

To be added as Note below 32(1)(i) in place of earlier Note.

When an employee disappears leaving his family, the family can be paid in the first instance (i) amount of salary due, leave encashment due and the amount of Provident Fund having regard to the nomination made by the employee; and (ii) after the lapse of a period of one year, other benefits like Death-cum-Retirement Gratuity/Family Pension may be granted to the family subject to the fulfilment of the following conditions:

- (i) (a) the family must lodge a complaint with the concerned police station and obtain a report that the employee has not been traced after all efforts had been made by the police;
- (b) an indemnity bond should be taken from the nominee/dependants of the employee that all payments will be adjusted against the payments due to the employee in case he appears on the scene and makes any claim;
- (ii) all outstanding dues against the employee will be assessed and their recovery effected in accordance with the Pension Regulations and any other instructions in force for effecting recovery of dues;
- (iii) the family can apply to the Head of Office of the employee for grant of Family Pension and Death-cum-Retirement Gratuity after one year from the date of disappearance of the employee in accordance with the prescribed procedure for sanction of Family Pension and Death-cum-Retirement Gratuity. In case the disbursement of Death-cum-Retirement Gratuity is not effected within three months of the date of application, interest shall be paid at the rates applicable and responsibility for the delay be fixed. It is with effect from 23-10-1987. (TR 331 of 10-11-1987).

Regulation 32(2)(a)

not include periods of extraordinary leave, suspension and boy service (service put in before attaining 18 years of age) which do not qualify for service pension. In the case of Dock Shore Workers of the Docks Department in categories 'A' and 'B', the term <sup>less than one year</sup> ~~one year~~ of continuous service means ~~one year~~ <sup>one year</sup> of service in 'B' and/or 'A' categories only which would have normally reckoned as qualifying service.

1 Substituted by T.R.No.1426 of 1971 (with effect from 1-1-1971 for 'B' Category Mazdoors).

(\*) T.R. 331 of 10-11-1987.

When an employee disappears leaving his family, Family Pension can be started after lapse of a period of 1 year, subject to the fulfilment of the following conditions:

- (a) the family must lodge a report with the concerned Police Station and obtain a report that employee has not been traced after all efforts had been made by the Police.
- (b) An indemnity bond should be taken from the nominee/dependants that all payments will be adjusted against the payments due to the employee in case he appears and makes any claim.

11) All outstanding dues against the employer assessed and their recovery effected in accordance with the pension regulations and any other instructions in force for effecting recovery of dues. (ii) The family can apply to the H.O. for grant of pension 30% of the employee's pay from the date of commencement of the employee's service in accordance with the provisions of the Pension Act, 1948. In case the application for grant of pension is not received within 3 months of the date of application, the H.O. must be held at the rate applicable and the responsibility for the delay fixed.

will include the following relatives of the employee :

- (a) wife, in the case of a male employee;
- (b) husband, in the case of a female employee;
- (c) minor sons; and
- (d) unmarried minor daughters.

Notes: (1) (c) and (d) will include children adopted legally before retirement.

(2) Marriage after retirement will not be recognised for purposes of family pension.

<sup>2</sup> 1/(2)[(a)] The amount of pension will be as specified in the following table :

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Pension to be granted upto first 7 yrs or upto the date of superannuation whichever is earlier.

Pay of the employee	Monthly pension of widow/widower/children
1. Rs 500 and above	12 per cent of pay subject to a maximum of Rs 150.
2. Rs 200 and above but below Rs 500	15 per cent of pay subject to a maximum of Rs 96 and a minimum of Rs 60.
3. below Rs 200	30 per cent of pay subject to a minimum of Rs 40/150 = 26.67

"Pay" for this purpose means the pay as defined in Article 11(11) of the Bombay Port Trust Digest of Pay and Allowances, Leave and Pension Rules, 9th Edition, which the employee was drawing on the date

- 1 Substituted by TR No.1439 of 1972 (with effect from 22-2-1974)
- 2 Renumbered by TR No.266 of 23-9-1980 and MOST's Notification No. PEE-52/79 dated 30-9-1981.
- 3 Minimum Family Pension of Rs.25 raised to Rs.40 by T.R.No.806 of 1973 (with effect from 1-3-1970).

(\*) Rs 150/- including P.R. w.e.f. 1-1-1983.

Rs 150/- including P.R. w.e.f. 1-1-1983.

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TR 1113/68

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of his death while in service or immediately before his retirement. If on the date of his death while in service or immediately before his retirement, an employee has been absent from duty on leave with allowances, his "pay" should be taken at what it would have been had he not been absent from duty:

Provided that the amount of family pension is not increased on account of increase in pay not actually drawn and that benefit of higher officiating or temporary pay is given only if it is certified that the employee would have continued to hold the higher officiating or temporary appointment but for his proceeding on leave. However, in case the employee, during the currency of earned leave or leave on average or full pay not exceeding 120 days or 4 months, as the case may be, of the earned leave or leave on full or average pay exceeding 120 days or 4 months, as the case may be, earns an increment, which is not withheld, he is entitled to count the pay which he would have drawn had he remained on duty. If on the date of death while in service or immediately before retirement, the employee has been absent from duty being on extraordinary leave or suspension, "pay" will mean the pay which he drew immediately before proceeding on leave or suspension.

