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PART I—Orders and Notifications by the Governor of West Bengal, the High Court, Government Treasury, etc.

GOVERNMENT OF WEST BENGAL
DEPARTMENT OF MUNICIPAL AFFAIRS

Writers' Buildings

NOTIFICATION

No. 472/MA/O/C-4/1A-9/97

Dated, Kolkata, the 20th day of August, 2003.

In exercise of the power conferred by section 417, read with sub-section (2) of section 56 of the West Bengal Municipal Act, 1993 (West Ben. Act XXII of 1993) (hereinafter referred to as the said Act), the Governor is pleased hereby to make, after previous publication, as required by sub-section (1) of section 417 of the Act, the following rules:

The West Bengal Municipal (Employee's Death-cum-Retirement Benefits) Rules, 2003.

CHAPTER I

Preliminary

Short title,
commencement
and application.

1. (1) These rules may be called the West Bengal Municipal (Employee's Death-cum-Retiring Benefits) Rules, 2003.

(2) They shall come into force on the date of their publication in the Official Gazette.

(3) These rules shall apply to all the whole time permanent employees under the employment of the Municipalities and the Notified Area Authorities, but shall not cover an employee engaged for a limited time only under an agreement or engaged under sub-section (4) of section 54 of the West Bengal Municipal Act, 1993 on contract or commission basis or otherwise, by the Municipal Authority or Notified Area Authority which contains no stipulation regarding pension, or an employee on deputation on foreign service:

Provided that the employees, including the retired employees of the Municipalities or the Notified Area Authorities, constituted after commencement of the West Bengal Municipal Act, 1993, or the Municipalities or the Notified Area Authorities which have not adopted the Death-cum-Retiring Benefit Rules under the Bengal Municipal Act, 1932 (Ben. Act XV of 1932), shall be covered by these rules, and in all such cases the admissible amounts, as specified in these rules, for the period prior to the date of enforcement of these rules, shall be determined as per the Government Orders issued from time to time.

(4) Power of interpreting these rules is reserved to the State Government.

CHAPTER II

Definitions.

2. (1) In these rules,—

- (a) "the Act" means the West Bengal Municipal Act, 1993 (West Ben. Act XXII of 1993);
- (b) "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 or Notified Area Authority, or;
 - (ii) the Authority which appointed the employee, as such, in a Municipality or Notified Area Authority;
- (c) "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;
- (d) "Director" means the Director of Pension, Provident Fund and Group Insurance, Government of West Bengal;
- (e) "emoluments" means the pay which an employee was receiving immediately before his retirement or on the date of his death, and includes Basic Pay, Special Pay, Personal Pay and any other emolument which may be specially classed as pay by the State Government in respect of their employees;
- (f) "employee" means any person who is in the whole time employment of the Municipality or Notified Area Authority and draws his pay from the fund of the Municipality or Notified Area Authority;
- (g) "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 daughter),
 - (v) brothers below the age of eighteen 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) dependent parents;

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

- (h) "Form" means a Form annexed with these rules;
- (i) "leave", means any kind of leave admissible to an employee under the rules applicable to him;
- (j) "Pension" except when the term "Pension" is used in contradistinction to gratuity, 'Pension' includes gratuity;

- (k) "Pension sanctioning authority" means the Chairman of the Municipality or Notified Area Authority or any person who is authorised to exercise powers, duties and function of the Chairman or a subordinate officer authorised by him in this behalf;
- (l) "Personal Pay" means additional pay granted to an employee to save him from loss of pay due to revision or deduction of pay otherwise than as a disciplinary measure or for his personal qualifications, which has been sanctioned for a post held by him substantively or in an officiating capacity;
- (m) "Service Book" means the document which contains the record of service of an employee;
- (n) "Special Pay" means an addition, of the nature of pay, to the emoluments of a post 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;
- (o) "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 or Notified Area Authority.

(2) The words and expressions used in these rules, but not defined shall have the same meaning as in the Act.

CHAPTER III

Service Record.

3. 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 or Notified Area Authority in the manner as provided in Form A.

Qualifying service for pension.

4. Qualifying service for pension shall be as follows:—

- (i) Continuous temporary or officiating service of a whole time employee will count as qualifying service. The period of service rendered before attaining the age of 18 years will not qualify.
- (ii) All period of authorised leave including extraordinary leave without pay granted on medical ground and for civil commotion, prosecuting higher scientific or technical studies shall count as qualifying service.
- (iii) Period of suspension followed by reinstatement shall count as qualifying service provided it is treated as duty.
- (iv) 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, if reinstated on appeal or revision.
- (v) The period of break in service between the date of dismissal or removal and the date of reinstatement 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 reinstatement.
- (vi) Resignation tendered or dismissal or removal entails forfeiture of past service, and no pension shall be admissible.
- (vii) Qualifying service for pension shall be counted up to the age of superannuation or the date preceding the date of voluntary retirement:

Provided that the period of re-employment or re-appointment, after attainment of the age of superannuation, shall not be considered as qualifying service.

