

GOVERNMENT OF TAMIL NADU

Abstract

Family Pension-Grant of Family pension to the oligible family member of employees whose whereabouts are not known-orders issued.

Finance Pension Department.

G.O.Ms. No. 478

Dated 4.6.1987

Prabhaya, Vaikash 21

Thiruvvalluar Aandu 2010

Read:

From the Government of India O.M. No.1/9486/F&KPW Ministry of Personnel, Public Grievances and Pension (Department of Pension and Pension Grivances dt. 29.8.86.

ORDER

At present a number of cases are referred to the Govern/for grant of family pension to the eligible family members of the employees who have suddenly disappeared and whose whereabouts not known. At present all such cases are considered on merits the normal course, unless a period of 7 years has elapsed since the date of disappearance of the employees he cannot be deemed be dead and the retirement benefit cannot be paid. This principal is based on the section 108 of the Indian Evidence Act, which prescribes that when the question is whether the man is alive or dead and if it is proved that he has not been heard of for 7 years by those who could have naturally hear of him eif he had been alive, then the burden of proving that he is alive is shifted to the person who affirms it.

2. As withhlosing the benefits up to the family has been causing a great deal of hardship the Government of India have decided that;

i) When an employee disappears leaving his family the family can be paid in the first instance the amount of salary due, leave encashment due and the amount of General provident Fund having regard to the nomination made by the employee and

ii) after the elapse of a period of one yeay, other benefits both Death-Cum-retirement Gratuity/Family Pension may also be granted to the family subject to certain conditions.

3. Government have carefully examined the decision of the Government of India and have decided to extend similar benefits to Tamil Nadu Government Servants including the employees of local bodies and aided educational institutions. They accordingly direct that;

i) when employee disappears leaving his family the family can be paid in the first instance the amount of salary due, leave encashment due and the amount of General Provident Fund, having regard to the nomination made by the employee.

ii) After the elapse of a period of one year, other benefits both Death-Cum-Retirement Gratuity/Family Pension may also be granted to the family.

4. The above benefits may be sanctioned by the administrative department of Secretariat after observing the following formalities;

i) The family must lodge a report 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.

ii) An Indemnity bond should be taken from the nominee/dependents of the employees that all payments will be adjusted against the payments due to the employee in case he appears on the scene and makes any claim.

5. The Government also direct that in case the disbursement of Death- Cum-Retirement gratuity is not effected within 3 months from the date of application the interest will be paid at the rates applicable and responsibility for the delay fixed.

6. The orders shall take effect from the date of this order. However all the pending cases can be settled with reference to the above orders.

7. The orders will also apply to the staff of local bodies and aided teaching institutions.

8. Necessary amendment to the Tamil Nadu Pension Rules, 1979 will be issued separately.

(By order of the governor)

C. RAMACHANDRAN

Commissioner & Secretary to Government.