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Government of West Bengal
Education Department
C. S. Branch

No. 1955-Edn (CS)

Calcutta, the 23rd December, 1981.

To : The Director of Public Instruction, West Bengal.

Sub : The West Bengal Non-Government Colleges Employees and Day Students' Home Employees (Death-cum-Retirement Benefit) Scheme.

In furtherance of the Govt. Order No. 1229-Edn (CS) dated 3rd July, 1978 read with Govt. Order No. 131-Edn (CS) dated 27th January, 1981 the undersigned is directed, by order of the Governor, to say that the Governor is pleased to prescribe the West Bengal Non-Government College Employees and Day Students' Home Employees (Death-cum-Retirement Benefit) Scheme attached hereto.

2. The existing employees covered by the Scheme shall be required to opt within 90 days of circulation of the Scheme amongst the Non-Government Colleges or Day Students' Homes, as the case may be, for either of the two retirement benefits mentioned in para 4 of the Scheme. In case of employees who may be on leave on the date of circulation of this Order the limit of 90 days will count from the date of their return from the leave.

The employees who were covered by the Scheme but already ceased to be in employment except on the ground of dismissal may also opt for either of the two retirement benefits and their claim for retirement benefits should 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 or customs in force therein, shall be adjusted against the retirement benefits as may be admissible under the scheme.

The new entrants shall be required to exercise option for either of the two retirement benefits within 180 days of their entry into service.

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

3. In the case of an employee who died on or after 1.4.74 but before the issue of this Order the retirement benefits may be settled at either of the rates which will be favourable to him.
4. The college/Government contribution together with interest accrued thereon towards the Contributory Provident Fund account of the existing employees who will opt for the Pension (including family Pension-cum-Gratuity) should be refunded in full together with interest to Government. Such contributions with interest accrued thereon in respect of employees who have already died or ceased to be in employment except on the ground of dismissal on or after 1.4.74, if already drawn, shall also be refunded to Government. All such employees shall however be entitled to draw their own contribution to the Contributory Provident Fund with interest.

The amount of such contribution (together with interest accrued thereon) 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.

5. 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 Pensions and other Retirement Benefits-X-Pensions to Employees of State Aided Educational Institutions-Pension to employees of Colleges-Pensions" to which funds will be provided in due course.
6. The Accountant General, West Bengal, is being informed.
7. This order issues with the concurrence of the Finance Department vide their U.O. No. Group B/2764 dated 4.11.81.
8. Immediate steps should be taken for implementation of the aforesaid Scheme and for circulation of the same to all concerned.

Sd/- S. Ghosh
Deputy Secretary.

Government of West Bengal
Education Department
C. S. Branch

No. 1955-Edn (CS)

Calcutta, the 23rd December, 1981.

To : The Director of Public Instruction, West Bengal.

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In furtherance of the Govt. Order No. 1229-Edn (CS) dated 3rd July, 1978 read with Govt. Order No. 131-Edn (CS) dated 27th January, 1981 the undersigned is directed, by order of the Governor, to say that the Government is pleased to prescribe the West Bengal Non-Government College Employees and Day Students' Home Employees (Death-cum-Retirement Benefit) Scheme attached hereto.

2. The existing employees covered by the Scheme shall be required to opt within 90 days of circulation of the Scheme amongst the Non-Government Colleges or Day Students' Homes, as the case may be, for either of the two retirement benefits mentioned in para 4 of the Scheme. In case of employees who may be on leave on the date of circulation of this Order the limit of 90 days will count from the date of their return from the leave.

The employees who were covered by the Scheme but already ceased to be in employment except on the ground of dismissal may also opt for either of the two retirement benefits and their claim for retirement benefits should 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 or customs in force therein, shall be adjusted against the retirement benefits as may be admissible under the scheme.

The new entrants shall be required to exercise option for either of the two retirement benefits within 180 days of their entry into service.

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

3. In the case of an employee who died on or after 1.4.74 but before the issue of this Order the retirement benefits may be settled at either of the rates which will be favourable to him.
4. The college/Government contribution together with interest accrued thereon towards the Contributory Provident Fund account of the existing employees who will opt for the Pension (including family Pension-cum-Gratuity) should be refunded in full together with interest to Government. Such contributions with interest accrued thereon in respect of employees who have already died or ceased to be in employment except on the ground of dismissal on or after 1.4.74, if already drawn, shall also be refunded to Government. All such employees shall however be entitled to draw their own contribution to the Contributory Provident Fund with interest.

The amount of such contribution (together with interest accrued thereon) 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.

5. 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 Pensions and other Retirement Benefits-X-Pensions to Employees of State Aided Educational Institutions-Pension to employees of College-Pensions" to which funds will be provided in due course.
6. The Accountant General, West Bengal, is being informed.
7. This order issues with the concurrence of the Finance Department vide their U.O. No. Group B/2764 dated 4.11.81.
8. Immediate steps should be taken for implementation of the aforesaid Scheme and for circulation of the same to all concerned.

