

**FAMILY PENSION SCHEME**

**6.17.** The provisions of this rule shall apply:

- (a) to a regular employee of Punjab Government in a pensionable establishment on or after the 1st July, 1964 ; and
- (b) to a Punjab Government employee who was in service on the 30th June, 1964 and came to be governed by the provisions of Family Pension Scheme, 1964, for Punjab Government employees.

**Note.**— In the case of a Government employee who retired from service or died at any time before the publication of this rule, the provisions of Family Pension Scheme , 1964 as in force on the date that Government employee retired or died shall apply.

(1) The rate of family pension in respect of a Government employee who dies after retirement shall be as under: —

- (a) forty *per cent* of the pay subject to a minimum of three thousand and five hundred rupees if the pay of the deceased on the date of his retirement does not exceed ten thousand rupees.
- (b) thirty *per cent* of the pay subject to a minimum of four thousand rupees, if the pay of the deceased on the date of retirement exceeds ten thousand rupees.

**Note.**— The above rates are effective from the 1<sup>st</sup> day of January, 2006.

**Note 1.**— ‘pay’ for this purpose means the pay as defined in rule 2.44 of the Punjab Civil Services Rules, Volume I, Part I, which the person was drawing on the date of his death while in service or immediately before his retirement. If on the date of his death while in service or immediately before his retirement, a person has been absent from duty on leave, including extraordinary leave, or under suspension, ‘pay’ means the pay which he draws immediately before proceeding on such leave or such suspension and the term ‘pay’ shall also include dearness pay.

**Note 2.**—The amount of family pension shall be fixed at monthly rates and be expressed in whole rupees and where the pension contains a fraction of a rupee it shall be rounded off to the next higher rupee:

Provided that in no case a family pension in excess of the maximum determined under this rule shall be allowed.

(2) The Scheme will be administered as below:—

- (i) The family pension will be admissible in case of death while in service or after retirement if at the time of death the retired Government employee was in receipt of a compensation, invalid, retiring or superannuation pension.

In case of death while in service, the Government employee should have completed a minimum period of one year of continuous service, without break. The family pension will not be admissible in cases of death after retirement, if the retired employee at the time of death was in receipt of gratuity only:

Provided that the condition of completing a minimum period of one year of continuous service will not be applicable in the case of Government employee who has been medically examined and declared fit for entry into Government service.

- (ii) The term “one year continuous service” used in clause (i) is inclusive of permanent and temporary service in a pensionable establishment and any period of leave including extraordinary leave but does not include Boy Service and suspension period unless that is regularised by the competent authority.
- (iii) In the cases of persons who are transferred to Punjab State from the Central Government or other State Governments and in whose case it has been agreed to count their previous service for pension the Family Pension Scheme would be applicable in the event of their death/retirement without putting in one year continuous service under the State Government, if their total service at the time of death (inclusive of service rendered under the previous Government) exceeds one year.
- (3) “Family” for purposes of this Scheme will include the following relatives of the Government employee:—
  - (a) wife in the case of a male Government employee and husband in the case of a female Government employee;
  - (b) a judicially separated wife or husband, such separation not being granted on the ground of adultery and the person surviving was not held guilty of committing adultery;
  - (c) sons upto the age of twenty-five years;
  - (d) daughters upto the age of twenty-five years irrespective of their marriage but unmarried daughters shall be included in the family irrespective of their age; and
  - (e) parents who were wholly dependent on the Government employee, when he/she was alive provided the deceased employee had left behind neither a widow nor a child.

**Note 1.**— (c) and (d) will include children adopted legally before retirement.

**Note 2.**— Marriage after retirement shall be recognised for purposes of this Scheme.

- (4) The pension will be admissible—
- (i) (a) in the case of widow or widower up to the date of death or remarriage whichever is earlier;
  - (b) in the case of a son until he attains the age of twenty-five years or till he starts earning his livelihood, whichever is earlier; and
  - (c) to a daughter upto the age of twenty-five years irrespective of her marriage. However, an unmarried daughter shall be entitled to family pension irrespective of her age. But, family pension shall not be admissible to a daughter, if she starts earning her livelihood:

