

The Sindh Auqaf (Employees Pension) Rules, 1990.

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**GOVERNMENT OF SINDH
ZAKAT, USHR, RELIGIOUS AFFAIRS
SOCIAL WELFARE & AUQAF DEPTT.**

Karachi, dated the 26th July, 1990.

NOTIFICATION

No: SO(AUQAF)-60/83, In exercise of the powers conferred by section 25 of the Sindh Waqf Properties Ordinance 1979, the Government of Sindh are pleased to make the following rules:-

1. (1) These rules may be called the Sindh Auqaf (Employees Pension) Rules, 1990. Short title and commencement.
 - (2) They shall come into force w.e.f. 1.7.1989.
 - (3) They shall apply to:
 - (i) all employees who have retired or retiring from service on or after 1.7.1989.
 - (4) The option under sub-rule (3) shall be exercised in writing and communicated to the competent authority within six months from the date of coming into force of these rules and the employees who fail to exercise option as aforesaid shall continue to be governed by the rules and regulations applicable to them immediately before the coming into force of these rules.
 - (5) The option once exercise under sub-rule (4) shall be final.
2. In these rules, unless the context requires otherwise— Definitions.
 - (a) 'Children' means the legitimate children of the employee below twenty-one years of age including the children of a deceased son of the employee and in the case of a non-Muslim employee, the children adopted by him under any law for the time being in force, but excluding the married daughters or married adopted daughters;
 - (b) 'competent authority' means appointing authority of an employee;
 - (c) 'employee' means any person appointed under the Ordinance;
 - (d) 'Fund' means the fund established under rule 4;

- (e) 'Legal heir' means the legal heir declared as such by any authority competent to do so under any law for the time being in force;
- (f) 'Medical Authority' means the Medical Officer or Medical Board appointed by the competent authority for the purpose of these rules;
- (g) 'Ordinance' means the Sind Auqaf Properties Ordinance, 1979;
- (h) 'pension' means any kind of pension admissible under these rules.

3. On the coming into force of these rules, the Contributory Provident Fund shall, in relation to the employee, stand replaced by the General Provident Fund, and the contribution of the Chief Administrator if any, to the Contributory Provident Fund, and the contribution of the Chief Administrator if any, to the Contributory Provident Fund together with all interest or profit occurring on such contribution, shall vest in the Chief Administrator. Replacement of the Contributory Provident Fund.

4. There shall be a fund known as the Employee's Pension Fund, which shall consist of— Fund

- (a) the amount of the Chief Administrator's share lying in the Contributory Provident Fund of the Employees;
- (b) the amount lying in the Gratuity Fund of the employees;
- (c) the amount equal to such percentage of the basic pay of the employees, as may be determined by the Chief Administrator from time to time, to be credited by the Chief Administrator every month from the month of enforcement of these rules;
- (d) all profits earned or accrued on the moneys of the fund; and
- (e) lump sum contribution by the Chief Administrator in case of any deficiency in the Fund.

(2) The fund shall be utilized for grant of pension, commutation and any other amount payable under these rules.

(3) Any moneys of the Fund not required for immediate use may be invested by the Chief Administrator in such securities or schemes as may be approved by Government.

