenses of the subscriber and members of his family or any person actually dependent on him the following cases namely ;
 - (i) for education outside India for an academic, technical professional or vocational course beyond the High Madrassa stage, and
 - (ii) for any Medical, Engineering or other technical or specialised course in India beyond the High Madrassa stage provided that the course of study as 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 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 ;
- (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 plot or construction of a house or flat for his residence or to make any payment towards the allotment of plot or flat by the State Government or a State Housing Board.

(2)

An advance shall not, except for special reasons to be recorded in writing be granted to any subscriber in excess of the limit laid down in Sub-Rule (1) or until repayment of the last instalment or any previous advance.

- (3) When an advance is sanctioned under Sub-Rule (2) before repayment of last instalment of any previous advance is completed, the balance of any previous advance not recovered shall be added to the advance so sanctioned and the instalment for recovery shall be fixed with reference to the consolidated amount.

An advance shall be recovered from the subscriber in such number of equal monthly instalments as the sanctioning authority may direct but such number shall not be less than twenty unless the subscriber so elects and more than twentyfour. In special cases, where the amount of advance exceeds three month's pay of the subscriber under Sub-rule (2) of rule 10 the sanctioning authority may fix such number of instalments to be more than twentyfour but in no case more than thirty-six. A subscriber may at his option, repay more than one instalment in a month.

- (i) Each instalment shall be a number of whole rupee. The amount of the advance being raised or reduced, if necessary to admit of the fixation of such instalments.
- (ii) Recovery shall commence, with the issue of pay for the month following the one in which the advance was drawn. Recovery shall not be made, except with the subscriber's consent while he is in receipt of subsistence grant or is on leave "for ten days or more in a calendar month" which either does not carry any leave salary or carries leave salary equal to or less than half pay or half average pay as the case may be. The recovery may be postponed, on the subscriber's written request, by the sanction authority during the recovery of an advance of pay granted to the subscriber.
- (iii) If an advance has been granted to a subscriber and drawn by him and the advance is subsequently disallowed before repayment is completed, the whole or balance of the amount withdrawn shall, forthwith be repaid by the subscriber to the Fund or in default, be ordered by the Secretary/Administrator/D.D.O. to be recovered by deduction from the emoluments of the subscriber in a lump sum or in monthly instalments not exceeding twelve as may be directed by the authority competent to sanction an advance for the grant of which, special reasons are required under Sub-rule (2) of clause-10.
- (iv) Recoveries made under this regulations shall be credited as they are made to subscriber's account in the Fund.

Notwithstanding anything contained in these Rules if the sanctioning authority has reason to doubt that money drawn as an advance from the fund under the rule 10 has been utilised for a purpose other than that for which sanction was given to the drawal of the money, he shall communicate to the subscriber the reasons for his doubt and require him to explain in writing and within fifteen days of the receipt as such communication whether the advance has been utilised for the purpose for which sanction

was given to the drawal of the money. If the sanctioning authority is not satisfied with the explanation furnished by the subscriber within the said period of fifteen days, the sanctioning authority shall direct the subscriber to repay the amount in Question to the Fund forthwith or, in default, order the amount to be recovered by deduction in one sum from the emoluments of the subscriber even if he be on leave.

If, however, the total amount to be repaid be more than half the subscribers' emoluments recoveries shall be made in monthly instalments of moieties of his emoluments till the entire amount is repaid by him.

13. (1) Subject to the conditions specified therein, withdrawals may be sanctioned by the authorities competent to sanction an advance for special reasons under sub-rule (2) of Clause 10 at any time :-
- (A) After the completion of twenty years of service (including broken period of service, if any) of a subscriber or within ten years before the date of his retirement or superannuation, whichever is earlier, from the amount standing to his credit in the Fund, or one or more of the following purposes, namely :-
 - (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 Madrassa stage and
 - (ii) for any medical, engineering or other technical or specialised course in India beyond the High Madrassa stage.
 - (b) Meeting the expenditure in connection with the betrothal marriage of the subscriber or his sons or daughters, and any other female relation actually dependent on him.
 - (c) meeting the expenses in connection with the illness, including where necessary, the travelling expenses, of the subscriber and member of his family or any person actually dependent on him ;
 - (B) after the completion of ten (including broken period of service, if any) years of service of a subscriber or within ten years before the date of his retirement on superannuation, whichever is earlier, from the amount of subscription and interest there on standing to the credit of the subscriber in the Fund for one or more of the following persons namely ;
 - (a) building or acquiring a suitable house or readybuilt flat or his residence including the cost of the site ;
 - (b) repaying a house-site for building a house thereon for his residence or repaying any outstanding amount on account of loan expressly taken or this purpose.

