GOVERNMENT OF INDIA (BHARAT SARKAR)
MINISTRY OF RAILWAYS (RAIL MANTRALAYA)
(RAILWAY BOARD)

No. F(E)III/2007/PN1/5

New Delhi, Dated: 14-01-2013.

The GMs/FA&CAOs,
All Indian Railways/Production Units.
(As per mailing list)

Subject: Eligibility of Children from a void or voidable marriage for family pension – clarification regarding.

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A copy of Department of Pension and Pensioners’ Welfare (DOP&PW)’s O.M. No. 1/16/1996-P&PW(E) (Vol.II) dated 27.11.2012 on the above subject is enclosed for information and compliance. These instructions shall apply mutatis mutandis on the Railways also. Rules 54(7)(C) & 54(8) of the CCS(Pension) Rules, 1972 referred to therein correspond to Rules 75(7)(iii) & 75(8) of the Railway Services (Pension) Rules, 1993 respectively.

2. DOP&PW’s O.M.No.1/16/96-P&PW(E) dated 02.12.1996 mentioned therein has been circulated vide Board’s letter No.F(E)III/97/PN1/3 dated 14.02.1997.

3. Please acknowledge receipt.

(SUKHENDER KAUR)
Joint Director Finance (Estt.),
Railway Board.

D.A.: One.

No. F(E)III/2007/PN1/5

New Delhi, Dated: 14-01-2013.

Copy to Deputy Comptroller and Auditor General of India (Railways), Room No.224, Rail Bhavan, New Delhi (40 spares).

for Financial Commissioner/Railways.
No. F(E)III/2007/PN1/5
New Delhi, Dated: 4.01.2013.

1. The General Secretary, NFIR, Room No. 256-E, Rail Bhavan, New Delhi (with 35 spares)
2. The General Secretary, AIRF, Room No. 253, Rail Bhavan, New Delhi (with 35 spares)
3. The Members of the National Council, Departmental Council and Secretary Staff Side, National Council, 13-c, Fercoe Shah Road, New Delhi (with 60 spares).
4. The Secretary General, FROA, Room No. 256-A, Rail Bhavan, New Delhi (with 5 spares).
5. The Secretary, RBSS, Group "A" Officers Association, Room No. 402, Rail Bhavan.
6. The Secretary, RBSS Group "B" Officers' Association.
7. The Secretary General, IRPOF, Room No. 258, Rail Bhavan, New Delhi (with 5 spares)
8. The Secretary, Railway Board Ministerial Staff Association.
9. The Secretary, Railway Board Class IV Staff Association.
10. The Secretary General, All India RPF Association, Room No. 256-D, Rail Bhavan, New Delhi-110 001. (5 spares)
11. The Secretary, Railway Board Promotee Officers Association, Room No. 341-C, Rail Bhavan, New Delhi.
12. The General Secretary, All India SC/ST Railway Employees Association, Room No. 7, Ground Floor, Rail Bhavan, New Delhi.

for Secretary/Railway Board.

No. F(E)III/2007/PN1/5
New Delhi, Dated: 4.01.2013.

1. The G.M, N.F Railway(Constituting Body).
2. The Director General and Ex.officio General Manager, RDSO/Lucknow.
3. The General Manager and FA&CAO, Metro Railway/Kolkata.
4. The CAO and FA&CAO, COFMO/NEW Delhi.
5. The General Manager and FA&CAO, CORE/Ahmedabad.
6. Director General, Railway Staff College/Vadodara.
7. The Executive Director, CAMTECH/Gwalior-474020.
8. The Director, IRECEN/Pune, IREEN/Nasik Road, IREME/Jagdalpur, IRSSET/Secunderabad.
9. The Managing Director, IRCON, IRFC, MRVC, IRRCTC, CONCOR of India Limited, Executive Director, CRIS.
10. The Chairman-cum-Managing Director, KRC Limited/New Delhi.
12. The Director(Movement) Railways/Kolkata.
13. The Joint Director, Rail, Ministry of Defence.
14. The Joint Secretary, Iron & Steel, 5 Kolkata Ghalt Street/Kolkata.
15. Chief Mining Advisor, Ministry of Railway, Dhanbad, Bihar.
16. The Chairman, RCC, Lok Sabha Secretariat/New Delhi.
17. The Chairman, RCT/Delhi.
18. The Chairman, RRT, Chennai.
19. The Chairman, RRB/Ajmer, Ahmedabad, Allahabad, Bangalore, Bhopal, Bhubaneswar, Chandigarh, Chennai, Kolkata, Jammu, Gorakhpur, Guwahati, Malda, Mumbai, Muzaffarpur, Patna, Ranchi, Secunderabad, and Trivandrum.
20. The Editor, "Bharatiya Rail."
21. The Editor, "Indian Railways."
22. The Pay & Accounts Officer, Ministry of Railways(Railway Board).
23. The General Secretary, IRCA/New Delhi.
24. The Chief Commissioner of Railway Safety/Lucknow.
25. Chairman, RITES.
26. Chairman, CAT.
27. The Managing Director, Rail Vikas Nigam Ltd., Plot No. 25, First Floor, August Kranti Bhawan, Bhikaji Cama Place, New Delhi-110 006.
28. Manager-HRD, Rail Land Development Authority, Near Safdarjung Railway Station, Motibagh-1, New Delhi–110021. Email: morhrd@rlda.in
29. The Chief Mechanical Engineer, Indian Railway Organisation for Alternate Fuels, 12th Floor, Core-1, Scope Mihir, District Centre, Laxmi Nagar, Delhi-92.
30. Office of the Chief Administrative Officer, Indian Railways (Workshop Projects), Chamber Bhawan, Judge’s Court Road, Anta Ghat, Patna-800001, Bihar.
31. The Chief Administrative Officer, Rail Coach Factory/Raebareli Project, Kishanganj, Delhi-7.

