

**GOVERNMENT OF MEGHALAYA
FINANCE (PAY REVISION) DEPARTMENT**

No.F(PR)-71/09/184

Dated Shillong, the 23rd February, 2010.

OFFICE MEMORANDUM

Subject : Implementation of Government's decision on the recommendations of the Fourth Meghalaya Pay Commission – Revision of provisions/rules regulating pension/family pension/gratuity/commutation of pension/disability pension/ex-gratia lumpsum payment, etc.

1. The undersigned is directed to say that in pursuance of the Government's decision on the recommendations of the Fourth Meghalaya Pay Commission, the Governor of Meghalaya is pleased to order the following revision/modifications in the rules regulating Pension, Family Pension, Retirement/Service/Death-cum-Retirement Gratuity under the Meghalaya Civil Services (Pension) Rules, 1983 and the Meghalaya Civil Services (Commutation of Pension) Rules, 1992.

2.1. These orders shall apply to all State Government employees governed by the Meghalaya Civil Services (Pension) Rules, 1983 and the Meghalaya Civil Services (Commutation of Pension) Rules, 1992. Save as otherwise provided in these orders, the revised provisions as per these orders shall apply to State Government employees who retire/die in harness on or after 1st January, 2007.

2.2. Where pension/family pension/gratuity/commutation of pension, etc., has already been sanctioned in cases occurring on or after the aforesaid date of 1.1.2007, the same shall be revised in terms of these orders. In cases where pension has been finally sanctioned on the pre-revised orders and if it happens to be more beneficial than the pension becoming due under these orders, the pension already sanctioned shall not be revised to the disadvantage of the pensioner vide Rule 60 of the Meghalaya Civil Services (Pension) Rules, 1983.

Emoluments:

3. The term "emoluments" for the purpose of calculation/computation of various pensionary benefits, other than various kinds of gratuity, shall have the same meaning as in Rule 28 of the Meghalaya Civil Services (Pension) Rules, 1983.

Pension:

4.1. A Government employee retiring in accordance with the provisions of the Meghalaya Civil Services (Pension) Rules, 1983, before completing qualifying service of ten years shall not be entitled to pension but he/she shall continue to be entitled to Service Gratuity in terms of Rule 40(1) (a) of the Meghalaya Civil Services (Pension) Rules, 1983.

4.2. In the case of a Government employee retiring in accordance with the provisions of these rules after completing not less than ten years of service irrespective of substantive appointment (i.e., confirmation) and/or temporary/officiating appointment against sanctioned post/service, pension shall be paid at 50% of the average emoluments received during the last six months and shall be related to the maximum qualifying service of 30(thirty) years. In respect of Government employees who have, at the time of retirement, rendered qualifying service of ten years or more but less than thirty years, the amount of pension shall be such proportion of the maximum admissible pension at the qualifying service of thirty years.

Contd....2/-

4.3. The revised provisions for calculation of pension in Para 4.2. above shall come into force with effect from the date of issue of this Office Memorandum and shall be applicable to Government employees retiring on or after that date. The Government employees who have retired on or after 1.1.2007 but before the date of this order, will continue to be governed by the rules/orders which were in force immediately before coming into effect of these orders.

4.4. The amount of pension shall be subject to a minimum of Rs.3,250.00 per month and maximum up to 50% of highest pay in Government (i.e., Rs.48,980.00).

4.5.1. The quantum of Pension available to old pensioners shall be increased as follows :-

Age of Pensioner (1)	Additional quantum of Pension (2)
(i) From 80 years to less than 85 years	: 20% of basic pension
(ii) From 85 years to less than 90 years	: 30% of basic pension
(iii) From 90 years to less than 95 years	: 40% of basic pension
(iv) From 95 years to less than 100 years	: 50% of basic pension
(v) 100 years or more	: 100% of basic pension

4.5.2. The Pension Sanctioning Authorities shall ensure that the date of birth and age of a pensioner is invariably indicated in the Pension Payment Order to facilitate payment of additional pension by the Pension Disbursing Authorities as soon as it becomes due. The amount of additional pension shall be shown distinctly in the Pension Payment Order. For example, in case where a pensioner is more than 80 years of age and his pension is Rs.10,000.00 per month, the Pension will be shown as (i) Basic Pension = Rs.10,000.00 and (ii) Additional Pension = Rs.2,000.00. The Pension on his attaining the age of 85 years will be shown as (i) Basic Pension = Rs.10,000.00 and (ii) Additional Pension = Rs.3,000.00 per month.

