

MAHARASHTRA PREVENTION OF WATER
POLLUTION BOARD

RULES OF THE CONTRIBUTORY
PROVIDENT FUND
OF THE EMPLOYEES

O R D E R

Urban Development & Public Health Department,
Mantralaya, Bombay - 400 032, 21st May 1979.

No. WPB/1076/1886/(567)/UD-18 :— In exercise of the powers conferred by sub-section (2) of section 13 of the Maharashtra Prevention of Water Pollution Act, 1969 (Mah. XVI of 1970), the Government of Maharashtra hereby directs that the provident fund established by the Maharashtra Prevention of Water Pollution Board shall be regulated in accordance with the following rules, namely :—

Maharashtra
Prevention
of Water
Pollution
Act, 1969.

1. (1) These rules may be called the Maharashtra Prevention of Water Pollution Board Contributory Provident Fund Rules 1979.

Short
title.

- (2) They shall come into force on 1st June 1979.

2. (1) In these rules, unless there is anything repugnant in the subject or context —

Definitions.

(i) "Act" means the Maharashtra Prevention of Water Pollution Act, 1969;

(ii) "Board" means the Maharashtra Prevention of Water Pollution Board;

(iii) "Emoluments" mean pay, leave salary, or subsistence grant, as defined in the Bombay Civil Services Rules, and includes:-

(a) any wages paid by the Board to employees, not remunerated by fixed monthly pay;

(b) any remuneration of the nature of pay received in respect of foreign service; and

(c) dearness allowances appropriate to pay, leave salary or subsistence grant;

(iv) "Family means —

(a) in the case of a male subscriber, the wife or wives and children of a subscriber and the widow or widows and children of a deceased son of the subscriber;

Provided that, if a subscriber proves that his wife has been judicially separated from him or has ceased under the customary law of the community to which she belongs to be entitled to maintenance she shall henceforth be deemed to be no longer a member of the subscriber's family in a matters to which these rules relate, unless subscriber subsequently indicates by express notice in writing to the competent authority that she shall continue to be so regarded;

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Provided that, if a subscriber proves that his wife has been judicially separated from him or has ceased under the customary law of the community to which she belongs to be entitled to maintenance she shall henceforth be deemed to be no longer a member of the subscriber's family in a matters to which these rules relate, unless subscriber subsequently indicates by express notice in writing to the competent authority that she shall continue to be so regarded;

- (b) In the case of a female subscriber, the husband and children of the subscriber, and the widow or widows and children of a deceased son of the subscriber:

Provided that if a subscriber by notice in writing to Competent Authority expresses her desire to exclude her husband from her family, the husband shall therefor be deemed to be no longer a member of subscriber's family in matters to which these rules relate unless, the subscriber subsequently cancels formally in writing her notice excluding him.

Note I : "Children" means legitimate children.

Note II : An adopted child shall be considered to be a child when the Competent Authority or if any doubt arises in the mind of the Competent Authority, the Solicitor to the Government of Maharashtra is satisfied that under the personal law of the subscriber, adoption is legally recognised as conferring the status of a natural child but in this case only.

(v) "Foreign service" means service in which an employee of the Board receives his substantive pay with the sanction of Board from any other employer;

(vi) "Fund" means the Maharashtra Prevention of Water Pollution Board Contributory Provident Fund;

(vii) "leave" means any variety of leave recognised by the Bombay Civil Services Rules;

(viii) "Government" means the Government of Maharashtra;

(ix) "Year" means a financial year beginning with the first day of April and ending with the thirty first day of March of the following year;

(x) "Employee" means any person other than a person on deputation to the Board either from Government or from any other body who is employed in the service of the Board and who gets his pay directly from the Board but does not include any person employed on part time basis or any apprentice employed for training but includes reemployed pensioner who term of employment exceeds one year;

(xi) "Employer" means the Board;

(xii) "Competent Authority" means:-

(a) In relation of officers of the Board appointed by the State Government or by the Board with the previous approval of the State Government under sub-section (i) of section 13 of the Act, the Chairman of the Board.

(b) In relation to all other employees of the Board, the Member-Secretary of the Board.

2. Any other expression used in these rules but not defined, shall have the meaning assigned to it in the Provident Funds Act, 1925 (XIX of 1925) or Maharashtra Prevention of Water Pollution Act 1969 and the rules made thereunder or in the Bombay Civil Services Rules.

Constitution and Management of the Fund

✓ 3. The Fund shall be administered by the Competent Authority subject to the general control of the State Government.

4. (i) These rules shall apply to all such employees of the Board in **non-pensionable service** excluding persons working on work-charged establishment and such re-employed persons as may be admitted by the Competent Authority to the Fund after these Rules come into force, in accordance with the orders Government may issue in this behalf;

Provided that, these rules shall also apply to such of the employees on the regular establishment of the Directorate of Maharashtra State Water Pollution Investigation Centre and Laboratory, Bombay duly absorbed under the Board without break in service in respect of pensionable service rendered by them under the said Directorate either in temporary or permanent status.

Provided also that, these rules shall not apply to any such servant between whom and the Board an agreement subsists in respect of a provident fund, other than an agreement providing for the application to him of these rules, and in the case of an agreement so providing, shall apply subject to the terms of such agreement.

Note 1 : The provision of these rules apply to persons who are appointed without a break whether temporarily or permanently to a post carrying the benefit of these rules after resignation or retirement from service under the Central Government or State Government.

Note 2 (i) : The benefit to the reemployed persons to contribute towards the Fund shall given with effect from the date of their appointment but the Board's contribution with interest shall be credited only after the completion of **one year's** re-employed service.

(ii) Every servant of the Board to whom these rules apply shall be a subscriber to the Fund.

(iii) The balance at the credit of any servant of Government in any such Fund shall, with effect from the date on which these rules come into force, be transferred to his credit in the Fund.

(iv) If a Government servant who is admitted to the benefit of the Fund was previously a subscriber to any other contributory or non-contributory provident fund, in the State of Maharashtra or any other State, the amount of his subscriptions and Government contributions in the other contributory provident Fund/or the amount of his subscriptions in the non-contributory provident fund, as the case may be, together with interest thereon, shall be transferred to his credit in the Fund.

(v) If a Government servant admitted to the benefit of the Fund was previously a subscriber to any other Government contributory provident fund or non-contributory provident fund, the amount of his subscriptions and the Government contributions in the contributory provident fund, or the amount of his subscriptions in the non-contributory provident fund, as the case may be, together with interest thereon, shall be transferred to his credit in the Fund, with the consent of the other Government.

Note I : The provisions of sub-rules (iv) and (v) shall not apply to a person who has retired and is subsequently re-employed, with or without a break in service, or to person who was holding the former appointment on contract.

Note II. : The provisions of this rule shall, however, apply to persons who are appointed without break, whether temporarily or permanently to a post carrying the benefits of these Rules after resignation or retrenchment from service under the Central Government or any other State Government or another Department of the State Government.

Note III : The provisions of sub-rule (v) shall mutatis mutandis apply to persons who are transferred, without any break, from the service under a corporation owned or controlled by the Government or an autonomous organisation registered under the Societies Registration Act, 1860.

NOMINATION

5. (i) A subscriber shall, as soon as may be after joining the fund, send the Competent Authority a nomination conferring on one or more persons the right to receive the amount that may stand to his credit in the fund, in the event of his death before that amount has become payable, or having become payable, has not been paid.

Provided that, if at the time of making the nomination, the subscriber has a family, the nomination shall not be in favour of any person or persons other than the member of his family.

Provided further that the nomination made by the subscriber in respect of any other Provident Fund to which he was subscribing before joining the fund shall, if the amount to his credit in such other fund has been transferred to his credit in this fund, be deemed to be a nomination duly made under this rule until he makes a nomination in accordance with this rule.

(ii) If a subscriber nominates more than one person under sub-rule (i), he shall specify in the nomination the amount of share payable under sub-rule (i), he shall specify in the nomination the amount of share payable the amount that may stand to his credit in the Fund at any time.

(iii) Every nomination shall be in such one of the Forms set forth in the First Schedule as is appropriate in the circumstances.

(iv) A subscriber may at any time cancel a nomination by sending a notice in writing to the Competent Authority.

