

Government of India
Ministry of Defence
Department of Ex-servicemen Welfare
D(Pension/Policy)

Subject: **Eligibility of widowed/ divorced daughter for grant of family pension-clarification regarding.**

A copy of Department of Pension & Pensioners Welfare OM No. 1/13/09-P&PW(E) dated 28th April 2011 & 11th September 2013 on the above subject are forwarded herewith for your information and necessary action in the matter.

2. MoD(Fin/Pen) has been consulted .



(Manoj Sinha)

Under Secretary(Pen/Policy)

DFA(Pension)
CGDA Office (AT-P)
PCDA(Pension) Allahabad
PCDA(Navy) Mumbai
CDA(Air Force) West Block-V, R. K. Puram, New Delhi
AG/PS-5
DPA(Navy)
Dte of Air Veterans Air Hqrs

MoD ID No. 1(9)/2013/D(Pen/Pol)/ dated 16th September 2015

clarification

(4)

No.1/13/09-P&PW(E)
Government of India
Ministry of Personnel, Public Grievances & Pensions
Department of Pension & Pensioners' Welfare

Lok Nayak Bhavan,
New Delhi, the 28th April, 2011

OFFICE MEMORANDUM

Subject: Extension of scope of Family Pension to widowed/divorced/unmarried daughter and dependent disabled siblings of Central Government servants/pensioners – Clarifications - reg.

The undersigned is directed to state that as per the existing provisions of CCS (Pension) Rules, 1972 as amended from time to time, the son/daughter of a Government servant/Pensioner is eligible for family pension upto the date of his/her marriage/remarriage or till he/she starts earning or till the age of 25 years, whichever is earlier. Further, a disabled son/daughter of a Government servant/Pensioner suffering from any disorder or disability of mind, including mentally retarded, or who is physically crippled or disabled, is eligible for family pension for life subject to the fulfillment of certain conditions. Subsequently, orders were issued vide this Department's O.M. No.45/86/97-P&PW(A) dt. 27.10.97 and No.1/19/03-P&PW(E) dt. 30.8.2004 making divorced/widowed daughters eligible for family pension even after attaining the age limit of 25 years subject to the fulfillment of certain conditions. It was subsequently clarified vide this Department's O.M. No.1/19/03-P&PW(E) dt. 11.10.2006 that family pension to widowed/divorced daughters is admissible irrespective of the fact that the divorce/widowhood takes place after attaining the age of 25 years or before.

2. Further, orders have been issued vide this Department's O.M. No.1/19/03-P&PW(E) dt. 6th September, 2007, whereby an unmarried daughter of a Government servant/Pensioner beyond 25 years of age, has been made eligible for family pension at par with the widowed/divorced daughter subject to fulfillment of certain conditions. However, family pension to the widowed/divorced/unmarried daughters shall be payable in order of their date of birth and the younger of them shall not be eligible for family pension unless the next above has become ineligible for grant of family pension. Further, the family pension to widowed/divorced/unmarried daughters above the age of 25 years, shall be payable only after the other eligible children below the age of 25 years have ceased to be eligible to receive family pension and that there is no disabled child to receive the family pension.

3. Subsequently, orders have been issued vide this Department's O.M. No.1/15/2008-P&PW(E) dt. 17.8.2009 whereby dependent disabled siblings of a Government servant/pensioner have been made eligible for family pension for life subject to the fulfillment of certain conditions.

4. Representations have been received in this Department from various quarters (i.e. Pensioners' Associations, etc.) to the effect that the claims for family pension of widowed/divorced/unmarried daughters and dependent disabled siblings are not being entertained by certain Ministries/Departments on the plea that their names do not appear



in the details of family members submitted by the Government servant/Pensioner to the Head of Office from where he/she had retired. Besides, in cases where a Government servant/Pensioner had expired prior to the issue of above referred orders by this Department, the claims of widowed/divorced/unmarried daughters, etc. for family pension are not being entertained by Ministries/Departments on the plea that they were not eligible for family pension at the time of retirement/death of the Government servant or death of the Pensioner. This Department has been requested for issue of appropriate clarificatory orders in the matter so as to settle the family pension claims of the aggrieved widowed/divorced/unmarried daughters, etc., of the Government servants/Pensioners.

