

WESTERN RAILWAY

P.S.No. 114/2014

Headquarter Office,
Churchgate, Mumbai-20

No. E(S)789/6 Vol II

Date: 28/10/2014

To,
All DRMs / CWMs & Units Incharge,
C/- Genl. Secy., WREU-GTR / WRMS-BCT.
C/- ZS-All India SC/ST Rly Employees. Assn, 'W' Zone, Mumbai
C/- ZS-All India OBC Rly Empl. Assn, Mumbai.

Sub: Eligibility of widowed / divorced daughters for grant of family
pension – clarification regarding.

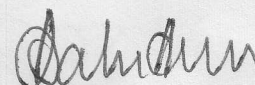
=====

A copy of Railway Board's letter No.F(E)III/2007/PN 1/5 dated
30.09.2014 (RBE No.109/2014) is sent herewith for information, guidance and
necessary action.

Board's letters referred to therein were circulated as under :

Sr.No.	Railway Bd's letter No. & Date	GM(E)-CCG's letter No. & Date.
i.	No.F(E) III/98/PN ¼ dt.16.03.2005)	E(S)789/6 Vol.II dated 28.03.2005 (P.S.No.45/2005)
ii.	No.F(E) III/2007/PN 1/5 dt.20.05.2011)	E(S)789/6 Vol.II dated 04.07.2011 (P.S.No.88/2011)
iii.	F(E)III/2007/PN 1/5 dated 26.09.2013	E(S)789/6 Vol.II dt.29.10.2013 (P.S.No.87/2013)

Encl: As above.



(Babu Augustine)
APO(B&A)
For General Manager (E)

RBE No. 109 /2014

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

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

New Delhi, Dated: 30.09.2014.

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

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

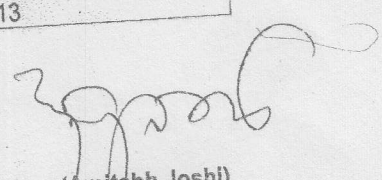
A copy of Department of Pension and Pensioners' Welfare(DOP&PW)'s O.M. No. 1/13/09-P&PW(E) dated 18.09.2014 on the above subject is enclosed for information and compliance. These instructions shall apply mutatis mutandis on the Railways. Rule 54(6)(iii) of the CCS(Pension) Rules, 1972 referred to therein corresponds to Rule 75(6)(iii) of the Railway Services (Pension) Rules, 1993.

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.	1/19/03-P&PW(E) dated 25/30.08.2004	F(E)III/98/PN1/4 dated 16.03.2005
2.	1/13/09-P&PW(E) dated 28.04.2011	F(E)III/2007/PN1/5 dated 20.05.2011
3.	1/13/09-P&PW(E) dated 11.09.2013	F(E)III/2007/PN1/5 dated 26.09.2013

3. Please acknowledge receipt.

D.A.: One.


(Amitabh Joshi)
Deputy Director Finance (Estt.) III,
Railway Board.

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,
the 18th September, 2014.

OFFICE MEMORANDUM

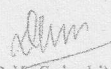
Sub: Eligibility of widowed/divorced daughters for family pension – clarification regarding.

The undersigned is directed to refer to Ministry of Railways (Rail Board)'s OM No. F(E)III/2007/PN1/5, dated 28th August, 2014 on the above subject.

2. Provision for grant of family pension to a widowed/divorced daughter beyond the age of 25 years has been made vide OM dated 30.03.2004. This provision has been included in clause (iii) of sub-rule 54 (6) of the CCS (Pension), Rules, 1972. For settlement of old cases, it was clarified, vide OM dated 28.04.2011, that the family pension may be granted to eligible widowed/divorced daughters with effect from 30.08.2004, in case the death of the Govt. Servant/pensioner occurred before this date.

3. It was further clarified vide OM dated 11th September, 2013 that if a daughter became a divorcee/widow during the period when the pension/family pension was payable to her father/mother, such a daughter, on fulfilment of other conditions, shall be entitled to family pension. The clarification was aimed at correctly interpreting the conditions of eligibility of a widowed/divorced daughter in terms of the concept of family pension under the CCS (Pension) Rules, 1972. It was also stated that it was only a clarification and the entitlement of widowed/divorced daughter would continue to be determined in terms of OM dated 25th/30th August, 2004 read with OM dated 28th April, 2011. It implies that the family pension should discontinue in those cases where it had been sanctioned in pursuance of these OM but without taking into consideration that the widowed/divorced daughter was leading a married life at the time of death of her father/mother, whoever died later and was, therefore, ineligible for family pension. It would be appropriate that in order to maintain equality before law, family pension payable to such daughters is discontinued. However, recovery of the already paid amount of family pension would be extremely harsh on them and should not be resorted to.

This issues with the approval of Secretary (Pension).


(D.K. Solanki)

Under Secretary to the Government of India
Tel. No. 24644632

Ministry of Railway,
(Kind attention: Shri Amitabh Joshi, Deputy Director Finance (Estt.)III),
Railway Board, Rail Bhawan,
New Delhi.