

Railway Services (Pension) Rules -1993

GOVERNMENT OF INDIA
MINISTRY OF RAILWAYS
(RAILWAY BOARD)



RAILWAY SERVICES (PENSION) RULES-1993
(*Embodying All Amendment issued dated 22.10.08*)

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PREFACE

Pension Rules as applicable to Railway Servants are presently contained in the Manual of Railway Pension Rules, 1950 and Indian Railway Establishment Code Volume-II (1971 edition). While the Establishment Code was up-dated in the year 1987, the Chapters therein on Pension Rules, Commutation of Pension Rules and Extraordinary Pension Rules were not taken up for revision as it was intended to bring out a separate self contained volume on Railway Pension Rules incorporating the vast changes in the rules and a large number of executive instructions on the subject issued ever since the Establishment Code was last brought out in 1971. Similarly, the Manual of Railway Pension Rules, which actually is meant for the guidance of staff dealing with pension work, was last reprinted in the year 1969 incorporating corrections up to 1st September, 1969.

The present volume is thus, a self-contained compilation codifying all the Pension Rules applicable to Railway Servants in the form of statutory rules, on the pattern of Central Civil Services (Pension) Rules, 1972 applicable on the civil side.

Titled broadly as "Railway Services (Pension) Rules", 1993, the compilation actually embodies the existing rules in three parts

namely (i) Railway Services (Pension) Rules (ii) Railway Services (Commutation of Pension) Rules, and (iii) Railway Services (Extraordinary Pension) Rules so that the three separate sets of rules are available in one volume to the advantage of particularly the Railway Personnel dealing with pension cases and settlement of Railway Staff over the vast stretch of Indian Railways.

The provisions contained in the present book of "Railway Services (Pension) Rules", 1993 are issued by the President of India in exercise of the powers conferred on him by the proviso to Article 309 of the Constitution of India. These supersede all the rules and orders on the subject prevailing hitherto.

In accordance with the Government of India's policy, this volume has been printed in diglot edition.

The Railway Board will be glad to consider any suggestion from the Railway Administrations.

New Delhi,
Dated 04-11-1993

(MASIHOZZAMAN)
Secretary, Railway Board

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In exercise of the powers conferred by the proviso to article 309 of the Constitution, the President hereby makes the following rules, namely: -

1. Short title and commencement-

- (1) These rules may be called the Railway Services (Pension) Rules, 1993.
- (2) They shall come into force on the date of their publication in the Official Gazette.

2. Application- Save as otherwise expressly provided in these rules, these rules shall apply to the following railway servants, namely:-

Provided that nothing contained in these rules shall apply to railway servants appointed on or after the 1st day of January, 2004.

(Authority: Railway Board's letter No. F(E)III/2003/PN1/38(Amendment)I dated 30.12.2003)

- (1) any Group 'D' railway servant whose service was pensionable before the introduction of Pension System for Railway Servants on the 16th day of November, 1957;
- (2) any non-pensionable railway servants who was in service on the 16th day of November, 1957 and who elected to be governed by these rules,
- (3) any non-pensionable railway servant who was in service on the 1st day of January, 1986 and did not opt to be governed by the State Railway Provident Fund (Contributory) Rules; and

(4) any person entering a railway service on or after the 16th November, 1957, except a person who is appointed on contract or re-employed after super-annuation or whose terms of appointment specifically provide to the contrary.

3. Definition- In these rules unless the context otherwise requires,

(1) "Accounts Officer" means a Financial Adviser and Chief Accounts Officer of a railway or such other Officers as may be appointed in this behalf by the Railway Board;

(2) "allottee" means a railway servant to whom railway or Government accommodation has been allotted on payment of license fee or otherwise;

(3) "average emoluments"... means average emoluments as determined in accordance with rule 50;

(4) "Code" means the Indian Railway Establishment Code, as amended from time to time;

(5) "child" means son or unmarried daughter of a railway servant under twenty-five years of age and the expression "children" shall be construed accordingly;

(6) "dearness relief" means a dearness relief with in the meaning of rule [75](#);

(7) "Defence Services" means services under the Government of India in the Ministry of Defence and the Defence Accounts Department under the control of the Ministry of Finance Paid out of the Defence Services Estimates and not permanently subject to the Air Force Act, 1950 (45 of 1950) or the Army Act, 1950 (46 of 1950) or the Navy Act, 1957 (62 of 1957);

(8) "emoluments" means emoluments as defined in rule [49](#);

(9) "family pension" means family pension 1964 admissible under rule [75](#);

(10) "foreign service" means service in which a railway servant receives his pay with the sanction of the Government from any source other than the Consolidated Fund of India or the Consolidated Fund of a State or the Consolidated Fund of a Union territory;

(11) "Form" means a Form appended to these rules;

(12) "Government" means the Central Government;

(13) "Government dues or railway dues" means dues referred to in sub-rule (3) of the [15](#);

(14) "gratuity" includes-

(1) service gratuity payable under sub-rule (1) of rule [69](#);

(2) retirement gratuity or death gratuity payable under sub-rule (1) of rule [70](#) and

(3) residuary gratuity payable under sub-rule (2) of rule [70](#);

(15) "Head of a department" means any authority whom the President may, by order, declare to be the Head of a department for the purpose of these rules;

(16) "Head of Office" means a gazetted officer whom the appointing authority may, by order declare as Head of office and includes such other authority or person whom the appointing authority may specify in the like manner;

(17) "Local Fund Administered by Government " means the fund administered by a body which, by law or rule having the force of law, comes under the control of the Government and over whose expenditure the Government retains complete and direct control;

(18) "minor" means a person who has not completed the age of eighteen years:

(19) "pension" includes gratuity except when the term pension is used in contra distinction to gratuity but does not include dearness relief.

(20) "pension disbursing authority" means-

(i) Branch of a nationalised bank; or

(ii) Treasury including sub-treasury or

(iii) Post office or sub post office authorised to disburse pension on behalf of Railways or

(iv) Accounts Office

(21) "pension sanctioning authority" means the authority competent to sanction pension under these rules;

(22) "qualifying service" means service rendered while on duty or otherwise which shall be taken into account for the purpose of pensions and gratuities admissible under these rules;

(23) "railway servant" means a person who is a member of a railway service or holds a post under the administrative control of the Railway Board and includes a person who is holding the post of Chairman, Financial Commissioner or a Member of the Railway Board but does not include casual labour or Person lent from a service or post which is not under the administrative control of the Railway Board to a service or post which is under such administrative control;

(24) "retirement benefits" includes pension or service gratuity and retirement gratuity where admissible;

(25) "service book" includes service roll, if any;

(26) "substitutes" means a person engaged against a regular, permanent or temporary post by reason of absence on leave or otherwise of a permanent or temporary railway servant and such substitute shall not be deemed to be a railway servant unless he is absorbed in the regular railway service;

(27) "Treasury" included a sub-treasury.

4. Meaning of word and expressions not defined in these rules- Words and expressions used herein and not defined but defined in the Code shall have meaning respectively assigned to them in that Code.

5. Government servants transferred from services and posts to which these rules do not apply.

(1) A Government servant whose service is pensionable under the Central Government shall become subject to these rules if he is permanently transferred to a railway service on or after first day of April,1957.

(2) Where sub-rule (1) applies, any amount paid by such Government servant to the General Provident Fund or any other non-contributory Provident Fund while in previous employment, alongwith the interest thereon standing to his credit shall be transferred to his new account in the State Railway Provident Fund (non-contributory).

(3) The previous service rendered by such Government servant shall be taken into account for the purpose of these rules to the extent permissible under these rules.

NOTE - A temporary Government servant who has been or is likely to be retrenched from Civil Department and succeeds in securing employment in railway service while on terminal leave or before their services are actually terminated, shall also be treated as having been transferred.

Introduced by Ministry of Railways (Railway Board), Notification No. 93/CR/Pension Rules, dated, the 2nd December, 1993 and Published S.O.930(E) in Part II, Section 3, Sub-section (ii) of the Gazette of India, dated the 3rd December, 1993.

CHAPTER II

GENERAL CONDITIONS

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6. Regulation of claims to pension or family pension. – (1) Any claim to pension or family pension shall be regulated by the provisions of these rules in force at the time when a railway servant retires or is retired or is discharged or is allowed to resign from service or dies, as the case may be.

(2) The day on which a railway servant retires or is retired or is discharged or is allowed to resign from service or dies as the case may be, shall be treated as his last working day.

Provided that in the case of a railway servant who is retired prematurely or who retires voluntarily under the provisions or rules 1802 to 1804 of the Code or under the scheme of voluntary retirement after completing twenty years of qualifying service under rule [67](#), as the case may be, the date of retirement shall be treated as a non-working day.

7. Limitation on number of pensions- (1) A railway servant shall not earn two pensions in the same service or post at the same time or by the same continuous service.

(2) Except as provided in rule [34](#), a railway servant who, having retired on a superannuation pension or retiring pension is subsequently re-employed shall not be entitled to a separate pension or gratuity for the period of his re-employment.

8. Pension subject to future good conduct- (1)(a) Future good conduct shall be an implied condition of every grant of pension and its continuance under these rules.

(b) The appointing authority may, by order in writing, withhold or withdraw a pension or a part thereof, whether permanently or for a specified period, if the pensioner is convicted of a serious crime or is found guilty of grave misconduct.

Provided that where a part of pension is withheld or withdrawn, the amount of such pension shall not be reduced below the amount of rupees three hundred and seventy five per mensem.

(2) Where a pensioner is convicted of a serious crime by a court of law, action under sub-rule (1) shall be taken in the light of the judgment of the court relating to such conviction.

(3) In a case not falling under sub-rule (2), if the authority referred to in sub-rule (1) considers that the pensioner is prima facie guilty of grave misconduct, it shall, before passing an order under the sub-rule (1) -

(a) serve upon the pensioner a notice specifying the action proposed to be taken against him and the ground on which it is proposed to be taken and calling upon him to submit, within fifteen days of the receipt of the notice or such further time not exceeding fifteen days as may be allowed by the appointing authority, such representation as he may wish to make against the proposal; and

(b) take into consideration the representation, if any, submitted by the pensioner under clause (a).

(4) Where the authority competent to pass an order under sub-rule (1) is the President, the Union Public Service Commission shall be consulted before the order is passed.

(5) An appeal against an order under sub-rule (1), passed by any authority other than the President shall, in consultation with the Union Public Service Commission, pass such orders on such appeal, as he deems fit.

Explanation: In this rule the expression-

(a) "serious crime" includes a crime involving an offence under the Official Secrets Act, 1923 (19 of 1923);

(b) "grave misconduct" includes the communication or disclosure of any secret official code or password or any sketch plan, model, article, note, documents or information, such as is mentioned in section 5 of the Official Secrets Act, 1923 (19 of 1923) which was obtained while holding office under the Government so as to prejudicially affect the interests of the general public or security of the State.

9. Right of the President to withhold or withdraw pension.

(1) The President reserves to himself the right of withholding or withdrawing a pension or gratuity, or both, either in full or in part, whether permanently or for a specified period, and of ordering recovery from a pension or gratuity of the whole or part of any pecuniary loss caused to the Railway, if, in any departmental or judicial proceedings, the pensioner is found guilty of grave misconduct or negligence during the period of his service, including service rendered upon re-employment after retirement;

Provided that the Union Public Service Commission shall be consulted before any final orders are passed.

Provided further that where a part of pension is withheld or withdrawn, the amount of such pension shall not be reduced below the amount of rupees three hundred seventy five per mensem.

(2) The departmental proceedings referred to in sub-rule (1) -

(a) if instituted while the railway servant was in service whether before his retirement or during his re-employment, shall after the final retirement of the railway servant, be deemed to be proceeding under this rule and shall be continued and concluded by the authority by which they commenced in the same manner as if the railway servant had continued in service.

Provided that where the departmental proceedings are instituted by an authority subordinate to the President, that authority shall submit a report recording its findings to the President;

(b) if not instituted while the railway servant was in service, whether before his retirement or during his re-employment-

(i) shall not be instituted save with the sanction of the President;

(ii) shall not be in respect of any event which took place more than four years before such institution; and

(iii) shall be conducted by such authority and in such place as the President may direct and in accordance with the procedure applicable to departmental proceedings in which and order in relation to the railway servant during his service.

- (1) In the case of a railway servant who has retired on attaining the age of superannuation or otherwise and against whom any departmental or judicial proceedings are instituted or where departmental proceedings are continued under sub-rule (2), a provisional pension as provided in rule **10** shall be sanctioned.

(Authority: Railway Board's letter No. F(E)III/99/PN 1/(Modification) dated 23.5.2000)

(4) Where the President decides not to withhold or withdraw pension but orders recovery of pecuniary loss from pension, the recovery shall not ordinarily be made at a rate exceeding one third of the pension admissible on the date of retirement of a railway servant.

(5) For the purpose of this rule -

(a) departmental proceedings shall be deemed to be instituted on the date on which the statement of charges is issued to the railway servant or pensioner, or if the railway servant has been placed under suspension from an earlier date, on such date; and

(b) judicial proceedings shall be deemed to be instituted-

(i) in the case of criminal proceedings, on the date on which the complaint or report of a Police Officer, of which the Magistrate takes cognisance, is made; and

(ii) in the case of civil proceedings, on the date the plaint is presented in the Court.

10. Provisional Pension where departmental or judicial proceedings may be pending.

(1) (a) In respect of a railway servant referred to in sub-rule (3) of Rule [9](#), the Accounts Officer shall authorise the provisional pension not exceeding the maximum pension which would have been admissible on the bases of qualifying service up to the date of retirement of the railway servant or if he was under suspension on the date of retirement, upto the date immediately preceding the date on which he was placed under suspension.

(b) The Provisional pension shall be authorised by the Accounts Officer during the period commencing from the date of retirement upto and including the date on which, after the conclusion of departmental or judicial proceedings, final orders are passed by the competent authority.

(c) No gratuity shall be paid to the railway servant until the conclusion of the departmental or judicial proceedings and issue of final orders thereon; provided that where departmental proceedings have been instituted under the provisions of the Railway Servants Discipline and Appeal Rules, 1968, for imposing any of the penalties specified in clauses (i), (ii), (iii a) and (iv) of rule 6 of the said rules, the payment of gratuity shall be authorised to be paid to the railway servant.

(2) Payment of provisional pension made under sub-rule (1) shall be adjusted against final retirement benefits sanctioned to such railway servant upon conclusion of such proceedings but no recovery shall be made where the pension finally sanctioned is less than the provisional pension or the pension is reduced or withheld either permanently or for a specified period.

11. Commercial employment after retirement- (1) If a pensioner who, immediately before his retirement was a member of Central Service Group 'A' wishes to accept any commercial employment before the expiry of one year from the date of his retirement, he shall obtain the previous sanction of the Government to such acceptance by submitting an application in Form 1:

Provided that a Government servant who was permitted by the Government to take up a particular form of commercial employment during his leave preparatory to retirement or during refused leave shall not be required to obtain subsequent permission for his continuance in such employment after retirement.

(2) Subject to the provisions of sub-rule (3), the Government may, by order in writing on an application made under sub-rule (1) by a pensioner, grant, subject to such condition, if any, as it may deem necessary, permission, or refuse, for reasons to be recorded in the order, permission to such pensioner to take up the commercial employment specified in the application.

(3) In granting or refusing permission under sub-rule (2) to a pensioner for taking up any commercial employment, the Government shall have regard to the following factors, namely:-

(a) Whether a 'No Objection' for the proposed post retirement commercial employment has been obtained from the cadre controlling authority and from the office where the officer retired.

(b) Whether the officer has been privy to sensitive or strategic information in the last three years of his service which is directly related to the areas of interest or work of the organisation which he proposes to join or the areas in which he proposes to practice or consult.

(c) Whether there is conflict of interest between the policies of the office he has held in the last three years and the interest represented or work undertaken by the organisation he proposes to join.

Explanation:- For the purposes of this clause, "conflict of interest" shall not include normal economic competition with the Government or its undertakings.

(d) Whether the organisation he proposes to join has been known to be in any way in conflict with or prejudicial to India's foreign relations, national security and domestic harmony, and whether the organisation is undertaking any activity for intelligence gathering.

(e) Whether service record of the officer is clear, particularly with respect to integrity and dealings with non-Government organisations.

(f) Whether the proposed emoluments and pecuniary benefits are far in excess of those currently prevailing in the industry.

Explanation:- For the purposes of this clause, the words "far in excess", shall not be construed as to cover increase in such benefit that may be as a result of buoyancy in industry or in the economy as a whole.

(g) Any other relevant factor.

(Authority: Notification vide RB's letter No. FileNo.E (G) 2007/EMI/1 dated19.09.07)

(4) Omitted

(Authority:- Railway Boards letter No. E(G) 2002 EM 1/1 dt. 19/23.08.2002)

(5) Where the Government grants the permission applied for subject to any conditions or refuses such permission, the applicant may, within thirty days of the receipt of the order of the Government to that effect, make a representation against any such condition or refusal and the Government may make such orders thereon as it deems fit:

Provided that no order other than an order canceling such condition or granting such permission without any conditions shall be made under this sub-rule without giving the pensioner making the representation an opportunity to show cause against the order proposed to be made.

(6) If any pensioner takes up any commercial employment at any time before the expiry of tow years from the date of his retirement without the prior permission of the Government or commits a breach of any condition subject to which permission to take up any commercial employment has been granted to him under this rule, it shall be competent for the Government to declare by order in writing and for reasons to be recorded therein that he shall not be entitled to the whole or such part of the pension and for such periods as may be specified in the order:

Provided that no such order shall be made without giving the pensioner concerned an opportunity of showing cause against such declaration:

Provide further that in making any order under this sub-rule, the Government shall have regard to the following factors, namely: -

- (i) the financial circumstances of the pensioner concerned;
- (ii) the nature of, and the emoluments from, the commercial employment taken up by the pensioner concerned; and
- (iii) any other relevant factor.

(7) Every order passed by the Government under is rule shall be communicated to the pensioner concerned.

(8) In this rule the expression-

(a) "commercial employment" means-

(i) an employment in any capacity including that of an agent under a company, cooperative society, firm or individual engaged in trading, commercial, industrial, financial or professional business and includes also a directorship of such company and partnership of such firm, but does not include employment under a body corporate, wholly or substantially owned or controlled by the Central Government or a State Government;

(ii) setting up practice, either independently or as a partner of a firm, as adviser or consultant in matters in respect of which the pensioner -

(1) has no professional qualifications and the matters in respect of which the practice is to be set up or is carried on are relatable to his official knowledge or experience, or

(2) has professional qualification but the matters in respect of which such practice is to be set up are such as are likely to give his clients an unfair advantage by reason of his previous official position, or

(3) has to undertake work involving liaison or contact with the offices or officers of the Government.

Explanation: For the purpose of this rule the expression "employment" under a cooperative society includes the holding of any office, whether elective or otherwise such as that of President, Chairman, Manager, Secretary, Treasurer and the like, by whatever name called in such society;

(b) "date of retirement", in relation to a railway servant re-employed after retirement, without any break, either in the same or in another Group 'A' post under the Government or in any other equivalent post under a State Government, means the date on which such railway servant finally ceases to be so re-employed in Government service.

12. Restriction on practice in Income-tax and other cases after retirement- (1) No pensioner who, while in service retired from a post under the Department of Revenue in the Ministry of Finance, shall set up practice before the expiry of two years from the date of his retirement-

(a) in any area which was within the local limit of his jurisdiction during the last three years immediately before his retirement;

(b) in areas other than those referred to in clause (a) without the previous sanction of the President.

(2) No pension shall be payable to such pensioner who sets up practice in contravention of sub-rule (1) in respect of any period for which he has set up practice or such longer period as the Government may direct.

Explanation: For the purpose of this rule the expressions,

(i) "practice" means practice, either independently or as a partner of a firm or a consultant or adviser in matters relating to Income-tax, Wealth tax, duties of customs, duties of Central Excise or estate duty, or as representative of assesses in proceeding under the enactment relating to the levy of such tax or duty;

(ii) "date of retirement" shall have the same meaning as in explanation [\(b\) to rule 11](#).

13. Employment after retirement under a Government outside India- If a pensioner who immediately before his retirement was a member of railway service, Group 'A', wishes to accept any employment under any Government outside India he shall obtain the previous permission of a Ministry of Railways (Railway Board), for such acceptance, and no pension shall be payable to a pensioner who accepts such an employment without proper permission in respect of any period for which he is so employed or such longer period as the Government may direct;

Provided that a railway servant who was permitted by the Ministry of Railways (Railway Board) to take up a particular form of employment under any Government outside India during his leave preparatory to retirement shall not be required to obtain subsequent permission for his continuance in such employment after retirement.

Explanation: For the purpose of this rule, the expression "employment under any Government outside India" includes employment under any local authority or corporation or any other institution or organisation which functions under the supervision or control of a Government outside India, or an employment under an International Organisation of which the Government of India is not a member.

14. Periods which shall not be treated as service for pensionary benefits-Periods of employment in any of the following capacities shall not constitute service for pensionary benefits, namely,-

- (i) in a part-time capacity;
- (ii) at casual market or daily rates;
- (iii) in a non-pensionable post;
- (iv) in a post paid from contingencies except as provided in rule 31;
- (v) under a covenant or a contract which does not specifically provided for grant of pensionary benefits;
- (vi) work done on payment of a fee or honorarium;
- (vii) **Apprentice period of Special Class Apprentices**

(Authority: Railway Board's letter No. F(E)III/99/PN 1/(Modification) dated 23.5.2000)

- (viii) removal or dismissal from service in accordance with rule 40;
- (ix) resignation from service save as indicated under rule 41;
- (x) period of unauthorised absence in continuation of authorised leave of absence treated as overstay,
- (xi) joining time allowed to a railway servant transferred at his own request and not in public interest for which he is not entitled to be paid;
- (xii) period of service treated as dies-non;
- (xiii) foreign service in respect of which the foreign employer or railway servant has not paid service contributed unless the payment has been specifically waived by the President;
- (xiv) on contract basis except when followed by confirmation.

NOTE: Unpaid holidays, Sundays and short periods of leave for half-a-day or less granted to railway workshop staff shall be treated as qualifying service.

15. Recovery and adjustment of Government or railway dues from pensionary benefits- (1) It shall be the duty of the Head of Office to ascertain and assess Government or railway dues payable by a railway servant due for retirement.

(2) The railway or Government dues as ascertained and assessed, which remain outstanding till the date of retirement or death of the railway servant, shall be adjusted against the amount of the retirement gratuity or death gratuity or terminal gratuity and recovery of the dues against the retiring railway servant shall be regulated in accordance with the provisions of sub-rule (4).

(3) For the purposes of this rule, the expression "railway or Government dues" includes-

(a) dues pertaining to railway or Government accommodation including arrears of license fee, if any;

(b) dues other than those pertaining to railway or Government accommodation, namely balance of house-building or conveyance or any other advance, overpayment of pay and allowances, leave salary or other dues such as Post Office or Life Insurance premia, losses (including short collection in freight charges shortage in stores) caused to the Government or the railway as a result of negligence or fraud on the part of the railway servant while he was in service.

(4) (i) A claim against the railway servant may be on account of all or any of the following: -

(a) losses (including short collection in freight charges, shortage in stores) caused to the Government or the railway as a result of negligence or fraud on the part of the railway servant while he was in service;

(b) other Government dues such as over-payment on account of pay and allowances or other dues such as house rent, Post Office or Life Insurance Premia, or outstanding advance,

(c) non-Government dues.

(ii) Recovery of losses specified in sub-clause (a) of clause (i) of this sub-rule shall be made subject to the conditions laid down in rule 8 being satisfied from recurring pensions and also commuted value thereof, which are governed by the Pension Act, 1871 (23 of 1871). A recovery on account of item (a) of sub-para (i) which cannot be made in terms of rule 8, and any recovery on account of sub-clauses items (b) and (c) of clause (i) that cannot be made from these even with the consent of the railway servant, the same shall be recovered from retirement, death, terminal or service gratuity which are not subject to the Pensions Act, 1871 (23 of 1871). It is permissible to make recovery of Government dues from the retirement, death, terminal or service gratuity even without obtaining his consent, or without obtaining the consent of the member of his family in the case of a deceased railway servant.

(iii) Sanction to pensionary benefits shall not be delayed pending recovery of any outstanding Government dues. If at the time of sanction, any dues remain unassessed or unrealised the following courses should be adopted: -

(a) In respect of the dues as mentioned in sub-clause (a) of clause (i) of this sub-rule. A suitable cash deposit may be taken from the railway servant or only such portion of the gratuity as may be considered sufficient, may be held over till the outstanding dues are assessed and adjusted.

(b) In respect if the dues as mentioned in sub-clause (b) of clause (i) of this sub-rule- (1) The retiring railway servant may be asked to furnish a surety of a suitable permanent railway servant. If the surety furnished by him is found acceptable, the payment of his pension or gratuity or his last claim for pay, etc. should not be with held and the surety shall sign a bond in Form 2.

(2) If the retiring railway servant is unable or nor willing to furnish a surety, then action shall be taken as specified in sub-clause (a) of sub-clause (iii).

(3) The authority-sanctioning pension in each case shall be competent to accept the surety bond in Form 2 on behalf of the President.

(c) In respect of the dues as mentioned in sub-clause (c) of clause (i) The Quasi-Government and non-Government dues, such as amounts payable by a railway servant to Consumer Cooperative Societies, Consumer Credit Societies or the dues payable to an autonomous organisation by a railway servant while on deputation may be recovered from the retirement gratuity which has become

payable to the retiring railway servant provided he gives his consent for doing so in writing to the administration.

(iv) In all cases referred to in sub-clauses (a) and (b) of clause (I) of this sub-rule, the amounts which the retiring railway servants are required to deposit or those which are withheld from the gratuity payable to them shall not be disproportionately large and that such amounts are not withheld or the sureties furnished are not bound over for unduly long periods. To achieve this the following principles should be observed by all the concerned authorities:-

- (a) The cash deposit to be taken or the amount of gratuity to be withheld should not exceed the estimated amount of the outstanding dues plus twenty-five per centum thereof.
- (b) Dues mentioned in clause (I) of this sub-rule should be assessed and adjusted within a period of three months from the date of retirement of the railway servant concerned.
- (c) Steps should be taken to see that there is no loss to Government on account of negligence on the part of the officials concerned while intimating and processing of a demand. The officials concerned shall be liable to disciplinary action in not assessing the Government dues in time and the question whether the recovery of the irrecoverable amount shall be waived or the recovery made from the officials held responsible for not assessing the Government dues in time should be considered on merits.
- (d) As soon as proceedings of the nature referred to in rule 8 are instituted, the authority which instituted the proceedings should without delay intimate the fact to the Account Officer.

16. Adjustment and recovery of dues pertaining to Government or railway accommodation- (1) The Directorate of Estates on receipts of intimation from the Head of Office under sub-rule (1) or rule 98 regarding the issue of "No Demand Certificate" shall scrutinise its records and inform the Head of Office eight months before the date of retirement of the allottee, if any licence fee was recoverable from him in respect of the period prior to eight months of his retirement. If no intimation in regard to recovery of outstanding licence fee is received by the Head of Office by the stipulated date, it shall be presumed that no licence fee was recoverable from the allottee in respect of the period preceding eight months of his retirement.

(2) The Head of Office shall ensure that licence fee for the next eight months, that is up to the date of retirement of the allottee is recovered every month from the pay and allowances of the allottee.

(3) Where the Directorate of Estates intimates the amount of licence fee recoverable in respect of the period mentioned in sub-rule (1), the Head of Office shall ensure that outstanding licence fee is recovered in installments from the current pay and allowances of the allottee and where the entire amount is not recovered from the pay and allowances, the balance shall be recovered out of the gratuity before its payment is authorised.

(4) The Directorate of Estates shall also inform the Head of Office the amount of licence fee for the retention of Government accommodation for the permissible period of four months beyond the date of retirement of the allottee. The Head of Office shall adjust the amount of that licence fee from the amount of the gratuity together with the unrecovered licence fee, if any, mentioned in sub-rule (3).

(5) If in any particular case, it is not possible for the Directorate of Estates to determine the outstanding licence fee, that Directorate shall inform the Head of Office that ten per cent of the gratuity or one thousand rupees, whichever is less, may be withheld pending receipt of further information.

(6) The recovery of licence fee for the occupation of the Government accommodation beyond the permissible period of four months after the date of retirement if allottee shall be the responsibility of the Directorate of Estates. Any amount becoming due on account of licence fee for retention of Government accommodation beyond four months after retirement and remaining unpaid licence fee may be recovered by the Directorate of Estates through the concerned Accounts Officer from the dearness relief without the consent of the pensioner. In such cases no dearness relief should be disbursed until full recovery of such dues have been made.

NOTE:- For the purpose of this rule, the licence fee shall also include any other charges payable by the allottee for any damage or loss caused by him to the accommodation or its fittings.

(7) A railway servant shall vacate the railway accommodation immediately after his retirement.

In case where a railway accommodation is not vacated after superannuation of the railway servant or after cessation of his service such as on voluntary retirement, compulsory retirement, medical invalidation, or death, then, the full amount of retirement gratuity, death gratuity or special contribution to provident fund, as the case may be, shall be withheld.

(b) The amount withheld under clause (a) shall remain with the railway administration in the form of cash.

(c) In case the railway accommodation is not vacated even after the permissible period of retention after the superannuation, retirement, cessation of service or death, as the case may be, the railway administration shall have the right to withhold, recover, or adjust from the Death-cum-retirement Gratuity, the normal rent, special licence fee or damage rent, as may be due from the ex-railway employee and return only the balance, if any, on vacation of the railway accommodation.

(d) Any amount remaining unpaid after the adjustment made under clause (c), may also be recovered without the consent of the pensioner by the concerned Accounts Officer from the dearness relief of the pensioner until full recovery of such dues has been made.

(e) Dispute, if any, regarding recovery of damages or rent from the ex-railway employee shall be subject to adjudication by the concerned Estate Officer appointed under the Public Premises (Eviction of Unauthorized Occupants) Act, 1971 (40 of 1971).

(Authority: Railway Board's letter No. F(III)/97/PN1/14 (Amendment) dated 24.5.2000)

17. Pensionary benefits to staff declared unfit. - If a railway servant is unfit for his post but is retained in service in an alternative appointment under the provision of the code and subsequently becomes entitled to receive retirement gratuity or pension, he shall be given the option of accepting either of following, whichever he may, prefer-

(i) the gratuity or pension which he would normally be granted with reference to his total service taken together,

(ii) The sum of-

(a) gratuity or pension which he would have been granted if he had been medically invalidated out of service instead of being retained in an alternative appointment at the end of the spell of his service; and

(b) the retirement gratuity or pension which he would normally have been granted for the second spell of this service rendered in the alternative appointment:

Provided that if total qualifying service of the railway servant in both the spells of service taken together exceeds 33 years, the qualifying service in the second spell shall be reduced by the number of years by which total qualifying service in both the spells taken together exceeds 33 years and ordinary gratuity or pension and death-cum-retirement gratuity for the second spells of service shall be calculated with reference to the reduced qualifying service so calculated.

18. Pensionary, terminal or death benefits to temporary railway servant. - (1) A temporary railway servant who retires on superannuation or on being declared permanently incapacitated for further railway service by the appropriate medical authority after having rendered temporary service not less than ten years shall be eligible for grant of superannuation, invalid pension, retirement gratuity and family pension at the same scale as admissible to permanent railway servant under these rules.

Explanation: For the purpose of sub-rule (1) of this rule "service" shall have the meaning assigned to it in sub-rule (6) of rule 1002 of the Code except that it shall not include the period of first four years of apprenticeship of Special Class Railway Apprenticeship.

(2) A temporary railway servant who seeks voluntary retirement after completion of twenty years of service shall continue

to be eligible for retirement pension and other pensionary benefits like retirement gratuity and family pension as admissible under these rules.

(3) In the event of death in harness of a temporary railway servant his family shall be eligible to family pension and death gratuity on the same scale as admissible to families to permanent railway servants under these rules.

(4) The terminal or death gratuity shall not be admissible -

(i) to a probationer or other railway servant discharged for failure to pass the prescribed test or other examination;

(ii) in a case where the railway servant concerned resigns his post or is removed or dismissed from railway service;

(iii) to employees re-employed under the terms of re-employment applicable to retired employees.

(5) The rules and orders applicable to the admissibility of death-cum-retirement gratuity to permanent pensionable railway servants shall apply as far as may be to the terminal or death gratuity also subject to the provisions of the sub-rules (6) to (10).

(6) No nomination for death or terminal gratuity shall be necessary.

(7) The payment of the terminal gratuity in the case of a temporary railway servant who dies before receiving payment of the said gratuity or of the death gratuity shall be made to his family in the following order of preference: -

(1) wife or wives including judicially separated wife or wives in the case of a male railway servant;

(2) husband including judicially separated husband in the case of a female railway servant,

(3) sons including step sons and adopted sons,

(4) unmarried daughters including step daughters and adopted daughters,

(5) widowed daughters including step daughters and adopted daughters.

(6) Father Including adopted parents in the case of individuals whose personal law permits adoption.

(7) Mother

(8) Brother below the age of eighteen years including stepbrothers.

(9) Unmarried sisters and widowed sisters including step sisters,

(10) Married daughters, and

(11) Children of a pre-deceased son.

(8) If the person eligible to the gratuity in the order of preference mentioned in item (1) of sub-rule (7) is totally denied any share in the property of the railway servant under a will or deed made by him, such person shall be treated as ineligible to receive the gratuity which shall then be paid to the next person in the order of preference and where the railway servant makes any such will or deed he may intimate the fact in writing to the Head of Office who shall keep a note in the service book of the railway servant.

(9) The amount of gratuity payable to a temporary railway servant or to his family in the event of his death may be determined on the bases of the entries made in this service book and drawn without a formal application or accounts report, just as pay claims in pay bill form.

(10) The non-service staff appointed on the personal staff of Minister (s) or Deputy Ministers that is the staff appointed at the discretion of the Ministers and who on the date of their appointment are not already in Government service shall be treated as purely temporary employees for the purpose of the benefits admissible under this rule.

19. Pension on re-employment-Pension on re-employment shall be subject to the conditions laid down in rule 33.

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QUALIFYING SERVICE**

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20. Commencement of qualifying service- Subject to the provisions of these rules, qualifying service of a railway servant shall commence from the date he takes charge of the post to which he is first appointed either substantively or in an officiating or temporary capacity:

Provided that officiating or temporary service is followed, without interruption, by substantive appointment in the same or another service or post:

Provided further that -

(a) in the case of a railway servant in a Group 'D' service or post who held a lien or a suspended lien on a permanent pensionable post prior to the 17th April, 1950, service rendered before attaining the age of sixteen years shall not count for any purpose; and

(b) in the case of a railway servant not covered by clause (a), service rendered before attaining the age of **eighteen** years shall not count, except for compensation gratuity.

(Authority: Railway Board's letter No. F(E)III/99/PN 1/(Modification) dated 23.5.2000)

(c) the provisions of clause (b) shall not be applicable in the cases of counting of military service for civil pension under rule 34.

(Authority: Railway Board's letter No. F(E)III/2004/PN1/21(Amendment) dated 7.12.2004)

(d)

21. Conditions subject to which service qualifies: - (1) The service of a railway servant shall not qualify unless his duties and pay are regulated by the Government; or under conditions determined by the Government.

Explanation: Save as otherwise provided in these rules for the purpose of sub-rule (1) the expression "service" means service under the Government and paid by the Government for the Consolidated Fund of India or a Local Fund administered by that Government but does not include service in a non-pensionable establishment unless such service is treated as qualifying service by that Government.

(2) In case of a railway servant belonging to a State Government who is permanently transferred to a service or post under the railways, the continuous service rendered under the State Government in an officiating or temporary capacity if any, followed without interruption by substantive appointment or the continuous service rendered under that Government in an officiating or temporary capacity, as the case may be, shall qualify:

Provided that nothing contained in this sub-rule shall apply to any such railway servant who is appointed otherwise than by deputation to a service or post to which these rules apply.

22. Counting of service on railways as qualifying service-The service of a railway servant which shall qualify for pensionary benefits, to the extent provided for in these rules, shall be as follows:

(i) continuous service in the Indian Railways or continuous service in former company railway or in a former State Railway which have been taken over by the Central Government; and followed by service on Indian Railways.

Note:- Service rendered by a railway servant with a former State Ruler or personally to the ex-Ruler or in his household prior to the Federal Financial Integration, followed without break of such service, shall be treated as service in the former State Railway for the Purpose of pensionary benefits irrespective of whether his emoluments were paid from the State Revenues or from the private source of the ex-Ruler.

(ii) Service rendered before joining the Indian Railway or a former Company railway or former State railway, which have been taken over by the Government, provided it is: -

(a) a service in an Indian Railway or former State railway or former Company railway if at the time of transfer it was decided that such service would count for special contribution to Provident Fund;

(b) a service on a contract basis on an Indian Railway or a former Company railway or a former State Railway subject to the provisions of rule 24;

(c) a service under a private railway company or a quasi railway body to the extent and subject to the provisions of rule 25;

(iii) A non-pensionable service of a scientific employee under a semi-Government institution which is

financed from cess or Government grants subject to the provisions of rule 30.

(iv) A military or a war service.

(v) A qualifying service rendered under the Central Government (in a Civil Ministry or Department or as a civilian employee under the Ministry of Defence including the Ordnance Factories) or a State Government before transfer to Railways in accordance with the provisions of rule 27.

23. Counting of service on contract- Service constituting period of probation of a railway servant appointed as a probationer or on probation shall be treated as qualifying service.

(Authority: Railway Board's letter No. F(E)III/99/PN 1/(Modification) dated 23.5.2000)

24. Counting of service on contract. - (1) A person who is initially engaged by the railways on a contract and is subsequently appointed to the same or another post in a substantive capacity, without a break in service, such contract period of service shall be treated like any other permanent service in the railway and be taken into account for calculating for the pensionary benefits, subject to the conditions laid down in these rules;

(1) Provided that (i) the period of contract service, during which the Contract officer did not subscribe to the State Railway Provident Fund (Contributory), shall count to the extent indicated above, if during such period, the Railway servant concerned did not any inflated rates of pay by reason of absence of any retirement benefits;

(ii) if the railway servant concerned has subscribed to the State Railway Provident Fund (Contributory) during a period of service, he shall have the option either-

(a) to refund the Government contribution in the Provident Fund together with interest there-on, and Special Contribution to Provident Fund, if any, for the period in question and to count the contract service for pensionary benefits to the extent indicated above, or

(b) to retain the Government contribution to the Provident Fund with interest thereon including any other compensation and Special contribution to Provident Fund, if any, and not to count the period of contract service in question for pensionary benefits.

