

**"THE ORISSA AIDED EDUCATIONAL INSTITUTIONS' EMPLOYEES' RETIREMENT
BENEFIT RULES, 1981**

CHAPTER I

Preliminary

Short title
and
Commence-
ment.

1. (1) These rules may be called the Orissa Aided Educational Institutions' Employees' Retirement Benefit Rules, 1981.

(2) They shall come into force² on such date as the Government may, by order, appoint in that behalf.

Definitions

2. (1) In these rules, unless there is anything repugnant in the subject or context:—

(a) "Act" means the Orissa Education Act, 1969 (Orissa Act 15 of 1969);

³[(a-1) "Death-cum-Retirement Gratuity" means the death-cum-retirement gratuity payable under rule 9;]

(b) "Director" means the Director of Public Instruction, Orissa and includes such other Officer not below the rank of a Deputy Director of Public Instruction who may be authorised by the State Government, from time to time, by general or special order to perform all or any of the functions and exercise all or any of the powers of the Director;

(c) "Employee" means an employee of an educational institution of the category specified under rule 3;

⁴[(c-1) "Gratuity" means gratuity payable under Sub-rule (1) of Rule 8;]

(d) "Institution" means an educational institution as defined in clause (e) of section 3 of the Act ;

⁵[(e) "Pension" means the pension payable under sub-rule (2) of rule 8;]

⁶[(f) "Pension Sanctioning Authority" means the District Inspector of Schools in case of employees of Primary Schools, Junior Basic Schools, Senior Basic Schools and Middle Schools; Inspector of Schools in case of employees of High Schools, Director of Public Instruction (Higher Education), Orissa in case of employees of colleges and Superintendent, Sanskrit Studies in case of employees of Sanskrit Tols.]

(2) All other words and expressions used but not defined herein shall have the same meaning as are respectively assigned to them in the Act.

Application
of the rules.

3. These rules shall apply to the teaching and non-teaching staff of all recognised non-Government Colleges, High Schools, Senior Basic Schools and M. E. Schools which come under the direct payment system and all non-Government Primary Schools including Sanskrit Tols and Junior Basic Schools fully aided by Government in the Education & Youth Services Department directly or through Panchayat Samitis constituted under the Orissa Panchayat Samiti Act, 1959 or through a Notified Area Council or Municipality constituted under the Orissa Municipal Act, 1950:

Provided that Government may, by general or special order as may be issued in that behalf, specify any other educational institution or category of institutions and the staff working therein to whom the rules shall apply.

1. Made in exercise of the powers conferred by sub-section (1) of section 27 read with section 10 (1) of O. E. Act, 1969 (Or. Act 15 of 1969) published in S. R. O. No. 824/81 vide O. G. E. No. 1759, dated 23-12-1981.

2. Came into force with effect from 1-4-1982 vide S. R. O. No. 118/82 published in O. G. E. No. 234, dated 20-2-1982

3. Inserted by S. R. O. No. 802/83 vide O. G. E. No. 1610, dated 7-12-1983

4. Inserted by *ibid*

5. Substituted by *ibid*

6. Substituted by S. R. O. No. 89/83 vide O. G. E. No. 190, dated 15-2-1983

CHAPTER II

[Pension, Gratuity, and Death-cum-Retirement Gratuity]

4. Subject to the conditions in other rules under the chapter, an employee shall be eligible for pension or gratuity, as the case may be ;

(1) On retirement by reason of his attaining the age of superannuation; or

(2) On voluntary retirement or retirement by the appointing authority after completion of thirty years of qualifying service or the age of fifty years; or

(3) On retirement before the superannuation on medical certificate of permanent incapacity for further service; or

(4) On termination of service due to the abolition of the post; or

(5) On closure of the college or school, as the case may be, due to withdrawal of recognition of the said college or school or other causes.

NOTE—1. The procedure for retirement on medical certificate under clause (3) shall be the same as under the Orissa Pension Rules, 1977 as amended from time to time.

NOTE 2. In regard to clause (1) the age of superannuation of the employees shall be as prescribed by Government in the Education and Youth Services Department.

