

**22. THE PUNJAB STATE LEGISLATURE MEMBERS
(PENSION AND MEDICAL FACILITIES REGULATION)
RULES, 1984.**

1. Short title and commencement.-(1) These rules may be called the Punjab State Legislature Members (Pension and Medical Facilities Regulation) Rules, 1984.

(2) They shall come into force at once.

2. Definitions.- In these rules, unless the context otherwise requires.--

(a) "Act" means the Punjab State Legislature Members (Pension and Medical Facilities Regulation) Act, 1977 (Punjab Act No. 5 of 1977);

(b) "Forms" means a form appended to these rules;

(c) "Government" means the Government of the State of Punjab in the Department of General Administration (Research Cell, Parliamentary Affairs);

(d) "Pensioner" means a person to whom pension has been sanctioned under these rules;

(e) "Secretary" means the Secretary of the Punjab Vidhan Sabha;

(f) "Speaker" means the Speaker of the Punjab Vidhan Sabha.

3. Application for pension.-(1) A person entitled to pension under the Act shall make an application in part A of form I in duplicate, to the Secretary:

¹Provided that where a person entitled to pension under the Act had died before applying for pension or after applying but before receiving the amount of pension, the legal heir(s) of the deceased shall make an application to the Secretary in Part 'AA' of form I enclosing herewith his (their) photograph(s) accompanied by a death certificate and a succession certificate.

(2) The application referred to in sub-rule (1), shall be accompanied by three passport size contemporary photographs of the applicant duly attested by a Gazetted Officer.

¹Added vide Punjab Government Notification No./G.S.R. 39/P.A. - 5/77/S-5/Amd. (2)/86, dated 29th May, 1986.

(3) On receipt of the application for pension, the Secretary or any officer not below the rank of Deputy Secretary authorized by him, shall verify the facts stated therein, with reference to the records available with him and with a view to determining as to whether the applicant is entitled to any pension under the provisions of the Act and he may hold such enquiry and may call for such further information from the applicant, as he may deem fit:

¹Provided that where an application is made by the legal heir(s) under the proviso to sub-rule (1). the Secretary or any officer not below the rank of Deputy Secretary authorized by him shall verify and satisfy himself as to the entitlement of pension of the deceased person under the Act and also to the claim of the heir(s) with reference to record available with him.

4. Sanction of pension.--- The Secretary shall, if the facts stated in the application for pension made under Rule 3 are found correct and the application is not otherwise defective, record a certificate as given in part B of form I and submit the application to the Speaker, ²[who shall pass an order in part C or part D of form I, sanctioning the pension of the applicant or life time arrears as the case may be, of pension of the deceased person to the legal heir(s).]

5. Authorisation for payment of pension.---(1) After an order sanctioning the pension is passed under Rule 4, a copy of the application submitted under Rule 3 alongwith such order and two photographs of the applicant shall be sent to the Accountant General, Punjab.

(2) the Accountant General, Punjab, shall after satisfying himself that the papers submitted to him under sub-rule (1) are in every respect in order and the amount of pension has been correctly sanctioned, issue a Pension Payment Order as is issued in the case of a Class-I Officer of the State Government.

6. Drawal of pension.--- (1) The pension under the Act shall be drawn by the Pensioner from the Treasury in the manner in which a retired

¹Added vide Punjab Government Notification No.G.S.R. 39/P.A. - 5/77/S-5/Amd. (2)/86, dated 29th May, 1986.

²Substituted for the words "who shall pass an order in Part C of Form 1, sanctioning the pension of applicant", vide G.S.R. 39/P.A-5/5/Amd(2)/86, dated 29th May, 1986.

Class-I Officer of the State government draws his pension.

(2) The pensioner drawing pension under these rules shall also furnish a certificate to the concerned Treasury Officer in form-II, whenever he claims payment of his pension and no payment shall be made if he fails to do so.

