

## **REGULATIONS**

### **The Tamil Nadu Co-operative Milk Producers' Federation Limited / ..... District Cooperative Milk Producers' Union Limited, Employees' Ex-gratia Pension Regulations, 2016**

#### **PRELIMINARY**

**1. Short title and commencement – (1) These regulations may be called the Tamil Nadu Co-operative Milk Producers' Federation Limited / ..... District Cooperative Milk Producers' Union Limited, Employees' Ex-gratia Pension Regulations, 2016.**

**(2) These regulations shall come into force from the date of issue of Government order.**

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

- (a) "Act" means the Tamil Nadu Co-operative Societies Act, 1983 (Tamil Nadu Act 30 of 1983);
- (b) "Rules" means the Tamil Nadu Co-operative Societies Rules, 1988;
- (c) "Actuary" shall have the meaning assigned to it in clause (1) of section 2 of the Insurance Act, 1938 (Act 4 of 1938);
- (d) "Appendices" means the Appendices annexed to these regulations;
- (e) "TCMPF" means, The Tamil Nadu Cooperative Milk Producers' Federation Limited; / Union means ..... District Cooperative Milk Producers' Union Limited;
- (f) "Board" means the Board of Directors of the Tamil Nadu Cooperative Milk Producers' Federation Limited; /..... District Cooperative Milk Producers' Union Limited:  
Provided that when the Board is not functioning then the Special Officer of the Tamil Nadu Co-operative Milk Producers' Federation Limited /..... District Co-operative Milk Producers' Union Limited would discharge the functions of the Board;
- (g) "District Unions" means 17 District Co-operative Milk Producers' Union Limited affiliated to TCMPF;
- (h) "Child" means a child of the employee, who, if a son, is under twenty five years of age and if a daughter, is unmarried and is under twenty

five years of age and the expression 'children' shall be construed accordingly;

- (i) "Competent Authority" means the Board of Directors / Special Officer of the Tamil Nadu Cooperative Milk Producers' Federation Limited/..... District Cooperative Milk Producers' Union Ltd., for the purpose of these regulations;
- (j) "Corpus Fund" means any sum created by the TCMPF/..... District Cooperative Milk Producers' Union Limited, for the purpose of sanction of ex-gratia pension and ex-gratia family pension under these regulations and shall include any sum credited as interest;
- (k) "Date of retirement" means the last date of the month in which an employee retired from the services of the TCMPF/the Union or the date on which the employee is deemed to have retired;
- (l) "Employee" means any person employed in the services of the TCMPF/the Union on full time work on regular basis and includes common cadre employees;
- (m) "Family" in relation to an employee means.-
  - (i) wife in case of a male employee or husband in case of a female employee;
  - (ii) son who has not attained the age of twenty five years and unmarried daughter who has not attained the age of twenty five years, including such son or daughter adopted legally;
- (n) "Financial year" means a year commencing on the 1<sup>st</sup> day of April;
- (o) "Notified date" means the date notified, in the Government order approving the Ex-gratia pension or Ex-gratia family pension, to be the date of commencement of benefit under these regulations.

### **3. Applicability and eligibility.-**

- (A) These regulations shall apply to.-
  - (a) Employees of the Tamil Nadu Co-operative Milk Producers' Federation Limited/..... District Cooperative Milk Producers' Union Limited, who retired from service on or after 16.11.1995 (i.e) the date on which Employees Pension Scheme, 1995 was introduced. In cases where both husband and wife happen to be employees of TCMPF/Union, both shall stand eligible for ex-gratia pension, after retirement, subject to eligibility as per these regulations, as the ex-gratia pension is

extended as a benefit based on the length of service put in by the employees.

- (b) Employees deputed from Government or other departments and absorbed in the TCMPF/the Union, for the period of service rendered in the TCMPF / District Unions from the date of absorption in TCMPF/Union:

Provided that said employees are not drawing pension from Government or other departments for the period of service rendered in the TCMPF / District Unions.

- (c) Employees should have rendered service for a period of not less than 10 years in the TCMPF / District Unions;
  - (d) Legal heirs of the employees who have rendered service for a period of not less than 10 years in TCMPF Limited/District Unions, and have retired or deceased on or after 16.11.1995.
  - (e) The children of the deceased employee, falling within the definition of family shall be entitled to ex-gratia family pension if there is no surviving legal heir (i.e. wife in case of a male employee or husband in case of a female employee) from the date following the date of death of the employee or if there is surviving legal heir (i.e. wife in case of a male employee or husband in case of a female employee) from the date following date of death of the legal heir. The ex-gratia family pension shall be admissible to maximum of two children at a time and will run from the oldest to the youngest child in that order.
- (B) The ex-gratia pension or ex-gratia family pension under these regulations is in addition to the pension payable under the Employees Pension Scheme, 1995;
  - (C) These regulations providing for payment of ex-gratia pension and ex-gratia family pension shall not apply to,-
    - (a) the employees appointed and joined duty on or after 01.04.2003;
    - (b) the employees terminated or dismissed or compulsorily retired from the services of the TCMPF/the Union;
    - (c) the employees whose terminal benefits have been/are ordered to be withheld, till orders releasing the terminal benefits are issued;
    - (d) the employees who have resigned the services for any reason other than physical or medical disability or invalidation. However in respect of employees discharged from services for the reason of physical or medical disability or invalidation, the ex-gratia pension and ex-gratia

family pension proportionate to the period of service rendered shall be paid, provided all other eligibility conditions are satisfied;

