

## **“DIBRUGARH UNIVERSITY PENSION RULES, 2013”**

(Rules approved by the Executive Council in its 320th meeting held on 13.08.2013 as per amendment of the Dibrugarh University Act, 1965 vide Gazette Notification No 216, dated Dispur, 30th May, 2013.)

### **1. Title and commencement**

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- (i) These rules shall be called the “Dibrugarh University Pension Rules,2013.”
- (ii) These rules has come into force with effect from 1<sup>st</sup> April, 2013

### **2. Definitions**

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In these rules, unless there is anything repugnant in the subject or context:

**2.1** ‘University’ means the Dibrugarh University.

**2.2** ‘Executive Council’ means the Executive Council of the Dibrugarh University.

**2.3** ‘Emoluments’ means emoluments which an employee is receiving monthly immediately before the date of his retirement or relinquishment of service and includes:

- (a) Pay
- (b) Personal pay which has been granted in lieu of loss of pay
- (c) Special pay attached to a post and
- (d) Half of :
  - (i) the difference between his substantive and the pay actually drawn in higher officiating or temporary appointments;
  - (ii) special pay other than that referred to in clause (c ) above
  - (iii) personal pay other than that referred to in clause (b) above.

**2.3.1** “Emoluments for the above purpose shall be the emolument drawn on the date immediately preceding the date of proceeding on leave”.

**2.3.2** ‘Average emoluments’ means the average of the emoluments as defined above, calculated in respect of the last ten complete month of service.

**2.4** ‘Fund’ means the Pension Fund of the University.

**2.5** ‘Leave’ means any kind of leave recognized by the University.

**2.6** ‘Pay’ means the amount drawn monthly by an employee as pay which has been sanctioned for the post held by him substantively or in an officiating capacity and includes special pay and personal pay, if any.

**2.7** ‘Personal pay’ means additional pay granted to an employee of the University:

(a) To save him from a loss of substantive pay in respect of a permanent post owing to a revision of pay or to any reduction of such substantive pay otherwise than as a disciplinary measure;

(b) In exceptional circumstances on other personal consideration.

**2.8** ‘Qualifying Service’ means service rendered as an employee of the University in a substantive capacity including periods spent on probation. All service rendered to the University on a fulltime basis in a temporary or officiating capacity or on contract basis followed without interruption by confirmation in the same or another post shall count as qualifying service.

The employees having rendered past service and appointed prior to 1.2.2005 in Govt./Semi Govt./ Govt. Undertakings, Statutory Body, Govt. and Provincialised Colleges etc. on regular basis, if appointed subsequently in Dibrugarh University his/her past service shall be counted for pension benefits. However the past service rendered by an incumbent in the above mentioned organization after 1.2.2005 if appointed subsequently in Dibrugarh University his/her past service shall be considered for grant of pension benefit only under New Defined Contribution Pension Scheme provided he/she applies through proper channel.

Explanation 1 – Counting of period of leave as qualifying service.

(a) All periods of leave with pay and allowances shall count as qualifying service.

(b) The period spent on deputation for training or higher studies or deputation for any special purpose including periods of travel to and from the place of deputation shall count as qualifying service; provided that if the employee has availed himself of any extraordinary leave without allowances during the period of deputation, the period of such extraordinary leave shall be excluded.

Explanation II- Period not counting as qualifying service.

The following periods in the service of an employee shall not count as qualifying service:

(i) “Period of Suspension not specifically ordered to be treated as duty in the reinstatement order.

(ii) Extraordinary leave without pay for purpose of holding an appointment outside the University.

(iii) Unauthorized absence in continuation of authorized leave of absence.

(iv) Service below the age of 18 years.

**2.9** (a) 'Registrar' means the Registrar of the 'University' or other person appointed by the Executive Council to discharge the duties of the Registrar.

**2.10** 'Special pay' means an addition in the nature of pay to emoluments to a post or to an employee of the University granted in consideration of the specially arduous nature of his duties or of a specific addition to this work or responsibility.

**2.11** 'Year' means the financial year of the University.

**2.12** 'Injury' means bodily injury resulting from violence, accident or disease assessed by the Medical officer of the University or by competent medical authority that may be prescribed by the Executive Council in this behalf, as being not less than severe involving loss of earning power.

Note : Examples of injuries of certain categories are given in Schedule 'F'.

**2.13** 'Accident' means –

(a) a sudden and unavoidable mishap, or

(b) a mishap due to an act of devoting to duty in an emergency arising otherwise than by violence out of and in the course of service.

**2.14** 'Disease' means

(a) Disease solely and directly attributed to an accident, or

(b) An epidemic disease contracted by an employee in consequence of his being ordered on duty to an area in which such disease is prevalent, or in consequence of his attending voluntarily, out of humanitarian motives, upon any patient suffering from any such disease in an area where he happens to be in the performance of his duties, or

(c) Venereal disease or septicemia where such disease or septicemia is contracted by a Medical Officer as a result of attendance in the course of his official duty on an infected patient or of conducting a postmortem examination in the course of that duty.

