Estt. Srl. No.13/2023
RBE No -13/2023

EAST COAST RAILWAY

प्रधान मुख्य कार्मिक अधिकारी का कार्यालय/
Office of the Principal Chief Personnel Officer
रेल सदन, द्वितीय तल, भुवनेश्वर - 751017
Rail Sadan, IInd Floor, Bhubaneswar-751017

ECoR/Pers/R/Pension

Date: 18/01/2023

ALL PHODs/CHODs,
DRMs/CWM/CAO &CPM,
East Coast Railway, Bhubaneswar.

Sub: Clarification on Railway Services (Commutation of Pension) Rules, 1993-regarding.

A copy of Railway Board's Letter No-D-43/29/2022-F(E)III Dated -12/01/2023 on the above quoted subject is forwarded herewith for information, guidance and necessary action.

Encl: As above,

18/01/23
(Prakhar Gupta)
Dy. Chief Personnel Officer(HQ)
For Principal Chief Personnel Officer.

Copy to:-

1. Secy, to GM,
2. Chairman-RRB&RRC-BBS,
3. Dy. CPOs /Sr. DPOs, DPOs/SPOs, WPO/APOs of Personnel Department
4. General Secretary's- ECoRSC/ECoRSU/AISCTREA.

RBE No.13/2023.

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

No.D-43/29/2022-F(E)III **New Delhi, dated:12.01.2023.**

The General Managers/Principal Financial Advisors,
All Zonal Railways/Production Units etc,
DGs of RDSO and NAIR.

Sub: Clarifications on Railway Services (Commutation of Pension) Rules 1993-reg.

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Copies of Department of Pension & Pensioners' Welfare (DOP&PW)'s O.M. Nos.

a. 42/15/2022-P&PW(D)/2 dated 25.10.2022
b. 42/15/2022-P&PW(D)/3 dated 25.10.2022
c. 42/15/2022-P&PW(D)/4 dated 25.10.2022
d. 42/15/2022-P&PW(D)/5 dated 25.10.2022
e. 42/15/2022-P&PW(D)/6 dated 31.10.2022
f. 42/15/2022-P&PW(D)/7 dated 31.10.2022

are enclosed for information and guidance. These instructions shall apply *mutatis mutandis* on the Railways also. The Central Civil Services (Commutation of Pension) Rules, 1981 correspond to Railway Services (Commutation of Pension) Rules, 1993. FR-56(a) corresponds to Rule 1801 contained in Indian Railway Establishment Code Vol. II [1987 Edition].

2. The Railway Board's instructions/Railway Services (Commutation of Pension) Rules, 1993 corresponding to DOP&PW's instructions/CCS (Pension) Rules, 1981 referred to in their aforesaid OMs are given below:-

S. No.	DOP&PW's instructions/Central Civil Services (Commutation of Pension) Rules, 1981	Corresponding Railway Board's instructions/Railway Services (Commutation of Pension) Rules, 1993
1.	Rule 6(1)(i-a) of CCS (Commutation of Pension) Rules, 1981	Rule 7(ii) of Railway Services (Commutation of Pension) Rules, 1993
2.	Rule 5 of CCS (Commutation of Pension) Rules, 1981	Rule 6 of Railway Services (Commutation of Pension) Rules, 1993
3.	Rule 10 of CCS (Commutation of Pension) Rules, 1981	Rule 11 of Railway Services (Commutation of Pension) Rules, 1993
4.	Rule 10A of CCS (Commutation of Pension) Rules, 1981	Rule 11A of Railway Services (Commutation of Pension) Rules, 1993
5.	O.M. No. 42/14/2016-P&PW (G) dated 24.10.2016	Letter No. 2016/F(E)III/1/(1)8 dated 02.11.2016
6.	Rule 6 of CCS (Commutation of Pension) Rules, 1981	Rule 7 of Railway Services (Commutation of Pension) Rules, 1993

3. Please acknowledge receipt.

(Sanjay Prashar),
Deputy Director, Finance (Estt.) III,
Railway Board.

c/c

D.A.: As above

No. D-43/29/2022-F(E)III **New Delhi, Dated:12.01.2023.**

Copy to:

Deputy Comptroller and Auditor General of India (Railways), Room No. 222, Rail Bhawan, New Delhi.

