

GOVERNMENT OF MEGHALAYA
FINANCE (PENSION CELL) DEPARTMENT

ORDERS BY THE GOVERNOR
NOTIFICATION

Dated Shillong, the 4th November, 2010.

No.FEM(PC)-47/2010/22 - In exercise of the powers conferred by the proviso to Article 309 of the Constitution of India, the Governor of Meghalaya is pleased to make the following rules to amend the Meghalaya Civil Services (Pension) Rules, 1983 (hereinafter referred to as the Principal Rules), namely,-

THE MEGHALAYA CIVIL SERVICES (PENSION) (FIFTH AMENDMENT) RULES,
2010.

1. Short title and commencement:- (1) These rules may be called the Meghalaya Civil Services (Pension) (Fifth Amendment) Rules, 2010.

(2) They shall be deemed to have come into force on the 1st day of January, 2007.

2. Amendment of Rule 39:- (1) Sub-rule (2) of Rule 39 of the Principal Rules as inserted by Correction Slip No.1 shall be substituted by the following:-

"(2) (a) - In the case of a Government servant retiring in accordance with the provisions of these rules after completing qualifying service of not less than 30(thirty) years against a sanctioned post/service irrespective of substantive and/or officiating/temporary appointment, the amount of pension shall be calculated at fifty percent at average emoluments, subject to the maximum of Rs.24,490.00 (Rupees Twenty Four Thousand Four Hundred and Ninety) per mensem.

"(b) - In the case of a Government servant retiring in accordance with the provisions of these rules before completing qualifying service of 30(thirty) years, but after completing qualifying service of 10(ten) years, the amount of pension shall be proportionate to the amount of pension admissible under Clause (a) and in no case the amount of pension shall be less than Rs.3,250.00 (Rupees Three Thousand Two Hundred and Fifty) per mensem.

"Note:- Government servants who have retired on or after 1st January, 2007 but before 23rd February, 2010, shall be governed by rules/orders in force immediately before the said date of 23rd February, 2010".

Contd.....2/-

(2) Sub-rule (4) of the Principal Rules shall be substituted by the following:-

"(4) The amount of pension finally determined under Clause (a) or Clause (b) of Sub-rule (2) shall be expressed in whole rupee and where the pension contains a fraction of a rupee it shall be rounded off to the next higher rupee".

(3) Sub-rule (5) of the Principal Rule shall, in view of sub-rule (1) above, shall be deleted.

3. The following shall be inserted after sub-rule (4) of Rule 39 of the Principal Rules:-

"39A. Additional quantum of pension :- (1) Additional quantum of pension shall be payable as and when the pensioner attains the age of 80(eighty) years and above as detailed below:-

Age of Pensioner	Additional quantum of Pension
(a) From 80 years to less than 85 years	: 20% of basic pension.
(b) From 85 years to less than 90 years	: 30% of basic pension.
(c) From 90 years to less than 95 years	: 40% of basic pension.
(d) From 95 years to less than 100 years	: 50% of basic pension.
(e) 100 years or more	: 100% of basic pension.

"(2) The Pension Sanctioning Authorities shall ensure that the date of birth and age of a pensioner is invariably recorded in the Pension Payment Order to facilitate payment of additional pension by the Pension Disbursing Authorities as soon as it becomes due. For example, in a case where the pensioner is more than 80 years of age but less than 85 years and his pension is Rs.10,000.00 per month, the Pension will be shown as (i) Basic Pension Rs.10,000.00 and (ii) Additional Pension Rs.2,000.00. Similarly, the pension on his attaining the age of 85 years, will be shown as (i) Basic Pension Rs.10,000.00 and (ii) Additional Pension Rs.3,000.00 per month".

4. Amendment of Rule 40 :- (1) Under Clause (a) and (b) of sub-rule (1) of Rule 40 of the Principal Rules, the existing figures of "Rs.3,50,000.00" shall be substituted by "Rs.7,00,000.00".

