

**No. 36-03/2019-Pen(T)/10
Government of India
Ministry of Communications
Department of Telecommunications
(Pension Section)**

513, Sanchar Bhawan
20, Ashoka Road, New Delhi
Dated: 3rd November, 2022

OFFICE MEMORANDUM

Subject: Circulation of DoP&PW OM No.1/1(1)/2022-P&PW (E) dated 26.10.2022 – regarding grant of family pension under Central Civil Services (Pension) Rules, 2021 to a child or sibling of a deceased Government servant/pensioner suffering from a mental or physical disability.

The undersigned is directed to circulate the above mentioned DoP&PW OM to all concerned for information and strict implementation.

Encl: As above.

Leena George
3.11.2022

(Leena George)

Under Secretary to the Govt. of India

To:

1. All the office of Pr. CCAs/ CCAs/LSAs/Heads of BSNL circles.
2. Sr. DDG(TEC), Khurshid Lal Bhawan, Janpath, New Delhi, WMO/NCCS
3. DDG(A/cs), DDG(C&A), DDG(Pers.), DDG(E&T), DoT, HQ.
4. Dir (Accounts-I), Dir (Accounts-II), Dir (Staff), Dir (SEA), Dir (Civil), Dir (Arch.), Dir (Elect.), DS (Admn.I), DS (Admn.II), DoT, HQ.
5. US (Admn.I), US (Admn.II), US(Admn.III), US(SGT), US(SNG), ADG(SEA-I), ADG(SEA-II), DoT
6. ADG(E&C), DoT for uploading this OM on DoT website.

Copy, in respect of DoT employees working on deputation, to:

7. CMD, BSNL/MTNL/BBNL/TCIL/ITI.
8. Registrar, TDSAT, Secretary TRAI, Chairman C.DoT

36-03/2019-Pen(T)

711566/2022/Pension

F. No. 1/1(1)/2022-P&PW (E)
Government of India
Ministry of Personnel, PG & Pensions
Department of Pension & Pensioners' Welfare

3rd Floor, Lok Nayak Bhawan
Khan Market, New Delhi-110 003
Dated: 26.10.2022

Office Memorandum

Subject: Grant of family pension under Central Civil Services (Pension) Rules, 2021 to a child or sibling of a deceased Government servant/pensioner suffering from a mental or physical disability.

The undersigned is directed to say that Department of Pension has notified the Central Civil Services (Pension) Rules, 2021 in supersession of the Central Civil Service (Pension) Rules, 1972. Rule 50 of the Central Civil Service (Pension) Rules, 2021 deals with payment of family pension on death of a Government servant/pensioner.

2. In accordance with Rule 50(9) of the Central Civil Service (Pension) Rules, 2021, a son or daughter or sibling of a deceased Government servant/pensioner, who is suffering from a mental or physical disability and is not earning his or her livelihood, is eligible for family pension for life. A child/sibling suffering from a mental or physical disability shall be deemed to be not earning his or her livelihood, if his or her overall income from sources other than family pension is less than the entitled family pension and the dearness relief admissible thereon, payable on death of the Government servant or pensioner concerned.

3. Where a deceased Government servant or pensioner leaves behind more children than one, family pension shall first be payable to children below the age of twenty-five years, who fulfill the eligibility conditions for grant of family pension, in the order of their birth. Where a deceased Government servant or pensioner is not survived by a son or daughter below the age of twenty-five years and eligible for family pension or where such son or daughter has died or has ceased to be eligible for family pension, the family pension shall be payable for life to a son or daughter who is suffering from any disorder or disability of mind including the mentally retarded or is physically disabled or suffering from any other disability referred to in the Rights of Persons with Disabilities Act, 2016 (49 of 2016) so as to render him or her unable to earn a living even after attaining the age of twenty-five years, subject to the following conditions:-

- (i) The disability existed before the death of the Government servant or pensioner and his or her spouse;
- (ii) The family pension shall be paid to a son or daughter, who is suffering from any disorder or disability of mind including the mentally retarded, through the guardian as if he or she were a minor. In the case of a mentally retarded son or daughter, the family pension shall be payable to a person nominated by the Government servant or the pensioner, as the case may be, and in case no such nomination has been furnished to the Head of Office by such Government servant or pensioner during his lifetime, to the person nominated by the spouse of such Government servant or family pensioner, as the case may be, later on. The Guardianship Certificate issued under section 14 of the National Trust Act, 1999 (44 of 1999), by a local level Committee, shall also be accepted for nomination or appointment of guardian for grant of family pension in respect of the person suffering from Autism, Cerebral Palsy, Mental Retardation and Multiple Disabilities as indicated in the said Act
- (iii) Before allowing the family pension for life to any such son or daughter, the appointing authority shall satisfy that the disability is of such a nature so as to prevent him or her from earning his or her livelihood and the same shall be evidenced by a certificate obtained from,-

(A) an authority competent to issue disability certificate in accordance with the Rights of Persons with Disabilities Act, 2016 (49 of 2016), the Rights of Persons with Disabilities Rules, 2017 and the guidelines and notifications issued by the Central Government or a State Government or a Union territory administration; or

(B) a Medical Board comprising of a Medical Superintendent or a Principal or a Director or Head of the Institution or his nominee as Chairman and two other members, out of which at least one shall be a Specialist in the particular area of disability, setting out, as far as possible, the exact mental or physical condition of the child.

Such son or daughter or the person receiving the family pension as guardian of such son or daughter shall produce a certificate, from above medical authorities once, if the disability is permanent and if the disability is temporary, once in every five years, to the effect that he or she continues to suffer from a disability referred to in clause.

(iv) Marriage by a child who is suffering from a disability referred to in clause (h) shall not render him or her ineligible for family pension.

4.. All Ministries/Departments are requested that the above provisions regarding Grant of family pension under Central Civil Services (Pension) Rules, 2021 to a child or sibling of a deceased Government servant/pensioner suffering from a mental or physical disability may be brought to the notice of the personnel dealing with the pensionary benefits in the Ministry/Department and attached/subordinate offices thereunder, for strict implementation.


(Vishal Kumar)

Under Secretary to Government of India
Tel: 24644632

To

All Ministries/Departments/Organisations (As per standard list).-