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SIKKIM

GOVERNMENT



GAZETTE

EXTRAORDINARY

PUBLISHED BY AUTHORITY

No. 124B

Gangtok, Saturday September, 29, 1984.

GOVERNMENT OF SIKKIM

HOME DEPARTMENT

NOTIFICATION

No. 3(2)Home/84/2

Dated Gangtok, the 26th September, 1984.

THE SIKKIM LEGISLATIVE ASSEMBLY MEMBERS
(PAYMENT OF PENSION) RULES, 1984.

In exercise of the powers conferred by sub-sections (1) and (2) of section 6 of the Sikkim Legislative Assembly Members (Payment of Pension) Act, 1984 (4 of 1984), the State Government hereby makes the following rules, namely:—

Short title and Commencement.

1. (1) These rules may be called the Sikkim Legislative Assembly Members (Payment of Pension) Rules, 1984.
- (2) They shall come into force with effect from 1st October, 1984.

Definitions.

2. (1) In these rules, unless the context otherwise requires:—
 - (a) "Act" means the Sikkim Legislative Assembly Members (Payment of Pension) Act, 1984;
 - (b) "Annexure" means an Annexure appended to these rules;
 - (c) "Assembly" means the Sikkim Legislative Assembly as defined in clause (a) of section 2 of the Act;
 - (d) "Member" means a member of the Sikkim Legislative Assembly constituted in the year 1979 and thereafter.
- (2) Words and expressions used in the Act and not defined in these rules shall have the meanings respectively assigned to them in the Act.

Application for pension.

3. Any person who is entitled to pension under section 3 of the Act and who desires to draw pension, shall apply to the Secretary, Sikkim Legislative Assembly, in "Pension Application Form" prescribed in Annexure I.

Particulars in application form for verifying pension to be held in abeyance or reduced.

4. The pension payable to any person under the Act shall be held in abeyance or reduced in the circumstances stated in section 4 of the Act, e.g. when the person is elected to certain offices or becomes member of certain legislatures or receive remuneration from Government or local authority or certain Corporations. Every applicant for pension shall give true and correct information and declare specifically whether he is holding or is not holding such office. These declarations are provided in paragraph 5 of the Pension Application Form and shall be filled in by every applicant after clearly understanding their implications.

5. Periodical declarations to be furnished by every person drawing pension, for verifying the position in regard to holding an office referred to in section 4 (1) (a) or being a member of a Legislature as provided for in section 4 (1) (b) or being employed on salary or receiving remuneration as provided for in section 4 (1) (c) of the Act are prescribed in Annexure II. The position shall be certified from time to time at the time of drawal of pension by making these declarations:

Periodical declarations to be made.

6. (1) A pensioner shall draw his pension from the Sikkim Legislative Assembly Secretariat. **Drawals of pension.**

(2) Pension may be drawn for the day of pensioner's death, the hour at which death takes place has no effect on the claim.

7. (1) Ordinarily, subject to certain exceptions given in the Act, for the purposes of the Act, the term of office of a member begins on the date of publication of the notification of his election as a member and ends on the date on which his seat becomes vacant, due to resignation, expiry of the term, dissolution of the Assembly etc. The basic record of each member shall be collected from the beginning and arranged by the Assembly Secretariat in accordance with the directions given in Annexure III.

Records for verification.

(2) When all the information is compiled, a suitable note with the details of the full name, address, service rendered from time to time as a member by any person, shall be recorded in proper registers maintained for the purpose and attested by an officer of the Assembly Secretariat not below the rank of Under Secretary. This shall then be treated as the basic record from which the total service qualifying for pension shall be verified and the amount of pension admissible and due to any person shall be worked out.

8. The service rendered by any person as a member shall be verified by the Legislative Assembly Secretariat and certified by an officer not below the rank of Under Secretary. Thereafter the service qualifying for pension and the amount of pension to be paid shall be worked out. The pension so worked out shall be approved and sanctioned by the Secretary, Sikkim Legislative Assembly.

Verification of service and sanction of pension.

