

**INDIAN RAILWAY ESTABLISHMENT CODE (Vol - I)**

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**Chapter 1**  
**General**

**101. scope and extent of Application.**—This Chapter and the next contain the rules governing general conditions of service applicable to Railway servants. Some of these rules correspond to the Fundamental Rules and Supplementary Rules applicable to all Civil servants (other than Railway servants) under the Indian Union, who are subject to the rule making powers by the President.

**102. Power to interpret rules.** —The power of interpreting the rules in this volume is reserved to the President.

**103. Definitions.** —Unless there be something repugnant in the subject or context, the terms defined below are used in this Code in the sense herein explained.

(1) **Accounts officer** means an Officer of the Accounts Department as defined in para 102 of the Indian Railway Code for the Accounts Department.

(2) **The act** means the government of India Act, 1935.

(3) **Actual travelling expenses** means the actual cost of transporting railway servant with his domestic servant and personal luggage, including charges for ferry and other tolls and for carriage of camp equipment if necessary. It does not include charges for hotels, travelers bungalow or refreshments or for the carriage of stores or conveyances or any allowance for such incidental losses or expenses as the breakage of crockery, wear and tear of furniture and the employment of additional domestic servants.

(4) **Apprentice** means a person deputed for training in a training in a trade or business with a view to employment in railway service, who draws pay at monthly rates from Government during such training but is not employed in or against a substantive vacancy in the cadre of a department.

(5) **Average Pay** means the average monthly pay earned during the 10 complete months immediately preceding the month in which the even occurs which necessitates the calculation of average pay.

Provided that in respect of any period spent on foreign service out of India the pay which the railway servant would have drawn if on duty in India but for foreign service out of India shall be substituted for the pay actually drawn:

Provided further that in the case of railway servants entitled to running allowance, average pay for the purpose of leave salary shall include a fixed component representing the pay element in the running allowances, as notified by the government through administrative instructions from time to time.

(6) **Assistant Officer** means an Officer in Group, 'A' drawing pay on the scale applicable to junior scale officers.

(7) **Cadre** means the strength or a service or a part of a service sanctioned as a separate unit.

(8) **Camp equipage** means the apparatus for moving a camp.

(9) **Camp equipment** means tents and the requisites for pitching and furnishing them, or where tents are not carried, such articles of camp furniture as it may be necessary, in the interests of the public service, for a railway servant to take with him on tour.

(10) **Compensatory Allowance** means an allowance granted to meet personal expenditure necessitated by the special circumstances in which duty is performed. It includes a traveling allowance.

(11) **Competent Authority** in relation to the exercise of any power under these rules, means the President or any authority to which such power is delegated in Appendix VI.

(12) **Constitution** means the Constitution of India.

(13) **Day** means a calendar day, beginning and ending at midnight; but an absence from headquarters which does not exceed twenty-four hours shall be reckoned for all purposes as one day, at whatever hours the absence begins or ends.

(14) **Department of a railway administration** means one of the branches constituted for the purpose of conducting the business of the railways.

(15) **'Divisional Officer'** means an officer in group 'A' drawing pay on the scale applicable to senior Scale officer.

(16) **Duty**—(a) Duty includes—

(i) Service as Probationer or apprentice. Provided that such service is followed by confirmation.

(ii) Joining time.

(b) A competent authority may issue orders declaring that, in circumstances similar to those mentioned below, a railway servant may be treated as on duty—

(i) During a course of instruction or training in India.

(ii) In the case of a student, stipendiary or otherwise, who is entitled to be appointed to the service of Government on passing through a course of training at a University, College or School in India, during the interval between the satisfactory completion of the course and his assumption of duties.

#### GOVERNMENT OF INDIA ORDERS

(1) **Time spent in attending obligatory Departmental Examinations.**—A Government servant required to attend an obligatory departmental examination, or permitted to present himself at an examination the passing of which is a condition of preferment in Government Services, may be treated as on duty during the day or days of the examination and during the reasonable time required for the journey, if any, to and from the place of examination.

(G.I., F.D. Memo No. F.17 R. 1/29 dated 23<sup>rd</sup> Jan. 1929.)

(2) The phrase "condition of preferment" used in (1) above covers only compulsory or optional examinations for promotion within the normal scope of the Government servants department or office.

(G.I., F.D. No.F/15(5) R. 1/31 dt. 25th March 1931.)

(3) **Delay in taking charge of the duties.**—Period of Compulsory waiting by an officer for orders of Government posting him to a particular post, after he had reported should be treated as 'Duty'.

(G.I., F.D. Res. No.122 C.S.R. dt. 10<sup>th</sup> Feb.1922, No.175 C.S.R. dt.28-2-1922, No F.192 C.S.R. 25 dt.20-6-1925.)

(4) **Treating period of training as duty.**—The authorities competent to appoint the government servant to the post for which the training is essential may be empowered to treat the period of training or instruction in India of Government servants on duty under this rule subject to the following conditions:

- (a) the training or instruction should be in India;
- (b) the training or instruction should be connected with the post which the Government servant is holding at the time of placing him on training or instruction;
- (c) that it is obligatory on the part of the Government to send the persons for such training or instructions;
- (d) the training should not be in professional or technical subjects which are normally brought under the provisions relating to 'Study Leave'; and
- (e) the period of training should not exceed one year.

( G.I.M.F. O..M. No.F2(71) Estt.III/60, dt.3<sup>rd</sup> December, 1960.)



(5) **Attending Hindi and other obligatory examination.**—A question has been raised whether a Government servant is expected to report for duty in office either before or after the examination is over, in case the examination, including the viva voce test commences in the forenoon or in the afternoon. It has been decided that

- (i) in case where the examination is held in a day both in the forenoon and in the afternoon, the Government servants need not be required to attend office either before or after the examination, and
- (ii) in case where the examination is held only in the forenoon or in the afternoon, the Government servants must attend office in the afternoon/forenoon, as the case may be, unless the Head of Office/Department specifically exempts any or all Government servants from such attendance, having regard to the time schedule of the text and the distance between the place of duty and examination.

(G.I. MHA. O.M.No.5/165-H dated 8<sup>th</sup> June, 1965.)

### Audit Instructions

**Scope of the term "probationers"**—(a) The term "probationers" does not cover a Government servant who hold substantively a permanent post in a cadre and is appointed on probation to another post.

(b) No person appointed substantively to a permanent post in cadre is a probationer, unless definite conditions (such as the condition that he must remain on probation pending the passing of certain examination) have been attached to his appointment.

(c) The status of the probationer is to be considered as having the attributes of a substantive status except where the rules prescribed otherwise.

(17) **Family** means a railway servant's wife/husband, legitimate children and stepchildren residing with and wholly dependent upon him/her. It also includes parents, sisters and minor brothers residing with and wholly dependent upon him/her.

Provided further that for Rule 615 it includes only such of the dependent relatives as are eligible for passes under the Pass Rules.

**Note 1.** —Not more than one wife is included in this term.

**Note 2.** —The term "legitimate children" includes those adopted under the law.

(18) **Fee** means a recurring or non-recurring payment to a railway servant from a source other than the Consolidated Fund of India or the consolidated Fund of a State or the Consolidated Fund of a Union Territory whether made directly to the railway servant or indirectly through the intermediary of Government but does not include—

- (a) unearned income such as income from property, dividends and interest on securities; and
- (b) income from literary, cultural, artistic, scientific or technological efforts. If such efforts are not aided by the knowledge acquired by the railway servant in the course of his service.

(19) **Foreign Service** means service in which a railway servant receives his pay with sanction of Government from any source other than the Consolidated Fund of India, or the Consolidated Fund of a State or the Consolidated Fund of a Union Territory.

(20) **Gazetted Post** is a post to which appointment is made by notification in the Gazette of India.

(21) **Head of a department** means any authority which the President may by order declare to be the head of a department for the purpose of these Rules.

(22) **Hill-Station** means any place which a competent authority may declare to be a hill station.

(23) **Holiday** means (a) a holiday prescribed or notified by or under section 25 of the Negotiable Instruments Act, 1881, and (b) in relation to any particular office, a day on which such office is ordered to be closed by a competent authority for the transaction of Government business without reserve or qualification.

**Note.**—During restricted holidays the office is not closed for transaction of business but they are treated as a kin to other closed holidays and can be prefixed or suffixed to regular leave or casual leave.

(24) **Honorarium** means a recurring or non-recurring payment granted to a railway servant from the Consolidated Fund of India or the Consolidated Fund of a State or the Consolidated Fund of a Union Territory, as remuneration for special work of an occasional or intermittent character.

(25) **Joining time** means the time allowed to a Railway servant in which to join a new post or to travel to or from a station to which he posted.

(26) **Leave on average (half average) pay** means leave on leave salary equal to average/half average pay, as regulated by the Railway Leave Rules.

(27) **Leave Salary** means the monthly amount paid by Government to a Railway servant on leave.

(28) **Lien** means the title of a Railway servant to hold on regular basis either immediately or on the termination of a period or periods of absence, a post, including a tenure post, to which he has been appointed on regular basis and on which he is not on probation Provided that the title to hold a regular post shall be subject to the condition that the junior most person in the grade will be liable to be reverted to the lower grade if the number of persons so entitled is more than the posts available in that grade.

(Authority:- Railway Board's letter No. E(NG)I-98/CN5/2 dt.5-2-99)

**29. Local Fund** means—

(a) revenue administered by bodies which by law or rule having the force of law come under the control of Government, whether in regard to proceedings generally or to specific matters, such as the sanctioning of the budgets, sanction to the creation or filling up of particular posts, or the enactment of leave, pension or similar rules; and

(b) the revenues of any body which may be specifically notified by the President as such.

(30) (a) **Military Commissioned Officer** means a commissioned officer other than

(i) a departmental Commissioned Officer;

(ii) a Commissioned Officer of the Indian Medical Department.

It does not include a Warrant Officer.

(b) **Military Officer** means any officer falling within the definition of the Military Commissioned Officer, or included in sub-clause (i) or (ii) of clause (a) above or any Warrant Officer.

(31) **Ministerial Officer** means a railway servant of group 'C' whose duties are entirely clerical and other class of railway servants specially defined as such by general or special order of a competent authority.

**Government of India's decision.**—The President has decided that those members of class II (Group B) service whose duties are predominantly clerical shall be classed as ministerial servants.

(G.I.F.D. Letter No. F.11(6) R I/33 dated 1<sup>st</sup> April, 1933.)

(32) **Month** means a calendar month. In calculating a period expressed in terms of months and days, complete calendar months, irrespective of the number of days in each, should first be calculated and the odd number of days calculated subsequently taking 30 odd numbers of days as a month.

#### Audit Instructions

#### Calculation of a period expressed in terms of months and days

(a) To calculate 3 months and 20 days on and from 25<sup>th</sup> January the following method should be adopted.

	Y	M	D
25 <sup>th</sup> January to 31 <sup>st</sup> January	0	0	7
February to April	0	3	0



1 <sup>st</sup> May to 13 <sup>th</sup> May	0	0	13
Total	0	3	20

(b) The period commencing on 30<sup>th</sup> January and ending with 2<sup>nd</sup> March should be deemed as 1 month and 4 days as indicated below:--

	Y	M	D
30 <sup>th</sup> January to 31 <sup>st</sup> January	0	0	2
February	0	1	0
1 <sup>st</sup> March to 2 <sup>nd</sup> March	0	0	2
Total	0	1	4

(33) **Officiating** means the railway servant officiates in a post where he performs the duties of a post on which any other person holds a lien or when a competent authority appoints him to officiate in a vacant post on which no other railway servant holds lien.

(34) **Overseas Pay** means pay granted to a Railway servant in consideration of the fact that he is serving in a country other than the country of his domicile.

(35) **Pay** means the amount drawn monthly by a railway servant as

- (i) the pay other than special pay or pay granted in view of his personal qualifications, which has been sanctioned for a post held by him substantively or in an officiating capacity, or to which he is entitled by reason of his position in a cadre;
- (ii) Overseas pay, special pay and personal pay; and
- (iii) any other emoluments which may be specially classed as pay by the President.

(36) **Permanent Post** means a post carrying a definite rate of pay sanctioned without limit of time.

(37) **Personal Pay** means additional pay granted to a railway servant—

- (a) to save him from a loss of substantive pay in respect of a permanent post other than a tenure post due to a revision of pay or to any reduction of such substantive pay otherwise than as a disciplinary measure; or
- (b) in exceptional circumstances, on other personal considerations.

(38) **Post in the Railway Board** means the post of a Member of the Railway Board and includes the post of Chairman, Railway Board and of Financial Commissioner, Railways.

(39) **Presumptive pay of a post.**—When used with reference to any particular railway servant means the pay to which he would be entitled if he held the post substantively and were performing its duties, but it does not include special pay unless the Railway servant performs or discharges the work or responsibility in consideration of which special pay was sanctioned.

**Audit instructions.**—The first part of the definition is intended to facilitate the use of the term in relation to a Government servant who has been absent from a post for some time but still retains a lien on it.

(40) **Probationer** means a railway servant employed on probation in or against a substantive vacancy in the cadre of a department.

(41) **Public conveyance** means a train, steamer or other conveyance which plies regularly for the conveyance of passengers.

(42) **Railway School** means a school established by a railway or office/project factory directly under the railway Board primarily for the benefit of the children of its employees and maintained and entirely controlled by it with or without assistance from revenues of a State or income from other non-railway source. It does not include a school to which a railway merely makes a grant-in-aid.

(43) **Railway servant** means a person who is a member of a service or holds a post under the administrative control of the Railway Board. It also includes a person who is holding the post of Chairman, Financial Commissioner or a Member of the Railway Board. Persons lent from a service or post which is not under the administrative control of the Railway Board to a service or post which is under such administrative control do not come within the scope of this definition. The term excludes casual labour.

(44) **Special Pay** means an addition of the nature of pay, to the emoluments of a post or of a Railway servant, granted in consideration of –

- (a) the specially arduous nature of duties; or
- (b) a specific addition to the work or responsibility and includes non-practicing allowance granted to doctors in lieu of private practice.

**Audit Ruling** – A provision in the contract of a Government servant appointed to a particular post that he should “also do all things that may be required of him” does not contemplate this being required to perform onerous additional duties in another post without remuneration.

**Government of India Orders.**– The power of granting special pay was defined in this Rule shall be exercised only by the authority empowered to regulate the scales of ordinary pay.

(G.I., H.D. No. F. 272-23 dated 16-12-1926.)

#### (45) Scales of pay

**‘Authorised scales of pay’** means the scales of pay introduced under the Railway Services (Authorised Pay) Rules, 1960.

**‘Revised Scales of Pay’** means the scales of pay introduced under the Railway Services (Revised Pay) Rules, 1973.

(46) **Subsistence grant** means a monthly grant made to a Railway servant who is not in receipt of pay or leave-salary.

(47) **Substantive pay** means the pay other than special pay, personal pay or emoluments classed as pay by the President under Sub-rule 35 (iii), to which a railway servant is entitled on account of a post to which he has been appointed substantively or by reason of his substantive position in a cadre.

**Note:** In the case of a person with a lien on a permanent post under a State Government, ‘Substantive Pay’ means the substantive pay as defined in the relevant rules of the State Government concerned.

(48) **Temporary post** means a post carrying a definite rate of pay sanctioned for a limited time.

(49) **Tenure post** means a permanent post which an individual railway servant may not hold for more than a limited period.

**Note.**—In case of doubt the President shall decide whether a particular post is or is not a tenure post.

**Railway Ministry’s decision.**—The President has decided that there is no objection to a non-gazetted post outside the cadre of a regular service being declared as a tenure post if the conditions so warrant.

(50) (a) **Time-scale pay** means pay which, subject to any conditions prescribed in these rules, rises by periodical increments from a minimum to a maximum. It includes the class of pay formerly known as progressive.

(b) Time-scales are said to be identical if the minimum, the maximum, the period of increment and the rate of increment of the time scale are identical.



(c) A post is said to be on the same time-scale as another post on a time-scale if the two time-scales are identical and the posts fall within a cadre, or a class in a cadre, such cadre or class having been created in order to fill all posts involving duties of approximately the same character or degree of responsibility, in a service or establishment or group of establishments; so that the pay of the holder of any particular post is determined by this position in the cadre, or class and not by the fact that he holds that post.

(51) **Transfer** means the movement of a railway servant from one headquarter station in which he is employed to another such station, either -

- (a) to take up the duties of a new post, or
- (b) in consequence of a change of his headquarter.

(52) **Traveling allowance** means an allowance granted to a railway servant to cover the expenses which he incurs in travelling in the interests of the public service. It includes allowances granted for the maintenance of conveyances and tents.

**104. Pensionable Service.** – (1) The service of all railway servant except those mentioned in rule 105 shall be pensionable.

(2) All railway servants who were already pensionable prior to the introduction of Pension Scheme on Railway with effect from 1<sup>st</sup> April, 1957.

(3) Government servants permanently transferred to the Railway Department from other Government departments in which the services were pensionable.

**105. Non-pensionable Service.**– Subject to what has been stated in rule 104 the service of the railway servants who entered service before 16<sup>th</sup> November, 1957, and who after introduction of pension scheme on Railways did not opt for it, when options were open from time to time, shall be non-pensionable. They continue to be eligible for the benefits of State Railway Provident Fund and for gratuity in accordance with the rules prescribed in that behalf.

### CLASSIFICATION OF SERVICES

**106.** For the purpose of these rules, the railway services shall be classified as follows with effect from 1-4-1976:

**(a) Gazetted**

- (1) Railway Services Group A
- (2) Railway Services, Group B.

**(b) Non-Gazetted**

- (1) Railway Services, Group C
- (2) Railway Services, Group D
- (3) Workshop Staff ( Group C & D )

**107.** (1) With effect from 08.01.2010 subject to exceptions made in the footnotes below and also subject to such exceptions as Ministry of Railways may, by any general or special orders make from time to time, Railway Service posts shall be classified as follows :

S.No.	Description of Posts	Classification of posts
1 (a)	A Railway Service post in Apex Scale (Rs.80000-fixed) and Higher Administrative Grade plus scale (Rs.75500-80000) and HAG Scale(Rs.67000-79000); and	Group A (Gaz.)
(b)	A Railway Service post carrying Grade Pay Rs.10000, Rs.8900 and Rs.8700 in Pay Band PB-4 (Rs.37400-67000) and Grade Pay Rs.7600, Rs.6600 and Rs.5400 in Pay Band PB-3 (Rs.15600-39100) but excluding the posts falling in S.No. (2) & (3) below.	

2	A Railway Service post carrying Grade Pay Rs.5400 and Rs. 4800 in Pay Band PB-2 (Rs.9300-34800) but excluding the posts falling in S.No. (3) below: The posts of Assistant Nursing Officer carrying Grade Pay Rs.5400, Principal /Head Master /Head Mistress (Secondary / High School & equivalent) (Basic Grade & Sr. Grade) carrying Grade Pay Rs.5400/6600 in Pay Band PB-3 (Rs.15600-39100) and Non-functional Grade of Group 'B' Gaz. posts of various organized Railway services & RBSS / RBSSS carrying Grade Pay Rs.5400 in Pay Band PB-3 (Rs.15600-39100) will continue to be classified as Group 'B' (Gaz.).	Group B (Gaz.)
3	A Railway Service post carrying Grade Pay Rs. 4600 and Rs. 4200 in Pay Band PB-2 (Rs.9300-34800), Grade Pay Rs. 2800, Rs. 2400, Rs. 2000, Rs. 1900 and Rs. 1800 in Pay Band PB-1 (Rs. 5200-20200). The posts of S.O. (Acs) / Sr. SO (Acs), TIA / Sr.TIA and ISA / Sr. ISA (Merged grades) carrying Grade Pay Rs.4800 in Pay Band PB-2 (Rs.9300-34800), Nursing Sister carrying Grade Pay Rs. 4800 in Pay Band PB-2 (Rs. 9300-34800 ), Matron / Chief Matron (Merged Grade) carrying Grade Pay Rs. 5400 in Pay Band PB-3 (15600-39100 ), Primary School Teacher / Trained Graduate Teacher / Post Graduate Teacher and equivalent (Basic / Senior / Selection Grade) carrying Grade Pay Rs. 4800 / 5400 / 6600 in Pay Band PB-2 / PB-3 ( Rs. 9300-34800 / 15600-39100 ) will continue to be classified as Group 'C'.	Group C
4	A Railway Service post carrying Grade Pay Rs. 1650, Rs. 1600, Rs. 1400, Rs.1300 in Pay Band IS (Rs. 4440-7440).	Group D( till the posts are upgraded)

**Notes:**

- (a) A person placed in higher Grade Pay / Pay Band I-situ promotion scheme / ACP or MACP Schemes will continue to retain the classification of his Basic Post.
- (b) The classification of Non-functional posts, Sr. & Selection Grade posts of Teaching / school staff will continue to remain the same as applicable to Basic Grade post.
- (c) The Assistants of Railway Board Sectt. Service & Personal Assistants of Railway Board Sectt. Stenographers Service will continue to be classified as Group 'B' (Non-gazetted) as laid down in respective service rules.
- (d) If higher classification than that indicated above is presently prescribed for any specific post in the respective service rules, the same shall continue till further orders.

(2) Posts created subsequent to date of effect of these orders as specific additions to existing cadres shall have the same classification as posts in the cadre to which they are added.

(3) For above purpose Pay Band, in relation to a post, means the running Pay Bands specified in Part A, Section I, Column 5 of the First Schedule to the Railway Services (Revised Pay) Rules, 2008 & Board's letter No. PC VI / 2008/I/RSRP/1 dt.11.09.2008.

(Authority: Ministry of Railway's letter No. PC VI/2009/I/RSRP/4 dt. 08.01.2019) ---ACS NO.110

**108.** Establishments and categories (including probationers) falling under the services mentioned in rule 106 are shown below:

**Group A**

- (1) Posts in the Railway Board;



- (2) Advisors in Railway Board;
- (3) Directors, Additional directors, Joint Directors, Deputy Directors, Railway Board and Research Design and Standards Organisation; Secretary, Joint Secretaries; Deputy Secretaries, Under-Secretaries, Railway Board;
- (4) Indian Railway Service of Engineers;
- (5) Indian Railway Accounts Services;
- (6) Indian Railway Traffic Services;
- (7) Indian Railway Service of Mechanical Engineers;
- (8) Indian Railway Service of Electrical Engineers;
- (9) Indian Railway Service of Signal Engineers;
- (10) Indian Railway Medical Services;
- (11) Indian Railway Stores services;
- (12) Indian Railway Personnel Services;
- (13) Such posts in general Administration and Miscellaneous Departments (e.g. Chemical & Metallurgical Department, Cash & Pay Department.)

#### **Group 'B'**

#### **Gazetted posts not included in Group A**

**Note.**—Temporary Assistant Officers will not be classified either as Group A or Group B.

#### **Group 'C'**

All Posts classified as Group 'C' under Rule 107.

#### **Group 'D'**

All Posts classified as Group 'D' under Rule 107.

#### **Workshop Staff**

All categories of Group C & D staff employed in workshops other than those employed in clerical, skilled or supervisory categories and not included in Group C or Group D above.

**109. Scales of pay of Groups A & B Railway Servants.**—(1) the Revised scales of pay admissible to Railway servants in Group A & B shall be as notified by government with the sanction of the President.

No alteration in the scale of pay of a post or service can be made without the sanction of the President.

(2) The pay of Group A Railway Officer in Junior Scale on appointment to a Senior Scale post in an organized Railway Service shall be fixed under Rule 1313 (FR-22) (I) (a) (1) ) of the Indian Railway Establishment Code Volume II (Sixth Edition-1987).

**Railway Ministry's decision.**—A Junior Scale Officer can be considered eligible for promotion to Senior Scale only after putting in 4 years service (including the period of probation) in Junior Scale. But, if in the interest of Administration, one is promoted to Senior scale before completing four years in Junior Scale, he will draw pay in the Junior Scale plus a charge Allowance of Rs.300/- per month subject to the condition that pay plus Charge Allowance should not exceed the pay that would have been admissible had it been fixed under Rule 1313 (FR—22) (I) (a) (1) ) of the Indian Railway Establishment code, Volume-II (Sixth Edition-1987) on regular basis.

**110. Sanctioned strength of cadres.**—Subject to any statutory provision in this regard, the strength including both the number and character of posts of the Railway Services, Group A and B, shall be determined by the railway Ministry.

General Managers of Indian Railways will have powers to create gazetted posts in Group 'A' and Group 'B', only to the extent stipulated in Item (3) of Annexure II of Chapter V of Indian Railway Financial Code Vol.I (First Edition—1982) subject to such limits and instructions as may be laid down by the Railway Ministry from time to time.

**Note.**—Provided the total number of sanctioned gazetted post in any grade (Heads of Departments, Additional Heads of Departments, Deputy Heads of Department, Senior Scale, Junior Scale and Group B Officers) of the service concerned is not exceeded, the General Managers are empowered to vary solely in the public interest having regard to changes in the work and responsibilities of the posts concerned (and not in the interest officers) the distribution of posts within that grade for a period of not exceeding 12 months.

**111.** The cadres of the services and departments included in Railway services Groups A & B (other than Medical Department and specialists) posts on Indian Railways shall be fixed in accordance with the principles states below:--

(1) Separate cadres shall be maintained for each Indian railway.

(2) (a) The number of permanent working posts, that is , posts required for ordinary duty on a railway, shall first be determined for each service or department and divided into the following grades:--

- (i) Senior Administrative Grade Level I
- (ii) Senior Administrative Grade Level II
- (iii) Administrative Grade Scale Rs.2000-2250
- (iv) Junior Administrative Grade
- (v) Senior Scale
- (vi) Junior Scale/Group 'B'.

(b) The General Working posts, that is post required for general purposes of the railway which may be filled by gazetted railway officers of any service may be determined and divided in the same manner.

(c) The number of posts to be allotted to the Junior Scale shall be calculated with reference to the total number of Administrative Grade and Senior Scale posts, and shall be so fixed as to allow a continuous flow of promotion from lower to higher grade after a given period of service. For this purpose all the administrative posts, including the general administrative posts shall be taken into account.

(d) The rest of the posts included in (2) (a) (vi) above shall be allotted to group 'B'.

(e) The total number of posts thus arrived at for each grade in a department shall from the permanent duty strength of each service or department.

(3) Posts required for meeting deputation leave and training requirements will be provided in Junior Scale based on requirements assessed from time to time. These posts shall be intended ordinarily to provide for the deputation/training of and or grant of leave to a member of the Department without the necessity of making an officiating appointment to the Junior Scale or to Group B post in the chain or vacancies consequent on the deputation, training of and/or grant of leave to the member in question.

(4) The permanent duty strength together with the posts sanctioned as "deputation, training and leave reserve" shall from the total permanent cadre of the service or department concerned.

**112.** The permanent strength of the Medical Department shall be fixed with reference to the permanent posts required for ordinary duty and will include at the Additional Divisional Medical Officer's level a leave and deputation reserve of 20 per cent of the permanent working posts.

#### **Instruction for working the Cadres**

**113. Excess over sanctioned number.** – The number of posts sanctioned for each grade in a department shall in no case be exceeded without the sanction of the authority competent to create a post, either permanent or temporary, in the grade.

**114. General Posts.** – If a general post included in the permanent cadre of a service or department is held by a member of another service or department, such post shall be treated, for the purpose of comparing sanctions with actuals,



as permissible additions to the permanent cadre of the latter department by a corresponding reduction in the permanent cadre of the former, for the period for which such arrangement lasts.

**115. Reversion to open line.**—When a permanent open line gazetted railway officer holding a post in the office of the Railway Board or in an office/project/organisation directly subordinate to that authority proceeds on leave, deputation or attains superannuation he shall be treated as having reverted to the Railway on the cadre of which he is borne, except,

- (i) When he is expected to return to his post at the end of the leave; and
- (ii) Either the leave taken by him is leave on average pay not exceeding four months or he holds a permanent post in the office/project/organisation.

On reversion to the parent railway he shall be considered as a permissible excess over the permanent cadre of that railway for the period of his leave.

**116. Holding of posts in abeyance or keeping them unfilled.**—No gazetted post in Group A or B may be held in abeyance without the sanction of the authority competent to create it. If it is proposed to keep such post(s) unfilled for more than six months, the matter shall be reported to the Railway Ministry.

**Note.**—For the purpose of this rule, when the duties of a post are performed by another officer in addition to his own duties such post shall be considered to have been kept unfilled.

**117. Checks to be applied to cadres.**—The cadres shall be checked in the manner prescribed in the Indian Railway Code for the Accounts Department and all reasonable precautions (e.g. reversion of the officers officiating) taken before hand to prevent the occurrence of avoidable excess over the cadre.

**118. Tenure posts.**—(1) The President may declare any posts outside the cadre of a regular service as tenure.

(2) No officer in Group A shall in the normal course hold any of the posts noted below for more than the periods shown against each:-

Posts in Railway Board	5 years
Directors, Additional Directors, Joint Directors, Railway Board.	4 years
Directors, Additional Directors, Joint Directors, Research Design and Standard Organisation.	4 years
Railway Liaison Officer	4 years
Divisional Railway Manager, Additional Divisional Railway Manager, Deputy General Manager.	3 years

(3) Confirmation in tenure post is dispensed with.

#### **Cadres of Railway Servants—Group C & Group D**

**119. In the Railway Board and attached offices.**—The number and character of Group C & D posts in the office of the Railway Board and other offices, projects, organizations, immediately under its control shall be such as may be determined by the Railway Board. The director General, Research, Designs and Standards Organisation or any other authority to whom the powers may be specifically delegated by the Railway Board may create temporary posts on the conditions prescribed in their respective schedules of power.

**120. On Railways, Production Units or other Establishments.**—The number and character of Group C & D posts may be determined by the General Managers or the authority to whom such powers are delegated, provided that the prior sanction of the Railway Ministry is necessary for the introduction of a new category not already obtaining on a Railway.

**121. Scales of Pay.**—All the posts in Group C & D shall be on the Revised Scales of Pay. The introduction of a new Revised Scale for a particular category shall require the prior sanction of the Railway Ministry.

**122. Supernumerary Posts.**—Supernumerary posts are permanent posts created under special circumstances for operation for a limited period as such at the discretion of the competent authority to create the posts in the administrative convenience.

**Government of India's Orders**

While it is obviously not possible to give an exhaustive list of the circumstances in which supernumerary posts may be created, the following broad principles governing the creation of such posts may be indicated.—

- (i) A supernumerary post is normally created to accommodate the lien of an officer, who, in the opinion of the authority competent to create such a post, is entitled to hold a lien against a regular permanent post but who, due to non-availability of a regular permanent post, cannot have his lien against such post.
- (ii) It is shadow post i.e. , no duties are attached to such posts. The officer, whose lien is maintained against such a post, generally performs duties in some other vacant temporary or permanent posts.
- (iii) It can be created only if another vacant permanent or temporary post is available to provide work for the person, whose lien is retained by the creation of the supernumerary post. In other words, it should not be created in circumstances which, at the time of creation of the post or thereafter, would lead to an excess of the working strength.
- (iv) It is always a permanent post. Since, however, it is a post created for accommodating a permanent officer till he is absorbed in a regular permanent post, it should not be created for an indefinite period as other permanent posts are, but should normally be created for a definite and fixed period sufficient for the purpose in view.
- (v) It is personal to the officer for whom it is created and no other officer can be appointed against such a post. It stands abolished as soon as the officer for whom it was created vacates it on account of retirement or confirmation in another regular permanent post or for any other reason. In other words, no officiating arrangements can be made against such a post. Since a supernumerary post is not a working post, the number of working posts in cadre will continue to be regulated in a manner that, if a permanent incumbent of one of the regular posts returns to the cadre and all the posts are manned, one of the officer of the cadre will have to make room, for him. He should not be shown against a supernumerary post.
- (vi) No extra financial commitment is involved in the creation of such posts in the shape of increased pay and allowances, pensionary benefits etc.

**POWER TO FRAME RULES**

**123.** The Railway Board have full powers to make rules of general application to Group C & Group D railway servants under their control.

**124.** The General Managers of Indian Railways have full powers to make rules with regard to railway servants in Group C & D under their control provided they are not inconsistent with any rules made by the President or the Ministry of Railways.

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**Chapter 2**  
**General Conditions of Service**
**Recruitment, Training and Promotion to Group A & Group B posts**

**201. Recruitment to Railway Services. Group A.**—All first appointments to a Group A Post in Railway Service shall be made by the President on the recommendation of the Union Public Service Commission from time to time in accordance with the rules framed by him. The General Managers may confirm an officer in Group A on probation, in his post if he has satisfactorily completed his probationary period.

**202. Posts in the office of the Railway Board etc.**—Group A posts included in Railway Services, in the office of the Railway Board and in offices directly under the administrative control of the Railway Board, shall be filled in such manner as the President may decide.

**203. Administrative posts on Railways.**—Group A Administrative posts included in the cadre of a service or department shall be filled by the Railway Board by selection from members of the service or department concerned. General Administrative post on a railway shall be filled by selection from among the eligible Group A officers of all services and departments.

**204. Rate of Recruitment.**—The rate of normal recruitment shall be determined by the President with reference to the sanctioned strength of a service or department. When, however, the total actual strength of a service is in excess of or below the total sanctioned strength, recruitment shall be so adjusted as to enable the total sanctioned strength to be worked in the minimum time compatible with the avoidance of shortage on the one hand and excesses on the other.

**205. Method of Recruitment.**—Recruitment to Group A Service in the various departments of Railways shall be made through—

- (a) Competitive Examination held by the Union Public Service Commission;
- (b) Promotion of officers in Group B Service including officiating Group B Railway officers of the service or department;
- (c) By appointment of candidates initially recruited as Special Class Apprentices on the results of the examination conducted by U.P.S.C. in accordance with the rules for recruitment to Indian Railway Service of Mechanical Engineers.
- (d) By transfer of an officer in service of the Government provided the recruitment rules include a provision to this effect;
- (e) By occasional admission of other qualified persons in consultation with the U.P.S.C.

**206. Training.**—Probationers to Railway Services, Group A except those who have been recruited as Special Class Railway Apprentices in the Transportation (Power) and Mechanical Engineering Department, shall be required to undergo a period of training, as may be prescribed by the President.

**Note.**—The detailed programme for training for the various services is given in Chapter I of the Indian Railway Establishment Manual.

**207. Recruitment to Railway Service Group B.**—Appointment to Group B Service by promotion of staff employed on the Railway may be made by the General Manager.

**208. Officiating promotions.**—(1) An officiating arrangement made in the place of a permanent open line Group A or B officer deputed to fill a post temporarily sanctioned for a survey or construction shall continue to be permissible during leave taken from the survey or construction by the Railway officer so deputed, provided that such leave does not exceed four months and the head of the construction department certifies that the officer is expected to return to that survey or construction on expiry of the leave.

(2) Officiating arrangement in the leave vacancies of Group 'A' or Group 'B' officers is allowed if the vacancy is for 30 days and above on the Zonal Railways, Production Units and other railway units and for 46 days and above in the Railway Board and Research, Design and Standardisation Organisation.

**209. (A) Promotions to Railway Services, Group A.**—(1) All substantive promotions to Railway Services Group 'A' shall be made by the President; and

(2) No officer shall be eligible for promotion to and within the service, unless the Government is satisfied that the officer is suitable for promotion in all respects.

**(B) Promotion from Group 'B' to Group 'A' (Junior Scale).**—(1) Appointments to the posts in the junior scale shall be made by selection from amongst Group 'B' officers of the departments concerned with not less than 3 years of non-fortuitous service in the grade. (Authority: Railway Board's letter No. E(GP)2005/1/33 dated 28.10.2015)

(2) If the quota reserved for Group 'B' Officers for promotion to junior scale is not fully utilised, the remaining vacancies may be filled by Government in accordance with the recruitment rules and in consultation with the UPSC; and

(3) The Departmental Promotion Committee for this purpose shall consist of a representative of the Union Public Service Commission as Chairman and two representatives of the Ministry of Railways as Members.

**(C) Promotion from junior scale to senior scale.**—(1) Appointment to the posts in the Senior scale shall be made by promotion in the order of seniority, subject to rejection of the unfit, of officers with ordinarily not less than 4 years service in the junior scale.

**(D) Promotion from senior scale to higher grade posts.**—(1) Promotions to the Administrative Grade are dependent on the occurrence of vacancies in the sanctioned establishment and are made wholly by selection; mere seniority does not confer any claim for such promotion.

(2) Appointments to the posts in the Junior Administrative Grade shall be made by selection on merit from amongst the officers ordinarily with not less than 5 years' service in the senior scale.

(3) Appointments to the posts in the Senior Administrative Grade (Level-II) shall be made by selection on merit from amongst the officers ordinarily with not less than 3 years' service in the Junior Administrative Grade.

(4) Appointments to the posts in the Senior Administrative Grade (Level-I) shall be made by selection on merit from amongst the officers ordinarily with not less than 2 years service in the Senior Administrative Grade (Level-II).

(5) "Department Promotion Committee for Junior Administrative Grade, Selection Grade and senior Administrative Grade will comprise three Board Members, viz., Chairman/Railway Board and Member Staff is also the Member-in-charge of the service. If, Chairman/Railway Board and member Staff is also the member-in-charge of the services. Chairman/Railway Board will nominate another Board Member to the Departmental Promotion Committee"

(Authority : Railway Board's Letter No.2011/SCC/3/14 dated 20.09.2011)

**210. Promotion to Railway Services, Group B.**—Promotions to Group B posts shall be made by the General Managers except in the Security Department provided that such promotions are made in the strict order of placement on the panel recommended by the Selection Board; if any supersession of that order is involved, the matter should be referred to the Railway Ministry. The posts of Assistant Accounts Officers shall ordinarily be filled by selection from Group C railway servants who have passed the departmental examination qualifying for promotion as Section Officer (Accounts), Inspector of Stores Accounts/Inspector of Station Accounts or are exempted from passing that examination.

**211. Promotion by Limited Departmental Competitive Examination.**—30% of the vacancies for which panel is required to be framed at any one time for Group B posts in (a) Civil Engineering Department (b) Mechanical Engineering Department (c) Electrical Engineering Department (d) Signal and Telecommunication Department (e) Transportation (Traffic) and Commercial Department (f) Stores Department (g) Account Department (h) **Personnel Department** are reserved for being filled through Competitive Examination limited to departmental candidates. **The change of percentage from 25 to 30 comes into effect from 03.11.92.**

(Authority: Ministry of Railways' letter No. E(GP) 2005/2/69 dated 5.01.06 & 07.08.07)

**Note.**—The details of the scheme and other instructions covering the various aspects are contained in the letters issued by the railway Ministry on the matter from time to time.



**212. Conditions for making officiating promotions.**—(1) The number of Groups A & B officers on duty in a department shall not exceed the permanent duty strength sanctioned for that department.

(2) If in the case of departments having their own leave reserve, the number of Group A & B officers on duty exceeds the number of working posts, due to the number of officers on leave at any time being less than the leave reserve, the excess is permissible; but if it becomes frequent the matter may be referred to the Railway Ministry to examine the reduction of leave reserve in the cadre.

(3) If in any circumstances the number of officers on duty in permanent posts of grades higher than the Group B Service exceeds the sanctioned number of permanent working posts for these grades, no officiating promotion to the Group B Service shall be made so long as such excess exists.

**213. Officiating promotions in Group B posts.**—Subject to the provision of Rule 212 the General Manager may order officiating promotions in Group B in the following circumstances:-

- (1) When a Group B officer is absent on leave, deputation or foreign service or filling a post in Group A (Senior Scale).
- (2) When a number of Group A & B railway servants available for duty falls below the number of duty posts sanctioned for each department, provided that in cadres for which a leave reserve is sanctioned such deficiency is not caused by Group A & B officers in excess of the leave reserve being on leave.
- (3) When an officer belonging to a cadre mentioned in sub-rule (2) above is absent on leave preparatory to retirement, or is under orders of transfer and takes leave before joining the railway to which he is transferred.
- (4) In departments in which the actual number of officers other than specialists and officers in Group B is in excess of the total permanent cadre sanctioned for them, officiating promotion may be made to Group B Service in place of those officers absent on leave from such departments to the extent of the difference between 14 percent of the actual number of such officers and the sanctioned leave reserve.
- (5) When there is a permanent vacancy in the Group B cadre or a permanent post is vacant in higher grade.

**214. Powers of General Managers in making officiating promotions.**—The General Manager may appoint—

- (a) a Group C railway servant to officiate in Group B cadre.
- (b) a Group B officer to officiate in Group A, Senior Scale on ad-hoc basis for a continuous period not exceeding one year on each occasion when circumstances warrant such course. (*Authority: Ministry of Railways' letter No. E (GP) 2005/1/33 dated 6.01.06*)

**Railway Ministry's Decision.**—"Group 'B' Officers will be considered for *ad-hoc* promotion to Senior Scale when Group 'A' (Junior Scale) Officers with 3 years of service in Junior Scale are not available".

- (c) an officer in Junior Scale Group A to officiate in Senior Scale, provided that such officer who has not passed the efficiency bar may be so appointed only, if—
  - (i) an officer who has passed the E.B. is not available ; or
  - (ii) the vacancy is not expected to exceed three months;
- (d) a Senior Scale officer to officiate in Junior Administrative post—

Provided that such appointments are made on ad-hoc basis upto two vacancies of 46 days each or one vacancy not exceeding 90 days; and

Provided that if the officer is promoted to this grade for the first time it shall require the approval of the Ministry of Railways.

- (e) Except for the first time, a Group A officer to officiate as Divisional Railway Manager or Addl. Divisional Railway Manager, or Additional Head of Department.

- (f) Substantively, an Assistant Officer to the divisional grade Provided such promotions are made in strict order of seniority subject further to the condition that no officer shall be so promoted unless he has rendered not less than eight years of total service and has been declared fit to cross the efficiency bar in the junior scale.

**Note.**—The period of 8 years of total service will also include the two years of training in the case of direct recruits. In respect of promoted gazetted railway servants all those placed in the Seniority list above the last direct result who fulfils the above condition will receive confirmation in their turn

### **Recruitment Training and Promotions of non-gazetted Railway servants**

**215. Authorities competent to make first appointment.**—The authorities competent to make first appointments to non-gazetted posts in the offices detailed below shall be as shown against each—

(a) Office of the Railway Board

(i) Group 'B' (non-gazetted) Joint Secretary

Railway Board

(ii) Group 'C' Joint Secretary

Railway Board

(iii) Group 'D' Under Secretary

Railway Board

(b) Other office/Project/Organisation Head of Office/Project/Organisation

directly under the control of the

Railway Board

(c) Indian Railway and other Railway The General Manager or lower authority

Administration e.g. Chittaranjan to whom he may delegate the power

Locomotive works, Integral Coach Factory, etc.

Provided that—

- (1) No appointment shall be made unless a sanctioned post exists against which it can be made;
- (2) The authorities empowered by or under this rule to make first appointments, may, subject to such condition as they may impose, re-delegate to a lower authority the power to appoint Grade D railway servants.

**216.** (1) Group C and Group D posts on Indian Railways and other Railway Administration shall be filled in either of the following ways according to the relevant recruitment rules or other extant orders, if any—

- (i) by direct recruitment;
- (ii) by promotion;
- (iii) by transfer of suitable staff, if necessary, from other Government offices.

(2) Direct recruitment to Railway Services, Group C shall be made through the agency of the Railway Recruitment Board unless otherwise specially authorized by the Railway Board.

**217. Recruitment of Group C and Group D staff.**—The rules for the recruitment of non-gazetted railway servants are contained in the Indian Railway Establishment Manual.

**218. Nationality.**—(1) A candidate for appointment to Railway Services must be—



- (a) a citizen of India , or
- (b) a subject of Nepal, or
- (c) a subject of Bhutan, or
- (d) a Tibetan refugee who came over to India before 1<sup>st</sup> January, 1962, with the intention of permanently settling in India, or
- (e) a person of Indian origin who has migrated from Pakistan, Burma, Sri Lanka, the East African Countries of Kenya, Uganda and the United Republic of Tanzania or from Zambia, Malawi, Zaire, Ethiopia and Vietnam with the intention of permanently settling in India:

Provided that a candidate belonging to categories (b), (c), (d) and (e) above shall be a person in whose favour a certificate of eligibility has been issued by Government of India.

(2) A candidate in whose case a certificate of eligibility is necessary may be admitted to the examination but the offer of appointment may be given only after the necessary eligibility certificate has been issued to him by the Government of India.

### General Conditions for Recruitment

**219.** The recruitment rules may provide inter-alia for—

- (i) qualifications, age and the scales of pay applicable for the various posts in the service and important conditions of service, like leave, pension, non-contributory Provident Fund benefits, etc
- (ii) no male candidate who has more than one wife living or no female candidate who has married a person having already a wife living shall be eligible for appointment to a railway service, unless the competent authority exempts the candidate from the operation of this rule.
- (iii) proportion of vacancies to be filled by direct recruitment and promotion of railway servants from subordinate services;
- (iv) in the case of probationers, consequences of failure to pass prescribed departmental examinations, if any, e.g. loss of appointment, stoppage of increments etc.
- (v) passing obligatory language examination whenever prescribed in the recruitment regulations for each service in Group 'A'.

**Note.**—In the case of recruitment to Group A and B posts, the rules should be published in the Gazette of India in the section allotted to the Statutory rules and Orders, viz., Part II Section 3.

**220. Special reservations.**—The recruitment to Railway Services shall be subject to the reservation of vacancies in favour of Scheduled Castes and Scheduled Tribes as laid down by the Government of India from time to time.

**221. Oath of allegiance.**—All new entrants to service must take oath before the head of department/office or a gazetted railway servant nominated by him. Conscientious objector of oath taking may make solemn affirmation. The oath taking or affirmation shall be in the following form.

"I ..... do swear/solemnly affirm that I will be faithful and bear true allegiance to India and to the Constitution of India as by law established and that I will carry out the duties of my office loyally, honestly and with impartiality, so help me God".

**222. Medical certificate of health.**—(1) Except as provided in sub-rule (2) to (7) of this rule, no person shall be substantively appointed to a permanent post in railway service without the production of medical certificate of health in accordance with the rules prescribed by the President in the case of Group A & B railway servants and by the Railway Ministry in the case of Group C & D railway servants.

(2) Retrenched personnel, on re-employment, shall not be required to undergo the medical examination prescribed for candidates on their first appointment.

(3) A railway servant recruited through a competitive examination who had to undergo medical examination in accordance with the regulations prescribed for appointment to the service or department concerned shall be exempted from producing a medical certificate of health.

(4) Before appointments are made to Group D posts in the office of the Railway Board and its attached and subordinate offices in Delhi and elsewhere, the prospective appointees shall be required to produce a medical certificate of health from one of the Civil Medical Officers in Delhi in the case of appointments in Delhi, and from such railway or other medical officers as may be nominated by the appointing authorities under the powers delegated to them by the Railway Ministry in the case of appointments elsewhere. This applies not only to substantive appointments to permanent posts but also to appointments in temporary vacancies likely to last more than three months.

(5) A person engaged against a temporary vacancy of less than three months duration in Group C service or Group D service and workshop and shed staff need not be required to undergo prescribed medical examination except when such a railway servant is subsequently retained against a temporary post or is transferred without a break to another office and the total period of continuous service under Government is expected to last for more than three months, he shall be required to produce such a certificate within a week from the date of the orders sanctioning his retention in that department or joining the new office.

(6) A temporary railway servant who has already been medically examined in one office, if transferred to another office without break in service, and a retired railway servant re-employed immediately after retirement, shall not be required to undergo the medical examination prescribed for such persons.

(7) A person re-employed after resignation should be exempted from producing a medical certificate of fitness if the resignation was for taking up another appointment under Government or Quasi-Government body for which he applied with the approval of and through the appropriate departmental authority, provided that he was medically examined by the competent medical authority and declared fit according to the medical standards not lower than those required in his new post.

**Note 1.**—The regulations for the medical examination of candidates appointed for non-gazetted railway service, and for the periodical tests of physical fitness of non-gazetted railway servants employed on Railways and other establishments are contained in the Indian Railway Establishment Manual.

**Note 2.**—The regulations for the medical examination of candidates for admission to railway Services, Group A are included in the Recruitment rules.

The candidates, who are kept under observation in Railway Hospitals at the instance of the Medical Board, will have to bear the hospital stoppage charges including diet charges, X-ray charges, etc.

**Note 3.**—A deaf or deaf-mute person who is otherwise fit and qualified to hold a group C or Group D post may be considered for appointment to a post where this can be done without much detriment to efficiency and the deaf-muteness or deafness is not likely to hamper the work or to enhance the occupational risks to the worker himself or to others. Such a person may not be appointed in places where there is a danger to the safety of such persons, e.g. in sheds and workshops or in station yards, along railway tracks and on bridges, etc.

**Note 4.**—Stammering is not to be regarded as disqualifications for office clerical staff who do not have to come in direct contact with public.

**Note 5.**—There should be no bar to the admission into clerical service on Railways of a candidate (either sex) who is blind in one eye. The guiding consideration should generally be whether the candidate's vision is adequate for the performance of duties attached to the service or post and whether undue risk attaches in his/her being accepted for appointment.

**Government of India's decisions.**—1. The proceedings of a medical examination conducted by a Medical Officer or a Medical Board constituted to examine a railway servant, or a candidate for railway service, could be treated as confidential. Candidates recommended to be disqualified by a Medical Board or a Medical Office should not be informed of the reasons which led the Board or officer to recommend disqualification. This procedure should be carefully observed.

2. In cases, however, where a Medical Officer or a Medical Board considers that minor disability disqualifying a candidate for railway service can be cured by treatment (Medical or Surgical) a statement to that effect is recorded by the Medical Officer or the Medical Board, as the case may be. There is no objection to a candidate being informed of the Medical opinion to this effect by the Administration and when a cure has been effected it will be open to the Administration to ask for another medical examination.



