



THE ASSAM GAZETTE

অসাধাৰণ

EXTRAORDINARY

প্ৰাপ্ত কৰ্তৃত্বৰ দ্বাৰা প্ৰকাশিত

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GOVERNMENT OF ASSAM

ORDERS BY THE GOVERNOR

GUWAHATI MUNICIPAL CORPORATION

GUWAHATI

NOTIFICATION

The 18th September, 2015

THE GUWAHATI MUNICIPAL CORPORATION EMPLOYEES (PENSION) REGULATION, 2015

No. GMC/FA/4/2011/1. - In exercise of the powers conferred by Section 74 (1) (c) of the Guwahati Municipal Corporation Act, 1971 the Guwahati Municipal Corporation is pleased to frame the following regulations relating to payment of pension to the employees of the Guwahati Municipal Corporation, namely

**THE GUWAHATI MUNICIPAL CORPORATION EMPLOYEES (PENSION)
REGULATION, 2015**

CHAPTER I

SHORT TITLE AND COMMENCEMENT

1. These regulations may be called the **Guwahati Municipal Corporation Employees (Pension) Regulations, 2015.**
2. They shall be deemed to have come into force on the 1st day of January, 1996.

APPLICATIONS

3. These regulations shall be applicable to all regular employees of Guwahati Municipal Corporation who were in service on or after 1.1.1996 and members of the Contributory Provident Fund. But those appointed after 01.02.2005 shall not be covered by these regulations.
4. These regulations will not apply to employees joining service on or after 1.2.2005 to whom the New Defined Contribution Pension Scheme, 2009 will apply.
5. The Existing employees shall have to exercise their option whether to continue under the present Contributory Provident Fund Scheme or like to join the Pension Scheme. The existing employees shall exercise their option in writing in Form No.8 within 60(sixty) days from notification.
6. In order to be eligible for pension scheme, the employee will have to refund the Contribution part (50% of credit in CPF A/C) with interest.

DEFINITION

7. (1) **Local Fund** - The expression "Local Fund" denotes –
 - (1) Revenue administered by bodies which by law or rule having force of law come under the control of Government whether in regard to the proceedings generally or to specific matters such as the sanctioning of their budgets, sanction to the creation or filling up of particular appointments, the enactment of leave, pension or similar rules; and

(12)

(2) The revenues of anybody which may be specially notified as such.

(2) **Act** – Act means Guwahati Municipal Corporation Act, 1971.

(3) **Form** – Form means a form appended to these regulations.

(4) **Pension** – Pension includes Gratuity and Death cum Retirement Gratuity.

(5) **Service** – Service means regular Service under Guwahati Municipal Corporation.

(6) **Qualifying Service** – Qualifying service means service rendered while on duty or otherwise which shall be taken into account for the purpose of pension and gratuities.

(7) **Employee** – Employee means regular employee of Guwahati Municipal Corporation.

(8) **Eligible Employee** – Eligible Employee means an employee who returned contribution part (50% of CPF).

(9) **Existing Employee** – Existing Employee means employees who are at present on roll of Guwahati Municipal Corporation.

(10) **CPF** – CPF means Contributory Provident Fund admissible under Model Contributory Provident Fund (Municipal Service Rules) 1962.

(11) **Corporation** – Corporation means Guwahati Municipal Corporation (G.M.C.), Guwahati.

(12) **Commissioner** – Commissioner means Commissioner of Guwahati Municipal Corporation.

(13) **Pension Fund** – Pension Fund means Fund constituted under Regulation No 8 to be used for the sole purpose of payment of pension to eligible Guwahati Municipal Corporation employees.

(14) **General Council** – General Council means General Council of elected Councillors of Guwahati Municipal Corporation.

(15) **Family will include following relatives of Employees :-**

- (a) Wife in the case of male employee.
- (b) Husband in the case of female employee.
- (c) Minor sons, and
- (d) Unmarried minor daughter.

(16) **Gratuity** means gratuity granted in lieu of Pension to eligible Employees who have rendered service less than 10(ten) years of qualifying service.

(17) **Family Pension** means Pension Granted under Regulation No 55.

(18) **Service Book** means recording of Service of an employee including Service Roll.

(19) **Pension Disbursing authority means:-**

- (a) Branch of State Bank of India or
- (b) Commissioner, Guwahati Municipal Corporation.

(20) **Pensionable service** means regular continuous service under Guwahati Municipal Corporation and paid from Municipal Fund.

(21) **Employer** means Guwahati Municipal Corporation.

Word and expression used and not defined in these Regulations but defined under the Act shall have the same meaning respectively assigned to them in the Act.

(22) **GMC** means Guwahati Municipal Corporation.

(23) **ASFC** means Assam State Finance Commission.

(24) **Service** means service under Guwahati Municipal Corporation.

CHAPTER II

8. Constitution of Pension Fund

The Corporation shall constitute a Fund to be called Guwahati Municipal Corporation Employees Pension Fund to be lodged in the State Bank of India, Guwahati (Panbazar) Branch in a Saving Bank A/C.

The contribution part of CPF when refunded as well as the one time grant of Rs.75.00 crore to be provided by State Government over a period of five years in 5 annual installments of Rs.15.00 crore each starting from financial year 2015-16 will be deposited in the Fund which will be used for the sole purpose of payment of pension to eligible employees of Guwahati Municipal Corporation.

Finance Department will not bear any other liability in future for contribution to pension fund as per GMC regulation. This will be one time grant only as it will be provided from State own non-plan resources. The grants/period of 4th ASFC has already expired on 31/03/2015.

All moneys payable to the credit of Pension Fund shall be forthwith paid into State Bank of India.

The money from time to time credited to the Pension Fund shall be applied towards payment of all sums, charges and costs necessary for carrying out the purpose of pension of the Guwahati Municipal Corporation.

No payment shall be made by the State Bank of India out of the Pension Fund except upon a cheque signed by the Commissioner, and the Chief Accounts and Audit Officer, Guwahati Municipal Corporation.

The Chief Accounts and Audit Officer, Guwahati Municipal Corporation will maintain the records of accounts, sanctioning and disbursement of pension to retired/expired employees.

GENERAL RULES

9. Future good conduct is an implied condition of every grant of a pension :

The Commissioner reserves to himself the right of withholding or withdrawing a pension or any part of it, if the pensioner be convicted of serious crime or be guilty of grave misconduct.

NOTE 1 - Active support or advocacy of any political movement, the professed object of which is the subversion of the Government established by law, constitutes grave misconduct within the meaning of this regulation.

NOTE 2 - The failure or refusal of a pensioner to pay any amount owed by him to Corporation is not 'misconduct' within the meaning of this regulation.

10. Recovery of loss to the Corporation:

A claim may become known and the question of making recovery may arise -

- (a) When the calculation of pension is being made and before the pension is actually sanctioned, or
- (b) After the pension has been sanctioned.

The claim and the recovery may be one or other of the following :

- (1) Recovery as a punitive measure in order to make good loss caused to the Corporation as a result of negligence or fraud on the part of the person concerned while he was in service.
- (2) Recovery of other Corporation dues such as over drawal of pay, allowances or leave salary, or admitted or obvious dues such as house-rent, outstanding motor-car, house building, travelling allowance or other advances.

Recovery of non-Corporation dues.

In cases falling under (a) above, none of the recoveries mentioned in (1) to (3) above may be effected by a reduction of the pension about to be sanctioned except—

- (i) in the circumstances contemplated in regulation 12 and regulation 46 when an officer's service can be held to have been not thoroughly satisfactory, a reduction in the amount of pension may be made under regulation 46 by Commissioner.
- (ii) when the pensioner by a request made or consent given has agreed that the recovery may be made.

In case falling under (b) above also none of the recoveries described in clauses (1) to (3) may be effected by deduction from a pension already sanctioned except at the request or with the express consent of the pensioner, or in the circumstances mentioned in regulation 12.

NOTE 3. — Recovery of all Corporation dues from the death-cum-retirement gratuity or any other types of gratuity due in respect of an employee may be made without obtaining his consent or the consent of the members of his family: [Provided that, in case of death of a employee while in service, the death-cum-retirement gratuity due to the family shall not be adjusted against Government dues if the sum total payable to the family on account of death-cum-retirement gratuity, provident fund and group insurance is Rs. 1.00 lakh or less. In the event, the sum total exceeds Rs. 1.00 lakh, the amount in excess of Rs. 1.00 lakh will be adjusted with Corporation dues to the extent of the death-cum-retirement gratuity, payable to the family.]

11. Right of Employer to withhold or withdraw Pension

The Commissioner reserves to himself the right of withholding or withdrawing a pension or any part of it, whether permanently or for a specified period and the right of ordering the recovery from a pension of the whole or part of any pecuniary loss caused to Corporation, if, in a departmental or judicial proceeding, the pensioner is found guilty of grave misconduct or negligence during the period of his service, including service rendered upon re-employment after retirement provided that—

- (a) such departmental proceeding, if instituted while the employee was in service, whether before his retirement or during his re-employment, shall, after the final retirement of the employee, be deemed to be a proceeding under this regulation and shall be continued and concluded by the authority by which it was commenced in the same manner as if the employee had continued in service;

[Explanation— The continuation of the proceeding after the final retirement of the employee shall be automatic under sub-regulation (a) of Regulation 12 and no fresh decision of the Commissioner nor any show-cause notice to the person concerned shall be necessary.

The powers under regulation 11 shall be exerciseable not only in case of causing pecuniary loss to Corporation but also in all other cases];

- (b) such departmental proceeding, if not instituted while the employee was in service, whether before his retirement or during his re-employment—
 - (i) shall not be instituted save with the sanction of the Commissioner.
 - (ii) shall not be in respect of any event which took place more than 4 years before such institution; and

iii) shall be conducted by such authority and in such place as the Commissioner may direct and in accordance with procedure applicable to departmental proceedings in which an order of dismissal from service could be made in relation to the employee during his service;

Explanation- For the purpose of this regulation -

- (a) a departmental proceeding shall be deemed to be instituted on the date on which the statement of charges is issued to the employee or pensioner, or if the employee has been placed under suspension from an earlier date, on such date; and
- (b) a judicial proceeding shall be deemed to be instituted—
 - (i) in the case of a criminal proceeding, on the date on which the complaint or report of police officer, on which the Magistrate takes cognizance, is made, and
 - (ii) in the case of a civil proceeding, on the date of presentation of the plaint in the Court.

