

**ORDINANCE 4: CONTRIBUTORY PROVIDENT FUND–CUM-GRATUITY SCHEME**

***SECTION – I                      CONTRIBUTORY PROVIDENT FUND***

**1.0      Application**

- 1.1      (i)      Every whole time non-pensionable employee of the University who opts for the Contributory Provident Fund shall be entitled to subscribe to the University Contributory Provident Fund after continuous service of one year with effect from the date of appointment.
- (ii)     Person who have retired from Government or a University or any of its colleges, if re-employed in the University may be permitted to subscribe to the Contributory Provident Fund, provided that where the term of re-employment is initially for a year or less but is later extended so as to exceed one year, the contribution with interest will be credited only after the completion of one year's re-employed service. The contribution with interest shall be payable for the entire period for which the re-employed pensioner is allowed to contribute to the Contributory Provident Fund if such period exceeds one year.
- 1.2      (i)      Every employee entitled to subscribe to the Contributory Provident Fund shall be required to subscribe to the Fund.
- (ii)     No employee of the University shall be entitled to the benefits of the Contributory Provident Fund whose service in the University entitles him to a pension or on whose account the University contributes towards his pension and leave allowance or who has been appointed by the University on a consolidated salary on special terms precluding him from subscribing to the Provident Fund or on a part-time or daily wage basis.
- (iii)    The Board of Management may in the case of a person appointed to a substantive post, permit the transfer to the Contributory Provident Fund of any moneys standing to his credit in any recognised Provident Fund to which he was a subscriber immediately before his appointment in the University, and may, with his consent, make such arrangements with the authorities of that other Provident Fund for the purpose of the transfer.
- (iv)    If an employee admitted to the benefit of the Fund was previously a subscriber to any other Contributory or Non-Contributory Fund of the Central Government/ State Government or of a body corporate, owned or controlled by Government or Universities/ Colleges or Institutions of University status or an autonomous organisation registered under the Societies Registration Act of 1860, immediately before his appointment in the University, the amount of his subscriptions and the Government contributions in the other Contributory Provident Fund or the amount of his subscriptions in the Non-Contributory Fund, as the case may be, together with interest thereon, shall be transferred to his credit in the Fund.

**2.0      Definitions :**

**2.1      In these Rules unless the context otherwise requires –**

- (i) “Fund” means the Contributory Provident Fund of the University;
- (ii) “Leave” means any kind of leave recognised by the Leave Rules, whichever may be applicable to the subscriber; and
  - (i) “Subscription” means the amount paid by the subscriber in the Provident Fund and “contribution” means the amount contributed by the University in subscriber’s Provident Fund account.

## **1.0 Constitution and management of the Fund**

- 3.1 The Fund shall be maintained in rupees and all sums paid by the subscribers into the Fund under these rules shall be credited in the books of the University to an account named “The Contributory Provident Fund Account”. The contributions made by the University and interest paid to the subscribers account shall also be credited to the said account.
- 3.2 The management of the Fund shall vest in the Board of Management which may, from time to time, make Regulations or issue such general or special directions as may be consistent with the ordinances as to the conduct of the business of the Fund, or its management or the privileges of the subscribers, not herein expressly provided for, or vary, or cancel any regulations made or directions given.
- 3.3 There shall be constituted a Provident Fund Committee for advising the Board of Management in matters relating to investments, payments and other matters in respect of the Contributory Provident Fund.
- 3.4 The University may invest such part of the funds, as may be considered expedient, in the Government securities/ certificates, negotiable Government guaranteed bonds, and in such deposit schemes of the Central Government as may be notified in this regard from time to time, the interest or profit realized on such investments being credited to the University as miscellaneous receipts. All investments and securities shall be held in the name of the University.

## **4.0 Nominations**

- 4.1 Every employee of the University entitled to the benefits of the Provident Fund shall at the time of joining the Fund, be required to sign a declaration in the prescribed form that he has read the ordinance and agrees to abide by it, and shall hand in for registration in the University Office a nomination containing the names of one or more persons to whom he wishes the amount that may stand to his credit in the Fund to be paid in the event of his death, before that amount has become payable or having become payable has not been paid:

Provided that, if, at the time of making the nomination the subscriber has a family, the nomination shall not be in favour of any person or persons other than the members of his family.

Provided further that the nomination made by the subscriber in respect of any other provident fund to which he was subscribing before joining the Fund shall, if the amount to his credit in such other fund has been transferred to his credit in this Fund, be deemed to be a nomination duly made under this rule until he makes a nomination in accordance with this rule.

- 4.2 If a subscriber nominates more than one person under sub-rule (1), he shall specify in the nomination the amount or share payable to each of the nominees in such manner as to cover the whole of the amount that may stand to his credit in the Fund at any time.
- 4.3 Every nomination shall be made in the Form set forth in the First schedule.
- 4.4 A subscriber may, at any time, cancel a nomination by sending a notice in writing to the Registrar. The subscriber shall, alongwith such notice or separately, send a fresh nomination made in accordance with the provisions of this rule.
- 4.5 A subscriber may provide in a nomination-
- (i) in respect of any specified nominee, that in the event of his predeceasing the subscriber, the right conferred upon that nominee shall pass to such other person or persons as may be specified in the nomination, provided that such other person or persons shall, if the subscriber has other members of his family, be such other member or members. Where the subscriber confers such a right on more than one person under this clause, he shall specify the amount or share payable to each of such persons in such a manner as to cover the whole of the amount payable to the nominee.
  - (ii) that the nomination shall become invalid in the event of the happening of a contingency specified therein.

Provided that if at the time of making the nomination the subscriber has only one member of the family, he shall provide in the nomination that the right conferred upon the alternate nominee under clause (i) shall become invalid in the event of his subsequently acquiring other member or members in his family.

- 4.6 Immediately on the death of a nominee in respect of whom no special provision has been made in the nomination under clause (i) of sub-rule (4.5) or on the occurrence of any event by reason of which the nomination becomes invalid in pursuance of clause (ii) of sub-rule (4.5) or the proviso thereto, the subscriber shall send to the Registrar a notice in writing cancelling the nomination, together with a fresh nomination made in accordance with the provisions of this rule.
- 4.7 Every nomination made, and every notice of cancellation given by a subscriber shall, to the extent that it is valid, take effect on the date on which it is received by the Registrar.
- Note** :- In this rule, unless the context otherwise requires “person” or “persons” shall include a company or association or body of individuals, whether incorporated or not. It shall also include a Fund such as the Prime Minister’s National Relief Fund or any charitable or other Trust or Fund, to which nomination may be made through the Secretary or other executive of the said funds or Trust authorised to receive payments.
- 4.8 An upto date register of all such nominees shall be maintained in the University office.

