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NOTIFICATION

No.G.21014/15/2014-FMU/Pt-II/261, the 13th July, 2015. In pursuance of the decision of the Cabinet Meeting On 18th February, 2015 and subsequently on 2nd July, 2015, under the Asian Development Bank (ADB) assisted Mizoram Public Resource Management Program (MPRMP), The Governor of Mizoram is pleased to notify the 'Mizoram State Public Sector Enterprises' Early Retirement Rules (ERR) 2015'.

These Rules will come into force from the date of publication in the Gazette of Mizoram.

L.N. Tochwawng,
Finance Commissioner
Finance Department
Government of Mizoram.

**MIZORAM STATE PUBLIC SECTOR ENTERPRISES' EARLY RETIREMENT RULES
(ERR), 2015**

In exercise of the powers conferred by proviso to Article 309 of the Constitution of India, The Governor of Mizoram is pleased to make the following Rules, namely:-

1. SHORT TITLE, APPLICATION & COMMENCEMENT

- a) These Rules shall be called the Mizoram Public Sector Enterprises' Early Retirement Rules. (ERR) 2015
- b) It shall apply to all the regular employees of all Public Sector Enterprises (PSEs) viz. MAMCO, ZENICS, ZOHANDCO, ZIDCO and MIFCO under Government of Mizoram.
- c) It shall come into force from the date of its notification in the Gazette of Mizoram.

2. OBJECTIVE

- a) To achieve sustainability in the all round fiscal operations of the State.
- b) Reducing the public debt that is threatening to assume unmanageable proportions.
- c) Closure of chronically sick/loss making and un-viable PSEs which cannot be revived.

3. DEFINITIONS

In the Rules', unless the context otherwise requires,

- a) 'Competent Authority' means the Chief Executive Officer/Managing Director of the PSE concerned.
- b) 'Employee' means a person employed on permanent/regular basis working against sanctioned graded post.
- c) 'Emolument' means Basic Pay (including Grade Pay) plus appropriate percentage of DA as on the date of notification.
- d) 'Public Sector Enterprise (PSE)' means an entity that is:
 - Created under a statute of the State Legislature; in which case the management and control vests in Govt. of Mizoram, or
 - Created under the companies Act, 1956 in which the govt. of Mizoram holds equity share of more than 50% of those issued.
- e) 'Request for early retirement' means application submitted for early retirement, as per specimen proforma annexed as Annexure-A.
- f) 'Rules' means Mizoram State Public Sector Enterprises' Early Retirement Rules (ERR) 2015.
- g) 'Service' means a period of permanent or regular employment against graded post as defined in the Service By-Laws/Regulations of the PSE.
- h) 'Year' means a financial year commencing on 1st April and ending on the subsequent 31st March.

4. OPERATION OF THE RULES

The Rules shall remain in operation for 12 (twelve) months from the date of issuance of notification to this effect. The Government may extend it from time to time.

5. ELIGIBILITY

All existing regular employees of PSEs under Government of Mizoram and are not accommodated into Govt. Service will be eligible for Early Retirement Rules.

However, the following employees falling in the categories as determined by the concerned PSE are not eligible to seek Early Retirement under the Rules:

- a) Specialist employees who have executed service bonds and have not completed the period prescribed therein;
- b) Employees appointed on Contract/Muster Roll basis;
- c) Any other category of employees as may be specifically debarred by the PSE from seeking retirement under these Rules.

Note:

In case disciplinary action is pending against an employee, who had sought Early Retirement, the Disciplinary Authority shall, after considering all facts, convey to the Competent Authority whether the request of the employee should be accepted or not. In case the Disciplinary Authority decides that the request of such an employee for Early Retirement be not accepted, the same shall be communicated to the employee in writing and he shall have a right to make an appeal as provided under section 9 (e) of the Rules.

6. AMOUNT OF EX-GRATIA

An employee seeking Early Retirement under the Rules will be entitled to the compensation consisting of:

- a) Ex-Gratia Lumpsum Cash Compensation:
 - i. Amount equivalent to 45 days emoluments for each completed year of service limited to the total emoluments for remaining years of service at prevailing level, and
 - ii. Amount equivalent to 15 days emoluments for each remaining year of service.
- b) Leave encashment as per the provisions of CCS (Leave) Rules, 1972, as applicable to employees of Government of Mizoram.
- c) Gratuity as per provisions of CCS (Pension) Rules, 1972, as applicable to employees of Government of Mizoram.

7. OTHER BENEFITS

The Rules will not cover any other benefits as may be admissible to the employee, like EPF etc.

8. MODE OF PAYMENT

100% of the amount of ex-gratia payable to an employee on opting for Early Retirement under these Rules would be paid in cash within 90 days from the date of his relieving. If otherwise the benefits could not be settled due to technical or any other reasons which is beyond control, a provisional payment of Rs. 1,00,000.00 (Rupees One lakh) only will be made, and will be adjusted from the final payment.

9. PROCEDURE

- a) An eligible employee may submit request for availing Early Retirement under the Rules to the Competent Authority through proper channel in a prescribed Performa (Annexure-A), which shall be available in the PSE.
- b) The Competent Authority may after considering the application and after giving an opportunity to the applicant of being heard, pass a speaking order within a period of 1 month, either accepting or rejecting the request.
- c) In case the Competent Authority fails to pass an order rejecting the request by the due date as given at sub para (b) above, the request would be deemed to have been accepted and the employee would be retired.
- d) A copy of every order made under paragraph (c) above shall be given to the employee.
- e) An employee who is aggrieved by an order of rejection may within thirty days from issuance of such orders file an appeal before the Administrative Secretary of the Department under which the concerned PSE falls, whose decision shall be final and binding.
- f) In case Chief Executive Officer/Managing Director of the PSE concerned opted to retire under ERR the competent authority shall be the respective Administrative Secretary.

