

No.1(13)-Reg.6/83  
 Government of Pakistan  
 Finance Division  
 (Regulations Wing-II)

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Islamabad, the 23rd October, 1983

Subject:- FURTHER LIBERALIZATION OF LIBERALIZED PENSION RULES FOR CIVIL SERVANTS - FAMILY PENSION.

The undersigned is directed to refer to this Division O.M. No-F.12(13)-Reg.(6)/82 (A), dated the 18th August 1983 on the subject noted above, and to state that enquiries have since been received as to whether

(i) a family pension of a widow which ceased to be payable before 1st July, 1983 is to be continued for life this date

(ii) a family pension in existence on 1st July, 1983 is to be extended for life in the case of a widow.

2. The answer to the question at (i) above is in the negative, there being no family pension of the widow in existence on 1st July, 1983.

3. As regards (ii) above, it is clarified that a family pension of the widow in course of payment or to say in existence on 1st July, 1983 lasting for a period of 10 years under the previous instructions referred to in the above Office Memorandum will now be admissible to her for life or until remarriage of the widow.

4. In the light of the position explained above and to instructions contained in this Division O.M. referred to in para 1 above, Section I - Gratuity and Section II - Family Pension - of the Annexure to the Pension-cum-Gratuity Scheme of 1954 will be substituted as under :-

SECTION I. - GRATUITY

5. (1) The 'Family' for the purpose of payment of death-cum-retirement gratuity will include the following relatives of the Government servant :-

- (a) wife or wives, in the case of a male Government servant.
- (b) husband, in the case of a female Government servant.
- (c) Children of the Government servant.
- (d) widow or widows and children of a deceased son of the Government servant.

Notes:- (I) A child means a legitimate child. An "adopted child" will be considered to be a child when the Account Officer, or if any doubt arise in the mind of the Accounts Officer, the recognized Legal Advisor of Government, is satisfied that under the personal law of the Government servant concerned, adoption is legally recognized as conferring the status of a natural child, but in this case only.

(II) If it is proved that the wife has been judicially separated from the Government servant or has ceased under the customary law of the community to which she belongs to be entitled to maintenance, she shall no longer be deemed to be a member of the family unless the Government servant has himself intimated in writing to the Accounts Officer/Head of the Office that she shall continue to be so regarded.

(III) In the case of female Government servant if she intimates in writing to the Accounts Officer/Head of Office that her husband should not be included as a member of the family then he shall no longer be considered a member of the family unless she subsequently cancels in writing her intimation excluding him.

(2) A Government servant shall, as soon as he/she completes 5 years' qualifying service, make a nomination, conferring on one or more persons the right to receive any gratuity that may be sanctioned under Paragraphs 2 and 3 of the original Scheme and any gratuity which having become admissible to him/her has not been paid to him/her before death.

(3) If a Government servant nominates more persons than one person under sub-para (2) above he/she specify in the nomination the amount or share payable to each nominee in such manner as to dispose of the whole amount of the gratuity mentioned therein.

(4) A Government servant may provide in a nomination :-  
(a) in respect of any specified nominee, that in the event of his/her predeceasing the Government servant the right conferred upon that nominee in sub-para (2) above shall pass to such other member or members of the Government servant's family as may be specified in the nomination.

(b) that the nomination shall become void in the event of the happening of a contingency specified therein.

(5) Every nomination shall be in such one of the Forms A and B prescribed in the original Scheme of 1954 as may be appropriate in the circumstances of the case.

(6) A Government servant may at any time cancel a nomination by sending a notice in writing to the appropriate authority, provided that the Government servant shall, along with such notice, send a fresh nomination made in accordance with this paragraph.

(7) Immediately on the death of a nominee in respect of whom no special provision has been made in the nomination under sub-para (4) (a) above or on the concurrence of any event by reason of which the nomination become so void by reason of sub-para (4) (b) above, the Government servant shall send to the appropriate authority a notice in writing formally cancelling the nomination together with a fresh nomination made in accordance with this paragraph.

