

## **GUJARAT PANCHAYAT SERVICE (Pension) RULES, 1976**

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## **GUJARAT PANCHAYAT SERVICE (Pension) RULES, 1976**

No. KP/4 of 76/PRR/SCA/1073/27 Th.-In exercise of the powers conferred by section 323 read with section 203 of the Gujarat Panchayats Act, 1961 (Guj. VI of 1962), the Government of Gujarat hereby makes the following rules, namely:-

### **1. Short title and commencement :-**

(1) These rules may be called the Gujarat Panchayat Service (Pension) Rule, 1976.

(2) They shall be deemed to have come into force-

(i) in relation to all district except the District of Kutch and Dangs from the 1st April, 1963;

(ii) in relation to the Kutch District, from the 15th April 1963; and

(iii) in relation to the Dangs District from the 1st June 1972.

### **2. Definitions :-**

In these rules, unless the context otherwise requires-

(a) "the Act" means the Gujarat Panchayats Act, 1961;

<sup>1</sup>[(b) 'District Cadre', 'Taluka Cadre', and 'Local Cadre', means respectively the District Cadre, Taluka Cadre and Local Cadre as constituted by Government Order, Panchayats. Housing and Urban Development Department No. KF/40/77/PRR-1075/1668/TH, dated the 30th March, 1977]

(c) "Inferior Panchayat Service" means the Inferior Panchayat service as constituted by clause (d) of sub-rule (2) of rule 3 of the

Gujarat Panchayat Service (Classification and Recruitment) Rules, 1967;

<sup>1</sup> [(d) 'Panchayat Servant" means any person who belongs to the Superior Panchayat Service or, as the case may be, the Inferior Panchayat Service]

(e) "Superior Panchayat Service" means the Superior Panchayat service as constituted by clause (a) of sub-rule 3 of the Gujarat Panchayat Service (Classification and Recruitment) Rules, 1967.

\*. Inserted vide GNPH and UDD No. KP/99/PRR/SCR/1077/5297/TH, dated 17th June, 1977.

### **3. Applicability and option :-**

(1) Save as otherwise provided in these rules, these rules shall apply to all the Panchayats Servants, but shall not apply to :-

(a) a panchayat servant not in the whole time employment of the panchayat;

(b) a panchayat servant paid out of contingencies;

(c) a panchayat servant paid otherwise than, on monthly basis, including those paid only on piece rate basis.

(d) a panchayat servant appointed on workcharged establishment or on daily rate basis or employed casually;

(e) a panchayat servant entitled to the benefit of a Contributory Provident Fund; other than that who opts to take the benefit of these rules in accordance with the provisions of sub-rule (4) of rule 3.

(f) a panchayat servant employed on contract except when the contract provides otherwise:

Provided that any such panchayat servant to whom these rules shall apply, have the right to opt to continue to be governed by any pension rules applicable to him immediately before the coming into force of these rules. Such of option shall be exercised in writing case Form in "A" before the 9th May, 1976. The option once exercised, shall be final.

(2) The option exercised under sub-rule (1), shall be communicated by the panchayat servant, to the Head of his office. This option when received from a Panchayat Servant should be countersigned

by the Head of office and posted in the Service Book or, as the case may be Service Roll of the panchayat servant concerned.

(3) It shall be the responsibility of the Head of Office to acknowledge the option and the panchayat servant concerned shall ensure that the receipt of his option is acknowledged by the Head of Office and that he receives an intimation that it has been duly recorded by the Head of Office.

**4. Regulation of pension, gratuity and other retirement benefits :-**

The pension, gratuity and other retirement benefits to the panchayat servant shall be regulated in accordance with the Revised Pension Rules, 1950 contained in Appendix XIV-C of the Bombay Civil Services Rules, 1959, Volume II, as amended from time to time. Besides the application of the aforesaid Revised Pension Rules, 1950, the provisions contained in the Bombay Civil Services Rules, 1959 volume I, as amended from time to time, insofar as they relate to pension, gratuity and other retirement benefits shall apply to the members of the Superior Panchayat Service and the Inferior Panchayat Service, as they apply to Government Servants governed by the Revised Pension Rules, 1950.

(4)

(a) The employees of the former District Local Board who were in service on 1st April, 1963 and who have retired on or after that date and were eligible for the benefit of Contributory Provident Fund shall have the right to opt, within six months from the date of coming into force of these rules, to continue to be governed under the Contributory Provident Fund Scheme or to get the benefit of these rules. The option once exercised shall be final. Such option shall be exercised in writing in Form "B" and shall be communicated to the District Development Officer concerned.

(b) Where an employee of the former District Local Board has died on any date between the 1st April, 1963 and the date of coming into force of the Gujarat Panchayat Service (Pension) (Amendment) Rules, 1977 without exercising any option or where such employee who was entitled to exercise an option in accordance with this rule died without exercising such option before the expiry of the date on or before which he had to exercise the option, his family may be given the benefit of these rules or may be allowed the benefit of

the Contributory Provident Fund Scheme whichever is more beneficial to them.

(c) The employees of the former District Local Boards who have opted for these rules shall be bound to join General Provident Fund Scheme concurrently as in the case of Panchayat Servants and their share in the Contributory Provident Fund together with interest thereon shall be credited to their General Provident Fund account. The General Provident Fund shall be administered by the Panchayat and on retirement, the amount shall be paid to them in accordance with the rules.

(d) All other matters regarding the subscription of the subscriber and the amount of the contributions of panchayat shall be regulated in accordance with the provisions of rule 21 (1)(e) of the Gujarat Panchayat Service Provident Fund Rules, 1911.

## **5. Right of option for pension to certain employees :-**

### **1 .**

(a) The employees of the former municipalities converted into Gram/Nagar Panchayats from 1st April, 1963 who were in service on 11th February, 1969, i.e. the date of their allocation to the Panchayat Service and who retired on or after that date and were eligible for the benefit of Contributory

Provident Fund shall have the right to opt within six months, from the date of coming into force of the Gujarat Panchayat Service (Pension) (Amendment) Rules, 1985 to continue to be governed under the Contributory Provident Fund Scheme or to get the benefit of these rules. The option once exercised shall be final. Such option shall be exercised in writing in Form B and shall be communicated to the District Development Officer, concerned.

(b) When any of the employees has died on any date between 11th February 1969 and the date of coming into force the Gujarat Panchayat Service (Pension) Amendment) Rules, 1985 without exercising any option or which such employees who were entitled to exercise option, in accordance with these rules died without exercising such option before the expiry of the date on or before which he had to exercise the option, his family may be given the benefit of these rules or may be allowed the benefit of the contributory provident fund scheme whichever is more beneficial to them.

(c) The employees of the former Municipalities which were converted into Panchayats who have opted for these rules shall be bound to join General Provident Fund Scheme concurrently as in the case of Panchayat servants and their share in the Contributory Provident Fund together with interest thereon shall be credited to the General Provident Fund account. The General Provident Fund shall be administered by the District Panchayat in accordance with the Gujarat Panchayat Service General Provident Fund Rules 1971 and on retirement the amount shall be paid to them in accordance with rules. All other matters regarding the subscriptions of the subscriber and the amount of the contribution of Panchayat shall be regulated in accordance with the provisions of rule 21(1)(a) of the said rules."

1. R. 5, inserted vide G.G. Gaz. Ext, Part.I-A. dated 21-5-1985 p. 59.