

No. 10621—Pen-10/89-F.

GOVERNMENT OF ORISSA
FINANCE DEPARTMENT
OFFICE MEMORANDUM

Bhubaneswar, the 21st March 1989

Subject—Fixation of pay of re-employed pensioners.

The undersigned is directed to say that the provisions regarding fixation of pay of re-employed pensioners have been incorporated in the Orissa Pension Rules, 1977. The question of simplifying and liberalising the procedure for fixation of pay of re-employed pensioners in the light of the orders issued by the Government of India was under consideration of the State Government for sometime past. After careful consideration, the Governor has been pleased to decide as follows:—

1. Fixation of pay of re-employed pensioners—Re-employed pensioners shall be allowed to draw pay only in the prescribed scales of pay for the posts in which they are re-employed. No protection of the scales of pay of the posts held by them prior to retirement shall be given.

2. In all cases where the pension is fully ignored, the initial pay on re-employment shall be fixed at the minimum of the scale of pay of the re-employed post.

3. In cases where the entire pension and pensionary benefits are not ignored for pay fixation, the initial pay on re-employment shall be fixed at the same stage as the last pay drawn before retirement. If there is no such stage in the re-employed posts, the pay shall be fixed at the stage below that pay. If the maximum of the pay scale in which a pensioner is re-employed is less than the last pay drawn by him before retirement, his initial pay shall be fixed at the maximum of the scale of the re-employed post. Similarly, if the minimum of the scale of pay in which a pensioner is re-employed is more than the last pay drawn by him before retirement his initial pay shall be fixed at the minimum of the scale of pay of the re-employed post. However, in all these cases, the non-ignorable part of the pension and pension equivalent of retirement benefits shall be reduced from the pay so fixed.

4. The re-employed pensioner will in addition to pay as fixed above shall be permitted to draw separately any pension sanctioned to him/her and to retain any other form of retirement benefits.

5. In the case of persons retiring before attaining the age of 55 years and who are re-employed, pension/other forms of retirement benefits shall be ignored for initial pay fixation to the extent of Rs. 500.

6. The pension equivalent of gratuity shall not be deducted from the pay so fixed.

7. Once the initial pay of a re-employed pensioner has been fixed in the manner indicated above, he may be allowed to draw normal increments in the time scale of the post to which he is appointed as if the pay had been fixed at the minimum or the higher stage, as the case may be (i. e., before an adjustment on account of pension and pension equivalent of other forms of retirement benefits is made) provided that the pay and gross pension/pension equivalent of other retirement benefits taken together do not at any time exceed Rs. 5,000 per month.

8. Persons who are re-employed after obtaining compensation or invalid pension will also get their pay fixed as above provided they retain their pension, in which cases their former service will not count for future pension. If the pensioner elects to count their previous service for pension by foregoing their entire pension including D. C. R. G., their pay would be fixed by treating them as if they are not in receipt of any pension.

9. On regular promotion/transfer to another post, pay of the re-employed pensioner shall be fixed under the provisions of Orissa Service Code with reference to the pay in the previous re-employment post (before adjustment). Adjustment from the pay so fixed on account of pension and pension equivalent of retirement benefits shall be continued to be made to the same extent as was being made earlier. This will, however, remain subject to the condition that the pay plus pension/other forms of retirement benefits shall not exceed Rs 5,000 per month at any time.

10. Provisional pay—Where delays are likely to occur in determining the pension and other pensionary benefits, the re-employed officers, pending final fixation of pay, might be paid their pay on provisional basis for a maximum period of six months after taking into account the maximum pension that might be admissible to them on the basis of last pay drawn by them. The sanctioning authorities shall be responsible for ensuring that the provisional pay authorised is not likely to exceed the pay that may become admissible. An undertaking for refunding any amount that might be overpaid as a result of provisional fixation of pay shall be obtained from the re-employed pensioners.

When the pension and/or other retirement benefits are ultimately sanctioned to the re-employed person by the competent authority, the pay shall be fixed after taking into account the pension and pension equivalent of other forms of retirement benefits in accordance with the provisions contained in these orders and he shall have no fresh claims for pensionary benefits in respect of the past periods during which he drew the same along with the provisional pay. The actual amount of pension equivalent of employee's portion of C. P. F. will be adjusted against the C. P. F. to the extent, it is different from the approximate amount deducted from the pay of the post provisionally paid.

11. Allowances—

The drawal of various allowances and other benefits based on pay shall be regulated with reference to the pay that is fixed on re-employment. Pay for these allowances and benefits will be the pay fixed before deducting the non-ignorable part of the pension and pension equivalent of the other retirement benefits.