Sd/- S. Ghosh
Deputy Secretary.

No. 163(300)-C/Pen
IP/17C/Pen/82

Calcutta, the 27th April, 1982.

Copy together with copies of its enclosures forwarded to the Principal / Secretary / Administrator,..... for information and necessary action.

The existing employees covered by the scheme are required to exercise option within 90 (ninety) days from the date of this memo in the prescribed form.

The case of the employees who are covered by the scheme and who may be on leave on the date of circulation of Govt. Order No. 1955-Edn (CS) dated 23.12.1981 may be disposed of in accordance with the instructions issued inter-aila in the said Government Order.

Forms of option, duly filled in all respects may be sent to this office for record.

His/Her attention is invited to Paragraph 4 of the said Government Order for strict compliance of the instructions of Government for refund of College/Government contribution together with interest accrued thereon towards the contributory Provident Fund Accounts of the employees concerned.

He/She is also requested to make the employees concerned understand that any adjustment of contribution towards Contributory Provident Fund against Pension/Gratuity is not permissible.

Sd/- K. K. Dutta
Deputy Director of Public Instruction'
(P.P.S.), West Bengal.

OPTION FORM

[Ref. Paragraph 2 of Government Order No. 1955-Edn (CS)

Dated 23rd December 1981

I do hereby opt for.....

- (1) Pension (including Family Pension)-cum-Gratuity, or
- (2) Contributory Provident Fund-Cum-Gratuity.

.....
(Signature with date)

.....
(Designation)

*Countersigned

.....
Principal/ Warden/President of the
Governing Body/Ad-hoc Committee/ Administrator.

The item that may not be applicable shall be scored out under the signature of the employee exercising the option.
*In case of the Warden the option should be countersigned by the President of managing Committee/Ad-hoc Committee/Administrator.

SCHEME CHAPTER—I Preliminary

1. This Scheme may be called the West Bengal Non-Government College Employees and Day Students' Home Employees (Death-cum-Retirement Benefit) Scheme.
2. It shall be deemed to have come into force with effect from the 1st April, 1974.
3. This scheme shall apply to employees of Non-Government affiliated colleges and Day Students'

Homes in West Bengal, who were in service on the 31st March, 1974 and also to those who were appointed after that date, provided they draw pay in the scales of pay prescribed by Government for each category of employees.

Provided further they were/ are appointed against approved posts and whose 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 to retain lien on posts under Government or who have already retired from Government service.

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

Either Pension (including Family Pension)-cum-Gratuity at rates as laid down in this scheme or Contributory Provident Fund at rates as sanctioned by the State Government or the concerned college/Day Students' Home authority, as the case may be, according to option.

CHAPTER - II

Definitions

5. In this scheme unless there is anything repugnant in the subject or context :—

- a) "Affiliated" means recognised by the Universities in West Bengal.
 b) "College" means a college or an institution having all or any of the streams, viz., Arts, Science, commerce and Education, which is affiliated to a University or the Statutes/ Ordinance made thereunder but does not include colleges—

- i) established, maintained and administered by the State Government, or
 ii) established, maintained and administered by a religious or linguistic minority, or
 iii) not in receipt of any financial assistance from the State Government.

Provided that colleges established, maintained and administered by a religious or linguistic minority may apply to the State Government for being governed by the provisions of this scheme placing at the disposal of the Government all the concerned funds created for providing terminal benefit to the retiring employees so long and agreeing to abide by such other terms and conditions that may be imposed in future and on consideration of such application the state Government may extend the provisions of this scheme to employees of such a college subject to the conditions that an employee may either opt for the terminal benefit as per rule of the college in which case the college need not place at the disposal of Govt. such portion of the fund as required for providing terminal benefit to him or opt to be governed by the provisions of this scheme surrendering all the privileges that would be otherwise admissible to them from the employer or employers had such option been not exercised for terminal benefits as per rules of the College concerned.

- c) 'Day Students' Home' means an institution known by this name as set up by Government and run on sponsored basis.
 d) 'Approved' means approved by the Universities in West Bengal, the Director of Public Instruction, West Bengal, or the State Government in the Education Department, as the case may be.
 c) "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.
 f) "Competent Authority" means the appointing authority and also the Director of Public Instruction, West Bengal and the State Government in the Education Department, as the case may be.
 g) "Pension sanctioning authority" means the Director of Public Instruction, West Bengal or any officer(s) authorised by Government in this behalf.
 h) "Employee" means an employee of a college/Day Students' Home but does not include a teacher.
 i) "University" means any of the Universities constituted or established, as the case may be, under sub-section (1) of section 3 of :—
 i) The Calcutta University Act, 1966 ;
 ii) The Burdwan University Act, 1959 ;
 iii) The North Bengal University Act, 1961 ;
 iv) The Jadavpur University Act, 1955 ;
 v) The Kalyani University Act, 1960 ; and