Provided that if the son or daughter of a Government employee is suffering from any disorder or disability of mind or is physically crippled or disabled so as to render him or her unable to earn a living even after becoming ineligible for family pension under sub-clauses (b) and (c), the family pension shall be payable to such son or daughter for life subject, to the following conditions, namely:—

- (i) if such son or daughter is one among two or more children of the Government employee, the family pension shall be initially payable to the children in the order set out in the sub-rule (3) until the last child becomes ineligible for family pension under sub-clauses (b) and (c) and thereafter the family pension shall be resumed in favour of the son or daughter suffering from disorder or disability of mind or who is physically crippled or disabled and shall be payable to him or her as the case may be, for life;
- (ii) if there are more than one such son or daughter suffering from disorder or disability of mind or they are physically crippled or disabled, the family pension shall be paid in the following order, namely:—
  - (a) firstly to the son, and if there are more than one son, the younger of them will get the family pension only after the life time of the elder;
  - (b) secondly, to the daughter, and if there are more than one daughter, the younger of them will get the family pension only after the life time of the elder;
- (iii) the family pension shall be paid to such son or daughter through the guardian as if he or she were a minor;

- (iv) before allowing the family pension for life to any such son or daughter, the sanctioning authority shall satisfy that the handicap is of such a nature as to prevent him or her from earning his or her livelihood and the same shall be evidenced by a certificate obtained from a medical officer not below the rank of a Civil Surgeon setting out as far as possible, the exact mental or physical condition of the child;
- (v) the person receiving the family pension as guardian of such son or daughter shall produce every three years a certificate from a medical officer not below the rank of a Civil Surgeon to the effect that he or she continued to suffer disorder or disability of mind or continues to be physically crippled or disabled.

*Explanations*,—(a) The disability which manifests itself before or after the retirement or death of the Government employee shall be taken into account for the purpose of grant of family pension under this rule.

(b) Omitted.

(c) The family pension payable to such a son or daughter shall be stopped if he or she starts earning his/her livelihood.

(d) In such cases it shall be the duty of the guardian to furnish a certificate to the Treasury or Bank, as the case may be, every month that (i) he or she has not started earning his/her livelihood; (ii) Omitted.

*Explanation (2)*.—A son or a daughter shall be deemed to be earning his/her livelihood if his/her monthly income is equal to the prescribed minimum family pension of Rs. 3500 plus dearness relief thereon. Similarly, parents whose total monthly income from all sources is equal to or more than the prescribed minimum pension of Rs. 3500 plus dearness relief thereon, shall not be considered to be dependent upon the deceased Government employee and no family pension shall be admissible to them.

**Note 1.**—When a Government employee is survived by more than one widow, the pension will be paid to them in equal shares. On the death of a widow, her share of the pension will become payable to her eligible minor child, if at the time of her death, a widow leaves no eligible minor child, the payment of her share of the pension will cease.

**Note 2.**—Where a Government employee is survived by a widow but has left behind an eligible minor child from another wife, the eligible minor child will be paid the share of pension which the mother would have received if she had been alive at the time of the death of the Government employee.

**Note 3.**—Except as provided in Note 1, pension awarded under this scheme will not be payable to more than one member of the family of a Government employee at the same time. It will first be admissible to the widow or widower and thereafter to the eligible minor children.

**Note 4.**—In the event of remarriage or death of the widow or widower, the pension will be granted to the minor children including the posthumous child through their natural guardian, if any, otherwise through their de facto guardian on production of indemnity bond in Form 'A'. In disputed cases, however, payment will be made through a legal guardian (i.e. guardian, appointed by a court of law).

**Note 5.**—The *ad hoc* increase in pension will not be admissible on the family pension granted under this scheme.

(5) Omitted.

(6) Omitted.

(7) Omitted.

(8) Widows or widower of such Government employees as are governed by this Scheme will not be entitled to family pension under any other rules.

(9) This scheme is not applicable to—

(a) Staff paid from contingencies;

(b) Work-charged staff;

(c) Casual labour;

(d) Contract employees; and

(e) Employees without a minimum service of one year.

(10) The commutation of pension has no effect on the quantum of family pension as the rate of family pension is based on the pay which the Government employee was drawing immediately before his retirement and not on the pension sanctioned to him.

