EAST CENTRAL RAILWAY | पूर्व मध्य रेल | EAST CENTRAL RAILWAY

मास्टर परिपत्र सं0.09
RBE No.136/2019

PCPO's Sl.No.174/2019

No. E/234/O/ECR/HJP

Dated:-26.09.2019

1. CAO (Con.)/ उत्तर एवं दक्षिण / पटना।
2. सभी PHOD/CHOD, पू.म.रे, हाजीपुर।
3. DRM/ पूमरे / मुगलसराय, दानापुर, धनबाद, सोनपुर एवं समस्तीपुर।
4. मुख्य कार्मिक अधिकारी / प्रशासन / पू.म.रे / हाजीपुर।
5. मुख्यालय के सभी कार्मिक अधिकारी।
6. CWM/ पीडी / मुगलसराय, यांत्रिक कारखाना / समस्तीपुर / हरनौत।
7. Sr.DPO/ पूमरे / मुगलसराय, दानापुर, धनबाद, सोनपुर एवं समस्तीपुर।
8. उप महाप्रबंधक / विधि / पटना।
9. प्राचार्य / क्षेत्रीय रेल प्रशिक्षण संस्थान / मुजफ्फरपुर एवं भूली।
10. सभी मुकार्याधी / कार्याधी / पू.म.रे / हाजीपुर।

विषय : Irregular retention in service beyond the age of superannuation.
संदर्भ : Railway's Boards Lt.No.E(NG)2019 RT1-2 (M.C) Dated: 21/22.08.2019

विषयांकित से संबंधित संदर्भित पत्र की छायाप्रति सूचना, मार्गदर्शन एवं अग्रेत्तर आवश्यक कार्रवाई हेतू प्रेषित की जा रही है।

A copy of above referred letter on the subject matter is being forwarded herewith for information guidance and needful onward action please.

संलग्नक : यथोपरि।

DA : As above.

26.9.19
(सौरभ सावर्ण)
वकाधि / ई.एस.एम
कृते महाप्रबंधक (कार्मिक) / हाजीपुर

प्रतिलिपि सूचनार्थ, मार्गदर्शन एवं आवश्यक कार्रवाई हेतू प्रेषित :–

1. महासचिव / ईसीआरकेयू / पू.म.रे. / हाजीपुर।
2. महासचिव / एस0.सी0. / एस0.टी0. / एशोसिएशन / पू.म.रे. / हाजीपुर।
3. सकाधि (एम.पी.पी.) पू.म.रे / हाजीपुर। कृपया इसे नेट पर अपलोड कराने की व्यवस्था करें।
4. महासचिव / ओ.बी.सी.एशोसिएशन / पू.म.रे. / हाजीपुर।

पूर्व-मध्य रेल, हाजीपुर

2 8 AUG 2019

रेलवे बोर्ड का पत्र प्राप्ति सं०

Government of India
Ministry of Railways
Railway Board

No. E(G) 2019 RT 1-2 (Master Circular) New Delhi Dt.22.08.2019

The General Managers/OSDs,
All Indian Railways,
Production Units, Training Institutes and others
(As per Standard Mailing list).

072222
29 AUG 2019

Sub: Irregular retention in service beyond the age of superannuation.

Please find enclosed herewith a copy of Master Circular No. 9 regarding Irregular retention in service beyond the age of superannuation for information and necessary action.

Please acknowledge receipt.

(Anita Gautam)
Director Estt.(General)
Railway Board

DA: As above

No. E(G) 2019 RT 1-2 (Master Circular) New Delhi Dt.22.08.2019

Copy to:

1. General Secretary, IRCA, New Delhi.
2. Director General, Railway Staff College, Vadodara.
3. The Director, IRICEN/Pune, IRIEEN/Nasik, IRIMEE/Jamalpur, IRISET/Secunderabad.
4. The General Secretary, AIRF, 4, State Entry Road, New Delhi (with 35 spares).
5. The General Secretary, NFIR, 3, Chelmsford Road, New Delhi (with 35 spares).
6. The Secretary General, IRPOF (with 5 spares).
7. All members of the National Council/Department Council and Secretary, Staff Side, 13-C, Ferozeshah Road, New Delhi (with 90 spares).
8. The Secretary General, FROA, New Delhi (with 5 spares).
9. The General Secretary, RPF Association, Room No. 256 D, Rail Bhavan, New Delhi (with 5 spares).
10. The Secretary, RBSS, Group 'A' Officers' Association (with 5 spares).
11. The President, RBSS Group 'B' Officers' Association (with 5 spares).
12. The President, Indian Railways Group 'B' Officers' Association (with 5 spares).
13. The Secretary, Railway Board Ministerial Staff Association (with 5 spares).
14. The Secretary, Railway Board Non-Ministerial Staff Association (with 5 spares).
15. The Secretary, Staff Side, National Council (JCM), 13-C, Ferozeshah Road, New Delhi-110001.
16. The Secretary General, National Federation of Railway Pensioners' Organization, 825, Supertech Residency, Sector 5, Plot No. 6A, Ghaziabad-201010.

