

JAMMU & KASHMIR DEVELOPMENT AUTHORITY (EMPLOYEES' PENSION AND PROVIDENT FUND) RULES, 1996

SRO-470

[19th Dec 1996]

In exercise of the powers conferred by section 51 read with section 22 of the Jammu and Kashmir Development Act, 1970 the Government hereby makes the following rules, namely:-

1. Short title, commencement

(i) These rules may be called the Jammu and Kashmir Development Authority Employees (Pension and Provident Fund) Rules, 1996.

(ii) These rules shall come into force with effect from 18.11.1995.

2. Definitions

a. In these rules unless the context otherwise requires:-

- i. "Act" means the Jammu and Kashmir Development Act, 1970.
- ii. "Authority" means Jammu Development Authority and Srinagar Development Authority, established under the Jammu and Kashmir Development Act, 1970.
- iii. "Vice Chairman" means the Vice Chairman of the Authority appointed under sub-section (1) of section 4 of the Act.
- iv. "Employee" means a whole time regular employee appointed by the Authority against a sanctioned post in a time scale of pay whose salary is paid from out of the funds of the Authority.

- v. "Government" means the Government of Jammu and Kashmir.
- vi. "Secretary" means the Secretary of the Authority.
- vii. "Service" means the service rendered in the Authority.
- viii. "Member of the service" means the person appointed and/or a deputationist permanently absorbed under the relevant provision of J&K Civil Service Regulations against a sanctioned post in the Authority.
- ix. "Controlling Officer" means the Vice-chairman of the Authority or an officer duly authorized by him for the purpose.
- x. "Pension" means all classes of pension as defined in J&K Civil Service Regulations and includes, Gratuity except when the term "Pension" is used in contradiction to Gratuity.
- xi. "Provident Fund" means the Fund of the Authority raised out of employees share of C.P. Fund accumulated so far with interest thereon and transferred to the Fund plus contributions to be made by the employees with effect from the date of publication of these rules, at the rates prescribed under Employees Provident Fund Act Scheme 1961, as amended from time to time.
- xii. "Emoluments" means the emoluments as defined in the J&K Civil Service Regulations for the purpose of calculation of Pension.
- xiii. "Amount and rate of pension and Gratuity". The amount and rate of pension and gratuity shall be regulated calculated in the manner as stipulated in J&K Civil Service Regulations as amended from time to time.
- xiv. "Pension Fund" means the fund raised by the Authority out of the employer's share of C.P. Fund with interest thereon accumulated so far and transferred to the Fund and contribution to be made by the Authority to the Fund with effect from the date of issue of these rules at the rates prescribed in the Employees Fund Act, Scheme 1961 as

amended from time to time plus the funds receivable from the Government for the purpose from time to time.

xv. "Competent Authority" means the Vice Chairman of the Authority or the officer to whom the powers are delegated under these rules for sanction of pension, etc.

xvi. "C.S.Rs." mean J&K Civil Service Regulations as amended from time to time.

b. All other terms/expressions used in these rules but not specifically defined therein shall have the same meanings as assigned to them in the Act/C. S. Rs.

3. Extent of Application

These rules shall apply to such whole time employees of the Authority who may have retired/or will retire on or after the date of commencement of the rules.

4. Operation of Pension Fund and Provident Fund

i. The Pension Fund and the Provident Fund shall be deposited in distinct accounts in the J&K Bank in such manner as may be deemed proper for the highest growth of the Fund and shall be operated upon by the Vice-Chairman of the Authority or the Officer authorized by him from time to time.

ii. The payment of pension to the eligible retiree shall be made through J&K Bank concerned on proper issue of Pension Payment Orders by the Examiner/Chief Accounts Officer Local Fund Audit Cell, Finance Department in the prescribed manner after the cases are sanctioned by the competent authority with the concurrence of Financial Advisor & CAO of the Authority.

iii. The payment of advances/Final withdrawals from Provident Fund duly sanctioned/authorised by the competent authority in the prescribed manner shall also be made through the concerned J&K Bank.

