

GOVERNMENT OF PUNJAB

DEPARTMENT OF EDUCATION

Notification

The 10th February, 1992

No. G. S. R. 10/P.P.M. R.S.E. (S. S.) R. 81/r 22-A/92.—In exercise of the powers conferred by rule 22-A of the Punjab Privately Managed Recognised Schools Employees (Security of Service) Rules, 1981, and all other powers enabling him in this behalf, the President of India is pleased to make the following scheme for the grant of retirement benefits to the employees of the Privately Managed Recognised Aided Schools, namely:—

SCHEME

Chapter-I

1. Short title and commencement.—(1) This Scheme may be called the Punjab Privately Managed Recognised Aided Schools Retirement Benefits Scheme, 1992.

(2) It shall be deemed to have come into force on and with effect from the fifth day of February, 1987.

2. Definitions.—In this Scheme unless the context otherwise requires,—

- (a) 'Department' means the Department of Education ;
- (b) 'District Education Officer (Schools)' means an Officer appointed as such by the Government and includes the District Education Officer (Primary) ;
- (c) 'Form' means a form appended to this Scheme ;
- (d) 'Government' means the Government of the State of Punjab in the Department of Education ;
- (e) 'Pay' means the amount drawn monthly by an employee as,—
  - (i) Pay, other than special pay or pay granted in view of his personal qualifications, which has been sanctioned for a post held by him substantively or in an officiating capacity or to which he is entitled by reason of his position in a cadre ;
  - (ii) Special pay and personal pay ; and
  - (iii) any other emoluments which may specifically be classified as pay by the Punjab Government in the case of Government employees ; and

- (f) The words and expressions used in this Scheme, but not defined, shall have the same meaning as assigned to them in the Punjab Privately Managed Recognised Schools (Security of Service) Act, 1979, rules made thereunder and the Punjab Civil Services Rules.

## CHAPTER II

3. (1) **Application.**—This Scheme shall apply to all the employees, excepting those who do not opt in terms of clause 4 (subject to the condition that the Managing Committee of a Privately Managed Recognised Aided School, executes an agreement in Form-I duly supported by a resolution of the Managing Committee to abide by the provisions of this Scheme and instructions, issued by the Department from time to time), who.—

- (a) are appointed to the aided posts on or after the fifth day of February, 1987 ; and
- (b) were working on aided posts immediately before the fifth day of February, 1987 and continue to work as such after that date :

Provided that the employees who were appointed to the aided posts:—

- (i) before the fifth day of February, 1987, and who have attained or will attain the age of superannuation on or after that date ; and
- (ii) on or after the fifth day of February, 1987, but before the 16th day of January, 1991 ;

shall have the right to opt within a period of four months from the date of publication of this Scheme to be or not to be governed by the provisions of the Scheme.

(2) The Scheme shall not apply to,—

- (i) the employees appointed on part-time basis against aided posts;
- (ii) the employees who retired from the aided posts before the 5th day of February, 1987 and the employees who attained the age of superannuation before the fifth day of February, 1987 and were re-employed on aided posts ;
- (iii) the employees who are governed by the Contributory Provident Fund; and
- (iv) the employees employed on a leave-gap arrangement on *ad hoc* basis.

4. **Exercise of option.**—The option under sub-clause (ii) of the second proviso to sub-clause (1) of clause 3 shall be exercised in triplicate in writing in Form-II so as to reach the District Education Officer as forwarded by the Head of the concerned School with the approval by the

Managing Committee within a period of four months from the date of publication of this Scheme in the official Gazette :

Provided that,—

- (i) in the case of an employee who, on the date of publication of this scheme was abroad or on leave, the option shall be exercised within a period of four months from the date of taking the charge of his post ;
- (ii) where an employee is under suspension, on the date of publication of the Scheme, the option shall be exercised within a period of four months from the date of his joining the duty ;
- (iii) an option once exercised shall be final and if a person fails to exercise his option for the Scheme within the specified period referred to above, it shall be deemed that he has opted for the Contributory Provident Fund benefits as envisaged in rule 22 of the Punjab Privately Managed Recognised Schools Employees (Security of Service) Rules, 1981 (hereinafter referred to the Contributory Provident Fund) ;
- (iv) an employee who dies on or after the fifth day of February, 1987 and who could not exercise his option, the legal heir of such employee who is entitled to receive retirement benefits under the Scheme, shall exercise option, subject to the condition that the legal heir shall have to deposit the amount received by the deceased employee or by him, as the case may be, under the Contributory Provident Fund.

