No.1/33/2012-P&PW (E)
Government of India
Ministry of Personnel, P.G. & Pensions
Department of Pension & Pensioners’ Welfare

3rd Floor, Lok Nayak Bhavan,
Khan Market, New Delhi
Dated: 16th January, 2013

Office Memorandum

Sub: (i) Eligibility of disabled children for family pension after marriage and (ii) Eligibility for two family pensions—clarification regarding.

The undersigned is directed to state that the Government has decided to allow continuance of family pension to mentally/physically disabled children who drew, are drawing or may draw family pension even after their marriage. Further, the Government has also decided to allow two family pensions where the pensioner drew, is drawing or may draw two pensions for military and/or civil employments.

2. In order to implement these decisions, Explanations 1 and 3 after sub-rule 6 of Rule 54 of the Central Civil Services (Pension) Rules, 1972 have been suitably amended and sub-rules 13-A and 13-B have been omitted. A copy of Gazette notification, G.S.R. No. 938 (E), dated 27th December, 2012, giving effect to these amendments is enclosed.

3. For the sake of clarity, the old and new explanations 1 and 3 are reproduced as under highlighting the changes made therein:

Old: EXPLANATION 1 - An unmarried son or an unmarried or widowed or divorced daughter shall become ineligible for family pension under this sub-rule from the date he or she gets married or remarried.

EXPLANATION 3 - It shall be the duty of son or daughter or siblings or the guardian to furnish a certificate to the Treasury or Bank, as the case may be, once in a year that (i) he or she has not started earning his or her livelihood and (ii) he or she has not yet married or remarried. A similar certificate shall be furnished by a childless widow after her re-marriage or parents to the Treasury or Bank, as the case may be, once in a year that she or he or they have not started earning her or his or their livelihood.

New: EXPLANATION 1 - An unmarried son or an unmarried or widowed or divorced daughter, except a disabled son or daughter, shall become ineligible for family pension under this sub-rule from the date he or she gets married or remarried.

EXPLANATION 3 - It shall be the duty of son or daughter or siblings or the guardian to furnish a certificate to the Treasury or Bank, as the case may be, once in a year that (i) he or she has not started earning his or her livelihood and (ii) he or she has not yet married or remarried. A similar certificate shall be furnished by a childless widow after her re-marriage or by the disabled son or daughter or parents to the Treasury or Bank, as the case may be, once in a year that she or he or they have not started earning her or his or their livelihood.

4. Sub rule 13-A regulates the grant of family pension to a military pensioner after his re-employment in a civil service or a civil post. Grant of two family pensions had been prohibited under this sub rule. Similarly, sub rule 13-B prohibits grant of two family
pensions to a person who is already in receipt of Family Pension or is eligible therefor under any other rules of the Central Government or a State Government and/or Public Sector Undertaking/Autonomous Body/Local Fund under the Central or a State Government. The sub-rules 13-A and 13-B have since been omitted vide the above mentioned Gazette notification.

5. It is clarified that financial benefits in past cases will accrue with effect from 24th September, 2012.

6. 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.

(Sujasha Choudhury)
Deputy Secretary to the Govt. of India
Tel. No. 24635979

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.
कार्यक, लोक शिक्षापत्त तथा पेशन मंज़ालय (पेशन और पेशनशासी काठियाण विभाग)
अधिषुधचान

स. 669] नई दिल्ली, सुक्ष्म, दिसंबर 28, 2012/प्रेषित 7, 1934
No. 669] NEW DELHI, FRIDAY, DECEMBER 28, 2012/PAUSA 7, 1934

1. (1) इन नियमों का साधन नाम कंड्रीय सिविल सेवा (पेशन) द्वितीय संशोधन नियम, 2012 है।
(2) राज्य में उनके प्रकाशन की तारीख को प्रवृत्त होगा।
2. कंड्रीय सिविल सेवा (पेशन) नियम, 1972 में नियम 54 में,
(क) उपनिम (6) में,
(i) सप्तकरण 1 में, पद "पुरुस" के स्थान पर पद "पुरुष, भिक्षाविद निश्चित पुरुष अथवा पुरुषी के" को प्रतिस्थापित किया जाएगा।
(ii) सप्तकरण 3 में, "उसके पुनर्विधान या माता-पिता" हटाओ के स्थान पर पद "उसके पुनर्विधान या भिक्षाविद पुरुष अथवा पुरुषी या माता-पिता" को प्रतिस्थापित किया जाएगा।
(ख) उपनिम 13-क का लोप किया जाएगा।
(ग) उपनिम 13-ख का लोप किया जाएगा।
[च. स. 1/33/2012-पी.जेड पी.रेकयू (ई)]
सुज़ासा चौधरी, उप सचिव
MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS
(Department of Pension and Pensioners’ Welfare)

