

TRIPURA



GAZETTE

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PART I—Orders and Notifications by the Government of Tripura,  
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GOVERNMENT OF TRIPURA  
FINANCE DEPARTMENT

No. F. 8(11)-FIN(G)/84

Agartala, the 9th August, 1985.

NOTIFICATION

Subject :—Tripura Government Employees' (Extraordinary Family Pension and Extraordinary Disability Pension) Rules, 1985.

In exercise of the powers conferred by the proviso to Article 309 of the Constitution of India and all other powers enabling him in that behalf, the Governor of Tripura is pleased to make the following rules to regulate the sanction of extraordinary family pension, extraordinary disability pension and other benefits in respect of a Government servant who dies or is invalidated out of service as a result of an encounter with or violence by extremists, namely :

1. (1) These rules may be called "The Tripura Government Employees' (Extraordinary Family Pension and Extraordinary Disability Pension) Rules, 1985".

(2) They shall apply to every person, who is a member of a service or holds a civil post under the State Government including a police personnel and an officer and a member of the Tripura State Rifles, whether permanent or temporary, serving under the State Government and who dies or is disabled out of service, while in service, as a result of an encounter with or violence by the extremists.

(3) They shall be deemed to have come into force on and from the first day of September, 1982.

2. (1) In these rules, unless the context otherwise requires—

Short title,  
application  
and  
commencement.

Definition.

- (a) "deceased" means a Government servant who dies while in service as a result of an encounter with or violence by extremists;
- (b) "disabled" means a Government servant who is invalidated out of service as a result of an encounter with or violence by extremists;
- (c) "ex-gratia" means the lump sum amount admissible to the family of a deceased under the Government of Tripura, Home Department Memorandum No. F. 1(53)-PD/74 dated the 30th June, 1983 or under any other order or orders, which were or may be issued by the State Government in that behalf.
- (d) "Extraordinary disability Pension" means a pension admissible under these rules.
- (e) "Extraordinary family pension" means a family pension admissible under these rules.
- (f) "Death-cum-Retirement gratuity" means a gratuity admissible under these rules.
- (g) "Extremist" means a person who indulges in wanton killing of persons or in violence with a view to adversely effecting communal harmony or causing disaffection against the Government established by law in furtherance of any political social, communal or religious goals and includes a person who harbours or abets such a person;
- (h) "Family" shall have the same meaning as assigned to it under sub-rule (6) of rule 50 of the Central Civil Services (Pension) Rules, 1972, as adopted in Tripura (hereinafter called the Pension Rules).
- (i) "Form" means a form appended to these rules.
- (j) "Government servant" means a person who is a member of a service or holds a civil post under the State Government and includes a police personnel, an officer and a member of the Tripura State Rifles, whether permanent or temporary.
- (k) "Pay" means the basic pay and dearness allowance, but not additional dearness allowance which the Government servant was in receipt of on the date of his death or on the date of his disablement.

(2) The words and expression used herein, but not defined, shall have the same meaning as respectively assigned to them in the Pension Rules, or the Fundamental Rules and Supplementary Rules as adopted in Tripura.

**Eligibility :**

3. (1) On receipt of information from the Police or from any other source whatsoever that a Government servant has died or has become disabled out of service as a result of an encounter with or violence by extremists, the Controlling Officer or, as the case may be, the Head of the Department, in respect of such Government servant shall, after making such enquiry as he may consider necessary, submit, as expeditiously as possible, a report on the death or, as the case may be, disablement of the Government servant to the Government for consideration whether the

family of the deceased or, as the case may be, the disabled Government servant is entitled to all or any of the benefits mentioned in these rules.

(2) If on consideration of the report referred to in sub-rule (1) and after making further inquiry, if considered necessary, the State Government is satisfied that the Government servant died or has become disabled as a result of an encounter with or violence by extremists, it shall make a declaration to that effect in Form I.

(3) The family of the deceased in respect of whose death a declaration has been made under sub-rule (2), shall be entitled to the benefits mentioned in these rules.

(4) A Government servant in respect of whose disablement a declaration has been made under sub-rule (2) shall be entitled to the benefits mentioned in these rules.

(5)(i) If the family of a deceased, entitled to get benefits under these rules, is already in receipt of a family pension, gratuity or other benefits including ex-gratia under the Pension Rules, or under any other rules or orders, then the members of such family or any of them may make an application to the Controlling Officer or as the case may be, the Head of the Department of the deceased Government servant concerned for the grant of benefits under these rules in lieu of the benefits including ex-gratia already sanctioned under the Pension Rules or under any other order or orders.