Provided that the subscriber shall along with such notice send a fresh nomination made in accordance with the provisions of this rule.

(v) A subscriber may provide in a nomination —

(a) In respect of any specified nominee that in the event of his predeceasing the subscriber, the right conferred upon that nominee shall pass to such other person as may be specified in the nomination:

(b) That the nomination shall become invalid in the event of the happening of a contingency specified therein, provided that if at the time making the nomination the subscriber has no family, he shall provide in the nomination that it shall become invalid in the event of his subsequently acquiring a family:

Provided that, if at the time of making the nomination the subscriber has only one member of the family, he shall provide in the nomination that the right conferred upon the alternate nominee under clause (a) shall become invalid in the event of his subsequently acquiring other member or members in his family.

(iv) Immediately on the death of a nominee in respect of whom no special provision has been made in the nomination under clause (a) of sub-rule (v) or on the occurrence of any event by reasons of which the nomination becomes invalid in pursuance of clause (b) of sub-rule (v) or the proviso thereto, the subscriber shall send to the competent authority a notice in writing cancelling the nomination, together with a fresh nomination made in accordance with the provisions of this rule.

(vi) Every nomination made, and every notice of cancellation given, by a subscriber shall to the extent that it is valid, take effect on the the date on which it is received by the Competent Authority.

Subscribers' Accounts

6 An account shall be opened in the name of each subscriber, in which shall be credited.

(i) The subscriber's subscriptions;

(ii) Contributions made under rule 11 (i) by the Board to his account;

(iii) Interest, as provided by rule 12, on subscriptions and contributions.

7. (i) Every subscriber shall subscribe monthly to the Fund when on duty or foreign service, but not during a period of **suspension**:

Provided that, a subscriber on reinstatement after a period passed under suspension shall be allowed the option of paying in one sum or

instalments any sum not exceeding the maximum amount of arrears of subscription permissible for that period;

(ii) A subscriber may, at his option, not subscribe during leave;

(iii) The subscriber shall intimate his election not to subscribe during leave in the following manner, namely:-

(a) If he is an officer who draws his own pay bills, by making no deduction on account of subscription in his first pay bills, drawn after proceeding on leave;

(b) If he is not an officer who draws his own bills, by written communication to the head of his office before he proceeds on leave.

Failure to make due and timely intimation shall be deemed to constitute an election to subscribe. The option of a subscriber intimated under this sub-rule shall be final.

(iv) A subscriber who has, under rule 26, withdrawn the amount of subscriptions and interest thereon, shall not subscribe to the fund after such withdrawal, unless and until he returns to duty,

8. (i) The amount of subscription shall be fixed by the subscriber himself, subject to the following condition, namely:-

(a) It shall be expressed in whole rupees.

(b) It may be any sum, so expressed, not less than $8 \frac{1}{3}$ per cent of his emoluments and not more than his total emoluments.

(ii) For the purposes of sub-rule (i), the emoluments of a subscriber shall be ---

(a) In the case of a subscriber who was in the service of the Board on the 31st March of the preceding year, the emoluments to which he was entitled on that date:

Provided that —

(i) If the subscriber was on leave on the said date and elected not to subscribe during such leave or was under suspension on the said date, his emoluments shall be the emoluments to which he was entitled on the first day after his return to duty;

(ii) If the subscriber was on deputation out of India on the said date or was on leave on the said date and continued to be on leave and has elected to subscribe during such leave, his emoluments shall be the emoluments to which he would have been entitled had he been on duty in India;

(iii) If the subscriber joined the fund for the first time on a day subsequent to the said date, his emoluments shall be the emoluments to which he was entitled on such subsequent date.

(b) In the case of a subscriber who was not in the service of the Board on the 31st March of the preceding year the emoluments to which he was entitled on the first day of his service or, if he joined the fund for the first time on a date subsequent to the first day of his service, the emoluments to which he was entitled on such subsequent date:

Provided that, if the emoluments of the subscriber are of a fluctuating nature, they shall be calculated in such manner as the Board may direct.

(iii) The subscriber shall intimate the fixation of the amount of his monthly subscription in each year in the following manner, namely -

(a) If he was on duty on the 31st March of the preceding year, by the deduction which he makes in this behalf from his pay bill for that month;

(b) If he was on leave on the 31st March of the preceding year and elected not to subscribe during such leave; or was under suspension on that date, by the deduction which he makes in this behalf from his first pay bill after his return to duty;

(c) If he has entered in the service of the Board for the first time during the year, or joins the funds for the first time by deduction which he makes in this behalf from his pay bill for the month during which he joins the fund;

(d) If he was on leave on the 31st March of the preceding year, and continues to be on leave and has elected to subscribe during such leave, by the deduction which he causes to be made in this behalf from his salary bill from that month;

(e) If he was on foreign service on the 31st March of the preceding year, by the amount credited by him into the treasury on account of subscription for the month of April in the current year;

(f) If his emoluments are of the nature referred to in the proviso to sub-rule (ii) or in such manner as the Board may direct;

(iv) The amount of subscription so fixed shall remain unchanged throughout the year:

Provided that, if a subscriber is on duty for a part of a month and on leave for the remainder of that month, and if he has elected not to subscribe during leave, the amount of the subscription payable shall be proportionate to the number of days spent on duty in the month.

Provided that the amount of subscription may be enhanced once at any time during the course of a year.

9. When a subscriber is transferred to foreign service or sent on deputation out of India, he shall remain subject to the rules of the Fund in the same manner as if he were not so transferred or sent on deputation.

REALISATION OF SUBSCRIPTIONS

10. (1) Before emoluments of the subscriber to the fund are disbursed by any disbursing officer under the Board, recovery of subscriptions on account of these emoluments and of the principal and interest of advances, if any, shall be made from the emoluments and paid into a **Government Treasury** to the credit of Government.

(2) When emoluments are drawn from any other source the subscriber shall forward his dues monthly to the Competent Authority,

Provided that in the case of a subscriber on deputation to a corporation owned or controlled by Government, the corporation shall recover his dues from his emoluments and forward them to the Competent Authority.

CONTRIBUTION BY THE BOARD

11. (i) The Board shall make a contribution to the account of each subscriber monthly by causing such amounts to be paid into the Government Treasury by the Disbursing Officer along with the subscriptions received from the subscribers:

Provided that if a subscriber quits the service or dies during any month contribution shall be credited to his account for the period between the close of the preceding month and the date of quitting the service or the casualty as the case may be;

Provided further that no contribution shall be payable in respect of any period for which the subscriber is permitted under the Rules, not to or does not, subscribe to the fund.

(ii) The Board shall also pay contribution at the rate of 8 1/3 percent on the emoluments earned by such of the employees of the Board who were transferred to the Board service from the regular establishment of the Directorate of Maharashtra State Water Pollution Investigation Centre and Laboratory, Bombay, for such period for which they have paid their subscriptions to their respective General Provident Fund Accounts, while in service of the said Directorate.

Provided that, the Board shall credit its contribution with retrospective effect to their respective Fund Accounts under the Board only on the last day of the year in which their General Provident Fund accumulations stand transferred to the Fund under the Board.

(iii) The contribution shall be made at the rate of 8 1/3 percent of the subscriber's emoluments drawn on duty during the month or period as the case may be.

(iv) If a subscriber is on deputation out of India, the emoluments which he would have drawn had he been on duty in India shall for the purposes of this rule, be deemed to be emoluments drawn on duty.

(v) Should a subscriber elect to subscribe during leave, his leave salary shall for the purposes of this rule, be deemed to be emoluments drawn on duty.

(vi) Should a subscriber elect to pay arrears of subscriptions in respect of a period of suspension, the emoluments or portion of emolument, which he may be allowed for that period on reinstatement, shall, for the purpose of this rule, be deemed to be emoluments drawn on duty.

(vii) The amount of any contribution payable in respect of a period of foreign service shall, unless it is recovered from the foreign employer, be recovered by the Board from the subscriber.

(vii) The amount of contribution payable shall be rounded to the nearest whole rupee fifty paise counting as the next higher rupee.

