GOVERNMENT OF WEST BENGAL DEPARTMENT OF LOCAL GOVERNMENT AND URBAN DEVELOPMENT WRITERS' BUILDINGS, CALCUTTA-700 001

4	Deputy Secretary to the Government of West Bengal
To:	The Chairman/President/Administrator
	The Mayor Municipal Corporation of Chandernagore P.O, Dist

No. 12/C-9/P2P-3/81(104)

From : Shri S. K. Chatterice

Dated Calcutta, the 16th April, 1982

Subject: Model Pension Rules for the employees of the Local Bodies in the State of West Bengal.

Sir,

I am directed to forward herewith a set of Model Pension Rules for the employees of the Local Bodies in the State of West Bengal and to request you to be so good as to take necessary steps for adoption of the rules in question under Section 69(1)(a) of the Bengal Municipal Act, 1932/under Section 69(1)(a) of the Bengal Municipal Act, 1932 as extended to Notified Area Authorities/under Section 69(1)(a) of the Bengal Municipal Act, 1932 as applied to Chandernagore and to resubmit the same for confirmation and approval by Government.

Yours faithfully,

Sd/- S. K. Chatterjee Deputy Secretary to the Government of West Bengal

Death-cum-Retirement	Benefit	Rules	for	the
in the district of				• • •
in West Bengal.				

CHAPTER I

- 3. The power of interpreting these rules is reserved to the Municipal Commissioners subject to the confirmation by the State Government.

CHAPTER II

4. In these rules:-

(a) "Appointing authority" in relation to an employee means-

(i) the authority empowered to make appointment to the services, grade or post as the case may be which he holds in a Municipality. / Municipal Corporation

Or

(ii) the authority, which appointed the employee, as such, in a Municipality;

(b) "Basic Pay" means the pay, other than Special Pay and any other emoluments which may be specially classed as pay or pay granted in view of personal consideration or qualifications, which has been sanctioned for a post held by a Municipal Employee substantively or in an officiating capacity, or to which he is entitled by reason of his position in a post/cadre;

(c) "Emoluments" means the pay which an employee was receiving immediately before his retirement and includes "Basic Pay" Special Pay, Personal Pay and any other emolument which may be specially

classed as Pay by Government in respect of their employees;

(d) "Employee" means any person who is in the whole-time employment of the Municipality and draws his pay from the Fund of the Municipality;

(e) "Family" includes the following relatives of an employee-

(1) for the purpose of death gratuity:--

(i) wife in the case of a male employee,

(ii) husband in the case of a female employee,

(iii) sons including step-sons,

(iv) unmarried and widowed daughters (including step-daughters),

(v) brothers below the age of 18 years and unmarried or widowed sisters,

(vi) father,

(vii) mother;

(2) for the purpose of family pension:—

(i) wife in the case of a male employee,

(ii) husband in the case of a female employee,

(iii) minor sons including adopted sons,

- (iv) unmarried minor daughters including adopted daughters,
- (v) dependant parents.

Note: Adoption or marriage after retirement will not be recognised for the purpose of family pension;

- (f) "Leave" means any kind of leave admissible to an employee under the rules applicable to him;
- (g) "Pension" except when the term "Pension" is used in contradistinction to gratuity, includes gratuity;
- (h) "Pension sanctioning authority" means the Chairman of the Municipality or any person who is authorised to exercise powers duties and functions of the Chairman or a subordinate officer authorised by him in this behalf;
- (i) "Personal Pay" means additional pay granted to an employee to save him from loss of pay due to revision or reduction of pay otherwise than as disciplinary measure or for his personal qualifications, which has been sanctioned for a post held by him substantively or in an officiating capacity:
- (j) "Service Book" means the document which contains the record of service of an employee;
- (k) "Special Pay" means an addition of the nature of pay, to the emoluments of a post or of an employee granted in consideration of the specially arduous nature of the duties or specific additions to the work or responsibility or the unhealthiness of the locality in which the work is performed;
- (1) "State Government" means the Government of West Bengal;
- (m) "Year of Service" means a completed year of service beginning from the date of entry by an employee in the regular establishment of the Municipality.