## **5.0 Subscriber's Account**

5.1 An account shall be opened in the name of each subscriber in which shall be shown –

- (i) subscriber's subscriptions;
- (ii) contributions made under Rule 10 by University to his account;
- (iii) interest, as provided by Rule 11, on subscriptions;
- (iv) interest, as provided by Rule 11, on contributions;
- (v) advances and withdrawals from the Fund.

*Note* :- As soon as an employee is admitted to the Provident Fund, the Provident Fund Account number allotted to him should be entered on the right hand top of page 1 of his Service Book by means of a rubber stamp.

## **6.0 Conditions and rates of subscriptions**

(A) *Conditions of subscriptions*

6.1 Every subscriber shall subscribe monthly to the Fund when on duty or foreign service but not during a period of suspension;

Provided that a subscriber on re-instatement after a period passed under suspension shall be allowed the option of paying in one sum, or in instalments, any sum not exceeding the maximum amount of arrears of subscriptions payable for that period.

6.2 A subscriber may, at his option, not subscribe during leave which either does not carry any leave salary or carries leave salary equal to or less than half-pay or half average pay.

6.3 The subscriber shall intimate his election not to subscribe during the leave referred to in sub-rule (6.2) by written communication to the Registrar before he proceeds on leave.

Failure to make due and timely intimation shall be deemed to constitute an election to subscribe.

The option of a subscriber intimated under this sub-rule shall be final.

6.4 A subscriber who has under Rule 20 withdrawn the amount standing to his credit in the Fund shall not subscribe to the Fund after such withdrawal unless he returns to duty.

6.5 Notwithstanding anything contained in sub-rule (6.1) a subscriber shall not subscribe to the Fund for the month in which he quits service unless, before the commencement of the said month, he communicates to the Registrar in writing his option to subscribe for the said month.

## **7.0 Rates of subscription**

7.1 The amount of subscription shall be fixed by the subscriber himself, subject to the following conditions, namely:-

- (i) It shall be expressed in whole rupees;
- (ii) It may be any sum, so expressed not less than ten percent of the emoluments and not more than his emoluments.

7.2 For the purpose of sub-rule(7.1) the emoluments of a subscriber shall be-

(A) in the case of a subscriber who was in University service on the 31<sup>st</sup> March of the preceding year, the emoluments to which he was entitled on that date:

Provided that-

- (i) if the subscriber was on leave on the said date and elected not to subscribe during such leave or was under suspension on the said date, his emoluments shall be the emoluments to which he was entitled on the first day after his return to duty;
- (ii) if the subscriber was on deputation out of India on the said date or was on leave on the said date and continues to be on leave and has elected to subscribe during such leave, his emoluments shall be the emoluments to which he would have been entitled had he been on duty in India;
- (iii) if the subscriber joined the Fund for the first time on a day subsequent to the said date, his emoluments shall be the emoluments to which he was entitled on such subsequent date;

(B) in the case of a subscriber who was not in University service on the 31<sup>st</sup> March of the preceding year, the emoluments to which he was entitled on the first day of his service, or if he joined the Fund for the first time on a date subsequent to the first day of his service, the emoluments to which he was entitled on such subsequent date:

7.3 The subscriber shall intimate the fixation of the amount of his monthly subscription in each year in the following manner-

- (i) By deduction from his pay for that month if he was on duty on the 31<sup>st</sup> March of the preceding year or if he was on leave on 31<sup>st</sup> March of the preceding year, and elected not to subscribe during such leave, or was under suspension on that date, by the deduction which may be made in this behalf from his first pay bill after his return to duty.
- (ii) If he has entered University service for the first time during the year, or joins the Fund for the first time, by the deduction from his pay bill for the month during which he joins the Fund;
- (iii) If he was on leave on the 31<sup>st</sup> March of the preceding year, and continues to be on leave and has elected to subscribe during such leave, by the deduction which he causes to be made in this behalf from his salary bill for that month.
- (iv) If he was on foreign service on the 31<sup>st</sup> March of the preceding year, by the amount credited by him on account of subscription for the month of April in the current year;

7.4 The amount of subscription so fixed may be-

- (i) reduced once at any time during the course of the year;
- (ii) enhanced twice during the course of the year; and
- (iii) reduced and enhanced as aforesaid:

Provided that when the amount of subscription is so reduced it shall not be less than the minimum prescribed in sub-rule (7.1).

Provided further that if a subscriber is on leave without pay or leave on half-pay or half average pay for a part of a calendar month and he has elected not to subscribe during such leave, the amount of subscription payable shall be proportionate to the number of days spent on duty including leave, if any, other than those referred to above.

#### 6.0 Transfer to foreign service or deputation out of India

8.1 When a subscriber is transferred to foreign service or sent on deputation out of India, he shall remain subject to the rules of the Fund in the same manner as if he were not so transferred or sent on deputation.

#### 7.0 Realization of subscriptions

7.1 When emoluments are drawn from the University source, recovery of subscriptions on account of these emoluments and of the principal and interest of advances shall be made from the emoluments themselves.

9.2 When emoluments are drawn from any other source, the subscriber shall forward his dues monthly to the University.

Provided that in the case of a subscriber on deputation to a body corporate, owned or controlled by Government, the subscription shall be recovered and forwarded to the University by such body.

#### 8.0 Contributions by University

10.1 University shall with effect from the 31<sup>st</sup> March of each year, make a contribution to the account of each subscriber:

Provided that if a subscriber quits the service or dies during a year, contribution shall be credited to his account for the period between the close of the preceding year and the date of the casualty.

Provided further that no contribution shall be payable in respect of any period for which the subscriber is permitted under the rules not to, or does not, subscribe to the Fund.

10.2 The contribution shall be ten percent or be such percentage of the subscriber's emoluments drawn on duty during the year or period, as the case may be, as may be prescribed by University by general or special order:

Provided that if, through oversight or otherwise, the amount subscribed is less than the minimum subscription payable by the subscriber under sub-rule (7.1) of Rule 7.0 and if the short subscription together with the interest accrued thereon is not paid by the subscriber within such time as may be specified by the Vice-Chancellor, the contribution payable by the University shall be equal to the amount actually paid by the subscriber or the amount normally payable by University, whichever is less, unless the University in any particular case, otherwise directs.

- 10.3 If a subscriber is on deputation out of India, the emoluments which he would have drawn had he been on duty in India shall, for the purposes of this rule, be deemed to be emoluments drawn on duty.
- 10.4 Should a subscriber elect to subscribe during leave, his leave salary shall, for the purposes of this rule, be deemed to be emoluments drawn on duty.
- 10.5 Should a subscriber elect to pay arrears of subscriptions in respect of a period of suspension, the emoluments or portion of emoluments which may be allowed for that period on re-instatement, shall, for the purpose of this rule, be deemed to be emoluments on duty.
- 10.6 The amount of any contribution payable in respect of a period of foreign service shall, unless it is recovered from the foreign employer, be recovered by University from the subscriber.
- 10.7 The amount of contribution payable shall be rounded to the nearest whole rupee (fifty paise counting as the next higher rupee).