(2) The option, referred to in sub-clause (a) or sub-clause (b) of clause (ii) of sub-rule (1), shall be exercised within three months of the railway servant concerned in a substantive post and if he is on leave on that date, within three months of his return from leave, whichever is later.

(3) If no option is received from the railway servant within the period referred to in sub-rule (2), he shall be deemed to have opted for retention of monetary benefits referred to in sub-rule (2), he shall be deemed to have opted for retention of monetary benefits referred to in sub-clause (b) of clause (ii) of sub-rule (1).

(4) Where a railway servant (on contract basis) who was admitted to the State Railway Contributory Provident Fund opts for the alternative in sub-clause (1) above, the amount of Government contribution together with interest thereon including other compensation standing to his credit in the State Railway Provident Fund (Contributory) and the Special Contribution to the Provident Fund, if any, shall be surrendered and such amount shall be credited to the Consolidates Fund of India.

Provided that in a case where the Government contribution and the Special contribution, he shall be required to refund the amount received by him together with compound interest on the amount actually received from the date(s) of payment to the date of final refund, at the rate which would have been applicable to the Government contribution, if that amount would have remained in the fund and earned interest, in case where the railway servant dies before the entire amount is refunded, the amount which remains to be refunded shall be adjusted against the death gratuity which may become payable to the family of such railway servant.

25. Counting of service rendered under Private railway Companies and quasi-railway bodies. - (1) The previous service of employees of the former private or former railway companies and quasi-railway bodies who were absorbed in or appointed as fresh entrants in the Indian Railways shall be taken into account for pensionary benefits under these rules, if countable as under, for the purpose of special contribution to Provident Fund.

(i) if under the existing orders, the service is not countable for special contribution to Provident Fund, the same shall not be taken account for pensionary benefits;

(ii) if under the existing orders, previous service is countable for determining only eligibility for special contribution to Provident Fund the same shall be taken into account in full for pensionary benefits.

(2) The previous service, which is taken into account in accordance with the provisions of sub-rule (1), shall be treated as service in Railways to the extent indicated therein, for pensionary benefits under these rules.

26. Counting of service rendered in the Indian Railway Conference Association- If a part of the service rendered by a railway servant in the Indian Railway Conference Association, such service shall be deemed as having been rendered under the Government and shall be taken into account for calculating the qualifying service under these rules;

Provided that the transfer has been effected as a result of the railway servants application having been forwarded through proper channel or in consequence of the Indian Railway Conference Association and the Indian Railway Administration having agreed to such transfer on account of the employee's special qualification or experience.

27. Counting of service rendered under the Central Government (in a Civil Ministry or Department or as a Civilian employee under the Ministry of Defence including Ordinance Factories) or a State Government by a person transferred and permanently absorbed on the railway- (1) A pensionable employee transferred to the railways from another Central Government Department shall be treated as on deputation so long as he is not permanently absorbed in the railway service and on permanent absorption in such service he shall be entitled to pensionary benefits under these rules.

(2) If a permanent employee, who is a member of a Contributory Provident Fund, is transferred and permanently absorbed in a railway service on pensionable basis, the period of service rendered by him prior to his joining such railway service shall count for pensionary benefits under these rules and the employee's contribution to his Provident Fund Account shall be resumed by the Ministry or Department under which he had served prior to joining such railway service.

(3) In the case of an employee, who was a member of a Contributory Provident Fund while in the service of a State Government, the amount of Government contribution with interest thereon shall be resumed by the railways with the consent of the State Government concerned and such employee shall be allowed to count the period of his service under the State Government during which he had actually subscribed to the Contributory Provident Fund and if the State Government concerned is willing to bear the proportionate liability on service-share basis taking into account the entire service under such Government, the Government contribution for such service credited by it shall be resumed by such State Government.

(4) The provisions of rule 23 shall apply as far as may be, to the contract service rendered under a State or the Central Government provided that the previous contract service during which the railway servant did not subscribe to a Contributory Provident Fund shall count only if the previous employer is prepared to share the proportionate liability on service-share basis for the entire service rendered under him.

28. Counting of temporary service under the State and Central Government and allocation of pensionary liability- (1) The Government servants can be allowed the benefit of counting their qualifying service both under the Central Government and the State Governments for grant of pension by the Government from where they retire:

Provided that the gratuity, if any, received by the Government employee for temporary service under the Central or State Government shall be refunded by him to that Government concerned.

(2) The Government servants eligible to claim the benefits of combined service in accordance with sub-rule (1) shall be of the following categories: -

(a) those who having been retrenched from the service of the Central Government or a State Government but have secured on their own, employment under a State or the Central Government either with or without interruption between the date of retrenchment and date of new appointment;

(b) those who while holding temporary posts under the Central Government or a State Government apply for posts under the Central Government or a State Government through proper channel with proper permission of the administrative authority concerned;

Provided that where an employee is required for administrative reasons, for satisfying a technical requirement, to tender resignation from the temporary post held by him before joining the new appointment, a certificate to the effect that such resignation had been tendered for administrative reasons or to satisfy a technical requirement to join, with proper permission the new posts, may be issued by the authority accepting the resignation. A record of this certificate may also be made in his service book under proper attestation to enable him to get this benefit at the time of retirement.

(3) The provision of this rule shall not apply to the employees in the previous employment of the State Governments of Jammu and Kashmir and Nagaland.

29. Pensionary liability of Departments of the Central Government- The liability for pension including gratuity shall be borne in full by the Department to which the Government servant permanently belongs at the time of retirement and no recovery of proportionate pension shall be made from other Department of the Central Government under whom he had served.

30. Counting of service rendered by Scientific employees in semi-Government institution- Service rendered by a scientific employee in a semi-Government institution which is financed from cess or Government grants and during such service he was subscribing to a Contributory Provident Fund, shall, on permanent appointment without any interruption to a pensionable railway service be counted as service qualifying for pension:

Provided that the contribution together with interest thereon paid by the said institution is made over to the Government but so much of the period of service during which he did not subscribe to the Contributory Provident Fund shall not be so reckoned unless the previous employer agrees to bear proportionate liability on account of pensionary benefits for the service so rendered. If the employee was not on a Contributory Provident Fund basis in such an institution, his previous service shall be reckoned as qualifying for pension if the previous employer agrees to bear proportionate liability on account of pensionary benefits.

31. Counting of service paid from Contingencies- In respect of a railway servant, in service on or after the 22nd day of August, 1968, half the service paid from contingencies benefits on absorption in regular employment, subject to the following condition namely: -

- (a) the service paid from contingencies has been in a job involving whole-time employment;
- (b) the service paid from contingencies should be in a type of work or job for which regular posts could have been sanctioned such as posts of malis, chowkidars and khalasis;
- (c) the service should have been such for which payment has been made either on monthly rate basis or on daily rates computed and paid on a monthly basis and which, though no analogous to the regular scales of pay, borne some relation in the matter of pay to those being paid for similar jobs being performed at the relevant period by staff in regular establishments;
- (d) the service paid from contingencies has been continuous and followed by absorption in regular employment without a break;

Provide that the weightage for past service paid from contingencies shall be limited to the period after 1st January 1961 subject to the condition that authentic records of service such as pay bill, leave record or service-book is available.

NOTE - (1) the provisions of this rule shall also apply to casual labour paid from contingencies.

(2) The expression "absorption in regular employment" means absorption against a regular post.

32. Counting of service of Substitute - Service rendered as substitute shall be counted for pensionary benefits from the date of completion of three months in the case of teachers and four months in other cases of continuous service

as substitute followed by absorption in a regular Group C or Group D posts without any break.

33. Counting of pre-retirement Civil (including railway) service in the case of re-employed railway servant. — (1) A railway servant who, having retired on compensation pension or invalid pension or compensation gratuity or invalid gratuity, is re-employed and appointed substantively to a service or a post to which these rules apply, may exercise his option either :—

(a) to continue to draw the pension or retain the gratuity sanctioned for his earlier service, in which case his former service shall not be counted as qualifying service, or

(b) to cease to draw his pension and refund—

(i) pension already drawn;

(ii) the value received for commutation of part or a part of pension; and

(iii) the amount of death-cum-retirement gratuity including service gratuity, if any,

and count the previous service as qualifying service :

Provided that —

(i) the pension drawn prior to the date of re-employment shall not be required to be refunded;

(ii) the element of pension which was ignored for fixation of his pay including the element of pension which was not taken into account for fixation of pay shall be refunded by him;

(iii) the element of pension equivalent of gratuity including the element of commuted part of pension, if any, which was taken into account for fixation of his pay shall be set off against the amount of death-cum-retirement-gratuity and the commuted value of pension and the balance, if any, shall be refunded by him.

Explanation. —In the proviso to this sub-rule, the expression “which was taken into account” means, the amount of pension including the pension equivalent of gratuity by which pay of the railway servant was reduced on initial re-employment and the expression “which was not taken into account” shall be construed accordingly.

(2) (a) The authority issuing the order of substantive appointment to a railway service or post referred to in sub-rule (1) shall along with such order require in writing the railway servant to exercise his option under that sub-rule within three months of the date of issue of such order or if he is on leave on that date, within three months of his return from leave, whichever is later and also bring to his notice the provisions of clause (b) of that sub-rule.

(b) If no option is exercised within the period referred to in clause (a), the railway servant shall be deemed to have opted for clause (a) of sub-rule (1).

(3) In case of a railway servant, who opts or is deemed to have opted for clause (a) of sub-rule (1), the pension or gratuity admissible for his subsequent service shall be subject to the limitation that the service gratuity or the capital value of the pension and death-cum retirement gratuity, if any shall not be greater than the difference between the value of the pension and death-cum-retirement gratuity, if any, which would have been admissible to him at the time of his final retirement if the two periods of service were combined and the value of retirement benefits already granted to him for the previous service.

Note—The capital value of pension shall be calculated in accordance with the Table in the Appendix II under the Railway Service (Commutation of Pension) Rules 1993, as applicable at the time of the second or final retirement.

(4) (a) A railway servant who opts for clause (b) of sub-rule (1) shall be required to refund the gratuity including death-cum-retirement gratuity, if any, received in respect of his earlier service, in monthly instalments not exceeding thirty-six in number, the first instalment beginning from the month following the month in which he exercised such option.

(b) The right to count previous service as qualifying service shall not be revived until the whole amount has been refunded.

(5) In the case where a railway servant who, having elected to refund the gratuity,

dies before the entire amount is refunded, the unrefunded amount of gratuity shall be adjusted against the death-cum-retirement gratuity which may become payable to such deceased's family.

34. Counting of Military service rendered before employment on the railway. —(1) A railway servant who is re-employed in a railway service or post before attaining the age of superannuation and who, before such re-employment, had rendered military service, may, on his confirmation in a railway service or post, opt either—

(Authority: Railway Board's letter No. F(E)III/2004/PN1/21(Amendment) dated 7.12.2004

(a) to continue to draw the military pension or retain gratuity received on discharge from military service, in which case his former military services shall not count as qualifying service; or

(b) to cease to draw his pension and refund,—

(i) the pension already drawn;

(ii) the value received for the commutation of a part of military pension; and

(iii) the amount of death-cum-retirement gratuity including service gratuity, if any, and count previous military service as qualifying service, in which case the service so allowed to count shall be restricted to a service within or outside the employees' unit or department in India or elsewhere which is paid from the Consolidated Fund of India or for which pensionary contribution has been received by the Government:

Provided that—

(i) the pension drawn prior to the date of re-employment shall not be required to be refunded;

(ii) the element of pension which was ignored for fixation of his pay including the element of pension which was not taken into account for fixation of pay on re-employment shall be refunded by him;

(iii) the element of pension equivalent of gratuity including the element of commuted part of pension, if any, which was taken into account for fixation of pay shall be set off against the amount of death-cum-retirement gratuity and the commuted value of pension and the balance, if any, shall be refunded by him.

Explanation—In the proviso to this sub-rule, the expression "which was taken into account" means the amount of pension including the pension equivalent of gratuity by which the pay of the railway servant was reduced on initial re-employment and the expression "which was not taken into account" shall be construed accordingly.

(2) (a) The authority issuing the order of substantive appointment to a railway service or post referred to in sub-rule (1) shall alongwith such order require in writing the railway servant to exercise his option under that sub-rule within three months of the date of issue of such order or if he is on leave on that date within three months of his return from leave, whichever is later and also bring to his notice the provisions of clause (b) of that sub-rule.

(b) If no option is exercised within the period 'referred to in clause (a), the railway servant shall be deemed to have opted for clause (a) of sub-rule (1).

(3) (a) A railway servant who opts for clause (b) of sub—rule (1) shall be required to refund the pension, bonus or gratuity received in respect of his earlier military service, in monthly instalment not exceeding thirty six in number, the first instalment beginning from the month following the month in which he exercised such option,

(b) The right to count previous service as qualifying service shall not revive until the whole amount has been refunded.

(4) In the case where a railway servant who, having elected to refund the pension, bonus or gratuity, dies before the entire amount is refunded, the unrefunded amount of pension or gratuity shall be adjusted against the death-cum-retirement gratuity which may become payable to such deceased's family.

(5) When an order is passed under this rule allowing previous military service to count as part of the service qualifying for civil pension, the order shall be deemed to include the condonation of interruption in service, if any, in the military service and between the military and railway services.

35. Verification of Military Service - Before pension is granted, the war or Military service of the individual to whom pension is payable and the amount of bonus or gratuity in lieu of pension paid to him shall be verified, in Form 3 from the following authorities as indicated against each category of the employees, namely: -

I. Ex-service Commissioned Officers-

(a) (i) Non-Medical Officers-A.G's Branch/Ogr3(RR&C)(d) Army Headquarters, DHQ P.O., New Delhi.

(ii) Medical Officers-MPRS (O) (NE) Medical Directorate, Army Headquarters, DHQPO, New Delhi.

(b) Ex. Naval Officers-Personal services Directorate (Naval Appointments), Headquarters, DHQPO, New Delhi.

(c) Ex-Air Force Officers-Directorate of Personnel (Officers) (P.O. 2) Air Headquarters, DHQPO, New Delhi.

II. Ex. J.C.O's, Other Ranks and NcsE and their equivalent in the Navy and Air Force. The authorities concerned shall be addressed enclosing two copies of Form 3 -

(a) JCO's Ors. And NcsE. Of the Indian Army-The respective Record Office as indicated in the Discharge Certificate of an individual concerned. (A list of the existing Record Offices is given in Appendix II).

(b) CPO Petty Officers and Sailors of Navy-The Captain, Naval Barracks (Drafting Office), Bombay.

(c) MWOs., Wos., NCO's., and Airmen of the Air Force-Directorate of Personnel (Airman, Air Head Quarters) Vayu Bhawan, New Delhi.

36. Counting of period spent on leave-All leave during service for which leave salary is payable and all extraordinary leave granted on medical grounds shall count as qualifying services:

Provided that in the case of extraordinary leave other than extraordinary leave granted on medical certificate, the appointing authority may, at the time of granting such leave; allow the period of that leave to count as qualifying service if such leave is granted to a railway servant,

(Authority: Railway Board's letter No. F(E)III/99/PN 1/(Modification) dated 23.5.2000)

(i) due to his inability to join or rejoin duty on account of civil commotion, or

(ii) for prosecuting higher scientific or technical studies.

37. Counting periods of suspension-Where a railway servant is kept under suspension pending inquiry into his conduct the period of such suspension shall count as qualifying service only where on conclusion of such inquiry, he has been fully exonerated or the suspension is held to be wholly unjustified and in other cases, the period of such suspension shall not count unless the authority competent to pass orders count under the rule governing such extent as that authority may declare. Where the authority reinstating the railway servant had not passed order as to the treatment of the period of suspension for the purpose of qualifying service for pensionary benefits the period of suspension shall qualify only if it had been treated as duty or leave due, as the case may.

38. Counting of periods spent on training-The Ministry of Railways may, by order, decide whether the time spent by a railway servant under training immediately before his appointment to service under the railway shall count as qualifying service.

39. Counting of past service on reinstatement- (1) A railway servant, who is dismissed, removed or compulsorily retired from service, but is reinstated on appeal review, is entitled to count his past service as qualifying service.

(2) The period of interruption in service between the date of dismissal, removal or compulsory retirement, as the case may be, and the date of reinstatement, and the period of suspension, if any, shall not count as qualifying service unless regularised as 'duty' or 'leave' by a specific order of the authority which passed the order or reinstatement.

40. Forfeiture of service on dismissal or removal-Dismissal or removal of a railway servant from a service or post shall lead to forfeiture of his past service.

41. Forfeiture of service on resignation- (1) Resignation by a railway servant from a service or a post, unless it is allowed to be withdrawn in the public interest by the appointing authority shall lead to forfeiture of his past service.

(2) A resignation shall not lead to forfeiture of past service if it has been submitted to take up, with proper permission, another appointment, whether temporary or permanent under the Government where service qualifies for pension.

(3) Interruption in service in a case falling under sub-rule (2), due to the two appointments, being at different stations, not exceeding the joining time permissible under the rules of transfer, shall be covered by grant of leave of any kind due to the railway servant on the date of relief or by formal condonation to the extent to which the period is not covered by leave due to him.

(4) The appointing authority may permit a person to withdraw his resignation in the public interest on the following conditions, namely: -

(i) that the resignation was tendered by the railway servant for some compelling reasons which did not involve any reflection on his integrity, efficiency or conduct and the request for withdrawal of the resignation has been made as a result of a material change in the circumstances which originally compelled him to tender the resignation.

(ii) that during the period intervening between the date on which the resignation became effective and the date from which the request for withdrawal was made, the conduct of the person concerned was in no way improper;

(iii) that the period of absence from duty between the date on which the resignation became effective and the date on which the railway servant is allowed to resume duty as a result of permission to withdraw the resignation is not more than ninety days;

(iv) that the post, which was vacated by the railway servant on the acceptance of his resignation or any other comparable post, is available.

(5) Request for withdrawal or a resignation shall not be accepted by the appointing authority where a railway servant resigns his service or post with a view to taking up an appointment in or under a private commercial company or in or under a Corporation or company wholly or substantially owned or controlled by the Government or in or under a body controlled or financed by the Government.

(6) When an order is passed by the appointing authority allowing a person to withdraw his resignation and to resume duty, the order shall be deemed to include the condonation of interruption in service but the period of interruption shall not count as qualifying services.

(7) A resignation submitted for the purpose of Rule 53 should not entail forfeiture of past service under the Government or the railway.

42. Effect of interruption in service- (1) An interruption in the service of a railway servant shall lead to forfeiture of his past service, except in the following cases namely: -

(a) authorised leave of absence;

(b) unauthorised absence in continuation of authorised leave of absence so long as the post of absentee is not substantively filled;

(c) suspension, where it is immediately followed by reinstatement whether in the same or a different post, or where the railway servant dies or is permitted to retire or is retired on attaining the age of compulsory retirement, while under suspension;

(d) transfer to non-qualifying service in an establishment under the control of the Government if such transfer has been ordered by a competent authority in the public interest;

(e) joining time while on transfer from one post to another.

(2) Notwithstanding anything contained in sub-rule (1) the appointing authority may, by order, commute retrospectively the period of absence without leave as extraordinary leave.

43. Condonation of interruption in service- (1) (a) In the absence of service book, an interruption between two spells of Government service rendered by a railway servant under Government including Civil Service rendered and paid out of Defence Services Estimates or Railway Estimates shall be treated as automatically condoned and the pre-interruption service treated as qualifying service.

(b) Nothing in clause (a) shall apply to interruption caused by resignation, dismissal or removal from service or for participation in a strike.

(2) Where the break in service of a railway servant is condoned, he shall, unless specifically provided to the contrary in the sanction for such condonation, refund any gratuity, special contribution as well as Government contribution to Provident Fund, if any, with interest thereon, received by him in respect of his service before the break.

44. Treatment of breaks in service Condoned for Special contribution to Provident Fund-Any break in service condoned prior to the 22nd June, 1961 for the purpose of Special Contribution to Provident Fund shall be deemed to be condoned for the purpose of pensionary benefits also, provided that-

(i) the railway servant who has not refunded the amount of gratuity (Special contribution to Provident Fund or Government contribution or both) received by him for the spell of service rendered prior to the break in service, refunds to the Government the amount thereof. No interest, need, be recovered on the amount for the period it remained with him;

(ii) (a) the intention to make the refund has been made known by the railway servant in writing to the Accounts Officer not later than six months from the date of issue of orders of his confirmation in a substantive post or if he is on leave, within six months of date of his return from leave;

(b) the refund may be made in installments not exceeding twelve in numbers as may be specified by the authority who condones the break in service;

(c) the right to count the previous service shall not revive till the whole amount has been completely refunded,

45. Addition to qualifying service in special circumstances- (1) A railway servant who retires from a service or post after the 31st March, 1960, shall be eligible to add to his service, qualifying for superannuation pension (but not for any other class of pension), the actual period not exceeding one-fourth of the length of his service or the actual periods by which his age at the time of recruitment exceeded twenty five years or a period of five years, whichever is less, if the service or post to which the railway servant is appointed is one-

(a) for which post-graduate research or specialist qualification or experience in scientific, technological or professional fields, is essential; and

(b) to which candidates of more than twenty five years of age are normally recruited.

Provided that this concession shall not be admissible to a railway servant unless his actual qualifying service at the time he quits railway service is not less than ten years;

Provided further that this concession shall be admissible only if the recruitment rules in respect of the said service or post

contain a specific provision, that the service or post is one, which carries the benefit of this rule.

Provide also that this concession shall not be admissible to those who are eligible for counting their past service for superannuation pension unless they opt before the date of their retirement, which option once exercised shall be final, for the weightage of service under this sub-rule forgoing the counting of past service.

(2) A railway servant who is recruited at the age of thirty-five years or more, may, within a period of three months from the date of his appointment, elect to forgo his right to pension where upon he shall be eligible to subscribe to a Contributory Provident Fund.

(3) The option referred to in sub-rule (2), once exercised shall be final.

46. Period of deputation to United Nations and other Organisations:-A railway servant deputed on foreign service, for a period of five years or more, to the United Nations' Secretariat or other United Nations' Bodies, the International Monetary Fund, the International Bank of Reconstruction and Development, or the Asian Development Bank or the Commonwealth Secretariat, may at his option-

(a) pay the pension contribution in respect of his foreign service and count such service as qualifying for pension under these rules; or

(b) avail of the retirement benefits admissible under the rules of the aforesaid Organisations and not count such service as qualifying for pension under these rules.

Provided that where a railway servant opts for clause (b), retirement benefit shall be payable to him in India in rupees from such date and in such manner as the Railway Board may, by order, specify.

Provided further that pension contributions, if any, paid by the railway servant, shall be refunded to him.

47. Verification of qualifying service after twenty five years' service, or five years before retirement: - (1) A railway servant on completing twenty five years of service or on his being left with five years of service before the date of retirement whichever is earlier, the Accounts Officer concerned in the case of a gazetted railway servant or the Head of Office in consultation with the Accounts Officer concerned in the case of a non-gazetted railway servant shall, in accordance with the rules for the time being in force, verify the service rendered by such railway servant, determine the qualifying service and communicate to him the period of qualifying service so determined in Form 15.

(2) Notwithstanding anything contained in sub-rule (1), where a railway servant is transferred to another department from a temporary department or on account of the closure of the department he had been previously serving, or because the post he held had been declared surplus, the verification of his service may be done whenever such event occurs.

(3) The verification done under sub-rule (1) and (2) shall be treated as final and shall not be reopened except when necessitated by a subsequent change in the rules and orders governing the conditions under which the service qualifies for pension.

48. Deficiency in service: - Any deficiency in the qualifying service of a railway servant shall not be condoned.

CHAPTER-IV

EMOLUMENTS AND AVERAGE EMOLUMENTS

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49. Emoluments: - The expression - (a) "emoluments", for the purpose of calculating various retirement and death benefits, means the basic pay as defined in clause (i) of rule 1303 of the Code which a railway servant was receiving immediately before his retirement or on the date of his death:

Provided that the stagnation increment shall be treated as emolument for calculation of retirement benefits;

(b) "pay" in these rules means the pay in the revised scales under the Railway Services (revised pay) Rules, 1986;

Provided that 'pay element' of Running Staff shall also include fifty-five per centum of the basic pay for reckoning emoluments.

Note 1. : If a railway servant immediately before his retirement or death while in service had been absent from duty on leave for which leave salary is payable or having been suspended had been reinstated without forfeiture of service, the emoluments which he would have drawn had he not been absent from duty or suspended shall be the emoluments for the purposes of this rule:

Provided that any increase in pay (other than the increment referred to in Note 4) which is not actually drawn shall not form part of his emoluments.

Note 2. : Where a railway servant immediately before his retirement or death while in service had proceeded on leave for which leave salary is payable after having held a higher appointment. Whether in an officiating or temporary capacity, the benefit of emoluments drawn in such higher appointment shall be given only if it is certified that the railway servant would have continued to hold the higher appointment but for his proceeding on leave.

Note 3. : If a railway servant immediately before his retirement or death while in service had been absent from duty on extraordinary leave, or had been under suspension, the period whereof does not count as service, the emoluments which he drew immediately before proceeding on such leave or being placed under suspension shall be the emoluments for the purposes of this rule.

Note 4. : If a railway servant immediately before his retirement or death while in service, was on earned leave and earned an increment which was not with-held, such increment though not actually drawn, shall form part of his emoluments:

Provided that the increment was earned during the currency of the earned leave not exceeding one hundred and twenty days, or during the first one hundred and twenty days of earned leave where such leave was for more than one hundred and twenty days.

Note 5. : Pay drawn by a railway servant while on deputation to the Armed Forces of India shall be treated as emoluments.

Note 6. : Pay drawn by a railway servant while on foreign service shall not be treated as emoluments, but the pay which he would have drawn under the railway, had he not been on foreign service shall alone be treated as emoluments.

Note 7. : Where a pensioner who is re-employed in railway service elects in terms of clause (a) of sub-rule (1) of rule 33 or clause (a) of sub-rule (1) of rule 34 to retain his pension for earlier service and whose pay on re-employment has been reduced by an amount not exceeding his pension, the element of pension by which his pay is reduced shall be treated as emoluments.

Note 8. : Where a railway servant has been transferred to an autonomous body consequent on the conversion of Department of the Railways into such a body and the railway servant so transferred opts to retain the pensionary benefits under the rules of the railway, the emoluments drawn under the autonomous body shall be treated as emoluments for the purpose of this rule.

50. Average emoluments-Average emoluments shall be determined with reference to the emoluments drawn by a railway servant during the last ten months of his service.

Note 1. : If during the last ten months of his service a railway servant had been absent from the duty on leave of which leave salary is payable or having been suspended had been reinstated without forfeiture of service, the emoluments which he would have drawn, had he not been absent from duty or suspended, shall be taken into account for determining the average emoluments:

Provided that any increase in pay (other than the increment referred to in Note 3) which is not actually drawn shall not form part of his emoluments.

Note 2. : If during the last ten months of his service, a railway servant had been absent from duty on extraordinary leave, or had been under suspension the period whereof does not count as service, the aforesaid period of leave or suspension shall be disregarded in the calculation of the average emoluments and equal period before the ten months shall be included.

Note 3. : In the case of a railway servant who was on earned leave during the last ten months of his service and earned an increment, which was not withheld, such increment, though not actually drawn shall be included in the average emoluments;

Provided that the increment was earned during the currency of the earned leave not exceeding one hundred and twenty days, or during the first one hundred and twenty days of earned leave where such leave was for more than one hundred and twenty days.

CHAPTER-V

CLASSES OF PENSIONS AND CONDITIONS GOVERNING THEIR GRANT

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51. Superannuation Pension-A superannuation pensions shall be granted to a railway servant who is retired on his attaining the age of compulsory retirement.

Note: As the 1st November, 1973, railway servants in Groups 'B', 'C' and 'D' service or posts, and as from the 1st April, 1974, railway servants in Group 'A' service or posts, shall retire from the afternoon of the last day of the month in which their date of retirement according to rule 1801 of the Code falls, without prejudice to the provisions contained in rules 1802, 1803 and 1804 of the said Code.

52. Retiring Pension-A retiring pension shall be granted to a railway servant who retires, or has retired before attaining the age of compulsory retirement, in accordance with the provisions of rules 66 and 67 of these rules and rule 1802 of the code.

53. Pension on absorption in or under a corporation, company or body- (1) A railway servant who has been permitted to be absorbed in a service or post in or under a corporation or company wholly or substantially owned or controlled by the Central Government or a State Government or in or under a body controlled or financed by the Central Government or a State Government shall be deemed to have retired from service from the date of such absorption and subject to sub-rule (3), he shall be eligible to receive retirement benefits, if any, from such date as may be determined, in accordance with the orders of the Railway applicable to him.

(Authority: Railway Board's letter No. F(E)III/2003/PN1/25 dated 20.01.05)

Explanation: - Date of absorption shall be-

- (i) In case a railway employee joins a corporation or company or body on immediate absorption basis, the date on which he actually joins that corporation or company or body;
- (ii) In case a railway employee initially joins a corporation or company or body on foreign service terms by retaining a lien under the railways the date from which his unqualified resignation is accepted by the railways.

(2) The provisions of sub-rule (1) shall also apply to a railway servant who is permitted to be absorbed in joint sector undertakings, wholly under the joint control of Central Government and State Governments/Union Territory Administrations or under the joint control of two or more State Governments/Union Territory Administrations or under the joint control of two or more State Governments or Union Territory Administrations.

(3) Where there is a pension scheme in a body controlled or financed by the Central Government in which a railway servant is absorbed, he shall be entitled to exercise option either to count the service rendered under the railways in that body for pension or to receive pro-rata retirement benefit for the service rendered under the railways in accordance with the orders issued by the railways.

Explanation: - Body means autonomous body or statutory body.

"53 A. - Conditions for payment of pension on absorption consequent upon conversion of a Railway Department into a Central autonomous body or a public sector undertaking.-

- (1) On conversion of a Department of the Railway into a public sector undertaking or an autonomous body, all railway servants of that Department shall be transferred en-masse to that public sector undertaking or autonomous body, as the case may be, on terms of foreign service without any deputation allowance till such time they get absorbed in the said undertaking or body, as the case may be, and such transferred railway servants shall be absorbed in the public sector undertaking or autonomous body, as the case may be, with effect from such date as may be notified by the Government.
- (2) The Government shall allow, the transferred railway servants an option to revert to the railway or to seek permanent absorption in the public sector undertaking or autonomous body, as the case may be.
- (3) The option referred to in sub-rule (2) shall be exercised by every transferred railway servant in such manner and within such period as may be specified by the Government.
- (4) The permanent absorption of the railway servants as employees of the public sector undertaking or autonomous body shall take effect from the date on which their options are accepted by the Government and on and from the date of such acceptance, such employees shall cease to be railway servants and they shall be deemed to have retired from railway service.
- (5) Upon absorption of railway servants in the public sector undertaking or autonomous body, the posts which they were holding in the Government before such absorption shall stand abolished
- (6) The employees who opt to revert to railway service shall be re-deployed through the surplus cell of the Railway.
- (7) The employees including temporary employees but excluding casual labourers, who opt for permanent absorption in the public sector undertaking or autonomous body, shall on and from the date of absorption be governed by the rules and regulations or bye-laws of the public sector undertaking or autonomous body, as the case may be.
- (8) A permanent railway servant who has been absorbed as an employee of a public sector undertaking or autonomous body, as the case may be, shall be eligible for pensionary benefits on the basis of combined service rendered by him

or her in the railways and in the public sector undertaking or autonomous body in accordance with the formula for calculation of pension or family pension under these rules as may be in force at the time of his retirement from the public sector undertaking or autonomous body, as the case may be or at his option, to receive pro-rata retirement benefits for the service rendered under the Railways in accordance with the orders issued by the Government.

(Railway Board's letter No. F(E)III/2003/PN1/1 dated 30.03.06)

Explanation.- The amount of pension or family pension of the absorbed employee on superannuation from public sector undertaking or autonomous body, as the case may be, shall be calculated in the same way as would be the case with a railway servant, retiring on superannuation, on the same day.

- (9) The pension of an employee under sub-rule (8) shall be calculated on the basis of his last ten months' average pay.
- (10) In addition to pension or family pension, as the case may be, the employees shall also be eligible to dearness relief as per industrial dearness allowance pattern.
- (11) The benefits of pension and family pension shall be available to temporary transferred railway servants after they have been confirmed in the public sector undertaking or autonomous body.
- (12) A permanent railway servant absorbed in a public sector undertaking or autonomous body, or a temporary railway servant who has been confirmed in the public sector undertaking or autonomous body subsequent to his or her absorption therein, shall be eligible to seek voluntary retirement after completing ten years of qualifying service with the Government and the autonomous body or public sector undertaking taken together, and he or she shall be eligible for prorata pensionary benefits on the basis of combined qualifying service.
- (13) The Government shall create a Pension Fund in the form of a trust and the pensionary benefits of absorbed employees shall be paid out of such Pension Fund.
- (14) The Member Staff, Railway Board shall be the Chairperson of the Board of Trustees which shall include representatives of the Ministries of Finance, Personnel, Public Grievances and Pensions, Labour, concerned public sector undertaking or autonomous body and their employees and experts in the relevant field to be nominated by the Government.
- (15) The procedure and the manner in which pensionary benefits are to be sanctioned and disbursed from the Pension Fund shall be determined by the Government on the recommendation of the Board of Trustees.
- (16) The Government shall discharge its pensionary liability by paying in lump sum as a one time payment to the Pension Fund the pro rata pension or service gratuity and retirement gratuity for the service rendered till the date of absorption of the railway servant in the public sector undertaking or autonomous body.
- (17) The manner of sharing the financial liability on account of payment of pensionary benefits by the public sector undertaking or autonomous body shall be determined by the Government.
- (18) Lumpsum amount of the pro rata pension shall be determined in accordance with the Table of the values in Appendix to the Railway Services (Commutation of Pension) Rules, 1993.
- (19) The public sector undertaking or autonomous body, as the case may be, shall make pensionary contribution to the Pension Fund for the period of service to be rendered by the concerned employees under that undertaking or body at the rates as may be determined by the Board of Trustees so that the Pension Fund shall be self-supporting.

- (20) If, for any financial or operational reason, the Trust is unable to discharge its liabilities fully from the Pension Fund and the public sector undertaking or autonomous body is also not in a position to meet the shortfall, the Government shall be liable to meet such expenditure and such expenditure shall be debited to either the Fund or to the public sector undertaking or autonomous body, as the case may be.
- (21) Payments of pensionary benefits of the pensioners of a railway department on the date of conversion of it into a public sector undertaking or autonomous body shall continue to be the responsibility of the Government and the mechanism for sharing its liabilities on this account shall be determined by the Government.
- (22) Upon conversion of a railway department into a public sector undertaking or autonomous body '--
- (a) the balance of provident fund standing at the credit of the absorbed ' employees on the date of their absorption in the public sector undertaking or autonomous body shall with the consent of such undertaking or body, be transferred to the new provident fund account of the employees in such undertaking or body, as the case may be;
 - (b) leave on average pay and leave on half average pay at the credit of the employees on the date of absorption shall stand transferred to such undertaking or body, as the case may be;
 - (c) the dismissal or removal from service of the public sector undertaking or autonomous body of any employee after his or her absorption in such undertaking or body for any subsequent misconduct shall not amount to forfeiture of the retirement benefits for the service rendered under the railways and in the event of his dismissal or removal or retrenchment, the decisions of the undertaking or body shall be subject to confirmation by the Ministry of Railways.
- (23) In case the Government disinvests its equity in any public sector undertaking or autonomous body to the extent of fifty-one per cent or more, it shall specify adequate safeguards for protecting the interests of the absorbed employees of such public sector undertaking or autonomous body.
- (24) The safeguards specified under sub-rule (23) shall include option for voluntary retirement or continued service in the undertaking or body, as the case may be, or voluntary retirement benefits on terms applicable to railway servants or employees of the public sector undertaking or autonomous body as per option of such servants or employees, assured payment of earned pensionary benefits with relaxation in period of qualifying service, as may be decided by the Government.

(Railway Board's letter No. F(E)III/2003/PNI/1 dated 10-03-05)

54. Omitted

(Authority: Railway Board's letter No. F(E)III/2003/PN1/25 dated 20.01.05)

55. Invalid Pension- (1) Invalid pension may be granted to a railway servant who retires from service on account of any bodily or mental infirmity, which permanently incapacitates him for the service.

(2) A railway servant applying for an invalid pension shall submit a medical certificate, from a duly constituted medical authority, of his permanent incapacity for service due to bodily or mental infirmity.

(3) Where the medical authority referred to in sub-rule (2) has declared a railway servant fit for further service of less laborious character than that which he had been doing he should, provided he is willing to be so employed, be employed on a lower post and if there be no means of employing him even on a lower post, he may be admitted to invalid pension.

(4) A railway servant may, if he considers that he is not in a fit state of health to discharge his duties, apply to the appropriate authority for retirement on invalid gratuity or pension.

56. Rules regarding medical certificate—The medical certificate for incapacity shall be certified by the medical authority as under: -

- (i) If the railway servant is serving abroad or is on leave out of India, by a Medical Board to be convened for the purpose by the concerned India Mission abroad which shall consist of a physician, a surgeon and an ophthalmologist all of whom shall have consultant status and are drawn from the doctors approved for the mission concerned:

Provided that a lady doctor shall be included as a member of such Medical Board whenever a female railway servant is to be examined.

(ii) If the railway servant is in India -

(a) by the Medical Officer incharge of the District or Division if the railway servant holds a Group 'D' or Group 'C' post but whose pay does not exceed seven hundred and fifty rupees per mensem.

(b) in all other cases by a Medical Board consisting of three District or Divisional Medical Officers, each in Senior Scale, but if this is not feasible, one or two members may be the Chief Medical Officer or the Civil or Presidency Surgeon or a specialist on the staff of a recognised Medical Institution but as far as possible one of the member of such Board shall be a physician another a surgeon and the third being a specialist in the required lines..

