

MAHARASHTRA LEGISLATURE MEMBERS PENSION RULES, 1977

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1. Short title and commencement :-

- (1) These rules may be called the Maharashtra Legislature Members Pension Rules, 1977.
- (2) They shall be deemed to have come into force on the 1st day of April, 1977.

2. Definitions :-

- (1) In these rules, unless the context otherwise requires.-
 - (a) "the Act" means the Maharashtra Legislature Members Pension Act, 1976;
 - (b) "Annexure" means an Annexure appended to these rules;
 - (c) "the House" means the Legislative Assembly, or, as the case

may be. the Legislative Council;

(d) "member" means a member of the State Legislature as defined in clause (1) of Section 2 of the Act.

(2) Words and expressions used in the Act and not defined in these rules but not defined in these rules shall have the meanings assigned to them in the Act.

3. Application for pension :-

Any person, who is entitled to pension under Section 3 of the Act and who desires to draw the pension, shall apply in "Pension Application Form" prescribed in Annexure I. Such application shall be addressed and sent to the Secretary, Maharashtra Legislature Secretariat, Council Hall at Bombay or Nagpur, as the case may be.

4. Particulars in application form for verifying pension to be held in abeyance or reduced :-

The pension payable to any person under the Act shall be held in abeyance or reduced in the circumstances stated in Section 4 of the Act, e.g., when the person is elected to certain offices or becomes member of certain Legislature or receives remuneration from Government or local authority or certain corporations. Every applicant for pension shall give true and correct information and declare specifically whether he is holding or is not holding any such office. These declarations are provided in paragraph 5 of the Pension Application Form and shall be filled in by every applicant after clearly understanding, their implications.

5. Periodical declarations to be made :-

Periodical declarations to be furnished by every person drawing pension, for verifying the position in regard to holding an office referred to in Section 4(1)(a) or being a member of a Legislature as provided for in Section (I)(b) or being employed on salary or receiving remuneration as provided for in Section 4(1)(c) of the Act, are prescribed in Annexure II. The position shall be certified from time to time of drawal of pension by making these declarations.

6. Drawal of pension :-

(1) A pensioner shall draw his pension through the Pay and Accounts Office,. Government of Maharashtra, Bombay or any Treasury in the State of Maharashtra, by opening a single name Savings Bank Account in a Bank, which has given an indemnity

bond to the State Government as per the procedure laid down in Government Resolution, Finance Department, No. DAT. 1375/3/75, AD-9, dated the 18th September. 1975. The list of Banks, who have given such indemnity bond is given in Annexure III.

(2) If any pensioner desires payment of his pension at a place outside the State, then on his written request, the payment shall be made to him through the Treasury of that place through the Accountant General of Maharashtra.

7. Records for verification :-

(1) Ordinarily, subject to certain exceptions given in the Act, for the purpose of the Act, the term of office of a member begins on the date of publication of the notification of his election or nomination as a member and ends on the date on which his seat becomes vacant, due to resignation, expiry of the term, dissolution of the House, etc. The basic record of each member shall be collected from the beginning and arranged by the Legislature Secretariat in accordance with the directions given in Annexure IV.

(2) When all this information is compiled, a suitable note with the details of the full name, address, service rendered from time to time as a member by any person, shall be recorded in proper registers maintained for the purpose and attested by an officer of the Maharashtra Legislature Secretariat not below the rank of Under Secretary. This shall then be treated as the basic record from which the total service qualifying for pension shall be verified and the amount of pension admissible and due to any person shall be worked out.

8. Verification of service and sanction of pension :-

The service rendered by any person as a member shall be verified by the Pension Cell in the Legislature Secretariat and certified by an officer not below the rank of Under Secretary. After such verification, the service qualifying for pension and the amount of pension to be paid shall be worded out. The pension so worded out shall be checked and provisionally approved by the Deputy Secretary concerned. The Secretary, Maharashtra Legislature Secretariat shall then finally approve the amount and sanction the pension.

9. Issue of Pension Payment Orders :-

After the pension is sanctioned, the Pension Payment Orders shall be prepared and forwarded by The Maharashtra Legislature

Secretariat to the Accountant General, Maharashtra.