#### **9.0 Interest**

- 9.1 Interest at such rate as the Central Government may, from time to time, prescribe in case of Government employees for the payment of interest on subscriptions to the General Provident Fund shall be credited to each subscriber's account.
- 9.2 Interest shall be credited with effect from the 31<sup>st</sup> March of each year in the following manner:-
- (i) On the amount to the credit of a subscriber on the 31<sup>st</sup> March of the preceding year, less any sums withdrawn during the current year – interest for twelve months.
  - (ii) On sums withdrawn during the current year – interest from the 1<sup>st</sup> April of the current year, upto the last day of the month preceding the month of withdrawal.
  - (iii) On all the sums credited to the subscriber's account after the 31<sup>st</sup> March of the preceding year- interest from the date of deposit upto the 31<sup>st</sup> March of the current year;
  - (iv) The total amount of interest shall be rounded to the nearest rupee.

Provided that when the amount standing to the credit of a subscriber has become payable, interest shall thereupon be credited under this rule in respect only of the period from the beginning of the current year or from the date of deposit, as the case may be, upto the date on which the amount standing to the credit of the subscriber became payable.

- 9.3 For the purpose of this rule, the date of deposit shall in the case of recoveries from emoluments be deemed to be the first day of the month in which they are recovered, and in the case of amounts forwarded by the subscriber, shall be deemed to be the first day of the month of receipt, if they are received by the Accounts Officer before the

fifth day of that month, but if they are received on or after the fifth day of that month, the first day of the next succeeding month.

Provided that where there has been delay in the drawal of pay or leave salary and allowances of a subscriber and consequently in the recovery of his subscription towards the Fund, the interest on such subscriptions shall be payable from the month in which the pay or leave salary of the subscriber was due under the rules, irrespective of the month in which it was actually drawn:

Provided further that in the case of an amount forwarded in accordance with the proviso to sub-rule (9.2) of Rule 9.0, the date of deposit shall be deemed to be the first day of the month if it is received by the Accounts Officer before the fifteenth day of that month.

Provided further that where the emoluments for a month are drawn and disbursed on the last working day of the same month, the date of deposit shall, in the case of recovery of his subscriptions, be deemed to be the first day of the succeeding month.

- 11.4 In addition to any amount to be paid under Rule 24.0, interest thereon upto the end of the month preceding that in which the payment is made, or upto the end of sixth month after the month in which such amount, became payable whichever of these periods be less, shall be payable to the person to whom such amount is to be paid.

Provided that where a subscriber on deputation to a body corporate, owned or controlled by the Government or an Autonomous organization registered under the Societies Registration Act, 1860 (21 of 1860) is subsequently absorbed in such body corporate or organization with effect from a retrospective date, for the purpose of calculating the interest due on the Fund accumulations of the subscriber the date of issue of the orders regarding absorption shall be deemed to be the date on which the amount to the credit of the subscriber become payable subject, however, to the condition and the amount recovered as subscription during the period commencing from the date of absorption and ending with the date of issue of orders of absorption shall be deemed to be subscription to the Fund only for the purpose of awarding interest under this sub-rule.

- 11.5 Interest shall not be credited to the account of a subscriber if he informs the Accounts Officer that he does not wish to receive it, but if he subsequently asks for interest, it shall be credited with effect from the 1<sup>st</sup> April of the year in which he asks for it.
- 11.6 The interest on amounts which under Rule 19.0 or Rule 20.0 are replaced to the credit of the subscriber in the Fund, shall be calculated at such rates as may be successively prescribed under sub-rule (11.1) of this rule and so far as may be in the manner described in this rule.
- 11.7 In case a subscriber is found to have drawn from the Fund an amount in excess of the amount standing to his credit on the date of the drawal, the overdrawn amount, irrespective of whether the overdrawal occurred in the course of an advance or a withdrawal or the final payment from the Fund, shall be repaid by him with interest thereon in one lump sum or in default, be ordered to be recovered by deduction in one lump sum, from the emoluments of the subscriber. If the total amount to be recovered is more than half of the subscriber's emoluments recoveries shall be made in monthly



installments of moieties of his emoluments till the entire amount together with interest, is recovered. For this sub-rule the rate of interest to be charged on overdrawn amount would be 2 ½ % over and above the normal rate on Provident Fund balance under sub-rule (11.1).

#### 10.0 Advances from the fund

10.1 The sanctioning authority may sanction the payment to any subscriber of a temporary advance not exceeding in amount three month's pay or half the amount of subscription and interest thereon standing to the credit of the subscriber in the Fund, whichever is less, for one or more of the following purposes:-

- (i) to pay expenses in connection with the illness, confinement or a disability, including where necessary, the travelling expenses of the subscriber and members of his family or any person actually dependent on him;
- (ii) to meet the cost of higher education, including where necessary, the travelling expenses of the subscriber and members of his family or any person actually dependent on him in the following cases, namely:-
  - (a) for education outside India for academic, technical, professional or vocational course beyond the High School stage; and
  - (b) for any medical, engineering or other technical or specialized course in India beyond the High School stage, provided that the course of study is for not less than three years;
- (iii) to pay obligatory expenses on a scale appropriate to the subscriber's status which by customary usage the subscriber has to incur in connection with betrothal or marriages, funerals or other ceremonies;
- (iv) to meet the cost of legal proceedings instituted by or against the subscriber, any member of his family or any person actually dependent upon him, the advance in this case being available in addition to any advance admissible for the same purpose from any other source.
- (v) to meet the cost of the subscriber's defense where he engages a legal practitioner to defend himself in an enquiry in respect of any alleged official misconduct on his part;
- (vi) to purchase consumer durables such as TV, VCR/VCP, Washing Machines, Cooking Range, Geysers and Computers.

12.1.1 The Vice-Chancellor may, in special circumstances, sanction the payment to any subscriber of an advance if he is satisfied that the subscriber concerned requires the advance for reasons other than those mentioned in sub-rule (12.1).

10.2 An advance shall not, except for special reasons to be recorded in writing, be granted to any subscriber in excess of the limit laid down in sub-rule (12.1) or until repayment of the last installment of any previous advance;

Provided that an advance shall in no case exceed the amount of subscriptions and interest thereon standing to the credit of the subscriber in the Fund.