- (e) the period of service rendered by the employees on consolidated pay or on stipend.

#### **4. Funds.-**

The expenses towards payment of ex-gratia pension and ex-gratia family pension should be met from a separate Corpus Fund created for this purpose. Till the creation of the Corpus Fund to the extent sufficient to meet out the routine monthly commitment on ex-gratia pension or ex-gratia family pension, the short fall of funds shall be met out from the general funds of the TCMPF/the Union.

#### **5. Constitution of the Fund.-**

- (a) The TCMPF/the Union shall constitute a Fund to be called the TCMPF Employees Ex-gratia Pension Fund/..... District Cooperative Milk Producers' Union Employees Ex-gratia Pension Fund;
- (b) The Fund shall have its sole purpose of the provision of the payment of ex-gratia pension or ex-gratia family pension in accordance with these regulations to the eligible retired employee or to their family of the retired or deceased employees;
- (c) The TCMPF/the Union shall be the contributor to the Corpus Fund and shall ensure that sufficient funds are pumped in it, to make due payments under these regulations;
- (d) The TCMPF/the Union shall allocate sufficient funds in the Budget for the purpose of payment of ex-gratia pension or ex-gratia family pension.

#### **6. Composition of the Fund.-**

The fund shall consist of the following, namely:-

- (a) The Corpus Fund created from out of funds contributed by the TCMPF/the Union.
- (b) The investment in annuities or securities or bonds purchased from Corpus and interest thereon.
- (c) Amount of any capital gains arising from capital assets of the Fund.
- (d) Any other income from investments made from the Corpus Fund.

#### **7. Books of Accounts of the Fund.-**

- (a) The accounts of the Corpus Fund shall contain the particulars of all financial transactions relating to the Corpus Fund in such form as may be specified by the TCMPF/the Union.
- (b) The Financial Statements of the Corpus Fund indicating therein the general account of assets and liabilities of the Corpus Fund and Receipt and Charges shall be prepared by TCMPF/the Union within three months from the closing of each financial year.
- (c) The accounts of the Corpus Fund shall be audited by the Auditor who is conducting the Statutory Audit of the TCMPF/the Union.

### **8. Actuarial Valuation of the Fund.-**

The TCMPF/the Union shall cause a valuation of the Corpus Fund created for payment of ex-gratia pension or ex-gratia family pension by an Actuary every financial year as on the 31<sup>st</sup> day of March or whenever necessary and make such additional contributions to the Corpus Fund as may be required to ensure payment of the benefits under these regulations.

### **9. Investment of Fund.-**

All moneys contributed to the Corpus Fund or interest received or accruing after the date or otherwise to the Fund may be deposited in the scheduled bank and other financial institutions owned by Government of Tamil Nadu or other securities or bonds in the manner specified in the Income Tax Act, 1961 (Act 43 of 1961).

### **10. Payment of ex-gratia pension or ex-gratia family pension.-**

- (a) The Corpus Fund shall be administered for grant of ex-gratia pension or ex-gratia family pension to the retired employees of the TCMPF/the Union or to the family of the eligible deceased employees of the TCMPF/the Union.
- (b) Retired employees or legal heir of the deceased employees who are eligible to receive ex-gratia pension or ex-gratia family pension shall submit an application in the format appended to these Regulations to the TCMPF or the Union along with necessary particulars or documents mentioned in the application.
- (c) Retired employees or legal heir of the deceased employees who are eligible to receive ex-gratia pension or ex-gratia family pension shall open a separate savings bank account in the Scheduled Bank

for the purpose of crediting of the ex-gratia pension or ex-gratia family pension.

- (d) On receipt of the application, TCMPF/Union (as the case may be) shall scrutinize the application and sanction the ex-gratia pension or ex-gratia family pension in accordance with these Regulations and arrange to credit the amount to the savings bank account of the applicant opened for this purpose.

