EAST CENTRAL RAILWAY

(Construction Organisation)

Office of the
Chief Administrative Officer (Con)
Mahendrughat, Patna

- **All Chief Engineers/Con/ECR/MHX, Patna.**
  (NE, NC, Central, Planning, North, SE, NW, SD, South & GB).
- **CSTE/Con/, South & North/ECR/MHX, Patna.**
- **CEE/Con/MHX, Patna.**
- **All Dy. CEs/Con/ MHX, Patna (North, South, TS, Design, General, ROB, PM, & Survey)**
- **All Dy. CEs/Con Of Field Units,**
  (DNR, RGD, MGS, BRKA, DHN, Renukut, Chopan, Singrauli, HZME-I & II, GB/Patna, GB/MGR, Hajipur-I & II, Bettiah, NKE SPJ-I, II, III & IV, & Muzaffarpur).
- **Dy. CSTE/HQ, North, North-II, South/MHX/Patna & DNR, DHN, CPU & SPJ, SPJ-II.**
- **Dy. CEE/Con/MHX/Patna/ South & North/MHX, North (SPJ), & CPU.**
- **Dy. CME, Dy. CE & Dy. CEE/GLP/Patna.**
- **SMM/Con/MHX, Patna.**

Sub: - Determination of pay/Emoluments for calculation of family pension and death gratuity where a Government Servant dies during currency of a penalty-regarding.

Ref:- GM(P)/ECR/HJP's letter No-ECR-HQ0PERS(RULE)/8/2022 Com.No.162637,Dated-22.04.2022. ***(PCPO's Sl No.-37/2022)***

विषयांकित से संबंधित संदर्भित पत्र की छायाप्रति सूचना, मार्गदर्शन एवं अग्रेत्तर आवश्यक कार्रवाई हेतु इस पत्र के साथ संलग्न कर 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.

Digitally Signed by Alok Srivastava
Date: 03-05-2022 11:07:54
Reason: Approved

(Alok Srivastava)
Sr. Personnel Officer/Con
For CAO/Con/MHX/patna

Copy to:-

1) Secy. to CAO/Con/South for kind information of CAO/C/South please.
2) Secy. to CAO/Con/North for kind information of CAO/C/North please.
3) Secy. to CAO/GLP for kind information of CAO/GLP please.
4) CA to Dy. CPO/Con/MHX, Patna-for uploading on WEBSITE of Construction Organisation.
5) Ch. OS/R & D/Pers,/Con/MHX.

पूर्व मध्य रेल
EAST CENTRAL RAILWAY

कार्यालय
महाप्रबंधक(का)
हाजीपुर

RBE No. 38/2022

PCP's Sl No.37/2022

No.ECR-HQ0PERS (RULE)/8/2022 Com.No.162637)

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

विषय :-Determination of pay/Emoluments for calculation of family pension and death gratuity where a Government Servant dies during currency of a penalty-regarding.

संदर्भः-Railway Board's letter No-D-43/5/2018-F(E)III,dated 31.03.2022.

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विषयांकित से संबंधित संदर्भित पत्र की छायाप्रति सूचना, मार्गदर्शन एवं अग्रेत्तर आवश्यक कार्रवाई हेतु 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.

DA: As above.

Digitally Signed by Manoj Ku Choudhary
Date: 22-04-2022 18:10:28
Reason: Approved

(मनोज कुमार चौधरी)
सकाधि(ईएसएम
कृते महाप्रबंधक (का0)/हाजीपुर

प्रतिलिपि/– निम्नलिखित को सूचनार्थ, मार्गदर्शन एवं आवश्यक कार्रवाई हेतु प्रेषितः–

1. महासचिव/ईसीआरकेयू/पूमरे/हाजीपुर।
2. महासचिव/एस.सी.एवं एस.टी.एशोसिएशन/पूमरे/हाजीपुर।
3. सकाधि(एम.पी.पी.)/पूमरे/हाजीपुर–कृपया इसे वेबसाइट पर अपलोड करें।
4. महासचिव/ओ.बी.सी.एशोसिएशन/पूमरे/हाजीपुर।

कृते महाप्रबंधक (का0)/हाजीपुर

R.B.E. No. 38/2022

कृपया जारी करें
1-04-2022

GOVERNMENT OF INDIA (भारत सरकार)
MINISTRY OF RAILWAYS (रेल मंत्रालय)
RAILWAY BOARD (रेलवे बोर्ड)

No. D-43/5/2018-F(E)III

New Delhi, dated: 31.03.2022.

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

Sub:- Determination of Pay/Emoluments for calculation of family pension and death gratuity where a Government servant dies during currency of a penalty - regarding.

*****

A copy of the Department of Pension & Pensioners' Welfare (DOP&PW)'s O.M. No.1/15/2020-P&PW(E) dated 09.12.2021 is enclosed herewith for information and compliance. These instructions shall apply mutatis mutandis on Railways also. Rules 33, 34, & 50(5) of the CCS(Pension) Rules, 1972 and Rule 9(21)(a)(i) of the Fundamental Rules mentioned in the enclosed O.M. correspond to Rules 49, 50 & 70(3) of the Railway Services (Pension) Rules, 1993 and Rule 1303(i) of the Indian Railway Establishment Code (IREC) Vol II (1987-Edition) respectively.

2. The instructions contained in DOP&PW's enclosed O.M. would be applicable from the date of issue of the O.M and the past cases shall not be re-opened. However, the cases where the death of a railway servant has occurred before the issue of these instructions but family pension and death gratuity has not been determined so far may also be decided in accordance with these instructions.

3. Please acknowledge receipt.

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

D.A.: As above

No. D-43/5/2018-F(E)III

New Delhi, dated: 31.03.2022

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

d/c
01/04/22
Enclosure

For Member Finance, Railway Board

Contd....2/-

No. D-43/5/2018-F(E)III **New Delhi, dated: 31.03.2022**

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 Secretary, Railway Board.

