

*Government of india*

**Ministry of Personnel Public Grievances and pensions Department of Pension and Pensioners Welfare**

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**Lok Nayak Bhavan, New Delhi Dated the 31 July, 2006**

**OFFICE MEMORANDUM**

**Subject: Family pension- Appointment/ Nomination of Guardians in respect of persons suffering with Autism, Cerebral Palsy, Mental Retardation and Multiple Disabilities.**

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The undersigned is directed to invite your reference to Item No. (vi) below proviso to Sub Rule (6) of Rule 54 of the CCS (Pension) Rules, 1972 which provides that in the case of a mentally retarded son or daughter, the family pension shall be payable to a person nominated by the Government servant or the pensioner, as the case may be, and in case no such nomination has been furnished to the Head of Office by such Government servant or pensioner during his lifetime, to the person nominated by the spouse of such Government servant of family pensioner, as the case may be, later on. Government of India instructions contained in this Department's O.M. No. 1 /47/87-P&PW(C) dated 6th March, 1989, extract of which has been reproduced at Government of India decision No.8 below' Rule 54 of CCS (Pension) Rules, 1972, further provide that the existing stipulations in regard to grant of guardianship certificate/ appointment of guardians will continue to apply in respect of physically crippled/ disabled children who are minor and the children suffering from any disorder or disability of mind as they are covered by the existing law for the purpose of obtaining guardianship certificate/ appointment of guardian by the Court.

2. For the welfare of persons with Autism, Cerebral Palsy, Menial Retardation and Multiple Disabilities, Parliament has passed National Trust Act, 1999 (No 44 of 1999). Section 14 of the said Act provides for appointment of guardian in respect of persons suffering from the disabilities mentioned above by the local level

committees. It has however, been brought to the notice of this Department that the certificate of guardianship issued under the said Act are often not accepted for grant of the family pension as provision for the same do not exist in the Pension Rules. It is accordingly, clarified that since the guardianship certificate under the Act is issued on the authority of the law passed by the Parliament, the same may be accepted for nomination/ appointment of guardian for grant of family pension in respect of persons suffering from the above disabilities included in the Act.

**(Geetha Nair)**

**Under Secretary to the Government of India**

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