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NOTIFICATION

No. A. 23022/12/2008-EDN, the 22nd May, 2009. The Govenor of Mizoram is pleased to notify the 'Special Voluntary Retirement (For School Teachers) Rules, 2009'.

This Rules will come into force from the date of publication in the Gazette of Mizoram.

K. Riachho,
Secretary to the Govt. of Mizoram,
School Education Department.

MIZORAM SPECIAL VOLUNTARY RETIREMENT FOR SCHOOL TEACHERS RULES, 2009

Whereas the Government of Mizoram has been considering the necessity of improving the quality of education in schools to prepare the students for the future,

And whereas it has been noticed that the educational qualifications of many teachers are way below the prescribed minimum educational qualifications as per existing recruitment rules in force.

And whereas it is considered necessary to offer opportunity to such teachers to enhance their educational qualification within a stipulated time to achieve quality in education,

And whereas in case such teachers are not be able to acquire such educational qualifications during the prescribed period, it is considered necessary to offer opportunity to such teachers to seek retirement voluntarily from Government Service;

And whereas it is the intention of Government of Mizoram to fill up those resultant vacancies with regular fresh appointments from well-qualified personnels ;

Now, therefore, the Governor of Mizoram is pleased to make the following rules, namely:

1. Short Title and Commencement :

- 1) These rules may be called the Mizoram Special Voluntary Retirement for School Teachers Rules, 2009.
- 2) They shall come into force from the date of publication in the Official Gazette.

2. Application :

These rules shall apply to all regular School Teachers currently working in Government Primary Schools and Government Middle Schools under the State Government of Mizoram who have the required educational qualification and length of service as provided in provisos to Rule 3 (4) of these rules.

3. Procedure:

- 1) All serving regular teachers must acquire such minimum educational qualifications as prescribed by relevant Recruitment Rules in force relevant to the stage of education in which they are currently employed, within 3 (three) years from the date of coming into force of these Rules.
- 2) After the expiry of the prescribed period of 3(three) years, any regular serving teachers who fail to comply with clause 1 of Rule 3 of these Rules, shall have the option to seek voluntary retirement as provided in Rules 48-A of CCS (Pension) Rules 1972 as adapted for the State Government employees of Mizoram.
- 3) In order to tide over the economic hardships faced by the retired teacher who have relinquished their service by voluntary retirement under these rules, 25% of the resultant vacancies will be reserved for the dependent family members as and when the resultant vacancies are filled up by Government, provided that the dependent family members have the requisite qualification and age-limit as per relevant recruitment rules in force at the time of filling up of the post.

Explanation : For the purpose of this sub-rule, "Dependent family members" means - spouse, son, daughter and brother or sister who are wholly dependent on the Government servant at the time of retirement.

- 4) Any regular teacher serving under Government of Mizoram who has rendered a minimum of 20 (twenty) years of regular service may seek retirement voluntarily under these rules by submitting an application to the Head of Department in the standard application form annexed hereto as Annexure-I;

Provided that the extended benefits of voluntary retirement as provided in Rule 4 of these Rules shall not be applicable to any category of regular teachers who have attained 57 (fifty seven) years of age on or after 31.3.2009;

Provided further that under this Mizoram Special Voluntary Retirement for School Teachers Rules, 2009, it will be implemented in two phases so that in the first phase, those teachers who are serving in Primary Schools and who have educational qualification which is less than or equivalent to Class-IX will only be eligible to avail themselves of these extended benefits and that they must necessarily avail of these benefits within 18 (eighteen) months of the date of coming into force of these rules, and in the second phase, those teachers who are serving in Primary Schools and Middle Schools whose educational qualification is less than or equivalent to HSLC for Primary Schools and less than or equivalent to HSSLC for Middle Schools will only be eligible to avail themselves of these extended benefits and they must necessarily avail of these benefits within 18 (eighteen) months of the date fixed for implementation of the second phase of the Mizoram Special Voluntary Retirement For School Teachers Rules, 2009 as decided by Government of Mizoram.

