

# **PAKISTAN BAR COUNCIL**

## **NOTIFICATION**

**December 22, 2015**

**S.R.O. 1274(1)/2015.**—Whereas the employees of the Pakistan Bar Council, presently do not have the post retirement protection of pension facility despite the fact that some of them have rendered even more than almost four decades uninterrupted long service;

An whereas employees of the Pakistan Bar Council deserve to have post retirement pension facility in addition to Provident Fund and Gratuity admissible to them under the PBC Employees Service Rules;

And whereas the Federal Government accepting request made to the then Federal Law Minister vide letter No 1093/PBC/SEC/2010 dated 06-09-2010, had remitted an amount of Rupees Five Million for establishing the Pension Fund for employees of the Pakistan Bar Council;

And whereas the Pakistan Bar Council has since established the Pension Fund for its employees comprising of aforementioned amount of Rs. Five Million remitted by the Federal Government and another amount of Rs. 1.5 Million subsequently contributed by the Council itself for the fund;

And whereas the Federal Government has remitted another amount of Rs. 3.8 Million for the Pension Fund and thus the total amount of Pension Fund comes to about Rs. 10 Million which stands deposited in separate accounts of "PBC Employees Pension Fund" with scheduled Banks;

And whereas it is expedient and imperative that Pension Fund, as aforementioned, is administered and regulated for facilitation and benefit for regular payment of monthly Pension to employees of the Pakistan Bar Council through proper and formal Rules;

Therefore, the Pakistan Bar Council in exercise of its powers conferred upon it by Section 55 of the Legal Practitioners & Bar Councils Act, 1973 and all other enabling provisions, do hereby makes and notifies the following Rules:-

## **PAKISTAN BAR COUNCIL** **EMPLOYEES PENSION RULES, 2015**

**1. Title & Commencement:-**

- (i) These Rules may be called the "Pakistan Bar Council Employees Pension Rules, 2015".

- (ii) They shall come into force at once.

**2. Definition:-** In these Rules unless the context otherwise requires, the following expressions shall have the meanings hereby respectively assigned to them that is to say:-

- (a) "Act" means the Legal Practitioners and Bar Councils Act, 1973 (Act XXXV of 1973);
- (b) "Appointing Authority" means the Executive Committee in relation to posts upto BS-16 and the Bar Council in relation to posts of BS-17 and above;
- (c) "Chairman" means Chairman of Executive Committee of the Pakistan Bar Council;
- (d) "Competent Authority" means the appointing authority;
- (e) "Council" means the Pakistan Bar Council;
- (f) "Employee" means a permanent and full time employee of the Pakistan Bar Council;
- (g) "Executive Committee" means Executive Committee of the Pakistan Bar Council;
- (h) "Family" means wife or wives or husband and children (except married sons/daughters) under 21 years of age, of the employee;
- (i) "Fund" means the Pakistan Bar Council Employees Pension Fund;
- (j) "Month" means an english calendar month;
- (k) "Pay/Emoluments" means pay/emoluments of an employee as determined under Rule 11 *ibid*.
- (l) "Pension" means the sum payable by way of monthly payment to an employee or his family under these Rules;
- (m) "Spouse" means the lawfully wedded spouse of the employee.

**3. Pension:-** A post retirement monthly payment to an employee in consideration of his continuous long service rendered to the Pakistan Bar Council.

**4. Eligibility:-** An employee shall be eligible for Pension if he:-

- (i) retires on completion of 60<sup>th</sup> year of age after completing at least 10 years of continuous qualifying service for pension.  
However, in case the Council retains services of an employee by way of extension even after his retirement on attaining the age of superannuation and he continues in service/employment of the Council without break, he shall be eligible and entitled to Pension; or
- (ii) opts for retirement after completing 25 years of satisfactory continuous qualifying service of the Pakistan Bar Council.

Provided that clause (ii) will become operative only after <sup>1</sup>[20] years of promulgation of these Rules or accumulation of Rs. <sup>2</sup>[150] Million in the Pension Fund whichever is earlier .

**5. Disqualification:-** An employee who is dismissed or removed from service for disciplinary reasons, shall not be entitled to Pension.

**6. Payment in case of Death:-** In the event of death of an employee, before or after retirement, his family shall be entitled to receive Family Pension as may be prescribed under these Rules and/or Rules of the Federal Government on the subject.

**7. Rate and Scale of Pension:-** Pension shall be calculated at the rate of 70% of pay/emoluments on completion of 30 years qualifying service and where qualifying service is less than 30 years but not 10 years, proportionate reduction in percentage shall be made subject to his attaining the age of 60 years or expiry of the period of his extension(s) if granted after his retirement on attaining the age of superannuation, or on completion of 25 years qualifying service and subject to maximum of Thirty (30) years of total qualifying service, the gross pension of an employee shall be calculated at such rate for such number of years of total qualifying service as specified in Schedule-I annexed hereto.