7. Due date for payment of pension.- The pension sanctioned under these rules become due for payment only on the expiry of the month to which it relates.

8. Cancellation or modification of pension.- (1) If after the communication of the order sanctioning the pension, any fact which has a bearing on the sanction or the amount of pension already sanctioned, comes to the notice of the Speaker, he shall after due verification, issue an order cancelling or modifying the order made under Rule 4 and communicate the same to the Accountant General, Punjab:

Provided that no order cancelling or modifying the pension shall be issued except after giving the pensioner an opportunity of being heard.

(2) The Accountant General, Punjab, shall, on receipt of an order under sub-rule (1), recall the Pension Payment Order and cancel or modify the same accordingly.

(3) Consequent upon the cancellation or modification of pension under sub-rule (1), the excess amount, if any, received by the pensioner shall, in case of cancellation, be recoverable in lump-sum and, in case of reduction, be liable to be adjusted against future payment of pension.

9. Any amount recoverable under Section 3-A of the Act from any person may be recovered from his pension admissible under the Act by the Speaker.

¹9-A. Family pension.-(1) The spouse of the deceased Member who is entitled to pension under the Act shall submit an application for claiming family pension to the Secretary, in Part 'A' of Form VIII.

(2) On receipt of an application for family pension under sub-rule (1), the Secretary or any other officer not below the rank of a Deputy Secretary authorised by him, shall verify the facts stated therein, with reference to the records available with him with a view to determining as

¹Added vide Punjab Government Notification No. G.S.R. 85/P.A. - 5/77/55/Amd/94, dated 19th December, 1994.

to whether the applicant is entitled to the family pension or not under the provisions of the Act and for this purpose he may hold such enquiry and may call for such further information from the applicant as he may deem fit.

(3) The Secretary or the Deputy Secretary, as the case may be shall, if the facts stated in the application for family pension submitted under sub-rule (1) are found correct and the application is not otherwise defective, submit the application to the Speaker who shall pass an order in part B of Form VIII, sanctioning the family pension to the applicant.

(4) (a) After an order sanctioning the family pension is passed by the Speaker under sub-rule (3), a copy of the application along with the sanction order and two photographs of the applicant, shall be sent to the Accountant General, Punjab, by the Secretary for issuing family Pension Payment Order.

(b) The Accountant General, Punjab, shall after satisfying himself that the papers submitted to him are in every respect in order and the amount of family pension has been correctly sanctioned, issue a family Pension Payment Order.

(5) (a) The family pension shall be drawn by the spouse of the deceased Member from the concerned Treasury.

(b) The spouse of the deceased Member drawing family pension under these rules shall also furnish a certificate to the concerned Treasury Officer in part C of Form VIII whenever he or she claims payment of his or her family pension and no payment shall be made if the spouse fails to do so.

6. The family pension sanctioned under these rules shall become due for payment only on the expiry of the month to which it relates.

10. Medical reimbursement.- ¹[(1) A Member shall be entitled, for himself and for the members of his family, full reimbursement of actual expenses on outdoor and indoor treatment and treatment of chronic diseases.]

(2) A Member for claiming medical reimbursement for himself and for the

¹Substituted vide Punjab Government Notification No. G.S.R. 4/PA-5/77/S.5/Amd.(5)2004, dated 8.1.2004 (Parliamentary Affairs Department) w.e.f. 23-4-2003.

members of his family, shall submit the bill to the Secretary in Form III along with the essentiality certificate in Form IV:

Provided that where a Member entitled to medical reimbursement under the Act dies before claiming the amount of medical reimbursement, the legal heirs of the deceased Member shall make an application to the Secretary in Form V accompanied by a death certificate and also a succession certificate for claiming payment of such an amount of medical reimbursement:

Provided further that where a Member entitled to medical reimbursement under the Act dies after claiming but before actually receiving the amount of medical reimbursement, the legal heirs of the deceased Member shall submit death certificate of the deceased Member as also a succession certificate to the Secretary.

