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PART III

Laws, Regulations and rules passed thereunder

J&K KHADI AND VILLAGE INDUSTRIES BOARD, JAMMU

Subject:- Grant of retiring benefits including family pension to the employees of KVI Board.

Order No. KVIB/340 of 1993

Dated 16-12-1993.

In pursuance of the Government Order No. 82-Ind of 1993 dated 16-3-1993, issued by the Industries and Commerce Department vide their endorsement No. 83-KVIB/73 dated 16-3-1993 and approved by the KVI Board in its 76th meeting held on 6-9-1993, sanction is hereby accorded to the creation of Pension Fund with the amount equal to the employer's contribution together with interest accrued thereon up to date and further to the fund shall be credited monthly an amount which would have otherwise been payable to the Board employees on account of employer's contribution on C. P. Fund for meeting retirement benefits including family pension to the retiring employees of the KVI Board from time to time in the same manner as is being to the retiring employees of the State Government. The set of the rules governing operation, maintenance of the pension fund for the notification annexed to this order.

(Sd.) MIR GHULAM RASOOL.

Secretary,
J&K Khadi and Village Industries Board,
Jammu.

J&K KHADI AND VILLAGE INDUSTRIES BOARD

Notification

Jammu, the 16th December, 1993

In exercise of the powers conferred by section 35 of the Jammu and Kashmir Khadi and Village Industries Board Act, 1965 read with the Jammu and Kashmir Board Regulations, 1967, the Jammu and Kashmir Khadi and Village Industries Board with previous sanction of the Government conveyed vide Government Order No. 82-Ind of 1993 dated 16-3-1993 hereby make the following regulations on pension and relevant benefit of the J&K Khadi and Village Industries Board's employees.

1. Short title and commencement.- (i) These rules will be called the J&K Khadi and Village Industries Board employees retirement Benefit (Pension) Rules, 1993.

(ii) These rules will come into force with effect from 1-4-1990.

2. Application.- These rules will apply to all employees of the Board except the following :-

(a) Chairman

(b) Vice-Chairman

(c) F.A & C.A.O
on deputation from Central/State Governments.

(d) Deputationists from the State/Central Governments or the KVI Commission unless these rules are specifically made applicable to them.

(e) Employees of the Board retired before 1st April, 1990 unless these are specifically made applicable to them.

(iii) when the persons whole time are not retained in the Board service but he/she is merely paid for a specified work done for the Board.

10. Limitations.- The limitations will be the same as provided under J&K CSR's and the following will also be the limits :-

(i) An employee of the Board cannot earn two pensions in the same office at the same time or by the same continuous service.

(ii) The officers cannot count service in respect of the same post simultaneously.

11. Service qualifying for Pension.- The service qualifying for pension shall be the same as regulated under J&K CSR's with amendments from time to time issued by the

Government and also defined in these regulations in respect of the Board employees as under:-

A- Beginning of Service.

- (i) Except for compensation gratuity an officer's service does not in the case of superior service quality till he has completed 18 years of age.
- (ii) In order case the service of every officer begins when he takes the charge of the office to which he is first appointed.

B- Conditions for qualification

All conditions for qualification of service for pension shall be the same as provided under J&K CSR's and also as defined in these regulations as follows :-

- (i) The service must be under the Board.
- (ii) The employment must be substantive and permanent under the Board.
- (iii) Temporary/schematic service without any break or interruption under the Board followed by the permanent service shall be reckoned/counted as service qualifying for pension.
- (iv) Superannuation retirement age shall be at par with the State Government employees.
- (v) The service must be paid for by the Board and should possess also the following conditions :-
 - (a) The service of an officer shall not qualify unless he/she is appointed and his/her duties are regulated by the Board :

Provided that an employee holding a substantive office on the permanent establishment of the Board on the date of retirement shall count in full as qualifying. The temporary and or officiating service followed without any interruption by confirmation in the same or another post except in respect of periods or service paid by debit to contingent account provided further in the case of continuous or quasi-permanent service of 20 years or more an employee shall be entitled to pension as if the entire service rendered was permanent and pensionable.