**8. Determination of amount of Pension:-** (i) The amount of pension admissible to an employee shall be determined within reasonable time before retirement or expiry of extension period if his services are retained after retirement and he continues in service uninterruptedly or if opts for retirement after having completed 25 years qualifying service, in accordance with prevalent Rules of the Federal Government.

(ii) If determination of amount of Pension admissible to an employee is delayed beyond one month of the due date, he or his family, as the case may be, shall be paid such provisional anticipatory Pension as may be determined by the competent authority according to the length of service of the employee who qualifies for Pension and any over or less payment consequent on such provisional payment shall be adjusted against the amount of Pension finally determined as payable to such employee or his family.

**9. Commutation of Pension:-** An employee before expiry of one year from the date of his retirement on completion of 60<sup>th</sup> year of age or before expiry of extension period if his services are retained after retirement, may request for the commutation for lump sum payment of 35% of the amount of his gross Pension and if his request is allowed, the commuted amount shall become payable from the date the request was made on the same rate as are applicable to employees of Federal Government in accordance with commutation table annexed as Schedule-II or as per its revision by the Federal Government from time to time.

**10. Family Pension:-** (1) In case of death of an employee who had completed 10 years of qualifying service or while in receipt of pension, his family shall be entitled:-

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<sup>1</sup> Added vide Notification of the Pakistan Bar Council dated 29-01-2019.

<sup>2</sup> Added vide Notification of the Pakistan Bar Council dated 29-01-2019.

- (a) if the employee died while in service to a family pension at the rate of fifty percent of the total pension for a period of ten years from the date of his death; and
- (b) if the employee died within ten years from the date of his retirement, fifty percent of the pension the employee was receiving for the unexpired portion of the period of ten years.

(2) Family pension shall be paid to a member or members of the family of the deceased employee in accordance with Rule 13.

**11. Determination of Pay/Emoluments:-** For the purposes of determining the last pay/emoluments drawn by an employee during qualifying service, shall be taken into account. The term "emoluments" means the emoluments which an employee was receiving immediately before retirement or expiry of period of extension of his service, and shall include:-

- (i) Pay;
- (ii) Senior Post Allowance;
- (iii) Special Pay of all types and nature;
- (iv) Personal Pay;
- (v) Technical Pay;
- (vi) Indexed Pay;
- (vii) Increments accrued during leave preparatory to retirement or any special increment; &
- (viii) Any other emoluments which may be specially classed as Pay.

**12. Determination of total qualifying service:-** For the purposes of determining total qualifying service of an employee, the following shall be deemed to be the qualifying service of an employee, namely:-

- (a) actual service rendered by him with the Council from the date of his appointment;
- (b) actual previous continuous service of the employee, if any, with a Provincial Bar Council or a Bar Association before joining service of Pakistan Bar Council without any break;
- (c) the period, if any, during which he remained suspended provided that the suspension was followed by reinstatement;
- (d) the period during which he remained on any leave other than leave without pay;
- (e) period, if any, during which he remained absent from duty and that period has been regularized by the competent authority.

**13. To whom family pension is payable:-** (1) Family pension shall be payable:-

- (a) to the widow or, as the case may be, the widower of the employee;

- (b) if there are more widows than one, to all the widows in equal shares;
  - (c) if the widows are more than one and the number of widows and children, (except sons above the age of eighteen years and married daughters):
    - (i) does not exceed four, to the surviving widows and children in equal shares; &
    - (ii) exceeds four one-fourth of the pension to each widow, and the balance, if any, to each child in equal shares.
  - (d) if there is no widow or, as the case may be, widower, to the eldest son;
  - (e) if there is no son, to the eldest unmarried daughter, and if she marries or dies, then to the next eldest unmarried daughter;
  - (f) if there is no unmarried daughter, to the eldest widowed daughter;
  - (g) if there is no widowed daughter, to the eldest widow of the deceased son of the employee;
  - (h) if there is no widow of the deceased son, to the eldest son of a deceased son of the employee;
  - (i) if there is no son of a deceased son of the employee, to the eldest unmarried daughter of a deceased son of the employee &
  - (j) if there is no unmarried daughter of a deceased son of the employee, to the eldest widowed daughter of a deceased son of the employee.
- (2) Where no person referred to in rule (1) survives, family pension may be paid to:-
- (a) the father of the employee;
  - (b) if the father does not survive, to the mother if she has not remarried;
- (3) If a family pension ceases to be payable to a member of the family of the deceased employee on account of his death or otherwise before the expiry of the period upto which it is payable, it shall be paid to the member of the family next in order specified in rule (1).
- 14. Nomination:-** (1) An employee shall make a nomination conferring on one or more members of his family the right to receive the amount of pension which may, in case of his death, become payable under these Rules or which having become payable has not been paid.

(2) If the employee nominates more than one member, he shall, specify in the nomination, the share of each nominee who may receive it in such manner as to cover the whole amount of pension which may become payable.

