

MEMORANDUM

No. 136-Edn, Dated: 15.05.1985

1. The Second Pay Commission, set up by the Government of West Bengal in terms of Finance Department Resolution No. 9716-F, dated, 16.11.77 made recommendations for allowing retirement benefits to the teaching and non-teaching employees of different educational institutions.
2. After careful consideration of the recommendations, the Governor is pleased to direct that retirement benefits at the rates described in the West Bengal Recognised Non-Government Educational Institution Employees (Death-cum-Retirement Benefit) Scheme, 1981 enclosed as Annexure-I will be admissible to all wholetime approved teaching and non-teaching employees of the non — Government / Sponsored / Aided Institutions as shown in Statement — I. who were in active service on or after 1.4.81 to the following conditions. Persons who retired from service prior to 1.4.81 will not get these benefits.
3. (a) Same as provided in para 5(a) of this Memo. Persons recruited on or after 1.4.81 will automatically be governed by this West Bengal Recognised Non-Government Educational Institution Employees (Death-cum-Retirement Benefit) Scheme, 1981.

(b) Persons who were in service on 1.4.81 will have an option, either
(i) to continue to be governed by the existing rules governing retirement benefits, or
(ii) to come under the West Bengal Recognised Non-Government Educational Institution Employees (Death-cum-Retirement) Scheme, 1981.
4. (a) Persons willing to come under clause 3 (b)(ii) and opting for the benefit of pension-cum gratuity shall apply in writing to the head of the Institution / Organisation stating that he / she is willing to refund to Government the employer's share of contribution together with interest accrued thereon, credited against his / her Contributory Provident Fund Account and that his / her own share of contribution with interest thereon transferred to the General Provident Fund Account. The Head of the Institution / Organisation will take necessary action and intimate the Director after transferring the amount. The Head of the Institution / Organisation will maintain the General Provident fund / Contributory Provident Fund Account as the case may be. The entire fund relating to Contributory Provident Fund will be made available to the Director, the employers' share with interest would be credited to the Revenue head of Government and the employee's share will be credited to his newly opened General Provident Fund Account.

The amount of employers' share of contribution to the General Provident Fund together with interest required to be refunded or actually refunded shall have to be recorded in an appropriate space in the Service Book under proper attestation.

The Director or any Government Officer authorised by him will attest the entry in the Service Book. The period of contribution to Contributory Provident Fund should also be recorded in the Service Book.

(b) Some persons have already drawn the employer's share of contribution together with interest accrued thereon and are not able to refund the same in cash. In order to enable them to avail themselves of the benefit of pension etc. in such cases, the employer's share of contribution together with interest accrued thereon should be refunded with interest at 5% simple on the amount actually drawn, calculated from the date of drawal of the said amount to the date of refund / adjustment, and the said amount should be adjusted against the amount of gratuity reported admissible. If there is some amount still remaining due, it should be adjusted against the amount of arrear pension to be paid to such employees of Non-Government / Sponsored/ Aided Institutions, as shown in Statement-I and thereafter, if necessary, by non-payment of pension till recovery of the total amount to be refunded. The date of drawal, the amount of employers' share together with interest thereon should be recorded in the Service Book and the same should be attested by the Director or any Government Officer authorised by him after due verification. After full recovery of the dues including interest, the incumbents may be allowed their monthly pension. The incumbents concerned will have to give a written undertaking to the effect that they have no objection to such recovery in a form prescribed for this purpose in consultation with the Legal Remembrancer West Bengal A model form for such declaration will be forwarded to the directors in due course. The following paragraph should be added to the pension sanctioning memo:

"The pensioner having already drawn an amount of Rs. (in words) only from the Contributory Provident Fund and / or gratuity, if any, the amount along with simple interest 5% p.a. from the date of drawal of the Contributory Provident Fund money and / or gratuity to the date of deposit / adjustment has been recovered" at his / her own request, from his / her monthly pension for the period from to and the pensioner may be allowed to draw a pension of Rs.(in words) only for the month of of the year and thereafter @ Rs. (in words) per month only as sanctioned in para of the memo."

(c) The period of service for which contribution towards Contributory Provident Fund was not paid by the employer will also be taken account as qualifying service for pensionary benefits.

5. (a) The existing employees appointed prior to 1.4.81 shall be required to opt within 90 days from the date of issue of this Scheme amongst the Non-Government / Sponsored / Aided Institutions for either of the two retirement benefits mentioned in para 3 (b) above and also opt within the same period which of the benefits referred to in para 4 of the West Bengal Recognised Non-Government Educational Institution Employees (Death-cum-Retirement Benefit) Scheme, 1981, they intend to elect. Those who were appointed on 1.4.81 or after but before the circulation of the Scheme, shall also opt for the benefit referred to in para 4 of the Scheme within the same period. The employee who would be appointed after the circulation of the Scheme shall, however, opt for the said benefit at the time of their appointment. In case of the employees who may be on leave on the date of circulation of this order, the time limit of 90 days will count from the date of their return from the leave. Option once exercised, is final.

(b) The employees who were covered by Scheme but already ceased to be in employment except on the ground of dismissal, may also opt for either or the two retirement benefits and their claim for retirement benefit would be settled according to the provisions of the Scheme subject to the condition that any amount drawn by them from their respective employers on account of retirement benefits as per rules in force at the material time shall be adjusted against the retirement benefits as may be admissible under this Scheme.