For Member Finance, Railway Board

No. D-43/29/2022-F(E)III **New Delhi, Dated:12.01.2023.**

Copy to:-

1. The General Secretary, NFIR, Room No. 256-E, Rail Bhawan, New Delhi.
2. The General Secretary, AIRF, Room No. 253, Rail Bhawan, New Delhi.
3. The Members of the National Council, Departmental Council and Secretary Staff Side, National Council, 13-C, Feroz Shah Road, New Delhi.
4. The Secretary General, FROA, Room No. 256-A, Rail Bhawan, New Delhi.
5. The Secretary General, IRPOF, Room No. 268, Rail Bhawan, New Delhi.
6. The Secretary, RBSS, Group 'A' Officers Association, Rail Bhawan.
7. The Secretary, RBSS, Group 'B' Officers Association.
8. The General Secretary, RBSSSA, Room No. 451-A, Rail Bhawan, New Delhi.
9. The Secretary, Railway Board Ministerial Staff Association.
10. The Secretary, Railway Board Class IV staff Association.
11. The General Secretary, All India SC/ST Railway Employees Association, Room No. 7, Ground Floor, Rail Bhawan, New Delhi
12. The General Secretary, All India O.B.C. Railway Employees Federation (AIOBCREF), Room No.48, Rail Bhawan.

For Principal Executive Director(IR), Railway Board.

No D-43/29/2022-F(E)III **New Delhi, Dated:12.01.2023.**

Copy to:-

Adv. to MR, EDPG to MR, OSD to MR, OSD (Co-ord) to MR, PS to MoSR(D), EDPG to MoSR(D), PS to MoSR(J), EDPG to MoSR(J), DPG to MoSR(J).

PSOs/Sr.PPSs/PPSs to CRB, MF, M/O&BD, M/Infra, M/TRS.

DG/HR, DG/Safety, DG(RHS), DG(RPF).

All Addl. Members, PEDs, All EDs, JSs

No. D-43/29/2022-F(E)III **New Delhi, Dated: 12.01.2023.**

Copy to:-

1. The Director General and Ex Officio General Manager, RDSO/Lucknow.
2. The General Manager and FA&CAO, Metro Railway/Kolkata
3. The Director General, National Academy of Indian Railways (NAIR)/ Vadodara
4. The DGs, IRICEN/Pune, IRIEEN/Nasik Road. IRIMEE/Jamalpur, IRISET/Secunderabad
5. The CMDs, IRCON, IRFC, MRVC, IRC&TC, CONCOR, RITES, KRCL, RVNL, Railtel and MDs, CRIS, IRWO.
6. The Chairman, RCT/Delhi.
7. The Chairman, RRB/Ajmer, Ahmedabad, Allahabad, Bangalore, Bhopal, Bhubaneshwar, Chandigarh, Chennai, Kolkata, Jammu, Gorakhpur, Guwahati, Malda, Mumbai, Muzaffarpur, Patna, Ranchi, Secunderabad and Trivandrum.
8. The Pay & Accounts Officer, Ministry of Railways (Railway Board)
9. The Chief Commissioner of Railway Safety/ Lucknow
10. The Vice Chairman, Rail Land Development Authority, New Delhi.

(Copy to Department of Pension & Pensioners' Welfare (DOP&PW) w.r.t. their O.M. No 42/15/2022-P&PW(D)/2 dated 25.10.2022, O.M. No. 42/15/2022-P&PW(D)/3 dated 25.10.2022, O.M. No. 42/15/2022-P&PW(D)/4 dated 25.10.2022, O.M. No. 42/15/2022-P&PW(D)/5 dated 25.10.2022, O.M. No. 42/15/2022-P&PW(D)/6 dated 31.10.2022, O.M. No. 42/15/2022-P&PW(D)/7 dated 31.10.2022)

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No. 42/15/2022-P&PW(D)/2
Government of India
Ministry of Personnel, P.G. & Pensions
Department of Pension & Pensioners' Welfare

3rd Floor, Lok Nayak Bhawan,
Khan Market, New Delhi-110003
Date:- 25th Oct, 2022

OFFICE MEMORANDUM

Subject:- Clarification regarding commutation value for Government servant whose date of birth is the first of a month and who retires on the afternoon of the last day of the preceding month-reg

In accordance with proviso to Fundamental Rule [FR-56(a)], a Government servant whose date of birth is the first of a month shall retire from service on the afternoon of the last day of the preceding month.

2. References/Representations have been received in this Department seeking clarification as to which commutation value is to be taken in cases where a Government servant whose date of birth is first of a month and who retires from service on the afternoon of the last day of the preceding month.

3. In such cases, pension becomes due from the day following the date of retirement. Further, as per Rule 6(1)(i-a) of CCS(Commutation of Pension) Rules, the commutation of pension shall become absolute on the day following the date of retirement. Therefore, the retiring Government servant will be eligible for commutation of pension on the day following the date of his retirement and the commutation value expressed as number of year's purchase will be age on next birthday.