No. D-43/5/2018-F(E)III **New Delhi, dated: 31.03.2022**

Copy to:- Adv. to MR, EDPG to MR, OSD to MR, OSD (Co-ord) to MR, Addl. PS 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(RHS), DG/Safety, DG(RPF), DG/HR.
All Addl. Members, PEDs, EDs, JSs, Dir.(Dep.)
Section's Yearly Guard File.

Copy to :-

1. The DGs of IRICEN/Pune, IRIEEN/Nasik Road. IRIMEE/Jamalpur, IRISET/Secunderabad.
2. The CMDs of Railway PSUs, MDs of NHSRCL, DFCCIL and CRIS, VC of RLDA.
3. Principal CAOs of COFMOW, PLW.
4. The Chairman, RCT/Delhi.
5. The Chairmen of RRBs.
6. The Pay & Accounts Officer, Ministry of Railways (Railway Board)
7. The Chief Commissioner of Railway Safety/ Lucknow

(Copy to Department of Pension & Pensioners' Welfare (DOP&PW) with respect to their O.M. No. 1/15/2020-P&PW(E) dated 09.12.2021).

*****

No. 1/15/2020-P&PW (E)
Government of India
Ministry of Personnel Pension & Public Grievance
Department of Pension & Pensioners' Welfare
(Desk-E)

3rd Floor, Lok Nayak Bhawan
Khan Market, New Delhi-110003
Dated December 9, 2021

OFFICE MEMORANDUM

Subject: - Determination of Pay/Emolument for calculation of family pension and death gratuity where a Government servant dies during currency of a penalty - regarding

The undersigned is directed to say that in accordance with Rule 54(14)(c) of CCS Pension Rules, 1972, the pay for the purpose of family pension means the emoluments as specified in Rule 33 of the CCS (Pension) Rules, 1972 or the average emoluments as referred to in Rule 34 of the CCS (Pension) Rules, 1972, if the emoluments of the deceased Government servant have been reduced during the last ten months of his service otherwise than as penalty. Similar provision exists in Rule 50(5) for calculation of retirement/death gratuity.

2. As per Rule 33, the expression '*emoluments*' means basic pay as defined in Rule 9(21)(a)(i) of the Fundamental Rules which a Government servant was receiving immediately before his retirement or on the date of his death. As per Rule 34, average emoluments are determined with reference to the emoluments drawn by a Government servant during the last ten months of his service.

3. References have been received in this Department seeking advice as to how family pension and death gratuity in respect of a Government servant are to be calculated if a Government servant dies during the currency of a penalty, which reduces the pay of the Government servant for a specified period only, as in such cases the impact of the penalty is limited to the period specified in the order of penalty and the Government servant regains his pay and increments after the period of penalty is over. Clarifications have been sought whether, in such cases, family pension and gratuity would be calculated based on the reduced pay, which the Government servant was actually drawing on the date of death or on the pay which the he would have drawn if such a penalty had not been imposed on him.

4. The matter has been examined in consultation with Department of Expenditure. The manner in which the pay of a Government servant is to be regulated on imposition of penalties of reduction to a lower stage, withholding of increment and reduction to a lower time scale, has been explained in Department of Personnel & Training's OM No. 11012/15/2016-Estt A-III dated 18th June, 2019. These instructions also bring out the penalties on imposition of which there is no impact on the pay after the expiry of the period of penalty and also the manner in which notional pay of a Government servant is to be fixed during the currency of such penalties.

5. It is observed that determination of family pension and death gratuity based on actual pay drawn in case of death during the currency of a penalty referred to in para 3 above would result in reduced amount of death gratuity and also reduced family pension to the widow/family. This may not be the intention of the disciplinary authority while imposing that penalty. Therefore, in cases where the intention of the disciplinary authority was to restrict the impact of the penalty on the Government servant for a specified period only, determination of family pension and death gratuity on the basis of the reduced pay during the currency of such penalty would result in an unintended hardship to the family of the Government servant, who dies during the currency of such penalty.

6. It has, accordingly, been decided that in cases where a Government servant dies during the currency of a penalty on expiry of which he would have regained the same pay which he would have drawn if the penalty had not been imposed on him, the family pension and death gratuity in respect of such Government servant shall be determined based on the notional pay which he would have been entitled to on the date of death and such notional pay may be treated as emoluments for this purpose.

7. These instructions shall be applicable with immediate effect and the past cases shall not be re-opened. However, the cases where the death of a Government servant has occurred before the issue of these instructions but family pension and death gratuity has not been determined so far may also be decided in accordance with these instructions.

8. Necessary amendment in the CCS (Pension) Rules, 1972 shall be made separately.

9. This OM is issued with the concurrence of Ministry of Finance, Department of Expenditure vide their ID No. 1(13)/EV/2021 dated 12.08.2021.

10. In its application to persons belonging to Indian Audit and Accounts Department, these orders are issued under Article 148(5) of the Constitution and after consultation with the Comptroller and Auditor General of India vide their **यू.ओ.संख्या-216-स्टाफ हक.(नियम)/ए.आर./09-2019 दिनांक 23.09.2021**.

11. The Administrative Divisions of all Ministries/Departments and attached/subordinate offices are requested to bring the contents of these instructions to the notice of all concerned for compliance.

(Sanjoy Shankar)
Deputy Secretary to the Government of India

1. All Ministries/Departments of the Government of India
2. President's Secretariat
3. Vice President's Secretariat
4. Prime Minister's Office
5. Comptroller & Auditor General of India
6. Cabinet Secretariat
7. Union Public Service Commission
8. NIC for uploading in the Website