

Bank Of Baroda (Employees) Pension Regulation, 1995

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Bank Of Baroda (Employees) Pension Regulation, 1995

NO.BOB: HO: PEN: 87/780; In exercise of the powers conferred by Clause (f) of sub section (2) of section 19 of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970 (5 of 1970) the Board of Directors of Banks of Baroda after consultation with the Reserve Bank of India and with the previous sanction of the Central Government hereby makes the following

regulations, namely:

CHAPTER 1 PRELIMINARY

1. Short Title And Commencement :-

- i. These Regulations may be called "BANK OF BARODA (EMPLOYEES) PENSION REGULATIONS, 1995".
- ii. Save as otherwise expressly provided in these regulations, these regulations shall be deemed to have come into force on the date of their publication in the Official Gazette.

2. Definitions :-

In these Regulations, unless the context otherwise requires,

- a) "Act" means the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970 (5 of 1970);
- b) "Actuary" shall have the meaning assigned to it in clause (1) f section 2 of the Insurance Act, 1938 (4 of 1938);
- c) "Appendix" means, an Appendix annexed to these regulations;
- d) "Average Emoluments" means the average of the pay drawn by an employee during the last ten months of his service in the Bank;
- e) "Bank" means BANK OF BARODA mentioned under column 2 of THE FIRST SCHEDULE of the Act;
- f) "Board" means the Board of Directors of the Bank;
- g) "Child" means a child of the employee, who if a son, is under twentyfive years of age and if a daughter, is unmarried and is under twentyfive years of age and the expression "children" shall be construed accordingly;
- h) "Competent Authority" means the authority appointed by the Board for the purpose of these regulations;
- i) "Consolidated Wages" means lump sum amount payable to parttime employee belonging to the subordinate staff who is not drawing scale wages;
- j) "Contribution" means any sum credited by the Bank on behalf of employee to the Fund, but shall not include any sum credited as interest;
- k) "Date of retirement" means the last date of the month in which an employee attains the age of superannuation or the date on which he is retired by the Bank or the date on which the employee voluntarily retires or the date on which the officer is deemed to have retired;
- l) "Deemed to have retired" means cessation from service of the Bank on appointment by Central Govt. as a whole-time Director or

Managing Director or Chairman in the Bank or in any other Bank specified in column 2 of the FIRST SCHEDULE of the Act or Banking Companies (Acquisition and Transfer of Undertakings) Act, 1980(40 of 1980) or in any public financial institution or State Bank of India established under State Bank of India Act, 1955 (23 of 1955);

m) "Discipline and Appeal Regulations" means the Bank of Baroda Officer Employees (Discipline and Appeal) Regulations, 1976 made under section 19 of the Act;

n) "employee" means any person employed in the service of the Bank, whether as a workman on full time work on permanent basis or on part-time work on permanent basis on scale wages or as an officer and who opts and is governed by these regulations, but does not include a person employed either on contract basis or daily wage basis or on consolidated wages;"

o) "Family" in relation to an employee means;

(a) wife in the case of a male employee or husband in the case of a female employee;

(b) a judicially separated wife or husband, such separation not being granted on the ground of adultery and the person surviving was not held guilty of committing adultery;

(c) son or unmarried daughter or widowed/divorced daughter, who has not attained the age of twenty-five years, including such son or daughter adopted legally.

"(c) son or daughter including widow or divorced daughter till he or she attains the age of twenty five years or upto his or her marriage or re-marriage, whichever is earlier including such son or daughter adopted legally;" ,(Amended and notified in Gazette on 13/11/2010)

(d) parents who were wholly dependent on the employee when he/she was alive, provided the deceased employee had left behind neither a widow/widower nor a child.

p) "Financial year" means a year commencing on the first day of April,

q) "Fund" means the " Bank of Baroda (Employees) Pension Fund" constituted under Regulation 5;

r) "Notified Date" means the date on which these regulation are published in the official Gazette; (i.e. 29th Sept-1995)s) "Pay" includes,

(a) in relation to a workman who had either retired or died on or after the 1st day of January, 1986 but before the 1st day of November, 1992, and in relation to an officer who had either retired or died on or after the 1st day of January, 1986 but before the 1st

day of July, 1993,-

i) the basic pay including stagnation increments, if any, and
ii) all allowances counted for the purpose of making contribution to the Provident Fund and for the payment of dearness allowance;

(b) in relation to a workman who had retired or died while in service on or after the 1st day of November, 1992; and in relation to an officer who retired or died while in service on or after the 1st day of July, 1993, -

i) the basic pay including stagnation increments, if any; and

ii) all other components counted for the purpose of making contribution to the Provident Fund and for the payment of dearness allowance; and

iii) increment component of Fixed Personal Allowance;

iv) dearness allowance thereon on the above calculated up to index number 1148 points in the All India Average Consumer Price Index for Industrial Workers in the series 1960 = 100. (Notified in Gazette of Government of India- 24 th July 2004)

(c) in relation to an employee who retired or died while in service on or after the 1st day of April, 1998-

i) the basic pay including stagnation increments, if any; and

ii) all other components of pay counted for the purpose of making contribution to the Provident Fund and for the payment of dearness allowance; and

iii) increment component of Fixed Personal Allowance; and

iv) dearness allowance thereon on the above calculated up to index number 1616 points in the All India Average Consumer Price Index for Industrial Workers in the series 1960 = 100. (Notified in Government Gazette on 15/3/2003)

Explanation: For the purpose of this clause basic pay, other components of pay and Fixed Personal Allowance would mean the basic pay, other components of Pay and Fixed Personal Allowance drawn by the employee in terms of the scales of pay as applicable and rates at which the other components of pay were payable prior to 1.11.1997 (in the case of workmen) and prior to 1.4.98 (in the case of officers); Pending Amendments to Pension Regulations:

AWARD STAFF

In respect of an employee other than the employee in State Bank of India, who is a member of Pension Fund, who retires or dies while in service or otherwise ceases to be in employment on or after the 01.05.2005. Pay for the purpose of pension shall mean Basic Pay, Stagnation increments, Special Pay, Graduation Pay, Professional Qualification Pay and Officiating Pay, if any. Note : The

increment component of Fixed Personal Pay shall rank for superannuation benefits.

OFFICERS

In respect of an officer, other than the officers in State Bank of India, who is a member of Pension Fund, who retires or dies while in service or otherwise ceases to be in employment on or after the 01.05.2005. Pay for the purpose of pension shall mean Basic Pay including Stagnation increment, Professional Qualification Pay, increment component of Fixed Personal Pay and Officiating Allowance.

(t) "Pension" includes the basic pension and additional pension referred to in Chapter VI of these Regulations:

(u) "Pensioner" means an employee eligible for pension under these Regulations;

(v) "Public financial institution" means a financial institution regarded as a public financial institution for the purpose of Section 4A of the Companies Act, 1956 (1 of 1956);

(w) "Qualifying service" means the service rendered while on duty or otherwise which shall be taken into account for the purpose of pension under these regulations;

(x) "Retired" includes deemed to have retired under clause (i);

(y) "Retirement" means cessation from Banks service, -

(a) on attaining the age of superannuation specified in Service Regulations or Settlements;

(b) on voluntary retirement in accordance with provisions contained in Regulation 29 of these regulations;

(c) on premature retirement by the Bank before attaining the age of superannuation specified in Service Regulations or Settlements;

(z) "Scale wages" in relation to part-time employees means the Basic Pay, City Compensatory Allowance, Special Allowances, House Rent Allowance and other allowances, if any, and dearness allowance payable from time to time under the settlement;

(za) "Service Regulations" means Bank of Baroda (Officers) Service Regulations, 1979 made under Section 19 of the Act;

(zb) "Settlement" means memorandum of settlement agreed between the Management of the Bank represented by the association authorised by them and workmen of such Bank represented by trade unions authorised by them;

(zc) "Trust" means the trust of the Bank of Baroda (Employees) Pension Fund constituted under sub-regulation (1) of Regulations 5;

(zd) "Trustee" means the trustees of Bank of Baroda (Employees)

Pension Fund constituted under Regulations 5;

(ze) "Trustee of the Provident Fund" means the trustees of the Provident Fund of the Bank;

(zf) all other words and expressions used in these regulations but not defined, and defined in the Act or the Service Regulations or Settlements shall have the same meanings respectively assigned to them in the Act, the Service Regulations or settlement, as the case may be.