- (b) The service of a probationer shall qualify if :
 - (i) He holds a substantive office and draws pay against a substantive post.
 - (ii) He is employed against a vacancy reserved for him pending probation in which person simultaneously counts service.

12. The time/period spent by any officer on training in the interest of Board in or outside State shall count as qualifying service for pension.

13. If the substantive office of an employee of the Board is abolished and the employee is placed on special duty shall qualify for pension :

Provided it is actually special and not merely a transfer to a temporary appointment which happens to be vacant.

14. Conditions of grant of pension and classification of pension. The conditions and the classification of pension for services of the Board shall be on the same pattern as provided under J&K C.S.Rs. with amendments from time to time by Government and also regulated under Board regulations for the following pension :-

- (1) Superannuation pension
- (2) Retiring and special pension.
- (3) Compensation pension.
- (4) Invalid pension
- (5) Family pension.

The employees of the Board will be entitled to receive pension in the same pattern as the State Govt. Employees are and the procedures relating to pension i.e extent of

3. Definitions.- (A) In these rules unless there be something repugnant in the subject or context the terms defined in these regulations be in the sense here explained.-

- (i) "Act" means J&K Khadi and Village Industries Board Rules and Regulations Act. 1965.
- (ii) "Board" means J&K Khadi and Village Industries Board established under J&K K V I Board Act. 1965.
- (iii) "Chairman" means the Chairman, J&K Khadi & Village Industries Board.
- (iv) "Employee" means a full time employee appointed by the Board against a sanctioned post and is paid the salary from out of the funds of the Board.
- (v) "Government" means the Government of Jammu and Kashmir.
- (vi) "Secretary" means the Secretary of the J&K Khadi & Village Industries Board.
- (vii) "Service" means the J&K Khadi & Village Industries Board's Service.

- (viii) “Member of the Service” means the persons appointed to the post in the service under the provisions of J&K Khadi and Village Industries Staff Regulations.
- (ix) “Controlling Officer” means the Secretary of the Board or the officer to whom the powers are delegated for the purpose.
- (x) “Pension” includes superannuation and special pension, family pension, invalid pension, commuted pension, gratuity, death-cum-retirement gratuity etc. as provided in J&K C.S.Rs applicable to the State Government employees with day to day amendments in these rules like other benefits in respect of leave, T.A, salary and other allowances and cash in lieu of earned leave as are already regulated under the said regulations for the Board employees.
- (xi) “Emoluments” means the same as defined in J&K C.S.Rs for the purpose of calculation of pension.
- (xii) “Amount and Rate of Pension and Gratuity” The amount and rate of pension and gratuity shall be regulated/calculated in the manner with the rules as defined in J&K C.S.Rs together with the ment made by the Government from time to time.
- (xiii) “Pension Fund” means the fund raised by the Board in pursuance of the Government Order No.82-Ind of 1993 dated 16-3-1993 out of the employer’s share on C. P. Fund (Board’s share) accumulated so far transferred to the fund, plus the funds receiveable from the Government as pension fund contribution equal to the employer’s share or more to be calculated and demanded from the Government in the budget estimates on yearly basis henceforth only to the extent of shortfall in the requirements of the Board on this account to which the pension of the employees as defined in clause X of rule 3 of the regulations shall be charged.
- (xiv) “Competent Authority” means the authority to whom the powers are delegated under these rules for sanction of pension etc. as also defined in Government Order No. 82-Ind of 1993 dated 16-3-1993.
- (xv) “C.S.R’s” means J&K Civil Service Regulations.
- (xvi) All other expressions used in these rules but not specifically defined shall have the same meaning as defined in the Act and J&K C.S.Rs.

4. Extent of application.- These rules will apply to such whole time employees of the Board who will retire after 1-4-1990. Further, the employees of the Board will be governed by the relevant provisions of the pension rules provided under J&K C.S.Rs. with the amendment made by the Government from time to time and the amount of pension shall be charged to the pension fund of the Board.