The option to be exercised by the employees shall be in the enclosed form.

(c) If any employee does not opt or fail to opt within prescribed time limit, the pensionary benefits as admissible prior to 1.4.81 would be to applicable to their ease.

6. In case of an employee who dies on or after 1.4.81 but before issue of this order and before exercising an option, the pension sanctioning authority will allow the more advantages of 3 (b) (i) or 3 (b) (ii) to him / her.

7. The employee who is covered by this Scheme but who has retired from service, otherwise than on invalid pension prior to issue of this order, will be eligible to commute a portion of his pension without medical examination, provided he applies within one year from the date of publication of this Scheme. The amount of commuted value of pension in such cases will be calculated at the rate corresponding to the age on the date of receipt of the application for communication by the sanctioning authority.

8. The amount which is required to be refunded to Government shall be credited to the head "066-Contributions and recoveries towards pension and other retirement benefits-II-Other receipts-Other items" in the State Budget.

9. The charge on account of payment of Pension including Family Pension-cum-Gratuity under the above mentioned scheme will be debited to the head "266-Pension and other retirement benefits-X-Pension to Employees of State aided Educational Institutions-

(a) Pension to Employees of Primary Schools-Pensions.

(b) Pension to Employees of Secondary Schools-Pensions.

(c) Pension to Employees of other Educational Institutions / Organisations / Pensions", the opening of the head under (c) above is hereby sanctioned.

Necessary fund under the above heads will be provided in due course.

The expenditure will initially be met from Contingency Fund of the State and these transferred to Consolidated Fund under the Major head-'266-Pension etc.'

10. The Accountant General, West Bengal and the Pay & Accounts Officer, Calcutta Pay & Accounts Officer, and the Director of Pension, Provident Fund and Group Insurance, West Bengal are being informed.

11. The Government Order No. 437-Edn.(S.E) dt. 9.8.82 is hereby cancelled.

12. This order issues with the concurrence of the Finance Department vide their U.O. No. 318/Gr. J. dated 7.1.85.

By order of the Governor

Sd/- M. M. Sinha Roy
Deputy Secretary

ANNEXURE – I
SCHEME
CHAPTER I
Preliminary

1. This Scheme may be called the West Bengal Recognised Non Government Educational Institution Employees (Death-cum-Retirement Benefit) Scheme, 1981.

2. It shall be deemed to have come into force with effect from 1st April, 1981.

3. This Scheme shall apply to employees of State Government Sponsored or Aided educational institutions (excluding D. A getting schools), as indicated in Statement-I, who were in service on 1.4.81 and also to those who were appointed after that date, provided they draw pay in the scales of pay prescribed by Government for such category of employees;

Provided further their appointments were / are duly approved by the competent authority but shall not apply to employees appointed on part-time basis or those appointed on a contract basis for specified periods or to Government servants who have been permitted lien on posts under Government or who have already retired from Government service.

4. The following retirement benefits shall be admissible under this Scheme:

Their Pension (including Family Pension)-cum-Gratuity at rates as laid down in this Scheme or Contributory Provident Fund at the rate of 8.33% (from 1.4.81)-cum-Gratuity according to option.

CHAPTER II
Definitions

5. In this Scheme unless there is anything repugnant in the subject or context-

(a) (i) "Affiliated / Approved" means recognised by the West Bengal Board of Secondary Education / West Bengal Madrasah Education Board / Dist. School Boards / West Bengal Council of Higher Secondary Education / District Inspector of Schools/ Director of Public Instruction / Director of School Education/ Director of Technical Education / Director of Library Services as the case may be-

(ii) "Approved teaching and non-teaching employees" means "employees of recognised educational Institution whose services have been approved by the authorities referred to in sub-para 5 (a) (i) above or by any officer / officer authorised by them."

(b) "Educational Institution" means Institutions approved affiliated by the West Bengal Board of Secondary Education / West Bengal Council of Higher Secondary Education / Director of Technical Education, West Bengal / Director of Library Services, West Bengal / West Bengal Madrasa Education Board / District School Board / Director of Public Instruction / Director of School Education and whose pay and allowances are borne by the State Government.

(c) "West Bengal Board of Secondary Education" means the West Bengal Board of Secondary Education established under the West Bengal Secondary Education Act, 1963.

(d) "West Bengal Council of Higher Secondary Education" means the West Bengal Council of Higher Secondary Education, established under the West Bengal Higher Secondary Council Act, 1972.

(e) "District School Board" means the Board established under the Bengal Rural Primary Education Act, 1930.

(f) "West Bengal Madrasa Education Board" means the West Bengal Madrasa Education Board Established under G.O. No. 211-Edn.(M) dt. 2.2.73.

(g) "Director" means (1) Director of Public Instruction, West Bengal (2) Director of School Education, West Bengal (3) Director of Technical Education, West Bengal (4) Director of Library Services, West Bengal.

(h) "Basic Pay" means the pay which is drawn by an employee, monthly and which corresponds to a stage in the time scale of pay attached to the post held by him.

(i) "Competent authority" means the appointing authority and also the Director and the State Government in the Education Department as the case may be.