**2.15** 'Risk of office' means any risk, not being a special risk of accident or disease to which an employee is exposed in the course of and as a consequence of his duties, but nothing shall be deemed to be a risk of office which is a risk common to human existence in modern conditions in India, unless such risk is definitely enhanced in kind or degree by the nature, conditions, obligation or incident of service.

**Note:** The term ‘risk of office’ shall include risk of death or injury to which a member of the staff is exposed where he attends on a working day, or is required to attend on a holiday, the place of his employment for the performance of his duties during any riot or civil commotion in the locality and while proceeding from his residence to the place of his employment or vice – versa, becomes a victim of the said riot or civil commotion.

**2.16** ‘Special risk’ means:

- (a) A risk of suffering injury by violence;
- (b) A risk of injury by accident to which an employee is exposed in the course of and as a consequence of the performance of any particular duty which has the effect of materially increasing his liability to such injury beyond the normal risks of his office;
- (c) A risk of communicable or infectious disease to which a medical officer is exposed as a result of attending in the course of his official duty to a venereal or septicemia patient or conduction a postmortem examination in pursuance of that duty.

**2.17** ‘Violence’ means the act of a person who inflicts an injury on an employee:

- (a) By assaulting or resisting him in the discharge of his duties, or in order to deter or prevent him from performing his duties, or
- (b) Because of anything done or attempted to be done by such employee or by any other employee in the lawful discharge of his duty as such, or
- (c) Because of his official position.

**2.18** ‘Employee’ means an employee of the University both academic and non-academic.

**2.19** NPS means the New Defined Contribution Pension System as introduced by the State Government and implemented in the University.

**2.20** ‘CPF’ means ‘Contributory Provident Fund’.

### **3. Application of Rules**

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- (i) The permanent employees of the University, both teaching and non teaching, who have entered service before 1-02-2005 shall be eligible for pension on their retirement from the service of the University with effect from 01-04- 2013.

Provided that the employees of the University who entered service before 01/02/2005 and who have retired or expired before coming into force of this rules shall be entitled to receive pension or family pension as the case may be under the provision of these rules.

Provided further those employees of the University who have entered service after 01/02/2005 shall be covered under the New Pension Scheme introduced by the state government.

(ii) The cumulative balance till 31/03/2013 in the C.P.F. Accounts of the employees who have entered in regular service of the University prior to 01/02/2005 and continuing till 31/03/2013 to the extent of 10% of Basic Pay as Employee's contribution along with interest accrued thereon shall be taken as subscription to G.P.F. account under these rules.

(iii) The employees of the University who joined the University service before the 01-02-2005 and have retired before 01-04-2013 are pensionable but shall not covered under G.P.F Rules and conversion of their C.P.F. accounts to G.F.F. accounts does not arise.

#### **4. General (Miscellaneous)**

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a. The sanction and payment of pension and the administration provided under these rule shall be regulated by such procedural instructions as would be issued by the Executive Council from time to time.

b. The matter of granting and eligibility of pension under these Rules shall be guided by the Assam services (Pension) Rules 1969 wherever applicable.

c. Interpretation:

If any question arises relating to the interpretation of these rules, it shall be referred to the Executive Council whose decision thereon shall be final.

Further the Executive Council of the University shall retain the right to change any clauses of these Rules, including insertion of new clauses from time to time, as it deems fit.

## SECTION-I

### “DU PENSION RULES, 2013”

**1. Every employee including employees in the tenure posts should have put in a minimum of ten years of qualifying service to be eligible for pension subject to such rules as may be applicable to the categories of pension set out below.**

1.2 The minimum age after which service counts for pension shall be eighteen years.

**2. Subject to the minimum qualifying service, an employee shall be eligible for one or other of the following pensions-**

2.1 Compensation Pension: If an employee is discharged owing to the abolition of the permanent post, he shall be granted a compensation pension on the scale prescribed in **Rule 3** below.

2.2 Invalid Pension: An invalid pension shall be granted an employee on retirement from the service of the University for permanent physical or mental disability incapacitating him for further service if certified by competent medical officer as may be prescribed by the

Executive Council in this behalf on the scale prescribed in **Rule 3** below.

2.3 Superannuation or Retiring Pension: Superannuation or retiring pension shall be granted to an employee who may retire from service of completion of the age of retirement or on completion or twenty five years of service whichever is earlier.

2.3.1 Full superannuation pension shall be determined at the rate of 50% of last month's emolument drawn or 50% of last 10 months average emoluments whichever is beneficial to the employee. The amount so computed shall be rounded off to next multiple of Rs.10 and will be the Basic Pension for all purposes.

2.3.2 Provided that the event of retirement after twenty five years of qualifying service but before the completion of the age of sixty years the employee shall give in this behalf a notice in writing to the Registrar at least three months before the date on which he wishes to retire.

### **3. Amount of Pension**

3.1 An employee eligible for pension under any of the categories mentioned above shall be granted on retirement, pension as stipulated in the table appended under Rule 108 of the Assam Services Pension Rules 1969.

3.2 Minimum amount of full superannuation pension shall be Rs.3000 per month and maximum Rs.27500 per month.

#### **4. Commutation of Pension**

**4.1** An employee shall, subject to the conditions specified below, be allowed to commute for lump sum payment any portions of his pension not exceeding one-third of the pension granted to him subject to availability of fund from the Government.

