



2025:DHC:6862-DB



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 6762/2024**

SH DEEPAK KUMAR PANDEY

.....Petitioner

Through: Mr. Shanker Raju and Mr.
Nilansh Gaur, Advs.

versus

**CENTRAL INDUSTRIAL SECURITY
FORCE AND ORS**

.....Respondents

Through: Mr. Sahaj Garg, Sr. PC for UOI
Mr. Vasanth Rajasekaran, Sr. SC with Mr.
Karan Prakash, Mr. Harshvardhan Korada,
Mr. Om Bali and Mr. Deepshikha Kumar,
Advs. for JNU

CORAM:

HON'BLE MR. JUSTICE C. HARI SHANKAR

HON'BLE MR. JUSTICE OM PRAKASH SHUKLA

JUDGMENT (ORAL)

% **13.08.2025**

C. HARI SHANKAR, J.

1. The petitioner had joined as Assistant Sub Inspector in the Central Industrial Security Force¹ on 27 January 2001. As he was desirous of joining the Jawaharlal Nehru University² as Section Officer, he submitted a technical resignation to the CISF which was accepted on 14 December 2014. He thereafter joined as Section Officer in the JNU on 15 December 2014.

¹ "CISF", hereinafter

² "JNU", hereinafter



2025:DHC:6862-DB



2. On 5 July 2017, consequent after he had joined the JNU, the petitioner opted for receiving *pro rata* retiral benefits from the CISF in terms of para 3(ii) AIG/Estt, CISF HQrs letter dated 7 January 2017.

3. To that extent, there is no dispute between the parties.

4. The controversy is with respect to the family pension to which the petitioner's family would be entitled in the event of his demise after he had retired from service.

5. At the time of drawing up of the Pension Payment Order³ by the CISF, apropos the *pro rata* pension payable for the services rendered by him in the CISF, the petitioner had affixed the photograph of his wife. The CISF directed the petitioner to remove the photograph of his wife and submit a fresh application for *pro rata* pension on the ground that his wife would not be entitled to family pension.

6. It is this decision of the CISF which has prompted the petitioner to approach this Court by means of the present writ petition, seeking a declaration that the petitioner's family would be entitled to *pro rata* family pension from the CISF in the event of the petitioner's death.

7. The record reveals that the ground on which the petitioner was denied family pension was that the New Pension Scheme, which was

³ "PPO", hereinafter



in existence in the JNU and by which the petitioner would be governed, also contained a provision for family pension. The stand of the CISF was, therefore, that the petitioner could not draw family pension from two sources.

8. Mr. Shanker Raju, learned Counsel for the petitioner points out that the aforesaid position was in existence prior to the deletion, from the Central Civil Services (Pension) Rules, 1972⁴ –which admittedly apply to the CISF – of sub rules 13-A⁵ and 13-B⁶ of Rule 54, by notification dated 27 December 2012, which came into effect from 24 September 2012. The Department of Pension and Pensioners' Welfare⁷, by the following Office Memorandum⁸ dated 23 May 2022, has clarified that, after the deletion, from the CCS (Pension) Rules, of

⁴ CCS (Pension) Rules

⁵ (13-A) A military pensioner, who on retirement from military service, on retiring pension, service pension or invalid pension is governed for the grant of ordinary family pension by Army Instruction 2/S/64 or corresponding Navy or Air Force Instructions and is re-employed in a civil service or civil post before attaining the age of superannuation, shall for the purpose of eligibility for the family pension admissible under this rule or the family pension already authorized under the aforesaid Army/Navy/Air Force Instruction, be governed as follows:-

(i) If he dies while holding a civil post, his family shall be allowed family pension under these rules or the family pension authorized at the time of retirement or discharge from the military service, whichever is more advantageous to the family:

(ii) If he has, on appointment to a civil service or post, opted to retain military pension for the past military service-

(a) and retires from the civil re -employment without earning any pension therefore, his family shall be entitled to family pension as authorized at the time of his retirement/discharge from military service;

(b) retires from civil re-employment after becoming eligible for pension therefore, he shall exercise an option at the time of applying for pension for civil service either to be governed by family pension under these rules or to avail of family pension benefits as authorized at the time of his retirement/discharge from military service and the said option once exercised shall be final.

(iii) If on appointment to a civil service or post, he has opted to surrender military pension and count the military service for civil pension, his family shall be entitled to family pension under these rules.