(ii) If a disabled Government servant, entitled to get benefits under these rules, is already in receipt of a pension or other benefits under any existing rules or orders, he may make an application to his Controlling Officer, or as the case may be, to the Head of the Department concerned, for the grant of benefits under these rules in lieu of the benefits including ex-gratia already sanctioned in his favour under any existing rules or orders.

(iii) On receipt of an application made under clause (i) or, as the case may be, under clause (ii), the Controlling Officer, or as the case may be, the Head of the Department, if satisfied that a declaration under sub-rule (2) has been made in respect of the death or disablement of the Government servant concerned, shall make an order for giving, to the family of the deceased, or as the case may be, to the disabled Government servant, the benefits admissible under these rules.

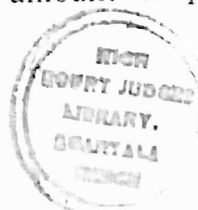
4. Every application for benefit under these rules shall be made in Form II.

5. (1) Unless otherwise specifically provided in these rules, no provision of the Pension Rules, or any other rules or orders of the State Government relating to pension, gratuity or other similar benefits shall apply to the family of a Government servant or to a disabled Government servant who has been granted benefits under these rules.

(2) The benefits, including the ex-gratia payment, if any, paid on account of the death or disablement of a Government servant under any existing rules or orders of the State Government, shall be adjusted against the benefits admissible under these rules and the balance, where necessary, recovered in instalments from the amount of pension or other benefits admissible under these rules;

Form of application.

Exclusion of benefits under other rules or orders.



Provided that the amount of an instalment shall not be more than one-third of the amount of such pension payable per mensem.

Extent of  
Family  
Pension.

6.(A)(1) In case of Government servant drawing basic pay of Rs. 830 (revised) or Rs. 700 (Pre-revised) per month or above, as the case may be, at the time of death :

The widow of the Government servant will be entitled to a family pension at the following rates :

(i) An amount equivalent to the last pay drawn by the deceased, for a period of seven years or upto the date on which the deceased would have retired in the normal course, whichever may be later. During this period, children allowance and education allowance would not be admissible.

(ii) At the expiry of the period referred to in clause (i) above, an amount equivalent to the pension which the deceased would have been entitled to on the basis of the emoluments on the date of his death, but counting service upto the date on which he would have retired in the normal course. During this period, children allowance at the rate Rs. 100/- per child upto the age of 23 years (in case of a daughter upto age of 23 years or the date of marriage, whichever is earlier) will be payable in addition subject to the condition that the family pension together with the children allowance and the education allowance for children shall not exceed the pay drawn by the deceased at the time of death.

(iii) The family pension at the rates referred to above would cease, in case the widow re-marries, from the date following her re-marriage. From that date, however, she would be entitled to pension equal to the amount of ordinary family pension which would have been admissible if the Government servant had died in the normal circumstances and from the same date, children allowance will be admissible in addition as indicated in sub-rule (4).

(2) In case of Government servant drawing basic pay of less than Rs. 830 (revised) per month or Rs. 700 (pre-revised) per month, as the case may be, at the time of death :

(i) The widow of the Government servant will be entitled to family pension till her death, at the rate equivalent to the pay drawn by the Government servant at the time of death. Children allowance and Education allowance will *not* be payable in addition.

(ii) Family pension at the rate referred to above would cease in case the widow re-marries, from the date following her re-marriage. From that date, however, she would be entitled to pension equal to the amount of ordinary family pension which have been admissible if the Government servant had died in the normal circumstances and from the same date, children allowance will be admissible in addition as indicated in sub-rule (4).

(B) Where the Government servant dies as a bachelor or as a widower without children, pension will be admissible to the parents without reference to their pecuniary circumstances. The rate of pension will be as follows :

(i) In the case of a Government servant whose basic pay at the time of death is Rs. 830/- (Revised) or Rs. 700/- (Pre-revised) per month

or more, at 2/3rds of the rate of family pension admissible to the widow as indicated in clause (i) of sub-rule (1) for both parents and at 2/3rds of this rate for a single parent. On the death of one parent, the pension as aforesaid will be admissible to the surviving parent at the later rate.

(ii) In other cases at 3/4ths of pay last drawn by the Government servant for both parents and at 3/4ths of this rate for a single parent. On the death of one parent, dependant pension at the later rate will be admissible to the surviving parent.

Children  
Allowance.