भारत सरकार (Government of India)
रेल मंत्रालय (Ministry of Railways)
रेलवे बोर्ड (Railway Board)

अधिवर्षिता की आयु के उपरान्त अनियमित रूप से सेवा में बनाए रखना

पर

मास्टर परिपत्र सं. 9

(अगस्त, 2019 में अपडेटड)

Master Circular No. 9

(Updated in August, 2019)

On

Irregular retention in service beyond the age of superannuation

GOVERNMENT OF INDIA
MINISTRY OF RAILWAYS
(RAILWAY BOARD)

Master Circular No. 9
RBE No. 136/20190

No. E(G) 2019 RT 1-2

New Delhi Dt.21.08.2019

The General Managers/OSDs,
All Indian Railways,
Production Units, Training Institutes and others
(As per Standard Mailing list).

Sub: Irregular retention in service beyond the age of superannuation.

1. INTRODUCTION:

1.1 The rules regulating the age of superannuation or the terms and conditions of service provide for retirement from service of a Government servant on his attaining the specified age or after completion of a specified period of service. In all such cases, retirement is automatic and in the absence of specific orders to the contrary by the Competent Authority, a Government servant must retire on the due date. However, there have been instances of certain Railway employees being erroneously retained in service beyond the prescribed date of retirement. Most of the provisions contained in the Master Circular No. 9 dated 14-11-90 and the earlier instructions referred to therein mention about the steps to be taken to avoid recurrence of such cases and taking disciplinary action for imposition of major penalty on the persons responsible for over-stay of Railway servants in service and completion of formalities in the prescribed manner before making a reference to Board for regularization of the period of over stay which used to be regularized by Board as re-employment, there being no other alternative at that time.

1.2 With the issue of Board's letter No. E(G)97 RT 1-2 dated 7-7-99, the position had undergone a change making redundant most of the provisions relating to formalities to be completed before making reference to Board. Hence, in supersession of the Master Circular No. 9 dated 14-11-90 on the subject (including all other instructions), a revised and self-contained Master Circular was issued vide RB Circular No E(G)99 RTI-1 dated 18.02.2000, RBE no 25/2000. The same is being updated and is being re-issued herewith.

...2/-

2. PREVENTIVE/REMEDIAL MEASURES:

2.1 Verification of qualifying service after eighteen years service and five years before retirement.-

(a) 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).

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

(b) 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.

(c) 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.

(Ref: Para 47 of Railway Employees' Pension Rules, 1993)

2.2 Preparation of list of railway servants due for retirement

(a) It is necessary to ensure that the personal records of all Railway servants are maintained correctly and kept up-to-date. The officers/supervisors should be made responsible to keep a check on the entries in the service sheets of the employees working under them in the month of **January** every year and every Head of Department or Head of Office, as the case may be shall have a list prepared every three months, that is, on the 1st January,1st April,1st July and 1st October each year, of all railway servants who are due to retire in that year/ within the next twelve to fifteen months of that date. (Authority File No.2015/F(E)III/1(1)/4 dt.17.06.2016..RB No.70)

..3/-

(b) A copy of every such list shall be supplied to the Accounts Officer concerned not later than 31st January, 30th April, 31st July or 31st October, as the case may be, of that year.(Authority: File No. 2015/F(E)III/1(1)/4 dt.17.06.16 .....RB NO.70.

(c) In the case of a railway servant retiring for reasons other than by way of superannuation, the Head of Office shall promptly inform the Accounts Officer concerned, as soon as the fact of such retirement becomes known to him.

(d) A copy of the intimation sent by the Head of Office to the Accounts Officer under sub-rule (3) shall also be endorsed to the Engineering Department of the Railway or the Directorate of Estates, Government of India, as the case may be if the railway servant concerned is an allottee of railway or Government accommodation.