10.3 When an advance is sanctioned under sub-rule (12.2) before repayment of last installment of any previous advance is completed the balance of any previous advance not recovered shall be added to the advance so sanctioned and the installments for recovery shall be fixed with reference to the consolidated amount.

### **11.0 Authority to sanction advances**

- 11.1 A temporary advance from the Fund to the subscriber under sub-rule (12.1) of Rule 12.0 shall be sanctioned by the Registrar of the University.
- 11.2 An advance from the Fund to the subscriber under sub-rule (12.1.1) and sub-rule (12.2) of Rule 12.0 shall be sanctioned by the Vice-Chancellor.

### **12.0 Recovery of advances**

- 14.1 An advance shall be recovered from the subscriber in such number of equal monthly installments as the sanctioning authority may direct; but such number shall not be less than twelve unless the subscriber so elects and more than twenty-four. In special cases where the amount of advance exceeds three month's pay of the subscriber under sub-rule (12.2) of Rule 12.0, the sanctioning authority may fix such number of installments to be more than twenty-four but in no case more than thirty six.

A subscriber, may, at his option, make repayment in smaller number of installments than prescribed. Each installment shall be a number of whole rupees, the amount of advance being raised or reduced, if necessary, to admit of the fixation of such installments.

- 14.2 Recovery shall be made in the manner prescribed in Rule 9.0 for the realization of subscriptions, and shall commence with the issue of pay for the month following the one in which the advance was drawn. Recovery shall not be made, except with the subscriber's consent, while he is in receipt of subsistence grant or is on leave for ten days or more in a calendar month which either does not carry any leave salary or carries leave salary equal to or less than half pay or half average pay, as the case may be. The recovery may be postponed, on the subscriber's written request, by the sanctioning authority during the recovery of an advance of pay granted to the subscriber.
- 14.3 If an advance has been granted to a subscriber and drawn by him and the advance is subsequently disallowed before repayment is completed, the whole or balance of the amount withdrawn shall forthwith be repaid by the subscriber to the Fund, or in default be ordered to be recovered by deduction from the emoluments of the subscriber in lump sum or in monthly installments not exceeding twelve as may be directed by the authority competent to sanction an advance for the grant of which special reasons are required under sub-rule (12.2) of Rule 12.0.

Provided that, before such advance is disallowed, the subscriber shall be given an opportunity to explain to the sanctioning authority in writing and within fifteen days of the receipt of the communication why the repayment shall not be enforced and if an explanation is submitted by the subscriber within the period of fifteen days, it shall be referred to the Vice-Chancellor for decision, and if no explanation within the said period is submitted by him, the repayment of the advance shall be enforced in the manner prescribed in this sub-rule.

14.4 Recoveries made under this rule shall be credited as they are made to the subscriber's account in the Fund.

13.0 Wrongful use of advance

15.1 Notwithstanding anything contained in these rules, if the sanctioning authority has reason to doubt that money drawn as an advance from the Fund under Rule 12 has been utilized for purpose other than that for which sanction was given to the drawal of money, he shall communicate to the subscriber the reasons for the same and require him to explain in writing and within fifteen days of the receipt of such communication whether the advance has been utilized for the purpose for which it was sanctioned. If the sanctioning authority is not satisfied with the explanation furnished by the subscriber within the said period of fifteen days, the sanctioning authority shall direct the subscriber to repay the amount in question to the Fund forthwith or, in default, order the amount to be recovered by deduction in one lump sum from the emoluments of the subscriber even if he be on leave. If, however, the total amount to be repaid be more than half the subscriber's emoluments, recoveries shall be made in monthly installments of moieties of his emoluments till the entire amount is repaid by him.

**Note:** The term 'emoluments' in the rule does not include subsistence grant.

14.0 Withdrawal from the Fund

16.1 Subject to the conditions specified therein, withdrawals may be sanctioned by the Vice-Chancellor, at any time.

(A) after the completion of fifteen years of service (including broken periods of service, if any) of a subscriber or within ten years before the date of his retirement on superannuation, whichever is earlier, from the amount of subscription and interest thereon standing to the credit of the subscriber in the Fund, for one or more of the following purposes, namely:-

- (i) meeting the cost of higher education, including where necessary, the travelling expenses of the subscriber or any child of the subscriber in the following cases, namely:-
  - (a) for education outside India for academic, technical, professional, or vocational course beyond the High School stage; and
  - (b) for any medical, engineering or other technical or specialized course in India beyond the High School stage;
- (ii) Meeting the expenditure in connection with the betrothal/ marriage of the subscriber or his sons or his daughters, and any other female relation actually dependent upon him;
- (iii) Meeting the expenses in connection with the illness, including where necessary, the travelling expenses, of the subscriber and members of his family or any person actually dependent upon him;
- (iv) Meeting the cost of Consumer durables such as TV, VCR/ VCP, Washing Machines, Cooking Range, Geysers and Computers.

- (B) during the service of a subscriber from the amount of subscription and interest thereon standing to his credit in the Fund for one or more of the following purposes, namely :-
- (i) building or acquiring a suitable house or ready built flat for his residence including the cost of the site or any payment towards allotment of a plot or flat by the Delhi Development Authority, State Housing Board or a House Building Cooperative Society;
  - (ii) repaying an outstanding amount on account of loan expressly taken for building or acquiring a suitable house or ready built flat for his residence;
  - (iii) reconstructing or making additions or alterations to a house or a flat already owned or acquired by a subscriber;
  - (iv) renovating, additions or alterations or upkeep of an ancestral house at a place other than the place of duty or to a house built with the assistance of loan from University or Government at a place other than the place of duty;
  - (v) constructing a house on a site purchased under clause (i);
- (C) Within twelve months before the date of subscriber's retirement on superannuation from the amount of subscription and interest thereon standing to his credit in the Fund, without linking to any purpose;
- (D) Once during the course of a financial year, an amount equivalent to one year's subscription paid for by the subscriber towards the Group Insurance Scheme for the University employees on self-financing and contributory basis.

**Note 1:-** A subscriber who has availed himself of an advance from the University or has been allowed any assistance in this regard from any Government source, shall be eligible for the grant of final withdrawal under sub-clauses (i), (iii) and (v) of Clause (B) for the purposes specified therein and also for the purpose of repayment of any loan taken from sources indicated above subject to the limit specified in the proviso to sub-rule (17.1) of Rule 17.0.

If a subscriber has an ancestral house or built a house at a place other than the place of his duty with the assistance of loan taken from the University he shall be eligible for the grant of a final withdrawal under sub-clauses (i), (iii) and (v) of Clause B for purchase of a house-site or for construction of another house or for acquiring a ready-built flat at the place of his duty.