✓ 12. (1) Subject to the provisions of rule 3, the actual administration of the Fund including the grant of temporary advance to subscribers, recovery thereof and such other matter pertaining thereto shall be looked after by the Competent Authority;

Provided that, the maintenance of individual accounts, reconciliation of the accounts with the books in the office of the Accountant General, maintenance of consolidated account of the Fund shall be looked after by the Chief Accounts Officer of the Board.

(2) The Fund shall be subject to annual audit by the auditors of Government. A local test check of the account shall be carried out by the Examiner, Outside Audit Department.

13 Keeping separate accounts for each subscriber Separate accounts shall be kept for each member by the Competent Authority, showing the amount of his own personal subscriptions together with his share of the monthly contribution of the Board, with interest thereon. The account shall be maintained in whole rupees, The portion of a rupee equal to or exceeding fifty paise being counted as one rupee and the portion of a rupee less than fifty paise, being ignored. A copy of his account for the previous year shall be furnished to each subscriber not later than 31st July in each year.

INTEREST

✓ 14. (i) The account of a subscriber shall be credited with interest at such rate as the Government may from time to time prescribe for the payment of interest on subscriptions to the General Provident Fund, on the amount at his credit in the Fund.

(ii) Interest shall be credited with effect from the 31st March of each year in the following manner, namely:-

(a) On the amount at the credit of a subscriber on the 31st March of the preceding year, less any sums withdrawn during the current year interest for twelve months;

(b) On sums withdrawn during the current year interest from the 1st April of the current year upto the last day of the month preceding the month of withdrawal;

(c) On all sums credited to the subscribers account after the 31st March of the preceding year interest from the date of deposit upto the 31st March of the current year.

(d) The total amount of interest shall be rounded to the nearest rupee in the manner provided in sub-rule (viii) of rule 11.

Provided that when the amount standing at the credit of a subscriber has become payable, interest shall thereupon be credited under this sub-rule in respect only of the period from the beginning of the current year or from the date of deposit, as the case may be, upto the date on which the amount standing at the credit of the subscriber becomes payable.

(iii) For the purposes of this rule the date of deposit shall be deemed to be the first day of the month of receipt if they are received and paid into the Government Treasury at the credit of Government by the Competent Authority before the fifth day of that month, or, if they are received and paid into the Government Treasury on or after the fifth day of that month, the first day of the next succeeding month.

Provided that, in the case of an amount forwarded under the proviso in sub-rule (2) of rule 10, the date of deposit shall be deemed to be the first day of the month if it is received by the Competent Authority before the fifteenth day of that month.

Provided further that, where the emoluments for a month are drawn and disbursed on the last working day of the same month, the date of deposit shall, in the case of recovery of his subscriptions, be deemed to be the first day of the succeeding month. Where the recovery of any subscription is delayed due to delay in the drawal of pay or leave salary of a subscriber, the interest on such subscription shall be payable from the month in which the pay or leave salary of the subscriber was due, irrespective of the month in which it was actually drawn.

(iv) In addition to any amount to be paid under rule 29 interest thereon upto the end of the month preceding that in which payment is made, or upto the end of the sixth month after the month in which such amount became payable, whichever of these periods to be less shall be payable to the persons to whom such amount is to be paid.

Provided that no interest shall be paid in respect of any period after the date which the Competent Authority has intimated to that person (or his agent) as the date on which he is prepared to make pay-

ment in cash, or if he pays by cheque, after the date on which the cheque in that person's favour is put in the post.

(v) Interest shall not be credited to the account of a Moham-maden subscriber if he informs the Competent Authority that he does not wish to receive it, but if he subsequently asks for interest it shall be credited with effect from the 1st April of the year in which he asks for it.

(vi) The interest on amounts which, under sub-rule (3) of rule 17, or sub-rule (4) of rule 19, or sub-rule (1) of rule 21 or sub-rule (1) or sub-rule (2) or rule 22 or rule 25 or rule 26 are replaced at the credit of the subscriber in the Fund, shall be calculated at such rates as may be successively prescribed under sub-rule (i) of this rule and so far as may be in the manner described in this rule.

ADVANCES FROM THE FUND

15. A temporary advance may be granted to a subscriber from the amount standing to his credit in the Fund at the discretion of the appropriate authority specified in the Fifth Schedule, subject to the following conditions, namely:-

(a) No advance shall be granted unless the sanctioning authority is satisfied that the applicant's pecuniary circumstances justify it, and that it will be expended on the following object or objects and not otherwise.

(i) To pay expenses in connection with the prolonged illness or confinement including where necessary the travelling expenses of the subscriber or any person actually dependent on him;

(ii) To meet the cost of higher education, including where necessary, the travelling expenses of the subscriber or any person actually dependent on him in the following cases, namely:-

(1) For education outside India for an academic, technical, professional or vocational course beyond the High School stage, and

(2) For any medical, engineering or other technical or specialised course in India (beyond the High School stage or a course of military education in any (Sainik or Military School) below the High School stage) provided that the course of study is for not less than three years;

✓(iii) To pay obligatory expenses on a scale appropriate to the subscriber's status in connection with marriages, funeral or ceremonies which by his religion it is incumbent on him to perform.

(iv) To meet the cost of legal proceedings instituted by the subscriber for vindicating his position in regard to allegations made against him in respect of any act done or purporting to be done by him in the discharge of his official duty, the advance in this case being available in addition to any advance admissible for the same purpose from any other Board source:

Provided that, the advance under this sub-clause shall not be admissible to a subscriber who institutes legal proceedings in any court of law either in respect of any matters unconnected with his official duty or against the Board in respect of any condition of service or penalty imposed on him;

(v) to meet the cost of his defence when he is prosecuted by Government or Board in any court of law or whether the subscriber engages a legal practitioner to defend himself in an enquiry in respect of any alleged official misconduct on his part.

(vi) to meet the cost of any legal proceedings instituted by a private party against the subscriber in respect of any matter connected with the discharge of his official duties;

(vii) to pay the expenses incurred on account of repairs, additions, alterations or improvements made to or in an existing house belonging to the applicant or if he is a member of a joint Hindu Family to such family or to any person actually dependent on him;

(viii) to purchase or erect a house or purchase land for erecting a house individually or by becoming a member of a co-operative society.

(b) An advance shall not, except for special reasons, exceed three months pay and shall in no case exceed the amount of subscriptions and interest thereon standing to the credit of the subscriber in the Fund.

(c) An advance shall not, except for special reasons, be granted until at least three months after the final re-payment of all previous advances together with interest thereon, unless the amount already advanced does not exceed two thirds of the amount admissible under clause (b).

(d) Notwithstanding anything contained in clauses (b) and (c), the advance to be sanctioned for the objects mentioned in sub-clause (iv) or (v) of clause (a) shall not exceed three months pay of Rs. 500/- whichever is greater and shall in no case exceed half the amount of subscriptions and interest thereon standing to the credit of the subscriber in the Fund.

(e) The sanctioning authority shall record in writing its reasons for granting the advance:

Provided that if the reasons are of confidential nature it may be communicated to the Competent Authority personally or confidentially or both.

(f) Subject to the conditions laid down in clauses (b) (c) and (d) of the said rules the Competent Authority may, in special circumstances, sanction the payment to any subscriber of an advance if it is satisfied that the subscriber concerned requires the advance for reasons other than these mentioned in clause (a) of this rule.

16. (1) An advance shall be recovered from the subscriber in such number of equal monthly instalments as the sanctioning authority may direct; but such number shall not be less than twelve unless the subscriber so elects or in any case more than twenty-four. In special case, where the amount of advance exceeds three months' pay of the subscriber under clause (b) of rule 15, the sanctioning authority may fix such number of instalment to be more than twenty four but in no case more than thirty-six. A subscriber may, at his option make repayment in a smaller number of instalments than that directed. Each instalment shall be a number of whole rupees, the amount of the advance being raised or reduced, if necessary, to admit of the fixation of such instalments

Notwithstanding anything contained in sub-rule (1), in cases where the advance is granted for the objects specified in sub-clause (viii) of clause (a) of rule 15 the sanctioning authority if it is satisfied that pecuniary circumstances of the applicant so justify may after recording the special reasons therefore and with the previous approval of the Board, fix the number of instalments to more than thirty six but in no case exceeding sixty. The Board shall make a report to the State Government in every case where action is taken under this sub-rule.