Copy to:-
1. Shri V.K. Sthanunathan, National President, National Federation of Railway Pensioners, 36, Venkatavarayan Road, T Nagar, Chennai-600 017.
2. Shri K. Gopinath Menon, The Secretary General, National Federation of Railway Pensioners, Kunnamthurmedu, Palghat-678 013.
3. Shri Y. N. Sastry, President, AIRRF, Rly Block-303, Railway Colony High School, Chittalguda, Secunderabad-500 025.
4. B. Jayajaya Rao, President, All India Retired Railway Officer’s Association, 12-13-268 (505) New, Street-2, Lane 9, Tamaka, Secunderabad-500 017.
5. The General Secretary, Railway Pensioners’ Council Kiran Kirti, Larkana Tola, Kathar.
6. The General Secretary, All India Federation of Pensioners Association, T.P.M Hall, 22, Kaviraj Street, Saidapet West, Chennai-600 015.
7. Shri S.S. Ramachandra, Secretary General, All India Central Committee of Pensioners Association, Flat No. 144, New Suryakiran Apartments, Plot No. 65, Patparganj, N. Delhi-110092.
8. Shri M.S. Solanki, General Secretary, Central and AIS Pensioners Association, E-1/164, Arena Colony, Bhopal (MP), 462 016.
9. Shri Nimish Das Gupta, Vice President, Federation of Central Government Pensioners’ Organisation, P-24C, Sagar Manna Road, Kolkata-700 069.
10. Shri B.S. Dutt, Secretary General, Central Government Pensioners’ Association, 1874/2, Sector-64, S.A.S. Nagar, Chandigarh 160 061.
12. Secretary General, Bharat Pensioners’ Samaj, Post Box 3303, Jangpura Extension, New Delhi-110 014.
13. The Secretary General, National Federation of Railway Pensioners’ Organization, 825, Supertech Residency, Sector-6, Plot No. 6A, Ghaziabad-201010.
15. The General Secretary, Retired Railway Employees Welfare Association (Regd), 490 A/16, Gurudwara Road, Gurgaon.

Copy to:-
PSSOs/Sr. PPSs/PPSs/PSSs/PAs to: MR, MSR(A), MSR(M), CRB, FC, MT, ME, MS, MM, ML, DG(RHS), DG(RPF), Secretary, All Additional Members, Adv.(G), All Executive Directors, IG(RPSF), JS(G), JS(E), DE(Res) & II, DE(GC), DE(G), DE(N), DE(Rep), DPC-I, II, DS(D), DS(E), DS(G), JDMPP, JDE(N), JDF(E), JDE(Rep), JDPC-VI, JDE(G), JDE(D&A), JDE(P&A), JDE(Gaz), JDE(V), JDE(GP), JDE(Res), JDE(L), JDE(LR), DDF(E-I), DDF(E-I), DDE(R), DDF(D&A), DDF(P&A), DDF(Rep), US(A), US(E), W.O./Railway Board.

(Copy to Department of Pension & Pensioners’ Welfare (DOP&PW) w.r.t. their O.M. No.1/16/1998-P&PW(E)(Vol.II) dated 27.11.2012)
Office Memorandum

Sub: Eligibility of children from a void or voidable marriage for family pension – clarification regarding.

The undersigned is directed to refer to this Department’s O.M. No.1/16/96-P&PW(E), dated 2.12.1996 whereby it was clarified that Pensionary benefits will be granted to children of a deceased Government servant/pensioner from void or voidable marriages when their turn comes in accordance with Rule 54(8). It is mentioned in Para 4 of the O.M. that “It may be noted that they will have no claim whatsoever to receive family pension as long as the legally wedded wife is the recipient of the same.”

2. The matter has been re-examined in consultation with the Ministry of Law and Justice (Department of Legal Affairs) and Ministry of Finance (Department of Expenditure). It has been decided that in supersession of Para 4 of the O.M., ibid, dated 2.12.1996, the share of children from illegally wedded wife in the family pension shall be payable to them in the manner given under sub-rule 7 (c) of Rule 54 of CCS (Pension) Rules, 1972, along with the legally wedded-wife.

3. It has also been decided that in past cases, no recovery from the previous beneficiary should be made. On receipt of an application from eligible child/children of the deceased Government employee/pensioner born to an ineligible mother, a decision regarding division or otherwise of family pension may be taken by the competent authority after satisfying himself/herself about veracity of facts and entitlement of the applicant(s).

4. As regards pensioners/family pensioners belonging to the Indian Audit and Accounts Departments, these Orders issue after consultation with the Comptroller and Auditor General of India.

5. This issues with the concurrence of Department of Legal Affairs vide their FTS No. 3036, dated 17.10.2012.

6. This issues with the concurrence of Ministry of Finance, Department of Expenditure vide their L.D. No.530/E.V/2012, dated 23.11.2012.

7. Hindi version will follow.

(D.K. Solanki)
Under Secretary to the Govt. of India
Tel. No. 24644632

All Ministries/Departments of the Government of India
O/o The Comptroller & Auditor General of India,
O/o The Controller General of Accounts, Lok Nayak Bhavan, New Delhi.