CHAPTER III

5. Service Record

The full records of service rendered by an employee from the date of first entry into service till the date of retirement shall be maintained in the Service Book by the Municipal Authority in the manner as provided in form 47 of the Municipal Account Rules (vide Appendix "A").

6. Service qualifying for pension

- (i) Continuous temporary or officiating service of a whole-time employee shall count as qualifying service.

 The period of service rendered before attaining the age of 18 years will not qualify.
- (ii) Temporary whole-time employees rendering continuous service for ten years or more will be granted pension and gratuity as admissible to permanent employees.
- (iii) All periods of authorised leave including extra-ordinary leave without pay shall count as qualifying service.
- (iv) Period of suspension followed by reinstatement shall count as qualifying service provided it is treated as duty.
- (v) The period of break in service will not count as qualifying service. Only the period of service rendered preceding the break is counted as qualifying service for pension.
- (vi) The period of break in service between the date of dismissal or removal and the date of re-instatement shall not count as qualifying service unless the period is treated as duty or leave by a specific order of the authority which passed the order of re-instatement.
- (vii) Resignation tendered or dismissal or removal entails forfeiture of past service, and no pension shall be admissible.
- (viii). Qualifying service for pension shall be counted up to the age of superannuation or the date preceding the date of voluntary retirement. The period of extension or re-employment or re-appointment, after attainment of the age of superannuation, shall not be considered as qualifying service.

7. Eligibility for Pension

Pension shall be calculated on the basis of six-monthly period of qualifying service. Any period less

than six months will be ignored for this purpose. Subject to satisfactory service, an employee shall be entitled to pension after completing twenty six-monthly periods of qualifying service—

(i) on attaining the age of superannuation;

(ii) on voluntary retirement after completing 25 years of qualifying service.

Note: If only the year of birth of an applicant for pension is known but the exact date of birth in that year is not known, the 1st of July of that year shall be taken to be the date of birth. Similarly, if only the month and the year of birth are known, the 16th of the month shall be taken to be the exact date of birth.

8. Exercise of Option

A. (i) Every employee willing to come under these rules shall have to exercise option in the form shown in Appendix—"B" within 90 days from the date of issue of notice by the Municipal Authority immediately after publication:

Provided that in the case of an employee, who is on leave or on deputation or on foreign service or under suspension on the date of issue of the notice in this regard, the said option shall be exercised not later than 90 days of the date of his return from such leave, deputation,

foreign service, or on resumption of duty after suspension as the case may be.

(ii) If the option is not exercised by any individual employee within the time-limit referred to above, it will be deemed that he has not opted for comming under the Pension Rules.

(iii) Those who were in service on the 31st March, 1981 but retired prior to the promulgation of these rules and could not exercise option shall be allowed to exercise option for the new benefits under these rules if they so desire. In case of an employee who was in service on the 31st March, 1981 and died afterwards, after receiving the Contributory Provident Fund accumulations, such employee should be deemed to have opted out of the new pension scheme. In case of an employee who was in service on the 31st March, 1981 and died afterwards without receiving the benefit of Contributory Provident Fund accumulations, the beneficiaries, who are entitled to receive the life-time arrears of pension, may be allowed to opt

for the new rules if they so desire in lieu of the benefit, of the Contributory Provident Fund.

(iv) The option once exercised will be final.

B. Any person appointed by the Municipality after the date of issuing the notice as referred to in sub-rule (i) above, will come under those rules automatically and no exercising of option is necessary in his case.

CHAPTER IV

9. Amount of Pension

The amount of pension that may be granted shall be determined by the length of qualifying service.

Note: In calculating the length of service and adding together broken periods of a month, a month should be taken to consist of 30 days.

- 10. The amount of pension payable monthly shall be expressed in whole of rupees and where the pension calculated according to these rules contains a fraction of a rupee, it shall be rounded off to the next higher rupee, provided that the maximum monthly pension prescribed in rule 14 shall not be increased thereby.
- 11. A pension admissible to an employee shall be paid in rupees and in India.
- 12. (a) A full pension admissible under the rule is not to be given as a matter of course or unless the service rendered has been approved by the pension sanctioning authority.

