

(C O P Y)

File NO.FEM(PC)33/88

Dated Shillong, the 31st March 1989.

CABINET MEMORANDUM

(Circulated under Rule 17 of Meghalaya Rules of Executive Business)

Subject : Grant of Death-cum-Retirement Gratuity to the family members of deceased Government servants who have not made any nomination under Rule 43 of the Meghalaya Civil Services (Pension) Rules, 1983.

1. As per the provisions of Rule 43 (1) of the Meghalaya Civil Services (Pension) Rules, 1983, a Government servant is required to make a nomination conferring on one or more persons the right to receive the Death-cum-Retirement Gratuity (DCRG) payable under the above Rules.

2. If however, no such nomination has been made or if the nomination has been made but does not subsist, the gratuity is required to be paid to the members of his family as defined in Rule 40(5) of the above Rules. As per the said rule, the family in relation to a Government servant means :

- (i) Wife or wives, including judicially separated wife or wives in the case of a male government servant ;
- (ii) husband, including judicially separated husband in the case of a female government servant ;
- (iii) sons including step-sons and adopted son ;
- (iv) daughters including step-daughters and adopted daughters ;
- (v) father, including adoptive parents in the case of individuals ;
- (vi) mother, including adoptive parents in the case of individuals whose personal law permits adoption ;
- (vii) brothers below the age of eighteen years including step-brothers ;
- (viii) unmarried sisters and widowed sisters including step-sisters ;
- (ix) married daughters ; and
- (x) children of a pre-deceased son.

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3. It will be seen that though the above list is a comprehensive one, it does not include the following members ;

- (i) Children of a pre-deceased daughter ;
- (ii) Nieces.
- (iii) Nephews.
- (iv) Married sisters.
- (v) Married sons and daughters including married step-sons and step-daughters, adopted sons and adopted daughters.

4. It will also be noticed that the Rule in question does not provide for the payment of DCRG to a person who has been granted a succession certificate by competent authority.

5. In recent months certain cases have been brought to our notice by the Accountant General where due to the non-existence of the members listed in paragraph 2 above and (a) non-inclusion in the relevant rules of the categories referred to in paragraph 3 above and (b) the absence of provision for payment of DCRG to a person to whom a succession certificate has been granted, the Accountant General has not been able to authorize drawal of DCRG to any person. It has therefore been suggested that our Rules should be amended to provide for payment to DCRG (a) to persons listed in paragraph 3 above and (b) to a person or persons to whom a succession certificate has been granted. It is accordingly proposed to amend the rules as per the draft notification at Annexure I.

6. Law Department has been consulted and their views are as follows :-

"The draft Cabinet Memorandum is in order. The draft amendment rules (Annexure I) has been slightly corrected".

7. Cabinet's approval is solicited to the proposal at paragraph 5.

Sd/-
Special Secretary to the Govt. of Meghalaya,
Finance (Pension Cell) Department.