4. Accordingly, in the case of such Government servants who retire on attaining the age of 60 years, the age next birthday will be 61 years, including in cases where the date of birth is first of a month and the Government servant retires on the afternoon of the last day of the preceding month. Therefore, the commutation value of 61 years (i.e age on next birthday) will be applicable in this case.

(Charanjit Taneja)
Under Secretary

1. All Ministries/Departments of the Government of India (as per standard distribution list).
2. C&AG of India, UPSC, etc. as per standard endorsement list.

No.42/15/2022-P&PW(D)/3
Government of India
Ministry of Personnel, P.G. & Pensions
Department of Pension & Pensioners' Welfare

3rd Floor, Lok Nayak Bhawan,
Khan Market, New Delhi-110003
Date:- 25th Oct, 2022

OFFICE MEMORANDUM

Subject:- Clarification regarding pension to be taken for commutation after retirement-reg

In accordance with Rule 5 of CCS (Commutation of Pension) Rules, 1981, a Government servant can commute for a lump-sum payment of an amount not exceeding 40 per cent of his pension.

2. Doubts have been raised as to which pension i.e pension authorized at the time of retirement or the pension revised subsequently and payable at the time of application for commutation shall be allowed to be commuted.

3. As per Rule 10 of CCS (Commutation of Pension) Rules, 1981, an applicant who has commuted a percentage of his final pension and after commutation his pension has been revised and enhanced retrospectively as a result of Government's decision, the applicant shall be paid the difference between the commuted value determined with reference to enhanced pension and the commuted value already authorized. For the payment of difference, the applicant shall not be required to apply afresh.

4. This Department's OM No. 42/14/2016-P&PW (G) dated 24.10.2016 provides that those pensioners who retired from 01.01.2016 till 04.08.2016 i.e the date of issue of orders for revised pay/pension based on the recommendations of the 7th CPC may be given an option, in relaxation of Rule 10 of CCS (Commutation of Pension), Rules, 1981, not to commute the pension which has become additionally commutable on revision of pay/pension on implementation of recommendations of the 7th CPC. The cases where the additional pension after 7th CPC has already been commuted will not be re-opened.

5. In cases where the pension was authorized on retirement before 01.01.2016 and the pensioner applied for commutation on or after 01.01.2016, the pension which was originally sanctioned at the time of retirement only shall be allowed to be commuted.

(Charanjit Taneja)
Under Secretary

1. All Ministries/Departments of the Government of India (as per standard distribution list).
2. C&AG of India, UPSC, etc. as per standard endorsement list.

No. 42/15/2022-P&PW(D)/4
Government of India
Ministry of Personnel, P.G. & Pensions
Department of Pension & Pensioners' Welfare

3rd Floor, Lok Nayak Bhawan,
Khan Market, New Delhi-110003
Date:- 25th Oct, 2022

OFFICE MEMORANDUM

Sub:- Deduction of commuted pension from the pension revised in implementation of recommendations of Pay Commission etc.

In accordance with Rule 5 of CCS (Commutation of Pension) Rules, 1981 a Government servant can commute for a lump-sum payment of an amount not exceeding 40 per cent of his pension.

2. The amount of pension so commuted is deducted from subsequent monthly pensions. References have been received in this Department as to what amount shall be deducted from pension in cases where the pension is subsequently revised on implementation of recommendations of Pay Commission, etc.

3. It is clarified that in such cases, the portion/amount of pension which was originally commuted shall only be deducted from the revised pension.

(Charanjit Taneja)
Under Secretary

1. All Ministries/Departments of the Government of India (as per standard distribution list).
2. C&AG of India, UPSC, etc. as per standard endorsement list.

No. 42/15/2022-P&PW(D)/5
Government of India
Ministry of Personnel, P.G. & Pensions
Department of Pension & Pensioners' Welfare

3rd Floor, Lok Nayak Bhawan,
Khan Market, New Delhi-110003
Date:- 25th Oct, 2022

OFFICE MEMORANDUM

Sub:- Clarification regarding whether deductions towards commutation are required to be made from family pension for the remaining period in cases where the pensioner dies before the restoration of commuted pension-reg

In accordance with Rule 5 of CCS (Commutation of Pension) Rules, 1981, a Government servant can commute for a lump-sum payment of an amount not exceeding 40 per cent of his pension. Further, in accordance with Rule 10-A of CCS (Commutation of Pension) Rules, 1981 the commuted amount of the pension shall be restored on completion of fifteen years from the date of reduction of pension on account of commutation becomes operative in accordance with Rule 6.