- vi) The Rabindra Bharati University Act, 1961.
- j) "State Government" means the Government of West Bengal.
- k) "Leave" means any kind of leave admissible to an employee under the rules applicable to him.
- l) "Service Book" means the document which contains the record of service of an employee.
- (m) "Pension" means the document which contains the record of service of an employee. "Pension" includes gratuity.
- (n) "Emoluments" means the emoluments which the employee was receiving immediately before his retirement and includes :
- (i) Basic Pay.
 - (ii) Personal Pay.
 - (iii) Special 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 a non-teaching employee—

- a) to save him from loss of pay due to revision or reduction of pay otherwise than as a disciplinary measure. and
- b) in exceptional circumstances on other personal consideration.

Note : If an employee during 12 months/10 months before his retirement or death, has been absent from duty on leave with allowances, his emoluments for the purpose of calculating pension, service gratuity should be taken at what they would have been had he not been absent from duty :
 Provided that the 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 further that an increment becoming due during leave with full pay will, unless withheld and though not actually drawn, continue to form part of emoluments for the purpose of pension and gratuity.

- (o) "Average emoluments" means average calculated upon the last twelve months of service immediately preceding the date of retirement in the case of teachers retiring on and from 1st April, 1974 till 31st March, 1976 and upon the last ten months of service immediately preceding the date of retirement in case of teachers retiring on and from 1st April 1976.
- (p) "Governing Body" in relation to a college means the Managing Committee, Body or person charged with the management of the affairs of a college and recognised as such by the University to which the college is affiliated and in relation to "Day Students' Home" the managing committee, Body or person charged with its affairs and recognised as such by the Government.
- (q) "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) brothers below the age of 18 years and unmarried or widowed sisters,
 - (vi) father,
 - (vii) mother,
 - (2) for the purpose of a family pension :—
 - (i) wife in the case of 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.

(r) 'Age of superannuation' is the age on attaining which an employee must retire compulsorily and

should be sixty completed years of his age provided that in the case of an employee of a college who was in service on 31st March, 1974 and did not opt for the uniform pay scale introduced for employees of such colleges the age of superannuation should be such age as prescribed under Statute/Ordinance of the University to which the college is affiliated.

CHAPTER—III

6. Service Record : The full records of an employee's service rendered in different Colleges/Day Students' Homes from the date of first entry into regular service till the date of retirement shall be maintained by the College/Homes in the Service Book in such manner as prescribed under the West Bengal College Teachers (Security of Service) Rules, 1977. The Service Book and the leave account shall be in such form as prescribed in Appendix B to the West Bengal College Teachers (Security of service) Rules, 1977.
7. Service qualifying for pension : (a) Except for compensation gratuity, the service rendered by an employee before the completion of the age of 20 years shall not qualify for pension.

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Government of West Bengal
Education Department
C. S. Branch

No. 2384-Edn (CS)
1P-9/91

Dated, Calcutta, the 25th Nov. 1991.

From : Shri Sureswar Mukhopadhyay
Deputy Secretary to the Govt. of West Bengal.
To : The Director of Public Instruction, W. B.
Sub : West Bengal Non-Govt. College Employees and Day Students' Home Employees (Death-cum-Retirement benefit) Scheme amendment to.

In furtherance of para 7 of the West Bengal Non-Govt. Employees and Day Students' Home Employees (Death-cum-Retirement Benefit) Scheme under Govt. Order No. 1955-Edn (CS) dt. 23.12.81. the undersigned is directed by order of the Governor to say that the Governor is pleased to order that following sub-para should be inserted under para 7 sub-para (a) of the West Bengal Non-Govt. Employees and Day Students' Home Employees (Death-cum-Retirement Benefit) Scheme approved in Govt. Order No. 1955-Edn (CS) dated 23.12.81 :

- (b) Service in Non-Govt. recognised schools shall count as qualifying for pension under this scheme, provided—
- (i) Previous service in Non-Govt. school (s) was duly approved and followed without interruption by service under Non-Govt. Colleges ;
 - (ii) The incumbent migrated taking proper permission of competent authority and applying through proper channel ;
 - (iii) Employers' share of contribution towards Contributory Provident Fund is surrendered/refunded to Govt. with interest. Additional interest will also have to be paid in case the same was withdrawn ;
 - (iv) the period of service for which Contributory Provident Fund benefit has been given will only count towards pensioner's benefits.

The subsequent sub-para viz (b), (c), (d) etc. under para 7 should be consequently renumbered as (c) (d) & (e) etc.

This order issues with concurrence of the Finance Deptt. Vide their U.O. No. Group (PEN) 280 dt.

20.7.91.

The Accountant General, W. B., is being informed.

Sd/- Sureswar Mukhopadhyaya,
Deputy Secretary.