Gratuity:

5. The maximum limit of all kinds of gratuity shall be Rs.7 lakh. Accordingly the provision in Rule 40(1) (a) and the Proviso under Rule 40(1) (b) of the Meghalaya Civil Services (Pension) Rules, 1983 shall stand modified to the effect that the amount of Service and/or Death-cum-Retirement Gratuity payable under the Rule shall in no case exceed Rs.7 lakh.

Family Pension:

6.1. Family Pension shall be calculated at a uniform rate of 30% of basic pay in all cases and shall be subject to minimum of Rs.3,250.00 per month and maximum of 30% of the highest pay in Government of Rs.48,980.00. Rule 46 of the Meghalaya Civil Service (Pension) Rules, 1983 shall stand modified to this extent.

6.2.1. The quantum of Family Pension available to old Family Pensioners shall be increased as follows :-

Age of Family Pensioner (1)	Additional quantum of Family Pension (2)
(i) From 80 years to less than 85 years	: 20% of basic family pension
(ii) From 85 years to less than 90 years	: 30% of basic family pension
(iii) From 90 years to less than 95 years	: 40% of basic family pension
(iv) From 95 years to less than 100 years	: 50% of basic family pension
(v) 100 years or more	: 100% of basic family pension

6.2.2. The Pension Sanctioning Authorities shall ensure that the date of birth and age of Family Pensioner is invariably indicated in the Form 17 (refer Rule 52, *ibid*) and the Pension Payment Order to facilitate payment of additional Family Pension by the Pension Disbursing Authorities as soon as it becomes due. The amount of additional Family Pension will be shown distinctly.

6.3. For the purpose of grant of Family Pension, the "Family" shall be categorized as below :-

Category – I:

- (a) Widow or Widower, up to date of death or re-marriage, whichever is earlier.
- (b) Son/Daughter including widowed daughter up to the date of his marriage/re-marriage or till he/she starts earning or till the age of 25 years, whichever is earlier.

Category – II:

- (c) Unmarried/Widowed/Divorced daughter, not covered by Category – I above, up to the date of marriage/re-marriage or till the date she starts earning or up to the date of death, whichever is earlier.
- (d) Parents who were wholly dependent on the Government employee when he/she was alive, provided the deceased Government employee had left behind neither a widow nor a child. Family pension to dependent parents/unmarried/divorced/ widowed daughter shall continue till the date of death.

Provided that Family pension to unmarried/divorced/ widowed daughters in Category – II and dependent parents shall be payable only after the other eligible members in Category – I have ceased to be eligible to receive family pension and there is no disabled child to receive the family pension. Grant of family pension to children in respective categories shall be payable in order of their date of birth and the younger of them will not be eligible for family pension unless the next above him/her has become ineligible for grant of family pension in that category.

- (e) Judicial separation of husband and wife does not entail forfeiture of claim of family pension unless it is on ground of adultery of which the surviving spouse is held guilty. If there is child/children through the judicially separated spouse, the child/children will be paid the family pension. In such a case, it may be paid to the surviving spouse if he/she is the natural guardian; otherwise, the family pension shall be paid to actual guardian specified by the competent legal authority. After the child/children cease(s) to be eligible for family pension, the family pension will be paid to the judicially separated spouse till death or re-marriage, whichever is earlier.

6.4. The dependency criteria for the purpose of family pension shall be the minimum family pension with dearness allowance/relief thereon.