NOTE 1- This applies also to recoveries from death-cum-retirement gratuity and family pension sanctioned

NOTE 2 - In a case in which a pension as such is not withheld or withdrawn but the amount of any pecuniary loss caused to Corporation is ordered to be recovered from the pension, the recovery should not ordinarily be made at a rate exceeding one-third of the gross pension originally sanctioned.

12. (1) Where any departmental or judicial proceeding is instituted under regulation 11 or where a departmental proceeding is continued under clause (a) of the proviso thereto against an employee who has retired on compulsory retirement or otherwise, he shall be paid during the period commencing from the date following the date of retirement to the date on which upon conclusion of such proceeding, final orders are passed, a provisional pension not exceeding the maximum pension which would have been admissible on the basis of his qualifying service upto the date of retirement, or if he was under suspension on the date of retirement, upto the date immediately preceding the date on which he was placed under suspension; but no gratuity or death-cum-retirement gratuity shall be paid to him until the conclusion of such proceeding and the issue of final orders thereon.

(2) Payment of provisional pension made under clause (1) shall be adjusted against the final retirement benefits sanctioned to such employee upon conclusion of the aforesaid proceeding but no recovery shall be made where the pension finally sanctioned is less than the provisional pension or the pension is reduced or withheld either permanently or for a specified period.

NOTE 1- The grant of pension under this regulation shall not prejudice the operation of regulation when final pension is sanctioned upon conclusion on the proceeding.

CASES IN WHICH CLAIMS ARE INADMISSIBLE

13. No claim for pension shall be admitted—

- (a) When an employee is appointed for a limited time only or for a specified duty, on the completion of which he is to be discharged.

- (b) When a person is employed temporarily on monthly wages without specified limit of time or duty; but a month's notice of discharge should be given to such person and his wages must be paid for any period by which such notice falls short of a month.

Interpretation- The first notice given to an employee employed under the conditions of this regulation ceases to be effective when it is cancelled by a subsequent order, and the employee is entitled to a fresh notice before his renewed term of employment for a further indefinite period could be cancelled.

- (c) When a person's whole time is not retained for the public service, but he is merely paid for work done for the Corporation.
(d) Service where benefit under the Contributory Provident Fund Rules or similar benefits are admissible.

NOTE 1- Person enjoying such benefit, if absorbed in regular pensionable service, may count his past service during which benefit of Contributory Provident Fund were enjoyed.

- (e) Service governed by specified contract unless there is stipulation contrary to it in the contract deed.

MISCONDUCT OR INEFFICIENCY

14. No pension may be granted to an employee dismissed or removed for misconduct, insolvency or inefficiency; but to employee so dismissed or removed compassionate allowances or/and land compassionate gratuity may be granted when they are deserving of special consideration; provided that the allowance/gratuity granted to any employee shall not exceed two-thirds of the pension/gratuity which would have been admissible to him if he had retired on medical certificate.

NOTE -Death-Cum-Retirement gratuity or family pension under regulation 53 & 55 may not also similarly be granted if the employee is so dismissed or removed. Compassionate grants may however be made under these regulation in accordance with above principle and subject to same conditions.

COMPULSORY RETIREMENT AS A PENALTY

15. An employee compulsorily retired from service, as a penalty, may be granted by the Commissioner pension at a rate not less than two-thirds and not more than full invalid pension, if any admissible to him on the date of his compulsory retirement.

CLAIMS OF WIDOW

16. (a) It being the duty of every Corporation employee himself to provide for his family, the Corporation recognizes no claim save as provided in the regulation, by a widow on account of the services of her husband.

(b) The submission of such claims, is disapproved, as calculated only to give rise to hopes which cannot be fulfilled.

NOTE 1- Immediate relief in the family of Group D Employees : The Commissioner may sanction to the families of Group D employees whether permanent or temporary employee (excluding the members of the casual establishment and daily rated staff) who had rendered not less than three years' continuous service and who died while in service (whether on duty or on leave with or without pay) an advance equal to two months' pay subject to a maximum of Rs. 10,000.00 (Rupees ten thousand) only if in the opinion of the

Commissioner the family concerned has been left in indigent circumstances upon the death of the employees' on whom it was dependant and is in immediate need of financial assistance.

Payment of the advance should be made in the same manner and to the person or persons eligible or would have been eligible to receive the death-cum-retirement gratuity. The advance will be adjusted against final death-cum-retirement gratuity when sanctioned.

LIMITATION

17. a) An employee cannot earn two pensions in the same office at the same time, or by the same continuous service.
- b) Two employees may not simultaneously count service in respect of the same office.

EXPLANATION

1. An employee who having retired on superannuation pension is subsequently re-employed shall not be entitled to a separate pension or gratuity for the period of his re-employment.
2. Under F.R. 12(a), two or more employee cannot be appointed substantively to the same permanent post at the same time.

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CHAPTER III**GENERAL CONDITIONS OF CLAIM OF PENSION****BEGINNING OF SERVICE**

18. (a) An employee's service does not qualify till he has completed eighteen years of age.
(b) In other cases, the service of every employee begins when he takes charge of the office to which he is first appointed.

CONDITIONS OF QUALIFYING SERVICE

19. The service of an employee does not qualify for pension unless it conforms to the following three conditions –

Firstly, the service must be under the Corporation.

Secondly, the employment must be substantive and permanent;

Thirdly, the service must be paid by the Corporation.

FIRST CONDITION
SERVICE UNDER CORPORATION

20. The service of an employee does not qualify unless he is appointed and his duties and pay are regulated by the Corporation.

SECOND CONDITION

21. Service does not qualify unless the employee holds a substantive office on a permanent establishment :

Provided that continuous temporary or officiating service under the Corporation, followed without interruption by confirmation in the same or any other post, shall count in full as qualifying service except in respect of –

- (a) Periods of temporary or officiating service in non-pensionable establishment, and
(b) Periods of service paid from contingencies.

APPRENTICES AND PROBATIONER

22. Service as an apprentice does not qualify for pension.
23. The service of a probationer qualifies; so does that of an employee who is on probation for an office provided that the employee is appointed substantively on completion of the period of probation.

PERMANENT EMPLOYEE DEPUTED

24. An employee on a permanent establishment detached on duty in a temporary post, on the understanding that, when the temporary duty ceases he will return to the permanent establishment, counts his detached service in respect of his permanent appointment.

NOTE -

A person who has rendered service partly in temporary establishment and partly in permanent establishment totaling in all 25 years or more will be eligible for pension.

**THIRD CONDITION
REMUNERATION**

25. Service paid from the Municipal Fund qualifies.

NOTE: The following are not in pensionable service—

- (i) Employees who are paid for work done for Corporation but whose whole time is not retained for the public service.
- (ii) Employees who are paid from a contract grant whether such grant is a fixed amount or consists of fees.

PERIODS OF LEAVE

26. All periods of leave with allowances shall count as service.

NOTE: In the following circumstances, extraordinary leave should be allowed to count for pension, namely—

- (i) if the extraordinary leave is taken on medical ground;
- (ii) if it is taken due to inability of the person to join or re-join duty due to Civil Commotion or natural calamity; provided he has no other type of leave to his credit;
- (iii) if it is taken for prosecution of higher Scientific and Technical Studies.

27. An employee required to attend a departmental examination, optional or compulsory for promotion within the normal scope of the employee's department or office, shall be treated as on duty qualifying for pension during a reasonable time required for the journey to and from the place of examination and on the day or days of the examination.

28. An employee who has been appointed to a post or to a cadre, shall be treated as on duty qualifying for pension during any course of instruction or training which he may be required or permitted to undergo in accordance with the terms of any general or special orders and during the time reasonably required for the journeys to and from the place of instruction or training.

Explanation— In estimating the 'time reasonably required for the journey' Commissioner may, when necessary, allow time for preparation upto a limit of six days but should not ordinarily do so in case where the course of instruction lasts for less than six months.

29. Study Leave when admissible shall count as service for pension.

SUSPENSION, RESIGNATIONS, BREAKS IN SERVICE

PERIOD OF SUSPENSION

30. Period spent on suspension pending enquiry into conduct counts in full where, on conclusion of the enquiry, the employee has been fully exonerated or the suspension is held to have been wholly unjustified; in other cases, the period of suspension does not count unless the authority competent to pass orders under Fundamental Rule 54 expressly declares at the time that it shall count; and then it shall count only to such extent as the competent authority may declare.

NOTE— Where the period of suspension is converted into one of leave it shall count for pension to the extent such leave would normally count.

RESIGNATION AND DISMISSAL

31. (a) Resignation from the public service, or dismissal or removal from it for misconduct, insolvency, inefficiency not due to age, or failure to pass a prescribed examination entails forfeiture of past service.
(b) Resignation of an appointment with the prior written permission of the appointing authority to take up another appointment, service in which counts, is not resignation of the public service.

In cases where an interruption in service is inevitable due to the two appointments being at different stations, such interruptions, not exceeding the joining time permissible under the rules on transfer, shall be covered by grant of leave of any kind due on the date of relief or by formal condonation under rule to the extent to which the period is not covered by leave.

32. (a) An employee who is dismissed, removed or compulsorily retired from public service, but is reinstated on appeal or revision is entitled to count his past service.
(b) The period of break in service between the date of dismissal, removal or compulsory retirement, as the case may be, and the date of re-instatement and the period of suspension (if any) shall not count unless regularised as duty or leave by a specific order of the authority which passed the order of re-instatement; provided that the period of suspension converted into one of leave shall count for pension to the extent such leave would count.

INTERRUPTIONS

33. Interruption in the service of an employee entails forfeiture of his past service except in the following cases—

- (a) Authorized leave of absence.
(b) Unauthorized absence in continuation of authorized leave of absence so long as the office of the absentee is not substantively filled; if his office is substantively filled, the past service of the absentee is forfeited.
(c) Suspension immediately followed by reinstatement, which need not be to the same office or where the employee dies or is permitted to retire or is retired while under suspension.
(d) Abolition of office or loss of appointment owing to reduction of establishment.

