

GOVERNMENT OF ASSAM
PENSION AND PUBLIC GRIEVANCES DEPARTMENT
DISPUR::GUWAHATI-6.

NO.PPG(P)111/2003/32

Dated Dispur, the 7th July, 2004.

From : Shri A. Ahmed, I.A.S.,
Secretary to the Govt. of Assam.

To : The Accountant General, Assam,
Maidamgaon, Beltola, Guwahati-29.

Sub : Post retirement Marriage-granting of Family Pension thereof.

Ref : Your letter NO.Pen-4/PR/Q/IR-10/FP/POL/CONST/2001/1948, dated 9-10-2001
and Pen-4/PR/O-138**/FP/POL/CONST/98/2002/1913 dated 23-12-2002.

Sir,

With reference to above, I am directed to any that consequent upon amendment of Note 2 below Rule 143 (d) of the Assam Services (Pension) Rules, 1969 pertaining to the Admissibility of Family pension to post retrial spouse vide Notification NO.PPG(P)148/92/183 dated 10-1-1995, question has been raised as to whether the benefit of Family Pension is to be extended to the deserving person (s) within the ambit of Rules, if the marriage takes place after retirement is the Spirit of original rules.

Reference from others Departments are being made to this Department seeking clarification on the point at issue. The Accountant General, Assam has, as it appears from the references cited above in some of the cases, could not agree to grant of Family Pension to the claimant on the ground that the post retirement marriage has taken place prior to the date of amendment of the relevant rules i.e. 10-1-95, which resulted in litigation in the Gauhati High Court, bearing No.WP(C)No.4106 of 2003 and PIL.39/2000.

After a close examination of the matter in the context of relevant Rules in this regard and taking into consideration the High Court's observation in the cases mentioned above it is clarified that the context of amendment (a) Notes below 2 of rules 143 (d) dated 18-1-95 speak un-ambiguously that the marriage for the purpose of admissibility of the Family pension benefit to the spouses of retired officials shall mean marriage before or after retirement without having relevance to the date of amendment dated 18-01-1995. The prospectivity of this amended Notification would be exercised only to the computation of benefit of Family pension, which shall be given effect to from the date of Notification i.e. 10-01-1995 irrespective of period of marriage which may be pre or post retirement event as the case may be.

Contd...2

You are, therefore, requested kindly to take necessary action for issuing Family pension in respect of above mentioned Cases and all other cases falling under the purview of this rule which may come from time to time.

Yours faithfully

Secretary to the Govt. of Assam,
Pension & Public Grievances Department.

Memo NO.PPG(P) 111/2003/32-A,

Dated Dispur, the 7th July, 2004.

Copy to :-

1. All Administrative Department.
2. All Deputy commissioners.
3. All Commissioners of Divisions.
4. All Treasury Officers.
5. Registrar, Gauhati High Court .

This has a reference to the Hon'ble Gauhati High Court's order dated 4-2-2004 in W.P.(C).NO. 4106 of 2003 and order dated 24-1-2000 in PIL.39/2000.

By order etc.,

Deputy Secy. to the Govt. of Assam
Pension and Public Grievances Department.