

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.

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

Audit Rules AAO

Sent: Wednesday, July 03, 2013 4:40 PM

To: IAAD

D.A.G. (CA)

भारत के नियंत्रक - महालेखापरीक्षक का कार्यालय,
पॉकेट 9, दीनदयाल उपाध्याय मार्ग, नई दिल्ली - 110 124.

Ad (Adm III)

संख्या:- 64 - स्टाफ हकदारी (नियम)/ 05-2011

दिनांक:- 03.07.2013

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.

महोदय,

उपर्युक्त विषय पर कार्मिक, लोक शिकायत तथा पेंशन मंत्रालय, पेंशन तथा पेंशन भोगी कल्याण विभाग के कार्यालय ज्ञापन सं.1/17/2011-P&PW(E) दिनांक 25.06.2013 को लेखा परीक्षा नियम के पब्लिक फोल्डर में डाल दिया गया है।

क्षेत्रीय कार्यालय कृपया इन आदेशों को आवश्यक कार्रवाई हेतु डाउनलोड कर लें। यदि लेखापरीक्षा नियम के पब्लिक फोल्डर को खोलने में कोई कठिनाई हो तो इन्हें संबंधित मंत्रालय की वेबसाइट से डाउनलोड कर लें।

Ministry of Personnel, Public Grievances and Pensions, Department of Pension & Pensioners' Welfare O.M. No. 1/17/2011-P&PW(E) dated 25.06.2013 on the above subject has been uploaded in the public folder of Exchange Server under Audit Rules.

The above OM is also available in the web site of the Ministry.

The field offices and officers may download these orders for further necessary action. If the access to Public Folder of Audit Rules is not available the orders may be down loaded from the web site of the Ministry.

भवदीय

प्रधान महालेखाकार मंत्रालय

सी.ए.पी.डायरी

क्रमांक. 259

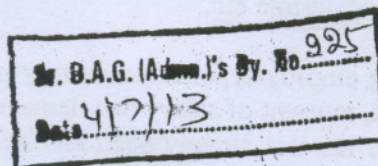
दिनांक. 03-7-13

हस्ता/-

(मगन लाल ताम्रकार)

व. प्रशासन अधिकारी (नियम)

भारतीय लेखा एवं लेखापरीक्षा विभाग
के सभी अधिकारी और कार्यालय।



4/7

- (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.

कर्मिक और प्रशासन विभाग, लोक नयक भवन
Dept. of Personnel & Adm., L. N. Bhawan
प्राप्ति और निगमन अनुभाग
Receipt & Issued Section

25 JUN 2013
जारी किया/ISSUED

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

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. FFE/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.