

ASMT III
for n a pl. (vide Pg. 4)
Sri A. Saha
Pargamur
21/10/13
30-10-2013
KOLKATA PORT TRUST

Finance Department

No.Fin/P/Disbursement/13/ 16/

Dated : 28th October, 2013

All Heads of Departments

✓ (Director P and R)

Manager Finance, HDC

45829

पंजी सं.
Sl. No. 2715/DPD/13
दिनांक/ Date 30/10/13

Sub : Disbursement of unpaid pension and Pensionery benefits, unpaid salary and allowances and all other unpaid dues to legal heirs upon death of an employee/pensioner/family pensioner – modification of procedure.

This is to bring to the notice of all concerned that the Govt. of India, Ministry of Personnel, P.G. & Pensions, Department of Pension & Pensioners' Welfare vide their OM No.1/22/2012-P&PW(E) dated 10.07.2013 has further liberalised the procedure of payment of arrear pension and arrear family pension to the legal heirs upon death of Pensioners / family pensioners where no nomination for such dues exist.

The OM on being referred to KoPT by Ministry of Shipping (Ports Wing), Govt. of India on 24.07.2013 has been duly examined and considered by the Chairman to be adopted in KoPT along with extending the benefits of this Scheme to all kinds of dues, in addition to arrear pension dues to be paid to the legal heirs for which no nomination exists.

Accordingly, the following procedures are needed to be followed henceforth:-

(A) Unpaid life time arrear pension and pensionery benefits:

(a) As per the existing procedure, till such time if the gross unpaid amount does not exceed Rs.10,000/- the payment is made to the claimant on submission of the existing 'P'-Form, duly filled in and on production of the detailed particulars of the deceased employee certified by one of the officers, as mentioned in the 'P'-Form, provided that there is no doubt about the genuineness, relationship and heirship of the Claimant.

Keeping the procedure as it is, the limit of Rs.10,000/- would be henceforth extended to Rs.50,000/- as per OM dt. 10.07.13

(b) As per present procedure, in case the gross unpaid amount exceeds Rs.10,000/- but does not exceed Rs.25,000/-, the payment is made to the claimant only on execution of Indemnity Bond in this specified Form, already in use for making payment of life time arrear pension money, with two sureties, both of known financial stability and acceptable to KoPT and on production of detailed particulars of the heirs of the deceased employee, certified by one of the officials prescribed in the existing P-Form.

The order of execution of the Indemnity Bond for effecting the arrear payment is referred by the concerned Sr.Accounts Officer/Dy.Chief Accounts Officer who acts as the obligator and the Indemnity Bonds are finally accepted by the Sr.Dy.Chief Accounts Officer/Addl.Chief Accounts Officer/Financial Adviser & Chief Accounts Officer.

As per the provisions of the OM dated 10.07.2013, henceforth, if the amount of unpaid arrear pension of a deceased exceeds Rs.50,000/- but does not exceed Rs.2,50,000/- the amount is to be paid to the Claimant on execution of duly stamped Indemnity Bond and acceptance of the same thereof by KoPT.

The obligators and the Indemnity Bond accepting Authorities would remain the same and the role played by them at the moment would continue as it is.

(c) As per OM dated 10.07.2013 any payment to be made above Rs.2,50,000/- for life time arrear pension money, for which no nomination exists, would be on production of legal authority i.e. Succession Certificate. In case of death of a pensioner if his life time arrear pension remains unpaid and is not nominated then the family pensioner, if any, amongst the legal / natural heirs will have to be given priority for payment of the dues on observing formalities in vogue.

(B) Un-nominated dues of deceased family pensioner:

The right to receive any arrear of the family pensioner as per the OM dated 10.07.2013 would automatically pass on to the members of the family eligible for family pension, next in line. Henceforth, the requirement of Succession Certificate, in such cases, for payment of any arrear would occur only where there is no member in the family eligible to

receive family pension after the death of the family pensioner. Accordingly, the dues of a deceased family pensioner, where no member of family is eligible to receive family pension, would have to be released on observing the laid down procedures of disbursement of unnominated arrear pension money as per OM dt. 10.07.13.

None of the above procedures would be applicable for release of dues in cases where valid nomination exists under the payment of arrears of Pension (Nomination) Rules 1983. In such cases, the payment of arrears will be authorised to be made to the nominee(s).

For releasing any unpaid amount upto Rs.2,50,000/- for unpaid arrear pension, if any doubt arises, the officer concerned should emphasise on production of Succession Certificate to release the said amount. This will also be true in cases of unpaid dues of deceased family pensioners in cases of doubts.