5. Operation of fund and payment of pension thereof.-

(i) The fund so created will be deposited in the J&K Bank including the amounts equal to the employers share otherwise payable to the employees on monthly contribution basis will be deposited into the fund. The said fund shall be operated upon by the Secretary/F.A & C.A.O of the Board or the officer authorised by the Secretary from time to time.

(ii) The payment of pension to the eligible employees shall be made through J&K Banks concerned on proper payment orders PPOs after the cases are sanctioned by the Secretary with the concurrence of F.A & C.A.O, of the Board duly examined by the Examiner Local Fund Audit, Finance Department in the same manner as is done in the case of State Government employees by the Accountant General in accordance with Government order.

(iii) The pensioner shall have to intimate/indicate the name of the bank in the application form for drawal of pension well in time before the case is processed and sanctioned by the Secretary and proper PPO issued.

6. Account of the fund.- (i) The account of the pension funds shall be maintained separately by the pension cell to be created under the control of Financial Advisor and Chief Accounts Officer of the Board 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 as defined under these regulations.

(ii) The employees likely to retire during the year shall have to declare the nomination alongwith other requisite information on the forms prescribed in the schedules of J&K C.S.Rs before 8 months of their retirement and submit the same to the F.A & C.A.O through the concerned head of office for concurrence and calculation of pension and other claims of the pensioner.

7. Conduct of the employee.- (i) The good conduct shall be an implied condition of every retired officer/official for grant of pension under these regulations. The Board shall reserve its right of withholding the pension or a part thereof if a pensioner is suspected of serious crime or misconduct and each case shall be dealt with under J&K C.S.Rs.

(ii) The Chairman with the approval of the Board shall 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 Board.

8. Recovery/deduction of pension.- The Board may order for recovery of pension or a part thereof from the pensioner on account of the following :-

(i) Any sum due to the Board from the pensioner on account of excess payment of pay, allowance, leave, salary, Life Insurance

premium including travelling or other advance or any arrear, payment due to J&K Government on account of accommodation etc.

- (ii) Any sum on account of losses found in judicial departmental proceedings to have been caused to the Board by the negligence or fraud of such Pensioner during his service, provided that such departmental proceedings if not instituted for more than one year, shall be deemed to have been elapsed since his retirement.
- (iii) The recovery of the Employer's share of CP Fund may be effected by Board authorities, suo-moto, to the pension fund account of the Board. The rate of interest to be applied to the said employer's share of C.P Fund shall be the same as allowed to the employees from time to time on his CP Fund credits. In case where the amount of employer's share and the interest thereon, recoverable from the employee, fails short of the amount actually at the credit of such employee in his CP Fund account (because of his having drawn an advance previously out of it under the Rules of C.P. Fund) the balance may be treated as a miscellaneous advance against the said employee and the said (aggregate) account may bear an interest at the current rate of interest applicable GPF/CPF and may be recovered from the employee in not more than six monthly equated instalments. The right of the employee to count his past service under the Board for pension may accrue to him only after the said miscellaneous advance and interest there on is liquidated by him;
- (iv) Those employee of J&K KVI Board who may opt for pensionary benefits, may switch over to GP Fund in which case their own share of CP Fund contributions together with interest thereon shall be transferred to G.P. Fund accounts which account shall continue to be maintained and regulated in the same manner in which CP Fund is presently managed by the KVIB.

9. Specification of cases.- The following cases shall have no claim to pension :-

- (i) When an officer 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 on monthly or daily wages without specified limit of time or duty but a months notice of discharge will be given to such a person and his wages paid for any period by which such notice falls short of a month.

Application, preliminary verification, formal applications, remarks on pension applications, submission of cases to the authority competent to sanction pension/ payment etc. will be the same as laid down in the relevant chapters of the J&K C. S. Rs. The P. P. O will, however, be issued by the Examiner Local Fund.

15. The employees of the Board will also be entitled to family pension under the same provisions as provided in the relevant chapters of the J&K C.S.Rs.

Errors and omissions found, if any, from time to time in these rules shall be communicated to Government for further necessary action and corrections.

(Sd.).....

Secretary,
J&K Khadi and Vill. Ind. Board.