Eligibility for Pension.

5. (1) 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 period's of qualifying service,—

- (i) on attaining the age of superannuation; or
- (ii) on voluntary retirement after completing twenty-five years of qualifying service; or
- (iii) on being declared permanently incapacitated for further service by the Medical Board or the Medical Officer nominated or authorised by the Pension Sanctioning Authority for the purpose.

(2) A municipal employee including a municipal teacher shall retire from service with effect from the afternoon of the last day of the month in which he attains the age of superannuation:

Provided that the employees including the municipal teachers whose date of birth is the first date of a month shall retire from service with effect from the afternoon of the last day of the preceding month on attaining the age of superannuation.

(3) 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 shall be taken to be the date of birth. Similarly, if only the month and the year of birth are known, the 16th day of the month shall be taken to be the exact date of birth:

Provided that an employee who has put not less than 20 years of qualifying service on the 20th August, 1981 may, with the written permission of the appointing authority, retire from service voluntarily or on attaining the age of 50 years.

Invalid Pension.

6. An invalid pension is awarded on retirement from service of an employee who by bodily or mental infirmity is permanently incapacitated for service. An employee applying for an invalid pension shall submit a medical certificate, in Forms B, from the Medical Board or Medical Officer, nominated or authorised by the Pension Sanctioning Authority. No invalid pension is admissible to an employee if it is certified by the said Medical Board or Medical Officer that the incapacity is due to irregular or intemperate habits, which referred to incapacity on account of drug habits, or on account of diseases resulting from immoral habit. No medical certificate of incapacity for service may be granted unless the employee appeals through the Pension Sanctioning Authority. The Medical Board or Medical Officer shall be supplied by the Pension Sanctioning Authority with a statement of what appears from the official records to the employees age.

CHAPTER IV

Determination and payment of pension.

7. (1) 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 thirty days.

(2) A Pension admissible to an employee shall be paid in rupees and in India.

(3) The amount of pension payable monthly shall be expressed in whole of rupees and where the pension calculated according to these rules contain a fraction of a rupee, it shall be rounded off to the next higher rupees:

Provided that the maximum monthly pension prescribed in rule 9 shall not be increased thereby.

Full pension, and reduction of pension.

8. (1) A full pension admissible under these rules shall not be given unless the service rendered has been approved by the Pension Sanctioning Authority.

(2) If the services have not been thoroughly satisfactory, the Pension Sanctioning Authority 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 fifteen 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 proposed reduction to take into consideration before passing the final order.

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

(2) The amount of reduction in pension under these rules shall be the extent by which the employee's service as a whole has failed to reach thoroughly satisfactory standard and should not be equated with the amount of loss caused to the Municipality or Notified Area Authority.

(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 can not be considered to be thoroughly satisfactory within the meaning of these rules. Any action under these rules shall, however, be taken only after a charge of corruption has been proved.

Manner of determination of the amount of pension.

9. (1) The amount of pension shall be determined at the rate at par with fifty per cent of the last pay drawn, subject to the minimum of Rs. 1,300/- per month and the maximum of Rs. 6,750/- per month, calculated on the basis of the length of service as specified in sub-rule (2).

(2) The amount of pension arrived on the basis of the rates specified in sub-rule (1) shall be related to the maximum qualifying service of thirty-three years. For the employees, who at the time of retirement, have rendered qualifying service for ten years or more, but less than thirty-three 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 thirty-three years. The rate of pension shall be calculated as per the following formula:—

$$\text{Rate of Pension} = \frac{\text{Fifty per cent of the last Basic Pay} \times \text{the length of service (in years)}}{33}$$

The rate arrived by this formula shall be rounded off in the nearest rupees.

Note:—If a fraction of a year exists in the length of service of any employee, for determining the length of the quotient of the number of completed months divided by 12 shall be added with the completed years of service. For example if an employee completes 30 years and 7 months of service, the length of service of such employee shall be 30 + 7/12 years.

(3) In addition to the pension as calculated on the basis of sub-rule (1) and sub-rule (2), the pensioners shall get ad hoc/temporary increases in pension, if sanctioned from time to time at the rate as fixed by the State Government.

CHAPTER VI

Death Gratuity.