(b) If the services have not been thoroughly satisfactory the authority sanctioning the pension should make such reduction in the amount as it thinks proper:

Provided that the pension sanctioning authority before passing any final order regarding reduction

in the amount of pension, or gratuity or both, shall serve upon the person concerned a notice specifying the reduction proposed to be made in such amount and the grounds therefor, and call upon such person to submit, within 15 days of the receipt of the notice or such further time as may be allowed by that authority such representation as such person may wish to make against the proposed reduction and take into consideration the representation, if any, submitted by such person before passing the final order.

Note: (1) No pension shall be liable to seizure, attachment or sequestration by process of court in India at the instance of the creditor for any demand against the pensioner.

(2) The amount of reduction in pension under this rule shall be the extent by which the employee's service as a whole has failed to reach a thoroughly satisfactory standard, and should not be equated with the amount of

loss caused to the Municipality.

(3) The service of an employee against whom a charge of corruption has been proved whether in a specific case or by any presumption based on recorded facts cannot be considered to be thoroughly satisfactory within the meaning of this rule. Any action under this rule shall, however, be taken only after a charge of corruption has been

Amount reckonable for pension-

Emoluments as defined in rule 4 plus an additional amount calculated as follows:-

(i) In respect of employees drawing a basic pay up to Rs. 300/- per month, 36% of such pay reduced by the amount of existing Dearness Pay countable towards emoluments for pension under

the existing rules, if any.

(ii) In respect of employees drawing a basic pay of more than Rs. 300/2 per month and up to Rs. 2,180/- per month, 27% of Pay subject to a minimum of Rs. 108/- per month and a maximum of Rs. 243/- per month reduced by the amount of existing Dearness Pay countable towards emoluments for pension under the existing rules, if any. In respect of other employees the benefit will be as follows:

Pay per month	Additional Amount reckonable for pension		
Above Rs. 2,180/- and up to Rs. 2,380/-	Rs. 220/-		
Rs. 2,381/- and up to Rs, 2,450	The amount by which pay falls short of Rs. 2,600/-		
Rs. 2,451/- and up to Rs. 2,500/-	Rs. 150/-		
Rs. 2,501/- and up to Rs. 2,599/-	Amount by which pay falls short of Rs. 2,600/- plus Rs. 50/-		
Rs. 2,600/- and up to Rs. 2,650/-	Rs. 50/-		
Above Rs. 2,650/-	Nil		

Note: The term "Basic Pay" means grade pay only and will not include any other pay whatsoever, whatever may be the nomenclature.

Determination of the amount of Pension

The amount of pension shall be determined in accordance with the following slabs:-

Amount of monthly pension

- (i) Up to first Rs. 1,000/- of the amount reckonable for pension 50% of the amount (ii) Next Rs. 500/- of the amount reckonable for pension 45% of the amount (iii) Balance of the amount reckonable for pension 40% of the amount
- The amount of pension arrived at on the basis of the above slabs shall be related to the maximum qualifying service for 33 years. For employees, who at the time of retirement, have rendered qualifying service for ten years or more, but less than 33 years, the amount of their pension shall be of such proportion of maximum admissible pension as the qualifying service rendered by them bears to the maximum qualifying service of 33 years. A few illustrations are given in Appendix "C".

16. In addition to the pension as calculated on the basis of the above slab system, the pensioners shall get ad-hoc/temporary increases in pension, if sanctioned from time to time. In no case, however, the maximum monthly pension inclusive of ad-hoc increases in pension, if any, shall exceed Rs. 1,500/-

CHAPTER V

DETERMINATION OF DEATH/RETIRING GRATUITY/SERVICE GRATUITY

The death gratuity is to be paid to the nominee(s) of the deceased employee. If there is no nomination or nomination made does not subsist, the amount of death gratuity is to be paid to the members of the family as defined in clause (e) of rule 4. If the employee has no family within the meaning of clause (e) of rule 4 and if he does not make any nomination the death gratuity shall lapse to the Municipality. The death gratuity shall be an amount not exceeding 10/20ths of his emoluments for each completed year of qualifying service subject to a minimum of 12 times and a maximum of 16½ times of his emoluments at the time of death. The emoluments shall be subject to a maximum of Es. 2,500/-per month and the maximum monetary limit is Rs. 30,000/-. The death gratuity is admissible if at the time of death while in service the employee concerned has rendered qualifying service for 5 years or more.