5. **Benefits under the Scheme.**—The following retirement benefits shall be granted under the Scheme, namely :—

- (a) Superannuation pension ;
- (b) Death-cum-retirement gratuity ;
- (c) Family Pension ;
- (d) Invalid pension ;
- (e) Compensation pension ;
- (f) Compassionate allowance ; and
- (g) Retiring pension.

### CHAPTER III

6. **Qualifying Service.**—(1) The Service of an employee shall not qualify for retirement benefits under this Scheme unless,—

- (i) he attains the age of eighteen years ;
- (ii) he takes charge of the aided post to which he is first appointed except for which it is otherwise provided by special rules or contract ; and

(iii) the service is on an aided post on regular basis.

(2) The leave admissible under the Punjab Privately Managed Recognised Schools Employees (Security of Service) Rules, 1981 and under the instructions issued by the Department from time to time, shall qualify for pension but leave without pay and period of suspension, overstay of leave not subsequently regularised under the above said rules and the period of break in service shall not be reckoned as qualifying service.

(3) The service rendered in one or more privately managed recognised aided schools under the same management shall count for retirement benefits ; provided the transfer was made in terms of the Punjab Privately Managed Recognised Schools Employees (Security of Service) Rules, 1981.

(4) In a case where the total qualifying service is less than ten years, no pension benefit shall be admissible.

(5) The service rendered on an aided post in another privately managed recognised school in the State of Punjab, shall count for retirement benefits ;

Provided that the contributory Provident Fund account of the employee in the previous school continued as such in the subsequent school to which he is transferred or appointed and there is no break in service.

(6) The qualifying service will be taken into account with effect from an employee started contributing towards the Contributory Provident Fund.

7. **Condonation of interruption.**—(1) In the absence of specific indication to the contrary in the service record of the employee, an interruption between spells of service rendered by an employee under the same Managing Committee, shall be treated as automatically condoned and shall be treated as qualifying service for retirement benefits ;

Provided that the interruption caused by resignation, dismissal, removal from service or due to participation in strike shall not be condoned.

(2) The period of interruption not condoned by the Managing Committee shall under no circumstances be reckoned as qualifying service for retirement benefits.

8. **Entitlement for pension.**—An employee shall be entitled for pension under the Scheme only after he completes ten years (twenty half years) qualifying service.

9. **Superannuation Pension.**—(1) An employee other than Class IV employee who opts for the Scheme, will be entitled to the superannuation pension from the date he retires after attaining the age of fifty eight years.

(2) In case of Class IV Employees, the date of retirement shall be the date on which he completes sixty years of his age.

(3) Pension shall be commuted at the rate of fifty per cent of the average pay of the last ten months. The admissibility of full pension shall be on completing thirty-three years qualifying service. In case the qualifying service for pension is less than thirty-three years, the pension shall first be commuted at the rate of fifty per cent of average pay of last ten months and then it will be proportionately reduced. If the pension so commuted falls short of rupees 375, the same shall be raised to rupees 375 in all cases.

10. Service Gratuity :—(1) Where the qualifying service is less than ten years (twenty half year), the service gratuity shall be calculated at the uniform rate of half month's pay for every completed six monthly period of service.

11. Retirement Gratuity .—(1) An employee who has become eligible for retirement benefits under the Scheme on his retirement from service, shall be granted an additional retirement gratuity as given below.—

(i) in the case of Class IV employee, 1/4th of his pay for each completed six monthly period of qualifying service subject to a maximum of  $17\frac{1}{2}$  times of pay ; and

(ii) in the case of employees other than Class IV employees, 1/4th of the pay of an employee for each completed six monthly period of qualifying service, subject to a maximum of  $16\frac{1}{2}$  times of the pay :

Provided that the maximum amount of retirement gratuity shall not exceed rupees one lac in any case.