10. (1) The death gratuity is to be paid to the nominee or nominees 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 (g) of rule 2. If the employee has no family within the meaning of clause (g) of rule 2 and if he does not make any nomination, the death gratuity shall lapse to the Municipality or Notified Area Authority. The death gratuity shall be an amount not exceeding 10/20th of the emoluments for each completed year of qualifying service subject to a minimum of 12 times and maximum of 16½ times of his emoluments at the time of death. The maximum monetary limit of the emoluments shall be Rs. 1,51,000/-.

(2) The death gratuity is admissible if at the time of death while in service the employee concerned has rendered qualifying services for five years or more.

Retiring Gratuity.

11. (1) After a service of less than ten years, a retiring gratuity or service gratuity shall be admissible at the following rates:—

Completed six monthly periods of qualifying service	Gratuity
(1) 1st six monthly period	½ month's emoluments.
(2) 2nd six monthly period	1 month's emoluments.
(3) 3rd six monthly period	1½ month's emoluments.
(4) 4th six monthly period	2 month's emoluments.
(5) 5th six monthly period	2½ month's emoluments.
(6) 6th six monthly period	3 month's emoluments.
(7) 7th six monthly period	3½ month's emoluments.
(8) 8th six monthly period	4 month's emoluments.
(9) 9th six monthly period	4½ month's emoluments.
(10) 10th six monthly period	5 month's emoluments.
(11) 11th six monthly period	5½ month's emoluments.
(12) 12th six monthly period	6 month's emoluments.
(13) 13th six monthly period	6½ month's emoluments.
(14) 14th six monthly period	7 month's emoluments.
(15) 15th six monthly period	7½ month's emoluments.
(16) 16th six monthly period	8 month's emoluments.
(17) 17th six monthly period	8½ month's emoluments.
(18) 18th six monthly period	9 month's emoluments.
(19) 19th six monthly period	9½ month's emoluments.

(2) For service for a period of ten years or more, an employee in addition to pension at the rate specified above, shall get a retiring gratuity at the rate of one fourth of his emoluments for each completed six monthly period of qualifying service subject to a maximum of 16- times the emoluments, provided that in no case it shall exceed Rs. 1,51,000/-.

Nomination.

12. (1) An employee to whom these rules apply may, provided he has completed five years' qualifying service, make a nomination in writing in Form 'C' 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 that,—

- (i) 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) 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 made in one of the Part I to Part IV in Form 'C' 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 rule.

(8) 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 (6).

Family pension.

13. (1) Family pension is admissible to the members of the family of an employee who is governed by the benefit of pension under these rules and dies while inservice 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 has in receipt of a retiring or superannuation pension or gratuity provided the employee has completed three years of service.

Rate of family pension.

14. Family pension at the rate of 30% of the amount of pay drawn by the employee per month, subject to minimum of Rs. 1,300/-, and maximum of Rs. 4,050/-, shall be admissible to the members of the family of the employee.

*Note:—*Family pension means the emoluments as defined in clause (e) of sub-rule (1) of rule 2 which the employee was drawing on the date of his death while in service or immediately before his retirement. If 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 proceeded 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 up to the date of death or retirement, as the case may, shall be taken into account. If, 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.

Rate of family pension in case of death of an employee while in service.

15. For a period of five years from the date following the date of death or till the date on which the deceased employee would have attained the age of 60 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 14:

Provided that the said benefit shall not be at the rates laid down in rule 14.

Family pension in the case of death of an employee after retirement.

16. In the event of death of an employee after retirement the family pension at the enhanced rates as admissible under rule 15 shall also be payable upto the date on which the deceased employee would have attained the age of 60 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 14 exceeds the pension sanctioned at the time of retirement the amount of enhance family pension sanctioned under this rule shall not be less than the amount admissible under rule 14.

Note:—The method of determining the amount of family pension payable under rule 15 and rule 16 shall be calculated in the following manner:—

Pension payable under rule 19 should first be calculated by applying the minimum limits and then doubled. The resulted amount or fifty per cent of the Basic Pay last drawn, whichever is less, shall be the amount of family pension admissible under rule 15 and rule 16.

Period during which pension is admissible.

- 17.** Subject to the provision made under rule 19 the family pension shall be admissible,—
- (a) in the case of widow/widower upto 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 of dependent parents upto 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 children, the payment of her share of the pension shall cease.

Date of effect of family pension.

18. A Family pension shall take effect from the date following the death of an employee.

Pension payable to one member of the family.

19. Subject to the provisions contained in the note to rule 17, the pension awarded under these rules 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 remarriage, or death of the widow/widower, 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 of the widow or widower or unmarried daughter or son happens to be employed anywhere.