NOTE — The above clause (d) applies only in case of abolition of permanent office or loss of permanent appointment.

- e) Transfer to non-qualifying service in an establishment under Corporation's control. The transfer must be made by competent authority; an officer who voluntarily resigns qualifying service cannot claim the benefit of this exception. Transfer to a grant-in-aid school entails forfeiture.
(f) Time occupied in transit from one appointment to another, provided that the employee is transferred under the orders of competent authority with the consent of the head of his old office.
34. The authority who sanctions the pension may commute retrospectively periods of absence without leave into leave without allowances.

CONDONATION OF INTERRUPTION AND DEFICIENCIES

35. (1) Upon such conditions as it may think fit in each case to impose, the General Council may condone all interruptions in the service of an employee.
(2) Upon such conditions as they may think fit in each case to impose, the general council may condone a deficiency not exceeding twelve months in the qualifying service of an employee.

CHAPTER IV

CLASSIFICATION OF PENSIONS

36. Pensions are divided into four classes

- (a) Compensation Pension
- (b) Invalid Pension
- (c) Superannuation Pension
- (d) Retiring Pension

COMPENSATION PENSION

37. If an employee is selected for discharge owing to the abolition of a permanent post, he shall, unless he is appointed to another post the conditions of which are deemed by the authority competent to discharge him to be at least equal to those of his own, have the option—

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

INVALID PENSION

38. An invalid pension is awarded, on his retirement from the public service, to an employee who by bodily or mental infirmity is permanently incapacitated for the public service or for the particular branch of it to which he belongs on production of medical certificate from Medical Board.

SUPERANNUATION PENSION

39. Superannuation pension is granted to an employee entitled or compelled, by rule, to retire at a particular age.

40. a) Except where a separate date is laid down for particular class of employee, the date of compulsory retirement of Corporation employees in service shall be the date as laid down in Fundamental Rule 56.

- (b)** No claim to compensation from an employee who is required to retire under the provisions of this regulation will be entertained.

PROCEDURE

41. With a view to ensure completion of pension records and documents in time to avoid the possibility of any delay in the commencement of pension, the Commissioner shall have a superannuation statement prepared on the 1st of January in each year showing a list of all employees, who will attain the age of superannuation in course of the next calendar year, i.e. between 1st January to 31st December of next year. As soon as the list is prepared an intimation should be sent to every such employee due to retire during the next year drawing his attention to his anticipated date of retirement and the provisions of regulation to enable him to make a formal application

for pension one year in advance of the date of his anticipated retirement. If no intimation is however issued to the employee this shall not in any way change his date of retirement and shall not confer on the employee any right to remain in service beyond the date on which he is required to retire.

42. Simplification procedure with a view to eliminating the delays in the payment of superannuation pension and death-cum-retirement gratuity.

1. Time table for the work

The payment of superannuation pensions should in all cases commence of the first day of the month in which they are due. For this purpose the head of office responsible for and connected with pension cases, including those responsible for the issuing pension payment orders, will be required to observe the following time schedule for the various processes leading to the authorization and payment of pension and gratuity. The Corporation's intention is that while the preliminary and preparatory work should be commenced sufficiently in advance and adequate time allowed in various stages and processes of work, these should not be allowed to be unduly prolonged or to become interminable, to obviate this cut-off dates as prescribed for each stage so that when a cut-off date is reached the work will then necessarily proceed to the next stage:

- (a) The Head of office or other authority responsible for preparing the pension papers will initiate the pension case two years before the date of retirement of the employee. At this stage, the work will be essentially that of assembling the information necessary for working out the qualifying service (or at a later date calculation of average emoluments). As most delay in pension cases arise from gaps, deficiencies and imperfection in the service book/records, every effort should be made at this stage to remove these while at same time keeping in mind that what is intended is not a total overhaul or audit of the entire service book or records but only a scrutiny limited to the immediate purpose on hand namely, the preparation of the pension papers. This process should be completed in good time at any rate not later than 8 months in advance of the date of retirement of the employee.
- (b) On reaching the above stage i.e., 8 months before the retirement that the actual work of preparation of pension papers viz. the reckoning of qualifying service and the calculation of average emoluments should be taken up. Any deficiency or imperfection or omission which still remains in the service records will be ignored at this stage and the determination of the qualifying service will be proceeded with on the basis of entries in the service records whatever the degree of perfection to which it might have been possible to bring them by that date.
- (c) The average emolument will be determined with reference to emoluments drawn during the last 10 complete months and not 36 months as was the practice heretofore. While the period to be taken for average calculations has been reduced, the other provisions in rule 115 of the Assam Services (Pension) Rules, 1969 will continue to apply *mutatis mutandis*. This work involves not merely an arithmetical calculation of the average emoluments but also a check of the correctness of the emoluments on the first date of the ten months period would naturally depend on the correctness prior to this date. However, any such check of the correctness of the past emoluments whether in the office preparing the pension paper or later in the office responsible for issuing the payment order should not become an occasion for an extensive examination going back in to the distant past, the check should be the minimum which is absolutely necessary and it should not in any case go back to a period earlier than a maximum of 24 months preceding the date of retirement.
- (d) The process of determining of qualifying service and the average emoluments and the admissible pension and gratuity should be positively completed within a period of two months and the pension papers should be sent to the office responsible for issuing the pension payment order not later than 6 months before the date of retirement. That office will after the necessary scrutiny of the papers (limited to the immediate purpose on hand as mentioned in sub-Paragraph (a)

and (c) above) issue the pension payment order including the order for the payment of the death-cum-retirement gratuity not later than one month in advance of the date of retirement.

- (e) The time schedule and procedures, mentioned above will equally apply *mutatis mutandis* to those cases in which the office which is to issue the pension payment order has also the responsibility for the preparation of pension papers.
- (f) In those cases in which the retirement of employee takes place earlier than the normal date of retirement either in pursuance of the provision of F. R. 56(b) or (c) or because of the permanent absorption of the employee in a public undertaking in terms of Rule 98 (i) of the Assam Services (Pension) Rules, 1969 the nature of the retirement would precludes advanced action in regard to the pension cases. In such cases too, the pension case would have to be processed very expeditiously and instruction in this regard will be issued separately.

2. **Extraordinary leave and suspension:**

- (a) Extraordinary leave is allowed to count for pension if it is taken—
 - (i) on medical certificate; or
 - (ii) due to inability of the person to join or re-join duty due to civil commotion or natural calamity; or
 - (iii) for prosecution of higher scientific and technical studies.

Extraordinary leave taken on other grounds is treated as non-qualifying, and therefore, a definite entry is to be made in the service records to that effect. Entries regarding service being qualifying or otherwise are required to be made simultaneously with the event. Even where this is not done, it should still be possible to rectify the omission during the period allowed for preparatory action i.e., from two years in advance of the retirement date up to eight months before retirement. At the end of the period, however (i.e., when the actual preparation of the papers is taken in hand as laid down in Paragraph 2 (b) above) no further enquiry into past events or check of past records should be undertaken. Specific entries in the services record regarding non-qualifying periods will be taken note of and such periods excluded from the service. All spells of extra-ordinary leave not covered by such specific entries will be deemed to be qualifying service.

- (b) Similarly, in cases other than those in which suspension has been held to be wholly unjustified, the competent authority should at the appropriate time declare whether and to what extent the period of suspension will count towards the qualifying service, special entries in this regard in the service book/records will be taken note of at the time of reckoning qualifying service. In the absence of any specific entry, period of suspension shall be taken as counting towards the qualifying service.

3. **Breaks in service:**

In the absence of specific indication to the contrary in the service records, an interruption between two spells of service rendered under the Corporation will be treated as automatically condoned and the pre-interruption service treated as qualifying service for pension, except where it is otherwise known that the interruption caused by resignation, dismissal or removal from service or participation in strike. The period of interruption itself will under no circumstances be reckoned as qualifying service for pension.

4. **Deputation/Foreign Service:**

- (a) There are some cases in which in accordance with the terms of deputation/foreign-service, it is the responsibility and liability of the employee himself to maintain the continuity of pensionable service by the payment of pension contributions. In such cases, it will be necessary to ascertain whether the recoveries have been made, before the period of foreign-service is reckoned as

qualifying service. However, the employee is sometimes put to considerable difficulty because of defective or incomplete record maintenance by the administrative/accounts offices. In such cases, while he could be reasonably asked to show that he had indeed made the contributions, the administrative authority should show a spirit of reasonableness and accommodation in evaluating and accepting such evidence as he is able to put forward, and not insist rigidly on formal proof with reference to service or account records for the maintenance of which the employee is not responsible.

- (b) Where, however the responsibility for making pension contributions is that of the borrowing organisation and where either some of the contributions are incomplete, while the authorities concerned should pursue the matter with the borrowing organisation separately for appropriate action, this should have no bearing on the processing and finalisation of pension papers.

6. Right to withhold or withdraw pension:

- (a) Nothing contained hereinabove is intended to effect the provisions of Rule 21 of the A. S. (Pension) Rules, 1969 which provide for withholding or withdrawing of pension.
- (b) Where departmental or judicial proceedings instituted during the service of the Employee are not likely to be finalized by the date of retirement action to grant provisional pension in terms of rule 22 (1) and (2) should be taken. The provision of Paragraph 7(b) below will not apply to provisional pensions granted in terms of rule 22(1) and (2) of the Assam Services (Pension) Rules, 1969.
- (c) If after the pension papers have been forwarded to the office responsible for issuing the Pension Payment Order in accordance with the provisions of Paragraph 1(b) above any event occurs which has a bearing on the amount of pension admissible, the fact shall be promptly reported to the office responsible for issuing the Pension and Gratuity Payment Order.