12. Death Gratuity.—In case of an employee who dies in harness, the death gratuity shall be admissible at the rates given below :—

Length of service	Rate of Gratuity
(i) Less than one year	Two times of pay;
(ii) One year or more but less than five years	Six times of pay;
(iii) Five years or more but less than twenty years	Twelve times of pay; and
(iv) Twenty years and above	Half pay for every completed six monthly period of qualifying service, subject to a minimum of thirty-three years pay :

Provided that the amount of the death gratuity shall in no case exceeds rupees one lac.

13. **Family Pension.**—In case of the death of the employee or pensioner, the family pension shall be granted as given below :—

(1) the rates of family pension during the first seven years or till the employee would have attained the age of sixty-five years, had he survived, whichever is less, shall be as follows :—

Range of Pay	Rate of family pension per month
(i) Upto Rs. 1,500	Sixty per cent of pay subject to a minimum of Rs. 750;
(ii) Exceeding Rs. 1,500 but not exceeding Rs. 3,000;	Forty per cent of pay subject to a minimum of Rs. 900; and
(iii) Exceeding Rs. 3,000;	Thirty per cent of pay subject to a minimum of Rs. 1,200 and maximum of Rs. 2,500;

(2) After the expiry of seven years or the completion of sixty-five years of his age, had the employee survived, whichever is less, the rate of family pension shall be as follows :—

Range of pay	Rate of family pension per month
(i) Upto Rs. 1,500;	Forty per cent of pay subject to a minimum of Rs. 375;
(ii) Exceeding Rs. 1,500 but not exceeding Rs. 3,000;	Thirty per cent of pay subject to a minimum of Rs. 600; and
(iii) Exceeding Rs. 3,000;	Twenty per cent of pay subject to a minimum of Rs. 900 and maximum of Rs. 1,500.

*Note.*—In case both the husband and wife are the employees of the privately managed recognised aided schools, the maximum family pension in the event of death both of them shall not exceed Rs. 2,250.

14. **Invalid Pension.**—The employees of the privately managed recognised aided schools, who are declared physically invalid shall be granted a weightage of five years in their qualifying service for pension and if the

qualifying service after the grant of this weightage remains below ten years, the same will be raised to ten years and the employees concerned shall be granted proportionate pension subject to a minimum of rupees 375 per month.

**15. Medical Certificate for invalid pension.**—(1) An employee applying for an invalid pension shall submit, a medical certificate of incapacity from a medical Board constituted by the competent authority in which a lady doctor shall also be included as a member thereof whenever woman employee is to be examined.

(2) No medical certificate of incapacity for service shall be granted unless the applicant produces a letter from the District Education Officer concerned to appear before the Medical Board and for that purpose the Medical Board shall also be supplied a statement by the District Education Officer concerned regarding the age of the applicant and where the service book of the employee concerned has been maintained, the age recorded therein shall be reported.

(3) A brief statement of the medical case and that of the treatment undergone shall be appended to the application.

(4) A simple certificate that inefficiency is due to old age or natural decay from advancing age, shall not be sufficient in the case of an employee whose recorded age is less than fifty five years.

**16. Compassionate Allowance.**—No pension shall be admissible to an employee who has been dismissed or removed from service on account of misconduct or misbehaviour but such an employee may be granted a compassionate allowance subject to the approval of the Government, only in special circumstances for reasons to be recorded in writing:

Provided that the allowance so granted to an employee shall not exceed 2/3rd of the pension, which would have been admissible to him, had he been retired on medical grounds.