(e) The Head of Office shall write to the Directorate of Estates one year before the anticipated date of retirement of the railway servant who was or is in occupation of a Government accommodation (hereinafter referred to as the allotee) for issuing a 'No Demand Certificate' in respect of the period preceding eight months of the retirement of the allotee. . (Authority: File No. 2015/F(E)III/1(1)/4 dt.17.06.16 .....RB NO.70

(Ref: Para 76 and 77 of Railway Employees' Pension Rules, 1993)

2.3 After preparation of the list, the Railway servants due retirement during that year should be advised of the date of their retirement and their signatures obtained in token of having been informed of the date of their retirement. All such lists should be consolidated by the end of **March** of that year at the Divisional/Head-quarters level. There should be mandatory vetting of the lists so prepared.

2.4 Although it is the responsibility of the Administrative Authorities concerned to ensure that the Government servant under their control retires on the due date, a Government servant cannot take advantage of the non-receipt of formal orders to this effect, as it is his duty also to bring the fact that he is attaining the age of superannuation, to the notice of the Head of the Office in which he is working.

2.5 Instructions exist that advance action to process the papers for sanction of pensionary benefits should be initiated one years before an employee is due to retire on superannuation or on the date on which he proceeds on leave preparatory to retirement, whichever is earlier. The intention behind these instructions is that, apart from providing for the prompt payment of settlement dues, it will also provide the opportunity to locate and assemble the relevant records and to rectify deficiencies, if any, existing in the personal records.(Ref: Para 78 of Railway Employees Pension Rules,1993).

...4/-

2.6 One of the reasons for irregular retention beyond the age of retirement is the order brought by Railway servants from the Court(s) of Law against their retirement on the basis of the date of their birth recorded in service book. It is essential in such cases that the date of birth, as recorded in the service register of the Railway servant, is brought to his notice, with the advice that the date of his birth as recorded in the service register having been accepted by him, is final and is not open to challenge in a Court of Law. However, if a case is filed by a Railway servant in a Court of Law, no efforts should be spared in getting the proceedings expedited. Such Railway Servant shall be retired as per the details in Service Record unless the Court of Law has granted stay on the issue of retirement.

2.7 Preventive checks may be got conducted by the DRMs, CPOs and the FA&CAOs by nominating officers in various units to have 100% check of service records, particularly date of appointment, date of birth (to be written both in words and in figures) and date of retirement, once in three years. The nominated officer should record a Certificate regarding the accuracy of the records checked. The mandatory area of inspection should include check and cross-check of service records along with other related official records.

2.8 Computerization of service records be done which should have an application to take care of these situations.

3. **DISCIPLINARY ACTION FOR THE LAPSES:**

3.1 In all cases of over-stay in service beyond the age of superannuation, a thorough investigation should be done keeping in view the various steps suggested for prevention of such cases and responsibility should be fixed for the lapses of the officers/staff leading to such cases. The officers/staff found responsible should be taken up under RS(D&A) Rules, 1968 for imposition of a major penalty. The penalty imposed should have a deterrent effect.

3.2 Guidelines may be issue to the Disciplinary Authorities that penalties imposed on the officials responsible for the lapses leading to irregular retention in service should only be major penalties.

4. **TREATMENT OF EXCESS PERIOD OF STAY:**

In the light of the judgment of the Supreme Court in the case of Radha Kishun Vs. Union of India and others (SLP (c) No. 3721 of 1997 arising out of the judgment dates 26-11-96 of CAT/Patna in O.A 652 of 1995), the matter had been considered by the Ministry of Railways regarding treatment of the period of over-stay. Taking into account Supreme Court's views that an employee is to be considered as equally responsible for his over-

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stay in service, codal provision has been made vide Board's letter No. E(G)97 RTI-1 dated 7-7-99, circulating Advance Correction Slip No. 44, incorporating Sub-Rule (d) in Rule 1801 R-II (1987 edition), in terms of which such period of over-stay is to be treated as irregular and the pay/allowances etc. allowed for the period of over-stay have to be recovered.

5. Necessary action for immediate settlement of the employee irregularly retained in service beyond the age of superannuation may, therefore, be taken by the Railways in terms of Rule 1801 (d) R-II, besides taking disciplinary action against the persons responsible for the lapse, should such cases arise despite the steps mentioned in the forgoing paragraphs. Since codal provision has been made for the treatment of the excess period of over-stay as irregular, Railways may finalize such cases at their end and there is no need to refer such cases to Board's Office.

6. This issues with the concurrence of the Finance Directorate of the Ministry of Railways.

19/8/19

(Anita Gautam)
Director Est.(General)
Railway Board

Hindi Version will follow.