Note:- An Assistant Medical Officer in independent charge of a District or Division may be co-opted as a member of the Medical Board, in case there is any difficulty in constituting the Board of three Senior Scale/Medical Officers:

Provided that if the railway servant is posted at Delhi or New Delhi in the Railway Board or in the Railway Liaison Office and is governed by the Civil (not Railways) Medical rules, the medical authority will be such as the Chairman or the Central Standing Medical Board, Dr. Ram Manohar Lohia Hospital or Safderjang Hospital, New Delhi, may determine unless the medical examination is to be conducted at a place other than Delhi or New Delhi, in which case the medical authority shall be such as the Head of the Department may determine.

57. Conditions regarding grant of medical certificate - (1) Save where he is on leave out of India, no railway servant shall apply for a medical certificate of incapacity and no such certificate shall be granted unless: -

- (i) the applicant produces a letter to show that the Head of his office or Department is aware of his intention to appear before the Medical authority; and
- (ii) the medical authority is informed about the age of the applicant as recorded in his Service Book or history of services and is supplied with statement of the leave taken by him during the three years immediately preceding, and of the history of the medical case and the treatment adopted, as far as possible.

58. Statement giving grounds for retirement -When it is proposed to retire a railway servant, on an invalid gratuity or pension on account of general disability while he is still under fifty-eight years of age, the appropriate authority under whom he is working shall forward to the medical authority an additional statement giving the grounds on which it is proposed to retire him.

59. Form of medical certificate -The medical certificate shall be in the following form: "Certified that I/We have carefully examined AB son of CD ----- a in the ----- his age is by his own statement, is ----- years, and by appearance about ----- years.

I/We consider ----- AB to be completely and permanently incapacitated for further service of any kind (or in the department to which he belongs) in consequence of ----- (here state disease or cause). His incapacity does not appear to me/us to have been caused by irregular or intemperate habits.”

Note:- If the incapacity is the result of irregular or intemperate habits, the following will be substituted for the last sentence: -

In my/our opinion his incapacity is directly has been due to accelerated or aggravated by irregular intemperate habits.

(If the incapacity does not appear to be complete and permanent, the certificate should be modified accordingly and the following addition should be made): -

I am/We are of the opinion that ----- AB is fit for further service of a less laborious character than that which he has been doing (or may, after resting for -----months be fit for further service of a less laborious character than that which he has been doing).

60. Reasons for medical opinion of incapacity or under statement of age –If the medical authority considers a railway servant incapacitated for further service by general debility while still under the age of fifty-eight years, it shall give detailed reasons for its opinion. If the medical authority considers him to be above fifty-eight years, it shall state its reasons for believing the age to be understated:

Provided that in doubtful cases, a second medical opinion shall be obtained.

61. Requirement of details in the certificate –A mere certificate that inefficiency is due to old age or natural decay from advancing years shall not be deemed to be sufficient for retiring a railway servant on invalid gratuity or pension.

62. Date of invalidation –A railway servant, who is declared by the medical authority referred to in rule 55 to be completely and permanently incapacitated for further service shall, if he is on duty, be retired from service from the date of relief of his duties which shall be arranged without delay on receipt of a report from the medical authority or if, he is granted leave under rule 522 of the Code on the expiry of such leave but if he is on leave at the time of receipt of the medical certificate, he shall be retired from service on the expiry of such leave or extension of leave if any granted to him under rule 522 of the said code.

63. Compensation Pension – (1) If a railway servant is selected for discharge owing to the abolition of his permanent post, he shall, unless he is appointed to another post the conditions of which are deemed by the authority competent to discharge him, to be at least equal to those of his own have the option –

(a) of taking compensation pension to which he may be entitled for the service he had rendered, or

(b) of accepting another appointment on such pay as may be offered and continuing to count his previous service for pension.

(2) (a) Notice of at least three months shall be given to a railway servant in permanent employment before his services are dispensed with on the abolition of his permanent post.

(b) Where notice of at least three months is not given to the railway servant and he has not been provided with other employment on the date on which his services are dispensed with, the authority competent to dispense with his services, may sanction the payment of a sum not exceeding the pay and allowances for the period by which the notice actually given to him falls short of three months.

(c) No compensation pension shall be payable for the period in respect of which he received pay and allowances in lieu of notice.

(3) In case a railway servant is granted pay and allowances for the period by which the notice given to him falls short of three months and he is re-employed before the expiry of the period for which he has received pay and allowances he shall refund the pay and allowances so received pay and allowances he shall refund the pay and allowances so received for the period following his re-employment.

(4) If a railway servant who is entitled to compensation pension accepts instead another appointment under the railways and subsequently becomes again entitled to receive a pension of any class, the amount of such pension shall not be less than what he could have claimed if he had not accepted the appointment.

64. Compulsory retirement pension – (1) A railway servant compulsorily retired from service as a penalty may be granted, by the authority competent to impose such penalty, pension or gratuity, or both at a rate not less than two-thirds and not more than full compensation pension or gratuity, or both admissible to him on the date of his compulsory retirement.

(2) Whenever, in the case of a railway servant the President passes an order (whether original, appellate or in the exercise of power of review) awarding a pension less than the full compensation pension admissible under these rule, the Union Public Service Commission shall be consulted before such order is passed.

Explanation – In this sub-rule, the expression “pension” includes “gratuity”.

(3) A pension granted or awarded under sub-rule (i) or, as the case may be, under sub-rule (2), shall not be less than three hundred seventy five rupees per mensem.

65. Compassionate allowance – (1) A railway servant who is dismissed or removed from service shall forfeit his pension and gratuity:

Provided that the authority competent to dismiss or remove him from service may, if the case is deserving of special consideration, sanction a compassionate allowance not exceeding two-thirds of pension or gratuity or both which would have been admissible to him if he had retired on compensation pension.

(2) A compassionate allowance sanctioned under the proviso to sub-rule (1) shall not be less than three hundred seventy five rupees per mensem.

CHAPTER-VI

REGULATION OF AMOUNTS OF PENSION

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66. Retirement on completion of 30 years qualifying service –(1) At any time after a railway servant completed thirty years qualifying service –

(a) he may retire from service; or

(b) he may be required by the appointing authority to retire in the public interest, and in the case of such retirement the railway servant shall be entitled to a retiring pension:

Provided that –

(i) a railway servant shall give a notice in writing to the appointing authority at least three months before the date on which he wishes to retire; and

(ii) to appointing authority may also give a notice in writing to a railway servant at least three months before the date on which he is required to retire in the public interest or three months' pay and allowances in lieu of such notice:

Provided further that where the railway servant giving notice under clause (i) of the first proviso is under suspension, it shall be open to the appointing authority to withhold permission to such railway servant to retire under this rule:

Provided also that the provisions of clause (a) of sub-rule (1) of this rule shall not apply to a railway servant, including Scientist of technical expert who is –

(i) on assignment under the Indian Technical and Economic Cooperation (ITEC) Program of the Ministry of External Affairs and other aid programs;

(ii) posted abroad in foreign based offices of the Ministries or Departments;

(iii) on a specific contract assignment to a foreign Government.

unless after having been transferred to India, he has resumed the charge of the post in India and served for a period of not less than one year.

(2) (a) A railway servant referred to in clause (i) of the first proviso to sub-rule (1) may, make a request in writing to the appointing authority to accept notice of less than three months giving reason therefor;

(b) on receipt of a request under clause (a), the appointing authority may consider such request for curtailment of the period of notice of three months on merits and if it is satisfied that the curtailment of the period of notice will not cause any administrative inconvenience, the appointing authority may relax the requirement of notice of three months on the condition that the railway servant shall not apply for commutation of a part of his pension before the expiry of the period of notice of three months.

(3) A railway servant who has elected to retire under this rule and has given the necessary intimation to that effect to the appointing authority, shall be precluded from withdrawing his election subsequently except with the specific approval of such authority:

Provided that the request for withdrawal shall be within the intended date of his retirement.

Explanation – For the purpose of this rule, “appointing authority” means the authority which is competent to make appointments to the service or post from which the railway servant retires.

67. Retirement on completion of 20 years qualifying service – (1) At any time after a railway servant has completed twenty years' qualifying service, he may, by giving notice of not less than three months in writing to appointing authority retire from service:

Provided that this sub-rule shall not apply to a railway servant including Scientists or technical expert who is –

(i) on assignment under the Indian Technical and Economic Cooperation (ITEC) Programme of the Ministry of External Affairs and other aid programmes;

(ii) posted abroad in foreign based offices of the Ministries or Departments;

(iii) on a specific contract assignment to a foreign Government unless, after having been transferred to India, he has resumed the charge of a post in India and served for a period of not less than one year.

(2) The notice of voluntary retirement given under sub-rule (1) shall require acceptance by the appointing authority:

Provided that where the appointing authority does not refuse to grant the permission for retirement before the expiry of the said period.

(3) (a) A railway servant referred to in sub-rule (2), may consider such request for the curtailment of the period of notice of three months on merits and if it is satisfied that the curtailment of the period of notice will not cause any administrative inconvenience, the appointing authority may relax the requirement of notice of three months on the condition that the railway servant shall not apply for commutation of a part of his pension before the expiry of their period of notice of three months.

(4) A railway servant, who has elected to retire under this rule and has given the necessary notice to that effect to the appointing authority, shall be precluded from withdrawing his notice except with the specific approval of such authority:

Provided that the request for withdrawal shall be made before the intended date of his retirement.

(5) The pension and death-cum-retirement gratuity of the railway servant retiring under this rule shall be based on the emoluments as defined under rules 49 and 50 and the increase not exceeding five years in his qualifying service shall not entitle him to any notional fixation of pay for purposes of calculating pension and gratuity.

(6) This rule shall not apply to a railway servant who retires from railway service for being absorbed permanently in an autonomous body or a public sector undertaking to which he is on deputation at the time of seeking voluntary retirement.

Explanation – For the purpose of this rule, “appointing authority” means the authority which is competent to make appointments to the service or post from which the railway servant seeks voluntary retirement.

68. Addition to qualifying service on voluntary retirement – (1) The qualifying service as on the date of intended retirement of the railway servant retiring under rule 66 or 67 of these rules or clause (k) of rule 1802 to 1804 of the Code, with or without permission, shall be increased by the period not exceeding five years, subject to the condition that the total qualifying service rendered by the railway servant does not in any case exceed thirty-three years and it does not take him beyond the date of superannuation.

(2) The weightage of five years under sub-rule (1) shall not be admissible in cases of those railways in the public interest under clause (b) of sub-rule (1) of rule 66 of these rules or rules 1802 to 1804 of the Code.

69. Amount of pension – (1) In the case of a railway servant retiring in accordance with the provisions of these rules before completing qualifying service of ten years, the amount of service gratuity shall be calculated at the rate of half month’s emoluments for every completed six-monthly period of service.

(2) (a) In the case of a railway servant retiring in accordance with the provisions of these rules after completing qualifying service of not less than thirty-three years, the amount of pension shall be calculated at fifty percent of average emoluments subject to a maximum of rupees four thousand five hundred per mensem;

(b) in the case of a railway servant retiring in accordance with the provisions of these rules before completing qualifying service of thirty-three years, but after completing the qualifying service of ten years, the amount of pension admissible under clause (a) and in no case the amount of pension shall be less than rupees three hundred seventy five per mensem;

(c) notwithstanding anything contained in clauses (a) and (b), the amount of invalid pension shall not be less than the amount of family pension admissible under sub-rule (2) of rule 75.

(3) In calculating the length of qualifying service fraction of a year equal to three months and above shall be treated as a completed one half year and reckoned as qualifying service.

(4) The amount of pension finally determined under clause (a) or clause (b) of sub-rule (2) shall be expressed in whole

rupees and where the pension contains a fraction of a rupee it shall be rounded off to the next higher rupee.

70. Retirement gratuity or death gratuity – (1) (a) In the case of a railway servant, who has completed five years' qualifying service and has become eligible of service gratuity or pension under rule 69, shall, on his retirement, be granted retirement gratuity equal to one-fourth of his emoluments for each completed six monthly period of qualifying service subject to a maximum of sixteen and one-half times the emoluments and there shall be no ceiling on reckonable emoluments for calculating the gratuity.

(b) If a railway servant dies while in service, the amount of death gratuity shall be paid to the family in the manner indicated in the Table below:

TABLE

Length of qualifying service	Rate of gratuity
(i) Less than one year	2 times of emoluments
(ii) one year or more but less than 5 years	6 times emoluments
(iii) 5 years or more but less than 20 years	12 times of emoluments
(iv) 20 years or more	Half of emoluments for every completed six monthly period of qualifying service subject to maximum of thirty-three times emoluments provided that the amount of death gratuity shall in no case, exceed one lakh rupees.

Provided that the amount of retirement gratuity or death gratuity payable under this rule shall in no case, exceed rupees one lakh.

Provided further that the amount of retirement or death gratuity as finally calculated shall be rounded to the next higher rupees.

(2) If a railway servant, who has become eligible or a service gratuity or pension, dies within five years from the date of his retirement from service including compulsory retirement as penalty and the sums actually received by him at the time of his death on account of such gratuity or pension including ad-hoc increase, if any, together with the retirement gratuity admissible under sub-rule (1) and the commuted value of any portion of pension commuted by him are less than the amount equal to twelve times of his deficiency may be granted to his family in the manner indicated in sub-rule (1) of rule 71.

(3) The emoluments for the purpose of gratuity admissible under this rule shall be reckoned in accordance with rule 49;

Provided that if the emoluments of a railway servant have been reduced during the last ten months of his service otherwise than as a penalty the average emoluments as referred to in the 50 shall be treated as emoluments.

(5) For the purpose of this rule, rules 71, 73, 74 "family", in relation to railway servant, means –

(i) Wife or wives including judicially separated wife or wives in the case of a male railway servant;

(ii) Husband including judicially separated husband in the case of a female railway servant;

(iii) Sons including step-sons and adopted sons;

(iv) Unmarried daughters including step-daughters and adopted daughters;

(v) Widowed daughters including step-daughters and adopted daughters;

(vi) Father including adoptive parents in the case of individuals whose personal law permits adoption;

(vii) mother

(viii) brother below the age of eighteen years including step brothers;

(ix) unmarried sisters and widowed sisters including step sisters;

(x) married daughters; and

(xi) children of pre-deceased son.

71. Persons to whom gratuity is payable –(1) (a) The gratuity payable under rule 70 shall be paid to the person or persons on whom the right to receive the gratuity is conferred by making a nomination under rule 74;

(b) If there is no such nomination made does not subsist, the gratuity shall be paid in the manner indicated below: -

(i) If there are one or more surviving members of the family as in clauses (i), (ii), (iii) and (iv) of sub-rule (5) of rule 70, to all such members in equal shares;

(ii) If there are no such surviving members of the family as in sub-clause (i) above, but there are one or more members as in clauses (v), (vi), (vii), (ix), (x) and (xi) of sub-rule (5) of rule 70 to all such members in equal shares.

(2) If a railway servant dies after retirement without receiving the gratuity admissible under sub-rule (1) of rule 70, the gratuity shall be disbursed to the family in the manner indicated in sub-rule (1).

(3) The right of a female member of the family, or that of a brother of a railway servant who dies while in service or after retirement, to receive the share of gratuity shall not be affected if the female member marries or re-marries or the brother attains the age of eighteen years, after the death of the railway servant and before receiving his or her share of gratuity.

(4) Where the gratuity is granted under rule 70 to a minor member of the family of the deceased railway servant, it shall be payable to the guardian on the behalf of the minor.

72. Debarring a person from receiving gratuity – (1) If a person, who in the event of death of a railway servant while in service is eligible to receive gratuity in terms of rule 71, is charged with the offence of murdering the railway servant or for abetting in the commission of such an offence, his claim to receive his share of gratuity shall remain suspended till the conclusion of the criminal proceedings instituted against him.

(2) If on the conclusion of the criminal proceedings referred to in sub-rule (1), the person concerned –

(a) is convicted for the murder or abetting in the murder of the railway servant, he shall be debarred from receiving his share of gratuity which shall be payable to other eligible members of the family, if any,

(b) if acquitted of the charge of murdering or abetting in the murder of the railway servant, his share of gratuity shall be payable to him.

(3) The provisions of sub-rules (1) and (2) shall also apply to the undisbursed gratuity referred to in sub-rule (2) of rule 71.

73. Lapse of death-cum-retirement gratuity –Where a railway servant dies while in service; or after retirement without receiving the amount of gratuity and leaves behind no family, and –

(a) has made no nomination or

(b) the nomination made by him does not subsist the amount of death-cum-retirement gratuity payable in respect of such railway servant under rule 70 shall lapse to the Government;

Provided that the amount of death gratuity or retirement gratuity shall be payable to the person in whose favour a succession certificate in respect of the gratuity has been granted by a Court of law.

74. Nomination – (1) A railway servant shall on his initial confirmation in a service or post, make a nomination in Form 4 or Form 5, as may be appropriate in the circumstances of the case, conferring on one or more persons the right to receive the death-cum-retirement gratuity payable under rule 70.

Provided that if at the time of making the nomination –

- (i) the railway servant has a family, the nomination shall not be in a favour of any person or persons other than the members of his family; or
- (ii) the railway servant has no family, the nomination may be made in favour of a person or persons, or a body of individuals, whether incorporated or not.

(2) If a railway servant nominates more than one person under sub-rule (1), he shall specify in the nomination the amount of share payable to each of the nominees in such manner as to cover the entire amount of gratuity.

(3) A railway servant may provide in the nomination –

- (i) that in respect of any specified nominee who pre-deceases the railway servant, or who dies after the death of the railway servant but before receiving the payment of gratuity, the right conferred on that nominee shall pass to such other person as may be specified in the nomination;

Provided that if at the time of making the nomination the railway servant has a family consisting of more than one member, the person so specified shall not be a person other than a member of his family;

Provided further that where a railway servant has only one member in his family, and a nomination has been made in his favour, it is open to the railway servant to nominate alternate nominee or nominees in favour of any person or a body of individuals, whether incorporated or not;

(ii) that the nomination shall become invalid in the event of the happening of the contingency provided therein.

(4) The nomination made by a railway servant who has no family at the time of making it, or the nomination made by a railway servant under the second proviso to clause (i) of sub-rule (3) where he has only one member of his family shall become invalid in the event of the railway servant subsequently acquiring a family, or an additional member in the family, as the case may be.

(5) A railway servant may, at any time, cancel nomination by sending a notice in writing to the authority mentioned in sub-rule (7):

Provided that he shall, alongwith such notice and a fresh nomination made in accordance with its rule.

(6) Immediately on the death of a nominee in respect of whom no special provision has been made the nomination under clause (i) of sub-rule (3) or on the occurrence of any event by reason of which the nomination becomes invalid in pursuance of clause (ii) of that sub-rule, the railway servant shall send to authority mentioned in sub-rule (7) a notice in writing canceling the nomination together with a fresh nomination made in accordance with this rule.

(7) (a) Every nomination made, and every notice of cancellation given by a railway servant under these rules, shall be sent by the railway servant to his Accounts Officer in the case of a gazetted railway servant and to the Head of his office in the case of non-gazetted railway servant.

- (b) Immediately on receipt of a nomination from non-gazetted railway servant, the Head of Office shall countersign it indicating the date of receipt and keeping with him or other responsible officer nominated by him for this purpose, and a clear note made in the service record or service book, as the case may be, of the railway servant as to what nomination and related notices have been received from him and where they have been lodged for safe custody and an acknowledgement to

the railway servant concerned confirming that the nominations made by him and the related notices have been duly received and placed on record shall invariably be sent to every railway servant making or cancelling a nomination, by the Accounts Officer in the case of gazetted railway servants and by the Head of Office in the case of non-gazetted railway servants.

Note: - The power to countersign nominated form sent by non-gazetted railway servants may be delegated by the Head of Office to his subordinate gazetted officer.

(8) Every nomination made, and every notice of cancellation given by a railway servant shall, to the extent that it is valid, take effect from the date on which it is received by the authority mentioned in sub-rule (7): -

75. Family Pension Scheme for railway servants, 1964: - (1) The provisions of this rule shall apply: -

(a) to a railway servant entering service in a pensionable establishment on or after the 1st January, 1964; and

(b) to a railway servant who was in service on the 31st December, 1963 and came to be governed by the provisions of the Family Pension Scheme for railway employees, 1964, contained in the Railway Board's letter No. F (P) 63 PN-1/40 dated the 2nd January 1964 as in force immediately before the commencement of these rules.

Note: - The provisions of this rule have also been extended from 22nd September 1977, to railway servants on pensionable establishments who retired or died before the 31st December, 1963 and also to those who were alive on that date but had opted out of the 1964 Scheme.

(2) Without prejudice to the provisions contained in sub-rule (3), where a railway servant dies -

(a) after completion of one year of continuous service, or

(b) before completion of one year of continuous service provided the deceased railway servant concerned immediately prior to his appointment to the service or post was examined by the appropriate medical authority and declared fit by that authority for railway service;

(c) after retirement from service and was on the date of death in receipt of pension, or compassionate allowance, referred to in Chapter V, other than the pension referred to in rule 53;

the family of the deceased shall be entitled to a family pension 1964 (hereinafter in this rule referred to as family pension) the amount of which shall be determined in accordance with the Table below: -

TABLE

Basic pay per month of railway servant	Rate of family pension per month inclusive of dearness relief upto average Consumer Price Index-608
(i) Not exceeding Rs 1500	30 percent of basic pay subject to a minimum of Rs. 375.
(ii) Exceeding Rs. 1500 but not exceeding Rs. 3000	15 percent of basic pay subject to a minimum of Rs. 450
(iii) Exceeding Rs. 3000	15 percent of basic pay subject to a minimum of Rs. 600 and a maximum of Rs. 1250

Explanation - The expression "Continuous one year of service" wherever it occurs in this rule shall be construed to include "less than one year of continuous service" as defined in clause (b).

(3) The amount of family pension shall be fixed at monthly rates and expressed in whole rupees and where the family pension contains a fraction of a rupee, it shall be rounded off to the next higher rupee:

Provided that in no case a family pension in excess of the maximum specified under this rule shall be allowed.

(4) (i) (a) Where a railway servant, who is not governed by the Workmen's Compensation Act, 1923 (8 of 1923),

dies while in service after having rendered not less than seven years' continuous service, the rate of family pension payable to the family shall be equal to fifty percent of the pay last drawn or twice the family pension admissible under sub-rule (2), whichever is less, and the amount so admissible shall be payable from the date following date of death of the railway servant for a period of seven years, or for a period upto the date on which the deceased railway servant would have attained the age of sixty-five years had he survived, whichever is less.

(b) In the event of death of a railway servant after retirement, the Family Pension as determined under sub-clause (a) shall be payable for a period of seven years, or for a period upto the date on which the retired deceased railway servant would have attained the age of sixty-five years had he survived whichever is less.

That in no case the amount of family pension determined under sub-clause (b) of this clause should exceed the pension sanctioned on retirement from railway service:

Provided further that where the amount of pension sanctioned on retirement is less than the amount or family pension admissible under sub-rule (2), the amount of family pension determined under this clause shall be limited to the amount of family pension admissible under sub-rule (2).

Explanation- For the purpose of this sub-clause "pension sanctioned on retirement" includes the part of the pension which the retired railway servant may have commuted before death.

(ii) (a) Where a railway servant, who is governed by the Workmen's Compensation Act, 1923 (8 of 1923), dies while in service after having rendered not less than seven years continuous service, the rate of family pension payable to the family shall be equal to fifty percent of the pay last drawn or one and a half times the family pension admissible under sub-rule (2), whichever is less.

(b) The family pension so determined under sub-clause (a) should be payable for the period mentioned in clause (i):

Provided that where a compensation is not payable under the aforesaid Act, the pension sanctioning authority shall send a certificate to the Accounts Officer to the effect that the family of the deceased railway servant shall be paid family pension on the scale, and for the period, mentioned in clause (i).

(iii) After the expiry of the period referred to in clause (i), the family, in receipt of family pension under that clause or clause (ii) shall be entitled to family pension at the rate admissible under sub-rule (2).

(5) Where an award under the Railway Services (Extraordinary Pension) Rules, 1993 is admissible, no payment of family pension under this rule shall be authorised.

(6) The period for which family pension is payable shall be as follows: -

(i) in the case of a widow or widower, up to the date of death or remarriage, whichever is earlier;

(ii) in the case of a son, until he attains the age of twenty five years; and

(iii) in the case of an unmarried daughter, until she attains the age of twenty five years or until she gets married, whichever is earlier:

Provided that if the son or daughter, of a railway servant is suffering from any disorder or disability of mind **including mentally retarded** or is physically crippled or disabled so as to render him or her unable to earn a living even after attaining the age of twenty-five years, the family pension shall be payable to such son or daughter for life subject to the following conditions, namely: -

(a) the family pension shall be paid to such sons or daughters through the guardian as if he or she were a minor on the basis of guardianship certificate or the guardian appointed by a court except in the case of physically crippled son / daughter who has attained the age of majority.

(Authority: - Notification vide letter no. F (E) III/94/PN-1/31 (Amendment) dated 3.2.95 -SO No. 511)

(b) before allowing the family pension for life to any such son or daughter, the sanctioning authority shall satisfy that the handicap is of such, prevent him or her from earning his or her livelihood and the same shall be evidenced by a certificate obtained from **Medical Board** setting out, as far as possible, the exact mental or physical condition of the child;

(Authority: - Notification vide letter no. F (E) III/2008/PN 1/10 dated 22.10.08)

(c) the person receiving the family pension as a guardian of such son or daughter **shall produce, once, if the disability is permanent, and once in every five years, if the disability is temporary, a certificate from a Medical Board** to the effect that the son or daughter continues to suffer from disorder or disability of mind **including mentally retarded** or continues to be physically crippled or disabled.

(Authority: - Notification vide letter no. F (E) III/2008/PN 1/10 dated 22.10.08)

(2) A daughter shall become ineligible for family pension under this sub-rule from the date she gets married.

(3) The family pension payable to such a son or daughter shall be stopped if he or she starts earning his or her livelihood.

(4) In such cases it shall be the duty of the guardian to furnish a certificate to the Treasury or Bank, or Post Office (Authorised disbursement units for Railways), as the case may be, every month that (i) he or she has not started earning his or her livelihood; (ii) in case of daughter that she has not yet married;

(d) in the case of mentally retarded son or daughter, the family pension shall be payable to a person nominated by the railway servant or the pensioner, as the case may be, and in case no such nomination has been furnished to the Head of Office by such Railway servant or pensioner during his life time, to the person nominated by the spouse of such Railway servant or family pensioner, as the case may be , later on.

(e) If the sons and unmarried daughters including sons and unmarried daughters suffering from disorder or disability of mind **including mentally retarded** are alive, the family pension shall be payable in the order of their birth irrespective of the sex of the child and the younger of him shall not be eligible for family pension unless the elder above him or her becomes ineligible for the grant of family pension. In cases, where the family pension is payable to twin children, the same shall be payable to such twin children in equal shares and in the event of any of such children ceasing to be eligible for family pension, his or her share of family pension shall not lapse but shall become payable to the other such child and when both such children become ineligible for family pension, the family pension shall become payable to the next eligible single child or twin, as the case may be.

(Authority: Railway Board's letter No. F(E)III/99/PN 1/(Modification) dated 23.5.2000)

(7) (i) (a) Where the family pension is payable to more widows than one, the family pension shall be paid to the widows in equal shares.

(b) On the death of a widow, her share of the family pension, shall become payable to her eligible child:

Provided that if the widow is not survived by any child, her share of the family pension shall not lapse but shall be payable to the other widows in equal share, or if there is only one such other widow, in full, to her.

(ii) Where the deceased railway servant or pensioner is survived by a widow but has left behind eligible child or children from another wife who is not alive, the eligible child or children shall be entitled to the share of family pension which the mother would have received if she had been alive at the time of the death of the railway servant or pensioner:

Provided that on the share or shares of family pension payable to such a child or children or to a widow or widows ceasing to be payable, such share or shares not lapse but shall be payable to the other widow or widows or the other child or children otherwise eligible in equal shares, or if there is only one widow or child, in full, to such widow or child.

- (iii) Where the deceased railway servant or pensioner is survived by widow but has left behind child or children from a divorced wife or wives, such child or children if they satisfy other conditions of the eligibility for payment of family pension shall be entitled to the share of family pension which the mother would have received at the time of death of the railway servant or pensioner had she not been so divorced :

Provided on the share or shares of family pension payable to such a child or children or to a widow or widows ceasing to be payable, such share or shares shall not lapse but shall be payable to the other widow or widows or to the child or children otherwise eligible, in equal shares, or if there is only one widow or child, in full, to such widow or child.

(8) (i) Except as provided in clause (d) of sub-rule (6) and clause (I) of sub-rule (7), the family pension shall not be payable to more than one member of the family at the same time.

(ii) If a deceased railway servant or pensioner leaves behind a widow or widower, the family pension shall become payable to the widow or widower, failing which to the eligible child.

(9) Where a deceased railway servant or pensioner leaves behind more children than one, the eldest child shall be entitled to the family pension for the period mentioned in clause (b) or clause (c) of sub-rule (6), as the case may be, and after the expiry of that period the next child shall become eligible for the grant of family pension.

(10) Where family pension is granted under this rule to minor, it shall be payable to the guardian on behalf of the minor.

(11) In case both wife and husband are railway or Government servants and are governed by the provisions of this rule or corresponding provisions of the Central Civil Services (Pensions) Rule, 1972, and one of them dies while in service or after retirement, the family pension in respect of the deceased shall become payable to the surviving husband or wife and in the event of the death of husband or wife, the surviving child or children shall be granted the two family pensions in respect of the deceased parents, subject to the limits specified below, namely:-

(a) (i) if the surviving child or children is or are eligible to draw two family pensions at the rate mentioned in sub-rule (4), the amount of both the pensions shall be limited to two thousand five hundred rupees per mensem;

(ii) if one of the family pensions ceases to be payable at the rate mentioned in sub-rule (4), and in lieu thereof the pension at the rate mentioned in sub-rule (2), becomes payable, the amount of both the pensions shall also be limited to two thousand five hundred rupees per mensem;

(b) if both the family pensions are payable at the rates mentioned in sub-rule (2), the amount of two pensions shall be limited to one thousand two hundred fifty rupees per mensem.

(12) Where a female railway servant or a male railway servant dies leaving behind a judicially separated husband or widow and no child or children, the family pension in respect of the deceased shall be payable to the person surviving:

Provided that where in a case the judicial separation is granted on the ground on the adultery and the death of the railway servant takes place during the period of such judicial separation, the family pension shall not be payable to the person surviving, if such person surviving was held guilty of committing adultery.

(13) (i) Where a female railway servant or male railway servant dies leaving behind a judicially separated husband or widow with a child or

children, such family pension shall be payable to the person who is the actual guardian of such child or children.

(ii) Where the surviving person has ceased to be the guardian of such child or children, such family pension shall be payable to the person who is the actual guardian of such child or children.

(14) (i) If a person, who in the event of death of a railway servant while in service, is eligible to receive family pension under this rule, is charged with the offence of murdering the railway servant or for abetting in the commission of such an offence, the claim of such a person, including other eligible member or members of the family to receive the family pension, shall remain suspended till the conclusion of the criminal proceedings instituted against him.

(ii) If on the conclusion of the criminal proceedings referred to in clause (i), the person concerned –

(a) is convicted for the murder of or abetting in the murder of the railway servant, such a person shall be debarred from receiving the family pension which shall be payable to other eligible member of the family, from the date of death of the railway servant;

(b) is acquitted of the charge of murder of or abetting in the murder of the railway servant, the family pension shall be payable to such a person from the date of death of the railway servant.

(iii) The provisions of clause (i) and (ii) shall also apply for the family pension becoming payable on the death of a railway servant after his retirement.

(15) (i) As soon as a railway servant enters railway service, he shall furnish details of his family in Form 6 to the Head of Office and if the railway servant has no family, he shall furnish the details in Form 6 as soon as he acquires a family.

(ii) It shall be the duty of the railway servant to communicate forthwith to the Head of Office any subsequent change in the size of his family including the fact of marriage of his or her female child.

(ii A) As and when the disability referred to in the proviso to sub-rule (6) manifests itself in a child which makes him/her unable to earn his/her living, the fact shall be brought to the notice of the Head of Office duly supported by a Medical Certificate from a Medical Board. After receipt of Medical Certificate, the Head of Office may indicate in Form 6 as to whether disability is permanent or temporary. As and when the claim for family pension arises, the legal guardian of the child shall make an application supported by a fresh Medical Certificate from a Medical Board that the child is still suffering from the disability.

(Authority: - Notification vide letter no. F (E) III/2008/PN 1/10 dated 22.10.08)

(iii) (a) In the case of a non-gazetted railway servant the Head of Office shall keep the form 6 in safe custody and make necessary additions and alterations in the form on the basis of subsequent information furnished by the railway servant and all the communications which a railway servant may address to the Head of Office in this behalf, shall be acknowledged by the Head of Office.

(b) In the case of a gazetted railway servant, the Head of Office shall pass on the details of family members as also any additions and, alterations thereto, to the Accounts Officer for keeping the same in safe custody. It shall be the duty of the Accounts Officer to keep these particulars upto date and to acknowledge the receipt of these communications.

Explanation, - For the purposes of this sub-rule and sub-rule (6), "Medical Board" means a Medical Board consisting of a Medical Director or a Chief Medical Superintendent or Incharge of a Zonal Hospital or Division or his nominee as Chairperson and two other members, one of them at least shall be Specialist in the particular area of mental or physical disability.

(Authority: - Notification vide letter no. F (E) III/2008/PN 1/10 dated 22.10.08)

(16) The ad-hoc increase in pension sanctioned in the Ministry of Railways' letter No. F(P)63 PNI 32 dated the 21st October, 1963, as amended from time to time, shall not be payable to the family in receipt of family pension under this rule.

(17) -A military pensioner, who on retirement from military service, on retiring pension, service pension or invalid pension is governed for the grant of ordinary family pension by Army Instruction 2/S/64 or corresponding Navy or Air Force Instructions and is re-employed in a railway service or railway post before attaining the age of superannuation, shall for the purpose of eligibility for the family pension **admissible under this rule or the family pension** already authorised under the aforesaid Army / Navy / Air Force instruction, be governed as follows: -

- (i) If he dies while holding a railway post, his family shall be allowed family pension under these rules or the family pension authorized at the time of retirement or discharge from the military service, whichever is more advantageous to the family;
- (ii) if he has on appointment to a railway service or post, opted to retain military pension for the past military service: -
 - (a) and retires from the railway re-employment without earning any pension therefore, his family shall be entitled to family pension as authorized at the time of his retirement / discharge from military service;
 - (b) retires from railway re-employment after becoming eligible for pension **therefor**, he shall exercise an option at the time of applying for pension for railway service either to be governed by family pension under these rules or to avail of family pension benefits as authorized at the time of his retirement / discharge from military service and the said option once exercised shall be final.
- (iii) if on appointment to a railway service or post, he has opted to surrender military pension and count the military service for railway pension, his family shall be entitled to family pension under these rules.

(Authority: - Notification vide letter no. F (E) III/94/PN-1/31 (Amendment) dated 3.2.95 –SO No. 511)

(18) Family pension admissible under this rule shall not be granted to a person who is already in receipt of family pension or is eligible therefore under any other rules of the Central Government or a State Government or a Public Sector Undertaking Autonomous Body or Local Fund under the Central or a State Government:

Provided that a person who is otherwise eligible for family pension under this rule may opt to receive family pension under this rule if he foregoes family pension admissible from any other source.

Provided further that family pension admissible under the Employees Pension Scheme, 1995, and the Family Pension Scheme, 1971, shall, however, be allowed in addition to the family pension admissible under these rules.

(Authority: F (E)III/2000/PN1/23 dt.18.10.2001)

(19) For the purpose of this rule – (a) “Continuous service” means service rendered in temporary or permanent capacity in a pensionable establishment and does not include –

(i) Period of suspension, if any, and

(ii) Period of service, if any, rendered before attaining the age of eighteen years;

(b) “family”, in relation to railway servant, means –

(i) wife in the case of a male railway servant or husband in the case of a female railway servant;

(ii) a judicially separated wife or husband, such separation not being granted on the ground of adultery and the person surviving was not held guilty of committing adultery;

(iii) son who has not attained the age of twenty-five years and unmarried daughter who has not attained the age of twenty five years, including such son and daughter born after retirement or adopted legally;

(Authority: - Notification vide letter no. F (E) III/94/PN-1/31 (Amendment) dated 3.2.95 –SO No. 511)

(c) “pay” means;

(i) the emoluments as specified in clause (a) of rule 49, or

(ii) the average emoluments as referred to in rule 50 if the emoluments of the deceased railway servant has been reduced during the last ten months of his service otherwise than as penalty:

Provided that the element of dearness allowances, which has been treated as dearness pay under the Railway Board’s letter No. PC III/79/DP/1 dated the 11th June, 1979, shall not be treated as pay for the purpose of this rule.

(20) Nothing contained in this rule shall apply to – (a) a re-employed railway servant who had retired before the 1st January, 1964, from –

(i) railway service on retiring pension, or superannuation pension, or

(ii) military service on retiring pension, service pension or invalid pension, and who on the date of re-employment, had attained the age of superannuation applicable to the post in which he is re-employed;

(b) a military pensioner who retired from military service on or after the 1st January, 1964 and who on the date of re-employment in a railway service or a post had attained the age of superannuation applicable to the post in which he is re-employed;

(c) a railway servant referred to in rule 53, who on absorption in a corporation or company wholly or substantially owned or controlled by the Government, or any other body, incorporated or not, is governed by the provisions of the family pension scheme of the corporation or company or body, as the case may be.

(21) Dearness relief on pension or family pension –

- (i) Relief may be granted to the pensioners and family pensioners in the form of dearness relief at such rates and conditions as the Government may specify from time to time.
- (ii) If a pensioner is re-employed under the Central or a State Government or a Corporation, Company, Body or Bank, he shall not be eligible to draw dearness relief on pension or family pension during the period of such re-employment.
- (iii) **Omitted**

(Authority: Railway Board's letter No. F(E)III/2003/PN1/25 dated 20.01.05)

CHAPTER VII

DETERMINATION AND AUTHORISATION OF AMOUNTS OF PENSION AND GRATUITY

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76. Preparation of list of railway servants due for retirement – (1) Every Head of Department or Head of Office, as the case may be, shall have a list prepared every six months, that is, on the 1st January, and the 1st July each year of all railway servants who are due to retire within the next twenty-four to thirty months of that date.

(2) A copy of every such list shall be supplied to the Accounts Officer concerned not later than the 31st January or 31st July as the case may be, of that year.

(3) In the case of a railway servant retiring for reasons other than by way of superannuation, the Head of Office shall promptly inform the Accounts Officer concerned, as soon as the fact of such retirement becomes known to him.