- (b) Continuous service of a whole-time approved employee in any college affiliated to any University in West Bengal or any Day Students' Home 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 deputed by the Governing Body for the service and was absorbed as an employee on or before 1st January, 1948 and the service would have otherwise qualified for pension.
- (d) Service rendered before partition. i.e., during the period upto 15th August, 1947, by an employee in any affiliated college in areas included in East Pakistan (now Bangladesh) shall qualify for pension provided the period of break from the date of leaving the college in East Pakistan and the date of appointment in any college in West Bengal is condoned by the pension sanctioning authority and further provided that the employer's contribution towards Contributory Provident Fund together with interest accrued thereon for such service is refunded in full to Government.
- (e) All periods of authorised leave including extra-ordinary leave without pay shall count as qualifying service.
- (f) 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.
- (g) Break in service of an employee even though condoned shall not count as qualifying service.
- (h) Break in qualifying service of an employee for a period exceeding six months shall entail forfeiture of his past service. The authority competent to sanction pension may, however, condone any break in qualifying service for a period not exceeding six months subject to the conditions—
- (i) the break has been caused by reasons beyond the control of the employee concerned, and
- (ii) the service preceding the break should not be less than five years.
- (i) The period of 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 by a specific order of the authority which passed the order of reinstatement.
- (j) Resignation tendered by an employee or his dismissal or removal entails forfeiture of past service : provided that resignation of an appointment for taking up another appointment under any sister institution with proper permission shall not entail forfeiture of past service.
- (k) Vacations shall count as qualifying service provided an employee is paid for that period and further provided 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.
- (l) 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 attainment of age of superannuation shall not 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 Higher Secondary/Matriculation/School Final Pass Certificate or other equivalent pass certificates. In the case of those employees whose date of birth cannot be ascertained from any such certificate, the 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.
- (m) Date of retirement : When an employee is required to retire on attaining a specified 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.

[496]

Government of West Bengal
Education Department
Budget Branch

No. 218-Edn (B)
1M-13/92

Dated, Calcutta the 30th July '93.

MEMORANDUM

- The undersigned is directed by order of the Governor to say that the Governor has been pleased in partial modification of provision under para 7 of the West Bengal Recognised Non-Govt. Educational Institution Employees (Death-Cum-Retirement-Benefit) Scheme 1981 to decide that in the cases of employees whose Matriculation Certificate does not show the actual date of birth and instead shows the age of candidate as on the 1st March of the year in which the examination was held in terms of years and months only excluding days and where such employee can produce acceptable documentary evidence in the form of an extracts from the Birth Register or Admission Register of the Institution where the employee studied and where it is not possible to ascertain the exact date of birth on the basis on any acceptable document but some circumstantial evidence together with an affidavit to be sworn in by the employee concerned to the effect that his date of birth is a day other than first day of the month (to be calculated on the basis of the Matriculation Certificate) the Director or any officer authorised by him may allow the employee to retire on the last day of the month (Afternoon).
2. This order shall come into effect from the 1st August, 1993. Cases already decided for persons already retired need not be reopened.
 3. This order issues with the concurrence of Finance Department vide their U.O. No. Group 'P' (Service) No. 1317 dt. 6.7.93.

Yours faithfully,
Sd/- Illegible
Assistant Secretary.

CHAPTER—IV

Eligibility for Pension

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 qualifying service.—
 - (i) on attaining the age of superannuation, or
 - (ii) on voluntary retirement after completing 25 years of qualifying service, 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 College/Day Students' Home concerned due to withdrawal of recognition or other valid causes.

CHAPTER—V

Classification of Pension

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 of appointment on discharge after the completion of a specified term of service.

- (2) No pension may be awarded for the loss of any special pay or local allowance.
- (3) Reasonable notice, 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 on the date on which he is discharged, then a gratuity not exceeding his emoluments for the period by which 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 an invalid pension shall submit a medical certificate from the Chief Medical Officer of the State Govt. in the concerned district or from any other medical Officer of the State Govt. 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 respecting an employee applying for invalid pension has been shown in Appendix I.
13. No invalid pension is admissible to an employee if it is certified by the medical officer that the incapacity is directly due to irregular or interperate 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 compelled 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 of July of that year is taken to be 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 25 years or more.

CHAPTER—VI

Amount of Pension

16. The amount of pension that may be granted is determined by the length of service :
Provided that in the case of employees of colleges who did not opt for the uniform pay scale introduced for employees of such college the period of service beyond 60 years of age shall not qualify for pension.

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

17. The amount of pension payable monthly shall be expressed in whole of rupees and where the pension calculated according to this scheme contains a fraction of a rupee it shall be rounded off to the next higher rupee provided that the maximum annual pension prescribed in paragraph 20 shall not be increased thereby.

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

- 19.(a) A full pension admissible under the scheme is not to be given as a matter of course or unless the service rendered has really been approved by the pension sanctioning authority.