CHAPTER 2 APPLICATION AND ELIGIBILITY

3. Application :-

(1) These regulations shall apply to employees who,

(a) were in the service of the Bank on or after the 1st day of January, 1986 but had retired before the 1st day of November, 1993; and

(b) exercise an option in writing within one hundred and twenty days from the notified date to become member of the Fund and

(c) refund within sixty days after the expiry of the said period of one hundred and twenty days specified in clause (b) the entire amount of the Banks contribution to the Provident Fund including interest accrued thereon together with a further simple interest at the rate of six per cent per annum on the said amount from the date of settlement of the Provident Fund account till the date of refund of the aforesaid amount to the bank or till the 1st day of April, 1995 whichever is earlier; or

(2) (a) have retired on or after the 1st day of November, 1993 but before the notified date; and

(b) exercise an option in writing within one hundred and twenty days from the notified date to become member of the Fund; and

(c) refund within sixty days after the expiry of the said period of one hundred and twenty days specified in clause (b) the entire amount of the Banks contribution to the Provident Fund and interest accrued thereon together with a further simple interest at the rate of six per cent per annum on the said amount from the date of settlement of the Provident Fund account till the date of the refund of the aforesaid amount to the Bank; or

(3) (a) are in the service of the Bank before the notified date and continue to be in the service of the Bank on or after the notified date; and

(b) exercise an option in writing within one hundred and twenty days from the notified date to become member of the Fund; and

(c) authorise the trust of the Provident Fund of the Bank to transfer the entire contribution of the Bank along with the interest accrued thereon to the credit of the Fund constituted for the purpose under Regulation 5; or

(4) join the service of the Bank on or after the notified date; or

(5) were in the service of the Bank during any time on or after the 1st day of November, 1993 and had died after retirement but before the notified date, their family shall be entitled for the amount of pension payable to them from the date on which they would have been entitled to pension under these regulations, had they been alive till the date on which they died, if the family of the deceased -

(a) exercise an option in writing one hundred and twenty days from the notified date to become member of the Fund; and

(b) refund within sixty days after the expiry of the said period of one hundred and twenty days specified in clause (a) above the entire amount of the Banks contribution to the Provident Fund and interest accrued thereon together with a further simple interest at the rate of six per cent per annum from the date of settlement of the Provident Fund account till the date of refund of the aforesaid amount to the Bank; or

(6) joined the service of the bank on or after the 1st day of November, 1993 but who have died while in the service of the Bank before the notified date, their family shall be entitled to the family pension under these regulations;

Provided that the family of such a deceased employee refunds within one hundred and eight days from the notified date the entire amount of the Banks contribution to the Provident Fund. If any, ad interest accrued thereon together with further simple interest at the rate of six per cent per annum from the date of settlement of the provident Fund account till the date of refund of the aforesaid amount to the Ban; Provided further that the family of such a deceased employee shall apply in writing for grant of family pension; or

(7) were in the service of the bank during any time on or after the 1st day of January, 1986 and had died while in service on or before the 31st day of October, 1993 or had retired on or before the 31st day of October, 1993 but died before the notified date in which case their family shall be entitled to the pension or the family pension as the case may be under these regulations, if the family of the deceased,

(a) exercise an option in writing within on hundred and twenty

days from the notified date to become member of the Fund; and
(b) refund within sixty days of the expiry of the said period of one hundred and twenty days specified in clause (a) above the entire amount of the Banks contribution to the Provident Fund and interest accrued thereon together with further simple interest at the rate of six per cent per annum from the date of settlement of the Provident Fund account till the date of refund of the aforesaid amount to the Bank or till the 1st day of April, 1995 whichever is earlier; or

(8) joined the service of the bank on or before the 31st day of October, 1993 and who died while in service on or after the 1st day of November, 1993 but before the notified date in which case their families shall be entitled to family pension under these regulations if the family of the deceased employee,-

(a) exercise an option in writing within one hundred and twenty days from the notified date to become a member of the Fund; and
(b) refund within sixty days of the expiry of the said period of one hundred and twenty days specified in clause (a) above the entire amount of the Banks contribution to the Provident Fund, including interest accrued thereon together with a further simple interest at the rate of six per cent per annum from the date of settlement of the Provident Fund account of the employee till the date of refund of the aforesaid amount to the Bank;

(9) Notwithstanding anything contained in sub-regulations (1), (2), (3), (5) and (8) an option exercised before the notified date by an employee or the family of a deceased employee in pursuance of the settlement shall be deemed to be an option for the purpose of this chapter if such an employee or the family of the deceased employee refund within sixty days from the notified date, the amount of the Banks contribution to the Provident Fund including interest accrued thereon together with a further simple interest in accordance with the provisions of this Chapter and in case employers contribution of Provident Fund has not been received from Provident Fund Trust, has authorised or authorises within sixty days from the notified date, the trustees of the Provident Fund of the Bank to transfer the entire contributions of the Bank to the Provident Fund including interest accrued thereon in accordance with the provisions of this Chapter to the credit of the fund constituted for this purpose under Regulation 5.

(10) Notwithstanding anything contained in sub-regulation (2), (5), (6) and (8), in cases where an employee had retired/died after retirement on or after the 1 st day of November, 1993 but on or

before the 1 st day of April, 1995 or where an employee had died while in service of the Bank on or after the 1 st day of November, 1993 but on or before the 1 st day of April, 1995 such an employee or the family of the deceased employee, as the case may be, shall refund within the period specified in aforesaid sub-regulations the entire amount of the Banks contribution to the Provident Fund including interest accrued thereon with a further simple interest at the rate of six percent per annum on the said amount from the date of settlement of the Provident Fund account till the date of refund of the aforesaid amount to the Bank or till the 1 st day of April,1995 whichever is earlier".

4. Option To Subscribe To The Provident Fund :-

(1) Notwithstanding anything contained in sub-regulation. (4) of Regulation 3, an employee who joins the service of the Bank on or after the notified date at the age of thirty five years or more, may, within a period of ninety days from the date of his appointment, elect, to forego his right to pension, whereupon these regulations shall not apply him; The option referred to in sub-regulation (1) and Regulation 3, once exercised, shall be final.

CHAPTER 3 THE FUND

5. Constitution Of The Fund :-

(1) The Bank shall constitute a Fund to be called the "Bank of Baroda (Employees) Pension Fund" under an irrevocable trust within one hundred twenty days from the notified date.

(2) The Fund shall have for its sole purpose the provision of the payment of pension or family pension in accordance with these regulations to the employee or his family.

(3) The Bank shall be a contributor to the Fund and shall ensure that sufficient sums are placed in it to enable the trustees to make due payments to beneficiaries under these regulations.

6. Liability Of The Provident Fund Trust :-

The Provident Fund trust shall, immediately after constitution of the Fund, transfer to the Bank of Baroda (Employees) Pension Fund, the accumulated balance of the contribution of the Bank to the Provident Fund and interest accrued thereon upto the date of such transfer in respect of every employee.

7. Composition Of The Fund :-

The Fund shall consist of the following, namely,

- (a) The contribution by the Bank at the rate of ten per cent per month of the pay of the employee;
- (b) the accumulated contributions of the Bank to the Provident Fund and interest accrued thereon upto the date of such transfer in respect of the employees;
- (c) the amount consisting of contributions of the Bank along with interest refunded by the employees who had retired before the notified date but who opt for pension in accordance with the provisions contained in these Regulations;
- (d) the investment in annuities or securities purchased out of the moneys of the Fund and interest thereon;
- (e) amount of any capital gains arising from the capital assets of the Fund;
- (f) the additional annual contribution made by the Bank in accordance with the provisions contained in Regulation 11 of these Regulations;
- (g) any income from investments of the amounts credited to the fund;
- (h) the amount consisting of contribution of the Bank along with interest refunded by the family of the deceased employee.

8. Board Of Trustees :-

(1) The Board of trustees shall consist of such number of persons not less than three and not more than nine, as may be determined by the Board, to be appointed by the Bank

(2) The power to appoint the trustees shall be vested with the Bank and all such appointments shall be made in writing.

(3) The Bank shall nominate one of the trustees to be the Chairman of the Board of Trustees. The Bank shall also nominate a trustee to be an alternate Chairman who shall act as Chairman in the absence of the Chairman.

(4) "The term of appointment of trustee shall be for a period of three years and the Bank may re-appoint a trustee who has already completed his term; provided that no trustee shall be appointed for more than two terms."