(4) A copy of the intimation sent by the Head of Office to the Accounts Officer under sub-rule (3) shall also be endorsed to the Engineering Department of the Railway or the Directorate of Estates, Government of India, as the case may be if the railway servant concerned is an allottee of railway or Government accommodation.

77. Intimation to the Director of Estates regarding Issue of "No Demand Certificate" – (1) The Head of Office shall write to the Directorate of Estates at least two years before the anticipated date of retirement of the railway servant, who is in occupation of a Government accommodation (hereinafter referred to as allottee), for the issue of a 'No Demand Certificate' in respect of the period preceding eight months of the retirement of the allottee.

(2) On receipt of the intimation under sub-rule (1), the Directorate of Estates shall take further action as provided in rule 16.

78. Preparation of Pension Papers – Every Head of Office shall undertake the work of preparation of pension papers in Form 7, two years before the date on which a railway servant is due to retire on superannuation, or on the date on which he proceeds on leave preparatory to retirement, whichever is earlier.

79. Stages for the completion of Pension papers – (1) The Head of Office shall divide the period of preparatory work of two years referred to in rule 78 in the following three stages, namely: -

(a) First Stage – Verification of Service – (i) The Head of Office shall go through the service book of the railway servant and satisfy himself as to whether the certificates of verification for the entire service are recorded therein.

- (ii) In respect of the unverified portion or portions of service, he shall arrange to verify the portion or portions of such service, as the case may be, with reference to pay bills, acquittance, rolls or other relevant records and record necessary Certificates in the service book.
- (iii) If the service for any period is not capable of being verified in the manner specified in sub-clause (i) and sub-clause (ii), that period of service having been rendered by the railway servant in another Office or Department, a reference shall be made to the Head of Office in which the railway servant is shown to have served during that period for the purpose of verification.
- (iv) If any portion of service rendered by a railway servant is not capable of being verified in the manner specified in sub-clause (i), or sub-clause (ii), or sub-clause (iii), the railway servant shall be asked to file a written statement on plain paper stating that he had in fact rendered that period of service and shall, at the foot of the statement, make and subscribe to a declaration as to the truth of that statement, and shall in support of such declaration produce all documentary evidence and furnish all information which is in his power to produce or furnish.
- (v) The Head of Office shall, after taking into consideration the facts in the written statement and the evidence produced and the information furnished by that railway servant in support of the said period of service, admit that portion of service as having been rendered for the purpose of calculating the pension of that railway servant.

(b) Second Stage – Making good omission in the service book – (i) The Head of Office while scrutinising the certificates of verification of service, shall also identify if there are any other omissions, imperfections or deficiencies which have a direct bearing on the determination of emoluments and the service qualifying for pension.

- (ii) Every effort shall be made to complete the verification of service, as in clause (a) and to make good omissions, imperfections or deficiencies referred to in sub-clause (i) of this clause and any omissions, imperfections or deficiencies including the portion of service shown as unverified in the service book which it has not been possible to verify in accordance with the procedure laid down in clause (a) shall be ignored and service qualifying for pension shall be determined on the basis of the entries in the service book.
- (iii) For the purpose of calculation of average emoluments, the Head of Office shall verify from the service book the correctness of the emoluments drawn or to be drawn during the last ten months of service and in order to ensure that the emoluments during the last ten months of service book, the Head of Office may verify the correctness of emoluments for the period of twenty four months only preceding the date of retirement of a railway servant, and not for any period prior to that date.

(c) **Third Stage** – As soon as the second stage is completed and in any case not later than ten months prior to the date of retirement of the railway servant, the Head of office shall take the following action:-

(i) He shall furnish to the retiring railway servant a certificate regarding the length of qualifying service proposed to be admitted for purpose of pension and gratuity as also the emoluments and the average emoluments proposed to be reckoned with for retirement gratuity and pension. In case the certified service and emoluments as indicated by the Head of office are not acceptable to him he shall furnish to the Head of office the reasons for non-acceptance inter alia supported by the relevant documents in support of his claim.

(ii) In case of any difficulty in determining the length of qualifying service on account of non-availability of service records, the retiring railway servant shall be asked to file a written

statement of service as provided in clause (ii) of sub-rule (1) and sub-rule (2) of rule [91](#).

- (iii) Forward to the retiring railway servant **Form 8** advising him to submit the same duly completed in all respects so as to reach the Head of office not later than eight months prior to his date of retirement

(Authority: - Notification vide letter no. F (E) III/94/PN-1/31 (Amendment) dated 3.2.95 –SO No. 511)

(2) Action under clause (a) (b) and (c) of sub-rule (1) shall be completed eight months prior to the date of retirement of the railway servant.

80. Completion of Pension Papers - The Head of office shall complete Part1 of Form 7 not later than six months of the date of retirement of the railway servant.

81. Forwarding of Pension papers to Accounts Officer - (1) After complying with the requirement of rule 79 and 80, the Head of Office shall forward to the Accounts Officer Form 7 and Form 8 duly completed with a covering letter in Form 9 alongwith service book of the railway servant duly completed, uptodate, and any other documents relied upon for the verification of service.

(2) The Head of Office shall retain a copy each of the Forms referred to in sub-rule (1) for his records.

(3) Where the payment is desired in another circle of accounting unit, the Head of Office shall send Form 7, in duplicate, to the Accounts Officer.

(4) The papers referred to in sub-rule (1) shall be forwarded to the Accounts Officer not later than six months before the date of retirement of the railway servant.

82. Intimation to Accounts Officer regarding any event having bearing on pension - If after the pension papers have been forwarded to the Accounts officer within the period specified in sub-rule (4) of rule 81, any event occurs which has a bearing on the amount of pension admissible, the fact shall be promptly reported to the Accounts Officer by the Head of Office.

83. Intimation of the particulars of railway dues to the Accounts Officer - (1) The Head of Office after ascertaining the railway dues as in rule 15, shall furnish the particulars thereof to the Accounts Officer at least two months before the date of retirement of a railway servant so that the dues are recovered out of the gratuity before its payment is authorised.

(2) If, after the particulars of railway dues have been intimated to the Accounts Officer under sub-rule (1), any additional railway dues come to the notice of the Head of Office, such dues shall be promptly reported to the Accounts Officer.

84. Payment of provisional pension and gratuity through money order or bank draft - If the provisional pension or gratuity or both, sanctioned under sub-rule (4) of rule 91, is desired to be paid by the pensioner through money order or bank draft, the same shall be remitted to him through money order or bank draft at his cost:

Provided that in the case of any pensioner who has been authorised payment of provisional pension not exceeding two hundred and fifty rupees per mensem (inclusive of the amount of relief on pension) that amount shall, at the request of the pensioner, be remitted to him by money order at Railways expense.

85. Authorisation of pension and gratuity by the Accounts Officer –

(1) (a) On receipt of pension papers referred to in 81, the Accounts Officer shall apply the requisite checks, record the account encasement in Part II of Form 7 and assess the amount of pension and gratuity and issue the pension payment order not later than one month in advance of the date of the retirement of the railway servant if the pension is payable in his circle of accounting unit.

(b) If the pension is payable in another circle of accounting unit, the Accounts Officer shall send the pension payment order along with a copy of Form 7 and the accounts enforcement to the Accounts Officer of that accounting unit for arranging payment.

(2) The amount of gratuity as determined by the Accounts Officer under clause (a) of sub-rule (1) shall be intimated to the Head of Office with the marks that the amount of gratuity may be drawn for disbursement to the retired railway servant after adjusting the Government dues, if any, referred to in rule 15.

(3) The amount of gratuity withheld under sub-rule (5) of rule 16 shall be adjusted by the Head of Office against the outstanding licence fee intimated by the Directorate of Estates and the balance, if any, refunded to the retired railway servant.

86. Railway servants on deputation – (1) In the case of a railway servant who retires while on deputation to a Central Government Department, action to authorise pension and gratuity in accordance with the provisions of this Chapter shall be taken by the Head of Office of the **parent** Department.

(Authority: - Notification vide letter no. F (E) III/94/PN-1/31 (Amendment) dated 3.2.95 –SO No. 511)

(2) In the case of a railway servant who retires from service, while on deputation to a State Government or while on foreign service, action to authorise pension and gratuity in accordance with the provision of this chapter shall be taken by the Head of Office of the cadre authority which sanctioned deputation to the State Government or to foreign service.

(3) In the case of Central Government employees belonging to various Ministries or Departments who happen to be on deputation to Railways at the time of their retirement, their pension cases shall be handled by the parent Ministry or Department from where they proceeded on deputation.

87. Interest on delayed payment of gratuity: - (1) If the payment of gratuity has been authorised after three months from the date when its payment became due on superannuation and it is clearly established that the delay in payment was attributable to administrative lapse, interest at such rate as may be specified from time to time by the Central Government in this behalf on that amount of gratuity in respect of the period beyond three months shall be paid.

Provided that the delay in the payment was not caused on account of failure on the part of the railway servant to comply with the procedure laid down in this Chapter.

(2) Every case of delayed payment of gratuity shall be considered by the General Manager or Administrative Head of the Railway Unit, as the case may be, and where the said General Manager or Administrative Head is satisfied that the delay in the payment of gratuity was caused on account of administrative lapse, he shall order for arranging the payment of interest. The powers to pass order for payment of interest on delayed payment of death-cum-retirement gratuity shall rest with General Manager or Administrative Head of the Railway Unit and shall not be delegated to any lower authority.

(3) In all cases where the payment of interest has been ordered, the railway shall fix the responsibility and take disciplinary action against the railway servant or servants concerned who are found responsible for the delay in the payment of gratuity.

(4) If as a result of Government's decision taken subsequent to the retirement of a railway servant, the amount of gratuity already paid on his retirement is enhanced on account of –

(a) grant of emoluments higher than the emoluments on which gratuity already paid was determined, or

(b) liberalisation in the provisions of these rules from a date prior to the date of retirement of the railway servant concerned, no interest on the arrears of gratuity shall be paid.

(5) Gratuity becomes due immediately on retirement and in case of a railway servant dying in service, action for finalising his pension and death-cum-retirement gratuity shall be paid.

88. Date of retirement to be notified – When a railway servant retires from service in the case of a gazetted railway servant, a notification in the Official Gazette, and in the case of a non-gazetted railway servant, an office order, shall be

issued specifying the date of retirement within a week of such date and a copy of every such notification or office order, as the case may be, shall be forwarded immediately to the Accounts Officer.

Provided that where a notification in the Official Gazette or an office order, as the case may be, regarding the grant of leave preparatory to retirement to a railway servant is issued, a further notification or office order that the railway servant has actually retired on the expiry of such leave shall not be necessary unless the leave is curtailed and the retirement is for any reason ant-dated or postponed.

CHAPTER VIII

AUTHORITY COMPETENT TO SANCTION AMOUNTS OF PENSION AND GRATUITY

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89. Authority competent to sanction pensionary benefits – (1) The pensionary benefits and commutation of pension shall be sanctioned and recoveries therefrom ordered by the concerned authority, specified below, namely: -

- (a) the General Manager in the case of a railway servant who is employed under the administrative control of a General Manager;
- (b) the Head of the Department or Office or Project, in the case of a railway servant who is employed in a Department or Office of Project directly under the control of the Railway Board;
- (c) the Secretary, Railway Board in the case of a railway servant not above the rank of a Section Officer who is employed in the Office of the Railway Board;

the Railway Board in the case of a Head of Department or Office or Project directly under the control of the Railway Board, and a General Manager and an Officer above the rank of a Section Officer who is employed in the Railway Board.

(2) The power to sanction or pass order by the officers referred in to clauses (a) and (b) of sub-rule (1) may be delegated to the Heads of Departments or Divisional Railway Managers, as the case may be, or in the case of non-gazetted railway servant to a Divisional Officer and such power of the Secretary, Railway Board referred to in clause (c) of sub-rule (1) may be exercised by the Joint Secretary in the Ministry of Railways in the case of Officers not above the rank of Section Officers, and by a Deputy Secretary to whom powers may be delegated in this behalf by the Railway Board in the case of non-gazetted railway servant of the Railway Board's Office. In the case of non-gazetted staff employed in the Research, Designs and Standards Organisation, the powers of the Director General, Research, Designs and Standard Organisation may be delegated to the Deputy Director General, Research, Designs and Standard Organisation.

90. Revision of pension after sanction – (1) Subject to the provisions of rules 8 and 9 pension once sanctioned after final assessment shall not be revised to the disadvantage of the railway servant unless such revision becomes necessary on account of detection of a clerical error subsequently:

Provided that no revision of pension to the disadvantage of the pensioner shall be ordered by the Head of Office without the concurrence of the Railway Board if the clerical error is detected after a period of two years from the date of sanction of pension.

(2) For the purpose of sub-rule (1), the retired railway servant concerned shall be served with a notice by the Head of Office requiring him to refund the excess payment of pension within a period of two months from the date of receipt of notice by him.

(3) In case the railway servant fails to comply with the notice, the Head of Office shall, by order in writing, direct that such excess payment shall be adjusted in installments by short payments of pension in future, in one or more installments, as the Head of Office may direct.

91. Provisional Pension – (1) The various stages of action laid down in rule 79, it may not be possible for the Head of Office to forward the pension papers referred to in rule 81 to the Accounts Officer within the period specified in sub-rule (4) of that rule; or where the pension papers have been forwarded to the Accounts Officer within the specified period but the Accounts Officer may have returned the pension papers to the Head of Office for eliciting further information before issue of pension payment order and order for the payment of gratuity. If the Head of Office in such a case is of the opinion that the railway servant is likely to retire before his pension or gratuity or both, can be finally assessed and settled in accordance with the provisions of these rules, he shall without delay, take steps to determine the qualifying years of service and the emoluments qualifying for pension after a most careful summary investigations that may be made. For this purpose, he shall –

(i) rely upon such information as may be available in the official records; and

(ii) ask the retiring railway servant to file a written statement on plain paper stating the total length of qualifying service including details of emoluments drawn during the last ten months of service but excluding the breaks and other non-qualifying periods of service.

(2) The railway servant while furnishing the statement, as in clause (ii) of sub-rule (1) shall, at the foot of the statement, make and subscribe to a declaration as to the truth of the statement.

(3) The Head of Office shall, thereafter determine the qualifying years of service and the emoluments qualifying for pension in accordance with the information available in the official records and the information obtained from the retiring railway servant under sub-rule (1) and he shall, then, determine the amount of provisional pension and the amount of the provisional death-cum-retirement gratuity.

(4) After the amount of pension and gratuity have been determined under sub-clause (3), the Head of Office shall take further action as follows –

(a) He shall issue a sanction letter addressed to the railway servant endorsing a copy thereof to the Accounts Officer authorising –

(i) hundred per cent of pension as determined under sub-rule (3) as provisional pension for a period not exceeding six months to be reckoned from the date of retirement of the railway servant; and

(ii) hundred per cent of the gratuity as provisional gratuity as determined under sub-rule (3) withholding that part of gratuity as provided in these rules.

(b) He shall indicate in the sanction letter the amount recoverable from the gratuity under sub-rule (1) of rule 83. After issue of the sanction letter he shall draw: -

(i) the amount of provisional pension; and

(ii) the amount of provisional gratuity after deducting there from the amount mentioned in sub-clause (ii) of clause (a).

(5) The amount of provisional pension and gratuity payable under sub-rule (4) shall, if necessary, be revised on the completion of the detailed scrutiny of the records.

(6) (a) The payment of provisional pension shall not continue beyond the period of six months from the date of retirement of the railway servant. If the amount of final pension and the amount of final gratuity had been determined by the Head of Office in consultation with the Accounts Officer before the expiry of the said period of six months, the Accounts Officer shall –

(i) issue the pension payment order; and

(ii) direct the Head of Office to draw and disburse the difference between the final amount of gratuity and the amount of provisional gratuity paid under sub-clause (ii) of clause (b) of

sub-rule (4) after adjusting the Government dues, if any, which may have come to notice after the payment of provisional gratuity.

(b) if the amount of provisional pension disbursed to a railway servant under sub-rule (4) is, on its final assessment, found to be in excess of the final pension assessed by the Accounts Officer, it shall be open to the Accounts Officer to adjust the excess amount of pension, in installments, by making short payments of the pension payable in future.

(c) (i) If the amount of provisional gratuity disbursed by the Head of Office under sub-rule (4) is larger than the amount finally assessed, the retired railway servant shall not be required to refund the excess amount actually disbursed to him.

(ii) The Head of Office shall ensure that chances of disbursing the amount of gratuity in excess of the amount finally assessed are minimised and the officials responsible for the excess payment shall be accountable for the overpayment.

(7) If the final amount of pension and gratuity have not been determined by the Head of Office in consultation with the Accounts Officer within a period of six months referred to in clause (a) of sub-rule (6), the Accounts Officer shall treat the provisional pension and gratuity as final and issue pension payment order immediately on the expiry of the period of six months.

(8) As soon as the pension payment order has been issued by the Accounts Officer under clause (a) of the sub-rule (6) or sub-rule (7), the Head of Office shall take steps to refund the amount of withheld gratuity under sub-clause (ii) of clause (a) of sub-rule (4) to the retired railway servant after adjusting railway dues or Government dues which may have come to notice after the payment of provisional gratuity under sub-clause (ii) of clause (b) of sub-rule (4). If the railway servant was an allottee of Government accommodation or railway accommodation, the withheld amount should be refunded on receipt of 'No Demand Certificate' from the Directorate of Estates or on vacation of railway accommodation as the case may be.

CHAPTER IX FAMILY PENSION AND DEATH-CUM-RETIREMENT GRATUITY IN RESPECT OF RAILWAY SERVANT DYING WHILE IN SERVICE

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92. Obtaining of claims for family pension and death-cum-retirement gratuity – (1) Where the Head of Office has received an intimation about the death of a railway servant while in service, he shall ascertain whether any death-cum-retirement gratuity or family pension or both is or are payable in respect of such deceased railway servant.

(2) (a) Where the family of the deceased railway servant is eligible for the death-cum-retirement gratuity under rule 70, the Head of Office shall ascertain: -

(i) if the deceased railway servant had nominated any person

or persons to receive the gratuity; and

(ii) if the deceased railway servant had not made any nomination or the nomination made does not subsist, the person or persons to whom the gratuity may be payable.

(b) The Head of Office shall, then, address the person concerned in Form 11 or Form 12, as may be appropriate for making a claim in Form 13.

(3) Where the family of the deceased railway servant eligible under rule 75 for the Family Pension, 1964 –

(a) the Head of Office shall address the widow or widower in Form 14 for making a claim in Form 10, and

(b) where he deceased railway servant is survived only by a child or children, the guardian of such child or children, may submit a claim in Form 10 to the Head of Office;

Provided that the guardian shall not be required to submit a claim in the said Form on behalf of a child who had attained the age of eighteen years and such child may himself or herself submit a claim in the said Form.

93. Completion of Form 16 – (1) (a) The Head of Office while taking action to obtain claim or claims from the family in accordance with the provisions of rule 92 shall simultaneously undertake the completion of Form 16. The work shall be completed within one month of the date on which intimation regarding the death of the railway servant has been received.

(b) The Head of Office shall go through the service book of the deceased railway servant and satisfy himself as to whether certificates of verification of service for the entire service are recorded therein.

(c) If there are any periods of unverified service, the Head of Office shall accept the unverified portion of service as verified on the basis of the available entries in the service book. For this purpose the Head of Office may rely on any other relevant material to which he may have ready access. While accepting the unverified portion of service, the Head of Office may rely on any other relevant material to which he may have ready access. While accepting the unverified portion of service, the Head of Office shall ensure that service was continuous and was not forfeited on account of dismissal, removal or resignation from service, or for the participation in strike.

(2) (a) For the purpose of determination of emoluments for family pension and death-cum-retirement gratuity, the Head of Office shall confine the verification of the correctness of emoluments for a maximum period of one year preceding the date of death of the railway servant.

(b) In case the railway servant was on extraordinary leave on the date of death, the correctness of the emoluments for a maximum period of one year which he drew preceding the date of the commencement of the extraordinary leave shall be verified.

(3) The process of determination of qualifying service and qualifying emoluments shall be completed within one month of the receipt of intimation regarding the date of death of the railway servant and the amount of family pension and death-cum-retirement gratuity shall also be calculated accordingly.

94. Determination of the amount of family pension and gratuity where service records are incomplete –

According to the instruction in vogue on the date of commencement of these rules, there should not be any case where service book has not been maintained properly. If, in any particular case the service book has not been maintained

properly despite the Government's order on the subject, and it is not possible for the Head of Office to accept the unverified portion of service as verified on the basis of entries in the service book, the Head of Office shall not proceed with the verification of the entire spell of service and the verification of service in such a case shall be confined to the following spells of service: -

(i) If the deceased railway servant on the date of death had rendered more than one year of service but less than seven years of service, the service and emoluments for the last year of service shall be verified and accepted by the Head of Office and the amount of family pension 1964 determined under sub-rule (2) and sub-rule (3) of rule 75.

(ii) If the deceased railway servant on the date of his death had rendered more than seven years of service, the service for the last seven years and emoluments for service rendered in the last year shall be verified and accepted by the Head of Office and the amount of Family Pension 1964 and the period for which it is

payable shall be determined in accordance with the provisions of sub-rule (3) of rule 75.

(iii) If the deceased railway servant on the date of his death had rendered more than seven years of service, the service for the last seven years and emoluments for service rendered in the last year shall be verified and accepted by the Head of Office and the amount of Family Pension 1964 and the period for which it is payable shall be determined in accordance with the provisions of sub-rule (2) and sub-rule (3) of rule 75.

(iv) The service for the last seven years shall be verified and accepted within the next two months and the amount of family pension at the enhanced rate and the period for which it is payable shall be determined in accordance with the provisions of sub-rule (4) of rule 75.

(v) The determination of the amount of family pension in accordance with the provisions of sub-clauses (i), (ii) and (iii) shall be done within one month of the receipt of intimation of the date of death of the railway servant.

(b) For the purpose of death-cum-retirement gratuity: -

(i) If the deceased railway servant had on the date of his death rendered more than five years of qualifying service but less than twenty four years of qualifying service, and the spell of last five years service has been verified and accepted by the Head of Office under clause (a), the amount of death-cum-retirement gratuity shall be equal to twelve times of his emoluments as indicated in clause (b) of sub-rule (1) of rule 70, where the verified and accepted service is less than five years of qualifying service, the amount of death-cum-retirement gratuity shall be the amount as indicated in item (i) or item (ii) in the Table below clause (b) of sub-rule (1) of rule 70 as the case may be.

(ii) If the deceased railway servant had rendered more than twenty four years of service and the entire service is not capable of being verified and accepted but the service for the last five years has been verified and accepted, under sub-clause (1), the family of the deceased railway servant shall be allowed, on provisional basis, the death-cum-retirement gratuity equal to twelve times of the emoluments. Final amount of gratuity shall be determined by the Head of Office on the acceptance and verification of the entire spell of service which shall be done by the Head of Office within a period of six months from the date on which the authority for the payment of provisional gratuity was issued. The balance, if any, becoming payable as a result of determination of the final amount of death-cum-retirement gratuity shall then be authorised to the beneficiaries.

95. Forwarding of papers to the Accounts Officer – (1) On receipt of claim or claims, the Head of Office shall complete items 20, 21, 22, 23 and 24 of Form 16 and send the said Form 16 along with the railway servant's service book duly complete up-to-date and any other documents relied upon for the verification of the service claimed. This shall be done not later than one month of the receipt of claim by the Head of Office.

(2) The Head of Office shall retain one copy of the aforesaid Form 16 for his office record.

(3) If the payment is desired in another circle of accounting unit, Form 16 shall be sent in duplicate to the Account Officer.

(4) The Head of Office shall draw the attention of the Accounts Officer to the details of Government or railway dues outstanding against the deceased railway servant, namely: -

(a) Government or railway dues as ascertained and assessed in terms of rule 15 and recoverable out of the gratuity before payment is authorised.

(b) Amount of gratuity to be held over partly for adjustment of railway dues which have not been assessed so far and partly as a margin for adjustment in the light of the final determination of the gratuity.

(5) (a) If Form 16 has been completed and the claim or claims in the respective Forms have not been received from the beneficiary or beneficiaries, the Head of Office shall forward Form 16 and the documents referred to in sub-rule (1) to the Accounts Officer leaving unfilled items 20, 21, 22, 23 and 24 of Part I of the said Form.

(b) As soon as the claim or claims are received by the Head of Office, they shall immediately be forwarded to the Accounts Officer with the request that items 20, 22, 23 and 24 of Part I of Form, 16 may be filled by the Accounts Officer.

96. Sanction, draw and disbursement of provisional Family Pension and gratuity – (1) After the documents referred to in rule 95 have been sent to the Accounts Officer concerned, the Head of Office shall draw provisional family pension not exceeding the maximum family pension and hundred per cent of the gratuity as determined in accordance with the provisions of this Chapter and, for this purpose the Head of Office, shall adopt the following procedure, namely: -

(a) he shall issue a sanction letter in favour of claimant or claimants endorsing a copy thereof to the Accounts Officer concerned indicating the amount of provisional family pension and hundred percent of the gratuity as determined;

(b) he shall indicate in the sanction letter the amount recoverable out of the gratuity under sub-rule (4) of rule 95;

(c) after issue of the sanction letter he shall draw: -

(i) the amount of the provisional family pension; and

(ii) the amount of hundred percent of the gratuity after deducting there from the dues mentioned in clause (b), in the same manner as pay and allowances of the establishment are drawn by him.

(2) The Head of Office shall disburse the provisional family pension (including arrears, if any) and the gratuity immediately after the same have been drawn under sub-rule (1).

(3) The payment of provisional family pension shall continue for a period of six months from the date of following the date of death of the railway servant unless the period is extended by the Accounts Officer under the proviso to sub-rule (1) of rule 97.

(4) The Head of Office shall inform the Accounts Officer: -

(a) as soon as the gratuity has been paid to the claimant or claimants; and

(b) as soon as the provisional family pension has been paid for a period of six months or for the period extended under provision to sub-rule (1) of rule 97, as the case may be.

(5) If the claimant or any of the claimants desire the payment of provisional family pension or of gratuity or of both through money order or bank draft, the same shall be remitted to him or her through money order or bank draft at his or her own cost:

Provided that in the case of any claimant who is sanctioned a provisional family pension not exceeding two hundred and fifty rupees (inclusive of relief on family pension) per mensem, the amount of pension shall, at the request of the claimant, be remitted to his or her by money order or bank draft at Government expense.

97. Authorisation of final pension and balance of the gratuity by the Accounts Officer – (1) On receipt of the documents referred to in sub-rule (1) of rule 95, the Accounts Officer shall, within a period of three months from the date of receipt of the documents apply the requisite checks and complete Section I of Part II of Form 16 and assess the amount of family pension and gratuity;

Provided that if the Accounts Officer is, for any reason, unable to assess the amount within the period aforesaid, he shall communicate the fact to the Head of Office to continue to disburse for such period as may be specified by the Accounts Officer.

(2) (a) If the family pension is payable in his circle of accounting unit, the Accounts Officer shall prepare the pension payment order.

(b) **The payment of family pension shall be** effective from the date following the date of which the payment of provisional family pension ceased.

(Authority: Railway Board's letter No. F(E)III/99/PN 1/(Modification) dated 23.5.2000)

(c) Arrears of family pension if any, in respect of the period for which provisional family pension was drawn and disbursed by the Head

of Office shall also be authorised by the Accounts Officer.

(3) (a) The Accounts Officer shall determine the amount of the balance of the gratuity after adjusting the amount, if any, outstanding against the deceased railway servant.

(b) The Average Officer shall determine the amount of the balance of the gratuity determined under clause (a) with the remarks that the amount of the balance of the gratuity may be drawn and disbursed by the Head of Office to the person or persons to whom the provisional gratuity has been paid.

(c) The amount of gratuity adjusted under sub-clause (a) for non-vacation of Railway accommodation shall be adjusted by the Head of Office against the outstanding licence fee and the balance, if any, refunded to the person or persons to whom gratuity has been paid.

(4) The fact of the issue of the pension payment order shall be promptly reported to the Head of Office by the Accounts Officer and the documents which are no longer required shall also be returned to him.

(5) If the final family pension including the arrears of provisional family pension is payable in another circle of accounting unit, the Accounts Officer shall send the pension payment order together with a copy of Form 16 duly completed to the Accounts Officer of that unit for arranging payment;

Provided that the adjustment of provisional family pension drawn and disbursed by the Head of Office, shall be made by the Accounts Officer in whose circle of accounting unit the provisional family pension was paid.

(6) If the amount of provisional family pension as disbursed by the Head of Office is found to be in excess of the final family pension assessed by the Accounts Officer, it shall be open to the Accounts Officer to adjust the excess amount in installments by the short payments of family pension payable in future.

(7) (a) If the amount of gratuity disbursed by the Head of Office proves to be larger than the amount finally assessed by the Accounts Officer the beneficiary shall not be required to refund the excess.

(b) The Head of Office shall ensure that chances of disbursing the amount of gratuity in excess of the amount actually admissible are minimised and the official or officials responsible for the excess payment shall be accountable for the over-payment.

98. Adjustment of Government dues or railway dues- (1) Dues pertaining to Government accommodation,

(i) if on the date of death, the railway servant was allottee of Government accommodation, the Head of Office on receipt of intimation regarding the death of such railway servant shall within seven days of the receipt of such intimation, write to the Directorate of Estates for the issue of 'No Demand Certificate' so that authorisation of family pension and death-cum-retirement gratuity is not delayed. While addressing the Directorate of Estates for the issue of 'No Demand Certificate', the Head of Office shall also supply the following information in duplicate (one copy) marked to the Rent Wing and the second to the Allotment wing-

(a) name of the deceased railway servant with designation;

(b) particulars of the accommodation (quarter No., type and locality) ;

(c) date of death of railway servant;

(d) whether the railway servant was on leave at the time of his death and if so, the period and nature of leave

(e) whether the railway servant was enjoying rent free accommodation;

(f) the period upto which licence fee had been recovered from the pay and allowances of the deceased railway servant and the monthly rate of recovery and particulars of the pay bill under which last recovery was made;

(g) if the licence fee had not been recovered upto the date of death and the family intends to retain Government

accommodation for the permissible period of four months from the date of death of the railway servant, details of the ,-

(1) period for which licence fee still remains to be recovered;

(2) the amount of licence fee in respect of the period at (1) to be determined on the basis of the standard rent bill;

(3) the amount of licence fee for the retention of Government accommodation by the family of the deceased railway

servant for the concessional period of four months beyond the date of death of the railway servant to be determined on the basis of standard bill;

(4) the amount of licence fee sanctioned at (2) and (3) proposed to be recovered out of death-cum-retirement gratuity;

(5) (i) details of any previous reference from the Directorate of Estates having bearing on the recovery of licence fee outstanding against the allottee and action taken therein.

(ii) The Head of Office shall recover from the death-cum-retirement gratuity the amount of licence fee as intimated to the Directorate of Estates under-clause (i)

(iii) The recovery of licence fee for the occupation of Government accommodation beyond the permissible period of four months shall be the Directorate of Estates.

(iv) The Directorate of Estates shall scrutinize their records with a view to determine if licence fee other than the license fee referred to in clause (i) was outstanding against the deceased railway servant. If any recovery is found, the amount and the period or periods to which such recovery or recoveries relate shall be communicated to the Head of Office within a period of three months of the receipts of intimation regarding the death of the railway servant under clause (i).

(v) Pending receipt of information under clause (iv), the Head of Office shall withhold ten percent of the death-cum-retirement gratuity or one thousand rupees, whichever is less.

(vi) If no intimation is received by the Head of Office within the period specified under clause (iv) regarding recovery of licence fee, it shall be presumed that nothing was recoverable from the deceased railway servant and the amount of gratuity withheld shall be paid to the person or persons to whom the amount of death-gratuity was paid.

(vii) If the Head of Office has received intimation from the Directorate of Estates under clause (vi) regarding recovery of licence fee, it shall be presumed that nothing was recoverable from the deceased railway servant, the Head of Office shall verify from the acquittance rolls if the outstanding amount of licence fee was recovered from the pay and allowances of the deceased railway servant. If as a result of verification, it is found that the amount of licence fee shown as outstanding by the Directorate of Estates, had already been recovered, the Head of Office shall draw the attention of the Directorate of Estates to the pay bills under which the necessary recovery of the licence fee was made and subject to the provisions of sub-rule (2) take steps to pay the amount of the gratuity withheld under clause (v) to the person or persons to whom the death gratuity was paid.

(viii) If the outstanding amount of licence fee was not recovered

from the pay and allowances of the deceased railway servant, the outstanding amount shall be adjusted against the amount of the gratuity with held under clause (v) and the balance, if any, repaid to the person to whom the amount of death-cum-retirement gratuity was paid.

(2) The Head of Office shall, within one month of the receipt of intimation regarding death of a railway servant, take steps to ascertain if any dues as referred to in rule 15 and sub-rule (6) of rule 16 were recoverable from the deceased railway servant. Such ascertainable dues shall be recovered from the amount of death-cum-retirement gratuity becoming payable to the family of the deceased railway servant.

99. Payment of family pension and death-cum-retirement gratuity when a railway servant dies while on deputation – (1) In the case of a railway servant who dies while on deputation to another Central Government Department, action to authorize family pension and death-cum-retirement gratuity in accordance with the provisions of this Chapter shall be taken by the Head of Office of the borrowing Department.

(2) In the case of a railway servant who dies while on deputation to a State Government or while on foreign service, action to authorise the payment of family pension and death-cum-retirement gratuity in accordance with the provisions of this Chapter shall be taken by the concerned Head of Office from where the railway servant proceeded on deputation to the State Government or to the foreign service.

(3) In the case of a Central Government employee belonging to a Ministry or Department dies while on deputation to the railway, action to authorise the payments of family pension and death-cum-retirement gratuity in accordance with the provisions of this Chapter shall be taken by the parent Ministry or Department from where he has proceeded on deputation to the railway.

**CHAPTER X
SANCTION OF FAMILY PENSION AND RESIDUARY GRATUITY IN RESPECT OF DECEASED PENSIONERS**

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100. Sanction of family pension and residuary gratuity on the death of a pensioner – (1) where the Head of Office has received intimation regarding the death of a retired railway servant who was in receipt of pension, he shall ascertain whether any family pension or residuary gratuity is or both are payable in respect of the deceased pensioner;

Provided that the Head of Office may, when he considers it necessary to do so, consult the Accounts Officer.

(2) (a) (i) If the deceased pensioner is survived by a widow or widower who is eligible for the grant of Family Pension 1964 as indicated in the Pension Payment Order shall become payable to the widow or widower, as the case may be, from the day following the date of death of the pensioner.

(ii) On receipt of an application from the widow or widower, the pension disbursing authority from whom the deceased pensioner was drawing his or her pension shall authorise the payment of Family Pension 1964 to the widow or widower, as the case may be.

(b) (i) Where the deceased pensioner is survived by a child or children, the guardian of the child or children may submit a claim in Form 10 to the Head of Office for the payment of Family Pension 1964:

Provided that the guardian shall not be required to submit a claim in the said Form on behalf of the son or unmarried daughter if he or she has attained the age of eighteen years and such a son or daughter may himself or herself submit a claim in the said Form.

(ii) On receipt of a claim from the guardian, the Head of Office shall sanction the Family Pension 1964 in Form 18.

(c) (i) Where a widow or widower in receipt of Family Pension 1964 remarries and has, at the time of remarriage, child or children from the former spouse who is or are eligible for Family Pension 1964; the remarried individual shall be eligible to draw the Family Pension 1964 on behalf of such child or children if such individual continues to be; the guardian of such child or children.

(ii) For the purpose of sub-clause (i), the remarried individual shall apply to the Head of Office on plain paper furnishing the following particulars, namely:

(1) a declaration that the applicant continues to be the guardian of such child or children;

(2) the date of remarriage;

(3) the name and date of birth of the child or children from the former spouse;

(4) the pension disbursing authority from where payment of Family Pension 1964 on behalf of such child or children is desired;

(5) full postal address of the applicant.

(iii) If the remarried individual has, for any reason, ceased to be the guardian of such child or children, the Family Pension 1964 shall become payable to the person entitled to act as guardian of such child or children under the law for the time being in force and such person may submit a claim in Form 10 to the Head of Office for the payment of Family Pension 1964 :

Provided that the guardian shall not be required to submit a claim in the said Form on behalf of the son or unmarried daughter if he or she has attained the age of eighteen years and such son or daughter may himself or herself submit a claim in the said Form.

(iv) On receipt of the claim referred to in sub-clause (iii) the Head of Office shall sanction Family Pension 1964 in Form 19.

(d)(i) Where a widow or widower in receipt of Family Pension 1964 dies and leaves behind child or children who is or are eligible for Family Pension 1964, the guardian may submit a claim in Form 10 to the Head of Office for the payment of Family Pension 1964:

Provided that the guardian shall not be required to submit a claim in the said Form on behalf of the son or unmarried daughter if he or she has attained the age of eighteen years and such a son or daughter may himself or herself submit claim in the said Form.

(ii) On receipt of a claim under sub-clause (i) the Head of Office shall sanction Family Pension 1964 in Form 19.

(3) Where on death of a retired railway servant a residuary gratuity becomes payable to the family of the deceased under sub-rule (2) of rule 70, the Head of Office shall sanction its payment on receipt of a claim or claims in Form 20 from the person or persons eligible to receive the residuary gratuity.

101. Authorization of payment by Accounts Officer – On receipt of the sanction under rule 100 regarding the payment of family pension or of residuary gratuity or of both, the Accounts Officer shall authorise the payment of the same.

**CHAPTER XI
PAYMENT OF PENSION**

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102. Date from which pension becomes payable – (1) Except in the case of a railway servant to whom the provisions of rule 53 apply and subject to the provisions of rule 9 and 10 a pension, other than family pension, shall become payable from the date on which a railway servant ceases to be borne on the establishment.

(2) Pension, including family pension shall be payable for the day on which its recipient dies.

103. Currency in which pension is payable – All pensions including gratuities admissible under these rule shall be payable in rupees in India only.

104. Manner of payment of gratuity and pension - (1) Except as otherwise provided in these rules, a gratuity shall be paid in lump sum.

(2) A pension fixed at monthly rates shall be payable monthly on or after the first day of the following month.

105. Application of Treasury Rules – Save as otherwise provided in these rules, the Treasury Rules of the Central Government shall apply in regard to the procedure of payment of -

(i) pension;

(ii) pension undrawn for more than a year; and

(iii) pension in respect of a deceased pensioner.