**Note 2:-** Withdrawal under sub-clauses (i), (iii), (iv) or (v) of clause (B) shall be sanctioned only after a subscriber has submitted a plan of the house to be constructed or of the additions or alterations to be made, duly approved by the local municipal body of the area where the site or house is situated and only in cases where the plan is actually got to be approved.

**Note 3:-** The amount of withdrawal sanctioned under sub-clause (ii) of Clause (B) shall not exceed  $\frac{3}{4}$ <sup>th</sup> of the balance on date of application together with the amount of previous withdrawal under sub-clause (i), reduced by the amount of previous withdrawal. The formula to be followed is:  $\frac{3}{4}$ <sup>th</sup> of the balance as on date plus

amount of previous withdrawal(s) for the house in question minus the amount of the previous withdrawal(s).

**Note 4:-** Withdrawal under sub-clause (i) or (iii) of Clause (B) shall also be allowed where the house-site or house is in the name of wife or husband provided she or he is the first nominee to receive Provident Fund money in the nomination made by the subscriber.

**Note 5:-** Only one withdrawal shall be allowed for the same purpose under this rule. But marriage or education of different children or illness on different occasions or a further addition or alteration to a house or flat covered by a fresh plan duly approved by the local municipal body of the area where the house or flat is situated shall not be treated as the same purpose. Second or subsequent withdrawal under sub-clause (i) or (v) of Clause (B) for completion of the same house shall be allowed upto the limit laid down under Note 3.

**Note 6:-** A withdrawal under this rule shall not be sanctioned if an advance under Rule 12.0 is being sanctioned for the same purpose and at the same time.

## **15.0 Conditions for withdrawal**

- 17.1 Any sum withdrawn by a subscriber at any one time for one or more of the purposes specified in Rule 16 from the amount standing to his credit in the Fund shall not ordinarily exceed one-half of the amount of subscriptions and interest thereon standing to the credit of the subscriber in the Fund or six month's pay, whichever is less. The Vice-Chancellor may, however, sanction the withdrawal of an amount in excess of this limit upto 3/4<sup>th</sup> in the case of withdrawal under sub-clause (A) and 90% in the case of withdrawal under sub-clause (B) of clause (16.1) of Rule 16.0 of the amount of subscriptions and interest thereon standing to the credit of the subscriber in the Fund having due regard to (i) the object for which the withdrawal is being made, (ii) the status of the subscriber, and (iii) the amount of subscriptions and interest thereon standing to the credit of the subscriber in the Fund.

Provided that in the case of a subscriber who has availed himself of an advance or has been allowed any assistance in this regard from any other Government source, the sum withdrawn under this sub-rule together with the amount of advance or assistance taken from any other Government source shall not exceed the maximum limit prescribed from time to time by the Government under the scheme for the grant of advances for house-building purposes.

Provided further that the withdrawal admissible under Rule 16.0(16.1)(C) shall not exceed 90% of the amount of subscription and interest thereon standing to the credit of the subscriber in the Fund.

- 17.2 A subscriber who has been permitted to withdraw money from the Fund under Rule 16.0 shall satisfy the Vice-Chancellor within a reasonable period as may be specified by him that the money has been utilized for the purpose for which it was withdrawn, and if he fails to do so, the whole of the sum so withdrawn or so much thereof as has not been applied for the purpose for which it was withdrawn shall forthwith be repaid in one lump sum by the subscriber to the Fund and in default of such payment, it shall be ordered by the Vice-Chancellor to be recovered from his emoluments either in a

lump sum or in such number of monthly installments, as may be determined by the Vice-Chancellor.

Provided that, before repayment of a withdrawal is enforced under this sub-rule, the subscriber shall be given an opportunity to explain in writing and within fifteen days of the receipt of the communication why the repayment shall not be enforced; and if the Vice-Chancellor is not satisfied with the explanation or no explanation is submitted by the subscriber within the said period of fifteen days, the Vice-Chancellor shall enforce the payment in the manner prescribed in this sub-rule.

- 17.3(i) A subscriber who has been permitted under sub-clause (i) or sub-clause (ii) of Clause (B) of sub-rule (16.1) of Rule 16.0 to withdraw money from the amount of subscription together with interest thereon standing to his credit in the Fund, shall not part with the possession of the house built or acquired or house-site purchased with the money so withdrawn, whether by way of sale, mortgage, gift, exchange or otherwise, without the previous permission of the Vice-Chancellor.

Provided that such permission shall not be necessary for-

- (a) the house or house-site being leased for any term not exceeding three years, or
  - (b) its being mortgaged in favour of a Housing Board, Nationalized Banks, the Life Insurance Corporation or any other Corporation owned or controlled by Government which advances loans for the construction of a new house or for making additions or alterations to an existing house.
- (ii) The subscriber shall submit a declaration not later than the 31<sup>st</sup> day of December every year as to whether the house or the house-site, as the case may be, continues to be in his possession or has been mortgaged, otherwise transferred or let out as aforesaid and shall, if so required, produce before the Vice-Chancellor on or before the date specified by him in that behalf, the original sale, mortgage or lease deed and also the documents on which his title to the property is based.
- (iii) If, at any time before his retirement, the subscriber parts with the possession of the house or house-site without obtaining the previous permission of the Vice-Chancellor, he shall forthwith repay the sum so withdrawn by him in a lump sum to the Fund, and in default of such repayment, the Vice-Chancellor shall, after giving the subscriber a reasonable opportunity of making a representation in the matter, cause the said sum to be recovered from the emoluments of the subscriber either in a lump sum or in such number of monthly installments, as may be determined by him.

**Note :** A subscriber who has taken loan from Government and in lieu thereof mortgaged the house or house-site to the Government shall be required to furnish the declaration to the following effect, namely :-

“I do hereby certify that the house or house-site for the construction of which or for the acquisition of which I have taken a final withdrawal from the Provident Fund continues to be in my possession but stands mortgaged to Government.”

## **18.0 Conversion of an advance into a withdrawal**

18.1 A subscriber who has already drawn or may draw in future an advance under Rule 12.0 for any of the purposes specified in sub-rule (16.1) of Rule 16.0 may convert, at his discretion by written request addressed to the Controller of Finance through the sanctioning authority, the balance outstanding against it into a final withdrawal on his satisfying the conditions laid down in Rules 16.0 and 17.0.

## **19.0 Final withdrawal of accumulations in the fund**

19.1 When a subscriber quits the service, the amount standing to his credit in the Fund shall, subject to any deduction under Rule 23.0, become payable to him.

Provided, that a subscriber, who has been dismissed from the service and is subsequently re-instated in the service shall, if required to do so by the University, repay any amount paid to him from the Fund in pursuance of this rule, with interest thereon at the rate provided in Rule 11.0 in the manner provided in the proviso to Rule 20.0. The amount so repaid shall be credited to his account in the Fund, the part which represents his subscriptions and interest thereon, and the part which represents University contribution with interest thereon, being accounted for in the manner provided in Rule 5.0.