(11) In case both the wife and the husband are Government employees and are governed by the provisions of this scheme and one of them dies while in service or after retirement, the family pension in respect of the deceased Government employee shall become payable to the surviving husband or wife, as the case may be, and in the event of the death of the surviving husband or wife, the surviving child or children shall be granted two family pensions in respect of the deceased parents.

(12) Where a female Government employee or a male Government employee dies leaving behind a judicially separated husband or wife and no child, the family pension in respect of the deceased employee shall be payable to the surviving person.

(13) (a) Where a female Government employee or a male Government employee dies leaving behind a judicially separated husband or wife with a child or children, the family pension payable in respect of the deceased employee shall be payable to the surviving person provided he or she is the guardian of such a child or children.

(b) Where the surviving person has ceased to be the guardian of such a child or children, such family pension shall be payable to the person who is the actual guardian of such a child or children:

Provided that where in a case the judicial separation is granted on the ground of adultery and the death of the Government employee takes place during the period of such judicial separation, the family pension shall not be payable to the person surviving.

(13-a) If a person who in the event of death of a Government employee while in service, is eligible to receive family pension under this rule, is charged with the offence of murdering the Government employee or for abetting the commission of such an offence, the claim of such a person, including that of other members of the family eligible to receive the family pension shall remain suspended till the conclusion of the criminal proceedings instituted against him.

(13-b) If on the conclusion of the criminal proceedings referred to in sub-rule (13-a), the person concerned –

- (i) is convicted for the murder or for abetting the murder of the Government employee, such a person shall be debarred from receiving the family pension which shall be payable to other eligible members of the family, from the date of death of the Government employee.
- (ii) is acquitted of the charge of murder or for abetting the murder of the Government employee, the family pension shall be payable to such a person from the date of death of the Government employee.

(13-c) The provisions of sub-rules (13-a) and (13-b) shall also apply for the family pension becoming due on the death of a Government employee after his retirement.

(14) Omitted.

**6.17-A.** (1) The rate of family pension in respect of a Government employee who dies in harness, for a period of first fifteen years from the date of death or till the Government employee would have attained the age of sixty-five years, had he survived, whichever period is less, shall be as follows:–

<b>Pay on the date of death</b>	<b>Rate of Family Pension per month</b>
If the pay does not exceed ten thousand rupees	Sixty per cent of the pay.
If the pay exceeds ten thousands rupees	Fifty per cent of the pay subject to a minimum of six thousand rupees.

(2) The rate of family pension in respect of Government employees who die in harness, after fifteen years from the date of his death or till the Government employee would have attained the age of sixty five had he survived, whichever period is less, shall be as follows: –

<b>Pay on the date of death</b>	<b>Rate of Family Pension per month</b>
If the pay does not exceed ten thousand rupees	Forty per cent of the pay.
If the pay exceeds ten thousands rupees	Thirty per cent of the pay subject to a minimum of four thousand rupees.

**Note.**–The rates mentioned in this rule are effective from the 1<sup>st</sup> day of December, 2011.

**6.18.** In addition to the pension or family pension admissible under these rules, the old pensioners or family pensioners shall be entitled to an additional pension calculated on the basis of their age and basic pension/family pension at the rates given below :–

<b>Age of the pensioner or family pensioner</b>	<b>Rate of additional pension or family pension</b>
From 65 years to less than 70 years	Five percent
From 70 years to less than 75 years	Ten percent
From 75 years to less than 80 years	Fifteen percent
From 80 years to less than 85 years	Twenty-five percent
From 85 years to less than 90 years	Thirty-five percent
From 90 years to less than 95 years	Forty-five percent
From 95 years to less than 100 years	Fifty-five percent
100 years or more	Hundred percent

**Notes.**– (i) The additional pension/family pension admissible on attaining the age of 65 years or above, shall be admissible from the 1<sup>st</sup> day of the month in which the date of birth of a pensioner falls. Those pensioners or family pensioners whose date of birth falls on the first day of a month, shall also be entitled to additional pension/family pension with effect from the first day of that month.

(ii) The Accountant General (A&E), Punjab, shall ensure that the date of birth and the age of pensioner or family pensioner is invariably indicated in the form PEN-I and the Pension Payment Order to facilitate payment of additional pension/family pension by the Pension Disbursing Authority as soon as it becomes due. The amounts of pension or family pension and additional pension/family pension shall be shown distinctly in the Pension Payment Order.