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106. Interpretation – Where any doubt arises as to the interpretation of these rules, it shall be referred to the Government in the Ministry of Railway (Railway Board), for decision. The Ministry of Railways (Railway Board) shall take decision after consulting the Department of Pension and Pensioners' Welfare of the Government of India.

107. Power of relax – Where the pension sanctioning authority is satisfied that the operation of any of these rules causes undue hardship in any particular case, that authority, may for reasons to be recorded in writing, approach the Ministry of Railways (Railway Board) for dispensing with or relaxing the requirements of that rule to such extent and subject to such exceptions and conditions as it may consider necessary for dealing with the case in a just and equitable manner. The Ministry of Railways (Railway Board) shall examine each such case and arrange to communicate the sanction of the President to the proposed dispensation or relaxation, as it may consider necessary keeping in view the merits of each case and keeping in view of an other statutory provisions:

Provided that no such order shall be made without concurrence of the Department of Pension and Pensioners' Welfare, in the Ministry of Personnel, Public Grievances and Pensions, Government of India.

108. Repeal and saving – (1) On the commencement of these rules, every rule, (including those contained in volume II of the Indian Railway Establishment Code, Fifth Reprint), regulation or order including circulars (hereinafter referred to in this rule as old rules) in force immediately before such commencement shall, in so far as it provides for any of the matters

contained in these rules, cease to operate;

(2) Notwithstanding such cessation of operation-

(a) (i) every nomination for the payment of death-cum-retirement gratuity, or of Family Pension 1950;

(ii) every form regarding the details of family of a railway servant for the purpose of Family Pension 1964; and

(b) any nomination for the payment of death-cum-retirement gratuity or of (Family Pension 1950), any Form regarding the details of family of a railway servant for the purpose of Family Pension 1964 as required to be made or given by a railway servant under the old rule but not made or given before the commencement of these rules shall be made or given after such commencement in accordance with the provisions of these rules;

(c) any case which pertains to the authorisation of pension to a railway servant who had retired before the commencement of these rules and is pending before such commencement shall be disposed of in accordance with the provisions of the old rules as if these rules had not been made;

(d) any case which pertains to the authorisation of death-cum-gratuity and family pension to the family of a deceased railway servant or of a deceased pensioner and is pending before the commencement of these rules shall be disposed of in accordance with the provisions of the old rules as if these rules had not been made;

(e) subject to the provisions of clause (c) and (d) anything done or any action taken under the old rule shall be deemed to have been done or taken under the corresponding provisions of these rules.

FORM 1

(See rule 11)

FORM OF APPLICATION FOR PERMISSION TO RAILWAY OFFICERS TO ACCEPT COMMERCIAL EMPLOYMENT WITH IN A PERIOD OF ONE YEAR AFTER RETIREMENT.

1. Name of the Officer (in BLOCK letters)

2. Date of retirement

3. Particulars of the Ministry/Department/

Officers in which the Officer served during

the last five years preceding retirement

(with duration)

Name of Ministry/Department/Office	Post held	Duration	
		Form	To

4. Post held at the time of retirement and period for which held	..........
5. Pay scale of the post and the pay drawn by the Officer at the time of retirement	..........
6. Pensionary benefits	
Pension expected/sanctioned (Communication) if any, should be mentioned	Gratuity, if any
7. Details regarding commercial employment proposed to be taken up:-	.....
(a) Name of the firm / company / Co-operative society, etc.	..... .....
(b) Products being manufactured by the firm/type of business carried out by the firm, etc.	..... .....
(c) Whether the officer had during the last three years of his official career, any dealings with the firm or company or Co-operative Society, etc. (Authority: Notification vide RB's letter No. FileNo.E (G) 2007/EMI/I)	..... ..... .....
(d) Duration and nature of the official dealings with the firm, etc.	..... .....
(e) Name of the job/post offered	
(f) Whether post was advertised, if not, how was offer made (attach newspaper cutting of the advertisement, and a copy of the offer of the appointment, if any)	
(g) Description of the duties of the job/post	
(h) Remuneration offered for post/job	
(i) If proposing to set up a practice, indicate:	
(a) Professional qualification/in the field of practice	
(b) nature of proposed practice	
8. Any information which the applicant desires to furnish in support of his request	.....

9. Declaration:-

I hereby declare that —

- (a) The employment, which I propose to take up will not involve activities prejudicial to India's foreign relations, national security and domestic harmony. It will not involve conflict of interest with the policies of the office held by me during the last three years; and the interest represented or work undertaken by the organisation I propose to join will not bring me into conflict with the working of the Government.
- (b) I have not been privy to sensitive or strategic information in the last three years of service, which is directly related to the areas of interest or work of the organisation that I propose to join or to the areas in which I propose to practise or consult.
- (c) My service record is clear, particularly with respect to integrity and dealings with non-Government Organisation.
- (d) I agree to withdraw from the commercial employment in case of any objection by the Government.

Address

Place

Dated

Signature of applicant:-

(Authority: Notification No. vide RB's letter No. FileNo.E (G) 2007/EMI/1 dated 19. 09. 07)

FORM 2

(See rule 15)

SURETY BOND

In consideration of the President of India (hereinafter called the "Government" which expression shall include his Successors and assignees) having agreed to settle the final accounts of Shri/Shrimati..... (Hereinafter referred to as the 'Obliger') without production of a 'No Demand Certificate' from the Engineering Electrical Department concerned, I hereby declare myself 'Surety' (which expression shall include my heirs, executors, Administrators, legal representatives and assignees) for the obliger and do hereby guarantee for due payment of rent, electric current and other dues in respect of the residence now allotted to him/her by Government and also for any residence that may be allotted or that was allotted to the said obliger from time to time by Government against all loss damage until delivery of vacant possession of the above-said residence is made over to the Government.

I hereby also guarantee that the said obliger shall pay all amounts that may be due by him/her to Government by way of overpayment of pay, allowances, leave salary, advances for conveyances, house building or other purpose or for any amounts which may be paid or payable by Government under or in respect of any guarantee given by Government on behalf of the said obliger, or any other dues whatsoever of the Government. It is hereby declared by me that if the said obliger shall die or become insolvent, the whole of the aforesaid amount shall then remain unpaid and the interest, if any, as per the Government Rule applicable thereon, shall immediately become due and payable to the Government and recoverable from me by virtue of this Bond. Now the condition of the above written Bond is that if the said obliger duly makes all payments or caused to be paid to the Government each of the aforesaid amounts owing to the Government to the satisfaction of the Government then this Bond shall be void otherwise the same shall be and remain in full force, effect and virtue.

The obligation undertaken by me shall not be discharge or in any way affected by any extension of time or any other indulgence granted by the Government to the said obliger and the Government shall have the fullest liberty without affecting the guarantee to postpone for any time from time to time any of the powers exercised by it against the said obliger and I will not released from the liability under this guarantee by an exercise of the Government of the liberty with reference to the matters aforesaid or by reason of any other forbearance, act or omission on the part of the Government or

any indulgence by the Government to the said obliger or by any other matter or things whatsoever which under the law relating to sureties shall, but for this provision have the effect of so releasing me from my such aforesaid liability and for the purpose of enforcement this present my liability hereunder will be no merely as surety but as of principal debtor.

BUT SO NEVERTHELESS this Bond shall remain in force, till

- (i) the 'No Demand Certificate' is issued by the Engineering / Electrical Department concerned in favour of the said obliger.
- (ii) the Head of Office in which the said obliger was last employed has certified that nothing is now due to the Government from the said obliger; and
- (iii) the 'No Demand Certificate' is issued by the Engineering / Electrical Department concerned in favour of the said obliger in respect of water and electricity dues in case Government had given a guarantee for these dues, on behalf of the said obliger.

The stamp duty on this instrument shall be borne by the Government.

Signed and delivered by Signature of the Surety

the said surety at.....

this..... day of

..... in the

presence of :

1. Signature

Address and occupation of witness

2. Signature

Address and occupation of witness

Certified that Shri/Shrimati is a permanent Government servant.

Signature of the Head of the Department of

the Office in which the surety is employed.

The above bond is accepted.(Signature and designation)

For and on behalf of the President of India

FORM 3

(See rule 35)

Certificate of verification of Military Service of No.

Rank

NameUnit.....re-enrolled in the..... from.....

The information required for verification of War/Military service for the purpose of counting towards railway pension is given as under : -

1.	Date of birth or the nearest age on enrolment in the Army/Navy/Air-force, if the former is not known.	.....
2.	Date of enrolment in the Army/Navy/Air Force.	.....
3.	Date of discharge.	.....
4.	Period of reserve service, if any.	.....
5.	Whether the Military Service was pensionable under the Military rules, but terminated on or before pension was earned in respect thereof.	.....
6.	Whether he was entitled to a service gratuity and if so, how much.	.....
7.	Whether the gratuity was drawn and is refundable to the Defence Services Estimates (if the service is allowed to count for railway pension).	.....
8.	If the individual is in receipt of a disability pension:-	
	(a) had he earned an ordinary service pension for his qualifying service.	.....
	Or	.....
	(b) had he only earned a service gratuity in lieu of which a service element of disability pension has been granted him, if so, what was the amount of service gratuity	.....
9.	Whether he was paid from Indian Revenues throughout.	.....
10.	Whether the pensionary contribution has been recovered and credited to Indian Revenues for the period of his service out of India.	From.....To.....
11.	Whether the whole period of Military Services covered by any of the classes mentioned in Note 2 to Articles 356(a)/or 357 Civil Services Regulations.	.....
12.	Non-qualifying service, if any	From.....To.....
13.	Period of satisfactory paid Military service.	From.....To.....
14.	Whether the Military service was superior or inferior.	.....
15.	Length of war service	.....
16.	Amount of service gratuity paid for the period of War service indicated in the preceding item	.....
17.	Amount of war gratuity paid for the period of War service.	.....
18.	Period and nature of leave (other than casual leave) availed of during Military service.	.....

Station

Signature of the Record Officer concerned

Date

Countersigned

Station

Controller of Defenses Accounts/P.A.(OR)

Dated.

FORM 4

[See rule 74 (i)]

NOMINATION FOR DEATH-CUM-RETIREMENT GRATUITY

(When the railway servant has a family and wishes to nominate one member or more than one member thereof)

Ihereby nominate the person/persons mentioned below, who is/are member(s) of my family, and confer on them the right to receive, to the extent specified below, any gratuity that may be sanctioned by Government in the event of my death while in service and the right to receive on my death, to the extent specified below any gratuity, which having become admissible to me on retirement, may remain unpaid at my death: -

Original Nominee(s)			Alternate nominee(s)		
Name and Address of nominee/nominees	Relationship with the railway servant	Age	Amount or share of gratuity payable to each*	Name, Address and relationship of the person or persons, if any, to whom the right conferred on the nominee shall pass in the event of the nominee dying after the death of the railway servant but before receiving payment of the gratuity	Amount or share of gratuity payable to each @
1	2	3	4	5	6
1.					
2.					
3.					
4.					
5.					
And so on					

This nomination supersedes the nomination made by me earlier, on(date) which stands cancelled.

Note: (i) The railway servant shall draw lines across the blank space below the last entry to prevent the insertion of any name after he has signed.

(ii) Strike out which is not applicable.

Dated this.....day of.....19.....

Witnesses to signature:

1.

2. Signature of railway servant

*This column should be filled in so as to cover the whole amount of gratuity.

@The amount/share gratuity shown in this column should cover the whole amount/share payable to the original nominee(s).

(To be filled in by the Head of Office in the case of a non-gazetted railway servant)

Nomination by Signature of Head of Office.....

Designation..... Date.....

Office Designation

Performa for acknowledgement, the receipt of nomination form by the Head of Office/Accounts Officer.

To

.....
.....
.....

The receipt of your nomination dated the/cancellation dated theof the nomination made earlier in respect of Death-cum-retirement gratuity in Formis hereby acknowledged. The same has been duly placed on record.

.....

Place..... Signature of the Head of Office/Accounts Officer

Dated the Designation.....

Note : The railway servant is advised that it would be in the interest of the nominee(s) if copies of the nominations and the related notices and acknowledgement are kept in safe custody so that they may come into possession of the beneficiaries in the event of his death.

FORM 5

[See rule 74 (i)]

NOMINATION FOR RETIREMENT/DEATH GRATUITY

(when the railway servant has no family and wishes to nominate one person or more than one persons)

Ihaving no family, hereby nominate the person/persons mentioned below and confer on him/them the right to receive, to the extent specified below, any gratuity the payment of which may be authorised by the railway in the event of my death in service and the right to receive on my death to the extent specified below, any gratuity, which having become admissible to me on retirement, may remain unpaid at my death: -

Original Nominee(s)			Alternate nominee(s)		
Name and Address of nominee/nominees	Relationship with the railway servant	Age	Amount or share of gratuity payable to each*	Name, Address and relationship of the person or persons, if any, to whom the right conferred on the nominee shall pass in the event of the nominee predeceasing the railway servant or the nominee dying after the death of the railway servant but before receiving payment of the gratuity	Amount or share of gratuity payable to each @
1	2	3	4	5	6
1.					
2.					
3.					
4.					
5.					
and so on					

This nomination supersedes the nomination made by me earlier on(date) which stands cancelled.

Note:- (i)The Railway servant shall draw lines across the blank space below the last entry to prevent the insertion of any name after he has signed.

(ii) Strike out which is not applicable.

Dated this.....day of.....19.....

Witnesses to signature:

1.

.....

2.

Signature of railway servant. -----

*This column should be filled in so as to cover the whole amount of gratuity.

@The amount/share gratuity shown in this column should cover the whole amount/share payable to the original nominee(s).

(To be filled in by the Head of Office in the case of a non-gazetted railway servant)

Nomination by Signature of

Head of Office.....

Designation..... Date..... Office Designation

Performa for acknowledgement, the receipt of nomination form by the Head of Office/Accounts Officer.

To

.....
.....
.....

The receipt of your nomination, dated the/cancellation dated the of the nomination made earlier in respect of death-cum-retirement gratuity in formis hereby acknowledged. The same has been duly placed on record.

.....

Place..... Signature of the Head of Office/Accounts Officer

Dated the Designation.....

Note :- The railway servant is advised that it would be in the interest of the nominee(s) if copies of the nomination and the related notices and acknowledgement are kept in safe custody so that they may come into possession of the beneficiaries in the event of his death.

FORM 6

[See rule 75 (15)(a)]

STATEMENT SHOWING THE DETAILS OF THE MEMBERS OF THE FAMILY FOR PURPOSE OF FAMILY PENSION

1. Name (Block letters)
2. Designation.....Branch.....
3. Office
4. Date of birth
5. Date of appointment.....
6. Details of family as on

Sr.No.	Name of members of family	Relationship with the railway servant	Date of birth (ByChristianera)	Whether the child is physically or mentally handicapped or if the child is suffering from disability, whether it is permanent or temporary (Authority: - Notification	Remarks

				vide letter no. F (E) III/2008/PN 1/10 dated 22.10.08)	
1.					
2.					
3.					
4.					
5.					
6.					
and so on					

I declare that the information given above is correct. I hereby undertake to keep the above particulars upto date by notifying to the Head of Office by addition or alteration.

.....

Signature of railway servant

Station

Dated

Witness

Signature

Date

Name (Block Letters)

.....

Designation

Office

Countersigned

Head of Office/Accounts Officer

Station

Dated..... Designation.....

FORM 7

Form for assessing Pension / Family Pension and Gratuity

Sent in duplicate if payment is desired in a different circle of accounting unit

(See rules 78, 80, 81 (1) and (3) and 85(1))

PART – I

1. Name of the retiring Government employee
2. Father/Husband' name
3. Height
4. Marks of Identification
5. Date of Birth
6. Service to which belongs

- (Indicate name of organized service , if any)
7. Particulars of post held at the time of retirement-
 - (a) Name of the Office
 - (b) Post Held
 - (c) Whether the appointment mentioned above was under Government or outside the Government on foreign service terms.

8. Whether declared substantive in any post under the railways

9. Date of beginning of service
10. Date of ending of service
11. Cause of ending of service
 - (a) Permanent absorption in public sector undertaking/Autonomous body (rule 54)

 - (b) Due to abolition of post (rule 63)
 - (c) Superannuation (rule 51)
 - (d) Invalidment on medical ground (rule 55)
 - (e) Voluntary/premature retirement at the initiative of the Government servant under rules 66, 67 and Rule 1802 (b) (i) –

IREC Vol.II (1987 Ed.)
 - (f) Premature retirement at the initiative of the Government (rule 66 or rule 1802(a)-IREC Vol.II (1987 Ed.))
 - (g) Compulsory retirement (rule 64)
 - (h) Removal/dismissal from service (rules 40 and 65)
 - (i) Death
12. In the case of compulsory retirement the orders of the competent authority whether pension may be allowed at full rates or at reduced rates and in case of reduced rates, the percentage at which it is to be allowed.
13. In case of removal / dismissal from service whether orders of competent authority have been obtained for grant of compassionate allowance and if so, at what rate.
14. Particulars relating to military service, if any --
 - (a) Period of military service
 - (b) Terminal benefits drawn/ being drawn for military service.
 - (c) Whether opted for counting of military service towards Railway pension.
 - (d) If answer to (c) above is in the affirmative, whether the terminal benefits have been refunded.

- (e) In case of ex-servicemen who are eligible for family pension under the Armed Forces rules, whether opted to retain family pension under the Armed Forces rules or to draw family pension under the Railway rules.

15. Particulars relating to service in autonomous body, if any any -

(a) Particulars of Service: -

Name of Organisation	Post held	Period	
		From	To

(b) Whether the above service is to be counted for pension.

(c) Whether the autonomous organization has discharged its pensionary liability to the Railways.

16. Whether any departmental or judicial proceedings are pending against the retiring employee.

17. Qualifying service ---

(a) Details of omission, imperfection or deficiencies in the Service Book which have been ignored under rule 79 (1) (b) (ii).

(b) Period not counting as qualifying service -

- (i) Boy service (2nd proviso to rule 20)
- (ii) Extraordinary Leave not counting as qualifying service (rule 36)
- (iii) Periods of suspension not treated as qualifying service (rule 37)
- (iv) Interruptions in service (rule 42 (1) (b) and rule 43(c))
- (v) Periods of foreign service with United Nation bodies for which United Nations pension has been availed.
- (vi) Any other period not treated as qualifying service (give details)

(c) Additions to qualifying service -

- (i) Military service (rule 34)
- (ii) Weightage under rule 45
- (iii) Benefit of service in an autonomous body (rule 53)
- (iv) Weightage under rule 68

(d) Net qualifying service

(e) Qualifying service expressed in terms of completed six monthly periods (period of three months and over is treated as completed six monthly period)

18. Emoluments --

(a) Emoluments drawn during to 10 months preceding retirement --

From	To	Rate of Pay	Amount
------	----	-------------	--------

- (b) If the officer was on foreign service immediately preceding retirement, the notional emoluments which he would have drawn under government but for being on foreign service.
 - (c) Average emoluments reckoned for pension.
 - (d) Emoluments reckoned for retirement gratuity/death gratuity.
 - (e) Emoluments reckoned for family pension
19. Date on which the retiring employees submitted his application for pension in Form 8
20. Complete and up-to-date details of the family as given in Form 6

S.No.	Name of the member of the family	Date of birth	Relation with the Railway Servant
1	2	3	4

21. Whether nomination made for death gratuity/retirement gratuity.
22. The date on which action initiated to ----
- (a) obtain the ' No demand certificate' from the Directorate of Estates as provided in rule 77.
 - (b) assess the service and emoluments qualifying for pension as provided in rule 79 and
 - (c) assess the Government dues other than the dues relating to the allotment of Government accommodation as provided in rule 15(3) (b)
23. Details of Government dues recoverable out of gratuity --
- (a) Licence fee for government accommodation (see sub-rules (2) (3) and (4) of rule 16)
 - (b) Dues referred to in rule 15
24. (a) Proposed pension/service gratuity
- (b) Proposed dearness relief on pension (as on the date of retirement)
 - (c) Date from which pension is to commence.
25. Rate of family pension –
- (a) Enhanced rate
 - (b) Period for which family pension will be payable at enhanced rate.
 - (c) Ordinary rate.
 - (d) Date from which ordinary rate of family .
26. Amount of retirement gratuity/death gratuity.
27. Commutation of pension --
- (a) Whether simultaneously applied for commutation of pension with the pension application (applicable only in the case of those who retire on superannuation pension).
 - (b) The portion of pension commuted
 - (c) Commuted value of pension

- (d) Amount of residuary pension after deducting commuted portion.
- (e) Date from which reduced pension is payable.
- 28. Name and address of Bank/Pension Accounting Office from where pension is to be drawn.
- 29. Head of Account to which pension and gratuity are debitible.
- 30. Post retirement address of the retiree.

Signature of
the

Head of
Office

PART II

1. Date of receipt of pension papers by the Accounts Officer from Head of Office.
2. Entitlements admitted.
 - A. Length of Qualifying service
 - B. Pension ---
 - (i) Class of Pension
 - (ii) Amount of monthly pension
 - (iii) Date of commencement
 - C. Commutation of Pension--
 - (i) Commuted value of portion of pension commuted, if any
 - (ii) Residuary pension after commutation
 - (iii) Date from which reduced pension is payable
 - (iv) Date of restoration of commuted portion of pension subject to the pensioner continuing to live
 - D. Retirement/ Death Gratuity
 - (i) Total amount payable
 - (ii) Amount to be adjusted towards Government dues
 - (iii) Amount to be withheld for adjustment of unassessed dues.
 - (iv) Net amount to be released immediately
 - E. Family Pension --
 - (i) At enhanced rate
 - (ii) Period for which Family pension at enhanced rate is payable
 - (iii) A normal rate
3. Head of Account to which the amount of pension, retirement/death gratuity and family pension are to be debited

Authority: -Railway Board's letter No. F (E) III/94/PN-1/31 (Amendment) dated 3..2.95)

FORM 8

[See rule 79(1)(c) and 81(1)]

PARTICULARS TO BE OBTAINED BY THE HEAD OF OFFICE FROM THE RETIRING RAILWAY SERVANT EIGHT MONTHS BEFORE THE DATE OF HIS RETIREMENT

1. Name
- 2 .(a) Date of birth
- (b) Date of retirement
3. *Two specimen signatures (to be furnished in a separate sheet duly attested by a gazetted Government servant).
4. **Three copies of passport size joint photograph*** with wife or husband (To be attested by the Head of Office).
5. Two slips showing the particulars of height**** and personal identification marks duly attested by a gazetted Government servant.
6. Present Address.
7. @Address after retirement.
8. Name of the Treasury or the Branch of Public Sector Bank/Post Office or the Pay and Accounts Office through which the pension is to be drawn.
9. Details of the Family in Form 6.
10. Indicate whether family pension is admissible from any other source-Military or State Government and or a Public Sector Undertaking/autonomous body/Local Fund under the Central or a State Government.

.....
Signature

Place..... Designation.....

Dated, the.....

Ministry/Dept. /Office.

*Two slips each bearing the left hand thumb and finger impressions duly attested may be furnished by a person who is not literate enough to sign his name. If such a railway servant on account of physical disability is unable to give left hand thumb and finger impressions he may give thumb and finger impressions of the right hand. Where a railway servant has lost both hands, he may give his toe impressions. Impressions should be duly attested by a gazetted Government servant.

**Two copies of the passport size photograph of self only need be furnished by a railway servant if he is governed by rule 75 of the Railway Service (Pension) Rules 1993 and is unmarried or a widower or widow;

***Where it is not possible for a railway servant to submit a photograph with his wife or her husband, he or she may

submit separate photographs. The photographs shall be attested by the Head of Office

***Specify a few conspicuous marks, not less than two, if possible.

@Any subsequent change of address should be notified to the Head of Office.

FORM 9

[See rule 81(1)]

FORM OF LETTER TO THE ACCOUNTS OFFICER FORWARDING THE PENSION PAPERS OF A RAILWAY SERVANT

No.

Office of

Station

Dated, the

To

The Financial Advisor and

Chief Accounts Officer/

The Pay and Accounts Officer

.....

.....

.....

Subject : Pension papers of Shri/Shrimati/

Kumari.....

for authorisation of pension.

Sir,

I am directed to forward herewith the pension papers of Shri/Shrimati/Kumari of this Ministry/Department/Office for further necessary action.

2. The details of Railway/Government dues which will remain outstanding on the date of retirement of the railway servant and which need to be recovered out of the amount of death-cum-retirement gratuity are indicated below:

(a) Balance of the house-building or conveyance advance. Rs.

(b) Overpayment of pay and allowances including leave salary Rs.

(c) Income-tax deductible at source under the Income-tax Act, 1961 (43 of 1961) Rs.

(d) Arrears of licence-fee for occupation of Railway/Government accommodation Rs.

(e) The amount of licence-fee for the retention of railway or Government accommodation for the permissible period of two months beyond the date of retirement. Rs.

(f) Any other assessed dues and nature thereof. Rs.

(g) The amount of gratuity to be withheld for adjustment of unassessed dues, if any Rs.

Total Rs.

3. Attention is invited to the list of enclosures, which is forward herewith.

4. The receipt of this letter may be acknowledged and this Ministry/Department/Office informed that necessary instruction for the disbursements of pension have been issued to disbursing authority concerned.

5. The death-cum-retirement gratuity will be drawn and disbursed by this Ministry/Department/Office on receipt of authority from you. The outstanding Railway or Government dues as mentioned in para 2 above will also be recovered out of the death-cum-retirement gratuity before making payment.

List of enclosures

1. Form7*and Form 8 duly completed.
2. Medical certificate of incapacity (if the claim is for invalid pension).
3. Statement of the savings affected and the reasons why employment could not be found elsewhere (if claim is for compensation pension or gratuity).
4. Service book (date of retirement to be indicated in the service book).
5. (a) Two specimen signatures, duly attested by a gazetted government servant or in the case of pensioner not literate enough to sign his name, two slips bearing the left hand thumb and finger impressions, duly attested by a gazetted government servant.
- * (b) Three copies of passport six photograph with wife or husband (either jointly or separately) duly attested by the Head of Office.
- (c) Two slips showing the particulars of height and identification marks duly attested by a gazetted Government servant.
6. A statement, indicating the reasons for delay in case the pension papers are not forwarded before six months of the retirement of railway servant.
7. Written statement, if any, of the railway servant as required under rule 79(I)(a).
8. Brief statement leading to reinvestment of the railway servant in case the railway servant has been reinvested after having been suspended, compulsorily retired, removed or dismissed from service.

NOTE: When initials or name of the railway servant are or is incorrectly given in the various records consulted this fact should be mentioned in the letter.

[See rules 92 and 100(2)]

FORM OF APPLICATION FOR THE GRANT OF FAMILY PENSION 1964 ON THE DEATH OF A RAILWAY
SERVANT/PENSIONER

1. Name of the applicant:

(i) Widow/widower

(ii) Guardian if the deceased person is survived by child or children.

2. Name and age of surviving widow/widower and children of the deceased railway servant/pensioner :-

Sl. No. Name Relationship with the Date of birth by

deceased person Christian era

1.

2.

3.

4.

5.

6.

3. Name and No. of the Pension Payment Order of the deceased pensioner.

4. Date of death of the railway servant/pensioner.

5. Office in which the deceased railway servant/pensioner served last.

6. If the applicant is guardian, his date of birth and relationship with the deceased railway servant/pensioner.

7. If the applicant is a widow/widower the amount of service pension which she may be in receipt on the date of death of the husband/wife.

8. Full address of the applicant.

9. Place of payment of the Pension and Gratuity (Treasury, Sub-treasury or Public Sector Bank Branch and Pay and Accounts Office).

10. Enclosures:

(i) Two specimen signatures of the applicant, duly attested (to be furnished in two separate sheets).

(ii) Two copies of passport size photograph of the applicant duly attested.

(iii) Descriptive Roll of the applicant, duly attested indicating (a) height and (b) personal marks, if any, on the hand, face etc. (specify a few conspicuous marks, not less than two, if possible).

(iv) Two slips each bearing left hand thumb and finger impressions* of the applicant, duly attested.

(v) Certificate (s) of age (in original with two attested copies) showing the dates of birth of the children. The certificate should be from the Municipal Authorities or from the local Panchayat or from the head of a recognised school if the child is studying in such school. This information should be furnished in respect of such child or children, the particulars of whose date of birth are not available with the Head of Office.

11. Signature or left hand thumb impression* of the applicant.

12. Attested by

Name Full Address Signature

(i)..... (ii).....

13. Witness.

Name Full address Signature

(i) (ii)

Note: Attestation should be done by two gazetted Government servants or two or more persons of respectability in the town, village or Pargana in which the applicant resides.

*To be furnished in case the applicant is not literate enough to sign his name.

In the case of re-marriage of the widow while applying for family pension on behalf of the minor child, the widow should furnish (i) the date of her re-marriage, (ii) name of the Treasury/Sub-Treasury at which payment is desired and (iii) her full address in the application for family pension. It is not necessary to furnish a fresh application or the documents.

FORM 11

[See rule 92(2)]

FORM OF LETTER TO THE MEMBER OR MEMBERS OF THE FAMILY OF THE FAMILY OF A DECEASED RAILWAY SERVANT
WHERE VALID NOMINATION FOR THE GRANT OF THE DEATH GRATUITY EXISTS

No.....

Office of.....

Station.....

Dated.....

To

.....
.....
.....

Sub:- Payment of death-cum-retirement in respect of the late Shri/Shrimati.....

Sir/Madam.

I am directed to state that in terms of the nomination made by the late Shri/Shrimati.....(Designation) in the Office/Department of A death-cum-retirement gratuity is payable to his/her nominee(s). A copy o the said nomination is enclosed herewith.

- 2. I am t request that a claim for the grant of the gratuity may be submitted by you in the enclosed Form 13.
- 3. Should any contingency have happened since the date of making the nomination, so as to render the nomination invalid, in whole or in part, precise details of the contingency may kindly be stated.

Yours faithfully

Head of office

FORM 12

[See rule 92(2)]

FORM OF LETTER TO THE MEMBERS OF THE FAMILY OF A DECEASED RAILWAY SERVANT WHERE VALID NOMINATION FOR THE GRANT OF DEATH GRATUITY DOES NOT EXIST

No.

Office of

Station

Dated

To

.....
.....
.....

Sir/Madam,

Sub: - Payment of death-cum-retirement gratuity in respect of the late Shri/Shrimati

I am directed to say that in terms of Rule 70a death-cum-retirement gratuity is payable to the following members of the family of late Shri/Shrimati.....(Designation) in the office/department/Ministry of.....in equal shares:

(i) Wife/husband including judicially separated wife/husband

(ii) Sons

including step children and adopted children

(iii) Unmarried daughters

2. In the event of there being no surviving member of the family as indicated above, the gratuity will be payable to the following members of the family in equal shares:

(i) Widowed daughters including step daughters and adopted daughters

(ii) Father

including adoptive parents in case of individuals whose personal law permits adoption

(iii) Mother

(iv) Brother below the age of eighteen years and unmarried/widowed sisters including step brothers and step sisters.

(v) Married daughters, and

(vi) Children of a pre-deceased son.

3. It is requested that a claim for the payment of gratuity may be submitted in the enclosed Form 13 as soon as possible.

Yours faithfully,

Head of Office

FORM 13

[See rule 92(2)]

FORM OF APPLICATION FOR THE GRANT OF DEATH GRATUITY ON DEATH OF A RAILWAY SERVANT

[To be filled in separately by each claimant and in case the claimant is minor; the Form should be filled in by the guardian on his/her behalf. Where there are more than one minor, the guardian should claim gratuity in one Form on their behalf.]

1. (i) Name of the claimant in case he is not minor.

(ii) Date of birth of the claimant.

2. (i) Name of the guardian in case the claimants are minor.

(ii) Date of birth of the guardian.

3. (i) Name of the deceased railway servant in respect of whom gratuity is being claimed.

(ii) Date of death of railway servant.

(iii) Office/Department in which the deceased served last.

4. Relationship of the claimant/guardian with the deceased railway servant.

5. Full postal address of the claimant/guardian.

6. (i) Where gratuity is claimed by the guardian on behalf of minors, their ages, relationship with the deceased railway servant, etc. :-

Sl. No. Name Age Relationship with the deceased Postal Address

railway servant

--

- 1.
- 2.
- 3.
- 4.
- 5.

-

(ii) Relationship of the guardian with minor.

7. Place of payment of pension and gratuity.

(Treasury, Sub-treasury, Public Sector Bank Branch, or the Pay and Accounts Officer.)

Signature/Thumb-impression of the claimant/guardian

8. Two specimen signatures or* left hand thumb and finger impressions of the claimant/guardian duly attested. (To be furnished in a separate sheet.)

9. **Attested by:-

Name Full Address Signature

(i)

(ii)..

10. Witness.

Name Full address Signature

(i) (ii)

*To be furnished in case the applicant is not literate enough to sign his name.

**Attestation should be done by two gazetted Government servants or two or more persons of respectability in the town, village or Parganas in which the applicant resides.

FORM 14

[See rule 92(3)]

FORM OF LETTER TO THE WIDOW/WIDOWER OF A DECEASED RAILWAY SERVANT FOR GRANT OF FAMILY PENSION 1964

No.

Office of

Dated, the

To

.....

.....

.....

Sub: - Payment of Family Pension 1964 in respect of late Shri/ Shrimati.....

Sir/Madam,

I am directed to say that in terms of rule 75 of the Railway Service (Pension) Rules, 1993, a Family Pension 1964 is payable to you as widow/widower of the late Shri/Shrimati.....(Designation) in the office of.....

2. You are advised that a claim for the grant of Family Pension 1964 may be submitted in the enclosed Form 10.

3. The Family Pension 1964 will be payable till your death or re-marriage, whichever event occur earlier. In the event of your death or re-marriage, the Family Pension 1964 shall be granted to the child or children, if any through the guardian.

Yours faithfully,

Head of Office

FORM 15

(See rule 47)

FORM OF CERTIFICATE OF VERIFICATION OF SERVICE FOR PENSION

No.....

Government of India

Ministry of.....

Dated

Certificate

It is clarified, in consultation while Accounts Officer, that ShriDesignationhas completed a qualifying service of..... years..... months and..... day as on (date), as per details given below:

The service has been verified on the basis of his service documents and in accordance with the rules regarding qualifying service in force at present. The verification of service under sub-rule (1) and (2) of rule 47 of the Railway Services (Pension) Rules, 1993 shall be treated as final and shall not be re-opened except when necessitated by a subsequent change in the rules and orders governing the conditions under which the service qualifies for pension.

DETAILS OF QUALIFYING SERVICE

From To

DETAILS OF QUALIFYING SERVICE	
From	To
-----	-----
1.	
2.	
3.	
-----	-----

Signature of Head of Office

To
Shri.....
(Name and Designation)

FORM 16

[See rules 93, 95(1), (3)(5) and 97(1)(5)]

FORM FOR ASSESSING AND AUTHORISING THE PAYMENT OF FAMILY PENSION AND DEATH CUM-RETIREMENT GRATUITY WHEN A RAILWAY SERVANT DIES WHILE IN SERVICE...

(To be sent in duplicate if payment is desired in a different Circle of accounting unit).

PART I

Section I

1. Name of the deceased railway servant.
2. Father's name (and also husband's name in the case of female railway servant).

3. Date of birth (by Christian era)
4. Date of death (by Christian era)
5. Religion
6. Office/Department/Ministry in which last employed
7. Appointment held last:
 - (i) Substantive
 - (ii) Officiating
8. Date of beginning of service
9. Date of ending of service
10. (i) Total period of military service for which pension gratuity was sanctioned; and
(ii) Amount and nature of any pension gratuity received for the military service.
11. Amount and nature of any pension received for previous civil service, if any
12. Railway under which service has been rendered in order of employment
13. The date on which intimation regarding the death of railway servant was received by the Head of Office.
14. The date on which action initiated to
 - (i) Obtain claim or claims from the claimants in the appropriate form for death-cum-retirement gratuity and family pension provided in rule 92.
 - (ii) Obtain the No Demand Certificate from the Directorate of Estates.
 - (iii) Assess the Railway dues other than the dues pertaining to occupation of Railway accommodation.
 - (iv) Assess the service and emoluments qualifying for death-cum-retirement gratuity and family pension as provided in rules 93 and 94.
15. Whether nomination made for death-cum-retirement gratuity.
16. Length of service qualifying for death-cum-retirement gratuity/pension.
17. Periods of non-qualifying service-
 - (i) Interruption in service condoned under rule 43 From To
 - (i) Extraordinary leaves not qualifying for gratuity.
 - (ii) Period of suspension treated as non-qualifying.
 - (iii) Any other service not treated as qualifying service.

Total period of non-qualifying service.

18. (a) Emoluments reckoning for death-cum-retirement gratuity.

(b) Amount of death-cum-retirement gratuity.

19. If Family Pension, 1964 applies:

(i) Proposed Family Pension at-

(a) enhanced rates (if service rendered at the time of death is more than seven years as in rule 75(4))

(b) ordinary rates-[as in rule 75(2)]

(ii) Period of tenability of Family Pension, 1964 From To

(a) enhanced rates

(b) ordinary rates

20. Person to whom family pension is payable:

21.

22. Name:

23.

24. Relationship with the deceased:

25.

26. Railway servant

27.

28. Full Postal address:

29.

21. Details of Government and railway dues recoverable out of gratuity-

(i) Licence-fee for occupation of Railway/Government accommodation.

(ii) Amount of death-cum-retirement gratuity to be held over pending receipt of information from the

Directorate of Estate/Engineering Department.

(iii) Dues referred to in rule 98(2)

22. Date on which claims received from the claimants.

23.

24. Name of guardian who will receive payment of death –cum-retirement gratuity and family pension in the case of

minors.

25.

26. Place of payment (Treasury, sub-treasury or Branch of Public Sector Bank or the Pay and Accounts Office).

27. Head of Account to which death-cum-retirement gratuity and family pension are debitable.

28.

Place.....

Dated, the..... Signature of Head of Office

Section II

Details of provision of family pension and gratuity to be drawn and disbursed by the Head of Office in accordance with rule 96.

Provisional Family Pension Rs.....p.m.

Gratuity [the amount mentioned in item 18(b) of Part I]. Rs.....p.m.

Less:

(a) Licence-fee recoverable from gratuity for occupation of Railway/Government accommodation

[as in item 21(i) of Section I] Rs.....p.m.