(3) The employee may provide in the nomination:-

- (a) That in the event of death of a nominee, his right to receive payment shall pass to such other member or members of his family as may be specified in the nomination; and
- (b) That the nomination shall become void in the event of a contingency specified therein.

(4) Every nomination shall be in form "A" or "B" as attached to these Rules, as may be appropriate in circumstances of the case.

(5) An employee may, at any time, cancel a nomination by giving notice in writing to the competent authority and making a fresh nomination.

(6) Immediately on the death of a nominee or on happening of the contingency in the event of which the nomination becomes void, the employee shall, by giving notice in writing to the competent authority, cancel the nomination and shall make a fresh nomination.

**15. Application of rates and scales of Federal Government employees:-** Notwithstanding anything contained in these Rules, any change or revision for enhancement made in the rates or scales of pension applicable to employees of the Federal Government shall, *mutatis mutandis*, apply to the employees of the Pakistan Bar Council to whom these Rules are applicable.

**16. Exception:-** In matters pertaining to Pension not covered by these Rules, the laws/rules, policy or the instructions on the subject applicable to the Federal Government employees shall *mutatis mutandis* apply to employees of the Pakistan Bar Council so far as those are not inconsistent with these Rules.

(Azam Nazeer Tarar)  
Vice-Chairman

(Muhammad Arshed)  
Secretary

**SCHEDULE-I**  
(See Rule 7)

**REVISED PENSION TABLE**

Completed Years of Qualifying Service	Scale of Pension Expressed as Fractions 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

Gross Pension Amount =  $\frac{\text{Pay/Emoluments} \times \text{Total Years of Qualifying Service}}{300}$  (Formula)

Net Pension Amount = Gross Pension Amount x 65%

**SCHEDULE-II**

(See Rule 9)

**COMMUTATION TABLE**

Age next Birthday	No. of Years Purchase	Age Next Birthday	No. of Years Purchase
20	40.5043	51	17.6526
21	39.7341	52	17.0050
22	38.9653	53	16.3710
23	38.1974	54	15.7517
24	37.4307	55	15.1478
25	36.6651	56	14.5602
26	35.9006	57	13.9888
27	35.1372	58	13.4340
28	34.3750	59	12.8953
29	33.6143	60	12.3719
30	32.8071	61	11.8632
31	32.0974	62	11.3684
32	31.3412	63	10.8872
33	30.5869	64	10.4191
34	29.8343	65	9.9639
35	29.0841	66	9.5214
36	28.3362	67	9.0914
37	27.5908	68	8.6742
38	26.8482	69	8.2697
39	26.1009	70	7.8778
40	25.3728	71	7.4983
41	24.6406	72	7.1314
42	23.9126	73	6.7766
43	23.1840	74	6.4342
44	22.4713	75	6.1039
45	21.7592	76	5.7858
46	21.0538	77	5.4797
47	20.3555	78	5.1854
48	19.6653	79	4.9030
49	18.9841	80	4.6321
50	18.3129		

Lump Sum Commuted Amount = 35 % of Gross Pension Amount x Age Rate Formula x 12



**FORM "A"****(NOMINATION FOR DEATH-CUM-RETIREMENT PENSION)**

**When an employee has family and wishes to nominate one member thereof.**

I hereby nominate the person mentioned below, who is a member of my family and confer on him/her the right to receive pension that may be sanctioned in the event of my death while in service and the right to receive on my death the pension which having become admissible to me on retirement or expiry of period of extension in service, may remain unpaid at my death:

Name and address of nominee.	Relationship with nominee.	Age	Contingencies on the happening of which the nomination shall become invalid.	Name and relationship of the person if any, to whom the right conferred on the nominee shall pass in the event of the nominee pre-deceasing.

Dated this.....day  
of.....20..... at.....

Witnesses to signature

1.....

2.....

Signature of Employee

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(To be filled by the office)

Nomination by.....

Designation.....

Signature of Head of Office

Designation.....

Date.....

**FORM "B"****(NOMINATION FOR DEATH-CUM-RETIREMENT PENSION)**

**When an employee has a family and wishes to nominate more than one member thereof.**

I hereby nominate the persons mentioned below, who are members of my family, and confer on them the right to receive, to the extent specified below, Pension that may be sanctioned in the event of my death while in service and the right to receive on my death, to the extent specified below, the pension which having become admissible to me on retirement or expiry of period of extension in service, may remain unpaid at my death:

Name(s) and address(es) of nominee(s)	Relationship with nominee	Age	Amount of share of Pension payable to each	Contingencies on the happening of which the nomination shall become invalid.	Name, address, relationship of person, if any, to whom the right conferred on the nominee shall pass in the event of the nominees Pre-deceasing.

Dated this.....day

of.....20..... at.....

Witnesses to signature

1.....

2.....

Signature of Employee

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(To be filled by the office)

Nomination by.....

Designation.....

Signature of Head of Office

Designation.....

Date.....