(ADDED WITH NOTIFICATION IN GAZETTE ON 13/11/2010)

9. Trustees To Carry Out The Directions Of The Bank :-

The trustees shall comply with all such directions as may be given by the Bank for the proper functioning of the Fund. "Provided that all such direction shall be given in writing and shall specify the purpose or objective."

(ADDED WITH NOTIFICATION IN GAZETTE ON 13/11/2010)

10. Books Of Accounts Of The Fund :-

(1) The accounts of the Fund shall contain the particulars of all financial transactions relating to the fund in such form as may be specified by the Bank.

(2) Within one hundred and eighty days from the closing of each financial year, the trust shall prepare a financial statement of the trust indicating therein the general account of assets and liabilities of the trust and forward a copy of the same to the Bank. Within sixty days from the date of publication of the "Balance sheet of the Bank", the trust shall prepare a financial statement of the trust indicating there in the general account of assets and liabilities of the trust and forward a copy of the same to the Bank. (AMENDED WITH NOTIFICATION IN GAZETTE ON 13/11/2010)

(3) The accounts of the fund shall be audited in accordance with the provisions of Section 10 of the Act.

11. Actuarial Investigation Of The Fund :-

The Bank shall cause an investigation to be made by an Actuary into the financial condition of the Fund every financial year on the 31st day of March, and make such additional annual contributions to the Fund as may be required to secure payment of the benefits under these regulations:

Provided that the Bank shall cause an investigation to be made by an actuary into the financial condition of the fund. As on the 31st day of March immediately following the financial year in which the Fund is constituted.

12. Investment Of The Fund :-

All moneys contributed to the Fund or received or accruing after that date by way of interest or otherwise to the Fund, may be deposited in a Post Office Savings Bank Account in India or in a current account or in a savings account with any scheduled bank or utilised in making payment of pensionary benefits in accordance with Pension Regulations and to the extent such moneys as are not so deposited or utilised shall be invested in the manner specified in subrule (2) of rule 67 of Income Tax Rules, 1962."

13. Payment Out Of The Fund :-

The payment of benefits by the trust shall be administered for grant of pensionary benefits to the employees of the Bank or the family pension to the families of the deceased employees of the

Bank.

CHAPTER 4 QUALIFYING SERVICE

14. Qualifying Service :-

Subject to the other conditions contained in these regulations, an employee who has rendered a minimum of ten years of service in the Bank on the date of his retirement or the date on which he is deemed to have retired shall qualify for pension.

15. Commencement Of Qualifying Service :-

Subject to the provisions contained in these regulations, qualifying service of an employee shall commence from the date he takes charge of the post to which he is first appointed on a permanent basis.

16. Counting Of Service On Probation :-

Service on probation against a post in the Bank if followed by confirmation in the same or any other post shall qualify.

17. Counting Of Periods Spent On Leave :-

All leave during service in the Bank for which leave salary is payable shall count as qualifying service: Provided that extraordinary leave on loss of pay shall not count as qualifying service except when the sanctioning authority has directed that such leave not exceeding twelve months during the entire service, may count as service for all purposes including pension.

18. Broken Period Of Service Of Less Than One Year :-

If the period of service of an employee includes broken period of service less than one year, then if such broken period is more than six months, it shall be treated as one year and if such broken period is six months or less, it shall be ignored. "Provided that provisions of this regulation shall not apply for determining the minimum service required to make an employee eligible for pension.";

19. Counting Of Period Spent On Training :-

Period spent by an employee on training in the Bank immediately before his appointment shall count as qualifying service.

20. Counting Of Past Service In The Erstwhile Bank :-

In the case of an employee who is permanently transferred to a service in the Bank from any other bank on merger, amalgamation of any other bank with the Bank to which these regulations apply, the continuous service rendered by such an employee in any other

bank on permanent basis, if any, followed without interruption, by permanent appointment, or the continuous service rendered under that bank in a permanent capacity, as the case may be, shall qualify:

Provided that nothing contained in this regulation shall apply to any such employee who is appointed on contract basis or on daily wage basis or on consolidated wages.

21. Period Of Suspension :-

Period of suspension of an employee pending inquiry shall count for qualifying service where, on conclusion of such inquiry, he has been fully exonerated or the suspension is held to be wholly unjustified, and in other cases, the period of suspension shall not count as qualifying service unless the Competent authority passing the orders under the Service Regulation or Discipline and Appeal Regulation or Settlements governing such cases expressly declares at the time that it shall count to such extent as such authority may declare.

22. Forfeiture Of Service :-

(1) Resignation or dismissal or removal or termination of an employee from the service of the Bank shall entail for forfeiture of his entire past service and consequently shall not qualify for pensionary benefits;

(2) An interruption in the service of a Bank employee entails forfeiture of his past service, except in the following cases, namely:-

(a) authorised leave of absence;

(b) suspension, where it is immediately followed by reinstatement, whether in the same or a different post, or where the Bank employee dies or is permitted to retire or is retired on attaining the age of compulsory retirement while under suspension:

(c) transfer to non-qualifying service in an establishment under the control of the Government of Bank if such transfer has been ordered by a competent authority in the public interest;

(d) Joining time while on transfer from one post to another.

(3) Notwithstanding anything contained in sub-regulation (2) the appointing authority may, by order, commute retrospectively the periods of absence without leave as extraordinary leave.

(4) (a) In the absence of specific indication to the contrary in the service record, an interruption between two spells of service rendered by a bank employee shall be treated as automatically

condoned and the pre-interruption service treated as qualifying service;

(b) Nothing in clause (a) shall apply to interruption caused by resignation, dismissal or removal from service or for participation in a strike: Provided that before making an entry in the service record of the Bank employee regarding forfeiture of past service because of his participation in strike, an opportunity of representation may be given to such bank employees.

23. Period Of Deputation To Foreign Service :-

An employee deputed on foreign service to the United Nations or any other foreign body or organisation may at his option, -

(a) pay pension contribution in respect of his foreign service and count such service as qualifying service under these regulations; or
(b) avail of the retirement benefits admissible under the rules of the foreign employer and not count such service as qualifying service under these regulations;

Provided that where an employee opts for clause (b), retirement benefits shall be payable to him in India in rupees from such date and in such manner as the Bank may, by order specify.

24. Military Service :-

An employee who has rendered military service before appointment in the Bank shall continue to draw the military pension, if any, and military service rendered by the employee shall not count as qualifying service for pensions.

25. Period Of Deputation To An Organisation In India :-

Period of deputation of an employee to another organisation in India will count as qualifying service: Provided the organisation to which he is deputed or the employee pays the pensionary contributions at the rates specified in sub-regulation (a) of Regulation 7 of these regulations or at the rates specified by the Bank at the time of deputation, whichever is higher to the Bank.

26. Addition To Qualifying Service In Special Circumstances

:-

An employee shall be eligible to add to his service qualifying for superannuation pension (but not for any other class of pension) the actual period not exceeding one fourth of the length of his service or the actual period by which his age at the time of recruitment exceeded the upper age limit specified by the Bank for direct recruitment or a period of five years, whichever is less, if the service or post to which the employee is appointed is one -

(a) for which post-graduate research, or specialist qualification or experience in scientific, technological, or professional fields, is essential; and

(b) to which candidates of age exceeding the upper age limit specified for direct recruitment are normally recruited.

(c) for which the candidate was given age relaxation over and above the maximum age limit fixed by the Bank on account of his possessing higher qualifications or experience:

Provided that this concession shall not be admissible to an employee unless his actual qualifying service at the time he quits the service in the Bank is not less than ten years; Provided further that this concession shall be admissible if the recruitment rules in respect of the said service or post contain specific provision that the service or post is one, which carries benefit of this regulation; Provided also that the recruitment rules in respect of any service or post, which carries the benefit of this regulation, shall be made with the approval of the Central Government.

27. Counting Of Service Rendered On Permanent Part-Time Basis :-

(1) In case of an employee who was employed on scale wages and on a permanent part-time basis in the service of Bank and was contributing to the Provident Fund, such service rendered by him on a permanent part-time basis from the date he became a member of the Provident Fund shall be counted as qualifying service.

(2) For the purpose of calculating the amount of pension in respect of a parttime employee who was/is initially recruited on a lower scale wage and later fitted on higher scale wages including full scale wages, the length of qualifying service shall be determined in accordance with Appendix IV.