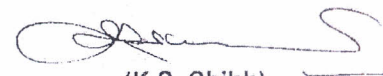
5. The matter has been considered in this Department in consultation with Department of Expenditure, Ministry of Finance. It is hereby clarified that subject to fulfillment of other conditions laid down therein, the widowed/divorced/unmarried daughter of a Government servant/Pensioner, will be eligible for family pension with effect from the date of issue of respective orders irrespective of the date of death of the Government servant/Pensioner. Consequently, financial benefits in such cases will accrue from the date of issue of respective orders. The cases of dependent disabled siblings of the Government servants/Pensioners would also be covered on the above lines.

6. All Ministries/Departments are requested kindly to settle the family pension claims of widowed/divorced/unmarried daughters and dependent disabled siblings accordingly on priority. They are also requested to bring these orders to the notice of their attached/subordinate organizations for compliance.

7. This issues with the concurrence of the Ministry of Finance, Department of Expenditure vide their U.O. No.97/EV/2011 dated 06.04.2011.

8. In so far as their applicability to the personnel of Indian Audit and Accounts Department is concerned, these orders are being issued in consultation with the C&AG of India vide their U.O. No.65-Audit (Rules)/14-2010 dt. 26.4.2011.

9. Hindi version will follow.



(K.S. Chibb)
Director
Tele: 24635979

To

All Ministries/Departments of the Government of India

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No. 1/13/09-P&PW (E)
Government of India
Ministry of Personnel, P.G. & Pensions
Department of Pension & Pensioners' Welfare

3rd Floor, Lok Nayak Bhawan,
Khan Market, New Delhi,
the 11th September, 2013.

OFFICE MEMORANDUM

Sub: Eligibility of widowed/divorced daughters for grant of family pension – clarification regarding.

Provision for grant of family pension to a widowed/divorced daughter beyond the age of 25 years has been made vide OM dated 30.08.2004. This provision has been included in clause (iii) of sub-rule 54 (6) of the CCS (Pension), Rules, 1972. For settlement of old cases, it was clarified, vide OM dated 28.04.2011, that the family pension may be granted to eligible widowed/divorced daughters with effect from 30.08.2004, in case the death of the Govt. Servant/pensioner occurred before this date.

2. This Department has been receiving communications from various Ministries/Departments seeking clarification regarding eligibility of a daughter who became widowed/divorced after the death of the employee/pensioner.

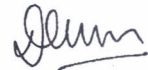
3. As indicated in Rule 54(8) of the CCS (Pension) Rules, 1972, the turn of unmarried children below 25 years of age comes after the death or remarriage of their mother/father, i.e., the pensioner and his/her spouse. Thereafter, the family pension is payable to the disabled children for life and then to the unmarried/widowed/divorced daughters above the age of 25 years.

4. It is clarified that the family pension is payable to the children as they are considered to be dependent on the Government servant/pensioner or his/her spouse. A child who is not earning equal to or more than the sum of minimum family pension and dearness relief thereon is considered to be dependent on his/her parents. Therefore, only those children who are dependent and meet other conditions of eligibility for family pension at the time of death of the Government servant or his/her spouse, whichever is later, are eligible for family pension. If two or more children are eligible for family pension at that time, family pension will be payable to each child on his/her turn provided he/she is still eligible for family pension when the turn comes. Similarly, family pension to a widowed/divorced daughter is payable provided she fulfils all eligibility conditions at the time of death/ineligibility of her parents and on the date her turn to receive family pension comes.

5. As regards opening of old cases, a daughter if eligible, as explained in the preceding paragraph, may be granted family pension with effect from 30th August, 2004. The position is illustrated through an example. Shri A, a pensioner, died in 1986. He was survived by his wife, Smt. B, a son Shri C and a daughter, Kumari D, the daughter being the younger. Kumari D married in 1990 and got widowed in 1996. Smt. B died in 2001. Thereafter, Shri C was getting family pension, being disabled, and died in 2003. Thereafter, the family pension was stopped as Kumari D was not eligible for it at that time. She applied for family pension on the basis of O.M., dated 30th August, 2004. Since she was a widow and had no independent source of income

at the time of death of her mother and on the date her turn came, she may be granted family pension. The family pension will continue only till she remarries or starts earning her livelihood equal to or more than the sum of minimum family pension and dearness relief thereon.

6. This is only a clarification and the entitlement of widowed/divorced daughters would continue to be determined in terms of O.M., dated 25/30th August, 2004, read with O.M., dated 28.4.2011.



(D.K. Solanki)

Under Secretary to the Government of India

Tel. No. 24644632

1. All Ministries/Departments of the Government of India
2. O/o The Comptroller & Auditor General of India
3. O/o The Controller General of Accounts, Lok Nayak Bhavan, New Delhi.
4. Pensioners' Associations as per list maintained in the Department
5. All Officers/Desks