

RBE No. 12 /2013

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

No. F(E)III/2005/PN1/32

New Delhi, Dated: 11.02.2013.

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

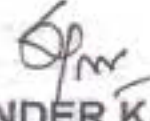
Subject: (i) Eligibility of disabled children for family pension after marriage and
(ii) Eligibility of two family pensions –Clarification regarding

A copy of Department of Pension and Pensioners' Welfare(DOP&PW)'s O.M. No. 1/33/2012-P&PW(E) dated 16.01.2013 on the above subject is enclosed for information and compliance. These instructions shall apply mutatis mutandis on the Railways also. Sub-rules 6 , 13-A and 13-B of Rule 54 of the CCS(Pension) Rules, 1972 referred to therein correspond to sub-rules 6, 17 and 18 of Rule 75 of the Railway Services(Pension) Rules, 1993 respectively.

2. The Explanation 1 & 3 mentioned in DOP&PW's O.M. referred above are contained in the amendment being carried out in the Railway Services (Pension) Rules, 1993 in consultation with the Ministry of Law & Justice.

3. Please acknowledge receipt.

D.A.: One.


(SUKHENDER KAUR)
Joint Director Finance (Estt.),
Railway Board.

No. F(E)III/2005/PN1/32

New Delhi, Dated: 11.02.2013.

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


for Financial Commissioner/Railways.

No.1/33/2012-P&PW (E)
Government of India
Ministry of Personnel, P.G. & Pensions
Department of Pension & Pensioners' Welfare

3rd Floor, Lok Nayak Bhavan,
Khan Market, New Delhi
Dated: 16th January, 2013

Office Memorandum

- Sub: (i) Eligibility of disabled children for family pension after marriage and
(ii) Eligibility for two family pensions– clarification regarding.

The undersigned is directed to state that the Government has decided to allow continuance of family pension to mentally/physically disabled children who drew, are drawing or may draw family pension even after their marriage. Further, the Government has also decided to allow two family pensions where the pensioner drew, is drawing or may draw two pensions for military and/or civil employments.

2. In order to implement these decisions, Explanations 1 and 3 after sub-rule 6 of Rule 54 of the Central Civil Services (Pension) Rules, 1972 have been suitably amended and sub-rules 13-A and 13-B have been omitted. A copy of Gazette notification, G.S.R. No. 938 (E), dated 27th December, 2012, giving effect to these amendments is enclosed.

3. For the sake of clarity, the old and new explanations 1 and 3 are reproduced as under highlighting the changes made therein:

Old: EXPLANATION 1 - An unmarried son or an unmarried or widowed or divorced daughter shall become ineligible for family pension under this sub-rule from the date he or she gets married or remarried.

EXPLANATION 3 - It shall be the duty of son or daughter or siblings or the guardian to furnish a certificate to the Treasury or Bank, as the case may be, once in a year that (i) he or she has not started earning his or her livelihood and (ii) he or she has not yet married or remarried. A similar certificate shall be furnished by a childless widow after her re-marriage or parents to the Treasury or Bank, as the case may be, once in a year that she or he or they have not started earning her or his or their livelihood.

New: EXPLANATION 1 - An unmarried son or an unmarried or widowed or divorced daughter, except a disabled son or daughter, shall become ineligible for family pension under this sub-rule from the date he or she gets married or remarried.

EXPLANATION 3 - It shall be the duty of son or daughter or siblings or the guardian to furnish a certificate to the Treasury or Bank, as the case may be, once in a year that (i) he or she has not started earning his or her livelihood and (ii) he or she has not yet married or remarried. A similar certificate shall be furnished by a childless widow after her re-marriage or by the disabled son or daughter or parents to the Treasury or Bank, as the case may be, once in a year that she or he or they have not started earning her or his or their livelihood.

4. Sub rule 13-A regulates the grant of family pension to a military pensioner after his re-employment in a civil service or a civil post. Grant of two family pensions had been prohibited under this sub rule. Similarly, sub rule 13-B prohibits grant of two family

pensions to a person who is already in receipt of Family Pension or is eligible therefor under any other rules of the Central Government or a State Government and/or Public Sector Undertaking/Autonomous Body/Local Fund under the Central or a State Government. The sub-rules 13-A and 13-B have since been omitted vide the above mentioned Gazette notification.

5. It is clarified that financial benefits in past cases will accrue with effect from 24th September, 2012.

6. As regards pensioners/family pensioners belonging to the Indian Audit and Accounts Departments, these Orders issue after consultation with the Comptroller and Auditor General of India.



(Sujasha Choudhury)
Deputy Secretary to the Govt. of India
Tel. No. 24635979

All Ministries/Departments of the Government of India
O/o The Comptroller & Auditor General of India
O/o The Controller General of Accounts, Lok Nayak Bhavan, New Delhi.