(3) In respect of part-time employees who continue to be in the same scale wages since their recruitment, for the purpose of calculating the amount of pension, the actual service put in shall be taken as qualifying service. In such cases the actual pay drawn on scale wages at the time of retirement shall be reckoned for the purpose of average emoluments.

Note: The actual service/qualifying service shall be calculated from the date of recruitment or 1.9.1978, whichever is later.";

CHAPTER 5 CLASSES OF PENSION

28. Superannuation Pension :-

Superannuation pension shall be granted to an employee who has retired on his attaining the age of Superannuation specified in the Service Regulations or Settlements. Provided that, with effect from 1st day of September, 2000 pension shall also be granted to an employee who opts to retire before attaining the age of Superannuation, but after rendering service for a minimum period of 15 years in terms of any Scheme that may be framed for such purpose by the Board with the approval of the Government.

Explanatory Memorandum

1. Indian Banks Association, after taking a no-objection from the Government of India, circulated a model Voluntary Retirement Scheme (VRS) to all the Public Sector Banks on 31.8.2000. The Scheme, inter alia, provided that employees who have rendered 15 years service are eligible for the Scheme. According to the existing provisions in the pension regulations, it is only employees who opt voluntary retirement after completing 20 years of qualifying service and after giving notice of not less than 3 months in writing to the appointing authority, are eligible for pensionary benefits. The eligibility criteria and the benefits flowing out of the above provisions in the Pension Regulations are distinct and separate from that envisaged under VRS circulated on 31.8.2000. There are no provisions available in the Pension Regulations for extending pensionary benefits to a member employee who retires before attaining the age of superannuation under such specific schemes. It has been, therefore, decided to provide the benefit of pro rata pensionary benefits to members of Pension Fund who opt for voluntary retirement under specified scheme(s).

2. It is, therefore, necessary that the amendment may be made effective from 1 st September 2000 so that all employees who are members of the Pension Fund and have taken voluntary retirement under the scheme after completion of 15 years of service can draw the benefit of pension.

3. It is certified that no employee/ officer of the Bank of Baroda is likely to be affected adversely by the Notification being given retrospective effect.

(AMENDED AND NOTIFIED IN GOVERNMENT OF INDIA GAZETTE-
27-12- 2003)

29. Pension On Voluntary Retirement :-

(1) On or after the 1st day of November, 1993, at any time after an employee has completed twenty years of qualifying service he

may, by giving notice of not less than three months in writing to the appointing authority retire from service; Provided that this sub-regulation shall not apply to an employee who is on deputation or on study leave abroad unless after having been transferred or having returned to India he has resumed charge of the post in India and has served for a period of not less than one year;

Provided further that this sub-regulation shall not apply to an employee who seeks retirement from service for being absorbed permanently in an autonomous body or a public sector undertaking or company or institution or body, whether incorporated or not to which he is on deputation at the time of seeking voluntary retirement: Provided that this sub-regulation shall not apply to an employee who is deemed to have retired in accordance with clause (1) of Regulation 2.

(2) The notice of voluntary retirement given under sub-regulation (1) shall require acceptance by the appointing authority; Provided that where the appointing authority does not refuse to grant the permission for retirement before the expiry of the period specified in the said notice, the retirement shall become effective from the date of expiry of the said period.

(3) (a) An employee referred to in sub-regulation (1) may make a request in writing to the appointing authority to accept notice of voluntary retirement of less than three months giving reasons thereof; (b) On receipt of a request under clause (a), the appointing authority may, subject to the provisions of sub-regulation (2), consider such request for the curtailment of the period of notice of three months on merits and if it is satisfied that the curtailment of the period of notice will not cause any administrative inconvenience, the appointing authority may relax the requirement of notice of three months on the condition that the employee shall not apply for commutation of a part of his pension before the expiry of the notice of three months.(4) An employee, who has elected to retire under this regulation and has given necessary notice to that effect to the appointing authority, shall be precluded from withdrawing his notice except with the specific approval of such authority; Provided that the request for such withdrawal shall be made before the intended date of his retirement.

(5) The qualifying service of an employee retiring voluntarily under this regulation shall be increased by a period not exceeding five years, subject to the condition that the total qualifying service rendered by such employee shall not in any case exceed thirty-

three years and it does not take him beyond the date of superannuation

(6) The pension of an employee retiring under this regulation shall be based on the average emoluments as defined under clause (d) of Regulation 2 of these Regulations and the increase, not exceeding five years in his qualifying service, shall not entitle him to any notional fixation of pay for the purpose of calculating his pension.

30. Invalid Pension :-

(1) Invalid pension may be granted to an employee who, -

(a) has rendered minimum ten years of service; and

(b) retires from the service on or after the 1st day of November 1993 on account of any bodily or mental infirmity, which permanently incapacitates him for the service.

(2) An employee applying for an invalid pension shall submit a medical certificate of incapacity from a medical officer approved by the Bank.

(3) Where the Medical Officer approved by the Bank has declared the employee fit for further service of less laborious character than that which he had been doing, he should, provided he is willing to be so employed, be employed on lower post and if there be no means of employing him even on a lower post, he may be admitted to invalid pension.

(4) No medical certificate of incapacity for service may be granted unless the applicant produces a letter to show that the Competent Authority is aware of the intention of the applicant to appear before the medical officer approved by the Bank.

(5) The medical officer approved by the Bank shall also be supplied by the Competent Authority in which the applicant is employed with a statement of what appears from official records to be the age of the applicant.

31. Compassionate Allowance :-

(1) An employee, who is dismissed or removed or terminated from service, shall forfeit his pension Provided that the authority higher than the authority competent to dismiss or remove or terminate him from service may, if -

(i) such dismissal, removal, or termination is on or after the 1st day of November, 1993; and

(ii) The case is deserving of special consideration, sanction a

compassionate allowance not exceeding two-thirds of the pension which would have been admissible to him on the basis of the qualifying service rendered upto the date of his dismissal, removal, or termination.

(2) The Compassionate Allowance sanctioned under the proviso to subregulation (1) shall not be less than the amount of minimum pension payable under Regulation 36 of these regulations.

32. Premature Retirement Pension :-

Premature Retirement Pension may be granted to an employee who, -

(a) has rendered minimum ten years of service; and

(b) Retires from service on account of orders of the Bank to retire prematurely in the public interest or for any other reason specified in Service Regulations or Settlement, if otherwise he was entitled to such pension on superannuation on that date.

33. Compulsory Retirement Pension :-

(1) An employee compulsorily retired from service as a penalty on or after 1st day of November, 1993 in terms of Bank of Baroda Officers Employees (Discipline and Appeal) Regulations, 1976 or awards/settlements may be granted by the authority higher than the authority competent to impose such penalty, pension at a rate not less than two-thirds and not more than full pension admissible to him on the date of his compulsory retirement if otherwise he was entitled to such pension on superannuation on that date."

(2) whenever in the case of a bank employee the Competent Authority passes an order (whether original, appellate or in exercise of power of review) awarding a pension less than the full compensation pension admissible under these regulations, the board of Directors shall be consulted before such order is passed.

(3) A pension granted or awarded under sub-regulation (1) or, as the case may be, under sub-regulation (2), shall not be less than the amount of rupees three hundred and seventy five per mensem.

34. Payment Of Pension Or Family Pension In Respect Of Employees Who Retired Or Died Between 1.1.1986 To 31.10.1993 :-

(1) Employees who have retired from the service of the Bank between the 1st day of January, 1986 and the 31st day of October, 1993 shall be eligible for pension with effect from the 1st day of

November, 1993,

(2) The family of a deceased employee governed by the provisions contained in sub-regulation (7) of regulation 3 shall be eligible for pension or family pension as the case may be, with effect from the 1st day of November, 1993.";

CHAPTER 6 RATE OF PENSION

35. Amount Of Pension :-

(1) In respect of employee who retired between the 1st of January 1986 but before the 31st day of October 1987, basic pension and additional pension will be updated as per the formula given in Appendix-I.

(2) In the case of an employee retiring in accordance with the provision of the Service Regulations or Settlement after completing a qualifying service of not less than thirty-three years the amount of basic pension shall be calculated at fifty per cent of the average emoluments.

(3) (a) Additional pension shall be fifty per cent of the average amount of the allowance drawn by an employee during the last ten months of his service; (b) no dearness relief shall be paid on the amount of additional pension.

