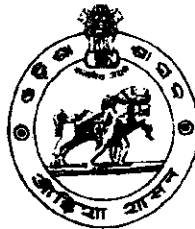


The Orissa Gazette



EXTRAORDINARY
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GOVERNMENT OF ORISSA
SCHOOL & MASS EDUCATION DEPARTMENT

No.5831/SME, Dt.28-02-2003
XIVE/codes-25/2002

Resolution

Sub:- Introduction of Method of Recruitment and conditions of Service including Triple Benefit Scheme(Pension, Gratuity and GPF) for the employees' of Aided Educational Institutions established and managed by the Minority Communities.

The employees of Aided Educational Institutions established and managed by the Minority Communities are not getting any pensionary benefits like pension, gratuity and GPF after their retirement from service.

State Government had earlier decided in principle to extend the said benefits to the employees of these educational institutions in S&ME Deptt. Resolution no. 8515/SME dated 19.03.1996, subject to the terms and conditions to be specified by a set of rules.

After careful consideration, Govt. have been pleased to introduce Method of Recruitment and conditions of Service including Triple Benefit Scheme (Pension, Gratuity and GPF) for the employees' of the Aided Educational Institutions established and managed by the Minority Communities, w.e.f.1.4.2003, in accordance with the Order called "The Orissa Education (Minority managed aided educational institutions employees' Method of Recruitment and conditions of Service) Order,2003" which is appended to this Resolution as its ANNEXURE.

Order:

Ordered that the Resolution be published in an extraordinary issue of the Orissa Gazette.

By order of the Governor

Sd/- J.PANDA

Commissioner-cum-Secretary to Government

ANNEXURE

CHAPTER - 1 PRELIMINARY

Short title & commencement. 1. (1) This order may be called **The Orissa Education (Minority managed aided educational institutions employees' Method of Recruitment and Conditions of Service) Order, 2003.**

(2) It shall come into force on the 1st day of April, 2003.

Application. 2. These Orders shall apply to the employees of Primary Schools, Upper Primary Schools, M.E. Schools, Junior and Senior Basic Schools, Secondary Schools and Madrassa established and managed by the minority communities.

Definitions. 3. (1) In these orders, unless the context otherwise requires.-

- (a) "Act" means The Orissa Education Act, 1969 ;
- (b) "Director" means the Director of Elementary Education, Orissa, the Director of Secondary Education, Orissa, Director of Higher Education, Orissa or Director of Teachers Education and State Council of Educational Research and Training, Orissa, as the case may be, having jurisdiction as determined by State Government from time to time over the concerned educational institution and includes any other officer not below the rank of Deputy Director who may be authorised by the State Government from time to time by general or special order to perform all or any of the function and exercise all or any of the powers of the Director under the Act ;
- (c) "District Inspector" means District Inspector of Schools in charge of Education District ;
- (d) "Government" means Government of Orissa in School and Mass Education Department;
- (e) "Inspector" means the Inspector of Schools in charge of the Education Circle ;
- (f) "Institution" means an educational institution established and administrated by minorities based on religion or language ;
- (g) "Lower Grade Post" means the post of Daftaries, Peons, Choukidars, Watchers and Sweepers including any other post involving comparable duties carrying comparable emoluments;
- (h) "Minority Education Institution" are such educational institutions, other than those meant exclusively for imparting religious instruction, which are established and administered by minority (both religious and linguistic) communities under Article-30 of the Constitution. The agency managing the educational institution will have to possess some legal status - an association of person registered under Society Registration Act or of a body of corporate soul etc.. Admission to the minority managed educational institution need not be confined to the members of the minority community only; and
- (i) "Section" means a Section of the Act.

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

CHAPTER - II

SELECTION OF EMPLOYEES OF AIDED MINORITY (MANAGED) EDUCATIONAL INSTITUTION

Procedure of selection.

4.(1) The Managing Committee or Governing Body, as the case may be, functioning as the appointing authority shall appoint qualified candidates for teaching or non-teaching posts, from the select list prepared by following a selection process through open advertisement or by obtaining names from employment exchange.