(3) The recovery shall be made in the manner provided in rule 10 for the realisation of subscription and shall commence with the issue of pay for the month following the one in which the advance is drawn. The recovery shall not be made, except with the subscriber's consent, while he is on leave or in receipt of subsistence grant, and may be postponed by the sanctioning authority during the recovery of an advance of pay granted to the subscriber.

(4) If more than one advance has been made to a subscriber, each advance shall be treated separately for the purpose of recovery.

(5) (a) After the principal of the advance has been fully repaid, interest shall be paid thereon at the rate of one fifth per cent of principal for each month or broken portion of a month during the period between the drawal and complete repayment of the principal.

Provided that Muhammadan subscribers whose deposits in the Fund carry no interest shall not be required to pay into the Fund any additional instalments on account of interest on advances granted to them from the Fund.

(b) Interest shall ordinarily be recovered in one instalment in the month after complete repayment of the principal; but, if the period referred to in clause (a) exceeds twenty months interest may, if the subscriber so desires, be recovered in two equal monthly instalments. The method of recovery shall be that provided in sub-rule (2). Payments shall be rounded to the nearest rupee in the manner provided in sub-rule (vii) of rule 11.

(6) If an advance has been granted to a subscriber and drawn by him and the advance is subsequently disallowed before repayment is completed, the whole or balance of the amount withdrawn, shall, with

interest at the rate provided in rule 14, forthwith be repaid by the subscriber to the Fund or in default, be ordered by the Competent Authority to be recovered by deduction from the emoluments of the subscriber in lump sum or if the authority competent to sanction, an advance for the grant of which special reasons are required under clause (c) of rule 15 so directs, in instalments not exceeding twelve:

Provided that Muhammadan subscribers whose deposits in the Fund carry no interest shall not be required to pay any interest.

(7) Recoveries under this rule shall be credited as they are made to the account of the subscriber in the Fund,

17. Withdrawals from the Fund.

(1) Subject to the provisions of this rule, final withdrawals may be sanctioned by the appropriate authority specified in the Fifth Schedule at any time after the completion of twenty years of services (including broken periods of service, if any) of a subscriber or within ten years before the date of his retirement on superannuation whichever is earlier from the amount standing to his credit in the Fund for one or more of the following purposes, namely:-

Note - From (a) to (c) & for the purposes from (d) to (h) withdrawals can be sanctioned after completion of Ten years of service (including broken periods)

(a) Meeting the cost of higher education, including where necessary the travelling expenses of any child of the subscriber in the following cases, namely:-

(i) For education outside India for any academic, technical, professional or vocational course beyond the High School stage, and

(ii) For medical, engineering or other technical or specialised course in India beyond the High School stage, provided that the course of study is for not less than three years;

(b) Meeting expenditure in connection with the marriage of a son or a daughter of the subscriber, (or that of any other female relation actually dependent on him);

(c) Meeting expenses in connection with an illness, including where necessary, the travelling expenses of the subscriber or any person actually dependent on him;

(d) (i) Building or (ii) purchasing a suitable house for his residence including the cost of the site, or (iii) repaying any outstanding amount on account of the loan expressly taken for this purpose before the date of receipt of the application for withdrawal but earlier than twelve months of that date of receipt of the application for the withdrawal but not earlier than twelve months of that date, or (iv) reconstructing or making additions or alternations to a house already owned or acquired by a subscriber;

(e) Purchasing a house site or repaying any outstanding amount on account of loan expressly taken for this purpose before the date of

receipt of the applications for the withdrawal, but not earlier than twelve months of that date;

(f) For constructing a house on a site purchased by utilising the sum withdrawn under clause (e);

(g) For constructing or purchasing a flat on ownership basis in a building owned either by a co-operative society or the Board;

(h) For purchasing a flat on hire purchase basis in a building constructed either by a co-operative Society or the Board;

(i) For repaying any loan taken under the Low-Income Group Housing Scheme sponsored by the Government of India.

(2) The withdrawals referred to in sub-rule (i) —

(1) Shall be permissible in not less than two and not more than four equal instalments, each one to be sanctioned separately after verifying the progress of construction work.

Provided that, for purchasing a house including the cost of site or for repaying any outstanding amount on account of the loan expressly taken for this purpose before the date of receipt of the application for withdrawal but not earlier than twelve months of that date the amount of withdrawal shall be paid in one instalment at the request of the subscriber

(a) The construction of a house shall be commenced within six months of withdrawal of the amount and shall be completed within a period of one year from the date of commencement of construction. In the case of withdrawal for purchase of a ready-made house, an undisputed title to the house and the land shall be secured within three months of the withdrawal.

(b) The purchase of a house site under clause (i) of sub-rule (1) shall be made within a period of one month of the withdrawal and after withdrawal of the first instalment, as the case may be,

(c) The house or flat proposed to be purchased or constructed from the amount withdrawn as aforesaid shall be situated at place of duty of the subscriber or at his intended place of residence after retirement.

(d) Withdrawal shall be permissible for building, acquisition or redemption of one house only; and in those cases only where the subscriber does not already own a house at the place referred to in clause (c) of this sub-rule.

CONDITIONS FOR WITHDRAWAL

18. — (1) Any sum withdrawn by a subscriber at any time for one or more of the purposes specified in rule 17 from the amount stand-

ing to his credit in the Fund shall not ordinarily exceed one-half of such amount or six months' pay whichever is less. The sanctioning authority may, however, sanction the withdrawal of an amount in excess of this limit up to three-fourths of the balance at his credit in the Fund having due regard to (i) the object for which the withdrawal is being made, (ii) the status of the subscriber and (iii) the amount to his credit in the Fund:

Provided that, in the case of a subscriber who has availed himself of an advance under the Low-Income Griup Housing Scheme or an advance under rule 134 of the Bombay Financial Rules, 1959 as amended by the Government Notification, Finance Department, No. HBA. 1058/8530--VII dated the 28th July 1962, the sum withdrawn under this sub-rule together with the amount of advance taken under the aforesaid scheme or rules shall not exceed rupees one lakh or five years pay, whichever is less.

(2) A subscriber who has been permitted to withdraw money in full or in part from the Fund under rule 17 shall satisfy the sanctioning authority within a period specified in this behalf that the money has been utilised for the purpose for which it was withdrawn and if he fails to do so, the whole of the sum so withdrawn or so much thereof as has not been applied for the purpose for which it was withdrawn, shall forthwith be repaid in one lump sum together with interest thereon at the rate determined under rule 15 by the subscriber, and in default of such payment it shall be ordered by the sanctioning authority to be recovered from his emoluments either in a lump sum or in such number of monthly instalments, as may be determined by the sanctioning authority.

(3) A subscriber who has been permitted under clauses (d) (e), (f), (g), (h) or (i) of sub-rule (1) of rule 17 to withdraw money from the amount standing to his credit in the Fund shall not part with the possession of the house so built or acquired or house-site so purchased, by way of sale mortgage, gift exchange or lease for a term exceeding three years or otherwise howsoever without the previous permission of the sanctioning authority. He shall submit a declarating not later than the 31st December of every year, in the form set forth in the Sixth Schedule to the effect that the house, flat, or as the case may be, the house site continues to be in his possession and shall if, so required, produce before the sanctioning authority on or before the date specified by that authority in that behalf, the original sale-deed and other documents on which his title to property is based.

(4) If at any time before retirement, he parts with the possession of the house or house site without obtaining the provisions permission of the sanction authority, the sum withdrawn by him shall forthwith be repaid in one lump sum together with interest thereon at the rate determined under rule 13, by the subscriber to the Fund and in default of such repayments, it shall be ordered by the sanctioning authority to be recovered from his emoluments either in a lump sum or in such number of monthly instalments, as may be determined by the sanctioning authority.

(5) Nothing in sub-rule (2) shall be deemed to require a subscriber whose deposit in the Fund carry on interest to pay any interest on any sum payable by him under that sub-rule.

19. A subscriber who has already drawn or may draw in future an advance under rule 14 for any of the purposes specified in clause (a), (b) and (c) of sub-rule (1) or rule 17 may, convert, by written request addressed to the Competent Authority through the sanctioning authority the balance outstanding against it into a final withdrawal on his satisfying the conditions laid down in rules 17 and 18.