Explanation: - For the purpose of this sub-regulation "allowance" means allowance which are admissible to the extent counted for making contributions to the Provident Fund.

(4) Pension as computed being aggregate of sub-regulation (2) and (3) above shall be subject to the minimum pension as specified in these regulations.

(5) An employee who has commuted the admissible portion of his pension as per the provisions of Regulation 41 of these Regulations shall receive only the balance of pension, monthly.

(6) (a) In the case of an employee retiring before completing a qualifying service of thirty-three years, but after completing a qualifying service of ten years, the amount of pension shall be proportionate to the amount of pension admissible under sub-regulations (2) and (3) and in no case the amount of pension shall be less than the amount of minimum pension specified in these regulations.

(b) Notwithstanding anything contained in these regulations, the amount of invalid pension shall not be less than the ordinary rate of family pension which would have been payable to his family in the event of his death while in service.

(7) The amount of pension finally determined under these regulations shall be expressed in whole rupee and where the pension contains a fraction of a rupee, it shall be rounded off to the next higher rupee.

36. Minimum Pension :-

The amount of minimum pension shall be.-

(a) rupees three hundred and seventy five per month in respect of an employee other than a part-time employee, where the employee had retired before the 1st day of November, 1992 (in case of workmen) or before 1st day of July, 1993 (in case of officers) and proportionate amount thereof in relation to the rate of scale of wages in the case of a part-time employee who retired before the 1st day of November, 1992;

(b) rupees seven hundred and twenty per month in respect of an employee other than a part-time employee, where the employee had retired on or after the 1st day of November, 1992 (in case of workmen) or on or after the 1st day of July, 1993 (in case of officers) and proportionate amount thereof in relation to the rate of scale of wages in the case of a part-time employee who had retired on or after the 1st day of November, 1992.

(c) rupees one thousand and fifteen per month in respect of an employee other than a part-time employee, where the employee retired on or after the 1st day of April, 1998 and rupees three hundred and thirty nine per month in respect of a part-time employee drawing $\frac{1}{3}$ scale wages,; rupees five hundred and eight per month in respect of a part-time employee drawing $\frac{1}{2}$ scale wages and rupees seven hundred and sixty two per month in respect of a part-time employee drawing $\frac{3}{4}$ scale wages where the part-time employee retired on or after the 1st day of April, 1998.";

(d)i. In respect of employees, other than part-time employees, who retired on or after 01.04.1998 but before 31.10.02, the amount of minimum pension shall be Rs.1060/- p.m. In respect of part-time employees who retired during this period, the minimum pension payable shall be Rs.355 p.m. in respect of parttime employees drawing $\frac{1}{3}$ scale wages, Rs.530 p.m. in respect of part-time employees drawing $\frac{1}{2}$ scale wages and Rs.795 p.m. in respect of part-time employees drawing $\frac{3}{4}$ scale wages.

ii. In respect of employees, other than part-time employees, who retired on or after 01.05.2005, the amount of minimum pension shall be Rs.1435/- p.m. In respect of part-time employees, who

retired on or after 01.05.2005, the minimum pension payable shall be Rs.480 p.m. in respect of part-time employees drawing 1/3 scale wages, Rs.720 p.m. in respect of part-time employees drawing 1/2 scale wages and Rs.1080 p.m. in respect of part-time employees drawing 3/4 scale wages. NOTE : Minimum pension being paid to retirees of the period 01.11.02 to 30.04.05 may also be revised with effect from 01.05.2005 with reference to paragraph (b) above.

37. Dearness Relief :-

(1) Dearness relief shall be granted on basic pension or family pension or invalid pension or on compassionate allowance in accordance with the rates specified in Appendix II.

(2) Dearness relief shall be allowed on full basic pension even after commutation.

38. Determination Of The Period Of Ten Months For Average Emoluments :-

(1) The period of the preceding ten months for the purpose of average emoluments shall be reckoned from the date of retirement.

(2) In the case of voluntary retirement or premature retirement, the period of the preceding ten months for the purpose of average emoluments shall be reckoned from the date on which the employee voluntarily retires or is premature retired by the Bank.

(3) In the case of dismissal or removal or compulsory retirement or termination of service, the period of the preceding the months for the purpose of average emoluments shall be reckoned from the date on which the employee is dismissed or removed or compulsorily retired or terminated by the Bank.

(4) If during the last ten months of the service, an employee had been absent from duty on extraordinary leave on loss of pay or had been under suspension and the period whereof does not count as service, the aforesaid period of extraordinary leave or suspension shall not be taken into account in the calculation of the average emoluments and equal period before the ten months shall be included.

CHAPTER 7 FAMILY PENSION

39. Family Pension :-

(1) Without prejudice to the provisions contained in these

regulations where an employee dies -

(a) after completion of one year of continuous service; or

(b) before completion of one year of continuous service provided the deceased employee concerned immediately prior to his appointment to the service or post was examined by a medical officer approved by the Bank and declared fit for employment in the Bank; or

(c) after retirement from service and was on the date of death in receipt of a pension, or compassionate allowance; the family of the deceased shall be entitled to family pension, the amount of which shall be determined in accordance with Appendix III. Provided that in respect of employees who were in the service of the Bank on or after the 1st day of January, 1986 and had died while in service on or before the 31st day of October, 1987 or had retired on or before 31st day of October, 1987 but died later, the family of the deceased shall be entitled to family pension, the amount of which shall be determined in accordance with Appendix V."

(2) The amount of family pension shall be fixed at monthly rates and be expressed in whole rupees and where the family pension contains of a rupee, it shall be rounded off to the next higher rupee; Provided that in no case a family pension in excess of the maximum prescribed under these regulations shall be allowed.

(3) (a) (i) Where an employee, who is not governed by the Workmens Compensation Act, 1923 (8 of 1923), dies while in service after having rendered not less than seven years continuous service, the rate of family pension payable to the family shall be equal to fifty per cent of the pay last drawn or twice the family pension admissible under sub-regulation (1), whichever is less, and the amount so admissible shall be payable from the date following the date of death of the employee for a period of seven years or for a period upto the date on which the deceased employee would have attained the age of sixty five years had he survived whichever is less;

(ii) In the event of death of an employee after retirement, the family pension as determined under clause (a) of this subregulation shall be payable for a period of seven years or for a period upto the date on which the retired deceased employee would have attained the age of sixty five years had he survived, whichever is less;

"Provided that in no case the amount of family pension determined under this clause shall exceed the pension authorised on retirement from the Bank. If the pension authorised to the employee on his retirement is less than the amount of family pension at the ordinary

rates, then, the family shall be allowed family pension at the ordinary rates." Explanation: For the purpose of this sub-clause, "Pension authorised on retirement" includes part of the pension, which the retired employee might have commuted before death.

(b) (i) Where an employee, who is governed by the Workmens Compensation Act, 1923 (8 of 1923), dies while in service after having rendered not less than seven years continuous service, the rate of family pension payable to the family shall be equal to fifty per cent of the pay last drawn or one and half times the family pension admissible under sub-regulation (1), whichever is less;

(ii) The family pension so determined under sub-clause (i) shall be payable for the period mentioned in clause (a);

(c) after the expiry of the period referred to in clause (a), the family, in receipt of family pension under that clause or clause (b) shall be entitled to family pension at the rate admissible under sub-regulation (i).

(4) Notwithstanding anything contained in these regulation where the family of a deceased employee opts for pension in accordance with sub-regulation (5) of Regulation 3 or is governed by the provision contained in sub-regulation (6) or (7) or (8) of Regulation 3, such family of the deceased shall be eligible for family pension under these regulations.