Debaring of a person from receiving family pension.

20. (1) If a person who, in the event of death of an employee while in service, is eligible to receive family pension under rule 17 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 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 eligible 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.

Withholding of pension in cases of conviction and misconduct.

21. (1) Future good conduct shall be an implied condition of every grant of pension. 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 is convicted of a serious crime or is found guilty of grave misconduct.

(2) Where a Pensioner is convicted of a serious crime by court of law, action under sub-rule (1) shall be taken in the light of the judgment of the court relating to such conviction.

(3) In a case not falling under sub-rule (2), if the pension sanctioning authority considers 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 and call 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 as he may wish to make against the proposal and,

(b) take the representation, if any, submitted by the pensioner under clause (a) into consideration.

Withholding of pension to meet any sum due to the local body/ Government.

22. The pension of an employee may be withheld, in whole or in part, under an order of the local body passed not later than three years after the date of retirement, to meet any sum due to the local Body/Government from him.

Criminal Proceedings.

23. An employee who retires from service but against whom criminal proceedings involving moral turpitude are pending in a court of law, shall not be sanctioned any pension until the termination of the criminal proceedings.

Provided that an interim allowance not exceeding two-thirds of the pension that would have been admissible, but for the criminal proceedings, may be granted during the pendency of such proceedings in case of hardship. If he is convicted on a criminal charge involving moral turpitude, he shall not be entitled to any pension.

Departmental proceedings.

24. If an employee against whom departmental proceedings are pending and has been placed under suspension, a provisional pension may be granted by the pension sanctioning authority after taking into account the period of service rendered by up to the date prior to the date of suspension. The sanction of such pension by the pension sanctioning authority will be communicated to the Director of Pension, Provident Fund and Group Insurance, Government of West Bengal and the pensioner. The provisional pension under this rule shall be an amount not exceeding 50 per cent of the amount of pension that would have been admissible. No gratuity shall be admissible. If the period of suspension is treated as duty subsequently by the disciplinary authority, his pension case should be processed in the usual manner and the amount of provisional pension, if granted, shall be adjusted against the final pension.

Granting pension to the person against whom departmental or judicial proceeding is instituted.

25. (1) Where any departmental or judicial proceedings are instituted or where a departmental proceeding is continued against an employee who has retired on attaining the age of compulsory retirement or otherwise, he may be granted, by the pension sanctioning authority during the period commencing from the date of his retirement to the date on which, upon conclusion of such proceedings, final orders are passed, a provisional pension not exceeding 50% of the pension which would have been admissible on the basis of qualifying service up to the date of retirement or if he were under

suspension, on the date of retirement up to the date immediately preceding the date on which he was placed under suspension, but no gratuity or death-cum-retiring gratuity shall be paid to him until the conclusion of such proceedings and the issue of final orders thereon. The sanction of such pension by the pension sanctioning authority will be communicated to the Director of Pension, Provident Fund and Group Insurance, and the Pensioner.

(2) Payment of provisional pension under sub-rule (1), shall be adjusted against the final retirement benefits sanctioned to such employee upon conclusion of the aforesaid proceedings, 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 rule shall not prejudice the operation of rule 9 when final pension is sanctioned upon conclusion of the proceedings.

Manner for preferring claim of family pension.

26. Claim for family pension should be preferred in the manner as laid down in Form 'E'. Procedure to be followed in respect of claims arising out from the family pension is laid down as follows:—

(a) *Furnishing family details:* All employees entitled to the benefit of family pension shall be required to furnish details of their family as defined in clause (g) of sub-rule (1) of rule 2, i.e. the date of birth of each member with his relationship with the employee. This statement shall be countersigned by the pension sanctioning authority and pasted in the Service Book of the employee. The employee shall thereafter be required to keep this statement up to date. Additions and alterations in this statement shall be made by the pension sanctioning authority on receipt of information from the employee concerned.

(b) *Cases where death occurs while in service:*

(i) on receiving information of death of an employee while in service, the pension sanctioning authority shall send a letter as prescribed in Form "D" to the family of the deceased and ask for necessary documents mentioned therein; and

(ii) on receiving the documents referred in sub-clause (i), the pension sanctioning authority shall sanction family pension as in Part II of Form "E" and send all these documents alongwith the Service Book of the employee to the Director of Pension, Provident Fund and Group Insurance, West Bengal who shall then issue the Pension Payment Order to the beneficiary.