9. If the pension remains undrawn by any pensioner for more than six months, the Secretary, Sikkim Legislative Assembly shall ascertain the reasons for such nondrawal, by proper verification. After such verification and on the request of pensioner payment of the pension may be resumed.

Non drawal of pension.

10. (i) Every pensioner shall file a nomination in the form prescribed in Annexure IV, conferring on one or more persons the right to receive payment of any arrears of the pension actually due to the pensioner in the event of the pensioner's death. The pensioner shall also specify the share payable to each of the nominees in cases where more than one person are nominated.

Death of pensioner and payment of arrears.

(ii) A nomination may be cancelled by a pensioner at any time by a notice in writing to the Secretary, Sikkim Legislative Assembly. A fresh nomination shall accompany such notice.

(iii) If the pensioner dies before filing the nomination under this rule or otherwise fails to file such nomination the arrears of pension due to him shall be paid to such person who produces probate or letters of administration evidencing the grant to him of the probate or letters of administration to the estate of the deceased pensioner or a certificate, granted by the competent authority, entitling the holder thereof to receive payment of arrears due to the deceased pensioner.

11. (1) Verification of service for pension of the first lot shall be made after arrangement of records as indicated in rule 7. Thereafter for each member, as soon as he is elected or nominated, History Sheets will be opened and maintained by the Assembly Secretariat duly attested by the Under Secretary. These sheets shall be renewed and attested every year between 1st and 15th May.

General.

(2) The Pension Application Forms shall be sent by the Assembly Secretariat to each Ex. M.L.A. as soon as the lists are compiled. In future, the despatch of the application forms may be made within two weeks of the dissolution of the Assembly.

- (3) On receipt of the Pension Application Forms, duly filled in, by the Assembly Secretariat an acknowledgement shall be sent to the applicant.
- (4) The general scrutiny of the application shall be made within ten days of its receipt and omissions, if any, shall be communicated to the applicant for compliance.

J.T. Densapa

Home Secretary,
Government of Sikkim.

ANNEXURE I

(See rule 3)

PENSION APPLICATION FORM

(To be submitted in duplicate by Ex .M.L.A.)

From

Shri/Smt/Kumari.....
Ex. M.L.A.

To

The Secretary,
Sikkim Legislative Assembly,
Gangtok.

Sub:

Sanction of Pension under the Sikkim Legislative Assembly Members (Payment of Pension)
Act, 1984.

Sir,

In terms of section 3 of the above mentioned Act, I am entitled to Pension in respect of the following period served by me as a member of Legislative Assembly:-

Serial No.	Name of Constituency	Period	
		From	To

I resigned as member of the Legislative Assembly on.....

2. It is requested that steps may kindly be taken to sanction pension to me. I desire to draw my pension from the Sikkim Legislative Assembly Secretariat.

3. I enclose herewith the following documents duly attested by First Class Magistrate/Class I Officer belonging to Central/State Government/ A sitting member of the Sikkim Legislative Assembly:-

- (i) Three specimen signatures.
- (ii) Three copies of the latest photograph of passport-size.

4. My present address is.....

5. My permanent address is.....

6. I hereby declare that:-

- (i) I am not holding the elected office of the President of the Vice-President or the office of the Governor of any State or the Administrator of any Union Territory;
- (ii) I am not a member of the Council of States, or the House of People or any Legislative Assembly of a State or Union Territory or any Legislative Council of a States;
- (iii) I am not employed on a salary under the Central Government or any State Government or any Corporation owned or controlled by the Central Government or any State Government or any Local Authority or I am not otherwise in receipt of remuneration from such Government or Corporation or Local Authority;

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- (iv) I am not in receipt of any pension from the Central Government/State Government/
any Local Authority/Corporation owned or controlled by the Central or any State
Government.
- (v) I am holding the office of.....
or Member of.....
or employed as.....
or in.....
the total remuneration received by me is Rs.....P.M. (A Certifi-
cate from the competent authority to be attached).
- (vi) I am in receipt of Rs.....as pension from Central Government/State
Government/a Local Authority/Corporation owned or controlled by the Central
Government or any State Government being drawn from(Here
mentioned the treasury or the disbursing authority. A Certificate from the disbursing
officer may be attached).
- (vii) I undertake to refund the Pension paid to me in excess, when noticed by Audit or by
Sikkim Legislative Assembly Secretariat.

