



# The Mizoram Gazette

EXTRA ORDINARY

Published by Authority

Vol. XIII Aizawl Wednesday 9.5.1984. Vaisakha 19, SE 1906 Issue No. 22

## NOTIFICATIONS

NO. I-15011/2/80-POL(PA) – In exercise of the powers conferred by sub-section (1) of section 9 A of the Mizoram Salaries, Allowances and Pension of Members of the Legislative Assembly Act, 1973 (Act No. 3 of 1974), the Lt. Governor (Administrator) of the Union territory of Mizoram is pleased to make the following Rules :-

1. **SHORT TITLE AND COMMENCEMENT :-** (1) These rules may be called the Mizoram Pension of Members of the Legislative Assembly Rules, 1984.

(2) They shall come into force at once.

2. **DEFINITIONS :-** In these rules, unless the context otherwise requires. –

(a) “Act” means the Mizoram Salaries, Allowances and Pension of Members of the Legislative Assembly Act, 1973,

(b) “Director” means the Director of Accounts and Treasuries, Mizoram, Aizawl ;

(c) “Form” means a form appended to these rules ;

(d) “Secretary” means the Secretary to the Mizoram Legislative Assembly ;

(e) “Section” means a section of the Act,

3. **APPLICATION FOR PENSION :-** A person entitled to pension under section 8 B shall make an application in Form 1 in duplicate to the Secretary.

4. **ORDER DETERMINING PENSION :-** (1) Every application received under rule 3 shall be scrutinised by the Secretary with a view to determining as to whether the applicant is entitled to any pension under the provision of section 8 B and for such determination, the Secretary may hold such enquiry and may call for such further information from the applicant or from the Director as he may deem fit.

(2) After the application has been scrutinised, the Secretary shall by order, determine the amount of pension, if any, payable to the applicant under section 8 B.

(3) After the determination of the amount of pension under sub-rule (2) and on being satisfied that the applicant is entitled to pension, the Secretary shall issue an order sanctioning the pension, in Form 2 and communicate the same to the person concerned and to the Director :

Provided that where the Secretary is of the opinion that the applicant is not entitled to any pension, the applicant shall be given an opportunity of being heard before passing any order.

(4) The Secretary shall also determine the amount of dues, if any, recoverable under rule 11 and shall furnish in the order sanctioning the pension in Form 2 details of such dues to the Director for effecting recovery from the amount of pension.

5. AUTHORISATION FOR PAYMENT OF PENSION :— (1) On receipt of the order sanctioning pension under rule 4, the Director shall prepare a Pension Payment Order and forward the same to the Treasury Officer mentioned in the application under rule 3.

(2) Each pension Payment order shall be in two halves of which one known as the disburser's half shall be kept in the Treasury at which payment is to be made in such manner that the pensioner shall not have access thereto and the other delivered to the pensioner in person when he appears to receive payment of the pension for the first time.

(3) In issuing a Pension Payment Order the Director shall attach to each half of the order a specimen signature of the pensioner if he can sign his name, or the thumb and finger impressions of the left hand of the pensioner if he cannot sign his name.

(4) A pensioner shall produce his half of the Pension Payment Order before the Treasury Officer whenever he claims payment of his pension and no payment shall be made if he fails to produce it.

(5) Each payment of pension shall be entered on the reverse of both the halves of the Pension Payment Order, both entries being attested at the time of payment under the signature of the Treasury Officer.

(6) The Treasury Officer will be responsible for deducting from the pension Payment, if any, excess amount resulting from previous over payment as may be indicated by the Director.

6. CERTIFICATES :— A pensioner is required to append to his bills the certificate and declaration as in Form 3.

7. DATE OF PAYMENT OF PENSION:— The pension sanctioned under these rules shall be payable from the date specified in the order and it shall not be commuted for a lump sum. The pension shall become due for payment only on the expiry of the month to which it relates.

8. **DEATH OF PENSIONER:**— In the event of death of the pensioner, the amount of pension due till the date of his death including unpaid arrears shall be paid to his legal heir.

9. **MISTAKE IN THE CALCULATION OF PENSION AND TENURE OF MEMBERSHIP :**— A pension sanctioned to any person under these rules is liable to be cancelled or modified if it is found that there has been any error in the calculation of the period of his eligibility for the grant of pension.

10. **OVER PAYMENT:**— If any over-payments are made, the amount so over-paid shall be adjusted in the subsequent payments.

11. **RECOVERY OF DUES:**— Dues, if any, towards arrears of Legislators, Hostel Rent, Guest Charges, Trunk Call and Phonogram Charges, loss of Library Books or any other dues to the Legislative Assembly Secretariat from the pensioner when he was a member shall also be recovered from the pension payable to him.

