GRANT OF FAMILY PENSION TO THE SECOND WIFE IN CASES WHERE A DECEASED GOVERNMENT SERVANT/RETIREE HAD MORE THAN ONE WIFE.

The undersigned is directed to say that under Rule 54(7) of the C.C.S.(Pension) Rules, 1972 in case a deceased Government Servant leaves behind more than one widow or a widow and eligible offspring from another widow, they are entitled to family pension in respect of that deceased Government Servant. The cases have, however, come to the notice of the Department where a deceased Government servant left behind more than widow, family pension cases have been held up due to disputes between the claimants for want of legal heir certificates.

The Department of Pension and Pensioners Welfare, Government of India have considered the matter in consultation with the Ministry of Law and an extract of the relevant advice given by the Ministry of Law, as conveyed to Deputy Secretary, Department of Pension and Pensioners Welfare, New Delhi is reproduced below:

It is specifically a question arising under the Hindu Marriage Act, 1955. Under Rule 54(7) of the C.C.S.(Pension) Rules, 1972, in case a deceased Government servant leaves behind more than one widow or a widow and eligible offspring from another widow, they are entitled to family pension in respect of that deceased government servant, Section 11 of the Act.
provides that any marriage solemnized after the
commencement of the Act shall be null and void and can
be annulled against the other party by a decree of
nullity if the same contravenes any of the conditions
specified in clauses (i), (iv) and (v) of Section 3 of
the Act. Section 9(1) stipulates that the marriage
can not be legally solemnized when either party has
second marriage by a Hindu male after the
commencement of 1955 Act during the lifetime of his
first wife will be a nullity and have no legal effect.
Such marriage can not be valid on the ground of
law. In fact, a custom opposed to an expressed
provision of law is of no legal effect. So under the
circumstances the second wife will not be entitled to
the family pension as a legally wedded wife."

3. Therefore, keeping in view position stated above, the
undersigned is directed to say that Family Pension will be
admissible to only the first legally wedded wife in cases where
second marriage had been solemnized after enactment of Hindu
Marriage Act, 1955. In other words, no pensionary benefits will
be admissible to the second wife where second marriage had been
solemnized on and after the Act 1954 came into force on 18-5-19

5. All pending cases may be decided in the light of
decision referred to above.

6. This may be brought to the notice of all offices of
your control.

[Signature]
Jagdeep Schgal
Under Secretary (Pension).

All Administrative Departments
In Himachal Pradesh.