40. Period Of Payment Of Family Pension :-

(1) The period for which family pension is payable shall be, -

(a) in the case of a widow or a widower, upto the date of death or remarriage, whichever is earlier;

(b) in the case of a son or daughter (including widowed/divorced) till he/she attains the age of twenty-five years or upto the date of his/her marriage/remarriage, whichever is earlier: Provided the family pension payable to sons/daughters (including widowed/divorced) shall be discontinued/not admissible when the eligible son/daughter starts earning a sum in excess of Rs. 2550/- per month from employment in Government/private sector/self-employment, etc. Provided further that if the son or daughter of an employee is suffering from any disorder or disability of mind or is physically crippled or disabled so as to render him or her unable to earn a living even after attaining the age of twenty-five years, the family pension shall be payable to such son or daughter for life subject to the following conditions, namely,

(i) If such son or daughter is one among two or more living children

of the employee, the family pension shall be initially payable to the minor children in the order set out in clause (e) of sub-regulation (1) until the last minor child attains the age of twenty-five years and thereafter the family pension shall be resumed in favour of the son or daughter suffering from disorder or disability of mind or who is physically crippled or disabled and shall be payable to him or her for life;

(ii) If there are more than one such children suffering from disorder or disability of mind or who are physically crippled or disabled, the family pension shall be paid in the order of their birth and the younger of them will get the family pension only after the elder next above him or her ceases to be eligible:

Provided that where the family pension is payable to such twin children it shall be paid in the manner set out in clause (f) of sub-regulation (1);

(iii) the family pension shall be paid to such son or daughter through the guardian as if he or she were a minor except in the case of a physically crippled son or daughter who has attained the age of majority;

(iv) before allowing the family pension for life to any such son or daughter, the Competent Authority shall satisfy that the handicap is of such a nature as to prevent him or her from earning his or her livelihood and the same shall be evidenced by a certificate obtained from a medical officer approved by the Bank, setting out, as far as possible, the exact mental or physical condition of the child;

(v) The person receiving the family pension as guardian of such son or daughter or such son or daughter not receiving the family pension through a guardian shall produce every three years a certificate from a medical officer approved by the Bank to the effect that he or she continues to suffer from disorder or disability of mind or continues to be physically crippled or disabled.

Explanation- the grant of family pension to disabled children beyond the age limit specified in this regulation is subject to the following conditions, namely -

i) a daughter shall become ineligible for family pension under this subregulation from the date she gets married;

(ii) the family pension payable to such son or daughter shall be stopped if he or she starts earning his or her livelihood. In such cases, it shall be the duty of the guardian or son or daughter to furnish a certificate to the Bank every month that -

(A) he or she has not started earning his or her livelihood;

(B) in case of daughter that she has not yet married;"

(C) in the case of parents the family pension payable shall be discontinued/not admissible if the income of one of the parents or the aggregate income of both the parents from employment in Government/private sector/self-employment etc. exceeds Rs. 2550/- per month.

(d) if a deceased employee or a pensioner leaves behind a widow or widower, the family pension shall become payable to the widow or widower, failing which to the eligible child;

(e) family pension to the children shall be payable in the order of their birth and the younger of them shall not be eligible for family pension unless the elder next above him or her has become ineligible for the grant of family pension:

Provided that where the family pension is payable to twin children it shall be paid in the manner set out in clause (f) of the sub-regulation (1);

(f) where the family pension is payable to twin children it shall be paid to such children in equal shares; Provided that where one such child ceases to be eligible, his or her share shall revert to the other child and where both of them cease to be eligible, the family pension shall be payable to the next eligible single child or twin children, as the case may be.

(2) Where a deceased employee or a pensioner leaves behind more children than one, the eldest eligible child shall be entitled to family pension for the period mentioned in clauses (b) or (c) of sub-regulation (1), as the case may be, and after the expiry of that period the next child shall become eligible for the grant of family pension.

(3) Where family pension is granted under this regulation to a minor, it shall be payable to the guardian on behalf of the minor.

(4) In case both wife and husband are employees of the Bank and are governed by the provisions of this regulation and one of them dies while in service, or after retirement, the family pension in respect of the deceased shall be payable to the surviving husband or wife and in the event of death of the husband or wife, the surviving child or children shall be granted the two family pensions in respect of the deceased parents subject to the limits specified below, namely,

(a) if the surviving child or children is or are eligible to draw two family pensions at the rates mentioned in sub-clause (i) of clause (a) and sub clause (i) of clause (b) of sub-regulation (3) of Regulation 39, the amount of both pension shall be limited to-

(i) two thousand five hundred rupees only per mensem in respect

of employees who retired or died while in service prior to the 1st day of November, 1992(in the case of workmen) or prior to 1st day of July, 1993(in the case of officers);

(ii) four thousand eight hundred rupees per mensem only in respect of employees who retired or died after the 1st day of November 1992(in the case of workmen) or on or after 1st day of July, 1993(in the case of officers); and

(iii) six thousand seven hundred and fifty six rupees per mensem only in respect of employees, both officers and workman, who retired or died on or after 1st day of April, 1998.

(b) if one of the family pensions ceases to be payable at the rates mentioned in sub clause (i) of clause (a) or sub-clause (i) of clause (b) of sub-regulation (3) of Regulation 39 and in lieu thereof the family pension at the rate mentioned in sub-regulation (1) of Regulation 39 becomes payable, the amount of both the pension shall also be limited to-

(i) Two thousand five hundred rupees only per mensem in respect of employees who retired or died while in service prior to the 1st day of November, 1992(in the case of workmen) or prior to 1st day of July, 1993(in the case of officers);

(ii) four thousand eight hundred rupees per mensem only in respect of employees who retired or died on or after the 1st day of November, 1992(in the case of workmen) or on or after 1st day of July, 1993(in the case of officers); and

(iii) six thousand seven hundred and fifty six rupees per mensem only in respect of employees, both officers and workmen, who retired or died on or after 1st day of April, 1998.

(c) if both the family pensions are payable at the rate mentioned in subregulation (1) of Regulation 39 amount of the two pensions shall be limited to-

(i) one thousand two hundred and fifty rupees per mensem in the case of employees who retired or died while in service prior to the 1st day of November, 1992 (in the case of workmen) or 1st day of July, 1993(in the case of officers);

(ii) two thousand four hundred rupees per mensem in respect of employees who retired or died on or after the 1st day of November, 1992(in the case of workmen) or 1st day of July, 1993(in the case of officers); and

(iii) three thousand three hundred and seventy eight in respect of employees (both officers and workmen) who retired or died on or after 1st Day of April, 1998.";

(5) (a) where family pension is payable to more widows than one,

the family pension shall be paid to the widows in equal shares;

(b) on the death of widow, her share of the family pension shall become payable to her eligible child; Provided that if the widow is not survived by any child, her share of the family pension shall not lapse but shall be payable to the other widows in equal shares, or if there is only one such other widow, in full, to her

(c) where the deceased employee or pensioner is survived by a widow but has left behind eligible child or children from another wife who is not alive, the eligible child or children shall be entitled to the share of family pension which the mother would have received if she had been alive at the time of the death of the employee or pensioner;

"Provided that on the share or shares of family pension payable to such a child or children or to a widow or widows ceasing to be payable, such share or shares shall not lapse, but shall be payable to the other widow or widows and/or to the other child or children otherwise eligible, in equal shares, or if there is only one widow or child, in full, to such widow or child." (ca) where the deceased employee or pensioner is survived by a widow but has left behind eligible child or children from a divorced wife or wives, such eligible child or children shall be entitled to the share of family pension which the mother would have received at the time of death of the employee or pensioner had she not been so divorced: Provided that on the share or shares of family pension payable to such a child or children or to a widow ceasing to be payable, such share or shares, shall not lapse, but shall be payable to the other widow or widows and/or to the other child or children otherwise eligible, in equal shares, or if there is only one widow or child, in full, to such widow or child."

(d) where the family pension is payable to twin children, it shall be paid to such children in the manner specified in clause (f) of sub-regulation

(1) above;

(e) except as provided in this sub-regulation the family pension shall not be payable to more than one member of the family at the same time.

(6) Where a female employee or male employee dies leaving behind a judicially separated husband or widow and no child or children, the family pension in respect of the deceased shall be payable to the person surviving; Provided that where in a case the judicial separation is granted on the ground adultery and the death of the employee takes place during the period of such judicial

separation, the family pension shall not be payable to the person surviving if such person surviving was held guilty of committing adultery.

(7) (a) where a female employee or male employee dies leaving behind a judicially separated husband or widow with a child or children, the family pension payable in respect of the deceased shall be payable to the surviving person provided he or she is the guardian of such child or children;

(b) Where the surviving person has ceased to be the guardian of such child or children, such family pension shall be payable to the person who is the actual guardian of such child or children.

(8) If the son or unmarried daughter eligible for the grant of family pension has attained the age of eighteen years, the family pension may be paid to such son or unmarried daughter directly.