**223. First-Aid.**—The railway servants in categories which the General Manager may prescribe, will in addition, be required to acquire an approved certificate of competency in First-Aid. They will keep their knowledge in First Aid alive during the entire period of their service through refresher courses at intervals that may be prescribed from time to time.

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**Chapter 2**  
**General Conditions of Service**

**224. Service Agreements.**—Special Class Apprentices on Railways shall be required to execute a service agreement with the President at the time of his appointment as a Probationer in IRSME. Railway servants appointed for a limited period may also be required to execute an agreement. All agreements shall be stamped, the cost being borne by the railway servant concerned.

**Note.**—In the case of all railway servants the offers of appointment should stipulate inter alia that in all matters not specifically provided herein, or in the recruitment rules, they will be governed by the provisions of the Indian Railway Codes and other extant orders as amended/issued from time to time.

**225. Date of Birth.**—(1) Every person, on entering railway service, shall declare his date of birth which shall not differ from any declaration expressed or implied for any public purpose before entering railway service. In the case of literate staff, the date of birth shall be entered in the record of service in the railway servant's own handwriting. In the case of the illiterate staff, the declared date of birth shall be recorded by a senior railway servant and witnessed by another railway servant.

(2) A person who is not able to declare his age should not be appointed to railway service.

(3) (a) When a person entering service is unable to give his date of birth but gives his age, he should be assumed to have completed the stated age on the date of attestation, e.g. if a person enters service on 1<sup>st</sup> January, 1980 and if on that date his age was stated to be 18, his date of birth should be taken as 1<sup>st</sup> January, 1962.

(b) When the year or year and month of birth are known but not the exact date, the 1<sup>st</sup> July or 16<sup>th</sup> of that month, respectively, shall be treated as the date of birth.

(4) The date of birth as recorded in accordance with these rules shall be held to be binding and no alteration of such date shall ordinarily be permitted subsequently. It shall however, be open to the President in the case of a Group A & B railway servant, and a General Manager in the case of a Group C & D railway servant to cause the date of birth to be altered.

- (i) Where in his opinion it had been falsely stated by the railway servant to obtain an advantage otherwise in admissible, provided that such alteration shall not result in the railway servant being retained in service longer than if the alteration had not been made, or
- (ii) where, in the case of illiterate staff, the General Manager is satisfied that a clerical error has occurred, or
- (iii) where a satisfactory explanation (which should not be entertained after completion of the probation period, or three years service, whichever is earlier) of the circumstances in which the wrong date came to be entered is furnished by the railway servant concerned, together with the statement of any previous attempts made to have the record amended.

**Railway Ministry's decision.**—(a) When a candidate declares his date of birth he should produce documentary evidence such as a Matriculation certificate or a Municipal birth certificate, if he is not able to produce such an evidence he should be asked to produce any other authenticated documentary evidence to the satisfaction of the appointing authority. Such authenticated documentary evidence could be the School Leaving Certificate, a Baptismal Certificate in original or some other reliable document. Horoscope should not be accepted as an evidence in support of the declaration of age.

(b) If he could not produce any authority in accordance with (a) above he should be asked to produce an affidavit in support of the declaration of age.

(c) In the case of Group D employees care should be taken to see that the date of birth as declared on entering regular Group D service is not different from any declaration expressed or implied, given earlier at the time of employment as casual labourer or as a substitute.



**Note.**—The source/basis on which the date of birth has been recorded in the Service Records of the employee at the time of entering service may be recorded below the date of birth recorded.

(Authority:- Railway Board's letter No.E(G)99 FR 1/1 dt. 7-12-99)

**226. Transfers.**—Ordinarily, a railway servant shall be employed throughout his service on the railway or railway establishment to which he is posted on first appointment and shall have no claim as of right for transfer to another railway or another establishment. In the exigencies of service, however, it shall be open to the President to transfer the railway servant to any other department or railway or railway establishment including a project in or out of India. In regard to Group C and Group D railway servants, the power of the President under this rule in respect of transfer, within India may be exercised by the General Manager or by a lower authority to whom the power may be re-delegated.

**Railway Ministry's decision.**—Requests from railway servants in Groups C & D for transfer from one railway to another on grounds of special cases of hardships may be considered favourably by the railway administration. Such staff transferred at their request from one railway to another shall be placed below all existing confirmed and officiating staff in the relevant grade in the promotion group in the new establishment, irrespective of date of confirmation or length of officiating service of the transferred employees.

(Railway Ministry's letter No. E. 55SR/6/6/3 dated 19<sup>th</sup> May, 1955).

**227.** A competent authority may transfer a Railway servant from one post to another provided that, except:-

- (1) On account of inefficiency or misbehavior, or
- (2) On his written request,

A Railway servant shall not be transferred to, or except in a case or dual charge, appointed to officiate in a post carrying less pay than the pay of the post on which he holds a lien.

(Authority:- Railway Board's letter No. E(NG)I-98/CN5/2 dt.5-2-99)

**228. Retention of lien on transfer.**—The lien of a permanent staff transferred to another railway will be retained by the transferring railway till he is finally absorbed on the other railway.

**229. Transfer on request.**—Transfers ordered in the interest of employees shall be within the same seniority group, or different group or a mutual exchange. If such transfers are within the same seniority group under the same railway the seniority is not affected but if the transfers are inter divisional or outside the seniority group, the railway Ministry's decision below rule 226 for inter railway transfers shall apply.

**230. Transfer on mutual exchange.**—In case of mutual exchange, the senior or the two employees will be given the place of seniority vacated by the other person. The junior will be allowed to retain his former seniority and shall be fitted into the seniority below the persons having the same seniority.

**231. Transfer from one department to another.**—Person employed in one department shall not be eligible for employment in another except with the previous consent of the head of the department in which they are employed. Without such prior consent the head of an office or department shall not employ a person either temporarily or permanently, if he knows or has reasons to believe that such persons belongs to another establishment under Government. A railway servant who takes up a new employment without the consent of the head of department commits a breach of discipline and is liable to be punished. Divisional Railway Managers, may, however, transfer Group D employees (peons, gangmen, Khalasi, unskilled and semiskilled, etc.) from one department to another or from one Division to another.

"Divisional Railway Managers may also transfer Non-gazetted Railway employees working in Level-2 and above from one department to another for divisional controlled posts subject to the condition that requests should not be entertained for change of category to. Commercial and other non-technical popular categories like Clerk, Accounts Clerk, Ticket Collector, Commercial Clerk, Senior Clerk, Junior Accounts Assistant, Commercial Apprentice, Traffic Apprentice, ECRC etc."

(Authority:- Ministry of Railway's letter No. E(NG)I-2018/TR/12 dated 24.08.2018 and No.E(NG)I-2006/TR/18 dated 25.09.2007)

**232. Transfer on public grounds.**—(a) When a railway servant is transferred otherwise than for the public convenience, a copy of the order of transfer shall be sent to the Accounts Officer with the endorsement stating the reasons of the transfer. In the absence of such an endorsement the Accounts Officer shall assume that the rail servant has been transferred for the public convenience.

(b) In the case of railway servants in Groups C & D a certificate from the head of the office may be accepted in lieu of the copy of the order prescribed in clause (a).

**233. Charge of Office**—Unless for special reasons (which must be of a public nature) the authority under whose orders the transfer takes place permits or requires it to be made in any particular case elsewhere, or otherwise, the charge of an office must be made over at its headquarters, both the relieving and relieved railway servants being present.

**Note.**—In respect of railway servants posted abroad, railway Ministry's sanction is necessary to allow them to make over or resume charge of office else where than at headquarters.

(Railway Ministry's letter No. F(E)61 FR-81 dated 21<sup>st</sup> Sept. 1961.)

**234. Headquarters of a Railway servant.**—(a) As a general rule, and subject to any special orders to the contrary in particular cases, the headquarters of a railway servant on the staff of the Railway Ministry are the headquarters, for the time being, of the Government of India.

(b) The headquarters of any other railway servant are either the station which has been declared to be his headquarters by the authority competent to prescribe his headquarters for the purpose of traveling allowance, or in the absence of such declaration, the station where the records of his office are kept.

**Note.**—An officer under suspensions regarded as subject to all other conditions or service applicable generally to railway servants and cannot leave the station without prior permission. As such, the headquarters of a Railway servant should normally be assumed to be his last place of duty. However, where an individual under suspension requests for a change of headquarters, there is no objection to a competent authority changing the headquarters if it is satisfied that such a course will not put the Railway Administration to any extra expenditure like grant of traveling allowance or other complications.

**235. Leaving jurisdiction.**—(a) No railway servant is entitled to pay or allowances for any time he may spend beyond the limits of his charge without proper authority.

A Financial Adviser and Chief Accounts Officer may pass pay and allowances to the General Manager of a Railway under the latter's own orders for any period during which he may be absent from his jurisdiction on duty.

**236. Casual Leave.**—Casual leave is not recognized and is not subject to any rule. Technically, therefore, a railway servant on casual leave for half a day or full day is not treated as absent from duty, and his pay is not intermitted. Casual leave, however, must not be given so as to cause evasion of the rules regarding —

- (i) date of reckoning pay and allowances,
- (ii) Change of office,
- (iii) commencement and end of leave, and
- (iv) return to duty

or so as to extend the term of leave beyond the time admissible by rule.

**Note.**— Full pay is admissible to a railway servant on casual leave. If in any case less than full pay is allowed, it would amount to an imposition of a penalty not provided for in the Discipline and Appeal Rules.

#### Other General Conditions of Service

**237. Whole time of railway servant at the disposal of Government.**—Unless in any case it be otherwise distinctly provided, the whole time of a railway servant is at the disposal of the Government which pays him, and he may be employed in any manner required by proper authority, without claim for additional remuneration, whether the services required of him are such as would ordinarily be remunerated from the Consolidated Fund of Government of India, from a local fund or from the funds of a body incorporated or not, which is wholly or substantially owned or controlled by the Government.

**238.** Omitted. (Authority : Rly. Board's Letter No.E(NG)I-98/CN5/2,dt. 5-2-99).

**239. Lien**—Unless in any case it is otherwise provided in these rules, a Railway servant on acquiring a lien on a post will cease to hold the lien previously acquired on any other post.

**240. Retention of Lien**— A Railway servant who has acquired lien on a post retains the lien on that post—



- (a) while performing the duties of that post;
- (b) while on foreign service, or holding a temporary post, or officiating in another post;
- (c) during joining time on transfer to another post, unless he is transferred alongwith his title to a post on lower pay, in which case his lien transferred to the new post from the date on which he is relieved of his duties in the earlier post; and
- (d) while on leave; and
- (e) while under suspension;

Provided that no lien of a railway servant shall be retained;

- (i) where a Railway servant has proceeded on immediate absorption basis to a post or service outside his service/cadre/post in the Government from the date of absorption; and
- (ii) On foreign service/deputation beyond the maximum limit admissible under the orders of the Government issued from time to time.

**241.** Omitted. (Authority: Rly. Board's Letter No.E(NG)-98/CN5/2, dot. 5-2-99.)

**242. Termination of Lien-**(a) Except as provided in Rule 240 and clause (b) of this rule a Railway servant's lien on a post may in no circumstances be terminated, if the result will be to leave him without a lien upon a regular post.

(b) A Railway servant's lien on a post shall stand terminated on his acquiring a lien on another post (whether under the Central Government or State Government) outside the cadre on which he is borne.

**243. Transfer of Lien-**Subject to the provisions of Rule 227 a competent authority may transfer to another post in the same cadre, the lien of a Railway Servant who is not performing the duties of the post to which the lien relates.

**244. Forwarding of applications to another post in railway service or outside the Railways.**—Permission to a railway servant to submit an application for a post, to appear for an examination for a post, or to transfer his services to another post in railway service or in another office or Department under the Government of India or under a State Government shall not ordinarily be refused unless the head of the office or department in which he is employed considers that the grant of permission would not be consistent with the interests of the public service.

**Railway Ministry's decision.**—(1) The applications from serving employees for employment elsewhere submitted otherwise than in response to advertisements or circulars inviting applications, should not be forwarded.

( E(NG)65-RC-1/186 dated 29-1-1966.)

(2) The lien of a permanent Railway servant appointed under another Central/State Government or office may be retained on the Railway for a period of two years (three years in exceptional cases). If he is not permanently absorbed within this period in the new post, he should immediately on expiry of the said period, either resign from the Railway service or revert to his parent office. Applications should be forwarded only if an undertaking to abide by these conditions is given by the staff concerned.

(Authority:- Railway Board's letter No. E (NG)-I-96/AP/2 dated 18-12-2000.)

(3) Railway servants may apply in response to open or public advertisement of vacancies by the International Organisations and foreign Governments with the prior permission or the cadre controlling authority concerned. In rare cases, when the time available for submitting the application is short, Railway servant may send his application to the concerned agency in advance with a copy to his cadre controlling authority and this may be confirmed or withdrawn subsequently depending on the decision of the authority. The cadre controlling authorities would consider each case only from the point of view whether the railway servant could be spared or not; no other general considerations should be applied in taking a decision in the case. A Railway servant may be permitted to apply in response to a public advertisement even if he has completed the permitted number of years he can spend in international/foreign assignment in his career. However, in such a case, he would have to resign or take retirement from Government service on selection. A Railway servant applying for an international assignment in response to public advertisement will not be given the status of 'official nominee' for the assignment. Correspondence relating to the grant or denial of permission will be between the railway servant concerned and the cadre controlling authority/Government and latter will not correspond with the International Organisation/Foreign Govt. on the subject.

(Authority: Board's Letter No. E(NG)I-96/AP/2 dated 16-8-99 based on Department of Personal and Training's Letter No. F.18/10/91/FA (UN) dated 20-6-91.)

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**Chapter 3**  
**Termination of Service**

**301. Termination of service and period of notice—(1) Temporary railway servants.**—When a person without a lien on a permanent post under Government is appointed to hold a temporary post or to officiate in a permanent post, he is entitled to no notice of the termination of his service if such termination is due to the expiry of the sanction to the post which he holds or the expiry of the officiating vacancy, or to his compulsory retirement due to mental or physical incapacity or to his removal or dismissal as a disciplinary measure after compliance with the provisions of Clause (2) of Article 311 of the Constitution of India. If the termination of his service is due to some other cause, he shall be entitled to one month's notice provided he was engaged on a contract for a definite period and the contract does not provide for any other period of notice; and to a notice of 14 days if he was not engaged on a contract. Temporary railway servants with over three years continuous service, shall, however, be entitled to a month's notice. The periods of notice specified above shall apply on either side, and steps should be taken to bring this condition to the notice of the railway servants concerned.

**Note.**—(1) Show cause notice is necessary for the termination of the service of permanent railway servants.

**(2) Apprentices.**—Except as otherwise provided in his service agreement, the service of an apprentice shall be liable to termination on one week's notice.

**(1) Certain other railway servants.**—The services of certain other railway servants specified below shall be liable to termination on notice on either side for the periods shown against each. Such notice is not, however, required in cases of dismissal or removal as a disciplinary measure after compliance with the provisions of clause (2) of Article 311 of the Constitution and compulsory retirement due to mental or physical incapacity.

(a) Probationary officers and Group A & Group B railway servants on Probation	3 month's notice
(b) Gazetted railway servants on probation in the Medical department.	1 month's notice
(c) Group C and Group D railway servants on probation	1 month's notice

(4) The service of any of the railway servants mentioned in clauses (1), (2) and (3) who is entitled to a notice of stipulated period may be terminated forthwith and on such termination the railway servant shall be entitled to claim a sum equivalent to the amount of his pay plus allowances for the stipulated period of notice at the same rates at which he was drawing them immediately before the termination of his service, or, as the case may be, for the period by which such notice falls short of the stipulated period of notice.

**Note.**(i)—The appointing authorities are empowered to reduce or waive, at their discretion the stipulated period of notice to be given by a railway servant but the reason justifying their action should be recorded. This power cannot be re-delegated.

(ii) However, in respect of Group 'A' probationers of railway services undergoing probationary training at the Centralized Training Institutes, this power may be exercised by the heads of Centralized Training Institutes where their probationary training has been centralized.

(Authority: Railway Board's letter No. E(Trg.)2004(13)/2 dated 08.12.2004)

(5) The notice of termination of service or order of forthwith termination of service as the case may be, under this rule should be given by an authority not lower than the appointing authority.

(6) Notwithstanding anything contained in clauses (1), (2) and (4) of this rule, if the Railway servant or Apprentice is one to whom the provisions of the Industrial Disputes Act 1947, apply, he shall be entitled to notice or wage in lieu thereof in

accordance with the provisions of that Act.

**Note.**—No notice of termination will be necessary in a case where temporary railway servant is deemed to have resigned his appointment and ceased to be in employment if such a person remained absent on extraordinary leave beyond a limit of 5 years for whom no show cause notice is required as in the case of permanent railway servants.

**302. Resignation.**—(1) In no circumstances shall the resignation of a railway servant whose conduct is under investigation be accepted without the sanction of the authority competent to dismiss him. In cases in which a railway servant has committed an offence for which the penalty is dismissal or removal from service, no suggestion should be made to him to tender his resignation.

(2) *Subject to the provision of Sub-rule (1) the resignations of Group A & B railway servants, other than those holding administrative posts, serving on railways may be accepted by the General Manager. The resignation submitted by Group 'A' probationers of different services undergoing probationary training in various Centralized Training Institutes to join I.A.S., I.F.S. etc. may be accepted by the Heads of Centralized Training Institutes where their probationary training has been centralized. The acceptance of resignation of all other Group A railway servants shall require the sanction of the President. All such resignations of Group A & Group B railway servants on Indian Railways/Production Units shall be reported to the Railway Ministry.*

*(Railway Ministry's letters No. E(Trg.)2004(13)/2 dated 08-12-04 and 20.09.10)-acs no.93 acs no.113*

**Railway Ministry's decision.**—When a Railway servant working on an important post resigns and it would take time to make alternative arrangements for filling the post, the resignation should not be accepted immediately, but only when alternative arrangements for filling the post have been made.

*(Railway Ministry's letters No. E(NG)64RE1/36 dated 26-10-66 and E(NG)65AG1/2 dated 30-6-66.)*

(3) Subject to the provisions of Sub-rule (1), the resignation of a Group C & D Railway servant may be accepted by the authority competent to fill the post held by him at the time of resignation.

**303. Discharge on reduction of establishment.**—(1) No railway servant may be discharged on reduction of establishment except under the orders of the authority competent to abolish the permanent post held substantively by him or of the authority which appointed him to that post, whichever is the higher authority.

(2) Subject to any general orders issued by the President the selection of pensionable railway servants to be discharged upon reduction of establishment shall be so made as to involve the least charge on account of compensation pension.

**304. Termination of service on account of inefficiency due to failure to conform to the requisite standard of physical fitness.**—(1) A Railway servant who fails in a vision test or otherwise by virtue of disability acquired during service and becomes physically incapable of performing the duties of the post which he occupies should not be dispensed with or reduced in rank, but should be shifted to some other post with the same pay scale and service benefits.

(2) A Railway servant falling in Clause (1) above ceases to perform the duties of the post he is holding from the date he is declared medically unfit for the present post. If such a Railway servant cannot be immediately adjusted against or absorbed in any suitable alternative post he may be kept on a special supernumerary post in the grade in which the concerned employee was working on regular basis before being declared medically unfit, pending location of suitable alternative employment for him with the same pay scale and service benefits; efforts to locate suitable alternative employment starting immediately.

(Authority : Section 47(1) of the Persons with Disabilities (Equal Opportunities, Protection of rights and Full Participation) Act, 1995 and Ministry of Railways letter No. E(NG)I/96/RE3/9 dt.29-4-99)

**Note.**—The term 'former emoluments' in the case of running staff will include 40% of pay in the revised scales of pay.

**Railway Ministry's decisions.**—(1) Where a temporary employee has become medically unfit for the post held by him on account of circumstances arising out of and in the course of his employment, the employee should be granted leave due plus extraordinary leave so as to make a total period of 6 months within which alternative employment must be found.



(2) Where a temporary employee has become medically unfit for the post held by him on account of circumstances which did not arise out of and in the course of his employment, the benefit under this rule will not be admissible. It has, however, been decided that while it is strictly not obligatory to find alternative employment for such an employee, every effort should nonetheless be made to find alternative employment. The employee concerned should be granted such leave as is due to him plus extraordinary leave not exceeding 3 months, the total not exceeding 6 months. If no alternative employment can be found in this period, the employee should be discharged from service.

(3) The above rule is applicable only to permanent staff and if alternative appointment is found for temporary staff it should be regarded as a purely ex-gratia measure.

(4) The Medically de-categorised Railway employee waiting for absorption in alternative post may be allowed to commute the period of LHAP on production of medical certificate, subject to certification that the employee is not fit to hold the post from which he proceeded on leave. The commutation will, however, be admissible only up to the stage that an alternative post is offered to him by the administration.

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**Chapter 4**
**Extension of Service and Re-employment of persons previously in Government Service**

**401. General.**—(1) No extension of service/re-employment shall be granted as a rule or a Railway servant beyond the age of 58 years save in exceptional circumstances with the approval of Ministry of Railways.

(2) During the period of extension of service, Railway servants will be governed by the conditions of service applicable to them before the date of superannuation.

(3) The terms and conditions for re-employment shall be prescribed by the Railway Ministry from time to time.

**402.** No person who has been dismissed from Government service or convicted for a criminal offence shall be re-employed, without the sanction of the President, or if the employment or re-employment is to a Group C or Group D post, without the sanction of the General Manager.

**Note.**—If a Railway servant who is dismissed, removed or compulsorily retired from service is to be re-employed by an authority vested with such powers either under this rule or delegations made thereunder this should not be done without the specific approval of the authorities indicated below:-

- |   |   |
|---|---|
| <p>(a) In cases where no appeal was preferred or no review was done.</p>  | <p>The authority next higher than the authority who had dismissed, removed or compulsorily retired him from services.</p> |
| <p>(b) In cases where an appeal was preferred or review was done and the action of dismissal, removal or compulsory retirement from service was upheld on appeal/ review by an authority other than the Railway Board</p> | <p>The authority higher than the appellate/ reviewing authority as the case may be.</p>                                   |

**403.** If a person seeking employment in Railway service is already in Government service or was formerly in such service, it shall be his duty to disclose this fact to the appointing authority and in the latter case give the reason for the termination of his service with Government.

**404.** (1) When a person who was formerly in civil, railway or military employment obtains re-employment, whether temporarily or permanently in railway service, it shall be incumbent on him to declare to the appointing authority the amount of any gratuity, provident fund or pension received by him in respect of his previous employment.

(2) The attention of every railway servant who is re-employed shall be specially called to the provisions of this rule by the authority re-employing him, but the failure of such authority will not be admitted as a ground for condoning any breach of this rule. The Accounts Officer, whenever he becomes aware of such an appointment, shall also take steps to see that the provisions of this rule are complied with.

(3) The appointing authority should ensure that the application for re-employment is received through the existing Head of Department or Heads of Corporate Bodies owned or controlled by Government where necessary and that applications would not be entertained if a clearance certificate from the said employer is not produced by the applicant within the specified period of time—say 4-6 months.

**Note.**—The detailed terms and conditions of re-employment regarding fixation of pay allowances, leave, increments, etc. are given in the Indian Railway Establishment Manual.

**405. Criteria for grant of extension/re-employment to railway servants.**—Extension of service/re-employment to railway servants after superannuation should be considered only in exceptional circumstances and in public interest



keeping in view the following guide-lines:--

- (1) No proposal for extension of service/re-employment beyond the age of superannuation should ordinarily be considered. The over-riding consideration is that it must be clearly in the public interest and in addition it must satisfy one of the following two conditions:--
  - (i) that the in service officers are not ripe enough to take over the job; or
  - (ii) that the retiring officer is of such outstanding merit that it is considered necessary to retain him in service further.
- (2) No extension of service/re-employment should be considered on the ground that a suitable successor is not available unless it is established that action to select a successor had been taken well in advance, but the selection could not be finalised in time for justifiable reasons.
- (3) A proposal for the grant of extension of service/re-employment based merely on the consideration that the officer's predecessors had been given extension/re-employment should obviously not be accepted.
- (4) Appointment of retired officers in the Board of Management of Company, Public Sector Undertakings or enterprise under the Ministry of Railways should not as a rule be proposed. In exceptional circumstances which would justify the appointment of a retired officer, a detailed justification should be given for the consideration of the Appointment Committee of the Cabinet.
- (5) To provide for any eventuality for curtailing the period of extension/re-employment, the order granting an extension of service/re-employment should include a clause providing for termination of service after three/one month's notice at any time within the period of extension/re-employment.
- (6) No railway servant who is on extension of service after the prescribed date of retirement should be promoted to another post during the period of extension of service.

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**Chapter 5**  
**Leave Rules**

**501.** Short title. – These rules may be called the Railway Services (Liberalised Leave) Rules, 1949.

**502.** Extent of application. – These rules shall apply to (i) Railway servants appointed on or after 1st February 1949; (ii) Railway servants appointed prior to 1st February 1949 who have elected to be governed by these rules; and (iii) others who are brought under these rules by special orders; (iv) a temporary Railway servant who has completed 3 years continuous service shall be entitled, from the date of completion of 3 years continuous service, to the same conditions of service in respect of question of leave (including leave salary) as he would have been entitled to if he held a lien on the post in which he was initially appointed.

**502-A. Definitions**

**(1) In these rules, unless the context otherwise requires-**

- (a) “Audit Officer” means the Accounts and Audit Officer, whatever his official designation, in whose circle the office of the Railway servant is situated;**
- (b) “Authority competent to grant leave” means the authority specified in Column (3) of the First Schedule to these rules, competent to grant the kind of leave specified in the corresponding entries in Column (2) of the said Schedule;**
- (c) “Completed years of service” or “one year’s continuous service” means continuous service of specified duration under the Railways and includes the period spent on duty as well as on leave including extraordinary leave;**
- (d) “Date of retirement” or “date of his retirement” in relation to a Railway servant, means the afternoon of the last day of the month in which the Railway servant attains the age prescribed for retirement under the terms and conditions governing his services;**
- (e) “Disability” means “specified disability”, benchmark disability” and “disability having high support needs” as referred to in the Rights of Persons with Disabilities Act, 2016 (49 of 2016).**
- (f) “Foreign service” means service in which a Railway servant receives his pay with the sanction of Government from any source other than the Consolidated Fund of India or the Consolidated Fund of any State [or the Consolidated Fund of a Union Territory];**
- (g) “Form” means a Form mentioned at the end of Chapter-5 as Annexures;**
- (h) Railway servant in quasi-permanent employ” means an officer who, having been declared by the Union Public Service Commission to be eligible for appointment to the Ministerial Services under Ministry of Railways, has been appointed to a temporary or officiating vacancy on the understanding given to him in writing before he took up the appointment, that that vacancy is expected to become permanent but is not confirmed after completion of three years’ continuous service;**
- (i) “Railway servant in permanent employ” means an officer who holds substantively or provisionally substantively a permanent post or who holds a lien on a permanent post or who would have held a lien on permanent post had the lien not been suspended;**
- (j) “Vacation Department” means a department or part of a department, to which regular vacations are allowed, during which Railway servants serving in the department are permitted to be absent from duty.**



**(2) Words and expressions used herein and not defined but defined in the Indian Railway Establishment Codes and Indian Railway Establishment Manuals shall have the meanings respectively assigned to them in the Indian Railway Establishment Codes and Indian Railway Establishment Manuals.**

#### General Conditions

**503.** Right to leave.—Leave cannot be claimed as of right and leave of any kind may be refused or revoked by the authority\* competent to grant it, but it shall not be open to that authority to alter the kind of leave due and applied for except at the written request of the Railway servant. \*See schedule.

Railway Ministry's decision.—The above provisions are not, however, intended to be so used as in effect to abridge to the employees' leave entitlements. It is desirable in the interests of efficiency that employees take leave at suitable intervals and return to work keen and refreshed. The leave sanctioning authority should draw a phased programme for the grant of leave to the applicants by turns with due regard to the priority of claims to leave at the same time ensuring for adequate presence of staff so that no dislocation in the normal working of establishment is caused.

"Provided that leave applied under rule 522, shall not be refused or revoked without reference to the Medical Authority, whose advice shall be binding."

**504.** Effect of dismissal, removal or resignation on leave at credit.—(1) Except as provided in rule 541 and this rule, any claim to leave to the credit of a railway servant, who is dismissed or removed or who resigns from railway service ceases from the date of such dismissal or removal or resignation.

(2) Where a railway servant applies for another post under the Government of India but outside the Railways, if such application is forwarded through proper channel and the applicant is required to resign his post before taking up the new one, such resignation shall not result in the lapse of the leave to his credit.

(3) A railway servant who is dismissed or removed from service and is reinstated on appeal or revision, shall be entitled to count for leave his service prior to dismissal, or removal, as the case may be.

(4) A railway servant, who having retired on compensation or invalid pension or gratuity is re-employed and allowed to count his past service for pension or State Railway Provident Fund benefits, as the case may be, shall be entitled to count his former service towards leave.

#### Railway Ministry's decision

Break in Service due to strike.—Strikes may be divided into two categories—

(a) Legal strikes, i.e. those which have been called after complying with the provisions of the Industrial Disputes Act, 1947 and

(b) Illegal strikes, i.e. those in which the preliminaries to the calling of a legal strike have not been observed

Strikes falling under (a) above do not constitute a break in service and it would be appropriate for the Railway administrations to treat the period of absence as leave with or without allowances as the case may be without reference to the Railway Board.

In case of illegal strikes, however, the absence of the employees concerned is tantamount to a break in service and cannot be condoned without the sanction of the President.

When a break in service due to participation in an illegal strike is condoned by the President as dies non i.e. neither constituting a break in service nor counting as service such a period is deleted as being non-existing in so far as the particular employee or employees are concerned and therefore the status quo ante the interregnum is restored in all respects from the date following the last day of the period treated as dies non. In other words service prior to the break so condoned will be treated as continuous with the services after the break itself for all purposes but the period of break itself will not be taken into account for any purpose.

(Case No. E48 ST/191(L) & E 51.ST/1-44).

**505.** Conversion of one kind of leave into another.—(1) At the request of a railway servant made before he ceases to be in service, the authority which granted him leave may convert it retrospectively into leave of a different kind which was due and admissible to him at the time the leave was granted, but the railway servant cannot claim such conversion as a matter of right.

Provided that no such request shall be considered unless received by such authority, or any other authority designated in this behalf, within a period of 30 days of the concerned Railway servant joining his duty on the expiry of the relevant spell of leave availed of by him.

(Authority:- Railway Board's letter No.F(II)/98/LE1/1 dt. 5-2-98)

(2) The conversion of one kind of leave into another shall be subject to adjustment of leave salary on the basis of leave finally granted to the railway servant, that is to say, any amount paid to him in excess shall be recovered or any arrears due to him shall be paid.

Note.—Extraordinarily leave granted on medical certificate or otherwise may be converted retrospectively into 'leave not due' subject to the provisions of rule 528.

**506.** Commencement and end of leave.—Leave ordinarily begins on the day on which transfer of charge is effected and ends on the day preceding that in which charge is resumed.

**507.** Combination of different kinds of leave.—Except as provided otherwise under these rules, any kind of leave under these rules may be granted in combination with or in continuation of any other kind of leave.

Explanation.—Casual leave which is not recognised as leave under these rules shall not be combined with any other kind of leave admissible under these rules. There is, however, no objection to Casual leave being followed by quarantine leave.

**508.** Combination of holidays with leave.—(1) When the date immediately preceding the day on which a railway servant's leave begins or immediately following the day on which his leave expires is a holiday or one of a series of holidays, the railway servant may leave his station at the close of the day before, or return to it on the day following such holidays, provided that—

(a) his transfer or assumption of charge does not involve the handing or taking over of securities or moneys other than a permanent advance;

(b) his early departure does not entail a correspondingly early transfer from another station of a railway servant to perform his duties; and

(c) the delay in his return does not involve a corresponding delay in the transfer to another station of the railway servant who was performing his duties during his absence or in the discharge from railway service of a person temporarily appointed to it.

(2) in the case of leave on medical certificate:--

(a) When a Railway servant is certified medically unwell to attend office, holidays if any immediately preceding the day he is so certified shall be allowed automatically to be prefixed to leave and the holidays if any immediately succeeding the day he is so certified (including that day) shall be treated as part of the leave; and

(b) When a Railway servant is certified medically fit for joining duty, holidays if any, succeeding the day he is so certified shall be allowed automatically to be suffixed to the leave and holidays, if any, preceding the day he is so certified (including that day) shall be treated as part of the leave.

(3) On condition that the departing railway servant remains responsible for the moneys in charge, the competent authority may in any particular case waive the application of clause (a) of proviso to the sub-rule (1).

(4) Unless the authority competent to grant leave in any case otherwise directs—

(a) If holidays are prefixed to leave, the leave and any consequent rearrangement of pay and allowances take effect from the day after the holidays; and

(b) If holidays are suffixed to leave, the leave is treated as having terminated and any consequent rearrangement of pay and allowances takes effect from the day on which the leave would have ended if holidays had not been suffixed.



Railway Ministry's decision—All holidays notified locally by Railway Administrations may be treated as holidays for the purpose of rules 506 and 508. Since the declaration of holidays as recognized holidays rests with the President the lists of holidays should be approved by that authority.

The above decision does not apply to offices which follow holidays declared by Central and State Government or Union Territories

(Railway Ministry's case No. F43/HL(1) )

**509.** Employment during leave.—A Railway servant on leave may not take any service or accept any employment without obtaining the previous sanction of—

- (a) the President if the proposed service or employment is outside India; and
- (b) the authority empowered to appoint him, if in India.

**Note**—This does not apply to casual literacy work, or to service as an examiner or similar employment nor does it apply to acceptance of foreign service with the sanction of the competent authority.

**510.** Maximum amount of continuous leave.

(1) No Railway servant shall be granted leave of any kind for a continuous period exceeding five years.

(2) Unless the President, in View of the exceptional circumstances of the case otherwise determines, a Railway servant who remains absent from duty for a continuous period exceeding five years other than on foreign service, with or without leave, shall be deemed to have resigned from the Railway service:

Provided that a reasonable opportunity to explain the reasons for such absence shall be given to that Railway servant before provisions of sub-rule (2) are invoked.

“Provided further that this rule shall not apply to a case where leave is applied on medical certificate, in connection with a disability.”

**Note:-** Here and hereafter “disability” means “specified disability”, “benchmark disability” and “disability having high support needs” as referred to in the Rights of Persons with Disabilities Act, 2016 (49 of 2016).

#### Railway Ministry's Decisions

1. In the case of all Group 'C' including erstwhile Group 'D' railway employees, the power to grant the leave beyond maximum period of 5 years is delegated to concerned GMs. However, the leave should sanctioned only with financial concurrence of FA&CAO and personal recommendation of CPO with the rider this power shall not delegated further down below.

2. The power be exercised in rare and exceptional cases only, for which a speaking order clearly bringing alit the circumstances as to why it is being proposed are brought out.

3. In case of other Groups, the existing provisions will continue'.

(Authority Board's letter No. E(P&A)I-2013/CPC/LE-2 dated 05.09.2016 based on corresponding instructions of DOP&T contained in OM No. 13026/3/2012-Estt.(Leave) dated 28.03.2013 and their ID No. 13026/1/2013-Estt.(Leave) dated 21.04.2015)

**511.** Application for leave.- An application for leave or for extension of leave shall be made to the authority competent to grant such leave or extension in the form at Annexure I.

“Provided that where a Railway servant is unable to submit an application or medical certificate on account of a disability, such application or medical certificate may be signed and submitted by-

- (a) the spouse of the Railway servant; or
- (b) the parents in case of an unmarried Railway servant; or
- (c) the child including adopted child or brother or sister of the Railway servant, who has attained the age of majority; or

(d) any person who has been assigned limited guardianship of the Railway servant in terms of section 14 of the Rights of Persons with Disabilities Act, 2016 (46 of 2016)

And the same shall be deemed to have been made and submitted by the Railway servant himself."

**512. Grant of leave.—Priority of claims to leave.**—In case where all applications for leave cannot, in the interest of the public service, be granted, an authority competent to grant should, in deciding which applications should be granted, take into account the following considerations—

- (a) The railway servants who can, for the time being best be spared.
- (b) The amount of leave due to the various applicants.
- (c) The amount and character of the service rendered by each applicant since he last Returned from leave.
- (d) The fact that any such applicant was compulsorily recalled from his last leave.
- (e) The fact that any such applicant has been refused leave in the public interest.

**Railway Ministry's decision 1.**—The order sanctioning leave on average pay/half average pay to Railway servant shall indicate the balances of such leave at his credit.

(E(P&A)176 LE 3/1 dot. 11-3-1977)

**Railway Ministry's decision 2.**—In order to save time, effort and expense, it has been decided that instead of issuing individual leave orders, these orders should, as far as possible, be issued in a consolidated form for each category of staff separately, if not already being done. The consolidated leave orders may be issued once in a fortnight, say, on 20th of the month in respect of persons who proceeded on leave between 1st and 15th, and on 5th of the next month in respect of those who proceeded on leave between 16th and the last working day of the previous month. These dates may, if necessary, be varied to suit local convenience. Exception may be made, if necessary, in the types of cases mentioned below:

- (i) Where the Railway servant and his leave sanctioning authority are located at different stations, and
- (ii) Where officiating arrangement is to be made in the leave vacancy.

Where a Railway servant is proceeding on leave before the date of issue of the consolidated leave order, the fact whether the leave applied for by him has been sanctioned or not may informally be ascertained from administration section by the individual concerned. The general principle should, however, be that after the leave has been recommended by the Railway servant's immediate controlling authority, the leave may be deemed to have been sanctioned unless he is given an intimation to the contrary.

**513. Leave Account.**—A leave account shall be maintained in the prescribed form for each railway servant by the Accounts Officer in the case of Group A and Group B railway servants and by the head of the office or an officer authorised by him in the case of Group C and Group D Railway Servants.

**514. Verification of title to leave.**—The amount of leave due to a railway servant is the balance leave at his credit in the leave account. No leave shall be granted to a railway servant until a report regarding its admissibility has been obtained from the authority maintaining the leave account.

**515. Leave when not to be granted.**—Leave shall not be granted to a railway servant whom a competent punishing authority has decided to dismiss, remove or compulsorily retire from railway service.

**516. Recall to duty before expiry of leave.**—In case a Railway servant is recalled to duty before the expiry of his leave, such recall to duty shall be treated as compulsory in all cases and the railway servant shall be entitled:—

- (a) If the leave from which he is recalled is in India, to be treated as on duty from the date on which he starts from the station to which he is ordered, and to draw—
  - (i) traveling allowance under rules made in this behalf for the journey; and



- (ii) leave salary until he joins his post, at the same rate at which he would have drawn it but for recall to duty.
- (b) If the leave from which he is recalled is out of India, to count the time spent on the voyage to India as duty for purposes of calculating leave, and to receive—
  - (i) leave salary, during the voyage to India and for the period from the date of landing in India to the date of joining the post at the same rate at which he would have drawn it but for recall to duty;
  - (ii) a free passage to India;
  - (iii) refund of his passage from India if he has not completed half the period of his leave by the date of leaving for India on recall, or three months, whichever is shorter;
  - (iv) duty pass and traveling allowance, under the rules for the time being in force for travel from the place of duty.

**517. Return to duty from leave.**—(1) A railway servant on leave shall not return to duty before the expiry of the period of leave granted to him, unless he is permitted to do so by the authority which granted him leave.

(2) Notwithstanding anything contained in sub-rule (1), railway servant on leave preparatory to retirement shall be precluded from returning to duty save with the consent of the authority competent to appoint him to the post from which he proceeded on leave preparatory to retirement.

(3) A railway servant who has taken leave on medical certificate may not return to duty until he has produced a medical certificate of fitness from the appropriate Medical authority.

(4) A railway servant returning from leave is not entitled, in the absence of specific orders to that effect, to resume as a matter of course, the post which he held before going on leave.

(5) Such railway servant shall report his return to duty to the authority which granted him leave or to the authority, if any specified in the order granting him the leave and await orders.

**518. Absence after the expiry of leave.**—(1) Unless the authority competent to grant leave extends the leave, a railway servant who remains absent after the end of leave is entitled to no leave salary for the period of such absence and the period shall be debited against his leave account as though it were leave on half average pay, to the extent such leave is due, the period in excess of such leave due being treated as extraordinary leave.

(2) Wilful absence from duty after the expiry of leave renders a railway servant liable to disciplinary action.

#### **519. 519 – Grant of leave on Medical Certificate to Gazetted and non-Gazetted Railway servants –**

1. Commuted Leave/Leave on production of Medical Certificate by the Railway Servants shall be regulated as follows:-

- (i) A Railway servant (Gazetted or Non-gazetted), on being a Central Government Health Scheme (CGHS/Railway Health Services (RHS) beneficiary and living in an area covered by the CGHS/RHS at the time of illness, shall be required to produce a Medical and Fitness Certificate in the Form prescribed in Annexure XI to Rule 538 and 541 of Indian Railway Medical Manual, Volume 1, Third Edition 2000 either from an authorized CGHS Medical Officer or a Railway/Government Authorized Medical Officer.

In circumstances where the Railway Doctor's line visits do not materialize, the Railway employees, who are covered by the line jurisdiction of the Railway doctor and who have fallen ill, may obtain a Medical Certificate from a Registered Medical Practitioner (RMP) subject to the condition that if the leave applied for on medical grounds is for more than 3 days, the employee should report to the Railway doctor if he is fit to travel or send intimation about his condition, if he is bed-ridden, at such intervals as directed by the Railway doctor.

- (ii) Railway servants (Gazetted or Non-gazetted), who are not CGHS beneficiaries, (including those who have opted out of the CGHS / RHS or are CGHS or RHS Card Holders, but at the time of illness are residing outside the jurisdiction of the CGHS / RHS facilities or take ill while being outside the Headquarters) are required to produce a Medical and Fitness Certificate from his

Authorized Medical Attendant (AMA) provided that in the case of a Non-gazetted Railway employee, if no AMA is available within a radius of 8 kilometers of his residence or place of temporary stay outside the Headquarters, the leave sanctioning authority may at his discretion, sanction Leave / Commuted Leave on production of a Medical Certificate from the Registered Medical Practitioner, after satisfying itself of the facts / merits of the case .

(iii) In case of hospitalization/indoor treatment permitted in a private hospital recognized under the CGHS/Central Services (Medical Attendance) Rules, 1944 and Railway Medical Attendance Rules as contained in Indian Railway Medical Manual, Third Edition, 2000(Corrected upto 30.9.99), a Railway servant (Gazetted or Non-gazetted), whether a CGHS/RHS beneficiary or not, may produce the requisite Medical/Fitness Certificate from the Authorized Medical Officer of such a hospital in case his hospitalization/ indoor treatment, is on account of the particular kind of disease (e.g. heart, cancer etc.) for the treatment of which the concerned Hospital has been recognized by the Ministry of Health and Family Welfare. There may be instances where an employee may be initially admitted to such a hospital at a stage when the disease has yet not been fully diagnosed and it may subsequently be established that the disease was not that, the suspicion of which prompted his / her admission to the hospital. In such cases, the leave sanctioning authority, with the approval of the General Manager, may grant Leave / Commuted Leave on the basis of the Medical Certificate from the Authorized Medical Officer of such a hospital, if he is satisfied about the genuineness of the case.

(iv) In cases where a Non-gazetted Railway servant finds it difficult to obtain the Medical/Fitness Certificate from a CGHS/RHS doctor or AMA in exceptional cases, the leave sanctioning authority, may consider grant of leave on the basis of the Medical/Fitness Certificate from an RMP after taking into account the circumstances of the specific case. Such a certificate should be, as nearly as possible, in the prescribed form as given in Annexure XI of Rule 538 and 541 of Indian Railway Medical Manual, Volume 1, Third Edition'2000, and should state the nature of illness and the period for which the Railway servant is likely to be unable to perform his duties. The competent authority may, at its discretion accept the certificate, or in cases where it has reasons to suspect the bonafides, refer the case to the Divisional Medical Officer for advice or investigation. The Medical Certificate from registered private practitioners produced by the Railway servant in support of their application for leave may be rejected by the competent authority only after a Railway Medical Officer has conducted the necessary verifications and on the basis of the advice tendered by him after such verifications.

(v) Certificate of Fitness in the case of employees working in the Zonal Railways and Field Units will continue to be governed by the provisions contained in Rule 538 and 541 of Indian Railway Medical Manual, Volume 1, Third Edition 2000.

**Note:** Ordinarily, the jurisdiction of a Railway Medical Officer will be taken to cover Railway servant residing within a radius of 2.5 kilometers of the Railway Hospital or health unit to which the Doctor is attached, and within a radius of one kilometer of a Railway station of the Doctor's beat.

(Authority Board's letter No. E(P&A)I-97/CPC/LE-7 dated 29.08.2002.)

**Railway Ministry's decision-1.**— Where a Railway employee remained on medical leave upto and including 3 days duration and reported back for duty with a fitness from the medical practitioner, he may be allowed to join duty without obtaining fitness certificate from the Railway Medical Officer subject to the conditions that the employee furnished a declaration that he had not suffered during this period from any eye disease. In the other cases where the duration of the sickness is more than 3 days, the railway employee should be put back to duty within 24 hours on his producing fitness certificate from a private medical practitioner, provided he is found fit by the competent railway medical officer. In case there is any delay beyond 124 hours in obtaining the fitness certificate from the competent Railway Medical Officer, the employee concerned will be deemed to have been put back to duty within 24 hours of his producing the medical certificate of the private medical officer.

(Rly. Ministry's letter No. E(G)78LE 1-17 dated 18-1-1979)



**Railway Ministry's decision 2.**— With a view to preventing misuse, the Railway administration may with draw for specified periods (From 1st April to 30th June in Summer, from 1st Oct. to 15th November during Diwali and when mass sick reporting is contemplated by staff of any department) the privilege of acceptance of medical certificate from Registered Medical Practitioners for grant of Medical Certificates to Group C and Group D Railway servants.

(No. E(G) 72LE-1-11 dated 28-9-72.)

2. In case of a Railway servant who has acquired a disability, the Medical Authority shall certify, in the form at Annexure III A -

(a) the nature and extent of the disability;

(b) the date from which such disability has occurred or manifested, to the extent it may be medically possible to indicate the same;

(c) whether there are reasonable prospects for the Railway servant to be fit to resume duties, and if not, categorically state that such Railway servant is completely and permanently incapacitated for further service.

(2A) For the purpose of these rules, a doctor in Central Government Health Scheme or a Government Hospital, or a specialist in Government Hospital in cases requiring specialized treatment, or a Medical Board in a Government Hospital in the case of multiple disabilities shall, in addition to the authority certifying specified disability under the provisions contained in Chapter X of the Rights of Persons with Disabilities Act, 2016 (49 of 2016), be the Medical Authorities competent to issue certificate of disability in the form at Annexure-III A.

(2B) Notwithstanding anything in these rules, no references from the Head of Office or any other authority may be required for issue of medical certificate of disability.

3. Where, however, the authority competent to grant leave is not satisfied about the genuineness of a particular case, it will be open to such authority to secure a second medical opinion by requesting a Government Medical Officer/Railway Medical Officer not below the rank of Civil Surgeon/Medical Superintendent or Staff Surgeon/Divisional Medical Officer to have the applicant medically examined on the earliest possible date.

4. It shall be the duty of the Divisional Medical Officer to express an opinion both as regards the facts of the illness and regards the necessity for the amount of leave recommended and for that purpose he may either require the applicant to appear before himself or before a Medical Officer nominated by himself.

5. The grant of medical certificate under this rule does not in itself confer upon the railway servant concerned any right to leave. The medical certificate shall be forwarded to the authority competent to grant leave and orders of that authority awaited.

6. The authority competent to grant leave may at its discretion, waive the production of medical certificate in case of application for leave for a period of not exceeding 3 days at a time. Such leave shall not, however, be treated as leave on medical certificate and shall be debited against leave other than on medical grounds.

7. Every certificate of a Medical Officer recommending the grant of leave to a railway servant must contain a proviso that no recommendation contained in it shall be evidence or a claim to any leave not admissible to the railway servant under the term of his contract or the rules to which he is subject. The

certificate should be forwarded to the authority competent to grant the leave and the orders of that authority should be awaited.

**520.**

**520. Grant of leave on Medical certificate to Group A and Group B Officers**

Before a railway servant in Group A or Group B is granted leave or an extension of leave, on medical certificate, he shall obtain a certificate in the following form:

**MEDICAL CERTIFICATE FOR RAILWAY SERVANTS (GROUP A & B) RECOMMENDED LEAVE OR  
EXTENSION OF LEAVE OR COMMUTATION OF LEAVE**

Signature of the Railway Servant .....

I .....after careful personal examination of the case hereby certify that Shri/Shrimati/Kumari.....whose signature is given above, is suffering from .....and I consider that a period of absence from duty of..... with effect from.....is absolutely necessary for the restoration of his/her health.

Date.....

Medical Superintendent/Divisional  
Medical Officer/ Authorised Medical  
Attendant

**Note—(i)** A certificate given by an Assistant Divisional Medical Officer will be acceptable only if countersigned by Divisional Medical Officer concerned.

**(ii)** This form should be adhered to as closely as possible and should be filled in after the signature of the applicant has been taken. The certifying officer is not at liberty to certify that the applicant requires a change from or to a particular locality, or that he is not fit to proceed to a particular locality. Such certificate should only be given at the explicit desire of the administrative authority concerned, to whom it is open to decide, when an application on such grounds has been made to him whether the applicant should go before a Medical Board to decide the question of his fitness for service.

