

F. No. 1/24/2019-P&PW (E)
Government of India
Ministry of Personnel, Public Grievances & Pensions
Department of Pension & Pensioners' Welfare
(Desk-E)

3rd Floor, Lok Nayak Bhawan,
Khan Market, New Delhi
Dated 16th June, 2021

OFFICE MEMORANDUM

Subject: Suspension of family pension to a person charged with the offence of murdering or abetting in the murder of the Government servant– Allowing family pension to other eligible family member.

In accordance with sub-rule (11-C) of rule 54 of the Central Civil Services (Pension) Rules, 1972, if a person, who is eligible to receive family pension on death of a Government servant or a pensioner, is charged with the offence of murdering the Government servant/pensioner or for abetting in the commission of such an offence, the payment of family pension remains suspended till the conclusion of the criminal proceedings instituted in this regard. In that case, family pension is neither paid to the person who is charged with the offence nor to any other eligible member of the family till the conclusion of the said criminal proceedings. If on conclusion of the criminal proceedings, the person concerned is convicted for the murder or abetting in the murder of the Government servant, he/she is debarred from receiving the family pension. In that case, the family pension becomes payable to other eligible member of the family, from the date of death of the Government servant. If, however, the person concerned is subsequently acquitted of the charge, the family pension becomes payable to that person from the date of death of the Government servant.

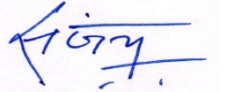
2. The above provisions have been reviewed in consultation with Department of Legal Affairs. Denying the payment of family pension to any other member of the family (e.g. dependent children, parents, etc.), who is not charged with the offence, till the conclusion of criminal proceedings is not considered justified, as finalisation of the criminal proceeding may take a long time and the eligible children/parents of the deceased may suffer for want of financial support by way of family pension.

3. It has, accordingly, been decided that in cases where a person eligible to receive family pension is charged with the offence of murdering the Government servant or for abetting in the commission of such an offence and the payment of family pension to him/her remains suspended under Rule 54(11-C) of CCS (Pension) Rules, 1972, family pension may be allowed to other eligible member of the family till the conclusion of the criminal proceedings in this regard. If the spouse of the Government servant is charged with the offence of murdering the Government servant or for abetting in the commission of such an offence and the other eligible family member is a minor child of the deceased Government servant, the family pension to such minor child shall be payable through a duly appointed guardian, and the mother or father of the minor child (who is charged with the offence) shall not act as guardian for the purpose of drawal of family pension.

4. If the concerned person is subsequently acquitted of the charge, the family pension shall become payable to that person from the date of such acquittal and the family pension to other member of the family shall be discontinued from that date.

5. This will take effect from the date of issue of this Office Memorandum. In the cases where the payment of family pension has been suspended as per the provisions of Rule 54 (11-C) of CCS (Pension) Rules, 1972, before the issue of this Office Memorandum, the arrears of family pension accruing from the date following the date of death Govt. Servant/Pensioner, shall also be paid to the other eligible family member of the Govt. Servant/Pensioner.

6. The provisions of Rule 54(11-C) of CCS (Pension) Rules, 1972, shall stand amended to the extent mentioned above. Formal amendment to the Central Civil Services (Pension) Rules, 1972 shall be notified separately.



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