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15 Sep 2014

Headquarters

- Southern Command
- Eastern Command
- Western Command
- Central Command
- Northern Command
- Army Training Command Shimla
- South West Command
- Andaman & Nicobar Command
- Strategic Forces Command (SFC)

**GRANT OF DUAL FAMILY PENSION FROM MILITARY
AS WELL AS CIVIL EMPLOYMENT**

1. The provision that an ex-servicemen can draw two pensions during his life time for two spells of pensionable service exists since long. However, on demise of pensioner, spouse was entitled for a single family pension only either from Military side or from Civil side as per provisions of Regulation 91 & 219 of Pension Regulation Act 1961, Part I and Regulation 78 of PRA Pt-I 2008 and also Army Instruction 51/1980 read with provisions contained in MoD letter No 10(6)/92/D(Pen/Sers) dated 28 9 1992

2. Based on the recommendations of a Committee of Secretaries accepted by the Government, Min of Defence issued order vide their letter No 01(05)/2010-D(Pen/Policy) dated 17 Jan 2013 that the families of Armed Forces pensioners who got re-employed in Civil Departments/PSUs/Autonomous bodies/Local Funds of Central/State Governments after getting retired from military service and were in receipt of military pension till death, shall be allowed to draw family pension from military side in addition to the family pension, if any, authorized from the re-employed civil department subject to fulfillment of other prescribed conditions as hithertofore

Before issue of MoD's letter under reference Deptt of Pension & Pensioner's Welfare had also issued a letter No 1/33/2012-P&PW (E) dated 16 Jan 2013, striking Sub Rules 13 A & 13 B of Central Civil Services (Pensions), Rules, 1972, these two clauses were debarring second family pension for Military Pensioners re-employed in a civil service

4. While implementing the MoD's order, difficulty in practicing its provisions has arisen. It has come to notice that in cases, where family pension is being drawn from State Govt, the Military pension is restored as per the above referred letter, but where family pension from Military side has been opted, in such cases, family pension is not restored as per above referred letter by State Govt & its organization.

5. The matter was brought to the notice of MoD, which requested Dep. Pensioners Welfare to disseminate their OM dated 16.1.13 among all the State Government/UTs/PSUs/Autonomous bodies for releasing family pension to the spouse of ex-servicemen for the service rendered by ex-servicemen in the State Government/UTs/PSUs after discharge from Military with pension.

6. DO P&PW (E) in turn replied that it is not a practice to circulate their letter to State Govt etc since Central Civil Services (Pension) Rules 1972 are not applicable to them as the same are applicable to Central Govt Offices & related offices. However, their letters are available on their Departmental website and are easily accessible. Secondly, Central Govt can not instruct State Govt/State Organizations to follow its instructions. It is open to the State Govt/other organization to decide the extent upto which they shall follow Central Govt's Rules.

7. In view of the above, it is intimated to all concerned that MoD cannot insist State Govt to follow MoD's letters/instructions/orders etc. However, a proposal to request Chief Secretaries of State Govt to adopt MoD's Order/Instructions in the sets of State Rules is under consideration of MoD.

8. The above position may please be intimated to all concerned in your domain. Any change in the position will be intimated to all concerned whenever arrived at.

Manju Jhingan
(Manju Jhingan)
DDG PS (C)

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