

Eastern Railway

No. E.787/0/PEN/Pt.XXIX.

Kolkata, dated 21.02.2020.

ALL CONCERNED

**Sub:-Settlement case of Late Ajeet Kumar,Ex-TADK under
Dy.CE/Con/IV/HWH,Employee no.00001235, BU No. 09/080,
due to his demise on 28.03.2016.**

Copy of Railway Board's clarificatory letter No. D-43/7/2018-F(E)III dated 23.01.2020 in reference to this railway's letter no.E.787/5/NPS/AK dated 26.09.2019 on the subject matter is sent herewith for information, guidance and necessary action. Railway Board's letters as referred to therein had been circulated vide CPO's S.L.No. 89/2010, 48/2019,115/2014 and 240/2019 respectively.



(S.K. Chattopadhyay)
Sr. Personnel Officer (HQ)
For Pr.Chief Personnel Officer

INDEX NO. 1058: Clarification regarding payment of pensionary benefits where TADA/Substitutes died in harness after attaining temporary status.

Copy of Railway Board's letter No. D-43/7/2018-F(E)III dated 23.01.2020 in reference to this railway's letter no.E.787/5/NPS/AK dated 26.09.2019 are circulated herewith.

**Sub: - Settlement case of Late Ajeet Kumar,Ex-TADK under
Dy.CE/Con/IV/HWH,Employee no.00001235, BU No. 09/080,
due to his demise on 28.03.2016.**

DA: As above.

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

No.D-43/7/2018-F(E)III

New Delhi, dated: 23.01.2020.

**General Manager (P),
Eastern Railway,
Kolkata.**

(Kind Attention:- Sh. J. Pande Kusumakar, CPO/IR)

Sub: Settlement case of Late Sh. Ajeet Kumar, Ex. TADK under Dy. CE/Con./IV/HWH, due to his demise on 28.03.2016 - reg.

Please refer to your Railway's letter No. E.787/5/NPS/AK dated 26.09.2019 vide which clarification was sought regarding payment of settlement dues to the family members of Late Sh. Ajeet Kumar, Ex. TADK under Dy. CE/Con./IV/HWH.

2. In this regard, it is pertinent to state that vide Board's letter No.2008/AC-II/21/19 dated 29.05.2009, provisional benefits in terms of Old Pension Scheme, i.e. under Railway Services (Pension) Rules, 1993 have been extended to the employees governed by NPS in the case of death or disability while in service. Further, vide Board's letter No. D-43/4/2018-F(E)III dated 26.02.2019, it has been clarified that all the railway servants appointed on or after 01.01.2004 are to be covered by the National Pension System (NPS) and the provisional benefits granted vide Board's letter dated 29.05.2009 to all NPS employees in case of death in service/disability, will be admissible to the family of the deceased subscribers/subscribers on fulfillment of the conditions specified therein irrespective of the fact that PRAN Card was not allotted at the time of death/disability or the deductions towards NPS had not started. However, that while extending the provisional benefits, instructions issued vide Board's letter No. 2012/F(E)III/1(1)/4 dated 08.09.2014 are also to be kept in view.

3. While aforesaid being the Rule position, a further clarification has also been issued, vide Board's letter No. D-43/7/2019-F(E)III dated 07.11.2019 that TADK/Substitutes shall be covered under National Pension System (NPS) after completion of 4 months of continuous service, i.e. on attaining temporary status and accordingly, deduction under NPS would start from the date of their attaining temporary status.

4. In view of above, in the case of Late Sh. Ajeet Kumar, the fact that the deduction towards NPS had not started, does not affect his entitlements/liabilities under the NPS scheme, as such, the family of Sh. Kumar is eligible for the grant of provisional benefits in terms of Board's letter No. 2008/AC-II/21/19 dated 29.05.2009, subject to the fulfillment of conditions so specified under the rules.

I think this case we had already decided based on (3) above. For a pl. CPO/IR

*27/1/2020
PCPO*

G. Priya Sudarsani
**G.Priya Sudarsani)
Director, Finance (Estt.)
Railway Board,
Ph.No.23304528.**

27/1/2020

EASTERN RAILWAY

No. E.787/5/NPS/AK

Kolkata, dated 26.09.19

Executive Director Estt.(N),
Railway Board,
Ministry of Railways,
Rail Bhawan,
New Delhi.

Sub: Settlement case of Late Ajeet Kumar, Ex. TADK under Dy. CE/Con/IV/
HWH, Employee No.00001235, BU No.09/080, due to his demise on
28.03.2016.

In terms of Para 4.2 of RBE 137/2010, Substitutes engaged should be allowed all the rights and privileges as are admissible to temporary railway employees on attainment of temporary status on completion of 4 months' of continuous service.

It has also been mentioned in Para 4.3 of RBE 137/2010 that the conferment of temporary status after completion of 4 months' continuous service does not entitle the Substitutes to automatic absorption/appointment to Railway Service unless they are selected in the approved manner for appointment for absorption to a regular post.

Again, in terms of Para 4.4 of RBE 137/2010, the period of service of Substitutes will be counted for full pensionary benefits from the date of completion of 4 months continuous service, provided it is followed by absorption in regular service without break.

Moreover, in terms of Board's letter No.D-43/4/2018-F(E)III, dt.26.02.19, NPS employees in case of death in service/ disability will be admissible to the family of the deceased subscriber/ subscriber on fulfillment of the conditions specified thereon, irrespective of the fact that PRAN Card was not allotted at the time of death /disability or the deduction towards NPS had not started.

One Sri Ajeet Kumar was engaged as TADK under Dy. CE/Con/ER on 08.10.13 and attained temporary status on 05.02.14, after completion of 120 days continuous service. Thereafter, he died in harness on 28.03.16 before screening, so that his ~~substitute~~ lien could not be fixed against any regular post. In terms of this Railway's Policy, lien of TADKs against regular post are fixed at the time of screening on completion of 3 years service.

Since, the TADK concerned was not absorbed against regular post, the question of monthly recovery towards NPS did not arise, though he was governed under NPS.

Under the above circumstances, Board are requested to offer guidelines as to whether family of TADK concerned is eligible for family pension or otherwise.

This issues with the approval of PCPO and concurrence of Finance Department of this Railway.

Dy CE/0/48

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(J. P. Kusumakar)
Dy. Chief Personnel Officer (HQ)
26/9/19