PAYMENT TOWARDS INSURANCE POLICIES AND FAMILY
PENSION FUND

20. Subject to the conditions contained in rules 26 to 28 —

(a) (i) Subscriptions to a family pension fund approved in this behalf by Government; and

(ii) Payments towards an insurance policy may, at the option of a subscriber, be substituted for the whole or part of subscriptions to the Funds:

(b) The amount of subscriptions with interest thereon standing to the credit of a subscriber in the Fund may be withdrawn to meet —

(i) Payments towards an insurance policy;

(ii) Purchase of a single payment insurance policy;

(iii) Payment of a single premium or subscriptions to such a family pension fund as already approved or as may be approved by Government for purposes of the Contributory Provident Fund.

Provided that, no amount shall be withdrawn (1) before the details of the proposed policy have been submitted to the Competent Authority and accept by him as suitable, or (2) to meet any payment or purchase made or effected more than three months before the date of application or presentation of claim for withdrawal, or (3) to meet payment of any premium or subscription more than three months in advance of the due date of payment.

Explanation 1 : Due date of payment for the purpose of this proviso, will be the date upto which payment can be made including the grace period allowed by the insurance companies.

Explanation 2 : Under clause (3) of this proviso, no withdrawal from the fund for financing a policy of life insurance shall be made after the due date of payment without production of the premium receipt in token of such payment.

Provided further that payment towards an educational endowment policy may not be substituted for subscriptions to the fund that no amounts may be withdrawn to meet any payment or purchase in respect of such a policy if that policy is due for payment in whole or part before the subscriber's age of normal superannuation.

(c) Any amount withdrawn under clause (b) shall be paid in whole rupees only rounded to the nearest rupee in the manner provided in sub-rule (viii) of rule 11.

21. (1) The number of policies in respect of which substitution for subscriptions due to the fund or withdrawal of subscriptions from the fund may be permitted under rule 15, shall not exceed four.

Provided that where immediately before the 1st day of June 1979 substitution for subscriptions due to the fund or withdrawal of subscription from the fund is permitted in respect of more than four policies, such substitution or withdrawal shall continue to be permitted in respect of those policies.

(2) The premium for policy (including any policy referred to in the proviso to sub-rule (1) in respect of which withdrawal of subscriptions from the fund may be permitted under rule 20 shall not be payable otherwise than annually after the 1st day of June 1979.

Explanation : In computing the maximum number of policies specified in sub-rule (1), policies which have matured or have been converted into paid-up ones shall be excluded.

22. (1) If the total amount of any subscriptions or payments substituted under clause (a) of rule 20 is less than the amount of the minimum subscription payable to the fund rule 8, the difference shall be rounded off to the nearest rupee in the manner provided in sub-rule (viii) of rule 11 and paid by the subscriber as a subscription to the Fund.

(2) If the subscriber withdraws any amount standing to his credit in the Fund for any of the purposes specified in clause (b) of rule 20, he shall, subject to his option under clause (a) of that rule, continue to pay to the Fund the subscription payable under rule 8.

23. (1) A subscriber who desires to substitute a subscription or payment under clause (a) of rule 20 may reduce his subscription to the Fund accordingly:

Provided that, the subscriber shall

(a) Intimate to the Competent Authority on his pay bill or by letter the fact of, and reason for, the reduction;

(b) Send to the Competent Authority, within such period as the Competent Authority may require, receipts or certified copies of of receipts in order to satisfy the Competent Authority that the amount by which the subscription has been reduced was duly applied for the purposes specified in clause (a) of rule 20.

(2) A subscriber who desires to withdraw any amount under clause (b) of Rule 20 shall :—

(a) intimate the reasons for the withdrawal to the competent Authority by letter;

(b) make arrangements with the Competent Authority for withdrawal;

(c) send to the Competent Authority, within such period as the Competent Authority may refuse, receipts or certified copies of receipts in order to satisfy the Competent Authority that the amount withdrawn was duly applied for the purposes specified in Clause (b) of Rule 20.

(3) The Competent Authority shall order the recovery of any amount by which subscriptions have been reduced or of any amount withdrawn, in respect of which he has not been satisfied in the manner required by clause (b) of sub-rule (1) and clause (c) of sub-rule (2) with interest thereon at the rate provided in rule 14, from the emoluments of the subscriber and place it to the credit of the subscriber in the fund.

24. (1) The Board will not make any payments, on behalf of subscribers to insurance companies, nor take steps to keep a policy alive.

(2) It is immaterial what form the policy takes, provided that it shall be one effected by the subscriber himself on his own life and shall (unless it is a policy expressed on the face of it to be for the benefit of his wife, or of his wife and children or any of them be such as may be legally assigned by the subscriber himself to the Governor of Maharashtra.

Explanation 1 : A Policy in the joint lives of the subscriber and his wife shall be deemed to be a policy on the life of the subscriber himself for the purpose of the sub rule.

Explanation 2 . A Policy which has been assigned to the subscriber's wife shall not be accepted unless either the policy is first reassigned to the subscriber or the subscriber and his wife both join in an appropriate assignment.

(3) The policy may not be effected for the benefit of any beneficiary other than the wife of the subscriber or his wife and children or any of them.

25. (1) The policy, within six months after the first withholding of a subscription or withdrawal from the Fund in respect of the policy, or in the case of an insurance company whose head quarters are outside India, within such further period as the Competent Authority if it is satisfied by the production of the completion certificate (interim receipt), may fix, shall —

(a) Unless it is a policy expressed on the face of it to be for the benefit of the wife of the subscriber, or of his wife and children or any of them, be assigned to the Governor of Maharashtra, as Security

for the payment of any sum which may become payable to the Fund under rules 27 to 29, and delivered to the Competent Authority the assignment being made by the endorsement on the policy in Form (1) or Form (2) or Form (3) of the Forms in the Second Schedule according as the policy is on the life of the subscriber or on the joint lives of the subscriber and his wife or the policy has previously been assigned to the subscriber's wife;

(b) if it is a policy expressed on the face of it to be for the benefit of the subscriber, or of his wife and children, or any of them be delivered to the Competent Authority

(2) The Competent Authority shall satisfy itself by reference to the insurance company, where possible that no prior assignment of the policy exists.

(3) Once a policy has been accepted by the Competent Authority for the purpose of being financed from the Fund, the terms of the policy shall not be altered nor shall the policy be exchanged for another policy without the prior consent of the Competent Authority to which details of one alteration or of the new policy shall be furnished.

(4) If the policy is not assigned and delivered, or delivered within the said period of six months or such other period as the Competent Authority may, under sub rule (1) have fixed any amount withheld or withdrawn from the fund in respect of the policy shall, with interest thereon at the rate provided in rule 14 forthwith be paid or repaid as the case may be, by the subscriber, to the fund or in default be ordered by the Competent Authority to be recovered by deductions from the emoluments of the subscriber, by instalments or otherwise as the authority competent to sanction an advance for the grant of which special reasons are required under clause (b) or clause (c) of rule 15 may direct.

(5) Notice of assignment of the policy shall be given by the subscriber to the insurance company, and the acknowledgement of the notice by the insurance company shall be sent to the Competent Authority within three months of the date of assignment.

26. The subscriber shall not during the currency of the policy draw any bonus the drawal of which during such currency is optional under the terms of the policy, and the amount of any bonus which under the terms of the policy the subscriber has no option to refrain from drawing during its currency shall be paid forthwith into the fund by the subscriber or in default recovered by deduction from his emoluments by instalments or otherwise as may be directed by the authority specified in the Fifth Schedule to these rules as competent to grant advances to such subscriber under rule 15.

