EAST COAST RAILWAY

प्रमुख मुख्य कार्मिक अधिकारी का कार्यालय/
Office of the Principal Chief Personnel Officer
द्वितीय तल, - 751 017
Rail Sadan, IInd Floor, Bhubaneswar-751 017

स्थापना क्रमांक/ Estt.Srl. No.254/2019
पूतरे/कार्मिक/आर/ECoR/Pers/R/Pension

RBE No-170/2019
Date: 18.11.2019

सेवा मे,
सभी प्रमुख विभागाध्यक्षों/समन्वयक विभागाध्यक्षों, पू त रे/भुवनेश्वर
मं.रे.प्र/व.मं.का.अधिकरी/मं.का.अधिकारी-खोरधारोड,वालातेरू, संबलपुर,
मु;कारखाना प्रबंधक/कारखाना कार्मिक अधिकारी- मंचेश्वर, अतिरिक्त रजिस्ट्रार/रेल दावा अधिकरण,
व.का अधिकारी(नि)/भुवनेश्वर
महा सचिव/इकोर श्र. कां., महा सचिव/इकोर श्र. यू.,
महा सचिव/एआई ओ बी सी आर ई ए, महा सचिव/ ए आई एस सी एस टी आर ई ए

Sub: Qualifying Service for pensionary purposes.(Master Circular No-54)

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उपर्युक्त विषय पर बोर्ड पत्र सं 2019/F(E)III/7/1 दिनांक 14.10.2019 की प्रतिलिपि सूचना. मार्गदर्शन एवं आवश्यक कार्रवाई हेतु अग्रेपित है।

A copy of the Board's Lr. No 2019/F(E)III/7/1 Dated 14.10.2019 on the above quoted subject is forwarded herewith for information, guidance and necessary action.

Encl: As above,

(M.Ganga Bhawani)
Dy. Chief Personnel Officer(Gaz)
For Pr. Chief Personnel Officer

प्रतिलिपि प्रेषित/Copy to :

1) महाप्रबंधक के सचिव/पूर्व तट रेलवे, भुवनेश्वर
2) मुकाधि/मुकाधि(प्रशा.), उप म.प्र, अध्यक्ष(रेलवे भर्ती प्रकोष्ठ)
3) उप मुख्य प्रबंधक(सू.प्रौ), उप मुकाधि(औ.सं.एवं कल्याण), वकाधि(इंजी.)
4) वकाधि(मुख्या.), वकाधि(स्टाफ), वकाधि(राज. एवं न्याया.)
5) मुकाधि के निजी सचिव/सहा.कार्मिक अधि.(मुख्या.-1),सहा.कार्मिक अधि.(कल्याण),

ECoR's E.S. NO. 259/2019

RBE-170/2019

सत्यमेव जयते

भारत सरकार (Government of India)

रेल मंत्रालय (Ministry of Railways)

(रेलवे बोर्ड/ Railway Board)

पेंशनी प्रयोजनों के लिए अर्हक सेवा

पर

मास्टर परिपत्र सं. 54

(अक्टूबर, 2019 में अपडेटेड)

Master Circular No. 54

(Updated in October, 2019)

On

Qualifying Service for Pensionary purposes.

GOVERNMENT OF INDIA (BHARAT SARKAR)
MINISTRY OF RAILWAYS (RAIL MANTRALAYA)
(RAILWAY BOARD)

No. 2019/F(E)III/7/1 **New Delhi, Dated :14.10.2019**

The GMs/Principal Financial Advisers,
All Zonal Railways/Production Units etc.,
(As per mailing list)

Subject: Qualifying Service for pensionary purposes.

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Please find enclosed herewith a copy of Master Circular No. 54 regarding Qualifying Service for pensionary purposes, for information and necessary action.

G. Priya Sudarsani

(G. Priya Sudarsani)
Director, Finance (Estt.),
Railway Board.

D.A.: as above

Copy to:-

1. The General Secretary, NFIR, Room No. 256-E, Rail Bhawan, New Delhi (with 20 spares)
2. The General Secretary, AIRF, Room No. 253, Rail Bhawan, New Delhi (with 20 spares)
3. The Members of the National Council, Departmental Council and Secretary Staff Side, National Council, 13-c, Feroze Shah Road, New Delhi (with 30 spares).
4. The Secretary General, FROA, Room No. 256-A, Rail Bhawan, New Delhi.
5. The Secretary, RBSS, Group "A" Officers Association, Room No. 402, Rail Bhawan.
6. The Secretary, RBSS Group "B" Officers' Association.
7. The General Secretary, RBSSSA, Room No. 439, Rail Bhawan, New Delhi.
8. The Secretary General, IRPOF, Room No. 268, Rail Bhawan, New Delhi.
9. The Secretary, Railway Board Ministerial Staff Association.
10. The Secretary, Railway Board Class IV Staff Association.
11. The Secretary General, All India RPF Association, Room No. 256-D, Rail Bhawan, New Delhi -110 001.
12. The Secretary, Railway Board Promottee Officers Association, Room No. 341-C, Rail Bhawan, New Delhi.
13. The General Secretary, All India SC/ST Railway Employees Association, Room No. 7, Ground Floor, Rail Bhawan, New Delhi.
14. The General Secretary, All India O.B.C. Railway Employee's Federation (AIOBCREF), Room No. 48, Rail Bhawan.