(2) The Selection Committee constituted by the Managing Committee or Governing Body as the case may be, for selection of teachers shall ordinarily include two teaching experts in the respective subject.

(3) A copy of the list of selected candidates and proceedings of the selection committee along with approval of the Managing Committee or Governing Body shall be submitted to District Inspector, Circle Inspector or Director, as the case may be, for their information and record.

(4) No appointment shall be considered valid for grant-in-aid unless made through the selection procedure specified under paragraphs (1), (2) and (3) above.

(5) Managing Committee or Governing Body, as the case may be shall make appointment of candidates out of the select list arranged in order of merit. The person next below in the merit list shall not be appointed unless the person occupying a higher position in the list failed to turn up within three months, of the issue of appointment order by registered post.

Condition of eligibility.

5. (1) The candidate shall possess educational qualifications, training and experience as prescribed by Government for corresponding posts in other aided educational institution of same category on the date of his selection to that post.

(2) The appointment to the post already made or to be made shall be as per the yardstick prescribed or to be prescribed by Government from time to time. Any candidate appointed in excess of the prescribed yardstick will not be eligible for grant-in-aid. Copies of all appointment orders against yardstick posts shall be endorsed to District Inspector, Circle Inspector or Director, as the case may be, for information and record.

(3) The appointing authority shall obtain prior approval of the Government whenever any post becomes admissible as per prescribed yardstick, and thereafter may make appointment against such post. Appointment without prior approval of the post will be considered ineligible only for availing grant-in-aid.

(4) The candidate must be of good character and he shall be required to submit character certificate to that effect from two respectable persons who are not related to him.

(5) The Candidate must be a citizen of India.

(6) On the date of his selection to the post, the candidate shall be within the age limit

applicable for corresponding posts in other non-Government aided educational institutions of the same category :

Provided that upper age limit may be relaxed in respect of candidates belonging to Scheduled Caste and Scheduled Tribes and such other category as may be specified by Government to such extent from time to time.

(7) The candidate shall not have more than one wife living and if a female she shall not have married to a person who has another wife living, not with standing that a subsequent marriage is permissible according to the personal law.

(8) The age of superannuation of the employee shall be 60 years as applicable to other recognised non-Government aided educational institution.

Exception to selection process.

6.Nothing in these orders shall apply to posts filled up by persons on deputation from government.

Reservation.

7.Notwithstanding anything contained in these orders, vacancies shall be reserved in favour of candidates belonging to Scheduled Cast, Scheduled Tribe or such other category as may be specified by government for similar and corresponding posts in other non-Government aided educational institution.

Contract.

8.On appointment, the Managing Committee or Governing Body as the case may be, shall enter into a contract with employee concerned embodying the terms and conditions of services. The management may adopt the form of contract similar to one prescribed by Government for other non-Government aided educational institution.

CHAPTER - III

Condition of service of employees of aided minority (managed) educational institution

Drawal of pay & allowance of employee.

9. Every employee of an aided Minority managed Educational Institution shall draw the same pay, dearness allowance and subsistence allowance in case of suspension as admissible to his counterpart in the Government Educational Institution under the relevant rules applicable to him and shall ordinarily be paid in the month following the month to which the claim relates directly by Government or by any officer or any agency authorised by Government. For direct drawal of the salaries of the employees of Minority Educational Institution through Government agency the management shall make specific request to Government in writing to draw the salary Bills of its employee for payment.

Maintenance of accounts.

10. Account shall be maintained in such manner as Government or any person authorised by Government may determine and prescribe from time to time.

Sanction of increments.

11. Normally a employee working against an approved post will earn an annual increment as admissible in the scale on completion of one year of continuous service. The increment will be sanctioned by the Managing Committee as a matter of course within two months of its accrual unless it is withheld under provision of these orders.

Sanction of Grant-in-aid.