**EXPLANATION I:-** A subscriber other than one who is appointed on contract or one who has retired from service and is subsequently re-employed, with or without a break in service, shall not be deemed to quit the service, when he is transferred without any break to a new post under a state Government or in any department of the Central Government or any University (in which he is governed by another set of Provided Fund Rules) and without retaining any connection with his former post. In such a case, his subscription and the University contribution, together with interest thereon shall be transferred to his account in the other Fund in accordance with the rules of that Fund if the State Government or Central Government or other University consents, by general or special order, to such transfer of his subscriptions, the University contribution and interest.

**EXPLANATION II:-** When a subscriber, other than one who is appointed on contract or one who is retired from service and is subsequently re-employed, is transferred, without any break, to the service under a body corporate owned or controlled by Government, or an autonomous organization, registered under the Societies Registration Act, 1860, the amount of subscriptions and the University contribution together with interest thereon, shall not be paid to him but shall be transferred with the consent of that body, to his new Provident Fund Account under that body.

Transfers shall include cases of resignation from service in order to take up appointment under a body corporate owned or controlled by Government or an autonomous organization, registered under the Societies Registration Act, 1860, without any break and with proper permission of the University. The time taken to join the new post shall not be treated as a break in service if it does not exceed the joining time, admissible to an employee on transfer from one post to another.

Provided that the amount of subscription and the university contribution together with interest thereon, of a subscriber opting for service under a Public Enterprise may, if he so desires, be transferred to his new Provident Fund Account under the Enterprise if the

concerned Enterprise also agrees to such a transfer. If, however, the subscriber does not desire the transfer or the concerned Enterprise does not operate a Provident Fund, the amount aforesaid shall be refunded to the subscriber.

## 20.0 Retirement of subscriber

### 20.1 When a subscriber-

- (a) has proceeded on leave preparatory to retirement or if he is employed in a vacation department, on leave preparatory to retirement combined with vacation;
- (b) while on leave, has been permitted to retire or declared by a competent authority to be unfit for further service,

the amount of subscription and interest thereon standing to his credit in the Fund shall, upon application made by him in that behalf to the Accounts Officer, become payable to the subscriber.

Provided that the subscriber, if he returns to duty shall, except where the University decides otherwise, repay to the Fund for credit to his account, the amount paid to him from the Fund in pursuance of this rule with interest thereon at the rate provided in Rule 11.0 in cash or securities or partly in cash and partly in securities, by installments or otherwise, by recovery from his emoluments or otherwise, as may be directed by the authority competent to sanction an advance for the grant of which, special reasons are required under sub-rule (12.2) of Rule 12.0.

## 21.0 Procedure on death of a subscriber

21.1 Subject to any deduction under Rule 23.0, on the death of a subscriber before the amount standing to his credit has become payable or where the amount has become payable, before payment has been made:

- (i) When the subscriber leaves a family -
  - (a) if a nomination made by the subscriber in accordance with the provisions of Rule 4.0 in favour of a member or members of his family subsists, the amount standing to his credit in the Fund or the part thereof to which the nomination relates shall become payable to his nominee or nominees in the proportion specified in the nomination;
  - (b) if no such nomination in favour of a member or members of the family, of the subscriber subsists, or if such nomination relates only to a part of the amount standing to his credit in the Fund, the whole amount or the part thereof to which the nominations does not relate, as the case may be, shall, notwithstanding any nomination purporting to be in favour of any person or persons other than a member or members of his family, become payable to the members of his family in equal shares:

Provided that no share shall be payable to –

- (1) sons who have attained majority;



- (2) sons of a deceased son who have attained majority;
- (3) married daughters whose husbands are alive;
- (4) married daughters of a deceased son whose husbands are alive;

if there is any member of the family other than those specified in Clauses (1), (2), (3) and (4).

Provided also that the widow or widows and the child or children of a deceased son shall receive between them in equal parts only the share which that son would have received if he had survived the subscriber and had been exempted from the provisions of clause (1) of the first proviso.

- (ii) When the subscriber leaves no family, if a nomination made by him in accordance with the provisions of Rule 4.0 in favour of any person or persons subsists, the amount standing to his credit in the Fund or the part thereof to which the nomination relates, shall become payable to his nominee or nominees in the proportion specified in the nomination.

## **22.0 Deposit-linked Insurance scheme**

22.1 On the death of a subscriber, the person entitled to receive the amount standing to the credit of the subscriber shall be paid by the Accounts Officer an additional amount equal to the average balance amount of subscription and interest thereon at the credit in the amount during the 3 years immediately preceding the death of such subscriber, subject to the condition that:-

- (i) the balance representing subscription with interest thereon at the credit of such subscriber shall not at any time during the 3 years preceding the month of death have fallen below the limits of –
  - (a) Rs. 12,000 in the case of a subscriber who has held, for the greater part of the aforesaid period of three years, a post the maximum of which is Rs. 4,000 or more;
  - (b) Rs. 7,500 in the case of a subscriber who has held for the greater part of the aforesaid period of three years, a post the maximum of the pay scale of which is Rs. 2,900 or more but less than Rs. 4,000.
  - (c) Rs. 4,500 in the case of a subscriber who has held for the greater part of the aforesaid period of three years, a post the maximum of the pay scale of which is Rs. 1,151 or more but less than Rs. 2,900.
  - (d) Rs. 3,000 in the case of a subscriber who has held for the greater part of the aforesaid period of three years, a post the maximum of pay scale of which is less than Rs. 1,150.
- (ii) the additional amount payable under this rule shall not exceed Rs. 30,000;
- (iii) the subscriber has put in at least 5 years service at the time of his/ her death.

**Note I:-** The average balance shall be worked out on the basis of the balance at the credit of the subscriber at the end of each of the 36 months, preceding the

month in which the death occurs. For this purpose, as also for checking the minimum balance prescribed above –

- (a) the balance at the end of March, shall include the annual interest credited in terms of Rule 11 and;
- (b) if the last of the aforesaid 36 months is not March, the balance at the end of said last month shall include interest in respect of the period from the beginning of the financial year in which death occurs to the end of the said last month.

**Note 2:-** Payment under this scheme should be in whole rupees. If an amount due includes a fraction of a rupee it should be rounded to the nearest rupee (50 paise counting as the next higher rupee)

**Note 3:-** Any sum payable under this scheme is in the nature of insurance money and therefore, the statutory protection given by Section 3 of the Provident Funds Act, 1925 (Act 19 of 1925), does not apply to sums payable under this scheme.