It has been administratively approved that the above process would also be applicable for all unpaid amount of any nature other than pension and pensionary dues and accordingly the principle of payment of unnominated arrear pension would be applicable for payment of unpaid salary/allowances, arrear PLB/PLR, unpaid medical bills / travelling allowance bills, unpaid exgratia payments of the deceased and unpaid dues of similar other nature in absence of any nomination of the said arrear amount.

The principles of payment of unnominated arrear pension as detailed in OM dated 10.07.2013 would also be applicable for payment of provident fund money, for which no nomination exists. The principles of OM dt.10.7.13 will not be applicable for disbursement of unnominated dues of gratuity and leave salary in case of death of the concerned employee, as such payments are guided by Payment of Gratuity Act / Calcutta Port Trust Employees' (Pension) Regulations for DCRG money and Calcutta Port Trust Employees' (Leave) Regulations respectively.

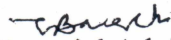
Nevertheless, in case of any doubt production of Succession Certificate should be insisted upon for payments of dues of any nature.

As administratively approved, the OM dt. 10.07.13 is to be considered effective in KoPT from the date of issue of OM i.e. 10.07.13 for all cases which are to be settled after the said date.

The modifications stated above should be widely circulated in your Department to bring it to the notice of all concerned officers and staff. Copy of the OM dated 10.07.2013 is enclosed for ready reference.

The Director, Planning & Research Department is also requested to upload the entire office order along with a copy of OM dated 10.07.2013 on KoPT website please.

Encl. : As stated.


Financial Adviser &
Chief Accounts Officer (I/C)

Copy forwarded to the Chairman for favour of information please.

Copy forwarded to the Deputy Chairman (KDS) for favour of information please.

Copy forwarded to the Deputy Chairman (HDC) for favour of information please.

Copy forwarded to all officers of Finance Department for information and necessary Circulation amongst the respective offices of the department.

Copy forwarded to CPT Pensioners' Association for information and necessary circulation amongst the pensioners of KoPT.

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Government of India
Ministry of Shipping
(Ports Wing)

Transport Bhawan
1, Parliament Street
New Delhi - 110 001

No.LB-13017/1/2012- L

New Delhi, the 24th July, 2013

To

FA&CAO/c



The Chairman
Kolkata Port Trust
15, Strand Road
Kolkata - 700 001

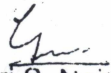
Sub: W.P. No. 18647 (W) of 2012 filed by Smt. Suma Devi Vs. Board of Trustees for the Port of Kolkata & Others

Sir,

Please refer to Kolkata Port Trust's letter No. FIN/CC/12/152 dated 29.11.2012 regarding relaxation of the amount limit of Rs. 25,000/- for payment of un-nominated dues of ex-employee/pensioner payable to the legal heirs in terms of the order dated 01.10.2012 of High Court of Calcutta in the above mentioned writ petition.

2. The matter was referred to Department of Pension and Pensioners' Weifare and Department of Expenditure with regard to enhancement of the limit of Rs. ~~25,000~~ to enable the payment of arrears to Smt. Suma Devi without succession certificate. The D/o P&PW has issued instructions No. 1/22/2012-P&PW(E) dated 10th July, 2013 (copy enclosed) raising the limits for payment of arrears of pension, inter alia, up to which payment may be made without a legal heir ship certificate, where there is no nomination made. The limits of Rs. 5000 and 25000 as indicated in D/o Expenditure's O.M. dated 4.6.85 have been raised to Rs. 50,000 and 2,50,000 respectively. The conditions and the procedure of payment as indicated in D/o of Expenditure's O.M. Dated 22.10.1983 and 04.06.1985 will remain the same.

Yours faithfully,


(Gowri S. Nair)

Under Secretary to the Govt. of India
Telefax:011-23710363

Encl: a/a.

IMPORTANT
CSD(F)
SAO (PA)
SAO (PS)
SAO (C&P)
for information & n.a.
11/8/13

No. 1/22/2012-P&PW (E)
Government of India
Ministry of Personnel, P.G. & Pensions
Department of Pension & Pensioners' Welfare

3rd Floor, Lok Nayak Bhavan,
Khan Market, New Delhi
Dated: 10th July, 2013

Office Memorandum

- Sub: (i) Payment of arrears of pension in cases where valid nomination has not been made under the Payment of Arrears of Pension (Nomination) Rules, 1983;
- (ii) payment of arrears of family pension – reg.

Attention is invited to the Payment of Arrears of Pension (Nomination) Rules, 1983 which provide that after the death of the pensioner, all moneys payable to the pensioner on account of pension will be paid to the nominee of the deceased pensioner. In the absence of any nomination made by the pensioner, the arrears of his/her pension are paid to the legal heir as per the procedure indicated in para 4 of part A of annexure to Ministry of Finance OM No. 1(3)-E.V/83, dated 11.10.1983. However, dependants of some pensioners expressed difficulties in obtaining the legal heir-ship certificates and represented that the necessity of production of legal heir-ship certificates may be waived where the amount of arrears payable is small.