⁶ (13-B) Family Pension admissible under this rule shall not be granted to a person who is already in receipt of Family Pension or is eligible therefor under any other rules of the Central Government or a State Government and/or Public Sector Undertaking/Autonomous Body/Local Fund under the Central or a State Government:

Provided that a person who is otherwise eligible for family pension under this rule may opt to receive family pension under this rule if he forgoes family pension admissible from any other source.

⁷ "DOPPW", hereinafter

⁸ "OM", hereinafter



Rule 54 (13-A) and 54 (13-B), the proscription on a military pensioner drawing family pension from two sources was lifted. We may reproduce, for ready reference, DOPPW OM dated 23 May 2022 as under:

“OFFICE MEMORANDUM

Subject: - Eligibility for two family pensions-clarification regarding

The undersigned is directed to state that representations/references have been received in this Department seeking clarification in regard to entitlement of a member of family for family pension from two different sources in respect of the same Government servant/pensioner, e.g., in respect of military service and civil service or in respect of service rendered in autonomous body and civil Government Department.

2. Before amendment of the erstwhile Central Civil Services (Pension) Rules, 1972 on 27th December, 2012, sub rule 13-A of Rule 54 of those Rules prohibited grant of family pension from the civil side to a re-employed military pensioner, if the military pensioner had opted for family pension for the military service rendered by him. Similarly, sub-rule 13-B of Rule 54 of those Rule prohibited grant of two family pensions to a person who was already in receipt of Family Pension or was eligible therefore under any other rules of the Central Government or a State Government and/or Public Sector Undertaking/Autonomous Body/Local Fund under the Central or a State Government. Sub-rules 13-A and 13-B were omitted vide notification No. 1/33/2012-P&PW (E) dated 27th December, 2012 (effective from 24th September, 2012). Thus the restriction on entitlement of family pension from two different sources in respect of the same Government servant/pensioner in such cases was removed by the aforesaid amendment notification. This position was also clarified vide this Department's O.M. No. 1/33/2012-P&PW (E) dated 16th January, 2013.

3. The Central Civil Services (Pension) Rules, 2021 have been notified on 20th December, 2021 replacing the erstwhile Central Civil Services (Pension) Rules, 1972. Rule 50 of the Central Civil Services (Pension) Rules, 2021 deals with family pension. This rule also does not provide for any restriction on grant of family pension from two different sources in respect of the same Government servant/pensioner.



2025:DHC:6862-DB



4. *In view of the above, it is clarified that there is no restriction in the Central Civil Services (Pension) Rules, 2021 on grant of family pension to a family member from two different sources in respect of the same Government servant/pensioner, in cases referred to in para 2 above.*

5. However, entitlement of two family pensions to a member of the family consequent on death of two different Government servants/pensioners shall continue to be subject to the restriction in sub-rule 12(a) and sub-rule 13 of Central Civil Services (Pension) Rules, 2021.

(Sanjoy Shankar)
Deputy Secretary to the Government of India”

9. To a query from the Court as to how, in the face of the aforesaid OM dated 23 May 2022, the CISF could deny family pension to the petitioner, Mr. Sahaj Garg, learned Senior Panel Counsel for the respondents submits that he had posed this query to the department over a week ago, but there is no satisfactory response.

10. We have to presume, therefore, that the Union of India has no answer to the reliance, by the petitioner, on the aforementioned OM dated 23 May 2022.

11. The OM is clear and categorical. It holds, without any equivocation whatsoever, that, after the deletion, from the CCS (Pension) Rules of the Rule 54 (13-A) and 54 (13-B), there is no further proscription on a government servant drawing family pension from two sources.

12. The petitioner is yet to retire from service and, therefore, the aforementioned OM would squarely apply to him.



2025:DHC:6862-DB



13. In these circumstances, therefore, the writ petition is entitled to succeed.

14. Accordingly, it is hereby declared that the petitioner would be entitled to family pension in terms of the CCS (Pension) Rules, and that the stand of the CISF that the petitioner could not simultaneously draw family pension from the CISF as well as from the JNU is not correct.

15. Let a fresh PPO be issued by the CISF within a period of four weeks from today.

16. The writ petition stands allowed in the aforesaid terms with no order as to costs.

C. HARI SHANKAR, J.

OM PRAKASH SHUKLA, J.

AUGUST 13, 2025/aky