PCPO's Serial No. 82/2024

Eastern Railway

Personnel Department

No. E.787/0/PEN/Pt.XXX Kolkata, dated 30.07.2024

ALL CONCERNED
As per Standard list

Sub: Amendment of Rule 9 and Rule 10 of Railway Services (Pension) Rules, 1993 – reg.

****

A copy of Railway Board's letter No. 2023/F(E)III/PN1/1 dated 26.07.2024 (RBE No. 68/2024) on the above subject matter is sent herewith for information, guidance and necessary action.

Railway Board's Gazette Notification dated 24.06.2024 published as G.S.R. No. 346(E) regarding amendment of Rule 9 and 10 of the Railway Services (Pension) Rules, 1993 as mentioned therein was circulated under this office Sl. No. 68/2024.

DA: As above

(K.C. Das)
Dy. Ch. Personnel Officer (NG)
fr. Pr. Chief Personnel Officer

Index No. 1058: Guidelines regarding power of the authority competent to withhold or withdraw pension or gratuity in accordance with the amendment Rule 9 of Railway Services (pension) Rules, 1993.

RBE No. 68 /2024

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

No. 2023/F(E)III/PN 1/1 **New Delhi, Dated: 26 .07.2024**

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

Sub: Amendment of Rule 9 and 10 of Railway Services (Pension) Rules, 1993.

*****

Rule 9 and 10 of the Railway Services (Pension) Rules, 1993 have been amended vide Gazette Notification dated 24.06.2024 published as G.S.R. No.346(E), in accordance with the amendment to Rule 8 of Central Civil Services(Pension) Rules, 2021 (amended by DoP&PW vide Notification dated 07.10.2022).

2. Subsequently, a clarification to this Rule 8 of Central Civil Services(Pension) Rules, 2021 was issued vide DoP&PW's OM No. 38/41/19-P&PW(A) dated 10.04.2023. Since, the provisions of Rule 8 of Central Civil Services (Pension) Rules, 2021 have been incorporated in Rule 9 & 10 of Railway Services (Pension) Rules, 1993, the said clarification which concerns only Rule 9 of Railway Services (Pension) Rules, 1993 is also applicable on the Railways. Accordingly, the following clarification is issued on Rule 9 of Railway Services (Pension) Rules, 1993:

2.1 As per the earlier Rule 9 of the Railway Services (Pension) Rules, 1993, the President, in all cases, reserves the right to himself, of withholding or withdrawing a pension or gratuity, or both, either in full or in part, whether permanently or for a specified period, 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.

2.2 As per the amended Rule 9, as amended vide Notification dated 24.06.2024, approval of President shall be required only for ordering withholding/withdrawing pension or gratuity in the case of a pensioner who retired from a post for which President is the appointing authority and, in other cases, Railway Board shall be competent to order withholding/withdrawing pension or gratuity, if the pensioner is found guilty of grave misconduct or negligence during the period of service including the service rendered upon re-employment, in any departmental or judicial proceedings. Consultation with UPSC will also not be necessary in cases where the President is not the appointing authority.

2.3 There may be cases where the President is not the appointing authority but, in accordance with the then existing Rule 9 of Railway Services (Pension) Rules, 1993, orders of the President were obtained in certain circumstances, such as:

(a) for withholding/withdrawal of pension/gratuity after conclusion of the departmental proceedings, in cases where departmental proceedings were instituted before retirement and were deemed to be proceedings under Rule 9, or

(b) for issue of sanction for institution of departmental proceedings after retirement and for direction in regard to the authority by which the departmental proceedings are to be conducted, in cases where departmental proceedings were instituted after retirement, etc.

2.4. It may not be appropriate for any subordinate authority to take a final decision in the departmental proceedings, if the case has been submitted to the President at any stage for any orders during the proceedings. Therefore, in such cases, final decision on the question of withholding/withdrawal of pension/gratuity is required to be taken with the approval of President and consultation with the UPSC would also be necessary in such cases.

2.5. However, in cases where the departmental proceedings were instituted before retirement of a Railway servant by a subordinate authority and the proceedings were deemed to be proceedings under Rule 9 of Railway Services (Pension) Rules, 1993, but the report recording its findings has not been submitted by the subordinate authority to the President so far for final decision on the question of withholding/withdrawal of pension/gratuity, such cases shall not be required to be submitted to President and, accordingly, consultation with UPSC will also not be necessary. Final decision in such cases may be taken by the Railway Board, in accordance with the amended Rule 9 of the Railway Services (Pension) Rules, 1993.

3. Please acknowledge receipt.

G. Priya Sudarsani

(G. Priya Sudarsani)
Director Finance (Estt.)
Railway Board
New Delhi- 110001
Fax No. 011-23383407

No. 2023/F(E)III/PN 1/1 **New Delhi, Dated: 26 .07.2024.**

Copy to:

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

G. Priya Sudarsani

For Member Finance, Railway Board

No. 2023/F(E)III/PN 1/1

New Delhi, Dated: 26 .07.2024.

Copy to:-

1. The General Secretary, AIRF, Room No. 253, Rail Bhawan, New Delhi.
2. The General Secretary, NFIR, Room No. 256-E, 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.

26.7.24

For Principal Executive Director (IR), Railway Board.

No. 2023/F(E)III/PN 1/1

New Delhi, Dated: 26 .07.2024.

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.

Pay & Accounts Officer, M/o Railways (Railway Board)

No. 2023/F(E)III/PN 1/1 **New Delhi, Dated: 26 .07.2024.**

Copy also to:-

1. The DGs, IRICEN/Pune, IRIEEN/Nasik Road. IRIMEE/Jamalpur, IRISET/Secunderabad
2. The CMDs, IRCON, IRFC, MRVC, IRC&TC, CONCOR, RITES, KRCL, RVNL, Railtel and MDs, CRIS, IRWO.
3. The Vice Chairman, Rail Land Development Authority, New Delhi.
4. The Registrar, RCT/Delhi.
5. Chairmen of all RRBs
6. The Chief Commissioner of Railway Safety/ Lucknow

*****