**4.2** No commutation shall be sanctioned unless a competent medical officer as may be prescribed by the Executive Council, certify that the pensioner's health and prospects of duration of life are such as to justify commutation.

**4.3** The lump sum payable on commutation shall be calculated in accordance with the table appended below under **Rule 4.7**

**4.4** Commutation when sanctioned shall take effect on the date to be specified in the order, such date shall be the first of a month and ordinarily about one month later than the date of the order and all calculation shall be made with references to the date specified.

**4.5** Commutation for six years pension is admissible. During that period pensioner will get pension lesser by the commuted amount but D.A. will be calculated and paid on basic pension.

**4.6** After twelve years from the date of commutation full pension of the pensioner will be restored to, for example, if a pensioner commutes his pension at the age of 65 years the full pension will be restored to, after completion of the age of 71 years.

4.7 A statement showing the commutation of an amount that would be admissible to a pensioner is furnished below:-

Age Next Birth Day	Commutation value expressed as number of year's purchase	Age Next Birth Day	Commutation value expressed as number of year's purchase	Age Next Birth Day	Commutation value expressed as number of year's purchase
20	9.188	41	9.075	62	8.093
21	9.187	42	9.059	63	7.982
22	9.186	43	9.040	64	7.862
23	9.185	44	9.019	65	7.731
24	9.184	45	8.996	66	7.591
25	9.183	46	8.971	67	7.431
26	9.182	47	8.943	68	7.262
27	9.180	48	8.913	69	7.083
28	9.178	49	8.881	70	6.897
29	9.176	50	8.846	71	6.703
30	9.173	51	8.808	72	6.502
31	9.169	52	8.768	73	6.296
32	9.164	53	8.724	74	6.085
33	9.159	54	8.678	75	5.872
34	9.152	55	8.627	76	5.657
35	9.145	56	8.572	77	5.443
36	9.136	57	8.512	78	5.229
37	9.126	58	8.446	79	5.018
38	9.116	59	8.371	80	4.812
39	9.103	60	8.287	81	4.611
40	9.090	61	8.194		

For example if a pensioner's pension is fixed at Rs. 3000/- p.m. his commuted amount of pension if applied on the 61th birth day, the commuted value of pension will be

$$\frac{3000}{3} \times 8.194 \times 6 = \text{Rs. } 49164/-$$

If he applied on 70<sup>th</sup> birth day it will be X

$$\frac{3000}{3} \times 6.897 \times 6 = \text{Rs. } 41382/-$$



## SECTION-II

### FAMILY PENSION

#### **5. The Family Pension Scheme as detailed below will be applicable to employees in pensionable service.**

It will be administered as below:

(A) For those who were in service of the university before 1-2-2005 but retired and died before the enforcement of the rules.

(B) For those who are in service of the University and are still alive and who is the subscriber for the GPF-cum-Pension Scheme, the following provision will apply.

(i) The family pension will be admissible in case of death while in service for at least one year or after retirement, if at the time of death, a retired employee was in receipt of a compensation, invalid, retiring or superannuation pension.

(ii) 'Family' for purpose of this scheme will include the following relatives of the employee.

(a) Wife in the case of male employee as per law established.

(b) Husband in the case of female employee as per law established.

(c) Minor sons;

(d) Unmarried minor daughters.

**Note 1:** (c) and (d) will include children adopted legally before retirement.

**Note 2 :** Marriage after retirement will not be recognized for the purpose of the scheme.

(iii) The pension will be admissible-

(a) In the case of widow/widower up-to the date of death or re marriage whichever is earlier;

(b) In the case of minor son until he attains the age of 18 years.

(c) In the case of an unmarried daughter until she attains the age of 21 years or marriage whichever is earlier.

**Note:** In case where there are two or more widow, pension will be payable to the eldest surviving widow and on her death it will be payable to the next surviving widow, if any. The term 'eldest' would mean seniority with reference to the date of marriage.

(iv) Pension award under this scheme will not be payable to more than one member of an employee's family at the same time. It will first be admissible to the widow/widower and thereafter to the minor children.

(v) In the event of re-marriage or death of the widow/widower the pension will be granted to the minor children through their natural guardian. In disputed cases, however, payment will be made through a legal guardian.

(vi) Under the scheme the benefit will be awarded as per existing Govt. of Assam rates.

**6. All employees entitled to the benefit of Family Pension shall be required to furnish details of their 'family' as defined in sub para (ii) of para 19 (B) above i.e. the date of birth of such member with his/her relationship with the employees. This statement shall be countersigned by the Registrar and posted in the service record of the employee. The employee will, thereafter be required to keep the statement up to date. Additions and alterations in the statement will be made by the Registrar from time to time on receipt of information from the employee concerned.**

**7. In case where death occurs while in service the Registrar on receiving information of death of an employee while in service shall send a letter as prescribed in Form IX to the family of the deceased and ask for necessary documents mentioned therein. On receiving document the Registrar shall take necessary action to sanction the pension to the eligible member of the family.**