

IMMEDIATE

No. FIS(C)A(3)-1/85
GOVERNMENT OF HIMACHAL PRADESH
FINANCE (REGULATIONS) DEPARTMENT.
.....

DATED Shimla-2, the 16th Sept 1985.

OFFICE MEMORANDUM

SUBJECT:-

GRANT OF FAMILY PENSION TO FAMILIES OF GOVERNMENT EMPLOYEES WHO RETIRED OR DIED BEFORE 1-1-1964 OR ARE OTHERWISE NOT COVERED BY THE FAMILY PENSION SCHEME OF 1964 --- IMPLEMENTATION OF THE JUDGEMENT OF THE SUPREME COURT.
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In enclosing herewith a copy of the Government of India, Ministry of Personnel and Training, Administrative Reforms and Public Grievances and Pension (Department of Pensions and pensioners' Welfare), Office Memorandum No.1(11)/85-Pension Unit, dated the 13th June, 1985, the undersigned is directed to say that the Governor, Himachal Pradesh is pleased to order that the decision contained in the Government of India's Office Memorandum under reference shall also apply to the families of those Government employees of this Government who are not covered by the Family Pension Scheme of 1964. This decision shall take effect from 22-9-1977 and the Family Pension arrears with effect from this date will be admissible to the families of those State Government employees who were/are borne on pensionable establishment and are presently not covered by the Family Pension Scheme of 1964, namely, the families of those Government employees who retired/died

effect from - 22-9-1977, this pre-condition was done away with.

3. A section of widows of erstwhile Government servants who were not covered by the Family Pension Scheme, 1964, had filed writ petitions (Nos. 5870-93/81, 13181/84, 8446-51/83, 1001/84 and 12707/84 with Civil Appeal No. 2225/85) in the Supreme Court of India claiming that the benefits of the Scheme may also be extended to them.

4. During the hearing of these petitions, the Government of India made a statement on 15-1-1985 before the Court, on their own, indicating as to what extent they would be prepared to accept the claim of the widows. Keeping in view the statement filed by the Government and clarifications subsequently given, the Supreme Court of India has delivered its judgement on 30th April, 1985, extending with effect from 22-9-1977, the benefits of Family Pension Scheme, 1964 to the families of those Government servants who were/are presently not covered by that Scheme, namely the families of those Government employees who retired/died before 31-12-1963, b and of those who were alive on 31-12-1963, but who opted out of the 1964 Scheme.

5. The President has, accordingly, been pleased to decide that:-

(a) the benefit of Family Pension Scheme 1964 may be extended to all the eligible members of the family in accordance with the provisions of Rule 54 of the C.C.S (Pension) Rules, 1972;

(b) all the eligible persons, including dependants shall be allowed the increased pension rates as introduced from 1-1-1973;

(c) the arrears of family pension may be granted with effect from 22-9-1977 (the date on which contribution of two months' emoluments by

borne on pensionable establishment and are

pensioners was dispensed with) or from a subsequent date they become eligible for family pension, whichever is later. The benefit will also be available in cases where the death of the pensioner occurs hereafter;

(d) persons who are now to be granted the benefit of family pension will not be required to contribute two months' emoluments. Similarly, no demand for refund of contribution already made by pensioners will be entertained by the Government; and

(e) life-time arrears of family pension would also be payable in respect of widows/eligible members of the family of the deceased Government employees who were alive on 22nd September 1977 and who died subsequent to this date, for the period from 22-9-1977 to the date of death.

6. It has also been decided that in addition to the family pension, dearness relief on family pension sanctioned from time to time shall also be admissible.

7. The respective Heads of Department/Office or other authorities who are competent to sanction family pension may compute the family pension including dearness relief in terms of this Office Memorandum with effect from 22-9-1977 or from a later date from which the family pension is admissible and sanction payments.

8. The eligible members of the family would have to apply for family pension to the Head of Office from which the Government servant retired. In case a Department has been abolished or merged with another Department, the family pension would have to be processed and sanctioned by the Office in which the parent Department of the retired Government servant is merged or the Office which is keeping the records of the abolished office. The application for family pension should be made in the attached form. The Head of Office/Department would verify the particulars, compute the family pension including dearness relief as prescribed in the previous para,

and send the application, etc. to the 'Accounts Officer' which means the authority who originally issued Pension Certificate/ Pension Payment Order, viz Accountant General, Director of Audit, Pay and Accounts Officer, etc.; as the case may be.

9. The applicant will have to satisfy the Head of Office that she/he is ^{servant} widow/widower or eligible child of the Government ^{servant} concerned, and establish identity by production of relevant documents viz. the P.P.O. of the late Government servant, wherever is possible. The family pension /revised family pension would be authorised for payment by the Accounts Officer, as defined in the previous para, on receipt of papers from the Head of Department/Office from which the Government servant retired. Further, since the entitlement of family pension in accordance with the provisions of this Office Memorandum would initially be worked out by the Head of Office/ Department which the pensioner last served at the time of retirement or death, it would also be the responsibility of the Head of the Office or Department to determine the beneficiary who would be entitled to receive payment of lifetime arrears, mentioned in para, 5(e) of this Office Memorandum.

