

154. THE PAYMENT OF ARREARS OF PENSION (NOMINATION) RULES, 1983

In exercise of the powers conferred by Section 15 of the Pensions Act, 1871 (23 of 1871) the Central Government hereby make the following rules, namely :—

1. Short title and commencement.—(1) These Rules may be called the Payment of Arrears of Pension (Nomination) Rules, 1983.

(2) They shall come into force on the date of their publication in the official Gazette.

2. Application.—These Rules shall apply to the Central Government Pensioners who are in receipt of any pension under the Rules which govern such pensioners and which is payable by the Government out of the Consolidated Fund of India.

3. Definitions.—In these Rules, unless there is anything repugnant in the subject or context,—

- (a) “Act” means the Pensions Act, 1871 (23 of 1871);
- (b) “Form” means a Form appended to the Rules;
- (c) “nomination” means nomination made under these Rules;
- (d) “pension disbursing authority” means the authority through whom pension is drawn and includes :—
 - (i) branch of a nominated public sector bank; or
 - (ii) treasury including sub-treasury; or
 - (iii) Accounts Officer.

4. Nominee of pension to receive arrears of pension.—Any pensioner to whom any pension is payable by the Government out of the Consolidated Fund of India may nominate any other person (hereinafter referred to as the nominee) in accordance with the provisions of Rule 5 who shall receive, after the death of pensioner all moneys payable to the pensioner on account of such pension on, before or after the date of such nomination and which remain unpaid immediately before the death of the pensioner.

5. Nominations.—(1) Every pensioner who has retired on or before the date of commencement of these Rules shall [Amended/omitted by Noti. Nos. GIDP & AR No. 26 (3) Unit/83-II, dated 3rd March, 1984, DP & AR No. 26 (10)—Pension Unit/84, dated 1st December, 1984, DP & AR No 26/5/15—Pension Unit, dated 24th December, 1985, and DP & RW No. 26/5/85-P & PW, dated 19th September, 1986.] nominate any person for the purpose of Rule 4 in Form “A” and submit it, in triplicate by personal service after taking receipt or by sending through registered post acknowledgment due to the respective pension Disbursing Authority through whom pension is drawn.

(2) Within thirty days of the receipt of nomination in Form "A" as referred to in sub-rule (1), the Pension Disbursing Authority shall get the particulars of the pensioner, as mentioned in Form "A", verify with reference to the available records and return to the pensioner, after obtaining a receipt thereof, the duplicate copy of the nomination in Form "A" duly attested by him or an officer authorised by him in this behalf. The triplicate copy shall be sent to the Accounts Officer of the Department from where the pensioner had retired while the original copy of the nomination shall be recorded.

(3) Every employee who is due to retire after the date of commencement of these Rules shall, he nomination in triplicate, in Form "A" to the Head of Office or the Department from where he is retiring within three months before or after the date of retirement.

(4) Within thirty days of the receipt of the nomination in Form "A", as mentioned in Form "A", verify with reference to the records of the establishment and return to the pensioner, after obtaining the receipt thereof, duplicate copy of the nomination in Form "A" duly attested by him or by an officer authorised by him in this behalf. The triplicate copy duly accepted shall be sent to the Accounts Officer, who shall pass it on to the Pension Disbursing Authority alongwith the Pension Payment Order. If the pension payment order has already been issued in a particular case, the nomination shall be sent separately quoting PPO number and other particulars of the pensioner to enable the Pension Disbursing Authority to link it up with PPO.

(5) A notice of modification of nomination including cases where a nominee predeceases the pension shall be submitted in triplicate in Form "B" to the Pension Disbursing Authority in the manner specified in sub-rule (1) and thereafter the provisions of sub-rule (2) shall apply *mutatis mutandis* with modifications as if it was made under sub-rule (1).

(6) A nomination or a fresh nomination or a notice of modification of nomination shall be signed by the pensioner or, if he is illiterate, shall bear his thumb impressions given in the presence of two witnesses who shall also signing a declaration to that effect in the nomination, fresh nomination or notice of modification of nomination, as the case may be.

(7) Nomination, fresh nomination or notice of modification of nomination shall take effectivity from the date of receipt thereof by the Pensioner Disbursing Authority or the Head of Office, as the case may be.

6. Accepted nomination to be conclusive proof.—A nomination made under Rule 5 and accepted by the Pension Disbursing Authority or the Head of Office, shall be a conclusive proof with regard to the person nominated to receive arrears of pension of the pensioner under these Rules.

7. Mode of payment of arrears.—The arrears of pension payable under these Rules shall be paid in accordance with provisions of the existing Rules governing the mode of payment of pension.

8. Interpretation.—Where any doubt arises as to the interpretation of these Rules the matter shall be referred to the Government of India in the Ministry of Personnel, Public Grievance and Pension (Deptt. of Pension and Pensioner's Welfare).

GOVERNMENT OF INDIA'S DECISIONS

1. G.I. Dept of P. & P.W, O. M. No. 38/32/65-P & PW, dated the 7th January, 1986.—*Pensioners may avail nomination facilities available in the Bank.*—Under the Scheme for payment of pension to Central Government pensioners through public sector Banks, the amount of monthly pension (including relief on pension sanctions by the Government from time to time) is credited by the paying branch of a bank selected by the pensioner to the individual savings/current account of the pension. If the pensioner has already an account, savings or current in his/her individual name with that branch of the bank, the pensioner is not required to open a separate account for this purpose. The only restriction under the Scheme is that the account be in the individual name of the pensioner and "joint" or an "either or survivor" is not allowed. When the account is in the individual name of the pensioner, the balance outstanding in the account cannot be transferred to anybody's account after demise of the pensioner. It will be paid to the legal heir of the pensioner as per the banking Rules and practice.