10. GENERAL CONDITIONS

- a) Arrears of salary/wages due to general revision of pay scales etc. shall not be included in computing the eligible amount.
- b) For the purpose of calculating Ex-Gratia Lumpsum Cash Compensation, fraction of service of 6 months and above shall be reckoned as one year for the purpose of calculating the ex-gratia, age, years of service rendered, and remaining years of service. Fraction of service less than 6 months will be ignored for the purpose of calculating the ex-gratia, age, years of service rendered, and remaining years of service.
- c) All the retirement benefits under these Rules will be sanctioned and authorized by the respective parent department after obtaining approval from Finance Dept. (FMU).
- d) All payments under the Rules and any other benefit payable to an employee shall be subject to the prior settlement/re-payment in full of loans, advances, returning of Govt.'s property and any other outstanding due against him and payable by him to the PSE concerned.
- e) All payments made under the Rules shall be subject to deduction of tax at source as per Income Tax Act 1961 wherever applicable.
- f) In the event of the death of an employee, whose request for early retirement under the Rules has been accepted, the compensation, which would have become due and payable to the deceased employee, shall be paid to the person nominated to receive such dues.

- g) The benefits payable under this Rules shall be in full and final settlement of all claims of whatsoever nature, whether arising under the Rules or otherwise to the employee (or his nominee in case of death). An employee who retires under this Rules will not have any claim against the PSE concerned of whatsoever nature and no demand or dispute or difference will be raised by him or on his behalf, whether of re-employment or compensation or back wages including employment of any of his relative on compassionate grounds in the service of the PSE or for any other benefits whatsoever.
- h) The Govt. reserves the right to withdraw these Rules at any time it thinks fit and its decision in this respect will be final.
- i) The Government shall have the power to review, amend or modify or rescind these rules.
- j) All matters regarding interpretation of these Rules, the interpretation of Finance Department (FMU) shall be final and binding,
- k) Filling up of any resultant vacancies shall in no case be made without prior permission of Finance Department, Government of Mizoram.

11. ENABLING RULES

- a) The Public Sector Enterprises must consider the Early Retirement Rules (ERR) and pass an order adopting it.
- b) The Rules shall come into effect only after requisite approval as laid down in Section 4 is received. However, the PSE may circulate these Rules & obtain response of the employees, in order to determine the financial and other implications.
- c) No PSE/Administrative Department may make any change to the Rules without seeking comments of the Finance Department and obtaining prior approval of the Council of Ministers to the proposed changes.

12. BUDGETARY SUPPORT

- a) Budgetary support will be provided to the loss making enterprises for implementing ERR, 2015, only till such time as the required funds are available from ADB assisted Mizoram Public Resource Management Program (MPRMP).
- b) ADB assisted Mizoram Public Resource Management Program (MPRMP) will extend budgetary support for payment of Ex-Gratia Lumpsum Cash Compensation and Leave Encashment and Gratuity only.

APPLICATION TO SEEK EARLY RETIREMENT

The Managing Director/ Chief Executive Officer,
(Name of the PSE)

(Through Proper Channel)

Subject : **EARLY RETIREMENT.**

Sir/Madam,

I hereby opt to seek Early Retirement from the services of the.....(Name of the PSE) in accordance with the terms and conditions stipulated in the Mizoram Public Sector Enterprises' Early Retirement Rules (ERR) 2015, circulated vide No.....datedwhich I have carefully read and have understood the contents of the same.

2. I accept the terms and conditions stipulated in Mizoram Public Sector Enterprises' Early Retirement Rules (ERR) 2015, unconditionally and irrevocably.

3. I furnish the required particulars in the APPENDIX enclosed for consideration of my offer to seek Early Retirement from the services of the.....(PSE) under the above Rules w.e.f.....

Thanking you,

Yours faithfully,

Place :

Name :

Dated :

Signature of the Employee

Designation :

TO BE FILLED IN BY THE EMPLOYEE
PART-I

S. No. Particulars

1. Name of the Employee / Officer
2. Employee PF No.
3. Designation
4. Date of Birth
5. Age as on (Date of adaptation of the Rules)
6. Date of Joining the PSE (Excluding the temporary period, if any)
7. No. of completed years of service as on (Date of adaptation of the Rules)
8. Date of attaining the age of Superannuation
9. Salary as on (Date of adaptation of the Rules)
 - Basic Pay (ie. Band Pay + Grade Pay)
 - D.A.Total:
10. Has the employee executed any bond? Give details thereof.
11. Has the employee undergone any specialized intensive training within the organization or outside?
If so, give details thereof
12. Has the employee taken loans from the organization? If yes, give details thereof head-wise, such as HBA/Vehicle Loan or any other. Give details of amount of loan sanctioned and the outstanding balance as on (last date of the Scheme)
13. Whether the employee has been imposed any : Major or Minor Punishment during the preceding 5 years. If yes, give details
14. Whether any disciplinary action is pending?

PART-II

15. I hereby certify:

- (a) That the information given above is complete and true.
- (b) That I hereby opt to seek Early Retirement from the services of the.....
(Name of the PSE) in accordance with the terms and conditions stipulated in the Mizoram Public Sector Enterprises' Early Retirement Rules (ERR) 2015, which I accept unconditionally and irrevocably as circulated vide No.dated.....
- (c) That I hereby authorize the.....(Name of the PSE) to recover and adjust all loans/dues etc. payable by me whatever kind or nature.
- (d) That I agree that in case any of the aforesaid statements is found to be untrue, the payment made to me by the.....(Name of the PSE), under this Scheme, will be recoverable from me without prejudice to any other action that may be taken against me by the.....(Name of the PSE).

Dated :

Place:

Signature of the Officer / Official