

The Uttarakhand Retirement Benefits Act, 2018
[Uttarakhand Act No. 17 of 2018]

An
Act

for providing retirement benefits after the term of substantively appointed personnel under the State Government services.

Enacted by the Uttarakhand Legislative Assembly in the 69th Year of the Republic of India;

Part-I

Short title, commencement and application of the Act

1. (1) This Act may be called the Uttarakhand Retirement Benefits Act, 2018.
- (2) This Act shall be applicable on the personnel substantively appointed before the date of 1st October, 2005 under the services of State Government in the case of completion of superannuation age, voluntary retirement and compulsory retirement and in the case of death of any personnel, shall be applicable on the dependents of such personnel;

Provided that the personnel appointed substantively from the date of 1st October, 2005 shall be governed by new contributory pension plan;

Provided further that such service of personnel which is-

- (a) Not full time employment;
- (b) Service done on contract, work charged, part time, daily wages, adhoc and fixed salary;
- (c) Service done as extension of service/ re-appointment/ end of session benefit after completing superannuation age.
- (d) Service break between a service to another service;
- (e) Duration of non permissible absence except the period of assuming charge/ bound waiting period in consequence of the transfer from a post to another post;
- (f) Period of consuming leave without sanctioning;
- (g) Any kind of absence in service, where the leave is not

remain to sanction;

Pension shall not permissible for mentioned services in the clause (a) to (g).

- Overriding effect** 2. Notwithstanding anything contained in any others law made before its commencement, this Act shall prevail.
- Definitions** 3. Unless anything is repugnant to the subject and context, in this Act-:
- (a) ‘Constitution’ means the Constitution of India.
 - (b) ‘Government’ means the State Government of Uttarakhand;
 - (c) ‘Governor’ means the Governor of Uttarakhand.
 - (d) ‘Pension Sanction Officer’ means officer as authorised in this form by the Government from time to time;
 - (e) Pension includes gratuity, except in such conditions when only service gratuity is payable, it is not part of pension.
 - (f) ‘Emolument’ means such salary which is defined under financial hand book volume-II part II to IV;
 - (g) ‘Substantive appointment’ means such appointment on any post in cadre of service which are not appointed on contract, work charged, part time, daily wages, Adhoc and fixed salary and whose selection has been done according to service related service rules;
 - (h) ‘Permanent and Temporary service’ means such service which has been done after substantive appointment on permanent and temporary post in Government department.
 - (i) ‘Government Servant’ means such Government servant (whether he is in any category) who is substantively appointed on pension eligibility post under the Government;
 - (j) ‘Qualifying service’ means such service which has been done as substantive/ regular term of service under the State service;
 - (k) ‘Retirement’ means to relinquish office from Government service on superannuation, voluntary retirement and compulsory retirement;
 - (l) ‘Prescribe’ means prescribed in rules.

**Part II
Pension**

Eligibility for pension **4** The service for pension shall be qualifying under following conditions-

- (a) The service has been done substantively and regularly under the State Government;
- (b) The service shall be deemed as qualifying service for retirement benefits when the concerned personnel is substantively appointed on any post created in permanent/ temporary form in any establishment.

Amount of Pension **5** Amount of pension shall be equivalent to the 50% of drawn basic pay on last day of the service or average salary of 10 months before the retirement date, whichever is beneficiary for the pensioner;

Provided that the said amount shall not be less than the amount of minimum pension prescribed and shall not be more than the amount of maximum pension prescribed by the State Government in any case.

Determination of terms of service for permission of pension **6** (a) Pension shall not permissible if services are for less than ten years (six month and more than six month shall be considered one year and the period of less than six months shall not be calculated).

- (b) Whole pension shall be permissible on service of twenty years.
- (c) If qualifying service is of more than ten year but less than twenty years, then amount of pension shall decrease in proportion;

Provided that the said amount shall not be less than the amount of minimum pension prescribed by the State Government, in any case.

