

Eastern Railway

CPO's Serial No. 87 /2013.

No.E.787/0/Pen/Pt-XXVI.

Kolkata, dated 12.08.2013.

ALL CONCERNED

Sub:-Grant of family pension and gratuity to the eligible member of the family of an employee/pensioner/family pensioner reported missing- consolidated instructions – regarding.

Copy of Railway Board's letter No.F(E)III/2009/PN1/7 dated 27.10.2011, 24.02.2012 & 15.07.2013 (RBE Nos.154/2011, 24/2012 & 68/2013), along with a copy of DOP&PW's OM Nos.1/17/2011-P&PW(E) & 1/17/2010-P&PW(E) dated 14.09.2011, 02.01.2012 & 24.06.2013 on the above subject is sent herewith for information, guidance and necessary action. Board's earlier letters as referred to therein were circulated vide CPO's Serial Nos. 152/86, 57/91,33/94,88/2009& 96/2010 respectively.

DA:- As Above

(Md. Tarique)

Asstt. Personnel Officer/HQ
For Chief Personnel Officer

INDEX No.1058:- Clarification regarding consolidated instructions for grant of family pension and gratuity to the eligible member of the family of an employee/pensioner/family pensioner reported missing-

Copy of Board's letter No F (E) III/2009/PN1/7 dated 27.10.2011, 24.02.2012 & 15.07.2013 (RBE Nos.154/2011, 24/2012 & 68/2013), along with a copy of DOP&PW's OM Nos.1/17/2011-P&PW (E) & 1/17/2010-P&PW (E) dated 14.09.2011, 02.01.2012 & 24.06.2013 addressed to GMs / FA&CAOs, All Indian Railways /Production Units/RDSO and copy to others is circulated herewith.

Contd---2/-

**Sub:-Grant of family pension and gratuity to the eligible member
of the family of an employee/pensioner/family pensioner
reported missing- consolidated instructions – regarding.**

A copy of Department of Pension and Pensioners' Welfare (DOP&PW)'s O.M.No. 1/17/2011-P&PW(E) dated 24.06.2013 on the above subject is enclosed for information and compliance. These instructions shall apply mutatis mutandis on the Railways also. Rule 50,54 and 71 of the CCS(Pension) Rules, 1972 referred to therein correspond to Rules 70,75 and 15 of the Railway Services (Pension) Rules, 1993 respectively.

2. A concordance of DOP&PW's instructions referred to in the enclosed O.M. and Railway Board's corresponding instructions is given below:-

S.No.	DOP&PW's instructions	Corresponding instructions of Railway Board
1.	1/17/86-P&PW dated 29.08.1986	F(E)III/86/PN1/17 dated 19.09.1986.
2.	1/17/86-P&PW(C) dated 25.01.1991	F(E)III/86/PN1/17 dated 27.03.1991.
3.	1/17/86-P&PW(E) dated 18.02.1993	F(E)III/86/PN1/17 dated 21.01.1994.
4.	1/28/04-P&PW(E) dated 31.03.2009	F(E)III/2009/PN1/7 dated 30.04.2009.
5.	1/28/04-P&PW(E) dated 02.07.2010	F(E)III/2009/PN1/7 dated 13.07.2010.
6.	1/17/2011-P&PW(E) dated 14.09.2011	F(E)III/2009/PN1/7 dated 27.10.2011.
7.	1/17/2010-P&PW(E) dated 02.01.2012	F(E)III/2009/PN1/7 dated 24.02.2012.

3. Please acknowledge receipt.

D.A. : As above

Sd/-
(Sukhender Kaur)
Joint Director Finance (Estt),
Railway Board.

Contd—3/-

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

No. F(E)III/2009/PN1/7

New Delhi, Dated: 27.10.2011.

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

Subject: Grant of family pension to the dependent family members of a Railway servant/ Pensioner reported missing - Reg.

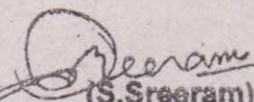
A copy of Department of Pension and Pensioners' Welfare (DOP&PW)'s O.M. No. 1/17/2011-P&PW(E) dated 14th September, 2011 on the above subject is enclosed for information and compliance. These instructions shall apply mutatis mutandis on the Railways also.

2. A concordance of DOP&PW's instructions referred to in the enclosed O.M. and Railway Board's corresponding instructions is given below.

