

GOVERNMENT OF TAMIL NADU

ABSTRACT

Pension - Extension of regular pensionary benefits to the Municipal Adhoc Pensioners in Municipalities, Municipal Township Committees and Municipal Corporations of Madurai and Coimbatore - Orders - issued.

MUNICIPAL ADMINISTRATION AND WATER SUPPLY DEPARTMENT

G.O.Ms.No. 512

Dated: 23.4.1986

Read:

- (1) G.O.Ms.No.12, Rural Development and Local Administration, dated 5.1.1970
- (2) G.O.Ms.No.1770, Rural Development and Local Administration, dated 24.8.72
- (3) G.O.Ms.No.1858, Rural Development and Local Administration, dated 6.9.72
- (4) G.O.Ms.No.80, Rural Development and Local Administration, dated 16.1.1974
- (5) From the Commissioner, Corporation of Madurai Letter No. PS/66208/82, dt.7.5.85
- (6) From the Examiner of Local Fund Accounts Letter Rc.No.6019/FVI/85, dt.18.7.85.

ORDER

In the G.O. first read above, the pension benefits were extended with effect from 14.1.70 to all the officers and servants in superior services of Municipal Councils and Municipal Township Committees in the State, whose minimum scale of pay as on 14.1.70 was Rs.90/- and above. Subsequently, in the G.O. third read above, the pension benefits were extended with effect from 2.10.1970 to all the employees of the Municipalities and Municipal Township Committees in both the superior and inferior services, who were not already covered by the orders issued in the G.O. first read above.

2. Prior to 14.1.70 no pension scheme was in force for Municipal employees in the State. They were governed by Contributory Provident Fund Scheme. Those, who retired from service prior to 14.1.70 were not eligible for any pension at the time of their retirement. However, subsequently, the Government in their order second read above taking a sympathetic view permitted the Municipal Councils to grant the Municipal employees, who retired prior to 14.1.1970, an adhoc pension of Rs.25/- or 25% of the pay last drawn, whichever was higher with effect from 14.1.70 from the Municipal funds. The Government in their order fourth read above also sanctioned the payment of adhoc pension to those municipal employees, who retired from service between 14.1.70 and 2.10.70 and whose minimum scale of pay as on 14.1.70, was less than Rs.90/- from Government funds. This Adhoc Pension has been increased subsequently from time to time. The Government also ordered the payment of

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Dearness Allowance to these Adhoc Pensioners with effect from 1.4.82. They are now getting an amount equal to the minimum pension and Dearness Allowance payable to the regular pensioners of the Government, local bodies etc.

3. In Writ Petition Nos. 2830 and 2831 of 1982 filed by certain Municipal Adhoc Pensioners of the Madurai Corporation, the High Court, Madras has held that the classification of the pensioners in the services of the respondents based on the fortuitous circumstances of retirement before or subsequent to 14.1.70, the fixing of which is not shown to be related to any rational principle, would be violative of Articles 14 and 16 of the Constitution of India and hence the petitioners would be entitled to the pension along with Dearness Allowance and Family Pension as in the case of those, who retired after 14.1.70. The High Court has accordingly directed the Commissioner, Madurai Corporation and the Government, to grant the petitioners all benefits now enjoyed by the regular pensioners of the Madurai Corporation and the Government pensioners from the date on which they were extended to the regular pensioners. The High Court has also expressed the hope that the authorities concerned will take note of its judgement and extend the benefits given to the petitioners to all the other pensioners also who retired before 14.1.70.

4. The Government after careful consideration of the matter have decided to extend all the benefits including D.C.R.G., Family Pension etc. now enjoyed by the regular pensioners of the Municipalities to both the categories of Municipal Adhoc Pensioners, from the date on which the benefits were extended to the regular pensioners, in accordance with the judgment of the High Court, Madras referred to in para 3 above. They accordingly direct that both the categories of Municipal Adhoc Pensioners viz., (i) those, who retired prior to 14.1.70 and (ii) those who retired during the period between 14.1.70 and 2.10.70 and whose minimum scale of pay as on 14.1.70 was less than Rs.90/- be treated as regular pensioners and all the benefits including Family Pension, D.C.R.G. etc., now enjoyed by the regular Municipal Pensioners be extended to them with retrospective effect from the date on which the benefits were extended to those who retired after 13.1.1970 and 1.10.70, as the case may be.

5. The expenditure in respect of the pensioners, who retired prior to 14.1.70 shall be borne by the respective Municipal Councils out of the Pension Fund operated by the Examiner of Local Fund Accounts.

6. The expenditure in respect of those who retired during the period between 14.1.70 and 2.10.70 will be met from Government funds and it will be debited to "266. Pensions and other retirement benefits etc."

7. As in the case of the pensioners, who retired after 14.1.70, the pension to those who retired prior to 14.1.70 shall also be paid from the Municipal Employees Pension Fund maintained by the Examiner of Local Fund Accounts. Every Municipality shall pay the pension contribution to the above fund at $8\frac{1}{3}\%$ of the maximum of the scale of pay from the date of admission to Provident Fund to the date of retirement for each individual retired from it.

8. The Adhoc Pension with Dearness Allowance so far paid shall be adjusted to Municipality or the Government, as the case may be. The $6\frac{1}{2}\%$ management contribution Bonus paid along with their provident fund subscription at the time of retirement will be adjusted to Municipal funds.

9. At this distance of time Service Registers and other service records may not be available to effect the pension revision etc. In such cases the pension revision etc. shall be given effect to with reference to the records available.

10. In respect of the Municipal employees, who retired during the period between 14.1.70 and 2.10.70 the respective Municipal Council need not pay pensionary contribution to the Government. The $6\frac{1}{2}\%$ management contribution/Bonus paid along with the Provident Fund subscription at the time of retirement in respect of these pensioners will be adjusted to the Government funds.

11. The Examiner of Local Fund Accounts is requested to give suitable guidelines to be followed for the presentation of claim for pension, manner of payment etc.

12. The Examiner of Local Fund Accounts, Madras will certify the amount of pension, and that the Director of Municipal Administration shall be the authority competent to sanction the pension so called in respect of all those, who retired prior to 14.1.70.

13. The Examiner of Local Fund Accounts is requested to send necessary draft amendments to the Tamil Nadu District Municipal Services Pension Rules, 1970 for approval of the Government.

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14. This order issued with the concurrence of the Finance Department vide its U.O.No.39411/Pen./86-1, dt.16.4.1986.

(BY ORDER OF THE GOVERNOR)

K.A. NAMBIAR
COMMISSIONER & SECRETARY TO GOVERNMENT

To

The Examiner of Local Fund Accounts, Madras-2.
The Director of Municipal Administration, Madras-5.
All the Commissioners of Municipalities,
Thro' the Chairman.
All the Executive Officers of Township concerned
Thro' the Chairman.
The Commissioner of Madurai and Coimbatore Municipal Corporation
Thro' the Special Officers.
All Regional Director of Municipal Administration.
The Accountant General, Madras-18.
The Director of Treasuries and Accounts, Madras-35.
All Collectors.
All District Treasury Officers.

Copy to

M.A.&W.S. (EI, EII, M.(Legn.), EVII)

The Finance (Pen.) Department, Madras-9.
The Secretary, Tamilnadu Retired Municipal Employees
Association, 130, Palace Road, Madras-4.
R.D.(E.III) Department, Madras-9.

/True copy/

/forwarded/by order/

N. Ramulani
Section Officer 27586

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