

G. P. F. dues on the death of a subscriber before the amount standing to his credit has become payable or where the amount has become payable before the payment has been made. Under the said rule different procedure has been prescribed for payment of the G. P. F. dues in respect of cases where the subscriber leaves a family and a nomination subsists for payment of the amount standing at his credit as well as for cases where no nomination does subsist.

It has been reported by the Accountant-General, Orissa that in course of finalisation of a few final payment cases of deceased subscribers doubt has arisen as to (1) whether Hindu subscriber to G. P. F. can legally have more than one wife and whether both of them would be entitled to a share each in the amount standing to the credit of their deceased husband who had not made any nomination before his death and (2) whether the children born of marriage which is treated as null and void will be entitled to share the property of the parents though the marriage confers no status of matrimony according to the relevant provisions of the Hindu Marriage Act, 1955.

It is now clarified in consultation with Law Department that second marriage solemnised after the commencement of the Hindu Marriage Act, 1955 in contravention of clause (i) of Section 8 of the said Act is void. Under the law a void marriage is regarded as never having taken place and it confers no status of matrimony.

It has also been clarified that the legitimacy of the children born of a marriage which is null and void under section 11 of the Hindu Marriage Act, 1955 is to be presumed under section 16 of the said Act and the children gain a proprietary interest over the property of their parents if such property is their self acquisition. The amount deposited in the G. P. F. Account being the self acquisition of the deceased parent the children born out of his/her void marriage are entitled to such amount as legitimate children.

The above legal position may be brought to the notice of subordinate offices for their guidance. Revenue Department are requested to issue suitable instruction to

the concerned field officers under their control to take into consideration the above legal aspect for issue of legal heir certificates.

B. B. PALAI

Deputy Secretary to Government

No. 933—GPF-6/88-F.

GOVERNMENT OF ORISSA
FINANCE DEPARTMENT

OFFICE MEMORANDUM

Bhubaneswar, the 10th January 1989

Subject—Filing of Nominations in respect of G. P. F. subscribers.

The undersigned is directed to invite a reference to Finance Department Office Memorandum No. 1034-F., dated the 12th January 1987 and Office Memorandum No. 18183-F., dated the 29th April 1988 wherein it has been decided that nominations of both gazetted and non-gazetted Government servants will be accepted by both Heads of Offices and kept in the Service Book of the person concerned.

2. Now it has been proposed by the Accountant-General, Orissa that the nominations received by him earlier should be transferred to the concerned Heads of Offices so as to ensure availability of previous and fresh nominations in one place for smooth payment of the G. P. F. dues to the nominee (s) according to the valid nominations in case of death of the subscriber before payment of the amount at his/her credit in the G. P. F. Account.

3. After careful consideration of the proposal of the Accountant-General, Orissa, it has been decided that a list of subscribers with account Nos. should be prepared by all Heads of Offices and sent to the Accountant-General, Orissa, by the 31st January 1989 for transfer of the accepted nominations with him.

This should be treated as most urgent.

B. B. PALAI

Deputy Secretary to Government