(j) "Pension sanctioning authority" means the Director or any Officers) authorised by Government in this behalf.

(k) "Employee" means a teaching or a non-teaching staff of an educational institution, the appointment of whom has duly been approved by the Director or an Officer authorised by him or the authorities referred to in Sub-para 5(a)(i).

(l) "State Government" means the Government of West Bengal.

(m) "Leave" means any kind of leave admissible to an employee under the rules applicable to him.

(n) "Service Book" means the document which contains the record of service of an employee, as prescribed under Government Order No 804-Edn. (S) dt. 9.10.70 and No. 1980-Edn. (S) dt. 15.12.71.

(o) "Pension" except when the term "Pension" is used in contra distinction to gratuity, pension includes gratuity.

(p) "Emolument" means the emoluments which the employee was receiving immediately before his retirement and includes (I) Basic Pay, (II) Personal pay, (III) Special pay, (IV) Dearness Pay. "Pay" means the amount of remuneration drawn monthly by an employee as the pay which has been sanctioned for the post held by him substantively or in an officiating capacity. Personal Pay means additional Pay granted to an employee.

(i) to save him from loss of pay due to revision or reduction of pay otherwise than as a disciplinary measure; and

(ii) in exceptional circumstances on other personal consideration;

(iii) Dearness pay.

Note: If an employee before his retirement or death, has been absent from duty on leave with allowances, his emoluments for the purpose of calculating pensionable service, gratuity and / or death-cum-retirement gratuity should be taken at what they would have been had he not been absent from duty. Provided that this amount of pension and / or gratuity is not increased on account of increase in pay not actually drawn and that the benefit of higher officiating or temporary pay is given only, if it is certified that he would have continued to hold the higher officiating or temporary appointment but for his proceeding on leave.

Provided that if the emoluments which count towards pension, are increased from a specified date with financial benefit from a subsequent date such portion of emoluments though not actually drawn will form part of emoluments for the purpose of pension and gratuity. "Dearness Pay" means such portion of Dearness Allowance as has been declared by Government as Dearness pay.

(q) "Average emoluments" means average calculated upon the last ten months of service immediately preceding the date of retirement up to 31.8.82. From 1.9.82 average emoluments means last emoluments drawn at the time of retirement.

(r) "Governing Body / Managing Committee / Administrator / Ad-hoc Committee" means the body or person charged with the management of the affairs of an Educational Institution duly recognised by the Competent Authority.

(s) "Family" includes the following relatives of an employee namely— (1) For the purpose of a 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) adopted sons / daughters

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

- (vii) father
- (viii) 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: Adopted or marriage after retirement will not be recognised for the purpose of family pension.

(i) "Age of superannuation" is the age on attaining of which an employee must retire compulsorily and should be sixty completed years of his age provided that in the case of an employee of an educational institution who was in service on 31st March, 1981 and did not opt for the revised pay scales, introduced with effect from 1.4.81, the age of superannuation should be such age as prescribed under rules / orders, governing his service.

(ii) The employees who would get extension of service as per conditions laid down in para 6 of the government Order No. 372-Edn. 31.7.81 read with Government Order No. 497 (5)-Edn. dt. 13.12.83, will retire on the terms and conditions laid down therein or any order subsequent order / orders.

CHAPTER III

6. Service Record

The full record of an employee's service rendered in different educational institutions from the date of first entry into regular service till the date of retirement shall be maintained by the institutions in the Service Book.

7. Service qualifying for pension-

(a) except for compensation gratuity, the service rendered by an employee before the completion of the age of 18 years shall not qualify for pension,

(b) continuous service of a wholetime approved employee in any educational institution, shall count as qualifying service,

(c) war service rendered between 3rd September, 1939 and 1st April, 1946 by an employee shall count as qualifying for pension under this Scheme provided the employee concerned was absorbed as an employee on or before 1st January, 1984 and the service would have otherwise qualified for pension,

(d) service rendered before partition, i.e. during the period up to 14th August, 1947, by an employee in any affiliated institutions in areas included in East Pakistan (now Bangladesh) shall qualify for pension and the period of break from the date of leaving the institutions in East Pakistan (now Bangladesh) and the date of appointment in any institution in West Bengal is to be treated as automatically condoned. Affiliation of a school will be verified on the basis of documentary evidence. In the absence of documentary evidence, contemporary evidence duly signed by Director or any Officer authorised by him, will be accepted.

Service rendered by an employee under Government if any will count towards pension. The service in an institution before its recognition will not count.