(2) However, with effect from 29th March, 1985, the Reserve Bank of India have issued instructions allowing nomination facility to all deposits in respect of the deposits held by them in their individual capacity to the respective branches of the various public sector Banks to avoid any hardship to the nominee survivor in getting payment of the balance outstanding in the account of the deceased account holder. This may be brought to the notice of all pensioners so that they can avail of the nomination facility to avoid any hardship being faced by the nominee survivor of the deceased in getting the payment of balance amount in the account of the deceased pensioner.

(3) *Freedom Fighters Pension Scheme, 1972—Disbursement of arrears of pension to a legal heir of the deceased freedom fighter*—I am directed to invite a reference to this Ministry's Letter No. 8/13/74-FF-II, dated 19th March, 1978 addressed to Accountant General, Uttar Pradesh, Allahabad and copy endorsed to all the Accountants General, wherein it was clarified that in the event of death of any freedom fighter pensioner, the life-time arrears may be released with prior concurrence of this Ministry after determining the eligibility of heir to the grant of the pension. The intention was that only, such of the relatives of the freedom fighter, as are included in the term "family" as defined in the freedom fighters pension Scheme, should be granted pension after the freedom fighter dies and authorised to draw the life-time arrears of pension of the freedom fighter.

2. G.I., M.H., O.M. No. 8/49/75-FF (P), dated 8th January, 1976.—The question has been re-examined. The position is that definition of "family" given in the Freedom Fighters Pension Scheme was intended to include such relatives of the freedom fighter as are eligible for the grant of pension after the death of the freedom fighter. It has now been decided that this definition is not necessarily to be imported for the purpose of payment of arrears of pension due to the deceased freedom fighter. While such arrears can be disbursed to member of the family as defined in the Scheme, if living, there is nothing to bar the payment of arrears of pension to a legal heir of the deceased pensioner, if in case no member of the "family" as defined in the Freedom Fighters

Pension Scheme is alive. While authorising payment, the relevant Treasury Rules may be kept in view.

3. **G.I., M.H., O.M. No. 4/32/84-FF (P), dated 15.9.1986.**—*Introduction of payment of arrears of pension (Nomination) Rules 1983—Applicability to Central Freedom Fishers.*—I am directed to refer to the correspondence resting with your letter No. 699-Accounts II/127-85-I, dated the 7th April, 1986, on the above subject and to state that the Payment of Arrears of Pension (Nomination) Rules, 1983 does not apply to the SSS Pension Scheme governed by this Ministry nor has the same been extended in the matter of grant of life-time arrears of deceased pensioners. The grant of life-time arrears of a deceased pensioner is payable to his/her legal heirs whether he is member of the family of otherwise *vide* this Ministry's circular letter No. 8/49/75-FF (P), dated the 8th January, 1976 *supra*. In case the provisions of this circular of 8th January, 1976 are causing hardship to any, the affected person may be advised to bring the same to the notice of this Ministry in detail so that the matter may be examined further, if necessary.

FORM A

[See Rule 5]

To,

The Pension Disbursing Authority/Head of Office

(Name of Bank/Treasury/Post Office/Account Officer etc.)

(Place).....

I,.....hereby nominate the person named below under Rule 5 of the Payment of Arrears of Pension (Nomination) Rules, 1983.

Name and address of the nominee	Relationship with the pensioner	If nominee is minor	
		Date of birth	Name and address of person who may receive the said pension during the nominee's minority
1	2	3	4

Name and address of other nominee in case of nominee under Col. (1) pre-deceases the pensioner	Relationship with pensioner	Date of birth, if the other nominee is minor	Name and address of person who may receive the pension during the other nominee's minority	Contingency or happening of which nomination shall become invalid
5	6	7	8	9

Place.....

Dated.....

Witness : Signature
 Name and Address
 Signature of Pension Disbursing Authority/Head of Office

Signature (or thumb) impression
 if illiterate and name of Pensioner
 Address.....

(Acknowledgment to be sent by the Pension Disbursing Authority/Head of Office)

Certified that application/nomination has been received from.....
 (Name of Pensioner) whose address is.....

Place.....

Dated.....

Signature of Pension Disbursing Authority Bank/
 Treasury/P.O./Accounts Officer/Head of Office
 Full address.....

FORM B

[See Rule 5(15)]

To,

The Pension Disbursing Authority

Name of Bank/Treasury/Post Office/Account Officer etc.

Place.....

I,.....hereby make the following alternative nomination
 (Name of Pensioner in Capital letter)
 in cancellation of the previous nomination made on..... under Rule
 5 of the Payment of Arrears of Pension (Nomination) Rules, 1983.

Name and address of the nominee	Relationship with the pensioner	If nominee is minor	
		Date of birth	Name and address of person who may receive the said pension during the nominee's minority
1	2	3	4

Name and address of other nominee in case of nominee under Col. (1) pre-deceases the pensioner	Relationship with pensioner	Date of birth, if the other nominee is minor	Name and address of person who may receive the pension during the other nominee's minority	Contingency or happening of which nomination shall become invalid
5	6	7	8	9

Place.....

Dated.....

Witness : Signature
Name and Address

Signature (or thumb) impression
if illiterate and name of Pensioner
Address.....

Signature of Pension Disbursing Authority

Date of Stamp.....at

Certified that application/nomination (Form B) has been received from.....
(Name of the Pensioner)

whose address is.....

Form A has been cancelled and returned to him.

Place.....

Dated.....

Signature of Pension Disbursing Authority/P.O.
Bank/Treasury with full address.....