(c) *Cases where death occurs after retirement:* In order to facilitate quick payment of family pension to the widow/widower of the pensioner, an employee, other than one pensioner before his retirement, would furnish three copies of his joint photograph with wife/husband, one of which will, after having been attested by the pension sanctioning authority be, henceforth, pasted in the Pensioner's portion of Pension Payment Order. The amount of family pension admissible will be mentioned in the Pension Payment Order. The Local Body will start paying family pension to widow/widower on receipt of death certificate of the pensioner and the Forms of application (Part I of Form "E") for the grant of family pension to him under intimation to the Director. In the absence of the widow/widower, the family pension is payable to the minor children through their natural guardian or to the mother/father. The Guardian, on behalf of the children or the father/mother, as the case may be, will apply himself with two copies of his photograph and the necessary documents to the administrative authorities on surrendering the first Pension Payment Order. In respect of the unmarried employees, the father/mother will himself apply for family pension in the manner stated above. Fresh Pension Payment Order will be required to be issued in each such case.

CHAPTER VII

List of employees due to retire.

27. The Municipal Authority shall have a list prepared, every six months, i.e. on the 1st day of January and the 1st day of July each year, of all Municipal 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 Form "G" shall be supplied to the Director not later than the 31st day of January or the 31st day of July, as the case may be, of that superannuation.

Notice to the employee about the date of retirement.

28. 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 Form "H" together with the information as called for in the Form as shown in Form "I" and other documents as mentioned in the application Form preferably one year in advance of the date of anticipated retirement.

Manner for processing pension cases to be followed by the Municipal authority.

29. The Municipal Authority, 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, alongwith the following documents, to the Director or to the Officer/Officers 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 the service claimed have been verified and that the emoluments have been correctly recorded.
- (c) Recommendation of the Appointing Authority stating whether pension should be admitted or not.

Steps to be taken by the Director of Pension, Provident Fund and Group Insurance.

30. The Director or an officer or officers authorised by him on this behalf, on receipt of pension papers from the Municipality, shall scrutinize 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 or Notified Area Authority three months before the date of retirement. He shall also issue an authority for payment of gratuity.

Payment of pension by the Municipality.

31. (1) The pension under these rules shall be paid by the Municipality or Notified Area Authority from its own fund.

(2) Pension shall be paid by the Municipal Authority from the office of the Municipality or Notified Area Authority concerned.

(3) Before the Death Gratuity or 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.

Provisional pension.

32. Provisional pension (including gratuity) at the rate not exceeding 50% of the amount of the 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 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 is 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 or to the Officer authorised by him in this behalf alongwith the pension papers. Such provisional pension (including gratuity) shall be subject to adjustment with the amount of pension (including gratuity) finally sanctioned.

Savings.

33. (1) Notwithstanding anything contained in these rules, the actions taken by the Municipalities or Notified Area Authorities before making of these rules, under the adopted Death-Cum-Retirement Benefit rules under section 69 of the Bengal Municipal Act, 1932 (Ben. Act XV of 1932), shall be deemed to have been taken under these rules.

(2) The Municipal Authority shall also continue to deposit such amount, which is payable by them as employer's share of contribution, to the contributory provident fund of the employees, if any, who opted for contributory provident fund under the adopted Death-Cum-Retirement Benefit rules under section 69 of the Bengal Municipal Act, 1932.

FORM A

(see rule 3)

SERVICE BOOK

1. Name :
2. Race :
3. Residence :
4. Father's name and residence :
5. Date of birth as per the English calendar :
6. Exact height by measurement :
- *7. Personal marks for identification :
- *8. Signature of the officer whose services are therein recorded :
- *9. Signature of the Chairman :

*These two signatures and the personal marks shall be renewed or re-attested at least once in every five years.

(Second Page)

Appointment.	Whether substantive, permanent, acting or temporary.	If acting (here state substantive appointment).	Pay.	Acting Allowances.	Date of appointment.	Signature of the official whose services are herein recorded.
(1)	(2)	(3)	(4)	(5)	(6)	(7)

(Third Page)

Signature and designation of the Chairman or the attesting Officer.	Date of termination of appointment.	Reasons of termination (such as promotion, transfer, dismissal etc.).	Leave taken, nature and duration.	Signature and designation of the Chairman or the attesting Officer.	Reference to any recorded punishment or censure or reward or praise of the officer.
(1)	(2)	(3)	(4)	(5)	(6)

FORM B

(vide rule 6)

Form for Medical Certificate

Certified that I/We have carefully examined son/daughter of..... in the His/Her age is by his/her own statement years and by appearance about years. I /We consider to be completely and permanently incapacitated for further service of any kind in the Municipality/Notified Area Authority to which he/she belongs in consequence of (here state the disease or cause) His/Her incapacity does not appear to me/us to have been caused by irregular or intemperate habits.