10. Procedure for payment of pension :-

(1) The pension cell of the Legislature Secretariat shall forward both the halves of the Pension Payment Order of the Accountant General, Maharashtra for transmission to the Pay and Accounts Officer, Bombay, or the Treasury Officer, as the case may be, indicating the date from which the Pension payment is to be made to the pensioner. The Legislature Secretariat shall send an intimation to the pensioner when the Pension Payment Order is forwarded to the Accountant General, Maharashtra for onward transmission. The Accountant General, while forwarding the Pension Payment Order to the Pay and Accounts Officer or the Treasury Officer, shall send an intimation to the pensioner indicating to him the number of the Pension Payment Order, the amount of pension and the date from which the pension becomes payable.

(2) The pensioner shall open a fresh single name Savings Bank Account in the Bank which has given indemnity to the Government and intimate the name of his Bank, and the Bank Account number in which his pension is to be credited, to the Pay and Accounts Officer, Bombay/ Treasury Officer. He shall also authorise the Bank to receive his pension payment on his behalf for credit to his single name Bank Account and further authorise that the receipt given by the Bank for the amount of his pension received on his behalf shall be treated as legal acquittance. For this purpose, the pensioner shall present either in person or through his Banker an intimation in the form in Annexure V to the Pay and Accounts Officer, / Treasury Officer. The details regarding Pension Payment Order number and the amount of his pension may be filled in by the pensioner on the basis of the information received by him from the Accountant General, Maharashtra.

(3) The Pay and Accounts Officer / Treasury Officer, shall-

(i) acknowledge the receipt of the intimation in the form printed on the intimation;

(ii) identify the pensioner on the first occasion, in the same manner, as provided in respect of payment of pension by Money Order; and

(iii) keep a note on both halves of the Pension Payment Order that the pension payment is to be made through the Bank.

(4) No bills will be required to be presented by the pensioner, the Pay and Accounts Officer/ Treasury Officer will prepare the bill. The pension amount shall be credited to the pensioner's single name Bank Account by the Pay and Accounts Office /the concerned Treasury, every month by the end of the month so as to be received by the 1st or 2nd of the next month which account will be operated by the pensioner for drawal of pension in favour of self or by issue of cheque on a third party. The pensioner may draw cheques on third parties against the single name Savings Bank Account opened by the pensioner for the purpose of crediting the amount of the pensions, provided he agrees to give to the Bank concerned the acquittance of pension received every month. Under such an arrangement, the Bank may allow withdrawals i.e., withdrawals by cheque on third parties in such a manner that at no time the total withdrawals i.e., withdrawals by self/bearer should exceed the total amount for which he is holding the acquittance for the credits.

(5) The life certificate shall be required once a year for the pension bill for March paid in April. This life certificate may be signed by the Manager/Agent of a Bank at which the pensioner draws pension.

(6) A declaration in annexure II shall be furnished along with the intimation form (Annexure V) once in six months in July and January covering the period of previous six months. The life certificate or the declaration may be received by the Pay and Accounts Office/ Treasury Office, directly from the pensioner or through the Bank.

11. Due date for payment :-

(1) The pension shall be payable monthly in arrears on or after the first of each month.

(2) If the first day of a month falls on a Sunday or is a public holiday on which funds for disbursement of pensions cannot be drawn from the Treasury or the Bank as the case may be, the pension bill shall be paid on the last working day of the month to which it relates, except in case of the pension bill for the month of March which shall be paid on the first working day of succeeding month.

12. Arrear of pension :-

(1) If the pension remains undrawn for six months from the single

name Savings Bank Account, the Bank shall sent an intimation to the Pay and Accounts Officer / Treasury Officer and stop further withdrawals.

(2) If the pensioner intimates the reasons for the non-drawal of his pension for six months, to the Pay and Accounts Officer / Treasury Officer, the Pay and Accounts Officer / Treasury Officer may authorise the Bank to make the payments of the amount not paid earlier and continue to credit the amount of the pension every month subsequently unless the pension ceases to be payable by virtue of sub-rule (3) in which case the provisions contained therein shall be followed.

(3) If the pension remains undrawn for more than 12 months the pension shall cease to be payable by the Pay and Accounts Officer / Treasury Officer. If the Pensioner requests for the payment thereafter, Pay and Accounts Officer / Treasury Officer may, after proper verification resume payments. He shall not, however, make the said payments-

(i) If the pension in arrears is to be paid for the first time, or

(ii) if the amount of arrears exceeds Rs. 2,500 without the sanction of the authority by whom the pension was sanctioned, which shall be obtained through the Audit Officer:

Provided that, if in any case a pension remains undrawn for more than six years, it shall not be paid without the authority of the Accountant General, Maharashtra.