6.5. Family pension shall also be admissible to post-retiral spouse/child (children) so born.

Family Pension in respect of Missing Government employee:

7. If an employee is missing and his/her whereabouts are not known, his/her family shall be paid the retirement benefits. For the purpose, the family of the missing Government employee should have lodged the necessary complaint with the Police and

obtained a report that the concerned employee has not been traced after all efforts had been made. The claims of the family will be settled in the manner as below :-

Claims payable in the first instance:

Pay and allowances as due and admissible, leave encashment, if any, and General Provident Fund balance.

After one Year:

Death-cum-Retirement Gratuity, Family Pension from the date of the F.I.R./Complaint and other dues as due and admissible to the missing Government employee. It is, however, necessary that the nominees/dependents should furnish the Indemnity Bond that all payments shall be adjusted against the payment due to the missing employee in case he/she appears on the scene at a later date and makes claims.

After death is established or after seven years:

Subject to production of proper and indisputable proof of death or decree of the Courts, final settlement of Death-cum-Retirement Gratuity including insurance cover, if any, including family pension shall be sanctioned under the rules.

When missing after committing fraud, etc:

The claims may be entertained only when the Government employee has been acquitted by the Court or after the conclusion of departmental disciplinary proceedings.

Special Family Pension:

8.1. Government have introduced the Scheme of Special Family Pension with effect from 4th July, 2007. The Scheme inter alia provides that the next of kin/relatives of the deceased Government employees borne on pensionable service/post holding substantive or temporary appointment and who get killed while engaged in discharge of duties or for reasons connected with the discharge of duties, will be entitled to the grant of Special Family Pension at the rate equal to the amount of monthly salary (last pay drawn) including incremental benefit dearness allowance and other allowances. The Scheme is also applicable to A.I.S. Officers and personnel serving in connection with the affairs of the State.

8.2. The Special Family Pension so granted shall be in lieu of the Family Pension admissible under the Meghalaya Civil Services (Pension) Rules, 1983 and shall be tenable for the period from the date following the date of death till the date on which the deceased employee would have attained the superannuation age had he remained in service. And from the above notional superannuation date, the Family Pension under the normal rules of the Meghalaya Civil Services (Pension) Rules, 1983, will apply.

8.3. For the purpose of grant of Special Family Pension, the following next of kin/relatives in accordance with the priority indicated below will apply :-

- (i) In the case of widow or widower, up to date of death or re-marriage, whichever is earlier;
- (ii) In absence of surviving spouse, minor sons and unmarried daughters;
- (iii) In absence of eligible, parents who are wholly dependent on the Government employee when he/she was alive; and,
- (iv) Wholly dependent minor brothers and unmarried sisters provided the deceased Government employee had left behind neither a widow nor a child including wholly dependent parents.

Commutation of Pension:

9.1. A Government employee shall continue to be entitled to commute for lumpsum payment up to 1/3rd of his pension.

9.2. The existing Table of Commutation Value for Pension annexed to the Meghalaya Civil Services (Commutation of Pension) Rules, 1992 shall be substituted by a new Table as below :-

COMMUTATION VALUE FOR A PENSION OF Re.1 PER ANNUM:

Age next birthday	Commutation value expressed as number of year's purchase	Age next birthday	Commutation value expressed as number of year's purchase	Age next birthday	Commutation value expressed as number of year's purchase
20	9.188	41	9.075	62	8.093
21	9.187	42	9.059	63	7.982
22	9.186	43	9.040	64	7.862
23	9.185	44	9.019	65	7.731
24	9.184	45	8.996	66	7.591
25	9.183	46	8.971	67	7.431
26	9.182	47	8.943	68	7.262
27	9.180	48	8.913	69	7.083
28	9.178	49	8.881	70	6.897
29	9.176	50	8.846	71	6.703
30	9.173	51	8.808	72	6.502
31	9.169	52	8.768	73	6.296
32	9.164	53	8.724	74	6.085
33	9.159	54	8.678	75	5.872
34	9.152	55	8.627	76	5.657
35	9.145	56	8.572	77	5.443
36	9.136	57	8.512	78	5.229
37	9.126	58	8.446	79	5.018
38	9.116	59	8.371	80	4.812
39	9.103	60	8.287	81	4.661
40	9.090	61	8.194		

[(Basis : LIC (94-96) Ultimate Table and 8.00% interest adopted by the Central Government].