**(iii)** No recommendation contained in these certificates shall be evidence of a claim to any leave not admissible to the railway servant under the terms of his contract or of the rules to which he is subject.

**521.** "Commutated Leave/Leave on production of Medical Certificate by the Railway Servants shall be regulated as follows:-

Omitted {Provisions of this rule have been merged in rule 519(1)}.

**522.** Leave to a railway servant who is unlikely to be fit to return to duty.—(1) (a) When a medical authority has reported that there is no reasonable prospect that the railway servant will ever be fit to return to duty, leave shall not necessarily be refused to such Railway servant.

(b) The leave may be granted, if due, by the authority competent to grant leave on the following conditions:--

“(i) if the Medical Authority is unable to say with certainty that the Railway servant, who has acquired a disability, will never again be fit for service, leave not exceeding twelve months at a time may be granted and such leave shall not be extended without further reference to a Medical Authority;

(ii) if a Railway servant is declared by the Medical Authority, as specified in rule 519, as to have acquired such disability which may prevent him from discharging further service, leave or an



extension of leave may be granted to him after the certificate of the Medical Authority has been received in Annexure III-A;

Provided that any leave debited for the period(s) granted under sub-clause (i) of clause (b), after receipt of the certificate of disability of the Medical Authority, shall be remitted back into the leave account of the Railway servant;

Provided further that any leave granted to regulate the period of absence under sub-clause (ii) of clause (b), after receipt of the certificate of the Medical Authority, shall not be debited to the leave account of the Railway servant."

"(2) In the case of a Railway servant who is granted leave in accordance with the provisions of clause (b) of sub-rule (1), the provisions of section 20 of the Rights of Persons with Disabilities Act, 2016 (49 of 2016) shall, suo motu, apply."

(3) A Railway servant who fails in vision test or otherwise becomes physically incapable of performing the duties of the post which he occupies but not capable of performing other duties shall be granted leave in accordance with ordinary rules subject to the proviso that where the Railway servant has not got six months leave to his credit his leave shall be made upto six months by the grant of extraordinary leave.

If an alternative employment cannot be found for such a person within the period of leave granted as above, his service shall not be terminated but his leave shall be extended by the grant of extraordinary leave, subject to the condition that the total amount of extraordinary leave to be granted to the Railway servant does not exceed six months.

The medically decategorised Railway employee waiting for absorption in alternative post may be allowed to commute the period of LHAP on production of medical certificate, subject to certification that the employee is not fit to hold the post from which he proceeded on leave. The commutation will, however, be admissible only upto the stage that an alternative post is offered to him by the administration.

#### Kinds and amount of leave Due and Admissible

**523. Leave on average pay.**—(1) (a) (i) A railway servant permanent or temporary other than one who is serving in a railway school shall be entitled to 30 days leave on average pay in a calendar year.

(ii) The leave account of every railway servant shall be credited with leave on average pay in advance in two instalments of 15 days each on the first day of January and July every calendar year.

(b) The leave at the credit of a railway servant at the close of the previous half year shall be carried forward to the next half year subject to the leave so carried forward plus the credit for the half year do not exceed the maximum limit of 300 days.

(c) A period spent in foreign service shall count as duty for purpose of this rule, if contribution towards leave salary is paid on account of such period.

(d) The following procedure for crediting LAP on 1st Jan./1st July w.e.f. 01.07.1997 in respect of Railway employees may be adopted:--

(i) In case of Railway employees, having at their credit leave on Average Pay of 285 days or less as on 1st January/1st July of a year, LAP of 15 days or proportionately less in respect of retiring persons of those leaving service during the next half year may continue to be credited to their leave account in advance as at present.

(ii) In cases where the Leave on Average Pay at credit as on 1st January/1st July is 300 days or less but more than 285 days, credit of LAP for 15 days may be kept separately and first adjusted against any LAP that the Railway servant may take during the ensuing half year and the balance, if any, credited to the LAP account at the close of the half year subject to the ceiling of 300 days. If the LAP taken during the half year is more than 15 days the amount in excess of 15 days will, however, have to be debited to the leave account.

(Authority:- Railway Board's letter No. E(P&A)I-2000/CPC/LE-3 dt.1.8-2000)

2. Subject to the provisions of rules 503,541 as well as this rule, the maximum leave on average pay that may be granted at a time to a railway servant shall be 180 days.

**524. Calculation of leave on average Pay.—**(1) Leave on Average pay shall be credited to the leave account of a railway servant at the rate of  $2\frac{1}{2}$  days for each completed calendar month of service which he is likely to render in a half year in which he is appointed.

(2)(a) The credit for the half year in which a railway servant is due to retire or resigns from the service shall be afforded only at the rate of  $2\frac{1}{2}$  days per completed calendar month upto the date of retirement or resignation.

(b) When a railway servant is removed or dismissed from service or dies while in service, credit of earned leave shall be allowed at the rate of  $2\frac{1}{2}$  days per completed calendar month upto the end of the calendar month preceding the calendar month in which he is removed or dismissed from service or dies in service.

(3) If a railway servant has availed of extraordinary leave and/or some period of absence has been treated as dies non during the previous half year, the credit to be afforded to his leave account at the commencement of the next half year shall be reduced by  $1/10$ th of the period of such leave and/or dies non subject to a maximum of 15 days.

(1) While affording credit of Leave on Average Pay fraction of a day shall be rounded off to the nearest day.

(Authority:- Railway Board's letter No. E(P&A)I-2000/CPC/ALE-5 dt.7.2-97)

Railway Ministry's decision.- Concession to Railways servants on the North-East Frontier Railway. Once in a calendar year, the staff proceeding on leave on average pay to or via Calcutta, Lucknow or Patna will be granted additional leave, not debit to their leave account on the following scale:-

(i) Staff headquarters at Siliguri station or at stations west of Siliguri 2 days

(ii) Staff headquarters at stations east of Siliguri but on the North Bank of Brahmaputra, including Darjeeling-Himalaya Section and at Pandu (Guwahati). 4 days

(iii) Staff head quarters at stations to the east of Pandu

(Railway Ministry's letter No.E(G)58AD-I-dt. 15-2-1958). 6 days

## **525- Leave on Average Pay applicable to School Staff**

(1)(a) A Railway servant serving in a Railway School such as a teacher, principal, headmaster, librarian, laboratory assistant or a waterman shall not be entitled to any Leave on Average Pay in respect of duty performed in any year in which he avails the full vacation.

(b) In respect of any year in which a Railway servant avails a portion of the vacation, he shall be entitled to Leave on Average Pay in such proportion of 30 days, as the number of days of vacation not taken bears to the full vacation.

Provided that no such leave shall be admissible to a Railway servant not in permanent employ or quasi-permanent employ in respect of the first year of his service.

(c) If, in any year, the Railway servant does not avail any vacation, Leave on Average Pay shall be admissible to him in respect of that year under Rule 523.

**Explanation:** For the purpose of this rule, the term "year" shall be construed not as meaning a calendar year in which duty is performed but as meaning twelve months of actual duty in a Railway School.

**Note 1** – A Railway servant entitled to vacation shall be considered to have availed a vacation or a portion of a vacation unless he has been required by general or special order of a higher authority to forego such vacation or portion of a vacation.

Provided that if he has been prevented by such order from enjoying more than fifteen days of the vacation, he shall be considered to have availed himself of no portion of the vacation.

**Note 2** – When a Railway servant serving in a Railway school proceeds on leave before completing a full year of duty, the Leave on Average Pay admissible to him/her shall be calculated not with reference to the



vacations which fall during the period of actual duty rendered before proceeding on leave but with reference to the vacation that falls during the year commencing from the date on which he completed the previous year of duty.

2. Vacation may be taken in combination with or in continuation of any kind of leave under these rules.

Provided that the total duration of vacation and Leave on Average Pay taken in conjunction, whether the Leave on Average Pay is taken in combination with or in continuation of other leave or not, shall not exceed the amount of Leave on Average Pay due and admissible to the Railway servant at a time under rule 523.

3. The Leave on Average Pay under this rule at the credit of a Railway servant at the close of the previous half year shall be carried forward to the next half year, subject to the condition that the leave so carried forward plus the credit for the half year shall not exceed the maximum limit of 300 days.

**Note: - The facility of crediting of unavailed portion of joining time shall be admissible to persons serving in Railway Schools, in accordance with the provisions of Rule 1110.**

(Authority Board's letter No E(P&A)I-2008/CPC/LE-10 dated 06.03.2009) ...acs no.116

**526.** Leave on half average pay.—**1(a)** A railway servant, permanent or temporary including the one who is serving in a railway school, shall be entitled to Leave on Half Average Pay of 20 days in respect of each completed year of service.

(Authority Board's letter No E(P&A)I-2008/CPC/LE-10 dated 06.03.2009)...acs no.116

(b) The leave due under clause (a) may be granted on medical certificate or on private affairs.

(c) The amount of leave on half average pay that can be availed of in one spell irrespective of its being combined with any other kind of leave or not shall be limited to 24 months.

(2) If a railway servant is on leave on the day on which he completes a year of service, he shall be entitled to half pay leave without having to return to duty.

**(3)** The Leave on Half Average Pay will be credited to the leave account of a Railway servant on 1<sup>st</sup> January and 1<sup>st</sup> July each as indicated below:-

**(1)** The account of Leave on Half Average Pay of every railway servant shall be credited with Leave on Half Average Pay in advance, in two instalments of ten days each on the first day of January and July of every calendar year.

(Authority Board's letter No E(P&A)I-2008/CPC/LE-10 dated 06.03.2009)...acs no.116

(2) The leave shall be credited to the leave account at the rate of 5/3 days for each completed calendar month of service which the railway servant is likely to render in the half-year of the calendar year in which he/she is appointed.

(3) The credit for half-year in which the railway servant is due to retire or resigns from service shall be allowed at the rate of 5/3 days per completed month upto the date of retirement resignation.

(4) When a railway servant is removed or dismissed or dies while in service, credit of leave on half-average pay shall be allowed at the rate of 5/3 days per completed calendar month upto the end of calendar month preceding the calendar month in which the railway servant is removed or dismissed from service or dies while in service.

(5) Leave on half-average pay under these rules may be granted on medical certificate or on private affairs provided that in the case of railway servants, not permanently employed, no leave on half-average pay shall be granted unless the authority competent to grant leave has reasons to believe that the railway servant will return on its expiry, except in the case of a railway servant who has been declared completely or permanently incapacitated for further service by a medical authority.

(6) While calculating the completed months of service the month may be rounded off to the next higher if it exceeds more than 15 days (For example if a railway servant has completed a year's service as on 11th May 1986, he may be given the benefit of L.H.A.P. from May since it exceeds 15 days to December 1985 for 13 days viz.  $5/3 \times 8 = 13\frac{1}{2}$ ).

(7) Where a period or absence for suspension of a Railway servant has been treated as "dies-non" in a half year, the credit to be afforded to his half-pay leave account at the commencement of next half-year, shall be reduced by one-eighteenth of the period of 'dies-non', subject to a maximum of ten days.

(Authority Board's letter No. E(P&A)I-2003/CPC/LE4 dated 19-06-2003)

(8) While affording credit of half pay leave, fraction of a day may be rounded off to the nearest day.

#### EXPLANATION:

Sub-clauses (7) & (8) under Sub-rule (3) of Rule 526 of Indian Railway Establishment Code, Volume I (1985 Edition) have been incorporated with the President's approval effective from 4-7-1987. Incorporation of these Rules have been necessitated due to amendments made by the Department of Personnel & Training in the Central Civil Services (Leave) Rules, 1972 vide their Notification No. 13014/1/87 Estt. (L) dated 17-7-1987. It is certified that retrospective effect given to these rules will not adversely affect any employee to whom these rules apply.

Railway Ministry's decision.—It is not necessary that a railway servant should return to duty before availing of half-average pay leave which he has earned during this spell of leave. As the half-average pay leave becomes due on completing a year's service which term include extraordinary leave, the leave account can be credited with the amount of such leave, as soon as it is earned. If a railway servant who is already on leave, subsequently applies for an extension of leave, his application can be treated as a fresh application for leave and in such circumstances there is no objection to the grant of half pay leave in continuation of the leave already granted to him. There is also no objection to the grant of such leave during a spell of leave already granted to a railway servant provided he submits his application or formally requests for the conversion of the leave already granted to him into half pay leave. In such cases it will be necessary to revise the original leave account and subsequent leave will have to be granted according to the amended leave accounts.

(Railway Board's Letter No. E(G)56-CPC/LR/8 dated 13-1-1958.)

**527.** Commuted leave. Commuted leave not exceeding half the amount of leave on half-average pay due may be granted on medical certificate to railway servant to the following conditions:--

(a) the authority competent to grant leave is satisfied that there is reasonable prospect of the railway servant returning to duty on its expiry;

(b) when commuted leave is granted, twice the amount of such leave shall be debited against the leave on half-average pay due;

(c) there is no limit to the number of days of commuted leave to be availed of during the entire service;

(d) leave on half average pay upto a maximum of 180 days shall be allowed to be commuted during the entire service where such leave is utilised for an approved course of study which is certified to be in the public interest by the leave sanctioning authority;

(e) where a railway servant who has been granted commuted leave and resigns from service or at his request is permitted to retire voluntarily without returning to duty, the commuted leave shall be treated as leave on half average pay and the difference between the leave salary in respect of commuted leave and leave on half average pay shall be recovered.

Provided that no such recovery shall be made if the retirement is compulsorily thrust upon him by reason of ill health incapacitating the railway servant for further service or in the even of his death.

(f) commuted leave may be granted at the request of the railway servant even when leave on average pay is due to him .

**528.** Leave not due.—(1) Leave not due may be granted to a railway servant in permanent employment subject to the following conditions:--

(i) leave not due shall be limited to the leave on half average pay he is likely to earn thereafter;

(ii) leave not due during the entire service shall be limited to a maximum of 360 days, on medical certificate;

(iii) leave not due shall be debited against the half pay leave he is likely to earn subsequently.



(2) (a) Where a railway servant who has been granted leave not due resigns from service or at his request permitted to retire voluntarily without returning to duty the leave not due shall be cancelled, his resignation or retirement taking effect from the date on which such leave had commenced and the leave salary shall be recovered.

(b) where a railway servant who having availed himself of leave not due returns to duty but resigns or retires from service before he has earned such leave he shall be liable to refund the leave salary to the extent the leave has not been earned subsequently.

Provided that no leave salary shall be recovered under clause (a) or clause (b) if the retirement is compulsorily thrust upon him by reason of ill health incapacitating the railway servant for further service or if he is retired compulsorily on disciplinary grounds or due to pre-matured retirement under para 620 of Manual of Pension Rules or the provisions relating to compulsory retirement of non-pensionable Railway servants on rendering 30 years of service or in the even of his death.

**529.** Leave not due to temporary railway employees.—Subject to the provisions of clause (i) and clause (iii), to rule 528(1), leave not due may be granted to temporary railway servants who are suffering from T.B., Leprosy, cancer or mental illness, for a period not exceeding 360 days during the entire service on medical certificate if the railway servant concerned has put in at least one year's railway service:

Provided that the post from which the railway servant proceeds on leave is likely to last till his return to duty; and the request for leave is supported by a medical certificate.

Note.—Leave not due, under Rules 528 and 529, is leave admissible under the Rules and where it can be granted, the grant of Extraordinary Leave under Rule 530 will be irregular unless specifically applied for by the Railway servant in writing.

**530.** Extraordinary Leave.—(1) Extraordinary leave may be granted to a railway servant in special circumstances—

(a) when no other leave is admissible, and

(b) When other leave is admissible, but the railway servant applies in writing for the grant of extraordinary leave.

(2) Unless the President in view of the exceptional circumstances of the case otherwise determines, no temporary railway servant shall be granted extraordinary leave on any one occasion in excess of the following limits:--

(a) three months, without a medical certificate.

(b) Six months where the railway servant has completed 1 year's continuous service on the date of expiry of leave of the kind due and admissible under these rules including three months extraordinary leave under clause (a) and his request for such leave is supported by a medical certificate as required by these rules.

(c) Eighteen months where the railway servant has completed one year's continuous service and is undergoing treatment for—

(i) pulmonary tuberculosis or pleurisy of tubercular origin, in a recognized sanatorium, Railway Hospital and Railway Chest Clinics.

(ii) tuberculosis of any other part of the body by a qualified T.B. Specialist/Civil Medical Officer.

(iii) leprosy in a recognized leprosy institution or hospital recognized by the State Administrative Medical Officer concerned.

(iv) cancer or for mental illness in an institution recognized for the treatment of such disease or by a Medical officer or Specialist of railway or government.

(d) twenty four months where the leave is required for the purpose of prosecuting studies certified to be in public interest provided the railway servant concerned has completed three years continuous service on the date of expiry of leave of the kind due and admissible under these rules, including three months extraordinary leave under clause (a).

(3) (a) Where a railway servant is granted extraordinary leave in relaxation of the provisions contained in clause (d) of sub-rule (2), he shall be required to execute a bond (Annexure II) undertaking to refund to the railway during such leave plus that incurred by other agency with interest thereon in the event of his not returning to duty on the expiry of such leave or quitting the service before a period of 3 years after return to duty.

(b) The bond shall be supported by sureties from two permanent railway servants having a status comparable to or higher than that of the railway servant.

(4) Two spells of extraordinary leave, if intervened by any other kind of leave, shall be treated as one continuous spell of extraordinary leave for the purpose of sub-rule (2).

(5) The authority competent to grant leave may commute retrospectively periods of absence without leave into extraordinary leave.

**Note 1.**—The concession of extraordinary leave upto 18 months will be admissible also to a railway servant suffering from pulmonary tuberculosis, who receives, treatment at his residence under a tuberculosis specialist recognized as such by the State Administrative Medical Officer concerned and produces a certificate signed by that specialist to the effect that he is under his treatment and that he has reasonable chances of recovery on the expiry of the leave recommended.

**Note 2.**—Institutions recognized by the Government of India for the purpose of treatment of Central Government servants and their families will be deemed as recognized for the purpose of grant of extraordinary leave.

(Railway Board's Letter No. F(E)52/LE-2/3 dated 15-6-60.)

**Note 3.**—No limit in case of permanent Railway servants, but all kinds of leave together shall not exceed 5 years in one spell.

**Note 4.**—Where a temporary railway servant fails to resume duty on the expiry of the maximum period of extraordinary leave granted to him/her or where he/she is granted a lesser amount of extraordinary leave than the maximum amount admissible, and remains absent from duty for period which, together with the period of extraordinary leave granted, exceeds the limit upto which he/she could have been granted such leave under sub-rule (1) above, he/she shall unless the President in view of the exceptional circumstances of the case otherwise determines be removed from service after following the procedure laid down in the discipline and Appeal Rules for railway servants.

**531.** Leave to probationers and a railway servant on probation.—(1) (a) A railway servant on probation including a probationer under training for a post in Railway service Group A shall be entitled to leave under these rules as if he had held his post substantively otherwise than on probation.

(b) If, for any reason, it is proposed to terminate the services of a probationer, any leave which may be granted to him shall not extend--

(i) beyond the date on which the probationary period as already sanctioned or extended expires; or

(ii) beyond any earlier date on which his services are terminated by the orders of an authority competent to appoint him.

(2) A person appointed to a post on probation shall be entitled to leave under these rules as a temporary or permanent railway servant according as his appointment is against a temporary or a permanent post.

Provided that where such person already holds a lien on a permanent post before such appointment, he shall be entitled to leave under these rules as a permanent railway servant.

**532.** Leave to Special Class Railway Apprentices.—Special Class Railway Apprentices may be granted leave on full stipend for a period not exceeding one month in any year of apprenticeship provided that except on grounds of ill health, the leave shall not be granted to an apprentice if it would interfere with his training. Leave in excess of one month in any year may be granted on grounds of ill health and when the excess leave is so granted, the apprentice shall not be eligible for any stipend for the excess period.

**533.** Leave to Apprentice Mechanics.—Apprentice Mechanics in Railway Workshop may be granted leave on full stipend for a period not exceeding 16 days and on half stipend on medical certificate for a period not exceeding 20 days in any year of apprenticeship.

**Note 1.**—Journeyman and similar other apprentices/trainees recruited for initial training on the Railways before they are appointed against the working posts in Group C service, during the period of their training may be granted leave under this rule.

**Note 2.**—Leave to probationary Assistant Station Masters and Commercial clerks and all others who are trained for employment and are not put on the time scale during the period of training shall be regulated under this rule.

**534.** Leave to Trade apprentices.—Trade apprentices may be granted leave on full stipend for a period not exceeding 12 days and leave on half stipend on medical certificate for a period not exceeding 15 days in any year of apprenticeship.



**535. Leave to other apprentices.**—Apprentices under training for Group C posts in all other departments who are posted to supervisory posts after training such as Apprentice Train Examiners, Apprentice Permanent Way Inspectors, Stores apprentices etc. may be granted leave like Apprentice Mechanics mentioned in rule 533. Apprentices who are appointed as skilled workmen after training may be granted leave like trade apprentices mentioned in rule 534.

**536. leave to apprentices.**—Apprentices, other than special class apprentices, may be granted by the General Manager extraordinary leave (without stipend) under the rules applicable to temporary railway servants. The General Manager may re-delegate his powers under this rule to the Heads of Departments and officers in not below Junior Administrative grade.

**537. General conditions for grant of leave to apprentices.**—(1) In all cases mentioned in rules 531 to 536 leave will be non-accumulative and no leave shall be granted if it would interfere with the training.

(2) On subsequent absorption, without a break, if the period of apprenticeship or training as probationer, is treated as service, recalculation of leave may be allowed as is permissible under the normal operation of the rules.

**538. Leave to persons re-employed after retirement.**—(1) In the case of person re-employed after retirement the provisions of these rules shall apply as if he had entered railway service for the first time on the date of his re-employment.

(2) (a) If a railway servant, who quits the public service on compensation or invalid pension or gratuity, is re-employed and if his gratuity is thereupon refunded or his pension held wholly in abeyance his past service thereby becoming pensionable on ultimate retirement he may at the discretion of the authority sanctioning the re-employment and to such extent as that authority may decide count his former service towards leave.

(b) A railway servant who is dismissed or removed from the public service but is reinstated on appeal or revision is entitled to count his former service for leave.

**539. Leave to Workshop staff.**—(1) Skilled artisans as also semi-skilled and un-skilled workman will earn leave on average pay, half average pay and commuted leave and leave not due in accordance with these rules.

(2) Workshop staff may be allowed to take leave with pay, if due, or without pay, for periods not less than half a day. For this purpose leave for half a day means authorized absence from duty for over half an hour either during the first period before interval or the second period of any day on which the workshop remains open for both the periods. This concession however, is restricted to six occasions in a year.

Railway Ministry's decision.—The practice of granting half a day's leave against leave account to staff other than those employed in workshops may be allowed to continue where it is covered by express orders on the subject.

(Rly. Ministry's letter No. F(E)49LE 2/5 dated 5-9-1949.)

**540. Leave preparatory to retirement.**—A railway servant not desirous of encashment of leave on average pay at his credit at the time of retirement on superannuation may be permitted by a competent authority to take leave preparatory to retirement to the extent of leave on average pay due not exceeding 300 days together with half pay leave due subject to the conditions that such leave extends upto and includes the day preceding the date of retirement. **(Authority: letter no. E(P&A)I-2014/CPC/LE-2 dated 21.10.14)acs no..123**

**Note.**—The leave granted as leave preparatory to retirement shall not include extraordinary leave.

#### **540-A. Encashment of Leave on Average Pay along with Railway Pass while in service**

A Railway Servant shall be permitted to encash leave on average pay upto 10 days at the time of availing of Railway Passes while in service, subject to the condition that:

- (1) Deleted **(Authority: - Railway Board's letter No. F(E)III/2008/LE-1/2 dated 13.04.2010) — ACS No.111 )**
- (2) a balance of at least 30 days of leave on average pay should be available to his credit after taking into account the period of encashment as well as leave availed of.
- (3) the total leave so encashed during the entire career shall not exceed 60 days in the aggregate subject to the condition that successive encashment cannot be made before a minimum period

of two years has elapsed;

- (4) the cash equivalent shall be calculated as follows namely:-

Pay in the respective pay band plus grade pay admissible on the date of availing of Railway Pass plus dearness allowance admissible on that date	Number of days of leave on average pay subject to the Maximum 10 days at one x time
Cash equivalent =	

30

No House Rent Allowance or Transport Allowance shall be payable;

- (5) The period of leave encashed shall not be deducted from the quantum of leave encashable under Rule 549 or Rule 550. **(Authority: - Railway Board's letter No. F(E)III/2008/LE-1/2 dated 13.04.2010) — ACS No.111 )**

(Authority: Ministry of Railway's letter No. F(E)III/2008/LE-I/I dated 29-10-2008)-acs no.107

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**Chapter 5**  
**Leave Rules**

**541.** Leave beyond the date of retirement or quitting service.—(1) Except as otherwise provided under these rules, no leave shall be granted to a railway servant beyond—

(a) the date of his retirement, or

(b) the date of his final cessation of duties, or

(c) the date on which he retires by giving notice to the appointing authority or he is retired by the competent authority by giving him notice or pay and allowances in lieu of notice in accordance with the terms and conditions of his service, or

(d) the date of his resignation from service.

(2) Where the service of a railway servant has been extended in the interest of public service beyond the date of his retirement, he may be granted after expiry of the period of extension cash equivalent in respect of both leave on average pay and leave on half average pay at his credit on the date of retirement, plus the leave on average pay and leave on half average pay earned during the period of extension, reduced by the leave on average pay and leave on half average pay availed of during such period, subject to a maximum of 300 days and the cash equivalent payable shall be the same as in sub-rule (A)(1)(b) of Rule 550."

(Railway Board's letter No. F(E)III/2008/LE-1/2 dated 13.04.2010) –ACS No.111

**EXPLANATION :**

The Above amendment of Rule 541 (2) of Indian Railway Establishment Code, Volume. I (1985 Edition) has been incorporated with the President's approval effective from 1-7-1986 Incorporation of this Rule has been necessitated due to amendments made by the Department of Personnel & Training in the Central Civil Services (Leave) Rules, 1972 vide their Office Memorandum No. 14028/19/86-Estt.(L) dated 29th September, 1986 consequent upon the decision taken by the Government on the recommendations of the Fourth Pay Commission relating to leave vide the Ministry of Finance Department of Expenditure Resolution No. 14(1)/IC/86 published in the Gazette of India on 13-9-86. It is certified that retrospective effect given for this rule will not adversely affect any employee to whom this rule applies.

**542.** Leave on termination of employment.—I.(1) Leave shall not be granted on termination of employment to a railway servant who has been dismissed or removed from service or whose services have been terminated under the 'Railway Services (Safeguarding of National Security) Rules, 1954'.

(2) Apprentices will continue to be governed by the rules applicable to them and leave on termination of appointment will not be admissible to them. Likewise, persons whose services are lent by commercial concerns or semi-Government organizations on terms which include payment of leave salary contribution, cannot be granted such leave.

II. Leave (terminal) to temporary railway servants.—In the case of temporary railway servants, leave on average pay due and admissible at a time may be granted at the discretion of the sanctioning authority on the termination of service on account of retrenchment or on abolition of posts before attaining the age of superannuation. In cases where any notice of termination of services is required to be given under the terms of employment of the temporary railway servant and the railway servant is relieved before the expiry of the notice, such notice or the un-expired portion thereof should run concurrently with the leave granted.

**Note.**—A question has been raised whether a temporary Railway servant granted terminal leave continues to be in Railway Service during the period of such leave. It has been decided that a temporary Railway servant continues in service during that part of terminal leave only which runs concurrently with the notice period and ceases to be in Railway service on the expiry of the notice period, the leave to the extent it goes beyond the notice period being treated as a terminal benefit only.

**Railway Ministry's decision.**—It is not necessary to extend the temporary post to cover the period of the leave granted to a railway servant at the end of his temporary employment.

(2) Leave on termination of appointment may also be granted to the temporary railway servants in the following cases--

(i) Re-employed pensioners who are treated as new entrants in the matter of leave, subject to the condition that such pensioners will not be entitled to draw their pension during the terminal leave if the pension was held in abeyance during the period of re-employment;

(Railway Board Letter No. F(E) 59/LE1(1) dated 13-6-1959.)

(ii) Persons employed for a period exceeding one year on contract basis;

(iii) Unqualified persons who may have to vacate their temporary posts to make room for qualified candidates;

(iv) Persons whose services may have to be dispensed with as matter of administrative convenience as an alternative to the initiation of disciplinary proceedings against them; and

(v) Railway servants who resign their posts for reasons of ill-health or for other reasons beyond their control.

**Note.**—In cases of resignation other than those mentioned in sub-rule (v) above, the sanctioning authority may, at his discretion, allow half the amount of leave on average pay at the credit of the railway servant on the date of termination of his service, subject to the condition that it does not exceed half of the maximum amount of leave on average pay which the railway servant can avail himself of at a time.

**543. Drawl of leave salary.**—The leave salary payable under these rules shall be drawn in rupees in India.

**544. Leave Salary.**--(1) Except as provided in sub-rules (5) and (6) a railway servant who proceeds on leave on average pay is entitled to leave salary equal to the pay drawn immediately before proceeding on leave on average pay.

**Note.**—In respect of any period spent on foreign service out of India, the pay which the railway servant would have drawn if on duty in India but for foreign service out of India be substituted for the pay actually drawn in calculating average pay.

(2) A railway servant half average pay leave or leave not due is entitled to leave salary equal to half the amount specified in the sub-rule (1).

(3) A railway servant on commuted leave is entitled to leave salary equal to the amount admissible under sub-rule (1).

(4) A railway servant on extraordinary leave is not entitled to any leave salary.

(5) A railway servant who is permitted during leave preparatory to retirement, to take up any other service or employment under an employer other than the Central Government, his leave salary shall be restricted to the amount of leave salary admissible while on leave on half average pay.

(6) Where a railway servant is re-employed and if on such re-employment he is granted leave earned by him during the period of re-employment the leave salary is based on the pay drawn by him exclusive of the pension and pension equivalent of other retirement benefits.



(7) If, in the case of a railway servant who retires or resigns from service, the leave already availed of is more than the credit so due to him necessary adjustment shall be made in respect of leave salary, if any, over-drawn.

(8) Where the quantum of leave on average pay already availed of by a railway servant who is dismissed or removed from service or who dies while in service is in excess of leave credited in the half year, the overpayment of leave salary shall be recovered.

**545. Leave salary to workshop staff.**—(1) Leave salary of workshop staff on leave on average pay shall be equal to the pay which the railway servant would have drawn had he remained on duty but does not include any increase which might have accrued to him during the currency of the leave.

(2) Leave salary during half average pay leave shall be equal to one half of the leave salary in sub-rule (1) above and on commuted leave, twice the leave salary as admissible of leave on half average pay.

**546. Leave salary to Running staff.**—(1) In the case of permanent running staff the leave salary on leave on average pay for the first 60 days shall be at the substantive pay or on average pay, whichever is greater, and thereafter at substantive pay.

(2) In the case of temporary running staff the leave salary shall be on average pay upto 60 days and beyond 60 days at average pay or the pay the staff would have drawn had he remained on duty, whichever is less.

(3) Leave salary during leave on half average pay and commuted leave shall be calculated as in sub-rule (2) of rule 545.

**547. Reckoning of special pay for leave salary.**—Special pay granted to different categories of staff shall be taken into account for the purpose of calculation of average pay.

Railway Board's decision: It is clarified that the last pay drawn in such cases will be inclusive of such Special pay.

**548. Advance of Leave Salary.**

The Provision stands deleted as the advance in this regard has been abolished by the Seventh Pay Commission.

(Authority: Railway Board's letter No. E (P&A)1- 2017/CPC/LE- dated 23.03.2017)

**549. Cash equivalent of leave salary in case of death in service :** In case a Railway servant dies while in service, the cash equivalent of the leave salary for both leave on average pay and leave on half average pay, if any, at the credit of the deceased Railway servant on the date of his death, not exceeding 300 days shall be paid to his family in the manner specified in Rule 549-A and the cash equivalent payable shall be the same as in sub-rule (A)(1)(b) of Rule 550.

**(Authority: - Railway Board's letter No. F(E)III/2008/LE-1/2 dated 13.04.2010) —ACS No.111**

**549-A.** "Payment of Cash equivalent of Leave Salary in case of death etc. of Railway servant.—In the event of death of a Railway servant while in service or after retirement or after final cessation of duties but before actual receipt of cash equivalent of leave salary payable under Rules 549 and 550, such amount shall be payable—

(i) to the widow, and if there are more widows than one, to the eldest surviving widow if the deceased was a male railway employee or to the husband, if the deceased was a female Railway employee;

Explanation: The expression "eldest surviving widow" shall be constructed with reference to the seniority according to the date of the marriage of the surviving widows and not with reference to their ages;

(ii) failing a widow or husband, as the case may be, to the eldest surviving son; or adopted son;

(iii) failing (i) and (ii) above, to the eldest surviving unmarried daughter;

(iv) failing (i) to (iii) above, to the eldest surviving widowed daughter;

(v) failing (i) to (iv) above, to the father;

(vi) failing (i) to (v) above, to the mother;

(vii) failing (i) to (vi) above, to the eldest surviving married daughter;

(viii) failing (i) to (vii) above, to the eldest surviving brother below the age of eighteen years;

(ix) failing (i) to (viii) above, to the eldest surviving unmarried sister;

(x) failing (i) to (ix) above, to the eldest surviving widowed sister; and

(xi) failing (i) to (x) above, to the eldest child of the eldest predeceased son.

(Authority: - Railway Board's letter No. F(E)III/2008/LE-1/2 dated 13.04.2010) — ACS No.111

## 550. Cash payment in lieu of leave

### (A) In case of retirement on attaining the age of superannuation:

(1) (a) Where a Railway servant retires on attaining the normal age prescribed for retirement under the terms and conditions governing his service, the authority competent to grant leave shall, suo-motu, issue an order granting cash equivalent of leave salary for both leave on average pay and leave on half average pay, if any, at the credit of the Railway servant on the date of retirement, subject to a maximum of 300 days.

(b) The cash equivalent of leave salary under clause (a) shall be calculated as follows and shall be payable in one lump sum as a one time settlement:-

(i) Cash equivalent for leave on average pay	=	Pay admissible on the date of retirement <i>plus</i> Dearness Allowance admissible on <u>that date</u>	X	Number of days of unutilized leave on average pay at credit subject to the total of leave on average pay and leave on half average pay not exceeding 300 days
		30		
(ii) Cash payment in lieu of leave on half average pay component	=	Leave on half average pay salary admissible on the date of retirement <i>plus</i> Dearness Allowance <u>admissible on that date</u>	X	Number of days of leave on half average pay at credit subject to the total of leave on average pay and leave on half average pay at credit not exceeding 300 days
		30		

Note: - The overall limit for encashment of leave including both leave on average pay and leave on half average pay shall not exceed 300 days.

(c) To make up the shortfall in leave on average pay, no commutation of leave on half average pay shall be permissible.

### (B) In case of retirement other than on attaining the age of superannuation:

(1) **In cases of premature/voluntary retirement :** (i) A Railway servant who retires by giving notice to the Government or is retired by the Government by giving him notice or pay and allowances in lieu of such notice, in accordance with the terms and conditions of his service may be granted, suo-motu, by the authority competent to grant leave, cash equivalent of the leave salary in respect of both leave on average pay and leave on half average pay at his credit, subject to a maximum of 300. The cash equivalent payable shall be the same as in sub-rule (A)(1)(b) of Rule 550.

(ii) Where the services of a Railway servant are terminated by notice or by payment of pay and allowances in lieu of notice, or otherwise in accordance with the terms and conditions of his appointment, he may be granted, suo-motu, by the authority competent to grant leave, cash equivalent in respect of both leave on average pay and leave on half average pay at his credit on the date on which he ceases to be in service, subject to a maximum of 300 days and the cash equivalent payable shall be the same as in sub-rule (A)(1)(b) of Rule 550.

(2) **In case of retirement from service on attaining the age of retirement while under suspension or while disciplinary proceedings are pending against him at the time of retirement :** The authority competent to grant leave may withhold whole or part of cash equivalent of both leave on average pay and leave on half average pay in the case of a railway servant who retires from service on attaining the age of retirement while under suspension or while disciplinary or criminal proceedings are pending against him, if in the view of such authority there is a possibility of some money becoming recoverable from him on conclusion of the proceedings against him. On conclusion of the proceedings he will become eligible to the amount so withheld after adjustment of Railway dues, if any.



**Railway Ministry's decision** - Encashment of unutilised leave on average pay and leave on half average pay will be allowed to those Railway servants who are compulsorily retired as a measure of punishment under the disciplinary rules even if a cut in pension (including gratuity) has been ordered. In such cases, the authority competent to grant leave can sanction cash equivalent of leave salary for both leave on average pay and leave on half average pay, if any, at the credit of the Railway servant on the date of such retirement, subject a maximum of 300 days. The cash equivalent payable shall be the same as in sub-rule (A)(1)(b) of Rule 550.

(Authority: Railway Board's letter No.F(E)III/2006/LE-1/1 dated 20.3.2006.)

**(C) In case of invalidation from service:-**

(1) A Railway servant who is declared by a Medical Authority to be completely and permanently incapacitated for further service may be granted, suo-motu, by the authority competent to grant leave, cash equivalent of leave salary in respect of both leave on average pay and leave on half average pay, if any, at the credit of the Railway servant on the date of his invalidation from service, subject to a maximum of 300 days and the cash equivalent payable shall be the same as in sub-rule (A)(1)(b) of Rule 550.

(2) A Railway servant not in permanent employ or temporary employ of more than 3 years shall not, however, be granted cash equivalent of leave salary in respect of leave on half average pay standing at his credit on the date of his invalidation from service.

**(D) In case of re-employment:-**

A Railway servant, who is re-employed after retirement may, on termination of his re-employment, be granted, suo-motu, by the authority competent to grant leave, cash equivalent in respect of both leave on average pay and leave on half average pay at his credit on the date of termination of his re-employment subject to a maximum of 300 days, including the period for which encashment was allowed at the time of retirement and the cash equivalent payable shall be the same as in sub-rule (A)(1)(b) of Rule 550.

**(E) In case of resignation or quitting of service :**

A railway servant may be granted, suo-motu, by the authority competent to grant leave, cash equivalent in respect of leave on average pay at his credit on the date of cessation of service to the extent of half of such leave at his credit subject to a maximum of 150 days.

**(Authority: - Railway Board's letter No. F(E)III/2008/LE-1/2 dated 13.04.2010) —ACS No.111**

(F) In case of permanent absorption in Public Sector Undertaking/ Autonomous body wholly or substantially owned or controlled by the Central /State Government:

A railway servant who has been permitted to be absorbed in a service or post in or under a Corporation or Company wholly or substantially owned or controlled by the Central Government or State Government or in or under a body controlled or financed by one or more than one such Government shall be granted, suo moto, by the authority competent to grant leave cash equivalent of leave salary in respect of both leave on average pay and leave on half average pay, if any, at the credit of the Railway servant on the date of absorption subject to a maximum of 300 days and the cash equivalent of leave salary payable shall be calculated in the same manner as provided for in sub-rule (A)(1)(b) of Rule 550". (Authority:-F(E)III/2008/LE-1/2 dated 27-10-11) acs no. 119

### Special Kinds of Leave

**551. Maternity Leave-** (1) A female railway servant (including an apprentice) with less than two surviving children may be granted maternity leave by an authority competent to grant leave for a period of 180 days from the date of its commencement.

(2) During such period, she shall be paid leave salary equal to the pay drawn immediately before proceeding on leave.

(3) Maternity Leave not exceeding 45 days may also be granted to a female Railway servant (irrespective of the number of surviving children) during the entire service of that female Railway servant in case of miscarriage including abortion on production of medical certificate as laid down in Rule 519.

(4) (a) Maternity Leave may be combined with leave of any other kind.

(b) Notwithstanding the requirement of production of medical certificate contained in Rule 527 or sub-rule (1) of Rule 528, leave of the kind due and admissible (including commuted leave for a period not exceeding 60 days and leave not due) up to a maximum of two years may, if applied for, be granted in continuation of maternity leave granted under sub-rule (1).

(5) Maternity leave shall not be debited against the leave account.

(1) **551(A) – Paternity Leave** – (1) A male Railway servant (including an apprentice) with less than two surviving children, may be granted Paternity Leave by an authority competent to grant leave for a period of 15 days, during the confinement of his wife for childbirth, i.e., up to 15 days before, or up to six months from the date of delivery of the child.

(2) During such period of 15 days, he shall be paid leave salary equal to the pay drawn immediately before proceeding on leave.

(3) The Paternity Leave may be combined with leave of any other kind.

(4) Paternity Leave shall not be debited against the leave account.

(5) If Paternity Leave is not availed of within the period specified in sub-rule (1), such leave shall be treated as lapsed.

(6) The Paternity Leave can be granted only in a single spell.

**Note:-** The Paternity Leave shall not normally be refused under any circumstances.

(Authority: - Railway Board letter NO. **(P&A)I-2008/CPC/LE-8 dated 04.05.11** ) ...acs no. 116

**551(B).** - Paternity Leave to male casual Railway employee who has been granted temporary status—A male casual Railway employee who has been granted temporary status with less than two surviving children may be granted Paternity Leave for a period of 15 days during the confinement period of his wife. The leave should be applied for and availed of, at least partly, or at least commence within a period of 135 days of childbirth. The Paternity leave can commence prior to childbirth so long as the date of birth of child falls during the period of such leave. It shall not be debited against the leave account and may be combined with pro-rata leave on average pay admissible to the casual Railway employees (as in the case of Maternity Leave). Paternity Leave too, like Maternity Leave, can be sanctioned only in a single spell. During the period of such leave he shall be paid wages, in respect of working days equal to the wages drawn immediately before proceeding on leave.

(Authority:- Railway Board's letter No. E(P&A)I-98/CPC/LE-6 dt.21.5-99)

### **551(C) - Child Adoption Leave**

An adoptive mother on the railways with less than two surviving children may be granted leave of 135 days as 'Child Adoption Leave' on adoption of a child upto one year of age, on the lines of maternity leave admissible to natural mothers.

2. During the period of Child Adoption leave, she shall be paid leave salary equal to the pay drawn immediately before proceeding on leave.



3. Child Adoption leave may be combined with leave of any other kind.
4. In continuation of 'Child Adoption leave', the adoptive mothers may also be granted, if applied for, leave of the kind due and admissible (including Leave not due and Commuted leave not exceeding 60 days without production of Medical certificate) for a period upto one year reduced by the age of the adopted child on the date of legal adoption without taking into account the period of child Adoption leave, subject to the following conditions:
  - (i) This facility will not be available to an adoptive mother already having two surviving children at the time of adoption.
  - (ii) The maximum admissible period of one year leave of the kind due and admissible (including Leave not due and Commuted leave upto 60 days without production of medical certificate) will be reduced by the age of the child on the date of adoption without taking into account Child Adoption leave as in the following illustrations;
    - If the age of the adopted child is less than one month on the date of adoption leave upto one year may be allowed,
    - If the age of child is six months and above but less than seven months, leave upto 6 months may be allowed.
    - If the age of the child is 9 months and above but less than ten months, leave upto 3 months may be allowed.
5. Child Adoption leave shall not be debited against the leave account.

**(Authority: - Railway Board's letter No.E (P&A)I-2006/CPC/LE-I, dated 18-05-2006)**

#### **551 (D)- Paternity Leave for child adoption-**

- (1) A male Railway servant (including an apprentice) with less than two surviving children, on valid adoption of a child below the age of one year, may be granted Paternity Leave by an authority competent to grant leave for a period of 15 days within a period of six months from the date of valid adoption.
- (2) During such period of 15 days, he shall be paid leave salary equal to the pay drawn immediately before proceeding on leave.
- (3) The Paternity Leave may be combined with leave of any other kind.
- (4) The Paternity Leave shall not be debited against the leave account.
- (5) If Paternity leave is not availed of within the period specified in sub-rule(1), such leave shall be treated as lapsed.

**Note:** -The Paternity Leave shall not normally be refused under any circumstances.

#### **551(E) – Child Care Leave.**

- (1) A woman railway servant having minor children below the age of eighteen years (an offspring of any age in case of disabled children) may be granted Child Care Leave by an authority competent to grant leave, for a maximum period of two years (i.e. 730 days) during the entire service for taking care of upto two children, whether for rearing or to look after any of their needs like examination, sickness etc. **(Authority: Railway Board's letter No. E (P&A)I-2008/CPC/LE-8 dated 17.10.2018)**
- (2) During the period of Child Care Leave, she shall be paid leave salary equal to the pay drawn immediately before proceeding on leave.
- (3) Child Care Leave may be combined with leave of any other kind.
- (4) Notwithstanding the requirement of production of medical certificate contained in Rule 527 or sub-rule (1) (ii) of Rule 528, leave of the kind due and admissible (including commuted leave not exceeding 60 days and leave not due) upto a maximum of one year, if applied for, be granted in continuation with child care leave granted under sub-rule (1).
- (5) Child Care Leave shall not be granted in more than 3 spells in a calendar year with each spell of Child Care Leave being not less than 5 days.

**(Authority: Railway Board's letter No. E (P&A)I-2008/CPC/LE-8 dated 17.10.2018)**

- (6) Child Care Leave shall be admissible for the two eldest surviving children only.

- (7) Child Care Leave cannot be demanded as a matter of right. Under no circumstances can any employee proceed on Child Care Leave without prior proper approval of the leave by the leave sanctioning authority.
- (8) The Child Care Leave is to be treated like Leave on Average Pay and sanctioned as such.
- (9) Child Care Leave should not ordinarily be granted during the probation period except in case of certain extreme situations where the leave sanctioning authority is fully satisfied about the need of Child Care Leave to the probationer. It may also be ensured that the period for which this leave is sanctioned during probation is minimal.
- (10) Child Care Leave shall not be debited against the leave account.

**Note 1:** The leave account for Child Care Leave shall be maintained in the following format and shall be kept along with the Service Book of the female Railway servant concerned:-

**Format for maintaining the Child Care Leave Account**

Period of Child Care Leave taken		Balance of Child Care Leave		Signature & Designation of the certifying officer
From	To	Balance	Date	
(1)	(2)	(3)	(4)	(5)

**Note 2:** Disabled Child having a minimum disability of 40% is elaborated in the Ministry of Social Justice and Empowerment's Notification No. 16-18/97-NI.I dated 01.06.2001. Documents relating to the handicap as specified in the above said Notification dated 01.06.2001, as well as a certificate from the Railway servant regarding dependency of the child on the Railway servant would have to be submitted by the female Railway employee. The Child Care Leave would be permitted to female Railway employees only if the child is dependent on her.

**Note 3:** The benefit of encashment of Leave on Average Pay, admissible in terms of Rule 540-A, cannot be availed during Child Care Leave as Child Care Leave is granted for the specific purpose of taking care of a minor child for rearing or for looking after any other needs of the child during examination, sickness etc.

(Authority Board's letters No. E(P&A)I-2008/CPC/LE-8 dated 23.10.2008, 12.12.2008, 23.04.2010, 04.10.2010 and 08.02.2011. Board's letters are based on corresponding instructions of DOP&T viz. OM Nos. 13018/2/2008-Estt.(L) dated 11.09.2008, 18.11.2008 & 02.12.2008; 13018/6/2009-Estt.(L) dated 03.03.2010; 13018/1/2010-Estt. dated 07.09.2010 & 30.12.2010 and DOP&T's Notification No. 11012/1/2001 Estt.(L) dated 01.12.2009.)...ACS NO.116

**551(F):-** Special Leave connected to inquiry of sexual harassment

Leave upto a period of 90 days may be granted to an aggrieved female Railway Servant on the recommendation of the Internal Committee or the Local Committee, as the case may be, during the pendency of inquiry under Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 and the leave granted to the aggrieved female Railway Servant under this rule shall not be debited against the leave account.

(Authority: Railway Board's letter No. E(P&A)1-2017/CPC/LE-3 dated 29.05.2017)

**552.** Special disability leave for injury intentionally inflicted.—(1) The authority competent to grant leave may grant special disability leave to a railway servant (whether permanent or temporary) who is disabled by injury intentionally inflicted or caused in or in consequence of due performance of his official duty or in consequence of his official position.

(2) Such leave shall not be granted unless the disability manifested itself within three months of the occurrence to which it is attributed, and the person disabled acted with due promptitude in bringing it to notice. Provided that the authority competent to grant leave, if it is satisfied as to the cause of the disability, may permit leave to be granted in cases where the disability manifested itself more than three months after the occurrence of its cause.



(3) The period of leave granted shall be such as is certified by the Authorised Medical Attendant of the Railway servant concerned to be necessary. It shall not be extended except on the certificate of that authority and shall in no case exceed 24 months.

(4) Such leave may be combined with leave of any other kind.

(5) Such leave may be granted more than once if the disability is aggravated or reproduced in similar circumstances at a later date, but not more than 24 months of such leave shall be granted in consequence of any one disability.

(6) Special disability leave shall be counted as duty in calculating service for pension and shall not except the leave granted under proviso to clause (b) of sub-rule (7) be debited against the leave account.

(7) Leave salary during such leave shall--

(a) for the first 120 days of any period of such leave, including a period of such leave granted under sub-rule (5) be equal to leave salary while on leave on average pay; and

(b) for the remaining period of any such leave, be equal to leave salary during half pay leave:

Provided that a railway servant may, at his option, be allowed leave salary as in sub-rule (a) for period exceeding 120 days and in that even the period of such leave shall be debited to his half pay leave account.

