

Eastern Railway

No. E.787/0/PEN/Pt.XXVIII.

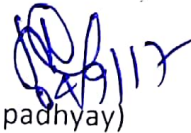
Kolkata, dated 04.09.2017.

ALL CONCERNED

Sub:-- Eligibility of divorced daughters for grant of family pension -
clarification regarding.

Copy of Railway Board's letter No. F(E)III/2007/PN1/5 dated 23.08.2017(RBE No.102/2017) along with DOP&PW's O.M. 1/13/09-P&PW(E) dated 19.07.2017 on the above subject is sent herewith for information, guidance and necessary action. Railway Board's earlier letters as referred to therein were circulated vide CPO's S.L.No.71(6)/2005 & 128/2013.

DA: As above.



(S.K.Chattopadhyay)

Sr. Personnel Officer (HQ& PC)

For Chief Personnel Officer

INDEX NO. 1058: Clarification regarding eligibility of divorced daughters for grant of family pension.

Copy of Railway Board's letter No. F(E)III/2007/PN1/5 dated 23.08.2017(RBE No.102/2017) along with DOP&PW's O.M. 1/13/09-P&PW(E) dated 19.07.2017 addressed to GMs/FA&CAOs all Zonal Railways/Production Units and others is circulated herewith.

Sub:- Eligibility of divorced daughters for grant of family pension -
clarification regarding.

Railway Board's letter No.2016/F(E)III/1(1)/7 dated 03.08.2017 is enclosed.

Contd....2/-

**GOVERNMENT OF INDIA (BHARAT SARKAR)
MINISTRY OF RAILWAYS (RAIL MANTRALAYA)
(RAILWAY BOARD)**

No. F(E)III/2007/PN1/5

New Delhi, Dated : 23.08.2017

**The GMs/FA&CAOs,
All Zonal Railways/Production Units,
(As per mailing list)**

**Subject: Eligibility of divorced daughters for grant of family pension-
clarification regarding.**

A copy of Department of Pension and Pensioners' Welfare (DOP&PW)'s O.M. No. 1/13/09-P&PW(E) dated 19th July, 2017 on the above cited subject is enclosed for information and compliance. These instructions shall apply mutatis mutandis on Railways also. Rule 54 of the CCS (Pension) Rules, 1972 mentioned in DOP&PW's O.M., corresponds to Rule 75 of the Railway Services (Pension) Rules, 1993.

2. The Railway Board's instructions corresponding to the DOP&PW's instructions referred to in their aforesaid O.M. dated 19th July, 2017 (enclosed) are given under:

S.No.	DOP&PW's instructions	Railway Board's corresponding instructions.
1.	O.M. No. 1/19/03-P&PW(E) dated 25/30.08.2004.	Letter No. F(E)III/98/PN1/4 dated 16.03.2005
2.	O.M. No. 1/13/09-P&PW(E) dated 11.09.2013	Letter No. F(E)III/2007/PN1/5 dated 26.09.2013

G. Priya Sudarsani

**(G. Priya Sudarsani)
Joint Director, Finance (Estt.),
Railway Board.**

D.A.: As above.

No. F(E)III/2007/PN1/5

New Delhi, Dated : 23.08.2017

Copy to Deputy Comptroller and Auditor General of India (Railways), Room No.222, Rail Bhawan, New Delhi (40 spares).


For Financial Commissioner/Railway.

1. The General Secretary, NFIR, Room No. 256-E, Rail Bhawan, New Delhi (with 35 spares)
2. The General Secretary, AIRF, Room No. 253, Rail Bhawan, New Delhi (with 35 spares)
3. The Members of the National Council, Departmental Council and Secretary Staff Side, National Council, 13-c, Feroze Shah Road, New Delhi (with 60 spares).
4. The Secretary General, FROA, Room No. 256-A, Rail Bhawan, New Delhi (with 5 spares).
5. The Secretary, RBSS, Group "A" Officers Association, Room No. 402, Rail Bhawan.
6. The Secretary, RBSS Group "B" Officers' Association.
7. The General Secretary, RBSSSA, Room No. 439, Rail Bhawan, New Delhi..
8. The Secretary General, IRPOF, Room No. 268, Rail Bhawan, New Delhi (with 5 spares)
9. The Secretary, Railway Board Ministerial Staff Association.
10. The Secretary, Railway Board Class IV Staff Association.
11. The Secretary General, All India RPF Association, Room No. 256-D, Rail Bhawan, New Delhi -110 001. (5 spares)
12. The Secretary, Railway Board Promottee Officers Association, Room No. 341-C, Rail Bhawan, New Delhi.
13. The General Secretary, All India SC/ST Railway Employees Association, Room No. 7, Ground Floor, Rail Bhawan, New Delhi.
14. The General Secretary, All India O.B.C. Railway Employee's Federation (AIOBCREF), Room No. 48, Rail Bhawan.