(e) (i) The Head of an institution in which an employee is serving or has served shall open a Service Book for such employee and record his service therein. In the case of an employee having previous services in some other institutions, the Head of the Institution opening the Service Book shall record his previous services on the basis of certificates and other relevant documents obtained from the institutions where the employee was previously employed and shall keep these certificates and documents relied upon pasted in the Service Book at an appropriate space or otherwise ensure retention of documents along with the Service Book. Where the past service of an employee cannot be clearly established by producing certificates from that institution such collateral evidence as may be collected from contemporaries having personal knowledge of the services of the employees may be accepted if the same is countersigned by District authorities. If the services of any employee whose service before the 15th August, 1947 in an institution or in a school which is now in East Pakistan (Bangladesh) cannot be established by documentary evidence, the employee shall file a written statement on plain paper stating that he had in fact rendered that period of service and shall at the foot of the statement make and subscribe a declaration as to the truth of that statement and shall in support of such declaration produce all documentary evidence and furnish all information which is in his power to produce or furnish. The authority competent to sanction pension to that employee shall after taking into consideration the facts in the written statement and the evidence produce and the information furnished by the employee in support of the said period of service, if satisfied admit that portion of service as having been rendered for the purpose of calculating pension of that employee. But services in East Pakistan or Bangladesh after the 14th August, 1947 shall not be taken into account in calculating the pension admissible. In the case of the Head of the Institution the Service Book shall be opened and maintained by the Head of the Institution, who shall, get the Service Book countersigned by the Director of Education or any officer authorised by him. The service of an employee shall be verified annually by the Head of the Institution and in the case of the Head of the Institution by the Director or any officer authorised by him with reference to the acquittance rolls and other relevant records and a certificate of such verification shall be recorded in the Service Book under the dated signature of the verifying authority.

(ii) Service rendered in other States shall not count as qualifying service. Services rendered in territories which have since been merged in West Bengal and service rendered in East Pakistan now Bangladesh up to 14.8.1947 shall however, count towards pension.

(iii) Approved temporary service including approved service on leave or deputation vacancy in one or more institutions shall count towards pension subject to fulfilment of other conditions for grant of pensions.

Fractions of a year equal to six months and above shall be treated as a completed six monthly period for the purpose of calculation of any pension under this Scheme.

(iv) Upon any condition which it may think fit to impose. Government may condone a deficiency of six months in the qualifying service of the employees of non-Government / Sponsored / Aided Educational Institutions / Organisations.

Note: The deficiency should not be condoned with a view to make up the minimum prescribed qualifying service for the purpose of death gratuity or family pension. In other cases power should be restricted to the employees drawing pay not exceeding Rs. 425.00 per month at the time of retirement on invalid or compensation pension.

(f) All periods of authorised leave other than extra-ordinary leave without pay shall count as qualifying service.

Extra-ordinary leave granted on medical certificate, shall however, count as qualifying service. Provided that in the case of extra-ordinary leave other than extraordinary leave granted on medical certificate, the appointing authority may, at the time of granting such leave, allow the period of that leave to count as qualifying service if such leave is granted to an employee-

- (i) due to his inability to join or rejoin duty on account of civil commotion, or,
- (ii) for prosecuting higher scientific and technical studies.

(g) Period of suspension followed by reinstatement shall count as qualifying service provided it is treated as duty, otherwise it shall not count as qualifying service.

(h) The period of break in service even though condoned shall not count as qualifying service.

(i) Break in qualifying service of an employee for a period exceeding 12 months shall entail forfeiture of his past service unless this break is condoned by the competent authority (i.e. Director or any officer authorised by him). Break in service not exceeding 12 months would be treated as automatically condoned.

Note: Before sanctioning any condonation, the following condition is required to be fulfilled, namely (a) the interruption has been caused by reasons beyond the control of the employee concerned.

(j) The period of the break in service of an employee between the date of dismissal or removal and the date of reinstatement shall not count as qualifying service unless such period is treated as duty or leave other than extra-ordinary leave by a specific order of the authority which passed the order of reinstatement.

(k) Resignation tendered by an employee or his dismissal or removal entail forfeiture of past service— provided that resignation of an employee for taking another appointment under any educational institution with proper permission shall not entail forfeiture of past service

(l) Vacations shall count as qualifying service provided as employees is paid for that period and further provided that he is present on both the closing date and the re-opening date and if on leave on either of the dates, the absence is regularised by sanction of leave by the competent authority.

(m) 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 service rendered, on approved extension, after attaining the age of superannuation shall also be considered as qualifying service.

Note: For the purpose of this Scheme, the date of superannuation shall be reckoned from the date of birth on the basis of the Madhyamik/Higher Secondary/ Matriculation/School Final Pass Certificate or other equivalent Pass Certificate. In the case of those employees whose date of birth entered in the Service Book on the basis of an affidavit shall be taken into account for the purpose of determining the date of superannuation.

(n) Period of absence under duress as per Government Order No. 1071-Edn. (S) dated 19.8.77 and Government Order No. 477-End.(S) dated 18.6.80 and also of subsequent orders, if any, shall count as qualifying service.

(o) Date of retirement: When an employee is required to retire on attaining a specific age, the date on which he attains that age, shall be reckoned as a non-working day and the employee shall retire with effect from and including that day.

N.B.: If the date of retirement of a superannuated employees falls on any date other than the first day of the month he/she will be allowed to retire on the last day of the month (afternoon).

CHAPTER IV Eligibility for Pensions

8. Subject to satisfactory service, an employee shall be entitled to pension provided that in case of (i), (iii) and (iv) below, the employee concerned has completed at least ten years of qualifying services :

(i) on attaining the age of superannuation, or thereafter on the expiry of the period of approved extension, or

(ii) on voluntary retirement after completing 20 years of qualifying services, or

(iii) on being declared permanently incapacitated for further service by the Chief Medical Officer of the State Government in the district concerned or any Medical Officer of equivalent status authorised by the pension sanctioning authority, or

(iv) on termination of service due to abolition of the post, or closure of the Institution concerned due to withdrawal of recognition or other valid reasons.