(9) (a) If a person who, in the event of death of an employee while in service, is eligible to receive family pension under these regulations, is charged with the offence of murdering the employee or for abetting in the commission of such an offence, the claim of such a person, including other eligible member or members of the family to receive the family pension, shall remain suspended till the conclusion of the criminal proceeding instituted against him;

(b) If on the conclusion of the criminal proceedings referred to in clause (a), the person concerned (i) is convicted for the murder or abetting in the murder of the employee, such a person shall be debarred from receiving the family pension which shall be payable to the other eligible member of the family, from the date of death of the employee; (ii) is acquitted of the charge of murder or abetting in the murder of the employee, the family pension shall be payable to such a person from the date of death of the bank employee;

(c) The provisions of sub-clause a) and (b) shall also apply for the family pension becoming payable on the death of an employee after his retirement.

CHAPTER 8 COMMUTATION

41. Commutation :-

(1) An employee shall be entitled to commute for a lump sum payment of a fraction not exceeding one-third of his pension:

Provided that in respect of an employee who is governed by sub-regulation (5) of Regulation 3 of these regulations, the family of such employee shall also be entitled to commute for a lump sum

payment a fraction not exceeding one-third of the pension admissible to the employee.

(2) An employee shall indicate the fraction of pension, which he desires to commute, and may either indicate the maximum limit of one-third pension or such lower limit, as he may desire to commute.

(3) if fraction of pension to be commuted results in fraction of rupee, such fraction of a rupee shall be ignored for the purpose of commutation.

(4) The lump sum payable to an applicant shall be calculated in accordance with the Table given below.

TABLE

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Notes:

(1) The Table above indicates the commuted value of pension expressed as number of years purchase with reference to the age of the pensioner as on his next birthday. The commuted value in the case of an employee retiring at the age of fifty eight years is 10.46 years purchase and, therefore, if he commutes rupees one hundred from his pension within one year of retirement, the lump sum amount payable to him works out to $Rs. 100 \times 10.46 \times 12 = Rs. 12,552.$ ";

(2) An employee who had commuted the admissible portion of pension is entitled to have the commuted portion of the pension restored after the expiry of a period of fifteen years from the date of commutation.

(3) An applicant who is authorised a superannuation pension, voluntary retirement pension, premature retirement pension, compulsory retirement pension, invalid pension or compassionate allowance shall be eligible to commute a fraction of his pension under these regulations. Provided that on and from 1.7.2003, in case of an applicant in whose case the commuted value of pension becomes payable on the day following the date of retirement or from the date from which commutation becomes absolute, the reduction in the amount of pension shall become operative from its inception. Where, however, payment of commuted value of pension could not be made within the first month after the date of retirement or within the first month after the date when the commutation becomes absolute, as the case may be, the difference between the normal monthly pension and the commuted pension shall be paid for the period between the date on which commutation

(4) In the case of a pensioner eligible for superannuation pension or pension on voluntary retirement or premature retirement pension, no medical examination shall be necessary, if the application for commutation is made within one year from the date of retirement. However, if such a pensioner applies for commutation of pension after one year from the date of his retirement, the same will be permitted subject to medical examination.; Provided that in the case of an applicant who is in receipt of a provisional pension as in Regulation 46 and for whom pension in whole or in part on the finalisation of the departmental or judicial proceedings has been authorised, the period of one year referred to in this sub-regulation shall reckon from the date of issue of the orders consequent upon the finalisation of the departmental or judicial proceedings.

(5) An applicant who -

(i) retires on invalid pension under regulation 30 of these regulations; or

(ii) is in receipt of compassionate allowance under regulation 31 of these regulations; or

(iii) is compulsorily retired by the Bank and is eligible for compulsory retirement pension under regulation 33 shall be eligible to commute a fraction of his pension subject to the limit specified in sub-regulation (1) after he has been declared fit by a medical officer approved by the bank.

(6) The commutation of pension shall become absolute in the case of an employee,

(a) retiring on superannuation or voluntary retirement who submits an application for commutation of pension before the date of retirement, on the date following the date of retirement:

Provided that the employee governed by sub-regulation (3) of Regulation 29 shall not apply for commutation of a part of his pension before the expiry of the notice of three months and the commutation of pension shall become absolute only on the expiry of the period of notice referred to in sub-regulation (1) of Regulation 29;

(b) retiring on superannuation or on voluntary retirement or on premature retirement, if he applies for commutation of pension after the date of retirement but before the completion of one year from the date of retirement, on the date the application for commutation is received by the Competent Authority;

(c) retiring on superannuation or on voluntary retirement or on premature retirement, if he applies for commutation of pension

after one year from the date of retirement, on the date of the medical certificate given by a medical officer approved by the Bank; (d) who has retired prior to the 1st day of November 1993, and who opts to be governed by these regulations, on the 1st day of November, 1993, where the application for commutation is made within the period specified by clause (b) of the sub-regulation (1) of Regulation 3;

(e) who was in the service of the Bank on or after the 1st day of November, 1993 but who retired prior to the publication of these regulations on the day immediately following the date of his retirement, where the application is made within the period specified by clause (b) of sub-regulation (2) of Regulation 3;

(f) who retired on or after the 1st day of November 1993, but died prior to the notified date. on the day immediately following the date of his retirement, where the application for commutation is made by the family of the deceased within the period specified by clause (a) of subregulation (5) of Regulation 3:

(g) in respect of whom invalid pension under Regulation 30 or compassionate allowance under Regulation 31 or compulsory retirement pension under Regulation 33 is admissible, commutation shall become absolute on the date of medical certificate given by a medical officer approved by the Bank."

"(6) An applicant who is authorised a superannuation pension, voluntary retirement pension, premature retirement pension, compulsory retirement pension, invalid pension or compassionate allowance shall be eligible to commute a fraction of his pension under these regulations.

Provided that on and from 1.7.2003, in case of an applicant in whose case the commuted value of pension becomes payable on the day following the date of his retirement or from the date from which the commutation becomes absolute, the reduction in the amount of pension on account of commutation shall become operative from its inception. Where, however, payment of commuted value of pension could not be made within the first month after the date of retirement or within the first month after the date when the commutation becomes absolute as the case may be, the difference between the normal monthly pension and the commuted pension shall be paid for the period between the date on which commutation becomes absolute and the date preceding the date on which commuted value of pension is deemed to have been paid.

(AMENDMENT NOTIFIED IN GAZETTE OF GOVERNMENT OF INDIA

DATED 24.7.2004)

CHAPTER 9 GENERAL CONDITIONS

42. Pension Subject To Future Good Conduct :-

Future good conduct shall be an implied condition of every grant of pension and its continuance under these regulations.

43. Withholding Or Withdrawal Of Pension :-

The Competent Authority may, be order in writing, withhold or withdraw a pension or a part thereof, whether permanently or for a specified period, if the pensioner is convicted of a serious crime or criminal breach of trust or forgery or acting fraudulently or is found guilty of grave misconduct; Provided that where part of pension is withheld or withdrawn, the amount of such pension shall not be reduced below the minimum pension per mensem payable under these regulations.

44. Conviction By Court :-

Where a pensioner is convicted of a serious crime by a Court of Law, action shall be taken in the light of the judgement of the court relating to such conviction.

45. Pensioner Guilty Of Grave Misconduct :-

In a case not falling under Regulation 44 if the Competent Authority considers that the pensioner is prima facie guilty of grave misconduct, it shall, before passing an order, follow the procedure specified in Bank of Baroda Office Employees (Discipline and Appeal) Regulation, 1976 or in Settlement at the case may be.

46. Provisional Pension :-

(1) An employee who has retired on attaining the age of superannuation or otherwise and against whom any departmental or judicial proceedings are instituted or where departmental proceedings are continued, a provisional pension, equal to the maximum pension which would have been admissible to him, would be allowed subject to adjustment against final retirement benefits sanctioned to him, upon conclusion of the proceedings but no recovery shall be made where the pension finally sanctioned is less than the provisional pension or the pension is reduced or withheld etc., either permanently or for a specified period.

(2) In such cases the gratuity shall not be paid to such an employee until the conclusion of the proceedings against him. The gratuity shall be paid to him on conclusion of the proceedings

subject to the decision of the proceedings. Any recoveries to be made from an employee shall be adjusted against the amount of gratuity payable.

Explanation.- in this chapter,

(a) the expression "serious crime" includes a crime involving an offence under official Secrets Act, 1923 (19 of 1923);

(b) the expression "grave misconduct" includes the communication or disclosure of any secret official code or password or any sketch, plan, model, article, note, documents or information, such as is mentioned in section 5 of the Official Secrets Act, 1923 (19 of 1923) which was obtained while holding office in the Bank so as to prejudicially affect the interests of the general public or the security of the State.