(3) If the Secretary is satisfied that the documents and the bill submitted to him under sub-rule (2) are complete in all respects, he shall sanction the amount of reimbursement and any officer not below the rank of Deputy Secretary authorised by him in this behalf shall countersign Form III.

(4) Where an application is made by the legal heirs under the provisions to Sub-rule (2), the Secretary shall verify and satisfy himself as to the entitlement of claim of the deceased Member under the Act and also to the claim of the heirs with reference to the record available with him and then sanction the amount of reimbursement and any officer not below the rank of Deputy Secretary authorised by him in this behalf shall convey the sanction in Form VI.

Explanation--- For the purposes of this Rule, the expression "Members of the family" in relation to a Member shall mean,-

- (a) husband or wife, as the case may be;
- (b) sons and daughters;
- (c) father and mother; and
- (d) brothers and sisters :

Provided that they are residing with the Member and are wholly dependent upon him and are unemployed and have no source of income of their own.

10A. Ex-gratia Grant.-(1) Where a person who is serving as a Member of the Punjab Legislative Assembly dies, while in such service, there shall be paid to the members of his family an ex-gratia grant of ¹[one lakh rupees].

(2) The Member of the family of the deceased Member shall submit an application for claiming ex-gratia grant to the Secretary in Part 'A' of Form-VII.

²[Provided that where the Member dies as result of terrorist act, the members of his/her family shall submit alongwith the application a certificate issued by the Deputy Commissioner of the concerned district to the effect that the death of the Member had occurred as a result of terrorist act.]

(3) On receipt of application for ex-gratia grant, the Secretary or any officer not below the rank of Deputy Secretary authorised by him, shall verify the facts stated therein, with reference to records available with him with a view to determining as to whether the applicants is/are entitled to any ex-gratia grant under the provisions of the Act and for this purpose he may hold such enquiry and may call for such further information from the applicants as he may deem fit.

(4) Sanction of Ex-gratia grant.----The Secretary shall, if the facts stated in the application for ex-gratia grant submitted under Sub-rule (2) are found correct and the application is not otherwise defective, forward the application to the Speaker who shall pass an order in part B of Form VII, sanctioning the ex-gratia grant to the applicant(s).

(5) Authorisation for the payment of ex-gratia grant.- After the amount of ex-gratia grant is sanctioned by the Speaker, a copy of the application alongwith the sanction order shall be sent to the concerned Deputy Commissioner for drawing and disbursing the amount to the applicant(s) and the expenditure so incurred shall be debitable to the major head "2285- Social Security and Welfare, 60- Other Social Security and Welfare Programme, 200-Other Programmes, 8 - Ex-gratia Payments to families of Ministers, Government Servants etc., dying in harness other charges (Non-plan)."

¹Amount revised from Rs. 1 lac to Rs. 5 lacs vide Punjab Act No. 22 of 2015,-vide Notification No. 23-Leg./2015, dt. 15-05-2015, (Amendment to this rule is under process.)

² Added vide Punjab Government Notification No. G.S.R. 64/P/A-5/77/S.5/ Amd.(3)86, dated 7th October, 1986.

"Explanation.- For the purposes of this rule, the expression "members of his family" in relation to a deceased Member shall mean the husband or the wife, as the case may be, of such deceased Member who was residing with him and was wholly dependent upon him, his sons and daughters, who are unemployed and having no source of income of their own and were wholly dependent on the deceased Member, as certified by the Deputy Commissioner.

11. Interpretation.- If any question arises as to the interpretation of these rules, the Government shall decide the same.

12. Repeal and saving.- The Punjab State Legislature Members (Pension and Medical Facilities Regulation) Rules, 1984 are hereby repealed.

Provided that any order issued or any action taken under the rules so repealed shall be deemed to have been issued or taken under the corresponding provisions of these Rules.