NOTE—3. The age and date of retirement of an employee shall be reckoned from the date of birth of the employee as entered in his Service Book/Record. In case the year of birth only is [recorded] but not the month and date, the 1st July of the year shall be taken as the date of birth. When both the year and the month of birth are [recorded] but not the date, the 16th of the month shall be taken as the date of birth.

NOTE—4. An employee may retire from service voluntarily at any time after completing thirty years or qualifying service of the age of fifty years provided that he shall give a notice in writing to the concerned appointing authority at least three months before the date on which he wishes to retire. It shall be open to the appointing authority to withhold permission to the employee who seeks to retire under this rule, if any disciplinary action is pending against him.

The appointing authority can also retire an employee at any time after he has completed thirty years of qualifying service or the age of fifty years, provided that the appointing authority shall give a notice in writing to the employee at least three months before the date on which he is required to retire or shall pay to the employee an amount equal to three months pay in lieu of notice.

5. (1) Full pension admissible under these rules is not to be given as a matter of course, unless the service rendered has been approved by the pension sanctioning authority.

(2) If the service is not thoroughly satisfactory, the authority sanctioning the pension after giving the employee concerned reasonable opportunity of making his defence may order such reduction of the amount as it thinks proper.

(3) Whenever an order reducing the pension of an employee is passed, the employee affected shall have a right of appeal to the authority to whom an appeal from an order of dismissal or removal lies.

[6. (1) In computing the length of qualifying service of an employee retiring on or after the 1st day of April 1982, all previous services except those rendered prior to his attaining the age of eighteen years, whether temporary, officiating or permanent either in one or more than one recognised educational institutions, shall, subject to the conditions specified in sub-rules (2), (3), (4) and (5), be taken into account for the purpose of retirement benefits under these rules.]

1. Substituted by S. R. O. No. 802/83, vide O. G. E. No. 1610, dated 7-12-1983

2. Substituted by *ibid*

3. Substituted by *ibid*

4. Substituted by *ibid*

(2) Notwithstanding any change in the pattern of grant-in-aid to an institution under rule 3, an employee serving in that institution will not lose the period of this service in that institution merely because of change in the pattern of grant-in-aid.

(3) War Service or Military Service rendered by an employee shall count as service qualifying for pension to the extent permissible under the rules and orders applicable to the State Government employees.

(4) All leaves except extraordinary leave (i. e. leave without pay) count for pension:-

Provided that in the case of extraordinary leave the appropriate authority may, at the time of sanctioning such leave, allow the period of that leave to count as qualifying service for pension if such leave is granted to an employee—

(i) on medical certificate ; or

(ii) due to his inability to join or re-join duty on account of civil commotion ; or

(iii) for prosecuting higher scientific and technical studies.

(5) Suspension allowed to stand as specific penalty, overstay of joining time or leave not subsequently regularised and periods of breaks shall not be reckoned as qualifying service.

1. [7. In case of an employee retiring on or after the first day of April 1982, any period of break in service on account of retrenchment or similar other reason except when occasioned by resignation, which is beyond the control of the concerned employee, shall not be treated as interruption involving forfeiture of past service and all such cases shall be decided on their own merit.]

8. (1) An employee shall be eligible for gratuity if the period of his qualifying service up to the date of his retirement is five years or more but less than ten years. The gratuity shall be at the rate as follows :—

Completed years of qualifying service	Scales of gratuity
(1)	(2)
Less than 5 years	.. Nil
5 years	.. 4½ months' emoluments
6 years	.. 5 months' emoluments
7 years	.. 5⅝ months' emoluments
8 years	.. 6⅔ months' emoluments
9 years	.. 7½ months' emoluments

(2) An employee shall be eligible for pension if the period of his qualifying service up to the date of his retirement is ten years or more. The maximum period of qualifying service to be taken into account shall not exceed thirty-three years. The pension shall be at the rate as follows :—

(a) Where the qualifying service is not less than thirty-three years the pension shall be calculated as per scale below :—

Average emolument	Amount of monthly pension
(1)	(2)
(i) Up to first Rs. 1,000	.. 30 per cent of average emolument
(ii) Balance	.. 25 per cent of average emolument