10. The family pension may be paid through Pension Disbursing Authority/Authorised Public Sector Banks/ Post Office, as may be desired by the family pensioner concerned.

11. These orders do not apply to Railway employees, persons paid from Defence Services Estimates and the members of All India Services, separate orders in respect of whom would be issued by the respective Ministeries.

12. In their application to the families of pensioners who retired/retire from Indian Audit and Accounts Department, these orders have been issued after consultation with the Comptroller and Auditor General of India.

Sd/-
(S.R.Ahir)
Deputy Secy. to the Govt. of India.

To
All the Ministeries/
Departments of Govt.
of India etc.

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As referred to in para 8 of Office Memorandum

FORM OF APPLICATION

To

.....
(Head of Office from where the Central Govt. employee retired)

Subject:-

Application for the grant of family Pension to the family of the Central Government employees who retired died before 1-1-1964 or are otherwise not covered by the Family Pension Scheme, of 1964.

Sir,

I hereby apply for the grant of family pension to me in terms of the Department of Pensions & Pensioners's Welfare's Office Memorandum No.1(11)85-Pension Unit, dated 18th June, 1985.

Requisite particulars are given below:-

- 1. Name of the applicant
 (1) widow/widower
 (ii) Guardian if the deceased person is survived by child or children
- 2. Full Address of the applicant
- 3. Name and age of surviving widow/widower and children of the deceased Government servant/pensioner.

Sl. No.	Name	Relationship with the deceased person	Date of birth by Christian
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- 1.
- 2.
- 3.
- 4.
- 5.
- 6.
- 7.

- 4. Name of the deceased Government servant/pensioner
- 5. Date of death of the Government servant/pensioner (Documentary evidence to be attached)
- 6. Office/Department/Ministry in which the deceased Government servant/pensioner served last and the post held by him/her
- 7. P.C./P.P.O. No. if any, of the deceased Government servant or the applicant
- 8. Name of the Accounts Officer, viz. the authority who issued B.C./P.P.O.
- 9. If the applicant is guardian, his/her Date of birth and relationship with the deceased Government servant/pensioner.
- 10. Is the applicant (other than guardian) a pensioner? If so, indicate the amount of monthly pension
- 11. Please attach -----

- (i) two specimen signatures of the applicant, duly attested (to be furnished in two separate sheets).
- (ii) two copies of passport size photograph of the applicant, duly attested.
- (iii) two slips each bearing left hand thumb and finger impression of the applicant, duly attested.
- (iv) Descriptive Roll of the applicant, duly attested, indicating (a) height and (b) personal marks, if any, on the hand, face etc. (specify a few conspicuous marks, not less than two, if possible)
- (v) Certificate(s) of age (in original with two attested copies) showing the date of birth of the children. The certificates should be from the Municipal Authorities or from the local Panchayat or from the head of a recognised school, if the child is studying in such school.

(This information should be furnished in respect of such child or children, the particulars of whose date of birth are not available with the Head of Office).

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12. Signature or left hand thumb impression* of the applicant. _____

13. Attested by:-

Name	Full Address	Signature
(1)
(ii)

14. Witnesses:-

(1)
(ii)

15. Name of the Treasury or the Branch of the Authorised Public Sector Bank or the Pay and Accounts Officer through which the family pension is to be drawn

16. List of documents/evidence attached:-

- (i) attested copy of retirement order,
- (ii) death certificate of Government servant,
- (iii) P.P.O. of Government servant,
- (iv) birth certificate of children eligible for pension,
- (v) any other document indicating that the applicant is genuine claimant.

Yours faithfully,

Signature

(Name and complete postal address)

Dated:

* to be published in case the applicant is not literate enough to sign his name.

NOTE:- Attestation should be done by two gazetted Government servants or two or more persons of respectability in the town, village or Pargana in which the applicant resides.

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IMMEDIATE

No.1(11)/85-Pension-Unit
Government of India
Ministry of Personnel and Training, Administrative Reforms and Public Grievances and Pension (Department of Pensions and Pensioners' Welfare)

New Delhi, the 18th June, 1985.

OFFICE MEMORANDUM

SUBJECT:

GRANT OF FAMILY PENSION TO FAMILIES OF GOVERNMENT EMPLOYEES WHO RETIRED OR DIED BEFORE 1-1-1964 OR ARE OTHERWISE NOT COVERED BY THE FAMILY PENSION SCHEME OF 1964 -- IMPLEMENTATION OF THE JUDGEMENT OF THE SUPREME COURT.

The undersigned is directed to say that there are at present two family pension schemes (1950 and 1964) incorporated in rules 54 and 55 of the CCS (Pension) Rules, 1972. The 1950 Scheme was of a restricted nature, in accordance with the provisions of rule 54 of the Central Civil Services (Pension) Rules, 1972, Family Pension Scheme, 1964, applies:-

- (a) to a Government servant entering service in a pensionable establishment on or after the 1st January, 1964; and
- (b) to a Government servant who was in service on the 31st December, 1963, and came to be governed by the provisions of the Family Pension Scheme for Central Employees 1964, contained in the Ministry of Finance Office Memorandum No. 9(16)-EV(A)/63, dated the 31st December, 1963, as in force immediately before the commencement of these rules.

