

Pensions Act, 1871

Chapter 2 - Rights to Pensions

Except as hereinafter provided, no Civil Court shall entertain any suit relating to any pension or grant of money or land-revenue conferred or made by the Government or by any former Government, whatever may have been the consideration for any such pension, or grant, and whatever may have been the nature of the payment, claim or right for which such pension or grant may have been substituted.

Section 5 - Claims to be made to Collector, Deputy Commissioner or other authorized officer

Any person having a claim relating to any such pension or grant may prefer such claim to the Collector of the District or Deputy Commissioner or other officer authorised in this behalf by the¹[appropriate Government], and such Collector, Deputy Commissioner or other officer shall dispose of such claim in accordance with such rules as the Chief Revenue Authority may, subject to the general control of the²[appropriate Government], from time to time prescribe in this behalf.

STATE AMENDMENTS

³Karnataka

In section 5 of the Principal Act:

(i) For the words "Any person having a claim ", the words "save as otherwise provided in any law or any rule regulating payment of pension to persons appointed to public services and posts in connection with the affairs of the State, any person having a claim", shall be substituted;

(ii) For the words "as the Chief Revenue Authority may, subject to the general control of the appropriate Government" the words "as the appropriate Government may" shall be substituted³

⁴Uttar Pradesh

In section 5 of the Principal Act:

(i) The words "the Chief-Revenue Authority may, subject to the general control of" shall be omitted.

(ii) The word "may " after the words "appropriate Government" where they secondly occur shall be inserted⁴.

1. Substituted by A.O., 1937, for the words "Local Government".

2. D.S. Nakara v. Union of India, AIR. 1983 S.C. 130 at p. 136:1983 Lab. I.C. 1 at p.8; Ajay Hasia v. Khalid Mujib, A.I.R. 1981 S.C. 487 at p. 498; Air India v. Nargesh Meerza, A.I.R. 1981 S.C. 1828 at p. 1848:1981 Lab. I.C. 1313 at p. 1332.

3. Vide Karnataka Act 23 of 1979.

4. Vide Uttar Pradesh Act 12 of 1922.

Section 6 - Civil Court empowered to take cognizance of such claims

A Civil Court, otherwise competent to try the same, shall take cognizance of any such claim upon receiving a certificate from such Collector, Deputy Commissioner or other officer authorized in that behalf that the case may be so tried, but shall not make any order or decree in any suit whatever by which the liability of Government to pay any such pension or grant as aforesaid is affected directly or indirectly.

Section 7 - Pensions for lands held under grants of perpetuity

Nothing in Sections 4 and 6 applies to--

(1) any inam of the class referred to in section 1 of the Madras Act No. IV of 1862.

(2) Pensions heretofore granted by Government in the territories respectively subject to the Lieutenant-Governors of Bengal and the North-Western Provinces, either wholly or in part as an indemnity for loss sustained by the resumption by a Native Government of lands held under sanads purporting to confer a right in perpetuity. Such pensions shall not be liable to resumption on the death of the recipient, but every such pensions shall be capable of alienation and descent, and may be sued for and recovered in the same manner as any other property.
