

No.1/16/1996-P&PW (E) (vol.II)
Government of India
Ministry of Personnel, P.G. & Pensions
Department of Pension & Pensioners' Welfare

3rd Floor, Lok Nayak Bhavan,
Khan Market, New Delhi
Dated: 27th November, 2012

Office Memorandum

Sub: Eligibility of children from a void or voidable marriage for family pension – clarification regarding.

The undersigned is directed to refer to this Department's O.M. No.1/16/96-P&PW(E), dated 2.12.1996 whereby it was clarified that Pensionary benefits will be granted to children of a deceased Government servant/pensioner from void or voidable marriages when their turn comes in accordance with Rule 54(8). It is mentioned in Para 4 of the O.M. that "It may be noted that they will have no claim whatsoever to receive family pension as long as the legally wedded wife is the recipient of the same."

2. The matter has been re-examined in consultation with the Ministry of Law and Justice (Department of Legal Affairs) and Ministry of Finance (Department of Expenditure). It has been decided that in supersession of Para 4 of the O.M., ibid, dated 2.12.1996, the share of children from illegally wedded wife in the family pension shall be payable to them in the manner given under sub-rule 7 (c) of Rule 54 of CCS (Pension) Rules, 1972, along with the legally wedded wife.

It has also been decided that in past cases, no recovery from the previous beneficiary should be made. On receipt of an application from eligible child/children of the deceased Government employee/pensioner born to an ineligible mother, a decision regarding division or otherwise of family pension may be taken by the competent authority after satisfying himself/herself about veracity of facts and entitlement of the applicant (s).

4. As regards pensioners/family pensioners belonging to the Indian Audit and Accounts Departments, these Orders issue after consultation with the Comptroller and Auditor General of India.

5. This issues with the concurrence of Department of Legal Affairs vide their FTS No. 3036, dated 17.10.2012.

6. This issues with the concurrence of Ministry of Finance, Department of Expenditure vide their I.D. No.530/E.V/2012, dated 23.11.2012.

7. Hindi version will follow.



(D.K. Solanki)

Under Secretary to the Govt. of India
Tel. No. 24644632

All Ministries/Departments of the Government of India
O/o The Comptroller & Auditor General of India,
O/o The Controller General of Accounts, Lok Nayak Bhavan, New Delhi.