

F. No. 1/1(33)/2024-P&PW(E)
Ministry of Personnel, P.G. and Pensions
Department of Pension and Pensioners' Welfare

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3rd Floor, Lok Nayak Bhawan
Khan Market, New Delhi- 110003.
Dated 10th October, 2024

OFFICE MEMORANDUM

Sub:- Settlement of Family Pension between two wives of a Government Servant or Pensioner under Central Civil Services (Pension) Rules, 2021 - reg.

The undersigned is directed to say that Department of Pension, in supersession of the Central Civil Services (Pension) Rules, 1972 has notified the Central Civil Services (Pension) Rules, 2021 and Rule 50 of the Central Civil Services (Pension) Rules, 2021 deals with payment of family pension on death of a Government servant/pensioner.

2. In accordance with Rule 50 (6) of the CCS (Pension) Rules, 2021, the family pension shall be payable to the members of the family of the deceased Government servant or pensioners in the following order -

- i. Subject to provisions of sub-rule (8), widow or widower, (including a post-retiral spouse and judicially separated wife or husband)
- ii. subject to provisions of sub-rule (9), children (including adopted children, step children and children born after retirement of the pensioner),
- iii. subject to provisions of sub-rule (10), dependent parents (including adoptive parents) of the deceased Government servant or pensioner,
- iv. subject to provisions of sub-rule (11), dependent siblings (i.e. brother or sister) of the deceased Government servant or pensioner, suffering from a mental or physical disability

Whereas the Explanation to Rule 50(6) (1) of the CCS (Pension) Rules, 2021 states that -For the purpose of this rule 'widow' and 'widower' shall mean a spouse, legally wedded to the deceased Government servant or the pensioners.

3. Whereas Rule 50(8)(c) of the CCS (Pension) Rules, 2021 states that-

Where the deceased Government servant or pensioner is survived by more widow than one, the family pension shall be paid to the widows in equal shares and on the death or ineligibility of a widow, her share of the family pension shall become payable to her child or children who fulfil the eligibility conditions mentioned in sub-rule (9).

4. In this regard, references have been received in this department regarding eligibility of family pension to the second wife when the first wife is alive. Having second wife when the first wife is alive is against the provisions of Hindu Marriage Act, 1955 and also contradictory to the provisions of CCS(Pension) Rules, 2021. The matter has been examined and it has been decided that such cases needs to be processed in accordance with the provisions of CCS (Pension) Rules, 2021 and the issue of second wife or second marriage being legal or otherwise, may be decided first in consultation with Department of Legal Affairs on case to case basis for deciding the eligibility for Family Pension.

5. All Ministries/Departments are requested to follow the process of consultation with Department of Legal Affairs before arriving at decision regarding Settlement of Family Pension between two wives under Central Civil Services (Pension) Rules, 2021. Such cases must be brought to the notice of the officer dealing with the pensioners' benefits in the respective Ministry/Department by the attached/subordinate offices.

Sonika Khattar
10/10/24

(Sonika Khattar)

Under Secretary to the Govt. of India

To

All Ministries/Departments/Organizations (As per attached list).