13. Death of pensioner :-

The payment of arrears of pension due in respect of a deceased pensioner shall be regulated as follows:

(1) Pension may be drawn for the day of pensioner's death, the hour at which death takes place has not effect on the claim.

(2) On the death of the pensioner, payment of any arrears actually due, may be made to his heirs, provided that they apply within one year of his death. If the application be made later, payment shall not be made without sanction, which shall be obtained through the Accountant General, Maharashtra:

Provided that, if the arrears do not exceed Rs. 500 and the case presents no peculiar features, the Accountant General, Maharashtra may pass the arrears on his own authority.

(3) Subject to sub-rules (1) and (2), the payment of arrears due to a deceased pensioner may be made as follows:-

(i) when the amount due does not exceed Rs. 2,500, payment may be made under the orders of the Collector of the District in which the deceased pensioner ordinarily resided immediately before his death who will make such inquiries into the rights and title of the claimants as he may deem sufficient;

(ii) when the amount due exceeds Rs. 2,500 payment may be made under the orders of the Chairman of the Council or the Speaker of the Assembly (such order being passed after the Chairman, or, as the case may be, the Speaker is satisfied as respects the right and title of the claimant and is of the opinion that undue hardship will be caused to the claimant by insisting on the production of the usual legal authorities) on the claimant executing an indemnity bond with such sureties as the Chairman or the Speaker may require:

(iii) notwithstanding anything contained in clauses (i) and (ii) above, where there is any doubt as respects the right and title of the claimant, no payment shall be made unless the claimant produces the probate or letters of administration evidencing the grant to him of the probate or letters of administration to the estate of the deceased pensioner or a certificate granted under the Indian Succession Act, 1925 or under the Bombay Regulation VIII of 1827 entitling the holder thereof to receive payment of arrears due to the deceased pensioner.

(4) After payment of the arrears of pension, both portions of the Pension Payment Order shall be returned to the Pay and Accounts Officer / Treasury Officer to the Accountant General, Maharashtra with a report of the date of death of the pensioner.

14. Transfer of pension to another Treasury :-

(1) Pay and Accounts Officer / Treasury Officer on an application made by a pensioner to transfer the payment of his pension to another Treasury within the State of Maharashtra, within the same audit circle, without intervention of the Accountant General.

(2) In case where the pension is to be transferred to another Treasury within the State but outside the audit circle, the Pay and Accounts Officer / Treasury Officer shall send both the halves of Pension Payment Order direct to the Audit Office which will issue

fresh Pension Payment Order on transfer instead of via original Audit Office, on receipt of application for transfer of pension.

(3) When a pensioner applies for transfer of payment of his pension outside the State of Maharashtra to the Pay and Accounts Officer / Treasury Officer, the Pay and Accounts Officer / Treasury Officer shall forward both halves of the Pension Payment Order to the Accountant General, Maharashtra. Two slips containing specimen signatures or thumb impression, as the case may be, of the pensioner shall also be sent to the Accountant General along with the Pension Payment Order. The Accountant General on receipt of the documents concerned will move the Accountant General in the State in which such Treasury is located to arrange for the payment.

(4) In all the cases where the pensioner applies for transfer of pension from one Treasury to another in this State or in any other State in India, the pensioner shall send a copy of the application to the Secretary to the Maharashtra Legislature Secretariat also for information. The Pay and Accounts Officer / Treasury Officer and the Audit Officer also shall send a copy of the letters issued in this respect to the Maharashtra Legislature Secretariat for information.

15. General :-

(1) Verification of service for pension of the first lot shall be made after arrangement of records as indicated in Rule 7. Thereafter for each member, as soon as he is elected or nominated, History Cards will be opened and maintained by the Maharashtra Legislature Secretariat duly attested by the Under Secretary. These cards shall be renewed and attested every year between 1st and 15th February.

(2) The Pension Application Forms shall be sent to the Maharashtra Legislature Secretariat to each ex-M.L.A. or ex-M.L.C., as soon as the lists are compiled. In future, the despatch of the application forms may be made within two weeks of the dissolution of the House.

(3) On receipt of the Pension Application Form duly filled in by the Maharashtra Legislature Secretariat, an acknowledgment shall be sent to the applicant.

(4) The general scrutiny of the application shall be made within ten days of its receipt and omissions if any, shall be communicated to the applicant for compliance.

(5) A report of pension cases received and disposed of shall be submitted to the Deputy Secretary every week on Monday by the Pension Cell. This progress report may be submitted to the Secretary, Maharashtra Legislature Secretariat every fortnight (i.e. on 2nd and 4th Monday).