5. A superannuation pension shall be granted to an employee who attains sixty years of age. Superannuation Pension.
6. A retiring pension shall be granted to an Employee, who not being eligible for superannuation pension opts to retire, or is compulsorily retired from service by the competent authority, after twenty five years qualifying service or on the grounds of in efficiency mis-conduct or corruption. Retiring pension.
7. (1) An invalid pension shall be granted to an employee who is certified by the medical authority to be permanently incapacitated for further service by any bodily or mental infirmity. Invalid pension.
- (2) A reference to the medical authority for examination of the employee and issuance of the certificate shall be made by the authority referred to in rule 6 on its own or on the application of the employee.
- (3) The medical authority after examining the employee shall issue a medical certificate in the form given below—
- “Certified that I (we) have thoroughly examined Mr. _____ son of _____ a _____ in the _____ whose signature is appended below. His age is by his own statement _____ years. I (we) consider/do not consider the said Mr. _____ to be permanently incapacitated for further service in consequence of _____ (here state disease or cause).”
- (4) Where an employee is certified to be permanently incapacitated for further service, he may be invalidated from service on the receipt of the medical certificate, or on the expiry of leave if already on leave, or on the expiry of leave preparatory to retirement granted to him as a special case after receipt of the medical certificate.
8. If a permanent employee is selected for discharge owing to the abolition of his permanent post or owing to a change in the nature of the duties of the post, he shall, unless he is appointed to another post the conditions of which are deemed to be at least equivalent to the permanent post have the option— Compassionate Pension.
- (a) of taking any compassionate pension and commutation to which he may be entitled for the service he has already rendered; or

(b) of accepting another post even on a lower pay scale, if offered, and in that case, his previous service, shall count for pension.

9. (1) In the case of death of an employee while in service, commutation in lieu of fifty percent of the gross pension shall be allowed at the rates specified in sub-rule (1) of rule 13 and in addition to such commutation, family pension shall be allowed—

Family pension and commutation.

(a) to the widows of the deceased, if the deceased is a male, or to the husband, if the deceased is a female, and children, and if the number of the persons eligible for the pension does not exceed four, the pension shall be divided equally among them, and if the number of such persons is more than four, the husband or each surviving widow shall get one fourth of the pension and the balance (if any) shall be divided equally among the surviving children;

Provided that in the case of a female leaving behind children from a former marriage in addition to her husband and children by her surviving husband, the amount of pension shall be divided equally among the husband and the children, and if the total number of beneficiaries exceeds four, the husband shall be allowed one fourth of the pension and the remaining amount shall be distributed equally among the children;

(b) failing a widow or husband, as the case may be, the pension shall be divided equally among the children;

(c) failing (a) and (b), to the oldest widow daughter;

(d) failing (a) to (c) to the oldest widow of a deceased son of the employee.

(e) Failing (a) to (d) to the oldest surviving son of a deceased son of the employee;

(f) Failing (a) to (e) to the oldest un-married daughter of a deceased son of the employee;

(g) Failing (a) to (f) to the oldest widow daughter of a deceased son of the employee.

(2) If the family pension is not payable under sub-rule (1), it may be granted—

- (a) to the father;
- (b) failing the father, to the mother;
- (c) failing the father and mother, to the oldest surviving brother below the age of twenty-one year;
- (c) failing (a) to (c), to the oldest surviving unmarried sister; if the oldest sister marries or dies then the next oldest;
- (e) failing (a) to (d) to the eldest surviving widowed sister.

(3) No family pension shall be payable under this rule—

- (a) to an un-married female member in the event of her marriage;
- (b) to a widowed female member in the even of her re-marriage;
- (c) to the brother of the employee on his attaining the age of twenty one years.

(4) A family pension awarded under this rule shall not be payable to more than one member of the employee's family at the same time except as provided for in clause (a) land (b) of sub-rule (1).

(5) If the pension ceases to be granted on death or marriage of the recipient or on account of other causes, to person falling under sub-clause (a) and (b) of sub-rule (1), the amount shall be granted to other recipients in equal shares.

(6) If a family pension other than that mentioned in clauses (a) and (b) of sub-rule (1) ceases to be payable on account of death or marriage of the recipient or other cases, it shall be regranted to the pension next lower in the order mentioned in sub-rule (1) and sub-rule (2).

(7). The Chief Administrator may with the approval of Government make such modification in the mode of allotment or conditions of tenure set forth in the proceeding sub-rules as he may consider desirable to suit special circumstances of the beneficiaries.

(8) A family pension sanctioned under this section shall be payable in addition to any extraordinary pension or gratuity that may be granted to the members of the employees family under any other rules in force for the time being.

