

**OFFICE OF THE
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O.O. No. Admn.I/13-8/V/99

Dated: 29.07.2022

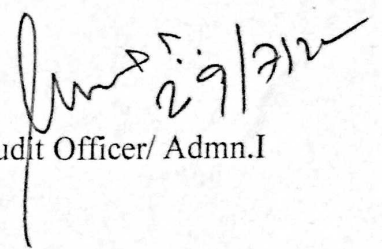
CIRCULAR

Please find the attached Office Memorandums on the subject mentioned below:

Sl. No.	Details of Office Memorandum	Subject of Office Memorandum
1.	Office Memorandum no. 57/03/2020-P&PW (B) dated 28.04.2022 issued by Department of Pension and Pensioners' Welfare, Ministry of Personnel, Public Grievances and Pension, Government of India, duly endorsed by Headquarters' Letter No. 84- स्टाफ हकदारी(नियम)/ ए. आर/ 09-2019 दिनांक: 16.06.2022	Provision for extending benefits under CCS (Pension) Rules or CCS (EOP) Rules to family of missing Central Government employees covered under National Pension System (NPS).
2.	Office Memorandum no. 1/1 (45)/2022 P&PW (E) dated 23.05.2022 issued by Department of Pension and Pensioners' Welfare (Desk- E), Ministry of Personnel, Public Grievances and Pension, Government of India, duly endorsed by Headquarters' Letter No. 85- स्टाफ हकदारी(नियम)/ ए. आर/ 09-2019 दिनांक: 16.06.2022	Clarification regarding eligibility for two family pensions.

Encl: As stated above.

//Authority: Sr. Dy. Accountant General (Admn.)'s order dated 28.07.2022


Sr. Audit Officer/ Admn.I

1. For all circulation.
2. AAO/ Admn.I (For transmission through e-mail).
3. AAO/ EDP-SC (for uploading the same in official website).
4. Notice Board

No. 1/1(45)/2022-P&PW (E)
Government of India
Ministry of Personnel Pension & Public Grievance
Department of Pension & Pensioners' Welfare
(Desk-E)

3rd Floor, Lok Nayak Bhawan
Khan Market, New Delhi-110003
Dated May 23, 2022

OFFICE MEMORANDUM

Subject: - Eligibility for two family pensions- clarification regarding

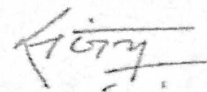
The undersigned is directed to state that representations/references have been received in this Department seeking clarification in regard to entitlement of a member of family for family pension from two different sources in respect of the same Government servant/pensioner, e.g. in respect of military service and civil service or in respect of service rendered in autonomous body and civil Government Department.

2. Before amendment of the erstwhile Central Civil Services (Pension) Rules, 1972 on 27th December, 2012, sub rule 13-A of Rule 54 of those Rules prohibited grant of family pension from the civil side to a re-employed military pensioner, if the military pensioner had opted for family pension for the military service rendered by him. Similarly, sub-rule 13-B of Rule 54 of those Rule prohibited grant of two family pensions to a person who was already in receipt of Family Pension or was 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. Sub-rules 13-A and 13-B were omitted vide notification No. 1/33/2012-P&PW (E) dated 27th December, 2012 (effective from 24th September, 2012). Thus the restriction on entitlement of family pension from two different sources in respect of the same Government servant/pensioner in such cases was removed by the aforesaid amendment notification. This position was also clarified vide this Department's O.M. No. 1/33/2012-P&PW (E) dated 16th January, 2013.

3. The Central Civil Services (Pension) Rules, 2021 have been notified on 20th December, 2021 replacing the erstwhile Central Civil Services (Pension) Rules, 1972. Rule 50 of the Central Civil Services (Pension) Rules, 2021 deals with family pension. This rule also does not provide for any restriction on grant of family pension from two different sources in respect of the same Government servant/pensioner.

4. In view of the above, it is clarified that there is no restriction in the Central Civil Services (Pension) Rules, 2021 on grant of family pension to a family member from two different sources in respect of the same Government servant/pensioner, in cases referred to in para 2 above.

5. However, entitlement of two family pensions to a member of the family consequent on death of two different Government servants/pensioners shall continue to be subject to the restriction in sub-rule 12(a) and sub-rule 13 of Central Civil Services (Pension) Rules, 2021.



(Sanjoy Shankar)

Deputy Secretary to the Government of India

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. NIC-for uploading on Department's Website

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No. 57/03/2020-P&PW (B)
Government of India
Ministry of Personnel, Public Grievances and Pension
Department of Pension and Pensioners' Welfare

Lok Nayak Bhavan, Khan Market
New Delhi, Dated the 28th April, 2022

OFFICE MEMORANDUM

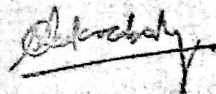
Subject:- Provision for extending benefits under CCS (Pension) Rules or CCS (EOP) Rules to family of missing Central Government employees covered under National Pension System (NPS)-reg.

The undersigned is directed to say that the New Pension Scheme (now called as National Pension System) (NPS) was introduced vide Ministry of Finance, Department of Economic Affairs' notification No. 5/7/2003-ECB&PR dated 22.12.2003. It was provided that NPS would be mandatory for all new recruits to the Central Government service from 1st of January 2004 except the Armed Forces. Simultaneously, the Central Civil Services (Pension) Rules, 1972 and the Central Civil Services (Extraordinary Pension) Rules were amended to provide that those rules would be applicable to the Government servants appointed on or before 31.12.2003.

2. However, considering the hardship being faced by the Government servants appointed on or after 01.01.2004, benefits of CCS (Pension) Rules, 1972 or CCS(Extraordinary Pension) Rules, as the case may be, were extended on provisional basis, in the event of death of Government servant covered by NPS or his discharge from service on invalidation / disablement, vide this Department's OM No. 38/41/06/P&PW(A) dated 05.05.2009.

