

GOVERNMENT OF ORISSA
FINANCE DEPARTMENT

18/12
Dy. 3865/OE I
19/12/97

OFFICE MEMORANDUM

Bhubaneswar, the 12 th December, 1997

Sub:- Counting of Service rendered under the Job contract establishment towards pension.

The service rendered under the job contract establishment which is paid from contingencies is not taken into account towards pensionary benefits under rule 18(2)(iii) of O.C.S. (Pension) Rules, 1992. Further, under rule 21 of the said Rules, except in pensionable establishments, the service in Survey and Settlement organisation will not be count for pension unless it is followed without interruption by qualifying service.

2. According to Finance Department Resolution No.22764/F., dated 15.5.97, the job contract employees appointed prior to 12.4.93 (after which there is a ban for engagement of such employees) under the administrative control of different Departments can be brought over to the posts created under regular/pension establishment after completion of 10 years' service as job contract employees subject to fulfilment of certain conditions and stipulations outlined therein. According to the provisions contained in the said Office Memorandum, the date of regularisation shall be reckoned as the first appointment to the service for pension and other benefits. It has come to the notice of the Government that some of the job contract employees are absorbed under the regular establishment almost towards the end of their service and become ineligible to get the pensionary benefits due to length of regular Government service in pensionable establishment. This has caused hardship to such type of employees.

3. The Hon'ble High Court of Orissa in their judgement dated 24.1.92 in O.J.C.No.2147/91 directed that "for the purpose of calculating the pensionary benefits, so much of their service period shall be reckoned, even if there had been breaks in their employment, so as to make them eligible for pension". The Hon'ble Orissa Administrative Tribunal have also in their judgement in O.A.No.1546(C)/96 have categorically directed to count that much period of job contract service of the employees which will make them eligible for pensionary benefits.

4. After careful consideration of the matter, State Government have been please to decide that for the purpose of pensionary benefits only, so much of their job-contract service period shall be added to the period of qualifying service in regular establishment as would render them eligible for pension. Addition of that portion of job-contract service shall not be counted for calculation of gratuity.

Sd/-K.B.Verma
Principal Secretary to Government

Memo No. 49297(325) /F., Dated. 12-12-97

Copy forwarded to All Departments of Government/All Heads of Departments/All Collectors and other District Officers, All District and Sessions Judges/Accountant General (A&E), Orissa, Bhubaneswar/Deputy Accountant General, Orissa, Puri/Secretary to Governor/Secretary to Chief Minister/Principal, Secretariat Training Institute, Bhubaneswar/Principal, Madhusudan Institute of Accounts and Finance, Bhubaneswar for information.

Memo No. 49298(168) /F., Dated. 12-12-97 Under Secretary to Government.

Copy forwarded to all Treasury/Special Treasury/Sub-Treasury Officers for information and necessary action.

Memo No. 49299(120) /F., Dated. 12-12-97 Under Secretary to Government.

Copy forwarded to all Officers and Branches of Finance Department for information.

Under Secretary to Government.

G.B.S./-