12. (1) Grant-in-aid cannot be claimed as a matter of right. Depending on the financial condition of the State, grant-in-aid may be sanctioned and released by Government in convenient manner for the aided minority educational institution, towards salary cost of the approved yardstick post only.

(2) Sanction of Grant-in-aid to the minority educational institutions are to be regulated on the basis of general or special rule/order of the Government issued from time to time.

Promotion.

13. In the matter of promotion, principle of seniority with due regard to merit shall be followed. Promotion shall be on the basis of guidelines laid down by Government for similar and equivalent category of aided educational institution. The person holding the promotional post shall not be eligible for grant-in-aid unless prior approval for the eligible person to be promoted has been obtained from the government for promotion to the approved post.

Conduct of Employee.

14. The following shall be the model code of conduct of employee of aided minority educational institutions namely :

(a) They shall exercise academic freedom towards promotion of an intellectual climate conducive to the pursuit of scholarship.

(b) They shall at all times maintain absolute integrity of character, devotion to duty and decorum of conduct.

(c) They shall carry out the instructions of the Headmaster or the Principal and act according to the instructions/directions of University or the Board of the Secondary Education, Orissa or the Director, Elementary, Director, SCERT, Orissa State Board of Madrasa Education or other officers of the Education Department

authorised to inspect the institution in respect of their academic function.

(d) They shall carry out the orders of Headmasters or the Principal or the Director or other Officers of the Education Deptt. and of the President or Secretary of the Managing Committee or of the Governing Body, as the case may be, in respect of their administrative functions.

(e) They shall not except with the previous approval of the Managing Committee or the Governing Body, as the case may be, engage in any trade or accept any employment under any other authority or person.

(f) They shall not be members of any political or communal party.

Explanation -

A Communal party is one which is declared as such by the State Government or Central Government.

(g) They shall not, except with the previous sanction of the Managing Committee or the Governing Body, as the case may be, own wholly or in part, edit or manage a newspaper, magazine or periodical publication.

(h) No employee who has a wife living shall, notwithstanding that a subsequent marriage is permissible under personal law applicable to him, contract another marriage.

(i) No female employee shall marry a person who has one wife living, notwithstanding that it is permissible for such person to have more than one wife under the personal law applicable to him.

Note : - For the breach of any of the condition of model code of conduct described above an employee shall be liable for disciplinary action in the manner provided in Chapter-IV of these orders.

**Probation
and
Confirmation.**

15.(1) All candidates appointed against approved yardstick post shall initially be on probation for a period of two years.

(2) The candidate appointed on probation against an approved yardstick regular post may be confirmed by the Managing Committee or Governing Body, as the case may be, after completion of continuous service of two years and after examination of his performance records (i.e. Confidential Character Rolls). A copy of such confirmation order shall be forwarded to Govt. and Director for information. Where the performance of the employee has not been satisfactory, Managing Committee or Governing Body may extend the period of probation for further period of one year, but in no case the probation period shall be extended beyond four years. After examination of continuous three years performance, the Managing Committee or Governing Body as the case may be, may decide the suitability of the employee for further continuance in the institution and in case of doubt may seek the advice of the Director in this respect.

**Confidential
Character Rolls.**

16. Confidential Character Rolls shall be maintained in respect of employees of aided Educational Institution in the specified form in the manner prescribed hereafter, namely :-

(a) There shall be an annual assessment of the performances and conduct of the employee.

(b) The assessment shall, in respect of any teacher, be initiated by the Head of the

Institution as the case may be and submitted to the President, who shall in consultation with the Secretary, record his remarks and forward the report to the District Inspector, Circle Inspector or Inspecting Officer, Urdu Education in respect of Schools.

(c) The Inspector, District Inspector/Inspecting Officer Urdu Education or the Director (being inspecting authorities) as the case may be, shall record his remarks and return the report to the Secretary of the Managing Committee or Governing Body for record.

