

पूर्व मध्य रेल
EAST CENTRAL RAILWAY



कार्यालय
महाप्रबंधक (का.)
हाजीपुर

PCPO's Cir. Sl. No.79/2024

RBE No.68/2024

No.ECR-HQ0PERS (RULE)/2/2024 (Com.No.260300)

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:-Amendment of Rule 9 and 10 of Railway Service (Pension) Rules, 1993.

संदर्भ:-Railway Board's letter No.-2023/F(E)III/PN 1/1, Dated-26.07.2024.

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: 12-08-2024, 11:06:12

Reason: Approved
(एम.के.चौधरी)
सकाधि/ई.एस.एम.

कृते महाप्रबंधक (का0)/हाजीपुर

प्रतिलिपि/— निम्नलिखित को सूचनार्थ, मार्गदर्शन एवं आवश्यक कार्रवाई हेतु प्रेषित:-

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 कराने की व्यवस्था करें।
4. महासचिव/ओ.बी.सी.एशोसिएशन/पूमरे/हाजीपुर।

कृते महाप्रबंधक (का0)/हाजीपुर

PCPO
PFA
HJ DRMs

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

RBE No. 68/2024

महाप्रबन्धक (प्रशासन)
पूर्व-महाप्रबन्धक

30 JUL 2024

New Delhi, Dated: 26.07.2024

रेलवे बोर्ड का पत्र प्रार्थना

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

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

-4-

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, IRISSET/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