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

Provided that no order of reduction shall be made without the approval of the appointing authority. Provided further that the pension sanctioning authority before passing any final order regarding reduction in 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 therefore 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 the proposed reduction and take into consideration the representation, if any, submitted by such person before passing the final order.

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

- (2) The measure of 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 College/Day Student's Home is incorrect.

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

20. The amount of pension is regulated as follows :

- (A) Gratuity—For service for a period of less than ten years an employee shall be entitled to a gratuity at the rate specified below :

Completed six-monthly periods of qualifying service.

Computed six monthly periods of service	Amount of gratuity admissible
1	½ month's Emoluments
2	1 " "
3	1½ " "
4	2 " "
5	2½ " "
6	3 " "
7	3 ½ " "
8	4 " — etc. as in teachers.

- (B) For service for a period of ten years and more an employee shall be entitled to pension at the rates specified below :

Completed six monthly period of service	Scale of pension	Maximum pension per anum. (in Rs.)
20	10/80 th of average emoluments	3,750.00
21	10½/80 th "	3,937.50
22	11/80 th "	4,125.00

—etc as in teachers.

II. Gratuity

In addition to pension as specified above an employee shall also be entitled to a retiring gratuity at the rate of one fourth of his emoluments for each completed six-monthly period of qualifying service subject to maximum of 16½ times the emoluments, provided that in no case it shall exceed Rs. 30,000/-

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

CHAPTER—VII

Determination of pension during re-employment

21. 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—VIII

Death Gratuity and Family Pension

22. Death Gratuity : When an employee who has completed five years' qualifying service dies while in service, a death gratuity as prescribed in paragraph 23 shall be paid to the nominee or nominees of the deceased employee, or to the surviving members of his family as defined in paragraph 5 (q) (i) in equal shares, if there be no nominee.
23. An amount not exceeding 10/20ths of his emoluments for each completed year of qualifying service subject to a minimum of 12 times and a maximum of 16½ times of the emoluments at the time of death shall be payable in respect of an employee as referred to in paragraph 22.
24. 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 sum actually received or payable to the members of his family on account of pension and retiring gratuity is less than the amount which would have been admissible as death gratuity under paragraph 22 had he died on the date of retirement, the difference between these two sums shall be paid as gratuity to the person or persons on whom the right to receive the gratuity is conferred under paragraph 25 or, if there be no such person, to the members of his family. This benefit shall not be admissible if the employee had commuted a portion of his pension.
25. Nomination : (1) Any employee to whom this scheme applies may, provided he has completed five year's 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 23. 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-paragraph (1) he shall specify in the nomination the amount or 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 predeceasing the employee, the right conferred upon that nominee shall pass to such other member of the employees' 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 Appendix II 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 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, or sub-paragraph (4), the employee shall send a notice in writing formally cancelling the nomination, together with in fresh nomination made in accordance with this paragraph.

- (8) Every nomination made, and every notice of cancellation given, by an employee, shall under this paragraph be sent, to the appointing authority who shall, immediately on receipt of a nomination, countersign it indicating the date of receipt and get the same pasted in the Service Book.
- (9) Every nomination made, and every notice of cancellation given, by an employee, shall to the extent that it is valid, take effect on the date on which it is received by the authority mentioned in sub-paragraph (8).
26. Family pension : (1) Family pension is admissible to the members of the family of an employee who is entitled to the benefit of pension under this scheme and who dies while in 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 provided the employee has completed three years of service.
27. Rate of Family pension : Family pension at the following rates shall be admissible to the members of the family of an employee

Pay of an employee	Amount of monthly pension
1. Rs. 1,200 and above	12 per cent of pay subject to a minimum of Rs. 160/- and a maximum of Rs. 250/-
2. Rs. 400/- and above but below Rs. 1,200/-	15 per cent of pay subject to a minimum of Rs. 100/- and a maximum of Rs. 160/-
3. Below Rs. 400/-	30 per cent of pay subject to a minimum of Rs. 60/- and a maximum of Rs. 100/-

Note : Pay for the purpose of calculation of family pension means the pay as defined in paragraph 5 (n) 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 or leave, other than extraordinary leave, pay means the pay 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 up to the date of death or retirements as the case may be, shall be taken into account. If, however, on the date of death or retirement, an employee is under suspension, pay on the date of 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.

28. Rate of Family Pension in case of death of employee while in service :
For a period of five years from the date of death or upto the date on which the deceased employee would have attained the age of 65 years had he survived, whichever period is less, the pension payable will be at fifty percent of the basic pay last drawn subject to maximum of twice the pension admissible under paragraph 27, provided that the said benefit will not be admissible if the employee has put in less than seven years' continuous service prior to his death. Pension payable thereafter will be at rates laid down in paragraph 27.
29. In the event of death of an employee after retirement the family pension at the enhanced rates as admissible under paragraph 28 shall also be payable upto the date on which the deceased employee would have attained the age of 65 years had he survived or for five years, which 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 paragraph 27 above exceeds the pension sanctioned at the time of retirement, the amount of enhanced family pension sanctioned under this paragraph shall not be less than the amount admissible under paragraph 27 above. 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.