### 11. Amount of Pension.-

Ex-gratia pension or ex-gratia family pension shall be paid as detailed below.-

Sl.No.	Category	Eligible ex-gratia pension or ex-gratia family pension
1	For those retired employees who have rendered service for a period of not less than 30 years in the TCMPF or District Unions.  (The total actual service shall be rounded off to the nearest year. The fraction of service for six months or more shall be treated as one year and the service less than six months shall be ignored)	Rs.3500/-per month
2	For those retired employees who rendered service for a period of less than 30 years but not less than 10 years in the TCMPF or District Unions.  (The total actual service shall be rounded off to the nearest year. The fraction of service for six months or more shall be treated as one year and the service less than six months shall be ignored)	Shall be computed in accordance with the following factors, namely:-  Monthly pension =  $\frac{\text{Rs.3500} \times \text{No. of years of Service}}{30}$  (The fraction of paise shall be rounded off to the nearest Rupee. The fraction of 50 paise or more shall be treated as one Rupee and less than 50 paise shall be ignored)
3	For legal heirs (ie. wife in case of a male employee or husband in case of a female employee) of deceased employees who have rendered service in the TCMPF or District	Rs.1750/-per month.

	<p>Unions for a period of not less than 30 years.</p> <p>(The total actual service shall be rounded off to the nearest year. The fraction of service for six months or more shall be treated as one year and the service less than six months shall be ignored)</p>	
4	<p>For legal heirs (ie. wife in case of a male employee or husband in case of a female employee) of deceased employees who rendered service in the TCMPF or District Unions for a period of less than 30 years but not less than 10 years.</p> <p>(The total actual service shall be rounded off to the nearest year. The fraction of service for six months or more shall be treated as one year and the service less than six months shall be ignored)</p>	<p>Shall be computed in accordance with the following factors, namely:-</p> <p>Monthly pension =</p> $\frac{\text{Rs.1750} \times \text{No. of years of Service}}{30}$ <p>(The fraction of paise shall be rounded off to the nearest Rupee. The fraction of 50 paise or more shall be treated as one Rupee and less than 50 paise shall be ignored)</p>
5	<p>For children (maximum of two) of deceased employees who rendered service in the TCMPF or District Unions for a period of not less than 30 years.</p> <p>(The total actual service shall be rounded off to the nearest year. The fraction of service for six months or more shall be treated as one year and the service less than six months shall be ignored)</p>	<p>Rs.875/-per month / per child.</p>
6	<p>For children (maximum of two) of deceased employees who rendered service in the TCMPF or District Unions for a period of less than 30 years but not less than 10 years.</p> <p>(The total actual service shall be rounded off to the nearest year. The fraction of service for six months or more shall be treated as one year and the service less than six months shall be ignored)</p>	<p>Shall be computed in accordance with the following factors, namely:-</p> <p>Monthly pension(per child) =</p> $\frac{\text{Rs.875} \times \text{No. of years of Service}}{30}$ <p>(The fraction of paise shall be rounded off to the nearest Rupee. The fraction of 50 paise or more shall be treated as one Rupee and less than 50 paise shall be ignored)</p>

**12. Period of payment of Ex-gratia Family Pension.-**

The ex-gratia family pension shall be payable,-

- (a) in the case of a widow or a widower up to the date of death or re-marriage, whichever is earlier;
- (b) in the case of a son, until he attains the age of twenty five years and;
- (c) in the case of an unmarried daughter, until she attains the age of twenty five years or until she gets married, whichever is earlier.

**13. Manner of payment of ex-gratia pension and ex-gratia family pension.-**

- (a) Ex-gratia pension or ex-gratia family pension shall be payable on or after the first day of every month.
- (b) Interest on delayed settlement of pension amount shall not be ordinarily admissible.

**14. Recovery from the Ex-gratia pension and Ex-gratia family pension.-**

The ex-gratia pension and ex-gratia family pension are subject to recovery of dues, as per the Indemnity Bond executed by the employees at the time of retirement/voluntary retirement.

**15. Issue of Ex-Gratia Pension Payment Order.-**

Upon sanction of Ex-gratia Pension and Ex-gratia Family Pension to the eligible employees or legal heirs, Ex-gratia Pension or Ex-gratia Family Pension Payment Order carrying the Photo Identity and distinctive serial numbers in chronology shall be issued.

**16. Life verification of beneficiaries of Ex-gratia Pension Scheme.-**

There shall be physical verification of the life of the beneficiaries of Ex-gratia Pension Scheme once in a year and recording the life certificates in the Ex-gratia Pension or Ex-gratia Family Pension Payment Order.



**17. Power to issue instructions.-**

The Managing Director of TCMPPF/the General Manager of the District Unions, as the case may be, from time to time issue instructions as may be considered necessary or expedient for the implementation of these regulations. In case of doubt, in the matter of application of these regulations, such issues shall be referred to the Managing Director of Tamil Nadu Co-operative Milk Producers' Federation Limited or the General Manager of the District Unions, as the case may be, and the decision of the Managing Director of Tamil Nadu Co-operative Milk Producers' Federation Limited or the General Manager of the District Unions, as the case may be, shall be final.