(9) Future good conduct of the recipient is an implied condition of a every grant of a family pension under this rule.

10. No pension may be granted to an employee dismissed or removed for mis-conduct, corruption, subversive activities or in efficiency, but, if he deserves special consideration he may be granted a compassionate allowance not exceeding two-third of the pension which would have been admissible to him had he retired on invalid pension. Compassionate Allowance.

11. (1) All spell of continuous service of five years or more rendered by an employee shall be counted for the purpose of pension, and absence without leave shall, unless condoned and converted into extraordinary leave by the competent authority, be treated to be a break in the continuity of the spell. Recknoning of service for pension.

(2) The time spent by an employee on deputation to Government or any statutory body shall count for pension under these rules.

(3) The total service shall be rounded off to the nearest full years; a period of less than six months being ignored and a period of six months or more counted as one year.

(4) The competent authority may for the purpose of pension condone all gaps between period of continuous service of an employee.

(5) The competent authority may condone deficiency in qualifying service upto one year; provided that the service rendered by the employee is meritorious and the condonation, if allowed, will bring the service upto twenty five years of qualifying service.

12. (1) Pension shall be calculated in accordance with the pension table given below, on emoluments drawn on the last working day including the increment, if any, occurring during the leave preparatory to retirement and not drawn due to leave; provided that the post has been held by him on a regular basis. Calculation of Pension.

Otherwise pension shall be calculated on average emoluments drawn by the employee during the last twelve months of service including the period of leave other than the extra-ordinary leave without pay.

Explanation: For the purpose of this rule—

(a) "emoluments" means pay, special pay of all types and nature, personal pay, technical pay and senior post allowance;

(b) "special pay" means the special pay sanctioned to an employee for holding charge of the Higher Post of equivalent post, which will be divided by twelve months for ascertaining the average which will be included in the last pay drawn for calculation of pension.

Pension Table

Completed years of qualifying service.	Scale of pension expressed as fraction of average emoluments.
10	70/300
11	77/300
12	84/300
13	91/300
14	98/300
15	105/300
16	112/300
17	119/300
18	126/300
19	133/300
20	140/300
21	147/300
22	154/300
23	161/300
24	168/300
25	175/300
26	182/300
27	189/300
28	196/300
29	203/300
30 and above.	210/300

(2) Where pension or commutation is not admissible these rules the Government may grant a pension which will not save in most exceptional circumstances, exceed one hundred rupees a month or a commutation not exceeding the equivalent value calculate under rule 13 or that amount.

Note:- For the service put in by an employee beyond thirty years qualifying service he shall be entitled to the benefit to the extent of two percent of his gross pension for each extra completed years of such service subject to a maximum of ten percent of his gross pension.

13. (1) An employee entitled to pension under these rules shall be allowed commutation in lieu of fifty percent of the gross pension according to commutation table given below: Commutation.

Provided that the amount of commutation so calculated shall on the death of an employee be payable to his family notwithstanding whether family pension be admissible under these rules or not.

AGE NEXT BIRTH DAY	NUMBER OF YEARS PURCHASE	AGE NEXT BIRTH DAY	NUMBER OF YEARS PURCHASE
20	50.6304	50	22.8911
21	49.6676	51	22.0658
22	48.7066	52	21.2563
23	47.7467	53	20.4638
24	46.7884	54	19.6896
25	45.8314	55	18.9348
26	44.8758	56	18.2002
27	43.9215	57	17.4860
28	42.9688	58	16.7925
29	42.0179	59	16.1191
30	41.0089	60	15.4649
31	40.1218	61	14.8290
32	39.1767	62	14.2105
33	38.2336	63	13.6090
34	37.2929	64	13.0239
35	36.3551	65	12.4549
36	35.4203	66	11.9071
37	34.4885	67	11.3643
38	33.5603	68	10.8428
39	32.6361	69	10.3371
40	31.7160	70	9.8472
41	30.8007	71	9.3729
42	29.8907	72	8.9142
43	28.9800	73	8.4708
44	28.0891	74	8.0427
45	27.1990	75	7.6299
46	26.3172	76	7.2322
47	25.444	77	6.8496
48	24.5816	78	6.4818
49	23.7001	79	6.1287
		80	5.7901

(2) The lump-sum amount payable on commutation shall be calculated by multiplying the years of purchase as determined by the table by twelve and then multiplying by the amount of the pension to be commuted.