9. Pensions are divided into the following four classes, namely:

- (a) compensation pension
- (b) invalid pension
- (c) superannuation pension, and
- (d) retiring pension.

10. If an employee is discharged on abolition of the permanent post held by him, he shall, unless he is appointed to another comparable post, have the option-

- (a) of taking any compensation pension or gratuity to which he may be entitled for service he has rendered ; or
- (b) of accepting another appointment even on a lower pay, if offered, and continuing to count his previous service for pension.

Note: 1. No pension is admissible to an employee for loss appointment of discharge after the completion of a special term of service.

2. No pension may be awarded for the loss of any special pay or local allowance.

3. Reasonable notice, for not less than three months, should be given to an employee before he is discharged on abolition of the post held by him. If in any case, notice of at least three months is not given and the employee has not been provided with any alternative employment, then a gratuity not exceeding his emoluments for the period by which the notice given to him falls short of three months, may be paid to him in addition to his pension but no pension shall be payable for the period for which he receives a gratuity in lieu of notice.

11. An invalid pension is awarded on retirement from service to an employee who by bodily or mental infirmity is permanently incapacitated for service. An employee applying for a invalid pension shall submit a medical certificate from the Chief Medical Officer of the State Government in the concerned district or from any other Medical Officer of equivalent status nominated or authorised by the pension sanctioning authority.

12. The form of the Medical Certificate to be given in respect of an employee applying for invalid pension has been shown in Appendix I.

13. No invalid pension is admissible to an employee if it is certificated by the Medical Officer that the incapacity is directly due to irregular or intemperate habits, which refer to incapacity on account of drug habit or on account of diseases resulting from immoral habits.

14. A superannuation pension is granted to an employee who is required to retire at a particular age in accordance with the service conditions applicable to him.

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 first day of July of that year is to be taken as the date of birth. Similarly if only the month and the year of birth are known, the 16th of the Month is taken to be the exact date of birth.

15. A retiring pension is admissible to an employee who is permitted to retire after completing qualifying service for 20 years or more.

Note: The Pension will commence from the date following the date of retirement under any of the four classes of pension mentioned in para 9 of this Scheme.

CHAPTER V
Rate of Pensions

16. (i) The amount of pension shall be determined in accordance with the following slabs:

Amount of monthly pension	
(a) Upto Rs. 1,000/- of the average amount reckonable for pension	(a) 50% of the amount
(b) Next Rs. 500/- of the average amount reckonable for pension	(b) 45% of the amount
(c) Balance of the average amount reckonable for pension	(c) 40% of the amount

Note: 'Average amount reckonable for pension' means Basic pay and Dearness pay and Special Pay, if any, and the portion of Additional Dearness Allowance that has been allowed to count for the purpose of pension but has not yet been declared as Dearness Pay.

Note: The amount of pension arrived at on the basis of the above slabs will be related to the maximum qualifying service for 33 years. For those 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 services of 33 years.

In no case the maximum monthly pension will exceed Rs. 1,500/-. (ii) In addition to pension as above, an employee is entitled to relief as admissible to the State Government pensioners from time to time. Relief will be payable to the pensioners with effect from 1.11.82 and prior to that date i.e. during 1.4.81 to 31.10.82 only the ad-hoc increase @ Rs. 15/- per month will be admissible. The relief will also be payable on Family Pension. The conditions fo admissibility and rate of relief in pension shall be the same as one and will be applicable to State Government Employees.

17. 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 the maximum annual pension prescribed above shall not be increased thereby.

18. A pension admissible to an employee shall be fixed and paid in rupee and in India.

19. (1) The full pension admissible under this Scheme is not to be given as a matter of course or unless the services rendered have really been approved by the competent authority.

(2) If the service has not been thoroughly satisfactory, the authority sanctioning the pension should make such reduction in the amount as it thinks proper.

Proper that in cases where the authority sanctioning pension is other than the appointing authority, no order regarding reduction of the amount of pension shall be made without the approval of the appointing authority.

Note: 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.

(3) The measure in the reduction in the amount of pension under this Scheme should be the extent by which the employee's service as a whole has failed to reach a thoroughly satisfactory standard, and any attempt to equate the amount of reduction with the amount of loss caused to the Institutions is incorrect.

(4) 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 Scheme. Any action under this Scheme should, however, be taken only after a charge of corruption has been proved.

(5) Final pension, gratuity etc. shall not be sanctioned to an employee against whom department/judicial proceedings have been instituted/ continued. In case of misconduct of the pensioner, the pension sanctioning authority has the power to withhold pension or reduce the pension. Where any department or judicial proceeding is instituted or where a departmental proceeding is continued against an employee who has retired on attaining the 'age of compulsory retirement or otherwise, he shall be paid during the period commencing from the date of his retirement to the date on which, upon conclusion of such proceeding final orders are passed, a provisional pension not exceeding the maximum pension which would have been admissible on the basis of his qualifying services upto the date of retirement, or if he was under suspension on the date of retirement upto the date immediately preceding the date on which he was placed on suspension, but no gratuity or death-cum-retirement gratuity shall be paid to him until the conclusion of such proceeding and the issue of final orders thereon. Payment of this provisional pension shall be adjusted against the final retirement benefits sanctioned to such employee upon conclusion of the aforesaid proceeding but no recovery shall be made where the pension finally sanctioned is less than the provisional pension or the pension is reduced or withheld either permanently or for a specified period.