Yours faithfully,

SIKKIM LEGISLATIVE ASSEMBLY SECRETARIAT
GANGTOK

No...../Pen/

Dated.....

PENSION VERIFICATION REPORT

CERTIFIED that Shri / Shrimati / Kumari.....
had served as a member of Sikkim Legislative Assembly for the periods given below :

(1) From..... to.....

(2) From..... to.....

(3) From..... to.....

and that a pension of Rs.....(Rupees.....)
per mensem is admissible to him/her.

Under Secretary (Accounts)

A pension of Rs.....(Rupees.....)
only per mensem is sanctioned to Shri/Shrimati/Kumari.....
with effect from.....

Secretary
Sikkim Legislative Assembly Secretariat.

ANNEXURE II

(See rule 5)

(To be furnished by the ex-member of Sikkim Legislative Assembly with his first pension bill and thereafter twice a year i.e. in the month of **May** and **November**.)

I declare that -

- (i) I am not elected to the office of the President/Vice-President or appointed to the office of the Governor of any State or Administrator of any Union Territory; or
- (ii) I am not a member of the Council of States (Rajya Sabha) or the House of the people (Lok Sabha), or any Legislative Assembly of a State or Union Territory or Legislative Council of a State; or
- (iii) I am not employed on salary under the Central Government or any State Government or any Corporation owned or controlled by the Central Government or any State Government or any Local Authority or I am not otherwise in receipt of any remuneration from such Government or Corporation or Local Authority; or
- (iv) I am not in receipt of any Pension from the Central Government / State Government/any Local Authority/Corporation owned or controlled by the Central Government or any State Government

OR

(i) I am holding the office ofor member of a
or employed as
 inand the total remuneration received by me
 is Rs.....

(ii) I am in receipt of Rs.....
 as pension drawing from[†].....

Full name in Block letters.....

Signature of the Pensioner

Place.....

Address.....

Date.....

.....

[†]Here mention the name of the office of the Central Government/State Government/Local Authority/Corporation owned or controlled by the Central or State Government.

ANNEXURE III

(See rule 7)

ARRANGEMENT OF BASIC RECORDS.

- (1) Collection of all Gazette notifications since 1979 notifying the election of Members and filing them chronologically. (They may be in general files of Gazette and may be copied from the Gazette to be traced from Government Record office).
- (2) All the printed lists of members prepared from time to time, may be brought together and filed chronologically, inserting the address of each member against his name.
- (3) A list of members for whom obituary references were made in the House may be compiled and noted.
- (4) A list of members who have resigned together with the date from which their resignation was effective, may be compiled and noted in the master list. Reasons for the resignation, if any may be ascertained.
- (5) A list of members whose election was declared void may be made and noted in the master list.
- (6) (a) A statement showing the exact periods of the Assembly (i.e. date of formation and date of dissolution after each election since 1979 when the constituencies were **first time** called upon to elect members) be prepared and attested by the Under Secretary/Deputy Secretary.

ANNEXURE IV

Nomination form

(See rule 10)

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1. Name of Pensioner.....
2. Address.....
3. Pension/Sanction Order No.....
4. Year of drawing the pension with amount.....
5. Constituency from which and the year in which contested the Assembly election.....

I, the above named pensioner, hereby nominate the following person/persons as per rule 10 of the Sikkim Legislative Assembly Members (Payment of Pension) Rules, 1984 :-

Sl. No.	Name	Age	Address	Relationship with the pensioner, if any	Share of pension due
(1)	(2)	(3)	(4)	(5)	(6)

Witnesses with addresses

1.