2. References/representations have been received in this Department seeking clarification whether deduction towards commutation are required to be made from family pension for the remaining period in cases where the pensioner dies before the restoration of commuted pension.

3. It is clarified that in such cases monthly commuted amount of pension is not required to be deducted from family pension and family pension shall be paid in full without any deduction in this regard.

(Charanjit Taneja)
Under Secretary

1. All Ministries/Departments of the Government of India (as per standard distribution list).
2. C&AG of India, UPSC, etc. as per standard endorsement list.

No. 42/15/2022-P&PW(D)/6
Government of India
Ministry of Personnel, P.G. & Pensions
Department of Pension & Pensioners' Welfare

3rd Floor, Lok Nayak Bhawan,
Khan Market, New Delhi-110003
Date:- 31st Oct, 2022

OFFICE MEMORANDUM

Sub:- Commutation of pension on more than one occasion – Clarification regarding

In accordance with Rule 5 of CCS (Commutation of Pension) Rules, 1981, a Government servant can commute for a lump-sum payment of an amount not exceeding 40 per cent of his basic pension.

2 References/representations have been received in this Department seeking clarification whether it is permissible for a person, who has commuted a percentage of his basic pension which is less than 40% of his basic pension, to commute a percentage of basic pension on a second or subsequent occasion within the overall maximum limit of 40%.

3. As per Rule 10 of CCS (Commutation of Pension) Rules, 1981, an applicant who has commuted a percentage of his final pension and after commutation his pension has been revised and enhanced retrospectively as a result of Government's decision, the applicant shall be paid the difference between the commuted value determined with reference to enhanced pension and the commuted value already authorized. For the payment of difference, the applicant shall not be required to apply afresh. This Department's OM No. 42/14/2016-P&PW (G) dated 24.10.2016 provides that those pensioners who retired from 01.01.2016 till 04.08.2016, i.e. the date of issue of orders for revised pay/pension based on the recommendations of the 7th CPC, may be given an option, in relaxation of Rule 10 of CCS (Commutation of Pension), Rules, 1981, not to commute the pension which has become additionally commutable on revision of pay/pension on implementation of recommendations of the 7th CPC.

4. There is, however, no provision in the Central Civil Services (Commutation of Pension) Rules, 1981 for commutation of a percentage of basic pension on a second or subsequent occasion within the overall maximum limit of 40%, if the pensioner had originally commuted a percentage of his basic pension which was less than 40% of his basic pension.

5. The above clarification may be brought to the notice of the personnel dealing with the pensionary benefits in the Ministry/Department and attached/subordinate offices thereunder, for strict implementation.

Taneja

(Charanjit Taneja)
Under Secretary

1. All Ministries/Departments of the Government of India.
2. C&AG of India, UPSC, etc.

No. 42/15/2022-P&PW(D)/7
Government of India
Ministry of Personnel, P.G. & Pensions
Department of Pension & Pensioners' Welfare

3rd Floor, Lok Nayak Bhawan,
Khan Market, New Delhi-110003
Date:- 31st Oct, 2022

OFFICE MEMORANDUM

Sub:- Interest on delayed payment of commuted value of pension-Clarification regarding

In accordance with Rule 5 of CCS (Commutation of Pension) Rules, 1981, a Government servant can commute for a lump-sum payment of an amount not exceeding 40 per cent of his pension. In cases where a Government servant has applied for commutation of pension before superannuation, the commuted value of pension is to be paid at the time of retirement. In other cases, the commuted value of pension should be paid as soon as possible after it has become absolute

2. References are received in this Department seeking clarification whether any interest is required to be paid to the retired Government servant in cases where there is a delay in payment of commuted value of pension after it has become absolute.

3. It is clarified that in accordance with Rule 6 of the CCS (Commutation of Pension) Rules, 1981, in cases where the commuted value of pension is paid after retirement, the reduction of the amount of commuted pension from the monthly pension becomes operative from the date on which the Commuted value of pension is paid. As per Rule 10A of CCS(Commutation of Pension) Rules, the commuted amount of the pension is restored on completion of fifteen years from the date the reduction of pension on account of commutation becomes operative in accordance with Rule 6. Since the pensioner continues to receive full pension till the date of payment of commuted value of pension, the question of payment of any interest on delayed payment of commutation of pension does not arise.

4. The above clarification may be brought to the notice of the personnel dealing with the pensionary benefits in the Ministry/Department and attached/subordinate offices thereunder, for strict implementation. The above provisions of the rules may also be suitably incorporated in the replies to be filed in the court cases on this issue.

(Charanjit Taneja)
Under Secretary

1. All Ministries/Departments of the Government of India
2. C&AG of India, UPSC, etc.