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No. 1597—XSME(P)-70/2012-SME.

GOVERNMENT OF ODISHA

**SCHOOL & MASS EDUCATION DEPARTMENT**

**RESOLUTION**

The 24th January 2014

**SUBJECT—**Calculation of pension in favour of the employees of the Taken Over Upper Primary (erstwhile M.E.) Schools & High Schools.

The employees of Non-Government Aided Educational Institutions on their retirement/death, are eligible for pensionary benefits under the provisions of the Odisha Aided Educational Institutions Employees' Retirement Benefit Rules, 1981 which have come into force with effect from dated the 1st April, 1982. Consequent upon taking over of the management of the Aided Non-Government Upper Primary (erstwhile M.E.) Schools with effect from dated the 1st April 1991 and the Non-Government Fully Aided High Schools with effect from dated the 7th June 1994, the approved teaching and non-teaching employees working in these institutions have been declared as State Government servants from the date of taking over the management of these Educational Institutions. After taken over by the Government, the employees of such institution are allowed pensionary benefits under the Odisha Aided Educational Institution's Employees' Retirement Benefit Rules, 1981 for the period of service rendered under the Aided Educational Institutions and the O.C.S. (Pension) Rules, 1992 for the period of service rendered under the State Government. The minimum requirement of qualifying service for pension and D.C.R.G. has been waived for such cases under both the rules subject to the condition that the total qualifying service under the Aided Institutions and under the Government taken together exceeds the minimum requirement of qualifying service to earn pension/D.C.R.G. as per Rules 8 and 9 of the Odisha Aided Educational Institution's Employees' Benefit Rules, 1981 and as per Rules 70 & 74 of the Odisha Pension Rules, 1977 or 47 and 49 of O.C.S. (Pension) Rules, 1992 in accordance with the provisions of erstwhile Education & Youth Services Department Resolution No. 46919-EYS., dated the 26th October 1990.

Under the above provision the total period of qualifying service of the employees of these Taken Over Educational Institutions for the purpose of pension shall be computed by taking the period of service under the State Government first and then the service rendered in the Aided Educational Institutions before taken over by the State Government limiting the period of total qualifying service to 33 years.

The Note below Rule 8 (2) of Odisha Aided Educational Institutions Retirement Benefit Rules, 1981 stipulates that "Only completed years of qualifying service in Educational Institutions

shall be taken into account and fraction of a year shall be ignored". In view of such provision, the qualifying service period rendered in Aided Educational Institutions where reckons to fraction of a year, the employee is not being eligible for full pension, i.e. 50% of the last pay drawn even if the employee has rendered more than 33 years of service.

According to the Notification No. 8974-SME., dated the 23rd March 1998 on amendment to the Odisha Aided Educational Institutions Retirement Benefit Rules, 1981 applicable with effect from the 1st September 1988, the maximum period of qualifying service to be taken into account for the purpose of pension shall not exceed 33 years and the maximum pension shall be at the rate of 50% of the last month's pay drawn by the employee. Further, Para. 4-2 of the Finance Department Resolution No. 48921-F., dated the 18th September 1987 read with Rule 47(2)(a) of the O.C.S. (Pension) Rules, 1992 stipulates that in the case of a Government servant retiring in accordance with the provisions of the rules after completing qualifying service not less than 33 years, the amount of pension shall be calculated at 50% of the emoluments last drawn preceding to retirement. The provisions in both rules are compatible in principle for the benefit of pension at the rate of 50% of the last pay drawn towards full pension where the employee has completed 33 years of qualifying service.

As per Finance Department Resolution No. 3653-F., dated the 19th January 2009 in relation to revision of pension/family pension in respect of post-2006 pensioners/family pensioners, the Government of Odisha have reduced the period of qualifying service from 33 years to 25 years with effect from the 1st December 2008 for the benefit of full pension, i.e. 50% of last emoluments drawn for the State Government employees. The same provision is also adopted in respect of employees of Aided Educational Institutions as per School & Mass Education Department Resolution No. 21665-SME., dated the 3rd December 2010. Hence, employees of such Taken Over Educational Institutions retired after this date will be governed under the same principle considering maximum limit of total qualifying service as 25 years in substitution of 33 years.

After careful consideration, Government have now been pleased to decide that, in no case the pension shall be less than 50% of the emoluments drawn preceding to retirement on completion of 33 years or more or 25 years or more of service as the case may be including both Government period as well as the period of service under Aided Educational Institutions.

Such provision shall be applicable for calculation of pension only where the employee has completed maximum years of total qualifying service as admissible from time to time. This has been concurred in by Finance Department vide UOR No. 261-CS-III, dated the 12th November 2013 and Law Department vide UOR No. 2919-L, dated the 10th December 2013.

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ORDER—Ordered that the Resolution must be published in an extraordinary issue of the *Odisha Gazette* for general information and copies thereof be extended to all concerned.

By order of the Governor

U. PADHI

Commissioner-*cum*-Secretary to Government