**17. Retiring pension.**—(1) A retiring pension and retirement gratuity shall be granted to an employee who retires voluntarily or is retired compulsarily according to the length of qualifying service, as provided in the succeeding sub-clauses;

(2) The concerned Managing Committee shall, if it is of the opinion that it is in public interest to do so by recording the reasons in writing, have the right by giving an employee prior notice, in writing of not less than the months to retire that employee on the date on which he completes twenty-five years of qualifying service or on any other dates thereafter to be specified in the notice or on the date on which he attain fifty years of age :

Provided that where three months notice is not given or notice for a period less than three months in given, the employee shall be entitled

to claim a sum equivalent to the amount of pay and allowances at the same rate at which he was drawing immediately before the date of retirement, for a period of three months or as the case may be, for the period by which such notice falls short of three months.

25 yrs. service  
50 yrs. age

(3) An employee may, after giving at least three months notice in writing to the Managing Committee, retire from service on the date on which he completes twenty-five years of qualifying service or attains fifty years of age or on any date thereafter to be specified in the notice:

Provided that no employee under suspension shall retire from service except with the specific approval of the Managing Committee.

*Note*—In case falling under this clause, if the retirement of the employee is set aside by a court of law, all pecuniary liabilities consequent thereto from the date of compulsory retirement upto the date of his rejoining the post, shall devolve on the Managing Committee.

**18. Compensation pension.**—If an employee is discharged by the Managing Committee owing to the abolition of a whole-time aided post, he will, unless he is appointed to another post the conditions of which are deemed to be at least equal to those of his own, have the option :—

- (a) of taking compensation pension or gratuity to which he may be entitled for the service he has already rendered; or
- (b) of accepting another post under the same Managing Committee for which he fulfils the prescribed qualifications if offered and to continue to count his previous service for pension.

**19. For the purpose of death-cum-retirement gratuity, "Family"** shall include the following relatives of the employees:—

- (i) Wife or wives including judicially separated wife or wives in the case of male employee;
- (ii) husband including judicially separated husband in the case of female employee;
- (iii) sons
- (iv) unmarried and widow daughters
- (v) brothers below the age of eighteen years and unmarried and widowed sisters, including step brothers and sisters;
- (vi) father
- (vii) mother
- (viii) married daughters; and
- (ix) children of a predeceased son.

(including step children and adopted children)

} including adopted parents in case of individuals whose personal law permits adoption



#### CHAPTER IV

**20. Subscription and maintenance of General Provident Fund Account.**—(1) The employees who were appointed on or after the commencement of the Scheme and also the other existing employees who opt for the Scheme shall contribute towards the General Provident Fund at the rate prescribed by the Punjab Government for their employees. An employee may, however, subscribe voluntarily at higher rate than that prescribed by the Punjab Government. The fund shall be regulated in accordance with the rules and procedure to be prescribed by the Punjab Government from time to time.

(2) The date of switching over for the existing employees to General Provident Fund shall be fixed by the Director. The Managing Committee shall maintain the General Provident Fund Account;

**21. Refund of employee's share of Contributory Provident Fund.**—

(1) Employees who are governed under the scheme and those who opt for it, shall apply, in writing, to the Managing Committee through the Head of the School stating that they are willing to refund the employee's share of contribution of Contributory Provident Fund together with interest accrued thereon and transfer their own share with interest accrued thereon to the General Provident Fund with effect from the date they started Contributory Provident Fund. The Head of the School and the Managing Committee shall transfer the requisite amount to the General Provident Fund and intimate the same to the District Education Officer. The Managing Committee shall keep a record of the General Provident Fund or Contributory Provident Fund Account, as the case may be. The employer's share with interest would be credited to the consolidated Fund of Punjab State and the employee's share will be credited to his General Provident Fund Account.

(2) The amount of employer's share of contribution to the Contributory Provident Fund together with interest required to be refunded or actually refunded shall be recorded in the service book under proper attestation.

*Note.*—The employees or their legal heirs, as the case may be, who have already drawn the employee's share of Contributory Provident Fund together with interest accrued thereon and are in a position to refund the same in cash, may be allowed to adjust the same against the amount of gratuity or arrears of pension that may be admissible to them. In such cases the employee's share of Contributory Provident Fund together with interest accrued thereon shall be refunded with ten per cent interest on the amount actually drawn, calculated from the date of drawal of the said amount to the date of refund or adjustment and if there still remains any due amount it will be adjusted by non-payment of pension till recovery of the total amount is adjusted.

