

F.No.1/17/2010-P&PW(E)
Ministry of Personnel, P.G. & Pensions
Department of Pension & Pensioners' Welfare
Desk (E)

3rd Floor, Lok Nayak Bhavan,
Khan Market, New Delhi – 03,
Dated the 2nd January, 2012

Office Memorandum

Sub: Grant of family pension to next eligible member in the family in the case of missing family pensioners.

The undersigned is directed to state that as per extant instructions of the Government, conditional provisions have been made in the case of a missing employee/pensioner, as a measure of social security, to cut short the period of 7 years, as given in Sections 107 and 108 of Indian Evidence Act, 1872, after which the presumption of a missing person being no longer alive may be raised, and enable the family pensioner to receive family pension after a period of six months from the date of filing FIR. However, there is no such provision in the case of a missing family pensioner that the next eligible member of the family of the employee/pensioner may be granted family pension.

2. The Department of Pension and Pensioners' Welfare has been receiving requests to issue a clarification whether family pension to eligible child/ children of a family pensioner who has been declared missing can be granted.

3. The matter has been considered in this Department in consultation with the Department of Expenditure, Ministry of Finance. It has been decided to make similar provisions to mitigate the hardships of the family caused by the deprivation of its rightful family pension as a consequence of disappearance of the family pensioner. The administrative Departments/ Ministries may grant family pension to the next eligible member in the family subject to fulfilment of conditions as prescribed from time to time for dealing with the cases of missing employees/pensioners.

4. The Indemnity Bond prescribed for missing pensioners has been suitably modified to include the name and relationship of the next eligible family member as well as the deceased employee/pensioner and the missing family pensioner(s).

5. These provisions would also be applicable in case a person, who is eligible for family pension, goes missing before the family pension is actually sanctioned to him/her. In such cases, family pension will be sanctioned to the next eligible person.

6. This issues with the concurrence of Department of Expenditure vide their ID No.380/E.V/2011, dated 22.11.2011.


(K.K. Mittal) 2/1/2012
Director
Tel: 24624752

All Ministries/Departments of the Government of India

Pensioners' Associations as per list maintained in the Department

INDEMNITY BOND

[In the case of a missing family pensioner]

KNOW ALL MEN by these presents that we (a)..... resident of and the son/daughter/mother/father/disabled sibling etc. (hereinafter called "the Obligor") of (b)..... who was in receipt of / eligible for family pension before reported to have been missing since..... on account of being the widow/widower/son/daughter/disabled sibling etc. (hereinafter referred to as 'missing family pensioner') of (c)..... who was holding/had retired from the post of..... in the Ministry /Department/Office of..... and who died on ----- and(d) son/wife /daughter of Shri.resident of.....and..... son/wife/daughter of Shri.resident of..... the Sureties for and on behalf of the Obligor (hereinafter called "the Sureties") are held firmly bound to the President of India (hereinafter called "the Government") in each and every sum being the arrears of pension and monthly family pension and relief thereon well and truly to be paid to the Government, on demand and without a demur together with simple interest at the rate of% per annum from the date of payment until repayment for which payment we bind ourselves and our respective heirs, executors, administrators, legal representatives, successors and assigns by these presents'.

Signed thisday oftwo thousand and

WHEREAS (b) was at the time of his disappearance a Central Government family pensioner receiving/eligible for receiving a family pension at the rate of Rs. ----- (Rupees) only per month and relief thereon from the Government.

AND WHEREAS the said (b)..... disappeared on the day of 20..... and there was due to him/her at the time of his/her disappearance the sum equivalent of arrears of family pension due.

AND WHEREAS the Obligor is entitled to family pension at Rs..... (Rupees only) *plus* admissible dearness relief thereon.

AND WHEREAS the obligor has represented that he/she is entitled to the aforesaid sum and approached the Government for making payment thereof to avoid undue delay and hardship.

AND WHEREAS the Government has agreed to make payment of the said sum of Rs(Rupees) and monthly family pension at Rs. (Rupees) *plus* relief thereon to the obligor upon the Obligor and the Sureties entering into a Bond in the abovementioned sum to indemnify the Government against all claims to the amount so due to the aforesaid missing Government family pensioner.

AND WHEREAS the Obligor and at his/her request the Surety/Sureties have agreed to execute the Bond in the terms and manner hereinafter contained.

NOW THE CONDITION OF THIS BOND is such that, if after payment has been made to the Obligor, the Obligor and /or the Surety/Sureties shall in the event of a claim being made, by any other person or the missing family pensioner on appearance, against the Government with respect to the aforesaid sum of Rs..... (Rupees.....) and the sums paid by the Government as monthly pension and relief as aforesaid then refund to the Government the said sum of Rs. (Rupees) and each and every sum paid by Government as monthly family pension and relief together with simple interest @% per annum and shall, other wise, indemnify and keep the Government harmless and indemnified against and from all liabilities in respect of the aforesaid sums and all costs incurred in consequence of the claim thereto, **THEN** the above written Bond or obligation shall be void and of no effect but other wise it shall remain in full force, effect and virtue.

AND THESE PRESENTS ALSO WITNESS that the liability of the Surety/Sureties hereunder shall not be impaired or discharged by reason of time being granted by or any forbearance act or omission of the Government whether with or without the knowledge or consent of the Surety/Sureties in respect of or in relation to the obligations or conditions to be performed or discharged by the Obligor or by any other method or thing whatsoever which under the law relating to sureties would but for this provision shall have no effect of so releasing the Surety/Sureties from such liability nor shall it be necessary for the Government to sue the Obligor before suing the Surety/Sureties or either of

them for the amount due hereunder, and the Government agrees to bear the stamp duty, if any, chargeable on these presents.

IN WITNESS WHEREOF the Obligor and the Surety/Suretias hereto have set and subscribed their respective hands hereunto on the day, month and year above-written.

Signed by the above named 'Obligor' in the presence of

1.
2.

Signed by the above named 'Surety' / 'Sureties'

1.
2.

Accepted for and on behalf of the President of India by

.....
.....
.....

[Name and designation of the Officer directed or authorized, in pursuance of Article 299 (1) of the Constitution, to accept the Bond for and on behalf of the President]

in the presence of
.....
.....

(Name and designation of witness)

NOTE I. - (a) Full name of the claimant referred to as the 'Obligor'.

(b) State relationship of the 'Obligor' to the 'missing family pensioner'.

(c) Name of the deceased employee/pensioner.

(d) Full name or names of the Sureties with name or names of the father(s)/husband(s) and place of residence.

NOTE II. - The Obligor as well as the Sureties should have attained majority so that the Bond may have legal effect or force.

NOTE III. -The rate of simple interest will be as prescribed by the Government from time to time. It is 6% p.a. on the date of issue of the O. M.