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EDUCATION & YOUTH SERVICES
DEPARTMENT

NOTIFICATION

The 12th March 1986

S. R. O. No. 224/86—Whereas the draft of the Orissa Aided Educational Institutions' (Non-Government Fully Aided Primary School Teachers') Retirement Benefit Rules, 1985 was published as required by sub-section (1) of section 27 read with sub-section (1) of section 10 of the Orissa Education Act, 1969 (Orissa Act 15 of 1969), in the extraordinary issue of the *Orissa Gazette* No. 1696, dated the 21st December 1985, under the notification of the Government of Orissa in the Education and Youth Services Department No. 51138-ENS., dated the 3rd December 1985 as S. R. O. No. 885/85 inviting objections and suggestions from all persons likely to be affected thereby, till the expiry of a period of thirty days from the date of publication of the said notification in the official Gazette;

And whereas no objection or suggestion has been received on the said draft by the State Government,

Now, therefore, in exercise of the powers conferred by section 27 read with sub-section (1) of section 10 of the said Act, the State Government do hereby make the following rules, namely:—

CHAPTER I

Preliminary

1. Short title and commencement—(1) These Rules may be called the Orissa Aided Educational Institutions' (Non-Government Fully Aided Primary School Teachers') Retirement Benefit Rules, 1986.

(2) They shall be deemed to have come into force with effect from the 1st day of April, 1985.

2. Definitions—(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);

(b) "Death-cum-Retirement Gratuity" means the death-cum-retirement gratuity payable under rule 9;

(c) "Employee" means an employee of an Educational Institution specified in sub-rule (1) of rule 3;

(d) "Gratuity" means gratuity payable under rule 8;

(e) "Institution" means a non-Government Primary School which is recognised by and is receiving full aid from the State Government;

(f) "Pension" means the pension payable under rule 8;

(g) "Pension Sanctioning Authority" means the District Inspector of Schools in charge of an educational district.

(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.

3. Application of the rules—(1) These rules shall apply to the teachers of all non-Government Primary Schools fully aided by Government in the Education and Youth Services Department directly or, through Panchayat Samitis constituted under the Orissa Panchayat Samiti Act, 1959.

(2) The Orissa Aided Educational Institutions' Employees' Retirement Benefit Rules, 1981 will cease to apply to the persons specified in sub-rule (1) with effect from the 1st day of April, 1985.

CHAPTER II

Pension, Gratuity and Death-cum-Retirement Gratuity

4. Subject to the conditions in other rules under this chapter, an employee shall be eligible for pension or gratuity and death-cum-retirement 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 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 school, due to withdrawal of recognition of the said 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 on attaining the age of 58 years.

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 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 of qualifying service or the age of fifty years after giving a notice in writing to the 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 may 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 to be thoroughly satisfactory 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 being heard, 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, 1985, all previous services rendered, except those rendered prior to his attaining the age of eighteen years, whether temporary, officiating or permanent either in one or more than one institutions, shall, subject to the conditions specified in sub-rules (2), (3) and (4) be taken into account for the purpose of retirement benefits under these rules.

(2) 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.

(3) All leaves except extraordinary leave (i.e., leave without pay) shall 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.

(4) Suspension treated as penalty, over stay of joining time, leave not subsequently regularised and periods of break shall not be reckoned as qualifying service.

7. In case of an employee retiring on or after the 1st day of April, 1985, any period of break in service on account of retrenchment or similar other reasons 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. An employee shall be eligible for pension or gratuity and death-cum-retirement gratuity at the rates admissible to his counterpart in State Government service.

9. (1) The Pension/Gratuity and Death-cum-Retirement Gratuity found admissible shall be sanctioned by the Pension Sanctioning Authority. On receipt of the sanction order together with

the connected documents, the same shall be verified by the Director of Treasuries and Inspection, Orissa, 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) 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/his beneficiary fails to clear up the dues through Bank Draft to the appropriate authority.

Provided that if the gratuity or death-cum-retirement gratuity, admissible to the employees

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.

10. There shall be no commutation of pension under these rules.

11. Interpretation—If any question arises relating to the interpretation of these rules, it shall be referred to Government for decision.

[No. 11451-W.S.]

By order of the Governor

S. M. PATNAIK

Secretary, to Government