

THE FOOD CORPORATIONS (AMENDMENT) ACT, 1977

No. 12 OF 1977

[11th April, 1977]

An Act further to amend the Food Corporations Act, 1964.

BE it enacted by Parliament in the Twenty-eighth Year of the Republic of India as follows:—

1. (1) This Act may be called the Food Corporations (Amendment) Act, 1977.

Short title
and com-
mence-
ment.

37 of 1964.

(2) It shall be deemed to have come into force on the 31st day of December, 1976.

2. In section 12A of the Food Corporations Act, 1964 (hereinafter referred to as the principal Act)—

Amend-
ment of
section
12A.

(i) in sub-section (3), for the words, brackets and figures "subject to the provisions of sub-sections (4), (5) and (6)", the words, brackets figures and letters "subject to the provisions of sub-sections (4), (4A), (4B), (4C), (5) and (6)", shall be substituted;

(ii) after sub-section (4), the following sub-sections shall be inserted, namely:—

"(4A) Notwithstanding anything contained in sub-section (4),—

(a) every officer or other employee in respect of whom an order of transfer under sub-section (1) had been made before the date of commencement of the Food Corporations (Amendment) Act, 1977 (hereafter in this section referred to as the appointed day) shall, whether or not he had exercised the option under sub-section (4) before the appointed day, exercise such option within six months from the appointed day; and

(b) every officer or other employee in respect of whom an order of transfer under sub-section (1) may be made after the appointed day shall, within six months from the date of such order, exercise his option under sub-section (4),

and in each such case such option once exercised shall be final:

Provided that where an officer or other employee having exercised an option under sub-section (4) before the appointed day,—

(i) has died or retired before the appointed day, or dies or retires after the appointed day, before exercising the option as required by this sub-section, or

(ii) does not exercise the option as required by this sub-section,

the option already exercised by him shall be deemed to have been validly exercised by him under sub-section (4).

(4B) Where an officer or other employee—

(a) has died or retired, or dies or retires, after an order of transfer under sub-section (1) in respect of such officer or other employee is made but before exercising the option under sub-section (4) or, as the case may be, as required by sub-section (4A); or

(b) has died or retired, or dies or retires, before an order of transfer under sub-section (1) in respect of such officer or other employee is made,

he shall, notwithstanding anything contained in sub-section (4) or sub-section (4A),—

(i) in a case falling under clause (a), be deemed to have exercised an option under sub-section (4); and

(ii) in a case falling under clause (b), be deemed to have been transferred under sub-section (1) and exercised an option under sub-section (4),

to be governed by the leave, provident fund, retirement or other terminal benefits admissible to the employees of the Central Government in accordance with the rules and orders of the Central Government as amended from time to time:

Provided that nothing in clause (a) of this sub-section shall apply to an officer or other employee who has, before the appointed day, been paid the terminal benefits as admissible to the employees of the Corporation under the regulations made by the Corporation under this Act, unless such officer or other

employee refunds in a lump sum within six months from the appointed day the amount of contributions made by the Corporation towards such terminal benefits:

Provided further that nothing in clause (b) of this sub-section shall apply to an officer or other employee who has intimated, under the proviso to sub-section (1), his intention of not becoming an employee of the Corporation.

(4C) Where an officer or other employee has exercised an option under sub-section (4), or exercises, or is deemed to have exercised, an option under that sub-section, read with sub-section (4A) or sub-section (4B), to be governed by the leave, provident fund, retirement or other terminal benefits admissible to the employees of the Central Government, such benefits shall be calculated on the basis of the pay and allowances drawn by him in the Corporation."

16 of 1976

3. (1) The Food Corporations (Amendment) Ordinance, 1976, is hereby repealed.

Repeal
and
saving.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act as amended by the said Ordinance shall be deemed to have been done or taken under the principal Act, as amended by this Act.