(iii) The benefit of additional pension or family pension shall also be admissible to the pensioners or family pensioners belonging to the All India Services of Punjab cadre.

(iv) If the date of birth is not recorded in the Pension Payment Order or the office record, additional pension/family pension, shall be payable on the basis of any one of these documents: PAN Card, Matriculation Certificate, Passport, and Adhaar Card (if it contains date of birth). A pensioner, who cannot produce any of the these documents, shall be asked to produce a certificate of age from the Chief Medical Officer of the district in which he/she resides and his/her eligibility for the payment of additional pension shall be determined on the basis of the age adjudged by the said medical authority.

(v) The provisions of this rule are effective from the 1<sup>st</sup> day of December, 2011.

**6.18-A.** The procedure to be followed in respect of claims arising out of this scheme is as under:—

Furnishing of ‘Family’ details—

(i) All employees entitled to the benefit of this Scheme shall be required to furnish details of their ‘family’ as defined in sub-rule (3) of rule 6.17, i.e., the date of birth of each member with his or her relationship with the Government employee. This statement shall be countersigned by the Head of Office and pasted in the service book of the Government employee. Government employee will thereafter be required to keep this statement up-to-date. Additions and alterations in this statement will be made by the Head of Office from time to time on receipt of information from the Government employee concerned.

Cases where death occurs while in service—

(ii) On receiving information of death of a Government employee while in service, the administrative authority will send a letter as prescribed in Form PEN-16 to the family of the deceased and ask for the necessary documents mentioned therein.

(iii) On receiving the documents referred to in clause (ii) the pension sanctioning authority will sanction family pension as in Form PEN-17 and send all these documents along with the service book of the Government employee to the Accountant-General, Punjab, who will then issue the Pension Payment Order to the beneficiary.

(iii-A) In the case of a Government employee who dies while on deputation to Central or any other State Government or while on foreign service, action to authorise the payment of family pension and Death-cum-retirement gratuity, in accordance with the provisions of this scheme, shall be taken by the Audit Officer or the Head of the Office, as the case may be, of the Cadre authority which sanctioned the deputation of the Government



employee to the Central or any other State Government or to foreign service.

Cases where death occurs after retirement –

- (iv) In order to facilitate quick payment of family pension to the widow/widower of the pensioner, Pension Payment Order, as amended, provides for the admissibility of the family pension to her/him under the same Pension Payment Order under which the pensioner was drawing his pension. While applying for the grant of pension, the Government employee would furnish three copies of his joint photographs with wife/husband; one of which will after having been attested by the pension sanctioning authority be henceforth pasted in the pension payment order, pensioner's portion. The amount of family pension admissible will be mentioned in the pension payment order. The Treasury Officer will start paying family pension to the widow or widower on receipt of death certificate of the pensioner and the Form of application in Form PEN.16(a) for the grant of family pension to her or him intimating the change to the Accountant-General, Punjab, in the Form PEN-18. If the widow or widower is also not there and the family pension is payable to the minor children through their guardian, the guardian will apply on behalf of the children with two copies of his photograph and the other necessary documents to the administrative authority on surrendering the First Pension Payment Order. Fresh Pension Payment Order will have to be issued in such cases.

**6.19.** In cases where the pensionary liability is required to be allocated between two or more Governments, only the net amount of gratuity payable should be allocated between the different Governments.

FORM 'A'

[Referred to in Note 4, sub-rule (4) of Rule 6.17]

KNOW ALL MEN by these presents that we–

(a) \_\_\_\_\_ (b) the widow/son/brother, etc., of deceased, resident of \_\_\_\_\_ (c) \_\_\_\_\_ (hereinafter called "the Obligor" ) and (d) \_\_\_\_\_, son/wife/daughter of \_\_\_\_\_, resident of \_\_\_\_\_ and \_\_\_\_\_, son/wife/daughter of \_\_\_\_\_, resident of \_\_\_\_\_, the sureties for and on behalf of the Obligor (hereinafter called "the Sureties") are held and firmly bound to the Governor of Punjab (hereinafter called "Government") in the sum of Rs. \_\_\_\_\_ (Rupees \_\_\_\_\_) only well and truly to be paid to the Government on demand and without a demur for which payment we bind ourselves and our respective

heirs, executors, administrators, legal representatives, successors and assigns by these presents.