Note: The grant of pension under this sub-para shall not prejudice the operation of sub-para 2 when final pension is sanctioned upon conclusion of the proceeding.

CHAPTER VI
Gratuity

20. (a) For service of 10 years or more the date of gratuity is 1/4th of the amount reckonable for pension for each six monthly period of service, subject to a maximum of 16 & 1/2 months' emoluments. The maximum amount is however, Rs. 36,000/-

(b) For service of less than 10 years the rate of gratuity is half-month's of the amount reckonable for pension for every completed six monthly period of service.

CHAPTER VII
Death Gratuity and Family Pension

21. Death gratuity—When the employee who has completed five years' qualifying service dies while in service, a death gratuity shall be paid to the nominee or nominees of the deceased employee or to the surviving members of his family as defined in paragraphs 5S(1) of Chapter II in equal shares, if there be no nominee, subject to a minimum of 12 times of the amount reckonable for pension and a maximum of 16 & 1/2 times of the amount reckonable for pension.

The death gratuity will be admissible at the rate of 1/4 th of the emoluments last drawn for each six monthly period of service.

When an employee who has become eligible for pension and retiring gratuity under paragraph 20 dies within five years from the date of retirement and the same actually received or payable to the members of his/her family on account of retiring gratuity, is less than the amount that would have been admissible as death gratuity under paragraph 21, had he died on the date of retirement, this balance shall be paid as gratuity to the person on whom the right to received the gratuity is conformed under paragraph 22 or if there is no such person to the members of his family.

22. Nomination-

(1) Any employee to whom this scheme applies may, provided he has completed five years' qualifying service, make a nomination in writing in the prescribed form shown in Appendix II conferring on one or more persons the right to receive the death gratuity that may be sanctioned under paragraph 21 and also the gratuity that may be payable under the same paragraph.

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 persons under sub-paragraph (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 amount of the gratuity.

(3) An employee may provide in a nomination-

(a) That in respect of any specified nominee, in the event of his/her predeceasing the employee, the right conferred upon that nominee shall pass to such other member of the employee's family as may be specified in the nomination ; and

(b) 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 in such one of the Forms A to D in Appendix-II as may be approved in the circumstances of the case.

(6) An employee may at any time cancel a nomination by sending a notice in writing and the employee shall along with such notice send a fresh nomination made in accordance with this Scheme.

(7) Immediately on the death of a nominee in respect of whom no special provision has been made in the nomination under clause (a) of sub-paragraph (3) or on the occurrence of any event by reason of which the nomination becomes invalid in pursuance of clause (b) of that sub paragraph (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 paragraph shall be sent, to the appointing authority or Head of the Institution/Organisation as the case may be who shall ; immediately on receipt a nomination, countersign in 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-paragraph (8).

23. Family Pension-

(1) Family pension is admissible to the members of the family of an employee who dies while in service after rendering at least one year's 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 compensation, invalid, retiring or superannuation pension or gratuity.

24. Rate of family pension—Family pension at the following rates will/be admissible to the members of the family of an employee.

Pay of the employee p.m.	Amount of monthly pension
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(i) Rs. 1.200/- and above	(i) 12% of pay subject to a minimum of Rs. 160/- and a maximum of Rs. 250/-
(ii) Rs. 400/- an above but below Rs. 1,200/-	(ii) 15% of pay subject to a minimum of Rs. 100/- and a maximum of Rs. 160/-
(iii) Below Rs. 400/-	(iii) 30% of pay subject to a minimum of Rs. 60/- and a maximum of Rs. 100/-

25. Family pension at enhanced rate-

(a) In the event of death of an employee while in service, the rate of family pension will be 50% of the pay last drawn subject to a maximum of twice the family pension ordinary admissible in the rates shown above, provided the employee concerned has put in not less than 7 years' continuous service prior to his death. The family pension at enhanced rate is payable for a period of 7 years' from the date following the date of death or till the date on which the employee concerned would have attained the age of 65 years had he survived, whichever period is less.

(b) In the event of death after retirement the family pension at enhanced rate shall be payable up to the date on which the deceased employee concerned would have attained the age of 65 years had he survived or for 7 years, whichever period is less; but in no case the amount of enhanced family pension shall exceed the pension sanctioned to the employee concerned at the time of retirement. However, in cases when the amount of normal family pension exceeds the amount of pension sanctioned at the time of retirement, the enhanced family pension shall not be less than the amount of normal family pension. The pension sanctioned at the time of retirement shall be the pension inclusive of the part of pension which the retired employee may have commuted before death.

After the period for payment of family pension at enhanced rate is over, family pension at normal rate will commence.

Note: The method of determining the amount of family pension payable under the above principle should be calculated in the following manner.

Pension admissible should first be calculated by applying the minimum and maximum limits and doubled. The resultant amount or 50% of the pay last drawn, whichever is less, is the amount of family pension admissible under this Schemes;

26. Period during which family pension is admissible.

Subject to the following conditions, 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 case 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 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.