- 5) An application for voluntary retirement under these Rules may clearly specify the date, month and year from which the applicant would like to opt for voluntary retirement, which shall not ordinarily be changed or amended without the specific permission of the Government of Mizoram.
- 6) Such applications shall be submitted at least 60 (sixty) days in advance from the intended date of retirement.
- 7) Submission of application for voluntary retirement shall not entitle the teacher to leave Government service unless formal acceptance of the Government is communicated to the teacher in writing.
- 8) On receipt of such application, the Controlling Officer shall scrutinize the application on the basis of the Checklist provided at Annexure - II and forward such application with complete details to the Director of School Education within 15 (fifteen) days from the receipt of application, and thereafter the Director of School Education shall submit the same with recommendation or otherwise to the Government within 15 (fifteen) days from the receipt of application from the respective Controlling Officer.
- 9) It shall be the duty of the Head of Department to ensure that important public services are not disrupted due to the recommendation in favour of the applicant's voluntary retirement. No substitute regular teacher also shall be engaged or deployed in such vacancy resulted from such voluntary retirement, unless there is an express permission from Government of Mizoram for doing so.
- 10) The Government may accept or reject such applications. However, such rejections shall be communicated to the applicant in writing.

- 11) On receipt of acceptance from the Government of Mizoram, the Director of School Education shall issue formal acceptance order and shall take actions as per checklist at Annexure-III and forward the completed pension papers to the Director of Accounts & Treasuries for formal sanction ; provided that

The Finance Department shall be the authority to issue acceptance or rejection as the case may be under clause (4) and (6) of Rule 3 of these Rules.

4. Retirement Benefits :

Once an application for voluntary retirement under these rules is accepted by the Government such teacher shall forthwith be eligible to the payment of retirement benefits as specified below:

- 1) The amount of pension shall be regulated as per Rule 49 of the CCS (Pension) Rules, 1972 as amended from time to time.
 - 2) A maximum weightage of 10 years' Qualifying Service shall be given instead of 5 years as provided in Rule 48-B of CCS (Pension) Rules, 1972 subject to the condition that the total Qualifying service rendered by such teachers does not in any case exceed 33 years and does not take him beyond the date of superannuation age.
 - 3) Family Pension as per Rule 54 of the CCS (Pension) Rules, 1972 as amended from time to time will be admissible to the family of the retired teacher in the event of his or her death.
 - 4) Retirement Gratuity shall be admissible as provided under Rule 50 of the CCS (Pension) Rules, 1972 as amended from time to time.
 - 5) Commutation of 40% of Pension amount shall be admissible as per CCS (Commutation of Pension) Rules, 1981 as amended from time to time.
 - 6) Cash compensation on pay and leave shall be admissible as per rate fixed in Annexure-IV on the basis of such retiree's remaining years of service.
 - 7) Available balance of General Provident Fund to the teacher's credit, Insurance Fund and interest thereupon under the Mizoram Government Employees Group Insurance Scheme, 1992 and normal encashment of unutilized Earned Leave at the teacher's credit as per the relevant rules in force shall be admissible to such teacher who retires under these Rules.
5. Realization of Outstanding Dues to the Government against the retiring teacher including premium for Life Insurance and Medical Insurance shall be adjusted from the retirement benefits as admissible under Rule 4 of these Rules, without obtaining the written consent of the retiring teacher.
 6. Other conditions of retirement and determination of benefits not specified in these Rules shall be governed by the rules and provisions of CCS (Pension) Rules 1972 as amended from time to time.
 7. **Sanctioning Authority :** All the retirement benefits under these rules will be sanctioned and authorized by the Director, Accounts & Treasuries, Government of Mizoram.
 8. **Review of the Scheme :** The Government shall have the power to review, amend or modify or rescind these Rules, but not the disadvantage of any teacher who has already opted for voluntary retirement and the consequent benefits under these Rules.
 9. **Interpretation :** All matters regarding interpretation of any provision of these Rules shall be referred to the Finance Department for interpretation.

Form -1

Annexe - I

(See Rule 3 (4))
STANDARD APPLICATION FORM

To

The _____
_____ Department
Mizoram.

(Through: _____ (Head of Office))

Subj : *Application for retirement under the Mizoram Special Voluntary Retirement for School Teachers Rules, 2007*

Sir.

I have the honour to state that I have completed (number of years to be indicated) Years and (number of months to be indicated) months of service as regular (designation of the applicant) and I would like to retire from service under the provision of Mizoram Special Voluntary Retirement Rules, 2007. I, therefore, request you to kindly accept my application for Voluntary Retirement from my service.