(d) The President shall, in respect of Head of the Institution (Headmaster) in consultation with Secretary initiate the assessment and submit the report to the Director/District Inspector/Inspecting Officer, Urdu Education as the case may be, for countersignature. Respective Directors shall be accepting authority.

(e) On receipt of the report in pursuance of Clause (d) above, the concerned District Inspector, Circle Inspector or the Director as the case may be, shall record his remarks and return the report to the Secretary where it relates to the Headmaster and the President where it relates to the Principal.

(f) In respect of the officers of the Govt. on deputation, a copy of the report for each year shall be furnished to the Director.

(g) The substance of every adverse report shall be communicated to the employee concerned within six months from the date of receipt by the Secretary of the Managing Committee or Governing Body as the case may be and his representation, if any, shall be considered and disposed of by the Managing Committee with intimation to the person concerned about the decision. They shall follow government rules of procedure in this regard.

(h) These provision shall not apply to the employees in lower grade posts, and in their case, the service book maintained in pursuance of order 17 shall contain a brief assessment of their suitability to be made by the Headmaster or the Principal.

Service Book.

17. The Headmaster/Secretary shall maintain in respect of each employee, a service book in duplicate, the original to be retained by the Management and the duplicate shall be given to the employee duly attested by the Secretary of the Managing Committee or the Governing Body, as the case may be and countersigned by the concerned Officer authorised by the management and the same shall contain his name and his father's name, permanent address, date of birth as evidenced in the certificate issued to him on his passing out High School Certificate or equivalent examination, marks of identification, specimen signature, educational qualification, particulars of examination passed after the H.S.C. examination with Division, Date of appointment, particulars of promotion, record of leave other than casual leave, emolument drawn and increments sanctioned, promotion record and such other particulars as may be specified by the Government. It shall be the responsibility of the Management to get the service book verified from any inspecting authority of the Government like District Inspector, Circle Inspector, Special Officer, Urdu Education or Director at an interval of every 3 years. The duplicate copy shall simultaneously be updated by the Management each

year. The service book maintained by the Management each year and the service book maintained by the Head of Office in respect of the head of the Institution shall be subject to inspection / Audit by Government Officials at the time of inspection / audit.

Note :- Date of birth shall be recorded on the basis of Matriculation Certificate or in case of non-matriculantes on the basis of any other authentic document. Date of birth once recorded in the service book shall not be changed.

**Termination of
Service after
notice.**

18. Any employee may, after giving notice of at least one month, relinquish his office where upon his service shall stand terminated.

Superannuation.

19. Every employee shall retire on completion of 60 years of age or as determined by Government from time to time through notification.

**Compulsory
retirement.**

20. Notwithstanding anything contained in these orders the Managing Committee or the Governing Body, as the case may be, shall be competent to review the efficiency for further continuance in service of every employee at the age of 52 and 58 years of age and if the employee is not considered efficient to continue in service, compulsory retirement from service shall be effected after prior approval of concerned Director in the event of which the employee concerned shall be entitled to retirement benefits as may be prescribed by Government from time to time for other non-Government aided educational institution.

CHAPTER - IV
DISCIPLINARY ACTION

**Nature
of penalties.**

21. The following penalties may, for good and sufficient reasons and as hereinafter provided be imposed on an employee of an aided minority (managed) educational institution, namely :-

- (a) fine ;
- (b) censure ;
- (c) withholding of increments or promotion ;
- (d) recovery from pay of the whole or part of any pecuniary loss caused to the institution for negligence or breach of orders ;
- (e) suspension ;
- (f) reduction to a lower service, grade or post or to a lower scale of pay or to a lower stage in the scale of pay ;
- (g) compulsory retirement ;
- (h) removal from service which shall not be a disqualification for future employment ;
- (i) dismissal from service which shall ordinarily be a disqualification for future employment.

Note - I The penalty of fine shall be imposed only on lower grade employees.

Note - II Termination of the services of a probationer under order 15 or of a temporary employee in accordance with the term of such agreement shall not amount to a penalty within the meaning of this order.