12. Contributory Provident Fund—

Re-employed Officers might be permitted to contribute to the contributory provident fund, provided that where the term of re-employment is initially for a year or, less but is later extended so as to exceed one year, the Government's contribution with interest shall be credited only after the completion of one year's re-employment service. The Government

contribution with interest shall be payable for the entire period for which the re-employed officer is allowed to contribute to the C. P. F. if such period exceeds one year.

13. Leave and Leave Salary—

In the case of persons re-employed after retirement, the provisions contained in the Orissa Leave Rules, 1966 as amended from time to time and order issued thereon shall apply.

14. Gratuity/Death-cum-Retirement Gratuity—

Re-employed Officers shall not be eligible for any gratuity/Death-cum-retirement gratuity for the period of re-employment except in those cases cited at Sl. No. 8 above and personnel retired from military service.

15. Pre-retirement pay means the pay last drawn before retirement. If the re-employed Government servant was on leave or on deputation at the time of retirement his pre-retirement pay shall be taken at what it would have been had he not been on leave or on deputation provided the competent authority certifies that he would have continued to hold the post but for his proceeding on leave or on deputation.

An increment accruing during leave with allowances before retirement shall be taken into account for determining the pre-retirement pay.

Promotion to any higher post which the officer would have got but for going on leave will not be taken into account.

In cases of persons who retired before 1-1-1985 on the pre-revised scale of pay and were re-employed after 1-1-1985, the pre-retirement pay will be taken to be the basic pay plus Dearness Allowance and Additional Dearness Allowance drawn at the time of retirement. In case of persons who retired after 1-1-1985 with the pre-revised scale of pay the pre-retirement pay will be taken to be the basic pay plus Dearness Allowance and Additional Dearness Allowance drawn at the rate in force on 31-12-1984.

16. Pension means the gross monthly pension or pension equivalent of Government's contribution to contributory Provident Fund and/or other retirement benefits, if any, payable under the Orissa Pension Rules, 1977, or the relevant rules of the Government or body under which the re-employed pensioner was serving prior to his retirement. Where pension has been commuted partly or fully, pension means the gross pension payable prior to commutation.

17. (i) These Orders shall apply to all persons, who are re-employed in Civil Services and posts under the State Government or Local Funds, Industrial or Commercial Undertakings or Corporations owned or controlled by the State Government after retirement, or pension, gratuity and/or G. P. F. benefits from the services of—

(a) State Government, Union Territory Administration and Union Government including Railways, Defence & Posts and Telegraphs.

(1) Public Sector Undertakings, Local Bodies, Autonomous Bodies like Universities or Semi-Government Organisation.

(2) These orders shall also apply to persons re-employed in regular work-charged capacity.

(3) Unless otherwise provided, these orders shall also apply to persons re-employed on contract basis.

(4) These orders shall not, however, apply to—

(a) persons re-employed after resignation, removal or dismissal, provided they have not received any retirement/terminal benefits for the pre-employed service,

(b) persons paid from contingencies,

(c) persons on casual or daily rated or part-time employment,

(d) persons appointed as consultants or payment of consolidated fees and

(e) retirement Judges of Supreme Court/High Courts appointed as Commissions/Committees, who are governed by separate orders.

This order shall be effective from the 1st of the month of issue of this office Memorandum.

R.N. DAS

Commissioner-cum-Secretary to Government

No. 21876—GPF-3/88-E.

GOVERNMENT OF ORISSA
FINANCE DEPARTMENT

RESOLUTION

Bhubaneswar, the 28th May 1988

Subject—Rate of interest on the balance of Provident Fund for the year 1988-89.

The rate of interest on the accumulated balance in the Provident Fund specified below for the financial year 1988-89 will be 12% (twelve per cent) per annum.

(i) General Provident Fund (Orissa)

(ii) Contributory Provident Fund (Orissa).

(iii) Orissa Provident Fund (Sterling Accounts)—

Order—Ordered that the Resolution be published in the next issue of the Orissa Gazette.

R. N. DAS

Commissioner-cum-Secretary to Government

No. 40072—GPF-7/88-F.

GOVERNMENT OF ORISSA
FINANCE DEPARTMENT
OFFICE MEMORANDUM

Bhubaneswar, the 25th October 1988

Subject—Determination of members of family of Deceased Subscriber to G. P. F.

The undersigned is directed to invite a reference to the provisions contained in rule 31 of G. P. F. (Orissa) Rules, which prescribes the procedure for payment of