(C) (i) Children allowance when payable in addition to family pension will be at the rate of Rs. 100/- per month per child in the case of Government servants whose basic pay at the time of death is Rs. 830/- (Revised) or Rs. 700/- (Pre-revised) or above per month and Rs. 60/- per month per child in other cases, subject to the limits prescribed in sub-rules (1) and (2) of (A) above.

(ii) Children allowance, when admissible on the re-marriage of the widow, will be payable at the rates and subject to the limit mentioned in (i) above.

(iii) For motherless children, the rates will be Rs. 150/- per month per child in the case of Government servant whose basic pay at the time of death is Rs. 830/- (Revised) or Rs. 700/- (Pre-revised) per month and above and Rs. 90/- per child in other cases upto the age limits prescribed in clause (ii) of sub-rule (1).

Education  
allowance.

(D) Subject to the other provision of these rules, education allowance for children will be admissible at the rates as may be prescribed by the Central Government from time to time in the orders issued for this purpose under the Central Civil Services (Extraordinary Pension) Rules till the State Government prescribed its own rates under these rules.

Disability  
Pension.

7. Disabled Government servants will be paid pension which will consist of a service element and a disability element, the service element will be equal in amount to the retiring pension including the Death-Cum-Retirement-Gratuity which the Government servant would have been entitled to on the basis of his emoluments on the date of disablement but counting service upto the date on which he would have retired in normal course. The disability element for 100% disability will be equal in amount to the emoluments last drawn by the Government servant minus the service element i.e. the retiring pension and pension equivalent of death-cum-retirement gratuity, the amount of disability element being limited to Rs. 1,000/-. For lower percentages of disability, the disability element will proportionately be reduced (emoluments for the purpose of disability element will comprise basic pay, dearness allowance and additional dearness allowance).

Where disability pension has been allowed, no further pension will be admissible.

Death-cum-  
retirement  
gratuity.

8. Death-cum-retirement gratuity will be regulated as per rule 50 of the Pension Rules.

Provided that the amount of death-cum-retirement-gratuity payable under these rules shall not be less than an amount of rupees twenty thousand.

Applicability.

9. The family pension under these rules shall take effect from the



date following the date of death, or the case may be, the date of disale-  
ment of the Government servant.

10. Where any doubt arises as to the interpretation of these rules, it shall be referred to the Government in the Finance Department for decision.

11. Where the Government is satisfied that the operation of any of these rules causes undue hardship in any particular case, it may, for these rules causes under hardship in any particular case, it may, for reasons to be recorded in writing, dispense with or relax the requirement of that rule to such extent and subject to such exemption and conditions as it may consider necessary.

B. B. Bhattacharjee

Finance Officer & Under Secretary  
to the Government of Tripura.

FORM I

(See rule 3)

In exercise of the powers conferred by sub-rule (2) of rule 3 of the 'Tripura Government Employees' (Extraordinary Family Pension and Extraordinary Disability Pension) Rules, 1985, the State Government hereby declares that the Government servant whose name and other particulars are given below has died or has been disabled while in service as a result of an encounter with or violence by the extremists.

Name of the Government servant.	Post held at the time of death/ disablement.	Date and place of encounter/ violence.	Remarks.
1	2	3	4

By order of the Governor,

Date... ..

Name, designation and signature of the authority.

FORM II

FORM OF APPLICATION FOR FAMILY PENSION AND GRATUITY

(See rule 4)

Application for extraordinary family pension and extraordinary disability pension under the Tripura Government Employees (Extraordinary Family Pension and Extraordinary Disability Pension) Rules, 1985 in lieu of other pensionary benefits.

1. Name of the Government servant—
2. Designation and the office/ Department in which served.
3. Date of birth
4. Post held on the date of death/disablement.

5. Particulars of pensionary benefits already received.
  - (a) The amount of monthly/ family pension/pension.
  - (b) The amount of DCRG/Ex-gratia already received.
  - (c) No. of P. P. O. issued by the Accounts Officer.
  - (d) Name of the Treasury/Bank from which the family pension/pension is drawn and DCRG/Ex-gratia drawn.
6. Relationship of the applicant with the deceased Government servant.
7. Signature and left hand thumb and finger (to be enclosed in duplicate) impression.  
Note: In case of females right hand thumb and finger impression should be taken.
8. Full address of the applicant/ applicants.

(For use in office)

I certify that the information given above regarding Late/Shri.....  
.....has been verified by me and found correct.

.....  
(Signature)

(Designation of the authority)