भारत का राजपत्र

The Gazette of India

असाधारण

EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (i)

PART II—Section 3—Sub-section (i)

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं. 669]

नई दिल्ली, शुक्रवार, दिसम्बर 28, 2012/पौष 7, 1934

No. 669]

NEW DELHI, FRIDAY, DECEMBER 28, 2012/PAUSA 7, 1934

कार्मिक, लोक शिकायत तथा पेंशन मंत्रालय
(पेंशन और पेंशनभोगी कल्याण विभाग)

अधिसूचना

नई दिल्ली, 27 दिसम्बर, 2012

सा.का.नि. 938(अ).—राष्ट्रपति, संविधान के अनुच्छेद 309 के परंतुक और अनुच्छेद 148 के खंड (5) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए और भारतीय लेखा परीक्षा और लेखा विभाग में सेवा कर रहे व्यक्तियों के संबंध में भारत के नियंत्रक-महालेखा परीक्षक से परामर्श करने के पश्चात् केंद्रीय सिविल सेवा (पेंशन) नियम, 1972 में और संशोधन करने के लिए निम्नलिखित नियम बनाती हैं, अर्थात्:—

1. (1) इन नियमों का संक्षिप्त नाम केंद्रीय सिविल सेवा (पेंशन) द्वितीय संशोधन नियम, 2012 है।

(2) राजपत्र में उनके प्रकाशन की तारीख को प्रवृत्त होंगे।

2. केंद्रीय सिविल सेवा (पेंशन) नियम, 1972 में नियम 54 में, —

(क) उपनियम (6) में, —

(i) स्पष्टीकरण 1 में, पद "पुत्री" के स्थान पर पद "पुत्री, सिवाय निःशक्त पुत्र अथवा पुत्री के" को प्रतिस्थापित किया जाएगा।

(ii) स्पष्टीकरण 3 में, "उसके पुनर्विवाह या माता-पिता" शब्दों के स्थान पर पद "उसके पुनर्विवाह के पश्चात् या निःशक्त पुत्र अथवा पुत्री या माता-पिता" को प्रतिस्थापित किया जाएगा।

(ख) उपनियम 13-क का लोप किया जाएगा।

(ग) उपनियम 13-ख का लोप किया जाएगा।

[फा. सं. 1/33/2012-पी.एंड पी.डब्ल्यू(ई)]

सुजाशा चौधरी, उप सचिव

टिप्पण: मूल नियम संख्यांक का.आ. 934, तारीख 1 अप्रैल, 1972 द्वारा प्रकाशित किए गए थे। जुलाई, 1988 तक का संशोधित नियमों का चौथा संस्करण वर्ष 1988 में प्रकाशित किया गया था। तत्पश्चात् उक्त नियम निम्नलिखित अधिसूचनाओं द्वारा, संशोधित किए गए:—

1. का.आ. 254, तारीख 4 फरवरी, 1989
2. का.आ. 970, तारीख 6 मई, 1989
3. का.आ. 2467, तारीख 7 अक्टूबर, 1989
4. का.आ. 899, तारीख 14 अप्रैल, 1990
5. का.आ. 1454, तारीख 26 मई, 1990
6. का.आ. 2329, तारीख 8 सितम्बर, 1990
7. का.आ. 3269, तारीख 8 दिसम्बर, 1990
8. का.आ. 3270, तारीख 8 दिसम्बर, 1990
9. का.आ. 3273, तारीख 8 दिसम्बर, 1990
10. का.आ. 409, तारीख 9 फरवरी, 1991
11. का.आ. 464, तारीख 16 फरवरी, 1991
12. का.आ. 2287, तारीख 7 सितम्बर, 1991
13. का.आ. 2740, तारीख 2 नवम्बर, 1991
14. सा.का.नि. 677, तारीख 7 दिसम्बर, 1991
15. सा.का.नि. 39, तारीख 1 फरवरी, 1992
16. सा.का.नि. 55, तारीख 15 फरवरी, 1992
17. सा.का.नि. 570, तारीख 19 दिसम्बर, 1992
18. का.आ. 258, तारीख 13 फरवरी, 1993
19. का.आ. 1673, तारीख 7 अगस्त, 1993
20. का.आ. 449, तारीख 11 सितम्बर, 1993
21. का.आ. 1984, तारीख 25 सितम्बर, 1993
22. का.आ. 389 (अ), तारीख 18 अप्रैल, 1994
23. का.आ. 1775, तारीख 19 जुलाई, 1997

