

No.1/1(1)/2023-P&PW (E)
Government of India
Ministry of Personnel, Public Grievances and Pension
Department of Pension and Pensioners' Welfare

Lok Nayak Bhawan, Khan Market,
New Delhi, Dated the 1st January, 2024

Office Memorandum

Subject: Amendment to CCS (Pension) Rules, 2021 – Allowing female Government servants/female Pensioner to nominate her child/children for family pension in precedence to her husband in the event of marital discord leading to filing of divorce proceedings in a Court of Law or filing of a case under Protection of Women from Domestic Violence Act or Dowry Prohibition Act or Indian Penal Code- reg.

The undersigned is directed to state that, as per the provisions of sub-rule (8) and sub-rule (9) of Rule 50 of CCS (Pension) Rules, 2021, if a deceased Government servant or pensioner is survived by a spouse, family pension is first granted to the spouse and the children and other family members become eligible for family pension, on their turn, only after the spouse of the deceased Government servant/pensioner becomes ineligible for family pension or dies.

2. This Department has been receiving a large number of references from Ministries/Departments, seeking advice as to whether a female Government servant/female Pensioner can be allowed to nominate her eligible child/children for family pension in place of her spouse in the event of marital discord leading to filing of divorce proceedings in a Court of Law or filing of a case under Protection of Women from Domestic Violence Act or Dowry Prohibition Act or under Indian Penal Code.

3. The matter has been examined in consultation with Ministry of Women and Child Development. Accordingly, it has been decided that in case divorce proceedings in respect of a female Government servant/female pensioner are pending in a Court of Law, or the female Government servant/female pensioner has filed a case against her husband under Protection of Women from Domestic Violence Act or Dowry Prohibition Act or under Indian Penal Code, such female Government servant/Female Pensioner may make a request for grant of family pension after her death to her eligible child/children, in precedence to her husband and such request may be considered in the following manner:

(a) Where, in respect of a female Government servant/female pensioner, divorce proceedings are pending in a competent Court of Law, or the female Government servant/female pensioner has filed a case against her husband under Protection of Women from Domestic Violence Act or Dowry Prohibition Act or under Indian Penal Code, the said female Government servant/female pensioner, may make a request in writing to the concerned Head of Office to the effect that, in the event of her death during the pendency of any of the aforesaid proceedings, family pension may be granted to her eligible child/children in precedence to her spouse;

(b) In the event of the death of the female Government servant/female pensioner, who had made a request under clause (a), during the pendency of any of the aforesaid proceedings, the family pension shall be disbursed in the following manner, namely:

(i) Where the deceased female Government servant/female pensioner is survived by a widower and no child/children is eligible for family pension on the date of death of the female Government servant/female pensioner, family pension shall be payable to the widower.

(ii) Where the deceased female Government servant/female pensioner is survived by a widower with a minor child/children or a child/children suffering from disorder or disability of mind including the mentally retarded, the family pension in respect of the deceased shall be payable to the widower, provided he is the guardian of such child/children and if the widower ceases to be the guardian of such child/children, such family pension shall be payable to the child through the person who is the actual guardian of such child/children. Where the minor child, after attaining the age of majority, remains eligible for family pension, the family pension shall become payable to such child from the date on which he/she attains the age of majority.

(iii) Where the deceased female Government servant/female pensioner is survived by a widower with a child/children who has/have attained the age of majority but is or are eligible for family pension, the family pension shall be payable to such child/children.

(iv) After the child/children referred to in clause (ii) and (iii) above cease to be eligible for family pension under Rule 50 of the CCS (Pension) Rules, 2021, family pension shall become payable to other child/children, if any, eligible for family pension.

(v) After all the children cease to be eligible for family pension under Rule 50 of the CCS (Pension) Rules, 2021, family pension shall become payable to the widower till his death or remarriage, whichever is earlier.

4. All Ministries/Departments are requested to bring the contents of this order to the notice of Controller of Accounts/Pay and Accounts Officers and Attached, Subordinate Offices and Autonomous bodies under them.

5. In so far as the persons serving in the Indian Audit and Accounts Department are concerned, these orders are issued in consultation with Comptroller and Auditor General of India, as mandated under Article 148(5) of the Constitution of India.

6. Formal amendment to Rule 50 of the CCS (Pension) Rules, 2021 will be notified separately.

7. Hindi version will follow.


(Ravinder Kumar) 1/1/24
Director

To

1. All Central Government Ministries/Departments
2. Department of Expenditure, Ministry of Finance, North Block, New Delhi.
3. C&AG, Bhahadur Shah Zafar Marg, New Delhi.
4. Ministry of Railways, Railway Board, New Delhi.
5. CGA, Department of Expenditure, INA, New Delhi.
6. AD (OL) for Hindi version.
7. NIC for posting on the website of this Department.