**Note 4:-** (a) In case of an employee who has been admitted to the benefits of the Fund under Rule 25 but dies before completion of three years of service or as the case may be, five years of service from the date of his admission to the Fund, the period of his service under the previous employer in respect whereof the amount of his subscription and the employer's contribution, if any, together with interest have been recovered, shall count for purpose of clause (a) and clause (c).

(b) In case of persons appointed on tenure basis and in the case of re-employed pensioners, service rendered from the date of such appointment or re-employment, as the case may be, only will count for purposes of this rule.

(c) The scheme does not apply to persons appointed on contract basis.

**Note 5:-** The Budget Estimates of expenditure in respect of this scheme will be prepared by the Accounts Officer responsible for maintenance of the account of the Fund.

## **23.0 Deductions**

23.1 Subject to the condition that no deduction may be made which reduces the credit by more than the amount of any contribution by University with interest thereon credited under Rules 10 and 11, before the amount standing to the credit of the subscriber in the Fund is paid out of the Fund.

(A) the Vice-Chancellor may direct the deduction there from and payment to University of-

- (i) All amounts representing such contribution and interest; if the subscriber is dismissed from service due to misconduct, insolvency or inefficiency;

Provided that where the Vice-Chancellor is satisfied that such deduction would cause exceptional hardship to the subscriber, he may, by order, exempt from such deduction an amount not exceeding two-third of the amount of such contribution and interest which would have been payable to the subscriber, if he had retired on medical grounds:-

Provided further that if, any such order of dismissal is subsequently cancelled, the amount so deducted shall, on his re-instatement in the service be replaced to his credit in the Fund.

- (ii) all amounts representing such contribution and interest, if the subscriber within five years of the commencement of his service as such, resigns from the service or ceases to be an employee under University otherwise than by reason of death, superannuation, or a declaration by a competent medical authority that he is unfit for further service, or the abolition of the post or the reduction of establishment.
- (B) The Vice-Chancellor may direct the deduction there from and payment to the University of any amount due under a liability incurred by a subscriber to University.

**Note 1:-** For the purpose of sub-clause (ii) of Clause (A) of this rule-

- (i) the period of five years shall be reckoned from the commencement of the subscriber's continuous service under University;
- (ii) resignation from service in order to take up appointment in another Department of the Central Government, State Government or under a body corporate owned or controlled by Government or an autonomous organization, registered under the Societies Registration Act, 1860 (21 of 1860) without any break and with proper permission of the University, shall not be treated as resignation from University service.

#### **24.0 Manner of payment of amount in the Fund**

24.1 When the amount standing to the credit of a subscriber in the Fund or the balance thereof after any deduction under Rule 23.0 becomes payable, it shall be the duty of the Accounts Officer after satisfying himself when no such deduction has been directed under that rule, that no deduction is to be made, to make payment on receipt of a written application in this behalf as provided in sub-rule (24.2).

24.2 The following procedure shall be adopted for claiming payment by a subscriber, namely-

- (i) To enable a subscriber to submit an application for withdrawal of the amount in the Fund, the Registrar shall send to every subscriber necessary forms either one year in advance of the date on which the subscriber attains the age of superannuation, or before the date of his anticipated retirement, if earlier, with instructions that they should be returned to him duly completed within a period of one month from the date of receipt of the forms by the subscriber. The subscriber shall submit the application to the Accounts Officer through

the Registrar for payment of the amount in the Fund. The application shall be made-

- (a) for the amount standing to his credit in the Fund as indicated in the Accounts statement for the year ending one year prior to the date of his superannuation or his anticipated date of retirement, or
- (b) for the amount indicated in his ledger account in case the Accounts Statement has not been received by the subscriber.
- (ii) The Registrar shall forward the application to the Accounts Officer indicating the recoveries effected against the advances which are still current and the number of installments yet to be recovered and also indicate the withdrawals, if any, taken by the subscriber after the period covered by the last statement of the subscriber's account sent by the Accounts Officer.
- (iii) The Accounts Officer shall, after verification with the ledger account, issue an authority for the amount indicated in the application at least a month before the date of superannuation but payable on the date of superannuation.
- (iv) The authority mentioned in clause (iii) will constitute the first installment of payment. A second authority be issued as soon as possible after superannuation. This will relate to the contribution made by the subscriber subsequent to the amount mentioned in the application submitted under clause (i) plus the refund of installments against advances which were current at the time of first application.
- (v) After forwarding the application for final payment to the Accounts Officer, advance/ withdrawal may be sanctioned but the amount of advance/ withdrawal shall be drawn on an authorization from the Accounts Officer who shall arrange this as soon as the formal sanction of sanctioning authority is received by him.

Note : When the amount standing to the credit of a subscriber has become payable under Rule 19.0, 20.0, 21.0 the Accounts Officer shall authorize prompt payment of the amount in the manner indicated in sub-rule (24.2).

## **25.0 Procedure on transfer to Pensionable service**

- 25.1 If a subscriber is permanently transferred to pensionable service under the University, he shall, at his option, be entitled-
- (i) to continue to subscribe to the Fund, in which case he shall not be entitled to any pension; or
  - (ii) to earn pension in respect of such pensionable service, in which case, with effect from the date of his permanent transfer-
    - (a) he shall cease to subscribe to the Fund;
    - (b) the amount of contributions by University with interest thereon standing to his credit in the Fund shall be repaid to University;

- (c) the amount of subscription together with interest thereon standing to his credit in the Fund shall be transferred to his credit in the General Provident Fund, to which thereafter he shall subscribe in accordance with the rules of that Fund; and
- (d) he shall thereupon be entitled to count towards pension, service rendered prior to the date of permanent transfer, to the extent permissible under the Pension Rules.

25.2 A subscriber shall communicate his option under sub-rule (25.1) by a letter to the Registrar within three months of the date of the order transferring him permanently to pensionable service; and if no communication is received in the office of the Registrar within that period, the subscriber shall be deemed to have exercised his option in the manner referred to in clause (ii) of that sub-rule.

## **26.0 Annual statement of accounts**

26.1 As soon as possible after the 31<sup>st</sup> March of each year, the Accounts Officer shall send to each subscriber a statement of his account in the Fund showing the opening balance as on the 1<sup>st</sup> April of the year, the total amount credited or debited during the year, the total amount of interest credited as on the 31<sup>st</sup> March of the year and the closing balance on that date. The Accounts Officer shall attach to the statement of accounts an enquiry whether the subscriber-

- (i) desires to make any alteration in any nomination made under Rule 4.0;
- (ii) has acquired a family in cases where the subscriber has made no nomination in favour of a member of his family under the proviso to sub-rule (4.1) of Rule 4.0.

26.2 Subscribers should satisfy themselves as to the correctness of the annual statement and errors should be brought to the notice of the Accounts Officer within three months from the date of the receipt of the statement.