7. Payment of provisional Pension and Gratuity:

- (a) If, for any special reasons it has not been found possible to complete and forward the pension papers for issuing the Pension Payment Order within the prescribed time schedule in a particular case, or if the pension papers has been returned for eliciting further information or has not been able to issue the Pension Payment Order before one month prior to the date of retirement, steps shall be taken by the Commissioner to authorize payment of provisional pension and gratuity by the first of the month in which it is due. For this purpose, such information as is available in the official record may be used, and further the Commissioner should ask the retiring employee for a simple statement giving his total length of service from the date of retirement indicating the period of breaks, if any and also the emoluments drawn during the last ten months of service. The retiring employee may also be asked to certify that the facts stated by him are correct to the best of his knowledge and belief. If complete information in regard to the emoluments drawn during the last ten months is not available either with the Commissioner or with the employee, the emoluments last drawn should be taken provisionally as average emoluments. The Commissioner shall sanction 100% of the pension calculated with reference of the information so obtained, as a provisional pension. The death-cum-retirement gratuity should similarly be determined. The provisional pension and gratuity will be drawn and disbursed by the Commissioner in respect of non-gazetted employee. Before disbursing the provisional gratuity, all known dues such as long term advances still outstanding overpayment of pay and allowances, etc. and other recoveries due, shall be adjusted. Where no such adjustments are due, a deduction of 10% of the gratuity or Rs. 1,000.00 whichever is less, shall be made partly to cover un-assessed dues, if any, and partly as a margin for adjustment in the light of the final determination of the gratuity.
- (b) Provisional pension to become final after six months. The provisional pension is not intended to be continued on a provisional basis beyond a period of six months

from the date of retirement. If the office responsible for issuing the pension payment order has not finalized the pension case by that time, the provisional pension shall be deemed to have become final and it will be obligatory for the office concerned to issue the final Pension Payment Order for the amount of pension and gratuity already calculated on a provisional basis, and the deduction made from the gratuity as per sub-Paragraph (a) above shall also be released subject to the provisions of Paragraphs 9 and 10 below.

8. Last Pay Certificate:

The issue of a Last Pay Certificate should not be insisted upon before the payment of provisional pension during the period of six months after the retirement which has been provided for various purpose above, it should be possible for the Head of Office or other office concerned to issue the Last Pay Certificate to a employee. The Gratuity Payment Order will in any case include a provision for withholding 10% of the gratuity or Rs. 1,000.00 whichever is less, pending the production of the Last Pay Certificate.

9. Adjustment of Corporation dues:

(a) Dues pertaining to Corporation accommodation—

A "No Demand Certificate" duly issued by the Chief Audit & Accounts Officer shall be submitted along with the pension papers and the adjustment of dues pertaining to the continued occupation of Corporation accommodation after retirement will for the present continue.

(b) Dues other than those pertaining to Corporation accommodation:

In respect of other Corporation dues steps should be taken to ascertain or assess the outstanding dues when the processing of pension papers is taken up two years prior to the retirement date. As the next stage of the actual preparation of pension papers is reached only after a year and four months, there is ample time for ascertaining all kinds of Corporation dues. One that stage is reached i.e., eight months before the retirement of the employee, any further probing of records for recoveries due shall cover only a limited period i.e., no more than two years before the date of retirement. It should thus be quite possible for the Head of Office, or the office which is to issue the Pension Payment Order as the case may be, to ascertain or assess all the dues, particularly those pertaining to long term advances such as house-building or conveyance advance, over-payment of pay and allowances and such other dues, prior to the prescribed deadline for the issue of the pension payment/gratuity payment orders or provisional pension/gratuity order. The pension papers should clearly indicate the total amount of outstanding dues which should be recovered out of the death-cum-retirement gratuity before authority for the payment of gratuity (whether final or provisional) is issued, and if, after the pension papers have been transmitted to the office responsible for issuing the pension payment order, additional recoveries to be made from the gratuity come to notice, the fact shall promptly reported to that office. In a case where no major recoveries are due, but 10% of the gratuity or Rs. 1,000.00 has been withheld because there might be unassessed Corporation dues, or because the gratuity has been provisionally paid as per Paragraph 7 (a) above, or because Last Pay Certificate has not been received (see Paragraph 8 above), the withheld amount shall automatically become payable on the expiry of six months after retirement. The Head of office (or the office issuing the pension and gratuity or the final Gratuity payment order) release the amount of gratuity withheld and add further that the withheld amount shall be released by the office disbursing the pension without further instructions on the expiry of the period of six months from the date of retirement, unless for the recovery of a specified sum or sums from the withheld amount instructions are issued within the aforesaid period.

10. Accountability of officers charged with the maintenance of records:

In taking the above decision, Corporation have proceeded on the basis that in spite of every effort imperfection may remain in the records and procedures but

that would be unfair to a retiring employee if he had to suffer because of the lapses of those responsible for the proper maintenance of service record. The fact that under the new procedures the presumption will be in favour of the employee if the records are incomplete or different in any manner underlines the importance of ensuring the proper, regular and timely completion of all the service and accounts records by the offices concerned, so as to minimize occasion for making such presumption. It has accordingly, been decided that if, in future, service records are found to be incomplete or imperfect at the time of processing and finalizing pension cases, those cases will not be delayed but the officials responsible for the maintenance of the records will be held accountable for any deficiencies, failure or omissions therein, and action will be initiated against them. The Head of Department will ensure that the directions are complied with.

11. Monitoring and Reporting:

To keep an effective watch over the preparation and finalization of pension papers, a monitoring and reporting system will be introduced in the offices concerned. Separate general orders will follow in this respect.

RETIRING PENSION

43. A retiring pension is granted to an employee who is permitted to retire after completing qualifying service for thirty years or such less time as may for any special class of employees be prescribed.

CHAPTER V

AMOUNT OF PENSION

GENERAL RULES

44. The amount of pension that may be granted is determined by length of service. Fractions of a half year is not taken into account in the calculation of any pension admissible to an employee.

ELIMINATION OF FRACTION

45. The amount of pension shall be expressed in whole rupees and where the pension calculated according to the rules contains a fraction of a rupee, it shall be rounded off to the next higher rupee.

AWARD OF FULL PENSION

46. (a) The full pension admissible under the rules is not to be given as a matter of course unless the service rendered has been really approved.
(b) If the service of an employee has not been thoroughly satisfactory the authority sanctioning the pension should make such reduction in the amount as it thinks proper.

LIMITATIONS

47. An employee entitled to pension may not take a gratuity instead of pension.

AMOUNT OF PENSION

48. The amount of pension shall be regulated as follows—
- (a) After a service of less than ten years, a gratuity not exceeding (except in special cases, and under the orders of the General Council upto a maximum of 12 months' emoluments) one-half month's emoluments for each completed six monthly period of service.
- b) The amount of pension of the Guwahati Municipal Corporation employees who were retiring from service on or after 31st January, 1996 shall be determined @ 50% of last 10 months average emoluments with a qualifying service of 33 years or more. For employees who at the time of retirement have rendered qualifying service of 10 years or more but less than 33 years, the amount of pension will be proportionately less than the maximum admissible pension. The minimum pension will be Rs. 1225 and the maximum pension Rs. 8500/-.
- (c) The amount of pension of Guwahati Municipal Corporation employees who were retiring from service on or after 31.01.2006 shall be determined @ 50% of last month's emolument drawn or 50% of last 10 months average emoluments whichever is beneficial to the employees.
- (d) The amount so computed on the basis of the above principles shall be rounded off to next multiple of Rs. 10.00 and will be the basic Pension for all purposes with effect from 1/1/2006.

- (ii) The revised pension in no case shall be lower than 50% of the sum of minimum of the pay in Pay Band and the corresponding Grade Pay thereon from which the pensioner had retired.
- (iii) Qualifying service for receiving full superannuation pension shall be 25 years. Proportionate pension shall be given to those employees who have completed minimum 20 six monthly period of qualifying service but less than 50 six monthly periods of qualifying service with effect from 1.1.2006.
- (iv) Minimum amount of full superannuation pension shall be Rs. 3,000.00 pm and maximum Rs. 25,500.00 pm w.e.f. 1.1.2006.

EMOLUMENTS AND AVERAGE EMOLUMENTS

49. If immediately before his retirement or death an employee has been absent from duty on leave with allowances, his emoluments for the purpose of calculating service gratuity and/or death-cum-retirement gratuity should be taken as what they would have been had he not been absent from duty: Provided that the amount of gratuity is not increased on account of increase in pay not actually drawn and that 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 appointments but for his proceeding on leave.
50. For persons retiring from service on or after 1.1.1996, the term 'Emoluments' means pay as defined in F.R. 9(21).

51. "Average emoluments" means the average calculated upon past ten months of service.

Note 1 : If during the last ten months of his services an employee has been absent from duty on leave with allowances, or having been suspended has been reinstated without forfeiture of service, his emoluments, for the purpose of ascertaining the average should be taken at what they would have been had he not been absent from duty or suspended; provided always that his pension must not be increased on account of increase in pay not actually drawn.

Note 2 : If during the last ten months of his service, an employee has been absent from duty on leave without allowances (not counting for pension), or suspended under such circumstances that the period of suspension does not count as service, the periods so passed should be disregarded in the calculation of the average, an equal period before ten months being included.

ALLOWANCES WHICH DO NOT COUNT

52. An employee cannot count the following allowances-

- (1) Local allowances and deputation (local) allowances;
- (2) House rent allowance, or estimated value of free quarters;
- (3) Tour and other allowances;
- (4) Compensation for dearness of provisions.

CHAPTER VI**DEATH-CUM-RETIREMENT GRATUITY**

53.

- (1) An employee who has completed five years' qualifying service may be granted an additional gratuity not exceeding the amount specified in sub-regulation (3), when he retires from service and is eligible for gratuity or pension under rules.
- (2) If an employee who has completed 5 years' qualifying service dies while in service, a gratuity not exceeding the amount specified in sub-regulation (3) may be paid to the person or persons on whom the right to receive the gratuity is conferred under regulation or, if there is no such person, it may be paid in the manner indicated below-
 - (i) If there are one or more surviving members of the family as in items (i), (ii), (iii) and (iv) of sub-rule (1) of regulation 54, it may be paid to all such members, other than any such member who is a widowed daughter, in equal shares.
 - (ii) If there are no such surviving members of the family as at (i) above, but there are one or more surviving widowed daughters and/or one or more surviving members of the family as in items (v), (vi) and (vii) of sub-regulation (1) of regulation 54, the gratuity may be paid to all such members, in equal shares.
- (3) The amount of gratuity will be one-fourth of the 'emoluments' of an employee for each completed six monthly period of qualifying service subject to a maximum of 16.50 times the emoluments. In the event of death of an employee while in service, the gratuity will be subject to a minimum of 12 times the emoluments of the employee at the time of his death. In no case, however, the amount of gratuity shall exceed Rs. 2,00,000.00 w.e.f 01/01/1996 Rs. 3,50,000.00 from 26/03/2001 and Rs. 7,00,000.00 from 01/04/2009. Emoluments for the purpose of calculation of all kinds of gratuities (retirement death service, terminal) will include Dearness Allowance on the date of retirement/ death w.e.f 01/01/1996.