(2) In sub-Rule (4) of Rule 40 of the Principal Rules, the words "seventeen thousand" shall be substituted by "forty eight thousand nine hundred and eighty".

5. Amendment of Rule 46 :- (1) Rule 46 of the principal rule shall be renumbered as "46(1)" and shall be substituted by the following:-

"46 (1). The monthly family pension is based on the "pay" drawn on the date of death or on the date of retirement, as the case may be, of the Government servant and is admissible at a uniform rate of thirty percent of pay last drawn, subject to the minimum of Rs.3,250/- (Rupees Three Thousand Two Hundred Fifty) and a maximum of Rs.14,694/- (Rupees Fourteen Thousand Six Hundred and Ninety Four) per mensem.

"(2). The amount of family pension shall be fixed at monthly rates and be expressed in whole rupees and where the family pension contains a fraction of a rupee, it shall be rounded off to the next higher rupee:

Provided that in no case a family pension in excess of the maximum prescribed under this rule shall be allowed".

"Note 2 below Rule 46 :- In the Note 2 below Rule 46 of the Principal Rules, the figures "Rs.5,100.00" shall be substituted by "Rs.14,694.00".

6. The following shall be inserted as a "new rule" after Note 2 below Rule 46 of the principal rules:

"46A. Additional quantum of family pension: (1) Additional quantum of family pension shall be payable as and when the family pensioner attains the age of eighty years and above as detailed below:

Age of Family Pensioner	Additional quantum of Family Pension.
(a) From 80 years to less than 85 years	: 20% of basic pension.
(b) From 85 years to less than 90 years	: 30% of basic pension.
(c) From 90 years to less than 95 years	: 40% of basic pension.
(d) From 95 years to less than 100 years	: 50% of basic pension.
(e) 100 years or more	: 100% of basic pension.

Contd...4/-

"(2). The Pension Sanctioning Authorities shall ensure that the date of birth and age of family pensioner is invariably recorded in Form 17 (refer Rule 52 of Meghalaya Civil Services (Pension) Rules, 1983, as amended) and the Pension Payment Order to facilitate payment of additional family pension by the Pension Disbursing Authorities as soon as it becomes a due. The amount of additional family pension shall be shown distinctly. For examples, in a case where the family pensioner is more than 80 years of age but less than 85 years and his/her family pension is Rs.5,000.00 per month, the family pension will be shown as (i) Basic Family Pension Rs.5,000.00 and (ii) Additional Family Pension Rs.1,000.00. Similarly, the family pension on his/her attaining the age of 85 years, will be shown as (i) Basic Family Pension Rs.5,000.00 and (ii) Additional Family Pension Rs.1,500.00 per month.

7. Amendment of Rule 48:- (1) Rule 48 (i) of the Principal Rule shall be renumbered as "48 (1)" and substituted by the following:-

"48 (1). For the purpose of this rule, family shall include the following relatives of the Government servants:-

"(a) First Category:-

- (i) Widow or widower, up to the date of death or re-marriage, whichever is earlier;
- (ii) Son/daughter including widowed daughter up to the date of his/her marriage/re-marriage or till the date he/she starts earning or till the age of twenty five years, whichever is earlier.

Note 1 : (ii) above will include legally adopted sons/daughters.

Note 2 : Post-retiral spouses/children born after retirement:- The family pension is admissible to post-retiral spouses and children born/adopted legally after retirement.

"(b) Second Category:-

- (iii) Unmarried/widowed/divorced daughter, not covered by First Category above, up to the date of marriage/re-marriage or till the date she starts earning or up to the date of death, whichever is earlier; and,
- (iv) Parents who were wholly dependent on the Government servant when he/she was alive. Family pension to dependent unmarried/widowed/divorced daughter/parents shall continue till the date of death.