S.No.	DOP&PW's instructions	Railway Board's corresponding instructions
1.	O.M.No.1/17/86-P&PW dated 29 th August, 1986	F(E)III/86/PN 1/17 dated 19.09.1986
2.	O.M.No.1/17/86-P&PW(C) dated 25 th January, 1991	F(E)III/86/PN 1/17 dated 27.03.1991
3.	O.M.No.1/17/86-P&PW(E) dated 18 th February, 1993	F(E)III/86/PN 1/17 dated 21.01.1994
4.	O.M. No. 1/28/04-P&PW(E) dated 31 st March, 2009	F(E)III/2009/PN1/7 dated 30.04.2009
5.	O.M. No.1/28/04-P&PW(E) dated 2 nd July, 2010	F(E)III/2009/PN1/7 dated 13.07.2010

3. Please acknowledge receipt.

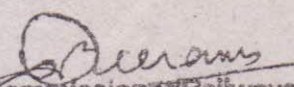
DA: One.


(S. Sreeram)
Joint Director Finance (Estt.),
Railway Board.

No. F(E)III/2009/PN1/7

New Delhi, Dated: 27.10.2011.

Copy to Deputy Comptroller and Auditor General of India (Railways), Room No.224, Rail Bhavan, New Delhi (40 spares).


for Financial Commissioner/Railways.
...2/-

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F.No.1/17/2011-P&PW(E)
Government of India
Ministry of Personnel, P.G. & Pensions
Department of Pension & Pensioners' Welfare

Lok Nayak Bhawan,
Khan Market, New Delhi
Dated: 14th Sept, 2011

OFFICE MEMORANDUM

Sub: Grant of family pension to the eligible member of the family of a pensioner - regarding.

The undersigned is directed to refer to this Department's earlier office memoranda No. 1/17/86-P&PW(E), dated 29th August, 1986, 25th January, 1991 and 18th February, 1993 and No. 1/28/04-P&PW(E) dated 31st March, 2009 and 2nd July, 2010 regarding grant of family pension to the eligible members of the family of an employee/pensioner reported missing and whose whereabouts are not known.

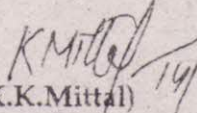
2. As per this Department's O.M. Dt. 29.8.1986, subject to fulfilment of certain conditions, the family pension can be granted to the family of an employee reported missing and whose whereabouts are not known after a period of one year reckoned from the date of filing the FIR with the police authorities. Subsequently, it was clarified vide this Department's O.M. dated 25th January, 1991, that the Department of Pension & Pensioners' Welfare's O.M. dated 29th August, 1986, would be applicable in the case of missing pensioners mutatis mutandis. It was further clarified vide this Department's O.M. No. 1/17/86-P&PW(E), dated 28.02.1993 that family pension to the eligible family member of an employee reported missing, would accrue from the date of lodging the FIR or expiry of leave in the case of an employee who had disappeared, whichever is later.

3. While providing that the family pension to the family of the missing employee/pensioner may be sanctioned after a period of six months from the date of registration of an FIR with the police vide this Department's O.M. dated 2nd July, 2010, it was also made clear that the earlier instructions did not make any distinction between the government servant and the pensioner and cover both of them for the purpose of grant of family pension. However, doubts have been raised by some quarters to the effect as to whether family pension will accrue from the date of lodging the FIR in the case of missing pensioners as well.

4. The matter has been considered in this Department in consultation with Department of Expenditure, Ministry of Finance. It is hereby clarified that as the previous instructions did not make any distinction between the

Government servant and the pensioner, the family pension to the family of a missing pensioner would accrue with effect from the date of lodging the FIR or from the date immediately succeeding the day till pension had been last paid to the pensioner, whichever is later. Accordingly, arrears in past cases would also be admissible.

5. This issues with the concurrence of Ministry of Finance, Department of Expenditure vide their U.O. No.263/E.V/2011, dated 12.9.2011.


(K.K.Mittal) 14/9/2011
Director
Tel. No. 24624752

All Ministries/Departments of the Government of India

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RBE No. 24 /2012

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

No. F(E)III/2009/PN1/7

New Delhi, Dated: 24.02.2012.

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

**Subject: Grant of family pension to the next eligible member in
the family in the case of missing family pensioners.**

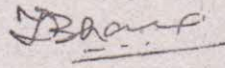
A copy of Department of Pension and Pensioners' Welfare (DOP&PW)'s O.M. No. 1/17/2010-P&PW(E) dated 2nd January, 2012 on the above subject is enclosed for information and compliance. These instructions shall apply mutatis mutandis on the Railways also.