5. Account of Fund

i. The account of the pension and Provident Funds shall be maintained separately by the Pension Cell to be created under the control of Financial Advisor and Chief Accounts Officer of the Authority which will also examine the pension cases and other claims strictly

in accordance with these rules and recommend the same for sanction of the Competent Authority.

ii. The employees likely to retire during the year shall have to declare the nomination along with other requisite information in the forms prescribed in the relevant provisions of CSRs. within eight months of their retirement and submit the same to the Financial Advisor and CAO; through the concerned Head of Office for finalization and calculation of pension/Provident Fund and other claims of the employee.

6. Conduct of the employee

i. Good conduct of a retiring employee shall be an implied condition for grant of pension under these rules. The Authority reserves its rights of withholding the pension or a part thereof, if a pensioner is found guilty of serious crime or misconduct and each such case shall be dealt with under the relevant provisions of CSRs.

ii. The Vice-Chairman, with the approval of the Authority, may withhold the pension where a pensioner is found having directly or indirectly engaged himself in any contract, employment or any profession with an individual or firm which has any kind of dealing with the Authority.

iii. Pension may not be granted to an employee who is desired to be removed for misconduct, insolvency or inefficiency.

7. Recovery and deduction of pension

The Authority may order for recovery of pension or a part thereof from the pensioner on account of the following:

i. Any sum due to the Authority from the pensioner on account of excess payment of pay, allowances, leave salary including travelling or other advance or any arrear, payment due on account of accommodation, etc.

ii. Any sum on account of losses found in Judicial/departmental proceedings to have been caused to the Authority by negligence or fraud committed by such pensioner during his service provided that such departmental proceedings, if not instituted within one year from the date of his retirement shall be deemed to have elapsed.

iii. In case an employee has drawn any advance against C.P. Fund and whole or part of which is outstanding and recoverable at the time of his/her retirement, the said outstanding amount shall be treated as advance against his Provident Fund amount and recovery made from pension which shall be deposited to the Provident Fund Account of the Authority.

8. Case where Pension cannot be claimed

The following cases shall have no claim to pension:-

- i. When an employee is appointed for a limited period only or for a specified duty and on completion of the same he is discharged.
- ii. When a person is employed temporarily or on contract or on monthly or daily-wage basis for a specified period and discontinued thereafter.

9. Limitations

Limitations prescribed for grant of pension to the retiring government servant in J&K Civil Service Regulations shall mutatis-mutandis apply in case of retiring employees of the Authority.

10. Service qualifying for pension

The condition of service qualifying for pension shall be the same as provided in the J&K Civil Service Regulations, as amended from time to time.

11. Pension to Deputationist on permanent absorption in the Service of Authority

An officer of Government or other agencies on deputation to the Authority shall also be eligible to pensionary benefits under these rules provided that the Officer is permanently absorbed in the service of the Authority against substantive post with the prior approval of the Board of Directors of the Authority under the relevant provisions of J&K CSRs. and subject to the conditions laid therein.

12. Provident Fund to the deputationists on absorption to the Service of Authority

Provident Fund accumulation in the G.P. Fund account of deputationist on the date of absorption, with interest thereon, shall be transferred to the provident fund of the Authority immediately

after permanent absorption of the Officer in the Service of the Authority.

13. Conditions of grant of pension and Classification of Pension

i. The conditions and the classification of pension for services of the Authority shall be on the same pattern as provided under J&K CSRs as amended from time to time by the Government.

ii. The procedures relating to initiating application, verification, assessment, settlement of the pension, issue of pension payment orders and allied matters as provided for in J&K CSRs shall apply, mutatis-mutandis, in case of the pension matters of the retiring employees of the Authority.

14. The employees of the Authority will also be entitled to family pension under the provisions as contained in the relevant State Pension Rules, which shall mutatis-mutandis, apply in such case as well.

15. Interpretation

In case of any dispute with regard to matters of interpretation, classification, modification, etc. of these rules, it shall be referred to the Housing and Urban Development Department who shall decide the same with the concurrence of the Finance Department.
