

Kerala Gazette No.29 dated 22nd July 1986.

PART I

GOVERNMENT OF KERALA

Abstract

PROVIDENT FUND-GENERAL PROVIDENT FUND (KERALA)-RULES
FINAL PAYMENT OF PROVIDENT FUND ACCUMULATIONS UPTO
Rs.5000 IN THE CASE OF DECEASED SUBSCRIBERS-
AMENDMENT TO RULE 32 OF GENERAL PROVIDENT
FUND (KERALA) RULES-ISSUED

FINANCE (P.F) DEPARTMENT

G.O.(P) 422/86/Fin.

Dated, Trivandrum, 12th June 1986

Read :-1. G.O.(MS) 281/74/Fin.dated4-9-1974
2. Rules 139 Part 111 Kerala Service Rules.
3. Letter No. FM1/1-5/85-86/Vol.IX/236 dated 6-12-1985 from Accountant
General, Kerala, and Trivandrum.

NOTIFICATION

S.R.O.No.1111/86- In exercise of the powers conferred by subsection (1) of section 2 of the Kerala Public Service Act, 1968 (19 of 1968) read with section 3 thereof, the Government of Kerala hereby make the following rules further to amend the General Provident Fund (Kerala) Rules, namely:-

Rules

C.S.NO/2/86/Fin dated, Twelfth June, 1986

1. *Short title and commencement-* (1) These rules may be called the General Provident Fund (Kerala) Amendment Rules, 1986
(2) They shall come into force at once

2. *Amendment of the Rules-* In the General Provident Fund (Kerala)Rules, (a) in rule 32 after sub-rule (2) and the notes there under, the following sub-rule shall be inserted namely:-

“ (3) Subject to the provisions of these rules and the Provident and Act, 1925, payment of Provident Fund money to the extent of 2,500 outstanding in the General Provident Fund (Kerala) Account of deceased subscriber having no family and no valid nomination shall be made by the Accounts Officer to the heirs of the subscriber

on production of a heirship certificate issued by the Tahasildar (under the State Government) in whose jurisdiction the heirs of the deceased live. Government Provident Fund balance exceeding Rs.2,500 , but not exceeding Rs 5,000 may similarly be paid under the orders of Government on the execution of a security Bond (Appendix 4) signed by two sureties , if they are satisfied of the right and title of the claimant.”

- (b) after Appendix3 the following shall be inserted, namely:-
“APPENDIX 1 [See sub-rule (3)of rule 32]

FORM OF SECURITY BOND

KNOW ALL MEN BY THESE PRESENTS THAT WE, Shri/Smt.....(H.E.name and full address) (hereinafter called “the Claimant”)and Shri/Smt.....(H.E name and full Address)and Shri/Smt.....(H.E name and full Address) (hereinafter called “ the sureties”) do hereby jointly and severally bind ourselves and our heirs, executors and administrators to pay to the Governor of Kerala (hereinafter called “ the Government “) on demand a sum of Rs.....(in words also

Signed and dated this the.....day of..... one thousand nine hundred..... By the claimant Shri/Smt.....

In the Presence of witness:

- (1)
- (2)

By sureties

- (1) Shri/Smt
- (2) Shri/Smt.

In the presence of witness:

- (1)
- (2)

WHEREAS..... Was at the time ofdeath a subscriber to the General Provident Fund (Kerala) :

WHEREAS the said.....died on the.....day of.....19...

WHEREAS a sum of Rs..... (in words also) is payable to the claimant being the legal heir of the said.....(herein after called “the deceased”)

WHEREAS the Claimant claims the said sum but has not obtained probate or letters of administration or other legal authority;

WHEREAS the Government after making due inquiry is satisfied that the claimant is entitled to the said sum and that there is no provision in the General Provident Fund Act or the General Provident Fund (Kerala) Rules to split up the amount for payment up to Rs2,500 on the basis of a heirship certificate from the Tahsildar and the balance on execution of an indemnity bond:

WHEREAS the Government desire to pay the said sum to the claimant but consider it necessary that the claimant should first execute a bond with two sureties to indemnify the Government against all claims to the amount so due as aforesaid to the deceased before the said sum can be paid up to the claimant.

NOW THE CONDITION of this bond is such that if, after payment has been made to the claimant, the claimant or the sureties, shall in the event of a claim being made by any person other than the claimant against the Government with respect to the aforesaid sum of Rs.....(in words also) refund to the Government the sum of Rs.....(in words also) and shall otherwise indemnify and save the Government harmless from all liabilities in respect of the aforesaid sum and all costs incurred in consequences of any claim thereto THAN the above written bond or obligation shall be void, otherwise the same shall remain in full force and virtue.

The liability of the sureties under this bond is co-extensive with that of the claimant and shall not be impaired or affected by the Government giving time or any other indulgence to the claimant or by the Government varying only the terms and conditions herein contained.

Provident further that the claimant and the sureties do hereby agree that all sums found due to the Government under or by virtue of this bond shall be recoverable jointly and severally from them and their properties both movable and immovable as though such sums are arrears of land revenue under the provisions of the Revenue Recovery Act for the time being in force and in such other manner as the Government may deem fit.

Signed and delivered by the claimant
Shri/Smt.

In the presence of witness:
(1)
(2)

Signed by the Sureties
1. Shri/Smt
2. Shri/Smt

In the Presence of witness
(1)
(2)

By order of the Governor,
JOSEPHINE ANNE CLARANCE,
Additional Secretary to Government.

Explanatory Note

(This note is not part of the amendment but is indeed to indicate is general purport)

The General Provident Fund (Kerala) Rules and the Provident Fund Act 1925 do not specifically state the manner in which payment of Provident Fund accumulations in the case of deceased subscribers to the extent of RS.5,000 is to be made. As per G.O (MS) 281/74/Fin. dated 4-9-1974, the limit for payment of Provident Fund money without the production of succession certificate is enhanced to Rs.5000. The Accountant General has reported instances where payment of General Provident Fund balance exceeding Rs,500 but not exceeding Rs 5,000 in the case of deceased subscribers, having no family and no valid nomination has become difficult since the Tahsildars are not competent to issue legal heirship certificate for amounts exceeding Rs.2,500 and there is no provision for the same. This has necessitated the issue of this amendment to the General Provident Fund (Kerala Rules).

To

The Accountant General (A&E) Kerala, Trivandrum
The Accountant General (Audit), Kerala, Trivandrum
All Heads of Departments and Offices
All Departments and Section of the Secretariat
The Registrar of High Court, Ernakulam (with C.L.)
The Registrar, University of Kerala/Cochin/Calicut and Kottayam (with C.L.)
The Advocate General Kerala, Ernakulam (with C.L.)
The Registrar, Agricultural University, Mannuthy, Trichur (with C.L.)
The Secretary, Kerala Public Service Commission (with C.L.)
The Secretary, Vigilance Commission (with C.L.)
The Secretary, Kerala State Electricity Board, Trivandrum (with C.L.)
The General Manager, Kerala State Road Transport Corporation, Trivandrum
The Secretaries, Additional Secretaries, Joint Secretaries, Deputy Secretaries and Under Secretaries to Government
The Secretary to Governor.
The Private Secretary to the Leader of Opposition, M.L.A. Hostel, Trivandrum.
The Under Secretary to the Chief Secretary.
The Stock File.