27. (1) Save as provided by sub-rule (3) of rule 29, when the subscriber :—

(a) quits the service, or

(b) has proceeded on leave preparatory to retirement and applies to the Competent Authority for re-assignment or return of the policy, or

(c) while on leave, has been permitted to retire or declared by competent medical authority to be unfit for further service and applied to the Competent Authority for re-assignment or return of the policy, or

(d) pays or repays to the Fund the whole of any amount withheld or withdrawn from the Fund for any of the purposes mentioned in sub-clause (ii) of clause (a) and sub-clause (i) and (ii) of clause (b), of rule 20 with interest thereon at the rate provided in rule 14, the Competent Authority shall;

(i) if the policy has been assigned to the Governor of Maharashtra under rule 25, re-assign the policy in the first Form set forth in the Third Schedule to the subscriber or to the subscriber and the joint assured, as the case may be, and make it over to the subscriber together with a signed notice of the re-assignment addressed to the Insurance Company;

(ii) if the policy has been delivered to him under clause (b) of sub-rule (1) of rule 25, make over the policy to the subscriber :

Provided that, if the subscriber, after proceeding on leave preparatory to retirement, or after being, while on leave permitted to retire or declared by competent medical authority to be unfit for further service, returns to duty, any policy so re-assigned or made over shall, if it has not matured or been assigned or charged or encumbered in any way, be again assigned to the Government of Maharashtra and delivered to the Competent Authority, or again be delivered to the Competent Authority, as the case may be, in the manner provided in rule 25, and thereupon the provisions of these rules shall, so far as may be, again apply in respect of the policy;

Provided further that, if the policy has matured or been assigned or charged or encumbered in any way, the provisions of sub-rule (4) of rule 25 applicable to a failure to assign and deliver a policy shall apply.

(2) Save as provided by sub-rule (3) of rule 29 when the subscriber dies before quitting the services, the Competent Authority shall —

(a) if the policy has been assigned to the Governor of Maharashtra under rule 25, reassign the policy in the second Form set forth in the Third Schedule to such person as may be legally entitled to receive it and shall make over the policy to such together with a signed notice of the reassignment addressed to the insurance company.

(b) if the policy has been delivered to him under clause (b) of sub-rule (1) of rule 25, make over the policy to the beneficiary, if any, or if there is no beneficiary, to such person as may be legally entitled to receive it.

28. (1) If a policy assigned to the Government of Maharashtra under rule 25 matures before the subscriber quits the service, or if a policy on the joint lives of a subscriber and his wife, assigned under the said rule, falls due for payment by reasons of the wife's death, the Competent Authority shall, save as provided by sub-rule (3) of rule 29 proceed as follows :—

(i) if the amount assured together with the amount of any accrued bonuses is greater than the whole of the amount with held or withdrawn from the Fund in respect of the policy with interest thereon at the rate provided in rule 12, the Competent Authority shall re-assign the policy in the form set forth in the Fourth Schedule to the sub-scriber or to the subscriber and the joint assured as the case may be, and make it over to the subscriber, who shall immediately on receipt of policy moneys from the Insurance Company, pay or repay to the Fund the whole of any amount withheld or withdrawn with interest and in default the provisions of rule 30 shall apply as they apply in relation to cases when money with-held or withdrawn from the Fund under clause (a) and (b) of rule 20.

(ii) if the amount assured together with the amount of any accrued bonuses is less than the whole of the amount withheld or withdrawn with interest, the Competent Authority shall realise the amount assured together with any accrued bonuses and shall place the amount so realised to the credit of the subscriber in the fund.

(2) Save as provided by sub-rule (3) of rule 29, if a policy delivered to the Competent Authority under clause (b) of sub-rule (1) of rule 25 matures before the subscriber quits the service, the Competent Authority shall make over the policy to the subscriber.

Provided that if the interest in the policy of the wife of the subscriber, or of his wife and children, or any of them, as expressed on the face of the policy, expires when the policy matures, the subscriber, if the policy monies are paid to him by the insurance company, shall immediately on receipt thereof pay or repay to the Fund either—

(i) the whole of any amount with-held or withdrawn from the Fund in respect of the policy with interest thereon at the rate provided in rule 14 or;

(i) an amount equal to the amount assured together with any accrued bonuses, whichever is less, and in default the provisions of rule 30 shall apply as they apply in relation to cases when money withheld or withdrawn from the fund under clause (a) and (b) of rule 20 has been utilised for a purpose other than that for which sanction was given to the with-holding or withdrawal.

29. (1) If the interest of the subscriber in the family pension fund ceased in whole or part from any cause whatever the provident fund account of the subscriber shall forthwith be reimbursed by the amount of the refund, if any, secured by the subscriber from the family pension fund which amount shall, in default of reimbursement, be deducted from the subscriber's emoluments by instalments or otherwise as may be directed by the authority specified in the Fifth Schedule to these rules as competent to grant advances to such subscriber under rule 15.

(2) If the policy lapses or is assigned otherwise than to the Government of Maharashtra, under rule 25, charged or encumbered, the provisions of sub-rule (4) of rule 25 applicable to a failure to assign and deliver a policy, shall apply.

(3) If the Competent Authority receives notice of:

(a) an assignment (other than an assignment to the Governor of Maharashtra) under rule 25, or

(b) a charge or encumbrance on, or

(c) an order of a court restraining dealings with the policy or any amount realised thereon the Competent Authority shall not —

(i) re-assign or make over the policy as provided in rule 27, or

(ii) realise the amount assured by the policy, or re-assign or make over the policy, as provided in rule 28 but shall forthwith refer the matter to Government through the Board.

30. Notwithstanding anything contained in these rules, if the sanctioning authority is satisfied that money drawn as an advance from the Fund under clause (a) of rule 15 or withheld or withdrawn from the Fund under clause (a) or clause (b) of rule 20 has been utilised for a purpose other than that for which sanction was given to the drawal, withholding or withdrawal of the money, the amount in question shall, with interest at the rate provided in rule 14, forthwith be repaid or paid, as the case may be, by the subscriber to the Fund, or in default, be ordered to be recovered by deduction in one sum from the emoluments of the subscriber, even if he be on leave. If the total amount to be repaid or paid, as the case may be, be more than half the subscriber's emoluments, recoveries shall be made in monthly instalments of moieties of his emoluments till the entire amount recoverable be repaid or paid, as the case may be, by him.

NOTE: The term "emoluments" as used in the rule does not include subsistence grant.

Circumstances in which Accumulations are payable.

31. When a subscriber quits the service, the amount standing to his credit in the Fund shall, subject or to any deduction under rule 35, become payable to him.

Explanation I — A subscriber who is granted refused leave shall be deemed to have quit the service from the date of compulsory retirement or on the expiry of an extension of service.

Explanation II — A subscriber, other than one who is appointed on contract or one who has retired from service and is subsequently re-employed, with or without a break in service, shall not be deemed to quit the service when he is transferred without any break in service to a new post under another State Government or the Central Government or in another Department of the State Government (in which he is governed by another set of Provident Fund Rules), and without retaining any connection with his former post. In such a case, his subscriptions together with interest thereon shall be transferred.

(a) to his account in the other provident fund in accordance with the rules of that provident fund, if the new post is in another department of the State-Government, or, ?

(b) to a new account under the other State Government or the Central Government concerned, if the new post is under another State Government or the Central Government and that the State Government or the Central Government consents, by general or special order, to such transfer of subscriptions and interest.

Provided further that a subscriber holding a temporary post may either withdraw the amount on the termination of his appointment or leave it in the fund to be withdrawn at the time he finally quits the service.

Explanation III — (1) When a subscriber (other than one who is appointed on contract or one who has retired from service and is subsequently re-employed) is transferred, without any break to service and is subsequently re-employed) is transferred, without any break to service under a corporation owned or controlled by Government or to service under any autonomous organisation, registered under the Societies Registration Act, 1860, the amount standing to his credit in the Fund shall not be paid to him, but shall be transferred, with the consent of that corporation or organisation, to his new provident fund account under that corporation or organisations as the case may be.

(2) Transfer includes cases of resignation from service in order to take up without any break and with the permission of the State Government, appointment under a corporation owned or controlled by Government, (or under any autonomous organization registered under the Societies Registration Act, 1860). The time taken to join the new post shall not be treated as been in service if it does not exceed the joining time admissible to a Government servant on transfer from one post to another.

(Note : Transfers should be held to include cases of resignations from service in order to take up appointment under the Central Government or another State Government, or in another Department

of the State Government (in which the subscriber is governed by another set of Provident Fund Rules without any break and with proper permission of the State Government. In cases where there has been a nominal break, it should strictly be limited to the joining time allowed on it should strictly be limited to the joining time allowed on transfer to a different station.

The same shall hold good in cases of retrenchments followed by immediate employed whether under the same or difference Government).