18. Retiring Gratuity:-

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(a) After a service of less than 10 years a gratuity at the rate specified below shall be admissible;—

Completed six monthly periods of qualifying service	Gratuity		
1	1 months' emoluments		
2	1 months' emoluments		
3	1½ months' emoluments		
4	2 months' emoluments		
5	21 months' emoluments		
6	3 months' emoluments		
7	3½ months' emoluments		
8	4 months' emoluments		
9	4½ months' emoluments		
- 10	5 months' emoluments		
. 11	51 months' emoluments		
12	6 months' emoluments		
13	61 months' emoluments		
14	7 months' emoluments		
15	71 months' emoluments		
16	8 months' emoluments		
17	84 months' emoluments		
18	9 months' emoluments		
19	9½ months' emoluments		

(b) For service for a period of 10 years and more, an employee, in addition to pension, at the rate specified above, shall get a retiring gratuity @ one-fourth of his emoluments for each completed six monthly period of qualifying service subject to a maximum of 16½ times the emoluments, provided that in no case it shall exceed Rs. 30,000/-.

Note: The maximum emoluments for the purpose of pension, retiring and death gratuity shall be Rs. 2,500/r per month,

19. Nomination:

(1) An employee, to whom these rules apply may, provided he has completed five years' qualifying service, make a nomination in writing in the prescribed form shown in Appendix—"D", conferring on one or more persons the right to receive the death gratuity that may be sanctioned.

Provided that if at the time of making nomination the employee has a family, the nomination shall not be in favour of any person or persons other than the members of his family.

- (2) If an employee nominates more than one person under sub-rule (1), he shall specify in the nomination the amount of share payable to each of the nominees in such manner so as to cover the whole amount of gratuity.
- (3) An employee may provide in the nomination-
 - (i) that in respect of any specified nominee, in the event of his predeceasing the employee, the right conferred upon that nominee shall pass to such other member of his family as may be specified in the nomination;
 - (ii) that the nomination shall become invalid in the event of the happening of a contingency specified therein.
- (4) The nomination made by an employee, who has no family shall become invalid on his subsequently acquiring a family.
- (5) Every nomination shall be one of the Forms—"A" to "D" in Appendix—"D" as may be appropriate in the circumstances of the case.
- (6) An employee may at any-time cancel a nomination by sending a notice in writing to the appointing authority and the employee shall along with such notice send a fresh nomination made in accordance with these rules.
- (7) Immediately on the death of a nominee in respect of whom no special provision has been made in the nomination under clause (i) of sub-rule (3) or on the occurrence of any event by reason of which the nomination becomes invalid in pursuance of clause (ii) of that sub-rule, or sub-rule (4), the employee shall send a notice in writing formally cancelling the nomination, together with a fresh nomination made in accordance with this paragraph.
- (8) Every nomination made, and every notice of cancellation given by an employee under this sub-rule shall be sent, to the appointing authority who shall, immediately on receipt of a nomination, cocuntersign it indicating the date of receipt and get the same pasted in the Service Book.
- (9) Every nomination made, and every notice of cancellation given, by an employee shall, to the extent that it is valid, take effect on the date on which it is received by the authority mentioned in sub-rule (8).

20. Family Pension:-

- (1) Family pension is admissible to the members of the family of an employee who has opted for or is governed by the benefit of pension under these rules and dies while in service after completing one year of service.
- (2) The benefit shall also be admissible in case of death of an employee after retirement if at the time of death he was in receipt of a retiring or superanuuation pension or gratuity, provided the employee has

	The second secon	Amount of monthly pension
Pay of an employee		
1. Rs. 1,200/- and above	301	Rs. 160/- and maximum of Rs. 250/- 130V Ly per cent of pay subject to a minimum of Rs. 250/- 130V Ly per cent of pay subject to a minimum of Rs. 160/-
2. Rs. 400/- and above but below	v Rs. 1,200/	Rs. 100/- and a maximum of res. 100/-
3. Below Rs. 400/- 1509		Rs. 60f- and a maximum of Rs. 100/-