(8) Every nomination made, and every notice of cancellation given, by a Government servant under this paragraph shall be sent by the Government servant to his/her Accounts Officer in the case of a former gazetted officer and to the Head of his/her Office in the case of a former non-gazetted officer. Immediately on receipt of a nomination from a former non-gazetted Government servant, the Head of the Office shall countersign it indicating the date of receipt and keep it in his custody.

(9) Every nomination made, and every notice of cancellation given, by a Government servant shall, to be extent that it is valid, take effect on the date on which it is received by the authority mentioned in sub-para (8) above.

6. When the amount of gratuity has become payable to the family it shall be the duty of the Accounts Officer to make payment to the family according to the following procedure:-

(1) When the Government servant leaves a family:-

(a) The amount of gratuity or any part thereof to which the nomination relates shall become payable to his/her nominee or nominees in the proportion specified in the nomination.

(b) If no nomination in favour of a member or members of a family subsists, or if a nomination relates only to a part of the amount of the gratuity, the whole amount of the gratuity or the part thereof to which the nomination does not relate, shall become payable to the members of his/her family in equal shares :

(Provided that no share shall be payable to :-

(i) sons who have attained the age of 21 years;

(ii) sons of a deceased son who have attained the age of 21 years;

- (iii) married daughters whose husbands are alive;
- (iv) married daughters of a deceased son whose husbands are alive.

If there is any member of the family other than there specified in clauses (i) (ii) (iii) and (iv) above:

Provided further that the widow or widows and the child or children of a deceased son shall receive between them in equal parts only the share which that son would have received if he had survived that Government servant and has been exempted from the operation of the first proviso :

Supplementary Instruction.- A question has been raised as to what procedure should be followed for making payment of pension or shares of gratuity admissible to minor children of a deceased Government servant or family pension when payable to a minor, child. The President has been pleased to direct that when the beneficiary is a minor, and has no regularly appointed Manager or Guardian, the sanctioning authority may allow the payment of pension or shares of gratuity of minor children of a deceased Government servant to their mother. In case the mother is not alive or was judicially separated from the Government servant in his life time, the sanctioning authority may nominate any suitable person to be the guardian of such minor children for the purpose of receiving payment of pension and/or shares of gratuity on their behalf.

In a case when the deceased Government servant was a female, the sanctioning authority may, under the circumstances stated above, allow the payment of pension or shares of gratuity of minor children of the deceased, to their father.

G.P.M.F.O.M.No.F12(2)-RI(1)/57, dated 28th February, 1957 as amplified by O.M. No.F.12(2)-RI(1)/57 dated 9th June, 1957 and O.M. No.F.12(13)-Reg.6/82 (A), dated 18th March, 1983.

(2) when the Government servant leaves no family the amount of gratuity shall be payable to the following surviving relatives, if any, of the Government servant in equal shares:-

- (a) Mother ;
- (b) Father ;
- (c) un-married sisters below the age of 21 years and widowed sisters; and
- (d) brothers below the age of 21 years.

Note:- Judicially separated or divorced mother who has re-married does not fall in this category.

7. No gratuity will be payable by Government after the death of a Government servant if he/she does not leave a family as defined in para 5 (1) above or an eligible dependent relative or relatives specified in sub-para (2) of paragraph 6 above.

SECTION II.- FAMILY PENSION

3. (1) Family for the purpose of payment of pension at 50 per cent of gross or net pension as the case may be under para 6 (b) of this Division O.M. No.F. 6(1)Rev.I/75, dated 7th January, 1977, will be as defined in para 5(1) above. It will also include the Government servant's relatives mentioned in sub-para (2) of paragraph 6 above.