(3) The date of drawal and refund of the amount of employer's share together with interest thereon, shall be recorded in the service book and the entry shall be attested after verification by the District Education

Officer concerned or any other officer authorised by the Director. The concerned employee or their legal heir, as the case may be, shall give an undertaking in writing to the effect that he has no objection to such recovery or adjustment.

## CHAPTER V

**22. Managing Committee's Contribution towards Pension and Gratuity.**—(1) The existing Contributory Provident Fund shall continue to be maintained by the Managing Committee for those employees who do not opt for the scheme.

(2) The Managing Committee shall also continue to contribute five per cent or the ten per cent or at such rates as may be fixed from time to time by the competent authority of the pay of the employees as their share of Contributory Provident Fund, as if the employees are not opting or had not opted for the scheme. This contribution shall be credited to the Consolidated Fund of the State of Punjab.

(3) (a) At the time of drawal of grant in aid by the Managing Committee, the share of the Managing Committee towards Pension and Death-cum-Retirement Gratuity benefits in respect of each employee shall be recovered from grant-in-aid amount through book transfer in the concerned treasury;

(b) The Managing Committee shall attach a detailed challan alongwith the Schedule (in duplicate) showing the necessary particulars that is the name, designation, contribution in respect of each employee and the grand total while presenting the bill to the concerned treasury;

(c) The treasury Officer shall pass the bill after deducting the amount of Managing Committee's share by book transfer and credit it to the relevant receipt head,

(d) The Treasury Officer will indicate the treasury voucher number and date on the challan and forward the original copy to the Managing Committee for maintaining detailed account and will submit the consolidated account to the Accountant General, Punjab.

(4) In case of default or non-implementation of any instructions by the Managing Committee as envisaged under the Scheme, the Director shall have the right to deduct any amount that may be due to the Managing Committee from the amount of grant-in-aid due to the Managing Committee and may suspend grant-in-aid to the concerned school. The Director can remove the school managed by the Managing Committee at fault from the grant-in-aid list with the prior approval of the Government.

**23. Commutation of Pension.**—An employee shall be entitled to commute for a lump sum payment any portion consisting in whole rupee not exceeding one-third of any kind of pension which has been or may be granted to him under the Scheme subject to the condition that the un-commuted residue of the pension shall not be less than rupees 240 per month ;

Provided that in calculating the amount of the uncommuted residue, there may be added to it, the uncommuted portion of any other permanent pension or pension payable to the applicant from the revenues of the Punjab Government, any other State Government or Government of India :

Provided further that an employee or pensioner against whom any judicial or disciplinary proceedings have been instituted, shall not be permitted to commute any part of his pension during the pendency of such proceedings.

## CHAPTER VI

24. Adjustment and recovery of dues.—(1) The Managing Committee or District Education Officer shall take steps to assess the dues outstanding against the employee two years before the date on which he is due to retire on superannuation.

(2) The assessment of the outstanding dues against the employee shall be completed by the Managing Committee and the District Education Officer eight months prior to the date of his retirement.

(3) The dues as assessed including those dues which come to the notice subsequently and which remain outstanding till the date of retirement of the employee, shall be adjusted against the amount of death-cum-retirement gratuity becoming payable to the employee on his retirement.

(4) When an employee retires from service, an Office Order shall be issued to that effect by the Management Committee and copies thereof shall be endorsed to the Director and District Education Officer concerned.

25. Power to withhold pension.—Future good conduct is an implied condition for every grant of a pension and as such Director reserves to himself the right of withholding or withdrawing a pension or any part of it, if the pensioner is convicted of a serious crime or is guilty of a grave-misconduct.

26. Arbitration.—If any dispute arises between the employee and the Managing Committee relating to the delay in forwarding the pension papers of the employee, then the matter shall be referred to the Director for decision and his decision shall be final and binding upon the parties.