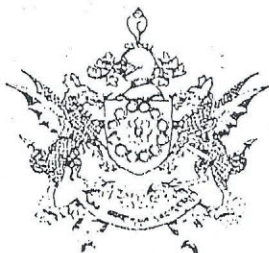
SIGNATURE OF PENSIONER

2.

DATED

SIKKIM

GOVERNMENT



GAZETTE

EXTRAORDINARY
PUBLISHED BY AUTHORITY

Gangtok,

Monday,

9th September 2002

No. 296

GOVERNMENT OF SIKKIM
PARLIAMENTARY AFFAIRS DEPARTMENT
GANGTOK

No.1 / PAD/2002.

Dated 4. 9. 2002.

NOTIFICATION

In exercise of the powers conferred by sub-section (1) and (2) of section 6 of the Sikkim Legislative Assembly Members (Payment of Pension) Act, 1984 (4 of 1984), the State Government hereby makes the following rules further to amend the Sikkim Legislative Assembly Members (Payment of Pension) Rules, 1984, namely :-

Short title and commencement

1.(1) These rules may be called the Sikkim Legislative Assembly Members (Payments of Pension) Amendment Rules, 2002.

2. They shall come into force on the date of their publication in the Official Gazette.

Amendment of rule 2.

2. In the Sikkim Legislative Assembly Members (Payment of Pension) Rules, 1984 (hereinafter referred as the said rules), after clause (c) of rule 2, the following clauses shall be inserted, namely:-

(cc) "Family" means the surviving spouse of the deceased ex-legislator of the Sikkim Legislative Assembly.

(ccc) "Family Pension" means pension payable to the surviving spouse of deceased ex-legislators as provided under sub-section (3) of section 3 of the Act"

Amendment of rule 3.

3. In the said rules, in rule 3,-

- (i) after the words "entitled to pension", the words "or family pension" shall be inserted;
- (ii) after the words and figure "in Annexure 1", the words and figure "or Annexure V as the case may be" shall be inserted.

Amendment of rule 4.

4. In the said rules, in sub-rule (1) of rule 6, after the words, "A pensioner", the words "or a person entitled to family pension" shall be inserted.

Amendment of rule 9.

5. In the said rules, in rule 9, after the word, "Pensioner" wherever it occurs, the words "or person entitled to family pension" shall be inserted.

T.D. RINZING,
Secretary,
Parliamentary Affairs Department.
File No. 2 (2) PAD/98-99.

ANNEXURE V

(See rule 3)

FAMILY PENSION APPLICATION FORM

(To be submitted in duplicate by spouse of deceased Ex-MLA)

Shri/ Smt _____

From

Shri/ Smt _____

Wife/ Husband of (name of deceased Ex-MLA)

To,

The Secretary,
Sikkim Legislative Assembly,
Gangtok.

Sub: Sanction of Family Pension under the Sikkim Legislative Assembly Members
(Payment of Pension) Act, 1984.

Sir,

In terms of provision of section 3 of the above mentioned Act, I am entitled to family pension in respect of following period served as MLA by Shri/Smt _____ who was my _____ and who expired on _____ (enclosed death certificate).

Name of deceased MLA	Name of Constituency	Period	To	from
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I am enclosing (Affidavit/Certificate) as necessary proof of my being wife/husband of deceased _____ who was Ex-MLA. I am also enclosing the following documents viz:-

- (1) The latest passport size photo of self
- (2) Present address
- (3) Permanent address
6. I hereby declare that :-
 - (I) I am not holding the elected office of the President or the Vice-President or the office of Governor of any State or the Administrator of Union Territory;
 - (II) I am not a member of the Council of States or the House of People or any Legislative Assembly of a State or Union Territory or any Legislative Council of a State;
 - (III) I am not employed on a salary under the Central Government or any State Government or any Corporations owned or controlled by the Central Government or any State Government or any Local Authority or I am not otherwise in receipt of remuneration from such Government or Corporation or local authority;
 - (IV) I am not in receipt of any pension from the Central Government/State Government/ Any Local Authority/ Corporation owned or controlled by the Central or any State Government.

Yours faithfully,