(2) (a) A pension sanctioned under this section will be allowed to :-

- (i) Widow of the deceased for her life, if the deceased is a male Government servant. If the Government servant had more than one wife, and the number of his surviving widows and children does not exceed 4, the pension shall be divided equally among the surviving widows for life and children. If the number of surviving widows and children together is more than four, the pension shall be divided in the following manner, viz. each surviving widow shall get  $\frac{1}{4}$ th of the pension and the balance if any shall be divided equally among the surviving children. For the purpose of this clause, the term 'children' exclude sons above the age of 21 years.
- (ii) failing a widow or husband, as the case may be, to the eldest surviving son till she attains the age of 21 years.
- (iii) failing (i) and (ii) to the eldest surviving unmarried daughter till she attains the age of 21 years or till her marriage whichever is earlier; if the eldest daughter marries or dies then the next oldest daughter till she attains the age of 21 years or until her marriage whichever is earlier.
- (iv) failing (i) (to (iii)) to the eldest widowed daughter for 10 years or unexpired portion of 10 years;
- (v) failing (i) to (iv) to the eldest widow of a deceased son of the Government servant for 10 years or un-expired portion of 10 years;
- (vi) failing (i) to (v) to the eldest surviving son below 21 years of age of a deceased son of the Government servant for 10 years or un-expired portion of 10 years.
- (vii) failing (i) to (vi) to the eldest un-married daughter below 21 years of age of a deceased son of the Government servant for 10 years or un-expired portion of 10 years.

(viii) failing these, to the eldest widowed daughter of a deceased son of the Government servant for 10 years or un-expired portion of 10 years.

Supplementary instruction.-Please see Instruction below paragraph 6 (1) above.

(b) In the event of no pension being payable under clause (a) the family pension may be granted for a period of 10 years or un-expired portion of 10 years :-

(i) to the father;

(ii) failing the father to the mother;

(iii) failing the father and the mother to the eldest surviving brother below the age of 21;

(iv) failing (i) to (iii) to the eldest surviving un-married sister below the age of 21 years; if the eldest sister marries or dies, then the next eldest below the age of 21 years;

(v) failing (i) to (iv) to the eldest surviving widowed sister for 10 years or un-expired portion of 10 years;

(3) No pension will be payable under this Section :-

(a) to a person mentioned in clause (b) of sub-para (2) of this para without production of a reasonable proof that such person was dependent on the deceased Government servant for support;

(b) to an un-married female member of a Government servant's family in the event of her marriage;

(c) to a widowed female member of a Government servant's family in the event of her re-marriage;

(d) to the brother of a Government servant on his attaining the age of 21 years;

(e) to a person who is not a member of a Government servant's family.

(4) A pension awarded under this Section will not be payable to more than one member of a Government servant's family at the same time, except as provided for in sub-clause (i) of clause (a) of sub-para (2) above.

(5) If a pension awarded under this Section ceases to be payable before the expiry of the period upto which it is admissible on account of death or marriage of the recipient or other causes, it will be re-granted to the person next lower in order mentioned in sub-para (2) of this paragraph Supplementary Instruction. A case

had arisen in which the widow of the late Mr.....  
....., had re-married..... On the re-marriage of  
the widow the family pension become payable..... to the only  
son of the deceased through his guardian. The question is from  
what date family pension should be allowed to minor son of the  
deceased. It has been decided in consultation with the Comptroller  
and Auditor General of Pakistan that as the family pension of the  
widow ceased to be payable from the date of her re-marriage, the  
next legal beneficiary should be allowed to draw the pension with  
effect from the date on which it ceased to be paid to the widow. This  
would be in line with the procedure followed on the Defence side.  
(M.F.O.M. No.738-RI/64, dated the 13th June, 1964).

(6) Government have discretion to make such modifications in the  
mode of allotment or conditions of tenure set forth in sub-paras (2)  
to (5) above as they may consider desirable to suit the special  
circumstances of the beneficiaries.

(7) A pension sanctioned under this Section will be payable in  
addition to any extraordinary pension or gratuity that may be granted  
to the members of a Government servant's family under the existing  
rules.

(8) As in the case of a grant of an ordinary pension, future good  
conduct of the recipient is an implied condition of every grant of  
a pension under this section."

In case the deceased is a female Government servant the right  
of her husband for family pension shall continue in accordance with  
the old rules of the Pension-cum-Gratuity Scheme of 1954 as existed  
prior to 1st July, 1983.

Sd/-  
(MUHAMMAD ZAFAR MIAN)  
Joint Secretary

To

All Ministries/Divisions etc.