2. Initially, the Family Pension Scheme, 1964, was a contributory one and employees eligible for the benefits of the Scheme were required to contribute two months' emoluments out of the D.C.R.G.. However, with

before 31-12-1963, and of those who were alive on 31-12-1963 but who opted out of the 1964 Scheme. This decision may be brought to the notice of all concerned.

(Rajmani Tripathi)
Deputy Secretary (Finance-2)


To
All Administrative Deptts.,
of the Govt. of Himachal Pradesh.

No. Fin(C)A(3)-1/85. Dated Shimla-2, the 10th Sept 1985.

Copy to:

1. The Divisional Commissioner, Shimla Division, Shimla/
Kangra Division, Kangra (H.P.)
2. All Heads of Departments in Himachal Pradesh.
3. The Registrar, H.P. High Court, Shimla.
4. All District and Session Judges in Himachal Pradesh.
5. All Deputy Commissioners in Himachal Pradesh.
6. All Treasury Officers/Assistant Treasury Officers in
Himachal Pradesh.
7. The Pay and Accounts Officer, No.1, Reserve Bank of
India, Parliament Street, New Delhi.
8. All Accounts Officers/Assistant Accounts Officers
Sr. Auditors/Auditors under the Admn. Control of T&A
Organisation.
9. The Assistant Director, Financial Administration, H.P.
Institute of Public Administration, Shimla-12.
10. The Inspection Officer, T&A Organisation, North Zone,
Civil Bazar, Dharamsala (H.P.)
11. The Finance Secretaries to All State Governments.
12. The Accountant General (A&E)/ Accountant General (Audit),
H.P. with 40 spare copies each.
13. All Public Sector Undertakings/ Boards/Corporations
in H.P.
14. The Registrar, H.P. University, Shimla-5/ H.P.K.V.V.
Palampur, H.P.
15. The Director of Accounts, Cabinet Secretariat, Govt.
of India, East Block No.V, R.K. Puram, New Delhi.
16. The Divisional Organiser, Punjab and H.P. Division,
S.S.B, Directorate General of Security, Shimla-4.
17. The Commandant, Training Centre, Directorate of
Security, Saran (Ramesh Buchar) H.P.
18. The Deputy Director, Defence Land Cantonments, Ministry
of Defence, Headquarters Western Command, Chandigarh.

- 19. The Deputy Director, Defence Land Cantonments, Ministry of Defence, Headquarters, Northern Command, Jammu (J&K)
- 20. The Cantonment Executive Officers, Subhathu/Jutogh/Dags. Yol Camp (Kangra)/Bakloh (Chamba)/Dalhousie (Chamba).
- 21. The Deputy Director, Central State Finance Cell, Ministry of Finance, Department of Expenditure, Govt. of India, New Delhi.



(Rajmani Tripathi)
Deputy Secretary (Finance-R).

No. Fin(C)A(3)-1/85.

Dated Shimla-2, the 10th Feb 1985.

Copy also forwarded to:

- 1. The President, Government Pensioners, H.No.33, Sector No. NBT, Bilaspur. (H.P.)
- 2. The Government Pensioners Association, Kangra Distt., Dharamsala (H.P.)
- 3. The Government Pensioners Association, Chamba District, Chamba (H.P.)
- 4. The Pensioners Association, Kunihar, Tehsil Arki (H.P.)
- 5. The President, Pensioners Association, District Lahul and Spiti and Kullu Union, Kullu (H.P.)
- 6. The President, Govt. Pensioners Association, H.No.4, G.H.B. Colony, Mahan (H.P.)
- 7. The President, All India Organisation of Pensioners, Solan.
- 8. The Secretary, Retired Employees Welfare Association, MoEal Sapri, Chamba (H.P.)
- 9. The President, Govt. Pensioners Association, Una (H.P.)
- 10. The President Pensioners Association, Hamirpur (H.P.)
- 11. The General Secretary, Retd. Police Officer Welfare Association, H.P. C/O Pradhan, Gram Panchayat Kulapur, P.O. Chanuka, via Nadun, Tehsil Dehra (Kangra) (H.P.)
- 12. The Government Pensioners Association, 308, Sector-9, Chandigarh.
- 13. The Government Pensioners Association, 31, Green Park, Civil Lines, Ludhiana-141001.
- 14. The President, Western Command Pensioners Welfare Association, 46-Wood Field, Subhathu Cantt., -133206.


(Rajmani Tripathi)
Deputy Secretary (Finance).

Copy to:

- 1. The Search Officer, Finance Commission Cell, H.P. Sectt. Shimla.
- 2. All Sections of the Finance Department.
- 3. The Accounts Officer, Department of Personnel, Govt. of H.P., Shimla-2.