(8) In the case of a person to whom the Workmen's Compensation Act, 1923 (18 of 1923) applies, the amount of leave salary payable under this Rule shall be reduced by the amount of compensation payable under section 4(1)(d) of the said Act.

(9) The provisions of this Rule apply to a railway servant disabled in consequence of service with a military force, if he is discharged as unfit for further military service, but is not completely and permanently incapacitated for further civil service and to a railway servant not so discharged who suffers a disability which is certified by a medical board to be directly attributable to his service with a military force; but in either case, any period of leave granted to such a person under military rules in respect of that disability shall be reckoned as leave granted under this Rule for the purpose of calculating the period admissible.

**553. Special disability leave for accidental injury.**—(1) The provisions of rule 552 shall apply also to a railway servant, whether permanent or temporary, who is disabled by injury accident incurred in, or in consequence of due performance of his official duties or in consequence of his official position, or by illness incurred in the performance of any particular duty which has the effect of increasing his liability to illness or injury beyond the ordinary risk attaching to the post which he holds.

(2) The grant of special disability leave in such case shall be subject to the further conditions:--

(i) that the disability if due to disease must be certified by the Authorised Medical Attendant of the railway servant concerned to be directly due to the performance of the particular duty;

(ii) that if the Railway servant has contracted such disability during service otherwise than with a military force, it must be in the opinion of the authority competent to sanction leave, exceptional in character; and

(iii) that the period of absence recommended by the Authorised Medical Attendant may be covered in part by leave under this rule and part by any other kind of leave, and that the amount of special disability leave granted on average pay shall not exceed 120 days.

**554. Hospital leave.**—(1) Hospital leave may be granted to railway servants other than in Group A or Group B, while under medical treatment for illness or injuries if such illness or injury is directly due to risks incurred in the course of official duties.

(2) Hospital leave shall be granted on production of medical certificate from an Authorised Medical Attendant.

(3) (a) Hospital leave may be granted for such period as the authority granting it may consider necessary on leave salary--

(i) equal to leave salary while on leave on average pay for the first 120 days of any period of such leave; and

(ii) equal to leave salary during half pay leave for the remaining period of any such leave.

(b) The amount of hospital leave which may be granted by the General Managers to railway servants is unlimited.

(4) Hospital leave shall not be debited against the leave account and may be combined with any other kind of leave which may be admissible, provided the total period of leave, after such combination, does not exceed 28 months.

**Note.**—If the railway servant is one to whom the Workmen's Compensation Act 1923 (18 of 1923) applies the amount of leave-salary payable during Hospital Leave shall be reduced by the amount of compensation payable under Section 4(1)(d) of the said Act When a disablement regarded at first as temporary, proves to be a permanent disablement and compensation becomes payable under clause (b) or (c) of Section 4(1) of the Workmen's Compensation Act, the hospital leave-salary should be restored to the full amount admissible under the above rule.

**President's decision 1.**—General Managers are empowered to relax the provisions of this rule in individual cases meriting sanction of Hospital leave beyond a period of 120 days on leave salary equal to leave salary while on leave on average pay. Such cases are to be reviewed by the CMO personally and entered in a register to be maintained by CMO so that at any time the extant of the problem can be checked. Also, such cases are to be put up to the FA & CAO for his concurrence before these are put up to the General Manager for sanction. These powers are to be exercised personally by the General Managers and are not to be delegated further.

**President's decision 2.**—Divisional Rail Managers (DRMs)/Chief Workshop Engineers (CWEs) are empowered to relax the provisions of Rule 554-R.I, 1985 edition, in individual cases, meriting sanction of Hospital leave beyond a period of 120 days on leave salary equal to leave salary while on leave on average pay, subject to such cases being reviewed by the Medical Superintendents and concurred in by Senior Divisional Accounts Officer/Associate Accounts Officer. Also, a list of such cases should be put up to the General Managers half yearly for their post-facto approval. These powers are to be exercised personally by the DRMs/DWEs and are not to be delegated further. It has also been decided that cases that occurred during the intervening period, i.e. from 1985 onwards, where the Railways have already sanctioned Hospital Leave for periods beyond 120 days on leave salary equal to leave salary while on leave on average pay, need not be reopened.

**President's decision 3.**—It has been further decided that the Heads of non-divisional units, such as Workshops, Stores, Depots, Zonal training Centres, etc., in the Junior Administrative Grade/Selection Grade are also empowered to sanction Hospital Leave beyond a period of 120 days in relaxation of the provisions of rule 554.R.I, 1985 edition in individual cases meriting sanction of Hospital Leave beyond a period of 120 days on leave salary equal to leave salary while on leave on average pay. Where the heads of such non-divisional units are in lower than JA grade, all cases of grant of Hospital Leave beyond a period of 120 days in relaxation of the provisions quoted above should be put up to the controlling SAG officer for sanction. The grant of Hospital Leave beyond 120 days in relaxation of the rules mentioned above in all cases shall however be subject to such cases being reviewed by the Medical Superintendents and concurred in by Senior Divisional Accounts Officer/Associate Accounts Officer. Further's as already stipulated in Board's letter of even number dated 14-1-93, a list of all such cases should be put up to the General Managers half-yearly for their post facto approval. Papers to General Managers should be routed through the controlling SAG officers. It may also be ensured that payment against Hospital Leave whenever due is made regularly and not allowed to pend.

**President decision 4.**—It has been decided that such cases of railway servants injured on duty during the intervening period from 1985 to 14-1-93 and where Hospital Leave was not granted beyond 120 days on full average pay may be reviewed by the Railways, and accordingly leave should be regularised, by the General Manager as Hospital Leave beyond 120 days on full average pay in terms of extant orders on the merit of each case for the intervening period from 1985 to 14-1-93.

The old cases will be regularised with the personal sanction of the General Manager with concurrence of the FA & CAO.



(Authority: Railway Board's Letter No. E(P&A)I-96/JCM/DC-1 dated 31-7-96.)

**555.** Quarantine Leave.—Deleted.

**556.** Study Leave.—Study leave may be granted in accordance with the rules prescribed in Appendix V to railway servants to enable them to study scientific, technical or similar problems or to undergo special courses of instruction. Such leave is not debited against the leave account.

Counting of study leave for promotion, pension, seniority, leave and increments.—(1) Study leave shall count as service for promotion, pension and seniority. It shall also count as service for increments as provided in rules.

(2) The period spent on study leave shall be counted for earning both Leave on Average Pay and Leave on Half Average Pay.

(Authority Railway Board's letter No. F(E)III/2009/LE-1/1 dated 04.01.11) ACS No.115

#### Miscellaneous

**557.** Where any doubt arises to the interpretation of these rules it shall be referred to the Ministry of Railways for a decision. No relaxation of these rules shall be made except with the concurrence of the Ministry of Railways.

#### FIRST SCHEDULE

(See Rule 503)

#### AUTHORITIES COMPETENT TO GRANT LEAVE

S.No. Kind of Leave Authority competent to grant leave

1.

Leave on average pay, half-pay leave, commuted leave, leave not due, extraordinary leave, maternity leave, hospital leave.

1. Ministry of Railways

2. General Managers

3. Head of Department

4. Divisional Railway Managers, and any other lower authority for whom powers have been delegated by the General Manager, Head of Department & Divisional Railway Manager.

2.

Special disability leave

Do.

3.

Study leave

1. Ministry of Railways, in all cases of Study leave within India and abroad.

2. General Managers, in all cases of Study Leave within India

3. Head of Departments and Divisional Railway Managers, in the case of Railway Servants in Group 'C' and 'D' for Study Leave within India

(Authority:- Railway Board's letter No.F(III)/98/LE1/1 dt. 5-2-98)

**ANNEXURE 1****FORM I****(See Rule 511)**

Application for Leave or For Extension of Leave

(Except in very urgent cases leave should normally be applied for two months in advance of the date from which it is required).

1. Name of applicant.
2. Leave Rules applicable.
3. Post held.
4. Department/Office/Branch.
5. Permanent or Temporary.
6. If permanent, the post & Office where lien is held.
7. Pay, excluding allowances.
8. H.R.A., C.C.A., Conveyance or other compensatory Allowances drawn in the post.
9. Nature and period of leave is applied for and date from which required.
10. Grounds on which leave is applied for.
11. Date of return from last leave, and the nature and period of that leave.
12. Address during leave period.

Station :

Date :

Signature of Applicant.

Remarks and/or recommendation of Branch Officer/Controlling Officer.

Date : Signature

Designation :

Certified that LAP for .....days, LHAP for ..... days and LWP for .....days from.....to .....is admissible. The balance of leave at his credit on .....will be.

LAP.....days.



LHAP.....days .

Signature of the verifying authority/Accounts Officer.

Date:

\*Orders of the sanctioning authority.

Signature

Date: Designation:

Advice memo regarding leave issued on.....

\*If the applicant is drawing any Compensatory Allowance, the sanctioning authority should state whether on the expiry of the leave he is likely to return to the same post or to another post carrying a similar allowance.

(The same form may be used by all groups of railway servants. Items not applicable may be scored off).

## ANNEXURE II

### [See Rule 530(3)(a)(b)]

Bond for temporary Railway servants granted extraordinary leave for study

KNOW ALL MEN BY THESE PRESENTS THAT WE.....

resident of ..... in the district of .....at present employed as .....

In the Ministry/Office of.....(hereinafter called "the Obligor") and Shri/Shrimati/Kumari  
.....son/daughter of .....of.....

and Shri/Shrimati/Kumari.....son/daughter of .....of.....

(hereinafter called "the sureties"), do hereby jointly and severally bind ourselves and our respective heirs, executors and administrators, to pay to the President of India, his successors and assigns (hereinafter called the "Government") on demand the sum of Rs..... (Rupees.....) together with interest thereon from the date of demand at Government rates for the time being in force on Government loans or, if the payment is made in a country other than India, the equivalent of the said amount in the currency of that country converted at the official rate of exchange between that country and India AND TOGETHER with all costs between attorney and client and all charges and expenses that shall or may have been incurred by the Government.

WHEREAS the Government has, at the request of the above-bounden Shri/Shrimati/Kumari .....employed as a....., granted him/her regular leave, followed by extraordinary leave without pay and allowances, for a period of.....months .....days with effect from..... in order to enable him/her to study at.....AND WHEREAS the Government has appointed/will have to appoint a substitute to perform the duties of .....during the period of absence of Shri/Shrimati/Kumari.....on extraordinary leave:

AND WHEREAS for the better protection of the Government, the obligor has agreed to execute this bond with two sureties with such condition as hereunder written:

AND WHEREAS the said sureties have agreed to execute this bond as sureties on behalf of the bounden.....

NOW THE CONDITION OF THE ABOVE WRITTEN OBLIGATION IS THAT in the event of the above bounden, Shri/Shrimati/Kumari.....failing to rejoin on the expiry of the period of extraordinary leave, the post originally held by him/her and service the Government after rejoining for such period not exceeding a period

of ..... years as the Government may require or refusing to serve the Government in any other capacity as may be required by the Government on a salary to which he/she would be entitled under these rules, the said Shri/Shrimati/Kumari.....or his/her heirs, executors and administrators shall forthwith pay to the Government on demand the said sum of Rs.....together with interest thereon from the date of demand at Government rates for the time being in force on Government loans.

AND upon the obligor Shri/Shrimati/Kumari.....and, or Shri/Shrimati/Kumari ..... and, or Shri/Shrimati/Kumari..... the sureties aforesaid making such payment the above written obligation shall be void and of no effect, otherwise it shall be and remain in force and virtue:

PROVIDED always that the liability of the sureties hereunder shall not be impaired or discharged by reason of time being granted or by any forbearance, act or omission of the Government or any person authorised by them (whether with or without the consent or knowledge of the sureties ) nor shall it be necessary for the Government to sue the obligor before suing the sureties Shri/Shrimati/Kumari..... and Shri/Shrimati/Kumari.....or any of them for amounts due hereunder.

The bond shall in all respects be governed by the laws of India for the time being in force and the rights and liabilities hereunder shall where necessary be accordingly determined by the appropriate Courts in India.

The Government of India have agreed to bear the stamp duty payable on this bond.

Signed and dated this.....day of.....

One thousand nine hundred and.....

Signed and delivered by the obligor above-

named Shri/Shrimati/Kumari.....

.in the presence of

Witnesses 1. 2.

Signed and delivered by the surety above-named

Shri/Shrimati/Kumari..... in the presence of

Witnesses 1. 2.

Signed and delivered by the surety above-named

Shri/Shrimati/Kumari.....

In the presence of

Witnesses 1. 2.

Accepted

For and on behalf of the President of India

### ANNEXURE III

Medical Certificate for non-gazetted officers recommended leave or extension of leave or Commutation of leave

Signature of Government servant.....



I, ..... after careful personal examination of the case hereby certify that  
Shri/Shrimati/Kumari..... whose signature is given above, is suffering from  
..... and I consider that a period of absence from duty of

..... with effect from ..... is absolutely necessary for the  
restoration of his/her health.

Authorised Medical Attendant

..... Hospital/Dispensary

Date..... or other Registered Medical Practitioner.

\* \* \*

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**INDIAN RAILWAY ESTABLISHMENT CODE (Vol - I)**

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**Chapter 6**  
**Medical Attendance and Treatment Rules**

**601.** 1. The authorised medical officer means the Railway Medical Officer within whose jurisdiction the Railway employee is headquartered or one who is specifically nominated for the purpose.

(Railway Board's letter No.89/H/6-1/dated 10-7-1989)

**Note:** (1) The authorised medical officer may as per the requirement of a particular case, refer the case to any other medical officer of the required speciality.

(2) The jurisdiction of a Railway Medical Officer will be taken to cover the railway employees and their beneficiaries residing within a radius of 2.5 km. of the hospital/Health Unit/Station of the Railway.

2. "Medical attendance" means:--

- (a) Attendance on a railway employee, a member of his family or dependent relatives at the consultation room maintained by the authorised medical officer or any Railway hospital/Health unit.
- (b) If there is no such consultation room/health unit/hospital, then attendance in any railway hospital/health unit/dispensary to which the railway employee or a member of his family or dependent relatives, is referred to by the authorized medical officer.
- (c) Attendance on a railway employee at his residence.
- (d) Such pathological, bacteriological, other tests etc. or other methods of examination for the purpose of diagnosis and treatment as are available in any Railway Hospital and are considered necessary by the authorised medical officer.

**Note:** When such facilities are not available in the Railway hospital, then such examination may be conducted in any Government or recognized hospitals (Government hospitals include hospitals run by local bodies), at the instance of the authorised medical officer. State Governments where agreeable, should debit the cost of treatment to the Railway administration concerned, preferring bills or raising debits in such cases. Otherwise reimbursement to railway employees concerned, would be permissible as per rules. Reimbursement of claims on account of such investigations even at non-recognised institutions may be decided by the General Manager in consultation with FA & CAO, provided these were done at the instance of the authorised medical officer and the amount involved does not exceed Rs.1000/- per case.

- (e) Such consultation with a specialist or other medical officer in the service of Government, stationed at places served by the Railway administration as the authorized medical officer with the approval of Chief Medical Director, certifies to be necessary to such extent and only in such measure as the specialist or the Medical officer may, in consultation with the authorised medical officer determine.

**Note :** A patient should not be referred to –

- (i) a specialist or a medical officer not in service of Government.
- (ii) a specialist or medical officer in the service of Government but posted outside the place served by the Railway.
- (f) Consultation with specialists or other medical officer means taking advice on the line of treatment and management but not treatment by the Consultant.
- (g) If the authorised medical officer feels that the patients condition is of a serious nature as to require medical attendance by some person other than himself, with the approval of the Chief Medical Director of the Railway (which shall be obtained before hand) unless the delay entails serious danger to the health of the patient:



- (i) send the patient to the nearest specialist or medical officer by whom, in his opinion medical attendance is considered necessary for the patient, or
- (ii) if the patient is too ill, request such specialist or medical officer to attend the patient.
- (h) A specialist or medical officer summoned as above, on production of a certificate by the authorised medical officer on this behalf, will be entitled to travelling allowance as admissible to him under the rules applicable to him.
- (i) Honorary specialists attached to Government hospitals or recognised hospitals, may be considered as Government specialists for the purpose of this sub-para, subject to the condition that such consultation will be permissible only in places where Government specialists are not available and is only on the advice of the authorised medical officer with prior approval of the CMD. The fees paid to Honorary consultants for consultation at their private consulting rooms will be reimbursed to the railway employees in accordance with the rates prescribed for Government specialists. Consultation with honorary specialists at their consultation room will be permissible only in emergent cases.

### 3. A. Treatment means—

- (a) Use of all medical and surgical facilities available at railway hospitals/health units or consultation room of the authorized medical officer.
- (b) The employment of such pathological, bacteriological, radiological and other investigations as are considered necessary by the authorised medical officer.
- (c) Supply of such medicines, vaccines, sera, as are ordinarily stocked in the hospital.
- (d) The supply of such medicines, sera etc. not ordinarily stocked which the authorised medical officer may certify in writing to be essential for the recovery or for the prevention of serious deterioration, in the condition of the patient.
- (e) Such accommodation as is ordinarily provided in the hospital, suited to the status of the railway employee concerned. If accommodation suited to the status is not available, accommodation of a higher class may be allowed provided it can be certified by the medical officer incharge of the Government recognized hospital that:--
  - (i) that accommodation of the appropriate class was not available at the time of admission of the patient, or if subsequently available, the condition of the patient did not permit shifting; and
  - (ii) that the admission of the patient into the hospital could not be delayed due to the nature of illness until accommodation of the appropriate class became available.
- (f) such nursing as is ordinarily provided to in-patients by the Hospital (engagement of special nurses will be allowed to the extent indicated in sub-section 3 of Section 3 of this Chapter).
- (g) the specialist consultation as described above.
- (h) confinement in the case of a female railway employee or a dependent female member of a railway employee's family.
- (i) pre-natal and post-natal treatment received before and after child birth for physiological or other disability attributable to child bearing or child birth.
- (j) sterilization irrespective of the fact whether it is intended to serve as a measure of family limitation.
  - reimbursement of medical expenses for sterility per-se.
  - (Railway Board's letter No. 86/H/6-4/58 dated 21-12-88)
  - re-canalisation in case of loss of child.
- (k) termination of pregnancy under the Medical Termination of Pregnancy Act 1971 and Medical Termination of Pregnancy Rules 1972.

## (l) Anti-rabic treatment.

- (m) Shifting of the patient for treatment, or for examination from residence to a hospital, or from one hospital to another hospital, in an ambulance belonging to the Railway or Government or a local authority etc.

**Note:** (1) If an ambulance cannot be pressed into service to attend on an exceptionally emergent cases, alternative arrangement of taxi or other suitable and available transport vehicle should be made to ensure prompt transport. The payments that may be involved in such case can be made out of contingencies. These powers may be delegated to ADMOs. However, where public transport facilities are hired, these should be reviewed by the competent higher authority.

(2) In exceptional cases when the patients are not fit to resume duty but are discharged from Hospital as amputation, convalescent cases recommended sick leave, Fracture cases with application of plaster of paris etc. with the specific approval in writing of the medical officer, in-charge of the hospital, the facility of transporting patients to their residence in an ambulance may also be allowed free of cost.

- (n) Blood transfusion charges paid to a Government institution or any other local organisation recognised by the State Government for the supply of blood to patients in hospital.

**Note:** (i) There is no objection to the purchase of blood plasma from a chemist or to obtain blood from a private donor, provided the authorised medical officer certifies in writing that it was not available in Government / recognised institution and the price paid for the blood was reasonable. In such cases reimbursement of the charges will be admissible.

- (o) Free diet to the extent indicated in sub-section 2 of Section "C" of this chapter.

## B. It does not include:

- (a) Dental treatment or the supply of artificial denture except to the extent indicated in para 608 of this chapter.
- (b) Massage treatment except that in the case of poliomyelitis, which may be allowed as part of the general treatment.
- (c) Testing of eye-site for glasses except at Railway Hospital where facilities exist for the same.

**Note:** (1) If local conditions warrant, railways may have their own arrangement for manufacturing and supplying glasses to Railway employees and their families and dependents on 'no profit', 'no loss' basis. The scheme is to be financed from staff Benefit Fund. In the case of Group 'D' staff, only 50% of the cost of spectacles may be borne by the SBF.

(2) Reimbursement of charges incurred by a patient by a private oculist is not admissible in any circumstance.

- (d) Taxi, tonga or other conveyance charges incurred, to convey a patient from his residence to the hospital or vice versa, except as provided in Para 601 III A(M) above.
- (e) Cottage booking fee, admission fee, dhobi charges and charges for Attendants/ayah at the Hospital.
- (f) Special articles of diet not ordinarily provided by the hospital to its in-patients.
- (g) Charges incurred on account of treatment for immunising or prophylactic purpose except at Railway Hospital at the discretion of the authorised medical officer.

**Note:** Cost of vaccines, inoculations and injections for prophylactic and immunising purposes taken before the commencement of international travel by Railway employees and members of their families and dependent relatives in order to procure health certificates required under international travel regulations, may be reimbursed to them from railway revenues provided they are travelling on duty or are on authorised leave in circumstances in which they are entitled to fares at railway expense.

**4. Railway Employees'** for the rules contained in this Manual mean persons who are members of a service, or who hold posts under the administrative control of the Ministry of Railways, excepting such of the employees of the Ministry of Railways as are covered by the medical attendance and treatment rules issued from time to time by the Ministry of Health and Family Welfare.

**5. 'Family members'** and Dependent relatives for the purpose of these rules, will include all such persons as are eligible for passes under the Pass Rule.



**6. 'Patient'** means a person to whom the rules in this chapter apply, and who has fallen ill.

(Rules 102(7), 102(13), 107(7), 901, 902, 903, 904(ii), Ministry of Railways decision below Rule 908, Note and Ministry of Railways decision below Rule 909(i), Note 2 under Rule 916, 920 of the Indian Railway Establishment Code Volume I, and the notes thereunder, and Paras 1432, 1433, 1435-A, 1437 1441 to 1443, 1445, 1446, 1454, 1455, 1457 (iii), 1502(iii) and 1502(iv) of the Indian Railway Establishment Manual and Ministry of Railways letter No. E52 ME3/19/3 dated 29<sup>th</sup> December, 1952, No. MH 59ME1/30/Medical dated 14<sup>th</sup> May, 1960, No. 61/M & H/7/69 dated 23<sup>rd</sup> June, 1961 No. 62/H/7/52 dt. 22<sup>nd</sup> October, 1962, No.63/H/1/4 dated 7<sup>th</sup> August, 1962, No. 65/H/1/51 dated 23<sup>rd</sup> May, 1966, No. 66/H/1/49 dt. 7<sup>th</sup> March, 1967, No. 67/H/1/50 dated 31<sup>st</sup> January, 1968, No.66/H/1/33 dated 9<sup>th</sup> December, 1968, No.69/H/1/17 dated 19<sup>th</sup> August, 1969, No.70/H/13/29 dated 23<sup>rd</sup> July, 1971 and 13<sup>th</sup> December, 1971, No.72H/6-1/27 dated 11<sup>th</sup> January, 1973, No.F(X) I-64-PW4/dated 16<sup>th</sup> July, 1975, No.E(W)74/PSS-1/11 dated 8<sup>th</sup> September, 1976, F(X)I-64-PW4/8 dated 16<sup>th</sup> July, 1975, No.79/H/6-1/31 dated 5<sup>th</sup> April, 1980 and 87/H/6-1/3 dated 26-6-1987).

**602. Section B: Extent of Application**

**Sub-section 1**

**RAILWAY SERVANTS EMPLOYED IN THE OFFICE OF THE RAILWAY BOARD**

**THE RESEARCH, DESIGNS AND STANDARDS ORGANISATION AND OFFICE OF THE RAILWAY LIAISON OFFICER, AT NEW DELHI AND THEIR FAMILIES**

All railway servants employed in the offices of the Railway Board, the Research, Designs and Standards Organisation and the Railway Liaison Office whose headquarters are at New Delhi and their families, shall be entitled Medical Attendance and Treatment in accordance with such rules as may be issued from time to time by the Ministry of Health and Family Welfare for medical attendance and treatment of Central Government servants having their headquarters at Delhi and New Delhi.

**Note 1:** - Railway servants of the Research Designs and Standards Organisation and their families while employed at the Chittaranjan Locomotive Works and at Tatanagar will be governed by the Railway Medical Attendance Rules contained in Part II and will be attached to the Chittaranjan Locomotive Works and the Eastern Railway respectively.

**Note 2:** - Railway servants of Groups A & B who are governed by the rules in Sub sec.2 may, on appointment in the offices mentioned in this rule, may be allowed to exercise an option to be governed by the rules in Sub sec.1 or to continue to be governed by the rules in Sub sec.2. A similar option may be allowed in the case of groups C & D employees governed by the rules in Part II who come to the Railway Board's office from railways on deputation for limited period. Those electing the rules in Sub sec. 2 will be regarded as attached to the Northern Railway for this purpose.

**Sub-section 2 : Railway employees**

Medical attendance and treatment facilities shall be available, free of charge, to all 'Railway employees' and their family members and dependent relatives, irrespective of whether they are in Group A, Group B, Group C, Group D, whether they are permanent or temporary, in accordance with the detailed rules as given in Section 'C' of this chapter.

**Note:**--Railway staff employed in the offices mentioned below shall be regarded as attached to Railway Administration.

1. Advance Permanent Way Training School, Pune .
2. Railway Staff College, Vadodara.
3. Director Railway Movement, Kolkata.
4. RRB Chairman where located.
5. Chief Mining Engineer (Dy. Coal Commissioner Production) .
6. RDSO, Lucknow.
7. Dy. Director Railway Stores, Kolkata.
8. DLW, Varanasi.

9. CLW, Chittaranjan.
10. DCW, Patiala.
11. Wheel & Axle Plant, Bangalore.
12. Railway Rates Tribunal, Chennai .
13. Chairman & Vice Chairman of Railway Claims Tribunal at places where located.
14. Chairman, Vice-Chairman & Members, Indian Railway School of Signal and Telecommunication Engineering, Secunderabad.
15. Tank Wagon Controller, Bombay.
16. MTP, Kolkata, Mumbai, Chennai, Delhi.
17. ICF, Perambur.
18. DCW, Patiala.

(Rule 916(i) under Rule 916 & 918-RI, Paras 1403(b), 1405 & 2306 of Indian Railway Establishment Manual and Ministry of Railway's letter No. 69/H/1/38 dated 6<sup>th</sup> October, 1969, No. 71/H/1-1/35 dated 5<sup>th</sup> November, 1971 and No. 80/H/6-1/3 dated 22nd February, 1980 and No. 89/H/10/1 dated 30-11-1989).

### **Sub-section 3 : Railway employees on leave/leave preparatory to retirement/post retirement leave**

A railway employee on leave including LPR is eligible for medical attendance and treatment.

(Rule 913 R.I. & Para 1410 of IREM)

### **Sub-section 4 : Retired Railway employee on re-employment**

Retired railway employees on re-employment in the Railways are entitled to free medical attendance and treatment facilities free of charge as per details given in Section 'C' of this chapter.

(Ministry of Railway's letter No. E51ME1/3/3 dated 26-2-1951).

### **Sub-section 5 : Officers and staff of the Commissioner of Railway Safety**

The staff and officers attached to this establishment are entitled for free medical attendance and treatment for self and family members in accordance with the detailed rules as given in Section 'C' of this Chapter, irrespective of whether they were transferred from the Railways or recruited directly by the Ministry of Tourism and Civil Aviation.

(Ministry of Railways letter No. 66/H/16/3 dated 16-2-1966)

### **Sub-section 6 : Audit staff**

Medical attendance and treatment to the extent available to the Railway employees of corresponding status will be available free of charge to the Railway Audit staff and family members in accordance with the detailed rules as given in Section 'C' of this Chapter.

Audit staff attached to Railways should exercise option if they want Railway medical facilities for treatment under Railway or may continue their treatment under the Central Health Services.

(Ministry of Railway's letter No. E46 ME39/3 dated 24-6-1946 and 64/H/6/158 dated 9-11-64.)

### **Sub-section 7 : Railway employees on deputation to RITES/IRCON**

Railway employees on deputation to the above organisations may be permitted to continue to avail the medical facilities in accordance with the detailed rules as given in section 'C' of this Chapter. However, RITES/IRCON should pay annual contribution on the basis of per capita expenditure on a Railway employee on All India Railway Basis, multiplied by the number of Railway employees on deputation, who have opted for these rules.



(Ministry of Railway's letter No. 79/H/6-3/8 dated 18-7-1980)

#### **Sub-section 8 : Free Medical facilities to whole time employees and officers employed by AIRF/NFIR**

1. Whole time employees of Zonal recognized Unions Federations are entitled to free medical treatment for self only.

2. Family members of whole time employees of aforesaid federation/Unions in the hospitals and Health Units is limited to outdoor treatment only.

(Railway Board letter No. 90/H/6-7/13 dated 22-6-1995)

#### **Sub-section 9 : Quasi Railway Organisation**

I. Free medical attendance and treatment facilities are available to the staff themselves of the

- (i) Consumer Cooperative Societies
- (i) Staff Benefit Fund Committees
- (ii) Railway Institutes
- (iii) Railway Officer's Club
- (iv) Station Committees

The family members of these employees will be given free OPD treatment.

II. The family members of the staff of Consumer Co-operative Societies may be given medical attendance and treatment on per capita basis, the charge being calculated on the basis of total expenditure on medical services on All India basis excluding the cost of health service.

III. Medical attendance and treatment facilities are available to the staff and their families of the Co-operative Credit Societies and Bank on per capita basis as stated above.

**Note:**--The staff of the canteens on Railways run by cooperative Societies specially formed for the purpose and in the Ministry of Railway's office may be extended free medical treatment in OPDs only. For any investigation charges are leviable.

(MOR's decision No. 2 deal rule 902 R. T. paras 1403 (a), 2922 & 2940 (vi) of Indian Railway Establishment Manual, MOR's letter No. 64/H/7/116 , dated 31-8-1965, 71/H/1-1/18 dated 14<sup>th</sup> September, 1971 and 73/H/6-1/24, dated 1-10-1973).

#### **Sub-section 10 : Apprentice**

Free medical attendance and treatment facilities will be admissible to all apprentices other than those governed by the Apprentice Act, 1961 but not to their family members, on the same scale as available to Railway employees but confined only to the extent facilities are available in Health Units and Railway hospitals. For the purpose of medical attendance and treatment facilities, they may be classified according to the categories for which they are apprentices. For the purpose of recovery of diet charges, the stipend drawn by them should be considered as pay. No reimbursement facilities are available in non-railway institutions, T.B. institutions where beds have been reserved, for railway employees.

**Note.—**

(i) Trade Apprentices who are governed by the Apprentices Act 1961, but come otherwise within the definition of the phrase 'Family members or dependent relatives' of a railway employee, will be eligible for medical attendance and treatment facilities, according to the status of the railway employee under the normal rules.

- (i) Free medical treatment may be offered to apprentices including those governed by the Apprentice Act 1961, when personal injuries are caused to them by accident arising out of and in the course of training as an apprentice.

(MOR's decision (i) below Rule 902 are RI, paras 1401, 2401 and 2409 of IREM and MOR's letter No. MH58ME1/24 Medical, dated 12-1-60 and No. E(TRJ)1/67/TRI/15, dated 8-2-1968)

#### **Sub-section 11 : Railway employees enrolled/commissioned in the territorial army**

A Railway employees enrolled/commissioned in the territorial army will be entitled to military medical services during the period of training and embodiment. The family members and dependent relatives of the employees will be governed by the railway medical attendance and treatment rules during the above period.

(Para 4 II of the IREM)

#### **Sub-section 12 : Private servants**

A private servant of a railway employee (i.e. a person employed on whole time basis on a salary in the personal services of the railway employee), who is eligible for passes, is also eligible for medical attendance and treatment as out-door patient and also, to the extent accommodation is available as in-door patient, at all railway hospitals and health units. In case of in-door treatment, charges at 40% of the schedule of charges laid down for out-siders may be levied for the specialized and indoor treatment and for radiological examination.

**NOTE.**—The out-patient treatment should be confined to short routine illnesses and not diseases requiring prolonged management of cases.

(Rule 932 RI and Railway Board's letter No. 65/H/7/189 dated 3-2-1967 and 10-11-1967 and No 71/H/1-1/16 dated 29-3-1972)

#### **Sub-section 13 : Casual labour**

1. Casual labour project as well as non-project, may be given medical facilities for self only in the out-patients Department. The service cards of the employees may be utilised as the identification cards for this purpose.

2. There should be no artificial break in the service of casual labours.

**Note:** 1. When they develop post-vasectomy complications and require indoor treatment, free, diet is also admissible.

2. Casual labourers with more than three months service will become entitled to the same rights and privileges as admissible to regular railway employees.

(Railway Board's letter No.66/H(EP)/6/74 dated 11-6-1973, No. E(NG)II 77CL-12 dated 3-5-78)

#### **Sub-section 14 : Contractors, their staff and labourers**

Staff of contractors engaged by Railway administration are not entitled to free medical attendance and treatment facilities. They and their family members may be treated in railway hospitals and health units in places where there is no other hospitals are available provided the contractor pays the cost of diet, medicines and dressings.

(Para 1409 of IREM)

#### **Sub-section 15 : Commissioned vendors**

1. Free medical facilities in OPD are available to Commissioned vendors/bearers engaged in departmental catering as out door patients for self only. As in-door patient it will be available when they are injured during the course of the duties.

2. The patients treatment should be confined to short routine illness and not disease requiring prolonged management of cases.

(Railway Board's letter No. 62/H/1/70 dated 16-2-63 and 61/H/70 pt.a dated 17-3-64 and 71/H/1-1/16 dated 16-6-1971)

#### **Sub-section 16: Central Government employees governed by C.S.(M.A.) Rules 1944**



Central Government employees governed by these rules subject to availability of accommodation can avail of medical attendance and treatment as admissible to outsiders in railway hospitals on payment of charges prescribed for outsiders. Preference would, however be given to these employees amongst outsiders.

(Railway Board's letter No.74/H/6-3/14 dated 4-8-75)

#### **Sub-section 17 : Families of railway employees on secondment of foreign service.**

The families of railway employees on secondment abroad on foreign service terms left behind in India may be treated at par with the families of retired railway employees governed by the Retired Railway Employees Contributory Health Scheme.

(Railway Board's letter No. 78?H/6-1/27 dated 21-9-1978)

#### **Sub-section (24) : Identity cards necessary for availing of facilities in railway hospitals**

1. If a railway beneficiary does not produce a medical identity card no medical treatment should be afforded to the railway beneficiary, except emergency first-aid.

2. Licensed Porters, Commissioned vendors, etc. who are not regular railway employees may be issued identity cards with additional endorsement indicating the category to which they belong.

3. For casual labours, their service book will serve as the medical identity card.

4. In emergencies, however, a patient, even in the absence of identification papers has to be attended first, including administration of such medicines and use of such appliances as may be necessary. With welfare inspectors, efforts should be made to establish the patient's identity. In case of patient is found to be a non-railway beneficiary, he should be treated as an out-sider, charged accordingly or transferred to a non-railway hospital as soon as the patients' condition stabilises and the expenditure written off with the concurrence of the competent authority.

(Railway Board's letter Nos 79/H/6-1/24 dated 30-7-79, 76/H/6-1/10 dated 25-5-1978 and 79/H/6-1/22 dated 26-7-79.)

#### **Sub-section 18**

A Government employee transferred temporarily or permanently to a post under the Ministry of Railways shall be entitled to opt for medical attendance and treatment facilities in the course of the detailed rules as given in Section 'C' of this chapter.

(Rule 912 RI)

#### **Sub-section 19 : Railway employees on deputation in India/abroad posted abroad**

1. Railway employees on deputation in India-Railway employees sent on deputation to other Government Departments/Corporations/Undertakings may be governed by the medical attendance rules of the borrowing Departments/Corporations/Undertakings. The borrowing Departments/ Corporations/ Undertaking may, however, allow the Railway employee, at his option, to enjoy Railway medical facilities provided a contribution to Railway revenues is made by the borrowing Departments/Corporations/Undertaking or by the Railway employee concerned, as may be mutually agreed upon between them, at the rates of recovery prescribed from time to time for government employees of his status under the Central Government Health Scheme.

(Note under Rule 911-R.I.)

2. **Railway employees on deputation abroad and India-based Railway employees posted abroad.—(i)** Railway employees working in posts outside India and /or sent abroad on deputation may be divided into the following three categories for the purpose of grant of medical facilities, viz.

- (a) those who are sent on 'short-term' deputation abroad, i.e. when the period of continued stay abroad does not exceed six months;
- (b) those who are sent on 'long-term' deputation abroad; i.e. for a period in excess of six months; and
- (c) India based Railway employees posted abroad.

(ii) Railway employees falling under category 1(a) above will be governed by the orders issued by the Ministry of External Affairs from time to time, whereas those falling under i(b) and i(c) above will be entitled to medical facilities as are admissible under the Assisted Medical Attendance Scheme as published by the Ministry of External Affairs and as corrected from time to time.

- (ii) Subject to the provisions the Assisted Medical Attendance Scheme, the concessions admissible thereunder are also applicable to wives, children and step-children residing with and wholly dependent on the employees falling under i(b) and i(c) above.

(Min. of External Affairs Memorandum No. 1(i) 19/MP-55 dated 13<sup>th</sup> September, 1955).

**3. Families in India of employees posted abroad—**(a) Free medical attendance and treatment will also be admissible to families in India of employees posted abroad, provided medical attendance and/or treatment is in accordance with the rules and orders in force in India.

- (b) The employee concerned should arrange to collect from his family in India all the necessary certificates, bills, receipts, vouchers, etc. that are required to accompany and claim for refund under the relevant rules and orders. He should then submit his claim to his Accounts Officer through the Head of the Mission/Post in which he is serving. The claim should be made out in the salary bill form and supported by the prescribed application form, necessary bills, vouchers and certificates as required under the rules. When the payment is authorised by the Accounts Officer, it should be made payable in India to a person duly nominated by the employee to receive payment on his behalf. Refunds for expenditure incurred in India shall not be made in a foreign currency. The nomination shall generally accompany the claim so that after the claim has been passed by the Accounts Officer, that officer can issue a letter of authority to the nominee to receive the payment. The expenditure on such refunds should be debited to the Railways.

(Min. of External Affairs Memorandum No. 1(i) 19/MP-55 dated 13<sup>th</sup> September, 1955).

**4. The Controlling Officer—**The 'Controlling Officer' in the case of medical claims of the Railway employees serving in Missions/Post abroad will be the Head of the Mission/Post concerned.

(Note below Rule 35 of Appendix V—R.I.)

### **603. Section 'C' –Scope of medical attendance and treatment**

#### **Sub-section I : General**

**1. Medical attendance and treatment.—**The Railway employees, their family members and dependent relatives are entitled free of charge medical attendance and treatment;

2. In such railway hospitals/health unit or consulting room maintained by the authorised medical officer, at or near the place where the patient falls ill, as can, in the opinion of the authorised medical attendant, provide necessary suitable facilities; or

3. If there is no such hospital, health unit or consulting room about, as mentioned above, any such government hospital/health centers or dispensaries are near the place, as can in the opinion of the authorised medical officer provide the necessary suitable facilities; or

4. If there is no such hospital, as mentioned in paras 2 and 3 above, or any other hospital with which arrangements have been made for the treatment of the railway employees at or near the place as can, in the opinion of the authorised medical officer, provide the necessary and suitable facilities.

#### **NOTE :**

I. Allotment of hospital accommodation in railway hospitals depends on the condition and seriousness of the disease and not on the status of the patients. However, in some government hospitals, accommodation in special wards is provided according to the status of the patient. As far as railway employees are concerned, those drawing basic pay of Rs.1600/- or above per month, would be considered eligible for special wards.

II. Family members may avail of medical facilities from a medical institution referred to in sub-paras 1, 2 and 3 above without the intermediary of the authorised medical officer.



(Rule 906 R.I., Railway Board's letter No. 67/H/1/58 dated 23-5-68, 71/H/1-1/6, dated 9<sup>th</sup> October, 1971, 79/H/6-1/5 dated 3-2-1980 and 82/H/6-1/22 dated 25th May, 1987).

**604. Attendance at Residence.—**1. Attendance at residence is restricted to :

(a) a gazetted railway employee, when he falls sick, attendance is free,

(b) a non-gazetted railway employee, when he falls sick, and is as a result compelled to be confined at his residence, no charges to be levied.

(c) a member of a gazetted/non-gazetted railway employee's family or dependent relatives, when the authorised medical officer certifies in writing that removal of the patient to a hospital is dangerous or injurious to life. In all such cases, the employee concerned should pay the visiting fee as per schedule.

**Note.**—Railway employees are expected not to call the medical officer for minor ailments thereby wasting their time and depriving other patients of their service.

2. For visits at a residence of a railway employee, drawing Rs. 1200 and over per months, for attendance on their family members and dependent relatives, emergent or otherwise, the railway medical officer are entitled to receive fees. The payment of fees in such cases may be regulated by the visit.

**605.** The medical officer shall be entitled to charge the following fees as indicated below:

	Employees drawing a pay of Rs. 1600/- (new scales) or more per month	Employees drawing pay less than Rs. 1600/- (new scale ) but not less than 1200/- per month
1. M.S./Sr.D.M.O.	Rs.20/-	Rs.12/-
2. D.M.O.	Rs. 16/-	Rs. 10/-
3. A.D.M.O.	Rs. 12/-	Rs. 6/-

No fees for domiciliary visits shall be charged from employees drawing pay of less than Rs.1200 p.m.

(Railway Board's letter No. 82/H/6-1/22, dated 25-5-1987).

**Note:**

(a) When more than one member of a railway employees family or dependent relative are to be examined at the residence, visiting fees may be charged for each separately.

(b) When a railway medical officer is called upon to render assistance to a railway employee or a member of his family or dependent relatives at an outstation, he may be granted traveling allowance as per rule when the medical service rendered is free. When, however, the medical officer is entitled to charge fees as provided above, he may claim travel allowance only if he deposits the fee received into the railway revenues. When preferring such claims for travel allowance, the medical officer should indicate the amount of fees received by him and also certify on the bill that the fee received have already to the railway revenues.

(c) No extra fees to be charged for conveyance except for very great distances where the decision of the Chief Medical Director is final. No higher fees for night visit.

(d) No railway employee shall be compelled to adopt any of the foregoing system of payment for medical attendance or to employ any railway medical officer for this purpose.

(e) A railway employee may obtain services of a medical officer of a lower grade than that of the medical officer to whose services he is entitled, on payment of the scale of contract fees or fees by the visits fixed for the medical officer he chooses.

(Rule 330, 903(3), 921-929 and 931 RI, note below no.1453 of the IREM and Railway Board's letter No.62/H/1/20 dated 6-5-64 and 65/H/7/44 dated 7-10-66).

**606. Special provisions regarding female and children beneficiaries.**—At places where there are no railway hospitals or government hospitals, female beneficiaries and children of railway employees upto 12 years of age, may directly obtain medical attendance and treatment without the intermediary of the authorized medical officer from the nearest Govt./Private Hospital.

(Rule 919 R.I. and Ministry of Railway's decision no.1 thereunder, paras 1446 (v) and (vi) of the IREM and Railway Board's Letter Nos. 64/H/154 dated 11-12-1964, 6/H/11/9 dated 20-3-1967, 76/H/11/11 dated 17-4-1970 and 80/H/6-4/15 dated 21-8-1980.)

**607. Supply of artificial limbs and appliances.**—A railway employee, a member of his family or dependent relatives whether injured on duty or not, requiring artificial limbs and appliances, would be entitled to reimbursement of both hospitalisation charges and full cost of artificial limbs and appliances, as also cost of repairs, renewals and adjustments thereof from time to time payable from railway revenues subject to the following conditions:-

- (a) Production of a certificate from a specialist in the concerned speciality in the railway hospital that the above was essential.
- (b) Apparatus repairs renewals or adjustments being done at the Rehabilitation department of a Medical College, Artificial Limb Centre of Pune or other organisations and centres recognised for the purpose by the Central/State Government concerned.
- (c) The cost of repairs or adjustment of a limb appliances should not exceed the cost of replacement of that limb appliances.

**Note.**—The above para does not apply to the supply or replacement of heart pace makers and heart valves.

(Railway Board's letter No. 80/H/6-4/33 dated 5-12-80 and Feb. 1981).

**608. Provision of dental treatment:**—1. Free treatment be given to railway employees and beneficiaries incurred to following ailments in all railway dental clinics and at all places where railway dental attention facilities have been provided.

- (i) Extraction
- (ii) Scaling and gum treatment
- (iii) Root canal treatment
- (iv) Filling of teeth

2. In addition, free dental treatment of a major type is also admissible in cases where it is considered as a part of any general or consequential ailment and when the teeth are the source of disturbance. Treatment of such conditions may include treatment of any condition involving the operations on gums, for extraction of growths, surgical operations needed for the removal of Odon tomes and impacted wisdom teeth.

**Note:**

(1) Arrangements may be made to hire the services of a local dentist to work part time in a railway hospital. In such cases no charges should be levied for normal cases like extraction, scaling etc. but for other items like filling of cavities etc., a schedule of charges may be prescribed and recoveries made from such staff.

(2) The supply of artificial dentures is excluded from the scope of dental treatment.

(Para 1440 of the IREM and Railway Board's letter No. E57MES/85/Medical dated 9/10 March 1961 and 62/H/7/31 dated 30-4-1962)

**609. Donation of blood.**—1. No prior permission of the Government is required for donating blood in Blood Banks attached to railway hospitals or government hospitals or if called upon in emergencies to donate blood in any Blood Bank.

2. No prior permission is necessary for acceptance of an amount on account of donation of blood, since it is considered that receipts from the sale of blood does not attract the provisions of Rule RII 2035 and 2216.

3. When a railway employee or a member of his family donates blood to a railway hospital or a government hospital, he may receive payment at the rate of Rs.50/- (Rupees fifty only) per donor per bottle or blood i.e. 300 c.c. However, no incentive money should be paid to voluntary blood donors against their wishes and every effort should be made to encourage the voluntary free Blood donors.

The Railway may consider issue of cards to voluntary blood donors with the offer of free replacement if the donor needs blood transfusion for self within a period of 12 months.



(Authority: Railway Board's letter No. 84H/6-1/17 dated 4-6-85 and 90/H/68/3 dated 15-3-91.)

4. Railway employee who donates blood to a railway hospital on a working day may be granted special Casual Leave, for that day.

5. A railway employee who comes from out-station to donate blood to a railway hospital may be granted a complementary pass of the same class as admissible to him under the normal rules to cover the journey. He may be allowed a minimum journey time apart from one day special casual leave.

6. As blood is a therapeutic substance used in treatment of patients, expenditure incurred for obtaining blood shall be debited to ordinary railway revenues and allocated under the head 'medicines'.

**Note:**

(a) As far as possible, railway employees should be encouraged to donate blood voluntarily and not with any mercenary motive.

(b) Hence there should be no occasion to force a person to accept the permissible payments.

(c) Blood collected for use in Non-Railway hospitals should not qualify for payment from Railway revenues, even if the collection has been done in Railway premises.

(Railway Board's letter No. 65/H/7/248 dated 5-2-1966.)

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## INDIAN RAILWAY ESTABLISHMENT CODE (Vol - I)

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### Chapter 6 Medical Attendance and Treatment Rules

**610. Sub-section 2-instructions regarding diet.**—Diet to be provided in railway hospitals, railway administration should, as a result, provide cooked food to all the in-patients in railway hospitals.

**Scale (1) :** the scale of diet to be served in railway hospitals should be drawn up by the railway administration with a view to suit the local conditions and basic caloric requirement of the patient.

**Scale (2) :** Scale of diet provided in railway hospitals should be published in the weekly gazette once a year for general information .

#### Charges

**611.** Diet supplied to patients in railway hospitals will be charged as per following schedule:

Categories	Charges per day to be recovered
<b>A. Railway Employees:</b>	
<b>1. Railway employees</b>	
(a) Whose basic pay does not exceed Rs. 1150/- in case of Gr. 'D' categories; and	Free
(b) Who are in grade Rs.950-1350 in case of other than Gr. "D" categories.	75% of the actual direct cost fixed by Railways
2. Railway employees whose basic pay is Rs.1351 & above.	Actual direct cost to be recovered.
3. Railway employees injured in the course of duty (not exceeding beyond one year after they are declared permanently unfit and discharged from service).	Free
4. Retired Railway Employees governed by the Retired Railway Employees Contributory Health Scheme/Retired Employees Liberalised Health Scheme/Private Servants and outsiders etc.	Charges to be fixed by the Railway Administration to recover the diet cost.
5. (i) Railway employees whose pay is below Rs.2000/- when receiving treatment for TB/Leprosy or Mental diseases in a Railway or approved institution.	Free
(ii) Railway employees whose pay is Rs.2000/- and above when receiving treatment for TB/Leprosy or Mental diseases in a Railway or approved institution	Actual cost to be recovered
<b>B. Family members and Dependent relatives:</b>	
1.(a) Family members receiving treatment for TB/Leprosy or Mental diseases and dependent relatives of railway employees receiving treatment for TB/ or Leprosy in a Railway or approved institution when the pay	Free



of the Railway employee concerned is below Rs.2000/-	
(b) Family members and dependent relatives not covered by (A) above.	Charges to be fixed by the Railway so as to recover the direct cost.

(Railway Board's letter No.86/H/8-1/39, dated 22-3-90.)

**Note:**

(1) Special articles of food not ordinarily provided by railway hospitals to inpatients shall be dealt for separately.

(2) General Managers have powers to sanction free diet to railway employees injured in the course of duty for such period as they remain indoor patients not extending beyond one year after they are declared permanently unfit and discharged from service. This provision applies to all railway employees gazetted or non-gazetted irrespective of pay limits.