9.3. The Revised Table of Commutation Value for Pension shall be used for all commutation of pension which becomes absolute after the date of issue of Office Memorandum. In the case of those pensioners, whose commutation of pension became absolute on or after 1.1.2007 but before the issue of this Office Memorandum, the Pre-revised Table of Commutation Value for pension shall be used for payment of commutation of pension based on pre-revised pay/pension. Such pensioners shall have an option to commute the amount of pension that has become additionally commutable on account of retrospective revision of pay/pension on implementation of the recommendations of the Fourth Meghalaya Pay Commission. On exercising such an option by the pensioner, the Revised Table of Commutation Table for Pension shall be used for the commutation of the additional amount of pension that has become commutable on account of retrospective revision of pay/pension. In all cases where the date of retirement/commutation of pension is on or after the date of issue of this Office Memorandum the revised Table of Commutation Value for Pension will be applied for commutation of entire pension.

9.4. Existing provisions of the Meghalaya Civil Services (Commutation of Pension) Rules, 1992 shall stand modified in accordance with the above.

Ex-gratia Lumpsum Compensation:

10.1. Ex-gratia Payment to families of Government employees who die while performing official duties:

Subject to the terms and conditions specified in Office Memorandum No.FEM.111/78/130, dated 4th June, 1990, Ex-gratia payment equal to six months' pay subject to the maximum of Rs.40,000.00 shall be paid to the eligible family of the deceased employee as one-time relief. No amount of money or such other liabilities outstanding against the deceased Government employee shall be recovered or adjusted from the amount granted under these orders.

10.2. Ex-gratia Grant to families of Armed Service Personnel/State Police Personnel/Home Guards Personnel and others who are killed while on law and order duties/Anti-insurgency or terrorists action:

In terms of Government Office Memorandum No.POL.71/2001/Pt.1/87, dated 15th June, 2006, an ex-gratia lumpsum compensation will be available to the families/next of kin of the personnel who die in the performance of their bonafide official duties under various circumstances. The scales of Ex-gratia Compensation are indicated below :-

- (a) Rs.5.00 lakh : To the next of kin of any Armed Forces personnel belonging to the State of Meghalaya who die while defending the sovereignty and territorial integrity of India and also to the next of kin of State Police, Home Guards personnel and Central Para Military personnel in the event of death as a direct consequence or result of operations as indicated above.
- (b) Rs.0.50 lakh : Personnel referred to above who are permanently disabled by injury caused in or in consequence of due performance of duties.
- (c) Rs.1.00 lakh : To the next of kin of other personnel killed in terrorists/militants incidents.
- (d) Rs.0.20 lakh : To personnel injured as a result of such incidents.

10.3. The Ex-gratia lumpsum compensation shall be one-time payment and shall be in lieu of the relief indicated at Para 10.1. above.

11. For the purpose of computation of average emoluments in the case of a Government employee who has opted for fixation of pay in the Revised Scale of Pay and retired within six months from the date of coming over to the Revised Pay Structure, the emoluments for the six months' period preceding the date of retirement shall be calculated by taking into account as follows :-

- (a) For the period during which pay is drawn in the Revised Pay Scale. : Pay drawn in the prescribed Revised Scale; and,
- (b) For the remaining period during which pay is drawn in the Pre-1.1.2007 Scale of Pay. : Basic Pay (excluding Dearness Pay) multiplied by factor of 2.66, notionally, to be rounded off to the next higher rupee.