Provided further that in the case of the death of an employee while in service after putting in not less than 7 years' continuous service the amount of pension payable during the first seven years from the date of death or till the date on which the employee would have reached the normal age of superannuation had he remained alive, whichever period is shorter, shall be increased to 50 per cent of the pay last drawn, subject to a maximum of twice the pension specified in the above table.]

Notes: <sup>1</sup>[ (1)(a) ] In the case of Crane Drivers, Hydraulic, 5 and 6 tons, and 35 cwt. and Crane Drivers, Electric, 3 and 6 tons "pay" means the pay as defined in this sub-regulation in the monthly scales of pay attached to their respective posts of Crane Driver plus Rs.18.98.

<sup>2</sup>[ (b) ] In the case of Dock Shore Workers in 'A' and 'B' Categories, "pay" means pay as defined in this sub-regulation in the appropriate monthly scale of pay attached to their respective posts or at the lowest stage of the increments' scale of pay of a 'A' Category Mazdoor, as the case may be, plus Rs 16.12 in the case of Mazdoor or Rs.17.94 in the case of a Morpia plus Rs.4 in the case of such of the 'B' Category Mazdoors as were on the register on 1st January 1969.]

(2) The temporary increase in pension referred to in Note (1) below Regulation 29 will not be admissible in the case of family pension.

<sup>3</sup>[ (3) ] The normal date of superannuation referred to in the proviso to this sub-regulation shall, in the case of a person who dies while on extension of service, be deemed to be the date upto which the extension of service had been sanctioned to him before his death.]

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- 1 Re-numbered by T.R.No.1234 of 1966 (with effect from 5-10-1965)
  - 2 Substituted by T.R.No.1426 of 1971 (with effect from 1-1-1971 for 'B' Category Mazdoors).
  - 3 Inserted by T.R.No.503 of 1966 (with effect from 10-5-1966)

In case of death of employee his Govt Contribn to PF, D.C.R. and P/Pension is not attributable.  
Vide. C.O. & A's opinion Ref: LDP-1(34)/3657 dt. 22/6/90  
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1/ (b) (i) In the case of retirement or death while in service on or after 1-1-1973, of a class I or class II employee, or in the case of retirement or death while in service on or after 1-1-1979, of a class III or class IV employee who opts for the definition of 'pay' for pension as applicable to the Central Government employees, the amount of Family Pension will be as specified in the following table :-

From 1-6-69 onwards  
of class III  
1-1-1986  
class IV

Revision of pension  
of Govt letter No  
A. 25011/7/86/PE-1  
dt. 24.2.88

Pay of the employee	Monthly pension of widow/widower/children
1. Below Rs.400	30 per cent of pay subject to a minimum of Rs.60 and a maximum of Rs.100.
2. Rs.400 and above but below Rs-1,200	15 per cent of pay subject to a minimum of Rs.100 and a maximum of Rs.160.
3. Rs-1,200 and above	12 per cent of pay subject to a minimum of Rs.160 and a maximum of Rs.250.

"Pay" for this purpose means the pay as defined in regulation 43B or 43E, as the case may be.

Provided that in the case of death of an employee while in service after putting in not less than 7 years' continuous service, the amount of Family Pension payable during the first seven years from the date following the date of death or till

1 Inserted by TR No.268 of 23-9-1980 and MOST's Notification No. FEB-52/79 of 30-9-1981 (Effective from 1-1-1973 in case of class I and class II employees and 1-1-1979 in case of class III and class IV employees).

the date on which the deceased employee would have attained the age of 65 years had he remained alive, whichever period is shorter, shall be increased to 50 per cent of "pay" last drawn subject to a maximum of twice the Family Pension specified in the above table. Where, however, an employee who is governed by the Workmen's Compensation Act, 1923 (8 of 1923) dies while in service after putting in not less than seven years' continuous service and the family of the deceased is eligible for any compensation under the aforesaid Act, the rate of Family Pension payable during the first seven years following the date of death of the employee or till the date on which the employee would have reached the age of 65 years had he remained alive, whichever period is shorter, shall be equal to 50 per cent of the pay last drawn by the employee or one and a half times the Family Pension specified in the above table whichever may be less.

Provided further that in the event of death of an employee after retirement, the Family Pension at the enhanced rate mentioned in proviso (i) above shall be payable upto the date on which the deceased employee would have attained the age of 65 years had he remained alive or for seven years, whichever period is shorter, but in no case the amount of Family Pension shall exceed the pension sanctioned to the employee at the time of his retirement. Where, however, the amount of Family Pension as specified in the above table exceeds the pension sanctioned at the time of retirement of the employee, the amount of Family Pension as admissible under this proviso shall not be less than the amount of Family Pension as specified in the said table.

