Sub:- Eligibility of divorced / widowed daughter for grant of family pension.

Sir,

Pension / family pension to DVB employees are being paid as per the provisions / guidelines of CCS (Pension) Rule 1972. The amendment / modifications effected in the various provisions for pensionary benefits from time to time by Govt. Of India is implemented only on adoption of the same by DESU / DVB.

Subsequent to unbundling and creation of DVB ETBF-2002 pension and other pensionary benefits are being disbursed as per the provisions / orders adopted and followed by DVB. The family pension eligibility condition has been further extended by Govt. Of India order dated 25.08.2004 by including divorced / widowed daughter eligible for family pension. The condition of age limit of 25 years in the case of unmarried daughter has also been deleted. The above eligibility conditions is subject to the condition that income of the divorced / unmarried / widow daughter shall not exceed the amount of minimum family pension + DR and she should not have re-married. Copy of GOI orders are attached for ready reference.
DVB ETBF -2002 is receiving number of representation from dependent daughter of deceased employee / pensioner for release of family pension on the basis of amended order issued by GOI from 25.08.2004 onwards. The extension of scope of family pension as per amended order requires adoptions / consent of successor utilities. It is also pertinent to mention here that in number of cases the extension of scope will result in opening number of closed pension cases. Opening of closed cases will invite additional expenditure and requires contribution / funding by the utilities for implementation. The applicants are also approaching various grievance forum and Hon’ble Courts for relief.

In view of above, it is requested to kindly convey the decision of your company for implementation of amended orders on eligibility condition for family pension.

Thanking you,

Yours faithfully,

(Surendar Babbar)

Secretary (Pension Trust)
DVB ETBF-2002

Encl: As above
Subject: Eligibility of divorced/widowed daughter for grant of family pension.

The undersigned is directed to say that as per clauses (ii) and (iii) of sub-rule (6) of Rule 54 of the C.C.S. (Pension) Rules, 1972 read with clause (b) of Para 7.2 of this Department’s O.M. No.45/86/97-P&PW (A)-Part I dated the 27th October 1997, son/daughter including widowed/divorced daughter shall be eligible for grant of family pension till he/she attains the age of 25 years or up to the date of his/her marriage/remarriage, whichever is earlier (subject to income criterion to be notified separately). The income criterion has been laid down in this Department’s O.M. No.45/51/97-P&PW (E) dated the 5th March 1998 according to which, to be eligible for family pension, a son/daughter (including widowed/divorced daughter) shall not have an income exceeding Rs.2550 per month from employment in Government, the private sector, self employment etc. Further orders were issued vide this Department’s O.M. No.45/51/97-P&PW (E)(Vol.II) dated 25th July 2001 regarding eligibility of disabled divorced/widowed daughter for family pension for life subject to conditions specified therein.

2. Government has received representations for removing the condition of age limit in favour of divorced/widowed daughter so that they become eligible for family pension even after attaining the age limit of 25 years. The matter has been under consideration in this Department for sometime. In consultation with the Ministry of Finance, Department of Expenditure and the Ministry of Law and Justice, Department of Legal Affairs etc., it has now been decided that there will be no age restriction in the case of the divorced/widowed daughter who shall be eligible for family pension even after their attaining 25 years of age subject to all other conditions prescribed in the case of son/daughter. Such daughter, including disabled divorced/widowed daughter shall, however, not be required to come back to her parental home as stipulated in para 2(ii) of this Department’s O.M. dated 25th July 2001, which may be deemed to have been modified to that extent.


4. These orders, in so far as they apply to the employees of the Indian Audit and Accounts Department, are issued in consultation with the Comptroller and Auditor General of India vide U.O. No.67 Audit (Rules)/37-99 dated 20.5.2004.
To

All Ministries/ Departments of the Government of India
No. 1/19/03-P&PW (E)
Government of India
Ministry of Personnel, P.G. & Pension
Department of Pension & Pensioners' Welfare

Lok Nayak Bhawan,
Khan Market, New Delhi
Dated: 6th September 2007

OFFICE MEMORANDUM

Subject: Extension of scope of family Pension to unmarried daughters of Central Government servants/ pensioners.

The undersigned is directed to say that as per existing provisions under clauses (ii) and (iii) of sub-rule (6) of Rule 54 of the C.C. S. (Pension) Rules, 1972, read of para 7.2 (b) of this Department's O.M. No. 45/86/97-P&PW (A)-Part I dated the 27th October 1997, son/daughter including widowed/ divorced daughter is eligible for grant of family pension till he/she attains the age of 25 years or upto the date of his/her marriage/remarriage, whichever is earlier subject to income criterion laid down in this Department's O.M. No. 45/51/97-P&PW(E) dated the 5th March 1998 which stipulates that a son/daughter, including widowed/ divorced daughter, shall not have an income exceeding Rs. 2550/- per month from employment in Government, the private sector and self employment, etc., to be eligible for family pension. Orders were also issued vide this Department's O.M. No. 45/51/97-P&PW (E)(Vol.II) dated 25th July 2001 regarding eligibility of disabled divorced/ widowed daughter for family pension for life subject to conditions mentioned therein. Further, orders were issued for making the widowed/divorced daughter eligible for family pension vide this Department's O.M. of even number dated 25th August, 2004.

2. The Staff Side of National Council (JCM) had raised the issue of extension of scope of family pension to unmarried daughters of the Government servants/ Pensioners even after attaining the age of 25 years at par with the widowed/divorced daughters, which has been agreed to in principle. It has, accordingly, been decided that the unmarried daughters beyond 25 years of age shall also be eligible for family pension at par with the...
widowed/ divorced daughters subject to other conditions being fulfilled. Grant of family pension to unmarried/ widowed/ divorced daughters shall be payable in order of their date of birth and younger of them will not be eligible for family pension unless the next above her has become ineligible for grant of family pension. It is further clarified that family pension to unmarried/ widowed/ divorced 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. This issues with the concurrence of the Ministry of Finance, Department of Expenditure vide their U.O. No. 380/E.V/2006 dated 05.01.2007.

4. These orders, in so far as their applicability relates to the employees of the Indian Audit and Accounts Department, are being issued in consultation with the Comptroller and Auditor General of India, vide their U.O. No. 56 Audit (Rules)/12-2007 dated 22.05.2007.

(M. P. Singh)
Director

To

All Ministries/ Departments of the Government of India.
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 up to 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.45/85/97-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 pari passu 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/Pension 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/EVI/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
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 fulfills all eligibility conditions at the time of death/eligibility 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