

1/4/2021-पी एंड पी डब्लू (ई) भाग-I
भारत सरकार
कार्मिक, लोक शिकायत तथा पेंशन मंत्रालय
पेंशन और पेंशनभोगी कल्याण विभाग
(डेस्क - ई)

तीसरा तल, लोक नायक भवन
खान मार्केट, नई दिल्ली-110003
दिनांक-जनवरी 19, 2022

To

**CMDs of All Pensions Disbursing Banks
(Through E-mail)**

Sub: Payment of family pension in respect of a child suffering from a disorder or disability of mind through the person nominated by the Government servant/pensioner/family pensioner

I am directed to say that in accordance with the Central Civil Services (Pension) Rules, family pension is payable for life, subject to certain conditions, to a child of a deceased Government servant/pensioner, who is suffering from any disorder or disability of mind or is physically disabled so as to render him or her unable to earn a living even after attaining the age of twenty-five years,.

2. As per Rule 50(9)(h)(iv) of the Central Civil Services (Pension) Rules, 2021 (earlier clause (iii) of second proviso to Rule 54(6) of the Central Civil Services (Pension) Rules, 1972), 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.

3. Rule 50(9)(h)(vii) of the CCS (Pension) Rules, 2021 (earlier clause (vi) of second proviso to Rule 54(6) of the CCS (Pension) Rules, 1972), however, provides that in the case of a mentally retarded son or daughter, the family pension can be paid 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.

4. It has been brought to the notice of this Department that in some cases, the Pension Disbursing Banks are not allowing family pension in respect of a mentally retarded child through the person nominated by the pensioner or his/her spouse in accordance with Rule 50(9)(h)(vii) of the CCS (Pension) Rules, 2021 (earlier clause (vi) of second proviso to Rule 54(6) of the CCS (Pension) Rules, 1972) in spite of the fact that such nomination has been duly incorporated in the Pension Payment Order issued to the mentally retarded child. These banks insist for payment of family pension through a person having a guardianship certificate issued by a court of law.

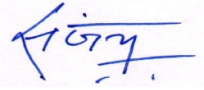
5. Clause (vii) in the Rule 54(9)(h) of the CCS (Pension) Rules, 2021 is intended to avoid any hassles to the child suffering from a mental disability in obtaining the guardianship certificate from the court and in claiming family pension after the death of his/her parents. As per this rule, a Government servant/pensioner or his/her spouse can nominate a person to receive family pension payable to a mentally retarded child. In cases where such nomination is submitted by a Government servant/pensioner/family pensioner, a guardianship certificate issued by a court of law is not necessary.

6. Accordingly, in cases where a nomination made by the Government servant/pensioner/family pensioner has been incorporated in the Pension Payment Order issued to child suffering from a mental disability, it is incumbent on the Pension Disbursing Banks to disburse the family pension in respect such child through the person so nominated. Insisting for a guardianship certificate by the Banks in such cases would defeat the very purpose of such nomination and would also amount to violation of the statutory provisions of the CCS (Pension) Rules, 2021.

7. It is requested that suitable instructions may be issued to the CPPCs/Pension Paying Branches of your Bank for payment of family pension in respect of a mentally retarded child through the person nominated by the Government servant/pensioner/family pensioner in accordance with the statutory provisions of CCS (Pension) Rules and not to insist for a guardianship certificate issued by a court of law in such cases. All Pension disbursing branches also be asked to acknowledge receipt of these instructions.

8. This issues with the approval of Competent Authority.

भवदीय



(संजय शंकर)

भारत सरकार के उप सचिव

टेलीफोन-24635979

Copy to:

1. CGA,
2. CPAO
3. CPPCs of all Pension Disbursing Banks
4. Secretary, Department of Financial Services for information