32. A subscriber, who has been dismissed from the service and is subsequently reinstated in the service, shall if required to do so by the Board, repay any amount paid to him from the Fund in pursuance of rule 31, with interest thereon at the rate provided in rule 14 in the manner provided in the proviso to rule 33. The amount so repaid shall be credited to his account in the fund, the part which represents his subscriptions and interest thereon, and the part which represents the contribution of the Board with interest thereon, being accounted for in the manner provided in rule 6.

33. When a subscriber—

(a) has proceeded on leave preparatory to retirement, or

(b) while on leave, has been permitted to retire or declared by a competent medical authority to be unfit for further service.

The amount of subscription and interest thereon standing to his credit in the Fund shall, upon application made by him in that behalf to the Competent Authority become payable to the subscriber:

Provided that the subscriber, if he returns to duty, shall, if required to do so by the Board, repay to the Fund, for credit to his account, the whole or part of any amount paid to him from the Fund in pursuance of this rule, with interest thereon at the rate provided in rule 14 in cash or securities, or partly in cash and partly in securities, by instalments or otherwise, by recovery from his emoluments or otherwise, as the Board may direct.

34. Subject to any deductions under rule 35, on the death of a subscriber before the amount standing to his credit has become payable, or if the amount has become payable, before payment has been made —

(1) when the subscriber leaves a family —

(a) if a nomination made by the subscriber, in accordance with the provisions of rule 5 in favour of a member or members of his family subsists, the amount standing to his credit in the Fund or the part thereof to which the nomination relates, shall become payable to his nominee or nominees in the proportion specified in the nomination;

(b) if no such nomination in favour of a member or members of the family of the subscriber subsists, or if such nomination relates only to a part of the amount standing to his credit in the fund, the whole amount or the part thereof to which the nomination does not relate, as the case may be shall, notwithstanding any nomination purporting to be in favour of any person or persons other than a member or members of his family, become payable to the members of his family in equal shares.

Provided that, no share shall be payable to —

- (1) sons who have attained legal majority;
- (2) sons of a deceased son who have attained legal majority;
- (3) married daughters whose husbands are alive;
- (4) married daughters of a deceased son whose husbands are alive;

if there is any member of the family other than these specified in clauses (1) (2) (3) and (4):

Provided further that the widow or widows and the child or children of a deceased son shall receive between them in equal parts only the share which that son would have received if he had survived the subscriber and had been exempted from the provisions of clause (1) of the first proviso.

(ii) When the subscriber leaves no family, if a nomination made by him in accordance with the provisions of rule 5 in favour of any person or persons subsists, the amount standing to his credit in the Fund or the part thereof to which the nomination relates, shall become, payable to his nominee or nominees in the proportion specified in the nomination.

Deduction

35. Subject to the condition that no deduction may be made which reduces the credit by more than the amount of any contribution by the Board with interest thereon credited under rules 11 and 14 before the amount standing to the credit of a subscriber in the Fund is paid out of the Fund, the Government, may on a request being made by the Board to that effect, direct the deduction therefrom and payment to the Board of —

(a) any amount, if a subscriber has been dismissed from the service for grave misconduct:

Provided, that, if the order of dismissal is subsequently cancelled, the amount so deducted shall, on his reinstatement in the service be replaced at his credit in the Fund; of the last month for which his account has been written up.

(b) any amount, if within five years of the commencement of service, a subscriber resigns his employment under the Board or the services of a subscriber are within the period aforesaid terminated otherwise than by reason of —

- (i) superannuation, or
- (ii) abolition of post, or
- (iii) general retrenchment, or reduction of establishment, or
- (iv) death, or
- (v) the dis-solution of the Board, or
- (vi) declaration by a competent medical authority approved by the Board that the subscriber is unfit for further service.
- (vii) any amount due under a liability incurred by the subscriber to the Board.

Note 1 — For the purpose of sub-clause (b) of this rule—

(a) the period of five years shall be reckoned from the commencement of the subscriber's continuous service under Government;

(b) resignation from service in order to take up appointment in another department of the State Government or under the Central Government, or other State Government or under a body corporate owned or controlled by the Government or under an autonomous organisation registered under the Societies Registration Act, 1860 (21 of 1860), without any break and with proper permission of the State Government, shall not be treated as resignation from Government service.

Payment

36. (1) When the amount standing to the credit of a subscriber in the Fund, or the balance thereof after any deduction under rule 35, becomes payable, ~~it shall~~ it shall be the duty of the Competent Authority after satisfying itself, when no such deduction has been directed under that rule, that no deduction is to be made to make payment as provided in section 4 of the Provident Funds Act, 1925.

(2) If the person to whom, under these rules, any amount or policy is to be paid, assigned, reassigned or delivered is a lunatic for whose estate a manager has been appointed in this behalf under the Indian Lunacy Act 1912 (IV of 1912) the payment or reassignment or delivery will be made to such manager, and not to the lunatic.

(3) Any person who desires to claim payment under this rule shall send a written application in that behalf to the Competent

Authority through the offices of the Board under whom he or the subscriber as the case may be, was working. Payment of amounts withdrawn shall be made in India only. The persons to whom the amounts are payable shall make their own arrangements to receive payments in India.

(4) When the amount standing to the credit of a subscriber has become payable under rule 31, 32, 33 or 34 the Competent Authority shall authorise prompt payment of that portion of the amount standing to the credit of a subscriber in regard to which there is no dispute or doubt, the balance being adjusted as soon thereafter as may be.

Procedure

37. All sums paid into the Fund under these rules shall be credited in the books of Government to an account named "The Maharashtra Prevention of Water Pollution Board Contributory Provident Fund Account". Sums of which payment has not been taken within six months after they become payable under these rules shall be transferred to "Deposits" after the 31st March of the year and treated under the ordinary rules of Government relating to deposits.

38. When paying a subscription either by deduction from emoluments or in cash, a subscriber shall quote the number of his account in the Fund, which shall be communicated to him by the Competent Authority. Any change in the number shall similarly be communicated to the subscriber by the Competent Authority.

39. (1) As soon as possible after the 31st March of each year, the Competent Authority shall send to each subscriber a statement of his account in the Fund, showing the opening balance as on the 1st April of year, the total amount credited or debited during the year, the total amount of interest credited as on the 31st March of the year and the closing balance on that date. The Competent Authority shall attach to the statement of account an enquiry whether the subscriber—

(a) desires to make any alternation in any nomination made under rule 5;

(b) has acquired a family in case where the subscriber has made no nomination in favour of a member of his family under the proviso to sub-rule (1) of rule 5.

(2) Subscribers should satisfy themselves as to the correctness of the annual statement, and errors should be brought to the notice of the Competent Authority within six months from the date of receipt of the statement.

(3) The Competent Authority shall, if required by a subscriber, once, but not more than once, in a year, inform the subscriber of the total amount standing to his credit in the Fund at the end

FIRST SCHEDULE

(See rule 5(3))

Forms of Nomination.

1. When the subscriber has a family and wishes to nominate one member thereof :

I hereby nominate the person mentioned below, who is a member of my family as defined in rule 2 of the Maharashtra Prevention of Water Pollution Board Contributory Provident Fund Rules, to receive the amount that may stand to my credit in the Fund, in the event of my death before the amount has become payable, or having become payable, has not been paid :—

Name and address of Nominee.	Relation-ship with subscriber.	Age.	Contingencies on the happening of which the nomination shall become invalid.	Name, address and relation-ship of the person, if any to whom the right of the nominee shall pass in the event of his predeceasing the subscriber.

Dated this _____ day of _____ 19 ____ at _____

Two witness to Signature— _____ Signature of subscriber.

1.

2.

II. When the subscriber has a family and wishes to nominate more than one member thereof.

I hereby nominate the persons mentioned below who are members of my family as defined in rule 2 of the Maharashtra Prevention of Water Pollution Board Contributory Provident Fund Rules, to receive the amount that may stand to my credit in the Fund, in the event of my death before that amount has become payable or having become payable has not been paid, and direct that the said amount shall be distributed among the said persons in the manner shown below against their names :—

Name and address of nominees.	Relation-ship with subscriber.	Age.	*Amount or share of accumulations to be paid to each.	Contingen-cies on the happening of which the nomi-tion shall become invalid.	Name, address and relation-ship of the persons if shall pass in any to whom the right of the nominee shall pass in the event of his predeceasing the subscriber.
1	2	3	4	5	6

*Note — This column should be filled in so as to cover the whole amount that may stand to the credit of the subscriber in the Fund at any time.