Signed this \_\_\_\_\_ day of \_\_\_\_\_ two thousand and \_\_\_\_\_.

WHEREAS (c) \_\_\_\_\_ was at time of his death in the employment of the Government/receiving a pension at the rate of Rs. \_\_\_\_\_ (Rupees \_\_\_\_\_) only per month from the Government.

AND WHEREEAS the said (c) \_\_\_\_\_ died on the \_\_\_\_\_ day of \_\_\_\_\_ 20 \_\_\_\_\_ and there was due to him at the time of his death the sum of Rs. \_\_\_\_\_ (Rupees \_\_\_\_\_) for and towards share of his minor son/daughter in the death-cum-retirement gratuity.

AND WHEREAS the Obligor claims to be entitled to the said sum as *de facto* guardian of the minor son or daughter of the said (c) \_\_\_\_\_ but has not obtained till the date of these presents the certificate of guardianship from any competent court of law in respect of the said minor(s).

AND WHEREAS the Obligor has satisfied the (c) \_\_\_\_\_ that he/she is entitled to the aforesaid sum and that it would cause undue delay and hardship if the Obligor be required to produce the certificate of guardianship form the competent court of law before payment to him of the said sum of Rs. \_\_\_\_\_.

AND WHEREAS the Government has no objection to the payment of the said sum to the Obligor but under Government rules and orders it is necessary for the Obligor to first execute a bond with one surety/two sureties to indemnify the Government against all claims to the amount so due as aforesaid to the said (c) \_\_\_\_\_ before the said sum can be paid to the Obligor.

AND WHEREAS the Obligor and at his/her request the surety/sureties have agreed to execute the bond in the terms and manner hereinafter contained.

NOW THE CONDITION OF THIS BOND is such that if after payment has been made to the Obligor, the Obligor and/or the surety/sureties shall in the event of a claim being made by any other person against the Government with respect to the aforesaid sum of Rs. \_\_\_\_\_ refund to the Government the said sum of Rs. \_\_\_\_\_ and shall otherwise indemnify and keep the Government harmless and indemnified against and from all liabilities in respect of the aforesaid sum and all costs incurred in consequence of the claim thereto. THEN the above-written bond or obligation shall be void and of no effect but otherwise it shall remain in full force, effect and virtue.

AND THESE PRESENTS ALSO WITNESS that the liability of the sureties hereunder shall not be impaired or discharged by reason of time being granted by or any forbearance act or omission of the Government whether with or without the knowledge or consent of the surety/sureties in respect of or in relation to the obligation or conditions to be performed or discharged by the Obligor or by any other method or thing whatsoever which under the law relating to sureties, shall but for this provision have the effect of so releasing the surety/sureties from such liability nor shall it be necessary for the Government to sue the Obligor before suing the surety/sureties or either of them for the amount due hereunder, and the Government agrees to bear the stamp duty, if any, chargeable on these presents.

IN WITNESS WHEREOF the Obligor and the surety/sureties hereto have set and subscribed their respective hands hereunto on the day, month and year above-written.

Signed by the above-named 'Obligor' in the presence of –

1. \_\_\_\_\_
2. \_\_\_\_\_

Signed by the above-named 'Surety/Sureties' –

1. \_\_\_\_\_
2. \_\_\_\_\_

Accepted for and on behalf of the Governor of Punjab by \_\_\_\_\_ (Name and designation of the Officer directed or authorised, in pursuance of Article 299 (1) of the Constitution, to accept the bond for and on behalf of the Governor) in the presence of \_\_\_\_\_ (Name and designation of witness).

**Note I.**–

- (a) Full name of the claimant referred to as the 'Obligor'.
- (b) State relationship of the Obligor to the deceased.
- (c) Name of the deceased Government employee.
- (d) Full name or names of the sureties with name or names of the father(s)/ husband(s) and place of residence.
- (e) Designation of the officer responsible for payment.

**Note II.**–The Obligor as well as the sureties should have attained majority so that the bond may have legal effect or force.