(3) For the purpose of calculating the amount of commutation under this rule the age on next birth day of an employee retiring on superannuation shall, notwithstanding the formula given in the table, be deemed to be sixty years.

14. (1) In addition to any pension admissible under the foregoing provisions, Disability Pension and Gratuity and Death Special Family Pension and Disability of death pension and gratuity.

Gratuity shall be granted in accordance with the table below.

(2) The disabilities mentioned in Part-I of the Annexure to these rules shall be the criteria for determining the rates of pension and gratuity under this rule.

(3) The principle and procedure laid down in Pat-II of the Annexure to these rules shall be observed for determining the admissibility of the pension and gratuity under this rule.

TABLE OF DISABILITY PENSION AND GRATUITY

Class of injury	Pension	Gratuity	Children's Pension	
			Child without Own mother	Child with own mother living.
1.	2.	3.	4.	5.
A	20% of the pay subject to a maximum of Rs.600/- and maximum of Rs. 100/- per month and in the case of death it shall devolve on the widow or husband the pension shall be admissible until widow remarries.	6 month's pay	5% of the subject to a maximum of Rs.100/- and a minimum of Rs.50/- per child per month.	2½ % of the pay subject to a maximum of Rs. 50/- and a minimum of Rs. 250/- per child per month.
B	15% of pay subject to a maximum of Rs.450/- and a minimum of Rs. 75/- per month.	Nil	4% of the pay subject to a maximum of Rs.80/- and a minimum of Rs.40/-per child per month.	2% of the pay subject to a maximum of Rs.50/- and a minimum of Rs.25/- per child per month.
C	-do-	Nil	Nil	Nil
DEATH	20% of the pay subject to a maximum of Rs.600/- and a minimum of Rs.100/- per month.	Nil	5% of the pay subject to a maximum of Rs.100/- and a minimum of Rs. 50/- per child per month.	2½ % of the pay subject to a maximum of Rs. 50/- and a minimum of Rs. 25/- per child per month.

15. (1) All pension other than these granted under rule 14 shall be sanctioned, on application by the employee or a member of his family, by the competent Authority. Authority to sanction that pension.

(2) In the case of pension under rule 14, an employee or a member of his family may submit an application for grant of such pension stating in the application the grounds for claiming that pension, and on receipt of the application the competent authority shall, after making such enquiry and taking such evidence as it may consider necessary, sanction the

pension in accordance with the provisions of rule 14.

(3) A Pension Payment Book as may be prescribed by the competent authority shall be issued to the pensioner.

16. (1) Good conduct is an implied condition of every pension and the competent authority may withhold or withdraw a pension or any part of it if the pensioner is convicted of an offence involving moral turpitude or is found to have been guilty of misconduct either during or after the completion of his service; provided that before any order to this effect is issued, the procedure prescribed for imposition of the penalty of removal from service of an employee of the category of the pension shall be followed and no such order shall be passed unless a reasonable opportunity of being heard has been given to the pensioner. Condition of pension.
- (2) The competent authority itself may make any recovery from the pension of the pensioner on account of losses found in judicial or departmental proceedings to have been caused to the Auqaf by the negligence, or fraud of such persons during his service; provided that such departmental proceedings shall not be instituted after a year from the date of retirement of the pensioner.
- (3) In case the amount of pension granted to an employee is found to be in excess, of that to which is entitled, he shall refund such excess.
- (4) Excess with the previous sanction of Government to be obtained through the Chief Administrator no pensioner shall, with a period of two years from the date of his retirement, be a candidate to any election or engage in political activity of any kind.
17. Any of these rules may, for reasons to be recorded in writing, be relaxed in individual cases by the Government, if it is satisfied that a strict application of the rules will cause hardship to the individual.
18. If any question arises at any time, not covered by these rules the same shall be resolved with reference to the pension Rules applicable to the Civil Servants and the same shall be considered mutates mutandis to be part of these rules.