24. का.आ. 259, तारीख 30 जनवरी, 1999
25. का.आ. 904 (अ), तारीख 30 सितम्बर, 2000
26. का.आ. 717 (अ), तारीख 27 जुलाई, 2001
27. का.आ. 75 (अ), तारीख 1 फरवरी, 2002
28. का.आ. 4000 तारीख 28 दिसम्बर, 2002
29. का.आ. 860 (अ), तारीख 28 जुलाई, 2003
30. का.आ. 1483 (अ), तारीख 30 दिसम्बर, 2003
31. का.आ. 1487 (अ), तारीख 14 अक्टूबर, 2005
32. सा.का.नि. 723 (अ), तारीख 23 नवम्बर, 2006
33. का.आ. 1821 (अ), तारीख 25 अक्टूबर, 2007
34. का.आ. 258 (अ), तारीख 31 मार्च, 2008
35. का.आ. 1028 (अ), तारीख 25 अप्रैल, 2008
36. का.आ. 829 (अ), तारीख 12 अप्रैल, 2010
37. सा.का.नि. 176, तारीख 11 जून, 2011
38. सा.का.नि. 928 (अ), तारीख 26 दिसम्बर, 2012

**MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES
AND PENSIONS**

(Department of Pension and Pensioners' Welfare)

NOTIFICATION

New Delhi, the 27th December, 2012

G.S.R. 938(E).—In exercise of the powers conferred by the proviso to article 309 and clause (5) of article 148 of the Constitution and after consultation with the Comptroller and Auditor General of India in relation to persons serving in the Indian Audit and Accounts Department, the President hereby makes the following rules further to amend the Central Civil Services (Pension) Rules, 1972, namely:—

1. (1) These rules may be called the Central Civil Services (Pension) Second Amendment Rules, 2012.

(2) These rules shall come into force on the date of their publication in the Official Gazette.

2. In the Central Civil Services (Pension) Rules, 1972, in Rule 54,—

(a) in sub-rule (6),—

(i) in Explanation 1, for the words “daughter shall”, the words “daughter, except a disabled son or daughter,” shall be substituted;

(ii) in Explanation 3, for the words “her re-marriage or parents”, the words “her re-marriage or by the disabled son or daughter or by parents,” shall be substituted;

(b) sub-rule 13-A shall be omitted;

(c) sub-rule 13-B shall be omitted.

[F. No. 1/33/2012-P&PW(E)]

SUJASHA CHOWDHURY, Dy. Secy.

Note :—The principal rules were published *vide* number S.O. 934, dated the 1st April, 1972. The Fourth Edition of the rules corrected up to July, 1988 was

published in the year of 1988. The said rules were subsequently amended *vide* notifications given below:—

1. S.O. 254, dated the 4th February, 1989
2. S.O. 970, dated the 6th May, 1989
3. S.O. 2467, dated the 7th October, 1989
4. S.O. 899, dated the 14th April, 1990
5. S.O. 1454, dated the 26th May, 1990
6. S.O. 2329, dated the 8th September, 1990
7. S.O. 3269, dated the 8th December, 1990
8. S.O. 2730, dated the 8th December, 1990
9. S.O. 3273, dated the 8th December, 1990
10. S.O. 409, dated the 9th December, 1991
11. S.O. 464, dated the 16th February, 1991
12. S.O. 2287, dated the 7th September, 1991
13. S.O. 2740, dated the 2nd November, 1991
14. G.S.R. 677, dated the 7th December, 1991
15. G.S.R. 399, dated the 1st February, 1992
16. G.S.R. 55, dated the 15th February, 1992
17. G.S.R. 570, dated the 19th December, 1992
18. S.O. 258, dated the 13th February, 1993
19. S.O. 1673, dated the 7th August, 1993
20. G.S.R. 449, dated the 11th September, 1993
21. S.O. 1984, dated the 25th September, 1993
22. G.S.R. 389 (E), dated the 18th April, 1994
23. S.O. 1775, dated the 19th July, 1997
24. S.O. 259, dated the 30th January, 1999
25. S.O. 904, dated the 30th September, 2000
26. S.O. 717 (E), dated the 27th July, 2001
27. G.S.R. 75 (E), dated the 1st February, 2002
28. S.O. 4000, dated the 28th December, 2002
29. S.O. 860(E), dated the 28th July, 2003
30. S.O. 1483(E), dated the 30th December, 2003
31. S.O. 1487, dated the 14th October, 2005
32. G.S.R. 723(E), dated the 23rd November, 2006
33. S.O. 1821(E), dated the 25th October, 2007
34. G.S.R. 258 (E), dated the 31st March, 2008
35. S.O. 1028 (E), dated the 25th April, 2008
36. S.O. 829 (E), dated the 12th April, 2010
37. G.S.R. 176, dated the 11th June, 2011
38. G.S.R. 928(E), dated the 26th December, 2012