Provided that the family pension to unmarried/widowed/divorced daughters in "Second Category" and dependent parents shall be payable only after the other eligible family members in "First Category" have ceased to be eligible to receive family pension. Grant of family pension to children in respective categories shall be payable in order of their date of birth and younger of them will not be eligible for family pension unless the next above him/her has become ineligible for grant of family pension in that category.

Note:- The income criteria for dependency in respect of eligible "Second Category" family pensioner(s) shall be the minimum family pension including dearness allowance thereon.

8. Rule 51 (3):- Immediately after Rule 51 (3) of the Principal Rule, add the following under caption "State Government Decision" .

"State Government Decision"

"Family Pension in respect of missing Government Servant":

If a Government servant is missing and his/her whereabouts are not known, his/her family can be paid admissible claims/dues including retirement benefits. For the purpose, the family of the missing person should have lodged necessary complaint with the Police Station concerned and obtained a report that the concerned Government employee has not been traced after all efforts had been made. The claims of the family may be settled in the manner given below:-

- (1) Claims payable in the first instance : Pay and allowances as due and admissible, leave encashment, if any, and the amount of General Provident Fund.
- (2) After one year : Death-cum-Retirement Gratuity, Family Pension from the date of FIR/complaint and other dues as admissible to the missing Government employee. The nominees/dependants should furnish Indemnity Bond that all payments shall be adjusted against the payment due to the missing person in case he/she appears on the scene at a later date and makes claims.
- (3) After the death is established or seven years : Subject the production of proper and indisputable proof of death or Decree of the Court, final settlement of Death-cum-Retirement Gratuity including insurance, if any, and family pension if admissible may be sanctioned under the rules.

- (4) When missing after committing fraud, etc : The claim or benefits can be sanctioned only on the concerned Government employee has been acquitted by the Court or after the conclusion of disciplinary proceedings.



(B.K. Dev Varma)

Addl. Chief Secretary to the Govt. of Meghalaya,
Finance Department

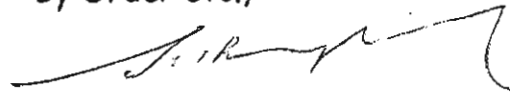
Memo No.FEM(PC)47/2010/22-A

Dated Shillong, the 4th November, 2010.

Copy to :-

1. The Accountant General (A&E), Meghalaya, Shillong with 50(fifty) spare copies.
2. The Accountant General (Audit), Meghalaya, Shillong with 10(ten) spare copies.
3. The Private Secretary to the Chief Minister, Govt. of Meghalaya, Shillong.
4. The Private Secretaries to the Deputy Chief Ministers, Govt. of Meghalaya.
5. The Private Secretaries to the Cabinet Ministers, Govt. of Meghalaya,
6. The Private Secretary to the Chief Secretary to the Govt. of Meghalaya, Shillong.
7. The Private Secretary to the Additional Chief Secretary to the Govt. of Meghalaya, Shillong.
8. The Private Secretaries to the Principal Secretaries to the Govt. of Meghalaya, Shillong.
9. All Commissioners & Secretaries/Secretaries/Additional Secretaries to the Govt. of Meghalaya, Shillong.
10. All Administrative Departments.
11. All Heads of Departments.
12. The Secretary, Meghalaya Legislative Assembly Secretariat, Shillong.
13. The Secretary, Meghalaya Public Service Commission, Shillong.
14. The Principal Secretary to the Governor of Meghalaya, Shillong.
15. All Financial Advisers/Treasury Officers/Finance and Accounts Officers.
16. The General Secretary, Meghalaya Pensioners' Association, Laitumkhrah, Shillong.
17. The Secretary General, Meghalaya State Govt. Employees' Federation, Shillong.
18. The Director of Printing and Stationery, Meghalaya, Shillong. He is requested to publish this Notification in the next issue of the Gazette of Meghalaya and to supply this Department with 500 copies.

By Order etc.,



Deputy Secretary to the Govt. of Meghalaya,
Finance (Pension Cell) Department.