2. A concordance of DOP&PW's earlier instructions and Railway Board's corresponding instructions for grant of family pension to the dependent family members of a railway servant/pensioner reported missing is given below:

S.No.	DOP&PW's instructions	Railway Board's corresponding instructions
1.	O.M.No.1/17/86-P&PW dated 29 th August, 1986	F(E)III/86/PN 1/17 dated 19.9.1986
2.	O.M. No.1/17/86-P&PW(C) dated 25 th January, 1991	F(E)III/86/PN 1/17 dated 27.3.1991
3.	O.M.No.1/17/86-P&PW(E) dated 18 th February, 1993	F(E)III/86/PN 1/17 dated 21.1.1994
4.	O.M. No. 1/28/04-P&PW(E) dated 31 st March, 2009	F(E)III/2009/PN1/7 dated 30.4.2009
5.	O.M. No. 1/28/04-P&PW(E) dated 2 nd July, 2010	F(E)III/2009/PN1/7 dated 13.7.2010
6.	O.M. No. 1/17/2011-P&PW(E) dated 14 th September, 2011	F(E)III/2009/PN1/7 dated 27.10.2011

3. Please acknowledge receipt.

DA: One.


(T.P. SHARMA)
Dy. Director Finance(Estt.)III,
Railway Board.

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F.No.1/17/2010-P&PW(E)
Ministry of Personnel, P.G. & Pensions
Department of Pension & Pensioners' Welfare
Desk (E)

3rd Floor, Lok Nayak Bhavan,
Khan Market, New Delhi - 03,
Dated the 2nd January, 2012

Office Memorandum

Sub: Grant of family pension to next eligible member in the family in the case of missing family pensioners.

The undersigned is directed to state that as per extant instructions of the Government, conditional provisions have been made in the case of a missing employee/pensioner, as a measure of social security, to cut short the period of 7 years, as given in Sections 107 and 108 of Indian Evidence Act, 1872, after which the presumption of a missing person being no longer alive may be raised, and enable the family pensioner to receive family pension after a period of six months from the date of filing FIR. However, there is no such provision in the case of a missing family pensioner that the next eligible member of the family of the employee/pensioner may be granted family pension.

2. The Department of Pension and Pensioners' Welfare has been receiving requests to issue a clarification whether family pension to eligible child/ children of a family pensioner who has been declared missing can be granted.

3. The matter has been considered in this Department in consultation with the Department of Expenditure, Ministry of Finance. It has been decided to make similar provisions to mitigate the hardships of the family caused by the deprivation of its rightful family pension as a consequence of disappearance of the family pensioner. The administrative Departments/ Ministries may grant family pension to the next eligible member in the family subject to fulfilment of conditions as prescribed from time to time for dealing with the cases of missing employees/pensioners.

4. The Indemnity Bond prescribed for missing pensioners has been suitably modified to include the name and relationship of the next eligible family member as well as the deceased employee/pensioner and the missing family pensioner(s).

5. These provisions would also be applicable in case a person, who is eligible for family pension, goes missing before the family pension is actually sanctioned to him/her. In such cases, family pension will be sanctioned to the next eligible person.

6. This issues with the concurrence of Department of Expenditure vide their ID No.380/E.V/2011, dated 22.11.2011.

K.Mittal
(K.K. Mittal) 2/1/2012
Director
Tel: 24624752

All Ministries/Departments of the Government of India

Pensioners' Associations as per list maintained in the Department

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INDEMNITY BOND

[In the case of a missing family pensioner]

KNOW ALL MEN by these presents that we (a).....
..... resident of
..... and the
son/daughter/mother/father/disabled sibling etc. (hereinafter called "the
Obligor") of (b)..... who was in
receipt of / eligible for family pension before reported to have been missing
since..... on account of being the
widow/widower/son/daughter/disabled sibling etc. (hereinafter referred to as
'missing family pensioner') of (c)..... who was
holding/had retired from the post
of..... in the Ministry
/Department/Office of..... and who died on
..... and (d)
son/wife /daughter of Shri. resident
of..... and.....
.....son/wife/daughter of Shri.
resident of.....
the Sureties for and on behalf of the Obligor (hereinafter called "the Sureties")
are held firmly bound to the President of India (hereinafter called "the
Government") in each and every sum being the arrears of pension and monthly
family pension and relief thereon well and truly to be paid to the Government,
on demand and without a demur together with simple interest at the rate of
.....% per annum from the date of payment until repayment for which
payment we bind ourselves and our respective heirs, executors, administrators,
legal representatives, successors and assigns by these presents'.

Signed thisday oftwo thousand and
.....

