

GOVERNMENT OF INDIA
MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS
(DEPARTMENT OF PERSONNEL AND TRAINING)

LOK SABHA
UNSTARRED QUESTION NO. 4358
(TO BE ANSWERED ON 21.03.2018)

MATERNITY LEAVE AND PENSION

4358. SHRI RAJESH KUMAR DIWAKER:
SHRI RAJAN VICHARE:
SHRIMATI SANTOSH AHLAWAT:
SHRI SUNIL KUMAR SINGH:

Will the **PRIME MINISTER** be pleased to state:

- (a) whether it is a fact that women Government employees who have commissioned surrogacy will now be entitled to maternity leave;
- (b) if so, the details thereof;
- (c) whether it is also a fact that divorced daughter will be eligible for pension if divorce case has been filed before the death of pensioner/family pensioner; and
- (d) if so, the details thereof and the number of such cases resolved during the last three years?

ANSWER

**MINISTER OF STATE IN THE MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES
AND PENSIONS AND MINISTER OF STATE IN THE PRIME MINISTER'S OFFICE
(DR. JITENDRA SINGH)**

(a) & (b): Yes Madam. Hon'ble Delhi High Court vide its judgement dated 17.07.2015 in the Writ Petition (C) No. 844/2014 - Rama Pandey vs. Union of India & Ors., has laid down that a female employee, who is the commissioning mother, would be entitled to apply for maternity leave. Department of Personnel and Training, after examination of the judgement, has circulated it to all Ministries/Departments for wide publicity vide Office Memorandum dated 29.01.2018.

(c) & (d): Yes Madam. In accordance with the Office Memorandum No. 1/13/09- P&PW (E) dated 19th July, 2017, family pension would also be granted to a divorced daughter from the date of divorce in cases where the divorce proceedings had been filed in a competent court during the life-time of the employee/pensioner or his/her spouse but divorce took place after their death, subject to fulfilment of all other conditions for grant of family pension.

No centralized data regarding grant of pension/family pension by the various Pension Disbursing authorities is maintained.