Note 1: If the incapacity is the result of irregular or intemperate habits, the following will be substituted for the above sentence:

“In my/our opinion his/her incapacity is directly due to and has been accelerated or aggravated by such irregular or intemperate habits.”

Note 2: If the incapacity does not appear to be complete and permanent the certificate should be modified accordingly and the following addition should be made:

“I am/we are of the opinion that is fit for further service of a less laborious character than that he/she has been doing (or may after resting for months, be fit for further service of a less laborious character than that which he/she has been doing).

Note 3: The mere fact that an employee has suffered from syphilis taken by itself is not sufficient to bring him/her under the operation of this paragraph.

Note 4: Unsoundness of mind caused by any habit is a sufficient ground for invalidating an employee.

Date :

.....
(Signature of the Medical Officer/the Members of the Medical Board.)

Signature of the Employee:

(Attested by the Medical Officer/Medical Board)

FORM C

(see rule 14)

PART I**Nomination for Death Gratuity**

(When the employee has a family and wishes to nominate one member thereof)

I hereby nominate the person mentioned below, who is a member of my family and confer on him the right to receive any gratuity that may be sanctioned in the event of my death while in service and the right to receive on my death any gratuity which having become admissible to me on retirement may remain unpaid at my death:

Name and address of nominee.	Relationship with employee.	Age.	Contingencies on the happening of which the nomination shall become invalid.	Name, address and relationship of the person or persons, if any, to whom the right conferred on the nominee shall pass in the event of the nominee preceding the employee or the nominee dying after the death of the employee, but before receiving payment of the gratuity.	Amount of share of gratuity payable to each.
(1)	(2)	(3)	(4)	(5)	(6)

This Nominee supersedes the nomination made by me earlier on _____ which stands cancelled.

Dated the _____, 200____, at _____

Witness to signature.

1.

2.

.....
Signature of the employee.

Note: The last column is filled in to cover the whole amount of gratuity.

*Strike out, if not applicable.

PART II

Nomination for Death Gratuity

(When the employee has a family and wishes to nominate more than one member thereof)

I hereby nominate the persons mentioned below, who are member of my family and confer on them the right to receive to the extent specified below, any gratuity that may be sanctioned in the event of my death while in service and the right to receive on my death, to the extent specified below, any gratuity which having become admissible to me on retirement may remain unpaid at my death:

Name and address of nominee.	Relationship with employee.	Age.	Amount or share of gratuity payable.	Contingencies on the happening of which the nomination shall become invalid.	Name, address and relationship of the person or persons, if any, to whom the right conferred on nominee shall pass in the event of the nominee predeceasing the employee or the nominee dying after the death of the employee but before receiving payment of the gratuity.	Amount or share of gratuity payable to each.
(1)	(2)	(3)	(4)	(5)	(6)	(7)

This Nominee supersedes the nomination made by me earlier on _____ which stands cancelled.

Dated the, 200....., at

Witness to signature.

1.

2.

.....
Signature of the employee.

Note: (1) The employee should draw lines across the blank space below the last entry to prevent insertion of any name after he has signed.

(2) Forth column should be filled in so as to cover the whole amount of gratuity.

(3) The amount share of gratuity shown in last column to cover the whole amount/share payable to the original nominee.

*Strike out, if not applicable.

PART III

Nomination for Death Gratuity

(When the employee has no family and wishes to nominate one person)

I, having no family, hereby nominate the person mentioned below and confer on him the right to receive any gratuity that may be sanctioned in the event of my death while in service and right to receive on my death any gratuity which having become admissible to me on retirement may remain unpaid at my death:

Name and address of nominee.	Relationship with employee.	Age.	Contingencies on the happening of which the nomination shall become invalid.	Name, address and relationship of the person or persons, if any, to whom the right conferred on nominee shall pass in the event of the nominee predeceasing the employee or the nominee dying after the death of the employee but before receiving payment of the gratuity.	Amount or share of gratuity payable to each.
(1)	(2)	(3)	(4)	(5)	(6)

*This Nominee supersedes the nomination made by me earlier on _____ which stands cancelled.

Dated the _____, 200_____, at _____

Witness to signature.

1.

2.

.....
Signature of the employee.

.....
*Strike out, if not applicable.

