

Ondo State Pension Transitional Department,  
Office of the Head of Service,  
Governor's Office,  
Akure.

23<sup>rd</sup> Nov., 2020.

**CIRCULAR LETTER TO:**

Chief of Staff to the Governor,  
Deputy Chief of Staff to the Deputy Governor,  
Secretary to the State Government,  
Office of the Head of Service,  
Honourable Commissioners,  
Chairmen of the Commission/Parastatals,  
Permanent Secretaries/Tutors-General/Directors-General,  
The Clerk, Ondo State House of Assembly,  
State Auditor-General,  
Auditor-General for Local Government,  
General Managers/Administrative Secretaries,  
State Chairman, Nigeria Union of Pensioners,  
Local Govt. Branches of Nigeria Union of Pensioners.

**PENSION PAYMENT AS IT AFFECTS DECEASED PENSIONERS  
IN THE PUBLIC SERVICE OF ONDO STATE.**

It has come to the notice of the State Government that some Next-of-kin and Guarantors of deceased Pensioners are in the habit of concealing information whenever a Pensioner dies either out of ignorance or sheer mischief. It has been observed that some of the beneficiaries, who have access to the bank accounts of deceased Pensioners, withhold information on the death of their Relatives with a view to collecting their pensions.

2. For information, Section 11 of the Pension Act, No 102 of 1979 provides "Where an officer dies within five years after retirement, his next-of-kin or designated survivors shall continue to be paid, for a period expiring at the end of five years from the date of his retirement, the same pension which the deceased Officer was receiving prior to his

*death but if the next-of-kin or designated survivor so elects, the balance of his pension at his death may be paid forthwith to the said next-of-kin or designated survivor”.*

3. The interpretation of this provision is to the effect that a Pensioner has right to a minimum of 5 years pensions after retirement, dead or alive. The Law provides that where a Pensioner has not earned up to 5 years pensions and dies, the beneficiary or the next-of-kin has the right to claim the pensions outstanding to make up for the 5 years. The beneficiary is to immediately upon the death of such Pensioner inform the **State Pension Transitional Department, Office of the Head of Service** to request for the outstanding in respect of the 5 years pension. For clarity, assuming a Pensioner retired on 1<sup>st</sup> January, 2015 and died on 2<sup>nd</sup> May, 2018; he or she has earned pension for 40 months (3 years 4 months) as against 60 months (5 years) allowed. The beneficiary may write to make claim for the 20 months outstanding pensions.

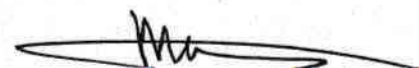
4. Pursuant to the foregoing, the Act emphasizes that pension payment stops upon the death of a Pensioner without prejudice to the provision in paragraph 2 above. In effect, for a pensioner who has been paid pension for 60 months or more, the beneficiary has no right to pension when such Pensioner dies rather it is incumbent on such beneficiary to inform this Office accordingly. It is criminal to withhold information about a deceased Pensioner in order to continue to receive his or her pension.

5 The essence of this Circular Letter is to keep Public Servants as well as Retirees and their Next-of-Kin abreast of the provision as it affect a deceased Pensioner. It should be noted, therefore, that ignorance will not be an excuse when a beneficiary is caught in the criminal acts of drawing the pension of a deceased Pensioner. “To be forewarned is to be forearmed.”

6. The State Government will frown at this act, henceforth, and will not hesitate to take drastic action against erring beneficiary.

7. Accordingly, Accounting Officers, Chairmen and members, Nigeria Union of Pensioners are enjoined to bring the content of this circular letter to the information of their staff/members.

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**'Dele Akinmoye**  
Ag. Permanent Secretary  
for: Head of Service