WHEREAS (b) was at the time of his
disappearance a Central Government family pensioner receiving/eligible for
receiving a family pension at the rate of Rs. (Rupees
.....) only per month and relief
thereon from the Government.

AND WHEREAS the said (b)..... disappeared on
the day of 20..... and there was due to
him/her at the time of his/her disappearance the sum equivalent of arrears of
family pension due.

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AND WHEREAS the Obligor is entitled to family pension at Rs..... (Rupees only) plus admissible dearness relief thereon.

AND WHEREAS the obligor has represented that he/she is entitled to the aforesaid sum and approached the Government for making payment thereof to avoid undue delay and hardship.

AND WHEREAS the Government has agreed to make payment of the said sum of Rs (Rupees) and monthly family pension at Rs. (Rupees) plus relief thereon to the obligor upon the Obligor and the Sureties entering into a Bond in the abovementioned sum to indemnify the Government against all claims to the amount so due to the aforesaid missing Government family pensioner.

AND WHEREAS the Obligor and at his/her request the Surety/Sureties have agreed to execute the Bond in the terms and manner hereinafter contained.

NOW THE CONDITION OF THIS BOND is such that, if after payment has been made to the Obligor, the Obligor and /or the Surety/Sureties shall in the event of a claim being made, by any other person or the missing family pensioner on appearance, against the Government with respect to the aforesaid sum of Rs..... (Rupees.....) and the sums paid by the Government as monthly pension and relief as aforesaid then refund to the Government the said sum of Rs. (Rupees) and each and every sum paid by Government as monthly family pension and relief together with simple interest @% per annum and shall, other wise, indemnify and keep the Government harmless and indemnified against and from all liabilities in respect of the aforesaid sums and all costs incurred in consequence of the claim thereto, THEN the above written Bond or obligation shall be void and of no effect but other wise it shall remain in full force, effect and virtue.

AND THESE PRESENTS ALSO WITNESS that the liability of the Surety/Sureties hereunder shall not be impaired or discharged by reason of time being granted by or any forbearance act or omission of the Government whether with or without the knowledge or consent of the Surety/Sureties in respect of or in relation to the obligations or conditions to be performed or discharged by the Obligor or by any other method or thing whatsoever which under the law relating to sureties would but for this provision shall have no effect of so releasing the Surety/Sureties from such liability nor shall it be necessary for the Government to sue the Obligor before suing the Surety/Sureties or either of

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them for the amount due hereunder, and the Government agrees to bear the stamp duty, if any, chargeable on these presents.

IN WITNESS WHEREOF the Obligor and the Surety/Sureties hereto have set and subscribed their respective hands hereunto on the day, month and year above-written.

Signed by the above named 'Obligor' in the presence of

1.
2.

Signed by the above named 'Surety' / 'Sureties'

1.
2.

Accepted for and on behalf of the President of India by

.....
.....

[Name and designation of the Officer directed or authorized, in pursuance of Article 299 (1) of the Constitution, to accept the Bond for and on behalf of the President]

in the presence of

.....
.....

(Name and designation of witness)

NOTE I. - (a) Full name of the claimant referred to as the 'Obligor'.

(b) State relationship of the 'Obligor' to the 'missing family pensioner'.

(c) Name of the deceased employee/pensioner.

(d) Full name or names of the Sureties with name or names of the father(s)/husband(s) and place of residence.

NOTE II. - The Obligor as well as the Sureties should have attained majority so that the Bond may have legal effect or force.

NOTE III. - The rate of simple interest will be as prescribed by the Government from time to time. It is 6% p.a. on the date of issue of the O. M.

F.No.1/17/2011-P&PW (E)
Government of India
Ministry of Personnel, P.G. & Pensions
Department of Pension & Pensioners' Welfare

Lok Nayak Bhawan,
Khan Market, New Delhi
Dated: 24th June, 2013

OFFICE MEMORANDUM

25 JUN 2013

Sub: Grant of family pension and gratuity to the eligible member of the family of an employee/pensioner/family pensioner reported missing – consolidated instructions – regarding.

The provisions regarding grant of gratuity and family pension to the members of families of the deceased Government servants/pensioners who were appointed on or before 31st December, 2003 and who are/were born on pensionable establishments are contained in Rules 50-54 of the Central Civil Services (Pension) Rules, 1972. The instructions regarding grant of family pension and gratuity under these rules to the eligible member of the family of an employee reported missing had been issued vide this Department's earlier office memorandum No. 1/17/86-P&PW, dated 29th August, 1986. Clarifications/amendments in this regard were issued vide OM No. 1/17/86-P&PW, dated 25th January, 1991 and 18th February, 1993 and OM No. 1/28/04-P&PW(E) dated 31st March, 2009 and 2nd July, 2010, O.M. of even number, dated 14th September, 2011 and OM No. 1/17/2010-P&PW(E), dated 2nd January, 2012.