NOTIFICATION

New Delhi, the 27th December, 2012

G.S.R. 938(E).—In exercise of the powers conferred by the proviso to article 309 and clause (5) of article 148 of the Constitution and after consultation with the Comptroller and Auditor General of India in relation to persons serving in the Indian Audit and Accounts Department, the President hereby makes the following rules further to amend the Central Civil Services (Pension) Rules, 1972, namely:—

1. (1) These rules may be called the Central Civil Services (Pension) Second Amendment Rules, 2012.

(2) These rules shall come into force on the date of their publication in the Official Gazette.

2. In the Central Civil Services (Pension) Rules, 1972, in Rule 54,—

(a) in sub-rule (6),—

(i) in Explanation 1, for the words “daughter shall”, the words “daughter, except a disabled son or daughter,” shall be substituted;

(ii) in Explanation 3, for the words “her re-marriage or parents”, the words “her re-marriage or by the disabled son or daughter or by parents,” shall be substituted;

(b) sub-rule 13-A shall be omitted;

(c) sub-rule 13-B shall be omitted.

[F.No. 1/33/2012-P&PW(E)]

SUKASHA CHOWDHURY, Dy. Secy.

Note:—The principal rules were published vide number S.O. 934, dated the 1st April, 1972. The Fourth Edition of the rules corrected up to July, 1988 was published in the year of 1988. The said rules were subsequently amended vide notifications given below:—

1. S.O. 254, dated the 4th February, 1989
2. S.O. 970, dated the 6th May, 1989
3. S.O. 2467, dated the 7th October, 1989
4. S.O. 899, dated the 14th April, 1990
5. S.O. 1454, dated the 26th May, 1990
6. S.O. 2329, dated the 8th September, 1990
7. S.O. 3269, dated the 8th December, 1990
8. S.O. 2730, dated the 8th December, 1990
9. S.O. 3273, dated the 8th December, 1990
10. S.O. 409, dated the 9th December, 1991
11. S.O. 464, dated the 16th February, 1991
12. S.O. 2287, dated the 7th September, 1991
13. S.O. 2740, dated the 2nd November, 1991
14. G.S.R. 677, dated the 7th December, 1991
15. G.S.R. 399, dated the 1st February, 1992
16. G.S.R. 55, dated the 15th February, 1992
17. G.S.R. 570, dated the 19th December, 1992
18. S.O. 258, dated the 13th February, 1993
19. S.O. 1673, dated the 7th August, 1993
20. G.S.R. 449, dated the 11th September, 1993
21. S.O. 1984, dated the 25th September, 1993
22. G.S.R. 389 (E), dated the 18th April, 1994
23. S.O. 1775, dated the 19th July, 1997
24. S.O. 259, dated the 30th April, 1999
25. S.O. 904, dated the 12th April, 2000
26. S.O. 717 (E), dated the 26th December, 2000
27. G.S.R. 75 (E), dated the 1st April, 2002
28. S.O. 4000, dated the 28th December, 2002
29. S.O. 904 (E), dated the 28th December, 2002
30. S.O. 1483 (E), dated the 30th December, 2002
31. S.O. 1487 (E), dated the 14th October, 2005
32. S.O. 758 (E), dated the 23rd November, 2005
33. S.O. 217 (E), dated the 27th December, 2005
34. S.O. 258 (E), dated the 31st March, 2008
35. S.O. 1028 (E), dated the 25th April, 2008
36. S.O. 829 (E), dated the 12th April, 2010
37. G.S.R. 176, dated the 11th June, 2011
38. G.S.R. 928 (E), dated the 26th December, 2012