Note: Pay for the purpose of calculation of family pension means the emoluments as defined in clause (e) of rule 4 which the employee was drawing on the date of his death while in service or immediately before his retirement. If which the employee was drawing on the date of his death while in service or immediately before his retirement an employee has been absent from duty on leave, other than extraordinary leave, pay means the emoluments which the employee would have drawn had he not preceeded on such leave. The amount of family pension shall not be increased on account of increase in pay not actually drawn but only increments falling due within the admissible period of leave other than extraordinary leave without pay upto the date of death or retirement, as the case may be, shall be taken into account. If, however, on the date of death or retirement, an employee is under suspension, pay on the date of his death or retirement shall be taken to be the pay he would have drawn had he been on duty subject to the condition that the period of suspension is treated as duty.

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22. Rate of Family pension in case of death of an employee while in service:-

For a period of five years from the date following the date of death or till the date on which the deceaesed employee would have attained the age of 65 years had he survived, whichever period is less, the pension payable shall be at fifty per cent of the basic pay last drawn subject to a maximum of twice the pension admissible under rule 21, provided that the said benefit shall not be admissible if the employee has put in less than seven years' continuous service prior to his death. Pension payable thereafter shall be at the rates laid down in rule 21.

23. In the event of death of an employee after retirement the family pension at the enhanced rates as admissible under rule 22 shall also be payable upto the date on which the deceased employee would have attained the age of 65 years had he survived or for five years, whichever period is less, but in no case the amount of enhanced family pension shall exceed the pension sanctioned to the employee at the time of retirement. However in cases when the amount of normal family pension as admissible under rule 21 exceeds the pension sanctioned at the time of retirement, the amount of enhanced family pension sanctioned under this rule shall not be less than the amount admissible under rule 21.

Note: The method of determining the amount of family pension payable under rules 22 and 23 shall be calculated as follows:—

Pension payable under rule 21 should first be calculated by applying the minimum and maximum limits and then doubled. The resultant amount or 50 per cent of the basic pay last drawn, whichever is less, shall be the amount of family pension admissible under rules 22 and 23.

24. Period during which pension is admissible:-

Subject to the provision made under rule 26 the family pension shall be admissible—

- (a) in the case of widow/widower up to the date of death or re-marriage, whichever is earlier;
- (b) in the case of minor son until he attains the age of 18 years;
- (c) in the case of unmarried daughter until she attains the age of 21 years or marriage, whichever is earlier;
- (d) in the ease of dependent parents up to the date of their death or re-marriage whichever is earlier.
- Note: Where an employee is survived by more than one widow, the family pension shall be paid to them in equal shares. On the death of a widow her share of the pension shall become payable to her eligible minor children. If at the time of her death a widow leaves no eligible minor child the payment of her share of the pension shall cease.

25. Date of effect of Family Pension:

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

26. Pension payable to one member of the Family:-

Subject to the provisions contained in the note below rule 24, the pension awarded under this scheme shall not be payable to more than one member of the employee's family at the same time. It shall first be admissible to the widow(s)/widower and then to the minor children and thereafter to mother and lastly to father.

In the event of re-marriage or death of the widow/widower the pension shall be granted to the minor children through their natural guardian. In disputed cases, however, payments should be made through a legal guardian.

Note: Payment of family pension shall not be any bar if at the time of entitlement, the widow or widower or un-married daughter or son happens to be employed anywhere.

27. Debarring a person from receiving family pension:-

- (1) If a person, who in the event of death of an employee while in service, is eligible to receive family pension under rule 24 is charged with the offence of murdering the employee or for abetting the commission of such offence, the claim of such person (including other eligible member or members of the family) to receive the family pension, shall remain suspended till the conclusion of the criminal proceedings instituted against him.
- *(2) If on the conclusion of the criminal proceedings referred to in sub-rule (1), the person concerned—
 - (a) is convicted for murder or abetting murder of the employee, such person shall be debarred from receiving the family pension which shall be payable to other elibgible member of the family, from the date of death of the employee;
 - (b) is acquitted of the charge of murder or abetting murder of the employee, the family pension shall be payable to such person from the date of death of the employee.
- (3) The provisions of sub-rules (1) and (2) shall also apply to the family pension becoming payable on the death of an employee after his retirement.
- 28. Claim for family pension should be preferred in the manner as laid down in Appendix—'E'.

