No. 1/1(39)/2026-P&PW (E) / E-12002-(7)
Government of India
Ministry of Personnel, PG and Pensions
Department of Pension and Pensioners' Welfare

3rd Floor, Loknayak Bhawan,
Khan Market, New Delhi-110003
Dated: 29.10.2026

OFFICE MEMORANDUM

Subject :- Family pension entitlement in cases of divorce and judicial separation of a spouse – regarding.

The undersigned is directed to say that Rule 50 of the Central Civil Services (Pension) Rules, 2021 contains specific provisions governing family pension claims involving a judicially separated spouse and eligible children. The following position is reiterated.

2. A decree of judicial separation permits the spouses to live separately without dissolving the marriage. A judicially separated widow or widower may be considered for family pension under the special provisions of Rule 50(8)(h) to (j), subject to the conditions specified therein. A divorced spouse is not eligible for family pension. However, the eligible children from such marriage may, however, have eligibility for family pension under Rule 50.

3. Where the deceased government servant or pensioner leaves a judicially separated widow or widower and minor child or children or a child or children suffering from disorder or disability of mind including the mentally retarded, Rule 50(8)(i) regulates payment through the surviving judicially separated spouse so long as that person is the guardian, or through the actual guardian otherwise. On attaining the age of majority, Rule 50(8)(j) provides for direct payment to that child.

4. Where a deceased Government servant or pensioner leaves a judicially separated widow or widower but no eligible child, the spouse's claim is to be examined in accordance with Rule 50(8)(h) and any applicable conditions.

5. Under Rule 50(8)(i) or (j), as applicable, after the eligible child or children cease to receive family pension, it becomes payable to the surviving judicially separated widow or widower until death or remarriage, whichever is earlier, in the manner prescribed.

6. All Ministries/Departments are requested to bring these instructions to the notice of the officials dealing with family pension.

7. This issues with the approval of the competent authority.

(Deepak Gupta)
Under Secretary to the Government of India

To,
All Ministries/Departments/Organisations of the Government of India
(As per standard distribution list)