ANNEXURE

(See regulation 14)

Part-I

CLASSIFICATION OF DISABILITY

CLASS 'A'

1. Loss of a hand and a foot or loss of use of two or more limbs.
2. Total loss of eye-sight.
3. Total loss of speech.
4. Total deafness both ears.
5. Paraplegia or hemiplegia.
6. Lunacy.
7. Very serious facial disfigurement.
8. Advanced cases of incurable disease.
9. Wounds, injuries or disease resulting in a disability due to which a person becomes incapacitated.
10. Emasculation.

NOTE: Wounds, injuries or disease of limb resulting in damage of nerves, joints, or muscles making the whole of the limb useless would mean loss of that limb. Cases in which a partial function is retained will not be included in this class. However, if the partial retention of function does not help in holding an object even with partial efficiency, it should be considered as total loss of function. Those cases will also be included in this class where the earning capacity of the employee has been totally impaired due to the invalidating disability.

CLASS 'B'

1. Loss of thumb or at least three fingers of hand.
2. Partial loss of one or both feet at or beyond metatarsal joint.
3. Loss of vision of one eye.
4. Loss of all toes of one or both feet.

CLASS 'C'

1. Limited restriction of movement of joint due to injuries.
2. Disease of a limb restricting performance of duties.

GENERAL NOTE.

Where the wound injury or illness causing the disability is not given above, the disability shall be assessed by the medical authority at the classification most closely corresponding to those given above.

PART-II

PRINCIPLES AND PROCEDURE FOR DETERMINING ATTRIBUTABILITY TO SERVICE ON DISABILITY.

A. CASUALTIES DUE TO WOUND OR INJURY.

1. It should be established in such cases of that the cause of casualty was the result of duty in service.

2. Where the injury resulted from the risk inherent in service attributability will be conceded.

3. An individual on duty for 24 hours of the duty except when on leave other than casual leave.

4. An individual will be deemed to be in the performance of duty when:

- (i) he is physically present in his headquarters;
- (ii) he is travelling on leave at Authority expenses;
- (iii) when travelling to or from duty (e.g. from residence to place of duty and back but not whilst he is in his residence);
- (iv) Whilst travelling on duty i.e. where it is established that but for the duty he would not have been travelling at all;

5. Disability resulting from purely personal acts such as shaving or similar private pursuits would not normally be treated as attributable to service.

6. Disability resulting from violence provoked by performing of duty will be viewed as attributable to service unless the circumstances of the case warrant a different conclusion.

7. If circumstances are such that service played no part in the causation of disability, attributability will not be connected.

Illustration: If a person driving a motor cycle etc., on duty, collides with a truck the injury received may be attributed to service but if he is out for a walk and sustains injury from a passing truck, his case will not qualify for the concession.

B. CASUALTY DUE TO DISEASE.

(a) The cause of disability resulting from disease will be regarded as attributable to service only when it is directly due to risks which may be regarded as peculiar to the circumstances of duty in service. In

determining attributability in such cases due regard should be paid to the question whether service in a particular region, or of a particular type, involved exposure to exceptional risk of contraction or of infection by a disease, as well as the actual circumstances of the case;

(b) Attributability will not be conceded if, though contracted during the period of actual performance of duty the disease is, in the opinion of the medical authorities concerned, due to risk which cannot be regarded as peculiar to such duty in service;

(c) Where a disease of its aggravation resulted from the risk of duty, attributability/aggravation will be conceded;

(d) All cases of tuberculosis and bronchial asthma will be accepted as attributable to or aggravated by service where the medical opinion is in favour of the acceptance.