For Secretary/Railway Board.

No. F(E)III/2007/PN1/5

New Delhi, Dated : 23.08.2017

Copy to:

PS to MR, EDPG to MR, PS to MoS(S), EDPG to MoS(S), ED(Innovation) to MoS(S), PS to MoS(G) and EDPG to MoS(G).

PSOs/Sr. PPSs/PPSs/PSs to Chairman, Railway Board, Financial Commissioner (Railways), Member Traffic, Member Engineering, Member Staff, Member Rolling Stock, Member Traction, Secretary, Railway Board.

DG(RHS), DG(RPF), DG/Pers., DG/S&T, DG/RS.

All Additional Members, Advisers, All Executive Directors, IG/RPSF, JS, JS(G), JS(E), JS(E)-II, JS(G)-II, Dir/D, DDF(E)-I, II, DDE(LR)-I, II / Railway Board.

Cash-I, II, III, E(P&A)/II, E(G), E(NG)I&II, PC- VII, VI, V, IV, III, E(Trg), E(MPP), E(LR)I&II, F(E)-I, II, F(E)Spl, Security(E), Security(ABE), Accounts-III, Accounts (Insp.), ERB-I, II, III, IV, V & D, G(Pass), G(Acc), E(Welfare), E(SCT) I & II, E(O)I, II, III & III(CC), E(GR)I, II, E(GP), E(GC), PR, E(D&A), Budget, O&M, Code Revision Cell (with 2 spares), C&IS (with 2 spares)/A/Cs-II, PG, E(Rep)-I, II, III, Railway Board.

Copy to:-

1. The G.M, N.F Railway (Const).
2. The Director General and Ex. officio General Manager, RDSO/Lucknow.
3. The General Manager and FA&CAO, Metro Railway/Kolkata.
4. The Director General, National Academy of Indian Railways (NAIR)/Vadodara.
5. The General Manager and FA&CAO, CORE/Allahabad.
6. The General Manager, Modern Coach Factory, Lalganj, Raebareli, U.P.- 229120.

7. The CAO and FA&CAO, COFMOW/New Delhi.
8. The Executive Director, CAMTECH/Gwalior-474020
9. The Director, IRICEN/Pune, IRIEEN/Nasik Road, IRIMEE/Jamalpur, IRISSET/ Secunderabad.
10. The CMDs, IRCON, IRFC, MRVC, IRC&TC, CONCOR, RITES, KRCL, RVNL, RAILTEL and the Managing Director, CRIS, IRWO.
11. Office of the Chief Project Administrator (Telecom), Indian Railway Central Organisation for Telecom (IRCOT) Consultancy, Shivaji Bridge/New Delhi.
12. The Director (Movement) Railways/Kolkata.
13. The Joint Director, Mil Rail, Ministry of Defence.
14. The Executive Director, Iron & Steel, 5 Koila Ghat Street/Kolkata.
15. Chief Mining Advisor, Ministry of Railway, Dhanbad, Bihar
16. The Chairman, RCC, Lok Sabha Secretariat/New Delhi.
17. The Chairman, RCT/Delhi.
18. The Chairman, RRT, Chennai.
19. The Chairman, RRB/Ajmer, Ahmedabad, Allahabad, Bangalore, Bhopal, Bhubaneswar, Chandigarh, Chennai, Kolkata, Jammu, Gorakhpur, Guwahati, Malda, Mumbai, Muzaffarpur, Patna, Ranchi, Secunderabad, and Trivandrum.
20. The Editor, " Bharatiya Rail".
21. The Editor, " Indian Railways".
22. The Pay & Accounts Officer, Ministry of Railways(Railway Board)
23. The General Secretary, IRCA/New Delhi.
24. The Chief Commissioner of Railway Safety/Lucknow.
25. The Vice Chairman, Rail Land Development Authority, Near Safdarjung Railway Station, Motibagh-1, New Delhi - 110021. [Email: mgfrhd@rlda.in](mailto:mgfrhd@rlda.in)
26. The CAO, Indian Railway Organisation for Alternate Fuels, 12th Floor, Core-1, Scope Minar, District Centre, Laxmi Nagar, Delhi-92.
27. Office of the Chief Administrative Officer, Indian Railways (Workshop Projects), Chamber Bhawan, Judge's Court Road, Anta Ghat, Patna-800001, Bihar.