(b) Amount of gratuity to be held over pending receipt of information from the Directorate of Estate/Engineering Department (as in item 21 of Part I)

Rs.....

(c) Other Government dues as mentioned in item 21(iii) of Part I. Rs.....

(d) Total of (a), (b) and (c) Rs.....

Place.....

Dated the.....

Signature of Head of Office

PART II

Section I

Account Enforcement

1. Total period of qualifying service, which has been accepted for-

(i) Death-cum-retirement gratuity

(ii) Family Pension, 1964

2. Net amount of gratuity after adjusting Government dues.

3. Amount and the period of tenability of Family Pension, 1964.

If death took place Amount Period of

Tenability

Rs. From To

(i) before seven years service.

(ii) after seven years service.

4. Date from which Family pension is admissible.

5. Head of Accounts to which death-cum-retirement gratuity and family pension are chargeable.

Section II

1. Name of the deceased railway servant.

2. Date of death of the railway servant.

3. Date on which pension papers received by the Account Officer.

4. Amount of family pension authorised.

5. Amount of gratuity authorised.

6. Date of commencement of family pension.

7. Date on which payment of family pension and gratuity authorised.

8. Amount recoverable from gratuity.

9. Amount of gratuity held over pending receipt of 'No demand certificate'.

Place.....

Dated, the..... Accounts Officer

FORM 17

[See rule 95(1)]

FORM OF LETTER TO THE ACCOUNTS OFFICER FORWARDING PAPERS FOR THE GRANT OF FAMILY PENSION AND DEATH-

CUM-RETIREMENT GRATUITY TO THE FAMILY OF A RAILWAY SERVANT WHO DIES WHILE IN SERVICE.

No.

Office of.....

Station.....

Dated the.....

To

The Pay and Accounts Officer/
Financial Adviser and Chief

Accounts Officer,
.....
.....

.....
.....

Sub : Grant of family Pension and death-cum-retirement gratuity.

Sir,

I am directed to say that Shri..... (designation) died on..... His family has become eligible for the grant of family pension and death-cum-retirement gratuity. Form 16 duly completed is forwarded herewith for further necessary action.

2. Railway dues in respect of the deceased railway servant will be recovered out of death-cum-retirement gratuity as indicated in Section II of Part I of Form 16.

3. Your attention is invited to the list of enclosures which is forwarded herewith.

4. The receipt of this letter may be acknowledged and this Office informed that necessary instructions for the disbursement of family pension and death-cum-retirement gratuity have been issued to the disbursing authority concerned.

Yours faithfully,

Head of Office

List of enclosures

1. Form 16 duly completed.
2. Service book (Date of death to be indicated in the service book).
3. Two specimen signatures or left hand thumb and finger impressions of the claimant or guardian duly attested.
4. Two copies of passport size photographs of the claimant or guardian duly attested.
5. Two copies of descriptive roll of the claimant or guardian duly attested indicating height and personal marks.
6. Postal address of the claimant of guardian.

FORM 18

[See rule 100(2)(5)(ii)]

FORM OF LETTER SANCTIONING FAMILY PENSION 1964 TO THE CHILD OR CHILDREN OF A RETIRED RAILWAY SERVANT WHO DIES AFTER RETIREMENT BUT DOES NOT LEAVE BEHIND A WIDOW OR WIDOWER.

No.

Office of

Station

Dated the

To

The Financial Adviser and

Chief Accounts Officer/

Pay and Accounts Officer,

.....

.....

Sub: - Grant of Family Pension 1964 to the child/children.

Sir,

I am directed to say that Shri/Shrimatiformerly (Designation) of this Department was authorised pension of Rs..... with effect from On his/her retirement from service.

2. Intimation has been received in this Department that Shri/Shrimati..... Died on and that at the time of death left no widow/widower but was survived by the following children* :-

1.

2.

3.

4.

5.

6.

3. In terms of rule 75 of Railway Service (Pension) Rules, 1993 the amount of Family Pension 1964 has become payable to the children in the order mentioned above. The Family Pension 1964 will be payable on behalf of the minor or Shri/Shrimati who is the guardian.

4. Sanction for the grant of Family Pension 1964 of Rs per month to the children mentioned above is hereby accorded. The Family Pension 1964 will take effect from and subject to the provisions of sub-rule (5) of rule 75 of the Railway Services (Pension) Rules, 1993 will be tenable till.....

5. Attention is invited to the information furnished in the list of enclosures.

6. The receipt of this letter may kindly be acknowledged and this Office informed that instructions for the payment of Family Pension 1964 to the guardian have been issued to the disbursing authority concerned.

Yours faithfully,

Head of Office,

List of enclosures

1. Permanent address of the guardian.
2. Place of payment (Government Treasury, Sub-Treasury or Branch of Public Sector Bank or Pay and Accounts Office).
3. Specimen signature of **left hand thumb and finger impressions of the claimant or guardian duly attested.
4. Two attested copies of passport size photograph of the guardian.
5. Descriptive roll of the guardian duly attested.

--

*The names of children should be mentioned in the order of eligibility mentioned in rule 75 of the Railway Services (Pension) Rules, 1993.

**To be furnished in the case of the guardian who is not literate enough to sign his or her name.

FORM 19

[See rule 100(2)(c)(iv)]

FORM OF LETTER SANCTIONING FAMILY PENSION TO THE CHILD OR CHILDREN ON THE DEATH OR RE-MARRIAGE OF A WIDOW/WIDOWER WHO WAS IN RECEIPT OF FAMILY PENSION 1964.

No.

Office of.....

Station.....

Dated the

To,

The Financial Adviser and

Chief Accounts Officer/

Pay and Accounts Officer,

.....

.....

Sub : Grant of family pension to the child/children.

Sir,

I am directed to say that Shri/Shrimati.....Widow/Widower of late Shri/Shrimati formerly..... (designation) in this Office was authorised the payment of till the death or re-marriage of the widow/widower.

2. Intimation has been received in this Office that Shri/Shrimati..... died/re-married on

3. At the time of death/re-marriage Shri/Shrimati Had following children* -

S. No. Name Son/Daughter Date of birth in Date from which

Christian era the family pension

ceases to be payable

1.

2.

3.

4.

5.

6.

*The names of children should be mentioned in the order of eligibility mentioned in rule 75 of the Railway Services (Pension) Rules, 1993.

4. In terms of rule 75 of the Railway Services (Pension) Rules, 1993, the amount of Family Pension 1964 will be payable on behalf of the minors to Shri/Shrimati..... who is the guardian.

5. Sanction for the grant of Family Pension 1964 of Rs..... p.m. to the children mentioned above is hereby accorded. The Family Pension 1964 will take effect from..... And subject to the provisions of sub-rule of Rule 75 of the Railway Services (Pension) Rules, 1993 will be tenable till.....

6. Attention is invited to the information furnished in the list of enclosures.

7. The receipt of this letter may kindly be acknowledged and this Office informed that necessary instructions for the payment of Family Pension 1964 to the guardian have been issued to the disbursing officer concerned.

Yours Faithfully,

Head of Office.

LIST OF ENCLOSURES

1. Permanent address of the guardian.
2. Place of payment (Government Treasury, Sub-Treasury, Branch of Public Sector Bank, Pay and Accounts Office or Post Office).
3. Specimen signature or *left hand thumb and finger impressions of the guardian, duly attested.
4. Two attested copies of passport size photograph of the guardian.
5. Descriptive roll of the guardian duly attested.

--

*To be furnished in the case of the guardian who is not literate enough to sign his or her name.

FORM 20

[See rule 1000(3)]

Form of application for the Grant of Residuary* Gratuity on the Death of a Pensioner.

(To be filled in separately by each applicant)

1. Name of the applicant.
2. (i) Name of the guardian in case the applicant is minor.
(ii) Date of birth of guardian.
3. Name of the-deceased pensioner.
4. Office/Department/Ministry in which the-deceased pensioner served last.
5. Date of death of the pensioner.
6. Date of retirement of the deceased pensioner.
7. Amount of monthly** pension (including adhoc increase, if any) sanctioned to the deceased pensioner.
8. Amount of death-cum-retirement gratuity received by the deceased pensioner.
9. The amount of pension** (including ad-hoc increase, if any) drawn by the deceased till the date of death.

10. If the deceased had commuted a portion of pension before his death, the commuted value of the pension.
11. Total of items 8, 9 and 10.
12. Amount of death-cum-retirement gratuity equal to twelve times of the emoluments.
13. The amount of residuary gratuity claimed, i.e., the difference between the amount shown against items 12 and 11.
14. Relationship of the applicant with the deceased pensioner.
15. Date of birth of the applicant.
16. Name of the Treasury or Sub-Treasury at which payment is desired.
17. Full address of the applicant.
18. Signature or thumb impression of the applicant (to be furnished in a separate sheet duly attested***)
19. Attested by :

Name Full Address Signature

(i).....

(ii)

20. Witnesses :

21. Name Full Address Signature

(i)

(ii)

*If a retired railway servant in receipt of service gratuity or pension dies within five years from the date of his retirement from service including compulsory retirement as a penalty and the sums actually received by him at the time of his death on account of such gratuity or pension including ad-hoc increase, if any, together with the death-cum-retirement gratuity and the commuted value of any portion of pension commuted by him are less than the amount of equal to twelve times of his emoluments, a residuary gratuity equal to the deficiency becomes payable to the family.

**When a railway servant has retired before earning a pension, the amount of service gratuity should be indicated.

***Attestation should be done by two gazetted Government servants or by two or more persons of respectability in the town, village or pargana in which the applicant resides.

**PART II
CHAPTER I
PRELIMINARY**

Rule		Page
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1. Short title and commencement –(1) These rules may be called the Railway Services (Commutation of Pension) Rules, 1993.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. Application –These rules shall apply to railway servants appointed on or before the 31 st day of December, 2003 and who are entitled to or have been authorised any class of pension referred to in Chapter V of the Railway Pension Rules.

(Authorities: Railway Board’s letter No. F(E)III/2003/PN1/38(Amendment)II dated30.12.03)

3. Definitions – (1) In these rules, unless the context otherwise requires,

- (a) “applicant” means a railway servant, including a retired railway servant, who applies for commutation of a fraction of pension in such one of the Forms 1 to 3 as may be applicable to the case of the applicant;
- (b)
- (c) “Chief Medical Authority” means the Chief Medical Officer, as the case may be, of the railways; and for the staff of Railway Board covered by Central Government Health Scheme, the Chairman of the Central Standing Medical Board, Dr. Ram Manohar Lohia Hospital or Safdarjung Hospital, New Delhi;
- (d) “retirement gratuity” means the gratuity payable under sub-rule (1) of rule 70 of the Railway (Pension) Rules;
- (e)
- (d) “disbursing authority” means-
 - (i) Branch of a Nationalised Bank; or
 - (ii) Treasury including sub-treasury; or
 - (iii) Accounts Officer; or
 - (iv) Branch of a Post Office,

from where the applicant is receiving pension authorised under the Railway Pension Rules;

- (e) “Form” means a Form appended to these rules;
- (f) “Head of Office,” means a gazetted officer referred to in clause (15) of rule 3 of the Railway Pension Rules;
- (g)
- (h) “Medical authority” means medical authority referred in rule 23;
- (i)
- (j) “Pension” means any class of pension including Compassionate allowance referred to in Chapter V of the Railway Pension Rules but does not include extra pension and the amount, by whatever name called, granted by the railway to a Pensioner as a Compensation for higher cost of living;
- (k)
- (i) “Provisional Pension” means the pension referred to in rule 10 or rule 9, as the case may be, of the Railway Pension Rules,
- (j) “Railway Pension Rules” means the Railway Services (Pension) Rule, 1993;
- (k) “Table” means the table in Appendix to these rules.

(2) The words and expressions used in these rules but not defined shall have the meanings respectively assigned to them in the Railway Services (Pension) Rules.

CHAPTER II GENERAL CONDITIONS

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4. Exercise of powers- The powers conferred by these rules shall be exercised by the authorities competent to sanction pensionary benefits to a railway servant as specified in rule 89 of the Railway pension Rules.

5. Restriction on commutation of pension- No railway servant against whom any departmental or any judicial proceedings as referred to in rule 9 of the Railway Pension Rules, have been instituted before the date of his retirement, or the pensioner against whom such proceedings are instituted after the date of his retirement, shall be eligible to commute a fraction of his provisional pension authorised under rule 10 of the Railway Pension Rules or the pension, as the case may be, during the pendency of such proceedings.

6. Limit on Commutation of Pension- (1) Subject to the provisions of these rules, a railway servant shall be entitled to commute for lump sum payment **of an amount not exceeding forty percent** of his pension.

(2) In an application for commutation in Form 1, Form 2 or Form 3 as the case may be, an applicant shall indicate the **percent** of pension which he desires to commute and shall indicate the maximum limit of **forty percent** of pension or such lower limit as he may desire to commute.

(3) If **percent** of pension to be commuted results in fraction of rupee, such fraction of rupee, such fraction of a rupee shall be ignored for the purpose of **commutation**.

7. Commutation of Pension to become absolute- (1) The commutation of pension shall become absolute in the case of an applicant referred to –

(i) in sub-rule (1) of rule 14 on the date on which the application in Form 1 is received by the Head of Office;

(ii) in sub-rule (3) of rule 14 on the date following the date of retirement of the applicant;

(iii) in Chapter IV, on the date on which the medical authority signs the medical report in Part III of Form 5.

Provided that-

(a) in the case of an applicant who is drawing his pension from a treasury or Accounts Officer, the reduction in the amount of pension on account of commutation shall be operative from the date of receipt of the commuted value of pension or at the end of three months after issue of authority by the Accounts Officer for the payment of commuted value of pension, whichever is earlier;

(b)

(c) in the case of an applicant who is drawing pension from a branch of a Nationalised bank or Post Office, the reduction in the amount of pension on account of commutation shall be operative from the date on which the commuted value of pension is credited by the bank to the applicant's account to which pension is being credited; and

(d)

(e) in case of an applicant governed by sub-rule (3) of rule 14 in whose case the commuted value of pension becomes payable on the day following the date of his retirement, the reduction in the amount of pension on account of commutation shall be operative from its inception. Where payment of commuted value of pension could not be made within the first month after the date of retirement, the difference of monthly pension for the period between the day following the date of retirement and the date preceding the date on which the commuted value of pension is deemed to have been paid in terms of rule 49 of the Central Government Accounts (Receipts and Payments) Rules, 1983, shall be authorised by the Accounts Officer.

(f)

(2) In the case of an applicant referred to in rule 10 or rule 11 the commuted value shall be paid in two stages. The reduction in the amount of pension shall be made from the respective dates of the payments as laid down in clause (a) or clause (b) of the provision to sub-rule (i).

(3) The date on which the payment of the commuted value of pension was credited to the applicant's account shall be entered in both halves of the pension payment order by the disbursing authority under intimation to the Accounts Officer who authorised the payment of commuted value of pension.

8. Nomination – (1) An applicant shall make a nomination in Form 6 alongwith the application referred to in rule 14 or rule 20, as the case may be, conferring on one or more persons the right to receive the commuted value of pension in case the applicant dies without receiving the commuted value on or after the date on which commutation became absolute.

(2) If there is no such nomination, or if the nomination does not subsist, the commuted value shall be paid to the family in the manner indicated in clause (a) of sub-rule (1) of rule 71 of the Railway Pension Rules.

(3) If in any case the commuted value cannot be paid in the manner indicated in sub-rules (1) and (2), the same shall be paid to his heirs.

9. Calculation commuted value of pension – The lumpsum payable to an applicant shall be calculated in accordance with the Table of the values in Appendix applicable to the applicant on the date on which the commutation becomes absolute.

10. Commutation of provisional pension – (1) A railway servant to whom, pending assessment of final pension, provisional pension has been sanctioned under rule 91 of the Railway Pension Rules, shall be eligible to commute a fraction of such provisional pension subject to the limit specified in rule 6.

(2) For the purpose of commutation of provisional pension, the provisions of Chapter III or Chapter IV as the case may be, shall apply.

(3) The provisions of this sub-rule shall apply to an applicant who for the purpose of commutation of provisional pension is governed by Chapter IV.

(i) Where an applicant desires to commute a fraction of his provisional pension which works out to be not exceeding *two thousand rupees* per mensem and in whose case it is expected that the amount which he would be entitled to commute when the final amount of pension has been authorised would exceed *two thousand rupees* per mensem, his application shall be deemed, for the purpose of rule 23, to be for commutation of amount exceeding one hundred rupees per mensem.

(ii)(a) Where the applicant does not indicate the possibility of his entitlement to commutation of pension exceeding *two thousand rupees* per mensem on the determination of final pension due to him, he shall be treated as having applied for commutation of pension not exceeding

one hundred rupees per mensem.

(b) If on the determination of final pension, the applicant becomes entitled to commute his pension up to **two thousand rupees** per mensem, he shall not be required to undergo medical examination for payment to him of the difference between the commuted value of the pension originally commuted and the pension commuted subsequently.

(c) If on the determination of final pension, the applicant becomes entitled to commute a sum exceeding **two thousand rupees**, he shall, for commutation of pension exceeding rupees one hundred, be required to apply afresh in Form 2.

(Rly. Bd. Letter No.FE-III/2003/PNI/25 dt.24.01.2005)

11. Retrospective revision of final pension –An applicant who has commuted a fraction of his final pension and after commutation his pension has been revised and enhanced retrospectively as a result of Railway Board's decision, the commuted value determined with reference to enhanced pension and the commuted value already authorised. For the payment of difference the applicant shall not be required to apply afresh:

Provided that in the case of an applicant who has commuted a fraction of his original pension not exceeding **two thousand rupees** after being declared fit by a Civil Surgeon or a District Medical Officer and as a result of retrospective enhancement of pension, he becomes eligible to commute an amount exceeding **two thousand per mensem**, he shall be allowed the difference between the commuted value of **two thousand** per mensem **and the commuted value of the fraction of the original pension without further medical examination. The commutation of any further amount beyond two thousand rupees per mensem** shall be treated as fresh commutation and allowed subject to examination by a Medical Board.

(Rly. Bd. Letter No.FE-III/ 2003/PNI/25 dt.24.01.2005)

CHAPTER III

COMMUTATION OF PENSION WITHOUT MEDICAL EXAMINATION

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12. Scope –The provisions of this Chapter shall apply to an applicant who is eligible to commute a fraction of his pension without medical examination.

13. Eligibility –An applicant who is authorised –

(i) a superannuation pension under Rule 51 of the Railway Pension Rules; or

(ii) a retiring person under rule 52 of the Railway Pension Rules; or

(iii) a pension on absorption in or under a corporation or company or body in terms of rule 53 of the Railway

Pension Rules and who elects to receive monthly pension and death-cum-retirement gratuity; or

(iv) a compensation pension on abolition of permanent post under rule 63 of the Railway Pension Rules; or

(v) a pension in whole or in part on the finalisation of the departmental or judicial proceedings referred to in rule 9 of the Railway Pension Rules and issue of final orders thereon.

(vi) shall, subject to the limit in rule 6, be eligible to commute a fraction of his pension without medical examination:

Provided that he applies for commutation of pension in Form 1 or Form 2 in accordance with the provisions of rule 14.

NOTE:- Pension referred to in clause (i), clause (ii) and clause (iv) shall include the provisional pension sanctioned under rule 91 of the Railway Pension Rules.

14. Application for commutation of pension – (1) An applicant, who is in receipt of any pension referred to in rule 13 and desires to commute a fraction of the pension any time after the date following the date of his retirement from service but before the expiry of one year from the date of retirement, shall –

(a) apply of the Head of Office in Form 1 after the date of his retirement;

(b) ensure that the application in Form 1, duly completed, is delivered to the Head of Office as early as possible but not later than one year of the date of his retirement:

Provided that in the case of an applicant –

(a) referred to in clause (iii) of rule 13 where order retiring him from Railway service had been issued from a retrospective date, the period of one year referred to in this sub-rule shall reckon from the date of issue of such retirement order;

(b) referred to in clause (v) of Rule 13, the period of one year referred to in this sub-rule shall reckon from the date of the issue of the orders consequent on the finalisation of the departmental or judicial proceedings.

(2) An applicant who applies for commutation of pension within one year of the date of his retirement but his application Form 1 is received by the Head of Office after one year of the date of his retirement shall not be eligible to get his pension commuted, without medical examination. Such an applicant, if he desires to commute a fraction of his pension, shall apply afresh in Form 2 in accordance with the procedure laid down in Chapter IV.

(3) A Railway servant who is due to retire on superannuation and desires payment of the commuted value of pension being authorised at the time of issue of the pension payment order, shall be eligible to apply for commutation of a fraction of pension alongwith pension papers prior to the date of retirement provided that-

(a) the Railway servant retires on superannuation pension only;

(b) the application is submitted to the Head of Office in Form 2, so as to reach the Head of Office not later than three months before the date of superannuation;

(c) no such application shall be entertained if the period is less than three months from the date of superannuation of the railway servant; and

(d) the Railway shall have no liability for the payment of the commuted value of pension if the Railway servant dies before the date of super annuation or forfeits claim to pension before such retirement.

15. Action to be taken by the Head of Office on application for commutation of pension – (1) The Head of Office on receipt of application in Form 1 under sub-rule (1) or in Form 2 of sub-rule (3) of rule 14, shall-

(a) initial the Form indication the date of its receipt;

- (b) acknowledge immediately the receipt of Form 1 or Form 2 in Part II of that Form and despatch the same to the applicant;
- (c) take immediate action to complete Part III of Form 1 or Form and forward the same to the Accounts Officer after retaining one copy for his record.
- (2) In case, the application in Form 1 is received by the Head of Office under sub-rule (1) of rule 14 after one year of the date of retirement of the applicant, the Head of Office shall inform the applicant that-
- (a) he shall not be eligible to commute a fraction of pension without medical examination;
- (b) if he desires to get a fraction of the pension commuted, he should apply afresh in Form 2 so that arrangements for medical examination are made in accordance with the procedure laid down in Chapter IV.
- 16. Authorisation of commuted value by the Accounts Officer** –(1) The Accounts Officer on receipt of Form 1 from the Head of Office shall verify that-
- (a) information furnished by the Head of Office in Part III of Form 1 is correct;
- (b) the applicant is eligible to commute a fraction of his pension without medical examination;
- (c) the commuted value of pension has been determined correctly by the Head of Office.
- (2) The Accounts Officer after necessary verification of the information furnished in Form 1 shall-
- (a) issue authority for the payment of commuted value of pension to the disbursement authority concerned;
- (b) draw the attention of the disbursing authority concerned to the proviso to sub-rule (1) of rule 7 so that the disbursing authority may make entry in the Pension Payment Order regarding the date on which the amount of pension is to be reduced on account of commuted part of pension;
- (c) endorse to the applicant a copy of the authority to in clause (a) with the instruction that he should collect the commuted value of pension from the disbursing authority.
- (3) (a) The Accounts Officer on receipt of Form 2 from the Head of Office shall ascertain and verify if the amount of superannuation pension of the applicant has been calculated and if not, take steps to finalise the amount of pension so that the Pension Payment Order is issued before one month of the date of retirement of the applicant.
- (b) (i) The Accounts Officer after necessary verification of the information furnished in Form 2 shall -
- (A) authorise the Head of Office to draw the amount of commuted valued of pension on submission of a bill to him and hand over the cheque or draft superscribed 'Not Payable before the (date following the date of retirement)' to the pensioner;
- (B) indicate in both the halves of the Pension Payment Order (1) the gross pension; (2) the amount of pension commuted, and (3) the fact that the commuted value of pension has been authorised separately through the Drawing and Disbursing Officer;
- (C) correspondingly reduce the monthly pension from its inception;
- (D) make a note of payment of the commuted value of pension having been made to the retiring railway servant in his service book; and
- (E) where the payment of commuted value of pension has not been made within the first month after the date of retirement and the delay is not attributable to the pensioner, the Accounts Officer shall issue an authority to the Head of Officer for the payment of the difference of monthly pension for the period between the day following the date of retirement and the date preceding the date on which the commuted value of pension is deemed to have been paid in terms of rule 49 of the Central Government Accounts (Receipts and Payment) Rules, 1983.

(ii) The Accounts Officer shall intimate to the applicant the date on which the Pension Payment Order has been despatched to the disbursing authority.

(iii) The Accounts Officer shall also request the Head of Office to intimate the date on which the cheque or draft of the commuted value of the pension has been handed over to the applicant.

17. Authorisation of the commuted value of a fraction of provisional pension – (1) If pending determination of final pension, the Head of Office has sanctioned provisional pension to a railway servant under rule 91 of the Railway Pension Rules and such a railway servant has applied for commutation of provisions of rule 10, the Head of Office on receipt of Form 1 shall -

(a) take action as provided in sub-rule (1) of rule 15 and forward Form 1 to the Accounts Officer along with the duly completed pension papers referred to in rule 81 of the Railway Pension Rules, in case pension papers have not already been forwarded to the Accounts Officer;

(b) request the Accounts Officer to verify the correctness of the amount of provisional pension as determined in Part III of Form 1.

(2) The Accounts Officer on receipt of Form 1 under sub-rule (1), shall verify the correctness of the amount of provisional pension and make further verifications as provided in sub-rule (1) of Rule 16.

(3) The Accounts Officer after necessary verification of the amount of the provisional and the amount of the commuted value shall-

(a) issue authority for the payment of commuted value of pension to the Head of Office with the remarks that the commuted value may be drawn and disbursed to the applicant under intimation to him;

(b) draw the attention of the Head of Office to the proviso to sub-rule (1) of rule 7 so that the Head of Office.

(4) The Head of Office on receipt of authority from the Accounts Officer under sub-rule (3) shall draw the amount of commuted values of pension and disburse the same to the applicant under intimation to the Accounts Officer.

(5) The Accounts Officer shall on final assessment of pension –

(a) issue authority to the disbursing authority for the payment of the difference between the commuted value so determined and the commuted value already paid by the Head of Office;

(b) make entry in the Pension Payment Order to be issued on the cessation of the payment of the provisional pension by the Head of Office, the fact of the payment of the commuted value of provisional pension by the Head of Office and also indicate the date from which the payment of the residuary pension shall commence.

CHAPTER IV

COMMUTATION OF PENSION AFTER MEDICAL EXAMINATION

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18. Scope – The provisions of this Chapter shall apply to an applicant who is eligible to commute fraction of his pension after medical examination.

19. Eligibility –An applicant who-

- (i) retires on invalid pension under rule 55 of the Railway Pension Rules; or
- (ii) Omitted (**Rly. Bd's letter No.FE-III/2003/PN1/25 dt.24.01.2005**)
- (iii) is compulsorily retired from service as penalty and is granted pension under rule 64 of the Railway Pension Rules; or
- (iv) is in receipt of compassionate allowance under rule 65 of the Railway Pension Rules;
- (v) has retired from service on one of the pensions referred to in rule 13 but his application for commutation has not been received by the Head of Office within one year of his retirement,

shall be eligible to commute a fraction of his pension subject to the limit specified in rule 6 after he has been declared fit by the appropriate medical authority.

20. Application for commutation of pension –An applicant referred to in Rule 19 shall apply to the Head of Office in Form 3 for commutation of a fraction of his pension including provisional pension sanctioned under rule 91 of the Railway Pension Rules.

21. Action to be taken by the Head of Office on application for commutation of pension –(1) The Head of Office on receipt of application in Part I of Form 3 under rule 20 shall-

- (a) acknowledge immediately the receipt of Form 3 in Part II of that Form and despatch the same to the applicant;
- (b) forward Form 3 in original to the Accounts Officer in Part III of that Form with the request that Part IV of that Form may be completed immediately and returned to him as early as possible so that action for getting the applicant examined by the appropriate medical authority is taken.

(2) The Accounts Officer on receipt of Form 3 from the Head of Office under sub-rule (1) shall complete Part IV of that Form and transmit the same to the Head of Office as early as possible.

(3) The Head of Office on receipt of Form 3 from the Accounts Officer under sub-rule (2) shall address in Form 4 to the Chief Medical Authority where the applicant desire to be medically examined and forward to him the following documents:

- (i) Form 3 with Part IV of that Form duly completed in original;
 - (ii) two copies of the applicant's photograph of which one shall be an attested copy;
 - (iii)
 - (iii) a copy of Form 5 with a spare copy of Part III of that form;
 - (iv) report or statement of the applicant's case if he been granted invalid pension or has previously commuted part of his pension or declined to accept commutation on the basis of an addition of years to his

actual age or has been refused commutation on medical grounds.

(4) A copy of letter in Form 4 addressed to the Chief Medical Authority shall be endorsed to the applicant and the Accounts Officer by the Head of Office.

22. Action to be taken by the Chief Medical Authority- (1) The medical authority on receipt of documents referred to in sub-rule (3) of Rule 21 shall-

- (a) arrange as far as possible for the medical examination of the applicant by the medical authority at the nearest available station indicated by the applicant in Form 3;
- (b) transmit the documents referred to in sub-rule (3) of rule 21 to the medical authority with the direction to examine the applicant as provided in rule 26;
- (c) inform the applicant as to where and whom he should appear for medical examination or if necessary direct the medical authority to communicate to the applicant the date and time of such examination.

(2) In fixing the date of medical examination is held, as far as possible, before the date of applicant's next birthday.

23. Medical authority-(1) Save as otherwise provided in sub-rule (2), the medical authority shall be a Medical Board, where an applicant for commutation of pension-

(a) seeks commutation of invalid pension, or

(b) commutation of pension other than invalid pension but the amount of pension to be commuted together with the amount or amounts previously commuted exceeds *two thousand* rupees per mensem, or

(Rly. Bd's letter No.FE-III/2003/PN1/25 dt.24.01.2005)

(c) has been refused commutation on medical grounds or if he having once declined accept commutation on the basis of addition of years to his actual age recommended by the medical authority, applied for a second medical examination in accordance with the provisions of rule 27 and rule 28.

(2) In any other case not covered by sub-rule (1), the medical authority shall be a Medical Officer not lower in status than that of a Divisional Medical Officer or a Civil Surgeon, as the case may be.

24. Fee for medical examination to be borne by the applicant- The applicant shall be required to pay for medical examination such fee as may be specified by the Railway Board.

25. Failure to appear before medical authority -(1) If the applicant after receipt of communication from the Chief Medical Authority or the medical authority referred to in clause (c) of sub-rule (1) of rule 22 fails to appear for medical examination before the medical authority on the date and time communicated to him (including any change therein either at the request of the applicant or due to administrative reasons) and there is no reasonable ground for his failure, the medical authority shall report the fact to the Head of Office concerned and return to him the documents received under clause (b) of sub-rule (1) of rule 22.

(2) With the return of documents to the Head of Office under sub-rule (1), the application for commutation shall be treated as having been withdrawn.

26. Procedure for Medical Examination -(1) The medical authority shall -

(a) obtain from the applicant a statement in Part I of Form 5, duly signed by the applicant in its presence;

(a) subject the applicant to medical examination and enter the result

thereof in Part II of Form 5;

(c) attest the unattested copy of the photograph of the applicant;

(d) complete the certificate contained in Part III of Form 5;

Provided that where-

(i) an applicant has been granted invalid pension, or

(ii) an applicant has previously commuted a part of his pension; or

(iii) and applicant has been refused commutation on medical grounds;

or

(iv) an applicant has declined to accept the commutation on the basis of a 5 in original, and

(d) a certified copy of Form 5 to the Head of Office.

who has countersigned Part IV of Form 3.

(3) The medical authority shall also send to the applicant a certified copy of Part III of Form 5.

27. Second medical examination –(1) Subject to the provisions of rule 28, the medical examination in the case of an applicant referred to in clause (c) of sub-rule (1) of rule 23 shall take place after the expiry of a period of not less than one year from the date of the first medical examination.

(2) If the applicant desires to be re-examined on the expiry of the period specified in sub-rule (1), the examination shall be by a Medical Board at his own expense. For this purpose, he shall address a letter to the Head of Office with the request that arrangements for his re-examination by a Medical Board may be made. He shall indicate in the letter.

(f) the medical authority which examined him earlier and the date on which such examination by a Medical Board may be made. He shall indicate in the letter.

(ii) the place where he was examined,

(iii) the opinion of the medical authority,

(iv) the date of birth and the date of retirement,

(v) designation of the post held at the time of retirement,

(vi) the amount of pension authorised,

(vii) the fraction of pension which was originally applied for commutation.

(3) The Head of Office on receipt of letter under sub-rule (2) shall address the Chief medical authority for arranging re-examination of the applicant by a Medical Board and forward the following documents to such authority –

(i) letter in original received from the applicant.

(ii) the certified copy of Form 5 received earlier by the Head of

Office from the medical authority under clause (d) of sub-rule (2) of rule 26.

(4) The Chief medical authority on receipt of the communication from the Head of Office under sub-rule (3)

shall inform the applicant as to where and when he should appear for medical examination before the Medical Board or if necessary direct the Medical Board or if necessary direct the Medical Board to communicate to the applicant the place, date and time of such examination.

(5) The applicant after the receipt of communication under sub-rule (4) shall appear before the Medical Board at the place and on the date and time communicated to him.

(6) The Medical Board shall examine the applicant and if after the examination it is of the view that the earlier opinion of the medical authority needs no revision or modification or needs revision or modification shall record its opinion and communicate the same to the Head of Office under intimation to the applicant. The documents received by the Medical Board under sub-rule (3) shall also be returned to the Head of Office.

(7) If as a result of the opinion of the Medical Board received by the Head of Office under sub-rule (6), the applicant becomes eligible to commute a fraction of pension originally applied for, the Head of Office shall determine the commuted value with reference to the Table applicable on the date, the Medical Board recorded its opinion. The Head of Office thereafter shall request the Accounts Officer to take further action for the authorisation of the commuted value and forward the following documents to him: -

(i) letter in original received from the applicant under sub-rule (2);

(ii) the opinion of the Medical Board received under sub-rule (6) in original;

(iii) calculation sheet showing the commuted value determined with reference to the revised or modified opinion of the Medical Board.

(8) The Accounts Officer on receipt of the documents under sub-rule (7) shall verify the correctness of the commuted value determined by the Head of Office and thereafter take action to authorise the commuted value to the applicant under intimation to the Head of Office.

28. Appeal against the findings of medical authority –(1) Notwithstanding anything contained in rule 27, and applicant referred to in clause (c) of sub-rule (1) of rule 23 shall be eligible for second medical examination before the expiry of the period specified in sub-rule (1) of rule 27 if he feels that the medical authority in refusing commutation on medical grounds or making addition of years to his actual age has committed an error of judgement. Such an applicant may, within one month of the receipt of the certified copy of Part III of Form 5, from the medical authority, prefer an appeal by addressing a letter to the Head of Office that the opinion of the medical authority may be got reviewed by an other medical authority mentioned in sub-rule (2) at his own expenses. He shall also indicate in the letter –

(i) the medical authority which had examined him earlier and the date on

which the examination took place;

(ii) the place where he has examined;

(iii) the opinion of the medical authority;

(iv) the date of birth and the date of retirement;

(v) the designation of the post held at the time of retirement.

(vi) the amount of pension authorised;

(vii) the fraction of pension which was originally applied for commutation;

(2) In case an applicant referred to in sub-rule (1) –

(i) was examined previously by a Medical Officer, not lower in status than a Divisional Medical Officer or Civil

Surgeon he shall be re-examined by a Medical Board, or

(ii) was previously examined by a Medical Board, shall be re-examined by a second Medical Board, the members of which shall be different from those of the first Medical Board.

(3) The Head of Office shall, within one month of the receipt of letter under sub-rule (1), take steps for arranging the re-examination of the applicant. For this purpose, he shall address the Chief Medical Authority, where the applicant was examined previously. He shall, while addressing the Chief Medical Authority invite his attention to the provisions of sub-rule (2) and forward to it the following documents: -

(i) letter received from the applicant in original.

(ii) certified copy of Form 5 received earlier by the Head of Office from the medical authority under clause (d) sub-rule (2) of rule 26.

(4) The Chief Medical Authority on receipt of communication from the Head of Office under sub-rule (3) shall arrange for the second medical examination of the applicant by a Medical Board which shall be constituted in accordance with the provisions of sub-rule (2). The Chief Medical Authority, shall thereafter inform the applicant as to where and when he should appear for medical examination before the Medical Board or if necessary direct the Medical Board to communicate to the applicant the place, date and time of such examination.

(5) The applicant on receipt of the communication under sub-rule (4) shall appear for the medical examination before the Medical Board on the date and time, communicated to him.

(6) The Medical Board shall examine the applicant and if after the examination, it is of the view that the earlier opinion of the medical authority needs no revision or modification or needs revision or modification shall record its opinion and communicate the same to the Head of Office under intimation to the applicant and the findings of the Medical Board shall be binding on the applicant.

(7) If the Medical Board as a result of the second medical examination of the applicant, sets aside or modifies the opinion of the first medical authority, the findings of the Medical Board shall be deemed to have come into force on the date on which the first medical authority recorded its opinion and the claim of the applicant for commutation shall be settled accordingly.

(8) Nothing contained in this rule shall apply to an applicant in whose case the medical authority as a result of the first medical examination had directed that the first medical examination had directed that the applicant's age for the purpose of commutation should be assumed to be greater than his actual age and the applicant received the commuted value with reference to the enhanced age.

29. Withdrawal of application- (1) The applicant may after giving notice in writing, to the Head of Office, withdraw his application at any time before subjecting himself to medical examination before the medical authority but in no case after he has appeared before such authority.

(2) In case the medical authority directs that the applicant's age for the purpose of commutation shall be assumed to be greater than his actual age, the applicant may, -

(a) by giving notice in writing to the Head of Office withdraw his application within fourteen days from the date on which he receives the certified copy of Part III of Form 5 and endorse a copy of notice to the Accounts Officer, or

(b) request the Head of Office within the period specified in clause (a) under intimation to the Accounts Officer that he may be permitted to reduce the amount of pension already applied for commutation to an amount to be indicated by the applicant.

(3) Where a request for withdrawal has not been made by the applicant within the time specified in clause (a) of sub-rule (2), it shall be presumed that he has accepted the findings of the medical authority and the Accounts Officer shall take action to authorise the payment of commuted value of pension.

(4) If a request for reduction in the amount of pension to be commuted is made as provided in clause (b) of sub-rule (2)

the Accounts Officer shall authorise the payment of commuted value of pension with reference to the reduced amount.

(5) If the applicant is informed by the Accounts Officer under rule 30 that on account of modification of the Table, the commuted value becoming payable to the applicant will be less than the value communicated to him in Form 4, it shall be open to the applicant to withdraw his application by a written notice addressed to the Accounts Officer and the applicant shall endorse a copy of the notice to the Head of Office within fourteen days of the date on which he receives intimation of such modification.