My particulars are as under:

- 1. Name :
- 2. Father's Name :
- 3. Designation :
- 4. Date of appointment
As regular (designation of the applicant) :
- 5. Date of intended retirement :
- 6. Non-Qualifying service, if any :

Yours faithfully.

Dated _____
Place _____

(Name of Applicant)
Full Address:

Form - II
(See Rule 3 (8))

**CHECK LIST FOR HEAD OF DEPARTMENT BEFORE FORWARDING
APPLICATION TO THE GOVERNMENT FOR ACCEPTANCE OR REJECTION**

1. Original Application should be enclosed.
2. Service Book duly verified should be enclosed (in no case incomplete Service Book should be sent to the Government)
3. Leave Account duly verified should be enclosed.
4. Length of service (year and month) should be indicated.
5. Government dues outstanding against the Government Servant giving full details.
6. Discipline proceeding or not. If so, details and present status.
7. In case of deputation period, whether pension and leave contributions are duly cleared by borrowing Department.
8. Unutilized Earned Leave at his Credit.
9. A Photostat copy of all the above document should also be retained in the Head of Office and Head of Department.

Annexure - III

(See Rule 3 (11))

**CHECK LIST FOR HEAD OF DEPARTMENT BEFORE FORWARDING
PENSION PAPERS TO THE D.A.T (FINANCE DEPARTMENT) UNDER THE
MIZORAM SPECIAL VOLUNTARY RETIREMENT FOR SCHOOL
TEACHERS RULES, 2007**

1. Forms - 3,5,7,8 of Pension claims and service gratuity Nomination in form 1 or 2, as the case may be.
2. Commutation Form - 1 or 1-A or 2 as the case may be.
3. Copy of Voluntary Retirement Acceptance Order.
4. Release Order.
5. Updated Service Roll / Service Book / Leave Account.
6. Date of Retirement.
7. If Service Book is reconstructed - Copy of Government Order.
8. If over-age appointment condoned - Copy of Government Order.
9. Up-to-date service record in Service Book.
10. Ending of service record in Service Book.
11. Attestation of Bio Data.
12. Date of Birth record - Acceptable / Not acceptable.
13. Date of confirmation / confirmation order.
14. Last Pay Certificate.
15. Copy of sanction Order of Leave Encashment.
 - a) Specimen signature / Descriptive Roll / Identification Marks.
 - b) (Fingers / Thumb impression for illiterate).
 - c) Joint photograph with wife / husband.
 - d) Provisional Pension - Yes / No.
 - e) Provisional service gratuity - Yes / No.
 - f) Wife / Husband- Employed / No.
 - g) Marital and Employment status of children.
16. Demand of No Demand Certificates:
 - a) Pay and allowances from Drawing and Disbursing Officer / Head of Office.
 - b) Government Quarter allotted - Yes / No.
 - If allotted:
 - i) License Fee from Public Works Department.
 - ii) Water charge from Public Health Engineering Department.
 - iii) Electricity Charge form Power & Electricity Department.
 - c) House Building Advance from Head of Department
 - d) Motor Car Advance from Head of Department.
 - e) Housing and Urban Development Corporation, House Building Advance (Life Insurance Corporation) from Local Administration Department.
17. Initial Pay Statement for Revision of Pay 1973, Revision of Pay 1986, Pay Anomaly Committee 1989, Pay Revision Committee 1990, Revision of Pay 1999.
18. Whether Re-employed or not.
19. Foreign Service if any.

**CASH COMPENSATION UNDER RULE 4 (f) OF THE MIZORAM SPECIAL
VOLUNTARY RETIREMENT FOR SCHOOL TEACHERS RULES 2007.**

Sl. No.	Remaining years of Service	Cash Compensation	
		1. Earned Leave	2. Pay
1	2	3	4
1	5 years or less	equivalent up to 15 days Earned to cash remaining years of service	40% of the basic pay for the re- maining years of service calculated on the basis of average Basic Pay during last 10 months preceding the date of retirement
2	Above 5 years but less than 10 years	12 days	27%
3	10 years but less than 20 years or less	10 days	25%
4	20 years and above	8 days	20%