2. The matter had been examined in Ministry of Finance, D/o Expenditure vide OM dated 04/06/1985 and it was decided that in case where a valid nomination does not exist under the Payment of Arrears of Pension (Nomination) Rules, 1983 and the dependent of pensioner is unable to produce the legal heir-ship certificate, the Payment of Lifetime Arrears of Pension accruing to the deceased pensioner may be authorized on the basis of any documentary proof regarding the relationship and heir-ship of the claimant if the gross amount of arrear does not exceed Rupees 25,000. In such cases, if the gross amount did not exceed Rupees 5,000 and case represented no peculiar features, the accounts officer was authorised to make the payment on his own authority.

3. The Government has further looked into the matter and decided to increase the limits of Rupees 5000 and 25000 as indicated in Department of Expenditure OM, dated 4.6.85 to Rupees 50,000 and 2,50,000 respectively. The conditions and the procedure of payment as indicated in Department of Expenditure OM, dated 22.10.1983 and 04.06.1985 will remain the same, which are reiterated hereunder.

4. The Pension Disbursing Authority (PDA) may receive application along with any documentary proof regarding the relationship and heir-ship of the claimant. In case the claimant is the recipient of family pension, the disbursing Officer will verify the identity of the claimant with reference to the disburser's half as well as pensioner's half of the PPO and give a certificate of having done so. PDA will duly attest the documents received from the applicant and forward these along with the application to the Accounts Officer. The Accounts Officer, on receipt of application along with a copy of PPO of the pensioner and other documents from the PDA, will calculate the amount of arrears and issue necessary authority for payment of life-time arrears to the disbursing authority if the case does not present any peculiar features and the amount does not exceed Rs.50,000. In case the amount exceeds Rupees 50,000 but does not exceed Rupees 2,50,000, the Accounts Officer will obtain the

orders of the Head of Department or Administrator or the CAG in the case of pensioners from Indian Audit & Accounts Department or any Officer of that Department declared as an HOD. Payment will be made on execution of a duly stamped indemnity bond in Form T.R. 14/G.A.R. 26, with such sureties as necessary in terms of para 7 below. In case of any doubt and also in cases where the amount of arrears exceeds Rupees 2,50,000, payments shall be authorized to be made only to the persons producing the legal authority.

5. This department's OM No. 43/4/95-P&PW(G), dated 30.10.1995 stipulates that in the event of death of a family pensioner, the right to receive any arrears of family pension would automatically pass on to the eligible member of the family next in line. The requirement of succession certificate for payment of any arrears occurs only where there is no member in the family who is eligible to receive family pension after the death of the family pensioner. Therefore, it has been decided that the provisions of this office memorandum will also apply to the payment of arrears of family pension where no member of family is eligible to receive family pension.

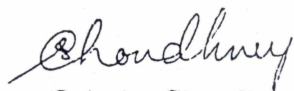
6. The Head of Department here means the Head of Department as defined in rule 2 (xvi) of the General Financial Rules, 2005. However, in order to ensure that the citizens do not have to face unnecessary hardships, it has been decided that in the case of field establishments, the Administrative Ministries/Departments may delegate the power of Head of Department to the Head of Office in the rank of Deputy Secretary/Director, if felt necessary by them. It is also clarified that this OM will cover all such past cases.

7. Normally, there should be two sureties, both of known financial stability. However, in case the amount of claim is less than Rs.75,000/-, the authority accepting the indemnity bond for and on behalf the President of India should decide on the merits of each case whether to accept only one surety instead of two. The obligor as well as the sureties executing the indemnity bond should have attained majority so that the bond has legal effect or force. The bond is required to be accepted on behalf of the President by an officer duly authorised under Article 299 (1) of the Constitution.

8. These orders will not be applicable in cases where a valid nomination exists under the Payment of Arrears of Pension (Nomination) Rules, 1983. In such cases, the payment of arrears will be authorised to be made to the nominee (s).

9. As regards pensioners/family pensioners belonging to the Indian Audit and Accounts Departments, these Orders issue after consultation with the Comptroller and Auditor General of India.

10. This issues with the concurrence of Ministry of Finance, Department of Expenditure, vide their ID Note No.568/E.V/2013, dated 28th June, 2013 and O/o Controller General of Accounts vide their ID No. 1(7)/TA-III/2011-12/Misc/116, dated 13.02.2013.



(Sujasha Choudhury)

Deputy Secretary to the Govt. of India

1. All Ministries/Departments of the Government of India
2. O/o The Comptroller & Auditor General of India
3. O/o The Controller General of Accounts, Lok Nayak Bhavan, New Delhi.
4. Pensioners' Association: per mailing list maintained in this department.