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LAW AND JUDICIAL (A) DEPARTMENT

NOTIFICATION

Jaipur, June 14, 1958

No. F.4(7)-LJ/A/58.- The following Act of the Rajasthan State Legislature received the assent of the Governor on the 22nd day of May, 1958, and is published for general information:-

THE RAJASTHAN PENSIONS ACT, 1958.

(Act No. 27 of 1958)

[Received the assent of the Governor on the 22nd day of May, 1958.]

An

Act

to consolidate and amend the law relating to State pensions and grants of money made or payable by the State Government.

BE it enacted by the Rajasthan State Legislature in the Ninth Year of the Republic of India as follows : -

1. Short title, extent and commencement.-

- (1) This Act may be called the Rajasthan Pensions Act, 1958.
- (2) It extends to the whole of the State of Rajasthan.
- (3) It shall come into force at once.

2. Definitions.-

In this Act, unless the subject or context otherwise requires,—

- (i) “grant of money” includes any amount payable on the part of the State Government in respect of any right, privilege, perquisite or office, but does not include a cash jagir to which the Rajasthan Cash Jagirs Abolition Act, 1958, applies;
- (ii) “State” or “State of Rajasthan” means the new State of Rajasthan as formed by section 10 of the States Reorganisation Act, 1956 (Control Act, 37 of 1956).

3. Bar of suits relating to pensions and grants. -

No civil court shall, except as hereinafter provided, entertain any suit relating to any pension or grant of money conferred or made by the State Government or by any of its predecessor Governments, whatever may have been the consideration for such pension or grant and whatever may have been the nature of the payment, claim or right for which such pension or grant may have been substituted.

4. Claims to be made to Collector or other authorised officer.-

Any person having a claim relating to any such pension or grant may prefer such claim to the Collector of the district or other officer authorised in this behalf by the State Government; and such Collector or other officer shall dispose of such claim in accordance with such rules as the State Government may from time to time prescribe in this behalf.

5. When civil court competent to take cognizance of such claims.-

A civil court, otherwise competent to try the same, shall take cognizance of any such claim upon receiving a certificate from the Collector of the district, or other officer authorised in that behalf by the State Government, to the effect that the case may be so tried but shall not make any order or decree in any suit whatever, by which the liability of the State Government to pay any such pension or grant as aforesaid is affected directly or indirectly.

6. Mode of payment.-

All State pensions or grants of money shall be paid by the Collector or other officer authorised by the State Government in this behalf, subject to such rules as may, from time to time be made by the State Government.

7. Commutation of pensions and grants.-

The State Government may, with the consent of the holder, order the whole or any part of his pension or grant of money to be commuted for a lump sum on such terms as may seem fit.

8. Exemption of pension from attachment.-

No pension granted or continued by the State Government on political considerations or on account of past services or present infirmities or as a compassionate allowance,

and no money due or to become due on account of any such pension or allowance, shall be liable to seizure, attachment or sequestration by process of any court in the State at the instance of a creditor, for any demand against the pensioner, or in satisfaction of a decree or order of any such court.

9. Assignments etc. in anticipation of pension to be void.-

All assignments, agreements, orders, sales and securities of every kind made by the person entitled to any pension or allowance mentioned in section 8 in respect of any money not payable at or before the making thereof on account of such pension or allowance, or for giving or assigning any future interest therein are null and void.

***[9-A. Recovery of established Government dues from out of pension -**

Notwithstanding anything contained in sections 8 and 9, the amounts of all established Government dues outstanding at the date of his retirement from Government service, if any, against a person in receipt of any pension or grant of money or allowance or entitled to receive a lump sum in lieu thereof under section 7 shall be charged upon such pension, grant, allowance or lump sum, as the case may be, and the State Government shall be competent to recover therefrom the amounts of such dues without having recourse to any legal action in respect thereof.

Explanation-The expression "Government dues" includes.—

- I. arrears of any Central or State tax deductible under the law at source from out of the pay of a Government servant while in service,
- II. over-issues of pay, allowances or leave salary to a Government officer in respect of any period of his service before retirement,

* Inserted vide section 2 of Rajasthan Act No. 31 of 1960, published in Rajasthan Gazette, Part IV-A Extraordinary, Dated 24.09.1960.

- III. accumulated arrears of rent in respect of house accommodation provided by Government to a Government servant during any period of his service and dues on account of any repair carried on, alteration or addition made, service rendered or amenity provided to such house accommodation, and
- IV. balance of any advance granted to the Government servant during the period of his service, remaining unpaid at the date of his retirement, together with interest, if any, chargeable thereon.]

10. Reward to informers.-

Whoever proves to the satisfaction of the State Government that any State pension or grant of money is fraudulently or unduly received by the person enjoying the benefit thereof shall be entitled to a reward equivalent to the amount of such pension or grant for a period of six months.

11. Power to make rules.-

(1) The State Government may, from time to time, make rules consistent with this Act respecting all or any of the following matters, namely : —

- (a) The places and times at which, and the persons to whom, any State pension or grant of money shall be paid;
- (b) inquiries into the identity of claimants;
- (c) records to be kept on the subject of State pensions and grants of money;
- (d) transmission of such records;
- (e) correction of such records;
- (f) delivery of certificates to pensioners and grantees of money;
- (g) registers of such certificates;
- (h) reference to the civil court under section 5 of persons claiming a right of succession to, or participation in, State pensions or grants of money made or payable by the State Government; and
- (i) generally for the guidance of officers under this Act and for carrying out the purposes thereof.

(2) All such rules shall be published in the official Gazette and shall thereupon have the force of law.

PRABHU DAYAL LOIWAL,
Secretary to the Government.