(3) Free diet is admissible to casual labour while undergoing treatment in railway hospitals in connection with accident cases following under the Workman's Compensation Act and other cases referred to under sub-section 16 of Section B of this Chapter.

(4) Passengers and trespassers injured or taken ill and removed to a railway hospital may be dieted at the expense of the Railways. The expenditure being treated as a part of ordinary expenses of working in the railway hospitals.

(5) The charges of diet when supplied by non-Government/recognised hospitals to railway employees, when not indicated separately in the tariff, should, for reimbursement purposes be reckoned to the 20% of the flat rate charge.

(6) Pay limits referred to basic pay and/or are exclusive of dearness pay.

(7) Diet provided by hospital is for patients only. In exceptional cases diet may have to be provided to patients attendants who of necessity had to stay in hospital having come from outside long distances or in serious cases. Such cases should be charged to recover full costs and all overheads and should be on the high side to be a disincentive.

(8) A patient taking diet from the hospital on discharge may be charged for the full day if he has been admitted before 12 hours and, only half diet charges, if he has been admitted after 12 hours.

**612. Review of diet charges.**—The Railways should periodically revise the rates of recovery against diet charges in consultation with their FA & CAO in respect of such of the in-patients who are not supplied free diets. The rates to be fixed on "No profit no loss" basis. The rates must be reviewed every three years. Action for review should be initiated one year in advance on the basis of last two years so that the revised charges are made effective immediately after three years. The revised rates will apply prospectively.

**613. Option for hospital diet.**—The patient not entitled to free diet must give in writing whether he prefers to have his own diet or wants to get hospital diet on payment as prescribed. Patients who have exercised their option for hospital diet to start with will not ordinarily be allowed to change over to own diet during the stay in hospital and vice-versa.

(Items (51) of Appendix VII-GIII, Section III of Chapter XIV of the IREM and Railway Board's letters MH59NES/418 Med. dated 4-11-1960, 61M7H/1/32 dated 4-9-1961, PC68/D-1/4 dated 6-6-1970 72/H/6-3/12 dated 16<sup>th</sup> August 1972, 75/H/6-1/9 dated 16-7-1977, 79/H/6-3/14 dated 25-11-1979.)

### Sub-section 3: Instructions regarding Nursing

**614. (1) Nursing in railway hospitals.**—All in-patients in railway hospitals should be provided ordinary and special nursing to the extent possible.

(2) **Engagement of special nurse.**—Engagement of special nurses should be considered on merits. The attending medical officer should recommend the employment of special nurses only where their services are absolutely essential and that too for the minimum period necessary.

(Rule 903(V) and 933-RI and progressions 1438 1439 of the IREM and Railway Board's letter No. MH60ME1/4 Med. dated 10-3-1960).

**(3) Nursing in non-railway hospitals.**—(a) For ordinary nursing provided in a Government recognised hospitals, the charges are normally included in the hospital bills and are not separately recovered from the patient. If, however, these charges are recovered separately they are reimbursed.

(b) Where special nursing is required, a certificate from the Medical officer incharge of the hospital should be obtained before hand. The necessary recommendations be made in the form of a certificate as given as an annexure to this chapter. As for the reimbursement of charges in such cases, the railway employee should bear cost upto 25% of his pay for which special nursing was arranged. The rest being borne by the Railway administration. This does not, however, apply in the case of the railway employee who is injured on duty.

**615. Railway employees injured on duty.**—A railway employee injured on duty in addition to treatment ordinarily admissible to others be entitled, free of cost, to such special nursing as the authorised medical officer may certify in writing to be essential for the recovery or for the prevention of serious deterioration in the condition of a railway employee.

**Note.**—The above concessions will also be admissible to railway employees on duty who receive injuries in connection with severe disturbances. For this purpose, railway employee in a disturbed area shall be considered on duty and any injury received by him as a result of those disturbances shall be held to have been received in the hours of duty, unless the facts of the case give a clear indication to the contrary. This also applies to railway employees on leave in a disturbed area in whose case it should be presumed, unless the facts of the case give a clear indication to the contrary, that he was attacked/injured in case he is a railway employee.

#### **Sub-section (4) : Reimbursement**

**616. Reimbursement allowed if medical attendance is at the instance of the authorised medical officer.**—A railway employee obtaining treatment for himself or member of a family or dependent relative should consult his authorized medical officer first and proceed in accordance to his advice. In case of his failure to do so, his claim for reimbursement will not be entertained as provided. All claims for reimbursement should be scrutinized with a view that the authorised medical officer or any other medical officer who is either of equivalent rank or immediately junior in rank to the authorised medical officer and attached to the same hospital/health unit as the authorised medical attendant was consulted in the first instance.

(Rules 905, 919 RI, Para 1443 to 1448, 1452, 1457 (i) of the IREM and Railway Board's letter No. 67/H/1/11 dated 4-3-1968 and 71/H/1-1/6 dated 9-11-1971).

**617. Treatment in an emergency.**—In an emergency if a railway employee has to go for treatment including confinement to a government hospital/recognised hospital or a dispensary run by a philanthropic organisation without prior consultation with the authorised medical officer, reimbursement of the expenses incurred to the extent otherwise admissible, will be permitted if after a careful examination of the circumstances of the case, the competent medical authority accords *ex-post facto* approval. In such case, before reimbursement is admitted, it will be necessary to obtain in addition to other documents prescribed, a certificate in the prescribed form from the medical superintendent of the hospital to the effect that the facilities provided were the minimum and essential for the patients treatment.

#### **Note :**

(1) In such cases, GMs are delegated powers to allow reimbursement of medical expenses upto a limit of Rs.3000/- in each case in private institution and upto Rs.10000/- in recognised/Government hospitals.

(Railway Board's letter No. 91/H/6-4/26 dated 20-11-95.)

(2) CMDs are authorised to reimburse claims upto Rs.1000/- of railway employees in the event of special investigations (laboratory tests etc.) got done from non-recognised institutions on the advice of the authorised medical officer in the absence of such facilities in the railway hospital. These cases should be decided in consultation with FA & CAO provided these were done at the instance of the authorized medical officer. These powers will not be re-delegated.

It has also been decided that claims above those permitted in Note (1) and (2) above, be referred to the Railway Board for consideration along with FA & CAO's comments and the circumstances which necessitated such investigations being done at non-recognised institutions.

(Railway Board's letter No 91/H/6-4/26 Pt. Dated 5-1-94 & 4-5-94)

**(3) Sterility- pre-se.**—Cases of treatment of sterility may also be treated at par with other cases for reimbursement under the existing rules.

(Railway Board's letter No.86/H/6-4/58 dated 21-12-1988)



**(4) Recognition of CATSCAN test for reimbursement.-** (1) General Managers are fully empowered to sanction charges levied at a Government hospital for catscan.

(2) In case catscan in a government hospital is not possible in time, CMD will arrange for catscan at a reasonably priced private institution. In such case, General Manager is empowered to sanction Catscan facility charges upto Rs. 2000/- in each case. MRI, CMDs can within their power sanction Rs. 3000/-. For fees beyond this amount, concurrence of associate finance be obtained and proposals submitted to Railway Board for consideration and sanction. Chief Medical Director should ensure that prior permission is accorded to get this Catscan done only in very deserving and definitely needed cases.

(Railway Board's letter No. 86/H/3/3 dated 22-1-1987)

(5) General Managers have been delegated powers for granting post-facto sanction even in cases where prior permission of Chief Medical Director could not be obtained for reimbursement of expenses incurred on Catscan upto Rs. 2000/- only in each case done in Government hospitals.

(Railway Board's letter No. 88/H/6-4/80 dated 12-5-89)

(6) Chief Medical Directors are empowered to sanction Catscan fee charges upto Rs. 2000/- in each case. Powers are also delegated for granting post-facto sanction.

(Railway Board's letters No. 88/H/6-4/57 dated 21-12-88 and 88/H/6-4/80 dated 9-9-89)

(7) Chief Medical Directors can sanction reimbursement of the cost of hearing aid for employees and dependent family members upto Rs. 1500/-. The cost shall be paid to the firm directly. Cases where cost of hearing aid exceeds the limit of Rs. 1500/- they should be referred to the Railway Board duly concurred by the FA&CAO.

(Railway Board's Letter No. 85/H/6-4/28 dated 26-9-1988.)

**(8) Reimbursement of expenses on purchase/replacement repair/adjustment of artificial electronic larynx. —** Reimbursement of the cost of the artificial electronic larynx should be made to the railway employees and their family members governed by the Railway medical attendance rules on the recommendations of the Director General Health Services. The payment would, however, be made by the administrative authority direct to the supplying agency and not to the railway employee concerned.

(Railway Board's letter No. 82/H/6-1/21 dated 11-10-1984.)

**(9) Provision of specialized medical services to construction staff.**—General Managers on merits in such areas can decide provided provision of such consultants is within the norms laid down by Railway Board for appointment of consultants. Cases not falling within the framework of these norms shall be referred to the Board for approval.

(Railway Board's letter No. 89/H/2/3/5 dated 24-7-89.)

**(10) Utilising the service of an Anaesthetist from outside during emergencies.**—When Railway Anaesthetist is not available because the post/posts is/are vacant or the anaesthetist had/have gone on leave/sick or is not on duty elsewhere/out of station, the services of an anaesthetist from outside may be utilized on payment of Rs. 150 per case towards professional charges.

(Railway Board's letter No. 88/H/6-1/29 dated 6-1-89.)

**618. Families accompanying railway officials proceeding on tour.**—(1) Medical expenses incurred on treatment of a member of railway employees family accompanying him on tour can be reimbursed on the same scale and conditions on which they can be reimbursed to the railway employees himself, if illness occurs during that period and treatment is taken in a government or railway hospital.

(2) The above concession is not admissible if a railway employee takes a member of his family alongwith him with the intention of obtaining treatment in a place other than his headquarters.

(Rule 916 RI)

**619. Treatment at residence.**—(1) Where owing to the absence or of a suitable hospital (railway or otherwise) or owing to the severity of the illness or other causes considered adequate by the authorised medical officer, a railway employee receives treatment at his residence, the expenses incurred by the railway employee for such items and services as to what have been admissible to the patient otherwise, would be reimbursable.

(2) The above claims must be accompanied by a certificate by the authorised medical officer stating the reasons for his opinion as referred to above, and indicating the cost of treatment admissible to the patient otherwise. Such cost should take into account the charges for medicines and dressings, as also amount of money, if any, paid to the authorized medical officer.

(Rule 908 RI and note 4 below Rule 916 RI)

**620. Payment of charges.**—Payment to Government recognized hospital on account of hospital charges should in the first instance be made by the railway employee concerned to the hospital authorities and the reimbursement thereof claim at the railway administration later.

**Note.**—State Government where agreeable should debit the railway administration concerned by preferring bills for those items for which reimbursement is permissible. Those Government recognised hospitals which press for advance deposit of money for treatment of cases referred to them, the medical officer concerned may be allowed an imprest of Rs. 500/-. The holder of the imprest should submit their report for the amount spent.

(Note : below Rules 909(2) and 917 RI, Para 1431 of the IREM and Railway Boards Letter No. E 56ME1/34/Med. dated 6-9-61.)

**621. Claims to be preferred within six months.**—All Claims for reimbursement should be preferred within six months of the date of completion of the treatment as shown in the Essentiality certificate of the authorised medical officer. A claim for reimbursement of medical charges not countersigned and preferred within six months of the date of completion of the treatment, should be subject to investigation by the Accounts Officer, where a special sanction is accorded on an application from the railway employee for reimbursement of any charges in relaxation of the rules, the sanction will be deemed to be operative from the date of its issue, and the period of six months for preferment of claim will count from that date.

(Note 2 below Rule 909(2) RI and para 1412 of the IREM).

**622. Forms for preferring claims.**—The railway employee claiming reimbursement for expenses occurred on account of medical attendance and treatment in a government recognised hospital should claim in a prescribed form accompanied by the necessary documents indicated in the forms.

(Para 1430, 1453 of IREM)

**623.** All claims for reimbursement should first be carefully scrutinised by the competent authority, should in consultation with the authorised medical officer where contrary, will disallow any claims or items, which do not satisfy rules and orders on the subject. These should be disposed of without delay.

(Rule 1458 of IREM)

**624. Rate and schedule of charges.**—(1) The rates and schedule of charges of government/recognised hospitals concerned may be obtained from the respective state government.

(2) In the case of government/recognised hospitals, the tariff which does not indicate the accommodation and diet charges separately, 20% of the flat rate should be reckoned as diet charges and 20% as charges for accommodation.

(Para 1436(2) and 1456(B) of the IREM)

**625. Expenses incurred as outdoor patient.**—Reimbursement of medical expenses incurred as an out-door patient in a railway hospital/health unit or in a government/recognised hospital is permitted.

(Note 3 below Rule 906 RI)

**626. Items and services not covered by the definition of the term 'Treatment'.** Expenditure incurred by a railway employee or a member of his family or dependent relatives on items and services not covered by the definition treatment will not be reimbursable.

**627. Reimbursement of costs of medicines which are neither ordinarily stocked nor available in railway medical institutions but are purchased from the market.**—(1) To minimise claims for reimbursement of cost of items inadmissible, the medical officers concerned with the treatment of the patients, should determine that essentiality certificates should not be issued in respect of items which are not medicines but which are primarily food tonics etc. A decisions should depend whether the drug element is small in comparison with the food contents of the proportion prescribed. A propriety



item should not be prescribed if a non-proprietary prescription of a similar therapeutic value is available. Necessary guidelines should be taken from the Indian Railway Pharmacopoea.

(2) The charges for the cost of medicines which are reimbursable will be allowed only if the claim for reimbursement thereof is accompanied by the cash memo and a essentiality certificate duly countersigned by the authorised medical officer in the prescribed Proforma as given in the annexure. Every cash memo must be countersigned by the doctor prescribing the medicines and the essentiality certificate must contain the name of the medicines prescribed and the amount incurred on the purchase of each medicine, whether or not the original prescription have been submitted.

**Note.**—The underlined idea is to ensure that the medicines actually considered essential by the authorised medical officer and they may be purchased and consumed by the patient as directed.

(3) Sales tax paid on these medicines will be reimbursable.

(4) The charges for packing and postage if incurred will not be reimbursable.

(5) Ordinarily expenses on account of the cost of medicines intended for injections prescribed at the consulting room of the authorised medical officer but administered at the residence of a patient who is a member of the family or dependent relative of a railway employee will not be reimbursable. In serious cases however the reimbursement is regular vide sub-para (2) above.

(6) The State Government where agreeable should debit the railway administration concerned by preferring bills or by raising debits in respect of cost of medicines, vaccination etc. not ordinarily available at hospitals which are certified in writing to be essential for the recovery or prevention of serious deterioration in the condition of a railway beneficiary who is admitted to a non-railway government hospital for treatment at the instance of the authorised medical officer. If the State Government concerned are not agreeable to such an arrangement, reimbursement to the railway employee concerned would be permissible as per rules.

( Ministry of Railway's decision No. 1,2,3 below Rule 903 RI and paragraph 1434 and 1435 (a) of the IREM).

**629.** The cost of heart valves, pace-makers and pulse generators, as well as the replacement of pulse generators in the case of railway beneficiaries will be made only on the recommendations of the CMD by the administrative authority would make the payment involved direct to the supplying agencies and not to the railway employees concerned.

(Railway Board's letter No. 78/H/6-4/16, dated 12-12-78 and 81-H/6-4/37, dated 4-6-1982).

**630. Items and services rendered in connection with medical attendance and treatment.**—Charges for items and services rendered in connection with (but not included in) medical attendance and treatment of a patient entitled to railway medical attendance and treatment facilities shall be determined by the authorised medical officer and paid by the patient.

(Rule 909 RI)

**631. Reimbursement of medical expenses incurred abroad.**—The matter has been reconsidered by the Government and it has been decided that, in supersession of all previous orders on the subjects, the following guidelines should be adopted in dealing with the cases relating to requests for medical treatment abroad and matters relating thereto:

(i) As a rule, reimbursement of cost of medical treatment incurred abroad should not be allowed.

(ii) In exceptional cases, necessitating treatment of a kind yet to be widely established in the country, where railway employees, on medical advice, choose to go on their own, reimbursement could be authorised by the Ministry of Railways, but should be limited to the expenditure that would have been incurred had such treatment been received in India in a Govt. Hospital or a recognised hospital. However, the question of reimbursement of *air passage* in such cases shall not arise at all.

(iii) Foreign Exchange may be released to railway employee for purpose of treatment abroad to the same extent as is permissible to private citizen.

(iv) The facilities for specialist treatment, as available in Railway Hospitals or other Government/recognised hospitals should be availed by the railway employees.

**Sub-section (5) : Other general instructions regarding medical attendance and treatment:--**

**632. (1) Duties of Rly. Medical Officers in urgent cases.**—Whenever a railway beneficiary calls a railway medical officer for medical assistance for himself or for his family members or dependent relatives the medical officer is so called upon shall if the cause is represented as urgent render such assistance as may be necessary without hesitation leaving the question of urgency or of his being authorized medical officer and fees etc. to be enquired into and settled afterwards.

(Rule 910 R.I.)

**(2) Issue of passes under medical advice.**—When a railway employee or a member of his family or dependent relatives travel under medical advice passes or PTOs of any class may be made available by any convenient train including mail trains at the discretion of the General Manager.

( Railway Board's letter No. 1000/TG/3 dated 7-11-49).

**(3) Provision of an attendant to a railway employee referred to railway/recognised hospital.**—Normally depending upon the severity of the condition of the case the authorised medical officer may issue pass for one attendant to accompanying the patient. If however the authorised medical officer feels the necessity for two attendants he may issue a pass for two attendants with a certificate recorded in writing indicating the urgency and necessity.

**633. Maintenance and repairs of ambulance cars.**—Ambulance cars should invariably be maintained in good running condition. Regular servicing and repairs where necessary may be carried out promptly by any commercial concern in the same manner as is done in the case of staff cars. Timely replacement must be made and planned for. Effort should also be made to have good selected drivers.

( Railway Board's letter No. 66/H/2/18, dated 23-1-68, 70/H/13/29, dated 23-7-71, 77/H/7/19, dated 17-1-78 and 78/H/4/12, dated 2-5-1978).

**634. Use of ambulance cars by lady doctors in emergency.**—(1) Lady doctors when called to visit a patient may be allowed the use of ambulance cars for going to see the patient and also to bring her back to her residence/hospital in the following circumstances.

- (a) When she has to attend an emergency.
- (b) When the call for the house received by her from a remote area.
- (c) When the call is received from an unknown quarter.
- (d) When the call is received late at night.

(2) Validity of the points made for eligibility of use of the ambulance cars would be decided by the head of the hospital concerned.

(3) It is not necessary on the visit the lady doctor should bring the patient for admission if it is considered no necessary to admit the patient.

- (1) No mileage allowance would be admissible to the lady doctor for such class. If she draws any consolidated allowance there would be automatically proportionate deduction in the same for such use in the ambulance cars.

(Railway Board's letter No. 76/H/22/60, dt. 18-1-1977).

## SECTION D—INFECTIOUS DISEASES AND QUARANTINE

**635.** The rules in this part shall not apply to railway servants employed in the office of the Railway Board, the Research, Designs and Standards Organisation and the Office of the Railway Liaison Officer, whose headquarters are at New Delhi and who are governed by the rules in Part I. Such railway servants shall be governed by the rules applicable to staff in the Government of India Secretariat.

**636.** For the purpose of the rules in this Section—

- (1) "Household" includes any member of the family of a railway servant resident with him: any lodger or other person who at the time occupies any part of the same unit of residence; any servant of the above living in the same residence.
- (2) "Medical Officer" means the authorised medical attendant as defined in rule 603(1).



- (3) "Quarantine" means any restriction imposed upon the movements of a railway servants or upon his intercourse with other railway servants or other persons, designed to prevent the conveyance of disease by him to such other railway servants or persons; such restriction being imposed when any member of the railway servant's household is known, or on acceptable information believed, to be suffering or to have suffered within a period prior to cognisance of the fact by the quarantining authority not greater than that of the maximum incubation period of such disease, from a quarantinable disease.
- (4) "Quarantinable diseases" means small pox, cholera, plague, typhus fever, cerebro spinal meningitis, diphtheria or such other diseases, as may have been declared to be infectious by a State Government within the areas under its administration.
- (5) "Infectious diseases" mean any of the following disease,—Chicken pox, cholera, diphtheria, leprosy, measles, mumps, plague, scarlet fever, small-pox, typhus fever, typhoid fever, whooping cough, cerebro spinal meningitis or such diseases as may have been declared to be infectious by State Government within the area under its administration.

**637. Report of infectious diseases.**—(1) Any railway servant who knows or has reason to suspect that either he himself or any member of his household is suffering from an infectious disease shall at once advise his superior official to this effect or, if working at the medical sectional headquarters, shall himself directly notify the Medical Officer.

(2) The railway servant's superior official notified under (1) above shall take necessary steps to notify immediately the Medical Officer in sectional charge. The message shall specify the suspected illness and the name, designation and address of the railway servant and whether his residence is within railway premises, or if otherwise approximately how far therefrom. If the disease suspected to have occurred in the household is a quarantinable disease, the railway servant concerned should, as early as feasible, be provisionally relieved from duty and debarred from mingling with other railway servants or persons.

**Note.**—Regarding quarantine leave, see Rule 555.

**638. Verification of disease when a railway servant resides within the prescribed beat of a Medical Officer.**—It will be the duty of railway servant residing within the prescribed beat of Medical officer, in whose household a case of an infectious disease is suspected to have occurred to facilitate the access of the Medical Officer to examine the members supposed to be affected or such other members of the household as in the opinion of the Medical Officer may have contracted the disease.

**639. Verification of disease when a railway servant resides beyond the prescribed beat of a Medical Officer.**—A railway servant, living beyond the prescribed beat of a Medical Officer who knows or suspects a member or members of his household to be suffering from an infectious disease, should endeavour to take immediate steps to procure the examination of the member or members of the household by a medical practitioner, registered or having registrable qualifications, and to procure a certificate from him stating the nature of the illness. The certificate in question should be directed under cover to the Medical Officer in sectional charge through the railway servant's immediately responsible superior.

**640. Duty of person under quarantine.**—A railway servant to whom a "Quarantine admission certificate" has been issued shall not, until the issue of certificate terminating his period of quarantine ("Quarantine discharge certificate")—

- (1) either himself frequent or permits members of his household to frequent places of public resort such as institutes, reading rooms places of worship and the like, or
- (2) if resident in railway premises, leave without the express permission of the Medical officer, the station or any part thereof which the Medical Officer may consider proper, in the interests of the health of the public, to define, or
- (3) permit any railway servant or any member of the family of a railway servant or any other person not being a member of the Medical or Sanitary staff or other expressly authorised person, to enter his house or hold unnecessary communication with himself or a member of his household.

**641. Duty of staff not under quarantine in whose household an infectious disease is verified.**—A railway servant in whose household a non-quarantinable infectious disease, viz., chicken-pox, measles, mumps, scarlet fever, typhoid fever, leprosy or whooping cough is verified to be present in a contagious phase within a prior period not greater than the usual incubation period of such disease, shall attend at railway dispensary or hospital or other convenient place determined by the Medical officer at intervals arranged by the latter for examination, and will continue to do so until such time as it appears that the likelihood of the railway servant contracting the malady in question no longer exists. The railway servant shall also facilitate for a similar period such examination of the members of his household by the Medical



Officer as the latter may reasonably deem requisite or, should the railway servant reside beyond the prescribed beat of the Medical Officer, he shall, when called upon, furnish a medical report obtained from a qualified medical attendant certifying to the health of household.

**642.** When for lack of a railway infectious disease hospital or of isolation wards in a railway hospital or of accommodation in a railway hospital, it is declared by a Medical Officer, not below the rank of Divisional Medical Officer, to be necessary in the interests of the railway that the cases of infectious diseases occurring among the members of the family a servant residing in a railway colony should be removed to a civil hospital for treatment the charges which may ordinarily be leviable by the civil hospital in such cases may be met from railway revenues.

Medical attendance and treatment facilities may be given to family members of the consumer co-operative societies and to the staff and to the members of their families of the co-operative credit societies and Banks on per capita basis. The per capita charge should be calculated on the basis of total expenditure on the medical services (excluding health services) incurred on Railway employees in India during the preceding financial year.

#### **SECTION E—TREATMENT FOR SPECIAL DISEASES, VIZ. TUBERCULOSIS, CANCER, POLIOMYELITIS AND MENTAL DISEASES**

**643.** (i) Railway servants and their families will receive, free of charge, treatment for tuberculosis, to the extent facilities are available in railway hospitals. Railway servants and their families may also receive, free of charge, treatment for tuberculosis, in non-railway institutions sanatoria where separate annexes or bed have been reserved for the purpose subject to the condition that the number admitted at any one time does not exceed the number of beds provided in the annexes or reserved beds in the sanatoria at the cost of railway revenues.

**Note.**—Cost of special medicines or extra diet should be borne by the Railway administrations if the cost of reservation per bed per annum does not include such charges.

(ii) Such railway servants and their families may also be allowed re-imbursement, as admissible under the rules, when on the advice of their Railway authorised medical attendant, they go to and are admitted in non-reserved accommodation in the Tuberculosis Institutions recognised for the purpose of medical treatment of Central Government servants and their families suffering from tuberculosis subject to the following certificates being given by the authorised attendant—

- (a) Immediate sanatorium or hospital treatment is necessary.
- (b) No Railway reserved bed is available.

**Note.**—For this purpose the Chief Medical Director of the Railway should contact the Medical Superintendents of the approved sanatoria and refer to them the cases of tuberculosis for admission and treatment subject to the conditions that—

- (1) the standard of treatment provided by them is good and efficient;
- (2) the patient should as far as possible be admitted to a free ward;
- (3) if (2) is not possible, the patient should be admitted to the lowest class of paying wards, where charges should be comparable to those paid for reserved beds, or upto Rs. 2,400/- per bed, per annum, in other sanatoria;
- (4) in case the patient prefers to be in paying/costlier ward even when accommodation is available in a free/lowest class of paying ward, he may be allowed to do so but additional cost should not be borne by the Railway.

(iii) In cases of post-treatment check-up of railway servants who were suffering from tuberculosis, the charges levied by the sanatorium should be borne by the Railway administration where it is considered by the District/Divisional Medical Officer concerned that the patient should be sent in person for a follow-up observation to the sanatorium, subject to the provision that none of the beds reserved for railway servants was vacant; in the sanatorium at the time, to accommodate such a person.

**644.** A railway servant or a member of his family or dependent relative (who is eligible to receive treatment in non-railway hospitals) may receive free treatment for cancer, poliomyelitis, cerebral palsy and spastics at the nearest recognised hospital providing such treatment subject to the condition that such if treatment recommended by the authorised medical attendant. If the Medical Superintendent of the recognised hospital to whom the patient is sent for treatment by the authorised medical attendant, recommends that special treatment is necessary at the Tata Memorial Hospital, Bombay, in the case of cancer, and the Children's Orthopaedic Hospital, Bombay in the case of poliomyelitis, cerebral palsy and spastics, such patient may also receive free treatment at these hospitals.



**Note .—**For the purpose of this rule, cancer may be defined to include any malignant new growth.

**Railway Board's decision.—**Advances may be granted to those railway servants whose pay does not exceed Rs.900/- per month in cases of specialised treatment for cancer, and Rs. 500/-per month in the case of Polio cerebral palsy or spastics Paralysis on the terms and conditions mentioned below:--

- (1) The advance would be admissible only in cases where a railway servant or a member of his family is being treated as an in-Patient in one of the recognised hospitals for cancer.
- (2) The application for an advance should be supported by a certificate from the medical officer-in-charge that the patient is being treated as an in-patient in the hospital such a certificate should also indicate the probable duration of stay of the patient in the hospital and the anticipated cost of treatment which would otherwise be reimbursable under the rules and be also countersigned by the authorised medical attendant.
- (3) The advances should not in any circumstances, be allowed in a case where treatment is being obtained at the residence of the railway servant or at the consulting room of the authorised medical attendant or as an out-patient at a hospital.
- (4) The amount of the advance will in each case be limited to four months pay of the railway servant concerned or Rs. 500/- in the case of cancer and two months pay of the railway servant concerned or Rs. 200/- in the case of polio cerebral palsy or spastics paralysis or such other amount as the medical officer-in-charge of the hospital may recommend, whichever is the lowest.
- (5) Not more than one advance should be granted in respect of the same illness.
- (6) The amount of the advance should be adjusted against the subsequent claim for reimbursement of the expenditure as admissible under the medical attendance and treatment rules and the balance., if any, recovered from the pay of the railway servant concerned in two equals monthly installments after the discharge of the patient from the hospital.
- (7) An advance under these orders will be admissible only to those railway servants whose pay does not exceed Rs. 500 p.m. The term 'Pay' for this purpose shall be as defined in rule 103(35).
- (8) In the case of temporary railway servants the grant of an advance under these orders would be subject to the production of surety from a permanent railway servant not governed by the Payment of Wages Act.

( Railway Board's letter No.E52ME1/19/Medical,dated the 21<sup>st</sup> April 1956).

**645. Consultation and/or treatment for mental diseases.—**A Railway servant or a member of his family or dependent relative suffering from mental diseases may receive consultation and/or treatment in the nearest Government recognised Mental Hospital, on the advice of the authorised medical attendant and with the prior approval of the Chief Medical Officer, subject to the condition that the duration of the treatment for which reimbursement of medical expenses will be admissible to the Railway servant concerned should not exceed six months unless the Medical Superintendent of the Mental Hospital concerned, certifies that treatment for a reasonable period upto one year in two or more separate spells (i.e., 6 months or less at a time) beyond the six months limit is likely to lead to complete recovery of the patient.

**Note 1.—**A list of mental hospitals for treatment of Railway servants and the members of their families suffering from mental diseases is given in Appendix V of the Indian Railway (Establishment) Manual.

**Note 2.—**The amended rule will take effect from 7th March 1962.

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**INDIAN RAILWAY ESTABLISHMENT CODE (Vol - I)**

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**Chapter 7**  
**Law suits against railway servants**

**701.** (1) A railway servant may be involved in legal proceedings in the following types of cases, viz., the cases in which acts are done--

- (i) in the execution or performance of the official duty,
- (ii) not in the execution or the official duty, but by virtue of, or having connection with the official position, and
- (iii) in neither of the above capacities.

(2) All claims for reimbursement of legal expenses falling under items (i) and (ii) above shall invariably be referred to the Railway Board for their consideration irrespective of whether or not in such cases the Railway Administration finds any justification for reimbursement of legal expenses. Cases falling under item (iii) may be those in which a person may be guilty of bribery, illegal gratification, corruption, etc., accepted or committed not by virtue of his official position but in his private dealings. No reimbursement will be admissible in such cases.

(3) Normally, reimbursement of the fees of only one (or the senior) counsel should be considered. The fees should comprise of professional charges only and should ordinarily exclude other charges such as travelling allowance, clerkage, etc.

(4) The Union Public Service Commission shall be consulted in regard to cases of type (i) of rule (1) above under article 320 (3)(d) of the Constitution on any claim for a cost incurred by a railway servant in defending legal proceedings instituted against him in respect of acts done or purporting to be done in the execution of his official duty. In other cases of type (ii) above it is not obligatory to consult the Union Public Service Commission, though the Government may do so if considered necessary.

(5) The General Manager may frame subsidiary rules prescribing the procedure to be followed by a railway servant in arranging for his defence. Failures to observe this procedure may result in the reimbursement of the legal expenses incurred by him being withheld.

**702. (I) Suits arising out of circumstances connected with the execution or performance of the Official duties or position of the railway servant.—(1) Proceedings initiated by Private parties.**—When a suit arising out of circumstances connected with the duty of a railway servant is brought against him the following provisions shall apply—

- (a) (i) if the railway servant is sued by a party claiming from him wages of money arising out of transactions in which he is concerned only in his official capacity, and bonafide on behalf of Government, it will be necessary for the railway servant to defend the suit by pleading that Government should be made the defendant as the party really interested.
- (ii) if however, the suit against the railway servant is for damages in respect of an alleged act of the railway servant as an employee of government, i.e. a suit for wrongs, the party aggrieved may, as a general rule, bring the suit against such railway servant, and it would be no defence for the latter to contend that he has a right to look to the party by whose act he has been aggrieved, whether he could or could not have sued that party's principal.
- (iii) whether the suit falls under sub-rule(i) or sub-rule(ii) of this rule, the railway servant who fails to defend the suit or to reply to the plaint in person or by counsel as the circumstances may require, becomes personally responsible.
- (b) (i) If the government, on consideration of the facts and circumstances of the case consider that it will be in the public interest that government should themselves undertake the defence of the railway servant in such proceedings and if the railway servant agrees to such a course, the railway servant should be required to make a statement in writing as in Annexure 'A' and thereafter government should make arrangements for the conduct of the proceedings as if the proceedings had been instituted against the government.



**ANNEXURE 'A'**

(Here enter description of the proceedings)

The Government of India having been pleased to undertake my defence in the above proceedings. I hereby agree to render such assistance to Government as may be required for my defence and further agree that I shall not hold Government in any way responsible if the proceedings end in a decision adverse to me.

.....  
Signature of the Government servant

Dated.....

Where in a civil suit a railway servant is sought to be made liable for damages for acts or negligence in discharge of his official duties of civil nature and Government is impleaded on the ground of vicarious liabilities, the Government should arrange for the defence of the railway servant also, provided the defence of the Government and the railway servant are substantially the same and there is no conflict of interest. Each case should be examined in consultation with the Law Officers before undertaking common defence. If it is decided to arrange for the defence of the railway servant, the railway servant, should be required to make a statement in writing as in Annexure B.

(ii) (a) If the railway servant proposes to conduct his defence in such proceedings himself, the question of reimbursement of reasonable costs incurred by him for his defence may be considered in case the proceedings conclude in his favour. In determining the amount or costs to be so re-imbursed, the government will consider how far the Court has vindicated the acts of the railway servant. The conclusion of the proceedings in favour of the railway servant will not by itself justify re-imbusement.

(b) To enable the railway servant to meet the expenses of his defence, the Government may sanction, at their discretion, an interest-free advance not exceeding Rs. 500/- or the government servant's substantive pay for three months, whichever is greater, after obtaining from the railway servant a bond in the form reproduced as Annexure 'B'.

The recovery of the advance may be made in not more than twenty four equal monthly installments, the exact number being determined by the sanctioning authority provided the advance is recovered before the date of retirement. The recovery of the advance should commence on the first issue of pay/leave salary/subsistence allowance following the month in which the advance is drawn. The advance is recoverable from each issue of pay/leave salary /subsistence allowance till it is repaid in full. At the time of reimbursement of legal expenses, the entire balance of advance outstanding against the railway servant should be recovered from the amount reimbursed to him. If the amount reimbursed is less than that the outstanding balance of the advance, the remaining amount will be recovered installments as already fixed. In the case of grant of more than one advance, the recovery of such advances should run concurrently.

(c) No second advance in respect of the same proceedings will be admissible. There will, however, be no objection to the grant of more than one advance if they relate to different proceedings against a railway servant.

(d) Where advance is sanctioned to a temporary railway servant, he should be asked to furnish a surety of a permanent railway servant of equivalent or higher status not governed by the Payment of Wages Act, in the form at Annexure C.

(e) The amount of advance is debited under the minor head "Other Advances" subordinate to Major Head "Loans to railway servants" under Section "P-Loans and advances by the Central Government."

**(2) Proceedings initiated by Government.**—Government will not give any assistance to a railway servant for his defence in any proceedings, civil or criminal, instituted against him by the State in respect of matters arising out of or connected with his official duties or his official position. Should however, the proceedings conclude in favour of the railway servant, the government will entertain his claim for reimbursement of costs incurred by him for his defence and if government are satisfied from the facts and circumstances of the case that the Railway servant was subjected to the strain of the proceedings without proper justification, they will consider whether the whole or any reasonable proportion of the expenses incurred by the railway servant for his defence should be reimbursed to him.

**(3) Proceedings initiated by railway servant on his being required by government to vindicate his official conduct.**—A railway servant may be required to vindicate his conduct in a court of law when specific allegations are made in the Press against him as an individual public officer. The question whether costs incurred by the railway servant in such cases should be reimbursed by the Government and if so to what extent, should be left over for consideration in the light of the result of the proceedings. Government may, however, sanction an interest-free advance not exceeding Rs.500/- or railway servant's substantive pay for three months whichever is greater in each case on the execution of a bond by the railway servant in the form reproduced in Annexure 'B'. In determining the amount of costs to be reimbursed on the



conclusion of the proceedings, the Government will consider to what extent the Court has vindicated the acts of the railway servant in the proceedings. Conclusion of the proceedings in favour of the railway servant will not by itself justify reimbursement.

**(4) Proceedings instituted by a railway servant Suo-Moto with the previous sanction of Government to vindicate his conduct arising out of or connected with his official duties or position.**—If a railway servant resorts to a court of law with the previous sanction of the government to vindicate his conduct arising out of or connected with his official duties or position, though not required to do so by government, he will not ordinarily be entitled to any assistance, but government may, in deserving cases sanction advances in the manner indicated above, but no part of the expenses incurred by the railway servant will be reimbursed to him even if he succeeds in the proceedings.

**(5) Proceedings instituted against a railway servant by another railway servant in respect of matters connected with the former's official position or duties.**—Where, on the basis of the facts and circumstances of the case, it is considered that it would be in public interest to defend a railway servant in a case filed against him by another railway servant in respect of matters connected with the former's official duties or position latter railway servant be treated as a 'private party' and assistance given to the former in terms of Rule 702(1)(1)(b). This will not apply to cases in which the railway servant has/have been impleaded as correspondent(s) by other railway servant(s) in suits against the Government in regard to conditions of service, such as seniority etc.

**(6) Proceedings in respect of matters not connected with the official duties or position of the railway servant.**—Government will not give any assistance to a railway servant or reimburse the expenditure incurred by him in the conduct of proceedings in respect of matters not arising out of or connected with his official position, irrespective of whether the proceedings were instituted by a private party against the railway servant or vice-versa.

**(7) Procedure for conducting defence.**—(i) It shall rest entirely with government to determine whether it would be just and proper that the defence should be undertaken at the expense of government. If there is a prima facie evidence that a railway servant has acted improperly, he should be left to conduct his own defence, leaving the question of reimbursement to him of the legal expenses incurred by him to be considered by government subsequently on its merits.

(ii) Where suits or criminal charges are brought against railway servants, arising out of circumstances connected with their duty, the General Manager of a railway is empowered to undertake their defence by employing such legal assistance as may be considered necessary should, however, the law charges in any particular case be estimated to exceed Rs. 50,000/-

( Rupees Fifty Thousand ) the prior sanction of the President shall be obtained to the expenditure being incurred. Any costs awarded by the Court of the railway cannot be set off against the expenditure for the purpose of this limit.

(Authority : Railway Board's Letter No. E(G)2010/LL2/4 dated 24.11.2010) ACS

No. 114

**Railway Ministry's orders.**—(a) The prior approval of the Railway Ministry should invariably be obtained in regard to fees to lawyers proposed to be engaged except in cases in respect of which standing arrangements have been made, i.e. cases handled by the Railway Advocates/Central Government standing Counsel.

(b) Where a lawyer is engaged at more than Rs. 750/- per day in the Supreme Court or in a court Bombay or Calcutta or at more than Rs. 400/- per day elsewhere, it should be regarded as a high fee and accordingly the express prior sanction of the Railway Ministry should be obtained.

(c) If in any case it is considered essential to engage the Attorney General or the Solicitor General to appear in any Court, the approval of the Ministry should be obtained.

(d) The fees of the Advocate General and other Law Officers of State Governments engaged on behalf of the Central Government are not governed by any general agreement between the officers and the Government of India. Fees are not paid in Special Police Establishment cases to these officers except to those part-time officers whose terms require payment by the State Government in similar cases. In other cases, fees may have to be fixed according to the merits of each case. When fees are paid to them, these will be subject to the instructions contained in sub-paragraph (b) above.

The procedure in cases where the total fee payable to a lawyer appearing in several cases before a court on the same day, or a consolidated fee fixed per case, exceeds the prescribed ceiling limits would be as follows—

(i) It will not be possible to lay down definite limits when fees are fixed per case. The reasonableness or otherwise of fees in such cases will depend on several factors such as the estimated duration of the trial the size of the record to be studied, etc., and it will be for the Railway Administration to judge whether the fees proposed are considered high. If it is considered that the fees per case demanded by the lawyer are *prima-facie* high, then the procedure laid down in sub-paragraph (b) above should be followed. If however, the High Court has laid down the scale of fees in regard to any class of cases payment upto the limits so laid down can be regarded as reasonable.



(ii) When a lawyer is engaged for a number of cases for which he has to appear in the Court on one and the same day and total amount of fees connected, with those cases exceed the prescribed limits, if the fee for each case is within those limits, the procedure laid down in sub-paragraph (b) above need not be followed.

### ANNEXURE 'B'

BY THE BOND I .....\*having taken an advance of Rs.....  
(Rupees.....only) from the President of India (hereinafter called the "Government") promise to pay to the Government the said sum of Rs. .... in .....\*\*equal monthly installments of Rs..... payable by the 10<sup>th</sup> every month commencing from .....#

2. And I agree that in case I cease to be in Government service for any reason whatsoever, the entire balance of the amount shall become at once due and payable and that in case I fail to pay the same before the date of expiry of six months from the date on which the payment of last instalment under this bond would have become due but for my ceasing to be in Government service, whichever date is earlier, the government without prejudice to any other right to which it shall be entitled under any law for the time being in force, shall recover the entire balance of the amount from me.

Dated this.....day of.....20.

.....  
(Signature of Government servant )

Witnesses to signature—

1. ....

2.....

Accepted

.....  
(Signature)

.....  
(Designation)

For and on behalf of the President of India

\* Here give the name and other particulars of Government servant including the post held by him.

\*\* Here mention the number of installments.

# Here mention the date of commencement of the first installment.

@ Here mention the designation of the officer who is authorized to execute the bond under Article 299 (1) of the Constitution

### ANNEXURE 'C'

### SURETY BOND

Know all men by these presents that I .....son of

Shri.....resident of .....in the District of .....  
....., at present employed as a permanent.....In the.....  
(hereinafter called "the Surety") am held and firmly bound to the President of India (hereinafter called "the Government") which expression shall include his successors and assignees in the sum of Rs.....(Rs.....)

Only with all costs between attorney and client and all charges and expenses that shall or may have been incurred by or occasioned to the Government to be paid to the Government for which payment to be well and truly made I hereby bind myself. My heirs, executors, administrators and representatives firmly by these presents. As witness my hand this.....day of..... one thousand nine hundred and ninety.....

Whereas the Government has agreed to grant to Shri..... a resident of..... in the District of..... at present employed as temporary/quasi-permanent in the.....(hereinafter called "the borrower") at the borrower's own request an advance of Rs..... (Rs..... only) for the..... and whereas the borrower has undertaken to repay the said amount in equal monthly installments.

And whereas in consideration of the Government having agreed to grant the aforesaid advance to the Borrowers the surety has agreed to execute the above bond with such condition as hereunder is written.

Now the condition of the above written bond is that if the said borrower shall, while employed in the said..... duly and regularly pay or cause to be paid to the Government the amount of the aforesaid advance owing to the Government by instalments then this bond shall be void otherwise the same shall be and remain in full force and virtue.

But so nevertheless that if the borrower shall die or become insolvent or any time cease to be in the service of the Government the whole or so much of the said sum of Rs. .... (Rs. ....only) as shall then remain unpaid shall immediately become due and payable to the Government and be recoverable from the surety in one installment by virtue of this bond.

The obligation undertaken by the surety shall not be discharged or in any way affected by an extension of time or any other indulgence granted by the Government to the said borrower whether with or without the knowledge of the surety.

The Government have agreed to bear the stamp duty, if any, for this document.

(Signature of Surety)

Signed and delivered

By the said..... Designation..... at..... Office to which attached  
.....this..... In the presence of—

of..... 20

1. ....

Signature .....

Addresses and occupation of the witnesses-

(1).....

Accepted

(2) .....

.....

For and on behalf of the President of India

**703.** When the Government of India are interested in a criminal prosecution either the Solicitor of the State Government in whose State the accused is prosecuted should be employed, or, when the prosecution is directly controlled from the headquarters of the Government of India, the Solicitor will, if necessary, take further advice from the Advocate General or the Government Advocate, according to the State in which the prosecution is being conducted .

**Railway Ministry's decision** -When any case concerning a railway administration is to go to the Supreme Court, the administration should entrust it to the Government Agent, Central Agency Section, Ministry of Law, New Delhi, and the engagement of a counsel, if necessary, should also be done in consultation with the Government Agent.

**704.** No prosecution shall be instituted without adequate legal advice being given in writing, and no prosecution shall be instituted or withdrawn in any manner contrary to such legal advice without reference to the Railway Ministry.

**Government of India's decision.** - Advocates or other legal practitioners engaged on behalf of the Government of India should not settle out of Court or compromise any suit or other civil proceeding without the express sanction of the Government save..... in exceptional circumstances when there is not sufficient time to consult appropriate authorities of the Government of India and when not to settle or compromise the matter would be definitely prejudicial to the interests of the Government. When, in exceptional circumstances, such compromise or settlement is



made without the express authority of the Government of India, the advocate or other legal practitioner engaged on their behalf should record in writing special reasons for entering into the compromise or settlement on his own authority. Similar instructions would apply to reference of a case to arbitration except that as such a course is not required to be taken urgently the advocate or legal practitioner engaged on behalf of the Government of India should, in each case, obtain the previous sanction of the Government before agreeing to arbitration on their behalf.

If Vakalatnama or Power of Attorney is to be executed in favour of the advocate or other legal practitioner to be engaged on behalf of the Government of India care should be taken to incorporate the above condition therein.

(Railway Board's letter No. E55LL2/19/3, dated the 5th May, 1955).

**705.** The fact that a case is under police or judicial investigation shall not preclude a railway administration from making departmental inquiries with the object of either modifying the procedure which has given rise to the fraud or taking any disciplinary action, provided that such departmental inquiries do not hinder or prejudice any police or judicial investigation in progress. Before instituting departmental inquiries the Legal Adviser of the railway concerned shall invariably be consulted.

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### Chapter 8 Staff Benefit Fund

**801.** A Railway Staff. Benefit Fund shall be maintained for each Indian Railway.

**802. (1)** Education of the staff and of their children when no assistance is admissible under the provisions laid down in Chapter – XXII, Section-A (Schooling facilities and educational assistance for children of Railway Servants) of Indian Railway Establishment Manual Volume-II, provided that no grant shall be made to a school which is not in accordance with any general or special order issued by the President in this behalf.

**(2)** If the Committee desire to incur expenditure on any other object which in their opinion is for the benefit of the staff, they shall refer the matter to the General Manager whose decision shall be final.

**803.** No part of the fund shall be used for the benefit of any gazetted railway servant, except as provided in Rule 805(1).

(Authority: Board's letter No. E(W)97/FU-1/4 dated 13-10-99)

**Note.**—A scholarship for study granted to the child/ward of a non-gazetted railway servant will not be withdrawn merely because the railway servant is subsequently promoted to officiate in a gazetted post, provided the student remains otherwise eligible for the same. When, however, the railway servant is confirmed in the gazetted post, the scholarship should merely be discontinued and no recovery should be made in respect of the period from the date of confirmation to the date of issue of the Notification of confirmation.

**804. Credits to the Fund.**—To the fund shall be credited:—

(1) all receipts from fines; and

(2) all receipts from forfeited Provident Fund bonuses, except forfeited bonuses of gazetted railway servants.

**805.** In addition to the credits to the Fund detailed in Rule 804, there shall be credited to the fund on the 1<sup>st</sup> April of each financial year an annual grant from the revenues of the Railway at a per capita rate of 800/- based on the sanctioned strength of non-gazetted Railway employees, permanent and temporary, as on the 31<sup>st</sup> March, posts charged to capital being excluded. The Fund shall be credited provisionally on the 1<sup>st</sup> April each year with an amount equal to the contribution for the previous year, the necessary adjustment being made as soon as the correct amount of the contribution has been determined. The distribution of 800/- among different activities will be as under:

s. No	Head/activity	Allocation (in ₹)	Scope
1.	Education- Scholarship for Higher Technical/professional education for wards of non-gazetted staff in grade payoff Rs 2400/- (as per Pre-revised Railway Services Pay Rules, 2008) corresponding to revised level in pay matrix in Railway Services ( Revised Pay) Rules, 2016 @ Rs 1500 p.m	116	For wards of railway employee in grade pay of above Rs 2400/- (as per pre-revised Railway services Pay Rules 2008) corresponding to revised level in pay matrix in Railway Services ( Revised Pay) Rules, 2016 pursuing Higher Technical/Professional Education.  (Authority; Board's letter No E (W) 2014/FU-1/1 dated 08.12.2014)



2.	Scholarship for higher technical/professional education of Girl children of staff in grade pay up to I 2,400/- @ I 1500/-pm.	110	Scholarship for pursuing technical/professional diploma/degree for girl children of railway employees in grade pay up to I 2400/-
3.	Scholarship for higher technical/professional education of Male children of staff in grade pay up to I 2,400/- @ I 1500/-pm.	100	Scholarship for pursuing technical professional diploma/degree for male children of railway employees in grade pay up to I 2400/-
4.	Women empowerment activities including seminar, camps, training programmes and gender sensitization camps etc.	28	Giving support to creches, arrangements for safety of women railway employees & other initiatives taken by railways
5.	Recreation other than sports	32	Recreational facilities, purchase of gym equipments, employees'/wards' holiday camps, study tours.
6.	Recreational facilities at Institutes and Clubs etc.	36	
7.	Promotion of Cultural Activities	16	Organizing cultural programmes in residential colonies, Divisions and schools and purchase/maintenance of instruments etc.
8.	Relief of distress, sickness, etc for staff in grade pay up to I 4600/-	120	To grant higher amount of relief to employees in need such as immediate financial assistance to railway employees in accidents and for employees who are long sick and hospitalized for a long period and are on leave without pay: no leave (LAP or LHAP) is in his credit. Funeral charges for death of Railway employees be given at I 10,000/- in each case.
9.	Sports activities	30	Encouraging sports by giving latest sports equipment and imparting training at schools, institutes and clubs.
10.	Scouts & Guides activities	22	Augmentation of training facility all over railways
11.	Indigenous system of medicine including Homoeopathy	36	
12.	Immediate relief in times of crisis arising out of floods, famines,	24	

	landslides, fire or any other calamity		
13.	Developing occupational skills of physically/mentally challenged railway employees and their wards including purchase of wheel chairs, other aids, special software etc. and organizing workshops, seminars, camps etc.	50	Assistance to employees/wards in need of special equipments etc
14.	Miscellaneous	80	Support for improvement in holiday homes, rest houses, entertainment/ information facility viz colour TV; electrical appliances/maintenance fund for recurring expenses on such facilities.
	Total	800/-	

Note: -

(1) Allocation provided against Head/Activity at S.No.(1) (2) and (3) will also be utilized for financing the scheme of Cash award for wards of Railway employees for outstanding contribution in Academics & Sports as stipulated vide Annexure-1 to Board's letter No.E(W)2014/FU-I/I dated 01-06-2015 (RBE No.54/2015).  
(Authority: Railway Board's letter No. E(W)2010/FU-1/4 dated 12.10.2015)...acs no.127

(2) The Fund shall also be augmented to the extent of 50% of expenditure incurred by the respective railways on grant of scholarships to the children of railway employees for technical education of their children during the preceding year.