12. **FINAL DECISION:**— If any controversy arises as to the entitlement of pension or interpretation of these rules, the matter shall be referred to Government in the Parliamentary branch of the Political Department who shall decide the matter in consultation with the Finance Department, and such decision in the matter shall be final.

13. **MISCELLANEOUS:**— Regarding other procedural matters, the rules governing sanction of pension and payment to Government servants under the Central Civil Services Pension Rules, 1972 and the Central Treasury Rules shall apply wherever necessary.

### FORM—I

(See rule 3)

#### THE MIZORAM LEGISLATORS PENSION APPLICATION

1. Name of the Applicant (in Block letters)
2. Father's/Husband's name.
3. Permanent residential address showing Village or Town and District.
4. Details of period as Member of Mizoram Legislative Assembly—
  - (1) Elected Member.
    - (a) Name of Constituency . . . . . from . . . . .  
to . . . . .
    - (b) Name of Constituency . . . . . from . . . . .  
to . . . . .

(c) Name of Constituency ..... from .. .. .  
to .. .. .

(d) Name of Constituency .. .. . from .. .. .  
to .. .. .

(2) Nominated Member.

From .. .. . to .. .. .

- 5. Amount of pension claimed.
- 6. Identification marks of the applicant.
- 7. Three copies of latest photograph (in passport size) duly attested by the Secretary, Mizoram Legislative Assembly.
- 8. Three specimen signatures duly attested by the Secretary, Mizoram Legislative Assembly.
- 9. Whether the applicant is employed on a salary under the Central Government or any State Government, or any corporation owned or controlled by the Central Government or any State Government or any local authority or is entitled to any remuneration from such Government, corporation or local authority and, if so, the amount of such salary or remuneration.
- 10. Whether the applicant is entitled to any pension from the Central Government or any State Government, or any corporation owned or controlled by the Central Government or any State Government or any local authority and, if so, the amount of such pension.
- 11. Name of the Treasury from which payment of pension is desired to be drawn.

I certify that all the particulars furnished above are true and correct to the best of my knowledge and belief.

Place .....

Date .....

To

The Secretary,  
Mizoram Legislative Assembly,  
Aizawl.

Signature of the applicant.

FORM—2

( See rule 4 (3) and (4) )

ORDER

The undersigned having satisfied that Shri/Smt .....

.....has served as a Member of the Mizoram Legisla-

ive Assembly during the following periods:--

From ..... to .....

From ..... to .....

hereby orders the grant of pension of Rs ..... per mensem to Shri/Smt ..... which may be accepted by the Director of Accounts and Treasuries as admissible under the rules.

The grant of this pension shall take effect from.....

There are no dues recoverable from the pensioner/There are dues amounting to Rs. .... on account of .....recoverable from the pensioner.

The pension herein sanctioned is payable at .....

.....Treasury and is chargeable to.....

Dated Aizawl.

Secretary,  
Mizoram Legislative Assembly,  
Aizawl.

the .....

Memo No. ....

Dated Aizawl; the 19

Copy to :—

- 1) The Director of Accounts and Treasuries, Mizoram, Aizawl.
- 2) Person concerned.
- 3) The Treasury Officer .....

by order, etc.

Secretary,  
Mizoram Legislative Assembly,  
Aizawl.

FORM — 3

( See rule 6 )

DECLARATION

( To be furnished with the pension bills every month )

I declare that -

- (i) I am not holding the elected Office of the President/Vice President of India or is appointed to the Office of the Governor of any State of the Administrator of any Union Territory.
- (ii) I am not a member of the Council of States or the House of the People or any Legislative Assembly of a State or Union Territory or Legislative Council of a State or the Metropolitan Council of Delhi.

Nor, am I employed on a Salary under the Central Government of any State Government or any corporation owned or controlled by the Central Government or any State Government or any local authority or become otherwise entitled to any remuneration from such Government, Corporation, or local authority.

OR

- (ii) (a) I am a member of .....  
or I am employed as .....  
in ..... and the  
total remuneration received by me as being such  
member of being in such employment is Rs. ....
- (b) I am in receipt of pension of Rs... ..  
from ... ..
- (iv) I am not in receipt of any pension from the Central Government or State Government or any Corporation owned or controlled by the Central Government or any State Government or any local Authority.
- (v) In case of any over-payment resulting from clerical errors of due to lack of information regarding recovery of Government dues, such over-payment may be recovered from the amount of pension due to me in such manner as the Government may deem fit and proper.

Date.. .. Pensioner's Signature .. ..

The .. .. Pensioner's Name .. ..

Address .. ..

\* Here mentioned the name of the Office of the Central Government/ State Government/Corporation/Local Authority.