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Special provision for those who retain the Pre – 1.1.2007 Revised Scale of Pay:

12. The pension and Death-cum-Retirement Gratuity in respect of those Government employees, who have elected to continue to draw pay in the Pre – 1.1.2007 Scales of Pay in terms of Rule 5 of the Meghalaya Services (Revision of Pay) Rules, 2009 and have retired or will be retiring after 1.1.2007, shall be regulated as below :-

- (i) The term “emoluments” will mean “Pay” as defined in F.R. 7(17) of Meghalaya FRs & SRs, 1984 and will include Dearness Pay.
- (ii) Pension will be calculated at 50% of average emoluments for six month's period.
- (iii) Death-cum-Retirement Gratuity shall be admissible with reference to emoluments as at (i) above. The maximum amount of Gratuity/ Death-cum-Retirement Gratuity shall not exceed Rs.3,50,000/-.
- (iv) Commutation of pension shall be admissible in accordance with the orders/rules in force immediately before coming into effect of these orders.
- (v) Family Pension shall be allowed in accordance with rules/orders applicable prior to the issue of these orders and shall be calculated with reference to basic pay in the Pre-Revised Scales. The amount so arrived at will be regarded as the Family Pension for regulating payment of Dearness Allowance/Relief beyond average AICPI-569.

13. Formal amendments to the Meghalaya Civil Services (Pension) Rules, 1983 and Meghalaya Civil Services (Commutation of Pension) Rules, 1992, in terms of orders contained herein above will be issued in due course. Provisions of the Meghalaya Civil Services (Pension) Rules, 1983 and Meghalaya Civil Services (Commutation of Pension) Rules, 1992, which are not specifically modified by these orders, shall remain unaffected.

14. The Pension/Family Pension in terms of these orders will qualify for Dearness Allowance/Relief beyond the average AICPI-569 under the pattern being introduced on the recommendations of the Fourth Meghalaya Pay Commission.

(B.K. Dev Varma),
Principal Secretary to the Govt. of Meghalaya,
Finance Department.

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Memo.No.F(PR)-71/09/184-A,

Dated Shillong, the 23rd February, 2010.

Copy to:-

1. The Accountant General (A&E), Meghalaya, Shillong (with 50 spare copies).
2. The Accountant General (Audit), Meghalaya, Shillong (with 25 spare copies).
3. P.S. to the Chief Minister, Government of Meghalaya, Shillong.
4. P.S. to the Deputy Chief Ministers, Government of Meghalaya, Shillong.
5. P.S. to all Cabinet Ministers, Government of Meghalaya, Shillong.
6. P.S. to all Parliamentary Secretaries, Government of Meghalaya, Shillong.
7. P.S. to Chief Secretary, Government of Meghalaya, Shillong.
8. P.S. to Addl. Chief Secretary, Government of Meghalaya, Shillong.
9. P.S. to all Principal Secretaries, Government of Meghalaya, Shillong.
10. All Commissioners & Secretaries/Addl. Secretaries to the Government of Meghalaya, Shillong.
11. All Administrative Departments.

Contd....8/-

12. All Heads of Departments.
13. All Deputy Commissioners/All Sub-Divisional (Civil) Officers.
14. All Financial Advisers/All Finance & Accounts Officers/All Treasury Officers.
15. The Secretary, Meghalaya Legislative Assembly Secretariat, Shillong.
16. The Secretary, Meghalaya Public Service Commission, Shillong.
17. The Secretary General, Meghalaya State Government Employees' Federation, Shillong.
18. The General Secretary, Meghalaya Pensioners' Association, Shillong (with 10 spare copies).
19. The Director of Printing & Stationery, Government of Meghalaya, Shillong with the request to publish the Office Memorandum in the next issue of the Gazette of Meghalaya and to supply this Department with 1000 copies.

By orders, etc.,

(S.C. Momin),

Under Secretary to the Govt. of Meghalaya,
Finance (Pay Revision) Department.

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