Note : The method of determining the amount of family pension payable under paragraphs 28 and 29 shall be calculated as follows :

Pension payable under paragraph 27 should first be calculated by applying the minimum and maximum limits and then doubled. The resultant amount or 50 percent of the basic pay last drawn,

- whichever, is less, is the amount of family pension admissible under paragraphs 28 and 29.
30. Period during which pension is admissible : Subject to the provision made in paragraph 32 the family pension shall be admissible—
- In the case of widow/widower up to the date of death or remarriage whichever is earlier ;
 - In the case of minor son until he attains the age of 18 years ;
 - In the case of unmarried daughter until he attains the age of 21 years or marriage whichever is earlier ;
 - In the case of dependent parents up to the date of their death or re-marriage, whichever is earlier.
- Note : Where an employee is survived by more than one widow, the family pension shall be paid to them in equal shares. On the death of a widow, her share of the pension shall become payable to her eligible minor children. If at the time of her death a widow leaves no eligible minor child the payment of her share of the pension shall cease.
31. Date of effect of Family Pension : A family pension shall take effect from the day following the death of an employee.
32. Pension payable to one member of the family : Subject to the provisions contained in the note under paragraph 30 the pension awarded under this scheme shall not be payable to more than one member of the employee's family at the same time. It shall first be admissible to the widow (s) widower and then to the minor children and thereafter to mother and lastly to father. In the event of re-marriage or death of the widow/widower the pension shall be granted to the minor children through their natural guardian. In disputed cases, however, payments shall be made through a 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.
- 33A. An employee eligible to the benefit of family pension shall be required to surrender a portion of his gratuity, where admissible, equal to his two months emoluments subject to a maximum of Rs. 5000/-. In case where the gratuity admissible is less than two months emoluments the same shall be resumed by Government against the family pension benefit admissible under this scheme. An employee who was in service on or after 1st October 1977 is not required to surrender an amount equal to his two months emoluments for the purpose of the benefit of family pension.
- Note : (1) In the case of employee retiring or dying while in service without a wife, husband or minor children including adopted children or parents the deduction of two months emoluments from the gratuity shall not be made.
- (2) In case no gratuity either under special order or under normal scheme is admissible, no deduction on account of family pension shall be made.
- 33B. An employee may be permitted to come out of the family pension if at any time he ceases to have a family. The option once exercised is final.

CHAPTER—IX

Procedure relating to application for and sanction of pension

34. List of employees due to retire : Each College/Day Students' Home authority 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 supplied to director of Public Instruction, West Bengal / Accountant-General, West Bengal, not later than the 31st January or the 31st July as the case may be, of that year. In the case of persons retiring for reasons other than by way of superannuation the College/Day Students' Home authority shall promptly inform the director of Public Instruction, West Bengal/Accountant General West Bengal, as soon as the impending retirement becomes known to him.
35. An employee, who is eligible for pension under this scheme, shall submit to his appointing authority, i.e., the Governing Body of his College/Day Students' Home a formal application for pension in the form as prescribed in Appendix IV and other documents as mentioned in the application form preferably one year in advance of the date of anticipated retirement.
36. The College/Day Students' Home 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 forwarded the same along with following documents to the Director of Public Instruction or to the officer (s) authorised by him in this behalf—

- (a) The Service Book duly completed and the entries duly verified and signed by the Principal in case of an employee of a college and by warden in the case of an employee of a Day Students' Home.
 - (b) A certificate to be given by the President of the governing Body of the College/Day Students' Home 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.
37. The Director of Public Instruction or an officer authorised by him on his behalf shall scrutinise the pension papers and forward the same to the Accountant-General, West Bengal, 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.
38. Pension shall be payable through Treasuries and sub-Treasuries in West Bengal in accordance with the instruction issued by the Accountant-General, West Bengal.
39. Provisional pension (including gratuity) at a rate not exceeding 50 percent of the amount of pension (including gratuity) as reported to be admissible and recommended by the College/Day Students' Home authority may be sanctioned by the pension sanctioning authority at his discretion for a period of one year 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 Accountant-General, West Bengal before the date of retirement of the employee subject to the condition that before the provisional pension is paid to a pensioner an undertaking in writing should 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 will 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 Accountant-General, West Bengal, along with the pension papers.
- Such provisional pension (including gratuity) shall be subject to adjustment with the amount of pension (including gratuity) finally sanctioned.

CHAPTER—X.