Copy to:-

1. Shri V.K. Sthanunathan, National President, National Federation of Railway Pensioners, 36, Venkatanarayana Road, T. Nagar, Chennai-600 017.
2. Shri K. Gopinath Menon, The Secretary General, National Federation of Railway Pensioners, Kunnathurmedu, Palghat- 678 013.
3. Shri Y.N.Sastry, President, AIRRF, Rly Block-303, Railway Colony High School, Chilkalguda, Secunderabad-500 025.
4. B. Jayajaya Rao, President, All India Retired Railway Officer's Association, 12-13-268 (505)New, Street-2, Lane 9, Tarnaka, Secunderabad-500 017.
5. The General Secretary, Railway Pensioners' Council Kiran Kutir, Larkania Tola, Katihar.
6. The General Secretary, All India Federation of Pensioners Association, T.P.M Hall,22, Kavirai Street, Saidapet West, Chennai-600 015.
7. Shri S.S.Ramachandra, Secretary General , All India Central Committee of Pensioners Association. Flat No.144, New Suryakiran Apartments, Plot No.65, Patparganj, N.Delhi-110092.
8. Shri M.S.Solanki, General Secretary, Central and AIS Pensioners Association, E-i/164, Arena Colony, Bhopal(M.P) 462 016
9. Shri Nirmal Dass Gupta, Vice President, Federation of Central Government Pensioners' Organisation, P-24C, Sagar Manna Road, Kolkata. 700 060
10. Shri B.S Dard, Secretary General, Central Government Pensioners' Association, 1874/2, Sector-64, S.A.S Nagar, Chandigarh 160 061.
11. Shri C.R. Chatwani, Central Government Pensioners' Association, "SHIVANAND", 11/13, Krishna Kunj Society, Chhotunagar-7, Raiya Road, Rajkot 360 001.
12. Secretary General, Bharat Pensioners' Samaj, Post Box 3303, Jangpura Extension, New Delhi-110 014.
13. The Secretary General, National Federation of Railway Pensioners' Organization, 825, Supertech Residency, Sector-5, Plot No. 6A, Ghaziabad-201010.
14. M/s. Bahri Bros, Publishers, Booksellers & Distributors, 742, Lajpat Rai Market, Delhi-110006.
15. The General Secretary, Retired Railway Employees Welfare Association(Regd), 490A/16, Gurudwara Road, Gurgaon.

(Copy to Department of Pension and Pensioners' Welfare (DOP&PW) w.r.t. their O.M. No. 1/13/09-P&PW(E) dated 19.07.2017)

सं. 1/13/09 पी एंड पी डब्ल्यू (ई)
भारत सरकार
कार्मिक, लोक शिकायत एवं पेंशन मंत्रालय
पेंशन और पेंशनभोगी कल्याण विभाग

तृतीय तल, लोकनायक भवन,
खान मार्केट, नई दिल्ली
19 जुलाई, 2017

कार्यालय ज्ञापन

विषय: तलाकशुदा पुत्रियों को कुटुंब पेंशन मंजूर किए जाने की पात्रता --- तारसंबंधी स्पष्टीकरण।