**Disciplinary
authorities.**

22.(1) The Managing Committee or the Governing Body as the case may be, may impose any of the penalties specified under order 21 on any employee.

(2) Without prejudice to sub-para (1) but subject to the provisions of sub-para (3) any of the penalties specified in order 21 may be imposed, -

- (a) in respect of a lower grade employee, by the Headmaster or the Principal as the case may be ; and
- (b) in respect of any other employee, by the Managing Committee or the Governing Body, as the case may be :

Provided that, in case of suspension of an employee falling under clauses (a) and (b) above the Inspector, in respect of employee serving in the school and Director in respect of Colleges, shall be informed by the management.

(3) No penalty shall be imposed on a person appointed to any post in an aided minority institution on deputation from Government except in accordance with the provisions of order 26.

Procedure for imposing major penalties.

23. (1) No order imposing any of the penalties specified in clauses (f) to (i) of order 21 shall be imposed except after an enquiry held as for as may be in the manner hereinafter provided.
- (2) The disciplinary authority shall frame definite charges on the basis of the allegations on which the enquiry is to be held and such charges shall be communicated in writing to the employee concerned who shall be required to submit, within such time as may be specified by disciplinary authority, a written statement of his defence and also to state whether he desires to be heard in person.
- (3) The employee concerned shall, for the purpose of preparing the defence, be supplied all the records on which the allegations are based and shall also be permitted to inspect and take extracts from such other records as he may specify, provided that such permission may be refused if in the opinion of the disciplinary authority such records are not relevant for the purpose or it is against public interest to allow him access thereto.
- (4) On receipt of the written statement of defence or if no such statement is received within the time specified, the disciplinary authority may itself enquire into such of the charges as are not admitted or if he considers necessary so to do appoint any other person who shall either be a member of the Governing Body or the Headmaster or the Principals for the purpose :
- Provided that where the employee concerned is a Headmaster or a Principal, the Director may on request of the Managing Committee or the Governing Body as the case may be, appoint an officer of the Government holding at least an equivalent post to conduct the enquiry.
- (5) The disciplinary authority or the person appointed in pursuance of sub-para (4) shall enquire into the charges and may consider such documentary evidence and take such oral evidence as may be relevant or material in regard to charges.
- (6) The employee concerned shall be entitled to cross examine witnesses examined in support of the charges and to give evidence in person.
- (7) The disciplinary authority or the person appointed in pursuance of sub-para (4) may decline to examine any witness on the ground that the evidence is not relevant or material.
- (8) On the conclusion of the enquiry the disciplinary authority or the person appointed in pursuance of sub-para (4) as the case may be, shall prepare a report of the enquiry recording his findings on each of the charges together with reasons therefor.
- (9) Where the disciplinary authority has himself undertaken the enquiry he shall, if in his opinion the proceedings of the enquiry establish the charges framed, and any of the penalties specified in clauses (f) to (i) of order 21 may be imposed, record his opinion.
- (10) Where any person other than the disciplinary authority has undertaken the enquiry he shall submit the proceedings of the enquiry to the disciplinary authority and the latter shall record his opinion as provided under sub-para (9).
- (11) The disciplinary authority or the person appointed in pursuance of sub-para (4) may

if in his opinion the proceedings of the enquiry establish charges different from those originally framed record his findings on such charges whereupon the provisions of sub-para (9) and (10) shall apply :

Provided that the findings on such charges shall not be recorded if additional charges are framed, unless the employee concerned has admitted the facts constituting them or has had an opportunity of defending himself against them.

(12) The disciplinary authority mentioned under sub-para (2) of order 22 shall forward the record of the enquiry together with a copy of orders passed under sub-para (9), (10) or (11) to the Director for his advice.

(13) On receipt of the advice of the Director, the disciplinary authority specified under sub-para (2) of order 22 shall consider the advice and determine penalty, if any, to be imposed on the employee and pass appropriate orders on the case.

(14) The disciplinary authority shall communicate to the employee concerned a copy of the order imposing the penalty or acquitting him from the charges framed against him.