Date this day of 19 at

Two witness to signature Signature of subscriber.

1.

2.

III. When the subscriber has no family and wishes to nominate one person.

I having no family as defined in rule 2 of the Maharashtra Prevention of Water Pollution Board Contributory Provident Fund Rules, hereby nominate the person mentioned below to receive the amount that may stand to my credit in the Fund, in the event of my death before that amount has become payable, or having become payable has not been paid :—

Name and address of Nominee.	Relation-ship with subscriber.	Age.	Contingencies on the happen-ing of which the nomination shall become invalid.	Name, address and relation-ship of the person, if any to whom the right of the nominee shall pass in the event of his predeceasing the subscriber.
1	2	3	4	5

***Note:** — When a subscriber who has no family makes a nomination, he shall specify in this column that the nomination shall become invalid in the event of his subsequently acquiring a family.

Dated this day of 19 at

Two witnesses to signature Signature of subscriber

1.

2.

a

IV. When the subscriber has no family and wishes to nominate more than one person.

I have no family as defined in rule 2 of the Maharashtra Prevention of Water Pollution Board Contributory Provident Fund Rules, hereby nominate the persons mentioned below to receive the amount that may stand to my credit in the Fund in the event of my death before that amount has become payable, or having become payable has not been paid, and direct that the said amount shall be distributed among the said persons in the manner shown below against their names :—

Name and address of nominees.	Relationship with subscriber.	Age.	*Amount or share of accumulations to be paid to each.	@Contingencies on the happening of which the nomination shall become invalid.	Name, address and relationship of the persons if any to whom the right of the nominee shall pass in the event of his predeceasing the subscriber.
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***Note:**— This column should be filled in so as to cover the whole amount that may stand to the credit of the subscriber in the Fund at any time.

@ Note:—When a subscriber who has no family makes a nomination, he shall specify in this column that the nomination shall become invalidate in the event of his subsequently acquiring a family.

Dated this _____ day of _____ 19____ at _____
Two Witnesses to signature _____ Signature of subscriber _____

1.

2.

a

SECOND SCHEDULE

Forms of Assignment

(Rule 25)

(1)

I, A.B. of.....hereby assign upto the Governor of Maharashtra the within policy of assurance as security for payment of all sums which under sub-rule (2) of rule 29 of the Maharashtra Prevention of Water Pollution Board Contributory Provident Fund Rules. I may hereafter become liable to pay to the Maharashtra Prevention of Water Pollution Board Contributory Provident Fund.

I hereby certify that no prior assignment of the within policy exists:

Dated this _____ day of _____ 19____

Station.

Signature of subscriber.
One witness to signature.

(2)

We, A. B. (the subscriber of.....and C.D. (the Joint assured) of..... in consideration of the Governor of Maharashtra agreeing at our request to accept payments towards the within policy of assurance in substitution for the subscription payable by me the said A.B. to the Maharashtra Prevention of Water Pollution Board Contributory Provident Fund or as the case may be, to accept the withdrawal of the sum of Rs. _____ from the sum to the credit of the said A.B. in the Maharashtra Prevention of Water Pollution Board contributory Provident Fund for payment of the premium of the within policy of assurance), hereby jointly and severally assign unto the said Governor of Maharashtra the within policy of assurance as security for payment of all sums which under sub-rule (2) of rule 29 of the rule of the said Fund the said A. B. may hereafter become liable to pay that Fund.

We hereby certify that no prior assignment of the within policy exists.

Dated this _____ day of _____ 19 _____

Signature of subscriber and
the joint assured.

One witness to signature.

Station.

Note:— The assignment may be executed on the policy itself either in the subscriber's handwriting or in type, or alternatively a typed or printed slip containing the assignment may be pasted on the blank space provided for the purpose on the policy. A typed or printed endorsement must be duly signed and if pasted on the policy it must be initiated across all four margins.

(3)

I, C.D. wife of A.B. and the assignee of the within policy, having, at the request of A.B. the assured, agreed to release my interest in the policy in favour of A.B. In order that A.B. may assign the policy to the Governor of Maharashtra who has agreed to accept payments towards the within policy of Assurance in substitution for the subscriptions payable by A.B. to the Maharashtra Prevention of Water Pollution Board Contributory Provident Fund, hereby at the request and by the directions, of A.B. assign, and I, the said A. B. assign and confirm unto the Governor of Maharashtra the within policy of assurance as security for payment of all sums which under sub-rule (2) of rule 29 of the rules of said Fund the said A.B. may hereafter become liable to the fund.

We hereby certify that no prior assignment of the within policy exists.

Dated this _____ day of _____ 19 _____

Signature of the assignee
and the subscriber.

One witness to signatures.

Station.

THIRD SCHEDULE

(Rule 27)

(1)

Forms of Reassignment and Assignment by the Governor of Maharashtra.

All sums which have become payable by the above named A.B./A.B. and C.D. under sub-rule (2) of rule 29 of the Maharashtra Prevention of Water Pollution Board Contributory Provident Fund

Rules having been paid and all liability for payment by him or any such sums in the future having ceased the Governor of Maharashtra both hereby reassign the within policy of assurance to the said A.B./A.B. and C.D.

Dated this _____ day of _____ 19

Executed by Chairman

Maharashtra Prevention of
Water Pollution Board,
Bombay, for and on behalf
of the Governor of
Maharashtra in the presence of

Signature of Chairman.

YZ

(one witness who should add his designation and address)

The abovenamed A.B. having died on the _____ day of 19 _____, the Governor of Maharashtra both hereby reassign the within policy of assurance to C.D.

Dated this _____ day of _____ 19

Executed by : Chairman,

Maharashtra Prevention of
Water Pollution Board of
Water Pollution Board,
Bombay, for and on behalf,
of the Governor of Maharashtra.
in the presence of.

Signature of Chairman.

YZ

(One witness who should add his designation and address) Fill in particulars of person legally entitled to receive the policy.

FOURTH SCHEDULE

(Rule 28)

Form of Reassignment by the Government of Maharashtra.
The Governor of Maharashtra both hereby resign the with-

in policy to the said A.B./A.B. and C.D.

Dated this _____ day of _____ 19

Executed by Chairman, M. P. W. P. Board,
Bombay, for and on

behalf of the

Governor of Maharashtra
in the presence of

Signature of Chairman,
Bombay

YZ

(One witness who should add his designation and address.)

FIFTH SCHEDULE

(Rule 13)

Authorities competent to temporary advances.

1. Subject to the provisions of paragraph 2, an advance under rule 13 may be sanctioned in the case of subscribers mentioned in

column, 1 of the Table hereto by the authorities mentioned against them in column 2 of that Table.

Table

Subscriber 1	Authority 2
1. All Class-I and Class-II Officers of the Board.	Chairman
2. All Class-III and Class IV staff of the Board.	Member-Secretary

2. An advance for the grant of which special reasons are required under clause (b) or (c) of rule 13 may be sanctioned in the case of subscribers mentioned in column 1 of the Table hereby by the authorities mentioned against them in column 2 of that Table.

Table

Subscriber 1	Authority 2
1. All Class-I and Class-II Officers of the Board.	Chairman
2. All Class-III and Class-IV staff of the Board.	Member-Secretary.

SIXTH SCHEDULE

See Rule 18(3)

Form of Annual Declaration.

I hereby declare that the house/flat constructed/purchased or the house-site purchased by me with the amount withdrawn by me from the amount standing to my credit in the Maharashtra Prevention of Water Pollution Board Contributory Provident Fund has not been transferred by me by way of sale, mortgage, exchange or gift or on lease for a term exceeding three years or otherwise however, without previous permission of the sanctioning authority in writing and that if called upon to do so, I undertake to produce before the sanctioning authority tax-receipts, showing that the house/flat/house-flat remains in my sole and absolute ownership.

Dated this _____ day of _____ 19 _____

Witness (with address) —

(1)

.....

(2)

.....

Signature

designation

By order and in the name of the
Governor of Maharashtra.

Deputy Secretary to Government