PART IV

Nomination for Death Gratuity

(When the employee has no family and wishes to nominate more than one person)

I, having no family, hereby nominate the persons mentioned below and confer on them the right to receive, to the extent specified below, any gratuity that may be sanctioned in the event of my death while in service and the right to receive on my death, to the extent specified below, any gratuity which having become admissible to me on retirement may remain unpaid at my death:—

Name and address of nominee.	Relationship with employee.	Age.	Amount or share of gratuity payable to each.	Contingencies on the happening of which the nomination shall become invalid.	Name, address and relationship of the person or persons, if any, to whom the right conferred on nominee shall pass in the event of the nominee predeceasing the employee or the nominee dying after the death of the employee but before receiving payment of the gratuity.	Amount or share of gratuity payable to each.
(1)	(2)	(3)	(4)	(5)	(6)	(7)

*This Nominee supersedes the nomination made by me earlier on _____ which stands cancelled.

Dated the _____, 200_____, at _____

Witness to signature.

1.

2.

.....
Signature of the employee.

Note: (1) The employee should draw lines across the blank space below the last entry to prevent insertion of any name after he has signed.

(2) Forth column should be filled in so as to cover the whole amount of gratuity.

(3) The amount share of gratuity shown in last column to cover the whole amount/share payable to the original nominee.

*Strike out, if not applicable.

FORM D

(see rule 26)

Form of letter asking the family members of a deceased employee to submit documents for Family Pension.

_____Municipality/Notified Area Authority.

No.

Dated, theday of, 20.....

Subject: *Payment of Family pension in respect of Shri/Smt.*

The undersigned has learnt with regret the death of Shri/Smt.
....., a (Designation) in this office and is directed to inform you that under the provisions of rule 20 of the West Bengal Municipal (Employee's Death-cum-Retiring Benefits) Rules, 2003, you are entitled to family pension for life/till attaining the date of majority.*

I am accordingly to suggest that you may submit formal claim of the grant of family pension in the enclosed Form alongwith the following documents:—

- (1) Death certificate.
- (2) Two copies of recent passport size photograph, duly attested by a Gazetted Officer/Pension Sanctioning Authority.
- (3) Guardianship certificate, where pension is admissible to the minor children.

.....
(Signature with designation)

To
.....
.....

*Where family pension is admissible to the minor children.

FORM E

(see rule 26)

Claimants for family pension under rule 19 of the West Bengal Municipal (Employee's Death-cum-Retiring Benefits) Rules, 2003, shall submit application to the pension sanctioning authority in the Form prescribed in Part I below immediately after the death of the pensioner alongwith following documents:—

- (1) Death certificate.
- (2) Two copies of recent passport size photograph duly attested by a Gazetted Officer.
- (3) Guardianship certificate where pension is admissible to a minor child/the children.

PART I

(see rule 26)

Form of application for Family Pension.

Application for a family pension for the family of Late Shri/Smt.
 (Designation)
, a in the
 Municipality/Notified Area Authority.

1. Name of the applicant :
2. Relationship to the employee/Pensioner :
3. Date of death of the employee/Pensioner :
4. Date of retirement, if the deceased was a pensioner :
5. Name and ages of surviving kindred of the deceased :

Relationship**Name****Date of Birth
(by Christian era)**

- (a) Widow/Widower :
- (b) Sons :
- (c) Unmarried Daughters :
- (d) Parents :
6. Signature or left thumb impression (in the case of those who are not literate enough to sign their name). :
7. Descriptive roll of Widow/Widower/guardian of the minor children/Parents of late :
 - (a) Date of birth (by Christian era) :
 - (b) Height :
 - (c) Personal marks, if any, on hand or face :
 - (d) Left hand thumb and finger impressions :

Small finger**Ring finger****Middle finger****Index finger****Thumb**

Attested by:

Witnesses:

(1)

(1)

(2)

(2)

Note:—The descriptive Roll (column 7) and signature or left hand thumb and finger impressions accompanying application for family pension should be in duplicate (in two separate sheets and attested by two Gazetted Officers/Pension Sanctioning Authority or persons of respectability in the town, village or pargana in which the applicant resides).

PART II

Form for sanctioning Family Pension

1. Name of the Employee :
2. Father's name (and also husband's name in the case of women employee) :
3. Religion and nationality :
4. Date of retirement, if the deceased was a pensioner :
5. Date of beginning of service :
6. Date of ending service :
7. Substantive appointment :
8. Length of continuous qualifying service prior to death :
9. Pay as per rules :
10. Amount of family pension :
11. Date from which pension is to commence :
12. Place of payment :

The undersigned having satisfied himself of the above particulars of Late Shri/Smt.
 hereby orders the grant of a family pension of Rs.
 per month of Shri/Smt. which may be accepted by the Director of Pension,
 Provident Fund and Group Insurance, West Bengal if admissible under the West Bengal Municipal (Death-cum-Retiring
 Benefits) Rules, 2003.