- (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) reconstruction or making additions or alterations to a house or a flat already owned or required by a subscriber ;
 - (e) constructing a house on a site purchased under sub-rule (c).
 - (C) Within six months before the date of the subscriber's retirement from the amount standing to his credit in the fund for the purpose of acquiring a farm land or business premises or both.
- (1) Any sum withdrawn by a subscriber at one or more of the purposes specified in Rule 13 from the amount standing to his credit in the Fund shall not ordinarily exceed one, half of such amount or six months pay whichever is less. The sanctioning authority may, however sanction the withdrawal of an amount in excess of this limit up to 3/4th of the balance at his credit in the Fund having due regard to (i) the object for which the withdrawal is being made (ii) the status of the subscriber and (iii) the amount to his credit in Fund.
- (ii) A subscriber who has been permitted to withdraw money from the Fund under rule 13 shall satisfy the sanctioning authority within a reasonable period as may be specified by that authority that the money has been utilised for the purpose for which it was withdrawn, and if he fails to do so the whole of the sum to be withdrawn, or so much there of as has not been applied for the purpose for which it was withdrawn shall forthwith be repaid in one lump sum by the subscriber to the Fund and in default of such payment, it shall be ordered by the sanctioning authority to be recovered from his emoluments either in a lump sum or in such number of monthly instalments, as may be determined by the sanctioning authority.
- Provided that, before repayment of a withdrawal is enforced under this sub-rule the subscriber shall be given an opportunity to explain in writing and within fifteen days of the receipt of the communication why the repayment shall not be enforced ;
- and if the sanctioning authority is not satisfied with the explanation or no explanation is submitted by the subscriber within the said period of fifteen days, the sanctioning authority shall enforce the repayment in the manner prescribed in this sub-rule.
- (iii) (a) A subscriber who has been permitted under rule 13 to withdraw money from the amount standing credit in the Fund shall not part with the possession or the house built or acquired or house site purchased with the money so withdrawn whether by way of sale, mortgage, gift exchange or otherwise without the previous permission of the sanctioning authority.

15. A subscriber who has already drawn or many draw in future as advance under Rule 10 for any of the purposes specified in Clause 13 may convert at his descretion by written request addressed to the Secretary/Administrator the balance outstanding against it into a final withdrawal on his satisfying the conditions laid down in rule 13 and 14.

16. When a subscriber quite the service, the amount standing to credit in the Fund shall become payable to him.

provided that a subscriber, who has been dismissed from the service and is subsequently reinstated in the service, if required to do so by the school, repay any amount paid to him from the Fund in pursuance of this rules with interest thereon at the rate provided in Rule 9 in the manner provided in the provision to Rule 17. The amount so repaid shall be credited to his account in the Fund.

Provided further that when a subscriber quits the service of a aided Madrassa appointed without any break in service to another aided Madrassa in the State, the credit of this fund will be transferred to the Madrassa to which he subsequently joins.

17. When a subscriber :-

- (a) has proceeded on leave preparatory to retirement, or
- (b) While on leave, has been permitted to retire or been declared by a competent medical authority to be unfit for further service, the amount standing to his credit in the Fund shall, upon application made by him in that behalf, become payable to the subscriber.

Provided that the subscriber, if he returns to duty, shall except where the management of the Madrassa decides otherwise repay to the Fund, for credit to his account, the amount, paid to him from the Fund in pursuance of this rule with interest thereon at the rate provided in rule 9 in cash or securities, or partly in case and partly in securities, by instalments or otherwise, by recovery from him emoluments or otherwise, as may be directed by the authority competent to sanction an advance for grant of which, special reasons are required under Sub-rule (2) of Rule-10.

18. 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 :-

- (i) When the subscriber leaves family ;

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(a) If a nomination made by the subscriber in accordance with the provisions of rules-5 or of the corresponding rules here to force in favour of a member or members, of his/her family subsists, the amount standing to his/her credit in the Fund or the part thereof to which the 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 or the part thereof credit in the Fund, the whole amount or the part

thereof to which the nomination does not relate, the case may be shall. notice standing any nominations purporting to be in favour of any person or persons other than 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-----

- (i) Sons who have attended majority ;
- (ii) Sons of a deceased son who have attained majority ;
- (iii) Married daughters of a deceased son whose husbands are alive ;

If there is any members of the family other than those specified in sub-rule I, II and III of proviso provided further that the widow or widows and the child of children of a deceased son shall receive between them in equal parts only the share which that son would have received if he had survived the subscriber and had been exempted from the provisions of sub-rule of the first provision ;

- (II) When the subscriber leaves no family, if a nomination made by him in accordance with the provisions of Rule-5 or of the corresponding rule hereto in force in favour of any person or persons subsists, the amount standing to his/her credit in the Fund or the part thereof to which the nomination relates, shall become payable to his/her nominee or nominees in the proportion specified in the nomination ;

- Bhowmik
Under Secretary to the
Government of Tripura