NOMINATION

54.

- (1) (a) 'Family' for the purposes of DCRG will include the following relatives of the Employee-
 - (i) Wife in the case of a male employee;
 - (ii) Husband in the case of a female employee;
 - (iii) Sons;
 - (iv) Unmarried and widowed daughters;
 - (v) Brothers below the age of 18 years and unmarried or widowed sisters;
 - (vi) Father;
 - (vii) Mother.
- Note 1:** (iii) and (iv) will include step-children and adopted children.
- (b) 'Person' for the purpose of this rule shall include any company or association or body of individuals whether incorporated or not.
 - (2) An employee shall, as soon as he is confirmed or completes five years' qualifying service, make a nomination conferring on one or more persons

the right to receive any gratuity that may be sanctioned under sub-regulation (2) of regulation 53 and any gratuity which having become admissible to him under sub-regulation (1) of that regulation has not been paid to him before death:

Provided that if at the time of making the 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.

Note: The Head of Office will ensure that as soon as an employee is confirmed in a pensionable post, nominations in terms of clause (2) above are duly made by such officer.

- (3) If an officer nominates more than one person under sub-rule (2) 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.
- (4) An employee may provide in a nomination-
 - (a) In respect of any specified nominee, that in the event of his predeceasing the employee the right conferred upon that nominee shall pass to such other person or persons as may be specified in the nomination; provided that if at the time of making the nomination the officer has a family consisting of more than one member, the person or persons so specified shall not be other than a member or members of his family.
 - (b) That the nomination shall become invalid in the event of a contingency specified therein.
- (5) The nomination made by an employee who has no family at the time of making it, or a provision made in a nomination under clause (a) of sub-regulation (4) by an employee whose family consists, at the date of making the nomination, of only one member, shall become invalid in the event of the employee subsequently acquiring a family or an additional member in the family, as the case may be.
- (6)
 - (a) Every nomination shall be in a prescribed form.
 - (b) An employee may at any time cancel a nomination by sending a notice in writing to the appropriate authority provided that the officer shall, along with such notice, send a fresh nomination made in accordance with this regulation.
- (7) Immediately on the death of a nominee in respect of whom no special provision has been made in the nomination or on the occurrence of any event by reason of which the nomination becomes invalid, the employee shall send to the appropriate authority a notice in writing formally cancelling the nomination, together with a fresh nomination made in accordance with this regulation.

Note 1: While a nomination as also any change therein will normally be made by an employee during his service, he may be allowed to make a fresh nomination or change his earlier nomination after retirement if such a contingency arises.

FAMILY PENSION SCHEME

55. A family pension will be admissible in case of death of an employee while in service or after retirement on or after 1st January, 1996, if at the time of death the retired employee was in receipt of a compensation, invalid, retiring or superannuation pension. In case of death while in service, the employee should have completed a minimum period of one year of service.

Note 1 : The term "one year of service" mentioned in above rule does not include broken periods of service. The service for these purposes should be continuous.

Note 2 : For the purpose of computing the minimum period of completed one year of continuous service, 'boy service' and periods of extraordinary leave, if any, shall be excluded.

(The rate of family pension is 30% of last basic pay subject to a minimum of Rs. 1,225.00 w.e.f. 01-1-1996. The revised amount of minimum family pension shall be Rs. 1,800.00 pm w.e.f 01-01-2006).

Note 1 : Pay for the purpose of this rule means the pay, as defined in Rule 9 (21) of the Fundamental Rules, which the person 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 a person had been absent from duty on leave (including extra-ordinary leave) or suspension. 'Pay' means the pay which he drew immediately before proceeding on such leave or suspension.

Note 2 : The Scheme does not debar an employee/pensioner from drawing family pension in addition to his/her pay or pension. In the event of death of the father and the mother who were both employees of Guwahati Municipal Corporation, the minor children will be eligible to draw two family pensions.

56. If an employee after rendering minimum of 7 (seven) year's continuous service dies while in service, the family of such employee may be granted a pension at the rates and conditions mentioned below-

(i) For a period of 7 (seven) years from the date following the date of death or till the date on which the employee would have reached the normal age of superannuation had he remained alive, whichever period is shorter, the pension payable under this rule will be at 50(fifty) percent of the basic pay last drawn, subject to a maximum of twice the normal pension admissible.

(ii) The pension payable thereafter will be at the normal rate.

(iii) The provisions of this rule will not be applicable if the employee had put in less than 7 (seven) years' continuous service prior to his death.

DEFINITION OF FAMILY FOR PENSION

57. (i) Family will include the following relatives of the employer:

- (a) Wife, in the case of a male employee;
- (b) husband, in the case of a female employee;
- (c) minor sons; and
- (d) unmarried minor daughters.

Note 1 : (c) and (d) will include children adopted legally before retirement.

Note 2 : (a) Marriage for the purpose of admissibility of pensionary benefits to the of a retired official shall mean marriage before or after retirement.

(b) Child/Children for the purpose of pensionary benefits of a retired official shall mean child/children born before or after retirement.]

(ii) The pension will be admissible-

- (a) In the case of a widow/widower upto the date of her/his death or re-marriage whichever is earlier.
- (b) In the case of a minor son, until he attains the age of 18 years.
- (c) In the case of an unmarried daughter until she attains the age of 21 years or marriage, whichever is earlier.

Note : In cases where there are two or more widows, pension will be payable to the eldest surviving widow. On her death it will be payable to the next surviving

widow, if any. The term 'eldest' would mean seniority with reference to the date of marriage.

(iii) Pension awarded under the rules in this section will not be payable to more than one member of an employee's family at the same time. It will first be admissible to the widow/widower, and thereafter, to the minor children.

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

58. Family Pension under the regulations is not admissible in respect of-

- (a) persons paid from contingencies;
- (b) work-charged staff;
- (c) casual labour;
- (d) contract employees;
- (e) persons who die after removal or dismissal from service and were/are granted Compassionate Allowance.

(1) As in the case of the grant of an ordinary pension, future good conduct of the recipient is an implied condition of every grant of a pension. General Council of the Corporation reserve to themselves the right of withholding or withdrawing such a pension or any part of it if the recipient be convicted of serious crime or be guilty of grave misconduct and General Council decision in such matters will be final.

PROCEDURE

FURNISHING OF 'FAMILY' DETAILS

59. (1) The following procedures are to be followed in respect of claims arising out of the Scheme.

(i) All employees entitled to the benefit of this Scheme shall be required to furnish details of their 'family' as defined in clause (i) of rule, i.e., the date of birth of each member, with his/her relationship with the employee. This statement shall be countersigned by the Head of Office and pasted in the Service Book of the employees will thereafter be required to keep this statement up-to-date. Additions and alterations in this statement will be made by the Head of Office from time to time on receipt of information from the employee concerned.

60. **Simplification of procedure for the authorization of family pension and Death-cum-Retirement gratuity in respect of employee who die while in service.**

i. Time table for the work -

As soon as the Commissioner receives intimation regarding death of a employee while in service, he shall initiate immediate action for obtaining claims for family pension and death-cum-retirement gratuity from the beneficiary or beneficiaries

ii. The Commissioner shall go through the service book/service record of the deceased employee and satisfy himself as to whether annual certificates of verification of service for the entire period of service are recorded therein.

iii. If there are any period/periods unverified service, the Commissioner shall accept the unverified portion of service as verified on the basis of valid entries

in the service book/service record. For this purpose, the Commissioner may rely on any other relevant material to which he may have ready access. While accepting the unverified portion of service, the Commissioner shall ensure that service was continuous and was not forfeited on account of dismissal, removal or resignation from service.

- iv. (a) For the purpose of determination of emoluments for family pension and death-cum-retirement gratuity, the Commissioner shall normally confine the verification of the correctness of emoluments for a maximum period of one year preceding the date of death of the employee.
- (b) In case, the employee was on extraordinary leave on the date of death, the correctness of the emoluments which he drew preceding the date of the commencement of the extraordinary leave shall be verified.
- v. The process of determination of qualifying service and qualifying emoluments shall be completed within one month of the receipt of the intimation regarding the date of death of the employee and the amount of family pension and death-cum-retirement gratuity shall be calculated accordingly.

2. Determination of family pension and gratuity where service records are incomplete -

If in any particular case, the service book/service record has not been maintained properly, and it is not possible for the Commissioner to accept the unverified portion of service as verified on the basis of entries in the service book/service record, the Commissioner shall not proceed with verification of the entire spell of service. The verification of service in such a case shall be confined to the following spell of service-

(A) For the purpose of family pension.

- (i) If the deceased employee at the time of death had rendered more than one year of service but less than seven years of service, the service and the emoluments for the last year of service shall be verified and accepted by the Commissioner and the amount of family pension determined as per rates of family pension indicated in Regulation 56.
- (ii) If the deceased employee at the time of his death had rendered more than seven years of service, the service for the last seven years and emoluments for service rendered in the last year shall be verified and accepted by the Commissioner and the amount of family pension and the period of its tenability determined under Regulation 56.
- (iii) If the deceased employee at the time of death had rendered more than seven years of service and the service of last seven years is not capable of being verified and accepted by the Commissioner but the service rendered during the last year is capable of being verified and accepted, the Commissioner pending verification of service for seven years, shall calculate the amounts of family pension.
- (iv) The service for the last seven years shall be verified and accepted within the next two months and the amount of family pension at the enhanced rates and the period for which it is payable shall be determined.
- (v) The determination of the amount of family pension in terms of sub-clauses (i), (ii) & (iii) shall be done within one month of the receipt of intimation of the date of death of the employee.