3. Further, the Central Civil Services (Implementation of National Pension System) Rules, 2021 have been notified on 31.03.2021 inter-alia providing Government servants covered under these rules for exercise of options during their service for availing benefits of CCS (Pension) Rules, 1972 or CCS(Extraordinary Pension) Rules, as the case may be, or benefits from their Accumulated Pension Corpus under National Pension System, in the event of death of the Government servant covered under NPS or his discharge from service on account of invalidation or disablement.

4. If a Government servant covered by the CCS (Pension) Rules, 1972 goes missing, the benefits of arrears of salary, family pension, retirement gratuity, leave encashment, etc. are paid to the families of the missing employees in accordance with the instructions issued vide this Department's OM No. 1/17/2011-P&PW(E) dated 25.06.2013. References have been received from Ministries / Departments for extending the provisions of the OM dated 25.06.2013 to Government servants covered under NPS, who go missing during service and whose whereabouts are not known.



(G) 11/15/2013-2-112-04
2013/11/15/2013-2-112-04

5. The matter has been examined in consultation with Department of Personnel and Training, Department of Financial Services and Department of Expenditure. Considering the hardship faced by the family of such Government servants, it has been decided to extend the benefits of this Department's OM No. 1/17/2011-P&PW(E) dated 25.06.2013 to the families of Government servants covered by NPS who go missing during service. Accordingly, in all cases where a Government servant covered by NPS goes missing during service, the benefits of family pension may be paid to the family if the missing Government servant had exercised option for benefits under CCS (Pension) Rules on death or discharge from service on disability/invalidation or the benefits under CCS (Pension) Rules is the default option under the Central Civil Services (Implementation of National Pension System) Rules, 2021. The benefit of arrears of salary, retirement gratuity and leave encashment shall be paid to the family in all cases where a Government employee covered under NPS goes missing during service, irrespective whether the employee had exercised option for benefits under CCS (Pension) Rules or under the Pension Fund Regulatory and Development Authority (Exits and Withdrawals under National Pension System) Regulations, 2015. Payment of the benefits to the family of the missing Government servant would, however, be subject to the conditions and procedural requirements, as mentioned in this Department's OM dated 25.06.2013.

6. In the case of a Government servant covered under NPS goes missing during service and his family is given family pension under CCS(Pension) Rules or CCS(EOP) Rules, the Permanent Retirement Account under National Pension System would remain suspended till the Government servant re-appears or till he is declared dead in accordance with the law. In the event of re-appearance of Government servant, the NPS account would be re-activated and the same account under NPS will become operative. Recoveries of payments made to the family of missing NPS employee would be made from the indemnifier as provided under this Department's OM dated 25.06.2013. However, in the event of Government servant being declared dead at any time or after seven years, Government contribution and returns thereon from the accumulated pension corpus under NPS would be transferred to the Government account and remaining corpus comprising of employees' contribution and returns thereon would be paid to the nominee or legal heir as the case may be in accordance with CCS(Implementation of NPS) Rules, 2021 and family will keep getting benefits as per CCS (Pension) Rules or CCS(EOP) Rules, as the case may be.

7. The claim by the Government servant or the family for getting benefits under CCS (Pension) Rules, or CCS(EOP) Rules, as the case may be, would be submitted in the same manner as prescribed under the relevant rules and DoPPW OM dated 25.06.2013. The process for grant of benefits under CCS(Pension) Rules, or CCS(EOP) Rules would be initiated in accordance with the option exercised by the Government servant or default option prescribed under CCS (Implementation of NPS) Rules, 2021. Necessary action for freezing of account under NPS would be started simultaneously and the process of grant of benefits under CCS(Pension) Rules or CCS(EOP) Rules, as the case may be, should not be deferred till the process of freezing of account under NPS is completed.

8. These orders shall take effect from 01.01.2004. Interest on delayed payment of retirement gratuity, as provided under the CCS(Pension) Rules, would be paid at the rates and manner applicable for Public Provident Funds deposits from time to time. However, no interest would be paid for any amount due before issue of these instructions.

[Signature]


9. In all those cases where on re-appearing of Government servant whose whereabouts were not known, and where benefits under DoPPW OM dated 25.06.2013 have been paid, the quantum of family pension awarded exceeds the recoverable emoluments, the matter needs to be settled in consultation with Department of Pension and Pensioners' Welfare and Department of Expenditure.

10. All Ministries / Departments are requested to bring the contents of these orders to the notice of Controller of Accounts / Pay and Accounts Officers and Attached / Subordinate Offices under them.

11. This issues in consultation with of Ministry of Finance, Deptt. of Expenditure vide ID Note No. 1(11)/EV/2021 dated 29.03.2022 and in consultation with Controller General of Accounts vide their I.D. Note No. TA-3-104/5/2019-TA-III/CS-557/235 dated 15.03.2021.

12. 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.

13. Hindi version will follow.


(S. Chakrabarti)

Under Secretary to the Government of India

To,

1. All Central Government Ministries / Departments.
2. Chief Secretaries of all State Governments/UTs.
3. Accountant Generals in the States and UTs.
4. Department of Expenditure, Ministry of Finance, North Block, New Delhi.
5. C&AG, Bahadur Shah Zafar Marg, New Delhi.
6. Ministry of Railways, Railway Board, New Delhi.
7. Department of Financial Services, Jeevan Deep Building, Parliament Street, New Delhi.
8. CGA, Department of Expenditure, INA, New Delhi.
9. AD(OL) for Hindi version.
10. NIC for posting on the website of this Department.