(c) the expression "fraudulently" shall have the meaning assigned to it under section 25 of the Indian Penal Code, 1860 (45 of 1860);

(d) the expression "criminal breach of trust" shall have the meaning assigned to it under section 405 of the Indian Penal Code, 1860 (45 of 1860);

(e) the expression "forgery" shall have the meaning assigned to it under section 463 of the Indian Penal Code, 1860 (45 of 1860).

47. Commutation Of Pension During Departmental Or Judicial Proceedings :-

An employee against whom departmental or judicial proceedings have been instituted before the date of his retirement or a person against whom such proceedings are instituted after the date of his retirement shall not be eligible to commute a fraction of his provisional pension, or pension, as the case may be, authorised under these regulations during the pendency of such proceedings.

48. Recovery Of Pecuniary Loss Caused To The Bank :-

(1) The Competent Authority may withhold or withdraw a pension or a part thereof, whether permanently or for a specified period, and order recovery from pension of the whole or part of any pecuniary loss caused to the Bank if in any departmental or judicial proceedings the pensioner is found guilty of grave misconduct or negligence or criminal breach of trust or forgery or acts done fraudulently during the period of his service;

(a) Provided that the Board shall be consulted before any final orders are passed;

(b) Provided further that departmental proceedings, if instituted

while the employee was in service, shall, after the retirement of the employee, be deemed to the proceedings under these regulations and shall be continued and concluded by the authority by which they were commenced in the same manner as if the employee had continued service.

(2) No departmental proceedings, if not initiated while the employee was in service, shall be instituted in respect of an event, which took place more than four years before such institution.:

Provided that the disciplinary proceedings so instituted shall be in accordance with the procedure applicable to disciplinary proceedings in relation to the employee during the period of his service.

(3) Where the Competent Authority orders recovery of pecuniary loss from the pension, the recovery shall not ordinarily be made at a rate exceeding one third of the pension admissible on the date of retirement of the employee; Provided that where a part of pension is withheld or withdrawn, the amount of pension drawn by a pensioner shall not be less than the minimum pension payable under these regulations."

49. Recovery Of Banks Dues :-

The Bank shall be entitled to recover the dues to the Bank on account of housing loans, advances license fees, other recoveries and recoveries due to staff co-operative credit society from the commutation value of the pension or the pension or the family pension.

50. Commercial Employment After Retirement :-

(1) if a pensioner who immediately before his retirement was holding the post of an officer and wishes to accept any commercial employment before the expiry of two years from the date of his retirement, he shall obtain the previous sanction of the Bank to such acceptance;

(2) Subject to the provision of sub-regulation (3), the Bank may, by order in writing, on the application by a pensioner, grant, subject to such conditions, if any, as it may deem necessary, permission, or refuse, for reasons to be recorded in the order, permission to such pensioner to take up the commercial employment specified in the application.

(3) In granting or refusing permission under sub-regulation (2) to a pensioner for taking up any commercial employment, the Bank shall have regard to the following factors, namely:-

- (a) the nature of the employment proposed to be taken up and the antecedents of the employer;
- (b) whether his duties in the employment which he proposes to take up might be such as to bring him into conflict with the Bank;
- (c) whether the pensioner while in service had any such dealing with the employer under whom he proposes to seek employment as it might afford a reasonable basis for the suspicion that such pensioner had shown favours to such employer;
- (d) whether the duties of the commercial employment proposed involve liaison or contact work with Bank;
- (e) whether his commercial duties will be such that his previous official position or knowledge or experience under Bank could be used to give the proposed employer an unfair advantage;
- (f) the emoluments offered by the proposed employer; and
- (g) any other relevant factor.

(4) Where within a period of sixty days of the date of receipt of an application under sub-regulation (3), the Bank does not refuse to grant the permission applied for or does not communicate the refusal to the applicant, the Bank shall be deemed to have granted the permission applied for; Provided that in any case where defective or insufficient information is furnished by the applicant and it becomes necessary for the Bank to seek further clarifications or information from him, the period of sixty days shall be counted from the date on which the defects have been removed or complete information has been furnished by the applicant.

(5) Where the Bank grants the permission applied for subject to any conditions or refuses such permission, the applicant may, within thirty days of the receipt of the order of the Bank to that effect, make a representation against any such condition or refusal and the Bank may make such orders thereon as it deems fit:

Provided that no order other than an order canceling such condition or granting such permission without any conditions shall be made under this sub-regulation without giving the pensioner making the representation an opportunity to show cause against the order proposed to be made.

(6) If any pensioner takes up any commercial employment at any time before the expiry of two years from the date of his retirement without the prior permission of the Bank or commits a breach of any condition subject to such permission to take up any commercial employment has been granted to him under this regulation, it shall be competent for the Bank to declare by order in writing and for reasons to be recorded therein that the shall not be entitled to the

whole or such part of the pension of the pensioner and for such periods as may be specified in the order;

Provided that no such order shall be made without giving the pensioner concerned an opportunity of show cause against such declaration: Provided further that in making any order under this sub-regulation, the Bank shall have regard to the following factors namely:-

- (i) the financial circumstances of the pensioner concerned;
- (ii) the nature of, and the emoluments from, the commercial employment taken up by the pensioner concerned, and;
- (iii) any other relevant factor.

(7) Every order passed by the Bank Under this regulation shall be communicated to the pensioner concerned.

(8) In this regulation, the expression "commercial employment" means :-

(i) an employment in any capacity including that of an agent, under a company (including a banking company), co-operative society, firm or individual engaged in trading, commercial industrial, financial or professional business and includes also a directorship of such company (including a banking company), and partnership of such firm but does not include employment under a body corporate, wholly or substantially owned or controlled by the Central Government or a State Government;

(ii) Setting up practice, either independently or as a partner of a firm, as advisor or consultant in matters in respect of which the pensioner -

(A) has no professional qualifications and the matters in respect of which the practice is to be set up or is carried on are relatable to his official knowledge or experience, or

(B) has professional qualifications and the matters in respect of which the practice is to be set up are such as are likely to give his clients an unfair advantage by reason of his previous official position, or

(C) Has to undertake work involving liaisons or contact with the offices or officers of the Bank.

Explanation:- For the purpose of this clause, the expression "employment under a co-operative society" includes the holding of any office, whether elective or otherwise, such as that of President, Chairman, Manager, Secretary, Treasurer and the like, by whatever name called in such society.

51. Nomination :-

(1) The trust shall allow every employee governed by these regulations to make a nomination conferring on one or more persons the right to receive the amount of pensioner benefits under these regulations in the event of his death before that amount becomes payable or, having become payable, has not been paid. Such nomination shall be made in such form as may be specified by the Bank from time to time.

(2) If any employee nominates more than one person under sub-regulation (1), he shall, in his nomination, specify the amount or share payable to each of the nominees in such a manner as to cover the whole of the amount of the pensioner benefits that may be payable in the event of his death.

(3) A nomination made by an employee may, at any time, be modified or revoked by him after giving a written notice to the trust of his intention of doing so in such form as the Bank may from time to time specify.

(4) A nomination or its revocation or its modification shall take effect to the extent it is valid on the date on which it is revised by the Trust.

52. Date From Which Pension Becomes Payable :-

(1) Except in the case of an employee to whom the provisions of Regulation 43 and Regulation 46 apply a pension other than the family pension shall become payable from the date following the date on which an employee retires.

(2) Family pension shall become payable from the date following the date of death of the employee or the pensioner.

(3) Pension including family pension shall be payable for the day on which its recipient dies.

53. Currency In Which Pension Is Payable :-

All pension admissible under these regulations shall be payable in rupees in India only.

54. Manner Of Payment Of Pension :-

A pension fixed at a monthly rate shall be payable monthly on or after the first day of the following month.

55. Power To Issue Instructions :-

The Chairman and Managing Director of the Bank may from time to time issue instructions, as may be considered necessary or expedient for the implementation of these regulations.

56. Residuary Provisions :-

In case of doubt, in the matter of application of these regulations, regard may be had to the corresponding provisions of Central Civil Services Rules, 1972 or Central Civil Services (commutation of Pension) Rules, 1981 applicable for Central Government employees with such exceptions and modifications as the Bank, with the previous sanction of the central Government, may from time to time, determine.