25 वर्ष की आयु के उपरांत किसी तलाकशुदा पुत्री की कुटुंब पेंशन दिए जाने से संबंधित प्रावधान दिनांक 30.08.2004 के कार्यालय ज्ञापन द्वारा किया गया है। इस प्रावधान को केंद्रीय सिविल सेवा (पेंशन) नियमावली, 1972 के उप नियम 54 (6) के अनुच्छेद (iii) में शामिल किया गया है।

2. जैसा कि केंद्रीय सिविल सेवा (पेंशन) नियमावली, 1972 के उप नियम 54 (8) में उल्लिखित है कि 25 वर्ष से कम आयु के बच्चों की बारी उनके माता/पिता अर्थात् पेंशनभोगी और उसकी पत्नी/पति की मृत्यु या पुनर्विवाह के उपरांत आती है। उसके बाद, विकलंग बच्चों को जीवनपर्यंत कुटुंब पेंशन देय होती है, और उसके बाद 25 वर्ष से अधिक आयु की अविवाहित/विधवा/तलाकशुदा पुत्रियों को।

3. इस विभाग के दिनांक 11 सितंबर, 2013 के समसंख्यक कार्यालय ज्ञापन द्वारा यह स्पष्ट किया गया था कि बच्चों को कुटुंब पेंशन इसलिए देय होती है, क्योंकि उन्हें सरकारी सेवक/पेंशनभोगी या उसकी पत्नी/पति पर आश्रित माना जाता है। जो बच्चा न्यूनतम कुटुंब पेंशन एवं महंगाई राहत के बराबर या उससे अधिक धनराशि अर्जित नहीं करता है, उसे अपने माता-पिता पर आश्रित माना जाता है। इसलिए केवल वही बच्चे जो आश्रित हैं और सरकारी सेवक/पेंशनभोगी या उसकी पत्नी/पति की मृत्यु के समय, जो भी बाद में हो, कुटुंब पेंशन पाने की अन्य शर्तें पूरी करते हैं, वे कुटुंब पेंशन पाने के पात्र हैं। यदि उस समय दो या अधिक बच्चे कुटुंब पेंशन पाने के पात्र हैं, तो प्रत्येक बच्चे को उसकी बारी के अनुसार कुटुंब पेंशन देय होगी, बशर्त अपनी बारी आने पर भी वह कुटुंब पेंशन पाने का/की पात्र हो।

4. यह स्पष्ट किया गया था कि यदि कोई पुत्री पिछले पैरा में बताए अनुसार पेंशन पाने की पात्र है, तो उसे कुटुंब पेंशन दी जा सकती है, बशर्त वह अपने माता-पिता की मृत्यु/अपात्रता के समय पात्रता की सभी शर्तें पूरी करती हो, और अपनी बारी आने पर कुटुंब पेंशन पाने की पात्र हो। तदनुसार, तलाकशुदा पुत्रियां, जो कुटुंब पेंशन पाने की अन्य शर्तें पूरी करती हैं, कुटुंब पेंशन पाने की पात्र हैं, यदि उन्हें माता पिता में से किसी एक के जीवन काल में सक्षम न्यायालय द्वारा तलाक की डिक्री जारी कर दी गई है।

5. इस विभाग को इस बारे में अनेक शिकायतें मिलती रही हैं कि तलाक की कार्यवाही एक लंबी प्रक्रिया है जिसे अंतिम रूप देने में कई वर्ष लग जाते हैं। ऐसे अनेक मामले हैं, जिनमें किसी सरकारी सेवक/पेंशनभोगी की पुत्री की तलाक संबंधी कार्यवाही उनमें से किसी एक या दोनों के जीवन काल में सक्षम न्यायालय में आरंभ हुई और तलाक की डिक्री मिलने तक उनमें से कोई भी जीवित नहीं था।



6. व्यय विभाग के परामर्श से इस विभाग में मामलों का परीक्षण किया गया है और यह निर्णय लिया गया है कि ऐसे मामलों में तलाकशुदा पुत्री को कुटुंब पेंशन की स्वीकृति प्रदान की जाए, जहां किसी सरकारी सेवक/पेंशनभोगी या उसकी पत्नी/पति के जीवन काल में तलाक की कार्यवाही राक्षम न्यायालय में दायर कर दी गई थी और उनकी मृत्यु के उपरांत तलाक हुआथा -- बशर्ते दावाकर्ता केंद्रीय सिविल सेवा (पेंशन) नियमावली, 1972 के नियम 54 के तहत कुटुंब पेंशन पाने की अन्य सभी शर्तें पूरी करती हो। ऐसे मामलों में, कुटुंब पेंशन तलाक की तिथि से आरंभ होगी।