(B) For the purpose of death-cum-retirement gratuity.

- (i) If the deceased employee had, at the time of death, rendered more than five years of qualifying service but less than twenty-four years of qualifying service, and the spell of last five years service has been verified and accepted by the Commissioner under clause (A), the

amount of death-cum-retirement gratuity shall be equal to 12 times the emoluments of the deceased.

- (ii) If the deceased employee had rendered more than twenty four years of service and the entire service is not capable of being verified and accepted, but the service for the last five years has been verified and accepted under sub-clause (i), the Commissioner pending verification of service for the entire period, shall calculate the amount of D.C.R.G. as indicated at sub-clause (i) above, final amount of gratuity shall be determined by the head of office on the basis of the entire spell of service which may be verified and accepted by the Commissioner not later than six months from the date of death of the employee.

3. Sanction drawal and disbursement of provisional family pension and gratuity

- (1) The Commissioner shall grant provisional family pension not exceeding the maximum family pension as admissible and ninety per cent of the gratuity after adjustment of all outstanding dues. For this purpose, the Commissioner shall adopt the following procedure—
 - (a) He shall issue an office order in favour of claimant or claimants indicating the amount of hundred per cent of provisional family pension and ninety per cent of gratuity as determined after adjustment of all outstanding employee.
 - (b) He shall indicate in the office order the amount recoverable out of the gratuity.
 - (c) After issue of the office order, he shall draw himself
 - (i) The amount of provisional family pension, and
 - (ii) The amount of ninety per cent of the gratuity after deduction of the dues mentioned in clause (b) above. The drawal of the amount of family pension and gratuity provisionally may be done by the Commissioner in establishment pay bill.
- (2) The Commissioner shall disburse—
 - (a) The provisional family pension as would fall due to the claimant on or after the first day of each month following the month in which the employee died.
 - (b) The amount of the death-cum-retirement gratuity to the claimants immediately after the same has been drawn under sub-Para (1) (C) (ii).
- (3) The payment of provisional family pension shall continue for a period of one year from the date of death of the employee.
- (4) If the claimant desires the payment of provisional family pension or a gratuity or of both through money order or bank draft, the same shall be remitted to him through money order or bank draft at his cost.

4. Adjustment of Corporation dues-

On receiving an intimation regarding the death of the employee, the Commissioner shall take steps to ascertain all the dues pertaining to long term advance (*viz.* House Building Advance, Conveyance Advance etc.) short term advance (*viz.* Festival Advance, etc.) and over payment of pay and allowances in addition to the recovery, if any, as a punitive measure in order to make good the loss caused to Corporation as a result of negligence or fraud on the part of the person concerned while in service, excluding the dues pertaining to occupation of Corporation accommodation. Such ascertainable dues shall be recovered from the amount of death-cum-retirement gratuity becoming payable to the family of the deceased Employee.

PROCEDURE RELATING TO PENSIONS**APPLICATIONS FOR AND GRANT OF PENSIONS****GENERAL**

61. All authorities dealing with applications for pension under these regulations should bear in mind that the delay in the payment of pensions involves hardship. It is essential to ensure, therefore, that an employee begins to receive his pension on the day on which it becomes due.

Note 1. Annual superannuation statement should be checked at least quarterly to see if any employee due to retire within one year has not yet submitted his pension application. Attention of such employee should be drawn to regulation and they should be reminded to submit their formal application.

62. Every employee shall submit a formal application for pension in Form No. 1. An officer should, in his own interest, submit his pension application for pension to the Commissioner, one year in advance of the date of his actual or anticipated retirement.

Provided that—

- (i) In a case in which the date of retirement cannot be foreseen one year in advance, the application shall be submitted immediately after the date of retirement is settled.
63. To the extent applicable, the following documents should also be forwarded along with the pension application Form No. 2, namely:—
- (i) Last Pay Certificate if the applicant is no longer in service.
 - (ii) Invalid certificate from the appropriate medical authority if the application is for invalid pension.
 - (iii) Memorandum of average emoluments.
 - (iv) Two specimen signatures, duly attested. However, ~~on~~ in the case of persons not literate enough to sign their names, two slips bearing the left hand thumb and fingers impressions, duly attested.
 - (v) (a) Three copies of passport size photograph duly attested, or
(b) Three copies of passport size joint photograph with wife/ and
(c) Details of 'family' for the purpose of pension as defined hereinabove, i.e., date of birth of each member with his/her relationship with the employee.
 - (vi) Two slips each showing particulars of height and identification marks duly attested.
 - (vii) Formal application for pension in Form No. 1.
 - (viii) Service Book

VERIFICATION OF SERVICE

64. On receipt of the formal application in Form No. 1 (Pension), the Commissioner shall immediately prepare statement of the applicant's service in Form No. 2, and arrange to verify them according to the following procedure:-
- (a) He shall go through the Service Book and the Service Roll, if any, and satisfy himself whether the annual certificates of verification for the entire service are recorded therein. In respect of the unverified portion (s) of service, he shall arrange to verify it or them, as the case may be, with reference to pay bills, acquaintance rolls or other relevant records and record the necessary certificates in the Service Book or Service Roll, as the case may be.
 - (b) If the service for any period is not capable of being verified in the manner specified in clause (a), that period of service having been rendered by the employee in another office or department, a reference shall be made to the head of that Branch or, as the case may be, of that department in which the employee is shown to have served during the period for the purpose of verification.
 - (c) If any portion of service rendered by an employee is not capable of being verified in the manner specified in clauses (a) and (b), the employee shall file an affidavit duly sworn before the competent Magistrate or Notary stating that he had in fact rendered that period of service and shall also furnish all relevant details and evidence in support of the same. The Commissioner shall admit that portion of service after taking into consideration the statements in the affidavit and evidence produced by that officer in support of the same, if he is satisfied that the officer had really rendered that portion of service.

PROCEDURE IN PAYING

65. A gratuity is paid in a single sum on receipt of authority from Commissioner.
66. (1) No pension shall be paid until the paying officer has received the authorization from the Commissioner. Such authority will be a Pension Payment Order. A pension, for which Pension Payment Order has been issued, is payable in India monthly in arrears on or after the first day of the following month under the following procedure.
- (i) Each Pension Payment Order will be accompanied by the prescribed form intended to be delivered by the Disbursing Officer to the pensioner concerned for use as a wallet for the pensioner's half of the Pension Payment Order.
 - (ii) On receipt of the Pension Payment Order the disbursing officer will deliver one-half to the pensioner, and keep the other half carefully in such manner that the pensioner shall not have access thereto.
 - (iii) Each payment made is to be entered on the reverse, both of the pensioner's half and of the disbursing officer's half of the Pension Payment Order, both entries being attested at the time of payment by the signature of the disbursing officer.

- iv) A pension shall, under no circumstances, be paid for the first time in arrear for more than one year without the approval of the Corporation.
- (v) A pension is payable for the day on which the pensioners dies.

IDENTIFICATION OF PENSIONER

67. As a regulation, a pensioner must take payment in person after identification by comparison with the Pension Payment Order.
68. Three certified copies of the pensioner's photographs (three copies of joint photographs with wife/husband in passport size shall be obtained and pasted on the Disbursing Officer's half of the Pension Payment Order and the Disbursing Officer may make payment on the strength of the resemblance between the pensioner and his photograph pending the final reconciliation of any question which may arise about identification marks.
- Note** - The identification of pensioner by means of photograph will be in addition to the system of recording the signature/ thumb and finger impressions which will remain a permanent and reliable record of pensioner's identity.
69. A pensioner specially exempted by the employer from personal appearance, a female pensioner not accustomed to appear in public, or a pensioner who is unable to appear in consequence of bodily illness or infirmity, may receive his or her pension upon the production of a life certificate signed by a person exercising powers of a Magistrate under the code of Criminal Procedure, 1973 (Act II of 1974) or by a Gazetted Officer.
70. A pensioner of any description, who produces a life certificate signed by some person exercising the powers of a Magistrate under the Criminal Procedure Code (Act V of 1898) or by any Registrar or Sub-Registrar appointed under the Indian Registration Act, 1908 (XVI of 1908) or by any pensioned officer who, before retirement, exercised the powers of a Magistrate or by any Gazetted officer or by a *Munsiff*, or by a Police officer not below the rank of Sub-Inspector-in-charge of a Police Station or by a Post Master, a Departmental Sub-Postmaster, or an Inspector of Post offices, or by the Reserve Bank of India or the State Bank of India or any other Bank approved by the Government for the purpose, is exempted from personal appearance.
71. (a) In all cases referred to in Rules 68 and 69 the Disbursing Officer must take precautions to prevent impositions and must, at least once a year, require proof independent of that furnished by the life certificate of the continued existence of the pensioner.
- (b) For this purpose he should (save in cases of exemption from personal appearance granted under Rule 68 require the personal attendance and due identification of all pensioners who are not incapacitated by bodily illness or infirmity so attending, and in all cases where such inability may be alleged, he should require proof thereof in addition to the proof submitted of the pensioner's existence.
- Note 1.** The Disbursing Officer is personally responsible for any payment wrongly made. In case of doubt, he should consult the Corporation.

- Note 2.** A pensioner of rank incapacitated by bodily illness or infirmity to attend may be privately identified by the Disbursing Officer and need not be required to appear at a public office.

RENEWAL OF PENSION PAYMENT ORDER

72. When the reverse of a Pension Payment Order is filled up, or when the pensioner's half is found to be worn or torn, both halves may be renewed by the Commissioner.
73. If a pensioner loses his half of the Pension Payment Order, a new order may be issued by the Commissioner, who should see that no payment is made on the half alleged to have been lost by a strict observance of regulation 66(iii). The necessary note should be made in the remarks column of the register of Pension Payment Order.

LAPSES AND FORFEITURES

74. If a pension remains undrawn for more than one year, the pension ceases to be payable; provided that if the pensioner afterwards appears, the Disbursing Officer may renew his payments. But if the amount is to be paid for the first time or if the amount of arrears exceeds Rs. 10,000.00 the arrears cannot be paid without the previous sanction of the Corporation.