(e) Attributability/aggravation in all cases of Cardiac disease will be determined in accordance with the guide lines mentioned at the end of this part.

(f) Where medical or other supporting documents are incomplete, cases will be dealt with on merits with due regard to medical opinion and other evidence.

GUIDE LINES FOR DETERMINING ATTRIBUTABILITY AGGRAVATION IN CASE OF CARDIAC DISEASE.

1. There are many pre-disposing factors which may precipitate an attack of coronary or Lusian. No single factor can be pinpointed as being responsible for such an attack. It is, therefore, not easy, any hard and fast rule for awarding attributability/aggravation in such cases. For the guidance of medical and of administrative authorities some of the factors which may precipitate the attack of heart disease are enumerated below:-

(a) Physical Exertion- Coronary, occlusion is known to have precipitated during or immediately following physical exertion. Physical exertion may not necessarily be of an unusual character i.e. lifting of a heavy truck/bundle, pushing a stalled vehicle or an uphill climbing have, in many instance, been followed by an attack of Coronary occlusion. The effects of exertion are worse if the individual is unduly fatigued, has lack of sleep or in under emotional stress. Attributability will

be conceded if a person undergoing stress and strain, pressure and counter pressure by virtue of the nature of his duties develops psychiatric problem.

(b) Emotional Strain.— The occurrence of Coronary disease in persons who had been under an unusually and protracted emotional strain points to a probable relationship between the two. Separation from families, uncongenial atmosphere, frequent moves, all add to mental strain and psychological traumas.

2. The question of attributability/aggravation of heart disease on normal individual who is subject, the above mentioned factors will therefore, have to be considered and decided in the light of known history and merits of each case.

3. While dealing with such cases due precaution will be exercised by all concerned to carefully bring out detailed merits of the case as award of attributability/aggravation depends on their candid opinion.

**MOBEEN AHMED KHAN
SECRETARY TO GOVERNMENT
OF SINDH**

NO.PZA/SO(Auqaf)/60/83-II

Dated 26th July, 1990.

A copy is forwarded to the Controller-cum-Superintendent, Government Printing Press. He is requested to get it published in next issue Sindh Government Gazette, and 50 copies may please be furnished to this Deptt:

**(DILSHAD NABI KHAN)
SECTIOLN OFFICER(AUQAF)**

NO.PZA/SO(Auqaf)/60/83-II/3214

Dated 26th July, 1990.

Copy is forwarded for information and necessary action to:-

1. The Secretary to Chief Minister Sindh, C.M. Secretariat; Karachi.
2. Chief Secretary to Government of Sindh, Karachi.
3. Additional Chief Secretary, Planning and Development, Government of Sindh, Karachi.
4. Administrative Secretaries(All).
5. Chief Administrator Auqaf, Sindh, Hyderabad.
6. Chief Medical Officer Auqaf Incharge, Karachi.
7. Administrator Auqaf, Karachi/Hyderabad.
8. Manager Auqaf, _____(ALL).

**(DILSHAD NABI KHAN)
SECTIOLN OFFICER(AUQAF)**

The Authorities competent to grant Pension to the various posts shall be as under:-

S.No	Posts	Pension granting Authority.
1.	Post sanction in Basic Scale 1-2.	Divisional Administrator Auqaf.
2.	Post sanction in Basic Scale 3-5.	-do-
3.	Post sanction in Basic Scale 6-15.	Chief Administrator Auqaf, Sindh.
4.	Post sanction in Basic Scale 16.	Secretary to Department.
5.	Post sanction in Basic Scale 17.	Minister concerned.
6.	Post sanction in Basic Scale 18 and above.	Chief Secretary.
