Estt. Srl. No-11/2026
RBE No-NIL

पूर्व तट रेलवे/EAST COAST RAILWAY
मुख्यालय कार्यालय, कार्मिक विभाग, रेल सदन, साउथ ब्लॉक भुवनेश्वर
Headquarters Office, Personnel Department, Rail Sadan, South Block Bhubaneswar-751017

No.ECoR/Pers/R/Misc

Date: 04.02.2026

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

Sub: Counting of the period of service of open casual labour and casual labour bef attaining Temorary Status as qualifying service for pensionary benefits ~~adsorption in regular emplyement on Railways~~.

उपर्युक्त विषय पर पूर्व तट रेलवे पत्र सं. ECoR/Pers/Ruling/2026/Misc, दिनांक 28.01.2026 की प्रतिलिपि सूचना, मार्गदर्शन एवं आवश्यक कार्रवाई हेतु अग्रेषित है।

A copy of Railway Board's Letter No. ECoR/Pers/Ruling/2026/Misc, dated 28.01.2026 on the above quoted subject is forwarded herewith for information, guidance and necessary action.

Encl: As above,

(Subash Chandra Hota)
Assistant Personnel Officer - I
for Principal Chief Personnel Officer

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

for Principal Chief Personnel Officer

पूर्वतटरेलवे/EAST COAST RAILWAY

मुख्यालयकार्यालय,कार्मिकविभाग, रेलसदन, साउथब्लॉक,भुवनेश्वर

Headquarters Office, Personnel Department, Rail Sadan,

South Block Bhubaneswar-751017

सत्यमेव जयते

संख्या/No. ECoR/Pers/Ruling/2026/Misc

दिनांक/Date: 28.01.2026

सेवा में/To

Sr. DPOs – WAT, DPO(I/C) KUR, DPO-SBP
Chairman – RRB & RRC/BBS, Dy. CPO (HQ)/BBS
APO/CRW/MCS & APOs of Personnel Department
EAST COAST RAILWAY

Sub: Counting of the period of service of Open Line Casual Labour and Project Casual Labour before attaining Temporary Status as qualifying service for pensionary benefits on absorption in regular employment on Railways.

Railway Board vide letter No. E(NG)II/2017/ECR/CL/4 dated: 21.01.2026 has communicated its decision to count 50% of the service of a casual labour after attaining the temporary status up to the regularisation on a regular post for the purposes of pension as per Rule – 31 (along with Note (I) below Rule-31) and 20 of the Railway Service (Pension) Rules, 1993. All pending cases based on similar facts and circumstances involved may be decided/finalised accordingly.

This is as per the Hon'ble Supreme Court's judgement dated: 24.03.2017 in Civil Appeal No. 3938/2017 arising out of SLP No. 23723/2015 in case of UOI & Ors vs. Rakesh Kumar & Ors.

The salient points of the operative para of the said judgement are as under: -

a) *The casual worker after obtaining temporary status is entitled to reckon 50% of his services till he is regularised on a regular/temporary post for the purpose of calculation of pension.*

b) *The casual worker before obtaining temporary status is also entitled to reckon 50% of casual service for purposes of pension.*

c) *Those casual workers who are appointed to any post either substantively or in officiating or in temporary capacity are entitle to reckon the entire period from date of taking charge to such post as per Rule 20 of Rules, 1993.*

d) *It is open to the Pension Sanctioning Authority to recommend for relaxation in deserving cases to the Railway Board for dispensing with or relaxing requirement of any of these rules (The Railway Service (Pension) Rules, 1993; Rule-107) with regard to those casual workers who have been subsequently absorbed against the post and are deserving (facing undue hardship due to any of these rules).*

This may be get noted by all concerned and all court cases pending on the above subject matter may be contested relying on the ratio laid down in the Hon'ble Supreme Court's judgement dated: 24.03.2017 in Civil Appeal No. 3938/2017 arising out of SLP No. 23723/2015 in case of UOI & Ors vs. Rakesh Kumar & Ors. The Railway Board's letter is also attached herewith.

Encl: As above.

(Subash Chandra Hota)
Assistant Personnel Officer (I)
For Pr. Chief Personnel Officer

PCPO.....
CPO/Admn.....
Dy. CPO/GAZ.....
Dy. CPO/HQ.....
CHAIRMAN/RRC.....
APO/HQ.....
APO/HQ-I.....

GOVERNMENT OF INDIA
MINISTRY OF RAILWAYS
RAILWAY BOARD

No. E(NG)II/2017/ECR/CL/4 **New Delhi, dated : 21.01.2026**

The General Manager (P)
All Zonal Railways/PUs & RDSO.
(As per Standard Mailing list)

22 JAN 2026

Sub: Counting of the period of service of Open Line Casual Labour and Project Casual Labour before attaining Temporary Status as qualifying service for pensionary benefits on absorption in regular employment on Railways.

Attention is invited to Board's letter of even number dated 27.04.2017 wherein it has been inter-alia laid down that all court cases pending on the above subject matter may be contested relying on the ratio laid down in the Hon'ble Supreme Court's judgment dated 24.03.2017 in Civil Appeal No.3938/2017 arising out of SLP No.23723/2015 in case of UOI & Ors vs. Rakesh Kumar & Ors.

2. The operative para of the said judgment is in para 55, which stipulates as shown below:-

a) *The casual worker after obtaining temporary status is entitled to reckon 50% of his services till he is regularized on a regular/temporary post for the purpose of calculation of pension.*

b) *The casual worker before obtaining temporary status is also entitled to reckon 50% of casual service for purposes of pension.*

c) *Those casual workers who are appointed to any post either substantively or in officiating or in temporary capacity are entitle to reckon the entire period from date of taking charge to such post as per Rule 20 of Rules, 1993.*

d) *It is open to the Pension Sanctioning Authority to recommend for relaxation in deserving cases to the Railway Board for dispensing with or relaxing requirement of any of these rules (The Railway Service (Pension) Rules, 1993; Rule-107) with regard to those casual workers who have been subsequently absorbed against the post and are deserving (facing undue hardship due to any of these rules).*

3. The matter has been examined by Board and it has been decided that since the judgment of Hon'ble Supreme Court dated 24.03.2017 in Civil Appeal No.3938/2017 arising out of SLP No.23723/2015 in case of UOI & Ors vs. Rakesh Kumar & Ors. upholds the policy of Railways to count 50% of the service of a casual labour after attaining the temporary status up to the regularization on a regular post for the purposes of pension and Rule -31 (along with Note (1)

Contd |—

below Rule-31) and 20 of the Railway Service (Pension) Rules, 1993, all pending cases based on similar facts and circumstances involved may be decided/finalized accordingly.

Further, as provided in proviso to Rule 31, it may be ensured that authentic records of service such as Pay Bills, Leave Records or Service Books are available for verification of the claims.

(U. K. Tiwari)
Director, Estt.(N)
Railway Board

CHAPTER-III

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)

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:

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.