

Government of West Bengal
School Education Department
Budget Branch
Bikash Bhawan, Salt Lake, Kolkata - 700 091

No. 539-SE(P&B)/SL-SS-61/10 (P 1)

Dated, Kolkata, the 1st November, 2010.

MEMORANDUM

Subject: Pension/Family pension in respect of the employees who retired or died in harness prior to 01.04.1981 under the West Bengal Recognized Non- Government Aided Educational Institutions.

The school Education Department has received a number of representations from different corners seeking clarification on the entitlement of pension/family pension in respect of the employees under the West Bengal Recognized Non-Government Aided Educational Institutions (hereinafter referred to as employees) who retired or died in harness prior to 01.04.1981 under the West Bengal Recognized Non-Government Aided Educational Institutions. This Department has also received several orders passed by the Hon'ble High Court at Calcutta directing the respondent authorities to extend pension/family pension under the West Bengal Recognized Non-Government Educational institution Employees (Death-Cum-Retirement Benefit) Scheme, 1981 (hereinafter referred to as DCRB Scheme, 1981) to the petitioners who served the West Bengal Recognized Non-Government Aided Educational Institutions and who retired or died in harness prior to 01.04.1981.

The DCRB Scheme, 1981 came into force with effect from 01.04.1981 in terms of this Department's Notification No. 136-Edn (B) dated 15.05.1985 for the employees who were in service as on 01.04.1981 under the West Bengal Recognized Non- Government Aided Educational Institutions.

Subsequently, in terms of GO. No 163-Edn (B) dated 15.06.1990, the benefit of the DCRB Scheme, 1981 was extended to the teaching and non-teaching employees covered by the aforesaid scheme, who retired prior to 01.04.1981 on the same terms and conditions subject to due adjustment of pension and ex-gratia increases and aforesaid as were or are being drawn by such pensioners.

2. In terms of GO. No. 1610-Edn (S) dated 17.08.1968 with effect from 01.04.1966, the Pension Scheme for the employees of the Secondary Schools was introduced and in terms of G.O. No. 2299 Edn (P) dated 12.12.1972 with effect from 01.04.1968, the Pension Scheme for the Primary Schools teachers was introduced. These two Pension Schemes are referred to as 'Old Pension Scheme'.

3. It has also been observed by this Department that the following categories of the employees were not covered under DCRB Scheme, 1981.

- a) those employees who retired/died prior to introduction of the 'Old Pension Scheme' (before 01.04.1966 in case of the employees of Secondary School under the West Bengal Recognized Non-Government Aided Educational Institution and before 01.04.1968 in case of the primary school teachers under the West Bengal Recognized Non-Government Aided Educational Institution.
- b) those employees who retired prior to introduction of the 1981 pension Scheme but rendered more than one year approved qualifying service but less than 10 years approved qualifying service.
- c) those primary school teachers (who were appointed before 01.04.1968) whose terminal benefits were settled by paying Contributory Provident Fund and Gratuity as per their option under rule 26 of the School Education Department's Notification No. 3767-Edn dated 1.11.1035;
- d) those employees who retired prior to introduction of the DCRB Scheme, 1981 and enjoyed pension as per 'Old Pension Scheme' till death before issuance to GO. No. 163-Edn(B) dated 15.06.1990;
- e) those employees who died in harness prior to 01.04.1981 after rendering approved qualifying service for 20 years or more. In such cases family pension for 5 years was sanctioned as per provision of the 'Old Pension Scheme' but stopped at the expiry of 5 years (before 15.06.1990) from the date of the death of the incumbent.
- f) those employees who died in harness prior to 01.04.1981 after rendering at least one year's approved qualifying service but not more than 20 years' approved qualifying service; and
- g) those employees who died in harness or retired in between the period from 01.04.1981 to 30.06.1990 (both days are inclusive) before exercising any option under the DCRB Scheme, 1981.

4. Hence, the extension of pensionary benefit to the employees or their widows to the above categories was under the active consideration of the State Government for sometime past. After considering the fact, as a social security measure, the Governor has been pleased to extend pensionary benefit under DCRB Scheme, 1981 to such windows of those employees who retired or died in harness prior to 01.04.1981, if the concerned employees rendered at least one year's approved qualifying service in the West Bengal Non- Government Aided Educational Institutions. The employees of such categories may also be brought under the purview of the DCRB Scheme, 1981. The financial benefit may be given with effect from 15.06.1990 or from the date of application for pension/family pension whichever is later. The category as mentioned under para-3(g) above also shall also come within the ambit of this order.

5. In case of primary school teachers, District Inspector of Schools Primary Education) shall be the pension Sanctioning Authority whereas the Director of School Education, West Bengal or

any officer(s) authorised by Government, on his behalf shall be the Pension Sanctioning Authority in respect of the employees of Secondary Schools under the West Bengal Recognized Non-Government Aided Educational Institution.

6. The benefit should be extended only to the living ex-employees (as mentioned under para-3 above) or their living widows, as the case may be.

7. Retirement benefits, if received by the employees in the old scheme should be adjusted/ refunded to the Government under the appropriate head of account.

8. The Director, Pension, Provident Fund and Group Insurance, West Bengal shall issue Pension payment Order in all cases.

9. In cases of pension or family pension in respect of primary school teacher, on receipt of duly filled Comprehensive Forms as per G.O. No. 88-SE (B) dated 26.05.1998 from the ex-employee or the living widow of the ex-employee as the case may be the teacher Head Teacher/ Teacher-in-Charge of the concerned Primary School will verify and submit the same to the Sub-Inspector of Schools concerned who will further verify the particulars of the incumbent within 30 days from the date of receipt and submit the same alongwith Service Book to the District Inspector of Schools (PE) for onward transmission of the same immediately to the Director, Pension, Provident Fund and Group Insurance, West Bengal for issuance of Pension Payment Order immediately as per West Bengal Recognised Non- Government Educational Institution (Death-cum-Retirement Benefit) Scheme, 1981.

10. In case of the pension/family pension in respect of employees of Secondary Schools under the West Bengal Recognized Non-Government Aided Educational Institutions, on receipt of duly filled Comprehensive Forms as per G.O. No. 88-SE (B) dated 26.05.1998 from the ex-employees or the living widow of the ex-employee as the case may be, the Head of the Institution of the concerned School will verify and submit the same alongwith Service Book to the District Inspector of Schools (SE) concerned, who will further verify the particulars of the incumbent within 30 days from the date of receipt and submit the same immediately to the Director, Pension, Provident Fund and Group Insurance, West Bengal for issuance of Pension payment Order immediately as per West Bengal Recognized Non-Government Educational Institution Employees (Death-cum-Retirement Benefit) Scheme, 1981.

11. The Director, Pension, Provident Fund and Group Insurance, West Bengal will be informed accordingly.

12. The Principal Accountant General (A&E), West Bengal may issue Pension Payment Order in respect of those pension cases, received prior to issuance of this order.

13. This order issues with the concurrence of the Finance Department, Government of West Bengal pension Branch under their U.O. 642-F (Pen) dated 08.10.2010.

Joint Secretary