27. Head of Account to debit expenditure.—The charges on account of expenditure under the Scheme shall be debited to the Head "2071-Pensions and other Retirement Benefits-189-Pension to Employees of State Aided Educational Institutions-01-Pension to Employees of State Aided Educational Institutions."

28. Over-riding effect.—Notwithstanding anything contained in any law or rule for the time being in force, the provisions of this Scheme shall have over-riding effect.

29. Interpretation of the Scheme.—If any question arises as to the interpretation of the Scheme, the Government shall decide the same.

FORM I

(See clause 3)

(An agreement to be executed by the Managing Committee for the implementation of the retirement benefits to the employees)

An agreement made on \_\_\_\_\_ day of \_\_\_\_\_ between Managing Committee (hereinafter called the Committee, which expression shall include its successor of the one part) and the Governor Punjab (hereinafter referred to as the Government of the other part).

Whereas the Government has decided to grant Death-cum-Retirement gratuity/pension/family pension and other related benefits in lieu of Contributory Provident Fund to the employee of Privately Managed Recognised Aided Schools with effect from the 5th day of February, 1987 in accordance with the procedure prescribed by the Government subject to the condition that Managing Committee of the concerned school shall execute an agreement to abide by the provisions of the Punjab Privately Managed Recognised Aided schools Retirement Benefits schemes, 1992 and instructions issued from time to time in this respect by the Government ;

And whereas the Committee \_\_\_\_\_ vide Resolution No. \_\_\_\_\_ dated \_\_\_\_\_ in fulfilment of the conditions for the grant of retirement benefits in lieu of the Contributory Provident Fund has agreed to abide by the provisions of the Punjab Privately Managed Recognised Aided Schools Retirement Benefits scheme, 1992, and instructions issued from time to time by the Government, in this regard.

In case of the existing employee who are governed by the Contributory Provident Fund and who elect to be governed by the Punjab Privately Managed Recognised Aided Schools Retirement Benefits Scheme, 1992, the Managing Committee's share and Government's share of the Contributory Provident Fund from the date of admittance to the General Provident Fund along with the interest accrued thereupon upto the date of transfer of such deposits shall be refunded and credited to the Consolidated Fund of the State of Punjab ;

Further the Committee has also agreed to continue to contribute five per cent or ten per cent or at such rates as may be fixed from time to time of the pay as their share of Contributory Provident Fund as if employee are not opting or had not opted for the retirement benefits under the Punjab Privately Managed Recognised Aided Schools Retirement Benefits Scheme, 1992. This contribution shall be credited to the Consolidated Fund of the State of Punjab.

In pursuance of the said agreement, the Committee hereby agrees that it shall duly, faithfully and punctually perform all the conditions set out in the agreement. In the event of the failure of the Committee to act on the said conditions, the Director of Public Instruction (Schools), Punjab and Director of Public Instruction \_\_\_\_\_ and includes any other



officer authorised by him in this behalf shall be entitled to deduct any amount due to the Committee, from the amount of grant-in-aid being issued to the Committee and may take such action against the Committee as may be deemed proper within the frame work of the Punjab Privately Managed Recognised Aided Schools Benefits Scheme, 1992.

In witness whereof the parties have signed, this deed on the dates respectively mentioned against their signatures,—

(1) Witness

(1) Manager

(2) Witness

(2) Correspondent

District Education Officer

(For and on behalf of the Governor of Punjab)

Countersigned

Signature\_\_\_\_\_

Name in full\_\_\_\_\_

(in Block letter)

Designation\_\_\_\_\_

(District Education Officer)

Office\_\_\_\_\_

Seal\_\_\_\_\_

#### ACKNOWLEDGEMENT

Received from Shri/Shrimati\_\_\_\_\_

Designation \_\_\_\_\_Office/School\_\_\_\_\_

option and undertaking dated \_\_\_\_\_for (i) pensionary benefits)(ii) existing contributory provident fund.

Note.—Strike out (i) or (ii) which is not applicable.

ated :—

District Education Officer

(With seal and full name in block letters).

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