27. Date of effect of Family Pension—A family pension shall take effect from the day following the death of an employee.

28. Pension payable to one member of the family—

Subject to the provision contained in the note under paragraph 26, 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 first eldest minor son, thereafter next minor sons according to seniority and when there will be no minor son, eldest minor daughter and so on and thereafter to mother and lastly to father. Payments to minor will be made through natural legal guardian.

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

CHAPTER VIII

Determination of Pension during Re-employment

29. No employee shall draw pension in addition to any pay, that may be given to him if he is re-employed after retirement in the same post as held by him immediately before retirement. If, however, he is re-employed in any other post, the authority competent to sanction his pension shall determine the amount of pension, if any, that may be admissible to him in addition to the pay given to him during re-employment.

CHAPTER IX

Procedure relating to application for and sanction of pension

30. List of employees due to retire: The authorities of each Institution/ Organisation shall have a list prepared every six months, i.e. on the 1st January and the 1st July each year of all employees who are to retire within the next 12 to 18 months of that date. A copy of every such list in the form shown in

Annexure I shall be sent to the Director concerned and the Education Department, Government of West Bengal and Director of Pension, Provident Fund and Group Insurance, Government of West Bengal not later than the 31st January of the 31st July as the case may be of that year. In case of the persons retiring for reasons other than by way of superannuation, the Institutions/ Organisation's authority shall promptly inform the Director concerned and the Director of Pension, Provident Fund and Group Insurance or any officer nominated by him as soon as the impending retirement becomes known to him.

31. An employee, who is eligible for pension under this Scheme, shall submit to his appointing authority a formal application for pension in the form as prescribed in Appendix-IV and other documents as mentioned in the application form and other particulars, required in Appendix-V preferable one year in advance of the date of anticipated retirement.

32. The authorities of the Institutions/Organisations, on receipt of the formal application for pension, shall immediately prepare the pension papers 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 respective Director or to the Officer(s) authorised by him in this behalf through the District authorities concerned:

(a) The Service Book duly completed and the entries duly verified and signed by the Head of the Institutions/Organisations in the case of an employee of the educational institutions including libraries; by the District Inspector of the District, in the case of the employees of District School Board and by the Director concerned or any officer authorised by him in the case of the Head of the Institution/Organisation.

(b) A certificate to be given by the appointing authority stating that the services claimed have been verified and that the average emoluments have been correctly calculated.

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

33. The concerned Director or an officer(s) authorised by him on his behalf shall scrutinise the pension papers and forward the same to the Director of Pension, Provident Fund and Group Insurance or any officer authorised by him along with sanction in general terms in the forms as prescribed in Appendix VI at least three months before the date of retirement of the employee concerned for issue of pension payment order.

34. Where pension papers are detained for some reasons, provisional pension at the rate or 100 per cent of pension calculated on the basis of available information and provisional gratuity, after withholding of 10 per cent or Rs. 1,000/- of the gratuity, whichever is less, should be sanctioned immediately to the retiring employee of Non-Govt./Aided/Sponsored Institutions/Organisation by the Director concerned or any officer authorised by him, subject to the furnishing a written undertaking by the pensioner concerned in the enclosed form. In no case the provisional pension will continue beyond twelve months. The issue of last pay certificate should not be insisted upon before the payment of

provisional pension. But the amount of gratuity withheld will be released only after production of last pay certificate.

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. Government of West Bengal, along with the pension papers.

Such provisional pension (including gratuity) shall be subject to adjustment against the amount of final pension (including gratuity/relief or by short payment of pension). All outstanding dues shall be adjusted in the same manner as above.

35. The pension sanctioning authority will sanction provisional pension and gratuity and issue an order. The same will be drawn and disbursed by the Head of the Institution/Organisation or by the Drawing and Disbursing Officer, if there is any.

CHAPTER X Commutation of Pension

36. An employee who is eligible for the benefit of pension under this Scheme shall be entitled to commute for a lump sum payment at the rate determined by Government from time to time any portion not exceeding one-third of any pension which has been or may be granted to him under this Pension Scheme, provided that an employee against whom a judicial or departmental proceeding has been instituted or a pensioner against whom any such proceeding has been instituted or continued shall not be permitted to commute any portion of his pension during the pendency of such proceeding.

37. Sanctioning authority : The sanctioning authority means the Director or any officer(s) authorised by him.

38. Rate of commuted value of pension : The rates of commuted value of pension payable under this scheme have been shown in Appendix VII.

39. Application for commutation : An application for commutation of pension shall be submitted by an employee after he has retired, to the sanctioning authority as mentioned in paragraph 37 in the form as prescribed in Appendix VIII.

40. An employee of the non-Government educational institution, shown in Statement-I shall apply to the Competent Authority (Director or any officer authorised by him) in Form A for commutation of a portion of his pension including provisional pension, through the Head of the Institution, or if he/ she is or was himself/herself the Head of the Institutions, the application shall be sent to the Competent authority direct.

(1) The Competent Authority shall, on receipt of application in Form A-

(a) acknowledge the receipt of Form A in Part II of that Form and despatch the same to the applicant ;
(b) forward Form A in original to the Audit Officer in Part III of that Form with the request that Part IV of that Form may be completed and returned to him as early as possible so that action for getting the applicant examined by the appropriate medical authority can be taken.