30 Modification in the value specified in the Table- (1) In case the value specified in the Table is modified at any time before the commutation becomes absolute in terms of clause (ii) of sub-rule (1) of rule 7, the payment shall be made in accordance with the value so modified.

(2) Where the commuted value calculated with reference to the Table as modified, is less favourable than the value determined with reference to the Table before it was so modified the Accounts Officer shall-

(a) inform the applicant of the revised value and communicate to him the provisions of sub-rule (5) of rule 29, and

(b) endorsed to the Head of Office a copy of the communication issued under clause (a).

31. Authorisation of payment of commuted value by the Accounts Officer –(1) Subject to the provisions of sub-rule (2) and sub-rule (3) of rule 29, the Accounts Officer on receipt of the documents referred to in sub-rule (2) of rule 26, from the medical authority, shall without delay issue an order to the disbursing authority concerned and furnish to it the following particulars and documents, namely: -

(i) the amount of pension commuted, the amount of commuted value of pension and the date on which the commutation became absolute.

(ii) the amount of residuary pension,

(iii) Form 5 in original,

(iv) copy of the applicant's photograph as attested by the medical authority,

(2) The Accounts Officer shall also –

(a) bring to the notice of disbursing authority the provisions of the proviso to sub-rule (1) of rule 7 regarding the date on which the amount of original pension should be reduced,

(b) endorse the applicant a copy of the order issued under sub-rule (1) with the remarks that he should collect the commuted value from the disbursing authority; and

(c) bring to the notice of the applicant the provisions of the proviso to sub-rule (1) of rule 7.

32. Final assessment of provisional pension –(1) An applicant referred to in sub-rule (3) of rule 10 to whom the commuted value of the fraction of the provisional pension has been paid by the Head of Office, shall, on final assessment of the pension, be paid by the Accounts Officer, the difference between the commuted value so determined and the commuted value already paid :

Provided that where an applicant has been examined by a Medical Officer for the commutation of a fraction of provisional pension and such an applicant on assessment of final pension becomes eligible to commute and amount exceeding one hundred rupees per mensem and the commuted value of the fraction of the provisional pension without further medical examination but the payment of the commuted value of pension exceeding one hundred rupees per mensem shall be made if the applicant applies afresh for medical examination as provided in clause (c) of sub-rule (3) of rule 10 and he is declared fit by the Medical Board.

(2) The commuted value of the fraction of provisional pension as indicated in the endorsement in Form 4 addressed to the applicant and forwarded under sub-rule (4) of rule 21 shall be deemed to have been amended with the issue of an

authority by the Account's Officer for the payment of difference between the commuted value of the fraction of the final pension and the fraction of the provisional pension.

**CHAPTER V
MISCELLANEOUS**

33.	Interpretation	95
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33. Interpretation –Where any doubt arises as to the interpretation of these rules, it shall be referred to the Ministry of Railways (Railway Board) for pension.

34. Power to relax –Where any of the Railway establishment or Unit is satisfied that the operation of any of these rules causes undue hardship in any particular case, that Establishment or Unit, as the case may be, by order for reasons to be recorded in writing, approach the Ministry of Railways for dispensing with or relaxing the requirements of the rule to such extent and subject to such exceptions and conditions, as it may consider necessary for the Ministry of Railways (Railway Board) shall examine each such case and arrange to communicate the sanction of the President to the proposed dispensation or relaxation as it may consider necessary keeping in view the merits of each case and keeping in view any other statutory provisions.

Provided that no such order shall be made except with the concurrence of the Department of Pension & Pensioners Welfare, in the Ministry of Personnel, Public Grievances and Pensions, Government of India.

35. Repeal and Saving –(1) On the commencement of these rules, every rule (including Railway Establishment Code, fifty Reprint) those contained in Volume II of the Indian regulation or order (hereinafter referred to in this rule as the old rules) in force immediately before such commencement shall, in so far as it provides for any of the matters contained in these rules, cease to operate.

(2) Notwithstanding such cessar of operation -

(a) any application for commutation of pension which is pending before the commencement of these rules shall be disposed of in accordance with the provisions of the old rules as if these rules had not been made, and

(b) subject to the provisions of clause (a), anything done or any action taken under the old rules shall be deemed to have been done or taken under the corresponding provisions of these rules.

APPENDIX

MJTABLE

COMMUTATION VALUE FOR A PENSION OF RUPEE ONE PER ANNUM

[See rule 9, 27(7), 29(5) and 30(1) and (2)]

Age Next Birthday	Commutation value expressed as number of years'	Age next birthday	Commutation value expressed as number of years' purchase
1	2	3	4

	Rs.	P.		Rs.	P.
17	19	28	52	12	66
18	19	20	53	12	35
19	19	11	54	12	05
20	19	01	55	11	73
21	18	91	56	11	42
22	18	81	57	11	10
23	18	70	58	10	78
24	18	59	59	10	46
25	18	47	60	10	13
26	18	34	61	9	81
27	18	21	62	9	48
28	18	07	63	9	15
29	17	93	64	8	82
30	17	78	65	8	50
31	17	62	66	8	17
32	17	46	67	7	85
33	17	29	68	7	53
34	17	11	69	7	22
35	16	92	70	6	91
36	16	72	71	6	60
37	16	52	72	6	30
38	16	31	73	6	01
39	16	09	74	5	72

40	15	87	75	5	44
41	15	64	76	5	17
42	15	40	77	4	90
43	15	15	78	4	65
44	14	90	79	4	40
45	14	64	80	4	17
46	14	37	81	3	94
47	14	10	82	3	72
48	13	82	83	3	52
49	13	54	84	3	32
50	13	25	85	3	13
51	12	95	-	-	-

FORM I

Form of application for commutation of a fraction of Pension without medical examination
[See rules 6(2), 7(1), 13, 14(8) and (2), 15(1) and (2) and 17(1) and (2)]
(To be submitted in duplicate after retirement but within one year of the date of retirement).

PART-I

To
The (Here indicate the designation and full address of the Head
..... of Office).

Subject: Commutation of pension without medical examination.

Sir,
I desire to commute a fraction of my pension as indicated below in accordance with the provisions of the Railway Services
(Commutation of Pension) Rules, 1993. The necessary particulars are furnished below: -

1. Name (in Block letters)
2. Father's name (also husband's name in the case of a female railway servant).
3. Designation at the time of retirement.
4. Name of Office/Department/Ministry in which employed.
5. Date of birth (by Christian era)
6. Date of retirement
7. Class of pension on which retired.
8. Amount of pension authorised.
(In case final amount of pension has not been authorised, indicate the amount of provisional pension sanctioned under rule 91 of the Railway Services (Pension) Rules, 1993).
9. *Fraction of pension proposed to be commuted.
10. Designation of the Accounts Officer who authorised the pension and the No. and date of the Pension Payment Order, if issued.
11. **Disbursing authority for payment of pension
(a) Treasury/Sub-Treasury (Name and complete address of the Treasury/Sub-Treasury to be indicated).

(b) (i) Branch Account No. to being drawn. It is not open to an applicant to draw the commuted value of pension from a disbursing authority other than the disbursing authority from which pension is being drawn.

*The applicant should indicate the fraction of the amount of monthly pension (subject to a maximum of forty percent thereof) which he desires to commute and not the amount in rupees.

**Score out which is not applicable.

(Rly. Bd's letter No.FE-III/2003/PN1/25 dt 24.01.2005)

PART II ACKNOWLEDGEMENT

Received from Shri _____

Name (former designation)

Application in Part Form I for the commutation of a fraction of pension without medical examination.

Place: ----- Signature

Date: ----- Head of Office

Note -This acknowledgement is to be signed, stamped and dated and is to be detached from the Form and handed over to the applicant. If the form has been received by the post, it has been received by the post, it has to be acknowledged on the same day and the acknowledgement sent under registered cover.

PART III

Forwarded to the Accounts Officer (here indicate the address and designation)

With the remarks that -

- (i) the particulars furnished by the applicant in Part I have been verified and are correct;
- (ii) the applicant is eligible to get a fraction of his pension commuted without medical examination;
- (iii)
- (iv) the commuted value of pension determined with reference to the Table applicable at present comes to Rs.---
- (v)
- (iv) the amount of residuary pension after commutation will be Rs. ----

2. It is requested that further action to authorise the payment of the amount of commuted value of pension may be taken in rule 16 of the Railway Services (Commutation of Pension) Rules, 1993.

3.

4. The receipt of Part I of the Form has been acknowledged in Part II which has been forwarded separately to the applicant on -----

5.

6. The commuted value of pension is debitible to Head of Account.

7.

8.

Signature

Head of Office

FORM I

Form of application for commutation of a fraction of Pension without medical examination

[See rules 6(2), 7(1), 13, 14(8) and (2), 15(1) and (2) and 17(1) and (2)]

(To be submitted in duplicate after retirement but within one year of the date of retirement).

PART-I

To

The (Here indicate the designation and full address of the Head of Office).

Subject: Commutation of pension without medical examination.

Sir,

I desire to commute a fraction of my pension as indicated below in accordance with the provisions of the Railway Services (Commutation of Pension) Rules, 1993. The necessary particulars are furnished below:-

8. Name (in Block letters)
9. Father's name (also husband's name in the case of a female railway servant).
10. Designation at the time of retirement.
11. Name of Office/Department/Ministry in which employed.

12. Date of birth (by Christian era)
13. Date of retirement
14. Class of pension on which retired.
8. Amount of pension authorised.
(In case final amount of pension has not been authorised, indicate the amount of provisional pension sanctioned under rule 91 of the Railway Services (Pension) Rules, 1993).
10. *Fraction of pension proposed to be commuted.
10. Designation of the Accounts Officer who authorised the pension and the No. and date of the Pension Payment Order, if issued.
11. **Disbursing authority for payment of pension
 - (a) Treasury/Sub-Treasury (Name and complete address of the Treasury/Sub-Treasury to be indicated).
 - (b) (i) Branch Account No. to
being drawn. It is not open to an applicant to draw the commuted value of pension from a disbursing authority other than the disbursing authority from which pension is being drawn.
*The applicant should indicate the fraction of the amount of monthly pension (subject to maximum of one-third thereof) which he desires to commute and not the amount in rupees.
**Score out which is not applicable.

**PART II
ACKNOWLEDGEMENT**

Received from Shri _____

Name (former designation)

Application in Part Form I for the commutation of a fraction of pension without medical examination.

Place: ----- Signature

Date: ----- Head of Office

Note -This acknowledgement is to be signed, stamped and dated and is to be detached from the Form and handed over to the applicant. If the form has been received by the post, it has been received by the post, it has to be acknowledged on the same day and the acknowledgement sent under registered cover.

PART III

Forwarded to the Accounts Officer (here indicate the address and designation)

With the remarks that –

- (i) the particulars furnished by the applicant in Part I have been verified and are correct;
- (vi) the applicant is eligible to get a fraction of his pension commuted without medical examination;
- (vii)
- (viii) the commuted value of pension determined with reference to the Table applicable at present comes to Rs. ---
- (ix)
- (iv) the amount of residuary pension after commutation will be Rs. ----
9. It is requested that further action to authorise the payment of the amount of commuted value of pension may be taken in rule 16 of the Railway Services (Commutation of Pension) Rules, 1993.
- 10.
11. The receipt of Part I of the Form has been acknowledged in Part II which has been forwarded separately to the applicant on -----
- 12.
13. The commuted value of pension is debitable to Head of Account.
- 14.
- 15.

Signature

Head of Office

FORM-2

FORM APPLICATION FOR COMMUTATION OF A FRACTION OF SUPERANNUATION PENSION WITHOUT MEDICAL EXAMINATION WHEN APPLICANT DESIRES THAT THE PAYMENT OF THE COMMUTED VALUE OF PENSION SHOULD BE AUTHORISED THROUGH THE PENSION PAYMENT ORDER

[See Rules 6(2), 13, 14(3), 15(1) and 18(3)]

(To be submitted in duplicate at least three months before the retirement)

PART I

The

.....

.....

.....

.....

.....

.....

.....
(Here indicate the designation and full address of the Head of Office)

Subject: - Commutation of Pension without Medical Examination.

Sir,

I desire to commute a fraction of my pension in accordance with the provisions of the Railway Services (Commutation of Pension) Rules, 1993. The necessary particulars are furnished below :

1. Name in block letters
2. Father's name (and also husband's name in the case of a female Government servant)
3. Designation
4. Name of Office/Department/Ministry in which employed.
5. Date of Birth (by Christian era)
6. Date of retirement on superannuation or on the expiry of extension in service granted under Rule 1801, Indian Railway Establishment Code.
7. *Fraction of superannuation pension proposed to be commuted.
8. **Disbursing authority from which pension is to be drawn after retirement-
 - (a) Treasury/Sub-Treasury (Name and complete address of the Treasury/Sub-Treasury to be indicated)
 - (b) (i) Branch of the nominated nationalised bank with complete postal address.
(ii) Bank Account No. to which monthly pension is to be credited each month.
 - (c) Account Office of the Ministry/Department/Office.

Signature

Place: Present Postal Address.

.....
Postal address after retirement.

Date:

.....
*The applicant should indicate the fraction of the amount of monthly pension (subject to a maximum of **forty percent** thereof) which he desires to commute and not the amount in rupees.

**Score out which is not applicable.

(Rly. Bd's letter No.FE-III/2003/PN1/25 dt 24.01.2005)

PART II

ACKNOWLEDGEMENT

Received from

Shri/Smti/Kumari.....application in Part I of Form 2 for commutation of a fraction of pension without medical examination:

Place:

Signature

Head of Office

NOTE - If the application has been received by the Head of Office before the date of retirement on superannuation, this acknowledgement should be detached from the Form and handed over to the applicant. If the form has been received by post, it has to be acknowledged on the same day and the acknowledgement sent under registered cover to the applicant. In case it is received after the specified date, it should be accepted only if it has been put into the post on or before that date subject to the production of evidence to that effect by the applicant.

PART III

Forwarded to the Accounts Officer,(here indicate the address and designation)..... with the remarks that-

- (i) the particulars furnished by the applicant in Part I have been verified and are correct;
- (ii) the applicant is eligible to get a fraction of its pension commuted without medical examination;
- (iii)
- (iii) the commuted value of pension determined with reference to the Table applicable at present comes to Rs..... And
- (x) the amount of residuary pension after commutation will be Rs.....
- (xi)

2. The pension papers of the applicant completed in all respects were forwarded under this Ministry/Department/Office Letter No dated.....It is requested that the payment of commuted value of pension may be authorised through the Pension Payment Order which may be issued one month before the retirement of the applicant.

3. The receipt of Part I of this Form has been acknowledged in Part II which has been forwarded separately to the applicant on.....

4. The commuted value of pension is debitable to Head of Account.....

Place:

Date: *Signature Head of Office*

FORM 3

FORM OF APPLICATION FOR COMMUTATION OF PENSION AFTER MEDICAL EXAMINATION BY AN APPLICANT REFERRED TO
IN RULE 20 OF COMMUTATION OF PENSION RULES
(See Rule, 6(2), 10(3), 14(2), 15(2), 20, 21(1), (2) and (3), 22(1) and 26(2).
(To be submitted in duplicate)

To SPACE FOR PHOTOGRAPH

The.....

.....

(Here indicate the designation and full address of the Head of Office)

Subject: -Commutation of pension after medical examination.

Sir,

I desire to commute a fraction of my pension in accordance with the provisions of the Railway services (Commutation of pension) Rules, 1993, An attested copy of my photograph is pasted on the application and an unattested copy is enclosed. The necessary particulars are furnished below:

1. Name (in block letters)

2. Father's name (and also husband's name in the case of a female Railway servant)

3. Designation

4

5. Name of office/Department/Ministry in which employed.

6. Date of Birth (by Christian era)

7. Date of retirement.

8. Class of pension on which retired.
(See Chapter V of the Railway Services Pension) Rules, 1993.

9. Amount of pension authorized (indicate the amount of provisional pension in full pension not authorised).

10. *Fraction of pension proposed to be commuted.

11. Designation of the Accounts Officer who authorised the pension and the number and date of the Pension Payment Order.

12. **Disbursing authority for payment of Pension-

(a) Treasury/Sub-Treasury (name and complete address of the Treasury/Sub-Treasury to be indicated)

(b) (i) Branch of the Nationalised Bank with complete postal address.

(ii) Bank Account No. to which monthly pension is being credited each month.

(c) Accounts Office of the Ministry/Department/Office.

(d) (i) Branch of the Post Office with complete postal address.

(ii) Post Office Account number to which monthly pension is being credited every month.

13. Approximate date from which commutation is desired to have effect.

14. The amount of pension already commuted, if any.

15. Preference for station where medical examination is desired to have effect.

Place:

Date: *Signature* Postal address.....

.....

.....

*The applicant should indicate the fraction of the amount of monthly pension (subject to a maximum of one third thereof) which he desired to commute and not the amount in rupees.

**Score out which is not applicable.

Note - The payment of commuted value of pension shall be made through the disbursing authority from which pension is being drawn. It is not open to an applicant to draw the commuted value of pension from the disbursing authority other than the authority from which pension is being drawn.

PART-II
ACKNOWLEDGEMENT

Received from Shri.....application in Part I of F E Form may be completed and returned to this office as early as possible.

(Head of the Office)

Place.....

Date.....

PART-IV

(To be completed by the Accounts Officer)

1. Name of the applicant.

2. Date of Birth (by Christian era)

3. Date of retirement

4. Amount of pension including provisional pension, if final pension not authorised.

5. Class of Pension (See Chapter V of the Railway Services (Pension) Rules, 1993.)

6. Amount of Pension desired to be commuted On the basis of Normal Added Years

Age 1 Year 2 Years

Rs. Rs. Rs.

7. (i) Sum payable if commutation becomes absolute before the applicant's next birthday, which falls on.....(ii) Sum payable if commutation becomes absolute after the applicant's next birthday, which falls on.....

8. The Head of Account to which commuted value is debitale.

9. Number of enclosures, if any

(See note below)

Place

Countersigned

Date..... (Head of Office)

Full Address

NOTE - The Accounts Officer should enclose with the Form a copy of the report or statement of the applicant's case if the applicant has been granted invalid pension or has previously commuted a part of his pension or declined to accept commutation on the basis of an addition of years to actual age, or has been refused commutation on medical grounds.

FORM 4

FORM OF LETTER TO THE CHIEF ANMINISTRATIVE MEDICAL AUTHORITY

[See rule 21(3)and 29(5) and 32(2)].

(Please and Annexure)

No.

Government of India...

Ministry of

Department of.....

Dated the

To

.....

.....

Subject: - Medical Examination-Commutation of Pension

Sir,

Shri..... who retired.....from service As

(Designation)

has applied for commuting a fraction of his pension for a lumpsum payment. The following documents are forwarded herewith: -

(a) Application in Form 3 in original together with-

(i) an unattested copy of the applicant's photograph.

(ii) Part IV of Form 3 in original duly completed by the Accounts Officer.
(b) A copy of Form 5 with a spare copy of Part III of that Form.
(c) Report or the statement of the applicant's case if he has been granted invalid pension or has previously commuted a fraction of his pension or declined to accept commutation on the basis of addition of years to his actual age or has been refused commutation on medical grounds.

2. In terms of Rule 23 of the Railway Services (Pension) Rules, 1993, Shri..... should be examined by a Medical Board/Medical Officer not lower than the rank of Civil Surgeons or a District Medical Officer. It is requested that arrangements may be made to get Shri..... examined as expeditiously as possible before his next birthday which falls on.....

3. It is requested that arrangements for medical examination by the medical authority indicated in para 2 above may be made at the nearest available station mentioned, by Shri..... in his application in Form 2. The attention of the medical authority may be drawn to the provision, of Rule 26 of the Railway (Commutation of Pension) Rules, 1993.

4. It is requested that Shri..... may be informed direct under intimation to this Ministry/Department/Office as to where and when he should appear before the appropriate authority for medical examination. A copy of this letter is being endorsed to him so that he may comply with your instructions on hearing from you.

5. The receipt of this letter may please be acknowledged.

Yours faithfully,
(Head of Office)

Copy forwarded to Shri.....

(give complete postal address).....with the remarks that subject to the medical authority recommending commutation, he will on the basis of the report of the Accounts Officer, be eligible for lumpsum payment in lieu of On the basis of

Normal Added Years

Age 1 Year 2 Years

Rs. Rs. Rs.

(i) sum payable if commutation becomes absolute before the applicant's next birthday which falls on

(ii) sum payable if commutation becomes absolute after applicant's next birthday which falls on

The Table of the present value, on the basis of which the calculation by the Accounts Officer has been made subject to alteration at any time without notice and consequently the basis are liable to revision before payment is made. The sum payable will be on the sum appropriate to the applicant's age on his birthday next after the date which the commutation becomes absolute or if the medical authority directs that years will be added to that age, to the consequent assumed aged.

Shri should report for medical examination to the medical authority directs on hearing from He should take with him the enclosed Form 5 with the particulars required in Part I complete except the signature or thumb or finger impression.

Signature

Head Office

Place:

Date

Copy forwarded to the Accounts Officer (here indicate designation and address)with preference to his letter number dated

Signature
(Head Office)

FORM 5

MEDICAL EXAMINATION BY THE
(Here enter the medical authority)

(See Rule 7(1), 21(3), 26(1), (2) and (3), 28(1) and (3), 29(2) & 31(1))

PART I

The applicant must complete this statement prior to his examination by the (here enter the medical authority) and must sign the declaration appended thereto in the presence of that authority.

1. Name of the applicant (in block letter)

2. Date of birth (by Christian era)

3. Place of Birth

4. Particulars regarding parents, brother and sisters:

Father's age if living & state of health	Father's age at death & cause of death	Number of brothers living, their ages & state of health	Number of brothers dead, their ages at death & cause of death	Mother's age, if living and state of health	Mother's age at death and cause of death	No. of sisters living, their ages & state of health	No. of sisters dead their ages at death and cause of death
1	2	3	4	5	6	7	8

5. Have you ever been examined:

(a) for Life Insurance, or / and

(b) by any Railway/Government Medical Officer or State

(c) Medical Board. If so, state details and with what results.

6. Have you been granted or considered for grant of invalid pension? If so, state the ground thereof.

7. Have you ever been granted leave on Medical certificate during the last five years. If so, state periods of leave and nature of illness.

8. Have you ever-

(a) had Small-Pox, intermittent or any other fever, enlargement or suppuration of glands, spitting asthma, inflammation of lungs, pleurisy, heart disease, fainting, attacks, rheumatism, appendicitis, epilepsy, insanity or other nervous diseases, discharge from or other disease of ear, syphilis, or gonorrhoea; or

(b) had any other disease or injury which required confinement to bed, or medical or a surgical treatment,

or

(c) undergone any surgical operation, or

(d) suffered from any illness, wound or injury sustained while on active service.

(e) Presence of albumen or sugar in urine.

9. Present state of health:

(a) Have you a hernia?

(b) Have you varicocele, varicose veins or piles?

(c) Is your vision in each eye good (with or without glasses)?

(d) Is your hearing in each ear good?

(e) Have you any congenital or acquired malformation, defect or deformity?

(f) Have you lost or gained weight markedly during the last three years?

(g) Have you been under treatment of any doctor within the last three months and nature of illness for which such treatment was taken.

DECLARATION BY APPLICANT

(To be signed in the presence of medical authority)

I declare all the above answers to be, to the best of my belief, true and correct. I am fully aware that by willfully making a false statement or concealing a relevant fact I shall incur the risk of losing the commutation I have applied for and of having my pension withheld or withdrawn under rule 8 of the Railway Services (Pension) Rules. 1993-

Applicant's signature or thumb impression in case of illiterate applicant.

Signed in the presence of (Signature & designation of medical authority)

PART-II

(To be filled in by the examining medical authority)

1. Apparent age

2. Height

3. Weight

4. Describe any scars or identifying marks of the applicant

5. Pulse rate :-

(a) Sitting

(b) Standing.

What is the character of pulse?

6. Blood pressure-

(a) Systolic

(b) Diastolic

7. Is there any evidence of disease of the main organs :-

(a) Heart

(b) Lungs

(c) Liver

(d) Spleen

(e) Kidney

8. Investigations :-

(i) Urine

(State specific gravity)

(ii) Blood

(iii) X-Ray Chest

(iv) E.C.G.

9. Has the applicant a hernia?

(If so, state the kind and if reducible)

10. Any additional finding

PART-III

(To be filled in by the examining medical authority)

I/We have carefully examined Shri/Shrimati/Kumari and am/are of opinion that: -

He / She is in good bodily health and has the prospect of an average duration of life. Or

He/She is not in good bodily health and is not a fit subject for commutation Or

Although he/she is suffering from He/she is considered a fit subject for commutation but his/her age for the purpose of commutation, i.e. the age next birthday should be taken to be (in words) years more than his/her actual age.

Signature and designation of examining medical authority.

Station

Dated

FORM 6

[See Rule 8]

To

Head of Office

(Place).....

I (Name of the pensioner in *Capital Letters*) hereby nominate the person named below, under rule 8 of the Railway Services (Commutation of Pension) Rules, 1993.

		If nominee is minor		
Name and address of the nominee	Relationship with the pensioner	Date of birth	Name and address of person who may receive the said commuted value during the nominee's minority	Name and address of other nominee in case the nominee under column (1) predeceases the pensioner
1	2	3	4	5
Relationship with pensioner	Date of birth if the other nominee is minor	Name and address of person who may receive the commuted value of pension during the other nominee's minority	Contingency on happening of which nomination shall become invalid	

6	7	8	9
---	---	---	---

Place:Signature

Dated: (or thumb impression if illiterate)

Witness Signature and name of pensioner Address:

Name & Address: Signature of Head of Office

STAMP

Acknowledgement to be sent by the Head of Office

Certified that the nomination has been received from (*Name of Pensioner*)

whose address is..... Signature of Head of Office

Place..... Full Address

Date.....

PRO-FORMA

[See decision (2), Rule 11]

.....

.....

.....

Subject : - Restoration of commuted portion of pension after 15 years-Implementation of judgment of the Supreme Court.

.....

Sir,

Kindly restore my commuted portion of pension in terms of Ministry of Personnel, Public Grievances and Pension, Department of Pension and Pensioners' O.M. No.34/2/86-P&W, dated 5th March, 1987 forwarded under Ministry of Railways' letter No.(E) III/AN/1/7 dated 26-03-1987. Requisite particulars are given below:-

1. Name in Block letters.
2. Date of retirement.
3. PC/PPO No.
4. Amount of original pension.
5. Amount of pension commuted, if any.
6. Name of the Accounts Officer, Viz., the authority who issued PC/PPO

7. Name of the Treasury/Post Office/PPM other pension disbursing agency.

Signature of Pensioner

Dated:

Postal address:

Particulars verified.

Signature

Rubber Stamp of

Pension Disbursing Authority

PART III
RAILWAY SERVICES (EXTRAORDINARY PENSION) RULES, 1993
CONTENTS

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1. Short title and commencement.-- (1) These rules may be called the Railway Services (Extraordinary Pension) Rules, 1993.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. Application. -- **These rules shall apply to railway servants appointed on or before the 31 st day of December, 2003**, other than those to whom the Workmen's Compensation Act, 1923 (8 of 1923), applies, whether their appointment is permanent or temporary, on time-scale of pay or fixed pay or piece-work rates who are under the rule making control of the President, and

Who entered or enter railway service on or after the 1st April, 1937, or

Who having entered such service before the 1st April 1937, did not hold a lien or a suspended lien on a permanent post on that date.

NOTE: - No award shall be made under these rules in respect of a railway servant who is deputed on foreign service under United Nations' bodies on or after 1st January, 1958 and who is allowed to join the United Nations' Joint Staff Pension Fund as and 'Associate Member'.

(Authorities: Railway Board's letter No. F(E)III/2003/PN1/38(Amendment)III dated 30.12.03)

3. For the purpose of these rules, unless there is anything repugnant in the subject or context,-

(1) "accident" means-

(i) a sudden and unavoidable mishap; or

(ii) a mishap due to an act of devotion to duty in an emergency arising otherwise than by violence out of and in the course of service;

(2) "date of injury" means-

(i) in the case of accident or violence, the actual date on which the injury is suffered or such date, not being later than the date of the report of the Medical Board, as the President may fix; and

(ii) in the case of disease, the date on which the Medical Board reports or such earlier date as may be fixed by the President with due regard to the opinion of the Medical Board;

(3) "injury" means an injury as is mentioned in Scheduled I, Permanent Total Disablement shall be deemed to result from every injury specified in Part I of Schedule I or from any combination of injuries specified in Part II of that Schedule where the aggregate percentage of loss of earning capacity (percentage of disability) amounts to hundred per cent or more. Every injury specified in Part II of Scheduled I shall be deemed to result in Permanent Partial Disablement.

(4) "disease" means a disease as is mentioned in Schedule II;

(5) "Pay" means basic pay as defined in clause (i) of rule 1303 of the Indian Railway Establishment Code which a person was drawing on the date of his death or injury and also includes non-practicing allowance granted to Medical Officers in lieu of Private Practice;

Provided that in the case of a person remunerated by piece-work rates, pay means the average earnings of the last six months ending with the date of his death or injury;

(6) "Schedule" means a schedule annexed to these rules;

(7) "Violence" means the act of a person who inflicts an injury on a railway servant-

(i) by assaulting or resisting him in the discharge of his duties, or in order to deter or prevent him from performing his duties; or

(ii) because of anything done or attempted to be done by such railway servant or by any other public servant in the lawful discharge of his duty as such, or

(iii) because of his official position.

4. (1) (a) Disablement shall be accepted as due to railway service provided it is certified that it is due to wound, injury or disease which ---

(i) is attributable to railway service, or

(ii) existed before or arose during railway service and has been and remains aggravated thereby.

(b) Death shall be accepted as due to railway service provided it is certified that it was due to or hastened by-

(i) a wound, injury or disease which was attributable to railway service, or

(ii) the aggravation by railway service of a wound, injury or disease which existed before or arose during railway service.

(2) There shall be a casual connection between: -

(a) disablement and railway service,

(b) death and railway service,

for attributability or aggravation to be conceded. Guidelines in this behalf, as provided in the Appendix appended to these rules shall be treated as part and parcel of these rules.

Clarification..-- It will be seen from the new (revised) Forms C, D and E that these forms of medical certificates have been so designed that they would indicate whether the entitlement criteria laid down in rule 4 have been satisfied or not, and therefore, normally, no other separate certificates in that behalf may be necessary. It is essential for the Administrative Officer as well as the Accounts Office concerned to satisfy themselves that the death or disability is, in fact, attributable to or aggravated by the Railway service which alone makes an Extra Ordinary Pension Award admissible and for that purpose, it is essential for both of these authorities to satisfy themselves in that behalf and certify the nexus and casual connection between disablement and railway service or between death and railway service (as the case may be), in any particular case, as laid down in the rule 4 on the basis of the medical and other documents regarding the case. If a railway servant had died in such circumstances and that a medical report could not be secured, even then, the nexus and the casual connection between death and railway service has to be established before conceding acceptance of death due to Government service. (Railway Board's letter No. PC III/78/EOP/3/Main dated 18-12-1981).

(3) Notwithstanding anything contained in these rules, the degree of default or contributory negligence on the part of a railway servant may be taken into consideration in making an award under these rules in favour of such railway servant, but, shall not be taken into account where such award is made in favour of the family of the such railway servant.

NOTE.-- The provisions of this rule shall cover cases of death after discharge or invalidating from service.

5. No award shall be made under these rules except with the sanction of the President.

6. Except as otherwise provided in these rules, an award made under these rules shall not affect any other pension or gratuity for which the railway servant concerned or his family may be eligible under any other rules for the time being in force; and the pension granted under the provision of these rules shall not be taken into account for fixing the pay of pensioner in his continued employment or re-employment in railway service.

7. No award under these rules shall be made in respect of-

(i) an injury sustained more than five years before the date of application, or

(ii) death which occurred more than seven years -

(a) after the injury due to violence or accident was sustained ; or

(b) after the railway servant was medically reported as unfit for duty on account of the disease of which he died.

8. All awards under these rules shall be made in **India in rupees unless the payee resides permanently** and desires payment to be made in a country in which the rupees is not legal tender. In the latter case, the amount of award shall be paid in sterling at the exchange rate of 1s 6d to the rupee.

(Authority: Railway Board's letter No. F(E)III/99/PN 1/(Modification) dated 23.5.2000)

9. (1) The percentage of disability due to an injury or injuries shall be as specified in Schedule I, or failing that, as certified by the Medical Authority.

(2) The percentage of disability due to a disease or diseases specified Schedule II, shall be as certified by the Medical Authority.

10. (1) When disablement of a railway servant is conceded as due to railway service in terms of Rule 4, he shall be awarded disability pension in terms of sub-rule (2) or (3) or lump sum compensation in terms of sub-rule (4) in accordance with the percentage of disability (suffered by him) as certified by the Medical Authority concerned.

(2) If the railway servant is boarded out of railway service on account of his disablement, the quantum of disability pension for cent per cent disability shall be as specified in Schedule III. The quantum of disability pension for lower percentage of disability shall be proportionately lower, the minima and the maxima given in Schedule III are applicable only for arriving

at the monthly disability pension for cent per cent disability and are not applicable in respect of percentage of disability lower than cent per cent.

(3) If the railway servant is boarded out of railway service on account of such disablement, and further, if the percentage of his permanent disability as certified by the Medical Authority is not less than 60 percent, his monthly disability pension shall be related to the family pension admissible to the widow (as if he had died instead of being disabled).

(4) If the railway servant is retained in service inspite of such disablement, he shall be paid a compensation in lump sum (in lieu of the disability pension) on the basis of the disability pension admissible to him in accordance with the provision of sub-rule (2), by arriving at the capitalized value of such disability pension with reference to the Commutation Table, in force from time to time.

11. When death of a railway servant is conceded as due to railway service in terms of rule 4, his widow and children shall be awarded pensionary benefits in accordance with schedule IV.

Note.-- If a Railway servant dies leaving behind two or more widows, the pension admissible under this rule to the widow shall be divided equally among all the widows.

12. (1) If the deceased railway servant has left neither a widow nor a child, an award may be made to his father and his mother individually or jointly and in the absence of the father and the mother to minor brothers and sisters, individually or collectively, if they were largely dependent on the railway servant for support and are in pecuniary need;

Provided that the total amount of the awards shall not exceed one half of the pension that would have been admissible to the widow under Rule 11.

Provided further that each minor brother's and sister's share shall not exceed the amount of pension specified in Schedule IV for a "Child who is not motherless."

(2) Any award made under sub-rule (1), shall, in the event of an improvement in the pecuniary circumstances of the pensioner, be subject to review in such manner as the President may by order prescribe.

Note.-- If any of the widows, children, father, mother, minor brothers or sisters is denied any share in the property of the railway servant under a will or deed made by him, such person shall be ineligible to receive any award under these rules and the benefit shall pass on to the next person eligible.

13. (1) A family pension shall take effect from the day following the death of the railway servant or from such other date as the President may decide.

(2) A family pension shall ordinarily be tenable-

(i) in the case of a widow or mother until death or remarriage, whichever occurs earlier;

(ii) in the case of minor son or minor brother, until he attains the age of twenty five years;

(iii) in the case of an unmarried daughter of minor sister, until marriage or until she attains the age of twenty five years whichever occurs earlier;

(iv) in the case of a father, life.

Note.-- The family pension of a widow shall cease on re-marriage; but when such re-marriage is annulled by divorce, desertion or death of the second husband, her pension may be restored upon proof that she is in necessitous circumstances and otherwise deserving.

14. Notwithstanding anything contained in clause (i) of sub-rule (2) of rule 13, a widow of an employee who re-marries her deceased husband's brother and continue to live a communal life with, or contributes to the support of the other dependents of the deceased shall not be disqualified for the grant of extraordinary pension, otherwise admissible to her under these rules.

15. (1) In respect of matters of procedure, all awards under these rules are subject to any procedure rules relating to ordinary pensions for the time being in force, to the extent that such procedure rules are applicable and are not inconsistent with these rules.

(2) When a claim for any disability pension or family pension arises, the Head of the Office or the Department in which the injured or the deceased railway servant was employed shall forward the claim through the usual channel to the Railway Board with the following documents: -

- (i) a full statement of circumstances in which the injury was received, the disease was contracted or the death occurred.
- (ii) the application for disability pension in Form 'A' or as the case may be, the application for family pension in Form 'B' set forth in Schedule V.
- (iii) in the case of any injury of railway servant or one who has contracted a disease, a medical report in Form 'C' set forth in Schedule V. In the case of a diseased railway servant a medical report as to the death or reliable evidence as to the actual occurrence of death if the railway servant lost his life in such circumstances that a medical report cannot be secured;
- (iv) a report of the Accounts Officer concerned as to whether an award is admissible under the rules and, if so, of what amount.

(5) Where the Railway Board is satisfied on the evidence placed before it by a railway servant in respect of whom a medical report for the purpose of grant of disability or other extraordinary pension has been received by it, of the possibility of an error of judgement in the decision of the Medical Board which examined him, the Railway Board may direct a second Medical Board consisting of members other than those constituted the first Medical Board to examine the officer and submit a report to the Railway Board in the matter; pension shall be granted to the officer in accordance with the decision of the second Medical Board.

16. Application of orders and circulars not barred.-- The provisions of these rules shall be in addition to, and not in derogation of, the provisions of any order or circular issued by the Railway Board and for the time being in force.

17. Repeal and Saving.-- On the commencement of these rules, every rule (including those contained in volume II of the Indian Railway Establishment Code Fifth Reprint) in force immediately before such commencement shall, in so far as it provides for any of the matters contained in these rules, cease to operate.

**FORMS
PART-III**

RAILWAY SERVICES (EXTRAORDINARY PENSION) RULES, 1993

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APPENDIX

[See rule 4(2)]

Guidelines for conceding attributability of disablement or death to Railway Service

1. In deciding on the issue of entitlement, all the evidence (both direct and circumstantial) shall be taken into account and the benefit of reasonable doubt shall be given to the claimant. This benefit shall be given more liberally to the claimant in field service cases.