26.3 The Accounts Officer shall, if required by a subscriber, once but not more than once, in a year, inform the subscriber of the total amount standing to his credit in the Fund at the end of the last month for which his account has been written up.

**SECTION – II      GRATUITY**

**27.0 Retirement/ Death Gratuity**

- 27.1(i) An employee, who has completed five years' qualifying service at the University shall, on his retirement, be granted retirement gratuity equal to one-fourth of his emoluments for each completed six monthly period of qualifying service, subject to a maximum of 16 ½ times the emoluments.
- (ii) If an employee dies while in service, the death gratuity shall be paid to his family in the manner indicated in the nomination made by the deceased, at the rates given in the table below, namely-

<b>Length of qualifying service</b>	<b>Rate of death gratuity</b>
(a) Less than 1 year	2 times of emoluments
(b) One year or more but less than 5 years	6 times of emoluments
(c) 5 years or more but less than 20 years	12 times of emoluments
(d) 20 years or more	Half of emoluments for every completed six monthly period of qualifying service subject to a maximum of 33 times of emoluments.

Provided that the amount of retirement gratuity or death gratuity payable under this rule shall in no case exceed three lakhs and fifty thousand rupees.

Provided further, that where the amount of retirement or death gratuity as finally calculated contains a fraction of a rupee, it shall be rounded off to the next higher rupee.

- 27.2 If an employee who has become eligible for payment of University's share of contribution to the Contributory Provident Fund under the rules of the University, dies within a period of five years after he retires from the service of the University, and the sums actually received by him at the time of death on account of University's share of contribution to the Contributory Provident Fund, together with the gratuity under the sub-rule (27.1) above is less than the amount equal to 12 times of his emoluments, a residuary gratuity equal to the deficiency shall be granted to his family.
- 27.3 For the purpose of determining the amount of Gratuity under this rule, 'emoluments' shall mean basic pay which an employee was receiving immediately at the time of relinquishment of service or on the date of his death, as the case may be, including dearness pay, if any, but it will not include special pay, personal pay and other emoluments as pay.

EXPLANATION: Stagnation increment shall be treated as emoluments.

NOTE: In case the employee concerned was on leave with or without allowances immediately before retirement or death, pay for this purpose will be pay which he would have drawn had he not proceeded on such leave.

## 28.0 Persons to whom Gratuity is payable

28.1 (A) The gratuity payable under Rule 27.0 shall be paid to the person or persons on whom the right to receive the gratuity is conferred by means of a nomination in Form 1 or 2, as the case may be, as appropriate in the circumstances of the case conferring on one or more persons the right to receive the retirement/ death gratuity.

(B) If there is no such nomination or if the nomination made does not subsist, the gratuity shall be paid in the manner indicated below:-

- (i) If there are one or more surviving members of the family as in the following sub-clauses (aa), (bb), (cc) and (dd) to all such members in equal shares:
  - (aa) wife or wives including judicially separated wife or wives in the case of a male employee;
  - (bb) husband including judicially separated husband in the case of a female employee;
  - (cc) sons including step-sons and adopted sons; and
  - (dd) Unmarried daughters including step-daughters and adopted daughters.
- (ii) If there are no such surviving members of the family as in clause (i) above, but there are one or more members as in the following sub-clauses (aa), (bb), (cc) and (dd), (ee), (ff) and (gg) to all such members in equal shares:
  - (aa) widowed daughters including step-daughters and adopted daughters;
  - (bb) father } including adoptive parents in the case of individuals
  - (cc) mother } whose personal law permits adoption;
  - (dd) brothers below the age of eighteen years including step-brothers;
  - (ee) unmarried sisters and widowed sisters including step-sisters;
  - (ff) married daughters; and
  - (gg) Children of the pre-deceased son.

28.2 If an employee dies after retirement without receiving the gratuity admissible under sub-rule (27.1) of Rule 27.0 the gratuity shall be disbursed to the family in the manner indicated in sub-rule (28.1).

28.3 The right of a female member of the family, or that of a brother, of an employee who dies while in service or after retirement, to receive the share of gratuity shall not be affected if the female marries or re-marries, or the brother attains the age of eighteen years, after the death of the employee and before receiving her or his share of the gratuity.

28.4 Where gratuity is granted under Rule 27.0 to a minor member of the family of the deceased employee, it shall be payable to the guardian on behalf of the minor.

A. Debarring a person from receiving gratuity-

- (i) If a person who in the event of death of an employee while in service is eligible to receive gratuity in terms of Rule 28.0, is charged with the offence of murdering the employee or for abetting in the commission of such an offence, his claim to receive his share of gratuity shall remain suspended till the conclusion of the criminal proceedings instituted against him.

- (ii) If on the conclusion of the criminal proceedings referred to in sub-rule (i), the person concerned-
  - (a) is convicted for the murder or abetting in the murder of the employee, he shall be debarred from receiving his share of gratuity which shall be payable to other eligible members of the family, if any,
  - (b) is acquitted of the charge of murdering or abetting in the murder of the employee, his share of gratuity shall be payable to him.

### **29.0 Lapse of retirement gratuity/ death gratuity**

29.1 Where an employee dies while in service or after retirement without receiving the amount of gratuity and leaves behind no family and-

- (i) has made no nomination, or
- (ii) the nomination made by him does not subsist;

The amount of Retirement, Gratuity/ Death Gratuity payable in respect of such employee under Rule 27.0 shall lapse to the University.

Provided that the amount of Death Gratuity/ Retirement Gratuity shall be payable to the person in whose favour a succession certificate in respect of the gratuity in question has been granted by a Court of Law.

30.0 No gratuity shall be payable on resignation from the service of the University or dismissal or removal from it for misconduct, insolvency, inefficiency not due to age.

### **31.0 Relaxation of the provisions of the rules**

Where the Board of Management is satisfied that the operation of any of these rules, causes or is likely to cause undue hardship in any particular case, it may, notwithstanding anything contained in these rules, by order for reasons to be recorded in writing, dispense with or relax the requirement of that rule to such extent and subject to such exceptions and conditions as it may consider necessary for dealing with the case in a just and equitable manner.

### **32.0 General:**

The decisions, explanations, instructions, clarifications or procedure etc; issued by the Government of India or Government of NCT of Delhi from time to time relating to payment of Pensions, Gratuity, Family Pension etc; shall be applicable to the University employees also covered under these rules as per context.

**BOM Resolution – 8<sup>th</sup> meeting dated 29.02.2000, amended 25<sup>th</sup> meeting  
23.12.2004**

**Gazette Notification No. F.2(29)/Ord/IPU/DRP/2005/2431 dated 10.03.2005**