(ii) In the case of retirement or death while in service, on or after 1-1-1979, of a class III or class IV employee who opts to be continued to be governed by the liberalised definition of "pay" the rate of Family Pension will be as follows :-

Pay of the employee	Monthly pension of widow/widower/children
1. Below Rs.400	Rs. 50
2. Rs.400 and above but below Rs.800	Rs.100
3. Rs.800 and above but below Rs.1,200	12 per cent of pay subject to a minimum of Rs.100
4. Rs.1,200 and above	Rs.160

Provided that in the case of the death of an employee while in service after putting in not less than 7 years' <sup>Quali.</sup> ~~continuous~~ service, the amount of Family Pension payable during the first seven years from the date following the date of death or till the date on which the deceased employee would have attained the age of 65 years had he remained alive, whichever period is shorter, shall be increased to 50 per cent of the pay last drawn by the employee subject to a maximum of one and half times ~~the~~ Family Pension in the above table whichever may be less. The "pay" for the purposes of this proviso will have the same meaning as in regulation 43E.

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- Notes: (1)(a) In the case of Crane Drivers, Hydraulic, 5 and 6 tons, and 35 cwt. and Crane Drivers, Electric, 5 and 6 tons "pay" means the pay as defined in this sub-regulation in the monthly scales of pay attached to their respective posts of Crane Driver plus Rs.18.98.
- (b) In the case of Dock Shore Workers in 'A' and 'B' Categories, "pay" means pay as defined in this sub-regulation in the appropriate monthly scale of pay attached to their respective posts or at the lowest stage of the incremental scale of pay of a 'A' Category Mazdoor, as the case may be, plus Rs.16.12 in the case of Mazdoor or Rs.17.94 in the case of a Morpia plus Rs.6 in the case of such of the 'B' Category Mazdoors as were on the register on 1st January 1969.
- (2) The temporary increase in pension referred to in Note (1) below regulation 29 will not be admissible in the case of family pension.
- (3) The normal date of superannuation referred to in the proviso to this sub-regulation shall, in the case of a person who dies while on extension of service, be deemed to be the date upto which the extension of service had been sanctioned to him before his death. /
- (3) The pension will be admissible :-
- (a) in the case of a widow/widower, upto the date of death or re-marriage, whichever is earlier.



TR 72/1987 A1  
3-6-1987 NOV

TR 332/15-11-89

upto 25  
yrs for both  
sons & daughters  
not crossed 21 yrs  
(15-11-89)

- (b) in the case of a minor son, until he attains the age of  $\sqrt{21}$  years.
- (c) in the case of an unmarried daughter until she attains the age of  $\sqrt{21}$  years or until marriage, whichever is earlier.

Note: In cases where there are two or more widows, pension will be payable to the eldest surviving widow. On her death it will be payable to the next surviving widow, if any. The term 'eldest' would mean seniority with reference to the date of marriage.

(4) A pension awarded under this regulation will not be payable to more than one member of an employee's family at the same time. It will first be admissible to the widow/widower and thereafter to the minor children.

(5) In the event of the re-marriage or death of the widow/widower, the pension will be granted to the minor children through their natural guardian. In disputed cases, however, payments will be made through a legal guardian.

$\sqrt{2}$ (6)      xxx                      xxx                      xxx                      xxx

Note: (i)                      xxx                      xxx

(ii)                      xxx                      xxx

(7) Widows/Widowers/Minor children of such employees as are governed by this regulation will not be entitled to family pension under any other regulations unless a specific provision to the contrary exists in those regulations.

1 Substituted by TR No.139 of 8th May 1979 and MOST's Notification No.PEB-54/79 dated 29th October 1979 (with effect from 10th November 1979).

2 Deleted by MOST's letter No.Pw/PEB-15/82 dated 3rd April 1982 and T.R.No.119 dated 26th April 1982 (with effect from 22-9-1977).

- (8) (i)(a) All class III and class IV employees entitled to the benefit of this regulation and whose service sheets are maintained by the respective Heads of Departments are required to furnish details of their family as defined in sub-regulation (1), i.e., date of birth of each member with his/her relationship with the employee. This statement shall be countersigned by the Head of the Department to which the employee belongs or such other authority as prescribed by the Head of the Department in this respect and pasted to the service sheet of the employee. Employees are, thereafter, required to keep this statement up-to-date. Additions and alterations in this statement will be made by the prescribed authority as above, from time to time, on receipt of information from the employees concerned.
- (b) All other employees whose service sheets are maintained by the Chief Accountant are required to furnish to that officer through their Heads of Departments the details of their 'family' and further required to keep these particulars up-to-date. The Chief Accountant shall paste this statement to the service sheet of the employee and make additions and alterations in the statement on receipt of information from the employee.
- (ii) The manner in which the details of the 'family' and any additions and alterations thereto from time to time are to be communicated shall be as prescribed by the Chief Accountant.