CHAPTER VI

PROCEDURE RELATING TO APPLICATION FOR AND SANCTION OF PENSION

29. List of employees due to retire:-

The Municipal Authority shall have a list prepared every six months, i.e. on the 1st January and the 1st July each year, of all mucnicipal employees who are to retire within the next 12 to 18 months of the date. A copy of every such list in the form shown in Appendix—'F' shall be supplied to the Director of Pension, Provident Fund and Group Insurance under the Finance Department, Government of West Bengal not later than the 31st January or the 31st July, as the case may be, of that year. In the case of persons retiring for reasons other than by way of superannuation the municipal authority shall promptly inform the Director of Pension, Provident Fund and Group Insurance under the Finance Department, Government of West Bengal as soon as the impending retirement becomes known to him.

30. The Municipal Authority shall give a notice to the retiring employee about the date of his retirement and on receipt of the notice, the employee, who is eligible for pension under these rules shall submit to his appointing authority, a formal application for pension in the form as shown in Appendix—'G' together with the information as called for in the form as shown in Appendix—'H' and other documents as mentioned in the application form preferably one year in advance of the date of anticipated retirement.

- 31. The Municipal Authority, on receipt of the formal application for pension, shall immediately prepare the pension parters after due scrutiny and verification of the service claimed and the emoluments actually drawn and forward the same along with the following documents to the Director of Pension, Provident Fund and Group Insurance under the Finance Department, Government of West Bengal or to the Officer(s) authorised by him in this behalf-
 - (a) the Service Book duly completed and the entries duly verified and signed by the Appointing Authority,

(b) a certificate to be given by the Appointing Authority stating that the services claimed have been verified and that the emoluments have been correctly recorded,

(c) recommendation of the appointing authority stating whether the pension should be admitted or not.

32. The Director of Pension, Provident Fund and Group Insurance under the Finance Department, Government of West Bengal or an officer or officers authorised by him on this behalf, on receipt of pension papers from the municipality shall scrutinise and determine the admissibility of pension and gratuity on the basis of pension papers and issue Pension Payment Order in respect of an employee of the Municipality three months before the date of retirement. He shall also issue an authority for payment of gratuity.

33. (a) Pension shall be paid by the Municipal Authority from the office of the Municipality.

(b) Before the Death/Retiring Gratuity is paid, the Municipal Authority should ensure that every employee clears all his dues. If no such clearance is made the amount of dues, such as over-payment of pay and allowances, advances, arrears of Income-tax, etc., shall be recovered out of the gratuity admissible.

34. Provisional pension (including gratuity) at a rate not exceeding 58 per cent of the amount of pension (including gratuity) as may prima facie be admissible may be sanctioned by the pension sanctioning authority at his discretion for a period of six months or till the pension is sanctioned, whichever is earlier, in all cases where the pension papers after due scrutiny and verification have not been forwarded to the Director of Pension, Provident Fund and Group Insurance under the Finance Department, Government of West Bengal before the date of retirement of the employee subject to the condition that before the provisional pension is paid to a pensioner an undertaking in writing shall be obtained from him to the effect that in case the amount of provisional pension lis found to be in excess of the amount of pension finally sanctioned he shall refund the excess amount. While forwarding the pension papers a copy of the order sanctioning the payment of provisional pension (including gratuity) shall be sent to the Director of Pension, Provident Fund and Group Insurance under the Finance Department, Government of West Bengal or to the officer authorised by him in this behalf along with the pension papers. Such provisional pension (including gratuity) shall be subject to adjustment with the amount of pension (including gratuity) finally sanctioned.

The Municipal Authority shall create a special fund for the purpose of payment of pension and gratuity with the amount surrendered by the employees for coming under these rules, as required. The Municipal Authority shall also continue to deposit such amounts to the fund which would have been payable by them as employer's share of contribution to the Contributory Provident Fund of the employees, had these pension rules not been introduced.

The employees who shall come under these pension rules, shall not come under the purview of the Contributory Provident Fund Scheme. They shall have the benefit of contributing to the General Provident Fund Scheme to be introduced by the Municipality.