**Note 1.**-Interest at 2 percent per annum shall be credited on the balance at the credit of the Fund lying with the Government and will be taken in reduction of the annual contribution from the revenues of the railway.

**Note 2.**-In the case of Chittaranjan Locomotive Works, Diesel Locomotive Works, Integral Coach Factory, a similar contribution to this fund shall be made chargeable to "Capital Suspense--Workshop Suspense Accounts under Performa on Cost". In the case of Wheel and Axle Plant, COFMOW Central Organisation for railway Electrification the contribution shall be chargeable to Demand No. 16-Assets - Acquisition, Construction and Replacement. In the case of diesel Component Works, Rail Coach Factory, the contribution to the Fund shall be made chargeable to Demand No. 16 (WMS), whereas in the case of RDSO and Railway Claims Tribunal, it shall be chargeable to Demand No.2— Miscellaneous Expenditure General.

**Note 3.** Based on the overall per capita contribution of 30/- for sports activities, sports allotments shall continue to be made by the Ministry of Railways in consultation with the Railway Sports Promotion Board, to the Zonal Railways/Production Units.

Allotment of 22/- for scouting activities will also be made by the Ministry of Railways. 24/- per capita allotted for "Immediate relief in times of crisis arising out of natural calamities" will be made from the "SBF Calamity Relief Fund" at the level of the Ministry of Railways. Therefore, allotment for 76/- will be authorized centrally by Ministry of Railways (Railway Board) from sanctioned Budget allotments.

(Authority: Railway Board's letter No. E(W)2010/FU-1/4 dated 12.10.2015)...acs no.127

**Note. 4.**—Except in the case of funds for scouting, sports, education and Inter Railway Cultural Competitions, Staff Benefit Fund Committees of the Railways/Production Units, etc. may re-appropriate funds under other heads, subject to the condition that not more than 10% of the amount is re-appropriated from any



head.

(Authority: Board's letter No. E(W)97/FU-1/4 , dated 13-10-99)

**806. Expenditure from the fund.** -- Subject to the general supervision of the General Manager, all expenditure from the Staff Benefit Fund shall be authorised by the Committee or by a Sub-Committee duly appointed under the provisions of Rules 808.

**Railway Ministry's decision.** - The cost of stationery, printing charges of forms, postage charge and other contingent expenses relating to the Fund should be met from the Railway Revenues. Expenditure on entertainment during the meetings, of the Staff Benefit Fund Committee should be met from the fund itself.

(Railway Ministry's letter No. E(W)59FU-1-12 dt. 10-5-1960 & No. E(W) 60FU 1-3, dt. 12-2-1960).

**807. Management of the Fund.** -The fund shall be managed by a Committee at the headquarters of the Railway presided over by the Chief Personnel Officer. Besides Chairman the Committee shall consist of the following:-

- (i) The Chief Personnel Officer;
- (ii) The Chief Medical Officer;
- (iii) The Additional Chief Engineer;
- (iv) A Welfare Officer to be nominated by the General Manager who shall act as the Secretary of the Committee ; and
- (v) Six members shall be from recognised unions, to be equally divided amongst the recognised unions.
- (vi) One representative each from All India Scheduled Castes & Scheduled Tribes Railway Employees Association (AISC&STREA) and All India OBC Railway Employees Association (AIOBCREA). (Authority: Board' s letter No.E(W)2012/FU-1/6 dated 27-05-2014) –ACS No.122

**Note.** -In the production units where staff councils are functioning members elected by the Central Staff Councils will be represented on the Staff Benefit Fund Committee.

(Authority : Board's letter No. E(W)97/FU-1/4 , dated 13-10-99)

**808. (1)** There shall be a Divisional Staff Benefit Fund Committee on each Division, which shall be presided over by the Divisional Personnel Officer.

Besides the Chairman, the Committee shall consist of the following:-

- (i) One officer to be nominated by the Divisional Railway Manager ;
- (ii) Two representatives from each recognised union; and
- (iii) A Welfare Inspector nominated by the Divisional Manager who shall act as Secretary.
- (iv) One representative each from All India Scheduled Castes & Scheduled Tribes Railway Employees Association (AISC&STREA) and All India OBC Railway Employees Association (AIOBCREA). (Authority: Board' s letter No.E(W)2012/FU-1/6 dated 27-05-2014) –ACS No.122

(2) Each workshop will also have a Workshop Staff Benefit Fund Committee, the constitution of this Committee being the same as that prescribed above for the Division. If there is no Senior Scale Personnel Officer in a workshop, his place shall be taken by the Works Manager, or if there is no Works Manager, by the Assistant Works Manager.

In the event of disagreement with the decision of the Division/Workshop Sub- Committee, the matter shall be referred to the Divisional Railway Manager/Deputy Chief Mechanical Engineer-in-charge of the workshop, as the case may be, whose decision in the matter shall be final.

The Divisional/Workshop Staff Benefit Fund Committees shall have powers to allot funds for the objects specified in these rules within the rules and limitations prescribed by the Headquarters Committee.

**Railway Ministry's decision 1.**-No retired employee, or an outsider shall be nominated by the Recognised Unions to serve on the Staff Benefit Fund Committee.

(Railway Ministry's letter No. E(W)68FU1-5, dt. 30-4-1968).

**Railway Ministry's decision 2.**-Railway employees under suspension shall not be allowed to participate in the meetings of the Staff Benefit Fund Committee. There is no objection to substitutes taking their place for the period the sitting members remain disqualified.

(Railway Ministry's letter No. E(W)60NM1-31, dt. 1-11-1960.)

**809.** A member of the Committee or Sub-Committee shall hold office for one year unless he is removed by the General Manager or resigns but shall be eligible for renomination or re-election.

**810.** If the Chairman disagrees with a majority of the Committee as regards-

(1) Financial propriety of an expenditure from the Fund.

(2) Whether the grant comes within the objects mentioned in rule 802.

(3) Whether it conflicts with the, recognised policy of the Government or the Railway, he shall refer the matter to the General Manager whose decision in the matter shall be final.

**811. Accounts of the Fund.**-- The General Manager shall make such arrangements as may be necessary for keeping the accounts of the fund; and audit shall be carried out in such manner as the President may direct.

**812. Annual report on the working of the Fund.** -The General Manager shall submit annually a report to the Railway Board on the working of the fund during the previous financial year.

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## INDIAN RAILWAY ESTABLISHMENT CODE (Vol - I)

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### Chapter 9 Provident Fund Rules

**901. Short title and extent of application.** -- The rules in this chapter may be called the State Railway Provident Fund Rules.

This will apply to all railway servants both pensionable and non-pensionable, provided no government contribution and special contribution will be credited to the account of the subscriber who are pensionable, but shall not apply to

- (i) employees taken over from the ex-Company Railways who have not opted for both C.P.C. Leave Rules and C.P.C. scales of pay.
- (ii) non-pensionable employees taken over from the ex-State Railways who opted to be governed by the ex-State Railways scales of pay applicable to them and on promotion also elected to retain ex-States Railways scales of pay, and
- (iii) pensionable railway servants of ex-States Railways with more than three years service at the time of taking over
- (iv) Railway servants entering into service on or after 1st January, 2004.

(Ministry of Railway's letter No. F(E)III/2003/PFI/3 dated 31.12.03)

**902. Definitions.**-- In these rules, unless, there is anything repugnant in the subject or context-

(1) "**Accounts Officer**" means the Financial Adviser and Chief Accounts Officers of a railway or such other officer as may be appointed in this behalf by the Railway Board.

(2) "**Children**" means legitimate children and step-children. It shall also include adopted children.

(a) for the purpose of payment of Provident Fund excluding special contribution, only if the Accounts Officer is satisfied after obtaining such legal advice as he may consider necessary that under the personal law of the subscriber, adoption is legally recognised as conferring the status of a natural child; and

(b) for the purpose of payment of special contribution to the provident fund, at the discretion of the General Manager, according to the circumstances of each case irrespective of whether the adoption was valid under the personal law of the subscriber having regard to his religion or not.

(3) "**Controlling Officer**" means in relation to the classes of subscribers specified in the first column of the table below, the officer or authority specified in the corresponding entry in the second column thereof.

Classes of Subscribers	Controlling Officer
1. Subscribers under the Administrations control of a General Manager.	The General Manager.
2. Subscriber employed in a department or office, project or factory directly under the control of the Railway Ministry.	The head of the department office, project or factory.
3. Subscribers not above the rank of Section Officers of the Railway Ministry.	The Secretary, Railway Board.
4. Head of departments or Officers directly under the control of the Railway Ministry and General Manager and Officers above the rank of Section Officers employed in the Office of Railway Ministry.	The Railway Board.

5. Railway servants employed in the Railway Audit Department.	The additional Deputy Comptroller and Auditor General of India (Railways)
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**Railway Ministry's decision.-** The powers exercised by the Secretary, Railway Board, as "Controlling Officer" may also be exercised by the Joint Secretary, Railway Board, in respect of officers not above the rank of Section officers Officers and by the Deputy Secretary, Railway Board, in respect of Group C and Group D staff of the Railway Board's office, provided the Controlling Officer and/or General Managers are empowered to redelegate such powers to lower authorities or, such powers can be exercised by authorities lower than the controlling officers under the relevant rules.

(Railway Ministry's letters No. E55 AD 6/4, dated the 15th May, 1956 & 19th April, 1951 and letter No. F(E) III/74PW/1 dated 10-6-74).

(4) **"Dependent"** means any of the following relatives of a deceased subscriber namely, a wife, husband, parent, child, minor brother, unmarried sister and deceased son's widow and child, and where no parent of the subscriber is alive, a paternal grand parent.

(5) **"Emoluments"** means pay as defined in Rule .103(35) in chapter I of this volume and includes any remuneration of the nature of pay received in respect of foreign service, and dearness pay:

Provided that—

- (i) The monthly emoluments of a Group 'C' and Group 'D' railway servant entitle to running allowances shall include a fixed components representing the pay element in the running allowance, as notified by the Government through administrative instructions from time to time.
- (ii) the emoluments of a railway servant who is on deputation out of India shall be deemed to be the emoluments he would have drawn had he remained on duty in India; and
- (iii) in the case of a person re-employed under reemployment terms, emoluments shall mean only the emoluments as admissible as a re-employed person. If in any case pension is held in abeyance, the gross pension (including portion of pension commuted) and /or pensionary equivalent of other retirement benefits held in abeyance shall be excluded from these emoluments.

**Railway Ministry's order.-** The term "actual amount of running allowances" represents running allowance subject to the usual limit of seventy-five percent of pay, of running staff employed in relief of permanent station staff and running staff attached to the Indian Territorial Army (Railways).

(6) **"Family"** means :-

- (a) in the case of male subscriber, the wife or wives, parents, children, minor brothers, unmarried sisters, deceased son's widow and children and where no parents of the subscriber are alive, a paternal grand parents :

Provided that if a subscriber proves that his wife has been judicially separated from him or has ceased, under the customary law of the community to which she belongs, to be entitled to maintenance, she shall thenceforth be deemed to be no longer a member of the subscriber's family in matters to which these rules relate unless the subscriber subsequently indicates, by express notification in writing to the Accounts Officer that she shall continue to be so regarded;

- (b) In the case of a female subscriber, the husband, parents, children, minor brothers, unmarried sisters, deceased son's widow and children and where no parents of the subscriber are alive, a paternal grand parents.

Provided that if a subscriber, by notification in writing to the Accounts Officer, expresses her desire to exclude her husband from the family, the husband. shall henceforth be deemed to be no longer a member of the subscriber's family in matters to which these rules relate, unless the subscriber subsequently cancels formally in writing her notification excluding him;

Provided further that in either case if the child of a subscriber has been adopted by another person and if, under the personal law of the adopter, adoption is legally recognised as conferring the status of a natural child, such a child shall be considered as excluded from the family of the subscriber.

(7) **"Fund"** means the State Railway Provident Fund.



(8) **"Pay"** for the purpose of Special contribution to Provident Fund admissible to Railway servants under rule 915 means pay as defined in rule 103(35) which the railway servant was receiving immediately before quitting service. The benefit of higher officiating pay will, however, be given only if such pay was drawn continuously for a period of *not less than 22 days*. In the case of running staff, the pay for Special Contribution to Provident Fund will include the monthly average of the running allowance drawn during 365 days of running duty immediately preceding quitting service limited to 55% of the pay as determined above. In the case of running staff the pay for special contribution to Provident Fund will include a fixed component representing the pay element in the running allowance, as notified by the Government through administrative instructions from time-to-time.

**Note 1.** - If a Railway servant, immediately before his retirement or death etc. has been absent from duty on leave, the pay for the purpose of Special Contribution to Provident Fund should be taken as that it would have been had he not been absent from duty;

Provided that the benefit of higher officiating or temporary pay is given only if it is certified that he would have continued to hold the higher officiating or temporary appointment but for his proceeding on leave .

**Note 2.** -The officiating pay drawn by Railway servant while on deputation to other departments of the Central Government or to a State should be taken into account for determining pay under the above para.

**Note 3.**-The pay drawn by the Government servant while on foreign service or deputation to non-Government bodies will not count for Special Contribution to Provident Fund. In such a case the pay which the Government servant would have drawn under the Government, had he not been sent on foreign service/deputation will also be taken into account.

**Note 4.**-In the case of persons governed by the prescribed scales of pay the "dearness pay" shall mean pay under Rule 103(35)

(Railway Ministry's letter No. F(E)III 68PF-1/21 dt. 12-9-69)

**Railway Ministry's decision-** (i) The intention of the term "running duty" in this rule is to exclude only such periods during which the railway servant is taken off from the running post to officiate in a stationary post and draws the pay of the stationary post without any running allowances; (ii) in cases where a railway servant has been officiating in a stationary post for the entire period of three hundred and sixty-five days or more, the period of three hundred and sixty-five days immediately preceding the date of the stationary appointment should be taken.

(Railway Ministry's letter No. F 41AL19(I), dt. 2-10-1941).

(iii) In the case of members of the running staff, who on transfer from a stationary post to a running post, may not have completed three hundred and sixty-five days of running duty before quitting service, their average running allowance for purposes of this rule should be calculated on the basis of actual days of running duty in the manner indicated in (i) above.

(iv) The term "monthly average of running allowance drawn during the three hundred and sixty-five days of running duty immediately preceding the date of quitting service" used in proviso (i) of the rule should be interpreted to mean 1/12th of the total running allowances drawn during the three hundred and sixty-five days of running duty immediately preceding the date of quitting service.

(Railway Ministry's case No. (FE)51/PF-8/3.)

(9) **"Running Allowance"** is an allowance ordinarily granted to running staff for the performance of duty directly connected with the charge of moving trains; and include "mileage allowance" or "allowance in lieu of mileage" but excludes special compensatory Allowance.

(10) **"Service"** for the purpose of the special contribution admissible under rule 915 means continuous service during which a subscriber holds a lien or a suspended lien on a permanent post paid monthly from railway revenues but includes the period of-

- (i) officiating or temporary service or service as paid apprentice or as a probationer if followed without break by permanent service ;
- (ii) service in monthly paid works establishment;
- (iii) which the President may by a general or special order permit to be counted as service.

(11) **"Subscriber"** means a person who is required or is permitted to subscribe to the fund under these rules ;

(12) **"Technical Department"** means Civil Engineering, Electrical Engineering, Transportation (Power) and Mechanical Engineering and Signal and Tele-communication Department ;

(13) **"Year"** means a financial year.

**903. Constitution and management of the fund.** --The fund shall be maintained in rupees-

**904. Compulsory subscribers.** -All Railway servants except-

- (i) those who are re-employed after final retirement from Government service ; and
- (ii) those whose services were pensionable even before 16th November, 1957, the date of introduction of Pension Scheme on the Railway;

shall subscribe to the fund, in accordance with these rules either from the 1st of the month following that in which they complete one year's continuous service or from the date of confirmation, whichever is earlier. Provided that-

- (a) probationers to Railway services, Group A and Group B shall subscribe from the date of appointment;
- (b) a person, who is subscribing to a Provident Fund administered by another Department/Ministry of the Central Government or a State Government or a body corporate owned or controlled by Government or an autonomous organisation registered under the Societies Registration Act, 1860 on the date of his appointment under the administrative control of the Ministry of Railways (Railway Board) and in whose case the amount in his old Provident Fund is transferred to the State Railway Provident Fund under rule 942-A, shall subscribe to the Fund from the date of joining Railway service; and
- (c) in the case of a Railway servant not eligible to get Government contribution, no subscription shall be recovered on the arrears of emoluments admissible to him consequent on re-fixation of his pay etc, with retrospective effect and paid to him after his retirement from service.
- (d) A temporary railway servant, who is borne on an establishment or factory to which the provisions of Employees Provident Funds and Family Pension Fund Act, 1952 (19 of 1952) would apply or would have applied but for the exemption granted under Section 17 of the said Act, shall subscribe to the State Railway Provident Fund if he has completed six months continuous service or has actually worked for not less than 120 days during a period of six months or less in such establishment or factory to which the said Act applies, under the same employee or partly in the other, or has been declared permanent whichever date is the earliest .

(iii) those who enter service on or after 1st January, 2004.

(Ministry of Railway's letter No. F(E)III/2003/PFI/3 dated 31.12.03)

**Explanation.**-For the purpose of this rule "continuous service" shall have the same meaning assigned to it in the Employees' Provident Fund Scheme, 1952, and the period of work for 120 days shall be computed in the manner specified in the said scheme and shall be certified by the employer .

(Railway Ministry's letter No. F (E) III 76-PF-I/7 dt. 28-12-76.)

**905. (i) Optional Subscribers.** -(i) A Railway servant who, after having served in a technical department as an apprentice on an agreement for fixed period, is confirmed in a permanent post may be permitted to subscribe to the fund with retrospective effect for any complete year or years of his apprenticeship;

(ii) Special Class Apprentices on confirmation in the Transportation (Power) and Mechanical Engineering Department of the Superior Revenue Establishment of the Indian Railway may be permitted to subscribe to the Fund with retrospective effect from the date their engagement as Special Class Apprentices, and

(iii) Re-employed personnel from the date of re-employment.

(2) **Voluntary Subscribers.**-Unless specifically stated otherwise, all compulsory subscribers may subscribe voluntary to the State Railway Provident Fund at any time during the financial year at rates fixed in whole rupees subject to the condition that the rates so fixed shall not exceed the emoluments excluding dearness pay after making necessary



deductions due to Government. The amount of such subscription will be in addition to the normal subscription payable under rule 909 in the case of compulsory subscriber and may be --

- (a) Reduced once at any time during the course of the year;
- (b) enhanced twice during the course of the year; or
- (c) reduced and enhanced as aforesaid.

(Railway Ministry's letter No. F. (E) III 77-PF 1/19 dt. 28-11-77.)

**906. Exceptions.**-Notwithstanding anything contained in rule, 904 or 905 the President may permit any railway servant or class of Railway servants to subscribe to the Fund subject to such conditions as he may think fit to impose.

**907. Subscribers accounts.**-An account shall be opened in the name of each subscriber in which shall be credited-

- (i) his subscriptions;
- (ii) the contribution, if any, made under rules 912 and 914 ;
- (iii) the interest, as provided by rule 920 on the subscriptions and contributions ;
- (iv) incentive bonus as provided by rule 921 on the subscriptions (including voluntary subscriptions);
- (v) the special contribution made under rule 915.

**908. Conditions and rates of subscription.**-Every subscriber shall subscribe monthly to the fund when on duty, foreign service, deputation, temporary transfer from railway service to any other Government service or leave other than leave without pay.

**909. Amount of Subscription.**-(1) The amount of subscription payable for any month shall be 8.1/3% i.e. one twelfth of the subscriber's emoluments for that month in the case of SRPF (Non-contributory) Staff and 10% i.e. one tenth of the subscriber's emoluments in the case of SRPF (contributory) Staff.

Provided that :-

- (i) in the case of a person on leave other than leave without pay, the subscription to the State Railway Provident Fund shall be one twelfth (if governed by SRPF/Non-Contributory Scheme) and one tenth (if governed by SRPF/Contributory Scheme) of the officiating/substantive pay (including overseas pay, special pay if it forms part of the scale of pay of the post, personal pay and dearness pay) admissible to the railway servant from time to time, in the post which he would have held but for being on leave. In the case of running staff one-twelfth (if governed by SRPF/non-contributory scheme) and one-tenth (if governed by SRPF/ contributory scheme) of 55% of basic pay shall also be added to the subscription referred to above. No subscription shall be recovered during the leave without pay.

**Explanatory Note-** In the light of revision of employee's subscription/employer's share of contribution to the employee's Provident Fund from 8.1/3% to 10 % the Government of India have also decided to enhance the employee's subscription/employer's share of contribution to the CPF from the existing 8.1/3 % to 10% w .e. f. 1-3-92. It is certified that none of the employees governed by these rules will be adversely affected with this amendment .

(ii) in the case of a person under suspension, no subscription shall be recovered from the subsistence allowance but if he is subsequently reinstated he shall be allowed the option of paying in one lump sum or in instalments any sum not exceeding the maximum amount of arrear subscription payable for that period.

(2) The subscription shall be rounded off to the nearest rupee, fifty paise and above being counted as the next higher rupee and less than fifty paise being dropped.

(3) A Railway servant who is subscribing to the State Railway Provident Fund (non- contributory) shall be, exempted from making any, subscription, to the fund during the last 3 months of the service. The discontinuance of the subscription would be compulsory and not optional. Recovery towards refund of advance taken from the Provident Fund also may not be made during this period. Further, no temporary advance shall be sanctioned during the last 3 months from the Provident Fund.

(4) Railway servant governed by the State Railway Provident Fund. (contributory scheme) shall not subscribe to the fund for the month in which he quits service unless before the commencement of the said month he communicates to the Head of Office in writing his option to subscribe for the said month.

**910. Realisation of subscriptions.**—(1) When emoluments are drawn from a Government treasury in India or from an authorised office of disbursement outside India, recovery of subscription on account of these emolument and of the principal and interest of advance shall be made from the emoluments themselves.

(2) When emoluments are drawn from, any other source the subscriber shall forward his dues monthly to the Accounts Officer:

Provided that in the case of a subscriber on deputation to a body corporate owned or controlled by Government, the subscription shall be recovered and forwarded to the Accounts Officer by such body.

(3) If a subscriber fails to subscribe with effect from the date on which he is required to join the Fund or is in default in any month or months during the course of a year otherwise than as provided in rule 908, the total amount due to the fund on account of arrears of subscription shall with interest thereon at the rate provided in rule 920, forthwith be paid by the subscriber to the Fund or in default be ordered by the Account Officer to be recovered by deduction from the emoluments of the subscriber by instalments or otherwise, as may be directed by the authority Competent to sanction an advance:

Provided that the subscribers whose deposits in the Fund carry no interest shall not be required to pay any interest.

**911. Recovery of arrears of subscriptions.**—If a railway servant is admitted as a subscriber to the fund with retrospective effect, the arrears of subscriptions due from him shall be recoverable either in a lump sum or in such installments as may be fixed by the controlling officer.

**912. Contribution by Government.** --- (1) The provisions of rules 914 and 915 shall apply only to staff appointed before 16<sup>th</sup> November, November, 1957, who have not opted for the Pension Scheme introduced on that date, no Government contribution is admissible in respect of voluntary subscriptions.

(2) The Government contribution together with interest thereon, already credited to the Provident Fund of a subscriber who opts for the Pension Scheme; introduced on the 16th November, 1957 shall revert to the Government on his opting for that schemes.

(3) At the end of each half-year, that is on the 31st March and 30th September, a contribution will be made from railway revenue to the account of each subscriber at the rate laid down in rule 914 .

Provided that—

- (i) if a subscriber quits the service otherwise than on resignation or dismissal or dies during a half year, contribution shall be credited to his account for the period between the close of the preceding half year and the date of the casualty;
- (ii) if a subscriber quits the service on resignation or dismissal no contribution shall be credited to his account in respect of the subscription for the half year in which the casualty occurs, but the contribution in respect of any arrears of subscription paid during the half year which the subscriber has been permitted under any of these rules to pay and which relate to a previous complete half year or half years, shall be credited to his account; and
- (iii) unless otherwise ordered in any particular case by the President, no contribution shall be payable from railway revenues in respect of a period of foreign service, but that portion of the contribution received from the foreign employer, or the subscriber, as the case may be, which is equivalent to contributions creditable under rule 914 shall be credited to the subscriber's account on the date on which it is received, or the due date whichever is later.

**Railway Ministry's decision** - Retirement on grounds other than those of permanent physical or mental incapacity or attainment of age limit, excepting voluntary retirement with the concurrence of the administration shall be regarded as resignation for the purposes of this rule.

(Railway Ministry's case No. E51/rt1/7/2Pt. A.)

(4) In the case of those temporary railway servants who subscribe after one year's Continuous service, the Government contribution to Provident Fund plus interest thereon shall, subject to that may be specifically provided otherwise by the competent authority be credited to the Provident Fund account only on confirmation with retrospective effect from the



second year of service. In the case of workshop staff the date of confirmation shall mean the completion of three year's continuous service.

**Note.**-Regarding temporary engineers, see State Railway Gratuity Rules.

(5) In the case of re-employed persons, the Government contribution with interest will be credited only if the total period of re-employment exceeds one year. No protected rate of interest will be admissible in such cases.

### **913. Commercial employment by Railway officers after retirement**

1.(a) Every non-pensionable Railway officer shall, before he takes up commercial employment at any time before the expiry of two years from the date of his retirement, obtain the prior permission of the Ministry of Railways :

Provided that no such prior permission is required in cases where such an officer was permitted by the Ministry of Railways to take up a particular commercial employment during his leave preparatory to retirement.

(b) If a non-pensionable Railway officer desires to take up commercial employment before the expiry of two years from the date of his retirement, he shall apply for permission in the prescribed form (enclosed Annexure 1) to the Secretary, Railway Board through the General Manager of the Railway where he had served before retirement.

(c), *Railway Officer' means* a subscriber to, or depositor; in the state Railway Provident Fund (Contributory) constituted by the Ministry of Railways, who, immediately before his retirement is a member of a Railway Service Group 'A' but does not include an officer appointed under a contract of service for a specified term. --,

2(a) '*Commercial employment*' would mean employment in any capacity (including that of an agent) under any company, co-operative society, firm individual engaged in trading, commercial, industrial, financial or professional business and includes also:

- (i) a directorship of a company ;
- (ii) the holding of any officer, whether elective or otherwise, such as that of president, chairman, manager, secretary, treasurer, by whatever name called in a co-operative society and
- (iii) the setting up of practice, either independently or as partner of a firm, as adviser or consultant in matters in respect of which the non-pensionable Railway officer;
  - (a) has no professional qualification, but the matters in respect of which such as practice is to be set up or is carried on are related to his official knowledge or experience,
  - (b) has professional qualifications, but the matters in respect of which such practice is to be set up are such as are likely to give his clients an unfair advantage by reason of the posts held by him under the Central Government, or
  - (c) has to undertake work involving liaison or contact with the offices or officers of Central Government (including Railways) but does not include employment in or under a corporation or company wholly or substantially owned or controlled by Government or employment in or under a body controlled or financed wholly or substantially by Government.

(b) "Government contributions" means contributions made after the commencement of the Provident Funds (Amendment) Act, 1975. In this case it would be from 1-2-1977.

3(a) No Railway officer shall have any right to the Government "contributions made to his credit in a contributory provident fund in any case where he takes up commercial employment at any time before the expiry of two years from the date of his retirement without the prior permission of the Central, Government (Ministry of Railways).

(b) If any non-pensionable Railway officer takes up any commercial employment at any time before the expiry of two years from the date of his retirement without the prior permission of the Central Government (Ministry of Railways) or commits a breach of any condition subject to which permission to take up any commercial employment has been granted to him it shall be competent for the Central Government (Ministry of Railways ) to declare by order in writing and for reasons to be recorded therein that he shall not be entitled to such part of the Government 'contributions made in relation to such officer as may be specified in the order and if he has received payment thereof, to direct that he shall refund to the Central Government (Ministry of Railways) an amount equivalent to such part of the Government contributions ;" .

Provided that no such order shall be made without giving the officer concerned an opportunity of showing cause against such declaration or direction:

Provided further that in making any order under this Rule the Central Government (Ministry of Railways) shall have regard to the following factors, Viz.

- (i) the financial circumstances of the officer concerned ;
- (ii) the nature of, and the emoluments from, the commercial employment taken up by the officer concerned ;
- (iii) the exceptional circumstances, if any, which would cause a hardship to the person concerned in case the permission is refused ;
- (iv) such other relevant factors as may be prescribed.

*Explanation.*-For the purpose of this Rule, the "date of retirement" in relation to a non-pensionable Railway officer re-employed after retirement without any break either in the same or any other Group 'A' post under the Central Government or any other equivalent post under a State Government shall mean the date on which such Railway Officer finally ceases to be re-employed in Government service.

4. Any amount required to be refunded by an order under this Rule may, if it is not refunded within the prescribed period, be recovered as arrears of land revenue.

5. The Central Government (Ministry of Railways) may, by order in writing, on an application made in the prescribed form by a non-pensionable Railway Officer, grant, subject to such conditions, if any, as it may deem necessary, permission, or refuse, for reasons to be recorded in the order, permission, to such officer to take up the commercial employment specified in the application.

6. While granting or refusing permission to the non-pensionable Railway officer for taking up any commercial employment, the Central Government (Ministry of Railways) should also have regard to the following factors:-

- (a) the nature of the employment proposed to be taken up and the antecedents of the employer;
- (b) whether his duties in the employment which he proposes to take up might be such as to bring him into conflict with Government ;
- (c) Whether the officer while in service had any such dealing with the employer under whom he proposes to seek employment as might afford reasonable basis for the suspicion that such officer had shown favours to such employer;
- (d) whether the proposed employment would involve liaison or contact with Central Government Departments ;
- (e) whether the duties under the proposed employment are likely to give his employer an unfair advantage by reason of the posts held by him under the Central Government ;
- (f) the emoluments offered by the proposed employer;
- (g) the exceptional circumstances, if any, which would cause a real hardship to the person concerned in case the permission is refused ;
- (h) any other relevant factors which may be prescribed.

7. Where the Central Government (Ministry of Railways) grants the permission applied for subject to any conditions or refuses such permission, the applicant may, within thirty days of the receipt of the order of the Central Government (Ministry of Railways) to that effect, make a representation against any such condition or refusal and the Central Government (Ministry of Railways) make such orders thereon as it deems fit :

Provided that no order other than an order cancelling such condition or granting such permission without any condition shall be made under this Rule without giving the person making the representation an opportunity to show cause against the order proposed to be made.

8. Every order passed by the Central Government (Ministry of Railways) under this rule shall be communicated to the officer concerned.



**9. Period for refunding Government Contribution:-**Any amounts required to be refunded by an order under this rule shall be refunded by the person concerned within a period of three months from the date of receipt of such order by him.

(Railway Board's letter No. E(G) 77 EM 1-5 dated 22-9-1977.)

**ANNEXURE 1****FORM****(Rule 913)**

**Form of Application for Permission to accept Commercial Employment within a period of Two years after retirement**

1. Name of the Officer(In block letters)
2. Date a of retirement
3. Particulars of the Ministry/Development/office in which the officer served during the last five years preceding retirement (with duration)

---

Name of Ministry/Department/Office

Post held

Duration

---

From To

- 
4. Pay scale of the post and the pay drawn by the officer at the time of retirement..
  5. Government contribution to Contributory Provident Fund (if the amount has not been sanctioned so far, mention the estimated amount).
  6. Details regarding commercial employment Proposed to be taken up:
    - (a) Name of the firm/Company/Cooperative Society, etc.
    - (b) Whether the official had during his official career any dealings with the firm/Comp- any/Cooperative Society, etc. or any other firm to which the firm is subordinate or any other firm which is subordinate to the firm in question.
    - (c) Duration and nature of the official dealings With the firm.
    - (d) Name of job/post offered.
    - (e) Whether the post was advertised, if not, how Was the offer made.
    - (f) Description of the duties of the job/post
    - (g) Does it involve liaison/contact work with Government department.
    - (h) Remuneration offered for the post/job.
    - (i) Station/place of posting of the proposed Commercial employment.
  7. Any information which the applicant desires to Furnish in support of his request.

Station:

Signature of the officer

Date:

**914. Rate of Government Contribution.**--The contribution from Railway revenues under rule 912 subject to the limitations laid down therein shall, be equal to the subscriptions paid by the compulsory/optional subscriber under rule 909 or what would have been paid if the whole or any part of the subscriptions had not been utilised under rule 927 or the payment of the premium on a policy of life insurance during the half year or period;7 as the case may be:

Provided that if it appears at any time to the President that the contributions made to the accounts of subscribers together with interest, thereon and in the case of subscribers joining railway service on or after the 1st April, 1938, together with the special contribution under rule 915, is generally in excess of the value of pension admissible to those subscribers if their service had been pensionable the President may direct that the contribution shall be reduced to such proportion of the subscriptions as he thinks fit.

**915. Special contribution to Provident Fund.**-- (I) If a subscriber being a railway servant belonging to Group A or Group B quits service on --

- (a) completion of thirty years' service; or
- (b) attainment of the age of fifty years; or
- (c) retirement on account of permanent incapacity due to bodily or mental infirmity; or
- (d) abolition of appointment due to a reduction of establishment, if other suitable employment, cannot be found for the gazetted railway servant;

**Note.**--A Group C Railway servant, who is officiating in a Group A or Group B post at the time of quitting service shall be regarded as a Group A or Group B railway servant for the purpose of this sub-rule.

or

(2) if subscribers being a Group C or Group D railway servant, quits service on-

- (a) completion of thirty years service ; or
- (b) attainment of the age of fifty five years; or
- (c) retirement or resignation after fifteen years' service on grounds admitted by the controlling officer as good and sufficient from the point of view of the administration; or
- (d) discharge, as distinguished from dismissal after fifteen years service for reasons other than misconduct; or
- (e) retirement due to permanent physical or mental incapacity, or abolition of appointment, if other suitable employment cannot be found for him ;

the controlling officer, may order that in addition to the contribution credited under rules 912 and 914 subscriber's provident fund account shall be credited with a special contribution calculated in the manner prescribed below:

Provided, that special contribution shall not be credited to a subscriber's account if he is dismissed from service, and shall not be credited, save with the sanction of the President, if he is a Group A or Group B railway servant, and otherwise of the controlling officer, if he has been removed from service by reason of misconduct:

Provided further that the retrenchment compensation, if any, payable under the Industrial Disputes Act, will be offset against special contribution otherwise payable under these rules.

**Railway Ministry's Decision**--A railway servant who is physically or mentally incapacitated for the post which he occupies but is not incapacitated for performing other duties and who does not accept an alternative employment offered to him in terms of Rule (304) may be granted special contribution under this clause provided the controlling officer is satisfied that the alternative employment offered to him was not suitable.

(Railway Ministry's letter No. E55RG6-19, dated 26-4-1957)



(1) Special contribution shall be calculated as follows :--

(a) In the case of Railway servants retiring prior to 31st March 1985:-

- (i) if the service does not fall short of 15 years, 1/4 (one-fourth) of a month's pay for each completed 6 monthly period of service but not exceeding 16-1/2 months pay or Rs. 45,000 whichever is less; and
- (ii) if service falls short of 15 years, 1/4th (one-fourth) of a month's pay for each completed 6 monthly period of service but not exceeding 6 months pay provided that in the case of Group 'C' and Group 'D' railway servants, the Controlling Officer may, on being satisfied that the circumstances are special, increase special contribution to half month's pay for each completed 6 monthly period of service subject to a maximum of 6 months pay.

(b) In the case of railway servants retiring on or after 31st March 1985;

- (i) if service does not fall short of 15 years. 1/4th of a month's pay for each completed 6 monthly period of service but not exceeding 16-1/2 months pay, or Rs. 50,000/- whichever is less; and .
- (ii) if service fall short of 15 years, 1/4th of a month's pay for each completed 6 monthly period of service but not exceeding 6 months pay provided that in the case of Group 'C' and Group 'D' railway servants, the Controlling Officer may, on being satisfied that the circumstances are special, increase the special contribution to half month's pay for each completed monthly period of service subject to a maximum of 6 month's pay.

(4) If a subscriber dies while in service, the controlling officer may, in addition to the contribution admissible under rules 912 and 914, direct a special contribution to be made to the subscriber's provident fund account in the manner prescribed above as if the subscriber had, on the date of his/her death quitted service on retirement on account of permanent incapacity provided that the special contribution so credited shall not be less than the following :--

- |  |   |
|--|---|
| (a) if the subscriber had not completed one year service                           | The amount by which Government contribution together with interest thereon standing to his credit in the fund falls short of two month's pay.     |
| b) If the subscriber had completed one year's service but not five year's service. | The amount by which the Government contribution together with interest thereon standing to his credit in the fund falls short of six month's pay. |
| (c) If the subscriber had completed 5 years service or more.                       | Twelve month's pay.   |

(5) The General Manager may delegate the powers under sub-rules (1), (2), (3) and (4) of this rule to a Head of a Department or a Divisional Railway Manager, as the case may be, or in respect of subscribers in Group C and Group D categories to a Divisional Officer (including a Senior Scale Officer in Group B who is in independent charge of a Division/ Sub-Division).

**916. The effect of reduced pay on special contribution.** -- When a subscriber, who is retained in service on reduced pay and the reduction in pay is for reasons other than his own fault, or is re-appointed on reduced pay on the abolition of his post and the break in his service, if any, has been condoned, the special contribution admissible under rule 915 may be calculated in respect of each period of service at the rate of pay actually drawn at the end of respective periods if that is more favourable to him. For this purpose, if there be any broken period, i.e. of less than 6 months falling in the period before reduction in pay, it should not be ignored but added to the period of service rendered on the reduced pay.

**917. Refund of Provident Fund money and/or gratuity on re-employment.** -(I) A subscriber who, at any time, has received a part or the whole of his provident fund money (his own contribution and/or the Government contribution with interest thereon) or a gratuity under the State Railway Gratuity Rules or the special contribution under these rules and is re-employed before attaining the age of superannuation, shall not be permitted to count his former service for the special contribution/pensionary benefits ; but if he has refunded special contribution/gratuity as well as the Provident Fund money received by him, he may, at the discretion of the authority competent to condone the break in service under rule 918, be allowed to count his former as well as subsequent service for the special contribution under rule 915 the break, if any, being condoned.

(2) In all such cases the special contribution under rule 915 for service on re-employment shall not exceed the difference between the contribution calculated with reference to the aggregate service of the subscriber regarded as one

service and the special contribution or gratuity already received by him, whether refunded on re-employment or not.

(3) The intention to make the refund should be made known by the Railway servant in writing to the re-employing authority not later than six months from the date of his re-employment.

(4) A subscriber who at any time has received a part or the whole of his provident fund money due to him under the State Railway Provident Fund Rules and is reinstated, shall, as a condition for counting the service prior to re-instatement for special contribution to provident fund, have to repay to the fund at the time of his re-instatement, the amounts received by him in a lump sum or in instalments in terms of sub-rule (5) below.

(5) The refund shall be made in lump sum or in such instalments not exceeding twelve; as the authority which re-employed/re-instated the Railway servant, may fix. The right to count the former service as continuous with the subsequent service shall not, however, revive till the whole of the Provident Fund money as well as the special contribution/gratuity has been completely refunded.

**918. Breaks and deficiencies in service.--** (1) A break in the service of a subscriber shall, unless condoned under the provisions of this rule, entail forfeiture of his service before the break for the purpose of calculating the special contribution admissible under rule 915 :

Provided that-

- (i) interval between relinquishing appointment on one railway and joining another shall not constitute a break, if the conditions laid down in rule 918 have been observed, and:
- (ii) participation in a strike, other than a strike declared to be illegal under any law, does not constitute a break in service for the purpose of this rule.

(2) The President may condone any break or deficiency in the service of a subscriber for the purpose of these rules.

(3) In the case of a Group A Group B railway servant, the Railway Board, and in the case of a Group C or Group D railway servant, the controlling officer or when the break does not exceed twelve months in all, a head of a department or a Divisional Railway Manager may condone break in service, the period being treated as *dies non* :

Provided that -

- (i) the break was not due to dismissal or to participation in a strike declared to be illegal under any law for the time being in force,
- (ii) the break was due to resignation by the subscriber in circumstances beyond his control, or
- (iii) when the break was between one period of temporary service and another or between temporary service and permanent service, the total service, permanent and temporary, rendered or likely to be rendered up to the date of superannuation, by the subscriber is not less than thirty years ;

Save that the conditions mentioned in clauses (ii) and (iii) of the proviso to sub-rule (3) may, in special cases, be relaxed by the Railway Board or in respect of a Group C or Group D subscriber by the controlling officer.

**Railway Ministry's orders.** -The phrases "beyond his control" appearing in clause (ii) of the proviso to sub-rule (3) should not be taken to cover cases where the break is attributable to a railway servant's previous resignation the circumstances of which indicate that its object was to secure payment of his provident fund money .

(Railway Ministry's letter No. 8786-F, dated the 21st March, 1941).

**919. Service on more than one railway.**-The service for the special contribution under rule 915 of a subscriber who has served on more than one railway without a break will be cumulative, provided that on each occasion of transfer from one line to another the sanction of competent authority was obtained, to treating the service as continuous as part of the terms and conditions of the transfer.

**920. Interest.**-(1) Subject to the provisions of sub-rules (4), (5) and (6) interest shall be paid to the credit of the account of a subscriber at such rate as may be determined for each year according to the method of calculation prescribed from time to time by the President :



Provided that, during any period for which the rate prescribed is less than four percent, all subscriber who joined the fund before the 7th March, 1938, shall be allowed interest at four per cent.

**Railway Ministry's decisions.** -(I) Railway servants who were termed as compulsory subscribers before the liberalisation of the State Railway Provident Fund Rules in 1949 will be entitled to the protected rate of interest at 4 per cent per annum if they are admitted to the benefits of the fund with retrospective effect on or after the 7th March, 1938. This protection shall not, however, apply in the case of those who were termed optional subscribers before the date of liberalisation of the State Railway Provident Fund Rules. These categories are Workshop and Shed Staff, Group B railway servants, Temporary Engineers and Apprentices including Special Class Apprentices.

(Railway Ministry's letters No. F42/PF 43(1) dated the 7th March, 1942, No. F43/IT(2), dated 25th November, 1943 and Case No. E54 (Code) 1/XIII.)

(2) The protected rate of 4 per cent does not apply to a subscriber who has break in his service and is re-appointed on or after the 7th March, 1938, even though the break is condoned by the competent authority and the subscriber has refunded the Provident Fund deposits, if any, previously received by him.

(3) In respect of the subscribers of the ex-States Railway who before, \*Federal Financial integration, were granted the protection of guaranteed/fixed rate of interest, the Board have decided that on the accumulation in the Provident Fund account as on the 1st April, 1950, of each such subscriber, who was entitled to guaranteed/fixed rate of interest under the ex-States Railway Provident Fund Rules be allowed the guaranteed/fixed rate of interest but for the subscriptions and contributions made after the 1st April, 1950, the rate of interest should be declared for the fund from time to time. For this purpose, the provident fund account of each such subscriber will be split up into two parts one up to the 1st April, 1950, interest accruing thereon at the guaranteed/fixed rate of interest and the other part for subscriptions after the 1st April, 1950.

(Railway Ministry's letter No. F(E)52/IT-1/2, dated the 11th May, 1955.)

\*The date of Federal Financial Integration was 1st August, 1949, in the case of the ex-G.B.S. Railway and 1st April, 1950, in the case of the other ex-States Railways.

(2) Interest shall be credited with effect from the 31st March of each year in the following manner :-

- (i) on the amount at the credit of a subscriber on the 31st March of the preceding year, less any sums withdrawn during the current year-interest for twelve months; ,
- (ii) on sums withdrawn during the current year otherwise than under rule 940 interest from the 1st April of the current year up to the last day of the month preceding the month of withdrawal;
- (iii) on sums withdrawn during the current year under rule 940-interest from the 1st April of the current year up to the date of tender of payment;
- (iv) on all sums credited to the subscribers' account after the 31st March of the preceding year--interest from the date of deposit up to the 31st March of the current year.

Provided, that when the amount standing at the credit of a subscriber has become payable, interest thereon shall be credited in respect only of the period from the beginning of the current year, or from the date of deposit as the case may be, up to the date of tender of payment, or up to the end of the sixth month after the month in which the amount became payable, whichever is earlier;

**Note.**-Payment of interest on the Fund balance beyond a period of 6 months may be authorised by-

- (a) the Head of Accounts Office i.e. FA&CAO (which expression includes the Pay & Accounts Officer, where there is one) up to a period of one year; and
- (b) the immediate superior to the Head of Accounts. Office i.e. General Manager, up to any period,

after he has personally satisfied himself that the delay in payment was occasioned by circumstances beyond the control of the subscriber or the person to whom such payment was to be made, and in every such case the administrative delay involved in the matter shall be fully investigated and action, if any required, taken.

(Railway Ministry's letter No. F (E) III/78-1T/1 dt. 13-8-1979)

Provided further that interest shall continue to be credited after the end of the sixth month after the month in which the amount became payable and upto the date of tender of payment on the amount withheld beyond the six month under

sub-rule (2) & (3) of rule 944.

(Railway Ministry's letter No. F(E)III/68PF-1/16 dt. 16-5-69.)

Provided further that where a subscriber on deputation to a body corporate, owned or controlled by the Government, is subsequently absorbed in such body corporate with effect from a retrospective date, for the purpose of calculating the interest due on the Fund accumulations of the subscriber, the date of issue of the orders regarding absorption shall be deemed to be the date on which the amount to the credit of the subscriber becomes payable, subject, however, to the condition that the amount recorded as subscription during the period commencing from the date of absorption and ending with the date of issue of orders of absorption shall be deemed to be subscription to the Fund only for the purpose of awarding interest under this rule.

(Railway Ministry's letter No. F(E)III/74 PF-I-10 dt. 15-3-75.)

**President's decision.**- The period of six months for the purpose of the first proviso to this rule in the case of a subscriber who quits service on the last day of the month should be counted after excluding the immediate succeeding month, for the amount becomes payable to him only in that month, irrespective of whether he actually hands over charge in the afternoon of the last day of the month or in the forenoon of the following month, that is to say for instance, when a subscriber's last day of service is the 31st May, the period of six months should be computed from July to December and not from June to November.

(3) In this rule, "the date of deposit" shall, in respect of a recovery from emoluments be deemed to be the first day of the month in which it is recovered; and in respect of an amount forwarded by the subscriber, shall be deemed to be the first day of the month of receipt if it is received by the Accounts Officer before the fifth day of that month, but if it is received on or after the fifth day of that month, the first day of the next succeeding month:

Provided that in the case of an amount forwarded in accordance with the proviso to sub-rule (2) of Rule 910, the date of deposit shall be deemed to be the first day of the month if it is received by the Accounts Officer before the fifteenth of that month.

Provided further that where the emoluments for a month are drawn and disbursed on the last working day of the same month the date of deposit shall, in the case of recovery of his subscriptions, be deemed to be the first day of the succeeding month.

(4) Interest shall not be credited to the account of a Muslim subscriber if he informs the Accounts Officer that he does not wish to receive it, but if he subsequently asks for interest, it shall be credited with effect from the first day of the year in which he asks for it.

(5) No interest shall accrue on the special contribution admissible under rule 915.

(6) The interest on amounts which under sub-rule (4) of rule 932 and (1) (d) of rule 934 or rule 935 are replaced at the credit of the subscriber in the Fund, shall be calculated at such rates as may be prescribed under sub-rule (1) and so far as may be in the manner described in this rule.

(7) The interest calculated under this rule shall be rounded off to the nearest rupee, fifty paise and above being counted as the next higher rupee and less than fifty paise being dropped.