7. यह वित्त मंत्रालय, व्यय विभाग की दिनांक 7 जुलाई, 2017 की आईडी सं. 1 (11)/ई V/2017 की सहमति से जारी किया जाता है।



(डी.के. सोलंकी)

अवर सचिव, भारत सरकार

दूरभाष: 24644632

1. भारत सरकार के सभी मंत्रालय/विभाग
2. भारत के नियंत्रक एवं महा लेखापरीक्षक का कार्यालय
3. महा लेखा नियंत्रक का कार्यालय, लोकनायक भवन, नई दिल्ली
4. विभाग में उपलब्ध सूची में शामिल सभी पेंशनभोगी संघ
5. सभी अधिकारी/डेस्क

No. 1/13/09-P&PW (E)
Government of India
Ministry of Personnel, P.G. & Pensions
Department of Pension & Pensioners' Welfare

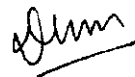
3rd Floor, Lok Nayak Bhawan,
Khan Market, New Delhi,
19th July, 2017.

OFFICE MEMORANDUM

Sub: Eligibility of divorced daughters for grant of family pension -- clarification regarding.

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.

2. As indicated in Rule 54(8) of the CCS (Pension) Rules, 1972, the turn of unmarried children below 25 years of age comes after the death or remarriage of their mother/father. i.e., the pensioner and his/her spouse. Thereafter, the family pension is payable to the disabled children for life and then to the unmarried/widowed/divorced daughters above the age of 25 years.
3. It was clarified, vide this department Office Memorandum of even number, dated 11th September, 2013, that the family pension is payable to the children as they are considered to be dependent on the Government servant/pensioner or his/her spouse. A child who is not earning equal to or more than the sum of minimum family pension and dearness relief thereon is considered to be dependent on his/her parents. Therefore, only those children who are dependent and meet other conditions of eligibility for family pension at the time of death of the Government servant or his/her spouse, whichever is later, are eligible for family pension. If two or more children are eligible for family pension at that time, family pension will be payable to each child on his/her turn provided he/she is still eligible for family pension when the turn comes.
4. It was clarified that a daughter if eligible, as explained in the preceding paragraph, may be granted family pension provided she fulfils all eligibility conditions at the time of death/ineligibility of her parents and still on the date her turn to receive family pension comes. Accordingly, divorced daughters who fulfil other conditions are eligible for family pension if a decree of divorce had been issued by the competent court during the life time of at least one of the parents.
5. This department has been receiving grievances from various quarters that the divorce proceedings are a long drawn procedure which take many years before attaining finality. There are many cases in which the divorce proceedings of a daughter of a Government employee/pensioner had been instituted in the competent court during the life time of one or both of them but none of them was alive by the time the decree of divorce was granted by the competent authority.
6. The matter has been examined in this department in consultation with Department of Expenditure and it has been decided to grant family pension to a divorced daughter in such cases where the divorce proceedings had been filed in a competent court during the life-time of the



employee/pensioner or his/her spouse but divorce took place after their death – provided the claimant fulfills all other conditions for grant of family pension under rule 54 of the CCS (Pension) Rules, 1972. In such cases, the family pension will commence from the date of divorce.

7. This issues with the concurrence of Ministry of Finance, Department of Expenditure, vide their ID No. 1(11)/EV/2017, dated 7th July, 2017.



(D.K. Solanki)

Under Secretary to the Government of India

Tel. No. 24644632

- ✓ 1. All Ministries/Departments of the Government of India
2. O/o The Comptroller & Auditor General of India
3. O/o The Controller General of Accounts, Lok Nayak Bhavan, New Delhi.
4. Pensioners' Associations as per list maintained in the Department
5. All Officers/Desks

O/C