(2) The Audit Officer shall, on receipt of Form A from the Competent Authority complete Part IV of that Form and transmit the same to the Competent Authority as early as possible.

(3) The Competent Authority shall, on receipt of Form A from the Audit Officer intimate the applicant in Part V(1) of Form A if the applicant desires to commute a sum not exceeding Rs.25/- or in Part V(2) of Form A if the applicant desired to commute a sum exceeding Rs.25/- the lump sum amount payable on commutation in the event of his being reported by such Medical Authority/Medical Boards as the Competent Authority may consider fit for commutation and shall at the same time instruct him to appear for examination before the Medical Authority/Medical Board within three weeks from the date his retirement within three months from the date of order but in case earlier than the date of retirement and shall supply a copy of Part I of Form B to the applicant. If the applicant appears before the Medical Authority/Medical Board, he shall be deemed to have accepted the amount authorised to be commuted.

(4) A copy of Part V(1) or Part V(2) of Form A, as the case may be shall be endorsed by the Competent Authority to the Appropriate Medical Authority/Medical Board through the Director of Health Service (for cases in Calcutta)/ the Chief Medical Officer of Health (for any other case) with :

(i) Part II and Part III of Form B ;

(ii) Form A with Part IV of that Form duly completed in original ;

(iii) Two copies of the applicants photograph of which one copy shall be attested by an officer belonging to Group 'A' service of the State Government.

(5) (i) If the applicant, after receipt of communication from the competent Authority under sub-para (3) fails to appear for Medical examination before the Medical Authority/Medical Board in the date and at the time communicated to him (including any charge therein either at the request of the applicant or due to administrative reasons) and there is no reasonable ground for his failure, the Medical Authority/Medical Board shall report the fact to the competent Authority concerned and return to him the documents received under sub-para (4).

(ii) With the return of documents to the Competent Authority under clause (i) the applications for commutation shall be deemed to have been withdrawn.

(6) The Director of Health Services, West Bengal/The Chief Medical Officer of Health shall, on receipt of documents referred to in sub-para (4) :

(a) arrange for the medical examination of the applicant by the Medical Authority at the nearest available station from the residence of the pensioner ;

(b) transmit the documents referred to in sub-para (4) to the Medical Authority with the direction to

examine the applicant ;

(c) inform the applicant as to the place and date of his medical examination and direct the Medical Authority to communicate to the applicant the time of such examination.

Note : In fixing the date of medical examination, it shall be ensured that the medical examination is held before the applicant's next birth day.

41. (1) The Certifying Medical Authority shall, after obtaining from the applicant a statement in Part I of Form B which must be signed in their presence, subject to strict examination enter the results in Part II of Form B and record their opinion as to the accuracy with which the pensioner has answered the questions in Part I of Form B regarding his medical history and habits, attest the unattested copy of the photograph of the applicant, complete the certificate contained at the end of Part II of Form B and forward in to the Audit Officer, who has already completed Part IV of Form A, with the following documents :

(i) Part II or Part III of Form B in original :

(ii) Attested Copy of applicants photograph ;

(iii) Part I of Form B in original ; and

(iv) Part IV of Form A duly completed in original.

(2) The Medical Authority/Medical Board shall also send to the applicant a Certified copy of Part III of Form B and forward a Certified Copy of Part III of Form B to the Competent Authority who has signed Part V (1) or Part V (2) of Form A.

(3) If the Medical Authority/Medical Board/Special Board, as the case may be directs that his age for the purpose of commutation shall be assumed to be greater than his actual age, the applicant may withdraw his application by written notice despatched within a period of two weeks from the date on which he receives intimation of the finding after Examination of Medical Authority and of the revised sum payable on commutation. The Pension Sanctioning Authority will communicate the adverse medical report and revised sum payable as commuted value.

(4) If the applicant does not withdraw in writing his application within the said period of two weeks, he shall be deemed to have accepted the revised sum offered.

42. The employee who applied for commutation of pension within one year from the date of his retirement, will not be subjected to medical examination for the purpose of payment of commuted value of pension, provided this benefit will not be admissible to the person retired on ground of invalidation application for commutation of pension without medical examination will be made after the date of retirement and the commutation shall become absolute, that is, the retired pension shall become absolute, that is, the retired person shall become entitled to receive the commuted value of pension on the date on which his application is received by the Competent authority. An employee who has applied for Commutation of pension without medical examination will have no option in withdraw his application.

Persons retired on ground of invalidation and those who have applied for commutation of pension after one year from the date of retirement shall be subjected to medical examination.

Such persons shall become entitled to receive the commuted value of pension on the basis of next birthday following the date on which the medical authority signs the medical certificate.

43. In case of application for commutation of pension from an employee drawing invalid pension, the Medical Board shall, after examination in the manner as stated above, record his opinion in Part-III of the Form B.

44. The Medical Authority examining an employee applying for commutation of pension, shall be competent to charge fee at rates as prescribed by the State Government in the Health Department.

CHAPTER XI

45. In respect of matters for which provisions has not been made in this Scheme, the relevant provisions in the West Bengal Services (Death-cum-Retirement Benefit) Rules, 1971 (amended form time to time) shall apply mutatis mutandis subject to the approval of the State Government.