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MC No. 54 (2019)
RBE No. 170 /2019

GOVERNMENT OF INDIA (BHARAT SARKAR)
MINISTRY OF RAILWAYS (RAIL MANTRALAYA)
(RAILWAY BOARD)

No. 2019/F(E)III/7/1 New Delhi, Dated : 14.10.2019

The GMs/Principal Financial Advisers,
All Zonal Railways/Production Units etc.,
(As per mailing list)

Sub: Qualifying service for pensionary purposes

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Master Circular No. 54 on the concept of "Qualifying Service for pensionary purposes" was last brought out and circulated vide Board's letter No. F(E)III/93/Master Circular-2 dated 30.03.1994. Railway Board have now decided to issue a consolidated Revised Master Circular on the subject for the information and guidance of all concerned.

2. While referring to this circular, the original letters referred to herein should be read for a proper appreciation. This circular is only a consolidation of the instructions issued so far and should not be treated as a substitution to the originals. In case of doubt, the original circular should be relied upon as authority.

3. The instructions contained in the original circulars referred to above, have only prospective effect from the date of issue unless specifically indicated otherwise in the concerned circular. For dealing with old cases, the instructions in force at the relevant time should be referred to; and

4. If any circular on the subject, which has not been superseded, has not been taken into consideration while preparing this consolidated letter, the said circular, which has been missed through oversight, should be treated as valid and operative. Such, a missing circular, if any, may be brought to the notice of the Railway Board.

QUALIFYING SERVICE

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 the 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;

(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 23.05.2000)

(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 07.12.2004)

1.1 A qualifying service of 9 years and 9 months and above at the time of retirement shall be treated as ten years of service for the purpose of pension and death/retirement gratuity.

2. **Counting of the period 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 shall be taken into account for calculating pensionary benefits on absorption in regular employment, subject to the following conditions 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 not 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.

3. **Counting of service rendered in Autonomous Bodies after absorption on Railways.**

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 retirement benefit for the service rendered under the railways in accordance with the orders issued by the railways.

(Authority: Railway Board's letter No. 2011/F (E) III/1(1)9 dated 23.09.13)

Explanation: - Body means autonomous body or statutory body.

3.1 The service rendered by the employees in Government/Railways will not be counted for the purpose of pension on absorption in the Nationalised Banks including the Reserve Bank of India and the State Bank of India and its Subsidiaries and other financial institutions including Life Insurance Corporation of India, General Insurance Corporation and its Subsidiaries. Similarly, the service rendered in these institutions by the employees prior to their appointment in Central Government/Railways will not count for the purpose of pensionary benefits under Central Government/Railways. They may seek terminal benefits as admissible from the concerned Nationalised Banks, etc, in which they had rendered service before being appointed in the Central Government/Railways/

(Authority: Railway Board's letter No. F(E)III/95/PN1/4 dated 04.08.1995)

4. **Counting of service under probation.**

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)

5. **Counting of period 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.

6. **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;

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 receive 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 combat 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 from the date of issue of the order of confirmation 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 (a) of clause (ii) of sub-rule (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 Consolidated Fund of India.

Provided that in a case where the Government contribution and the Special contribution, if any, have been paid to the railway servant, 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.

7. **Counting of Military service rendered before Railway employment.**

(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 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 data within three months of his return from leave, which-ever 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 installment 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.

7.1 **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. Ot 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.

8. **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.

9. **Condonation of interruption in service.**

(1) (a) In the absence of a specific indication to the contrary in the 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.

10. **Counting of the period 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 under the rule governing such cases expressly declares that it shall count to such count to 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.

11. **Counting of the 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/PN1/(Modification) dated 23.05.2000)

(i) due to his inability to join or rejoin duty on account of civil commotion, or
(ii) for prosecuting higher scientific or technical studies.

12. **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.

13. **Counting of the service in the United Nations Secretariat and other organizations.:**

A railway servant who is deputed on foreign service to the United Nations' Secretariat or other United Nations' Bodies, the International Monetary Fund, the International Bank of Reconstruction and Development, the Asian Development Bank or the Commonwealth Secretariat or any other International Organization and who becomes entitled for pensionary benefits from that organization, may at his option,-

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

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

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

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

(Authority: Railway Board's letter No. 2011/F (E) III/1(1)9dated 23.09.13)

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 provide in Rule 31;
(v) under a convenant 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 unauthorized absence in continuation of authorized joining time or in continuation of authorized 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. **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 that Government from 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.

16. **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 whether as a state employee 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.

17. **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.

18. 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.

19. Counting of temporary service under the State and Central Government and allocation of pensionary benefits:-

(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.

20. **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.

21. **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.

22. **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

(ii) 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 includingthe 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 decided 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 ser-vice 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 installments not exceeding thirty-six in number, the first installment 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

23. <u>Counting of periods spent on training:-</u>

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.

24. **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 regularized as 'duty' or 'leave' by a specific order of the authority which passed the order or reinstatement.

25. **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.

26. **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 of 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.

27. **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.

28. **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,

29. **Verification of qualifying service after *eighteen years* service and *five years* before retirement:-**

(1) A railway servant on completing eighteen 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 and 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

(Authority: Railway Board's letter No. 2011/F (E) III/1(1)9dated 23.09.13 & File No. 2015/F(E)III/1(1)/4 dt.17.06.16 .....RB NO.70)

(1A)For the purposes of verification of service, the Head of Office shall follow the procedure provided in clause (a) of sub-rule (1) of rule 79.

(Authority: File No. 2015/F (E)III/1(1)/4 dt.17.06.16 .....RB NO.70)

(2) Not withstanding 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.

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