**Part 3
Retirement/ death gratuity**

Retirement gratuity/ death gratuity **7** (1) The amount of retirement gratuity shall be equal to half of the monthly emoluments for every complete half year period of qualifying service, whose maximum limit shall not be more than 33 times of last drawn monthly emoluments or the maximum limit prescribed by the State Government, whichever is less.

- (2) The amount of death gratuity on the death of any substantively

appointed Government servant shall be followed-

Period of qualifying service	Amount of death gratuity
less than one year	double of monthly emoluments
more than one year but less than five years	six times of monthly emoluments
five years or more than but less than eleven years	twelve times of monthly emoluments
eleven years or more than but less than twenty years	twenty times of monthly emoluments
twenty years or more than	The qualifying service shall be equal to half of the emolument for complete half years period whose maximum limit shall not be more than 33 times of last drawn monthly emoluments or the maximum limit prescribed by the State Government, whichever is less.

Part IV

Family Pension

Family Pension 8. (1) Generally the family pension shall be calculated at the rate of thirty percent of last drawn monthly salary;

Provided that the maximum and minimum amount of family pension shall not more than the amount fixed by the State Government.

(3) In case of death of Government servant / pensioner, family pension is permissible to family at increased rates for the period of ten years from the date of death or attaining the age of 67 years of deceased Government Servant /Pensioner, whichever is earlier.

Eligibility for permissiveness of family pension 9.

Following member of family shall be eligible for permissiveness for family pension-

(1) wife/ husband;

(2) Son less than the age of 25 years on date of death with the restriction that if he start earning livelihood then till the date of earning livelihood or the age of 25 years, whichever is earlier.

(3) Unmarried daughter, less than age of 25 years on the date of death with the restriction that if she start earning livelihood or she get married or till the completion of age of 25 years, whichever is earlier. Children mentioned in sub-section (2) and (3) includes step and legally adopted before retirement.

(4) There shall be no obligation of age on disable or mentally challenged children who are eligible for family pension under provision of this Act. Widow or divorcee daughter shall also be considered to included in family.

If spouse and children, mentioned eligible in above said categories, of the deceased Government servant are not in the family, then his mother/ father shall be considered to included in his family.

(5) There shall be the following condition to make the unmarried daughter of Government employees /pensioners eligible also after attaining the age of twenty five years-

- (a) Family pension to unmarried daughter shall be sanctioned according to their date of birth and the younger daughter shall not be eligible for family pension till the elder daughter next to her is declared ineligible;
- (b) unmarried daughters of more than twenty five years shall be eligible for family pension only when other eligible children under age of twenty years are not eligible for pension and there is no disable child in family to receive family pension.

Commutation of a part of pension

10. (a) Commutation of maximum forty percent amount of total calculated pension shall be permissible according to the formula prescribed by the State Government. This facility is provided for the pensioner on the basis of his consent.
- (b) Restitution of commuted part shall be held from just next day of the date of completion of fifteen years duration from the date after three months from issuing PPO or date of payment, whichever is earlier.

Increments in pension

11. Additional pension shall permissible on the permissible pension to the Government pensioner/ family pensioner of more than age of 80 years as follows-

Age of pensioner/ family pensioner	increment in pension
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more than 80 year but not exceeding 85 years	20% of basic pension / family pension
more than 85 year but not exceeding 90 years	30% of basic pension / family pension
more than 90 year but not exceeding 95 years	40% of basic pension / family pension
more than 95 year but not exceeding 100 years	50% of basic pension / family pension
100 years or more	100% of basic pension / family pension

Part V

Miscellaneous

- Miscellaneous** 12 (1) Interim pension and gratuity for such retired State employees, against whom inquiry is pending in departmental, judicial proceeding or in Administrative Tribunal or is required to enquire shall be permissible as may be prescribed.
- (2) Pension, family pension shall not permissible to the person dismissed from the service.
- Power to make rules** 13 (1) The State Government may make rules to carry out the provisions of this Act.
- (2) Rules made under this Act shall be laid before the State Legislature.
