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No. FIN(C)A(3)-13/86  
GOVERNMENT OF HIMACHAL PRADESH  
FINANCE (REGULATIONS) DEPARTMENT.  
.....

DATED SHIMLA-2, the 10th DECEMBER, 1986.

OFFICE MEMORANDUM

Subject:- Grant of family pension, DCRG and other benefits to the families of Government servants who disappear.  
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The undersigned is directed to say that when an employee disappears suddenly and his whereabouts are not known, the family of such employee is not granted family pension, DCRG and other dues upto a period of 7 years and after 7 years, these benefits are granted on the presumption that the employee is not alive. The Government of India have now simplified/liberalised this provision and have decided that (1) when an employee disappears leaving his family, the family can be paid in the first instance the amount of salary due, leave encashment due and the amount of G.P.F. having regard to the nomination made by the employee. (ii) After the elapse of a period of one year, other benefits like DCRG/ Family Pension may be granted subject to certain conditions.

2. In enclosing herewith a copy of the Government of India, Ministry of Personnel (Department of Pension & Pensioners' Welfare), O.M. No. 1-17/86-P&PW, dated 20-8-86, the undersigned is directed to say that the Governor, Himachal Pradesh is pleased to order that the decision contained therein shall also be applicable to the Government employees of Himachal Pradesh.

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3. These instructions may kindly be brought to the notice of all offices under your control.

*J. Ven*

Under Secretary (Finance-Exp)  
to the Govt. of H.P.

To

9/12/86

All Administrative Departments  
of the Govt. of Himachal Pradesh.

NO. FIN(C)A(3)-13/86.

Dated Shimla-2, the

10/12/86

Copy forwarded to:

1. The Divisional Commissioner, Shimla/ Kangra Division, Dharamsala/ Mandi Division, Mandi, H.P.
2. All Heads of Departments in Himachal Pradesh.
3. The Registrar, H.P. High Court, Shimla-2.
4. All Deputy Commissioners in Himachal Pradesh.
5. All District and Sessions Judges in H.P.
6. All Treasury Officers/Assistant Treasury Officers in H.P.
7. All Sr. Accounts Officers/Accounts Officers/Sr. Auditors under the Admn. Control of I.R.A Organisation in H.P.
8. The Inspection Officer, I&A North Zone, Civil Bazar, Dharamsala, H.P.
9. All Public Sector Undertakings/Boards/Corporations H.P.
10. All Universities in Himachal Pradesh.
11. The Resident Commissioner, H.P. Himachal Bhavan, Sikandra
12. The Accountant General (A&E), H.P. with 40 copies  
A.G. (Audit) with 25 copies.
13. The Pay and Accounts Officer, No.1, Reserve Bank of India, Parliament Street New Delhi.

*J. Ven*

Under Secretary (Finance-Exp)  
to the Govt. of H.P.

9/12/86

Copy to:

1. The Research Officer, Finance Commission Cell, H.P. Sectt., Shimla, with 5 copies.
2. All Sections of the Finance Department.
3. The Sr. Accounts Officer, Department of Personnel (with 5 copies).
4. Guard File --- with 100 copies.

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No.1/17/86-P&PW  
Government of India  
Ministry of Personnel,  
Public Grievances & Pensions  
(Department of Pension & P.W.)

Nirvachan Sadan, New Delhi.  
Dated : 29th August, 1986.

OFFICE MEMORANDUM

The undersigned is directed to say that a number of cases are referred to this Department for grant of family pension to the eligible family members of employees who have suddenly disappeared and whose whereabouts are not known. At present all such cases are considered on merits in this Department. In the normal course unless a period of 7 years has elapsed since the date of disappearance of the employee, he cannot be deemed to be dead and the retirement benefits cannot be paid to the family. This principle is based on Section 108 of the Indian Evidence Act which provides that when the question is whether the man is alive or dead and it is proved that he has not been heard of for 7 years by those who would naturally have heard of him if he had been alive, the burden of proving that he is alive is shifted to the person who affirms it.

2. The matter has been under consideration of the Government for sometime as withholding of the benefits due to the family has been causing a great deal of hardship. The President is now pleased to decide that (i) when an employee disappears leaving his family, the family can be paid in the first instance the amount of salary due, leave encashment due and the amount of G.P.F., having regard to the nomination made by the employee. (ii) After the elapse of a period of one year, other benefits like DCRG/family pension may also be granted to the family subject to the fulfilment of conditions prescribed in the succeeding paragraphs.

3. The above benefits may be sanctioned by the Administrative Ministry/ Department after observing the

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following formalities:-

- i) The family must lodge a report with the concerned Police Station and obtain a report that the employee has not been traced after all efforts had been made by the Police.
- ii) An Indemnity Bond should be taken from the nominee/dependents of the employee that all payments will be adjusted against the payments due to the employee in case he appears on the scene and makes any claim.

4. The Head of Office will assess all Government dues outstanding against the Government servant and effect their recovery in accordance with Rule 71 of the CCS(Pension) Rules, 1972 and any other instructions in force for effecting recovery of Government dues.

5. The family can apply to the Head of the Office of the Government servant for grant of family pension and DCR Gratuity, after one year from the date of disappearance of the Government servant in accordance with the prescribed procedure for sanction of family pension and DCR Gratuity. In case the disbursement of DCR Gratuity is not effected within three months of the date of application, the interest shall be paid at the rates applicable and responsibility for the delay fixed.

6. It is requested that these instructions may be brought to the notice of all concerned.

Sd/-

( S.V. Singh)  
DEPUTY SECRETARY TO THE GOVERNMENT OF INDIA.

To

All Ministries/Departments of the Govt. of India.