Commutation of Pension

40. An employee who is eligible to benefit of pension under this scheme shall be entitled to commute for a lump sum payments any portion, as may be determined by government from time to time, of his pension which has been or may be granted to him under this scheme, provided that an employee against whom a judicial or a departmental proceeding has been instituted shall not be permitted to commute any portion of his pension during the pendency of such proceeding.
41. Sanctioning authority : The sanctioning authority means the Government of West Bengal in the finance Department.
42. Rate of commuted value of pension : The rates of commuted value of pension payable under this scheme have been shown in Appendix VII.
43. 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 41 in the form as prescribed in Appendix VIII.
44. On receipt of an application for commutation, the sanctioning authority shall transmit the application to the audit officer for reporting on the admissibility of the commuted value of pension. On receipt of the admissibility report the sanctioning authority shall intimate to the applicant the lump sum amount payable on commutation and instruct him to produce a certificate as to expectation of his life from a Presidency Surgeon in Calcutta and from the Chief Medical Officer of the district in which the college/Day Students' Home is situated :
Provided that in cases where the amount of pension proposed to be commuted exceed Rs. 25 (including amounts previously commuted) the employee concerned will have to produce another

- medical certificate from the Standing Medical Board at Calcutta or a Special Medical Board.
- 45.(1) The certifying medical authority after obtaining from the applicant a statement in Part I of the form as prescribed in Appendix IX which must be signed in its presence, shall subject him to strict examination, enter the results in Part II of the form and record his opinion as to the accuracy with which the pensioner has answered the questions in Part I regarding his/her medical history and habits. Lastly he/she shall complete the certificate contained at the end of part II of the form and forward it to the sanctioning authority.
 - (2) 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 of the medical authority and of the revised sum payable on commutation.
 - (3) 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.
46. In case of application for commutation of pension from an employee drawing invalid pension the Medical Board shall after examination in the manner as laid down in paragraph 45, record its opinion in Part III of the form as prescribed in Appendix IX.
 47. 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

48. In respect of matters for which provision has not been made in this scheme, the relevant provisions in the West Bengal Service (Death-cum-retirement Benefit) Rules, 1971, shall apply mutatis mutandis subject to the approval of the State Government.

For Appendices (cf. DCRB—Teachers' Pension)

[497]

Government of West Bengal
Education Department
C. S. Branch

No. 687-Edn (CS)
1P-1/84

Calcutta, the 28th May, 1984.

From : Shri S. Sengupta,
Deputy Secretary to the Govt. of West Bengal.
To : The Director of Public Instruction, West Bengal.
Sub : Minimum period of service required to be rendered for the purpose of grant of Family Pension in the case of employees of Non-Government Colleges and Day Students' Homes under the West Bengal Non-Government College Employees and Day Students' Homes Employees (Death-cum-Retirement benefit) Scheme.
Ref : His letter No. 14/C/Pen dated 6.1.84.

The undersigned is directed to refer to paras 26 of the West Bengal Non-Government College Employees and Day Students/Home Employees (Death-cum-Retirement Benefit) Scheme which provides that the Family pension is admissible to the members of the family of an employee of non-government College/Day Students' Homes who dies while in service. Minimum period of service that an employee is required to render for the purpose of this benefit has not, however, been indicated there.

The matter has been considered and the Governor is now pleased to decide that an employee shall be required to render at least three years' service for the purpose of admissibility of family pension to the members of his family. This decision shall take effect from the date of introduction of the aforesaid

scheme. Governor is further pleased to decide that with effect from 1.4.81 the aforesaid period shall be reduced to one year.

Necessary amendment to the West-Bengal Non-Government College Employees and Day Students' Home Employees (Death-cum-Retirement Benefit) scheme will be issued in due course.

2. This issues with the concurrence of the Finance Department vide their U.O. No. Group-B 493 dated 2nd May, 1984.

3. The Accountant General, West Bengal and the Pay & Accounts Officer are being informed.

Calcutta,
The 28th May, 1984.

Sd/- S. Sengupta,
Deputy Secretary

No. 237 (350) C/Pen
IP-40C/Pen/84

Calcutta, the 21st June, 1984.

Copy forwarded to the Secretary/ Warden, for information and necessary action.

Sd/- K. K. Dutta
Deputy Director of Public Instruction
(P. P.S). West Bengal.

[498]

Government of West Bengal
Education Department
C. S. Branch

No. 2002-Edn (CS)
1P-13/90

Dated, Calcutta, the 13th August, 1991.

From : Shri Sureswar Mukhopadhyay
Deputy Secretary to the Govt. of West Bengal.

To : The Director of Public Instruction, W. B.

Sub : Change of option exercised by the members of non-teaching staff of non-Govt. Colleges from contributory Provident Fund-cum-Gratuity to pension (including family pension) -cum-Gratuity.

In continuation of G. O. No. 1955-Edn (CS) dated 23.12.81. on the above noted subject, the undersigned is directed by order of the Governor of say that the Governor is pleased to decide that the existing members of the non-teaching staff of non-Govt. affiliated colleges (including erstwhile sponsored Colleges) can, if they so desire,, exercise fresh option either for pension (including family pension)-cum-Gratuity or for contributory provident fund-cum-Gratuity, as a very special case within a period of 60 (sixty) days from the date of circulation of this order by D. P. I., W. B. positively.