2. A reference has been received in this Department to clarify whether in a situation where SHO states that FIR is not required to be lodged in the case of person gone missing, the eligible member of the family can be granted family pension. The matter has been examined in consultation with the Ministry of Home Affairs. Section 154 (1) of the Criminal Procedure Code mandates filing of an FIR by the Police authorities on a report received of the commission of a cognizable offence. A missing person per se does not point to commission of a cognizable offence. In view of this, cognizance of a person's disappearance can be taken by the Head of Office on the basis of an authenticated Daily Diary (DD)/General Diary Entry (GDE), filed by the Police authorities concerned, as per the practice prevalent in that State/UT.

3. It has now been decided to issue consolidated instructions in supersession of previous instructions regarding grant of family pension to the eligible members of family of the employee/pensioner/family pensioner reported missing and whose whereabouts are not known. It includes those kidnapped by insurgents/terrorists but does not include those who disappear after committing frauds/crime etc.

4. In the case of a missing employee/pensioner/family pensioner, the family can apply for the grant of family pension, amount of salary due, leave encashment due and the amount of GPF and gratuity (whatever has not already been received) to the Head of Office of the organisation where the employee/pensioner had last served, six months after lodging of Police report. The family pension and/or retirement gratuity may be sanctioned by the Administrative Ministry/Department after observing the following formalities:-

- (i) The family must lodge a report with the concerned Police Station and obtain a report from the Police, that the employee/ pensioner/ family pensioner has not been traced despite all efforts made by them. The report may be a First Information Report or any other report such as a Daily Diary/General Diary Entry.

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- (ii) An Indemnity Bond should be taken from the nominee/dependants of the employee/pensioner/family pensioner that all payments will be adjusted against the payments due to the employee/pensioner/family pensioner in case she/he appears on the scene and makes any claim.

5. In the case of a missing employee, the family pension, at the ordinary or enhanced rate, as applicable, will accrue from the expiry of leave or the date up to which pay and allowances have been paid or the date of the police report, whichever is later. In the case of a missing pensioner/family pensioner, it will accrue from the date of the police report or from the date immediately succeeding the date till which pension/family pension had been paid, whichever is later.

6. The retirement gratuity will be paid to the family within three months of the date of application. In case of any delay, the interest shall be paid at the applicable rates and responsibility for delay shall be fixed. The difference between the death gratuity and retirement gratuity shall be payable after the death of the employee is conclusively established or on the expiry of the period of seven years from the date of the police report.

7. Before sanctioning the payment of gratuity, the Head of Office will assess all Government dues outstanding against the employee/pensioner and effect their recovery in accordance with Rule 71 of the CCS (Pension) Rules, 1972 and other instructions in force for effecting such recoveries.

8. The amount of salary due, leave encashment due and the amount of GPF will be paid to the family in the first instance as per the nominations made by the employee/pensioner on filing of a police report and submission of an indemnity bond as indicated above.

9. The benefits to be sanctioned to the family/nominee of the missing employee/pensioner will be based on and regulated by the emoluments drawn by him/her and the rules/orders applicable to him/her as on the last date he/she was on duty including authorised periods of leave.

10. Formats of separate Indemnity Bonds to be used in the case of missing employees, missing pensioners and missing family pensioners are available at this department's website www.persmin.nic.in.

Encl: As above.

कार्मिक और प्रशिक्षण विभाग, लोक नयक भवन Dept. of Personnel & Trng., L. N. Bhawan प्राप्ति और निगमन अनुभाग Receipt & Issued Section
25 JUL 2013 HK
जारी किया/ISSUED

O/C

Sujasha Choudhury
 (Sujasha Choudhury)
 Deputy Secretary
 Tel. No. 24635979

*Copy to
 P. B. N. S.
 25/6/13*

1. All Ministries/Departments of the Government of India
2. O/o The Comptroller & Auditor General of India, 9, DDU Marg, New Delhi.
3. O/o The Controller General of Accounts, Lok Nayak Bhawan, New Delhi.
4. Ministry of Railways, Rail Bhawan, New Delhi. (w.r.t. their OM No. FTE/III/2009/PN1/7, dated 11.03.2013.

Copy to NIC, 3rd Floor, Lok Nayak Bhawan, New Delhi, with a request to post the Office Memorandum on the website of this department.

Copy to All Desks.