DECEASED PENSIONERS

75. (a) On the death of a pensioner, payment of any arrears actually due may be made to his heirs, provided that they apply within one year of his death on production of legal heir certificate from the appropriate authority. It cannot be paid thereafter without the sanction of the authority by whom the pension was sanctioned.
- (b) After payment of the arrears of pension, the Pension Payment Order should be returned to the Commissioner with a report of the date of the death of the pensioner.
76. The arrears of pension of a deceased pensioner may be paid to the heir of the deceased, without the production of the usual legal authority to the extent of Rs. 2,500.00 under the orders of the Commissioner or other officer responsible for the payment, after such enquiry into the rights and title of the claimant, as may be deemed sufficient. Any excess above Rs. 2,500.00 may similarly be paid with approval of the Corporation on execution of an indemnity bond, with such sureties as may be required, if it is satisfied of the right and title of the claimant and considers that undue delay and hardship would be caused by insisting on the production of and letters of administration.

In any case of doubt, payment should be made only to the person producing legal authority.

NOTE: Payment of arrear pension is to be settled by Arrear of Pension (nomination) rules, 1987 vide Fmp.21/82/101 dated 28/08/1987.

REMOVAL OF DOUBT

77. If any doubt arises as to the interpretation of any of these regulations or about the applicability of any of these regulations, the matter shall be referred to the Corporation who reserve the right of changing the regulation and interpreting their meaning and whose decision thereon shall be final. If any matter is not covered by these regulations, the provisions in Assam Services (Pension) Rules, 1969 as amended from time to time will apply.

SPECIAL PROVISION

78. Where the Corporation is satisfied that the operation of any of these regulation causes undue hardship in any particular case, they may dispense with or relax the requirements of that rule to such extent and subject to such conditions as they may consider necessary for dealing with the case in a just and equitable manner provided that the case shall not be dealt with a manner less favourable than that provided in these regulation

SETS OF APPLICATION FORMS PLACED BELOW**FORM NO. 1**

Particulars to be obtained by the Commissioner from the retiring employee eight months before the date of his retirement.

1. Name:
2. Date of birth:/...../.....
3. Date of retirement:/...../.....
4. Two *slips containing two specimen signatures each duly attested by a Gazetted Officer.
5. Three copies of passport size joint photograph with wife/husband duly attested by Commissioner (Photograph, of self only, in case the employee is un-married or a widow or a widower).
6. Two **slips each showing particulars of height and personal identification marks duly attested by a Gazetted Government servant.
7. Present Address:
.....
.....
8. Address after retirement (Any subsequent change of address should be notified to the Commissioner):
.....
.....
9. Details of the family members as in Form No. 1A.
10. Name of the treasury/Bank/Bank Branch/IFSC Code through which pension is to be drawn:
.....
.....

Signature
Designation
Department/Office

*Two slips each bearing the left hand thumb and fingers impressions duly attested may be furnished by a person who is not literate enough to sign his name. If such a employee on account of physical disability is unable to give left hand thumb and finger impression he may give thumb and finger impressions of the right hand. Where a employee has lost both the hands, he may give his two impression. Impression should be duly attested by a Gazetted Government servant.

**Specify a few conspicuous marks, not less than two if possible.

FORM NO. 1A
DETAILS OF FAMILY

Name of the Employee:

Designation:

Date of Birth:/...../.....

Date of Appointment:/...../.....

Details of the members of my family as on:/...../.....

Sl. No.	Name of the members of the family	Date of Birth	Relationship with the employee	Remarks	Initials of the Head of Office
(1)	(2)	(3)	(4)	(5)	(6)
1.					
2.					
3.					
4.					
5.					
6.					
7.					
8.					
9.					
10.					

I, hereby undertake to keep the above particulars up-to-date by notifying to the Commissioner, Guwahati Municipal Corporation any addition or alteration.

Place.....

Dated, the.....

Signature of the Employee.

Note : Family for this purpose means family as defined in Regulation.

FORM NO. 2

Form for assessing Pension and Gratuity

PART-1

1. Name of the Employee:
2. Father's name (and also husband's name in the case of female employee):
.....
3. Date of birth (by Christian era):/...../.....
4. Religion:
5. Permanent residential address, showing Village, Town, Street, Lane Pin code, Police Station, District & State:
.....
.....
.....
6. Present or last appointment including name of establishment and Department.
 - (i) Substantive.
.....
 - (ii) Officiating, if any.
.....
7. Date of beginning of service:/...../.....
8. Date of ending of service:/...../.....
9. Class of pension applicable:
10. The date on which action initiated to -
 - (i) Obtain the 'No demand certificate':
.....
 - (ii) Assess the service and emoluments qualifying for pension:
.....
 - (iii) Assess the Corporation dues other than the dues relating to the allotment of Corporation accommodation:
.....
11. Details of omission, imperfection or deficiencies in the Service Book which have been ignored:.....
.....
12. Total length of qualifying service for the purpose of adding towards broken periods, a month is reckoned as thirty days:
.....
13. Periods of non-qualifying service
(Any reference to be mentioned)
 - (i) Interruption in service condoned:
.....
 - (ii) Extra-ordinary leave not qualifying for pension:
.....
 - (iv) Period of suspension not treated as qualifying service:
.....
 - (v) Any other service not treated as qualifying service:
.....
- Total.....
14. Emoluments reckoning for gratuity:
.....
15. Average emoluments for calculation of pension:

Emoluments drawn during the last ten months of service:

Post held	From	To	Pay	Personal Pay or special pay	Average	Emoluments

(i) In a case where the last ten months include some period not to be reckoned for calculating average emoluments an equal period backward has to be taken for calculating average emoluments.

(ii) The calculation of average emoluments should be based on actual number of days contained in each month.

16. Date on which Form-1 has been obtained from the employee (to be obtained eight months before the date of retirement of employee):

17. (i) Proposed pension:

(ii) Proposed relief, on pension:

18. Proposed gratuity/death-cum-retirement gratuity:

(i) In a case where the last ten months include some period not to be reckoned for calculating average emoluments an equal period backward has to be taken for calculating average emoluments:

(ii) The calculation of average emoluments should be based on actual number of days contained in each month of retirement of employee:

19. (i) Proposed pension:

(ii) Proposed relief:

20. Proposed gratuity/death-cum-retirement gratuity:

21. Date from which pension is to commence:

22. Proposed amount of provisional pension. (If Departmental or Judicial proceedings were instituted against the employee before retirement):

23. Details of Corporation dues recoverable out of gratuity ;

(i) License Fee/Rent for the allotment of Corporation accommodation:

(iii) Other dues, if any:

24. Whether nomination made for-

(i) Death-cum-retirement gratuity:

25. Whether Family Pension Scheme are applicable to the employee, and if so :

(i) Pay reckoning for the Family Pension:

(ii) The amount of the Family Pension becoming payable to the family of the employee, if death takes place after retirement:

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(iii) complete and up-to-date details of family as given in Form 1-A.

Sl. No.	Name of members of family	Date of birth	Relationship with the Employee
(1)	(2)	(3)	(4)
1.			
2.			
3.			
4.			
5.			
6.			
7.			
8.			
9.			
10.			

26. Height:

27. Identification marks:

28. Place of payment of pension Branch of Public Sector Bank:

29. Head of Account to which pension and gratuity are debitable:

Signature
Date
Designation
(Head of Office)

PART-II**SECTION - I****ACCOUNTS ENFACEMENT**

1. Total period of qualifying service, which has been accepted for the grant of superannuation or retiring or invalid or compensation or compulsory retirement pension and gratuity, with reasons for disallowances, if any (other than disallowances indicated Part-I of this Form).
2. Amount of superannuation or retiring or invalid or compensation or compulsory retirement pension or gratuity that has been admitted.
3. The date from which superannuation or retiring or invalid compensation or compulsory retirement pension or gratuity is admissible.
4. Head of Account to which superannuation or retiring or invalid or compensation or compulsory retirement pension or gratuity is chargeable.
5. The amount of the Family Pension becoming payable to the entitled members of the family in the event of death of the employee after retirement.

SECTION II

1.	Name of the Employee:	
2.	Class of pension or gratuity:	
3.	Amount of pension authorized:	
4.	Amount of gratuity authorized:	
5.	Date of commencement of pension:	
6.	Amount of family pension in the event of death after retirement:	
7.	The amount of relief admissible on pension:	
8.	The Corporation dues recoverable out of the gratuity before authorising its payment:	
9.	The amount of cash deposit or the amount of gratuity held over for adjustment of unassessed Corporation dues:	
10.	Date on which the pension papers received by the Accounts Officer:	

FORM NO. 3

**FORM OF APPLICATION FOR THE GRANT OF THE DEATH-CUM-
RETIREMENT GRATUITY ON THE DEATH OF A EMPLOYEE**

(TO BE FILLED IN SEPARATELY BY EACH APPLICANT)

1. Name of the Applicant:
2. (i) Name of the guardian in case the applicant is a minor:
.....
(ii) Date of birth of guardian:/...../.....
3. Date of the deceased Employee:/...../.....
4. Date of death of the Employee:/...../.....
5. Branch/Deptt. in which the deceased served last:
6. Relationship with the deceased Employee:
7. Date of birth of the applicant:/...../.....
8. Name of the Bank at which payment is desired:
.....
9. Account No. & IFSC Code:
.....
10. Full address of the applicant:
.....
.....
.....
10. Signatures or thumb-impression of the applicant:
(To be furnished in a separate sheet duly attested)
- 11.*Attested by:

Sl.No.	Name	Full Address	Signature
1			
2			

12. Witnesses:

Sl.No.	Name	Full Address	Signature
1			
2			

Attestation should be done by two Gazetted Govt. servants or two or more persons of respectability in the town, village or Paragana which the applicant resides.

FORM NO. 4**FORM OF APPLICATION FOR FAMILY PENSION**

(Under the Family Pension Scheme)

1. Name of the applicant:
 (i) Widow/Widower,
 (ii) Guardian if the deceased person is survived by child of children.
2. Name and age of surviving widow/widower and children of the deceased employee/Pensioner.

