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NOTIFICATION

No. ESS/MBSE/63/90/18-22, the 23rd October, 1992. In exercise of the powers conferred under clause (xxi) of section 11 of the Mizoram Board of School Education Act, 1975, read with clause (xi) of sub-section (2) of section 22 of the said Act, the Mizoram Board of School Education is pleased to make the following regulations, namely : —

- Short title and commencement
1. (1) These Regulations may be called the Mizoram Board of School Education (Pension) Regulations, 1992.
 - (2) They shall be deemed to have come into force with effect from 23rd November, 1977.
- Definitions.
2. In these regulations, unless the context otherwise requires —
 - (a) "Act" means the Mizoram Board of School Education Act, 1975 ;
 - (b) "Board" means the Mizoram Board of School Education established under the Act;
 - (c) "Contributory Provident Fund" means the fund constituted under the Mizoram Board of School Education (Contributory Provident Fund-cum-Payment of Gratuity to Employees) Regulations, 1982 ;
 - (d) "General Provident Fund" means a non-contributory provident fund constituted under this Regulation.

- (e) "Gratuity" means the gratuity referred to in the Mizoram Board of School Education (Contributory Provident Fund-cum-Payment of Gratuity to Employees) Regulations, 1982 ;
- (f) "Pay" means pay as defined in sub-rule (21) of rule 9 of the Fundamental Rules of the Government of India ;
- (g) "Pension Fund" means Pension Fund of the Mizoram Board of School Education.

Application. 3. (1) These regulations shall apply to all the wholtime employees of the Board who have exercised option in writing to come under this Scheme.

Pension. 4. (1) With the commencement of these regulations, pension shall be payable to all the employees of the Board.

- (2) The Pension under sub-regulation (1) shall cover and include all the retirement benefits with the same terms and conditions as provided in the Central Civil Services (Pension) Rules, 1972 as amended from time to time or any other such rules framed in replacement of it, by the Government of Mizoram and the said rules shall be applicable, mutatis mutandis, to the employees of the Board :

Provided that the following relaxation in respect of the rules be made :

- (a) For commutation of pension, private registered medical practitioners as selected by the Board would be the authorised Medical Officers and that only one such Doctor (Medical Practitioner) with post-graduate qualification shall exercise the functions of the Medical Board where required;
- (b) The medical examination fees for the commutation of pension shall be borne by the Board in all cases;
- (c) For voluntary retirement of an employee, three months' notice shall be mandatory in respect of persons who shall voluntarily retire; provided that in respect of past cases three months' notice may be condoned by the Board on the merit of each case.

General conditions.

- 5. (a) The amount of pension payable monthly shall be expressed in whole rupees and where the pension calculation according to these regulations contain a fraction of a rupee, it shall be rounded off to the next higher rupee.

- (b) No pension shall be liable to seizure, attachment or sequestration by process of court in India at the instance of the creditor for any demand against the pensioner.

- (c) An employee who opts to come under these regulations shall cease to participate in the "Contributory Provident Fund Scheme" and also cease to enjoy the benefit of the Contributory Provident Fund Scheme with immediate effect. His own share of contributions, with accrued interest thereon shall, however, be transferred to a "General Provident Fund Account" to be opened in his name and the Board's share of contributions made to his Contributory Provident Fund Account, with accrued interest, shall be transferred to the "Pension Fund".

Provided that such an employee shall contribute to the "General Provident Fund Account" opened in his name at the rate not less than the rate prescribed for Government servants under the Government of Mizoram, in accordance with the provisions of the bye-laws for General Provident Fund.

Provided further that an employee may, however, be allowed to exercise option, in writing to continue contribution under the Mizoram Board of School Education (Contributory Provident Fund-cum-Payment of Gratuity to Employees) Regulations, 1982, an option, in either case, once exercised, shall be final.

- Pension Fund. 6 (1) A separate account called "the Pension Fund of the Mizoram Board of School Education" shall be opened at the Aizawl Branch of the State Bank of India and the Board shall contribute to that account per month at the rate of 10% of pay of each of the subscriber to the Pension Scheme at the initial stage and to be reviewed from time to time by the Finance Committee of the Board.
- (2) Any cash balance of the Fund in excess of the amount not likely to be required for use in the immediate future, shall be invested in National Plan Savings Certificates or in similar other approved securities, on the recommendations of the Finance Committee of the Board and as approved by the Board. All such certificates and securities shall be held in the name of the Board. No changes in the investments shall be made except on the advice of the Finance Committee and with the approval of the Board.
- (3) The Board shall be responsible for any deficiency found in the Pension Fund and shall pay into that Fund such amount as may be necessary to make up the deficiency.

- Right to with- 7. 7. The Board reserve to itself the right of with-holding or held pension in certain cases. 7. The Board reserve to itself the right of with-holding or with-drawing a pension or any part of it, whether permanently or for a specified period, and the right of ordering the recovery from a pension of the whole or part of any pecuniary loss caused to the Board at the fault of the pensioner. Such cases shall, however, be dealt with and disposed off with reference to relevant Rules of the Central Civil Services (Pension) Rules, 1972, as amended from time to time or any other such rules framed in replacement of it by the Government of Mizoram.
- Condition of 8. 8. In the case of employees who were recruited with proper adding to qua- 8. In the case of employees who were recruited with proper permission from the service under the Government of Mizoram or local bodies, the services rendered by them under the Government or local bodies for a period not exceeding five years may be added to the qualifying service for the purpose of superannuation pension.
- Audit and Ac- 9. (1) 9. (1) The books of account for the Pension Fund shall be main- counts. 9. (1) The books of account for the Pension Fund shall be main- tained in the same pattern as are maintained by the Chief Controller of Accounts, Government of Mizoram.
- (2) 9. (2) The accounts of the Pension Fund shall be audited by the Examiner of Local Accounts, that is, the Chief Controller of Accounts, Government of Mizoram.
- Interpreta- 10. 10. All questions of interpretations of these regulations shall tion 10. All questions of interpretations of these regulations shall be settled by the Board with reference to the Government Rules.

Lallunghnema,
Commissioner and Secretary,
Education & Human Resources Department.