.....
 (Signature and designation of the
 sanctioning authority.)

FORM G

(see rule 27)

(To be sent to the Director of Pension, Provident Fund and Group Insurance under Finance Department by the 31st day of January/31st day of July at the latest.)

Sl. No.	Name of employee.	Date of birth.	Appointment held in officiating capacity, scale of pay etc.	Date of superannuation.	Whether the employee has made formal application for pension if so, the date of receipt of such application.
(1)	(2)	(3)	(4)	(5)	(6)

FORM H

(see rule 28)

Formal Application for Pension

From :

To :

Subjects : Application for sanction of pension.

Sir,
I beg to say that I am due to retire from service with effect from the my date of birth being I, therefore, request that steps may kindly be taken with a view to the pension and gratuity admissible to me being sanctioned by the date of my retirement. I desire to draw my pension from

2. I hereby declare that I have neither applied for nor received any pension or gratuity in respect of any portion of the service qualifying for this pension and in respect of which pension and/or gratuity is claimed herein nor shall I submit an application hereafter without quoting a reference to this application and the orders which may be passed thereon.

- 3. I, enclose herewith,—
 - (i) two specimen signature of mine, duly attested;
 - (ii) two copies of recent passport size photograph of mine, also duly attested.

4. My present address is , and my address after will be

.....
(Signature)

Dated, the
(Designation)

Note : Any subsequent change of address should be notified to the authority.

FORM I

(see rule 28)

FIRST PAGE

Form for Pension and Gratuity

1. Name of employee :
2. Father's name (and also husband's name in the case of woman employee) :
3. Religion and nationality :
4. Permanent residential address (showing village/town, district, and State) :
5. Present or last appointment :
6. (a) Substantive :
(b) Officiating, if any :
7. Period of service qualifying for pension:
 - (a) Period of service as a Municipal Employee :
 - (b) Period of war/military service :
 - (c) Amount and nature of any Pension/Gratuity received for military service :
 - (d) Amount and nature of any Pension/Gratuity received for any service :
8. (a) Emoluments reckonable for pension :
(b) Emoluments for gratuity :
9. Pay as defined in clause (c) of sub-rule (1) of rule (2) :
10. Proposed Pension :
11. Date from which Pension is to commence :
12. Proposed Gratuity :
13. Place of payment of,—
 - (a) Pension (Municipal Office) :
 - (b) Gratuity (Municipal Office) :
14. Whether nomination made of Death-cum-Retirement Gratuity :
15. Date of birth of the employee by Christian era. :
16. Height :
17. Identification marks :
18. Thumb and finger impression

Thumb**Fore finger****Middle finger****Ring finger****Little finger**

19. Date on which the employee applied for pension in the prescribed form :

.....
(Signature of the Appointing Authority)

Persons who are literate enough to sign their name in English, Hindi or the official regional language, are exempted from recording their left hand thumb and finger impressions, provided they furnish certified copies of passport size photograph.

Details of Service of Shri/Shrimati/Kumari

Date of birth

PART I

Municipality.	Appointment.	Officiating/ Substantive.	Date of beginning.	Date of ending	Period reckoning as service (Years, Months and Days).	Period not reckoning as service (Years, Months and Days).	Remarks by the nominee of Local Accounts.
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)

.....
Total period of service

Note:—Date of commencement and date of ending of each period of military service, if any, should also be indicated in the section.

PART II

Period(s) of non-qualifying service

1. Interruption(s) :
 2. Period of suspension not treated as qualifying :
 3. Any other service not treated as qualifying :
- Total :

PART III

Period of service not verified with reference to Acquittance Rolls. :

Whether the above period verified in accordance with the provisions of these rules and, if not, whether the necessity of verification of the aforesaid period of service dispensed with under orders of the State Government. :

1. Total period of qualifying service which has been accepted for the grant of superannuation pension/gratuity with reasons for disallowances, if any (other than disallowance indicated in Part I). :

Note:—Service for the period commencing from and upto the date of retirement has not yet been verified; this should be done before Pension Payment Order is issued.

2. Amount of superannuation pension/gratuity, that has been admitted. :
3. Amount of the superannuation/retiring pension/gratuity admissible after taking into account reduction, if any, in pension and gratuity made by the authority sanctioning pension. :
4. The date from which the superannuation/retiring pension/gratuity is admissible. :

.....
*Director of Pension, Provident Fund and
Group Insurance, Government of West Bengal.*

By order of the Governor,

P. CHAKRABARTI,
Jt. Secy. to the Govt. of West Bengal.