(15) The employee concerned may, within thirty days of receipt of the orders under sub-para (14) may prefer an appeal to the State Education Tribunal setting forth the grounds of appeal.

(16) The Tribunal shall call for the records from the disciplinary authority and if necessary after conducting such further enquiry as it deems proper pass on order either confirming, setting aside or modifying the order of the disciplinary authority.

**Special
Procedure in
case of minor
penalties.**

24.(1) No order imposing any of the penalties specified under clauses (a) to (d) of order 2 shall be passed except after,

(a) the employee concerned is informed in writing of the proposal to take action against him and of the allegation on which it is proposed to be taken and given an opportunity to make any representation he may wish to make ; and

(b) such representation, if any, is taken into consideration by the disciplinary authority.

(2) The provision of sub-para (15) and (16) of order 23 shall mutatis mutandis, apply to appeals against any order referred to under sub-para (1).

**Special
procedure
in certain cases.**

25. Notwithstanding anything contained in paragraph 23 and 24,-

(a) Where a penalty is imposed on an employee on the ground of conduct which has led to his conviction on a criminal charge, or

(b) Where the disciplinary authority is satisfied for reasons to be recorded in writing by that authority that it is not reasonable to follow the procedure prescribed under said paragraphs ; or

(c) Where the disciplinary authority is satisfied that it is not expedient to follow such procedure in public interest,

the disciplinary authority may consider the circumstances of the case and pass such orders thereon as it deems fit .

Procedure in respect of deputationist.

26. (1) No action in pursuance of the provisions of these orders shall be initiated against an employee where the employee concerned is a Government servant whose services have been lent to the institution.

(2) A report on the allegations shall be forwarded to the Director who shall, if satisfied that the allegations disclose prima facie delinquency on the part of the employee concerned, pass necessary orders to initiate disciplinary proceedings against the Government servant in accordance with the procedure of the Orissa Civil Services (Classification, Control and Appeal) Rules, 1962.

Eligibility for pension & gratuity.

27. Subject to other provisions of this Chapter an employee shall be eligible for pension and gratuity as the case may be, -

(i) on retirement by reason of his attaining the age of superannuation ; or

(ii) on voluntary retirement or retirement by the appointing authority after completion of thirty years of qualifying service or the age of fifty years as the case may be ; or on retirement before the superannuation on medical certificate of permanent incapacity for further service ; or

(iii) on termination of service due to the abolition of the post ; or

(iv) on closure of the aided 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 shall be the same as provided under the Orissa Civil Services (Pension) Rules, 1992 as amended from time to time.

Note - 2 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 - 3 An employee may retire from service voluntarily at any time after completing thirty years of qualifying service or 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 emoluments in lieu of notice.

Approval of service by pension sanctioning authority.

28. (1) Full pension admissible under these orders is not to be given as a matter of course unless the service rendered has been approved by 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 amount as it thinks proper.

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

Qualifying service .

29. (1) The length of qualifying service of an employee of recognised aided non-Government minority educational Institution retiring on or after 1st April, 1997 shall be computed by taking into account all his service rendered in an approved aided post (excepting the period of service prior to attaining the age of 18 years), whether temporary, officiating or permanent, in one or more recognised aided educational institution subject to condition, specified in sub-para (2), (3) (4) and (5) of this Order for purpose of retirement benefits under these orders.

(2) Notwithstanding any change in the pattern of grant-in-aid to an institution specified under order 2 an employee serving in that Institution will not lose the period of his 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 order applicable to the State Government employees.

(4) All leave except extraordinary leave (i.e. leave without pay) count for pension ;

Provided that in the case of extraordinarily leave, the appropriate authority may, at the time of sanctioning such leave allow the period of the 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 rejoin on 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 regularized and periods of break shall not be reckoned as qualifying service.