(b) Where the qualifying service is less than thirty-three years but not less than ten years the amount of pension shall be such proportion of the maximum admissible pension as the number of years of qualifying service rendered by the employee bears to the maximum qualifying service of thirty-three years. An illustration is given below :—

Average emolument	Pension on 33 years of qualifying service	Pension on 30 years of qualifying service	Pension on 20 years of qualifying service
(1)	(2)	(3)	(4)
Rs. 1,200	First Rs. 1,000 at 30 per cent = Rs. 300.	$\frac{\text{Rs. } 350 \times 30}{33} = \text{Rs. } 318.18$ or Rs. 319	$\frac{\text{Rs. } 350 \times 20}{33} = \text{Rs. } 212.12$ or Rs. 213
	Next Rs. 200 at 25 per cent = Rs. 50.		
	Total .. Rs. 350		

NOTE—1. The emolument for the purpose of the retirement benefits under this rule shall mean the 'pay'. "The average emolument" shall be calculated on the basis of 'pay' drawn during the last ten months preceding the date of retirement.

NOTE - 2. Only completed year of qualifying service shall be taken into account for the purpose of calculating the pension or gratuity as the case may be. Fraction of a year shall not be taken into account.

1 [9. If an employee retires or dies on or after the first day of April 1982, having completed five years of qualifying service, the death-cum-retirement gratuity in respect of the employee shall be paid at the following rate, namely :—

Completed years of qualifying service	Rate of death-cum-retirement gratuity
(1)	(2)
(i) Five years ..	$1\frac{7}{8}$ months pay
(ii) Exceeding five years but not exceeding fifteen years.	$3\frac{3}{4}$ months pay
(iii) Exceeding fifteen years but not exceeding twenty-five.	$5\frac{5}{8}$ months pay
(iv) Exceeding twenty-five years ..	$7\frac{1}{2}$ months pay]

10. (1) The Pension/Gratuity and Death-cum-Retirement Gratuity found admissible shall be sanctioned by the Pension Sanctioning Authority. On receipt of order of sanction together with the connected documents, the same shall be verified by an officer as may be authorised by Government, who shall, after due verification issue necessary payment order in favour of the employee concerned. In case of delay, payment of provisional Pension/Gratuity and Death-cum-Retirement Gratuity to the extent of 2/3rd of the amount finally admissible may be sanctioned by the competent authority for six months.]

2 [(2) Where any dues of the institution are outstanding against the employee at the time of his retirement or death, it shall, be recovered from his gratuity or death-cum-retirement gratuity as the case may be, in case he fails to clear up the dues through Bank Draft to the appropriate authority :

1. Substituted by S. R. O. No. 802/83 vide O. G. E. No. 1610, dated 7-12-1983
2. Substituted by S. R. O. No. 89/83 vide O. G. E. No. 190, dated 15-2-1983
3. Substituted by S. R. O. No. 802/83 vide O. G. E. No. 1610, dated 7-12-1983

Provided that, if the gratuity or death-cum-retirement gratuity admissible to the employee is not sufficient for recovery of the outstanding dues of the institution, the balance amount may subject to the consent of the pensioner or his beneficiaries, be recovered from the arrear pension.]

11. (1) There shall be no commutation of pension under these rules.

(2) No temporary increase in pension shall be allowed.

12. The various provident fund rules as were applicable to the institutions envisaged under rule 3 shall continue to be applied in their cases without any Government share. Those who were or are subscribing to any type of Provident Fund will get back their own subscription with interest only from the institutions with whom such Provident Fund balances are maintained on retirement. If the employer contributed any amount to such Provident Fund the same will be credited to Government Account.

Repeal

13. All rules, instructions, orders, resolutions, etc., corresponding to these rules and in force immediately before the commencement of these rules are hereby repealed.

Interpreta-
tion.

14. If any question arises relating to the interpretation of these rules it shall be referred to Government for decision.

EXTRAORDINARY

PUBLISHED BY AUTHORITY

EDUCATION & YOUTH SERVICES DEPARTMENT

NOTIFICATION

The 10th Nov 1985