**921.** Deleted.

(Ministry of Railway letters No. F(E)III/82/IT/1 dt. 6.6.86 and 19.9.986 and F(E)III-2000-PF-1-2 dt.26.7.2000).

#### **ADVANCES AND WITHDRAWALS FROM THE FUND**

**922. General.**-(1) The authority competent to sanction an advance / withdrawal under these rules is the Controlling Officer, but this power may be exercised by :-

- (a) Chief Personnel Officer/Addl. Chief Personnel Officer in the case of Group A or Group B Officer up to J.A. Grade;
- (b) A Divisional Officer including a Group A or Group B officer in independent charge of an office in case of a Group C subscriber employed under him; and
- (c) An Assistant Personnel Officer or an officer of an equivalent rank, in the case of Group D subscriber.



**Railway Ministry's decision.** -The powers of the Controlling Officer in the case of Railway servants employed in the Railway Board may be exercised by the following officers in respect of the Railway servants indicated against each :-

Jt. Secretary, Railway Board..	All Group C, and B and Group A Officers upto and inclusive of the rank of Joint Directors.
Under Secretary, Railway Board.	Group D Staff.

(Railway Ministry's letters No. F(E) 59 PF-6/(2), dt. 26-4-61, F(P) 63PFI-41, dt. 10-1-64, Railway Ministry's case No. 80 CR/ESTT/CHAP XIV.)

(2) Dearness pay shall be treated as part of emoluments or pay under rules 923 to 925.

(3) The advances/withdrawal may be sanctioned in special cases even after the relevant event, provided :

(a) the authority competent to sanction the advance/withdrawal is satisfied that adequate reasons existed for not applying for the advance/withdrawals before the occurrence of the event and necessity still exists for withdrawing the money from the Provident Fund such as for liquidating some previous borrowings, and

(b) Advance/withdrawals have been applied for not more than 3 months after the event.

(4)(a) Withdrawals under Rule 925(1) and 925(2) except for Farm land and Business Premises may be allowed during service of the subscriber.

(b) In the case of withdrawals under rule 925(3), 925(4), 925(5) and 925(7) the concession will be further subject to the essential condition that the subscriber has either less than ten year's service before superannuation or has completed fifteen years' service (including broken periods of service, if any), whichever is earlier.

(Railway Ministry's letter No. F (E) III /77-PF 1/3 dt. 27-5-77 , F (E) III /96/PF-1/1 dt. 27.2-96 & 25-3-96).

(5) A subscriber who has drawn an advance in terms of sub-clauses (2) to (5) of clause (g) or rule 923, may convert at his discretion, by written request addressed to the Accounts officer through the sanctioning authority, the balance outstanding against him into a final withdrawal on his satisfying the condition necessary for the grant of such a withdrawal.

(Railway Ministry's letter No. F(E) III/77-PF 1/3 dated 12/13-2-81).

(6) Only one withdrawal shall be allowed for the same purpose under rule 925. But marriage or education of different children or illness on different occasions or further addition or alteration to a house or flat covered by a fresh plan duly approved by the local municipal body of the area, where the house or flat is situated shall not be treated as the same purpose.

(7) A withdrawal under rule 925 shall not be sanctioned if an advance under rule "923 (g)" is being sanctioned for the same purpose and at the same time.

(Railway Ministry's letter No. F (E) III/77-PF 1/3 dt. 27-5-77)

**Government or India's decision.** -A sanction to an advance/withdrawal shall, unless it is specifically renewed, lapse on the expiry of a period of three months. As an exception, a withdrawal which is effected in instalments shall remain valid up to a particular date to be specified by the sanctioning authority in the sanction order itself.

**923. Advances from the fund.** -An advance may be granted to a subscriber from the amount standing to his credit in the fund at the discretion of the authority specified in rule 922 subject to the following conditions :-

(a) a subscriber shall satisfy the authority of the necessity for the advance.

(b) that authority shall record in writing its reasons for granting the advance :

Provided that if the reasons to be recorded are of a confidential nature, they may be communicated by the sanctioning authority to the Accounts Officer personally and/or confidentially;

(c) the advance shall in no case exceed the amount of subscription and interest thereon standing to the credit of the subscriber in the fund at the time when the advance is granted ;

(d) advance on more than one account are not sanctioned simultaneously;

- (e) a new advance should not be granted until at least 50 percent of the last advance has been repaid ;
- (f) an overall limit is always enforced that the amount of the advance is such that after making all permissible deductions the net amount payable is not less than 50 percent of the basic pay; and
- (g) the advance is required :-
  - (i) to pay for the passage of the subscriber when proceeding on leave out of India ; on medical certificate or returning after such absence ; or
  - (ii) to meet the expenses of the subscriber, or of any member of his family, his parents, minor brothers, or widowed sisters, if they are dependent on him, for making a journey in India or outside India under medical advice or to meet expenses incidental to his or to their severe illness; or
  - (iii) to meet the cost of education or overseas passage for education of the subscriber or of any person actually dependent on him in the following types of cases :-
    - (a) for education outside India whether for an academic, technical, professional or vocational course, beyond the High School stage;
    - (b) for post Graduate Courses of all disciplines, Graduate/Post Graduate Degree / Diploma in information Technology related courses conducted by Universities/Recognized Technical Institutions and medical, engineering and other technical or specialized courses in India beyond the High School stage; or

(M/o letter No.F(E)III/98/PF1/4 dt. 11-05-2001)
  - (iv) to pay obligatory expenses on a scale appropriate to the subscriber's status which by customary usage the subscriber has to incur in connection with his/her marriage or the marriages of his/her children and dependent relatives;
  - (v) *Deleted*
  - (vi) (a) In special cases, for purchasing a motor-car, motor-cycle, scooter, moped etc. or for repaying the Government loan already taken by them for the purpose to the Railway servants who may fall short of the minimum service of 15 years, by a period of not more than 6 months subject to the fulfilment of all other conditions of Rule 925(6)A. The advance thus granted shall be refundable in not more than 36 instalments.
  - (b) In special cases, for booking a motorcar; motor-cycle, scooter, moped, etc., to railway servants falling short of the minimum required service of 15 years by a period of not more than 6 months subject to the fulfilment of all other conditions of Rule 925(6) B.
  - (vii) To purchase consumer durable such as TV, VCR/VCP, Washing Machine, Cooking range, geyser, Computer, an advance not exceeding three months' pay or half the amount standing to his credit in the Fund, whichever is less.

(M/o letter No.F(E)III/2002/PF1/1 dt. 27-02-1996)

  - (viii) to meet the cost of legal proceedings instituted by or against the subscriber or any member of his family or any person actually dependent upon him as also to meet the cost of the subscriber's defence where he engages a legal practitioner to defend himself in any enquiry in respect of any alleged official misconduct on his part, an advance not exceeding three months' pay or half the amount standing to his credit in the Fund, whichever is less.

(M/o letter No.F(E)III/2002/PF1/6 dt. 13-11-2002).

  - (ix) to meet expenses on account of pilgrimage or visiting places of eminence of all religions, an amount not exceeding three months pay or half the amount standing to the credit of the subscriber in the Fund, whichever is less. The authorities vested with the power of sanctioning advance, may satisfy themselves that the place proposed to be visited is a place of pilgrimage or a place of religious eminence.

(Authority: Ministry of Railways letter No. F(E)III/2005/PF1/2 dated 12.2006)



**Note.** - An advance for the construction of a house or flat will be granted only on sub- mission of a plan duly approved by the local municipal body of the area where the house is proposed for construction.

(Railway Ministry's letter No. F (E) III/77-PF 1/3 dt. 27-5-1977)

Provided that the amount of the advance shall not exceed-

- (a) under (i) the actual cost to the subscriber of the passage;
- (b) Under (ii) and (iii) a sum consisting of whole rupees and not exceeding three months' pay or half the amount standing to the credit of the subscriber in the fund, whichever is less.
- (c) under (iv), three months' emoluments in the case of the marriage of a male and six months' emoluments in the case of the marriage of a female;
- (d) under (v), three months' emoluments or in special cases, relaxable upto six months' emoluments by the sanctioning authority or half the amount standing to the credit of the subscriber, whichever is less.

(Railway Ministry's letter. No. F(E)III/PF(1)/3 dt. 27-5-1977).

**Note 1.** -In special cases, the sanctioning authority may relax, the limit at (c) above but in no case should more than 10 months' emoluments be sanctioned provided further that advance for the marriage of a male should in no case exceed 6 months' emoluments.

**Note 2.** -In the case of subscribers to the Provident Fund where the balance in the Provident Fund account, consisting of his own contribution and an interest thereon, does not exceed, Rs. 10,000/- and where the amount available as an advance for marriage purposes within the existing provisions of the Rule, is less than 90% of such amount, an advance upto 90% of the balance may be granted by the sanctioning authority. Where, however, the entitlement of a subscriber, under the existing rules for an advance from the fund for the marriage purposes, is higher than the maximum ceiling of 90% referred to above, the higher amount will be permissible.

(Railway Ministry's letter No. F(E)III/79/PFI/1 dt. 10-3-1980).

**Note 3.** For the purpose of this Rule, the term 'illness' occurring in clause (ii) above covers confinement.

**Note 4.** For the purpose of this Rule, advance will be permitted both on the occasions of the betrothal ceremony and the marriage ceremony treating each occasion as a separate purpose.

(M/o letter No.F(E)III/2001/PF1/1 dt. 26-02-2001)

**Railway Ministry's decision.** -No hard and fast rules can be laid down for the certification of the fact of illness. It is left to the Railway Administrations to adopt a procedure enabling them to judge the genuineness or otherwise of the subscriber's request. The controlling officer may, at his discretion, refer an application for advance from the State Railway Provident Fund to the Divisional Medical Officer whenever he considers this is justified.

(Railway Ministry's letter No. F(E)52-Adv. 3/2, dt.18-8-1951 And No. F(E)53-Adv. 3/3, dt.19-10-1954).

**924. Final withdrawal.—Funeral expenses and immediate requirement of the family of a deceased subscriber.**—When the representatives of a deceased subscriber have been left in indigent circumstances, an advance not exceeding two months pay or Rs. 500/- whichever is less may be made by the authority specified in Rule 922 to meet funeral and incidental expenses of the subscriber or other immediate requirements of the family of the deceased subscriber if it is certified that the amount advanced can be recovered at the time of the payment of the fund money or otherwise. The advance should, as far as possible, be granted to the person persons eligible to receive the Provident Fund money in terms of Rule 943 and should be limited to the share of the person concerned.

## INDIAN RAILWAY ESTABLISHMENT CODE (Vol - I)

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### Chapter 9 Provident Fund Rules

**925. Other financial withdrawals.**--Withdrawal under this rule for the various purposes mentioned below, shall be subject to the condition laid down in rule 922.

**(1) House building.** -- Withdrawal may be restricted for house building purposes on the following terms and conditions: -

- (a) The withdrawal may be either for the purpose of building or acquiring a suitable house or ready built flat for residence, including the cost of the site for re-payment of any outstanding amount on account of loans expressly taken for the purpose or any payments towards allotment of a plot or flat by the Delhi Development Authority, State Housing Board or House Building Societies and Indian Railway Welfare Organisation (IRWO).

**Note .** - In cases where a subscriber has to pay in instalments for a site or a house or flat purchased or a house or flat constructed through the DDA or a State Housing Board or House Building Cooperative Societies and Indian Railway Welfare Organisation, he shall be permitted to make a withdrawal as and when he is called upon to make a payment in any instalment subject to the condition that the amount of withdrawal does not exceed the amount actually subscribed by the subscriber alongwith interest thereon standing to his credit in the fund at the time of each withdrawal. Every such payment shall be treated as a payment for a separate purpose.

(b) Withdrawals shall not exceed :--

- (i) the amount actually subscribed by him alongwith interest thereon standing to his credit, or
- (ii) the actual cost of the house including the cost of site or repayment of the loan in that behalf, whichever is less. Provided that in no case the maximum amount of withdrawal for the purposes specified in Rules 925(1) and 925(2) shall exceed the maximum limit prescribed from time to time under Rules 2(a) and 3(b) of the scheme of the Ministry of Works and Housing for the grant of advances for house building purposes.

(Railway Ministry's letter No. F(E)III/80/PF-1/2 dt. 31-7-80).

If the amount withdrawn exceed the actual expenditure or repayment, as aforesaid, the excess shall be refunded to Government forthwith in one lumpsum together with interest thereon at the rate provided for in Rule 920(1), from the month of the withdrawal, for being credited to his account in the Provident Fund. The actual expenditure incurred in connection with the sale or transfer deeds may be reckoned as part of the cost of the house.

- (iii) in the case of a subscriber who has availed himself of an advance under the scheme of the Ministry of Works and Housing for the grant of advance for house-building purposes, or has been allowed any assistance in this regard from any other Government source, the sum withdrawn under this sub-rule together with the amount of advance taken under the aforesaid Scheme or the assistance taken from any other Government source shall not exceed the maximum limit prescribed from time to time under rules 2(a) and 3(b) of the aforesaid Scheme.

(Railway Ministry's letter No. F(E)III/80/PF-1/2 dt. 31-7-80).

- (c) The house proposed to be acquired or redeemed by the railway servant with the help of the amount withdrawn, as aforesaid, shall be situated at the place of his duty or his intended place of residence after retirement.
- (d) A withdrawal shall be permissible for the building, acquisition or redemption of one house only, provided the railway servant does not already own a house at the place referred to in clause (c) above.

**Note.-(1)** Withdrawal may also be permitted for reconstructing/renovating or for making additions or alterations or for upkeep of an ancestral house at a place other than the place of duty provided the amount of withdrawal does not exceed the limits mentioned in clause (b) or Rs. 10,000/- whichever is less and provided further that the competent authority is



satisfied that the reconstruction/renovation etc. are necessary for the railway servant's reasonable comfort and are not being made by him for purposes of letting out the building.

**Note.- (2)** Withdrawal may also be allowed for reconstructing/renovating or making additions or alterations to a house or flat already owned or acquired by a subscriber, with or without the assistance of a withdrawal/loan from SRPF or other Government source, upto 90% of the amount subscribed by him along with interest thereon standing to his credit and also subject to the limits laid down in clause (b) provided that the competent authority is satisfied, that the reconstruction/renovation are necessary for the railway servant's reasonable comfort and are not being made by him for the purpose of letting out the building.

**Note.- (3)** A second final withdrawal may also be allowed for the above purposes in respect of a house/flat acquired with the help of a withdrawal already made or which may be made in future from the provident fund or other Govt. sources subject to the condition that the total of both withdrawals does not exceed the amount actually subscribed by the Railway servant alongwith interest thereon as it stood at his credit in the end at the time of the first withdrawal. The second withdrawal should not exceed 90% of the amount subscribed by him alongwith interest thereon standing to his credit subject also to the limits laid down in clause (b) above.

- (e) The construction of the house should be commenced within six months of withdrawal of money and should be completed within a period of one year from the date of commencement of construction; if, however, the house is to be purchased or redeemed or a private loan previously raised for the purpose has to be repaid, this should be done within three months of the withdrawals ;

**Note. -** The sanctioning authority may at their discretion, relax the limit of six months prescribed above for commencement of the house to one year. -

- (f) In the case of construction of a house withdrawal will be permitted only in equal instalments (not less than two and not more than four), the instalments after the first being authorised by the administrative authority after verification regarding progress of construction of the house.

**Note. -** While authorising the disbursement of the second and subsequent instalments, as prescribed above the administrative authority shall attach a certificate to the effect that the required formalities in regard to the construction of the house, in pursuance of which the instalment has become due, have been complied with.

- (g) The railway servant shall submit an annual declaration in the prescribed form on or before the 31st December in each year and satisfy the sanctioning authority if called upon to do so, by the production of tax receipts, title-deeds, etc., that the house remains in his sole ownership and that while he is still in service, he has not parted with the possession thereof by way of transfer, sale, mortgage, (other than mortgage to the President), gift, exchange lease for a term exceeding three years or otherwise howsoever without the previous permission of the sanctioning authority in writing. Provided that such permission shall not be necessary for its being mortgaged in favour of a Housing Board, the Life Insurance Corporation or any other Corporation own or controlled by the Central Government which advances loans for the construction of a new house, or for making additions or alterations to an existing house.

(Railway Ministry's letter No. F(E)III /74PF2/6 dt. 6-12-74).

In the case of a railway servant who has availed of a loan from Government for house building purposes it should be certified that the house/house site for the construction of which he had taken a final withdrawal from the Provident Fund continues to be in his possessions and it stands mortgaged to Government.

(Railway Ministry's letter No. F. (E)III/69 PF 1/4 dt. 19-5-69).

The amount withdrawn shall be repayable forthwith in one instalment together with interest thereon at the rate provided for in rule 920(1), from the month of the withdrawal, for being credited to his account in the Provident Fund, if the house is sold or encumbered at any time before retirement without such permission;

- (h) The administrative authority should satisfy itself that: -

- (i) the amount is actually required for the purpose of building, acquiring or redeeming a house, as mentioned above ;
- (ii) the railway servant possesses or intends to acquire forthwith the right to build on the site on which the house is proposed to be built;

- (iii) the amount withdrawn together with such other private saving, if any, as the railway servant may have, would be sufficient to build, acquire or redeem the house of the type proposed;
- (iv) The applicant has submitted a plan of the house to be constructed or of the additions or alterations to be made duly approved by the local Municipal body of the area where the site or the house is situated and also has permits, where necessary, from the local authorities for the purchase of building materials to the extent required and at controlled rates.

**Note** -A withdrawal for additions and alterations would be admissible only where such additions or alterations require approval of the local municipal body.

(Railway Ministry's letter No. F (E)III-77 PF 1/3 dt. 27-5-1977).

- (v) in the case of withdrawal for the purchase of a ready built house the applicant secures an undisputed title to the house and the land on which the house is built within a period of three months from the date of drawal of the amount. This condition does not preclude withdrawals for the purpose of building houses on plots of land on lease or purchasing houses constructed on lease land by the Central or State Government, as the case may be, on production of a certificate from the concerned authority that the building on the plot leased has been built in accordance with the agreed conditions.

(Railway Ministry's letter No. F(E)III/69PF-I/4 dt. 19-5-69).

**Government of India's decision**.-Subject to other conditions being satisfied, withdrawals may be permitted also for acquiring on ownership basis a flat in a building, even though the flat and the land on which it is built, do not become the property of the railway servant concerned, provided that the railway servant produces within 3 months of the receipt of the amount a proof to the effect that :

- (a) he has made payment for the flat:
- (b) he has become a member of the Limited Company, Society or any other incorporated body (recognised in law) formed by the purchasers of the flats in the building; and
- (c) the builder has transferred the legal title of the building to the said Company, Society or incorporated body.

(Railway Ministry's letter No. F(E) III/73PF 1/11, dt.10-12-73).

- (vi) before withdrawals are permitted for the repayment of loan taken from private parties expressly for the purpose of acquiring a house, the applicant has acquired or will acquire an un-encumbered title to the house thus acquired.

**Note**.-The Railway servant should, however, produce necessary deeds and papers to the sanctioning authority proving his title in respect of the property within a period of three months of the drawal at of the amount.

- (vii) the applicant has signed an undertaking in the prescribed form.

(Railway Ministry's letters No. F(E)III/77/PF 1/3 dated 27-5-1977 and 26-11-1977).

**Government of India's decision 1** -- Railway servants who have availed themselves of an advance under the scheme of the Ministry of Works and Housing for house-building purposes or have been allowed any assistance in this regard from any other Government source, shall be eligible for the grant of withdrawal under this rule and also for the purpose of repayment of any loan taken the aforesaid scheme subject to the limit specified in clause (b) of this sub-rule. In the case of withdrawals for repayment of loans, where the amount sanctioned is less than the loan taken under the above scheme for house building purposes, the provisions of clause (g) of this rule will not be enforced since it is already provided in that scheme that the house for the construction of which a loan is taken should be mortgaged to Government. However, where such loan is completely repaid at any time during the service the railway servant concerned, the provision of clause (g) shall become operative and the authorities competent to sanction a final withdrawal should ensure that these provisions are invariably complied with, as and when necessary.

**Government of India's decision 2** -- Railway servants who had already drawn refundable advances for house-building purposes under the orders contained in the Ministry of Finance Office Memorandum No. F-50 (14) EV51, dated 30<sup>th</sup> July, 1951 or No. F50 (12)EV/52, dated 26-5-1952, as amended from time to time and who are eligible to avail of the concessions under this sub-rule, the outstanding balance of the advances can be converted into final withdrawal on satisfying the conditions necessary for the grant of such withdrawals.



(Railway Ministry's letter No. F (E)54 ADV. 3/1, dt. 9-6-59).

**Note: 1.** If a railway servant has an ancestral house or a built house at a place other than the place of his duty with the assistance of loans taken from the Government, he shall be eligible for the grant of a final withdrawal under this Rule for purchase of a house site or for construction of another house or for acquiring a ready built flat at the place of his duty.

**Note: 2.** Withdrawal under this Rule shall also be allowed where the house site or the house is in the name of wife or husband provided she or he is the first nominee to receive Provident Fund money in the nomination made by the subscriber.

(Railway Ministry's letters No. F(E)III/77PF. 1/3 dt. 27-5-1977 and 26-11-1977).

**(2) House site.-** (a) Withdrawal may be either for the purpose of purchasing a house site for building a house thereon for his residence or for payment of any outstanding amount on account of a loan expressly taken for the purchase of a house site before the receipt of the application for the withdrawal.

(Railway Ministry's letter No. F(E)III/77PF- 1/3 dt. 27-5-1977.)

**Note.-** The provisions of this clause shall be deemed to cover acquisition of plots of land on lease from the central or State Governments.

(Railway Ministry's letter No. F(E)ml 73 PF-1/18 dt. 20-10-1973).

**(b) The amount of withdrawal shall not exceed-**

(i) one-half of the amount actually subscribed by him alongwith interest thereon standing to his credit in the fund; or

(ii) the actual cost of the site,

whichever is less:

Provided that in no case the maximum amount of withdrawal for the purpose specified in this Rule shall exceed the maximum limit prescribed from time to time under rules (2) (a) and 3(b) of the scheme of the Ministry of Works and Housing for the grant of advances for house building purposes :

Provided further that in the case of a subscriber who has availed himself of an advance under the Scheme of the Ministry of Works and Housing for the grant of advances for house-building purposes, or has been allowed any assistance in this regard from any other Govt. source, the sum withdrawn under this sub-rule together with the amount of advance taken under the aforesaid Government source shall not exceed the maximum limit prescribed from time to time under Rules 2(a) and 3(b) of the aforesaid Scheme.

If the amount withdrawn exceeds the actual cost of the site the excess shall be refunded to the Government forthwith in one lump sum together with interest thereon at the rate provided for in rule 920 from the month of each withdrawal by the railway servant for being credited to his account. The actual expenditure incurred in this connection with the sale or transfer deeds may be reckoned as part of the cost of the site.

(Railway Ministry's letter No. F (E)III/80 PF-1/2 dt. 31-7-80.)

**(c)** The amount of withdrawal may be allowed in one instalment in cases of outright purchase of a house site or for repayment of a loan earlier taken for the purpose and in not more than three instalments if payment for the site is to be made on an instalment basis. The sanction will be issued for the entire amount of the withdrawal, the number of instalments in which it is actually to be drawn being specified therein.

**President decision.—**In the case of house sites purchased from recognised house-building co-operative Societies where the cost of land is recovered in a number of instalments and the total amount required is not susceptible of being firmly decided withdrawals may be made in instalments as and when the society sends a requisition for the amount payable subject to the condition that the amount of the instalment does not exceed 50% of the amount actually subscribed by the subscriber along with the interest thereon standing to his credit in the Fund at the time of each withdrawal.

(Railway Ministry's letter No. F(E)III /69 PF-1/4 dt. 19-5-69.)

- (d) The house-site purchased or proposed to be purchased by the railway servant shall be situated at the place of his duty or his intended place of residence after retirement.
- (e) Withdrawal will be permitted for the purchase or redemption of one house-site only and will be admissible, where the railway servant does not already own a house at the place referred to in clause (d) above.
- (f) The house-site shall be purchased within a period of one month of the withdrawal, or the withdrawal of the last instalment, as the case may be. In fulfilment of this condition, the sanctioning authority may require the production of receipts issued by the seller, the house building society etc. in token of the amount of the withdrawal instalments having been utilised for making payment towards purchase of the site.
- (g) A railway servant shall submit an annual declaration in the prescribed form on or before the 31st December of each year and satisfy the sanctioning authority, if called upon to do so, by the production of tax receipts, title deeds, etc. that the house-site remains in his sole ownership and that while he is still in service, he has not parted with the possession thereof by way of transfer; sale, mortgage (other than mortgage to the President) gift, exchange lease etc. for a term exceeding three years or otherwise without the previous permission of the sanctioning authority in writing. Provided that such permission shall not be necessary for its being mortgaged in favour of a Housing Board, the Life Insurance Corporation or any other Corporation owned or controlled by the Central Government which advance loans for the construction of a new house or for making additions or alterations to an existing house.

(Railway Ministry's letter No. F (E) III/74-PF-2/6 dt. 6-12-74.)

The amount withdrawn shall be repayable forthwith in one instalment together with interest thereon from the month of such withdrawal by the railway servant if the house-site is sold or encumbered at any time before retirement without such permission .

(h) The Administrative Authority should satisfy—

- (i) that the size and the cost of the house site are not disproportionate to the status of the railway servant concerned and the resources available in his Provident Fund Account.
  - (ii) that the amount is actually required for the purpose of purchasing the house-site or for repayment of a loan expressly taken for the purpose, as the case may be, and
  - (iii) that the railway servant will acquire full title to the house-site proposed to be purchased.
- (i) Withdrawals for the purpose of eventual construction of a house on the site purchased may be permitted under the following terms and conditions:-

- (a) the withdrawal shall not exceed the amount actually subscribed by him together with interest thereon standing to his credit in the fund or the actual cost of construction of the house, whichever is less :

Provided that in the case of a subscriber who has availed himself of an advance under the scheme of the Ministry of Works and Housing for the grant of advances for house building purposes, or has been allowed any assistance in this regard from any other Govt. source, the sum withdrawn under this sub-rule together with the amount of advance taken under the aforesaid scheme or the assistance taken from any other Govt. source shall not exceed the maximum limit prescribed from time to time under rules 2(a) and 3(b) of the aforesaid Scheme.

(Railway Ministry's letter No. F(E) III 80 PF-I/2 dt. 31- 7-80).

- (b) the railway servant concerned should commence the construction of the house within a period of six months of the withdrawal of money and complete it within a period of one year from the date of commencement of the construction.

**Note.--** The sanctioning authorities may at their discretion, relax the limit of six months for commencement of construction of the house to one year.

- (c) the withdrawal will be permitted in instalment not less than two and not more than four in number, the instalments after the first being authorised by the sanctioning authority after verification regarding the progress of the construction of the house.

**Note. - (1)** Other conditions as mentioned in clauses (g) and (h) of sub-rule (I) will also apply .



**Note .- (2)** Notes 1 and 2 appearing at the end of sub-rule 925 (1) (h) shall also apply in cases falling under this rule.

(Railway Ministry's letters No. F(E)III 77 PF. 1/3 dt. 27-5-77 and 26-11-77.)

- (j) Withdrawals may also be permitted within six months before the date of the Railway servant's retirement, from the amount standing of his credit in the fund for the purpose of acquiring a farm land or business premises or both.

(Railway Ministry's letter No. F. (E)III 77 PF. 1/3 dt.27-5-77).

**(3) Marriage expenses.**-Withdrawals may be permitted for meeting marriage ex- penses subject to the following terms and conditions :-

- (a) meeting the expenditure in connection with the betrothal/marriage of the subscriber or his sons or daughters., and any other female relation actually dependent on him.

(Railway Ministry's letter No. F(E)III 77 PF 1/3 dt. 27-5-77.)

- (b) the amount of withdrawal in respect of each marriage will normally be limited to-

- (i) Six months pay in the case of betrothal/marriage of subscriber or his/her son or daughter, or any other female actually dependent on him/her.  
(ii) the amount actually subscribed by a Railway servant along with interest thereon standing to his credit, whichever is less.

**Note 1.**--If two or more marriages are to be celebrated simultaneously, the amount admissible in respect of each marriage will be determined as if withdrawals are sanctioned separately one after the other.

**Note 2.**--In special cases, the sanctioning authority may relax the limit at (i) above for marriage of subscriber's daughter keeping in view the status of the subscriber and the amount standing to his/her credit in the Fund , but in no case should more than 15 months' pay be sanctioned.

**Note 3.**-In the case of subscribers to the State Provident Fund where the balance in the Provident Fund account, consisting of his own contribution and interest thereon, does not exceed Rs.10,000/- and where the amount available as the final withdrawal for marriage purposes within the existing provisions of the rule, is less than 90% of such amount, final withdrawal upto 90% of the balance may be granted by the sanctioning authority. Where however, the entitlement of a subscriber under the existing rules for a final withdrawal from the fund for marriage purposes, is higher than the maximum ceiling of 90% referred to above, the higher amount will be permissible.

(Railway Ministry's letter No. F(E) III 79 PF. 1/2 dt. 10-3-80.)

- (c) in respect of the same marriage, a subscriber may either withdraw the money in terms of this rule or draw an advance under rule 923 above.
- (d) the withdrawal may be allowed to the subscriber not earlier than three months preceding the months in which the marriage actually takes place.
- (e) the subscriber shall furnish a certificate to the sanctioning authority within the period of one month from the date of the marriage, or if he is on leave on the date of the marriage, within one month on return from leave, that the money withdrawn has actually been utilised for the purpose for which it was intended. If the subscriber fails to furnish the requisite certificate, or if the amount withdrawn is utilised for a purpose other than that for which sanction was given the entire amount shall be recovered forthwith from him in one lumpsum together with interest thereon at the rate provided for in rule 920 (1) from the month of the withdrawal, for being credited to his account in the Provident Fund.
- (f) any amount actually withdrawn from the fund which is found to be in excess of that actually utilised by the subscriber for the purpose shall be recovered forthwith in one lumpsum together with interest thereon as in (e) above.

- (g) A subscriber shall be permitted to make a final withdrawal both on the occasion of the betrothal ceremony and marriage ceremony treating each occasion as a separate purpose.

(M/o letter No.F(E)III/2001/PF1/1 dt. 26-02-2001)

**(4) Educational expenses .-** (a) Withdrawal from the fund may also be allowed for the purpose of higher education of the subscriber or of his children in the circumstances mentioned and under the terms and conditions laid down in rule 923 except that the amount sanctioned shall not be refundable to Government.

**Railway Board's decision.**--The withdrawal for higher education may be utilised to meet the cost of college-kit, special clothing and educational tours etc., which may be in the nature of direct obligatory expenditure incurable by the student on account of his education. The cost of bicycle cannot, however, be met from the above withdrawals as the same cannot be considered as an obligatory expenditure associated directly with education.

(Railway Ministry's letter No. F (E) 56 Adv. 6/1 dt. 6.3.1956.)

- (b) These withdrawals may be permitted once in every six months i.e., twice in any financial year.

- (c) In special cases, keeping in view the course of study, status of the subscriber and the amount standing to his/her credit in the Fund, the sanctioning authority may relax the limit of three months pay or half the amount standing to the credit of the subscriber in the Fund, whichever is less, as laid down in proviso to Rule 923, but in no case should more than three fourths of the amount standing to the credit of the subscriber in the Fund be sanctioned.

- (d) The railway servant concerned should satisfy the sanctioning authority within a period of six months from the date of drawing the money that it has been utilised for the purpose for which it was intended otherwise, the whole amount of withdrawal shall be refunded in one lumpsum together with interest thereon at the rate provided for in rule 920 from the month of withdrawal. In cases where a portion of the money withdrawn is not likely to be spent within six months of the date of withdrawal and the railway servant contemplates making a further withdrawal during the following half year, he may, by notifying in writing to the sanctioning authority before the expiry of the said period of six months, adjust the excess amount in the proposed withdrawal, provided that such excess amount is not more than ten per cent of the amount utilised and action to withdraw the further amount is taken within one month of the expiry of the six months period. If no further withdrawal is contemplated, the excess amount should be recovered forthwith together with interest thereon for being credited to his account in the Provident Fund.

**(5) Medical Expenses .** -- Withdrawals from the fund may also be, allowed for meeting expenses in connection with the illness including, where necessary, the travelling expenses, of the subscriber or any person actually dependent on him subject to the following conditions ;

- (a) the amount withdrawn shall be limited to six months' pay of the subscriber or fifty per cent of the amount of his own subscription alongwith interest thereon, standing to his credit in the fund. whichever is less :
- (b) In special cases, keeping in view the type of illness, status of the subscriber and the amount standing to his/her credit , the sanctioning authority may relax the limit laid down in proviso to Rule 923, but in no case should more than three - fourths of the amount standing to the credit of the subscriber in the Fund be sanctioned.
- (c) in respect of illness of the same person only one withdrawal shall be permissible. Only either a withdrawal under this rule or an advance under rule 923, shall be allowed at a time; and
- (d) the subscriber shall furnish a certificate to the sanctioning authority within one month after the course of treatment is over that the amount withdrawn has actually been utilised for the purpose for which it was intended; any unspent amount being refunded forthwith. If the subscriber fails to give the requisite certificate or fails to refund the unspent amount, the same shall be recovered from him forthwith in lumpsum together with interest thereon at the rate provided for in rule 920 (I) from the month of the withdrawal, for being credited to his account in the provident fund.

**(6) (A) Purchase of conveyance.**-- Part final withdrawal from the fund may also be allowed for purchasing a Motor-Car, Motor-cycle, Scooter, Moped, etc. or for repaying the Government loan already taken by the Railway servant for the purpose subject to the following conditions :-



- (i) The Railway Servant's basic pay should be Rs 10,500/- p.m. or above in the case of purchase of motor-car and Rs. 4,600/- p.m. or above in the case of motor-cycle, scooter, etc. (Basic pay as defined in Rule 2003 (21) (a) (i)-R. II [FR.9(21) (a) (i)] without special pay, dearness pay and such other additions to pay but including non-Practicing Allowance).
- (ii) The amount of withdrawal is limited to Rs. 1,10,000/- for purchase of motor-car and Rs. 20,000/- for purchase of motor-cycle, scooter, moped, etc. In cases where railway servants have already been allowed a withdrawal for the purpose of making a deposit for booking these vehicles, they will be eligible only for the balance amount for the purchase of such vehicles on allotment. The amount of withdrawal is further subject to the condition that this amount (amount of withdrawal for booking *plus* the amount of withdrawal for purchase) should not exceed 50 per cent of the amount standing to the credit of the subscriber in his Provident Fund account on the date of application for withdrawal for purchase, or the actual price of the vehicle, whichever is less.
- (iii) Railway servants who have been allowed advance for the purpose may be permitted to convert the outstanding amount of advance into final withdrawal after completion of 15 years of service
- (iv) Such withdrawal shall be allowed only on one occasion.

**(B) Booking of Car/Motor cycle/Scooter/Moped etc.**--Railway servants who have completed 15 years of service (including broken period of service, if any) or who have less than five years to attain the age of superannuation may make a part final withdrawal for booking a motor car/motor cycle/moped etc. subject to the following conditions--

- (i) Railway servant's basic pay of Rs. 1,500/- per month or above for registration of motor car and a basic pay of Rs. 500/- per month or above in the case of motorcycle/scooter etc.
- (ii) The amount of withdrawal is limited to Rs. 10,000/- in the case of car and Rs. 500/- in the case of motor cycle/scooter etc. or 50 per cent of the amount standing to the credit of the subscriber in the State Railway Provident Fund (non-contributory) or 50 per cent of the amount of subscription with interest thereon standing to the credit of the subscriber in the State Railway Provident Fund (contributory) as the case may be, or the actual amount of the registration of the car/ motor cycle/scooter, whichever is less.
- (iii) the amount of withdrawal shall not exceed the amount required for booking car or motor cycle/scooter, etc. as the case may be.
- (iv) the deposit receipt must be produced for verification by the concerned administrative authority within a period of one month from the date of drawal. Failure to do so would involve refund of the total amount of the withdrawal.
- (v) If the Railway servant does not purchase a car/motor cycle Scooter, etc. or opts out of the scheme he should immediately deposit the amount of final withdrawal together with interest received thereon from the manufacturer/dealer into the Provident Fund account.
- (vi) Railway servants who have been allowed an advance for the purpose may be permitted to convert the outstanding amount of advance into final withdrawal after completion of 15 years of service.
- (vii) Such withdrawal shall be allowed only on one occasion; and
- (viii) The amount of Rs. 10,000/- or Rs. 500/- as the case may be, referred to above, shall be taken into account for determining the overall ceiling [at present] fixed for withdrawal from the Provident Fund i.e. Rs. 25,000/- for purchase of Motor car and Rs. 4,000/- for motor cycle/scooter etc."

**6 (C)** Railway servants who have completed 28 years of service or who have less than 3 years to attain the age of superannuation may be permitted to make final withdrawals from SRPF account for the extensive repairs or overhauling of their Motor Cars subject to the following conditions:-

- (i) The officer's pay is Rs. 10,500/- or more under the Railway Service (Revised Pay) Rules, 1997.
- (ii) The amount of withdrawal is limited to Rs. 10,000/- or 1/3<sup>rd</sup> of the amount standing to the credit of the subscriber in the SRPF account or the actual amount of repairing /overhauling, whichever is the least.
- (iii) Not less than 5 years should have elapsed since the car was purchased by the officer concerned. In the case of a second-hand car, the initial date of purchase by the first purchaser will be taken into account.
- (iv) Such withdrawal shall be allowed only once in the service career of the subscriber.

The authority competent to sanction an advance for special reasons under the Provident Fund Rules may sanction a final withdrawal in terms of these orders subject to the fulfillment of the condition mentioned above. The procedural details will be as in the case of other withdrawals.

(M/o letter No.F(E)III/98/PF1/2 dt. 30-03-98)

(7) For meeting the cost of consumer durables such as TV, VCR/VCP, Washing machine, Cooking range, Geyser, Computer, a final withdrawal not exceeding six months pay or one half of the amount standing to his credit in the fund whichever is less, may also be allowed.

(M/o letter No.F(E)III/96/PF1/1 dt. 27-02-96)

**926. Recovery of advances.**-(1) An advance under rule 923 shall be recovered from the subscriber in such number of equal monthly instalments as the authority sanctioning the advance may direct; but such number shall not be less than twelve unless the subscriber so elects, or more than twenty four unless the Railway Ministry so direct. Where, however the amount of advance under provision (c) to sub-rule (g) of Rule 923 exceeds 3 months' emoluments of the subscriber, the sanctioning authority may suitably increase the number of instalments provided that in no case the number shall exceed sixty. A subscriber may, at his option, repay more than one instalment in a month. Each instalment shall be a number of whole rupees, the amount of the advance being raised or reduced, if necessary to admit of the fixation of such instalments.

(2) Recovery shall be made in the manner prescribed in rule 910 for the realisation of subscriptions, and shall commence with the issue of pay for the month following the one in which the advance was drawn. Recovery shall not be made, except with the subscriber's written consent, while he is on leave exceeding 4 days other than leave on average pay or on subsistence grant and may be postponed by the sanctioning authority on the subscriber's written request when he is repaying an advance of at least a full month's pay in not more than three instalments and the recovery of advance of pay (in addition to provident fund and other recoveries) will result in his getting less than fifty per cent of his basic pay.

(3) Recoveries made under this rule shall be credited as they are made to the subscriber's account in the fund.

#### **PAYMENT TOWARDS INSURANCE POLICIES**

**927.** Subject to the conditions laid down in rule 928 to 938 and the restriction in rule 939

(a) (i) Subscriptions to a family pension fund approved in this behalf by the President, or

(ii) Payments towards a policy of life insurance ;

may at the option of a subscriber, be substituted in whole or in part for his subscriptions due to the State Railway Provident Fund, and

(b) The amount of subscriptions with interest thereon standing to the credit of a subscriber in the fund may be withdrawn to meet--

(i) a payment towards a policy of Life Insurance ;

(ii) the purchase of a single payment insurance policy; or

(iii) the payment of a single premium of subscriptions to a family pension fund approved in this behalf by the President :

Provided that no amount shall be withdrawn--

(1) before the details of the proposed policy have been submitted to the Accounts Officer and accepted by him as suitable, or

(2) to meet any payment or purchase made or effected more than three months before the date of application or presentation of claim for withdrawal, or

(3) to meet payment of any premium or subscription more than three months in advance of the due date of payment.

**Note 1.**-Due date of payment for the purpose of this proviso will be date upto which payment can be made including the grace period allowed by the insurance companies.



**Note 2.**-The following certificate should be endorsed on the bill by the bill drawing officer in the case of payments under clause (2) above :-

"Certified that the presentation of this claim/application for withdrawal of this amount was made within three months from the date of payment to the Life Insurance Corporation" .

**Explanation.**— Under clause (3) of this proviso no withdrawal from the fund for financing a policy of life insurance shall be made after the due date of payment without production of the premium receipt in token of such payment :

Provided further that payments towards an educational endowment policy may not be substituted for subscriptions to the fund and that no amounts may be withdrawn to meet any payment or purchase in respect of such a policy if that policy is due for payment or in whole or part before the subscriber's age of normal superannuation :

Provided further that amounts of substituted payment or amounts withdrawn shall be rounded to the rupee below, paise, if any, being met by the subscriber.

**Note.**-The following family pension funds have been approved by the President: -

- (1) Superior Services (India) Family Pension Fund;
- (2) Bengal Uncovenanted Service Family Pension Fund;
- (3) Bombay Government Service Family Pension Fund;
- (4) The General Family Pension Fund;
- (5) The Hindu Family Annuity Fund; and
- (6) Bengal Christian Family Pension Fund.

**928.** (1) The number of policies in respect of which substitution for subscriptions due to the fund or withdrawal of subscriptions from the fund may be permitted under rule 927 shall not exceed four:

Provided that where immediately before the 20th August, 1953, substitution for subscription due to the fund or withdrawal of subscription from the fund is permitted in respect of more than four policies, such substitution or withdrawal shall continue to be permitted in respect of those policies.

(2) The premium for a policy (including any policy referred to in the proviso to sub-rule (1) in respect of which withdrawal of subscription from the fund may be permitted under rule 927 shall not be payable otherwise than annually.

**Explanation.**-In computing the maximum number of policies specified in sub-rule (1) policies which have matured or have been converted into paid-up ones shall be excluded.

**929.** (1) If the total amount of any payments substituted under sub-rule (a) of rule 927 is less than the amount of the compulsory subscription payable, to the fund, the difference shall be paid by the subscriber as subscription to the fund.

(2) If the subscriber withdraws any amount standing to his credit in the fund for any of the purposes specified in sub-rule (b) of rule 927, he shall, subject to his option under sub-rule (a) of that rule, continue to pay to the fund the subscription payable under the rules of the Fund.

**930.** (1) A subscriber who desired to substitute payment under sub-rule (a) of rule 927 may reduce his subscription to the fund accordingly:

Provided that the subscriber shall --

- (a) intimate, if he is a gazetted railway servant, to the Accounts Officer; otherwise to his bill preparing authority; by letter, the fact of, and reason for, the reduction;
- (b) send to the Accounts Officer, within such period as the Accounts Officer may require, receipts or certified copies of receipts in order to satisfy the Accounts Officer that the amount by which the subscription has been reduced was duly applied for the purposes specified in sub-rule (a) of rule 927.

officer (2) A subscriber who desire to withdraw any amount under sub-rule (b) of rule 927 shall, through his bill preparing

- (a) intimate the reason for the withdrawal to the Accounts Officer;-
- (b) make arrangements with the Accounts Officer for the withdrawal; and
- (c) send to the Accounts Officer, within such period as the Accounts Officer may require receipts or certified copies of receipts in order to satisfy the Accounts Officer that the amount withdrawn was duly applied for the purposes specified in sub-rule (b) of rule 927.

(3) The Accounts Officer shall order the recovery of any amount by which subscriptions have been reduced, or of any amount withdrawn, in respect of which he has not been satisfied in the manner required by proviso (b) of sub-rule (1) and clause (c) of sub-rule (2), with interest thereon at the rate laid down in rule 920 from the emoluments of the subscriber and place it to the credit of the subscriber in the fund.

**931.** (1) (a) Government shall not make any payments on behalf of subscribers to Insurers nor will they accept any responsibility for delays in payment of premia or for keeping the policy alive and will not enter into any correspondence with the Insurer in regard to a policy, premia or allied matters.

(b) Premia in respect of policies taken out from the Post Office Insurance Fund shall be paid in accordance with the rules of that fund. In cases in which it has been arranged that the premia shall be deducted from pay, if the premium due for any month is not deducted from the salary bill of the insured person, or from the establishment bill of the office in which his pay is drawn, by an oversight, whether on his own part or on the part of the officer whose duty it is to draw his salary, he should pay the premium in cash into the nearest post office and obtain the Post Master's receipt book.

(2) A policy to be acceptable under these rules shall be on the life of the subscriber, and shall (unless it is a policy effected by male subscriber which is expressed on the face of it to be for the benefit of his wife, or of his wife and children or any of them) be such as may be legally assigned by the subscriber to the President:

Provided that a policy which has been assigned to the subscriber's wife shall not be accepted unless either the policy is first re-assigned to the subscriber or the subscriber and his wife both join in the appropriate assignment.

*Explanation.* -A policy on the joint lives of the subscriber and the subscriber's wife or husband shall be deemed to be a policy on the life of the subscriber for the purpose of this sub-rule.

**932.** (1) The policy within six months after the first withholding of a subscription or withdrawal from the fund in respect of the policy shall ----

- (a) unless it is a policy effected by a male subscriber which is expressed on the face of it to be for the benefit of the wife of the subscriber, or of his wife and children, or any of them, be assigned to the President, as security for the payment of any sum which may become payable to the fund under these rules, and delivered to the Accounts Officer, the assignment being made by endorsement on the policy in the prescribed form, according as the policy is on the life of the subscriber and the subscriber's wife or husband or the policy has previously been assigned to the subscriber's wife ;
- (b) if it is a policy effected by a male subscriber which is expressed on the face of it to be for the benefit of the wife of the subscriber, or of his wife and children or any of them, be delivered to the Accounts Officer .

(2) The Accounts Officer shall satisfy himself by reference to the Insurer where possible, that no prior assignment of the policy exists.

(3) Once a policy has been accepted by an Accounts Officer for the purpose of being financed from the fund, the terms of the policy shall not be altered, nor shall the policy be exchanged for another policy, without the prior consent of the Accounts Officer to whom the details of alteration, or of the new policy shall be furnished.

(4) If the policy is not assigned and delivered, or delivered within the said period of six months or such further period as the Accounts Officer may, under sub-rule (1), have fixed, any amount withheld or withdrawn from the fund in respect of the policy shall, with interest thereon at the rate determined under rule 920, forthwith be paid or repaid, as the case may be by the subscriber to the fund or, in default, be ordered by the Accounts Officer to be recovered by deduction from the emoluments of the subscriber, by instalments or otherwise, as may be directed by the authority competent to sanction an advance under rule 923.



(5) Notice of assignment of the policy shall be given by the subscriber to the Insurer, and the acknowledgement of the notice by the Insurer shall be sent to the Accounts Officer within three months of the date of assignment.

**Note.**-Subscribers are advised to send notice of the assignment to the Insurer in duplicate.

**933.** The subscribers shall not, during the currency of the policy draw any bonus, the drawal of which during such currency is optional under the terms of the policy, and the amount of any bonus which, under the terms of the policy the subscriber has no option to refrain from drawing during its currency, shall be paid forthwith into the fund by the subscriber or, in default, recovered by deduction from his emoluments by instalments or otherwise as the authority competent to sanction an advance under Rule 923 may direct.

**934. (1)** Save as provided in rule 937, when the subscriber- -

- (a) quits service; or
- (b) has proceeded on leave preparatory to retirement and applies to the Accounts Officer for re-assignment or return of the policy; or
- (c) while on leave has been permitted to retire, or declared by a competent medical authority to be unfit for further service, and applies to the Accounts Officer for re- assignment or return of the policy; or.
- (d) pays or repays to the fund the whole of any amount withheld or withdrawn from the fund for any of the purposes mentioned in rule 927 with interest thereon, the Accounts Officer shall----
  - (i) if the policy has been assigned to the President under rule 932 reassign the policy to the subscriber or the subscriber and the joint assured, as the case may be, in the prescribed form of re-assignment and make it over to the subscriber together with a signed notice of the re-assigned addressed to the Insurer .
  - (ii) if the policy has been delivered to him under clause (b) of sub-rule (1) of rule 932 make over the policy to the subscriber :

Provided further that, if the policy has matured or been assigned or charged to retirement, or after being, while on leave, permitted to retire or declared by a competent medical authority to be unfit for further service, returns to duty, any policy so re-assigned, or made over shall, if it has not matured or been assigned or charged or encumbered in any way, be again assigned to the President and delivered to the Accounts Officer in the manner provided in rule 932 and thereupon, the provisions of these rules shall, so far as may be, again apply in respect of the policy.

Provided further that, if the policy has matured or been assigned or charged or encumbered in any way, the provisions of sub-rule (4) of rule 932 applicable to a failure to assign and deliver a policy shall apply.

**Government of India's decision.**-The amount mentioned in clause (d) above may be repaid in convenient instalments, the number of which should be settled between the subscriber and the Accounts Officer. The policy will, however, be re-assigned only after the re-payment of the amount with interest is completed.

(Railway Ministry's letter No. F (E) 59/PF-43-2, dt. 19-8-1959.)