Break-in-service

30. In case of an employee retiring on or after 01.04.97 any period of break in-service caused on account of retrenchment or similar other reasons which is beyond the control of the employees concerned will not be treated as interruption involving forfeiture of past service. In case of break occasioned by resignation, the past service rendered in one or more recognised educational Institution coming within the purview of order 2 will be taken in to account if the break is not more than three months.

Note - In all such cases satisfactory documentary evidence relating to the past service shall be produced by the concerned employee. The documents so produced will be subject to verification on the basis of official record.

Gratuity & minimum pension.

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

<u>Completed years of qualifying service.</u>	<u>Scales of gratuity</u>
Less than 5 years	Nil
5 years	4.1/6 months emoluments
6 years	5 months emoluments
7 years	5.5/6 months emoluments
8 years	6.2/3 months emoluments
9 years or more	7.1/2 months emoluments.

(2)(a) An employee shall be eligible for pension if the period of his qualifying service upto the date of his retirement is ten years or more. Maximum period of qualifying service to be taken into account for the purpose of pension shall not exceed thirty three years. The pension shall be at the rate of 50% of the last month's pay drawn by the employee if the employee has completed thirty three years of qualifying service. Where the qualifying service is less than 33 years, but not less than 10 years the amount of pension shall be as 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.

Note :- The "emolument" for the purpose of the retirement benefits under this rule shall mean the last month's pay which the employee was receiving immediately before his retirement. Only completed years of qualifying service shall be taken into account for the purpose of calculating the pension and gratuity. Fraction of years shall not be taken into account for this purpose. In calculation of the pension under this order, the formula applicable to State Government employee shall be followed.

- (b) The family of an employee shall be entitled to get family pension as admissible to the family of his/her counterpart in Government Service.
- (3) Notwithstanding the rate specified under sub-para (2) the amount of family pension shall not be less than the minimum pension of Rupees twelve hundred seventy five per month or such amount as would be prescribed by Government from time to time.

D.C.R.G.

32. If an employee retires or dies on or after the 1st day of April, 1997 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 :-

<u>Completed years of qualifying Service.</u>	<u>Rate of Death-Cum-Retirement Gratuity.</u>
(i) Five years	1 7/8 months pay (last month's pay)
(ii) Exceeding five years but	

	not exceeding fifteen years. ..	3 3/4 months pay
(iii)	Exceeding fifteen years but not exceeding twenty-five years. ..	5 5/8 months pay
(iv)	Exceeding twenty five years. ..	7 1/2 months pay

Pension Sanctioning Authority & Provisional Pension.

33. (1) The pension / Gratuity and Death-cum-retirement gratuity as 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 the Controller of Accounts, 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 i.e. Controller of Accounts 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 the 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.

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 pension.

Commutation and T.I.

34. (1) There shall be no commutation of pension under these orders.

(2) Temporary increase in pension shall be allowed as would be prescribed by Government from time to time for similar other aided educational institutions.

G.P.F. management.

35. The various provident fund rules as were applicable to the Institution shall continue to apply 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 on retirement only from the Institution with whom such provident fund balance is maintained. If the employer contributed any amount to such fund the same will be credited to Govt. account.

General Provident Fund Rules.

36. The provisions of the Orissa Aided Educational Institutions 'Employees' General Provident Fund Rules, 1983 shall mutatis mutandis apply for the creation of the fund, maintenance of accounts, realisation of subscriptions, calculation of rate of interest, obtaining temporary advances and final withdrawal from the Fund, for the employees of the institutions managed by minority community.

Repeal and Savings.

37. (1) All nonstatutory rules, instructions, orders, resolutions, corresponding to these orders and in force immediately before the commencement of these orders are hereby repealed.

(2) All appointments made, orders issued or action taken against the employees of the institutions managed by the minority community prior to the commencement of these orders shall be deemed to have been made, issued or taken under these orders.

Interpretation.

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

Relaxation.

39. Where Government are satisfied that operation of any of the provisions of these orders causes undue hardship in any particular case, it may, by order relax any of the provisions of these orders to such extent and subject to such conditions as it may consider necessary.