

1/(52)/2022-पी एंड पी डब्लू (ई)
कार्मिक, लोक शिकायत तथा पेंशन मंत्रालय
पेंशन और पेंशनभोगी कल्याण विभाग
(डेस्क - ई)

तीसरा तल, लोक नायक भवन
खान मार्केट, नई दिल्ली-110003
दिनांक 14 जून, 2022

सेवा में

General Secretary
Bharat Pensioners Samaj
2/13-A - LGF Backside, Jangpura-'A'
New Delhi - 110 014

विषय:- (i) Delay in commencement of family pension
(ii) Ease of living for Pensioners/family pensioners

महोदय,

I am directed to refer to BPS Letters No BPS/SG/FP/022/5: dated 15.05.2022 and No BPS/SG /MOS/22/1 dated-08.06.2022 on the above subjects and to say that DoP&PW's comments/observations on the issues raised in the above referred letters are as under:-

(a) Proof of income for eligibility for family pension:

In the CCS (Pension) Rules, 2021, in Rule 50(1) (b), the following provisions has been made in regard to determining the eligibility of a family member for family pension based on his /her income from other sources:

(b) (i) In order to decide the eligibility for family pension under this rule, a member of the family, other than the widow or widower of the deceased Government servant or pensioner, shall be required to submit, along with the claim for family pension, a copy of the last Income Tax Return filed by the said member of the family with the Income Tax Department.

(ii) In case the said member of the family informs that he or she has not filed the Income Tax Return with the Income Tax Department, he or she shall submit a certificate of income from a sub-divisional magistrate.

(iii) In case the member of the family is not able to submit either a copy of the Income Tax Return or a certificate of income from a sub-divisional magistrate, the Head of Office may rely on any other document produced by the said member of the family in support of his or her claim regarding income and decide the eligibility of the said member of the family for family pension accordingly.

It may be mentioned that right of parents and children to receive Family pension is not absolute. Rather payment of family pension to the family members is subject to fulfillment of certain conditions. Dependency on the Government servant pensioner at the time of his/her death is an important condition. In other words, for being eligible for family pension, income of parents and children (other than those suffering from a disability) should be less than the minimum family pension (presently Rs. 9000/- p.m.) plus dearness relief thereon. Family pension to children or siblings suffering from a disability is admissible if their income from other sources is less than the entitled family pension (30% of last pay of the Government employee) plus dearness relief thereon.

Although, the earlier instructions provided for acceptance of Income Certificates furnished by the concerned beneficiaries themselves in case they are self-employed or are in receipt of income from sources other than employment, the instructions also envisaged that it will be the responsibility of the Pension Sanctioning Authority to satisfy about fulfilment of the condition regarding dependency. Therefore, most of the Ministries/Departments/offices in the Government were insisting for documentary evidence, including affidavits, income certificate from DM/SDM, etc. for sanctioning the family pension so as to avoid fixing of any responsibility for sanctioning family pension to an ineligible person based on self-declaration.

In the course of deliberations for revision/rationalisation of the CCS (Pension) Rules, it was considered necessary to have a uniform approach and to specify the documents to be accepted as proof of income for eligibility for family pension. Accordingly, the provision as in Rule 50(12)(b) referred to above has been made in the CCS (Pension) Rules, 2021.

It would be seen from the above, in support of his/her claim for family pension, the dependent family member would be required to submit a copy of the last Income Tax Return filed by him/her with the Income Tax Department. He/she will be asked to submit a certificate of income from a sub-divisional magistrate only if he/she has not previously filed the ITR.

The procedure for online filing of ITR has been made very simple by the Government and all citizens having a PAN can file the ITR. The ITR can be filed even by those having income less than the taxable limit or having no income at all. The ITR could thus be considered akin to self-declaration of income. If the claimant has previously filed the ITR and submits a copy of the same, it would save him/her from the hassles of obtaining the income certificate from SDM or producing any other document in support of his/her claim for family pension. Even if the ITR was not filed by the family member before death of pensioner/family pensioner, the same could be filed after his/her death

The requirement of submission of a copy of the ITR is not only convenient but will also prevent fraudulent claims for family pension on account of false declaration of income. In view of the above, we may not agree to the request of Bharat pensioners' Samaj to dispense with the requirement of submission of ITR as a proof of income for eligibility for family pension.

(b) Requirement of returning the original PPO to PAO for issuing fresh PPO

A provision for returning the original PPO by the Bank to the PAO (through CPAO) exists in the Scheme Booklet of the CPAO. This Department has already taken up the matter with CGA for simplification of the procedure for sanctioning family pension in cases where the name of the family member eligible for family pension is not included in the existing PPO of the deceased pensioner/family pensioner. The proposal inter alia envisages authorisation of family pension in such cases without calling back the original PPO from the Bank.

(c) Requirement of submission of a No Objection Certificate from other family members:

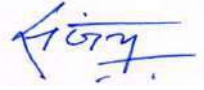
There is no provision in the CCS (Pension) Rules, 2021 for submission of a no objection certificate from other family members for claiming family pension in respect of a deceased Government servant/pensioner. Therefore, the question of dispensing with this requirement does not arise.

(d) Applicability of CCS (Pension) Rules 2021 to Railway employees/pensioners

The CCS (Pension) Rules, 1972 were also not applicable to Railway employees/pensioners as pension of Railway employees/pensioners is regulated by a separate set of rules notified by Ministry of Railways. If the suggestion of Bharat Pensioners Samaj is for revision of Railway Pension Rules on the lines of CCS (Pension) Rules, they may take up the matter with Ministry of Railways.

This issues with the approval of Competent Authority.

भवदीय



(संजय शंकर)

भारत सरकार के उप सचिव

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