

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 1st 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:–

Pay on the date of death	Rate of Family Pension per month
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: –

Pay on the date of death	Rate of Family Pension per month
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 1st 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 :—

Age of the pensioner or family pensioner	Rate of additional pension or family pension
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 1st 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.