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IMMEDIATE

No.1(11)/85-Pension Unit
Government of India
Ministry of Personnel and Training, Administrative
Reforms and Public Grievances and Pension
(Department of Pensions and Pensioners' Welfare)

New Delhi, the 18th June, 1985

OFFICE MEMORANDUM

Subject: -GRANT OF FAMILY PENSION TO FAMILIES OF GOVERNMENT EMPLOYEES WHO RETIRED OR DIED BEFORE 1.1.1964 OR ARE OTHERWISE NOT COVERED BY THE FAMILY PENSION SCHEME OF 1964 - IMPLEMENTATION OF THE JUDGEMENT OF THE SUPREME COURT -

The undersigned is directed to say that there are at present two family pension schemes (1950 and 1964) incorporated in rules 54 and 55 of the CCS (Pension) Rules, 1972. The 1950 Scheme was of a restricted nature. In accordance with the provisions of rule 54 of the Central Civil Services (Pension) Rules, 1972, Family Pension Scheme, 1964, applies :-

- (a) to a Government servant entering service in a pensionable establishment on or after the 1st January, 1964; and
- (b) to a Government servant who was in service on the 31st December, 1963, and came to be governed by the provisions of the Family Pension Scheme for Central Government employees 1964, contained in the Ministry of Finance Office Memorandum No. 9(16)-EV(A)/63, dated the 31st December, 1963, as in force immediately before the commencement of these rules.

2. Initially, the Family Pension Scheme, 1964, was a contributory one and employees eligible for the benefits of the Scheme were required to contribute two months' emoluments out of the D.C.R.G. However, with effect from 22.9.1977, this pre-condition was done away with.

3. A section of widows of erstwhile Government servants who were not covered by the Family Pension Scheme, 1964, had filed writ petitions (Nos.5870-93/81, 13181/84, 8446-51/83, 1001/84 and 12707/84 with Civil Appeal No.2225/85) in the Supreme Court of India claiming that the benefits of the scheme may also be extended to them.

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4. During the hearing of these petitions, the Government of India made a statement on 15.4.1985 before the Court, on their own, indicating as to what extent they would be prepared to accept the claim of the widows. Keeping in view the statement filed by the Government and clarifications subsequently given, the Supreme Court of India has delivered its judgement on 30th April, 1985, extending with effect from 22.9.1977, the benefits of Family Pension Scheme, 1964 to the families of those Government servants who were/are borne on pensionable establishment and are presently not covered by that Scheme, namely, the families of those Government employees who retired/died before 31.12.1963, and of those who were alive on 31.12.1963 but who opted out of the 1964 Scheme.

5. The President has, accordingly, been pleased to decide that -

- (a) the benefit of Family Pension Scheme, 1964 may be extended to all the eligible members of the family in accordance with the provisions of rule 54 of the CCS (Pension) Rules, 1972;
- (b) all the eligible persons, including dependents, shall be allowed the increased pension rates as introduced from 1.1.1973;
- (c) the arrears of family pension may be granted w.e.f. 22.9.1977 (the date on which contribution of two months' emoluments by pensioners was dispensed with) or from a subsequent date they become eligible for family pension, whichever is later. The benefit will also be available in cases where the death of the pensioner occurs hereafter;
- (d) persons who are now to be granted the benefit of family pension will not be required to contribute two months' emoluments. Similarly, no demand for refund of contribution already made by pensioners will be entertained by the Government; and
- (e) life-time arrears of family pension would also be payable in respect of widows/eligible members of the family of the deceased Government employees who were alive on 22.9.1977 and who died subsequent to this date, for the period from 22.9.1977 to the date of death.

6. It has also been decided that in addition to the family pension, dearness relief on family pension sanctioned from time to time shall also be admissible.

7. The respective Heads of Department/Office or other authorities who are competent to sanction family pension may compute the family pension including dearness relief in terms of the provisions of this Office Memorandum with effect from 22.9. 1977 or from a later date from which the family pension is admissible and sanction payments.

8. The eligible members of the family would have to apply for family pension to the Head of Office from which the Government servant retired. In case a Department has been abolished or merged with another Department, the family pension would have to be processed and sanctioned by the Office in which the parent Department of the retired Government servant is merged or the Office which is keeping the records of the abolished Office. The application for family pension should be made in the attached form. The Head of Office/Department would verify the particulars, compute the family pension including dearness relief as prescribed in the previous para, and send the application, etc. to the 'Accounts Officer' which means the authority who originally issued Pension Certificate/Pension Payment Order viz Accountant General, Director of Audit, Pay and Accounts Officer etc., as the case may be.

9. The applicant will have to satisfy the Head of Office that she/he is widow/widower or eligible child of the Government servant concerned, and establish identity by production of relevant documents viz. the P.P.O. of the late Government servant, wherever is possible. The family pension/revised family pension would be authorised for payment by the Accounts Officer as defined in the previous para, on receipt of papers from the Head of Office/Department from which the Government servant retired. Further, since the entitlement of family pension in accordance with the provisions of this Office Memorandum would initially be worked out by the Head of the Office/Department which the pensioner last served at the time of retirement or death, it would also be the responsibility of the Head of the Office or Department to determine the beneficiary who would be entitled to receive payment of life-time arrears, mentioned in para 5(e) of this O.M.

10. The family pension may be paid through Pension Disbursing Authority/Authorised Public Sector Banks/Post Office as may be desired by the family pensioner concerned.

11. These orders do not apply to Railway employees, persons paid from Defence Services estimates and the members of the All India Services, separate orders in respect of whom would be issued by the respective Ministries.

12. In their application to the families of pensioners who retired/retire from Indian Audit and Accounts Department, these orders have been issued after consultation with the Comptroller and Auditor General of India.

(Hindi version is enclosed).

S. R. Ahir
(S.R. AHIR)

DEPUTY SECRETARY TO THE GOVERNMENT OF INDIA

To

All Ministries/Departments of the Government of India, etc.

No. F.1(11)/85-Pension Unit, New Delhi, dt. 19th June, 1985.

Copy also forwarded to Comptroller and Auditor General of India, New Delhi (with 200 spare copies).

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14. All India Service Division, Department of Personnel and Training (Shri V.R. Srinivasan, Under Secretary)
15. Secretary, Staff Side, National Council of JCM, 13-C, Feroza Shah Road, New Delhi.
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