2. Post-discharge claims.-- Cases in which a disease did not actually lead to the railway servant's discharge from service but arose within seven years thereafter, may be recognised as attributable to service if it can be established medically that the disability is a delayed manifestation of a pathological process set in motion by service conditions obtaining prior to discharge and that if the disability had been manifest at the time of discharge, the individual would have been invalidated out of service on this account. In cases where an individual in receipt of a disability pension dies at home, and it cannot, from a strictly medical point of view, be definitely established that the death was solely due to the disablement in respect of which the disability pension was granted: -

(a) the benefit of doubt in determining attributability, shall go to the family of the deceased, if death occurs within seven years from the date of his invalidment from service, unless there are other factors adversely affecting the claim; and

(b) if death takes place more than seven years after the date of the man's invalidment from service, the benefit of doubt go to the State.

In cases where an individual out-lives a normal span of life, that is where death takes place at the age of sixty years or above, the death shall be held to be due to normal causes and not to railway service.

Note:- Death of disability pensioner, whose disablement has been accepted on the basis of aggravation, may also be accepted as due to railway service under rule 4(1) (b) if the last assessment of disablement was fifty per cent or above. If the last accepted assessment of disablement was less than fifty per cent, death shall not be regarded as due to service.

The above procedure shall apply when death is established due to the disability in respect of which disability pension was granted. If this is not the case, the identification of the cause of death with the invalidating disability shall first be determined in accordance with the provisions of the Guidelines. If the identity can be conceded thereunder, the procedure in the proceeding sub-paragraph shall be followed for determining the further point whether entitlement to extraordinary family pension can be conceded in a case where an invalidating disability was aggravated by service.

3. (a) (i) Injuries sustained when the man is 'on duty' shall be deemed to have arisen in,

or resulted from, railway service; but in cases of injuries due to serious negligence or misconduct, the question of reducing the disability pension shall be considered.

(ii) In cases of self-inflicted injuries while on duty, attributability shall not be conceded unless it is established that service factors were responsible for such action; in cases where attributability is conceded, the question of grant of disability pension at full or at a reduced rate shall be considered.

(b) A person subject to the disciplinary code of the Central Armed Police Battalions, is 'on duty' :

(i) When performing an official task or a task failure to do which would constitute an offence, triable under the disciplinary code, applicable to him.

(ii) When moving from one place of duty to another place of duty irrespective of the method of movement.

(iii) During the period of participation in recreation, organized or permitted by service authorities, and during the period of travelling in a body or singly under organized arrangements.

(iv) When proceeding from his duty station to his leave station or returning to duty from his leave station at railway expenses, that is, on railway pass/Privilege Ticket Order by Rail transport or when road mileage is paid for the journey.

(v) When journeying by a reasonable route from one's quarter to and back from the appointed place of

duty under organised arrangements or by private conveyance when a person is entitled to use of service transport but that transport is not available.

- (c) in accident which occurs when a man is not strictly 'on duty' as defined above may also be attributable to service, provided that it involved risk which was definitely enhanced in kind or degree by the nature, conditions, obligations or incidents of his service and that the same was not a risk common to human existence in modern conditions in India. Thus, for example, where a person is killed or injured by some one by reason of his belonging to an Armed Police Battalion (and in the course of his duty in such Service, he had incurred wrath of such person) he shall be deemed to be 'on duty' at the relevant time.

This benefit shall be given more liberally to the claimant in cases occurring on 'active service' as defined in the relevant acts/rules (such as those applicable to Border Security Force & Central Reserve Police Force etc., personnel).

Note 1. (a) Personnel of Railway Protection Special Force participating in (i) local, national or international sports tournaments as member of Railway teams, or (ii) mountaineering or gliding expeditions organised by the Railway authorities, with the approval of Ministry of Railways shall be deemed to be 'on duty' for purpose of the entitlement rules for disability and family pension.

(b) The above personnel participating in the above-mentioned sports tournaments or in privately organised mountaineering Expeditions or indulging in gliding as a hobby, in their individual capacity, shall not be deemed to be 'on duty' for purpose of those rules, even though prior permission of the competent railway authorities may have been obtained by them.

(c) Injuries sustained by the above personnel in impromptu games and sports outside parade hours, which are organised by, or with the approval of, the local railway authority, and deaths arising from such injuries, will be regarded as having occurred while 'on duty' for purposes of these rules.

Note 2. The above personnel deputed for Training Courses conducted by the Himalayan Mountaineering Institute, Darjeeling or other similar recognised institutes, shall be treated on par with personnel attending other authorised professional courses or exercises for the railway for the purpose of the grant of disability or family pensions on account of disability or death sustained during the Courses.

4. In respect of diseases, the following rules shall be observed: -

(a) Cases, in which it is established that conditions of Railway Service did not determine or contribute to the onset of the disease but influenced the subsequent course of the disease, shall fall for acceptance on the basis of aggravation.

(b) A disease which has led to an individual's discharge or death shall ordinarily be deemed to have arisen in service if no note of it was made at the time of the individual's acceptance for railway service. However, if medical opinion holds, for reasons to be stated, that the disease could not have been determined on medical examination prior to acceptance for service, the disease shall not be deemed to have arisen during service.

(c) If a disease is accepted as having arisen in service it must also be established that the conditions of railway service determined or contributed to the onset of the disease and that conditions were due to the circumstances on duty in railway service.

(d) In considering whether a particular disease is due to railway service, it is necessary to relate the established facts in the etiology of the disease and of its normal development, to the effect that conditions of service, e.g., exposure, stress climate, etc. may have had on its manifestation. Regard must also be had to the time factor (also see Schedule II).

(i) Common diseases known to be affected by exposure to weather.--Diseases such as Bronchitis, Rheumatism and Nephritis-indeed most diseases of the respiratory system, joints and kidneys-are affected by climatic conditions. The period and the conditions of service at any particular place should be taken into account in determining causal connection with service.

(ii) Common diseases known to be affected by stress and strain.--This should be decided with due

reference to the nature of the duties which the individual has had to perform in Railway service. It may be that in some cases the individual had been engaged on sedentary duties when they shall normally not qualify.

- (iii) Diseases endemic to certain areas.--Diseases such as Malaria, Kalazar, Filariasis, Dysentery, Cholera, etc., are endemic in certain areas. These diseases may also be introduced by movements of infected persons.

In determining causal connection with service, it shall have to be established that the conditions of railway service exposed the individual to the infection as a result of which he contracted the disease. Where there is medical evidence of the contraction of the diseases either prior to entry into service, or while off duty or on leave or desertion or unauthorised absence, etc., attributability shall not be accepted, unless the disease occur within the incubation period.

- (iv) Diseases due to infections in service.-- Entitlement to pension shall be admitted if the exposure to infection arose from the circumstances of the member's railway service.
- (v) Diseases known to be effected by dietary compulsions.--The compulsions of service would also cover such cases as gastric disorders, e.g., gastritis, gastric and duodenal ulcers, where it is established that the member was unable to follow a dietary regime required for his condition. The effect of service in such cases shall be limited essentially to the question of aggravation of a pre-existing constitutional condition. This shall not, normally, apply to individuals in sedentary occupation.
- (vi) Diseases which run their course independently of external circumstances. There are certain diseases which would have run the same course whether the individual had been in Government service or not, e.g. Leukaemia, Hodgkin's disease, etc. (see Part II of Schedule II). Such cases shall not be accepted as aggravated by service unless it is clear that owing to exigencies of service, the man did not receive treatment of a satisfactory character and standard or such treatment was so delayed, as to be less effective than it should have been.

(vii) Venereal Disease.-- (1) Venereal disease shall normally be rejected but a sequela of the disease may sometime be accepted as aggravated by service. In the case of such disease contracted during service, grounds for acceptance will rarely be found unless the member after treatment had returned to full duty and had been subjected to such strain as would produce one of the after effects of the disease sooner than would have normally been the case. The strain must have been of an exceptional nature.

(2) In the case of disease contracted before service if the member had reached an age when such manifestation could be accepted, entitlement shall not be conceded. On the other hand, if the later manifestation had been produced or hastened by the strain of service in which case there should be evidence that the strain was of an exceptional nature, entitlement may be considered on the basis of aggravation.

(3) In the case of disease due to heredity, entitlement must be determined as in para (2) above.

(4) The above refers only to late manifestations or sequela of venereal diseases as Neuro-Syphilis or Cardio-vascular Syphilis.

(viii) Invalidation on account of indulgence in drugs or drinks.--Entitlement shall not be conceded if the disability or death on which the claim is based, resulted from indulgence in drugs or drinks which was within one's own control.

5. Unforeseen effects of service medical treatment: -

- (a) Where unforeseen complications arise as a result of treatment (including operative treatment) given for the purpose of rendering a member fit for service duties, any disablement resulting shall normally be accepted as attributable to service.

(b) Where the treatment is given for other reasons, the position regarding any unforeseen complications differs according as the condition which necessitated treatment was or was not, either attributable to or aggravated by services. If it was so attributable or aggravated any disablement resulting from the treatment shall normally be accepted as attributable to service. If it was not, no responsibility shall be accepted for the additional disablement unless neglect, delay, faulty technique or lack of reasonable skill can be held responsible for the untoward outcome, or the exigencies of service before, during or after the treatment can be held to have caused or aggravated the condition.

(c) The above considerations apply whether the treatment is given in a railway hospital or under a railway arrangements in any other hospital but will not apply if the treatment is undertaken under private arrangement by an individual.

6. **Assessment:** -

(a) The assessment of a disability is the estimate of the degree of disablement it causes, which can properly be ascribed to service as defined below.

(b) The disablement properly referable to service shall be assessed as under :-

(i) At the time of discharge from the railway service-

Normally the whole of the disablement then caused by the disability. This rule shall apply irrespective of whether the disability is actually attributable to service, or is merely aggravated thereby. In the latter event, part of the disablement on discharge may have been brought about by the natural progress of the disability during service. But as it is impossible, for so long as the strain and stress of service continues, to apportion quantitative-

Special consideration should be given to cases in which the disablement has been or may have been worsened by the improper or excessive use of alcohol, tobacco or drugs or by venereal diseases. In such cases, the effects of these shall be excluded in assessing disablement ascribable to service.

The effects of service and non-service factors, the entire disablement at the time of discharge shall be taken into account. For example:

(1) Where a person who had a partially disabled hand, sustains an injury to the same hand which renders it less useful than before, or a person with an impaired foot injures the other as a result of service, thus increasing his defect in locomotion; or

(2) Where a person gives history of cough and cold prior to enrolment and is invalided out of service for Chronic Bronchitis held to be aggravated by service, pension shall be admissible for the total disablement.

(ii) On resurvey of disability after discharge from the service.-- The whole of the disablement then caused by the disability, less the following : -

(1) The part due to non-service factors, such as individual habits, occupation in civil life, accident after discharge, climatic environment after discharge;

(2) Any worsening due to the natural progress of the disability since discharge apart from the effects of service.

Deduction (1) shall be made in all cases; while deduction (2) above shall apply only in cases where the disability is accepted as aggravated by, but not apart from the effects of service.

(c) In cases accepted as aggravated by service, although a percentage of disablement, equal to more than twenty per cent, may be assessed on medical re-survey, after discharge from service, in accordance with para b (ii)(2) above, disability pension shall cease to be payable as soon as the effects of the aggravation by service have passed away, e.g., where a person with disease, e.g., Fibrositis, Bronchitis, Eczema, etc., held to be aggravated by service, is invalided out and on re-survey was found by the Medical Board to have

been restored (a) to his pre-service condition or (b) the condition in which he may have been normally at that time even if he had not joined Government service aggravation by service shall be deemed to have passed away.

- (d) Paired organs.-- (i) Paired organs, namely eyes, ears, arms and legs shall be considered together, where disablement due to service occurs in one of a pair of organs, assessment on discharge shall be made with reference to the diminution of the functional capacity of the organs working together. Therefore, assessment shall include functional defect of the pair of organs.
- (ii) Subject to the exceptions specified below, any subsequent increase in the non-service disablement and non-service disablement arising after discharge whether due to injury or disease shall be excluded from the assessment.
- (iii) Cases arise in which at the time of discharge, there is damage by service to one only of the paired organs (namely, eyes, ears, arms including hands) and legs (including feet) and the other is, either normal or impaired in a minor degree. Where the disablement acceptable under clause (ii) above and the disablement of the other limb or organ are together assessable at any subsequent date at 100 per cent the assessment for pension purposes shall be increased by one half of the difference between the current assessment and 100 per cent. For instance, a pensioner receiving an award at the forty per cent rate for the loss of an eye who later loses the sight of his other eye through a non-service cause, shall have his award increased to seventy per cent rate; and a pensioner with an award at eighty per cent for a gunshot wound of an arm, who later develops severe arthritis of his other arm, thereby being 100 per cent disabled, shall qualify for a revised award at ninety per cent rate. Where the combined disablement of the pair of organs is less than 100 per cent, but is more than twice as serious as the disablement acceptable under clause (ii) above, the assessment shall be increased to one half of the combined disablement. If, for example, a pensioner with an award at thirty per cent rate for the loss of vision of one eye partially loses the sight of the other eye through a non-service cause, and the defective vision of both eyes together is assessable at eighty per cent his award shall be increased to the forty per cent.
- (iv) The provisions of the preceding sub-clause are applicable even where the second of a pair of organs has been disabled by some generalised disability (e.g., rheumatoid arthritis) which would have also disabled the first of the pair if it had not been lost or damaged as the result of service.
- (e) Composite assessments.--Where there are two or more disabilities due to service compensation shall be based on the composite assessment of the degree of disablement. Generally speaking, when separate disabilities have entirely different functional effects, the composite assessment shall be arithmetical sum of their separate assessments. But where the functional effects of the disabilities overlap, the composite assessment will be reduced in proportion to the degree of overlapping.
- (f) Nil disablement.--Where, although a definite disability is or has been in evidence the medical Board consider that any disablement resulting therefrom has ceased or has become so small as not to admit of assessable compensation, the assessment shall be expressed as "Nil disablement".
- (g) Where the disability due to service has no connection with the pre-existing disability, as for example, a person who had lost finger prior to enlistment, loses a great toe by service, compensation shall be restricted to the loss of the great toe only.

SCHEDULE I

[See rule 3(3)]

No		Percentage of loss of earning capacity
PART I		
List of injuries deemed to result in Permanent Total		

Disablement		
1.	Loss of both hands or amputation at higher sites	100
2.	Loss of a hand and a foot	100
3.	Double amputation through leg or thigh or amputation through leg or thigh on one side and loss of other foot	100
4.	Loss of sight to such an extent as to render the claimant unable to perform any work for which eyesight is essential	100
5.	Very severe facial disfigurement	100
6.	Absolute deafness	100
PART II		
List of Injuries deemed to result in Permanent Partial Disablement		
Amputation cases-upper limbs (either arm)		
1.	Amputation through shoulder joint	90
2.	Amputation below shoulder with stump loss than 8" from tip of acromion	80
3.	Amputation from 8" from tip of acromion to less than 4 1/2" below tip of olecranon	70
4.	Loss of a hand or of the thumb and four fingers of one hand or amputation from 4 1/2" below tip of olecranon	60
5.	Loss of thumb	30
6.	Loss of thumb and its metacarpal bone	40
7.	Loss of four fingers of one hand	50
8.	Loss of three fingers of one hand	30
9.	Loss of two fingers of one hand	20
10.	Loss of terminal phalanx of thumb	20
AMPUTATION CASES-LOWER LIMBS		
11.	Amputation of both feet resulting in end-bearing stumps	90
12.	Amputation through both feet proximal to the metatarsophalangeal joint	80
13.	Loss of all toes of both feet through the metatarsophalangeal joint	40
14.	Loss of all toes of both feet proximal to the proximal interphalangeal joint	30
15.	Loss of all tops of both feet distal to the proximal interphalangeal joint	20
16.	Amputation at hip	90
17.	Amputation below hip with stump not exceeding 5" in length measured from tip of great trochanter	80
18.	Amputation below hip with stump exceeding 5" in length measured from tip of great trochanter but not beyond middle thigh	70
19.	Amputation below middle thigh to 3 1/2" below knee	60
20.	Amputation below knee with stump exceeding 3. 1/2" but not exceeding 5"	50
21.	Amputation below knee with stump exceeding 5"	40
22.	Amputation of one foot resulting in end bearing	30
23.	Amputation through one foot proximal to the metatarsophalangeal joint	30
24.	Loss of all toes of one foot through the metatarsophalangeal joint	20
OTHER INJURIES		
25.	Loss of one eye, without complications, the other being normal	40
26.	Loss of vision of one eye, without complications or disfigurement of eye ball, the other being normal	30
A-FINGERS OF RIGHT OR LEFT HAND		

INDEX FINGER		
27.	Whole	14
28.	Two phalanges	11
29.	One phalanx	9
30.	Guillotine amputation of tip without loss of bone	5
MIDDLE FINGER		
31.	Whole	12
32.	Two phalanges	9
33.	One phalanx	7
34.	Guillotine amputation of tip without loss of bone	4
RING OR LITTLE FINGER		
35.	Whole	7
36.	Two phalanges	6
37.	One phalanx	5
38.	Guillotine amputation of tip without loss of bone	2
GREAT TOE		
39.	Through metatarso-phalangeal Joint	14
40.	Part, with some loss of bone	3
ANY OTHER TOE		
41.	Through metatarsephalangeal Joint	3
42.	Part, with some loss of bone	1
TWO TOES OF ONE FOOT, EXCLUDING GREAT TOE		
43.	Through metatarso-phalangeal joint	5
44.	Part, with some loss of bone	2
THREE TOES OF ONE FOOT, EXCLUDING GREAT TOE		
45.	Through metatarso-phalangeal joint	6
46.	Part, with some loss of bone	3
FOUR TOES OF ONE FOOT, EXCLUDING GREAT TOE		
47.	Through metatarso-phalangeal joint	9
48.	Part, with some loss of bone	3

Note : Complete and permanent loss of the use of any limb or member referred to in this Schedule shall be deemed to be the equivalent of the loss of that limb or member.

SCHEDULE II

[See rule 3(4)]

1. List and classification of diseases which can be contracted by service.

A. Diseases affected by climatic conditions.

- (i) Pulmonary Tuberculosis.
- (ii) Pulmonary Oadema.
- (iii) Pulmonary Tuberculosis with pleural effusion.
- (iv) Tuberculosis-Non-pulmonary.
- (v) Bronchitis.
- (vi) Pleurisy, empyema, lung abscess and bronchiactasis.
- (vii) Labar pneumonia.

- (viii) Nephritis (acute and chronic)
- (ix) Otitis Media
- (x) Rheumatism-acute
- (xi) Rheumatism-chronic.
- (xii) Arthritis.
- (xiii) Myalgia.
- (xiv) Lumbago.
- (xv) Frost-bite leading to amputation of limb / limbs.
- (xvi) Heat Stroke.

B. Diseases affected by stress and strain

- (i) Psychosis and Psychoneurosis.
- (ii) Hyperpiesia.
- (iii) Hypertension (B.P.)
- (iv) Pulmonary Tuberculosis.
- (v) Pulmonary Tuberculosis with pleural effusion.
- (vi) Tuberculosis- Non-pulmonary.
- (vii) Mitral stenosis.
- (viii) Pericarditis adherent pericardium.
- (ix) Endo-carditis.
- (x) Sub-acute bacterial endo-carditis, including infective endocarditis.
- (xi) Nyocarditis-acute or chronic.
- (xii) Valvular disease.

C. Diseases affected by dietary compulsions.

- (i) Infective hepatitis (Jaundice).
- (ii) Diseases of stomach and deodenum.
 - (iii) Worm infestations particularly Guinea Worm and round worm infections.
- (iv) Gastritis.

(v) Food poisoning, specially due to tinned food.

(vi) Gastric ulcer.

(vii) Duodenal ulcer.

(viii) Nutritional Disorders.

D. Diseases affected by training, marching, etc.

(i) Tetanus, erysipelas, septicaemia and pyaemia, etc., resulting from injuries.

(ii) Varicose.

(iii) Ankylosis and acquired deformities resulting from injuries.

(iv) Hernia.

(v) Post-traumatic epilepsy and other mental changes resulting from skull injury.

(vi) Internal derangement of knee Joint.

(vii) Burns sustained through petrol, fire, kerosene oil, etc., leading to scars and various deformities and disabilities.

(viii) Deformities of feet.

E. Environmental Diseases.

(i) Diseases contracted in the course of official duty of attending to a venereal or septicaemic patient or conducting a post-mortem examination.

(ii) Diseases contracted on account of handling poisonous chemicals and radiation equipment.

II. Diseases not normally affected by service.

(i) Malignant disease : Cancer and Carcinoma.

(ii) Sarcoma (except in cases of sarcoma, of bone with a history of injury, due to service, on the site of the development of the growth).

(iii) Epithelioma.

(iv) Rodent ulcer.

(v) Lymphosarcoma.

(vi) Lymphadenoma (Hodgkin's disease).

(vii) Leukaemia.

(viii) Pernicious anaemia (Addison's anaemia).

(ix) Osteitis deformans (Paget's disease).

- (x) Geut.
- (xi) Acromegaly.
- (xii) Corrhosis of the liver-if alcoholic.

EYES

- (xiii) Errors of refraction.
- (xiv) Hypermetropia.
- (xv) Myopia.
- (xvi) Astigmatism.
- (xvii) Preshyopia Glaucoma-acute or chronic, unless there is a history of injury due to service or of disease of the eye due to service.

SCHEDULE-III

[See rule 10(2)]

DISABILITY PENSION

The revised rates of disability pension introduced with effect from Ist day of January, 1986 are as follows: -

Disability Pension for 100 percent disability shall be allowed at the following rates; -

Basic Pay per month	Rate of disability per month for 100 percent disability
1	2
(i) Not exceeding Rs. 1500	Thirty Percent of basic pay subject to a minimum of Rs. 375
(ii) Exceeding Rs. 1500 but not exceeding Rs. 3000	Twenty percent of basic pay subject to a minimum of Rs. 450
(iii) Exceeding Rs. 3000	Fifteen percent of basic pay subject to a minimum of Rs. 600 and a maximum of Rs. 1250

For lower percentage of disability the monthly disability pension shall be proportionately lower as at present provided that where permanent disability is not less than sixty per cent, the total pension (i.e., pension or service gratuity admissible under the Railway Services (Pension) Rules, 1993 plus disability pension under the Railway Services (Extra-Ordinary Pension) Rules, 1993 shall not be less than sixty percent, of basic pay subject to a minimum of Rs. 750 and a maximum of Rs. 2500.

SCHEDULE-IV

(See rule 11)

EXTRAORDINARY FAMILY PENSION

Only one consolidated extraordinary family pension shall be payable to the senior most beneficiary at a time on the same lines as is applicable for the payment of family pension under the Railway Services (Pension) Rules, 1993.

The consolidated family pension be allowed at the following rates irrespective of whether the deceased Railway servant had completed seven years of service or not ---

	Basic pay of Railway Servant on the date of death	Monthly Extraordinary Family Pension
1	2	3
(A) WHERE THE DECEASED RAILWAY SERVANT WAS NOT HOLDING A PENSIONABLE POST		
(i) If the widow is Childless	(i) Not exceeding Rs 1500/-	Thirty percent of basic pay subject to a minimum of Rs 375/-
	(ii) Exceeding Rs. 1500/- but not exceeding Rs. 3000/-.	Twenty percent of basic pay subject to a minimum of Rs. 450/-.
	(iii) Exceeding Rs. 3000/-.	Fifteen percent of basic pays subject to a minimum of Rs. 600/-, and maximum of Rs. 1250/-.
(ii) If the widow has child/children	In all cases	Forty percent of pay subject to a minimum of Rs. 1500/-.
(B) WHERE THE DECEASED RAILWAY SERVANT WAS HOLDING A PENSIONABLE POST		
(i) If the widow is childless	(i) Not exceeding Rs. 1500/-.	Fifty percent of basic pay
	(ii) Exceeding Rs. 1500/- . But not exceeding Rs. 3000/-.	Forty percent of basic pay subject to a minimum of Rs. 750/-.
	(iii) Exceeding Rs. 3000/-.	Thirty percent of basic pay subject to a minimum of Rs. 1200/- . And a maximum of Rs. 2500/-
(ii) If the widow has child/children	In all cases	Sixty percent of basic pay subject to a minimum of Rs. 750/- . And a maximum of Rs. 2500/-.

Family Pension at the rate indicated at (A) (i) and (B) (i) above shall be paid to the widow upto the date of death or re-marriage, whichever is earlier. Family Pension at the rates indicated at (A) (ii) and (B) (ii) above shall be paid to the widow

till the child or children attain the age provided under the Railway Services, (Pension) Rules, 1993 and thereafter the widow shall be paid family pension at the rates indicated at (A) (i) and (B) (i) above.

In cases where the widow dies or re-marries, the children shall be paid family pension at the rate indicated at (A) (i) or (B) (i) above, as the case may be, and the same shall apply to fatherless/motherless children. In both cases family pension shall be paid to the children for the period during which they would have been eligible for 'Family under Pension' Railway Services (Pension) Rules, 1993.

The dependent Parent, brothers, sisters, etc. shall be paid family pension at one half of rates applicable to fatherless/motherless children to conditions laid down in rule 11 of the Railway Services (Extraordinary Pension) Rules, 1993.

Railway Services (Extraordinary Pension) Rules

SCHEDULE V

[See rule 15(2) (ii) (iii)]

(Forms 'A', 'B', 'C', 'D', 'E')

FORM A

(Form of application for Disability Pension)

1. Name of the applicant and full Office address :
2. Father's Name :
3. Full Residential address (showing village, post office, district, state) :
4. Present or last employment, including full particulars and address of the Establishment :
5. Date of entry into service :
6. Full particulars of service and length of service, including interruption (both qualifying and non-qualifying) :
7. Percentage of Disability sustained due to Injury/Disease (as certified by the Medical Authorities) and circumstances which resulted in that disability-
8. Pay at the time of injury sustained, disease contracted (as certified by the Medical Authorities) :
9. Pension claimed :
10. Date of injury/disease (as certified by the Medical Authorities) :
11. Place of payment
12. Other relevant information, if any :
13. *Date of applicant's birth by Christian era :
14. Height :
15. Identification Marks :
16. Thumb and finger impressions :
Thumb..... Fore Finger.....

Middle-Finger Ring-finger.....

Little-finger.....

Place : Date : Signature of the applicant

Date on which the applicant

applied for pension:

Signature of the Head of Office.

Note: - Thumb and finger impressions and particulars of height and personal marks are not required given by such ladies, gazetted officers, Railway title-holders and other persons, as per specifically exempted, by the Ministry of Railways by special orders in that behalf.

*If not known exactly, please state on the best information or estimate and according to the best of your knowledge and belief.

FORM B

(Form of Application for Family Pension)

Application for Extraordinary Pension for the Family of late Shri/Shrimati..... killed, or died of Injuries/Diseases claimed as being attributable to Railway service.

I. Information regarding the claimant	1. Full name and address, residence (showing village, Post Office, District, State) :		
	2. Age and date of birth :		
	3. Height :		
	4. Identification Marks :		
	5. Present occupation and pecuniary circumstances :		
	6. Degree and nature of relationship with the deceased		
	7. Full name, Father's name, residence (indicating village, Post Office, District, State)		
II. Information regarding the deceased	8. Particulars of post and service with full name and address of the Establishment:		
	9. Full particulars of service Length of service etc.:		
	10. Pay at the time of death:		
	11. Date of birth :		
	12. Age at the time of death :		
13. Nature of Injury/Disease Injuries/Diseases causing death (as per the certificate of the Medical Authorities) and the circumstances in which the same resulted.			
III. Other information	14. Amount of pension, etc. claimed		
	15. Place of payment :		
	16. Date from which benefit(s) claimed :		
17. Other relevant information, if any.			
IV. Names and ages of surviving kindred of the decease's.	Relation	Name	Date of birth by Christian era
	Sons :		

	Widows :		
	Daughters :		
	Father :		
	Mother :		

(Place) Signature of the claimant

(Date)

Note 1- Please strike out the words not applicable.

Note 2- If the deceased has left no son, widow, daughter, father or mother surviving him, the word "none" or "dead" should be entered opposite to such relative.

Place: Date..... Seal: Signature of Head of Office.

Form 'C'

(Form to be used by the Medical Board when reporting on injuries/Diseases/Death).

Rule 15(2) (iii)

INSTRUCTIONS TO BE OBSERVED BY THE MEDICAL BOARD WHILE PREPARING THE REPORT

- (1) The Medical Board before recording their opinion should invariably consult the proceedings of the previous Medical Board, if any, as also all previous Medical/Hospital documents connected with the Railway servant brought before them for examination, or who has died.
- (2) If the injuries/Diseases be more than one, they should be numbered separately, giving percentage of disability for each, with full details.
- (3) In answering the question in the prescribed Form, the Medical Board, will confine itself exclusively to the medical aspect of the case, and will carefully discriminate between the railway servant's/claimant's unsupported statement(s) and the documentary evidence available.
- (4) The Medical Board will not express any opinion, either to the Railway servant examined (or any of his relatives or friends, etc.) or in their Report, as to whether he or his family is entitled to compensation or as to the amount of it, nor will it inform the railway servant or any other person connected with the Railway servant of anything about the nature of the Medical Report given by it.
- (5) The Medical Board shall give their Report herein below in the light of the provisions of Railway Board's letter number PCIII/78/EOP/3/Main dated 22-6-79 particularly Schedules I to IV and the Appendix annexed thereto.
- (6) The Report of the Medical Board, on each occasion, shall be supported by all the necessary and full medical and Hospital documents which shall be maintained and preserved for reference from time to time, as may be necessary, until the same would no longer be required for reference.

Proceedings of the Medical Board

CONFIDENTIAL

Proceedings of the Medical Board assembled by the order of for the purpose of examining and reporting on:

- (i) the present state of the Injury/Injuries/Disease/Diseases sustained/ contracted by, or
- (ii) death of, Shri/Shrimati..... on the

(please give date, month & year)

(a) State briefly the circumstances under which the Injury/Injuries/Disease/ Diseases was/were sustained contract or death onward and the date thereof;

(b) What is the railway servant's present condition?

(c) Is the Railway servant's-

(i) present condition, or

(ii) death

wholly due to injury/injuries/disease/diseases and reasons as claimed ?

If so, please explain fully how?

If not, please state to what other causes the same is/are attributable.

(d) From which date it appears that the Railway servant has been was incapacitated on that account:

(e) Which is the date of injury/disease/death:

The opinion of the Board upon the question below is as follows: -

PART A – FIRST EXAMINATION

1. The percentage of disability due to injury/injuries/Disease/Diseases is.....%

Please give herein below full details/justification about the nature of the Injury/Injuries/Diseases and for percentage of disability certified, supported by full/ all medical and Hospital documents with reference to Schedule I and II to the Railway Services (Extra-ordinary Pension) Rules, 1993

2. For what period from the date of Injury/Injuries/Disease/Diseases

(a) has the railway servant been unfit for duty? From To

(b) the railway servant is likely to remain unfit for duty? From To

(3) Other relevant information, if any/

Place: Signature of the Presiding Officer of the Medical Board.

Date: Signature of the Member of the Medical Board.

PART B- SECOND OR SUBSEQUENT EXAMINATIONS

1. If the original degree of disability of the Railway servant has changed, what is the percentage of disability now?

(Please give here details of justification in support of your view alongwith all urther medical and hospital documents in full).

3. For what period from the date of Injury/Injuries/Disease/Diseases-

(a) has the railway servant been unfit for duty/

(b) the railway servant likely to remain unfit for duty?

Place: Signature of the Presiding Medical Officer of the Medical Board.

Date: Signature of the Member of the Board.

Signature of the Member of the Board.

Note :- Please score out the word/words not applicable.

Form 'D'

(Please see also Forms 'C' and 'E')

REPORT ON ACCIDENTAL AND SELF-INJURIES

1. Declaration by the injured person.

I.....hereby declare that the injury

(Number, rank, name and unit)

did*

sustained by me on.....occur while I was in the performance of railway duty.

did not*

.....

(Medical Officer before whom the declaration is made) (Injured person)

Station.....Date..... Station.....Date

2. Nature, location and severity of injury

NOTE-Hospital to be notified at once if wound is believed to be self-inflicted.

*Strike out whichever is not applicable.

(Medical Officer)

3. Short statement of the circumstances of the case.

(Signed statements of witnesses giving a detailed account of the circumstances of the accident must be attached this Form. Place or sketch of place of accident and how it occurred in cases of lorry, motor car or cycle accidents.)

4. Opinion of the Commandant/Head of Office

(a) (i) Was the individual in the course of performance of an official task or a task the failure to do which would constitute an offence triable under the disciplinary code applicable to him? (Indicate the nature of the task, by whom it was ordered and when).

(ii) Did the accident occur during the journey or transport by a reasonable route under organised arrangements from the individual's quarter to or back from an appointed place of duty? Cite and attach copies of standing instructions or other orders in support, if the journey or transport was officially organised also a sketch showing the reasonable route from the

individual's quarter to the place or duty.

or

(iii) Was the individual participating in recreation organised or permitted by service authorities? Indicate the nature of the recreation., e.g., P. T. Exercises including games. In case of games and sports out of parade hours, cite and attach copy of official orders to indicate that it was organised or permitted by competent authority

or

(iv) Was the individual travelling either in a body or singly under organised arrangements? (Cite and attach copy of official orders to indicate that the arrangements were organised by competent authority)

or

(v) Was the individual proceeding to his leave station on returning to duty from his leave station? In either case, was the journey at public expense or was performed on concession voucher or at individual's own expense? [Give-

(1) the dates of commencement and termination of the period of leave;

(2) the name of the leave station; and

(3) particulars of the direct route from the place of duty to or from the leave station.]

(b) Was the accident due wholly/partially to:

(f) serious negligence and/or

(ii) misconduct of the individual? (Indicate the nature of the serious negligence or misconduct and the grounds on which the opinion is based).

(c) Was any one else to blame for the accident? (If so, indicate how and to what extent).

(d) Was the individual under the influence of intoxication drink or drug at the material time?

(b) Has any Court of Enquiry been held or will be held? If so, indicate the date and the place of the enquiry, and attach the Enquiry Report (in original)]@

Station..... Officer Commanding.....

Date..... Head of Office

5. The injury/disability/death occurred in peace/field/operational Area and/is not attributable to railway service.

.....

Head of State

Frontier D.G.

.....

Date..... Station..... Head of Office

.....

Head of Department

FOR USE ON FIELD SERVICE ONLY (Items 6-8)

(To be completed in all field service cases where injuries are/or, are suspected to be self-inflicted)

6. (a) Opinion of the Unit Commander

(b) Disciplinary action taken, or proposed, whether against injured individual or another.

.....:

Commandant of Unit

To

Dy. I.G.

State

7. Forwarded with reference to my casualty signal No..... dated.....

Date.....

Commanding D.I.G.

State

To

I.G.

Frontier,

DECISION OF I.G.....

8. The casualty should be reported as.....

.....

Date..... General Officer Commandant

I.G. Frontier.

To

D.G.,.....

Note-If the I.G. decides that the casualty to be reported as self-inflicted, he should indicate how far he concurs with the opinions expressed above.

@In all cases of death, Court of Enquiry must be held; so also in respect of disability exceeding 20%.

To be completed and signed by OC unit if injury is not severe and no Court of Inquiry is held.

FORM 'E'**

[See also forms 'C' and 'D']

FORM FOR REPORT ON CASES (OTHER THAN THOSE DUE TO INJURIES) WHICH HAVE ENDED FATALLY OR ARE PROPOSED FOR INVALIDING PART 'A'

(To be filled by the M.O.)

Station.....

Date.....

Name.....Service No.....Designation..... Unit.....
Service.....Force.....Other full service particulars and office address, etc.....
Disability.....

Outcome of the case, i.e., died or to be invalided.....

.....

Medical Officer

PART B

(To be answered by the Officer Commanding Unit)

Circumstances of the case

1. Was the individual in your opinion of average physique and stamina when he joined the unit?
 2. (a) Was the individual , as far as you are aware, in his normal health prior to the onset of the illness?
 - (b) If you are aware of any previous illness from which he suffered (which is not recorded in his medical history), state its nature and duration.
3. Was the individual employed on sedentary duties/sheltered occupation? If so-
 - (a) had he to do P.T. and/or Parades?
 - (b) was he doing it regularly prior to failing ill or had been exempted therefrom on account of ill-health? If so, from which date?
- 4.(a) (i) Mention any circumstances of exposure giving details thereof, and/or
 - (ii) State periods and conditions of service, at any particular place, which you consider caused or aggravated the illness.
- (b) (i) Give the nature of duties he had perform in Government service.
 - (ii) Was he subject to stress and strain by such duties? If so, wae it of an exceptional nature? Give details.

(c) Disease endemic to certain areas or disease due to infection:

- (i) If disability or death was due to infection, is there any evidence that the exposure was due to negligence or misconduct on his part?
- (ii) Did he live in unit lines or was he permitted to live outside with his family?
- (iii) How many out passes was he granted during the previous month and what was the date of the last out pass?
- (iv) Was the disease endemic to the area he was serving in and during this period or immediately preceding it were there other cases of the same disease in the unit? If so, give the number of such cases, details of movements of affected persons and any other circumstances which might have been responsible for the disease.
- (v) Give the date of last leave and places where the leave was spent. Did illness start during leave? If shortly after from leave, state date on which the illness commenced.

(d) Venereal Diseases (Further information on the points mentioned below)-

- (i) When was it contracted
- (ii) Period of treatment.
- (iii) Whether after treatment the man returned to full duty?
- (iv) Whether after return to duty post hospital surveillance and treatment was continued according to existing regulations.
- (v) After return to duty, was the man subjected to any stress of an exceptional nature? If so, mention the nature of exceptional stress.

5. Do you consider that the death or disability was attributable to or aggravated by service?

Date.....

Officer Commanding

.....

Head of the Office

.....

Head of the Department

PART C

(To be completed by Medical Officer concerned in all death cases)

- (i) How many cases of this disease were treated during six months prior to admission of this individual?
- (ii) How many cases of this disease were received from this unit? Give details of such patients in chronological order?
- (iii) Was the infection endemic or was there any outbreak of it in the local garrison?

(iv) Was there an outbreak of the disease in the neighbouring city or village?

(v) What is your view of the source of infection? In all cases state whether you consider the death was attributable to or aggravated by service and give the reason on which you base your opinion

Commanding Officer,

.....
Hospital

1. Chief Medical Officer, Presiding Officer of the Medical Board.

2. Medical Officer, Member of the Medical Board.

3. Medical Officer, Member of the Medical Board.

[No.93/CR/Pension Rules]

MASIHUZZAMAN,
Secretary, Railway Board.
