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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 18th September, 2014.

OFFICE MEMORANDUM

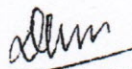
Sub: Eligibility of widowed/divorced daughters for family pension – clarification regarding.

The undersigned is directed to refer to Ministry of Railways (Rail Board)'s OM No. F(E)III/2007/PN1/5, dated 28th August, 2014 on the above subject.

2. 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.

3. It was further clarified vide OM dated 11th September, 2013 that if a daughter became a divorcee/widow during the period when the pension/family pension was payable to her father/mother, such a daughter, on fulfilment of other conditions, shall be entitled to family pension. The clarification was aimed at correctly interpreting the conditions of eligibility of a widowed/divorced daughter in terms of the concept of family pension under the CCS (Pension) Rules, 1972. It was also stated that it was only a clarification and the entitlement of widowed/divorced daughter would continue to be determined in terms of OM dated 25th/30th August, 2004 read with OM dated 28th April, 2011. It implies that the family pension should discontinue in those cases where it had been sanctioned in pursuance of these OM but without taking into consideration that the widowed/divorced daughter was leading a married life at the time of death of her father/mother, whoever died later and was, therefore ineligible for family pension. It would be appropriate that in order to maintain equality before law, family pension payable to such daughters is discontinued. However, recovery of the already paid amount of family pension would be extremely harsh on them and should not be resorted to.

4. This issues with the approval of Secretary (Pension).


(D.K. Solanki)

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

Ministry of Railway,
(Kind attention: Shri Amitabh Joshi, Deputy Director Finance (Estt.)III),
Railway Board, Rail Bhawan,
New Delhi.