

CCS (Pension) Rules, Rule 54 (14) (b) – Whether a child adopted by a widow of a government servant, subsequent to the death of the government servant would be included within the scope of the definition of ‘family’ under Rule 54 (14) (b), and would therefore be entitled to receive family pension payable under the said Rules? –

Said Rule requires that the family member must have a close nexus with the deceased government servant, and must have been dependent on him during his lifetime – Therefore, a son or daughter adopted by the widow of a deceased government servant, after the death of the government servant, could not be included

within the definition of ‘family’ under Rule 54(14)(b) – It is necessary that the scope of the benefit of family pension be restricted only to sons or daughters legally adopted by the government servant, during his/her lifetime – Definition of the word “family” in relation to a government servant means various categories of persons coming within the nomenclature of the word “family” and all persons who would have had a familial relationship with the government servant during his lifetime. Hindu Adoptions and Maintenance Act, 1956, S 8, 12, not applicable. *Vijayalakshamma v. B.T. Shankar*, (2001) 4 SCC 558 , AIR 2001 SC 1424. *Distinguished.*

CCS (Pension) Rules, Rule 54 (14) (b) – “in relation to” in statutes is with a view to bring one person or thing into association or connection with another person or thing – The direct or indirect nature of such association or connection depends on the context – The context requires that association or connection of such persons with the deceased government servant must be direct and not remote – Rule requires that the family member must have a close nexus with the deceased government servant, and must have been dependent on him during his lifetime.

Maxim - Nocitur a Sociis – Principle posits that the meaning of a phrase must be construed having regard to the words immediately surrounding it.

Family pension – Was devised as a means to help the dependents of the deceased government servant tide over the crisis and to extend to them some succour – Definition of the term ‘family’ cannot be extended to include those persons who were not even dependents of the government servant, at the time of his death – CCS (Pension) Rules, Rule 54 (14) (b).

CCS (Pension) Rules, Rule 54(14)(b)(ii) – Word “adoption” in the context of grant of family pension – Must be restricted to an adoption made by a government servant during his/her lifetime .

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