The option so exercised in pursuance of this order should be final and no prayer for further change of option will be entertained in future.

This fresh option may be exercised in the form enclosed in the aforesaid Govt. order.

New entrants shall be required to exercise option in favour of either of the two benefits within 180 (one hundred eighty) days of their entry into service positively provided that in the case of non-teaching employees, changing from one college to another, the option exercised in the former college shall remain unchanged.

This order issues with the concurrence of the Finance Deptt. Vide their U. O. No. Group J (PEN) 608 dated 1.8.91.

This should be circulated among non-Govt. affiliated Colleges (including erstwhile Sponsored Colleges) immediately.

Sd/-S. Mukhopadhyay
Deputy Secretary
to the Govt. of West Bengal.

OPTION FORM

(For Non Teaching Staff)

Ref : G. O. No. 2002-Edn (CS). Dated 13.08.91.

To
The Principal/*President of the governing Body/Ad-hoc Committee/Administrator/Warden,
.....College/Mahavidyalaya/Day Students' Homes.

Sir,

In pursuance of para 2 of the G.O. No. 1955-Edn (CS) dated 23.12.81. I opted for *Pension (including Family Pension)-cum-Gratuity/Contributory Provident Fund-cum-Gratuity.

I have reconsidered the matter and a fresh opportunity having been given in terms of G. O. No. 2002-Edn (CS), dated 13.08.91 for changing the option I do hereby opt, in cancellation of the previous option referred to above, for the *Pension (including Family Pension)-cum-Gratuity/Contributory Provident Fund-cum-Gratuity.

I have noted that no further change in option can be exercised by me.

Yours faithfully,

Countersigned ;

.....
(Full Signature of the applicant with date)

Principal/*President of the Governing
Body/Ad-hoc-Committee/Administrator/Warden.

[499]

Government of West Bengal
Education Department

No. 601-Edn (CS)

Dated Calcutta, the 15th June, 1992.

From : Shri Sureswar Mukhopadhyay,
Deputy Secretary to the Govt. of West Bengal.
To : The Director of Public Instruction, West Bengal.
Sub : Change of option in respect of Non-Teaching employees of Non-Govt. Colleges from Contributory Provident Fund-cum-Gratuity to Pension (including family pension)cum-Gratuity.

In continuation of Government Order No. 1955-Edn (CS) dated 29.12.81 on the above noted subject, the undersigned is directed by order of the Governor, to say that the Governor is pleased to decide that the members of the Non-Teaching staff of Non-Government affiliated Colleges (including erstwhile sponsored Colleges) who are enjoying the revised scale of pay introduced with effect from 1.1.86 can, if they so desire, exercise fresh option for pension (including family pension)-cum-gratuity as a very special case within a period of six months from the date of circulation of this order by the Director of Public Instruction, West Bengal, positively.

The option so exercised in pursuance of this order should be final and no prayer for further change of option will be entertained in future.

This fresh option may be exercised in the form enclosed in the aforesaid Government Order.

New entrants shall be required to exercise option in favour of pensionary benefits within six months of their entry into service positively provided that in case of non-teaching employees, changing

*The item that may not be applicable shall be scored out under the signature of the staff exercising option.

from the College to another, the option exercised in the former college shall remain unchanged.

This order cancels Government Order No. 2002-Edn (CS) dated 13.8.91.

This order issues with the concurrence of the Finance Department vide their U. O. No. Group 'J' (Pen) 90 dated 29.5.92.

This should be circulated among non-Government affiliated colleges (including erstwhile sponsored Colleges) immediately.

Sd/- Sureswar Mukhopadhyay
Deputy Secretary.

OPTION FORM FOR NON-TEACHING STAFF
Ref. G. O. No. 601-Edn (CS) dt. 15.06.1992

To,

The Principal/President to the Governing Body/Chairman of the Ad-hoc Committee/Administrator/
Warden,..... College/Mahavidyalaya/
Mahavidyapith/Day Students' Homes.

Sir/Madam,

In pursuance of the G.O. No.....dt.....read with G.O.
No.....dt.....& G.O.No.....dt.....I opted for C.P.F.-cum-
Gratuity.

As I am enjoying the pay scale of Rs.....to Rs.....w.e.f. 1.1.86
and a fresh opportunity having been given in terms of G.O. No. 601-Edn (CS) dt. 15.06.92 for changing
the option/ I have joined this College on.....I do hereby opt, (in cancellation of
the previous option referred to above) for pension (including family pension)-cum-Gratuity.

I have noted that no further change in option can be exercised by me.

Yours faithfully,

Countersigned

by the Head of the Institution with seal.

.....
Full Signature or L.T.I. of the employee with date.

Name of the employee.....
(in bolck letters)

Designation :.....
Date of joining.....

* The item that may not be applicable shall be scored out under the signature of the employee exercising option.