- (2) Save as provided in rule 937 when the subscriber dies before quitting service, the Accounts Officer shall---
  - (i) if the policy has been assigned to the President under rule 932 re-assign the policy to such person as may be legally entitled to receive it, and shall make over the policy to such person together with a signed notice of the re-assignment addressed to the Insurer ;
  - (ii) if the policy has been delivered to him under clause (b) of sub-rule (1) of rule 932, make over the policy to the beneficiary, to such person as may be legally entitled to receive it.

**Government of India's decision.** -Sub-rule (2) of rule 934 provides that a policy, which has been assigned to Government should be re-assigned to the subscriber, beneficiary or to such a person "as may be legally entitled to receive it". No difficulty arises in a case in which a subscriber and his wife are jointly assured or where they have joint interest in the policy, and the husband and wife are joint assignors as the survivor in such cases as the surviving co-assignor, is legally entitled to have the policy re-assigned to him or her. In all other cases, however, where the subscriber dies in service the problem arises as to who is legally entitled to re-assignment. To be on the safe side, therefore, it is essential that Government should satisfy themselves in all cases that the person to whom they re-assign the policy is the person who is legally entitled to receive it and this can be achieved only on production of letter of administration, probate or succession certificate. This requirement, however, has given rise to some degree of inconvenience as production or legal representation

involves the expenditure of an appreciable sum of money which in many cases may be out of all proportion to the balances standing to the credit of a deceased subscriber. To minimise the degree of inconvenience the following method will be available to the subscribers by which re-assignment can be secured by them without production of probate or letters of administration :-

- (i) Re-assignment of the policy in favour of the subscriber if an assignment in the prescribed form in favour of Government is already in existence ;
- (ii) Execution of an assignment in favour of the subscriber and his wife/husband, and/or major son(s) and/or daughter(s) as joint tenants in the prescribed form;
- (iii) Execution of an assignment by the subscriber and his wife/her husband and/or major son(s) and/or , major daughter(s) in the prescribed form in favour of Government.

Such an assignment has the effect of creating a joint tenancy in favour of the wife/husband, and/or major, son(s) and/or major daughter(s) with the result that she/he/they is/are entitled to claim the policy in her/his/ their own right as surviving tenant or co-tenants on the death of the subscriber .

Railway Ministry's letter No. F(E) 57/PF-43(2), dated 12-6-1958.

**935. (1)** If a policy assigned to the President under clause (a) of sub-rule (1) of rule 932 matures before the subscriber quits service, and before his death, or if a policy on the joint lives of a subscriber and the subscriber's wife or husband assigned under the said rule, falls due for payment by reason of the death of the subscriber's wife or husband, the Accounts Officer shall, save as provided by rule 937 proceed as follows: -

- (i) if the amount assured, together with the amount of any accrued bonuses, is greater than the whole of the amount withheld or withdrawn from the fund in respect of the policy with interest thereon, the Accounts Officer shall re-assign the policy in the prescribed form, to the subscriber or to the joint assured as the case may be and make it over to the subscriber, who shall immediately, on receipt of the policy monies from the Insurers pay or repay to the fund the whole of any amount withheld or withdrawn with interest, and in default, the provisions of the rule 938 shall apply as they apply in relation to cases where money withheld or withdrawn from the fund under clause (a) or clause (b) of rule 927 has been utilised for a purpose other than that for which sanction was given to the withholding or withdrawal;
- (ii) if the, amount assured, together with the amount of any accrued bonuses is less than the whole of the amount withheld or withdrawn" with interest, the Accounts Officer shall realise the amount assured together with any accrued bonuses and shall place the amount so realised to the credit of the subscriber in the fund.

(2) Save as provided by rule 937 if a policy delivered to the Accounts Officer under clause (b) of sub-rule (1) of rule 932 matures before the subscriber quits service, the Accounts Officer shall make over the policy to the subscriber:

Provided that if the interest in the policy of the wife of the subscriber, or of his wife and children or any of them, as expressed on the face of the policy, expires when the policy matures, the subscriber, if the policy monies are paid to him by the Insurer, shall immediately on receipt thereof. pay or repay to the fund either---

- (i) the whole of any amount withheld or withdrawn from the fund in respect of the policy with interest thereon, or
- (ii) any amount assured together with any accrued bonuses, whichever is less, and in default, the provisions of rule 938 shall apply as they apply in relation to cases where money withheld or withdrawn from the fund under clause (a) or clause (b) of rule 927 has been utilised for a purpose other than that for which sanction was given to the withholding or withdrawal.

**Note.**-In the case of the Insurer going into liquidation, the expression "amount assured together with the amount of any accrued bonuses" occurring in this rule shall be taken to mean the amount payable by the liquidated Insurer to the insured. In cases where the policies require to be re-assigned to the subscriber, the necessary re-assignment should be made in the normal manner and a notice of re-assignment sent to the Insurer. In the case of an Insurer under liquidation the liquidator takes the place of the management for all practical purposes and his powers include the power to receive such notices.

**936.** If the policy lapses or is assigned, otherwise than to the President under rule 932, charged or encumbered, the provisions of sub-rule (4) of rule 932 applicable to a failure to assign and deliver a policy shall apply.

**937.** If the Accounts Officer receives notice of---



- (a) an assignment (otherwise than an assignment to the President under rule 932); or
- (b) a charge or encumbrance on; or
- (c) an order of a Court restraining dealings with the policy or any amount realised thereon;

the Accounts Officer shall note---

- (i) re-assign or make over the policy as provided in rule 934; or
- (ii) realise the amount assured by the policy as provided in rule 935.

but shall forthwith refer the matter to the Railway Board.

**Government of India's decision.**-Cases in which life-insurance policies financed from provident fund lapse or become encumbered by means of loan advanced under the non-forfeiture clause owing to subscribers' default in paying the premium need not be referred to the Railway Board. In all cases where policies have lapsed, the provisions of rule 936 would apply and the Account Officer can recover the amount of the provident fund advance under sub-rule (4) of rule 932 and re-assign or make over the policy in term of rule 934.

In cases where under the operation of the non-forfeiture clause of a policy, premia within the limit of surrender value are advanced by the Life Insurance Corporation of India to keep policies in force, the Accounts Officer after receiving notice or the encumbrance arising out of the advance of the premium shall, in terms of rule 936 read with rule 932(4), proceed to recover the provident fund advance. Then one of the following three events may happen and the procedure indicated against each may be followed in that event :---

- (a) if the recovery is complete before the policy becomes a claim by maturity or death, the Account Officer shall re-assign or make over the policy as above, without referring the matter to the Railway Board.
- (b) If the policy matures before the completion of the process of recovery, the Account Officer shall, without referring the matter to the Railway Board proceed in the following manner : --
  - (i) when the net proceed under the policy (i.e. the claim amount payable by Life Insurance Corporation of India minus the accumulated premia advanced by the Corporation) exceed the unrecovered advance given from the provident fund the Account Officer shall re-assign the policy or make it over to the subscriber and then ask for repayment of the unrecovered provident fund advance.
  - (ii) If the net proceed under the policy as explained above fall short of the unrecovered provident fund advance, the Account Officer shall realise the net proceed and then try to recover the balance of the unrecovered provident fund advance from the subscriber.
- (c) If the policy becomes a claim by death before the completion of the process of recovery, the Accounts Officer shall, without referring the matter to the Railway Board re-assign or make over the policy as in rule 934(2).

The cases of encumbrance arising out of the operation of the non-forfeiture clause of a policy would not come within the purview of rule 937, but rule 936 would continue to apply to such case.

(Railway Ministry's letter No. F(E)59/PF-43/8. dt. 23-6-60.)

**938.** Notwithstanding anything contained in rules 921 to 937, if the sanctioning authority is satisfied that money withheld or withdrawn from the fund under clause (a) or clause (b) of rule 927 has been utilised for a purpose other than that for which sanction was given to the withholding or withdrawal of the money, the amount in question, shall, with interest, forthwith be repaid or paid, as the case may be, by the subscriber to the fund or, in default, be ordered to be recovered by deduction in one sum from the emoluments of the subscriber, even if he be on leave. If the total amount to be repaid or paid, as the case may be, be more than half the subscriber's emoluments recoveries shall be made in monthly instalments of moieties of his emoluments till the entire amount recoverable be repaid or paid, as the case may be, by him.

**Note.**- The term "emoluments" used in this rule does not include "subsistence allowance".

**Government of India's decision.**-Subscribers whose postal life insurance policies are financed from the Provident Fund, may pay the premia towards such policies in substitution for subscriptions to the fund by deduction from their salary bills. In case where the monthly premium payable on a policy is not wholly covered by the amount of monthly subscription to the fund or where a subscriber has suspended his subscription to the fund as permitted under the rules the balance of the

amount or the whole amount as the case may be, may, at the request of the subscriber, be adjusted monthly by the Accounts Officer against the accumulation in the fund through the salary bill in accordance with the following procedure-

- (i) If the subscription to the State Railway Provident Fund be more than the amount of monthly premium-say, the subscription is Rs.50/- and postal life insurance is Rs. 40/- , the net amount to be credited to the fund will be Rs.10/- .
- (ii) If the subscription to the fund less than the amount of the monthly premium say, the subscription is Rs. 30.-/ and postal life insurance is Rs. 45/- , the net amount which will be debited to the fund will be Rs. 15/-.

(Ministry of Finance O.M. No. F.30(9)/EV/53, dt.7-11-95, and Comptroller and Auditor-General's letter No. T.1109-NGE/235/33, dated 7-9-1933.)

**939.** The provision of Rules 927 to 938, shall apply only in respect of those insurance policies, the payments to which had been made either by withdrawal from the State Railway Provident Fund or by substituting the subscription therefore, at any time prior to 8-3-1962.

**940. Withdrawal of Ninety percent.**-(i) When a subscriber, while on leave, has been permitted to retire at the end of his leave or been declared by a competent medical authority, to be unfit for further service, the controlling officer, or in the case of a non-gazetted servant, the Divisional Officer, under whom the subscriber is for the time being employed, may, on the application of the subscriber, permit him to withdraw any amount not exceeding the total amount of his subscription and interest thereon.

**Railway Board's decisions.**-(i) Withdrawals under the above rule should normally be permitted only in one instalment. Withdrawals for a second time (total withdrawals not exceeding the limit laid down in the rule may, however, be allowed in a few exceptional cases on the recommendations of the sanctioning authorities and with the concurrence of the Financial Adviser and Chief Accounts Officer.

(Railway Ministry's letter No. F (E)6/5, dt. 16-5-1956.)

(ii) When a subscriber under suspension who is not permitted to retire from service in terms of rule 2046(j) (F.R. 56) attains the age of superannuation and there is no early prospects of settling him up, the controlling officer or in the case of a non-gazetted servant the Divisional Officer under whom the subscriber is for the time being employed may, on his application, permit him to withdraw any amount not exceeding 90 per cent of his own subscription plus interest thereon.

(Railway Board's case No. E-51 RG/6-18.)

(2) If the subscriber returns to duty, he shall, as a condition of continued employment, repay to the fund for credit to his account the whole of the amount withdrawn by him under sub-rule (1) either in a lumpsum or in such instalments as may be fixed by the controlling officer.

**941. Nominations.**-(1) The Accounts Officer shall, as soon as the account is opened, invite every subscriber to make a nomination conferring the right to receive the whole or part of the amount, excluding the amount of special contribution admissible under rule 915 that may stand to his credit in the fund in the event of his death before the amount standing to his credit has become payable, or where the amount has become payable, before payment has been made:

Provided that a subscriber who has a family at the time of making the, nomination shall make such nomination only in favour of a member or members of his, family.

Provided further that a nomination made by a subscriber in respect of any other provident fund to which he was subscribing before joining the Fund shall, if the amount to his credit in such other fund has been transferred to his credit in the Fund, be deemed to be a nomination made under this rule until he makes a nomination in accordance with this rule.

(2) A subscriber shall, at the time of joining the Fund, make a nomination and send it, if a railway servant belongs to Group 'A' or Group 'B' to the Accounts Officer, otherwise, to his immediate superior.

(3) A subscriber may in his nomination distribute the amount that may stand to his credit in the fund amongst his nominees at his own discretion.

(4) A nomination made under sub-rule (2) or a declaration made before these rules came into force, may be cancelled by a subscriber by sending a notice in writing if a railway servant is in Group 'A' or Group 'B' to the Accounts Officer, otherwise, to his immediate superior.



(5) On the marriage or re-marriage of a subscriber who is not a Hindu, Muslim, Buddhist or any other person exempted from the operation of the Indian Succession Act, 1925 (XXXIX of 1925), any nomination already made by him shall forthwith become null and void.

(6) A subscriber may provide in a nomination---

- (a) in respect of any specified nominee, that in the event of his predeceasing the subscriber the right conferred upon that nominee shall pass to such other persons as may be specified in the nomination ;
- (b) that the nomination shall become invalid in the event of happening of a contingency specified therein.

(7) Immediately on the death of a nominee in respect of whom no special provision has been made in the nomination under clause (a) of sub-rule (6) the nomination being thereon rendered partially or wholly null and void or on the occurrence of any event by reason of which the nomination becomes invalid in pursuance of sub-rule (5) or of clause (b) of sub-rule (6), the subscriber may send to the Accounts Officer an intimation of this occurrence and may also send a fresh nomination made in accordance with the provisions of this rule.

(8) A nomination or its cancellation shall take effect to the extent that it is valid, on the date on which it is received by the Accounts Officer or in the case of a non-gazetted railway servant on the date on which it is received by his immediate superior.

(9) Nothing in these rules shall be deemed to invalidate a nomination duly made before these rules came into force but their validity will be subject to the provisions of sub-section (1) of Section 5 of the Provident Funds Act, 1925.

**942. Circumstances in which accumulations are payable.** -(1) When a subscriber quits railway service, the amount standing to his credit in the fund, shall, subject to the provisions of sub-rule (2) below and rule 944, become payable to him.

**Note.**-A subscriber who is granted leave preparatory to retirement under rule 540 shall be deemed to have quit service on the date of compulsory retirement or date of the expiry of the extension of service, if any, where extension, as such, has been granted to him.

(2) If a subscriber, other than one who is appointed on contract or one who has retired and is subsequently re-employed with or without a break in service, is permanently transferred without any break from Railway service to any other service under the Central Govt., a State Government or is absorbed permanently in a body corporate, owned or controlled by Government or an autonomous organisation registered under the Societies Registration Act, 1860, he shall cease to subscribe to the fund and the disposal of the accumulation in his account shall be made in the following manner:-

(i) If he is transferred to a post under the Central Government--

- (a) the amount of his own subscription together with interest thereon shall be transferred to his account in the Provident Fund administered by the Ministry/ Department concerned ;
- (b) The amount of Government contribution, if any, together with interest thereon may be resumed and credited to Railway Revenues. The liability for pension including Gratuity will be borne in full by the Department to which the government servant permanently belongs at the time of retirement. If, in any case, the subscriber is permitted by his new employers to continue to be governed by the rules of a contributory provident fund, the amount of Government contribution together with interest thereon shall also be transferred to his account in the provident fund administered by that Ministry/Department.

**Note.**- This clause is also applicable in the case of Railway employee transferred to civilian posts paid from Defence Services Estimates Including Ordnance Factories.

- (ii) If he is transferred to a post under a State Government the amount of his subscription together with interest thereon shall be transferred with the consent of that Government, to his account in the provident fund administered by that Government. The Government contribution, if any, together with interest thereon shall be resumed to the Railway Revenues or transferred to the State Government according as the proportionate liability for retirement benefits in respect of railway service is mutually agreed to be borne by the railway or State Government.
- (iii) If he is absorbed in the service under a body corporate, owned or controlled by Government or an autonomous organisation registered under the Societies Registration Act, 1860----

- (a) the amount of his own subscription together with interest thereon shall be transferred, with the consent of that body/organisation, to his new Provident Fund Account under that body /organisation.
- (b) the amount of Government contribution, if any, due to him on the date of his permanent absorption in that body/organisation together with the interest thereon shall also be transferred, with the consent of that body/organisation to his Provident Fund Account under that body/organisation.

**Note.**--The provision of sub-rule (2) above applies also to cases of resignation from Railway service to take up appointment under the Central or State Government or a body corporate or an autonomous organisation, registered under the Societies Registration Act, 1860, without any break and with proper permission of the Railway Administration except that in the case of persons governed by the Contributory Provident Fund system, the amount of Government contribution together with interest thereon shall also be transferred to the new Provident Fund in the same way as the subscriber's own subscriptions. In cases, where there has been a break in service it shall be limited to joining time allowed on transfer to join the new post. The same shall hold good in cases of retrenchments from railway service followed by immediate employment.

**942 A. Transfer of balances in other Provident Funds to the State Railway Provident Fund .**--If an employee of the Central Government, a State Government or a body corporate owned or controlled by Government or an autonomous organisation registered under the Societies Registration Act, 1860, who is a subscriber to any other Government Provident Fund/Provident Fund administered by a body corporate owned or controlled by Government or an autonomous organisation registered under the Societies Registration Act, 1860 is permanently transferred to a post under the administrative control of the Ministry of Railways (Railway Board), except one who is appointed on contract or one who has retired from service and is subsequently re-employed with or without a break in service, the accumulations in his old Provident Fund shall be disposed of in the following manner:--

(1) in the case of a Central Government employee:---

- (a) if he was subscribing to a non-contributory Provident Fund the amount of his own subscriptions together with interest thereon shall be credited to his account in the State Railway Provident Fund (Non-contributory);
- (b) if he was subscribing to a contributory provident fund-
  - (i) the amount of his own subscription together with interest thereon shall be credited to his account in the State Railway Provident Fund (Non-contributory) ;
  - (ii) the amount of Government contribution together with interest thereon shall be resumed by his previous Ministry/Department. The liability for Pension including gratuity will be borne in full by the Department to which the Government servant belongs at the time of retirement ;
  - (iii) the employee shall, thereupon, be entitled to count towards pensionary benefits qualifying service as verified and rendered prior to the date of permanent transfer to the extent permissible under the relevant pension rules.

**Note.** -- This sub-clause is also applicable in the case of civilians paid from Defence Service Estimates including Ordnance Factory Personnel.

(2) In the case of a State Government employee---

- (a) if he was subscribing to a non-contributory provident fund, the amount of his own subscriptions together with interest thereon shall, with the consent of that Government, be credited to his account in the State Railway Provident Fund (non-Contributory);
- (b) if he was subscribing to a contributory provident fund-
  - (i) the amount of his own subscriptions together with interest thereon shall, with the consent of the other Government, be credited to his account in the State Railway Provident Fund (non-contributory) ; and
  - (ii) the amount of Government contribution with interest thereon shall, with the consent of the other Government, be credited to Railway Revenues and the employee shall be entitled to count towards pensionary benefits, that period of his previous service during which he had subscribed to the contributory provident fund. If, however, the state Government concerned is willing to bear the proportionate liability on service share basis taking into account the entire service under them, the Government contribution for such service credited by them shall be resumed by them.



- (3) in the case of an employee of a body corporate owned or controlled by Government or an autonomous organisation registered under the Societies Registration Act, 1860, the amount of his own subscriptions and the employer's contribution, if any, together with interest thereon shall with the consent of that body/organisation, be transferred and credited to his Account in the State Provident Fund (non-contributory).

**Note 1.** -This rule is/not applicable in the case of temporary officers appointed to unclassified gazetted service on the Indian Railways. On absorption in the permanent cadre of the Railways, the cases of such of these officers as hold a lien on a post under the Central or the State Government will be considered on merits by the Railway Board.

**Note 2.** -The provisions of clauses (a) and (b) of sub-rules (1) and (2) apply also to cases of resignations from service under the Central Government or a State Government to take up Railway service without any break and with proper permission of the former employer. In cases where there has been a break in service it should be limited to joining time allowed on transfer to join the new post. The same shall hold good in cases of retrenchment followed by immediate employment under the Railways.

In such cases the amount of Government contribution together with interest thereon, shall also be credited to the Subscriber's State Railway Provident Fund account like his own subscriptions as referred to in clause (b) of these Sub-rules.

**943. Persons to whom accumulations are payable.**-(1) Subject to the provisions of rule 944 on the death of a subscriber before the amount standing to his credit has become payable, or where the amount has become payable, before payment has been made-

- (i) the amount of the special contribution credited to the subscriber's account under rule 915 shall become payable to the widow or widows or/and dependent children of the deceased subscriber in such shares as the controlling officer may determine, if there is no widow or/and no dependent child of the deceased subscriber, the amount of special contribution to provident fund account shall be treated as an amount in respect of which no nomination subsists ;
- (ii) if a nomination made by the subscriber in accordance with Rule 941 subsists, the amount standing to his credit in the fund, excluding any amount which becomes payable under clause (i), or that part thereof to which the nomination relates, shall become payable to his nominee or nominees in accordance with such nomination.
- (iii) if no nomination subsists, or if the nomination relates only to a part of the amount standing to his credit in the fund, the whole amount or the part thereof to which the nomination does not relate, as the case may be, shall, subject to the provisions of clause (i) become payable to the members of his family in equal shares, and if there are no such members shall become payable:--
  - (a) if the amount does not exceed rupees five thousand to any person appearing to the Accounts Officer to be entitled to receive it ;
  - (b) if the amount exceeds rupees five thousand, to any person who produces probate or letters of administration evidencing the grant to him of administration to the estate of the deceased or a succession certificate entitling him to the payment of the amount :

Provided that no share shall be payable to-

- (1) sons who have attained legal majority ;
- (2) sons of deceased sons who have attained legal majority ;
- (3) married daughters whose husbands are alive ;
- (4) married daughters of a deceased son whose husbands are alive ;

if there is any member of the family other than those specified in clauses (1), (2), (3) and (4) :

Provided further that the widow or widows and the child or children of a deceased son shall receive between them in equal parts only the share which that son would have received if he had survived the subscriber and had not attained the age of legal majority at the time of the subscriber's death.

(2) The General Manager may delegate powers under sub-rule (1) (i) of this rule to a head of a department or a Divisional Railway Manager, as the case may be or in respect of non-gazetted subscriber's to a Divisional Officer.

**Government of India's decisions.**-(1) For the purpose of this rule a subscriber's posthumous child, if born alive, shall be treated in the same way as a surviving child born before the subscriber's death.

(Railway Ministry's letter No. F(E) 44PF-8(5), dt. 31-7-45).

(2) A divorced daughter who is dependent on the subscriber, is not excluded from receiving a share from the provident fund dues of the subscriber provided the divorce was effected by a decree absolute. This is, however, subject to the personal law of the community to which the subscriber belongs.

(Railway Ministry's letter No. F(E) 54/PF-6/1 dt. 29-5-54.)

(3) The share payable to a widow in terms of sub-rule (1) (iii) above, who re-marries before payment of the Provident Fund dues of the deceased subscriber, shall be paid to her irrespective of the re-marriage. Similarly, the share of special contribution to Provident Fund that has been sanctioned by the controlling officer in her favour under sub-rule (1) (i), has also to be paid to her irrespective of her re-marriage.

(Railway Ministry's letter No. F(E) 56PF-6/1 dt. 29-1-1957.)

**944. Deductions.**-(1) Subject to the condition that no deduction may be made which reduces the credit by more than the amount of any contribution made from railway revenues with interest thereon before the amount lying to the credit of the subscriber in the fund is paid out of the fund, deduction may be ordered therefrom :-

(i) by the President in the case of Group A or Group B servants and the controlling officers in other cases,-

- (a) of any amount, if a subscriber has been dismissed from the service for grave misconduct; provided that if the order of dismissal is subsequently cancelled, the amount so deducted shall on his reinstatement in the service be replaced at his credit, in the fund;
- (b) of any amount, if a subscriber resigns his employment under the Governments within five years of the commencement thereof otherwise than by reason of superannuation, or declaration of competent medical authority that he is unfit for further service:-

Provided that no order regarding the withholding or deductions from the amount of Government contribution to provident fund shall be made unless the Railway servant has been given a reasonable opportunity for making a representation in the matter :

(Railway Ministry's letter No. F(E) III/75-PFI/9 dt. 27-8-76.)

**Railway Ministry's decision 1.**-The dismissal from service of railway servant consequent on his conviction by a criminal court for an offence which is neither against the Railway nor connected with his work as a railway servant is really for grave misconduct and is covered by sub-rule 1 (i) above.

(Railway Ministry's letter No. E (D&A) 57/RG/6-31, dt. 19-6-57.)

- (ii) by the controlling officer of any amount due under a liability incurred by the subscriber to the Government. In respect of Group C and Group D railway servants, the powers of the controlling officer may be exercised by heads of departments, Divisional Railway Managers and Deputy Chief Mechanical Engineers holding independent charge of workshops provided the deduction does not exceed 10 percent of the contribution made from railway revenues with interest thereon lying to the credit of the subscriber in the fund :

Provided that in the case of recovery of a house building advance, the amount advanced, with interest thereon, outstanding and remaining unpaid, when the sum standing to the credit of any subscriber/creditor falls due for payment (including the amount of special contribution to Provident Fund credited to the subscriber's account at the time of his retirement), shall be deducted therefrom by the Controlling Officer; but such deduction shall not exceed the total amount of any contribution, including special contribution to Provident Fund, credited from Railway revenues to the account of a subscriber .

(Railway Ministry's letter No. F(E)III/72 ADV. 3/13 dt. 25-1-79 and F(E) III.78PF 1/1 dt. 23-1-79).

**Railway Board's decision 2.**-The position in regard to making deductions in case of dismissal, removal or resignation from service is as follows :-

- (i) The words 'grave misconduct' appearing in sub-rule (1) (i) (a) above embrace cases of dismissal and not merely cases of dismissal for reasons of 'serious misconduct'. While a particular offence may be serious enough to



merit dismissal by itself it may not be grave enough to justify the forfeiture or the whole or part of the Government Contribution in addition to dismissal from service and loss of special contribution to provident fund in consequence thereof. The question as to which case is grave enough to merit forfeiture of Government contribution to Provident Fund and to what extent this should be done is, therefore, one which must be decided by the Controlling Officer on the merits of each individual case. The relevant provisions in the Act/Rules are only of a permissive nature and the Controlling Officer can exercise his discretion in the matter.

- (ii) Government contribution cannot be withheld in cases of removal from service whatever the reasons for such removal may be, as it would be *ultra vires* of the Provident Funds Act to do so ;
- (iii) Case of a Subscriber who quits service within five years of the commencement of his service by resignation, should be regulated by the provision of sub-rule (1) (i) (b). The question regarding the types of cases in which the Government Contribution should be withheld and the quantum thereof is to be decided by the Controlling Officer on the merits of each case. No deductions should normally be made under this rule in cases where the resignation (a) is on grounds accepted by the Controlling Officer as good and sufficient from the point of view of the Administration or (b) has been caused by circumstances clearly beyond the control of the Railway servant ; and
- (iv) A subscriber cannot be said to have incurred a liability unless the loss caused to Government by his carelessness is or has become legally recoverable. The term "legally recoverable" would mean that the amount due under a liability should either be indisputable or admitted. This would mean that the claim should be of such a nature as a Court or Law would have no difficulty in entertaining and passing a decree thereon, should it go before it in the form of an action for recovery. If, on the other hand, the claim were to be of a nature that can be successfully challenged by the defendant sought to be made liable meaning thereby that the action be thrown out by a Court of Law, the Government will not be advised in treating the claim as a liability incurred by the subscriber within the meaning of Section 6 of the Provident Funds Act, 1925. Whatever is sought to be recovered should also be an ascertained sum and not a liability that may or may not arise out of a disputed set of circumstances.

(Railway Ministry letter No. F (E) 52/PF-43(8), dt. 5-11-1953 and 21-6-1956 and No. F(E)57/PF 43(2) dt. 5-7-1958 and No. E(D&A) 57/RG-6-57, dt. 19-6-1958.)

(2) The head of the department in the case of a Group A or Group B servant and a Group A or Group B railway servant in the case of a Group C or Group D railway servant may order that the payment of any contribution by Government to the Account of a subscriber and the interest thereon be postponed for a period of 15 months, if commercial debits are involved, and 6 months, if the commercial debits are not involved, so as to enable the recovery of any sums due under sub-rule (1) (ii), which may not have been ascertained and advised to the Accounts Officer in time to enable him to make the recovery before the payment falls due. In no case the amount of railway servant's own subscription along with interest thereon may be so withheld.

(Railway Ministry's letter No. F(E)III/68/PF-1/16 dt. 12-5-1969).

(3) If the subscriber's conduct is under inquiry for an alleged irregularity or loss of railway funds, no part of the contribution to his account from railway revenues together with interest thereon shall be paid before orders are passed on the report of inquiry unless the controlling officer directs otherwise.

**945. Payment of Provident Fund.**-(1) The amount standing at the credit of a subscriber, or the balance thereof after any deduction under rule 944 shall ordinarily be tendered for payment within two months of the date when it becomes payable under rule 942 unless in the case of death of the subscriber satisfactory proof of title of the claimants has not been received by the Accounts Officer within that time, in which case the amount shall ordinarily be tendered for payment within a fortnight of the receipt of such proofs by the Accounts Officer .

(2) Payment of Amounts standing to the credit of a subscriber shall be made in India only.

(3) If the Accounts Officer has received notice of any assignment, attachment or encumbrance affecting a subscriber's assets in the fund or any portion thereof, he shall make payment only of that portion which is not affected by the assignment, attachment or encumbrance and obtain the orders of the Government of India regarding the disposal of the balance.

**946. Annual Statement of account.**-(1) As soon as possible after the close of each year the Accounts Officer shall send to each subscriber a statement of his account in the fund showing the opening balance at the beginning of the year, the total amount credited or debited during the year, the total amount of interest credited at the end of the year, and closing balance at the end of the year.

(2) The Accounts Officer shall attach to the statement of account an enquiry whether the subscriber desires to make any alteration in any nomination made under rule 941 or under the corresponding rule heretofore in force.

(3) Subscribers should satisfy themselves as to the correctness of the annual statement, and errors should be brought to the notice of the Accounts Officer within three months of the receipt of the statement.

(4) The Accounts Officer shall, if required by the subscriber inform him not more than once a year, of the total amount standing to his credit in the fund at the end of the last month for which his account has been written up.

(Railway Ministry's letter No. F (P)65PF-1/14, dt. 25-1-68) (A/cs 248-RI dt. 25-1-1968.)

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**Chapter 10**  
**State Railway Gratuity Rules**

**1001. Extent of application.**—Except as provided for in rule 1008, these rules shall apply to temporary railway servants recruited under the normal recruitment rules prior to 16th November, 1957 and who have not opted for the Pension Scheme;

**Note.** - These rules also apply to temporary engineers recruited either locally, or through the Union Public Service Commission, after 19th October, 1955 but prior to 16th November, 1957 provided they have not opted for the Pension Scheme.

**1002. Definitions.**—In these rules unless there is anything repugnant in the subject or context, -

(1) 'Controlling Officer' means, in relation to the classes of railway servants specified in the first column of the table below, the officer or authority specified in the corresponding entry in the second column thereof; -

Classes of railway servants	Controlling Officer
1. Railway servants under the administrative control of a General Manager.	The General Manager.
2. Railway servants employed in the Railway Audit Department.	The Additional Deputy Comptroller and Audit General of India (Railways).
3. Railway servants employed in a department or office directly under the control of the Railway Board.	The head of the department or office.
4. Railway servants employed in the office of the Railway Board.	The Secretary, Railway Board.

(2) 'Children' means legitimate children and step-children and shall also include adopted children at the discretion of the Controlling Officer according to the circumstances of each case irrespective of whether the adoption was valid under the personal law of the subscriber, having regard to his religion, or not.

(3) 'Pay' means the average pay as defined in the manner indicated in rule 103(35) except that in the case of grant of compassionate gratuity to :-

- (i) a permanent railway servant it will mean the substantive pay admissible to him in the permanent post on which he holds a lien or would hold a lien had it not been suspended on the date of quitting service, and shall include personal pay and special pay;
- (ii) a temporary railway servant the pay last drawn by him in the temporary post which he would have officiated continuously but for his death:

Provided that in respect of a railway servant of either case, entitled to running allowances, pay shall also include the monthly average running allowances drawn by the railway servant during 365 days of running duty immediately preceding the date of quitting service limited to 75 percent of average pay for the same period.

**Note 1.**—Pay for this purpose shall also include "Dearness Pay".

**Note 2.**—The provision contained in rule 902(8) equally apply in this case.

**Railway Board's decision.**—Railway Board's decisions under rule 902(8) shall also apply to this rule.

(4) 'Railway Servant' means a person belonging to the Railway Audit Department or holding a post under the administrative control of the Railway Board, other than a person whose services are obtained on loan from a Department

not under the control of the Railway Board or the Additional Deputy Comptroller and Auditor General of India (Railways).

(5) 'Running allowance' is an allowance ordinarily granted to running staff for the performance of duty directly connected with the charge of moving trains, and includes mileage allowance but excludes special compensatory allowance.

(6) 'Service' for the purposes of these rules means a continuous service paid monthly from railway revenues and includes any periods-

- (i) of officiating or temporary service or service as paid apprentice or as probationer ;
- (ii) spent on the works Establishment of the Railway whose pay is paid monthly; or
- (iii) which the President may by general or special order permit to be counted as service.

**1003. A gratuity may be paid to a temporary railway servant.-**

- (a) on discharge from service arising directly or indirectly from a reduction of establishment; or
- (b) on retirement on account of permanent incapacity due to bodily or mental infirmity.

**Railway Board's orders.-1.** These orders do not apply to those temporary engineers who were recruited upto 19th October, 1955 and are governed by the following provisions: -

- (i) Temporary engineers should subscribe to the State Railway Provident Fund on completion of one year's continuous service, the amounts of subscription, the contribution by Government and other conditions for such subscription and contribution, etc. being the same as those laid down in the State Railway Provident Fund Rules. In case the employee quits service for any reason, whatsoever, before the completion of five years service, Government contribution and the interest thereon will not be payable but in such cases gratuity at half a month's Pay for each completed year of service will be payable if the employee retires :
  - (a) on account of permanent incapacity due to bodily or mental infirmity; or
  - (b) on abolition of appointment due to a reduction of establishment; and
- (ii) a special contribution will be payable in addition to the Government's contribution payable under (i) above if the service of the employee exceeds a continuous period of 12 years; this will be subject to the usual condition governing the grant of special contribution to a Gazetted officer in permanent employ.

(Railway Board's letter No. E47RC/1C1, dated the 24th February, 1950, 30th March, 1950 and E 54RC2/ 14 dated the 19th October 1955).

2. Grant of gratuity at the rate of a half a month's pay for each completed year of service is normally admissible to temporary railway servants discharged from service; provided that they have been recruited under the normal recruitment rules and that their discharge has been due to the reduction of establishment and not due to cessation of isolated temporary posts. This concession does not cover staff recruited otherwise on construction projects where the cessation of currency of sanction to temporary posts on completion of different phases of work cannot strictly be held to be "reduction of establishment". It has, however, been decided that the benefits of granting gratuity in the cases of staff employed on projects or a group of works or constructions; should be viewed sympathetically so long as they are not cases of persons engaged for brief periods on projects or elsewhere, who are discharged on cessation of currency of isolated temporary posts. All cases of expected retrenchment of staff where it is proposed to grant gratuity, should be referred to the Railway Board for sanction.

(Railway Board's letter No. F(S) 56-CPC/44 dated 13-9-55).

**1004.** No gratuity shall be admissible to re-employed retired staff.

**1005. Amount of gratuity.** -The amount of gratuity for which a railway servant is eligible under these rules shall be as follows :-

- (a) If service does not fall short of fifteen years, half a month's pay for each completed year of service, but not exceeding fifteen months' pay.



- (b) If service falls short of fifteen years, half month's pay for each completed year of service, but not exceeding six months' pay.

**1006.** If a railway servant dies in service, his widow or widows and/or dependent children shall be granted gratuity under Rule 1003(b) as if he had on that day been permanently incapacitated as follows :-

- |  |   |
|--|---|
| (a) After completion of one year's service but before completion of three years' service.  | One month's pay.  |
| (b) After completion of three years' service but before completion of five years' service. | Three months' Pay.  |
| (c) After completion of five years' service.   | Half a month's pay for each completed year of service subject to a minimum of twelve months' pay. |

If he dies after discharge or retirement before receiving gratuity under Rule 1003, the amount admissible will be payable to his widow or widows and/or dependent children. If a female railway servant dies before receiving gratuity, the amount admissible may be paid to the dependent children whether their father is earning or not.

**1007.** The amount of gratuity and the proportion in which the gratuity shall be distributed among the widow or widows and or dependent children shall be fixed by the controlling officer :

Provided that where the controlling officer is lower in rank than the authority competent to dismiss the railway servant concerned, the gratuity shall not be withheld nor shall the amount be fixed at a figure less than the maximum permissible under these rules except with the previous sanction of that authority.

**1008. Compassionate gratuity.\*-(1)** Irrespective of the restrictions laid down elsewhere in these rules when a non-gazetted railway servant, whether permanent or temporary, dies in service, or dies after quitting service but before receiving payment of his service, gratuity or special contribution admissible under rule 915, the controlling officer may grant a compassionate gratuity to :-

- (i) his widow, children, parents, brothers or sisters; or
- (ii) with the previous sanction of the Railway Board, to any other relatives of the deceased, who were dependent on him and have been left in straitened circumstances by reason of his death.

Provided that no such gratuity shall be given in addition to a gratuity under rule 1006 or any special contribution admissible under rule 915.

(2) The amount of compassionate gratuity shall not ordinarily exceed half a month's pay for every year of service, permanent and temporary, completed by the deceased railway servant, and shall ordinarily be subject to a maximum of fifteen months' pay:

Provided that the amount calculated shall not be less than 12 months pay.

**Note.-** The Railway Board's sanction is necessary to the grant of compassionate gratuity exceeding Rs. 5,000/- in any case. The Railway Board's powers will be exercised upto Rs. 7,500/- in any case.

**Railway Board's decision.-** Conditions for the grant of a compassionate gratuity are that the person concerned was dependent on the deceased railway servant and that he was left in straitened circumstances. 'Dependence' and the 'Straitened circumstances' are questions of facts to be determined by the sanctioning authority with reference to the circumstances of the individual case and should be established by convincing evidence and it is unnecessary for this purpose that the dependence should have been complete.

(Railway Board's letter No.9287 F dated the 6th March, 1941.)

\*For rules relating to the grant of gratuity from the compassionate Fund of the Govt. of India to the families of pensionable Railway Servant left indigent circumstances, see Appendix III to this Volume .

**1009.** If the person to whom any amount is to be paid under rules in this chapter is a minor or lunatic for whose estate a guardian under the Guardians and Wards Act, 1890 (VIII of 1890) or a manager under the Indian Lunacy Act, 1912 (IV of 1912), as the case may be, has been appointed, the payment shall be made to the person, authorised by law to receive payment on behalf of the minor or lunatic. In cases where no natural guardian of minor or minors exists and where

each minor's share after deduction of Government dues etc. does not exceed Rs. 500, the payment may be made to the person considered fit by the controlling officer to receive payment on behalf of the minor or minors without requiring him to produce a guardianship certificate, provided he executes a bond signed by two sureties agreeing to indemnify the railway against any subsequent claims which might arise.

**1010.** The controlling officer may, at any time before a gratuity is paid, order the deduction therefrom of any dues payable by the railway Institute, Co-operative Credit Society or Stores, or Hospital. Any amount so deducted shall be adjusted against these dues.

**1011. Contribution during deputation or foreign service.** --When the services of a railway servant are lent to another Department/Ministry of Government or a State Government or to a foreign employer, a contribution towards Government contribution to provident fund and gratuity at the rate specified in paragraph 1255 of the Indian Railway General Code, Vol. I shall be levied during the period of loan, from the Department/Ministry of Government or the State Government or the foreign employer of the railway servant concerned as may be settled in each case.

**Note.** In cases where, instead of contribution for leave salary, the incidence of leave salary is regulated by rule 829 of the Indian Railway Financial Code, Vol. I, the gratuity contribution shall be levied at 1/24th of the total of the pay in foreign service plus contribution that would have been otherwise payable on account of leave salary.

**1012. Delegation of powers.**--The controlling Officer may delegate all or any of his powers under these rules, excepting the powers under provision below rule 1007 and rule 1008 either generally or in respect of a specified class of rail servants to one or more Group 'A' or 'B' officers subordinate to him.

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### Chapter 11 Joining Time Rules

**1101. Extent of application.** --Joining Time shall be granted to a Railway servant on transfer in public interest to enable him to join the new post either at the same or a new station.

**1102. On temporary transfer.** --No joining time is admissible in the case of temporary transfer for a period not exceeding 180 days. Actual transit time as in the case of journey on tour shall only be allowed. ,

**1103. On discharge for taking appointment at another station.** --Railway servants who are discharged due to reduction of establishment from one Railway Office and posted to another Railway Office, shall be entitled to joining time, if the orders of appointment to the new post are received by them while working in the old post. If they are appointed to the new post after being discharged from the old post, the period of break may be converted into joining time with- out pay by the Head of Department provided that the break does not exceed 30 days and the Railway servant has rendered not less than 3 years continuous service on the date of discharge.

**1104. On first appointment.**--For appointment to posts under the Railways on the results of a competitive examination and/ or interview open to railway servants and others.- Railway servants and permanent/provisionally permanent Central and State Government employees will be entitled to joining time under these rules. Temporary Railway employees who have not completed 3 years or regular continuous service, though entitled to joining time, would not be entitled to joining time pay.

**1105. Commencement of joining time.**-- The joining time shall commence from the date of relinquishment of charge of the old post if the charge is made over in the forenoon or the following date, if the charge is made over in the afternoon.

**1106. Time and place from which joining time calculated.**--The joining time shall be calculated from old headquarters in all cases including where a Railway servant receives his transfer orders or makes over charge of the old post in a place other than his old headquarters or where the headquarters of a railway servant while on tour is changed to the tour station itself or where his temporary transfer is converted into permanent transfer.

**1107. Amount of joining time admissible.**--Not more than one day's joining time shall be allowed to a Railway servant to join a new post within the same station or which does not involve change of residence from one station to another.

**Note.**--For this purpose, the term same station will be interpreted to mean the area falling within the jurisdiction of the municipality or corporation including such of suburban municipalities, notified areas or cantonments as are continuous to the named municipality etc.

**1108. Joining time on transfer.**--In the cases involving transfer from one station to another and also involving change of residence, the Railway servant shall be allowed joining time with reference to the distance between the old headquarters and the new headquarters by direct route and ordinary mode(s) of travel as indicated in the following schedule. When holiday(s) follow(s) journey time the normal joining time may be deemed to have been extended to over such holidays.

Distance between the old headquarters and the new headquarters	Joining time admissible
1000 Kms. or less	1000 Kms. or less
More than 1000 Kms	12 days
More than 2000 Kms.	15 days except in cases of travel by air for which the maximum will be 12 days.

**Note.**-Distance means actual distance and not weighted mileage for which fare is charged by the Railway in certain ghat/hill sections.

**1109. Extension of joining time.**-Extension of joining time beyond the limits indicated in para 1108 above, can be granted upto the maximum limit of 30 days by the Head of Departments and on Divisions, by Divisional Railway Managers in the case of Group C and Group D staff and beyond 30 days by the Ministry of Railways, the guiding principle being that the total period of joining time should be approximately equal to 8 days for preparation plus reasonable transit time plus holidays, if any, following the extended joining time. While computing the transit time, allowance could be made for the time unavoidably spent due to disruption of transport arrangement caused by strike or natural calamities, or the period spent awaiting the departure of steamer etc.

**1110. Crediting leave account with unutilised joining time.**-when a Railway servant joins the new post without availing of the full joining time, the number of days of joining time as admissible under these rules subject to the maximum of 15 days, reduced by the number of days actually availed of, shall be credited to his leave account as leave on average pay. The credit of the joining time to the leave account will be subject to the usual restriction on accumulation of leave on Average Pay in the leave account. No special Casual Leave in lieu of joining time will be admissible.

**1111. Combination with vacation.**--Joining time may be combined with vacation and/or regular leave of any kind or duration except casual leave.

**1112. When transfer orders are modified.**--If a railway servant in transit on transfer is directed to proceed to a place different from that indicated in the initial transfer orders, he shall be entitled to joining time already availed of upto the date of receipt of revised orders plus fresh spell of full joining time from the date following the date of receipt of the revised orders. The fresh spell of joining time in such cases shall be calculated from the place at which he received revised orders as if he is transferred from that place.

**1113. Joining Time Pay and Allowances.**--A railway servant on joining time shall be regarded as on duty during that period and shall be entitled to be paid joining time pay equal to the pay which was drawn before relinquishment of charge in the old post. He shall be entitled to Dearness Allowance, if any, appropriate to the joining time pay, compensatory allowances like City Compensatory Allowance, House Rent Allowance as applicable to the old station from which he was transferred, but not conveyance allowance or permanent travelling allowance.

**1114. On deputation outside Railways.**--When a Railway Servant to whom these rules apply, is transferred to the control of Central Government/Defence Services or organisation which has made separate rules prescribing amount of joining time, his joining time for the journey to join his post under that Government/organisation and for the return journey will be governed by those rules, unless different provisions are expressly made in the terms of deputation/foreign service by mutual agreement between the lending and borrowing authorities.

**1115. On deputation to Railways.**--The joining time of Central Government employees Armed Forces personnel and those paid from Defence Services estimates, and the employees of State Government or any other organisation, who are appointed to Railway services and post under the Railways on deputation or on foreign service basis, shall, for joining the Railways and for the return Journey, be regulated in accordance with these rules, unless different provisions are expressly made in their respective terms of deputation/foreign service by mutual agreement between the lending and borrowing authorities.

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**INDIAN RAILWAY ESTABLISHMENT CODE (Vol - I)**

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**Chapter 12**
**Compensation for Injuries and Loss of Personal Property**

**1201. Title to compensation.**--Except as provided in the Workmen's Compensation Act or in the rules in this Chapter, no railway servant shall have any claim on Government for compensation for loss of personal property, or for a disease contracted, or for an injury sustained, while in the service of the Union from any cause whatsoever; nor, subject to the same provision shall the family of a railway servant have such a claim in the event of the latter's death .

**1202. Compensation for injuries or death.**--Compensation to Railway servants for death or injuries attributable to and due to Railway service shall be awarded under the Workmen's Compensation Act, 1923. In cases where the Workmen's Compensation Act is not applicable, the compensation shall be granted under the Railway Services Extraordinary Pension Rules, as amended from time to time.

**1203.** Apart from the compensation under Rules 1201 and 1202, a Railway servant (whether injured on duty or not) is entitled to reimbursement of expenses incurred on himself and/ or his family members and/or dependent relatives as defined in Indian Railways Establishment Code for :-

- (a) Hospitalisation charges including treatment etc. ; in any Railway, Government or recognised hospital or any other hospital with which arrangements have been made by the Government for treatment of Government servants; and
- (b) The cost of procurement, renewals, replacements, repairs, adjustment etc. of artificial limbs and appliances like spinal belt, spinal braces, surgical boots etc. :

Provided that the expenses on artificial limbs/appliances etc. shall be reimbursed only when these are certified as essential by a specialist in the concerned specialty in the Railway hospitals and the procurement, repairs, renewals, adjustment, replacement, etc. are got done by the Rehabilitation Department of the Medical Colleges and hospitals, Artificial Limb Center, Pune and such other centers and organisations recognised for the purpose by the Central Government or State Governments, Where, however, under the advice of the Medical Specialists, the artificial appliance is to be repaired/adjusted, it has to be ensured that the cost of repairs/ adjustment of appliances is less than the cost of replacement thereof. The limbs/appliances, reimbursable have been listed in the Indian Railway Medical Manual.

**1204. Compensation for loss of personal property.**--(1) Claims to compensation for loss of personal property shall ordinarily be considered only where-

- (a) the exposure of the property to risk is directly connected with the duties on which the railway servant is employed at the time, e.g., when the railway servant is travelling on duty by water or rail and the loss is due to an accident which occurred in the course of the journey or when the action of an enemy or insurgents or of raiders or wild tribes on the frontier causes the loss of the property of a railway servant employed in the area affected, or
- (b) the loss to property is caused by the action of strikers or rioters and there is no possibility of any claim by the railway servant in his capacity as a private citizen being entertained by the State Government concerned under any law for the time being in force, or
- (c) the property lost consisted of necessary equipment which at the time of its complete or partial destruction was in a Government building or other habitation where the railway servant was obliged to reside for the effective discharge of his duties, or
- (d) the property is lost in consequence of endeavours on the part of the railway servant to save the property of Government which was also endangered at the time, or
- (e) the property is destroyed under orders of competent authority:

Provided that no compensation shall be paid in respect of

- (i) losses due to ordinary thefts, even when accompanied by violence, or
- (ii) losses which are due in any way to negligence or other default on the part of the claimant. (For instance, when the property is such which, as a matter of ordinary prudence, the owner of the property could and should have insured. The question whether the property ought to have been insured is one of fact for the decision of the sanctioning authority. )

(2) Compensation is ordinarily not admissible for loss of property due to a cause which is entirely an "act of God".

**1205.** When anyone of the conditions in rule 1204 is satisfied, compensation may be granted to the railway servant, as an act of grace and, at the discretion of the competent sanctioning authority, up to the value of the necessities lost by him. The value of the property lost must, for the purposes of assessment of compensation, be taken at the value the articles would have realized if sold at the time of loss and not at the cost of replacing them by new articles.

**Note.**--The question whether the articles lost are "necessaries" within the meaning of this rule will be determined by the sanctioning authority with reference to the railway servant's personal standing and circumstances.

**1206.** When animals are destroyed by order of competent authority to prevent the spread of infectious or contagious disease, payment of compensation not exceeding the amount payable to a private person in similar circumstances may be sanctioned.

**1207.** Except as otherwise provided in this chapter or in the schedules of powers of the various authorities, the grant of compensation under the rules in this chapter shall require the previous sanction of the President.

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