Sl. No	Name	Relationship with Deceased person	Date of birth by Christian era
(1)	(2)	(3)	(4)

3. Date of death of the employee/pensioner:/...../.....
4. Branch in which the deceased Employee/pensioner served last:
5. If the applicant is a guardian his date of birth and relationship with the deceased Employee/pensioner:/...../.....
6. If the applicant is a widow/widower the amount of service pension which she/he may be in receipt on the date of death of the husband/wife:
7. Full address of the applicant:
8. Name of the Bank & Branch at which payment is desired:
9. Account No. & IFSC Code:
9. Enclosures;
 - (i) Two specimen signature of the applicant, duly attested (To be furnished in two separate sheets)
 - (ii) Three copies of passport size photograph of the applicant duly attested.
 - (iii) Two slips each bearing left hand thumb and finger impressions of the applicant, duly attested.
 - (iv) Descriptive Roll of the applicant duly attested indicating (a) height and (b) personal marks, if any, on the hand, face, etc. (to be furnished in duplicate).

- (v) Certificate(s) of age (in original with two attested copies) showing the dates of birth of the children.

The certificate should be from the Local Municipal Authorities or from the Panchayat or from the head of recognised school if the child is studying in such school, (This information should be furnished in respect of such child or children the particulars of whose date of birth are not available with the Commissioner).

10. Signature or left-hand thumb impressions to be furnished in case the applicant is not literate enough to sign his name of the applicant.

11.*Attested by:

Sl.No.	Name	Full Address	Signature
1			
2			

12. Witnesses.

Sl.No.	Name	Full Address	Signature
1			
2			

Note : Attestation should be done by two gazetted Government servants or two or more persons of responsibility in the town/village or pargana in which the applicant resides.

FORM NO. 5**NOMINATION FOR DEATH-CUM-RETIREMENT GRATUITY****When the officer 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 by the Corporation 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	Contingency on the Happening the Nomination shall Become invalid on	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 predeceasing the officer or the nominee dying after the death of the officer but before receiving payment of the gratuity.	Amount or share of gratuity payable in each
1	2	3	4	5	6

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

Dated this day of at Witnesses to sign:-

12. Witnesses.

Sl.No.	Name	Full Address	Signature
1			
2			

Signature and Designation
of the Employee

Note : The last column should be filled into cover the whole amount of gratuity.
 (To, be filled in by the Head of Office in case of Non-Gazetted Officer).

Nomination by.....

Designation.....

Office.....

Date.....

Designation.....

Signature of the Head of Office

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**PROFORMA FOR ACKNOWLEDGING THE RECEIPT OF THE NOMINATION FORM BY THE
HEAD OF OFFICE**

To,

.....
.....
.....

Sir,

In acknowledging the receipt of your nomination dated/...../.....
cancellation dated/...../..... of the nomination made earlier, in respect of the
Death-cum-Retirement Gratuity in Form No. 12 (Pension) I am to state that they have
been duly placed on record.

Dated.....

The.....20.....

Signature of Head of Office

Designation.....

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AND WHEREAS the Obligor and at his/her request the surety/sureties have agreed to execute the bond in the terms and manner hereinafter contained.

NOW THE CONDITIONS OF THIS BOND is such that if after payment has been made to the Obligor, the Obligor and/or the surety/sureties shall in the event of a claim being made by any other person against the Corporation with respect to the aforesaid sum of the Rs..... refund to the Corporation. The said sum of Rs..... and shall otherwise indemnify and keep the Corporation harmless and indemnified against and from all liabilities in respect of the aforesaid sum and all costs incurred in consequence of the claim thereto; THEN the above written bond or obligation shall be void and of no effect but otherwise it shall remain in full force, effect and virtue.

AND THESE PRESENTS ALSO WITNESS that the liability of the sureties hereunder shall not be impaired or discharged by reason of time being granted by or any forbearance act or omission of the Corporation whether with or without the knowledge or consent of the surety/sureties in respect of or in relation to the obligations or conditions to be performed or discharged by the Obligor or by any other method or thing whatsoever which under the law relating to sureties, shall but for this provision have the effect of so releasing the surety/sureties from such liability nor shall it be necessary for the Corporation to sue the Obligor before suing the surety/sureties or either of them for the amount due hereunder, and the Government agrees to bear the stamp duty, if any, chargeable on these present.

IN WITNESS, WHEREOF the Obligor and the surety/sureties hereto have set and subscribed their respective hands hereunto on the day and year above written.

Signed by the above named Obligor in the presence of-

1.
2.

Signed by the above named *Surety/Sureties*-

1.
2.

Accepted for and on behalf of the Governor of Assam by
 **
 in the presence of :-

(Name and designation of witnesses)

NOTE 1. (a) full name of the claimant referred to as the 'obligor'

(b) State relationship of the Obligor to the deceased.

(c) Name of the deceased Employee.

(d) Full name or names of the sureties with name or names of the father(s)/husband(s) and place of residence.

(e) Designation of the officer responsible for payment.

NOTE 2. The Obligor as well as the Sureties should have attained majority so that the bond may have legal effect or force.

FORM NO. 7

FOR ASSESSING AND AUTHORISING THE PAYMENT OF FAMILY PENSION AND DEATH-CUM-RETIREMENT GRATUITY WHEN AN EMPLOYEE DIES WHILE IN SERVICE

PART-I

SECTION - 1

1. Name of the deceased Employee:
2. Father's and also husband's name in the case of female employee:
3. Date of Birth (by Christian era):/...../.....
4. Date of Death (by Christian era):/...../.....
5. Religion:
6. Branch/Department in which last employed:
7. Appointment held last
 - (i) Substantive
 - (ii) Officiating
8. Date of beginning of service:/...../.....
9. Date of ending of service:/...../.....
10. Department under which service has been rendered:
11. The date on which intimation regarding the death of employee was received by the Head of Office:/...../.....
12. The date on which action initiated to :
 - (i) Obtain claim or claims from the claimants in the appropriate form for death-cum-retirement gratuity and family pension:/...../.....
 - (ii) Obtain the 'No Demand Certificate':/...../.....
 - (iii) Assess the Corporation dues other than the dues pertaining to occupation of Corporation accommodation:/...../.....
 - (iv) Assess the service and emoluments qualifying for death-cum-retirement gratuity and family pension:/...../.....
13. Whether nomination made for D.C.R.G.: Yes/No
14. Length of service qualifying for Death-cum-retirement Gratuity/pension:.....
15. Periods of non-qualifying service.
 - (i) Interruption in service condoned:.....
 - (ii) Extraordinary leave not qualifying for gratuity:.....
 - (iii) Period of suspension treated as non-qualifying from..... to.....
 - (iv) Any other service not treated as qualifying service:
 Total Period of non-qualifying service:
16. (a) Emoluments reckoning for death cum-retirement gratuity:
- (b) Amount of death-cum-retirement gratuity:
17. Family pension
 - (i) Proposed Family Pension at:

- (a) Enhanced rates (if service rendered at the time of death is more than seven years):
- (b) ordinary rates:
- (ii) Period of tenability of Family Pension:
- (a) Enhanced rate from.....
- to.....
18. Person to whom family pension is payable.
- Name:
- Relationship with the deceased employee:
- Full postal address:
-
-
-
19. Details of Corporation dues recoverable out of gratuity.
- (i) License fee/rent for occupation of Corporation accommodation:
- (ii) Amount of death-cum-retirement gratuity to be held over pending receipt of information:
- (iii) Dues other than those pertaining to Corporation accommodation:
20. Date on which claims received from the claimants: / /
21. Name of guardian who will receive payment of death-cum-retirement gratuity and family pension in case of minor:
22. Place of payment (Public Sector Bank):
23. Head of account, to which death-cum-retirement gratuity & family pension are debitable:

Place.....

Date.....

Signature of Head of Office

SECTION - II
DETAILS OF PROVISIONAL FAMILY PENSION AND GRATUITY

Provisional family pension : Rs.....

Gratuity (the amount mentioned : Rs.....

in item 18(b) of Part -I)

Less

(a) License fee/rent recoverable : Rs.....

from gratuity for occupation

of Corporation accommodation

(as in item 21(i) of Part-I)

(b) Amount of gratuity to be held : Rs.....

over pending receipt of infor-

mation

(c) Other Corporation dues as

mentioned in item 21(iii) of

Part.- I : Rs.....

(d) Total of (a), (b) and (c) : Rs.....

Total:

Place:

Dated.....the.....

Signature of Head of Office

PART-II
SECTION - 1

Accounts/Audit Enfacement :-

1. (i) Total period of qualifying service which has been accepted for :
- (i) Death-Cum-Retirement gratuity :
- (iii) Family pension :
2. Net amount of gratuity after adjustment Corporation dues. :- Amount Period of tenability.
3. Amount and the period of tenability Rs. From
 To of Family Pension:.....
 If death took place :
 (i) before seven years service :
 (ii) after seven years service :
 4. Date from which family pension is admissible. :
 Head of Account to which death-cum-retirement gratuity and family pension are chargeable.

SECTION - II

1. Name of deceased employee :
2. Date of death of the employee :
3. Date on which pension papers received by the Accounts Officer :
4. Amount of family pension authorized :
5. Amount of gratuity authorized :
6. Date on commencement of family pension :
7. Date on which payment of family pension and gratuity authorized :
8. Amount recoverable from gratuity
9. Amount of gratuity held over pending receipt of 'No demand Certificate' :

Place.....

Dated the.....

Signature of Accounts Officer

FORM NO. 8**FORM FOR OPTION TO COME OVER TO THE GMC EMPLOYEE
PENSION REGULATIONS, 2015**

I holding the post of
..... In the Pay Band in
the office of Guwahati Municipal Corporation, Guwahati do hereby elect to come under the
GMC Employee Pension Regulations, 2015 with effect from

I agree to refund the contribution part (50% of CPF) already drawn by me with
interest.

The declaration hereby given in final and will not be modified at any subsequent date.

Date / /

Signature :

Name in full:

Designation :

Employee Code :

Received the above declaration this day of

Date / /

Signature of receiving Officer

Designation

**Commissioner,
Guwahati Municipal Corporation.
Guwahati.**